



From B. LYON, *A CONSTITUTIONAL AND LEGAL HISTORY OF MEDIEVAL ENGLAND* 2d ed. (New York, 1980) 474

SECTION 6. THE AGE OF TRESPASS: POLITICAL AND INSTITUTIONAL BACKGROUND AND DEVELOPMENTS

A. MAP, CHRONOLOGY AND SHORT DOCUMENTS

Chronology:

Edward II — 1307–1327

1311 — Ordinances (death of Gaveston in 1312)

1314 — Battle of Bannockburn

1322 — Battle of Boroughbridge, death of Thomas of Lancaster, Statute of York

1327 — Edward deposed

Edward III — 1327–1377

1328 — Charles IV of France dies; his first cousin Philip of Valois succeeds

1341 — Stratford crisis

1346 — Battle of Crécy (fall of Calais in 1347)

1348–50 — The Black Death (Europe-wide)

1356 — Battle of Poitiers (the Black Prince)

1376 — The “Good” Parliament

Richard II — 1377–1399

1381 — The Peasants’ Revolt

1386–87 — Crisis

1388 — The “Merciless” Parliament

1399 — Richard deposed

1305–78 — The “Babylonian Captivity” of the papacy

1378–1417 — The “Great Schism”

Edward II: Statute, Parliament, Council, Household

CORONATION OATH (1308)¹

S&M No. 55, p. 192

“Sire, will you grant and keep and by your oath confirm to the people of England the laws and customs given to them by the previous just and god-fearing kings, your ancestors, and especially the laws, customs, and liberties granted to the clergy and people by the glorious king, the sainted Edward, your predecessor?” “I grant and promise them.”

“Sire, will you in all your judgments, so far as in you lies, preserve to God and Holy Church, and to the people and clergy, entire peace and concord before God?” “I will preserve them.”

¹ This is the form actually followed at the coronation of Edward II, but the record provides an alternative in Latin to be used “if the king is literate.” It is also stated that the archbishop of Canterbury put the questions before the king was crowned, and, after he had given his oral responses, he personally swore on the altar that he would keep all his promises. See B. Wilkinson, in *Historical Essays in Honour of James Tait*, pp. 405 f.

“Sire, will you, so far as in you lies, cause justice to be rendered rightly, impartially, and wisely, in compassion and in truth?” “I will do so.”

“Sire, do you grant to be held and observed the just laws and customs that the community of your realm shall determine,² and will you, so far as in you lies, defend and strengthen them to the honour of God?” “I grant and promise them.”

(French) *Statutes of the Realm*, I, 168.

ARTICLES AGAINST GAVESTON PRESENTED BY THE EARL OF LINCOLN TO THE KING (1308)

March X April, 1308, from H.G. Richardson and G.O. Sayles, ed. and trans., in *The Governance of Mediaeval England from the Conquest to Magna Carta* (Edinburgh, 1963), App. VII [French]
in EHD III, pp. 525–6

The first undertaking and the ordinance presented by the earl Lincoln to the king

Homage and the oath of allegiance are more in respect of the crown than in respect of the king's person and are more closely related to the crown than to the king's person; and this is evident because, before the right to the crown has descended to the person, no allegiance is due to him. And, therefore, if it should befall that the king is not guided by reason, then, in order that the dignity of the crown may be preserved the lieges are bound by the oath made to the crown to reinstate the king in the dignity of the crown or else they would not have kept their oath. The next question is how the king should be reinstated, whether by an action at law or by constraint. It is not, however, possible by recourse to the law to obtain redress, because there would be no other judge than the royal judge, in which case, if the king's will was not accordant with right reason, the only result would be that error would be maintained and concerned. Hence, in order that the oath may be saved, when the king will not right a wrong and remove that which is hurtful to the people at large and prejudicial to the crown, and is so adjudged by the people, it behoves that the evil must be removed by constraint, for the king is bound by his oath to govern his people, and his lieges are bound to govern with him and in support of him.

As regards the person who is talked about, the people ought to judge him as one not to be suffered because he disinherits the crown and, as far as he is able, impoverishes it. By his counsel he withdraws the king from the counsel of his realm and puts discord between the king and his people, and he draws to himself the allegiance of men by as stringent an oath as does the king, thereby making himself the peer of the king and so enfeebling the crown, for by means of the property of the crown he has gathered to himself and put under his control the power of the crown, so that by his evil deeds it lies solely with him to determine whether the crown should be destroyed and he himself made sovereign of the realm, in treason towards his liege lord and the crown, contrary to his fealty.

Since the lord king has undertaken to maintain him against all men on every point, entirely without regard to right reason, as behoves the king, he cannot be judged or attainted by an action brought according to law, and therefore, seeing that he is a robber of the people and a traitor to his liege lord and his realm, the people rate him as a man attainted and judged, and pray the king that, since he is bound by his coronation oath to keep the laws that the people shall choose, he will accept and execute the award of the people.

ORDINANCES OF 1311

[Reproduced below Section 6G.]

ARTICULI CLERI (1316)

[Reproduced below Section 9B.]

² *aura elu*.

HOUSEHOLD ORDINANCE (1318)³

S&M, pp. 199–204 (No. 57)

... The king should have a fit steward of the household, who, if he is a banneret⁴ is to have a knight, three squires, and a clerk for the pleas that pertain to the stewardship, [all of them] eating in the hall. And each night he shall receive for his chamber a sester of wine, twelve candles, two *tortis pur viii*,⁵ and one torch, and more when he needs them. And [he is to have] bedding for the whole year and wood for the winter season—from the eve of All Saints to the eve of Easter—[to be obtained] from the usher of the hall. And [he is to have] a livery for his chamberlain: namely, a portion of bread, a gallon of ale, and a general serving (*messe de gros*) from the kitchen. And [he is to have] dinners and suppers when he wants them; and as fees 20*m.* a year, in equal instalments on the feasts of Christmas and Pentecost. And if he is a simple knight, he shall receive fees and robes like the other simple knights of the household, and shall have two squires and his clerk eating in the hall.

A treasurer of the wardrobe, who is to have a chaplain, a clerk, and two squires eating in the hall. ...⁶

A chamberlain, who, if he is a banneret, is to have a knight and three squires eating in the hall. ...

Item, a comptroller, who is to keep a counter-roll against the treasurer of the wardrobe for all receipts and issues pertaining to the same wardrobe; and he is to witness them in the exchequer in connection with the account of the said treasurer. And he shall attend the receipt of wines in gross and shall supervise all the offices of the household, such as the pantry, butlery, cellar, larder, spicery, dispensary of oats (*avenerie*) and other offices, [to see] that the wines and victuals that he finds in the said offices are good and suitable for dispensing in the said household. ... And he is to go into those same offices every Monday to examine the remainders [of supplies] and to see that they, with the amounts dispensed in the past week, agree with the receipts of the aforesaid week. And he shall be in the kitchen for the cutting of meat and the division of fish. ... And every day, if he sees reasonable cause, he shall be present at the account,⁷ together with the steward and the treasurer. And this same comptroller of the wardrobe is to have a clerk and a squire eating in the hall. ...

Item, a cofferer, who shall be appointed for the treasurer and shall have a clerk eating in the hall. ...

Item, two clerks of the counting table, well able to write and perform all duties touching the wardrobe and its account under the [direction of the] cofferer. ...

Item, a fit clerk keeper of the privy seal, who is to have a squire eating in the hall. ...⁸

Item, a clerk purveyor of the great wardrobe,⁹ who should sleep on guard when he is at court. And he shall have a squire eating in the hall. ...

Item, a clerk of the spicery, chief usher of the wardrobe, who shall receive from the clerk purveyor of the great wardrobe the wax, napery, linen, cloth, canvas, spices, and the other things of all sorts that pertain to his

³ The preamble explains that this ordinance was drawn up at the king's request by the steward, the chamberlain, the treasurer, and the comptroller of the wardrobe, to define the duties of the various officials and to establish needed reforms in the administration of the household. On the general significance of the document see Tout, *Place of Edward II in English History*, ch. v, and *Chapters in Mediaeval Administrative History*, II, pp. 242 f. Compare S&M No. 52C.

⁴ The banneret, as opposed to the simple knight or bachelor, had the right to bear a square pennon on his lance.

⁵ Large candles "for view (? display)"; see *Oxford English Dictionary* under *tortis*. Henceforth the expression will be translated merely as "great candles."

⁶ All the greater officials received liveries similar to that of the steward, but with considerable variation in the particular items. Besides, each normally had his own chamberlain, who was entitled to food and drink.

⁷ Drawn up in the wardrobe: see no. 52C.

⁸ Also four under-clerks with liveries.

⁹ "So-called not because of its importance, but because it dealt with bulky commodities." Tout, *Place of Edward II in English History*, p. 71.

office, [and this] by indenture expressly mentioning price, yardage, weight, and cost.¹⁰ And he shall cause to be weighed the wax which the chandler is to have worked, and shall reweigh it after it has been worked. And he shall oversee and cause to be recorded by his under-clerk the liveries of chandlery made each day in the wardrobe, and on the next day he shall supervise the putting away of the torches, the great candles, and the mortars.¹¹ Each day he shall record the parcels of all sorts of things delivered and dispensed from his office, as counted since the day before, and he shall answer concerning them at the account of the household. And he shall oversee the carriages belonging to the wardrobe, as well for the coffers and other things of his office as for the beds of the wardrobe clerks which ought to be carried. And he shall make allowance in his roll for the carriage and transportation reasonably used in connection with the king's journeys.¹²

Item, a serjeant under-usher of the wardrobe, who shall live in the wardrobe, sleeping within its door to safeguard all the things inside it. And he shall be answerable if peril is incurred by his default. And he shall obtain from the offices the liveries for all men of the wardrobe, and he shall carry out their orders. ...

Item, a porter of the wardrobe, who shall carry the coffers and the other furnishings of the wardrobe to the carts, and shall load and unload them. And he shall be on the cart [while it is] on the road. And at night, if the cart is outdoors wandering through the country, he shall remain on watch. ...

Item, a squire fruiterer, who shall receive and take from the clerk of the spicery confections and other spiceries, and figs and grapes for the king's mouth. And each day he shall record for the said clerk what has been expended on the previous day: as well the said spiceries and fruit, thus received from the said clerk, as apples, pears, cherries, and other fruits which the said fruiterer shall purvey. ...

Item, a serjeant chandler, who shall receive the wax and candlewicks by weight from the clerk of the spicery, and shall have them worked according to the assize contained in the statute. ...¹³

Item, a confessor of the king and his companion. ...¹⁴

Item, a chief chaplain, who is to have a squire eating in the hall ... and five chaplains ... and six clerks. ...

Item, an almoner chaplain, who is to have a squire eating in the hall. ...¹⁵

Item, a physician. ...

Item, a surgeon. ...

Item, a clerk of the market, coroner of the king's household, who shall enforce the assize of bread, wine, and ale; also the assize of all sorts of measures, weights, and yards within the verge of our lord the king's presence. And he shall have wrongdoers who have broken the assize, or who are found with false measures, punished by imposition or fine. ...

Item, the king shall have a squire inspector and keeper of viands for his mouth, and an inspector of his table; also a squire to carve before the king and a squire to serve him with his cup. ...

Item, the king shall have two squires ushers of the chamber, one of whom shall be serjeant purveyor of wood and bedding for the office of the chamber. ... And the serjeant purveyor shall have a serving-man to help him in making purveyance. ...

Item, eight footmen of the chamber, who shall serve in the chamber making beds, holding and carrying torches, and [doing] various other things according to the commands of the king's chamberlain. ...

¹⁰ This was a newly established reform, as is explained in the next paragraph of the text.

¹¹ Bowls of oil with floating wicks.

¹² Also an under-clerk to assist him.

¹³ I.e., a separate ordinance dealing with these matters. Two serving-men under the chandler worked the wax.

¹⁴ With four horses and three grooms.

¹⁵ Also a clerk and a serving-man.

Item, the king is to have thirty serjeants-at-arms, properly armed and mounted ... , who shall daily ride armed before the king's person while he is journeying through the country, unless they have other commands from the king or the steward. ...

Item, a knight chief usher of the hall, who shall have charge of the door of the hall, [seeing] that it is well kept by the serjeants and valets of the usher, as is fit. And he shall take care that the hall is well and honourably served, and that no one eats there except those who rightfully should, saving always that strangers are received and honoured as they ought to be. And each day he should enter and inspect the offices of the household, [to see] that the things sent by the purveyors are sufficient according to the purchase, and that no one is permitted in the same offices except those who ought to be there. And he shall have a squire eating in the hall. ...

Item, two serjeants ushers of the hall, of whom one shall be purveyor of wood and of bedding for the service of the hall.¹⁶ ...

Item, two knights marshals of the hall, of whom one shall have charge of lodgings and the other shall be on duty in the hall. ...

Item, two serjeants marshals of the hall, of whom one shall have charge of lodgings and the other shall be on duty in the hall. ...

Item, a serjeant overseer of the sideboard for the hall, who is to advise concerning the places that he serves, according as persons of high estate and others may be seated in the hall. ...¹⁷

Item, a chief clerk of the pantry and butlery, who ought to keep the records of his office. And he is to respond each day at the account of the household. ... He shall be present at the receipt of bread, wine, and ale; and he shall inspect and examine [them, to see] that they are of the proper weight, measure, and value. ...¹⁸

Item, a serjeant chief pantler, who shall receive the bread in gross by view of the clerk or the under-clerk, and shall each day be answerable to the chief clerk for the enrolment of what has been dispensed. ...¹⁹

Item, a serjeant pantler for the king's mouth, who each day shall receive from the great pantry the bread for the king and for his chamber, and for no other place. ...²⁰

Item, a waferer, who shall serve the king, the hall, and the chamber with wafers, as pertains to him. ...

Item, a serjeant baker, who shall bake all sorts of bread for dispensing in the king's household—as well round loaves for all the commonalty as demeine loaves for the king's mouth. ...²¹

Item, a serjeant naperer, who shall perform his office in the king's chamber and in the hall. And he shall receive the napery from the clerk of the spicery and shall be responsible for it at the account whenever he is asked. ...²²

Item, a ewerer for the chamber, who shall perform his office in the said chamber. ...²³

Item, a launderer for the king's chamber, who shall wash all sorts of linen cut for the king's body ...²⁴ and the covers used in the service of the chamber. ...

¹⁶ Under the serjeants were two serving-men; under the knight was a sewer who had charge of setting the table.

¹⁷ He was assisted by two squires sewers, who served the meals in the hall. Besides, twenty-four squires were on duty in the hall, to carry out the commands of the high officials.

¹⁸ Also an under-clerk, who kept tallies for all bread, wine, and ale received.

¹⁹ Also a serving-man and two porters.

²⁰ Assisted by a serving-man for the chamber, and one for the rest of the household.

²¹ Cf. above, p. 66, n. 3. The baker was assisted by two serving-men, one for the oven and the other for the mill.

²² Also a serving-man.

²³ Also a serving-man, who acted as ewerer for the hall.

²⁴ This portion of the text is very corrupt.

Item, a launderer of napery, who shall wash all sorts of cut linen pertaining to the said office of napery, and the covers from offices connected with the hall. ...

Item, a chief butler, serjeant purveyor of wines. ... And he shall do that which pertains to him according to the content of the statute concerning his office below.²⁵

Item, a serjeant butler of the household, who shall receive and dispense all wine and ale that are dispensed in the household. ...

Item, a serjeant butler for the king, who shall receive from the butler of the household all the wine and ale that are dispensed in the king's chamber. ...²⁶

Item, a chief clerk of the kitchen, who ought to make the enrolments pertaining to his office. And every day at the account in the wardrobe before the steward and the treasurer he shall be responsible for the parcels delivered [in the kitchen] and for all other matters pertaining to his office. And he shall be present at the cutting of meat and the division of fish. And he shall oversee the purchase and the cost of meat and fish and of all other things pertaining to his office, with the aid of the comptroller, the knight usher of the hall or the knight marshal, and the sewer of the king's table. ...²⁷

Item, two serjeants cooks for the king's mouth. ...²⁸

Item, two serjeants cooks for the hall. ...

Item, a serjeant larderer, who shall receive the meat and fish that the buyers cause to be brought to the larder, or which comes as a present; also the venison which comes thither from the king's huntsmen or from any other source. And he shall deliver the aforesaid meat and fish to be dispensed for the household in parcels, and [this] under the inspection of the comptroller, the knight usher of the hall or the knight marshal of the hall, the clerk of the kitchen, the sewer of the king's table, and the chief cook. And he shall keep the food on the sideboard and each day he shall give to the said clerk a record of the parcels of the aforesaid meat and fish dispensed in the manner aforesaid. ...²⁹

Item, a serjeant poulterer, who shall attend to purchases and purveyance of all sorts of things pertaining to his office. ...³⁰

Item, a serjeant of the scullery, who shall buy and purvey wood, charcoal, and all sorts of vessels of brass, iron, and wood that belong to the kitchen; also the pots and various other things pertaining to his office.³¹

Item, a [second] serjeant of the scullery, who shall receive the silver vessels from the wardrobe by number and weight ... , and shall keep them and be responsible for them by number and weight in the same wardrobe at the end of the year. ...

Item, a serjeant of the saucery, who shall buy and purvey flour for all manner of sauces and other things needed for the office of the saucery and the king's household. ...²⁹

Item, a serjeant porter, who shall guard the door where the king sleeps, so that none may enter except those who by right should do so.

²⁵ A separate ordinance added at the end of the survey.

²⁶ Also enumerated in the service of the butlery: a serving-man of the cuphouse two drawers of ale and wine, a purveyor of ale, two serving-men of the pitcher-house, and two porters.

²⁷ As assistants he had an under-clerk and two buyers, who were to give money or tallies for anything taken by purveyance.

²⁸ Under each pair of cooks were five serving-men.

²⁹ Under him were an usher of the larder and two porters.

³⁰ Three serving-men assisted him in obtaining poultry and preparing it for the kitchen.

³¹ Also two serving-men.

Item, a chief clerk of the marshalsea. ...³²

(French) Tout, *Edward II in English History*, pp. 270 f.

STATUTE OF YORK (1322)

S&M, pp. 204–5 (no. 58.) [with additions and emendations from *SR* by CD]

[§1] Whereas our lord King Edward, son of King Edward, on March 16, in the third year of his reign, granted to the prelates, earls, and barons of his realm did grant unto the prelates, earls, and barons of his realm that they might choose certain persons of the prelates, earls, and barons and of other lawful men whom they should be deemed sufficient to be called unto them, for the ordaining and establishing the estate of the household (*estat del hostel*) of our said lord the king, and of his kingdom, according to right and reason, and in such manner that their ordinances should be made to the honour of God, and to the honour and profit of Holy Church, and to the honour of the said king, and to his profit and the profit of his people, according to right and reason, and to the oath which our lord the king made at his coronation;³³ and whereas the archbishop of Canterbury, primate of all England, and the bishops, earls, and barons chosen for the purpose, drew up certain ordinances that begin as follows ... , which ordinances our said lord the king caused to be rehearsed and examined in his parliament at York three weeks after Easter in the fifteenth year of his reign ... ; [§2] and whereas, through that exammation in the said parliament, it was found that by the ordinances thus decreed the royal power of our said lord the king was wrongfully limited in many respects, to the injury of his royal lordship (*le poair royal*) and contrary to the estate of the crown (*lestat de la coronne*), and whereas, furthermore, through such ordinances and provisions made by subjects in times past against the royal authority of our lord the king's ancestors, the kingdom has incurred troubles and wars, whereby the land has been imperilled: [therefore] it is agreed and established at the said parliament by our lord the king, by the said prelates, earls, and barons, and by the whole community of the realm assembled in this parliament, [§3] that everything ordained by the said Ordainers and contained in the said ordinances shall henceforth and forever cease [to be valid], losing for the future all title, force, virtue, and effect; and that the statutes and establishments duly made by our lord the king and his ancestors prior to the said ordinances shall remain in force. And [it is decreed] [§4] that henceforth and forever at all times every kind of ordinance or provision made under any authority or commission whatsoever by subjects of our lord the king or of his heirs concerning the royal power (*poair roial*) of our lord the king or of his heirs, or against the estate of our said lord the king (*lesat nostre dit seigneur le roi*) or of his heirs, or against the estate of the crown (*lestat de la coronne*), shall be null and shall have no validity or force whatever; but [§5] that matters which are to be determined with regard to the estate of our lord the king (*lesat nostre seigneur le roi*) and of his heirs, or with regard to the estate of the kingdom and of the people (*lesat du roialme et du poeple*), shall be considered, granted, and established in parliament by our lord the king and with the consent of the prelates, earls, and barons, and of the community of the kingdom, as has been accustomed in times past.³⁴

(French) *Statutes of the Realm*, I, 189.

³² Here the text gives a detailed account of all the services connected with the king's stables. The chief clerk, assisted by a purveyor of oats, had charge of all records pertaining to the office, including tallies given for oats, hay, straw, harness, etc. The actual care of the king's horses—palfreys, chargers, pack-horses, draught-horses, etc.—devolved on two serjeants harbingers and three serjeants marshals, under whom were numerous serving-men, porters, and grooms. The record then describes the officers in charge of the king's hunting, fishing, and fowling, and lists his trumpeters, musicians, messengers, and archers. It ends with a group of particular ordinances to regulate the duties of the chief butler, the arrangement of lodgings for the court, the daily account in the wardrobe, the exclusion from the household of undesirable persons, and many other matters.

³³ The reference is to the Ordinances of 1311, below §6G. On the significance of the following provisions, see G. Lapsley, in the *English Historical Review*, LVI (1941), 22–49, 411–46, repr. in *id.*, *Crown, Community and Parliament* (1951), 153–230, and G. Post, *Studies in Medieval Legal Thought* (1964), 368–414, both with citation and discussion of previous literature.

³⁴ The ordinance was sent to all the sheriffs with commands for it to be read in full county court.

Edward III: Statute, Parliament, Council, Household

ROLL OF PARLIAMENT OF 1330

S&M, pp. 207–23 (No. 61A)

These are the treasons, felonies, and wrongs done to our lord the king and to his people by Roger de Mortimer and others of his following.¹ ...

Accordingly, for the reasons aforesaid, and for many other reasons which may not all be set forth at present, our said lord the king, by the advice and aid of his privy and intimate councillors, had the said Roger taken in such fashion as he has often described to you. So our said lord the king charges you, earls and barons, the peers of the realm, that, with regard to these matters vitally affecting him and you and all the people of his kingdom, you render for the said Roger such right and lawful judgment as should be incurred by a man of this sort, who, as he believes, is truly guilty of all the crimes set forth above; and [he charges you] that the said matters are notorious and known to be true to you and all the people of the kingdom.

The which earls, barons, and peers, having examined the articles, returned to the king's presence in the same parliament and all declared through one of the peers [as spokesman] that all the matters contained in the said articles were notorious, being known to them and to the people, and especially the article touching the death of Sire Edward, father of our lord the present king. Wherefore, as judges of parliament, the said earls, barons, and peers, by the assent of the king in the same parliament, awarded and adjudged that the said Roger, as a traitor and enemy to the king and to the kingdom, should be drawn² and hanged. And thereupon the earl marshal was commanded to carry out the execution of the said judgment; and the mayor, aldermen, and sheriffs of London, also the constable of the Tower and those who had [the prisoner] in custody, [were ordered] to be of assistance to the said earl marshal in carrying out the said execution. Which execution was carried out and performed on Thursday next after the first day of parliament, namely, November 29... .

In the same parliament summoned at Westminster Sir Eblé Lestrangle and Alice³ his wife presented a petition in these words:—

To our lord the king and his council Eblé Lestrangle and Alice his wife set forth that all the lands which he held of the inheritance of the said Alice, after the death of Thomas, one time earl of Lancaster ... , were taken into the hands of the king, father of our lord the present king, and kept in his hands. ... Wherefore they pray our lord the king that, for the salvation of his father's soul and for that of his own [soul], he will call before him his good council and the good and loyal men who were then in the council of his said father, and will examine them with regard to the matters aforesaid ... ; and then that of his especial grace he will act toward them as may be his pleasure and as his good conscience may decide for him.

After the petition had been read and heard before our lord the king and the prelates, earls, barons, and other lords⁴ of the same parliament, whereas it was testified by some of the said lords, trustworthy men, that the said Alice had then been subjected to such arbitrary will and severity ... : our lord the king, having regard for good faith and conscience, with the assent of the said prelates, earls, barons, and other lords of the same parliament, granted to the said Sir Eblé and Alice, in order to constitute an estate for them, the lands which were still in their hands, to the value of 500*m.*, and lands of the same inheritance which were then in the king's hands, to the value of 700*m.*, to be had and held in fee forever ... by the aforesaid Sir Eblé and Alice, and by the heirs of the said Sir Eblé, of our lord the king and his heirs, and of the other chief lords of the fief, for the services due and accustomed. ... And thereupon our lord the king commanded the bishop of Winchester, his chancellor, to put into execution that which had thus been granted and agreed on. ...

¹ See M. V. Clarke, in *Oxford Essays Presented to H. E. Salter*, pp. 164 f.

² On a hurdle to the place of execution.

³ Widow of Thomas, earl of Lancaster. The two following extracts are given as examples of the numerous private petitions introduced in this and the succeeding parliaments. Cf. no. 54G, and, on the jurisdiction of the chancellor, no. 71.

⁴ *Granz*, the usual term for members of the original parliament; *seigneurs* came into general use a little later.

Item, in the same parliament summoned at Westminster Sir John of Clavering presented a petition in these words. ...

After which petition had been read and heard before the council in the said parliament, whereas the lords and the other discreet men of the same [parliament] could not then agree on making a final disposition of that [case]; it was responded that this same petition and all the other petitions presented to the same parliament, together with the inquests returned in the chancery by the escheator ... and with all the other certifications and memoranda of the exchequer touching the said matter, should be remanded to the chancery, and that the chancellor, having summoned thither the discreet men of the king's council, should administer justice in the matter. ...

(French) *Rotuli Parliamentorum*, II, 52–53, 57, 59.

A SECRET PASSWORD FROM KING EDWARD III TO THE POPE 1330

MS. Archivio del Castello di Sant' Angelo, Arm. C. Fasc. 79, printed by C. G. Crump, in E.H.R. 26 (1911), 332 [French] in EHD IV no. 308, p. 497

In September 1329 Edward III sent envoys to Pope John XXII. When they returned to England in the spring of 1330, they brought a verbal message that the pope wished to have a private sign by which he might know which of the king's requests were to be treated as coming from the king's real desires and which might be disregarded. Edward was evidently trying to arrange to throw off the control of Isabella and Mortimer, but after the execution of Edmund Earl of Kent, in March 1330, it was necessary to be careful. In this letter written by Richard de Bury, the king's secretary, later bishop of Durham, Edward says that in future all requests that he really wishes to see granted shall bear the words *PATER SANCTE* in the king's own hand; and at the foot of the letter these words are written in a hand which is that of Edward III.

Most Holy Father, because it will suit us on many occasions to send letters to your Holiness, not only for our own needs but for the advancement of the people of our household and for others, and on this we are informed by my lord William de Montague that it would please you to have from us some private countersign by which you may tell which requests are important to us and dear to our heart, and which are not; We affectionately beseech your Holiness that the requests which we shall make to you in future by our letters in Latin or in French sealed under our privy seal or under our signet, on which shall be written these words in our own hand — *Pater Sancte* — you will be pleased to regard as specially recommended and to understand for certain that they are dear to our heart; for our intention is not to put pressure on you henceforward by this countersign, but to use it only as we can and ought. And know, Holy Father, that this arrangement is not known to anyone except my lord William aforesaid and to Master Richard de Bury, our secretary, of whom we are sure that they will keep it secret in every case. This document was written by the hand of the said master Richard, for because of various occupations that we had at the time of sending these letters, we could not undertake so much writing.

PATER SANCTE

ROLL OF PARLIAMENT OF 1332

S&M, pp. 207–23 (No. 61B)

These are the memoranda of the actions taken in the parliament summoned at Westminster on Wednesday, the morrow of the Nativity of Our Lady, in the sixth year of the reign of Edward III after the Conquest:—

... On which Thursday they held a discussion and deliberation: that is to say, the said prelates by themselves; and the said earls, barons, and other lords by themselves; and also the knights of the shires by themselves.⁵ ... And they advised for the sake of improvement⁶ that our lord the king should remain in England and should betake himself toward the parts of the north, and that he should have with him discreet and forceful men for the salvation of the said kingdom and of his people, in case the men of Scotland or others should wish to invade it for the purpose of evil-doing. And they also advised that the king should send discreet and forceful

⁵ For the union of the knights and burgesses to form the house of commons, see the procedure in the parliaments of 1339–41 (no. 61C–E) and the definite statements concerning the parliaments of 1343 and 1348 (no. 61F, G).

⁶ In the lamentable conditions previously described.

men to the parts of Ireland, as well as money, to assist his lieges there. And whereas our lord the king could not carry out these matters except by the aid of his people, the said prelates, earls, barons, and other lords, as well as the knights of the shires and all the commons⁷—in order to carry out the said projects, and in order that our lord the king could live of his own and pay his expenses without burdening his people through outrageous prises or otherwise—of their free will granted to our lord the king a fifteenth, to be levied from the community,⁸ and a tenth, to be levied from the cities, boroughs, and demesnes of the king. And our lord the king, at the request of the said prelates, earls, barons, and knights of the shires, for the relief of his said people, granted that the commissions recently issued for those appointed to assess a tallage in the said cities, boroughs, and demesnes throughout England should for the present be entirely repealed; and that for this purpose writs should be sent out in due form; and that in the future he would not have such tallage assessed except as had been done in the time of his ancestors and as he rightfully should.⁹

(French) *Ibid.*, II, 66.

SUMMONS TO PARLIAMENT OF 1337

S&M, pp. 205–7 (No. 60A)

The king to the venerable father in Christ, J[ohn], by the same grace archbishop of Canterbury and primate of all England, greeting. Whereas, on account of divers arduous matters especially affecting us and the state of our kingdom, we propose to hold our parliament at York on Monday next after the feast of St. Hilary and to have a conference with you and the other prelates, magnates, and nobles of the said kingdom; we command and enjoin you that, in the fealty and love by which you are bound to us, avoiding all excuse you be personally present on the said day at the said place, in order with us and with the other prelates, magnates, and nobles aforesaid to discuss the said matters and thereupon give your counsel. And as you cherish us and our honour, as well as the peace and tranquillity of our kingdom, by no means fail to do this; first summoning (*premunientes*) the prior and chapter of your church of Christ at Canterbury and the archdeacons and all the clergy of your diocese, the said prior and archdeacons to be present in person, the said chapter [to be represented] by one fit proctor and the said clergy by two—which proctors are to have full and sufficient authority from the said chapter and clergy—on the said day and at the said place to determine and agree upon those measures which then and there, by the favour of divine clemency, may happen to be ordained through common counsel. By witness of the king of Bothwell, November 29.¹⁰

By the king himself.

(Latin) *Report Touching the Dignity of a Peer*, IV, 464 f.

THE ORDINANCES OF WALTON, 1338

P.R.O., Chancery Warrants, 248/11238, printed by T. F. Tout, *Charters in the Administrative History of Medieval England* (Manchester, 1928), III, 143–50 [French]
in EHD IV no. 309, pp. 497–8

Henceforth no debts, as well from times past as in times to come, obligations, assignments, payments, gifts, or rewards whatsoever shall be made, assigned, or paid in any manner, if not first authorized by sufficient warrants of the privy seal made by assent of the king, and of a sufficiently wise man, assigned by him for this purpose (except for the regular daily payments), so that the same warrants shall make express mention of the cause for which these debts, obligations, assignments, payments, gifts, or rewards are made. ... And all these warrants shall be enrolled by a certain clerk assigned to this and sworn in precise words, that is on such a day

⁷ *Tote la commune*—one of many expressions used to denote the members of the lower house.

⁸ That is to say, from everybody outside cities and boroughs; see above p. [No. 49E], n. 14. For tallage, cf. nos. 37B, 46F.

⁹ Despite the vagueness of this promise, tallage was never again levied; cf. no. 62B.

¹⁰ Similar mandates were sent to the archbishop of York, eighteen bishops, and the custodian of one vacant see; without the *premunientes* clause, to twenty-seven abbots and four priors; and with different forms of address, to fifty-eight lay peers and fifteen justices and councillors. Furthermore, by the usual form (see the writs of 1295, no. 49F) the sheriff of each county was ordered to cause the election of two knights of the shire, two citizens from each city, and two burgesses from each borough. The warden of the Cinque Ports was commanded to have two barons elected from each of the ports.

at such a place and in such a year, is issued such a warrant for such a need, authorizing such a sum. ... And at the end of each year, the chamberlains of the Exchequer, in the presence of the treasurer, shall account before a bishop, a banneret, and a clerk, wise and experienced, before whom the man whom the king has assigned to this purpose, along with the clerk who keeps the privy seal, and the clerk of the king's chamber who has counterrolled the warrants, shall cause to come a counterroll under their own seals, and under the privy seal, of the warrants, by witness of which roll and the agreement of the warrants, the chamberlains shall take allowance and not otherwise.

[If the king should be abroad, taking with him the privy seal, and if in his absence the council should meet and take decisions which need the expenditure of the king's money, then the members of the regency council shall make out under their own seals bills modelled on those of the privy seal. Such bills are to be shown to the king immediately on his return, they are to be recorded like privy seal warrants, and warrants under the privy seal are to be sent to those who have received such bills, in confirmation of them.]

Nothing shall be issued out of the Chancery without especial and express warrant of the privy seal, except matters which touch the law and office of the chancellor only, but not of matters which touch especial grace or matters which are against the ordinances. And on this let the rolls of warrants in the Chancery, and the counterrolls of warrants, be seen and examined by a bishop, a banneret, and a clerk, in the presence of the man whom the king has assigned abovesaid, and of the clerk of the privy seal, and of the clerk of the chamber, every quarter of the year.

... Also the treasurer of the household shall have no allowance for any outside expenditure which is not properly the expenses of the household, without good and express warrants of the privy seal, which shall be enrolled and counterrolled as is abovesaid. ... And that the expenses shall be reviewed from week to week and from month to month. ...

ROLL OF PARLIAMENT OF 1339¹¹

S&M, pp. 207–23 (No. 61C)

Memoranda of the parliament held at Westminster on the quinzime of St. Michael, in the thirteenth year of our lord the king's reign:—

In the first place a general proclamation was made in the great hall of Westminster according to the following form. ...¹²

And then the reasons for the summons of this parliament were set forth and explained to the lords and to the commons, so that in this connection their counsel and advice might be obtained in the best manner possible. And three reasons were expounded, of which the first was that every one, whether great or small, ought to take up with himself the best way in which peace could and should be more securely preserved within the kingdom. The second reason was how the march of Scotland and the lands to the north could best be guarded and defended against the Scottish enemies. The third reason was how the sea could be guarded against enemies, so that they should do no damage and should not enter the kingdom to destroy it. ...

And after that exposition¹³ had been made, everybody, both great and small, was of the opinion that in this necessity [the king] would have to be aided with a large sum; otherwise he would be shamed and dishonoured, and he and his people would be ruined forever. ... And afterwards they sought [to decide] how he could best be aided, to the least cost and grievance of his people, to his own greatest profit, and to the most efficacious advancement of the business aforesaid, considering the grave lack of money from which the country was suffering. And among other methods certain members of the council proposed the one that is described below:

¹¹ For a clear sketch of the complicated parliamentary history of the next few years, see Stubbs, *Constitutional History*, II, 400 f.

¹² To prevent riots and disturbances, the king forbids the carrying of arms in or near the palace of Westminster, or in the city of London and its suburbs, by anyone except designated officials and except earls and barons, each of whom is entitled to carry a sword unless he is in the presence of the king or in the royal council chamber.

¹³ Of the king's needs, made by the archbishop of Canterbury and other councillors. The king asked a large aid for the war in France.

namely, that within two years each man of the kingdom, of whatever status or condition he might be, should pay to our lord the king a tithe of his sheaves, wool, and lambs, in the same way as he gave [tithe] to Holy Church. And the members of the council who best knew the estate of our lord the king, and his affairs both on this side [of the sea] and on that, were of the opinion that by this [tax] the king could be greatly aided and his said affairs improved and advanced in every way—on which matters there was prolonged discussion. And after that discussion the lords gave their response in the schedule which follows. ...

This is the grant made by the lords to our lord the king in the present parliament: namely, the tenth sheaf of every sort of grain from their demesne lands, except the lands of their bondmen, [as well as] the tenth fleece and the tenth lamb from their demesne stock during the coming year, to be paid in two years. And the said lords desire that the maltote, which recently has been levied on wool, shall be utterly abated and that the ancient custom shall be held to; that they shall have, by specific charter and by enrolment of parliament, [the promise] that no such custom [as the maltote] shall further be levied, and that neither this grant, which they have just made to our lord the king, nor any other grant made by them in times past shall be turned to their prejudice as a customary burden. ...¹⁴

And the commons gave their response in another schedule, as follows:—

Lords, the men of the commons who are here at this parliament have well understood the position of our lord the king and the pressing need that he has of being aided by his people; and they are much enheartened and greatly comforted by the fact that he has made such progress in the enterprises which he has undertaken for his own honour and the salvation of his people; and they pray God that He will give him grace for successful continuation and for victory over his enemies. ... And with regard to his need of aid from his people, the men of the commons who are here well know that he must be greatly aided, and they are of good disposition to do so, as they have ever been in times past. But in so far as the aid has to be large, they do not dare give consent until they have advised and consulted with the communities (*communes*) of their country. Wherefore the said men of the commons pray monseigneur the duke,¹⁵ and the other lords who are present, that he will be pleased to summon another parliament on some convenient day; and in the meantime each [man of the commons] will return to his country. And they promise loyally, in the fealty which they owe to our lord the king, that they will all do their best, each in his own country, to obtain good and proper aid for our lord the king; and they are confident, with God's help, of a successful outcome. And they furthermore pray that a writ shall be sent to each sheriff of England [ordering] that two of the worthiest knights of the shire should be elected and sent to the next parliament for the commons, and that none of them should be either a sheriff or other minister.

And the men of the commons also presented two bills: one containing their response in the matters which they were charged to consider—that is to say, the peace of the land and the guarding of the Scottish march and of the sea—and the other [containing] the graces which they asked of the king. Of which [bills] the tenor is as follows. ...¹⁶

[The commons also pray that] the king through his council will pardon his commons the murders, escapes, and chattels of fugitives and felons and all trespasses in the forest of times past. Item, that they be pardoned aids for knighting the son of our lord the king and for marrying his daughter. Item, with regard to those men who, with or without commission, come to take prises either for the great horses of our lord the king or for other purposes, that they be arrested if they do not give immediate payment; and that [otherwise] they be treated as violators of the peace. Item, that pardon be given of all old debts up to the coronation of our lord the present king—as well scutages and reliefs as other debts owed for any reason whatsoever. And the commons pray that the maltote on wool and lead be levied as it used to be of old, since, as we understand, it has been increased without the assent of either commons or lords; and if it is demanded otherwise [than as aforesaid], that each man of the commons may forbid it with impunity; and that explanation be given them

¹⁴ Cf. nos. 49B, 51A, C.

¹⁵ The Black Prince, duke of Cornwall, who had been placed in charge of the government during the king's absence.

¹⁶ The first bill is omitted.

concerning the form of the security which they wish to be established for the commons in the aforesaid matters.
...¹⁷

(French) *Ibid.*, II, 103–05.

EDWARD III: EXCHEQUER AND CHAMBER, 1340

A privy seal letter, enrolled on the King's Remembrancer's Memoranda Roll for the Easter Term of 14 Edward III, under the date 30 March 1340. Printed by T. F. Tout, *Chapters*, IV, 298, n. 1 [French]
in EHD IV no. 322, p. 512

Edward, etc. As we have at this time reserved to our chamber the farm of the alien priories in the Isle of Wight, the county of Southampton and of the priory of Burstall in Holderness in the county of York, and on this we have heard that you have made assignments of the priories, not having regard to our reservation, of which we hold you badly paid,

We order you that henceforth you should not make any assignment of the said priories nor meddle at all with the lands or priories which we have reserved to our chamber. And if you have any assignment, made for Easter term next coming, we will that it should be cancelled at once. Given under our privy seal at Westminster, the 30th day of March, the 14th year of our reign in England and the first year of our reign in France.

[For the king's restoration of the chamber lands to the control of the Exchequer in 1356, see T. F. Tout, *Chapters*, IV, 305, n. 2, where he prints a royal writ enrolled among the *Brevia directa Baronibus* on the K.R. Memoranda Roll for Hilary Term, 30 Edward III, in the Exchequer records of the P.R.O.]

ROLL OF PARLIAMENT OF 1343

S&M, pp. 207–23 (No. 61F)

... Item, it is to be remembered that on the next Wednesday—namely, the last day of April—our lord the king and the archbishop aforesaid came into the Painted Chamber, together with the bishops ... , and the earls ... , and the other lords and commons there assembled. And the reasons for the summoning of parliament were explained to them by the chancellor of our lord the king in the manner following. ... Whereupon the said prelates and lords were charged to meet by themselves in the White Chamber until Thursday, May 1, in order to treat, consult, and agree among themselves as to whether or not our lord the king should send messages to the court of Rome, setting forth and explaining his rights there before the said holy father the pope, as aforesaid. And in the same way the knights of the shires and the commons were charged to meet in the Painted Chamber in order to treat, consult, and agree among themselves on the same matter, and to report their answer and assent in parliament on the said Thursday. ...

Item, it is granted and agreed that the statute made at Westminster on the quinzime of Easter, in the fifteenth year of the reign of our lord the king, shall be entirely repealed and annulled and shall lose the name of statute, as being prejudicial and contrary to the laws and usages of the realm and to the rights and prerogatives of our lord the king. But because certain articles were included in the same statute which are reasonable and in accord with law and right, it is agreed by our lord the king and his council that such articles and the others granted in this present parliament shall, by the advice of the justices and other learned men, be made into a new statute and held forever. ...¹⁸

(French) *Ibid.*, II, 135–39.

HOUSEHOLD ACCOUNT OF THE ARMY AT CALAIS, 1347

The Account of Walter de Wetewang, Treasurer of the King's Household, 12 April, 18 Edward III, to 24 November, 21 Edward III, in College of Arms MS. 2 M 16, printed by G. Wrottesley, in *Crécy and Calais, from the original records* (London, 1898), 191–204
in EHD IV no. 310, pp. 498–500

		Foreign ships from Bayonne, Spain,		
English ships	700	Ireland, Flanders and Guelderland	Ships	38

¹⁷ See the proceedings of the next parliament and no. 62B.

¹⁸ Cf. no. 62C. No articles from the annulled statute are included in the statute of this year.

Mariners 8,151

Mariners 1,204

The Army

The Prince of Wales	1
Bishops and earls, with two of Germany	13
Barons and baronets	78
Knights with 91 of Germany	1,066
Esquires, sergeants-at-arms, and standard bearers	4,182
Centenaries ¹⁹	52
Vintenaries ²⁰	794
Hobelars ²¹	528
Archers (including 4,025 mounted archers)	20,076
Yeomen of the king's chamber	9
Yeomen of other offices of the king's household	79
Minstrels	25
Messengers	27
Artificers	339
Standard bearers	6
Armorers	6
Pauncenars ²² of Germany	339
Crossbow archers	111
Welshmen	4,572

Total:

32,303

The great lords who displayed banners in this expedition, with the number of men in their contingent (consisting of one banneret (more for the very highest leaders), one or more knights, one or more squires, and a greater number of archers).

The Prince of Wales	1,343	Sir John d'Arcy, the son	53
(of which 513 were Welsh)		Sir Thomas Bradeston	61
Henry, Earl of Lancaster	1,376	Sir Hugh de Hastings	75
William de Bohun, Earl of		Sir Michael de Ponynge	45
Northampton	302	Sir John de Stryvelyn (Stirling)	50
Thomas de Beauchamp, Earl of		Sir Maurice de Berkeley	70
Warwick	348	Sir Edward de Montagu	45
Richard Fitzalan, Earl of Arundel	304	Sir John de Montgomery	69
Robert de Ufford, Earl of Suffolk	159	Sir William FitzWaryne	21
Ralph, Lord Stafford	205	Sir John de Lisle	41
Richard, Lord Talbot	157	Sir Thomas de Braose	40
John, Lord D'Arcy, the father	140	Sir Thomas de Lathom	33
Bartholomew, Lord Burghersh,		Sir John Maltravers	42
the king's chamberlain	187	Sir Thomas Ughtred	48
Sir Walter de Mauny	326	Sir Robert de Morley	30
Sir Reginald de Cobham	112	Sir John Howard, Admiral of	
Sir Robert de Ferrers	64	the North Fleet	78

¹⁹ Men in charge of 100 men on foot. (Equivalent to captains.)

²⁰ Men in charge of 20 men on foot. (Equivalent to subalterns.)

²¹ Light cavalry, wearing steel caps and coats of mail, carrying lance and sword and sometimes bows and arrows instead of lance.

²² Men selected for their bodily vigour and capable of marching on foot in armour. Probably held in reserve for difficult enterprises, such as storming of fortresses and castles.

Sir John de Lovedale, of Brabant	33	Sir Nigel Loryng	5
Sir Fulk de la Freiyne, of Ireland	34	Sir Ponnet de Rentt	3
Sir William de Groucy	19	Sir Roger Lestraunge	1
Sir Auger de Mohaut, Lord of Mussenden	18	Sir Menald de Cheshunt	9
William de Clinton, Earl of Huntingdon	224	Sir Philip le Despencer	15
John de Vere, Earl of Oxford	131	Sir William Marmion	3
Laurence de Hastings, Earl of Pembroke	259	Sir Symon Basset	6
Earl of Kildare	53	Sir William Grantsone	16
Thomas de Hatfield, Bishop of Durham	295	Sir Theobald de Rachecourt	5
Hugh le Despencer (son of Hugh, Lord le Despencer, who was attainted and hanged in 1326)	234	Sir Thomas de Haukestone	49
Sir John de Hampton	6	Sir Walter de la Pole	5
Sir Thomas de Hoggeshagh	8	Sir Hugh Calkyn of Flanders	5
Sir Alan de Claveryng	7	Sir Peter of Spayne	21
Sir Henry Tyes	7	Sir Henry of Flanders	46
Sir William Trussel of Cublesdon	30	Sir William de Warenne	42
Sir John Ward	6	Sir Amyas de Brett	32
Sir John de Cobham	83	Sir Miles Stapleton	11
Sir Thomas de Beaumont	15	Sir John Berkeley	3
Sir William d'Arcy	7	Sir Guy Brian	13
Sir Rauf Ferrers	3	Sir Hugh de Courtenay	18
Sir Thomas de Colville	20	Sir Stephen Waleys	19
Sir John de Pontenhale	5	Sir John Ravensholme	3
Sir William Felton	13	Sir Henry de Lancaster	8
Sir Robert de Neville	7	Sir Peter de Breux	13
Sir Adam de Assshehurst	7	Sir Adomar D'arcy	7
Sir John de Beauchamp, son of Sir Giles	10	Sir Henry Dengayne	1
Sir John de Carew	14	Sir Ivor Fitz Warren	7
		Sir John Borhmant	4
		Sir Walter de Wetewang, treasurer of the wars	64
		Sir John de Thoresby, lately Keeper of the Privy Seal	69
		Sir Simon Islep, then Keeper of the Privy Seal	34
		Sir William de Kilsdesby	156

Roger Mortimer, at this time a minor, served as a banneret or pennon bearer in the contingent of the Prince of Wales.

The king's household provided a contingent of 914, including 121 king's archers.

The minstrels consisted of 5 trumpeters, 1 citterner, 5 pipers, 1 laborer, 2 clarion players, 1 nakerer (kettledrummer), 1 fiddler, 3 waits, and 6 archers to protect them.

ROLL OF PARLIAMENT OF 1348

S&M, pp. 217-18 (No. 61G)

... Whereupon the knights of the shires and the others of the commons were told that they should withdraw together and take good counsel as to how, for withstanding the malice of the said enemy and for the salvation of our said lord the king and his kingdom of England, our lord the king could be aided to his greatest advantage and to the least burdening of his people; and that, as soon as they had come to a decision, they should notify

our lord the king and the lords of his council. The which knights and others of the commons took counsel on the matter day after day and at last gave their response to the following effect:²³—

... Thus the said poor commons, to their own excessive hurt, grant to our lord the king three fifteenths, to be levied during three years, beginning at Michaelmas next; on condition that in each of these years one fifteenth, and nothing in addition, shall be levied in equal portions at two terms of the year, Michaelmas and Easter, and that this aid shall be assigned and kept solely for the war of our lord the king and shall in no way be assigned to [pay] old debts. ...

And afterwards the said commons were told that all individual persons who wished to present petitions in this parliament should present them to the chancellor; and that the petitions touching the commons [in general] should be presented to the clerk of the parliament. The which commons presented their petitions to the said clerk in the manner following:—

... Item, the commons pray that the petitions presented in the last parliament by the said commons and fully answered and granted by our said lord the king and the prelates and lords of the land, shall be observed; and that, by no bill presented in this parliament in the name of the commons or of any one else, shall the responses already granted be changed: for the commons acknowledge no such bill as may be presented by any one to effect the contrary. Response: At an earlier time the king, by the advice of the prelates and lords of the land, made answer to the petitions of the commons regarding the law of the land, [to the effect] that neither the laws held and accustomed in times past nor the process of the same [law of the land] so accustomed in the past could be changed without making a new statute—to do which the king could not then and cannot now see his way. But as soon as he can see his way [to do so], he will bring the lords and the skilled men of his council before him and by their advice and counsel will ordain concerning such articles and others that involve amendment of the law; so that right and equity shall be enforced for all and each of his lieges and subjects. ...

(French) *Ibid.*, II, 200 f.

STATUTE OF LABOURERS (1351)

[Reproduced below, Section 6F.]

STATUTE OF PROVISOIRS (1351)

[Reproduced below, Section 9B.]

STATUTE OF TREASONS (1352)

S&M, pp. 223–52 (No. 62F)

... Item, whereas until now there have been various opinions as to which cases should be called treason and which not, the king, at the request of the lords and the commons, has made the following declarations:—

If a man compasses or imagines the death of our lord the king, of our lady his consort, or of their eldest son and heir; or if a man violates the king's consort, the king's eldest daughter being as yet unmarried, or the consort of the king's eldest son and heir; or if a man makes war against our said lord the king in his kingdom, or is an adherent of enemies to our lord the king in the kingdom, giving them aid or comfort in his kingdom or elsewhere ... ; or if a man counterfeits the great or the privy seal of the king or his money; or if a man, for the sake of trading or making payments in deceit of our said lord the king or of his people, brings into this kingdom false coin, counterfeit of the money of England, ... knowing it to be false; or if a man slays the chancellor, treasurer, or justice of our lord the king ... while [such official is] in his place and attending to his office—these cases specified above, it must be understood, are to be adjudged treason against our lord the

²³ The address of the commons begins with a long list of the outrageous taxes and impositions laid upon them in the past contrary to the king's promises. Then follow a large number of specific conditions, including guarantees against other forms of taxation, restoration of 20,000 sacks of wool previously borrowed by the king, immediate settlement by commissioners of petitions left over from the last parliament, respite from all judicial eyres for three years, and the formal entry of these conditions in the roll of parliament.

king and his royal majesty; and in such [cases of] treason forfeiture of property pertains to our lord the king, as well lands and tenements held of another as those held of [the king] himself. ...²⁴

(French) *Ibid.* I, 319 f.

SUMMONS TO GREAT COUNCIL OF 1353²⁵

S&M, pp. 205–7 (No. 60B)

The king to the venerable father in Christ, S[imon], by the same grace archbishop of Canterbury, greeting. Whereas, on account of great and urgent matters recently come upon us, which intimately concern us as well as the condition and rights of our kingdom of England, and for which it behooves us to find a speedy and provident solution, we desire to have a conference and deliberation with you, with the rest of the prelates, magnates, and nobles, and with our other faithful men of the said kingdom, at Westminster on the morrow of the Assumption of the Blessed Virgin next to come: we firmly enjoin and command that, in the fealty, love, and allegiance by which you are bound to us, putting aside all other affairs, you be personally present at the said place on the said day in order, with us, with the rest of the prelates, magnates, and nobles, and with the other men aforesaid, to discuss the said business and thereupon give your counsel. And as you cherish us, our honour, and the salvation, defence, and best interest of our said kingdom, and as you wish to avoid its subversion, by no means fail to do this, then and there notifying us of the day on which you received these present letters and by whom they were brought to you. By witness of the king at Westminster, July 20.²⁶

By the king himself and his council.

(Latin) *Ibid.*, IV, 593 f.

ORDINANCE AND STATUTE OF PRAEMUNIRE (1353)

[Reproduced below, Section 9B.]

ORDINANCE AND STATUTE OF THE STAPLE (1353)

[Reproduced below, Section 7E.]

STATUTE OF 34 EDWARD III: ON JUSTICES OF THE PEACE (1361)

S&M, pp. 223–52 (No. 62I)

These are the measures which our lord the king, the prelates, the lords, and the commons have ordained in this present parliament, held at Westminster on Sunday next before the feast of the Conversion of St. Paul, to be observed and publicly proclaimed throughout the kingdom, to wit:—

First, that for the keeping of the peace, there shall be assigned in each county of England one lord, and with him three or four of the most worthy men of the county together with certain men skilled in the law,²⁷ and they shall have power to restrain evil-doers, rioters, and all other miscreants; to pursue, arrest, capture, and chastise them according to their trespass or offence; to have them imprisoned and duly punished according to the law and custom of the kingdom, and according to what [the justices] may think best to do at their discretion and good advisement. Also [they shall have power] to inform themselves and to make inquiry concerning all those who have been pillagers and robbers in the regions beyond [the sea], and who have now returned to become vagrants, refusing to work as they used to in times past; and to take and arrest all whom they can find

²⁴ The statute also defines “another kind of treason”—the commission of similar offenses against a lord other than the king. The distinction is that known in law as between high and petit treason.

²⁵ Cf. nos. 62G, H.

²⁶ Similar mandates were sent to nineteen bishops, the abbot of Westminster, the prior of the Hospital of St. John, thirty-seven lay peers, and sixteen justices and councillors. The sheriff of each county was ordered to have only one knight of the shire elected, so as to avoid disturbing the men engaged in their autumn work. Two citizens were to be elected from London, but only one—on account of the same autumn work!—from York and from each of nine other towns. Two barons were to be elected from the Cinque Ports as a whole.

²⁷ Cf. no. 62A, above; and for a résumé of the subject, together with citation of the pertinent literature, see Lodge and Thornton, *Constitutional Documents*, pp. 325 f.

on indictment or suspicion, and to put them in prison. ... Also [they shall have power] to hear and determine, at the king's suit, all manner of felonies and trespasses committed in the same county, according to the laws and customs aforesaid. ... And the fine to be assessed before the justices, because of trespass committed by any person, shall be just and reasonable, according to the gravity of the offence and as the causes leading to it are taken into account. ...

Item, it is agreed that the men assigned to keep the peace shall have power to make inquiry concerning measures and also weights, according to the statute thereupon made in the twenty-fifth year of our lord the king's reign. ...

Item, it is agreed in this present parliament that the Statute of Labourers earlier made shall stand in all its particulars, with the exception of the pecuniary penalty, in which connection it is agreed that henceforth labourers shall not be punished by fine and redemption. ...

Item, with regard to labourers and artisans who run away from their [owed] services into another vill or county, [it is provided] that the [aggrieved] party shall have his suit before the justices [of the peace]... .

(French) *Statutes of the Realm*, I, 364 f.

STATUTE OF 36 EDWARD III: REGARDING PURVEYANCE, CUSTOMS, ETC. (1362)

S&M, pp. 223–52 (No. 62J)

For the honour and gratification of God, for the reform of the outrageous wrongs and oppressions suffered by the people, and for the relief of their condition, King Edward, in his parliament held at Westminster on the quinzime of St. Michael in the thirty-sixth year of his reign, at the request of his commons and by their petition presented to him in the said parliament, with the assent of the prelates, dukes, earls, barons, and other lords assembled in the said parliament, has granted for him and his heirs forever the articles hereinunder written:—

First, that the Great Charter, the Charter of the Forest, and the other statutes made in his own time and in the times of his ancestors shall be well and firmly observed in all particulars.

Item, on account of the grievous complaint that has been made concerning purveyors of victuals for the households of the king, the queen, their eldest son, and other lords and ladies of the kingdom, the king, of his own will and without compulsion of lords or commons, has granted and ordained for the relief of his people that henceforth no man of the said kingdom shall take any prise except solely for [the king] himself and for the queen his consort. Furthermore, with the assent aforesaid, it is ordained and established that, in case of such purveyances to be henceforth made for the households of the king and the queen, prompt payment in hand shall be rendered—that is to say, the price at which such victuals are commonly sold in the neighbouring markets. [It is also ordained] that the heinous name of purveyor shall be changed to buyer; and if the buyer cannot well agree with the seller of that for which there is need, then the prises which are made for the said two households shall be made by the view, testimony, and appraisal of the lords, or of their bailiffs and constables, and four good men of each vill, and this through indenture to be made between the buyers and the said lords, or bailiffs and constables, and four good men, stating the amount of what has been taken, its price, and the persons from whom it was taken. And [it is ordained] that the prises shall be made in a proper and easy manner, without duress, compulsion, threats, or other villainy; that the prises and purchases shall be made at the regions and places where there is greatest plenty, and this at a convenient time; and that no more shall be taken than is needful at that season for the said two households. ...²⁸

Item, [it is ordained] that, with the exception of the king and queen, no lord of England or other man of the said kingdom, of whatsoever estate or condition, shall of himself or through any of his servants in any way take prises of any sort of victuals; but they shall buy what they need from those who of their own free will wish to sell, and for these [victuals] they shall pay promptly in hand according to what they may agree upon with the seller. ...

²⁸ The statute gives long and elaborate provisions for the commissioning of buyers, the prevention of abuses, etc.

Item, to maintain the said articles and statutes, and to redress divers mischiefs and grievances that recur day after day, parliament shall be held every year, as was earlier ordained by statute.

Item, by the assent aforesaid, the king, considering the great subsidy which the commons have granted him earlier in this parliament, to be levied for three years on wool, leather, and wool-fells, wills and grants that, after the said term has passed, nothing shall be taken or asked of the said commons except only the ancient custom of half a mark;²⁹ that neither the grant just made nor any that has heretofore been made shall be turned into a precedent or burden for the said commons in time to come; that resident as well as foreign merchants may pass with their wool free of restraint; and that henceforth no subsidy or other charge shall be levied or granted on wool either by merchants or by any other persons without the assent of parliament. ...

(French) *Ibid.*, I, 371 f.

A NATIONAL BALANCE SHEET, 1362-3

From "A national balance sheet for 1362-3, with documents subsiding thereto", printed by T. F. Tout and Dorothy Broome, from P.R.O., Exchequer, K.R., Accounts Various, E 101/394/17, m. 1-2, in E.H.R. xxxix (1924), 412-13 [French] in EHD IV no. 323, pp. 512-14

(i) *The revenues and expenses of our lord the king in the 37th year*

Shrievalties, farms, and other revenues of England by the	
exchequer amount each year to	9,687 mks. 5s 5d.
from which are assigned in wages and fees	5,552 mks. 8s 4d.
And there remain to the king clearly	3,984 mks. 10s 5d.
Also the customs and subsidies of wool in all the ports of	
England amount each year to	57,310 mks.
Of which there are assigned	10,400 mks.
And there remain to the king clearly	46,910 mks.
The hanaper in the chancery amounts each year to	3,400 mks.
Of which there are assigned to the chancellor and others	1,000 mks.
And there remain to the king clearly	2,400 mks.
The sum total which remains is	53,294 mks. 10s 5d.
The expenses of the last year amount to	136,190 mks. 12s 2d.
of which were assigned, for the chamber	10,000 mks.
for the household and wardrobe	40,000 mks.
for the king's works and purchase of lead	25,000 mks.
for Gascony and Ireland	25,500 mks.
for fees granted by patents	9,675 mks.
for Calais and other castles	6,035 mks.
for wages of war, victuals, wages of peace and clothes, by bills	8,365 mks.
And so the sum of payments exceeds the sums received by	82,896 mks. 1s 9d.

And let it be remembered that the exchange of the Tower is only of little value this year because of Calais.

(ii) *Estimates of Expenditure*

The memorandum of the expenses of our lord the king, from the feast of Michaelmas, in the 37th year, until the same feast in the following year, for one whole year, that is to say:

To our lord the king for his chamber	10,000 mks.
To my lady the queen, from the grant which she draws at the	
exchequer	£1,756 19s 2d.
For the expense of the royal household	£11,994 0s 7d.

²⁹ Cf. no. 49B.

For the great wardrobe of which £2,000 is for the livery.	£8,000
For the office of the buttry for 10 pipes of sweet wine, 800 tons of Gascon wine, and 12 pipes of Rhenish wine	£6,700
For the king's works and purchase of lead	£14,312 19s 0d.
For the prince and the earl of Warwick in respect of Gascony and for their long stay in England	£2,662 6s 8d.
For wages of war in Ireland	£7,504 12s 10d.
For wages of sailors and serjeants-at-arms during the prince's voyage to Ireland	£4,091 2s 4d.
For Calais, Dover, Berwick, Roxburgh, and other castles of the king	£4,023 6s 8d.
For fees and wages granted by patents to various persons for the term of their lives	£6,450 5s 5½d.
For fees of justices, barons, and other ministers	£1,761 5s 0d.
For messengers for the court, and elsewhere beyond and to Calais for the hostages	£1,751 6s 7d.
For wages of war, victuals, wages, and robes, by bills, Buk', Walton', Farle, Feriby, and Newbiry	£5,594 10s 3d.
For friars and other alms	£497 7s 8d.
For the earl of Cambridge, the earl of Pembroke and the duchess of Brittany	£316 6s 8d.
For gifts to strangers and denizens	£866 17s 4d.
For the purchase of silver vessels, lands, and jewels	£4,068 13s 11d.
For prisoners recently bought for the king's use	£600
For the purchase of destriers and other animals	£690
For the debts of the queen of Scots	£280 13s 4d.
For messengers, purchase of parchment, and other small payments	£204 12s 0½d.
Also there are assigned by patent, to be taken annually from the issues of customs and subsidies	£6,300
Also, there are to be paid for money but before the abovesaid time	£1,835 12s 0d.
The sum total	£98,929 10s 10d.
And let it be remembered that the customs of England amount for the aforesaid year to	£38,000
Also, the shrievalties, farms, hanaper, exchanges, and all other revenues of England paid into the exchequer amount in the same year by estimation, minus the assignments made by patents of the chancery of the said revenues and wages of the huntsmen and falconers	£4,254 13s 4d.
The total	£42,254 13s 4d.
And so the expenses exceed the revenues in the aforesaid year by	£56,674 17s 6d.
Which are received and paid from the ransoms of France and Burgundy and the revenues of Poitou and Calais	
In addition there are the wages of huntsmen, falconers, future of falcons and dogs assigned on the same counties	
Also the farms, wardships, and marriages assigned to my lady the queen, my lady Isabel, and other lords and knights.	

SUMPTUARY STATUTE OF 1363

[Reproduced below, Section 6F]

GRANT OF A TAX BY PARISHES, 1371

Rot. Parl. II, 303 [French]

in EHD IV no. 324, p. 515

At the parliament held at Westminster on Monday in the first week of Lent 24 February 1371.

It will be seen that the government had supposed there were 40,000 parishes in England; whereas it appeared from the bishops' official returns that there were only about 8,600, excluding the county of Chester.

And then for the reasons expounded above [the resumption of the war with France and the resulting operations both by land and by sea] and when several forms of financial aid were touched on, treated, discussed and debated between the lords and the commons, and consideration had been given to the great costs and expenses which the king is bound to undertake and support for the reasons abovesaid, the lords and commons on the 28th day of March granted to the king a subsidy of £50,000, to be taken and levied in the following form; that is to say, from each parish throughout the land, 22s 3d, or more or less, so that each parish of greater value should help another parish of less value; and indentures should always be made on the collection between the collectors and the parishioners of each parish recording the sum collected.

And then at the great council summoned and held at Winchester, on the octave of Trinity Sunday [8 June], it was shown by the chancellor to the lords and commons there assembled that the grant of 22s 3d which they had made to the king to be levied from each parish in England could not stretch to nor suffice to pay the sum of £50,000 which they had granted to the king in parliament, because there are not so many parishes in England as they had supposed, and this they can see and know by the certificates of all the archbishops, bishops, and sheriffs of the whole of England, made and returned into the chancery by the warrant and commandment of the king.

(When these certificates had been seen and examined, and several discussions and conferences had taken place, at last, in full satisfaction of the said sum of £50,000 aforesaid, the lords and commons granted to the king from each of the parishes situated in the realm of England 116s, this sum to include the 22s 3d first granted to the king. Exempted from contribution to this grant are the county of Chester and the lands and possessions of Holy Church amortized before the 20th year of the king's grandfather, and taxed with the clergy for tenths.)

ROLL OF PARLIAMENT OF 1372

S&M, pp. 207–23 (No. 61H)

... The petitions that the commons presented in Parliament and the responses to them were read, and also an ordinance made in the same parliament to the following effect:—

Whereas men of the law, who pursue a variety of business in the king's courts for the sake of individuals with whom they are [associated], take numerous petitions and have them presented before parliament in the name of the commons, although the latter are not at all concerned with them ... ; and whereas sheriffs, who are the common ministers of the people and ought to stay by their offices to do right to every one, are named ... and returned to parliament as knights of the shire by the sheriffs themselves: [therefore] it is agreed and granted in this parliament that henceforth no man of the law, pursuing business in the king's courts, or sheriff during such time as he is sheriff, shall be returned or accepted as a knight of the shire; nor shall those men of the law and sheriffs, who are at present returned to parliament, have wages. But the king wishes that the worthiest knights and serjeants of the country shall be returned as knights in parliament, and that they shall be elected in the full county [court].

And afterwards permission was given to the knights of the shires to depart and to sue for their writs of expenses. And so they departed. But the citizens and burgesses who had come to parliament were for certain reasons commanded to remain. To which citizens and burgesses, assembled on the very next day in a chamber

near the White Chamber, it was shown how in the previous year a subsidy had been granted for a certain term to assure safe convoy of ships and merchandise coming to this country and leaving it by sea—that is to say, 2s. from each tun of wine coming to this country and 6d. from every pound of any merchandise whatsoever, either imported or exported³⁰—[and how] this term had already passed. [So they were asked] that, considering the perils and mischiefs which might be incurred by their ships and merchandise from enemies on the sea, they would grant for the said causes a similar subsidy to continue for one year. Which subsidy they granted to the king to be taken and levied in the same way as it had been taken and levied during the previous year. And so they departed.

(French) *Ibid.*, II, 310.

ROLL OF PARLIAMENT OF 1376

S&M, pp. 207–23 (No. 61I)

... On the said morrow the prelates, the duke [of Cornwall], the earls, barons, and other lords, as well as the commons, justices, serjeants-at-law, and others, assembled in the Painted Chamber, where, before the king himself and all the others, Sir John Knyvett, knight, the chancellor of England, announced the causes for the summoning of the present parliament. ... And in conclusion the chancellor besought them on behalf of the king that they would take diligent counsel regarding these matters—that is to say, the prelates and lords by themselves and the commons by themselves—and that, for the sake of prompter action by parliament, they would make good response in this connection as soon as they well might. And thereupon certain prelates and lords were assigned to be triers, and certain clerks to be receivers of bills in parliament, whose names here follow. ...

Item, after the said prelates, lords, and commons had assembled in parliament, the said commons were told on behalf of the king that they should retire by themselves to their ancient place [of meeting], in the chapter house of the abbot of Westminster, and should there discuss and take counsel among themselves with regard principally to those matters of which, as stated above, declaration had been made in parliament on behalf of the king. And the prelates and lords on their part were likewise to hold a discussion; and they were told that report should be made from one group to the other concerning the acts and intentions of each. And so the commons departed to their said place [of meeting].³¹

(French) *Ibid.*, II, 321 f.

... And on the said second day all the knights and commons aforesaid assembled and went into the chapter house and seated themselves about [the room] one next another. And they began to talk about their business, the matters before the parliament, saying that it would be well at the outset for them to be sworn to each other to keep counsel regarding what was spoken and decided among them, and loyally and without concealment to deliberate and ordain for the benefit of the kingdom. And to do this all unanimously agreed, and they took a good oath to be loyal to each other. Then one of them said that, if any of us knew of anything to say for the benefit of the king and the kingdom, it would be well for him to set forth among us what he knew and then, one after the other, [each of the rest could say] what lay next his heart.

Thereupon a knight of the south country rose and went to the reading desk in the centre of the chapter house so that all might hear and, pounding on the said desk, began to speak in this fashion: “*Jube domine benedicere, etc.*”³² My lords, you have heard the grievous matters before the parliament—how our lord the king has asked of the clergy and the commons a tenth and a fifteenth and customs on wool and other merchandise

³⁰ This tax, known as tunnage and poundage, was formally granted for two years by parliament in 1373: Stubbs, *Constitutional History*, II, 444 f., 556 f.

³¹ The official roll is here interrupted for the sake of inserting a portion of an anonymous chronicle preserved at St. Mary’s Abbey, York. This account is especially valuable as the earliest description of procedure at a separate meeting of the commons, including the election of a speaker. See the remarks of the editor V. H. Galbraith, p. xlv.

³² He begins and ends his speech with a conventional Latin grace. [Actually, the speech begins and ends with the formulae that are used in reading a lesson in the office. CD.]

for a year or two. And in my opinion it is much to grant, for the commons are so weakened and impoverished by the divers tallages and taxes which they have paid up to the present that they cannot sustain such a charge or at this time pay it. Besides, all we have given to the war for a long time we have lost because it has been badly wasted and falsely expended. And so it would be well to consider how our lord the king can live and govern his kingdom and maintain the war from his demesne property, and not hold to ransom his liegemen of the land. Also, as I have heard, there are divers people who, without his knowledge, have in their hands goods and treasure of our lord the king amounting to a great sum of gold and silver; and they have falsely concealed the said goods, which through guile and extortion they gained in many ways to the great damage of our lord the king and the kingdom. For the present I will say no more. *Tu autem domine miserere nostris.*” And he went back to his seat among his companions.

Thereupon another knight arose and went to the reading desk and said: “My lords, our companion has spoken to good purpose, and now, as God will give me grace, I will tell you one thing for the benefit of the kingdom. You have heard how it was ordained by common counsel in parliament that the staple of wool and other merchandise should be wholly at Calais, to the great advantage of our lord the king; and then the said town was governed and ruled by merchants of England, and they took nothing by way of payments to maintain the war or for the government of the said town. And afterwards the said staple was suddenly removed to divers cities and towns of England, and the merchants were ousted from Calais, together with their wives and their households, without the knowledge or consent of parliament, but for the benefit of a few, illegally and against the statute thereupon made; so that the lord of Latimer and Richard Lyons of London and others could have advantages.³³ And by concealment they took great sums of the maltote, which rightfully the king should have, because each year, to keep the town, the king spends sums amounting to £8000 of gold and silver, without getting anything there, where no expense used to be necessary. Wherefore it would be well to provide a remedy by advising that the staple should be restored to Calais.” And he would say no more, but went back to his seat.

And the third man rose and went to the reading desk and said: “My lords, our companions have spoken very well and to good purpose. But it is my opinion that it would not be profitable or honourable for us to deliberate on such great affairs and such grievous matters for the benefit of the kingdom without the counsel and aid of those greater and wiser than we are, or to begin such procedure without the assent of the lords. Wherefore it would be well at the outset to pray our lord the king and his wise council in the parliament that they may grant and assign to us certain bishops and certain earls, barons, and bannerets, such as we may name, to counsel and aid us and to hear and witness what we shall say.” And to this all agreed. Then two or three more arose in the same manner, one after the other, and spoke on various subjects. ...

About the same time a knight from the march of Wales, who was steward to the earl of March and was named Sir Peter de la Mare, began to speak where the others had spoken, and he said: “My lords, you have well heard what our companions have had to say and what they have known and how they have expressed their views; and, in my opinion, they have spoken loyally and to good purpose.” And he rehearsed, word for word, all the things that they had said, doing so very skilfully and in good form. And besides he advised them on many points and particulars, as will be more fully set forth below. And so they ended the second day.

Then on the third day all the knights and commons assembled in the said chapter house and day after day until the next Friday held discussion concerning various matters and [particularly] the extortions committed by divers persons, through treachery, as they were advised. During which discussion and counsel, because the said Sir Peter de la Mare had spoken so well and had so skilfully rehearsed the arguments and views of his companions, and had informed them of much that they did not know, they begged him on their part to assume the duty of expressing their will in the great parliament before the said lords, as to what they had decided to do and say according to their conscience. And the said Sir Peter, out of reverence to God and his good companions and for the benefit of the kingdom, assumed that duty. ...³⁴

³³ Cf. no. 62H.

³⁴ The chronicle continues with a long and interesting account of the ensuing debates in parliament.

(French) *Anonimale Chronicle*, pp. 80 f.

And thereupon the following prelates and lords were assigned in parliament ... to go to the said commons and be of aid to them, joining with them and discussing the said matters that had been declared to them, as aforesaid. ...³⁵

Item, the commons, considering the sufferings of the land ... , pray that the council of our lord the king may be afforded with lords of the land, prelates, and others, to remain constantly at the number of ten or twelve according to the king's will; so that no important business shall there pass or be determined without the advice and consent of all. ... And our lord the king, believing the said request to be honourable and of good advantage to him and all his kingdom, has granted it. ...

And afterwards the said commons came into parliament and made open protestation.³⁶ Then the said commons made complaint in parliament especially of the persons mentioned below, affirming that many deceits and other wrongs had been inflicted upon the king and his kingdom, as appears below.³⁷ ...

Hereafter follow the petitions presented in writing to the parliament by the commons, together with the responses made to those petitions in the same parliament. ...³⁸

(French) *Rotuli Parliamentorum*, II, 322–57.

Richard II: Statute, Parliament, Council, Household

APPOINTMENT OF COUNCILLORS (1377)

S&M, pp. 242–46 (No. 64A)

The king to all who shall see these letters, greeting. By the assent of the prelates, dukes, earls, barons, and others assembled beside us in our council held at Westminster on the morrow of our coronation, we recently ordained that twelve persons—that is to say, two bishops, two earls, two barons, two bannerets, and four bachelors—should be elected by us and them as our councillors to aid our chancellor and treasurer in affairs touching the estate, honour, and advantage of us, and of our kingdom, lordships, and lands; and that the said councillors thus to be elected should have, after their election, our letters patent [commissioning them] to carry out and execute the said matters; and that the said chancellor and treasurer should duly enforce the measures ordained by them and by the said elected [councillors], or by the majority of them. Whereupon [the following men] were elected by us and by the prelates and lords aforesaid. ... And in our presence they were sworn as our councillors, to carry out and execute the said matters according to the form stated above so long as it should be our pleasure. We, wishing the said ordinance to be put into effect, have constituted and assigned the aforesaid men, thus elected, as our councillors to carry out and execute the said matters according to the form of the ordinance aforesaid.¹ ... And so we shall hold firm and good whatever the said elected [councillors], together with the aforesaid chancellor and treasurer, or the majority of them, shall do in our name as stated above and in each and all of the aforesaid matters, and we will that it be strictly observed. In testimony whereof we have caused to be drawn up these our letters patent, to continue at our pleasure. Given at our palace of Westminster, July 20.

By writ of the king himself under the signet.

(French) *Ibid.*, III, 386.

³⁵ The roll next records a grant of subsidy and certain ordinances concerning the council, although these enactments were presumably made after the protestation of the commons and the presentation of their petitions.

³⁶ Through their speaker, although the fact is not stated in the roll. The address summarized the complaints earlier made during the meeting of the commons, especially the restoration of the staple to Calais and the wasting of the royal revenues through the dishonesty of the king's advisers.

³⁷ Here the roll describes at length the impeachment of Lyons, Latimer, and others.

³⁸ There were 140 of them; see Stubbs, *Constitutional History*, II, 453 f.

¹ They were especially commissioned to borrow money for the king's immediate needs.

ROLL OF PARLIAMENT OF 1377

S&M, pp. 232–7 (No. 63A)

... And afterwards the commons came before the king in parliament, and there Sir Peter de la Mare, knight, who acted as speaker for the commons,² made his protestation, that what he had to say was not said on his own personal account, but by the initiative, assent, and express will of all the commons there assembled.³ ... And since our lord the king—whom God save!—is at present innocent and of tender age, the said commons, for the redress of the wrongs aforesaid, as well as of others, and for the salvation of the kingdom, which at present is in great peril and more so than ever before, besought our lord the king and the lords of parliament with regard to three matters in particular:—

First, that it might please them to ordain and appoint in this present parliament eight fit persons of different estates, to remain continually along with the king's officials in council [to consult] on the needs of the king and the kingdom. ...

Item, that it might please them to ordain and appoint in this parliament those who were to surround the person of our same lord the king, who is of such tender age. ... And that it should also be ordained that our same lord the king and his household should be governed with good moderation of expenses, to be met solely from the [ordinary] revenues of the kingdom and from the other rights of his crown and his dominions; and that, for the aid and relief of his commons aforesaid, all which is or may be granted for his wars shall be used and expended in the wars and not otherwise.

Item, that the common law, as well as the special laws, statutes, and ordinances of the land made in earlier times for the common benefit and salutary governance of the kingdom, should in their entirety be kept, ratified, and confirmed. ... Request is also made to the lords of parliament that whatever is ordained in this parliament shall not be repealed without [consent of] parliament. ...

And thereupon answer was given that on these matters the prelates and lords would consult together; and the commons were instructed to return to their place and by themselves to consider their other business from now until the next Thursday. On which day they were commanded to return to parliament to hear the responses made to their aforesaid requests.

As to the first request presented by the said commons to our lord the king and to the lords of parliament, ... our lord the king ... has granted it, provided always that the chancellor, the treasurer, the keeper of the privy seal, the justices of both benches, and all the other officials of the king may perform and carry through the duties pertaining to their offices without the presence of such councillors. And our lord the king, for certain reasons that influence him at present, by the advice of the lords of parliament, wishes to have nine persons as such councillors for this present year only, and has had them elected in parliament: namely. ... And as to the second request of the commons, ... the lords of parliament respond, saying that to them it seems too severe and burdensome a request that any person should be placed near their lord the king other than one well pleasing to him for various reasons, or to remove any of his officials or servants except by the express will of the said king. ...⁴ And as to the third and last request, it seems reasonable to all the lords that for the present it should be conceded and granted.

Item, the lords and commons of the kingdom of England, clearly perceiving the great peril of the kingdom ... , of their free will have granted to our same lord the king two fifteenths outside cities and boroughs and two tenths within the same cities and boroughs.⁵ ... And it is the humble prayer [of the commons] to their liege lord and to the other lords of the parliament that for these moneys, as well as for the moneys from the tithes recently granted by the clergy of England and also for the moneys arising from the subsidies of wool, certain

² See above, p. 24.

³ The commons complained especially of the evils then being suffered by the knights and the merchants.

⁴ But, they think, those about the king should be warned not to impose on him for their own selfish ends, and the officers of the household should be talked to about moderation of expenses.

⁵ To be levied according to the ancient custom, see no. 61B.

fit persons should be assigned on the part of the king to be treasurers or wardens, to such effect that these moneys shall be entirely devoted to the expenses of the war, and by no means to anything else. And it is to be remembered that this request was granted to them by the king. ... And thereupon our lord the king had William Walworth and John Philipot, merchants of London, assigned to be wardens of the said sums to be used as aforesaid, and to render faithful account of their receipts and expenditures in such fashion as should be reasonably ordained by our lord the king and his said great council. ...⁶

(French) *Rotuli Parliamentorum*, III, 5–7.

ROLL OF PARLIAMENT OF 1378

S&M, pp. 232–7 (No. 63B)

... And thereupon the commons, after some little deliberation, made another request of our lord the king, that it might please him to have demonstration made to his said commons how and in what way the said great sums thus given and ordered for the said war had been expended.⁷ ... To which it was replied by the said Sir Richard⁸ ... that, although it was unheard of that, for any subsidy or other grant made to the king by the commons in parliament or out of parliament, account should afterwards be rendered to the commons or to anybody besides the king and his officials, nevertheless, to please the commons, our said lord the king willed and commanded of his own initiative, without doing so as of right or through coercion on account of the said request recently made to him, that the said William Walworth,⁹ there present, together with certain other persons from the council of our lord the king to be assigned for this duty by the king, should dearly show you in writing the receipts and expenditures made of those [sums]—on the understanding that this [action] should not thereafter be held a precedent, on the ground that it was taken otherwise than solely by the initiative and command of our lord the king, as aforesaid. ...

Item, they prayed that five or six of the prelates and lords should come to the commons to discuss with them jointly the said matters concerning which they were charged.¹⁰ And to this request the lords replied, saying that they were neither obliged nor willing to do this; for such manner of procedure had never been used in any parliament except in the last three parliaments recently held. But they said and declared that it had well been accustomed for the lords to choose from among themselves a certain small number, six or ten, and for the commons [to choose] another small number from among themselves; and for these lords and commons thus elected to meet together in easy manner, without murmurs, cries, and noise. And so by motions made among them they would quickly arrive at some good decision, which would then be reported to their companions of one or the other group. And in such fashion the lords would henceforth proceed, and in none other. ... And thereupon the commons readily assented that certain lords and commons, a small and reasonable number, should be elected, as had anciently been accustomed. ...¹¹

(French) *Ibid.*, III, 35–36.

ROLL OF PARLIAMENT OF 1381

S&M, pp. 232–7 (No. 63E)

And the king commanded Sir Richard le Scrope, knight, the newly created chancellor of England, to rehearse for them the same charge touching the points aforesaid.¹² And so he clearly did; and especially with regard to the repeal thus made of the grant of freedom and manumission to the serfs and villeins of the land,

⁶ Sixty-nine petitions of the commons follow.

⁷ This was after the commons had refused further aid and the king had protested their refusal.

⁸ Richard le Scrope, steward of the king's household.

⁹ See the preceding document.

¹⁰ See above, p. 24.

¹¹ The commons examined the royal accounts and approved them, except for a protest that too much had been spent outside the kingdom. Finally they granted the usual subsidy on wool.

¹² This was done at the request of the speaker of the commons.

it was again on the king's behalf plainly asked of all those present in full parliament whether this repeal pleased them or no.

To which the prelates and temporal lords, as well as the knights, citizens, and burgesses, unanimously responded that this repeal had been well made; adding that such [grant of] manumission or freedom could not be made without the assent of those who had the greatest interest. And to this they had never assented of their free will, nor would they have ever done so except to live and die all in one day.¹³ And they—that is to say, the prelates and lords, as well as the commons—humbly besought our lord the king that these manumissions and enfranchisements, thus made and granted through coercion, to their disherison and the destruction of the kingdom, should be quashed and annulled by the authority of this parliament, and that the said repeal should be affirmed as one well and justly made. And this was then unanimously granted and agreed. ...

(French) *Ibid.*, III, 100 f.

ROLL OF PARLIAMENT OF 1386

[Reproduced below, Section 6G.]

ROLL OF PARLIAMENT OF 1388

[Reproduced below, Section 6G.]

ORDINANCES OF THE CHANCERY, 1388–9

[Reproduced below, Section 9C.]

ORDINANCE CONCERNING LIVERY AND MAINTENANCE (1390)

[Reproduced below, Section 6F.]

ORDINANCE CONCERNING THE KING'S COUNCIL (1390)

S&M, pp. 242–46 (No. 64D)

In the first place, the lords of the council shall take pains to appear at the council by eight or nine o'clock at the latest.

Item, the affairs of the king and the kingdom are to be examined in preference to all others when the greater men of the council and the other officers are present.

Item, matters touching the common law are to be sent for determination before the justices.

Item, matters touching the office of chancellor are to be sent for determination before him in the chancery.

Item, matters touching the office of treasurer are to be sent for determination before him in the exchequer.

Item, all other matters, which cannot be settled without the special grace and permission of the king, are to be laid before him in order thereon to have his opinion and pleasure.

Item, no gift or grant that may be turned to the diminution of the king's profit shall be passed without the advice of the council and the assent of the dukes of Guienne, York, and Gloucester and of the chancellor, or of two of them.

Item, all other matters presented to the council in order to have their advice, and other matters of great weight, are to be determined by those of the council who are present, together with the officers.

Item, all other bills of less weight from the people¹⁴ are to be examined and determined before the keeper of the privy seal and others of the council who may be present at the time.

Item, ordinances previously made by the assent of the king and of his council with regard to offices in his gift are to be held and observed.

¹³ *Pur vivre et mourir touz en un jour*; the meaning obviously is "under threat of immediate death."

¹⁴ That is to say, private petitions; see, for example, no. 70.

Item, no steward or justice is henceforth to be appointed for the term of his life.

Item, bachelors who are of the king's council shall have reasonable wages for the time spent in work connected with the same council.

Item, lords who are of the same council shall receive consideration for their labour and expense by the advice of the king and his council.

Item, after one matter has been introduced in the council, they shall not pass on to any other matter until an answer has been given in the matter first introduced.

On March 8, in the thirteenth year, etc., this ordinance was made at Westminster in the presence of the king, there being in attendance the duke of Guienne, the duke of York, the earl of Salisbury, the earl of Northumberland, the earl of Huntingdon, the chancellor, the treasurer, the [keeper of the] privy seal, the steward, Lovell, Stury, and Dalynrigg.

(French) Nicolas, *Proceedings of the Privy Council*, I, 18a f.

STATUTE OF 15 RICHARD II: RESTRICTION OF USES (1391)

[Reproduced below, Section 9D]

SECOND STATUTE OF PRAEMUNIRE (1393)

[Reproduced below, Section 9A.]

ROLL OF PARLIAMENT OF 1397

[Reproduced below, Section 6G.]

ROLL OF PARLIAMENT OF 1398

[Reproduced below, Section 6G.]

ROLL OF PARLIAMENT OF 1399

[Reproduced below, Section 6G.]

B. EDWARD II, EDWARD III, AND RICHARD II, 1307–1399

in G. HOLMES, *THE LATER MIDDLE AGES*, 1272–1485

The Norton Library History of England (New York, 1962) 110–27, 182–91, 196–199

6. THE POLITICS OF ENGLAND UNDER THE THREE EDWARDS [cont'd]

(4) *Edward II and the Minority of Edward III, 1307–30*

With the death of the old king the political atmosphere changed. The years from 1307 to 1330 stand apart in the history of medieval England as a period of civil strife, culminating in intermittent civil war as vicious and violent as the Wars of the Roses (1455–85) and longer than the Barons' Wars (1258–65). To read Christopher Marlowe's *Edward II*, which is based on the English chronicle tradition and preserves the sense of bitter personal hatreds often missed by modern historians, is still perhaps the easiest way to recover the atmosphere of this age. The key to the period is the bitterness of individual rivalries in the absence of effective kingly rule. The cause of this and of the passions which it unleashed was the strange character of Edward II, who was like his father in being a powerful, athletic man, but unlike him in almost everything else: weak in political intelligence, ambition, and self-respect. He was very likely a homosexual and he was fatally liable to fall under the influence of ingratiating and unscrupulous young men. In the eyes of the nobility his character opened the door to the worst of political ills, the rule of 'evil counsellors' and of those who 'accroached' the royal power to themselves.

Many kings made enemies of the magnates during their reigns, but Edward II was suspected and thwarted from the first. This has often been seen as evidence that the magnates were guarding against a continuation of the harshness of his father, but it is as likely that they knew enough of Edward as Prince of Wales to expect him to be weak and unreliable as king. The oath, which he took at his coronation, contained a new clause

pledging him to accept in future the laws which should be chosen by the 'community of the realm'. One of Edward's first actions as king had been to recall from exile a Gascon knight, Peter de Gaveston, who had been exiled for his influence on the Prince in 1306, to raise him immediately to the high and valuable title of Earl of Cornwall and to give him the place of honour at the coronation. Gaveston was disliked by most of the magnates and nearly all united in the attempt to check the King's independence. One of the greatest, the Earl of Gloucester, remained friendly, but he was killed at Bannockburn (1314) and had no son. The Earls of Lincoln, Surrey, Hereford, Warwick, and Arundel, and Archbishop Winchelsea were all critical. So, after a short time, was Thomas, Earl of Lancaster, who became, after inheriting the earldom of Lincoln in 1311, and after the death of Gloucester, easily the wealthiest of the magnates and the regular ringleader of their opposition.

This opposition grew against the background of continual, dismally unsuccessful war with Scotland, which made the King dependent on magnates and parliament for money, without making any more popular the court which he gathered about him or the policy which he followed. A magnate league, ostensibly to protect the Crown against its enemies, forced Edward to banish Gaveston as early as May 1308, but the favourite came back in the next year. There were petitions for changes in the methods of government at the Stamford parliament in July 1309. In March 1310 the King was forced to agree to the appointment of a committee of bishops, earls, and barons, which would take the administration into its own hands until Michaelmas 1311 and draw up Ordinances for the future government of the realm. These Ordinances form a long, comprehensive, and important document, embodying and expanding the various grievances voiced in the first four years of the reign. Amongst the main provisions are the following: (i) Gaveston and Amerigo dei Frescobaldi, the King's Florentine banker, were to be banished. (ii) The chief officials of the kingdom and of the royal household, such as the Chancellor, the Treasurer, the Controller of the Ward robe (the chief department of the household), and the Keeper of the Privy Seal (which was used to authenticate letters and orders sent out in the King's name), were to be appointed with the consent of the magnates in parliaments, which were to meet twice a year. (iii) The same consent was to be required for the King to go to war. (iv) The 'New Custom', the extra duty on imports and exports by foreigners, was to be abolished (see p. 78). (v) The Wardrobe officials were to receive money only through the Exchequer, which was controlled by the Treasurer, and not directly from the collectors of taxes. In this way the magnates hoped to end Gaveston's supremacy, depending as it did on control of the court and illegal taxes, and also to limit the King's independence for the rest of his reign. They produced a document which was a bone of political contention for a decade and which, like Magna Carta (1215) and the Provisions of Oxford (1258), was remembered long after as a classical statement of baronial grievances.

But the Ordinances were only an expression of a point of view. They settled nothing and, in the years that followed one baronial faction after another climbed to power, while the country was humiliated by the inability to deal with the Scots and torn by repeated private wars (the most notable was the war in 1317 between the Earl of Lancaster and the Earl of Surrey, who carried off Lancaster's heiress wife, Alice de Lacy) Edward, unrepentant, had Gaveston back with him in time for Christmas 1311. By the spring of 1312 the magnates were openly in arms. The King's troops in the north were threatened by the Earls of Lancaster, Pembroke, and Surrey; Gaveston was handed over for trial in parliament, then seized from his jailers by one of his most bitter enemies, Guy, Earl of Warwick, and executed under authority of the Ordinances at Blacklow Hill, near Lancaster's castle at Kenilworth. This semi-judicial murder won Edward some supporters, especially Pembroke and Surrey, who did not love Thomas of Lancaster and for a time in 1312, when both sides were collecting armies it looked as though there would be full civil war. They came to terms, however, and in 1313 the King was reconciled again with his nobles without submitting to the Ordinances.

Thomas, with his five earldoms of Lancaster, Leicester Derby, Lincoln, and Salisbury, his vast estates in Yorkshire Lancashire, and the Midlands, and his private army—perhaps the largest permanent retinue ever seen in medieval England—can be compared only with the greatest of baronial politicians with John of Gaunt, Richard of York, and Warwick the Kingmaker. He had the same sort of independent power based on enormous landed wealth. His period of greatest influence in politics began after Edward had been further humbled by the defeat at Bannockburn (June 1314). Lancaster had taken no part in this battle and his relative power was

much increased by it. In the parliaments of September 1314 and January 1315 he was able to insist once again on the enforcement of the Ordinances and the limitation of the King's power. In the Lincoln parliament of 1316 he reached the summit of his power, gaining the position of chief councillor with a right, jointly with the King, to remove any other councillor. For a time he had indeed virtually a veto on the King's actions and, in the later part of 1317, was able to overawe the royal army in the north by the superiority of his own power, based on his castle at Pontefract, and frustrate Edward's wish to make a truce with the Scots through the mediation of two cardinals sent by the Pope.

Lancaster's influence, all the same, had one decisive weakness, compared with the other men who dominated the kingdom before and after him: it was exercised from outside the court. Lancaster never had the King's friendship, which was the easiest, and indeed the essential, way to power over government. He is sometimes criticised by historians for being a capricious and unconstructive opponent. It is true that he made little attempt to play a regular part in court or council, but Edward was also at fault in making no serious effort at compromise and readily giving his ear only to Lancaster's enemies. He was supplanted in 1318 by a group of men who had acquired the King's confidence since 1314, the Earls of Pembroke and Hereford and the knights, Bartholomew de Badlesmere, Roger d'Amory, Hugh d'Audley, and Hugh Despenser the younger. These men have been called the 'Middle Party', and the phrase is just in so far as it emphasises that they aimed neither at the rule of a single, all-powerful courtier, like Gaveston, nor at destroying the King's independence from outside, like Lancaster. Lancaster's power was weakened both by the rise of this confederacy and also by his private war with Surrey. By 1318 he was much more isolated in his insistence on the Ordinances and parliamentary control of the King, and a new distribution of power was eventually recognised by the Treaty of Leek (August 1318) and the Parliament of York (October-December 1318). The Treaty of Leek was a private agreement between Thomas of Lancaster and a number of other magnates. Lancaster agreed to the setting-up of a permanent council to control the King, consisting of seventeen bishops, earls, and barons, as long as the Ordinances were enforced. This would give him some influence in government but not his old power of veto. The parliament at York confirmed the power of the knights of the Middle Party in the royal household.

The next period of the reign saw the astonishing rise of one of these knights to supreme power. The younger Despenser was the son of a trusted courtier of Edward I and was himself essentially a creature of the court. The York parliament gave him his great opportunity, or at least helped him on his way, by making him Chamberlain, that is, administrator of the King's Chamber and therefore an official in constant and intimate contact with the King. Gradually and ruthlessly during the years 1318-21 he climbed into a position of absolute ascendancy at the court. The chroniclers tell us that he eventually refused to let the King give audience to anyone unless he was present; and we know from some of his own letters that he was able to order judges to give verdicts in his favour. But his use of these powers raised up a powerful opposition to him from two quarters. The first was in the Welsh Marches. The inheritance of the last Earl of Gloucester, including a great part of modern Glamorganshire and Monmouthshire, was divided between his three sisters, who were married, with royal approval, to Audley, Amory, and Despenser. Despenser was not content with his own share and attacked the lands of the others. When he added to this offence by trying to acquire the nearby lordship of Gower with royal influence, he aroused the violent opposition of the other Marcher lords, including the Earl of Hereford and the Mortimers. The King stood by Despenser and finally, in the summer of 1321, the Marcher lords advanced on London. Meanwhile, in the north, Thomas of Lancaster was roused to opposition by his concern about the danger of such a power over the King. He and his many followers in the north held a meeting at Pontefract in May, and in June sealed the so-called 'Sherburn Indentures', pledging to support the Marchers and oust the evil counsellors. In July 1321 Despenser was condemned in a parliament at London, dominated by the armed force of his enemies, and he and his father were banished.

The story of Gaveston, however, was repeated and this time with a more lasting success. By the end of the year the Despensers were back again and Edward had raised a large army, with the help of some of the earls, to confront the rebels. He advanced towards Wales, forcing the Marcher lords to submit in January 1322. Lancaster was defeated in his own country at Boroughbridge, in Yorkshire, by royal supporters in March. Boroughbridge was one of the great civil battles of English history; immediately after it Lancaster and

Badlesmere were executed. Hereford and Amory died. Many other lords perished or, like Mortimer, were imprisoned. The estates of many 'contrarians' were taken into the King's hands and a parliament at York soon after the battle finally revoked the Ordinances. Edward was vindicated as never before.

The supremacy acquired in those days lasted for four years. It ended in terrible disaster, partly because the fighting itself engendered bitter hatreds (Thomas of Lancaster, in spite of his treacherous and turbulent political career, became a popular saint and Roger Mortimer was made into a very dangerous enemy of the Crown), partly because the King's supremacy was carelessly and cruelly used. The real victor had been not Edward but Despenser, who now continued with more assurance and freedom on the course he had started before his exile. His ambitions were greater and more offensive than Gaveston's. By a mixture of force and legal trickery he soon obtained his empire in south Wales and a large number of estates elsewhere. Perhaps no man in medieval England ever had so many personal enemies as he had by 1326. His only decided supporter among the great magnates was the Earl of Arundel. Two positive achievements can be reckoned to the credit of the Despenser regime: the peace with Scotland in 1323 and the careful reorganisation of Crown finances carried out by the Treasurer, Walter Stapledon, Bishop of Exeter. But the first was humiliating to the English Crown, and the increased efficiency of the King's administration, which resulted from the second, gave no joy to his plundered subjects. Edward and Despenser seem, moreover, to have been extraordinarily short-sighted in allowing effective opposition to build up against them. The first main actor in the conspiracy was Roger Mortimer, who escaped from the Tower to France in 1323. The second was Queen Isabella. She was ousted from favour by the King's friendship with Despenser to the point of confiscation of her estates, and then sent in 1325 to France to negotiate with her brother, King Charles, after the English had been defeated in a war in Gascony in 1323–4. Finally the twelve-year-old heir to the throne, Edward, was sent across the Channel to do homage for Gascony in place of his father. The Queen did not return when she was expected. In Paris she became the lover of Mortimer and they landed in Suffolk in September 1326 with the Prince and an army from the Low Countries. They were quickly joined by other magnates and bishops, including the King's half-brothers, the Earls of Kent and Norfolk, and Thomas of Lancaster's brother and heir, Henry. The royalists were driven into the Welsh Marches, the King captured and imprisoned, and Despenser and Arundel quickly executed in November.

The parliament which met in January 1327 carried through the first deposition of a king since the Conquest. It was completed by a deputation representing the various estates of the realm, which went from parliament to the King's prison at Kenilworth to extort an abdication from him. The brutal murder of the King at Berkeley Castle in September (Thomas Berkeley was a relation of Mortimer by marriage) was the last revenge of his queen and his enemies, the clearest demonstration of the passions which his rule had aroused and a dramatically fitting end to the tragedy which had started in the palmy days with Gaveston.

The political effect of the revolution was only to replace one tyranny by another not much better. Edward III was a minor and had therefore to be represented by a regency council, which was naturally dominated by the partisans of Mortimer and Lancaster. By the end of 1328, however, this alliance had split. Lancaster was excluded from influence at court, while Mortimer, created Earl of March, had acquired grants of lands from the confiscations of the rebellion which made him into a leading magnate. At the beginning of 1329 the two sides were in arms against each other, but Lancaster submitted. The Earl of Kent was executed for an alleged conspiracy in the same year. The horrors of Despenser's day were being repeated. They were ended dramatically by the young King himself. Unsuspected by Mortimer or his mother, he had hatched a plot with a young courtier, William Montague, and even corresponded secretly about it with the Pope. On the night of 19th October 1330 at Nottingham Castle, Montague and his friends seized Mortimer in the room next the King's. He was condemned to death by a parliament and Edward III began to reign in fact as well as in name. This palace revolution immediately changed the face of English politics, much more fundamentally than the deposition of Edward II, by giving England once again a real king.

(5) Edward III and the Hundred Years War to 1361

In Edward III the Plantagenet line found its happiest king. Not perhaps the greatest and certainly not the most interesting personality, but the one whose designs coincided best with the temper and opportunities of

his time. Edward III did not make great constitutional innovations, like Edward I, and in home affairs he was rather a passive inheritor of the legacy of his grandfather. But, unlike grandfather and father, he was essentially a successful warrior, who loved fighting and was good at it, achieved more than he could reasonably have expected, and surrounded himself with a comradely galaxy of warrior magnates and warrior sons.

Edward's first campaigns were in Scotland. The claims of the 'disinherited' nobles, who had lost their lands through loyalty to England, had not been satisfied after the Treaty of Northampton (1328), and a renewal of the quarrel between the Bruce and Balliol families allowed Edward to intervene. His first victory was the defeat of the Scots at Halidon Hill in 1333. He campaigned in Scotland again in the summers of 1335 and 1336, but there is no reason to suppose that he was engaged with the Scots very earnestly. French support for Scotland against England became more and more open, so that the campaigns on the border led easily into the great business of Edward's life, the war across the Channel. It is probably futile to look for a simple diplomatic or political cause of this great struggle. Certainly causes and reasons enough were alleged by chroniclers and by Edward. He was thought to have been encouraged by an attractive noble refugee from the French court, Robert of Artois. The French took Bruce's side in Scotland. Philip VI of France (1328–50) had refused to consider Edward's claim to the Agenais, which adjoined his Duchy of Gascony, and practically declared war by announcing the confiscation of Gascony in May 1337. Finally Edward, by right of his mother, Isabella, the daughter of Philip the Fair, claimed the throne of France itself. But these reasons are not convincing in the historical situation. It looks much more as though Edward and his young friends were attracted by the glorious prospects of an invasion of France and took any excuse that came to hand.

The preparation for the first invasion, planned most carefully on a magnificent scale and on a pattern which improved on Edward I's design of 1294 to 1297, took shape in 1336. There were three important elements in the scheme: firstly, direct invasion by Edward through the Low Countries; secondly, massive support from a line of allies in the Low Countries (where his betrothal to Philippa before the invasion of 1326 had given him a father-in-law in the Count of Hainault); thirdly, the use of the wool export trade to finance the army and the allies and also to force Count Louis of Flanders over to the English side. In 1336 parliament and the merchants agreed to wool taxes and to heavy loans, the staple was moved from Bruges in Flanders to Antwerp in Brabant, and export of wool was forbidden. This had the double object of creating a wool famine in the textile towns of Flanders which depended on English supplies and would thus be made more pliable to English policy, and of creating an artificial shortage of wool abroad which would allow a large profit to be made out of the renewed sales when export was resumed. Meanwhile arrangements were made with English merchants for them to use the king's powers of preemption and prohibition of export to create a huge corner in wool, which would be profitable both to them and to him.¹ By the spring of 1338 this 'Dordrecht Scheme'—as it has generally been called, because the wool was to be collected and sold at Dordrecht in Holland—had broken down through resistance from the sheep-farmers in England and difficulties about sale on the Continent, but the King made a large profit by confiscating what had been collected. At the same time, however, Edward's ambassadors had very expensively built up a great alliance in the Rhineland, involving the German king, Lewis the Bavarian; and the economic pressure on Flanders had produced a revolt in the textile towns which forced the Count to renounce alliance with France.

By the summer of 1338 Edward himself was able to cross over with an army and make impressive progresses between his allies in Brabant and western Germany, where, as a French chronicler said, 'it rained money'. But even the wealth of the wool trade was not really equal to this largesse. Already in 1338, before he had made any direct attack on France, Edward was borrowing very heavily from the Italian banking houses of Bardi and Peruzzi and from William de la Pole. The winter of 1338 to 1339 was spent in Antwerp. In 1339 Edward was ready to move, but his expensive allies were not anxious to help and he got no further than a small campaign on the French border in the area of Cambrai. After returning to England in February 1340 to bargain with parliament for more money, he went back to take advantage of the strongly pro-English feeling in Flanders, where power had been seized by the clothing towns, led by James van Artevelde of Ghent. On

¹ The financial schemes of these years are described by E. B. Fryde in 'Edward III's Wool Monopoly of 1337', *History* (1952), and 'The English Farmers of the Customs 1343–51', *T.R.H.S.* (1958).

the way back he won his only great victory in this period of the war, the shattering defeat of the French fleet, which had sought to prevent his return, in the battle of Sluys off the coast of Flanders. Once he was back on the Continent he could still get no further than trivial operations on the French border. He returned to England finally in November after concluding the Truce of Esplechin that autumn.

The immediate reason for the King's return was lack of money. After the original Dordrecht scheme Edward had persuaded parliament to agree to other plans for making a great profit out of wool. In 1338 he was to buy half the wool in the kingdom, in 1340 to take 'the ninth sheaf, fleece and lamb'. But these monopolies did not work out as was hoped and meanwhile the King's debts (estimated in 1339 at £300,00, several times his annual income) grew worse and worse. In 1340 several earls had to be left behind as hostages for debts contracted in the Low Countries. Edward came back frustrated and angry and we shall see later how he worked off his anger in England. The cause of this failure had been a too grandiose strategy. The attempt to build up a grand alliance of unwilling allies was expensive and inefficient—the money ran out before anything was done. The Truce of Esplechin marks the end of this strategy and the successes of later years were the result of turning to plans of quite a different kind.

The new pattern of direct raiding into France from the coast, which was typical of the rest of Edward's reign, began in Brittany. The opportunity was given by a dispute about the succession to the Duchy, one claimant being supported by the overlord, the King of France, and the other, John de Montfort, turning for help to Edward III. In 1341 Edward was quick to give theoretical support to Montfort; in the summer of 1342 he sent a force under the command of Sir Walter Manny and in the autumn crossed over himself, defeated the French at Morlaix, overran much of Brittany, and concluded a truce early in the next year. Thereafter Brittany was an important English foothold in France for about forty years. In 1345 more elaborate plans were laid. Montfort again went over with an English army to Brittany and was successful. The Earl of Derby went to Bordeaux to start several years of harrying the French on the borders of Gascony. The King himself crossed to Flanders but arrived at the very time when the pro-English party was finally collapsing, and, recognising again the impossibility of success in that direction, he returned quickly to England.

Then came the great year. In July 1346 Edward crossed over to Normandy with a large army of about 7,000 archers, 1,000 lances, and 1,700 horse, while the main French forces were occupied in dealing with the Earl of Derby in Gascony. In July and August he sacked the city of Caen, marched through Normandy, crossed the Seine at Poissy, and then went north to the Somme, where the French king, who had been watching warily from a distance while the English plundered through the countryside, at last came to grips with him. After the crossing of the Somme, not far from the Channel, the two armies met at Crécy on 26th August, and the uncertain and divided French nobility were defeated by the English fighting on foot in one of the classic medieval victories of infantry over cavalry and the greatest of Edward's battles. Two months later the Scots, invading England in the King's absence, were decisively defeated by the northern lords and bishops at Neville's Cross, where King David II of Scotland was captured. The next year held yet more victories. In June the French were defeated in Brittany and the English position there consolidated. In August, after a year-long siege, the town of Calais fell to Edward, to remain for over two centuries a vital English foothold on the Continent.

The successes against France in the thirteen-forties and after were chiefly made by raids, *chevauchées* as they were called, by English armies into the French countryside. The armies were mobile, they plundered as they went and they had no need of allies. The proceeds of wool customs and of lay subsidies were adequate for this kind of war as they had not been for the grand strategy of the thirteen-thirties. On the eve of the Black Death of 1349 Edward's prestige and power stood high. The truce, which followed the decisive French defeat, and the economic effects of the Black Death, which temporarily reduced the yield of royal taxation, brought about a long lull in the war. The next burst of activity started in 1355 against a less formidable adversary, the new French king, the chivalrous but ineffective John the Good (1350–64). Two major expeditions set out for France in the autumn of 1355. One, commanded by the King, crossed to Calais, but, after foraging about in the surrounding countryside for a short time, returned early to England because of new Scots raids. More important was the first expedition of the King's eldest son, Edward the Black Prince, a young man of twenty-

five who had fought at Crécy and was quickly to make himself a reputation as one of the greatest captains of his time. His army went first to Bordeaux. From there he took it in the autumn right across Gascony and Toulouse to Narbonne on the Mediterranean and back again to winter at Bordeaux. In 1356 France was again harried in the north and south. The Duke of Lancaster took an army to Normandy and Brittany. In the late summer the Black Prince's force again sallied forth from Bordeaux, this time northwards into the district of Berry, in the loop of the Loire, and westward to Tours. On the way back the English were pursued by a huge French army under King John himself. They met at Poitiers on 16th September and the smaller English force, against expectation, completely routed the French army, capturing many of its leaders, including King John, who was brought in triumph to England in 1357.

Edward now had two kings in captivity and the kingdom of France at his feet. The disorder and desolation there in the years following 1356 were extreme. In addition to the troubles resulting from the Black Death there was the political disunity caused by the absence of the King, the peasant revolt of the Jacquerie in 1358, and the bands of English soldiers, the 'free companies', who plundered and fought for themselves or for some faction of the French nobility. In 1359 the Black Prince was able to take an army from Calais in a great circle round Paris and into Burgundy without much opposition. Finally in May 1360 a treaty was made as a result of negotiations between the Duke of Lancaster and the French regent at Brétigny, near Chartres. It made the King of England's influence in France greater than it had been since the days of the Angevin Empire, a century and a half before. His possessions were extended beyond Gascony almost up to the Loire in the north, by the addition of Poitou and the Limousin, and at the other extremity to the east and south of Toulouse. King John was to be ransomed for the enormous sum of 3,000,000 crowns (about £500,00, or the equivalent of the English king's income for over five years). In return Edward undertook to renounce his claim to the throne of France. The French fulfilled their promises. The new territories were ceded and the Black Prince, who had the greatest share in their winning, went to Bordeaux in 1362 as Duke of Aquitaine, to reign in a substantial Duchy. A large part of the ransom was actually paid over in the next few years. But Edward in fact never made a full renunciation of his claims and the way was kept open for future kings to revive them.

(6) Edward III and England to 1361

The most striking feature of politics at home during the reign of Edward III was the King's good relations with the nobility. Until he lost his grip on affairs in his later years, they were perhaps better than in any other medieval reign. This was clearly the result of his building up around him a circle of devoted magnates and keeping them engaged in generally successful foreign wars. One of the symbolic acts at the beginning of the war with France in 1337 was the creation of six new earls, including some young noblemen with whom the King was already very friendly and who were to be among his leading commanders: William Montague, Earl of Salisbury, his accomplice in 1330; Henry of Grosmont, Earl of Derby, later Duke of Lancaster; and William de Bohun, Earl of Northampton. The unhappy memories of civil war were as far as possible effaced by the restoration of Mortimer's grandson to the earldom of March in 1354 and the reversal of the judgment against the Earl of Arundel, who had been executed as Despenser's supporter. The Statute of Treasons of 1352 attempted to restrict the meaning of the word which had been used so freely to condemn political enemies in the previous reign. Later, as Edward's sons grew to manhood, and they too included several active soldiers, they were given great estates which supported the royal dignity, though they were to be the source of discord in the future: the Black Prince was Duke of Cornwall and Prince of Wales; Lionel of Antwerp, Duke of Clarence, inherited the Clare estates; and John of Gaunt inherited the estates of Lancaster, when that family died out with Henry of Grosmont. In his earlier years Edward was a great lover of tournaments; and another symbol of his devotion to the ideals of the nobility was his foundation, probably in 1348, of the Order of the Garter, an exclusive chivalric fraternity, including the King himself and his greatest warriors, both earls and knights. The extravagant praise of Edward III by the contemporary philosopher Walter Burley is not without foundation, at least as far as his relations with the magnates and barons are concerned: 'A profound love of subjects and king makes for a deep concord between the citizens and a very strong kingdom; as appears today

in the case of the King of the English, on account of whose excellent virtue there is the greatest harmony in the English people because each one is content with his rank under the king.’¹

Thus a true sphere of concord with the nobility made the reign as a whole remarkably free of serious political crises such as had occurred intermittently from 1297 to 1330. There was, however, one major upheaval following on Edward’s return from Flanders after the Treaty of Espléchin in November 1340. During the King’s absence on the Continent the administration had been divided by the Walton Ordinances (1337) between the chief ministers and departments, remaining in Westminster, and the household, which was to go with the King. The object was to speed collection of money and to keep ultimate control in the household, but there had been much criticism of the arrangements and the bishops at home had been both slower and more dubious about the rightfulness of the war than the King wished. He came home, burning with shame and anger, convinced that he had been betrayed by those who had remained in charge of the government at home, and his first actions were to dismiss the Chancellor and Treasurer, the Bishops of Chichester and Lichfield, and give those offices to laymen—the first time there was ever a lay Chancellor. He then attacked Archbishop Stratford of Canterbury, who had previously been Chancellor and had taken the largest share in the home government, for maladministration, issued a pamphlet denouncing him as the cause of all the misfortunes abroad, and ordered him to Flanders as hostage for a debt. Stratford took this as a general attack on the liberties of the Church and the rights of peers of the realm, and began to defend both. In the spring of 1341 the affair developed into a serious constitutional quarrel. As the Archbishop won support from both magnates and commons by his rational and fearless defence and his dramatic appearance at the parliament from which he was to be excluded, Edward was compelled to allow him to clear himself of the charges and to return to favour. For many years after this the Crown remained on good terms with the prelates, notably with Stratford himself and with William Edington, Bishop of Winchester, Chancellor from 1356 to 1363.

The most constant political opposition to Edward in England came neither from the nobility nor from the Church but from the gentry and burgesses in parliament. This reign was the period when the Commons’ right to consent to all lay taxation became complete and the division into Lords and Commons emerged. This process was connected with the constant war taxation, which gave the Commons unusual importance and carried further the evolution of parliament which is discernible in the later years of Edward I’s reign. Resistant to repeated demands for money and often unenthusiastic about the war, the Commons acted as a constant brake and exerted special political influence at two periods when circumstances gave them more power than usual. The first was the initial phase of the French War with its unsuccessful campaigns and huge expenses. When, at the end of 1339, the King asked for yet more money and confessed his debts to amount to £300,00, the magnates readily offered new taxes, but the Commons would grant nothing further without consulting their constituents; they demanded and got another parliament at the beginning of 1340. The large grants of that year were made in return for substantial concessions, including agreement that no lay taxation should be levied without the consent of parliament.

Edward was still more at the mercy of the Commons in the early thirteen-fifties. Apart from its long-term effects on society, the Black Death of 1349 had important immediate political consequences. In the first place it weakened the King by spoiling the wool export trade for a time and so destroying, temporarily, the system of finance, based on loans, from merchants to whom the king farmed the duties on imports and exports, which had sustained him for much of the previous decade. Secondly, the labour shortage, which made new difficulties for propertied people, seems to have added to the truculence of the gentry and burgesses. One result was that Edward was forced in 1353 to agree to the Ordinance of the Staple, temporarily abolishing the foreign staple and satisfying the interests of the wool-growing landowners (see p. 34). In 1351 they secured the Statute of Labourers, which imposed severe penalties on workers taking high wages. The Statute of Provisors, made in the same parliament, was, in its intention, an extreme attempt to limit the pope’s right to provide clergy men to churches in England and so to strengthen the position of the local patrons. None of these measures was very effective in the long run but, taken together, they expressed a mood of aggression on the part of the Commons.

¹ S. Harrison Thomson, ‘Walter Burley’s Commentary on the *Politics* of Aristotle’, *Mélanges Auguste Pelzer* (1947), pp. 577–8.

There is no doubt that the power and importance of the Commons, who from this time onwards genuinely controlled taxation, was much increased in the reign of Edward III. The most brilliant days of English chivalry were, however, only slightly clouded by the reluctance of those who paid the price in taxation. The age of the greatest political power of the medieval Commons was still in the future and the social conflicts resulting from the Black Death had only begun.

9. RICHARD II AND HENRY IV

(1) *The Age of John of Gaunt*

THE thirteen-sixties were an unusually peaceful time in English politics. Edward III, rich with the spoils of war and with the ransom of John of France flowing into his treasury, was undemanding and the new danger that was to come at the end of his reign from France had not yet made itself felt. In 1362 the King's sons, Lionel of Antwerp, John of Gaunt, and Edmund Langley, were made Duke of Clarence, Duke of Lancaster, and Earl of Cambridge, and liberally endowed, like the Black Prince, with grants of land to maintain the lustre of the royal family. Relations with parliaments were on the whole peaceful. The King was enjoying the rewards of prowess. But the thirteen-seventies were quite different. The revived French monarchy under Charles V recovered most of the territory ceded to Edward at Bretigny, and England was on the defensive for most of the rest of the century (see ch. 10). The death of Queen Philippa in 1369 was also an important factor in the collapse of morale at the court. Soon Edward was not only too old to fight or lead but also dominated by Alice Perrers, the most ambitious and unscrupulous of royal mistresses. The group which scandalously controlled the court in the last years of the reign was led by Alice and by William Latimer, an old soldier who had become Chamberlain after making his reputation and his fortune in Brittany. They were befriended by John of Gaunt, now the chief prince of the blood after the early death of Clarence in 1366 and the sickness of both Edward, and the Black Prince who died in 1376, a year before his father.

As the military and financial situation deteriorated, the court made strenuous efforts to get more money out of the Church. It is difficult to know how far the distinctly anti clerical policy of these years (see above, p. 173) was designed to win favour with the Commons in parliament; how far it reflected enmity resulting from heavy taxation of the clergy and financial jealousy; how far it was a matter of personal ties. It first appeared clearly in the attitude of Lords and Commons in the parliament of 1371, when William of Wykeham was dismissed from the Chancellorship. Wykeham, later to be the founder of New College and Winchester, was the greatest of royal clerks, the most successful of all those in medieval England who followed the road from the office desk to high prelacy. Rising through his judicious administration of the rebuilding of Edward III's much-loved Windsor Castle, he had eventually become Bishop in 1366, Chancellor in 1367, and the most trusted of advisers. His fall was a break with the old order of things. In 1374 and after, the court was negotiating hotly with the Pope about their respective rights to tax the English clergy, and it was at this time that John Wycliffe entered the service of John of Gaunt as an anti-clerical propagandist.

Apart from the great men of the land it is probable that many others resented the scandal and waste at court in the context of military failure. The materials of political crisis were at hand. The scandal blew up in what was known as the 'Good' Parliament of 1376. The Commons, led by the Speaker, Sir Peter de la Mare, attacked the court party openly, though without mentioning Lancaster, on the two counts of conspiring to lend the King money at high interest rates and criminally losing English territory in Brittany. It seems probable that the courtiers had in fact borrowed money on behalf of the King for high premiums which they shared themselves, that they had sold licences for evasion of the Staple, and that they had negotiated with the French behind the backs of English soldiers fighting in Brittany. There was also a mass of general and personal resentment. It was a dramatic moment when the mere knight, Peter de la Mare, stepped up before the magnates, including John of Gaunt, in Westminster Hall, to accuse the King's evil councillors, but it seems probable that he was securely backed by many of the magnates, some bishops, and London merchants who had been offended by the court's manipulation of the wool trade and their association with the financier, Richard Lyons. Latimer and Lyons were condemned by impeachment—indicted by the whole Commons before the Lords as judges—and Alice Perrers was driven from the court.

The Good Parliament initiated a period, from 1376 to 1381, in which, more clearly than at any other time in the Middle Ages, social conflicts found expression in high politics, against a background of military failure and divided leadership. Conflicts of interest, intensified by the social upheavals following the Black Death, were strong enough for a time to break into the world traditionally dominated by courtiers, bishops, and magnates. Several factors conspired to keep the country on the brink of radical divisions. The landed gentry, now feeling the full force of the population decline, were less willing than ever to pay taxes and more anxious to shift the burden on to the clergy or the peasantry. The war was consistently dangerous and seemed badly handled. During the minority of Richard II there was no adult king to give a lead and no one statesman who commanded enough respect to take the place of a king, so politics were a matter of conflicting factions. John of Gaunt, orthodox as he was in doctrine, flirted dangerously with Wycliffe and might have caused a Protestant reformation if he had not ceased to use Wycliffe after 1378. Lollardy and the Peasants' Revolt had little lasting effect, but they must be seen in part as products of a general ferment which deeply affected politics and was not far from causing a total upheaval of the kind that occurred later in Hus's Bohemia or Luther's Germany. The English magnates, disputing for influence at court and command of military expeditions, were playing on top of a minor volcano and they were lucky to escape an eruption.

The purge effected by the Good Parliament lasted only a few months, for as in the reign of Edward II it proved impossible to control the court from without. By the end of the year the scoundrels were all back, Wykeham's lands were confiscated, and Alice Perrers was at the King's bedside to slip the rings from his fingers when he died in June 1377. John of Gaunt dominated a parliament at the beginning of 1377 in which the first poll tax was granted. At the same time a clerical convocation was being held, in which Wykeham was defended and Wycliffe attacked, and, when the latter came to answer charges against him in St. Paul's, supported by John of Gaunt's armed men, the London mob were incited to march on Gaunt's manor at the Savoy. It is difficult to disentangle the confused passions of anti-clericalism and hatred of the court in these proceedings.

The King's death affected the pattern of influence at court more radically than a parliament could. Most of those courtiers whose positions had depended on his friendship now disappeared. John of Gaunt remained the most powerful individual, because of his rank, as the new king's eldest uncle, claimant to the throne of Castile, and the possessor of the huge Lancastrian inheritance. Richard II, the Black Prince's son, was a boy; and the most influential person in his court, until her death in 1385, was probably his mother, Joan of Kent. Court offices were filled by knights from the Black Prince's household, such as the King's tutor, Sir Simon Burley. Gaunt found his position somewhat weakened. A council representing various parties and not dominated by Gaunt was set up for the King's minority. Gaunt had to contend with the opposition of bishops, especially Wykeham and William Courtenay (Bishop of London 1375–81, Archbishop of Canterbury 1381–6), who emerged as a formidable defender of the Church, and effectively prevented Wycliffism from gaining a serious foothold. There were powerful magnates who were jealous of Gaunt's desire to control military policy, especially his brother, Thomas of Woodstock (Earl of Buckingham, created Duke of Gloucester in 1385) and the wealthy Earl of Arundel. Finally the leading merchants of London took more than their usual interest in politics during this period of naval threats, and their control of customs and loans enabled them to exert some influence. The first parliament of the new reign in 1377 took the unusual step of insisting that the taxes it granted should be put into the hands of two merchants as treasurers of war (William Walworth and John Philpot, both prominent in the politics of this period), to ensure that the money was spent for the proper purposes. In 1378 a parliament was held at Gloucester, probably, as at other times when it met outside Westminster, to keep clear of the influence of the Londoners. A body of men from the court had broken sanctuary at Westminster Abbey to recover a prisoner, and Wycliffe appeared in parliament to defend the lay power against the argument of the bishops that sacrilege had been committed by the violation of sanctuary and the shedding of blood in the abbey. The conflicting aims of various groups, without a clear lead, made the politics of the early years of the reign particularly confused. Two themes, however, stand out. Firstly, there was the overriding necessity of defence against France; secondly, the need to extract money for the expeditions from a series of unwilling parliaments. In 1377, 1379, and 1380 the Commons, instead of the usual lay

subsidies and customs, which were being fully exploited, voted poll taxes at a fixed rate on individuals instead of on their property. The last of these provoked the Revolt of June 1381.

After the Revolt, magnates and parliaments returned to the old intractable problems of war. The dispute between those who wished to attack France directly and those who wished to go with Gaunt to Castile ('The way of Flanders' and 'The way of Portugal') was acute before and after the Bishop of Norwich's crusade. But now the King was growing up. In 1382 he was married to Anne of Bohemia, a happy marriage though it was made to cement an alliance. Soon Richard's personality began to dominate the political scene.

(2) *Richard II*

Richard II made no formal announcement of his majority until 1389 but, long before that, his personality had become the most important factor in English politics. This much is clear. Just what his personality was is much more difficult to determine. Richard is the most enigmatic of the kings of England. He was certainly one of the many kings unfitted to rule; he was hated and unsuccessful. But he was not predominantly either a capricious tyrant, like John, or an unrealistic aesthete, like Henry III, or a lover of unworthy favourites, like Edward II, though he had streaks of all these in his character. It is possible, and perhaps right, to discern a constant policy in his actions, a policy of abandoning the endless war with France and exalting the independent power of the king at home above his magnates, and he has sometimes been regarded as a benevolent despot before his time. It is also true that he was sometimes impulsively violent, as in his quarrels with John of Gaunt in 1384 and 1385, his murder of Thomas of Woodstock in 1397, or his bitter anger in striking Arundel in the face at Queen Anne's funeral; and what must impress the historian most of all is the extraordinary lack of political realism in a man otherwise so intelligent and sensitive. A love of peace, a disdain for the crude and brutal magnates, though they were his natural counsellors by all accepted tradition, and a tenacious preference for his own circle of friends whom the nobles despised, might seem amiable enough characteristics in a man; but in a king, unless he was supremely powerful and efficient, which Richard was not, they necessarily led to strife, and, if he was vindictive into the bargain, to political suicide.

The most important and offensive of the King's friends in the early years were Michael de la Pole and Robert de Vere, Earl of Oxford. Pole, the son of the great merchant, became Chancellor in 1383. He may have climbed to this position as the associate of Lancaster, but later his connection with the King was closer, and he was made Earl of Suffolk with a large estate in 1385. De Vere was a young man, a close personal friend of the King who showed his love by giving him the novel title of Marquess in 1385, then by making him Duke of Ireland in the next year. As Richard grew towards manhood he kept increasingly to the circle of the court and made enemies outside. At the beginning of 1385 we hear rumours of a plot by the King and his friends to do away with John of Gaunt. About the same time Richard was rebuked by the Earl of Arundel for his bad advisers, and by Archbishop Courtenay for his high-handed ways. He had been exhorted to lead an army in war, but his only venture of this kind for many a year was the expedition which he led with Gaunt to Scotland in 1385, the last summoning of the feudal host. When the army reached a deserted Edinburgh, Richard turned on Gaunt for wishing to lead them on into starvation, and took them back. In 1386 Gaunt at last went off on his long-awaited expedition to Spain. The King was left alone with his courtiers and magnates and the first reckoning came in the 'Wonderful' Parliament of October that year. Since 1383 little or nothing had been done to counter the threatening power of Philip the Bold of Burgundy and the parliament met under the shadow of a recent invasion scare. A French fleet had massed at Sluys and only bad luck and dissension had prevented it from sailing, and the English defences had been bungled. Soon after the opening of parliament, Lords and Commons, with menacing references to Edward II, demanded the removal of Pole, and eventually he was replaced as Chancellor by Thomas of Arundel, Bishop of Ely and brother of the Earl of Arundel. Then the Commons proceeded to an impeachment of Pole, chiefly on the grounds of corruptly using his office for profit and neglecting defence against France. He was imprisoned and a continual council, including Thomas of Woodstock, the Earl of Arundel, and several bishops, imposed upon the King.

Richard had no intention of submitting for long to this indignity. Soon after the parliament Pole was restored to favour. The King set off on a long perambulation of the Midlands, which occupied most of 1387, and at Nottingham in August he questioned his judges about the validity of the parliamentary proceedings. He

got from them the reply that the imposition of the council and the impeachment of Pole without his permission were contrary to his prerogative, and that the authors of such actions or of any other interference with his prerogative were criminals. In the political context these opinions seemed near to an assertion of absolute royal power. By November Richard had collected an army in Cheshire with the intention of proceeding against his enemies, while Thomas of Woodstock and the Earls of Arundel and Warwick had also assembled retainers near London to defend themselves. But they met the King in Westminster Hall to demand the impeachment of the offensive favourites and Richard had to agree to the summoning of a parliament for February 1388. In the interval before the parliament de Vere raised an army in the royal earldom of Cheshire (attempts to raise support in many other shires had met with the sheriffs' reply that the Commons stood with the Lords) and marched towards London. He was intercepted by the rebels, now joined by the Earl of Nottingham and Henry Bolingbroke, Earl of Derby (John of Gaunt's son, called 'Bolingbroke' after his father's castle in Lincolnshire, where he was born), and defeated in battle at Radcot Bridge in Oxfordshire. The rebels then returned to London and demanded satisfaction from the King. Frightened by threats of deposition, he was forced to imprison or banish a number of his favourite courtiers and replace them with officials appointed by the rebels. When the 'Merciless' Parliament met in February 1388 the King found himself defenceless and the rebels were able to proceed to their main purpose. This time they abandoned the method of impeachment by the Commons and used the more direct procedure of 'appealing' the accused in parliament of treason. The 'appellants' were Thomas of Woodstock, Bolingbroke, Arundel, Warwick, and Nottingham. Their victims included, besides Pole and de Vere, the Archbishop of York, several of the King's justices, Nicholas Brembre, a leading London merchant who had been in league with the court, and the King's old tutor, Simon Burley. Brembre and Burley were executed, Pole and de Vere died in exile. Richard's circle of friends was finally shattered.

The nine years from 1388 to 1397 were relatively peaceful. The appellants had done their worst and Richard was for the time being cowed. He allowed them a place in government and Thomas of Woodstock in particular took a large place. For many years there was no sign of serious strife. Richard seems gradually to have built up a circle of supporters wider and more moderate than the court faction of earlier years. The return of John of Gaunt from Spain in 1389 brought back a stabilising factor in politics. Richard remained on good terms with him and with Bolingbroke. Gaunt's rights as Duke of Lancaster were even enlarged and in 1396 his bastard children by Katherine Swynford, the Beauforts, destined to play a momentous part in history in the fifteenth century, were legitimised. The King was also on good terms with Thomas Mowbray, Earl of Nottingham, and with his half brothers, John and Thomas Holand. But, though no deep divisions were apparent, there were some incidents which suggested Richard's restive discontent breaking through the calm. In 1389 he suddenly declared himself of full age and free to exercise his kingly rights without restraint. In 1392 a quarrel with London over the refusal of the city to lend him money ended in his annulling its liberties, to restore them for a large fine. The death of Queen Anne in 1394 contributed greatly to his melancholy and introspection and, when Arundel, his most implacable enemy, arrived late at the funeral at Westminster, Richard struck him down for the insult.

It is impossible to know exactly what dreams of grandeur and revenge the King had in these years, but some of the evidence suggests that he was moved by unusual fantasies. He appealed to the Pope for the canonisation of Edward II, whom he must have imagined as a king similarly wronged. The invasion of Ireland, the plans to help his new ally, the King of France, in an invasion of Italy, the plans for his own election as King of Germany, which led him to spend considerable sums in bribing the electors—all these were outside the usual policies of the kings of England at this period. The desire for complete revenge is clearer, because the King's actions in 1397 and 1398 seem like the execution of a plan to reverse completely and artistically the wrongs which had been done him in the 'Merciless' Parliament. He began quite unexpectedly in July 1397 with the arrest of the three chief appellants, Woodstock, Arundel, and Warwick. In a parliament in September they were 'appealed' and condemned in the same way as they had treated the King's friends in 1388. Woodstock had already been murdered at Calais, Arundel was executed, Warwick banished, Thomas of Arundel, now Archbishop of Canterbury, likewise banished. It is important not to underestimate the enormity of this sudden outburst. Woodstock and Arundel were among the very greatest men and the banishment of the Primate was a rare offence. Many estates fell into the King's hands and were largely redistributed amongst

new earls, whose creation greatly altered the English peerage: Thomas Despenser, Earl of Gloucester, Ralph Neville of Westmorland, Thomas Percy of Worcester, and William Scrope of Wiltshire. Others, whom he regarded as his best friends amongst his relations, became new dukes: Bolingbroke, the Holands, and Edmund Langley's son, Edward, while John Beaufort was made Marquis of Dorset.

The next stage was carried through at a parliament at Shrewsbury in January 1398. Richard had been impatient of parliamentary criticism a year earlier, when he had imprisoned Thomas Haxey, who was acting as proctor for the Abbot of Selby for criticising the expenditure of the royal household. Now he seemed to be aiming to free himself entirely from parliament. The definition of treason was extended, customs were granted for life instead of the usual period of one or two years, and a committee appointed to continue the business of the parliament after its dissolution. In September 1398 a quarrel between Bolingbroke and the Duke of Norfolk (Nottingham in 1388) gave the King an excuse to banish both of the remaining appellants. Lately they had been honoured as his friends, but now Bolingbroke accused Nottingham of plotting to avoid the fate of the other appellants. For whatever reason, Richard chose to be rid of them both. The revenge was complete.

In the last two years of his life Richard moved rapidly towards political madness. He strengthened his permanent army of Cheshire archers. He tried to wreak revenge on the commons of the shires by fining them, since they had failed to support him in 1387. He went further in his assault on the nobility, and it was this last step which cost him the throne. When John of Gaunt died in February 1399, Bolingbroke, his eldest son, was his rightful heir, but the whole of the vast Lancastrian inheritance was taken into the King's hands. In the same summer, while Richard was making his second expedition to Ireland, Bolingbroke landed in Yorkshire with the avowed intention of recovering his inheritance by force. He was quickly joined in the north by Henry Percy, Earl of Northumberland, and Ralph Neville, Earl of Westmorland, and, as he came south, the Duke of York, uncle to the King and keeper of the realm in Richard's absence, came over to the rebels. At what stage Bolingbroke revealed his full intention we do not know, but it must have been clear in August when Richard, who had come back from Ireland, only to find himself deserted, surrendered at Conway. The King's abdication was presented to a parliament at Westminster on 29th September. It is hard to say how enthusiastic the Commons were, for they had little choice in the presence of Bolingbroke's armed men. The next day the King was deposed on the strength of a long list of his misdeeds. Bolingbroke then stood up and claimed the crown by right of descent as Henry IV. Richard died in prison early the following year, though legends of his survival encouraged rebels for some years after.

10. THE HUNDRED YEARS' WAR, 1361–1453

(1) *England and France, 1361–1413*

ENGLISH soldiers enjoyed two periods of overwhelming success in France under the warrior kings Edward III and Henry V in the years 1343–61 and 1415–22. The victories of these periods were separated by an even longer stretch of time in which the French kings recovered control of their country, forced England into a defensive attitude, and occasionally threatened invasion. The reason for these changes of fortune lies clearly enough in the characters of the kings. Henry V, like Edward III in his prime, had the gift of leadership which gave military strength and unity. Edward III in his senility and his grandsons Richard II and Henry IV had not. In Charles V of France (1364–80) and his brother Philip the Bold (Duke of Burgundy 1364–1404), and the effective military leader in France after Charles's death) they faced leaders with just the qualities of strength which they lacked. Military failure itself bred disunity in the world of jealous soldier magnates and, throughout this period of the Hundred Years' War, English politics at home were deeply affected by the continual sense of military inadequacy which the continual kings were powerless to remove.

The gains of Brétigny melted like snow before the recovery of the French monarchy under Charles V. The process started seriously with revolts of Gascon nobles against the rule of the Black Prince as Duke of Aquitaine. When the Prince had refused to appear in Paris to answer charges brought against him, Charles V was free to invade Gascony in 1369. The Black Prince was entering on the decline in health which ended in his premature death. Edward III was declining into old age. Neither was competent any longer to lead a military expedition and the English attempts to reply were all failures. There was an abortive expedition from

Calais into northern France under the great captain, Sir Robert Knollys, in 1370. In 1373 John of Gaunt led his army in an enormous march through France from one English foothold at Calais to another at Bordeaux, which did much damage but yielded no permanent political advantage. Worst of all, a fleet carrying reinforcements to Gascony, under the Earl of Pembroke, was defeated by Castilian ships off La Rochelle in 1372 and the Earl himself captured. By 1375, when a truce was made at Bruges, the French reconquest was largely completed; the English hold on France was reduced once more to Calais, a strip around Bordeaux, and some footholds in the harbours of Brittany which were held grimly for many years.

An important shift in English foreign affairs resulted from the Black Prince's last great expedition, his invasion of Castile in 1367 in support of Pedro the Cruel, who had been ousted from the throne by the French-supported Henry of Trastamara. Though the Prince won his last important battle at Najera, he did not succeed in restoring Pedro permanently. The expedition had two important results. Firstly, England faced for some years an alliance of France and Castile, which brought the formidable Castilian navy into the Channel, gave the French and Spaniards control of the seas, and made possible raids on the south coast, spreading fears of invasion which filled the period 1377–80 with alarm. Secondly, the Black Prince's brother, John of Gaunt, married Pedro's daughter, Constance, in 1371, styled himself King of Castile, and, for some part of the minority of Richard II, when he was the most important single individual in English politics, hankered after a great invasion of Castile to make good his claim. The plan was not much supported by other Englishmen but he eventually carried it out with some modest success in 1386–9.

These circumstances are important for our understanding of the gloom and division in the country which contributed to the crises of the Good Parliament (1376) and the Peasants' Revolt (1381). Paying for war was even more unpopular when war seemed to be mishandled. The activity of these years centred largely on the Channel and on Brittany, where the English still had some territory but the Castilian ships were based on harbours in French hands. The war was brought home to Englishmen, accustomed to view it with detachment across the Channel, when the French burnt Rye and Gravesend in 1377. In 1378 John of Gaunt retaliated by trying to capture St. Malo. In 1379 another expedition to Brittany was shipwrecked before it arrived. The most ambitious of these efforts was a lengthy march, led by Thomas of Woodstock, Earl of Buckingham, in a great circle round Paris and back to Brittany at the end of 1380. This was the immediate military background to the Poll Tax and the Peasants' Revolt.

Charles V died in 1380, and with him the active Franco-Castilian alliance, but the situation in France did not develop to England's advantage. Charles V was succeeded as England's main enemy by Philip the Bold, the leading figure at the French court for more than two decades and the creator of the Duchy of Burgundy, embracing the Low Countries and eastern France, which was to last until 1477. The beginning of the Great Schism in 1378 gave the opportunity for an alliance against the French-supported Clement VII, in which England played a leading part. The marriage of Richard II to Anne of Bohemia in 1382 was a part of this design. Ecclesiastical and secular politics were mixed, with scandalous and, as it turned out, disastrous indifference, in the Bishop of Norwich's crusade in 1383. The Flemish towns had risen again, as in the days of Artevelde, to resist French influence, this time in the person of Philip the Bold, claiming the succession to the last independent Count of Flanders. The English merchants, as in the thirteen-forties, were anxious to preserve their commercial link by keeping Flanders as far as possible an English rather than a French sphere of influence. A plan was evolved to send a crusade, paid for by ecclesiastical money and commanded by the warlike Henry Despenser, Bishop of Norwich, to defend Flanders against the supporters of the Avignon Pope. Commercial, political, and ecclesiastical aims could all be furthered at once. It was done, but the expedition broke up ignominiously owing to its divided aims and inefficiency. The crusade was the last serious effort against France on land for many years. Flanders capitulated to Philip the Bold.

Thereafter the war with France gradually petered out. There were fears of French invasion from Flanders in 1385 and 1386, which came to nothing. There was piracy in the Channel, in particular an expedition by the Earl of Arundel in 1387 which acquired fame because he captured a wine fleet. There were no substantial expeditions on land. In 1386 John of Gaunt set off at last on his much-planned journey to Spain with royal blessings and royal money. He returned in 1389 without the crown, but bought off with pensions which

enabled him to spend the last decade of his life in England, rich, honoured, and old. The English footholds in France continued to be precariously held, without much loss or gain of territory, for nearly thirty years. Relations with France were immediately and constantly important to two groups of people: to the merchants, who wanted to keep open the vital sea-links with Bordeaux and Flanders and were therefore anxious for naval defence and protection of Bordeaux and Calais, and to the magnates and soldiers, who hankered for profitable expeditions on the French mainland. Richard I and Henry IV, the former from choice and the second from necessity, failed on the whole to satisfy these groups. Richard, from 1189 effective ruler of England, seems to have adopted a deliberate policy of conciliating the dangerous power of France, preferring to be friendly with a court which dazzled him and attracted him more than his own circle of warlike nobility. Though there were expeditions at sea and constant haggling for the rest of his reign, the truces were in the main respected on land and in 1196, after the death of Queen Anne, Richard sealed a long-term peace and a contract to marry Isabella, the child daughter of Charles VI. He visited France in that year to indulge his tastes in an elaborate ceremonial meeting with Charles VI and to take home his new queen. Rightly or wrongly Richard preferred to fight in Ireland rather than in France. His expedition there in 1194–5, if not the most ambitious military enterprise of his reign, was the one in which he took the most interest, and he was in Ireland again when the fateful landing of Bolingbroke took place in 1399.