

## F. KING MAKING AND UNMAKING

### Edward II

*in S&M*, pp. 192–8, 202 (Nos. 56, 59)

#### ORDINANCES OF 1311

... Whereas, through bad and deceitful counsel, our lord the king and all his men have everywhere been dishonoured and his crown in many ways has been debased and ruined, while his lands of Gascony, Ireland, and Scotland are on the point of being lost unless God improves the situation, and his realm of England has been brought to the verge of rebellion through prises<sup>1</sup> and [other] oppressive and destructive measures—which facts are known and proved—our lord the king of his free will has granted to the prelates earls, and barons, and to the other good men of his realm, that certain persons should be elected to ordain and determine the condition of his household and of his realm, as appears more fully in the commission issued by our lord the king in this connection. Therefore we, Robert, by the grace of God archbishop of Canterbury and primate of all England, and the bishops, earls, and barons elected by virtue of the said commission, do ordain for the honour of God and Holy Church and of the king and his realm in the manner following:—

1. ... In the first place it is ordained that Holy Church shall have all its liberties as heretofore and as it should have them.

2. Item, it is ordained that the king's peace shall be firmly kept throughout the entire kingdom; so that every one may safely go come, and remain according to the law and custom of the realm.

3. Item, it is ordained that, in order to acquit the king's debts, to relieve his estate,<sup>2</sup> and the more honourably to maintain it, no gift of land, rent, liberty, escheat, wardship, marriage, or office shall be made to any of the said Ordainers during their [tenure of] power under the said ordinance, or to any other person, without the counsel and assent of the such Ordainers or the majority of them—or of six of them at least—but that all sources of profit shall be improved for the benefit of the king until his estate is properly relieved and some other ordinance may be made for the honour and profit of the king.

4. Item, it is ordained that the customs of the kingdom shall be received and kept by men of the kingdom itself, and not by aliens; and that the issues and profits of the same customs, together with all other issues and profits pertaining to the kingdom from any source whatsoever, shall in their entirety come to the king's exchequer and be paid by the treasurer and the chamberlains for maintaining the king's household and [to be spent] in other ways for his benefit; so that the king may live of his own without taking prises other than those anciently due and accustomed. And all others shall cease. ...

6. Item, it is ordained that the Great Charter shall be observed in all its particulars; so that, if there is any point in the said charter that is doubtful or obscure, it shall be interpreted by the said Ordainers and other men whom they may see fit to call upon for that purpose.<sup>3</sup> ...

7. And besides, since the crown has been so abased and ruined by numerous grants, we ordain that all grants made to the damage of the king and the impoverishment of the crown since the commission was given to us ... shall be annulled; and we do annul them entirely, so that they shall not be given back to the same persons without the common assent [of the baronage<sup>4</sup>] in parliament. ...

9. Whereas the king, on account of the many perils that he and his kingdom may incur, ought not to undertake an act of war against any one, or to go out of the kingdom, without the common assent of his

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<sup>1</sup> See arts. 4 and 10, below.

<sup>2</sup> The word constantly used throughout these records to denote the king's legal position, including all powers and perquisites of the royal office.

<sup>3</sup> Cf. art. 38, below.

<sup>4</sup> Cf. arts. 9, 11, 14, etc.

baronage, we ordain that henceforth the king shall neither go out of the kingdom nor undertake an act of war against any one without the common assent of his baronage, and that in parliament. ...

10. And whereas it is feared that the people of the land will rebel on account of the prises and divers oppressions recently established, we ordain that henceforth all prises shall be abolished except the ancient and lawful prises due to the king and to others who are lawfully entitled to them. And if any prises are taken contrary to the ordinance aforesaid by any one whomsoever, no matter of what condition he may be—that is to say, if any one, under colour of purveyance for the use of our lord the king or of some one else, takes grain, wares, merchandise, or other goods against the will of those to whom they belong, and does not immediately give in return money to the true value [of the goods], unless he thereof has respite by the free will of the seller according to the provision in the Great Charter regarding prises taken by constables of castles and their bailiffs,<sup>5</sup> saving the accustomed prises aforesaid—notwithstanding any commission that may be [issued], pursuit with hue and cry shall be raised against him and he shall be taken to the nearest jail of the king, and the common law shall be enforced against him as against a robber or thief, should he be convicted of such [wrongdoing].

11. Also, [whereas] new customs have been levied and the old [customs] have been increased upon wool, cloth, wines, avoidupois, and other things—whereby [our] merchants come more rarely and bring fewer goods into the country, while alien merchants reside longer than they used to, and by such residence things become dearer than they used to be, to the damage of the king and his people—we ordain that all manner of customs and maltotes levied since the coronation of King Edward, son of King Henry, are to be entirely removed and utterly abolished forever, notwithstanding the charter which the said King Edward granted to alien merchants, because it was issued contrary to the Great Charter and contrary to the liberty of the city of London and without the assent of the baronage. ...<sup>6</sup>

13. And whereas the king, as aforesaid, has been badly advised and guided by evil councillors, we ordain that all the evil councillors shall be put out and utterly removed, so that neither they nor other such persons shall be near him or shall be retained in any office under the king; and that other persons who are fit shall be put in their places. And the same shall be done in the case of domestics, officials, and other men in the king's household who are not fit.

14. And whereas many evils have been incurred through [the employment of] such councillors and such ministers, we ordain that the king shall appoint the chancellor, the chief justices of both benches, the treasurer, the chancellor<sup>7</sup> and the chief baron of the exchequer the steward of the household, the keeper of the wardrobe, the comptroller and a fit clerk to keep the privy seal,<sup>8</sup> a chief keeper of the forests on this side of Trent and one on the other side of Trent, also an escheator on this side of Trent and one on the other side, as well as the king's chief clerk of the common bench, by the counsel and assent of the baronage, and that in parliament. And if by some chance it happens that there is need to appoint any of the said ministers before parliament meets, then the king shall make such appointments by the good counsel [of those] whom he shall have near him up to the time of the parliament. And so let it be done henceforth with regard to such ministers whenever there is need.

15. Item, we ordain that the chief wardens of ports<sup>9</sup> and of castles on the sea shall be appointed and installed in the aforesaid manner, and that such wardens are to be of the land itself.<sup>10</sup>

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<sup>5</sup> Arts. 28–31, above [§ 5A].

<sup>6</sup> Saving to the king the ancient customs from wool and hides; see no. 51A.

<sup>7</sup> When, in the thirteenth century, the chancellor ceased to attend the meetings of the exchequer, his clerk became known as the chancellor of the exchequer.

<sup>8</sup> For further details concerning these and other household officials, see no. 57.

<sup>9</sup> Referring especially to the warden of the Cinque Ports and constable of Dover Castle; see no. 50C.

<sup>10</sup> I.e., England.

16. And whereas the lands of Gascony, Ireland, and Scotland are in peril of being lost through default of good ministers, we ordain that worthy and fit ministers to keep ward in the said lands shall be named according to the form set forth in the article before the last [preceding].

17. Moreover, we ordain that sheriffs shall henceforth be appointed by the chancellor, the treasurer, and others of the council who are present; and if the chancellor is not present, let them be appointed by the treasurer, the barons of the exchequer, and the justices of the bench. And such men are to be named and installed as are fit and worthy, and as have lands and tenements through which they may be held responsible for their actions to the king or to the people. And only such persons shall be appointed, and they shall have their commissions under the great seal. ...<sup>11</sup>

24. And whereas the people feel much aggrieved because of divers debts demanded of them for the king's use by summons from the exchequer, of which debts, being actually paid, the people have various acquittances ... ; we ordain that henceforth in the account of every sheriff, or other minister of the king who is answerable at the exchequer, such tallies, writs, and franchises as are allowable in the account shall be allowed. ... And if the treasurer and the barons of the exchequer do not act in the manner aforesaid, the plaintiffs shall enjoy [the right of] recovery through petition in parliament.<sup>12</sup>

25. Whereas ordinary merchants and many others of the people are allowed to bring pleas of debt and trespass in the exchequer, through the fact that they are received by the ministers of the said court more favourably than they should be<sup>13</sup>—whereby accounts and other concerns of the king are greatly delayed and, in addition, a large number of people are aggrieved—we ordain that henceforth no pleas shall be held in the said court of the exchequer except pleas touching the king and his ministers: [namely] those answerable at the exchequer by reason of their offices, the ministers of the court itself, and their subordinates and servants who most of the time are with them in those places where the exchequer may be. And if anybody is received by the said court with permission to plead in the manner aforesaid, those impleaded shall have their [right to] recovery in parliament.

26. Item; whereas the people feel much aggrieved because stewards and marshals hold many pleas that do not pertain to their offices, and also because they will not receive attorneys for defendants as well as for plaintiffs, we ordain that henceforth they shall receive attorneys for defendants as well as for plaintiffs, and that they shall hold no pleas of freehold, debt, covenant, or contract, nor any common plea touching men of the people—saving [to their jurisdiction] only trespasses of the household itself and other trespasses committed within the verge,<sup>14</sup> and contracts and covenants which any one of the king's household may make with another of the same household within the household itself and not elsewhere. ...<sup>15</sup>

28. Whereas the people feel much aggrieved because men are emboldened to kill and rob by the fact that the king, through evil counsel, so lightly grants them his peace against the provisions of the law; we ordain that henceforth no felon or fugitive shall be protected or defended in any sort of felony by the king's charter granting his peace, except only in case the king can give grace according to his oath, and that by process of law and the custom of the realm. And if any charter is henceforth made and granted to any one in any other manner, it shall be of no avail and shall be held as null. And no recognized malefactor against the crown and the peace of the land is to be aided or maintained<sup>16</sup> by any one.

29. Whereas in the king's court persons find their cases delayed because a party alleges that in the king's absence answer should not be made to demands, and [whereas] also many persons wrongfully suffer injuries

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<sup>11</sup> The next two articles provide for investigations concerning the misdeeds of forest officials and the enforcement of the Forest Charter (no. 45). Arts. 20–23 impose penalties on Piers Gaveston and three other persons named.

<sup>12</sup> Cf. nos. 54G, 61A.

<sup>13</sup> Cf. no. 54C.

<sup>14</sup> The area distinguished by the king's presence and thereby set apart from the common law.

<sup>15</sup> Various details follow in the text, including remedies at common law provided for aggrieved parties.

<sup>16</sup> Cf. no. 64C.

from the king's ministers, with regard to which injuries one can secure recovery only in common parliament; we ordain that the king shall hold a parliament once a year, or twice if need be, and that in a convenient place. And [we ordain] that in those parliaments pleas which are delayed in the said manner, and pleas wherein the justices are of different opinions, shall be recorded and settled. And likewise those bills<sup>17</sup> which are brought to parliament shall be settled as heretofore in accordance with law and right.

30. Whereas all the people suffer greatly in many ways whenever a change of money is made in the kingdom, we ordain that, when there is need and the king wishes to make a change [of the money], he shall do so by the common counsel of his baronage, and that in parliament.

31. Item, we ordain that all statutes which were made in amendment of the law and for the benefit of the people by the ancestors of our lord the king shall be kept and maintained as heretofore in accordance with law and right; provided that they are not contrary to the Great Charter or to the Forest Charter or to the ordinances by us made. And if any statute is made contrary to what has been said, it shall be held as null and as utterly void.

32. Whereas, to the great injury of the people, the law of the land and common right have often been delayed by letters issued under the king's privy seal, we ordain that henceforth neither the law of the land nor common right shall be delayed or disturbed by letters under the said seal. And if, through such letters issued under the privy seal contrary to right or to the law of the land, anything is done in any session of the court of our lord the king, it shall be of no avail and shall be held as null.

33. Whereas many of the people other than those known to be merchants feel much aggrieved and injured by the Statute of Merchants made at Acton Burnell,<sup>18</sup> we ordain that hereafter this statute shall hold only as between merchant and merchant and with regard to dealings made between them. ...<sup>19</sup>

38. Item, we ordain that the Great Charter of Liberties and the Forest Charter issued by King Henry, son of King John, shall be observed in all their particulars, and that points in the said charters of liberties which are doubtful shall be explained in the next parliament after this by the advice of the baronage, the justices, and other persons learned in the law. And this is to be done because we are unable to attend to the matter during our term [of office].

39. Item, we ordain that the chancellor, the treasurer, the chief justices of both benches, the chancellor of the exchequer, the treasurer of the wardrobe, the steward of the king's household, and all justices, sheriffs, escheators, constables, investigators [named] for any cause whatsoever, and all other bailiffs and ministers of the king, whenever they receive their offices and bailiwicks, shall be sworn to keep and observe all the ordinances made by the prelates, earls, and barons for that purpose elected and assigned [to maintain] every one of those [ordinances] without contravening them in any particular.

40. Item, we ordain that in each parliament one bishop, two earls, and two barons shall be assigned to hear and determine all complaints of those wishing to complain of the king's ministers, whichever they may be, who have contravened the ordinances aforesaid. And if the said bishop, earls, and barons cannot all attend, or are prevented from hearing and determining the said complaints, then two or three of them shall do so. And those who are found to have contravened the said ordinances, in the interest of the king and in the interest of the plaintiffs, shall be punished at the discretion of the persons thus assigned.

41. Item, we ordain that the aforesaid ordinances are to be maintained and observed in all their particulars, and that our lord the king shall cause them to be issued under his great seal and sent into every county of England, to be published, held, and strictly kept as well within franchises as without. ...

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<sup>17</sup> "Bill" and "petition" were at this time synonymous terms.

<sup>18</sup> No. 52D.

<sup>19</sup> The seals for authenticating such transactions are to be entrusted to groups of substantial citizens elected in certain specified towns: Newcastle-upon-Tyne, Nottingham, Exeter, Bristol, Southampton, Lincoln, Northampton, London and Canterbury. The next four articles deal with reforms of the criminal law.

These ordinances, having been shown to us<sup>20</sup> and published on Monday next before the feast of St. Michael just past, we agree to, accept, and confirm. And we will and grant, for us and our heirs, that all and several of the said ordinances, made according to the form of our letters aforesaid, shall be published throughout our entire realm, henceforth to be strictly maintained and observed. In testimony whereof we have caused these our letters patent to be drawn up.

Given at London, October 5, in the fifth year of our reign.

(French) *Ibid.*, I, 157 f.

#### EDWARD II'S ABDICATION (1327)

Whereas Sire Edward, recently king of England, of his free will and by the common counsel and assent of the prelates, earls, barons, and other nobles, and of the whole community of the realm, has abdicated the government of the realm; and whereas he has granted and wills that the government of the realm should devolve upon his eldest son and heir, Sire Edward, who should govern, reign, and be crowned king; and whereas all the great men have performed their homage [to the said heir]: we proclaim and publish the peace of our said lord, Sire Edward, the son [of King Edward]; and on his part we command and firmly enjoin each and every one, on pain of disherison and loss of life or members, not to break the peace of our said lord the king; for he is and shall be ready to enforce right for each and every one of the said kingdom in all matters and against all persons, both great and small. So, if any one has some demand to make of another, let him make it by means of [legal] action, without resorting to force or violence.

(French) Lodge and Thornton, *English Constitutional Documents* p. 21.

#### Richard II

in S&M, pp. 237–42, 251–7 (Nos., 63F–I, 66A)

#### PARLIAMENT OF 1386

... In this parliament all the commons, assembled as one body and with a single purpose, came before the king, the prelates, and the lords in the parliament chamber and made bitter complaint concerning the last chancellor of England, Michael de la Pole, earl of Suffolk, who was there present; accusing him by word of mouth in the manner following. ... And on all these articles the commons asked the Judgment of parliament. To which the said earl replied in the manner following. ... And thereupon, after the response of the said earl to the accusations of the said commons, and the replies made to these [arguments] by the one side and the other, the said earl, at the request of the said commons, on account of the gravity of the offences thus charged against him, was arrested by the king's order and committed to the custody of the constable of England, and then released on bail. ... And for the misdeeds and offences aforesaid, of which the said earl through the insufficiency of his said responses has thus been convicted, it is adjudged that he is to be committed to the king's prison, to remain there during the king's pleasure; and he shall not be liberated from the said prison until he has paid fine and redemption at the king's pleasure. ...

The lords and commons of the realm assembled in this present parliament, for the defence of the kingdom and of the sea, and for the protection of trading, granted to our lord the king in full parliament certain subsidies and aids on certain conditions, according to the form and in the words that follow. ...<sup>21</sup> And in addition the said lords and commons have for the said reasons granted another half a tenth and half a fifteenth, to be levied from laymen at the quinzime of St. Michael next, on a certain condition: namely, that the aforesaid grants, except the said latter half a tenth and half a fifteenth, together with the other income of the king, may [be made to] suffice for the charges and defences of the kingdom during the coming year, through the care and good administration of ...<sup>22</sup>, who have been ordained and assigned by our lord the king under his commission sealed

<sup>20</sup> King Edward II.

<sup>21</sup> The grant was of half a tenth and half a fifteenth, and of tannage and poundage until the end of the next year.

<sup>22</sup> The dukes of York and Gloucester, two archbishops, two bishops, one abbot one earl, one baron, two knights, the chancellor, the treasurer, and the keeper of the privy seal.

with the great seal ... to be of the continual council of our lord the king; and that until then the same latter half a tenth and half a fifteenth shall under no circumstances be levied or collected by any one in any way. ...<sup>23</sup>

Item, the commons very humbly pray that, for the honour of God, for the maintenance of your crown, for your own profit and that of all the prelates and lords, and for the relief of the poor commons of your realm, it may please you to ordain and appoint in this present parliament fit officials: namely, the chancellor, the treasurer, the keeper of the privy seal, the steward of your household, and also the other lords of your great and continual council. [And they petition] that the said lords and officials may have power to correct and amend all the defects that so greatly blemish your crown . . .; likewise that a statute be made that no one, of whatsoever dignity, estate, nation, or condition, shall in private or in public be so bold as to effect or counsel the contravention of what the said lords and officials see fit to decide, and this under severe penalty. Which matters, through your benignity, you have partially put into execution, it is prayed that at present you may please to carry out the remainder. ... Response: The king so wills, providing that the commission and statutes asked in this petition shall be in effect for no more than one entire year. And as to the steward of his household, he will install a fit man by the advice of his council. ...

It should be remembered that the king in full parliament, before its close, made public protest by personal word of mouth that, on account of anything done in the said parliament, he was unwilling that prejudice should be incurred by himself or by his crown, and that his prerogative and the liberties of his said crown should be saved and guarded. ...

(French) *Rotuli Parliamentorum*, III, 216–24.

#### TEN QUESTIONS TO THE JUSTICES 1387<sup>24</sup>

trans. in Chimes, “Richard II’s Questions to the Justices,” LQR 72 (1956) 376–80†

[1] In the first place, they were asked, Whether the new statute and ordinance and commission made and promulgated in that last parliament held at Westminster [in 1386] was derogatory to the regality and prerogative of the lord king?

To which question they unanimously replied, That it was derogatory, especially as it had been contrary to the king’s will.

[2] Item, they were asked, How those who procured the aforesaid statute, ordinance, and commission should be punished?

To this question they unanimously replied, That they deserve to be punished with capital punishment, that is to say, death, unless the king wished to grant them grace.

[3] Item, they were asked, How should those be punished who induced (*excitaverunt*) the king aforesaid to consent to the making of this kind of statute, ordinance, and commission?

To which question they unanimously replied, That unless the king did them grace, they deserve to be punished with capital punishment.

[4] Item, they were asked, What punishment do those deserve who compelled or induced the king to the making of the said statute, ordinance, and commission?

To which question they unanimously replied, That they deserve to be punished as traitors (*ut proditores*).

<sup>23</sup> Other provisions follow, prohibiting substitutions on the commission, interference with the members, etc.

<sup>24</sup> These questions are known from their inclusion in the rolls of the “Merciless Parliament” of 1388, when the justices who answered them were on trial for their lives. Although there is considerable controversy about the circumstances in which the justices answered the questions, there is no particular reason to doubt that the substance of the questions and the answers were accurately reported. The justices in question are the five justices of CR and CB, minus one CB justice (who pleaded illness), the chief baron of the Exchequer, and the most senior serjeant at law.

† <Need copyright notice here.>

[5] Item, they were asked, How also are they to be punished who have hindered the king from exercising that which appertains to his regality and prerogative?

To this question they unanimously replied, That they should be punished as traitors.

[6] Item, they were asked, Whether, after the business of the realm and the cause of the summons of the parliament have been explained and declared in parliament assembled, and certain articles been specified by the king upon which the lords and commons of the realm ought to proceed, but the lords and commons should wish to proceed wholly upon other articles and not at all upon the king's articles, even though they have been enjoined by the king to the contrary—whether the king ought in the regard to have the control of parliament (*regimen parliamenti*), and indeed to control proceedings, so that the king's articles ought to be proceeded with first, or whether the lords and commons ought first to have response from the king to their articles before proceeding further?

To which question they unanimously replied, That the king should have control of the matter, and thus successively in respect of all other articles touching parliament until the end of parliament. And [note they were not asked the question to which this would be an answer]—And if anyone acted contrary to this kind of control by the king, he is to be punished as if a traitor (*tamquam proditor*).

[7] Item, they were asked, Whether or not the king can dissolve parliament when he pleases, and command the lords and commons to depart?

To which question they unanimously replied, That he can. And [they gratuitously added] if anyone thereafter acts contrary to the king's will, as though he were in parliament, he is to be punished as a traitor (*tamquam proditor*).

[8] Item, they were asked, Whether or not the lords and commons can impeach in parliament officers and justices for their offences, without the king's will, inasmuch as the king can whenever he pleases remove any of his officers and justices and bring them to justice of their offences and punish them?

To which question they unanimously replied, That they cannot. And [they gratuitously added] if any one does to the contrary he is to be punished as a traitor [*tamquam proditor*].

[9] Item, they were asked, How is he to be punished who moved in parliament that the statute should be sent for by which King Edward, son of King Edward, the great-grandfather of the present king, had formerly been adjudged in parliament, by a consideration (*inspectio*) of which statute, the new statute, ordinance, and commission abovesaid was initiated in parliament?

To which question they unanimously replied, That he who had moved this, as well as he who on pretext of such a motion had brought (*portavit*) that statute into parliament, deserve to be punished as traitors and criminals (*ut proditores et criminosi*).

[10] Item, they were asked, Whether or not the judgment rendered in the last parliament held at Westminster against the earl of Suffolk was erroneous and revocable?

To which question they unanimously replied, That if that judgment were now to be rendered, the justices and serjeant aforesaid would not wish to give it, because it seems to them that it is revocable as being erroneous in every respect.

(Latin) *Rotuli Parliamentorum*, III, 233.

#### PARLIAMENT OF 1388<sup>25</sup>

... At the last parliament, on account of the great damages and terrible dangers which had been incurred through the bad government [of those] surrounding the king during all his earlier reign—[namely,] Alexander, then archbishop of York; Robert de Vere, then duke of Ireland; Michael de la Pole, then earl of Suffolk; Robert Tressilian, one time justice; Nicholas Brember, knight; and their adherents and others—whereby the king and

<sup>25</sup> The following recitation constitutes the preamble to the petition, which is here placed in the third paragraph.

all his kingdom had been almost wholly ruined and destroyed, ... ordinance was made by statute and a commission was given to various lords for the benefit, honour, and salvation of the king, his royal authority, and all his realm, the tenor of which commission and statute is as follows. ... And thereupon the aforesaid Alexander, Robert, Michael, Robert, and Nicholas, and their aforesaid adherents and others ... devised, plotted, and proposed various horrid treasons and wrongs against the king, the aforesaid lords thus assigned, and all the other lords and commons who had agreed to set up the aforesaid ordinance and commission, [thus conspiring] for the defeasance of the king, his royal authority, and all his realm.

Whereupon Thomas, duke of Gloucester, uncle of our lord the king, and son of King Edward—whom God assoil!—Richard, earl of Arundel, and Thomas, earl of Warwick, perceiving the evil purposes of the traitors aforesaid, assembled in force to safeguard their persons, to show and declare the said treasons and evil purposes, and to provide remedy according to the will of God. And they came into the presence of our aforesaid lord the king and appealed the said five traitors for high treason committed by the latter against the king and his kingdom. Upon which appeal, our said lord the king adjourned the aforesaid parties until this present parliament. ...<sup>26</sup> Which five traitors were attainted in this present parliament of the treasons and wrongs aforesaid, at the suit and appeal of the said duke of Gloucester, the said earls of Derby, Arundel, and Warwick, and the earl marshal.

[Therefore] may it please our said highly respected lord the king to accept, approve, and confirm in this present parliament all that was done in the last parliament, as set forth above, and whatever has been done since the said last parliament through force of the statute, ordinance, or commission aforesaid, as well as what has been done by the aforesaid duke of Gloucester, earls of Derby, Arundel, and Warwick, and earl marshal. Response: Our lord the king, considering the matter of the said petition to be true and the request of his said commons in this affair to be for the honour of God and to his own advantage and that of his realm, by assent of the prelates, dukes, earls, barons, and all others in this present parliament, granted the request of the said commons in all particulars according to the form of the said petition. ...<sup>27</sup>

(French) *Ibid.*, III, 248 f.

#### PARLIAMENT OF 1397

... Item, with regard to the fourth article,<sup>28</sup> concerning the expense of the king's household and the residence of bishops and ladies in his company, the king was greatly aggrieved and offended at the fact that the commons, his lieges, should take unto themselves or presume [to make] any regulation or government of the king's person, or of his household, or of any person of the state whom he pleased to have in his company. And it seemed to the king that the commons herein committed a great offence against his regality and his royal majesty and the liberty both of himself and of his honourable progenitors, which he had held and by the aid of God would maintain and support. Wherefore the king commanded the said lords spiritual and temporal on the following Saturday morning fully to show and declare the king's will in this matter to the said commons. Furthermore, the king, hearing how the said commons had been moved and excited by a bill presented before them to express and demonstrate the said last article, commanded the duke of Guienne and Lancaster to charge Sir John Bussy, speaker of the commons, by the fealty [owed to the king] to report to him the name of the man who had presented the said bill before the commons.

Item, on Saturday, the morrow of Candlemas, the lords spiritual and temporal were [assembled] together with the commons, to whom they explained the will and command of the king; and the said commons delivered the said bill to the lords, with the name of the man who had presented it to them, that is to say, Sir Thomas Haxey. Which bill was afterwards at the king's command delivered by the clerk of parliament to the clerk of the crown. Then, by the king's order, the commons came before the king in parliament; and there with all the

<sup>26</sup> The record here recites how the said traitors violated the king's protection by open revolt. and how the Lords Appellant were forced to take arms against them.

<sup>27</sup> Here follow a complete pardon for the lords Appellant and the royal assent to various other petitions providing for punishment of the traitors, the purification of the government, etc.

<sup>28</sup> In the address by the speaker of the commons.



humility and obedience of which they were capable, they expressed deep grief, as appeared from their demeanour, that the king had formed such an opinion of them. And they humbly besought the king to hear and accept their apology: that it had never been their intention or will to express, present, or do anything which would offend or displease the king's royal majesty, or would contravene his royal estate and liberty, either in this matter concerning his own person and the government of his household, [in that] concerning the lords and ladies in his company, or in any other matter touching [the king] himself; for they well knew and understood that such matters pertained to them not at all, but solely to the king himself and to his [power of] ordinance.  
...<sup>29</sup>

(French) *Ibid.*, III, 339 f.

#### PARLIAMENT OF 1398<sup>30</sup>

... Item, on the same Thursday the commons prayed the king that, since they had before them divers petitions, as well for individual persons as others, which had been neither read nor answered, and also since numerous other matters and proposals had been brought up in the king's presence, which for lack of time they could not at present well terminate, it might be the king's pleasure to commit full power to certain lords and such other persons as should please him, to examine, answer, and determine the said petitions and the matters and proposals aforesaid and all related questions. To which prayer the king agreed. And thereupon, by the authority and assent of parliament, he appointed and assigned. ...<sup>31</sup>

Item, on the same day the commons of the realm, by the assert of the lords spiritual and temporal, granted to the king the subsidy on wool, wool-fells, and leather for his lifetime; also a fifteenth and tenth and half a fifteenth and half a tenth, in the manner and form following. ...<sup>32</sup>

(French) *Ibid.*, III, 368.

#### PARLIAMENT OF 1399

in S&M, pp. 251–7 (No., 66A) (rev. with many footnotes added by CD)

At the parliament summoned and held at Westminster by King Henry IV on Monday, the day of St. Faith the Virgin ... , in the presence of the same king seated on his royal throne in the great hall of Westminster, and of all the lords spiritual and temporal, and of the commons who had come thither by virtue of their summons to parliament, and of many other gentlemen and commoners there present in large numbers, Thomas of Arundel, archbishop of Canterbury, related how King Richard II after the Conquest had summoned his parliament to be held there on the previous Tuesday ... which summons was without force and effect through the acceptance of the renunciation made by the same King Richard, and through the deposition of the same King Richard made on the aforesaid Tuesday, as more fully appears in the record and process drawn up in this connection and enrolled in this roll of parliament. ...

MEMORANDUM<sup>33</sup> that on Monday on the feast of St. Michael the archangel [September 29] in the twenty-third year of the reign of King Richard II, the spiritual and temporal lords and other notable persons, to wit, Richard le Scrop, the archbishop of York,<sup>34</sup> John bishop of Hereford,<sup>35</sup> Henry earl of Northumberland,<sup>36</sup> Ralph

<sup>29</sup> The commons formally submitted to the royal grace, which was granted through the chancellor. The king personally promised not to request tenths and fifteenths just for himself and his household.

<sup>30</sup> First summoned at Westminster, September, 1397; adjourned to Shrewsbury, January, 1398. During the first session the statute and commission of 1388 were repealed and the Lords Appellant convicted of high treason. See J. G. Edwards, in the *English Historical Review*, XL, 321 f.

<sup>31</sup> Twelve peers, or six of them, and six knights, or three of them, with power as aforesaid.

<sup>32</sup> They were thanked and dismissed by the king on the same day.

<sup>33</sup> On the significance of this whole proceeding, see M. V. Clarke and V. H. Galbraith "The Deposition of Richard II," in *Bulletin of the John Rylands Library*, XIV, 125 f., also G. Lapsley, in the *English Historical Review*, XLIX, 423 f., 577 f.

<sup>34</sup> Richard le Scrope, archbishop of York, 1398–1405.

<sup>35</sup> John Trefnant, bishop of Hereford, 1389–1404.

<sup>36</sup> Henry Percy, earl of Northumberland from 1377, lost his title by rebellion in 1405.

earl of Westmorland,<sup>37</sup> Hugh lord of Burnell,<sup>38</sup> Thomas lord of Berkeley,<sup>39</sup> the prior of Canterbury,<sup>40</sup> the abbot of Westminster,<sup>41</sup> William Thirnyng, knight,<sup>42</sup> and John Markham,<sup>43</sup> justices; Thomas Stowe<sup>44</sup> and John Burbache,<sup>45</sup> doctors of law; Thomas of Erpingham<sup>46</sup> and Thomas Grey,<sup>47</sup> knights; William of Feriby<sup>48</sup> and Denis Lopham,<sup>49</sup> notaries public, were by advice and consent deputed for the below-described acts from a gathering at Westminster, in the usual place of council, of spiritual and temporal lords, judges and others skilled both in canon and civil law and in the laws of the kingdom. About the ninth striking of the clock<sup>50</sup> they came into the presence of the said King Richard who was in the Tower of London.

The earl of Northumberland, as spokesman for the group with him as set forth above, recited before the king how the king while at liberty at Conway in North Wales promised Sir Thomas, archbishop of Canterbury, and the said earl of Northumberland that he was willing to yield and renounce the crown of England and France and his royal majesty because of his inability and insufficiency which he had confessed there and that he thought that this should be arranged as to the best manner and form by which he could do this according to the best advice of experts. The king replied before the said lords and others mentioned above to this kindly and said that he wished to do effectively what he had promised before at Conway. Nevertheless, he wished to have a talk with Henry, duke of Lancaster<sup>51</sup> and the above-said archbishop, his kinsmen,<sup>52</sup> before he fulfilled a promise of this kind. He asked also that a copy of the cession which was to make be given to him so that he might be able to deliberate on it in the meantime. When a copy had been given him, the aforesaid lords and others retired to their lodgings.

Meanwhile on that day after lunch the king eagerly sought after the arrival of the aforesaid duke of Lancaster, and he waited for it some time. Finally, the same duke of Lancaster, the lords and persons named above, and even the said archbishop of Canterbury, came to the presence of the said king in the aforesaid Tower, the lords of Ross,<sup>53</sup> Willoughby,<sup>54</sup> Bergevenay<sup>55</sup> and many others also being present there at the time. And after the same king spoke with said duke and archbishop of Canterbury apart (and he seemed to those standing around to show a cheerful face while he was among them), then the said king, all those present having

<sup>37</sup> Ralph Neville, earl of Westmorland, 1397–1425.

<sup>38</sup> Not precisely identified, apparently the last of a baronage soon to be extinct. *D.N.B.* iii.389.

<sup>39</sup> Thomas of Berkeley, holder of the ancient baronage, 1361–1417, served Henry IV against Owen Glendower. *D.N.B.* iv.248.

<sup>40</sup> Master Thomas Chillenden, D.Cn.L., prior of Christ Church Canterbury, 1391–1411. LeNeve (Rev.) iv.6.

<sup>41</sup> William of Colchester, abbot of Westminster, 1386–1420, accompanied Richard II to Ireland. *Monasticon* i.273.

<sup>42</sup> William Thirning, justice of the common bench, 1388–96, chief justice of the common bench, 1396–1413. Baker, *Order of Serjeants*, 540.

<sup>43</sup> John Markham, justice of the common bench, 1396–1408 *Id.* 521.

<sup>44</sup> Thomas Stowe, a D.C.L. of Oxford, occasionally served under Richard II as a member of the court of constable and marshal. Emden, *Oxford*, iii.1794–5.

<sup>45</sup> John Burbache, a D.C.L. of Oxford, occasionally served under Richard II as a member of the court of constable and marshal. *Id.*, i.305–6.

<sup>46</sup> He was with Henry IV in Paris in 1399 and crossed to England with him. *D.N.B. Supplement*.

<sup>47</sup> A knight, lord of Wark, constable of Norham castle, 1396; subsequently employed in the North under Henry IV. J.H. Wylie, *History of England under Henry IV* (4 vols., 1884–98), ii.58–9 & n., 273.

<sup>48</sup> William Feriby, prothonotary of the Chancery and chancellor of the future Henry V. Emden, ii.678–9.

<sup>49</sup> Denis Lopham was a canon lawyer, practicing in London. *Calendar of Wills ... Husting ...*, ii.212, 262; *Calendar Letter-books ... London: Book H*, 84; *Cal. Pat. Rolls 1396–1401*, *passim*.

<sup>50</sup> Arundel's mother was Eleanor of Lanaster, great-grandaughter of Henry III.

<sup>51</sup> Henry Bolingbroke, son of John of Gaunt, future Henry IV.

<sup>52</sup> Arundel's mother was Eleanor of Lanaster, great-grandaughter of Henry III.

<sup>53</sup> Not precisely identified, William ?son of William fourth baron Ros, 1342–1352.

<sup>54</sup> William of Willoughby, fifth baron of Willoughby de Eresby.

<sup>55</sup> William Beauchamp of Abergavenny, fourth son of Thomas earl of Warwick and husband of Roger Mortimer's daughter Catherine, through whom he became baron Abergavenny, ?1372–1411. *D.N.B.* iv.248; see Adam of Usk, p. 30.

been summoned, said publicly before them that he was prepared to renounce and cede according to his promise made as set forth above. Then quickly—although he could have, as he was told by others, made the renunciation and cession, which had been reduced to a schedule of parchment, through someone else deputed as his spokesman so that he could avoid the labor of long reading—nonetheless, the same king willingly, it seems, and with a smiling countenance, holding the schedule in his hand, said he wished to read it himself, and he distinctly read it through. He absolved his liegemen, he renounced, he ceded, he swore, and he said and mentioned other things in the reading, and signed with his own hand, as is more fully contained in the said schedule, the contents of which follow in these words:

“In the name of God, amen. I, Richard, by the grace of God king of England and France and lord of Ireland, absolve all the archbishops, bishops of the said kingdoms and lordships and other prelates of the churches whether secular or regular, or of whatever dignity, grade, status, or condition they might be, and all dukes, marquesses, earls, barons, knights, vassals and subvassals and liegemen of mine whether ecclesiastical or secular, by whatever name they are known, from the oath of fealty and homage and of whatever else had been done to me, any bond of allegiance of royalty or lordship by which they were bound to me or are bound to me, or of anything else of any sort which them [to me].

“I relax, free and quit them, their heirs and successors from these oaths and obligations and other things. I dismiss them released, quit and immune so far as concerns my person, from all effects of law which could follow from these promises or the other things aforesaid. I release forever all regal dignity, majesty and crown, lordship and power over the aforesaid kingdoms and lordship. I release my other lordships and possessions howsoever belonging to me and with whomsoever and by whatever name known whether within the aforesaid kingdoms and lordship or wherever. I release all right or color of right, title, possession and lordship I have ever had, I have, or I will be able to have in any way, in these or in others. I release all ruling, governance and administration of the kingdoms and lordships, any and all sort of power [*imperium*] and jurisdiction, pure or mixed, in the same kingdoms and lordships belonging to me or which will belong to me, every royal name, honor, regality and height. These things purely, willingly, simply and absolutely, by the best way, manner and form I can, I renounce in this writing and I release them all and I dismiss them by word and deed and in them I yield, and from them I recede forever.

“Saving for my successor kings of England everything aforesaid in the kingdoms and lordships forever and the rights in them which now belong to them or whatever rights will belong to them. I confess, acknowledge, publish and judge from certain knowledge that I was and am deeply insufficient and useless for the ruling and governance of the aforesaid kingdoms and lordships with all their appurtenances, and that on account of my notorious defects, I am not unworthy to be deposed. I swear on these holy Gospels which I am bodily touching that I shall never contravene the foresaid renunciation, resignation, release and abdication or attack these things in way by word, by myself, or through another, nor shall I permit others, to the extent of my ability, to attack or contravene them, but I shall regard this renunciation, resignation, release and abdication as willingly ratified, and I will firmly hold to it and observe it wholly and in every part, so help me God and these holy Gospels of God. I, the aforesaid King Richard, subscribe me with my own hand.”

And immediately the king added these words to the aforesaid renunciation and cession, that if it were within his power he would that the said duke of Lancaster succeed him in the realm. But because this was not in his power, as he said, he asked the said archbishop of York and the bishop of Hereford, whom he previously made his agents, to declare and announce the cession and renunciation to all estates of the said kingdom, to announce to the people his intent and desire in this regard. And in sign of his intent and free will, he took the gold ring bearing his signet from his finger and placed it on the finger of the said duke, and requested, as he said, that this be made known to the estates of the realm. When this was done, everyone bid him farewell and left the Tower to return to his lodgings.

On the next day, however ... , in the great hall at Westminster, honourably prepared for the holding of parliament, in the presence of the said archbishops of Canterbury and York, of the duke of Lancaster, of other dukes and lords both spiritual and temporal whose names are inscribed below, and of the people of the said kingdom then and there assembled in a very great multitude for the sake of [witnessing] the deeds of

parliament, while the aforesaid duke of Lancaster occupied the place due and accustomed to his estate and while the royal throne, solemnly prepared with cloth of gold, stood vacant in the absence of any presiding officer whatsoever, the aforesaid archbishop of York ... had the said cession and renunciation read by another, first in Latin and then in English. And immediately it was asked of the estates and the people then and there present<sup>56</sup> ... whether for their own interest and for the benefit of the kingdom, they wished to accept the same renunciation and cession. And the same estates and people, considering, for the reasons specified by the king himself in his aforesaid renunciation and cession, that to do so would be highly expedient, all singly and in common with the people unanimously and with one accord accepted such renunciation and cession. After this acceptance, however, it was then publicly set forth that, besides the renunciation and cession accepted as aforesaid, it would in many ways be expedient and advantageous for the said kingdom if, in order to obviate all scruple and evil suspicion, the many crimes and defaults frequently committed by the said king in connection with the bad government of his kingdom—on account of which, as he himself had asserted in the cession made by him, he merited deposition—should be written down in the form of articles, to be publicly read and declared to the people. And so a large part of those articles was then publicly read, of all which articles the tenor is as follows. ...<sup>57</sup>

Item, in the parliament recently held at Shrewsbury<sup>58</sup> the same king, proposing to oppress his people, subtly procured and caused it to be granted that, by the counsel of all the estates of his realm, the power of parliament to decide certain petitions, which had been presented in the same parliament but on which no progress had as yet been made, should devolve upon certain persons. By colour of which concession the persons thus deputed proceeded with other matters of common concern to that parliament—and this at the will of the king and in derogation of the estate of parliament, to the great damage of the entire kingdom, and [by way of setting] a pernicious example. And in order that [these persons] might seem to have a certain colour of authority for such deeds, the king had the rolls of parliament deleted and changed to suit himself and contrary to the terms of the aforesaid concession. ...

Item, when the king of England was able, without oppressing his people, to live honourably from the issues of his kingdom and from the patrimony belonging to his crown, since the kingdom was not burdened with the expense of wars, the same king, while truces between the kingdom of England and his adversaries continued during almost his entire reign, not only gave the greater part of his said patrimony to unworthy persons, but also, on that account, threw such burdens of taxation on his subjects in nearly every year of his reign that he widely and outrageously oppressed his people, to the impoverishment of his kingdom. And the income thus obtained was not used for the benefit and advantage of the kingdom of England, but was prodigally dissipated for the sake of his own ostentation, pomp, and vainglory. And great sums of money were owed in his kingdom for the victuals of his household and other purchases of his, although, more than any of his progenitors, he enjoyed an abundance of treasure and riches. Item, the same king, refusing to keep and defend the just laws and customs of his kingdom, but [wishing] at his own arbitrary will to do whatever appealed to his desires, sometimes—and very often when the laws of the kingdom had been declared and explained to him by his justices and others of his council, and when, according to those laws, he was to administer justice to those seeking it—expressly said, with an austere and determined countenance, that his laws were in his own mouth or, occasionally, in his own breast; and that he alone could establish and change the laws of his realm. And he, seduced by that opinion, would not permit justice to be done to many of his lieges, but by threats and intimidation compelled many to abstain from the pursuit of common justice. ...

Item, although, according to the statutes and custom of his realm, his people in all the counties of the kingdom ought, on the summoning of every parliament, to be free to elect and depute knights on behalf of such counties to attend parliament, explain their grievances, and in that connection sue for remedies as may seem best to them; nevertheless, the aforesaid king, in order that he might be able the more freely to carry out

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<sup>56</sup> The archbishop of Canterbury was first asked for his opinion; then, apparently, the others were interrogated one after the other.

<sup>57</sup> The record here inserts the coronation oath (no. 55) and then justifies the deposition by thirty-three articles, of which five are translated below.

<sup>58</sup> See no. 63I.

his own headstrong will, very often sent mandates to his sheriffs that they should cause certain persons, nominated as knights of the shires by the king himself, to come to his parliaments. And these knights, since they favoured the same king, he was able to induce—as he very often did, sometimes by divers threats and intimidation and sometimes by rewards—to support matters prejudicial to the kingdom and extremely burdensome to the people, especially the grant to the same king of a subsidy on wool for the term of his life and another subsidy for a number of years, to the excessive oppression of his people. ...

Item, although the lands, tenements, goods, and chattels of every freeman, according to the laws of the realm accustomed throughout all times past, ought not to be seized unless they have been [lawfully] forfeited, nevertheless the said king, proposing and determining to undo such laws, in the presence of very many lords and of other men from the commonalty of the realm, often said and affirmed that the life of every one of his lieges, together with the lands, tenements, goods, and chattels of such men, was subject to his own pleasure, apart from any [lawful] forfeiture—which is wholly contrary to the laws and customs of his kingdom aforesaid.

Item, although it is established and ordained that no freeman shall be seized, etc., or in any way destroyed, and that the king will neither go against him nor send against him except by the lawful judgment of his peers, or by the law of the land,<sup>59</sup> nevertheless, by the will, mandate, and order of the said king, very many of his lieges, maliciously accused of having publicly or secretly said something that might lead to the slander, shame, or humiliation of the said king's person, were seized and imprisoned and taken to a military court before the constable and marshal of England. ... Wherefore, since the aforesaid king wilfully contravened such statute of his realm, it is not to be doubted that he thereby committed perjury. ...

And since it seemed to all these estates, thereupon interrogated singly and in common, that those statements of his crimes and defaults were notoriously sufficient for deposing the same king, considering also his own confession with regard to his incompetence and other matters contained in the said renunciation and cession which had been openly published, all the estates aforesaid unanimously agreed that the deposition of the said king was abundantly justified in order to secure the greater safety and tranquillity of the people and the good of the kingdom. For which reason the aforesaid estates and commons, unanimously and with one mind, constituted and publicly deputized then and there certain commissioners, to wit, the bishop of St. Asaph,<sup>60</sup> the abbot of Glastonbury,<sup>61</sup> the earl of Gloucester,<sup>62</sup> the lord of Berkeley, Thomas Erpyngham and Thomas Grey, knights, and William Thirnyng, justice, to carry out this sentence of deposition and to depose the same King Richard of all dignity, majesty and kingly honor by the power, name, and authority of all the aforesaid estates, as was observed in similar cases according to the ancient custom of the realm. Without delay these commissioners assuming upon themselves the burden of this commission, and sitting before the said throne as a tribunal, having first had some deliberation on these matters (which had been reduced to writing) under the said power, name and authority, and through the bishop of St. Asaph, their co-commissioner and colleague, caused to be read and recited that same sentence by the wish and order of these commissioners in these words:

“In the name of God: We, [same list as above] ..., as peers and nobles, spiritual and temporal, of the realm of England, representing the commons and estates of that kingdom, especially deputized for the things set out below, sitting as a tribunal, having heard the many perjuries and cruelty and other innumerable crimes of the said Richard surrounding his rule in the aforesaid kingdoms and dominion, committed and carried out during the time of his reign and which were plainly and publicly proposed, shown and recited to the said estates which were and are so public, notorious, manifest and talked about that they can be hidden by no subterfuge, and since the said Richard has earlier confessed, recalling, reckoning and proclaiming it true from his own knowledge that he was and is totally insufficient and useless for the rule and governance of the aforesaid kingdoms and lordship, and for tending to their affairs, that he is on account of his demerits not unworthy to be deposed, and since this confession has been published by Richard himself and by his own will and command

<sup>59</sup> Art. 39 of Magna Carta, above, [§5A].

<sup>60</sup> John Trevor, bishop of St. Asaph 1394–?1410.

<sup>61</sup> John Chinnock, abbot of Glastonbury, 1374–1420. *Monasticon* i.7.

<sup>62</sup> Thomas Despenser, earl of Gloucester, 1397–99.

before the said estates, brought to their attention, and exposed in public, and since we have had careful deliberation about these things and all the many things which have been done in this matter with the aforementioned estates and with ourselves, and since we have been given the power, name and authority in this matter to pronounce, determine and declare that this Richard abundantly and conservatively was and is useless, uncontrollable and totally incapable and unworthy for the rule and governance of the said kingdom and lordship, and rights and what pertains thereto. For these reasons and their import we pronounce determine and declare him justly to be deposed of all dignity and kingly honor, if any such dignity or honor yet abide in him; and with like assurance we depose this man through our conclusive sentence in each and every one of these words.

“We expressly forbid any of the lord archbishops, bishops and dukes, marquises, earls, barons, knights, vassals and subvassals, and other men, of the said kingdoms and lordship and of the other areas appertaining to the said kingdoms and lordships, who were his underlings and liegemen, henceforth from obeying in any way or looking to the above-said Richard as king or lord of the above-said kingdoms or lordship. In addition, however, the said estates, wishing that there be nothing lacking which should be or ought to be required concerning these things, having been asked about this one by one, they jointly and singly constituted those same persons previously named as commissioners as their agents for rescinding and renouncing to the said King Richard the homage and fealty previously done to him, and for making known, if necessary, all these matters such as touch on the deposition and renunciation.”

And immediately, as it appeared from the foregoing [actions] and their result that the kingship of England, together with its appurtenances, was vacant, the aforesaid Henry, duke of Lancaster, rising from his place and standing so erect that he could be well seen by all the people, humbly signing himself on the brow and breast with the symbol of the Cross and first invoking Christ by name, laid claim to the said kingship of England, thus declared vacant, together with the crown and all its members and appurtenances, [and this he did in his mother tongue by the form of words following:—

“In the name of Fadir, Son, and Holy Gost, I, Henry of Lancaster chalenge this rewme of Yngland and the corone with all the membres and the appurtenances, als I that am disendit be right lyne of the blode comyng fro the gude lorde Kyng Henry Therde, and thorghe that ryght that God of his grace hath sent me, with the helpe of my kyn and of my frendes, to recover it—the whiche rewme was in poynt to be undone for defaut of governance and undoyng of the gode lawes.”

After which declaration and claim the lords both spiritual and temporal, and all the estates there present, were asked singly and in common what they thought of that declaration and claim; and the same estates, together with all the people, unanimously agreed without difficulty or delay that the aforesaid duke should reign over them. And immediately ... the aforesaid archbishop, taking the said King Henry by the right hand, led him to the royal throne aforesaid. And after the said king, kneeling before the said throne, had made a short prayer, the same archbishop of Canterbury, with the assistance of the aforesaid archbishop of York, placed the said king and caused him to sit on the aforesaid royal throne, while the people in their excessive joy loudly applauded. And then the said archbishop of Canterbury, when silence had with difficulty been obtained, on account of the joy of all the bystanders, preached a brief sermon, speaking in these words. ... And when this sermon had been ended, the said Lord King Henry, in order to put at rest the minds of his subjects, in the same place publicly spoke the following words:—

“Sires, I thank God and yowe, spiritual and temporal and all the astates of the lond, and do yowe to wyte<sup>63</sup> it is noght my will that no man think that be waye of conquest I wold disherit any man of his heritage, franchises, or other ryghtes that ham aght to have, no put hym out of that that he has and has had by the gude laws and customs of the rewme except thos persons that has ben agan the gude purpose and the commune profyt of the rewme.”

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<sup>63</sup> Would have you know.

... On Monday, which was the day of St. Edward the King and Confessor, the said King Henry was crowned at Westminster with all due honour and solemnity; and certain lords and others, in accordance with their tenures, severally performed their service to the same King Henry after the fashion accustomed at the time of such coronation. Item, on the following Tuesday, the commons of the realm presented to the king Sir John Cheyne as their speaker and procurator in parliament, to whom the king well agreed. ...<sup>64</sup>

Item, on the same Wednesday, the said commons set forth to our lord the king that on Monday next after the feast of the Exaltation of the Holy Cross, in the twenty-first year of the reign of the recent King Richard, a parliament was summoned and held at Westminster and then adjourned to Shrewsbury,<sup>65</sup> at which town, by the authority of parliament, certain power was committed to various persons to proceed with divers articles and matters contained in the roll of parliament made in that connection, as appears from the said roll. In which parliament, also by the aforesaid authority, divers statutes judgments, ordinances, and establishments were made, ordained, and rendered, erroneously and very grievously, to the great disherison and to the ultimate destruction and undoing of numerous honourable lords and other lieges of the kingdom and of their heirs for all time. Wherefore the same commons prayed our lord the king, and all the lords spiritual and temporal in this present parliament, that it might please them by their common assent to revoke, annul, quash, delete, and repeal everything whatsoever that had been done in that same parliament held in the said twenty-first year or [enacted] by its authority. ... Whereupon our said lord the king, having deliberated and advised with all the lords spiritual and temporal, severally examined in full parliament with regard to the matters aforesaid, by the common assent of the same lords, adjudged the said parliament held in the said twenty-first year and the authority thereby given as described above, together with all its other consequences and effects, to be of no force or validity. ...<sup>66</sup>

Item, on the same Wednesday the said commons prayed our said lord the king that the [acts of the] parliament held at Westminster in the eleventh year of the said King Richard,<sup>67</sup> which parliament was held for the great honour and common profit of the whole kingdom should be of full force and validity. To which prayer the king, by the common assent of all the lords aforesaid, severally examined in parliament concerning the matter, has well agreed; and he wills that the [acts of the] said parliament, held in the said eleventh year, shall be observed and kept in all particulars. ...

On Monday, the morrow of All Souls, which was the third day of November, the commons made their protestation in the same manner as at the opening of the parliament; and besides they set forth to the king that, whereas the judgments of parliament pertained solely to the king and to the lords, and not to the commons except in case it pleased the king of his special grace to show them the same judgments for their satisfaction, no record should be made in parliament concerning the said commons to the effect that they are or shall be parties to any judgments henceforth to be given in parliament. To which, at the king's command, response was made by the archbishop of Canterbury, to the effect that the commons are petitioners and demandants, and that the king and the lords have always had and of right shall have the [rendering of] judgments in parliament, after the manner described by the same commons; except that the king especially wishes to have their advice and assent in the making of statutes, or of grants and subsidies, or [other] such matters for the common good of the realm. ...

Item, since divers statutes and ordinances have been framed in times past ... touching provisions [made] at the court of Rome,<sup>68</sup> the commons of the realm of England assembled in parliament, through the great trust which they have in the person of our lord the king, in his most excellent sense and discretion, and in the great tenderness and affection which above all others he has for his crown and its rights and the salvation of his

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<sup>64</sup> On Wednesday the speaker made his usual address and the commons voted various customs for three years as well as a tenth and fifteenth.

<sup>65</sup> See no. 63I.

<sup>66</sup> Richard II's statute of treasons was also repealed, leaving the law as it had been established in 1352 (no. 62F).

<sup>67</sup> See no. 62G.

<sup>68</sup> See nos. 62E, 64E.

royal estate, have of their free will agreed in full parliament that our said lord the king, with the consent and advice of such wise men and worthy persons as in this connection it may please him to call upon for counsel, shall have power to effect such permission, ordinance, and moderation with regard to the said statute as may seem to him most reasonable and advantageous for the satisfaction of God and the salvation of Holy Church; and even to quash, repeal, delete, and wholly annul the same statute according to his high discretion and according to what shall seem to him for the honour of God and most expedient and necessary for the honour and profit of his royal estate, of his said realm, and of his people. ...

Item, it is to be remembered that Thomas of Haxey, clerk, presented to our lord the king in parliament a petition in the following words:<sup>69</sup>—

To our most respected lord the king and to his lords of parliament your poor clerk, Thomas Haxey, sets forth that the said Thomas, in the parliament held at Westminster on the day of St. Vincent in the twentieth year of King Richard II, presented a bill to the commons of the said parliament for the honour and profit of the said king and of all his realm, on account of which bill, at the desire of the said king, the said Thomas was adjudged traitor and forfeited everything that he had, in violation of right and of the usage that had hitherto prevailed in parliament (and to the undoing of the customs of the commons). Therefore may it please your very gracious lordship to have the record and process of the said judgment, together with all appendant matters, brought before this present parliament, to have that judgment quashed and annulled as erroneous, and to have the same Thomas entirely restored to his rank, estate, goods, chattels, farms, annuities, pensions, lands, tenements, rents, offices, advowsons, and possessions of all sorts, together with their appurtenances ... ; and that he may hold them for himself and his heirs as he held them on the day that the said bill was drawn up ... (as well for the enforcement of right as for the salvation of the liberties of the said commons).

Response: When this petition, together with the record and process of that [judgment], had been read and heard, our same lord the king, by the advice and consent of all the lords spiritual and temporal, ordained and decided that the judgment rendered against the said Thomas in the parliament held at Westminster in the said twentieth year of Richard, recently king, should be utterly quashed, reversed, repealed, and annulled, and be held as of no force or effect; that the said Thomas should be restored to his name and fame, and that he and his heirs should be entitled to seek, demand, and have their inheritance as heirs of their ancestors in such fashion as the said Thomas was [seised] before the said judgment thus rendered against him, notwithstanding the same judgment, according to which the [right of inheritance by] blood was broken as between the said Thomas, together with his heirs, and any of their ancestors.<sup>70</sup>

(Latin, French, English) *Rotuli Parliamentorum*, III, 415–34.

#### STATUTE OF 1 HENRY IV: RESTRICTION OF APPEALS (1399)

S&M, pp. 272–3 (no. 69A)

14. Item, on account of the many great inconveniences and mischiefs that have occurred in consequence of the numerous appeals<sup>71</sup> heretofore made in the kingdom of England, it is ordained and established that henceforth all appeals for acts accomplished within the kingdom shall be tried and determined according to the good laws of the kingdom made and used in the time of the most noble progenitors of our said lord the king; and that all appeals for acts accomplished outside the kingdom shall be tried and terminated before the constable and marshal of England for the time being. And besides it is granted and agreed that henceforth no appeals shall in any way or at any time be made or pursued in parliament. ...

(French) *Statutes of the Realm*, II, 116.

<sup>69</sup> Cf. no. 63H. Two versions of this petition are included in the roll. The clauses given below in parentheses are added by the second version.

<sup>70</sup> The reference is to the so-called corruption of blood resulting from conviction of treason; cf. the attainder of John Cade, no. 67E.

<sup>71</sup> That is to say, for felony and treason; cf. no. 63G.



## Henry VI

### THE DUKE OF YORK'S CLAIM TO THE THRONE, 1460

Rot. Parl., v, 375–9 [English]

in *English Historical Documents* IV, no. 223, pp. 415–19

Memorandum, that on the 16th day of October, the 9th day of this present parliament, the counsel [*sic*] of the right high and mighty prince, Richard duke of York, brought into the parliament chamber a writing, containing the claim and title of the right that the said duke claimed to the crowns of England and of France, and the lordship of Ireland, and the same writing was delivered to the right reverend the father in God, George, Bishop of Exeter, chancellor of England, desiring him that the same writing might be opened to the lords spiritual and temporal assembled in this present parliament, and that the said duke might have brief and expedient answer thereof. Whereupon the said chancellor opened and showed the said desire to the lords spiritual and temporal asking the question of them, whether they would the said writing should be openly read before them or no, to which question it was agreed and answered by all the said lords: In as much as every person, high and low, suing to this high court of parliament, must of right be heard, and his desire and petition understood, that the said writing should be read and heard, not to be answered without the king's commandment, for so much as the matter is so high, and of such great weight and importance. Which writing was then read there, the tenor whereof follows, in these words:

[Richard thereupon traced his pedigree from Henry III, and showed that his line was senior to that of John of Gaunt and Henry IV, and argued that the crown was therefore his by right.]

And afterwards, the 17th day of October, the 10th day of this present parliament, the said chancellor showed and declared to the said lords spiritual and temporal, being in the same parliament, how that the council [*sic*] of the said duke of York greatly desired to have an answer to such writing as was put into this present parliament upon the 16th day of October last past on behalf of the said duke, and thereupon asked the said lords what they thought was to be done in that matter. To which question it was answered and thought by all the said lords that the matter was so high and of such weight that it was not right for any of the king's subjects to enter into communication thereof without his high commandment, agreement and assent thereto ... . And when the same matter was heard and understood by the king's highness, it pleased him to pray and command all the said lords that they should search to find, in as much as was in them, all such things as might be objected and laid against the claim and title of the said duke.

Whereupon on the morning of the 18th day of October, the 11th day of this parliament, the aforesaid lords sent for the king's justices into the parliament chamber, to have their advice and counsel in this matter, and there delivered to them the writing of the claim of the said duke, and in the king's name gave them strictly in commandment earnestly to take counsel therein, and to search and find all such objections as might be laid against the same, in fortifying of the king's right. Whereunto the same justices, the Monday the 20th day of October then next following ... said that they were the King's justices, and had to determine such matters as came before them in the law, between party and party, and in such matters as were between party and party they might not be of counsel; and since this matter was between the king and the said duke of York as two parties, and also it has not been accustomed to call the justices to counsel in such matters, and especially the matter was so high, and touched the king's high estate and regality, which is above the law and passed their learning; wherefore they durst not enter into any communication thereof, for it belonged to the lords of the king's blood and the peerage of this his land to have communication and meddle in such matters; and therefore they humbly besought all the lords to have them utterly excused of any advice and counsel, to be given by them in that matter.

[The lords then sent for the king's serjeants and attorney, and commanded them to seek for the strongest objections to the duke's claim.]

Whereunto the said serjeants and attorney, the Wednesday then next following, answered and said that the said matter was put to the king's justices ... and since the said matter was so high that it passed the learning of the justices it must needs exceed their learning, and also they durst not enter into any communication in that

matter and prayed and besought all the lords to have them excused from giving any advice or counsel therein. To whom it was answered by advice of all the lords by the said chancellor that they might not be so excused, for they were the king's particular councillors, and therefore they had their fees and wages. And as to that the said serjeants and attorney said that they were the king's councillors in the law in such things as were under his authority or by commission, but this matter was above his authority, in which they might not meddle, and humbly besought the said lords to have them excused from giving any counsel in that matter. And it was answered again that the lords would not hold them excused but let the king's highness have knowledge of what they said.

And thereupon the said chancellor reminded the lords spiritual and temporal of the sayings and excuses of the justices, and the sayings and excuses of the serjeants and attorney, and also the great commandment of the king's highness that they had, to find all such objections as might be most mighty to defend the king's right and title and ... desired all the lords that everyone of them should say what he could say in defending the king's title and in defeating the claim of the said duke. And then it was agreed by all the lords that every lord should have his freedom to say what he would say, without any reproving or ill-will to be had for his saying. And thereupon, after the saying of all the lords, everyone after the other, it was concluded that these matters and articles hereunder written should be alleged and objected against the said claim and title of the said duke.

First, it is thought that the lords of this land must needs call to their remembrance the great oaths which they have made to the king our sovereign lord, which may be laid to the said duke of York, and that the lords may not break their oaths.

Also, it is thought that it is to be called to remembrance the great and noble acts of parliaments made in divers parliaments of divers of the king's progenitors, the which acts are sufficient and reasonable to be laid against the title of the said duke of York; the which acts are of much more authority than any chronicle and also of authority to defeat any manner of title made to any person.

Also, it is thought that there are to be laid against he said title divers entails made to the heirs male as for the crown of England, as it may appear by divers chronicles and parliaments.

Also, it is thought if the said duke should make any title or claim by the line of Sir Lionel, that the same duke should bear the arms of the same Lionel and not the arms of Edmund Langley, late duke of York.

Also, it is to be alleged against the title of the said duke that when King Harry the Fourth took upon him the crown of England, he said he entered and took upon him the crown as right inheritor to King Harry the Third and not as conqueror.

[The duke of York answered to the first point that every man is bound to obey God's commandments and to observe truth and justice, and no promise or oath can discharge him from this duty to obedience. The duke's claim and title was grounded on evident truth and justice, and therefore ought to be observed rather than any oath to the contrary, especially as by the law of the church an oath contrary to the truth is null and void. Indeed, the lords of the realm ought by the law of both God and man to help him, notwithstanding any oath of fealty.]

[To points two and three the duke replied:]

The said Richard Plantagenet answers and says that in truth there are no such acts and entails made by any parliament before this, as it is surmised; save only in the sixth year of King Harry the Fourth a certain act and ordinance was made in a parliament called by him, wherein he made the realms of England and France amongst other [dominions] to belong unto him and to the heirs of his body, and to his four sons and the heirs of their bodies ... . And if he might have obtained and enjoyed the said crowns, etc., by title of inheritance, descent, or succession, he would neither have needed or desired or made them to be granted in such manner as they are by the said act; the which is not valid, neither is of any force or effect against him that is the right inheritor of the said crowns, as it accords with God's law and all natural laws; although all other acts and ordinances made in the said parliament and since are good and sufficient against all other persons.

[Answer to point four:]

The said duke answereth and saith, the truth is that he might lawfully have borne the arms of the said Sir Lionel before this, and also the same arms which King Edward bore, that is to say the arms of the realms of England and of France; but he abstained from bearing the said arms, just as he abstained from ... pursuing his right and title for causes not unknown to all this realm; for though right rest for a time and be put to silence, yet it does not rot nor shall it perish.

[Answer to point five:]

The said duke says thereto that such saying of the said King Harry the Fourth may in no way be true, and that the contrary thereof, which is true, shall be adequately enough shown, approved and justified by sufficient authority and matter of record. And moreover this said saying was only to shade and colour fraudulently his said uprighteous and violent usurpation, and by that means to abuse in deceitful manner the people standing about him.

Also, the Saturday the 17th day of this present parliament it was shown to the lords ... by the mouth of the said chancellor, that the said duke off York called busily to have hasty and speedy answer to such matters as touched his title abovesaid; and for as much as it is thought by all the lords that the title of the said duke cannot be defeated, and in eschewing of the great inconvenience that may ensue, a means was found to save the king's honour and estate, and to appease the said duke, if he would, which is this: That the king shall keep the crowns and his estate and royal dignity during his life, and the said duke and his heirs shall succeed him in the same; exhorting and stirring all the lords that if any of them could find any other or better means, that it might be shown ... . And forthwith they went towards the king where he was in his chamber within his palace of Westminster ... . All these premisses thus shown and opened to the king's highness, he, inspired with the grace of the Holy Ghost, and in eschewing of effusion of Christian blood, by good and earnest deliberation and advice had with all his lords spiritual and temporal, condescended that between him and the said duke an agreement should be made, to authorized by authority of this present parliament.

[A concord embodying the duke of York's pedigree and the agreement reached was then drawn up and the duke and his sons Edward and Edmund swore to observe this agreement. Henry declared the duke to be heir to the crown, and enacted that Richard should succeed him as king "after his decease or when it shall please his highness to lay from him the said crowns ...". Henry IV's act of settlement was repealed, and the lords all promised to uphold the agreement.]

### The Deposition of Edward V

*in Parliament Rolls of Medieval England*, ed. Chris Given-Wilson, Paul Brand, Seymour Phillips, Mark Ormrod, Geoffrey Martin, Anne Curry and Rosemary Horrox (Woodbridge, 2005) (Horrox did the Richard III part).<sup>†</sup>

#### ACCORDING TO THE ROLLS OF PARLIAMENT

Richard III: January 1484

Writs were issued in the name of Edward V on 13 May, 1483, for a parliament to meet at Westminster on 25 June, but were revoked by writs of *supersedeas* dated mid-June. Writs were issued in the name of Richard III in October, 1483, for a parliament to meet at Westminster on 6 November, but were revoked by writs of *supersedeas*. Fresh writs were issued on 9 December for a parliament to meet at Westminster on 23 January, 1484; its session lasted until 20 February. The translation below begins on the third membrane of the roll and occupies all of the fourth. At the beginning of each paragraph in curly brackets, I have added numbering and the language of the paragraph. CD.

{1. Latin} The royal title.

{2. Latin} 1.[5.] Be it remembered that a bill was presented before our lord king in the aforesaid parliament, in these words:

{3.English} Recently, that is to say before the consecration, coronation and enthronement of our sovereign lord King Richard III, a roll of parchment, containing in writing certain articles of the tenor written below, was presented and actually delivered to our said sovereign lord the king on behalf and in the name of the three

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<sup>†</sup> <Need copyright notice.>

estates of this realm of England, that is, the lords spiritual and temporal and the commons, by numerous lords spiritual and temporal and a great multitude of other nobles and notable people of the commons, to the intent and effect described at length in the same roll; to which roll, and to the considerations and urgent petition contained in it, our said sovereign lord kindly assented, for the public weal and tranquillity of this land.

{4.English} Now, because neither the said three estates nor the said people who presented and delivered the said roll to our said sovereign lord the king in their name, as is abovesaid, were assembled in the form of a parliament, as a result of which various doubts, questions and ambiguities are said to have been prompted and engendered in the minds of various people; therefore, so that the truth may be made clear and kept perpetually in mind, be it ordained, provided and decreed in this present parliament that the tenor of the said roll, with everything contained in it, presented as is abovesaid and delivered to our aforesaid sovereign lord the king in the name and on behalf of the said three estates outside parliament, by the same three estates now assembled in this present parliament, and by authority of the same, shall be ratified, enrolled, recorded, approved and authorised in order to remove the occasion for doubts and ambiguities, and for all other legal consequences that might thereof ensue; so that all the things said, affirmed, detailed, requested and remembered in the said roll, and in the tenor of the same written below, in the name of the said three estates, to the effect described in the same roll, shall be of the same effect, virtue and force as if all the same things had been thus [*col. b*] said, affirmed, detailed, requested and remembered in a full parliament, and accepted and approved by authority of the same. The tenor of the said roll of parchment mentioned above follows and is thus:

{5.English} To the high and mighty Prince Richard, duke of Gloucester.

{6.English} May it please your noble grace to understand the considerations, election and petition written below, of us the lords spiritual and temporal and the commons of this realm of England, and willingly give your assent to it, for the common and public weal of this land and for the comfort and joy of all its people.

{7.English} First, we consider how, hitherto in times past, for many years this land stood in great prosperity, honour and tranquillity, because the kings then reigning used and followed the advice and counsel of certain lords spiritual and temporal, and other people of demonstrable gravity, prudence, astuteness and experience, fearing God and having tender zeal and affection for the impartial administration of justice, and for the common and politic weal of the land. Then our lord God was feared, loved and honoured; then there was peace and tranquillity within the land, and concord and charity among neighbours; then the malice of foreign enemies was mightily resisted and repressed and the land honourably defended with many great and glorious victories; then trade was extensively used and exercised; by which things listed above the land was greatly enriched, so that merchants and artificers, as well as other poor people who labour for their living in various occupations, earned enough to maintain themselves and their households, living without miserable and intolerable poverty. But afterwards, when those who had the rule and governance of this land, delighting in adulation and flattery and led by sensuality and concupiscence, followed the counsel of insolent, vicious people of inordinate avarice, despising the counsel of good, virtuous and prudent people such as are described above, the prosperity of this land decreased daily, so that felicity was turned into misery, and prosperity into adversity, and the order of policy and of the law of God and man confounded; as a result of which it is likely that this realm will fall into extreme misery and desolation, which God forbid, unless due provision of a suitable remedy is made in this matter in all goodly haste.

{8.English} Moreover, among other things, we consider more particularly how, during the reign of King Edward IV, late deceased, after the ungracious feigned marriage, as all England has reason to say, made between the said King Edward and Elizabeth, once the wife of Sir John Grey, knight, lately and for many years previously calling herself queen of England, the order of all politic rule was perverted, the laws of God and of God's church, and also the laws of nature and of England, and also its laudable customs and liberties, to which every Englishman is heir, were broken, subverted and disregarded, contrary to all reason and justice, so that this land was ruled by self-will and pleasure, and fear and dread and all equity and law were laid aside and despised, as a result of which many calamities and misfortunes ensued, such as murders, extortions and oppressions, particularly of poor and powerless people, so that no man was sure of his life, land or livelihood,

or of his wife, daughter or servant, with every virtuous maiden and woman standing in dread of being ravished and defiled. And besides this, what discords, civil war, outpouring [*p. vi-241*][*col. a*] of Christian men's blood were done and committed within the same land, particularly as a result of the destruction of the noble blood of this land, are obvious and well known throughout this realm, to the great sorrow and heaviness of all true Englishmen. And here we also consider how the said feigned marriage between the abovenamed King Edward and Elizabeth Grey was presumptuously made without the knowledge and assent of the lords of this land, and also by sorcery and witchcraft committed by the said Elizabeth and her mother Jacquetta, duchess of Bedford, as is the common opinion of the people and the public voice and fame throughout this land, and as can be adequately proved hereafter at a convenient time and place, if thought necessary. And we also consider here how the said feigned marriage was made privately and secretly, without the publishing of banns, in a private chamber, a profane place, and not openly in the face of the church according to the law of God's church, but contrary to it and to the laudable custom of the church of England. And also, how when he contracted the same feigned marriage, and previously and for a long time after, the said King Edward was and stood married and troth-plighted to one Dame Eleanor Butler, daughter of the old earl of Shrewsbury, with whom the same King Edward had made a pre-contract of matrimony long before he made the said feigned marriage with the said Elizabeth Grey in the abovesaid manner and form. If all that is true, as in very truth it is, it clearly appears and follows that during his life the said King Edward and the said Elizabeth lived together sinfully and damnably in adultery, contrary to the law of God and of his church; and it is therefore no wonder that, with the sovereign lord and the head of this land being of such ungodly disposition and provoking the ire and indignation of our lord God, such heinous misfortunes and calamities, as are described above, were used and committed in the realm among the subjects. Also, it clearly appears and follows that all the issue and children of the said King Edward are bastards, and unable to inherit or claim anything by inheritance, by the law and custom of England.

{9.English} Moreover, we consider how afterwards, by the three estates of this realm assembled in a parliament held at Westminster in the seventeenth year of the reign of the said King Edward IV [1478], he then being in possession of the crown and royal estate, by an act made in the same parliament, George, duke of Clarence, brother to the said King Edward, now dead, was convicted and attainted of high treason, as is contained at greater length in the same act.<sup>72</sup> Because and by reason of which, all the issue of the said George was and is disabled and barred from all right and claim to the crown and royal dignity of this realm, which they might in any way have or claim by inheritance, by the ancient law and custom of this same realm.

{10.English} Moreover, we consider how you are the undoubted son and heir of Richard, late duke of York, the true inheritor of the said crown and royal dignity, and by right king of England by way of inheritance, and that at this time, the things stated duly considered, there is no other person living, except you, who by right may claim the said crown and royal dignity by way of inheritance; and how you were born within this land, by reason of which we judge that you are more naturally inclined towards its prosperity and common weal, and all the three estates of the land have, and may have, more certain knowledge of your aforesaid birth and parentage. We also consider the great wit, prudence, justice, princely courage and the memorable [*col. b*] and laudable acts in various battles which we know by experience that you have previously displayed for the salvation and defence of this same realm, and also the great nobility and excellence of your birth and blood, as one who is descended from the three most royal houses in Christendom, that is to say, of England, France and Spain.

{11.English} Wherefore, having diligently considered the foregoing, strongly desiring the peace, tranquillity and public weal of this land and its restoration to its ancient honourable estate and prosperity, and having singular confidence in your great prudence, justice, princely courage and excellent virtue, we have wholeheartedly chosen, and by this our writing choose, you, high and mighty prince, to be our king and sovereign lord etc., convinced that it is your inheritance to be thus chosen. And hereupon, we humbly desire, pray and request your said noble grace that, according to the choice made by us the three estates of this land, as by your true inheritance, you will accept and take upon yourself the said crown and royal dignity, with

<sup>72</sup> Roll of Parliament of 1478, appendix, item 1.

everything belonging and pertaining to it, as belonging to you by right, by inheritance as well as by lawful election. And, if you do so, we promise to serve and assist your highness as true and faithful subjects and liegemen, and to live and die with you in this matter and every other just quarrel. For we are certainly determined rather to venture and commit ourselves to the peril of our lives and risk of death, than to live in such thralldom and bondage as we have lived in for a long time hitherto, oppressed and injured by extortions and new impositions, contrary to the laws of God and man, and the liberties, old policy and laws of this realm which every Englishman inherits. Our Lord God, king of all kings, by whose infinite goodness and eternal providence all things are principally governed in this world, lighten your soul and grant you grace to do, in this matter as well as in all others, everything in accordance with his will and pleasure, and for the common and public weal of this land; so that after great clouds, troubles, storms and tempests, the sun of justice and grace may shine upon us, to the comfort and joy of all true Englishmen.

{12.English} The right, title and estate which our sovereign lord King Richard III has to and in the crown and royal dignity of this realm of England, with everything joined, attached and pertaining to it inside and outside the same realm, are just and lawful, being grounded upon the laws of God and of nature, and also upon the ancient laws and laudable customs of this said realm, and are taken and acknowledged to be so by everyone who is learned in the abovesaid laws and customs. Yet nevertheless, it is thought that most of the people of this land are not sufficiently learned in the aforesaid laws and customs, and as a result the truth and right in this matter is likely to be hidden and not clearly known to all the people, and thereby put in doubt and question. And moreover, the court of parliament is of such authority, and experience teaches that the people of this land are of such nature and disposition, that the manifestation and declaration of any truth or right made by the three estates of this realm assembled in parliament, and by authority of the same, before all other things commands the most faith and certainty, and, in quieting men's minds, removes the occasion of all doubt and seditious language. Therefore, at the request and by the assent of the three estates of this realm, that is to say, the lords spiritual and temporal and the commons of this land assembled in this present [*p. vi-242*]/[*col. a*] parliament, by authority of the same, be it pronounced, decreed and announced that our said sovereign lord the king was and is the true and undoubted king of this realm of England, with everything joined, attached and pertaining to it, inside and outside the same realm, by right of consanguinity and inheritance as well as by lawful election, consecration and coronation. And moreover, at the request and by the abovesaid assent and authority, be it ordained, enacted and decreed that the said crown and royal dignity of this realm, and the inheritance of the same, and the other things joined, attached and now pertaining to it, inside and outside this same realm, shall rest and remain in the person of our said sovereign lord the king during his life, and, after his death, in his heirs begotten of his body. And particularly, at the request and by the aforesaid assent and authority, be it ordained, enacted, decreed, pronounced, declared and announced that the high and excellent Prince Edward, son of our said sovereign lord the king, is heir apparent of our same sovereign lord the king, to succeed him in the abovesaid crown and royal dignity, with everything joined, attached and pertaining to it, as is aforesaid, and shall have them after the death of our said sovereign lord the king, to him and to his heirs lawfully begotten of his body.

{13.Latin} This bill was conveyed to the commons of the realm of England being in the said parliament; to which bill the same commons gave their assent in these words:

{14.French} To this bill the commons are agreed.

{15.Latin} When this bill and assent had been read, heard and fully understood before the lord king in the aforesaid parliament, by the assent of the lords spiritual and temporal also being in the said parliament and of the aforesaid commons, and also by authority of the same parliament, it was pronounced, decreed and announced that each and every thing contained in the aforesaid bill was true and undoubted; and the same lord king, by the assent of the three estates of the realm and by the aforesaid authority, granted each and every thing of the foregoing contained in the aforesaid bill, and pronounced, decreed and announced it to be true and undoubted.

## INVALIDITY OF OATHS OF ALLEGIANCE TAKEN TO EDWARD V, 28 JUNE, 1483

*Letters and Papers ... of Richard III and Henry VII*, ed. J. Gairdner (R.S., 1861), I, 11–12

John Dynham, at this time Governor of Calais, received a personal writ of summons to parliaments from 1466 to 1497, was subsequently Treasurer of England, and d. 1509. John Blount, 3rd baron Montjoy, was subsequently Governor of Guines, d. 1485. Sir Thomas Thwaytes was now appointed Treasurer of Calais.

These be the articles of instructions given to the lord Montjoie, master John Cooke, archdeacon of Lincoln, and sir Thomas Thwaytes, knights, answering to the letter of the lord Dynham late directed unto the kings grace as then protectour of England, which letter resteth in 4 principal points.

The first article remembered the oath which they of Calais pertaining to any of the three jurisdictions there incontinent [contained therein] upon knowledge of the death of king Edward IV, whome God assoil [pardon], came unto them, made holy together upon a book to be true unto King Edward V, his son, as their liege lord ... [and to keep Calais safely, etc.].

As to that article. It shall move beside that how be it such oath of leigeance was made soon upon the death of said king Edward IV to his son, not only at Calais but also in divers places in England by many great estates and personages, being then ignorant of the very sure and true title which our sovereign lord that now is, King Richard III, hath and had the same time to the crown of England; that oath notwithstanding now every good true Englishman is bound upon knowledge had of the said very true title to depart from the first oath so ignorantly given to him to whom it appertained not, and thereupon to make his oath of new [anew] and owe his service and fidelity to him that good law, reason, and the concord assent of the lords and commons of the realm have ordained to reign upon the people, which is our said sovereign lord King Richard III, brother to the said King Edward IV, late deceased, whom God pardon; whose sure and true title is evidently shewed and declared in a bill of petition which the lords spiritual and temporal and the commons of this land solemnly porrected [proffered] unto the kings highness at London, the 26th day of June. Whereupon the kings said highness, notably assisted by well near all the lords spiritual and temporal of this realm, went the same day unto his palace of Westminster, and there in such royal honorable appareled within the great hall there, took possession and declared his mind that the same day he would begin to reign upon his people; and from thence rode solemnly to the cathedral church of London, and was received there with procession with great congratulation and acclamation of all the people in every place and by the way that the king was in that day.

...

## RICHARD III'S CORONATION OATH, 6 JULY, 1483

*Registrum Thome Bourghier Cantuariensis Archiepiscopi*,

ed. F. R. H. Du Boulay, *Canterbury and York Society*, vol. LIV (1957), part I, 60–1<sup>†</sup>

WILL ye grant and keep to the people of England the laws and customs to them of old rightful and devout kings granted and the same ratify and confirm by your oath, and specially the laws customs and liberties granted to the clergy and people by your noble predecessor and glorious king saint Edward?

R. Regis [Reply of the king:] I grant and promise.

YE SHALL keep after your strength and power to the Church of God to the clergy and the people whole peas and godly concord?

R. Regis: I shall keep.

YE SHALL, make to be done after your strength and power equal and rightful justice in all your domes and judgments and discretion with mercy and truth?

R. Regis: I shall do.

DO YE grant the rightful laws and custom to be holden and promise ye after your strength and power such laws as to the worship of God shall be chosen by your people by you to be strengthened and defended?

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<sup>†</sup> <Need copyright notice.>

DOMINE REX<sup>73</sup> [the lord king]. R. Regis: I grant and promise

Sir King we ask of you to be perfectly given and granted unto us that ye shall keep to us and to each of us and to all the churches that be given and committed unto us and to each of us the privileges of law canon and of holy church and due law and rightfulness and us and them defend as a devout Christian king ought to do and in like wise to grant and do through all your realm to every bishop abbot and to all the churches to them committed.

R. Regis (ANIMO LIBENTI<sup>74</sup> [with a willing spirit]):

With glad will and devout soul I promise and perfectly grant that to you and to every of you and to all the churches to you committed I shall keep the privileges of law canon and of holy church and due law and rightfulness, AND I shall inasmuch as I may by reason and right with God's grace defend you and every [one] of you, every bishop and abbot thorough my realm and all the churches to you and them committed. ALL these things and every of them I Richard king of England promise and confirm to keep and observe, so help me god and by these holy Evangsels [Gospels] by me bodily touched upon this holy altar.

### Henry VII: Act of Succession (1485)

[Reproduced above, Section 6C.]

## G. ORDER, SOCIAL STRUCTURE, AND THE LAW

### Chronology:

- 1305 — "Statute of Conspirators"
- 1348–9 — Black Death (also 1361–2, 1369, 1379 in north)
- 1349 — Ordinance of Labourers
- 1351 — Statute of Labourers (below)
- 1363 — Statute, 37 Edw. III, cc. 8–15, concerning dress of various ranks of society (below)
- 1377 — Statute against maintenance
- 1381 — Peasants' Revolt
- 1390 — Ordinance concerning livery and maintenance (below)
- 1399 — Statute on the same (below)
- 1413 — "Statute of Additions"
- 1429 — Statute excepts liveries for soldiers in the king's war
- 1461 — Statute excepts liveries at king's commandment
- 1468 — Statute excepts lawful service (below)
- 1483 — Sumptuary law (below)
- 1504 — Statute of liveries (below)
- 1536 — Beggars Act (below)
- 1598 — Poor Relief Act (below)
- 1601 — Statute of Charitable Uses (below))

### Wage Rates, 1300–1460

from R.H. Hilton, *The Decline of Serfdom in Medieval England* (London, 1969), pp. 39–40

The background to these incidents [leading up to the Peasants' Revolt] was, of course, the mobility of the rural population to which we have referred, and fierce competition between all types of employers of labour, ranging from the powerful estate owners to the small master craftsmen who were warned in 1376 not to take apprentices from any township where there was a shortage of agricultural labour.<sup>1</sup> The Government was powerless to keep wages down indefinitely, in spite of the enthusiastic and rigorous enforcement of the

<sup>73</sup> In right-hand margin.

<sup>74</sup> In right-hand margin.

<sup>1</sup> *Rot. Parl.* II, p. 340.