

Perceptions of Corruption and the Evolution of English Crown Institutions, c. 1258-1353

Jack Daniel Newman

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4 ABSTRACT

The thesis conceived of corruption, an inherently amorphous term, as complaint directed against officials entrusted by the crown. This encompassed an investigation of surviving complaints in the records of itinerant royal courts and political poetry from the first half of the fourteenth century. The thesis set to answer the following questions: In what ways did the political context of the period under study influence the development of widespread anticorruption investigations? How did fears of corruption drive change in the collection of lay taxation in the early fourteenth century? What was the impact of corrupt behaviours on the collapse of various collaborative schemes designed to profit from the wool trade? Lastly, what was the attitude towards royal officials and government within contemporary literary records? The resulting work comprised three case studies which explored various aspects of royal revenue raising and justice.

Chapter one showed that the crown turned towards widespread investigations of royal officials at times of low prestige and financial difficulties. Across the fourteenth century these trials moved away from initiatives intended to oversee officials toward more straightforward financial or scapegoating procedures. The following chapter demonstrated that the collection of tax declined away from the ideals promulgated by the crown in the late thirteenth and early fourteenth centuries and that the crown was unable, or unwilling, to impose its demands on local collectors and communities. Chapter three outlined the various breaches of trust, akin to corruption, between the crown, the national community, and wool merchants, contributed towards a breakdown of royal finances and trust. The final chapter explored critiques of royal officials within the political literature contained primarily within BL MS Harley 2253. This allows new and interesting readings which illuminate both the poems and the socio-political milieu in which they were created. The analysis of the poems link some of these texts closely to political debates and parliamentary meetings which were likely catalytic in the production and dissemination of political poetry.

As a whole the thesis showed how the royal mania for funds to support warfare drove a move away from thirteenth century modes of governance which privileged fairness and oversight. It therefore builds on the ideas advanced by James Jacobs, via William Chester Jordan, which suggested that anticorruption is a balance between efficiency and oversight. In the fourteenth century, incessant warfare created an urgency that overrode the need to maintain older accepted systems which sought to portray an incorrupt veneer. This differs from Jordan's suggestions in that it was the crown, rather than subjects, who bypassed thirteenth-century practices. Likewise, the thesis argues that the shape of royal administration in the shires was defined by local context and practice alongside crown priorities. As such it supports the arguments of Dodd and Sabapathy in particular who stressed the importance of this kind of 'vernacular' evolution or administration.

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6 ABBREVIATIONS

AND	<i>Anglo-Norman Dictionary (AND² Online Edition)</i> , Aberystwyth University, 2022.
BL	British Library.
CCR	<i>Calendar of Close Rolls preserved in the Public Record Office</i> , (London: H.M.S.O.).
CFR	<i>Calendar of Fine Rolls preserved in the Public Record Office</i> , (London: H.M.S.O.).
CPR	<i>Calendar of Patent Rolls preserved in the Public Record Office</i> , (London: H.M.S.O.).
<i>List of Sheriffs</i>	<i>List of Sheriffs for England and Wales, from the Earliest Times to A.D. 1831</i> , Lists and Indexes, 9 (London: H.M.S.O., 1963).
BL MS Harley 2253	London, British Library, MS Harley 2253.
MED	<i>Middle English Dictionary Online in Middle English Compendium</i> , ed. by Robert E. Lewis and Frances McSparran et al. (Ann Arbor: University of Michigan, 1952-2018) and Frances McSparran (Ann Arbor: University of Michigan) < http://quod.lib.umich.edu/m/middle-english-dictionary/ >.
OED	<i>Oxford English Dictionary Online</i> , (Oxford: Oxford University Press, 2021).
OEP	Maddicott, J. R., <i>The Origins of the English Parliament, 924-1327</i> (Oxford: Oxford University Press, 2010)
PROME	Given-Wilson, Chris, Paul Brand, Anne Curry, Rosemary Horrox, Geoffrey Martin, Mark Ormrod, and others, eds., <i>The Parliament Rolls of Medieval England</i> < http://www.sde-editions.com/PROME/home.html >.
PTPP	Willard, James F., <i>Parliamentary Taxes on Personal Property 1290 to 1334 - A Study in Medieval English Financial Administration</i> (Cambridge, Massachusetts: The Medieval Academy of America, 1934).
BL Royal 12.C.XII	London, British Library, Royal 12 C XII.
TNA	London, The National Archives of the UK.

I INTRODUCTION

There is no singular universal definition of corruption. It is an inherently relativistic term which shifts between individuals and across cultures or periods. At any given point a variety of conceptions of corruption persist. Thus, relying on a singular definition of corruption only privileges a single perspective.¹ Furthermore, corruption can be applied to a variety of abstract or material processes. However, it is primarily, in a modern context, applied to the abuse of public office. This thesis is foremost an investigation of complaints which depict a conception of misbehaviour by individuals entrusted by the crown in early fourteenth-century England. These complaints betray at least one perspective on alleged corrupt behaviour. The thesis seeks to explore the ramification of these complaints upon the development of English crown institutions and the political community. The complaints are primarily drawn from political poetry and legal records of the period. These sources were largely produced in the first four decades of the fourteenth century but in order to fully contextualise the arguments the study incorporates phenomena which have their roots in the mid-thirteenth century.

Complaint is a useful investigative lens to reveal the fault lines which delineate opposing perspectives. As Geltner, Kroeze, and Vitória put it in their introduction to a collection of essays on historic corruption: 'allegations of corruption may help define more clearly what is perceived as more or less acceptable in a given context, even if they provide a weak indicator in general for the prevalence or scarcity of corruption itself'.² The behaviour of the official may or may not be condoned by the trusting authority, the crown in this instance. But, for the purposes of this study, the validity of the complaints from this singular perspective is not necessarily relevant. Instead, it aims to uncover what these complaints reveal about English political dynamics in this period and how they influenced English crown practices. Indeed, by including complaints which the crown may not consider corrupt we can see some aspects where at least one opinion diverges from practices

¹ This approach is drawn from: Guy Geltner, Ronald Kroeze, and André Vitória, 'Introduction - Debating Corruption and Anticorruption in History', in *Anti-Corruption in History: From Antiquity to the Modern Era*, ed. by Ronald Kroeze, André Vitória, and Guy Geltner (Oxford University Press, 2017), p. 15
<<https://doi.org/10.1093/oso/9780198809975.001.0001>> Geltner, Kroeze, and Vitória stated that 'Since the usage and meaning of corruption changes over time and across regions, a single definition is unnecessarily limiting. [...] What is considered the most urgent and severe form of corruption and how to fight and monitor it is context-dependent. [...] In order to understand corruption it is necessary to hone an emic perspective [...] The problem of corruption should therefore be looked at with an eye open for diversity of local perspectives'.

² Geltner, Kroeze, and Vitória, p. 15.

condoned by the crown. Therefore, the thesis often refers to 'perceived' corruption – that is accusations of corruption which might not strictly meet a tight definition according to the crown.

The principal impetus for the study was an exploration of the records of oyer and terminer investigations which specifically investigated royal officials. They drew their name from their powers 'to hear and to determine' offences which was rendered in Anglo-Norman as *oyer et terminer*. These survive in good numbers and condition in the early fourteenth century and ceased in the early 1340s as a result of parliamentary opposition. They were part of a tradition of such investigations which date back to the twelfth century and found particular importance during the baronial conflicts of the mid-thirteenth century. As such, the study extends from a broad focus on the mid-thirteenth century through to a more focussed exploration of the later years of Edward II's reign (1307-27) and the opening years of Edward III's reign (1327-1377). Concurrent with these courts, a manuscript, British Library Harley 2253, was compiled by an, as yet, unidentified scribe in the Ludlow region of Shropshire. The majority of the texts in this manuscript were copied across the period 1320 to 1340. The records of oyer and terminer investigations of officials and the political poetry of the Ludlow Scribe are a unique window into attitudes towards the crown and its officials in the early fourteenth century. Both represent a wealth of complaint against royal officials in distinct source bases which were produced in the same period. Investigations of royal officials have relatively patchy survival prior to the 1320s. After the mid-1340s such investigations ceased and complaints against officials can only be found within the more various records of the King's Bench, the exchequer, and, later, the Justices of the Peace. Due to this, the period from 1320 to 1344 represents an ideal focus to explore complaints against the conduct of officials entrusted by the crown. As a result, this study seeks to investigate complaints against royal officials in these sources, to connect them to the wider political context, and to explore their impact on the development of English political institutions.

There were a range of officials employed to carry out important crown business. These included officials who were directly appointed by the monarch and council and carried out work connected closely to the royal household. In the fourteenth century, these officials, such as king's clerks, royal sergeants, or justices, conducted much of their work in close proximity to the royal court.³ However, there were royal officials, most prominently sheriffs and escheators, appointed in

³ David Higgins, 'Justices and Parliament in the Early Fourteenth Century', *Parliamentary History*, 12 (1993), 1-18; J. R. Maddicott, 'Law and Lordship: Royal Justices as Retainers in Thirteenth and Fourteenth-Century England', *Past and Present Society: Supplementals*, 4 (1978), 88; Anthony Musson and W. M. Ormrod, *The Evolution of English Justice: Law, Politics, and Society in the Fourteenth Century*, British Studies Series (Basingstoke: Macmillan Press, 1999), pp. 28-41, 54-75; Richard Partington, 'Edward III's Enforcers: The King's Serjeant-at-Arms in the Localities', in *The Age of Edward III*, ed. by James Bothwell (Rochester, NY: York Medieval Press, 2001), pp. 89-106; R. B. Pugh, *Itinerant Justices in English History* (Exeter: University of Exeter Press, 1967).

regions to conduct crown business more removed from the immediate orbit of the monarch.⁴ Some officials such as taxers, wool collectors, or purveyors were empowered, usually in times of war, and only served periodically.⁵ Often officials of this kind were empowered by the king or his close ministers, undertook an oath, and travelled to a particular jurisdiction in which they appointed deputies to assist them. It is this category of official which are most studied in this thesis. With these caveats in mind, the designation 'official' conveys a broad range of potential closeness to the monarch and consistency of service, with some only acting for a few weeks and others engaged across many years or even decades. The thesis refers to these individuals as officials or entrusted individuals, however this wide spectrum of formal ties to the crown should be borne in mind.

John Maddicott in his seminal work 'The English Peasantry and the Demands of the Crown 1294-1341' explained the direct link between warfare, the growth of individuals acting under the direction of the crown, and corruption.⁶ More warfare created a greater demand for money. A greater demand for money, in most instances, led to a 'multiplication of officials, together with an increase in the powers delegated to those already existing' and 'vastly enlarged the opportunities for the peculation and graft which had always characterised local government'.⁷ Maddicott's statement ties corruption to the growth in financial measures as a result of warfare in England c. 1290-1340. The records under investigation document complaint against royal officials in this period. Therefore, in addition to the investigation of complaint, the thesis also seeks to explore the relationship between warfare, corruption, and complaint.

⁴ Richard Gorski, 'The Fourteenth-Century Sheriff: English Local Administration in the Late Middle Ages' (unpublished Doctoral Thesis, University of Hull, 1999); Richard Gorski, *The Fourteenth-Century Sheriff: English Local Administration in the Late Middle Ages* (Boydell Press, 2003); E. R. Stevenson, 'The Escheator', in *The English Government at Work, 1327-1336: Volume II - Fiscal Administration*, ed. by James F. Willard and Joseph R. Strayer, 3 vols (Cambridge, MA: The Medieval Academy of America, 1947), II, 109-67; Scott L. Waugh, 'The Origins of the Office of Escheator', in *The Growth of Royal Government under Henry III*, ed. by David Crook and Louise J. Wilkinson (Boydell and Brewer, 2015), pp. 227-66 <<https://doi.org/10.1017/9781782046042.015>>.

⁵ Ilana Krug, 'Wartime Corruption and the Complaints of the English Peasantry', in *Noble Ideals and Bloody Realities*, ed. by Maya Yazigi and Niall Christie (Leiden: Brill, 2006); Ilana Krug, 'Feeding Mars: Military Purveyance in the Long Fourteenth Century', in *Fourteenth Century England X*, ed. by Gwilym Dodd (Boydell and Brewer Limited, 2018), pp. 67-88 <<https://doi.org/10.1017/9781787442030.005>>; Eileen Power, *The Wool Trade in English Medieval History* (Oxford: Oxford University Press, 1941); E. M. Carus-Wilson and Olive Coleman, *England's Export Trade, 1275-1547* (Oxford: Oxford University Press, 1963); M. Jurkowski, C. L. Smith, and David Crook, *Lay Taxes in England and Wales 1188-1688*, Public Record Office Handbook, no. 31 (Richmond, Surrey: PRO Publications, 1998); James F. Willard, *Parliamentary Taxes on Personal Property 1290 to 1334 - A Study in Medieval English Financial Administration* (Cambridge, Massachusetts: The Medieval Academy of America, 1934).

⁶ J. R. Maddicott, 'The English Peasantry and the Demands of the Crown 1294-1341', in *Landlords, Peasants, and Politics in Medieval England*, ed. by T. H. Aston (Cambridge: Cambridge University Press, 1987), pp. 285-359.

⁷ Maddicott, 'English Peasantry', p. 287.

I.1 DEFINING CORRUPTION IN FOURTEENTH CENTURY ENGLAND

The thesis conceives of these complaints, correct or not, under the umbrella of ‘corruption’ as this term is often used to denote a complaint against particular practices. In a recent chapter on anticorruption in England, France, and Portugal during the Middle Ages, Andre Vitória stated that ‘the word corruption [...] caught on much earlier in France than it did in England and Portugal’.⁸ Vitória defined corruption as ‘to win someone over, to influence him, by money, promise or entreaty, to do something other than what his conscience required’ and considered the earliest usage in England to date to 1499.⁹ The following section will briefly sketch the usage of corruption in the fourteenth century and show that the term corruption, as defined by Vitória, was in usage much earlier than he previously believed. While Vitória appreciated that the concept of corruption was understood earlier in England, he did not explore non-English sources which were produced in England. Its late emergence in the English language owes much to the changing prevalence of Anglo-Norman and Middle English across the fourteenth century. Even within English alone there is an earlier usage of the term corruption in a parliamentary petition of 1437.¹⁰

I.2 HISTORIC CONCEPTIONS

Classical texts abound in terms derived from the Latin *rumpere* (to break or destroy) via *corrumpere* (to spoil).¹¹ While terms stemming from this root persisted in the post-classical world this study only aims to outline some of the usages in fourteenth-century England in particular when the term first appeared in English. These usages contain the roots of later connotations and revolve around physical, moral, or more abstract ideas of decay from a pre-conceived ideal. The classical understandings combine the political, moral, and physical conceptions. They also contained the need to excise the ‘corrupt’ elements to avoid the degeneration of the whole. These ideas persisted into

⁸ André Vitória, ‘Late Medieval Polities and the Problem of Corruption’, in *Anti-Corruption in History*, ed. by Ronald Kroese, Guy Geltner, and André Vitória (Oxford: Oxford University Press, 2017), pp. 77–90 (p. 79) <<https://doi.org/10.1093/oso/9780198809975.001.0001>>.

⁹ Vitória, p. 79: see n. 9.

¹⁰ ‘Parliament of January 1437’, PROME, m. 5. The earliest identification of the term corruption in English, not relating to public office, emerges in the work *Ayenbite of Inwyt* (Remorse of Conscience) which was produced by Dan Michel, a monk of Northgate, Canterbury, in 1340: Pamela Gradon and Richard Morris, *Dan Michel’s Ayenbite of Inwyt: Introduction, Notes, and Glossary*, [Publications: Original Series] - Early English Text Society, no. 278 (Oxford: The Early English Text Society by the Oxford University Press, 1979), pp. 82, 127, 128, 227, 247.

¹¹ See for example: Cicero, ‘De Re Publica’, trans. by Clinton W. Keyes (Harvard University Press, 1928), pp. 116–17, 252–55 <https://doi.org/10.4159/DLCL.marcus_tullius_cicero-de_re_publica.1928>; Celsus, ‘On Medicine’, trans. by W. G. Spencer (Harvard University Press, 1935), pp. 58–61 <<https://doi.org/10.4159/DLCL.celsus-medicine.1935>>; Columella, ‘On Agriculture’, trans. by Harrison Boyd Ash (Harvard University Press, 1941), pp. 288–89 <<https://doi.org/10.4159/DLCL.columella-agriculture.1941>>.

the fourteenth century. *Estoire de Seint Aedward le Rei* relates the preservation of Edward the Confessor's body after death. The king's:

body can be buried
but his virtue cannot hide,
the body of him that was chaste
cannot, dead, be corrupted.¹²

Foodstuffs, like bodies, can be corrupted. A petition of 1327 relates that a merchant could not 'sell the said wines [...] on account of their corruption'.¹³ These physical conceptions of corruption were also present within texts produced by the English crown. For example, in 1292 Edward I issued 'Statutum de Moneta Magnum' which said that forged currency was causing 'great damage to our lord the king and of his people, and [...] the corruption of his money'.¹⁴ In 1297, the crown issued the details of a truce between the kingdoms of England and France. This was publicised with seals which were 'not spoiled, not cancelled, nor abolished in any part of them, or corrupted'.¹⁵ In the late fourteenth century, the author of *Piers Plowman* explains the passage of an epidemic via bodily corruptions: 'Kynde through corrupcions kilde ful many'.¹⁶ Likewise, an ordinance in York from around 1371 sought to stem the smoke of 'chimneys and smokehouses [...] from which great corruptions and horrible and pernicious air is produced and engenders [...] the great disease of the people'.¹⁷

These physical ideas of corruption were also present in more abstract usages. For example, the *Vie de Saint Thomas Becket*, which was produced around 1174, told readers that the author has

¹² My translation from *La Estoire de Seint Aedward Le Rei*, ed. by Kathryn Young Wallace, Anglo-Norman Text Society, 41 (London: Anglo-Norman Text Society, 1983), II. 3980–3983: ['Le cors puet hum ensevelir | Mais sa vertu ne puet tapir, | Le cors du lui ki puceus fu | Ne puet, mort, estre corrumpu'].

¹³ My translation from: TNA, SC 8/157/7803; *Rotuli Parliamentorum Anglie Hactenus Inediti*, ed. by H. G. Richardson and George Sayles, Camden Third Series (London: Royal Historical Society, 1935), II, pp. 153–54: ['ils no poeient les dites vyns [...] vendre pur leur corupcioun'].

¹⁴ *The Statutes of the Realm*, ed. by Alexander Luders, 11 vols (London: Dawsons of Pall Mall, 1963), I, p. 219a: ['a grant damage noster Seignour le Rey e de son people, e a grant corupcion de sa moneye de Engletere'].

¹⁵ My translation from *Rymer's Foedera Volume 1*, ed. by Thomas Rymer (London, 1739), I, pp. 190–91: ['non vitiatas, non cancellatas, nec in aliquâ sui parte abolitas, seu corruptas'].

¹⁶ William Langland, *The Vision of Piers Plowman: A Critical Edition of the B-Text Bases on Trinity College Cambridge MS B. 15. 17*, ed. by A. V. C. Schmidt, Everyman's Library (London: Dent, 1993), p. 254.

¹⁷ My translation from *York Memorandum Book Part 1 (1376-1419) Lettered A-Y in the Guildhall Muniment Room.*, Publications of the Surtees Society, 110 (York: Surtees Society, 1912), p. 39: ['pur ceo que plusours fumers et fumes sount mys et coumblez ensemble en diverses places de la citee [...] dount graundes corrupcions et orible et pernouse ayre issuit et engendrent de ycelles, et lede chose y est et graunde disease au people'].

engaged in a digression ‘because I do not wish to make the story corrupt’.¹⁸ Another Anglo-Norman text, the *Lumiere as Lais*, is a 14,000-line account of Christian doctrine produced by Pierre D’Abernon in 1267.¹⁹ It was an influential text which survives in twenty known manuscripts and was intended to educate the lay populace on religious matters.²⁰ D’Abernon’s primary exemplar was a relatively simple work of Latin prose.²¹ This text contains eight usages of terms related to corruption.²² The most notable is the description of original sin:

Willingly, according to holy scripture,
as it was his own nature,
since Adam had sin,
his body was corrupt
thus he cannot produce offspring
without any passionate lechery
Nor can woman herself
conceive without corruption
[...]
the body of every child
born of the mother
is corrupt.
That [sin] of the first father descends
by birth
by human nature
by man that was first corrupted,
and by the nature of his lineage.
Each man that is born is corrupt
(ll. 2720-2726, 2738-2746)²³

¹⁸ My translation from Garnier de Pont-Sainte-Maxence, *La vie de Saint Thomas le martyr par Guernes de Pont-Sainte-Maxence, poème historique du XI^e siècle* (1172-1174), ed. by Emmanuel Walberg, Skrifter Utgivna av Kungl. Humanistiska Vetenskapssamfundet I Lund, 5 (Lund: C. W. K. Gleerup, 1922), p. 79: [‘Or vus ai fait ici mult grant digressiun, | Car ne voil en l’estoire fere corruptiun. | Or m’estuet revenir ariere a ma raisun’].

¹⁹ M. Dominica Legge, “‘La Lumiere as Lais’: A Postscript”, *The Modern Language Review*, 46.2 (1951), 191–95 (p. 191) <<https://doi.org/10.2307/3718562>>; Claire M. Waters, ‘Loving Teaching: Status, Exchange, and Translation in Pierre D’Abernon’s “Lumiere As Lais”’, *Medium Ævum*, 81.2 (2012), 303–20 (p. 303) <<https://doi.org/10.2307/43632935>>; *Vernacular Literary Theory from the French of Medieval England: Texts and Translations, c.1120-c.1450*, ed. by Jocelyn Wogan-Browne, Thelma S. Fenster, and Delbert W. Russell (Cambridge: D.S. Brewer, 2018), p. 165.

²⁰ Waters, p. 303; Wogan-Browne, Fenster, and Russell, pp. 165–66.

²¹ Wogan-Browne, Fenster, and Russell, pp. 165–66.

²² *La Lumere as Lais* by Pierre D’Abernon of Fetcham, ed. by Glynn Hesketh, Anglo-Norman Texts, 54–55, 3 vols (London: Anglo-Norman Text Society, 1996), I, pp. 85, 86, 87, 90, 93.

²³ My translation from Hesketh, I, pp. 85–86: [‘Volenteres, sulum seint escripture | Vus dirai cume sai la nature | Adam pus ke pecché aveit. | char corumpue esteit | Issi k’il ne pot engendrer mie | Sanz ardur de lecherie; |

Adam's original sin has tainted the entire human race by association. This innate corruption can only be overcome by extreme holiness. In 'Fouke le Fitz Waryn', language was seen as corrupted if poorly spoken. This was composed in a manuscript - under study in Chapter Four – sometime between 1335 and 1340. In the tale, John de Rampayne, a servant and entertainer of Fouke's household, disguises himself as a merchant in London. John succeeds in an attempt to convince the mayor of London to bring him before the king, 'even though he spoke corrupt Latin'.²⁴ Chaucer's 'Parson's Tale', from the late fourteenth century, contained the sense of taint by corruption: 'as a free bole [bull] is ynoch for al a toun, right so is a wilked preest corrupcioun ynoch for al a parrisse, or for al a contree'.²⁵

Also, in the early fourteenth century, there was the idea of seduction from correct behaviour in office through bribery – echoing Vitória's definition. According to a letter of credence from 1324, a view of the accounts of royal officials should be completed 'by men who are not corruptible'.²⁶ This demonstrates the perception that the view of accounts should be conducted by impartial 'men' who presumably will not overlook any frauds or discrepancies. Arnaud Caillau, in a letter to Hugh Despenser the younger, relates the poor state of the king's business in Gascony and states that 'these things, lord, are themselves made by the corruption of money which is given to your officials'.²⁷ This claim that officials have been diverted from their duty to the crown by bribery was intended to blame the failures in Gascony on malfeasance rather than mismanagement. An encyclopaedia produced by exchequer clerk James le Palmer sometime between 1360 and 1375 related a method for testing a potential bailiff, which stems from a thirteenth-century text.²⁸ This encyclopaedia advises readers to pretend to the prospective bailiff that they are poor in order to judge their response. If the bailiff seeks to spend money from the treasury, then he is not to be trusted with your wealth and, if he 'encourages you to seize your subjects' money' then 'he will be

Ne la femme ne pot en sun | Cunceivre sanz corupcioun | [...] Chescun enfant e de la mere, | Dunt chescuni char est corumpue | Ki del premer pere est descendue, | Numément par engendrure, | Par unt humeine nature | Par humme fu primes corumpue, | E la nature de ly descendue | Corumpcioun est de chescun humme | K'est engendré, ceo est la summe.']. I have read 'pus' as 'puis' rather than a form of 'poer'.

²⁴ My translation from BL. Royal 12.C.XII, fol. 57v: ['E quanqu'il parla fust latyn corrupt, mes le meir le entandy bien'].

²⁵ Geoffrey Chaucer, *The Riverside Chaucer*, ed. by Larry Dean Benson, 3rd ed (Oxford New York: Oxford University Press, 2008), p. 320.

²⁶ My translation from *The War of Saint-Sardos (1323-1325), Garscon Correspondence and Diplomatic Documents*, ed. by Pierre Chaplais, Camden Third Series, 87 (London: Royal Historical Society, 1954), p. 47: ['par gentz nent corumpables'].

²⁷ My translation from Chaplais, pp. 149–50: ['E cestes chozes, sire, se sunt fetes par corrupcion de deniers qui sunt este done a vostres officeaus'].

²⁸ John Sabapathy, *Officers and Accountability in Medieval England, 1170-1300* (Oxford: Oxford University Press, 2014), p. 77.

the corruption of your rule'.²⁹ In this instance, Palmer equates the presumably unfair extraction of wealth with corruption that will damage the master's rule. This aligns malfeasance in office with the idea of taint present in physical ideas of corruption. It is particularly informative as it was produced by an exchequer clerk and suggests that officials should use their own money rather than unjustly exacting from those they serve. The bailiff should, in the view of Palmer, offer his own wealth up to his lord. According to a collection of records relating to the administration of London made by the clerk to the mayor sometime before 1419, those appointed to hold the watch in London 'will give the oath to make the watch well and faithfully, without any corruption of gifts or of favour'.³⁰ A petition to parliament in 1437 was the first, in English, to approach the concept of corruption of trusted persons when it suggested that jurors of wealth were less liable to 'corruption, brocage, or drede'.³¹ Both of these specify that the entrusted person should perform their duty without being corrupted by money, fear, or personal or familial relations. Interestingly, this does not require that they do not take any money in the course of their duties, but simply that it should not tempt the watch from maintaining their post. They therefore lay out the norm which entrusted individuals must adhere to if they are to perform their duties properly.

The examples from the fourteenth century cited here are linked by a conception of negative change. Some simply relate rot or other degradation of physical material such as seals, foodstuffs, or bodies. The lack of physical degradation in the body of Edward the Confessor is apparently evidence that piety is one way to repel the inevitable ingress of corruption. Others, such as in the ability to speak a language, suggest a weakness, as was the case in 'Fouke', or the absence of supplementary information, for example, in the story of Becket's life. Some, such as those in the *Lumere as Lais*, *Piers Plowman*, and perhaps the Ordinance at York, imply a sense of taint by association with a negative force, whether that is an amoral priest, original sin, or unhealthy smoke. Officials were corrupted by money, favour, or intimidation. These conceptions indicate a sense of urgency to remove the negative agency and return systems to an otherwise healthy state. The corruption of money by forgeries which is expressed in the 'Statutum de Moneta Magnum' collides the physical and abstract. Most usages are rhetorical and intended to justify or impel some kind of corrective action, whether that is to live a more holy life, remove forgeries, or prevent abuse of power by trusted officials.

All these conceptions frame corruption as a negative process which needs to be protected against, or eradicated, in order to return to some better state. Corruption today is often presented

²⁹ Translation by Sabapathy, in: Sabapathy, p. 77; BL Royal MSS 6 E. VI (i) fo. 208r: ['erit corrupcio regiminis'].

³⁰ My translation from Henry T. Riley, *Liber Albus*, *Liber Custumarum et Liber Horn* (London: Longmans, Green, and Co., 1859), p. 284: ['qi ils frount le serement de bien et lealment faire le garde, saunz desporte de nulluy corrupcioun de dounn ou daffinitee'].

³¹ 'Parliament of January 1437', PROME, m. 5.

as a clear precise term which dictates a wrong, usually in public office. It often also retains the sense of pollution from a perceived tainted actor or act. The principal point of difference between modern and medieval usages of corruption is in the idea of testable, provable, corrupt behaviours. Despite some continuity of usages of the term corruption, conceptions of corruption in public office today stand in contrast to medieval ideas. For example, some observers from fourteenth century England would think there was little wrong with a trusted official deputising their duties to a family member.³² Likewise, officials were almost exclusively unremunerated and were expected, as Palmer related, to recover their costs through fees imposed upon those they administered.³³ Another consequence of the lack of a salary was the fees paid by large landholders to royal officials, of all ranks, to obtain preferential treatment.³⁴ Equally, it was often expected that officials would be housed and fed by the communities which they served.³⁵ Both crown and community accepted the practice of giving taxers 'courtesy' gifts.³⁶ In the fourteenth century these behaviours were condoned, to a greater or lesser extent, by the crown, as it was unable or unwilling to remunerate these officials directly. They did however sometimes prompt complaint in petitions and poetry.³⁷ In some instances, the crown did take steps to curtail some fees taken for service and the fees paid by landholders to officials.³⁸ It is far from clear however that these attempts were genuine anticorruption efforts.

While corruption is an inherently diffuse and amorphous term, the study requires manageable remits. The thesis could assess the validity of complaints against these officials according to their oaths or contracts. However, this would purely characterise behaviour as 'corrupt' or not according to criteria established by the crown. As Geltner, Vitória, and Kroese suggested, establishing a restricted definition of corruption against which complaints could be tested is overly

³² See Chapter Two, 1.2.2-1.2.3 in particular.

³³ See for example: Robert L. Baker, 'The English Customs Service, 1307-1343: A Study of Medieval Administration', *Transactions of the American Philosophical Society*, 51.6 (1961), 3 (pp. 8-10) <<https://doi.org/10.2307/1005813>>; Willard, *PTPP*, pp. 205-14. Fees for various duties of customs officials and taxers; James le Palmer's text: BL Royal MSS 6 E. VI (i) fo. 208r.

³⁴ Maddicott, 'Law and Lordship'; Nigel Saul, 'The Despensers and the Downfall of Edward II', *The English Historical Review*, 99.390 (1984), 1-33; Scott L. Waugh, 'For King, Country, and Patron: The Despensers and Local Administration, 1321-1322', *Journal of British Studies*, 22.2 (1983), 23-58.

³⁵ TNA, JUST 1/521, m. 19: John de Colleby, a taxer, stayed in the house of Agnes de Revel to collect tax; Willard, *PTPP*, pp. 206-7.

³⁶ Willard, *PTPP*, p. 211. Willard lists gifts given to taxers suspected of fraud. The crown did not pursue them for these funds so appears to have tolerated them.

³⁷ See the readings of 'Retinues of the Great', 'The Song against the King's Taxes', 'Trailbaston', and 'The Song of the Husbandman' in Chapter Four.

³⁸ See discussion of the 1346 Ordinance of Justices in: Gwilym Dodd, 'Corruption in the Fourteenth-Century English State', *International Journal of Public Administration*, 34.11 (2011), 720-30 <<https://doi.org/10.1080/01900692.2011.598273>> and; Maddicott, 'Law and Lordship'.

reductive. The aim of the thesis, building on their work, is to take account of broader perspectives beyond the crown by examining complaints against royal officials within court rolls and political poetry. As such, the study will confine itself to records which contain objections to the conduct of such officials. The objective validity of such complaints is of less interest than the extent to which the dissatisfaction with the perceived improper behaviour elicits a response from the 'wronged' parties. The thesis will attempt to sketch the contexts in which these complaints appeared and some of their ramifications in the evolution of English crown institutions in this period. The sources which form the principal basis for this study do not use corruption to refer to official malfeasance. Instead, this thesis uses the broad definition of corruption as a categorical term to set the remits for the study. To do this it focuses on a wide range of complaint against royal officials within specific contexts – regardless of their objective truth. The language of corrupt acts from the records is explored in more detail below.

1.3 LITERATURE REVIEW

There are several clear themes present in studies of political corruption in early fourteenth-century England. These relate primarily to the interrelation of corruption to diffusions of power, the effects of warfare, the role of public opinion, and the consequences of corruption, and anticorruption, on the development of state practices. Most studies prior to the millennium built upon the work of English scholars such as William Stubbs and T. F. Tout or, in the North American tradition, Charles Homer Haskins and Joseph Strayer. These studies often looked at the growth of governmental power and the behaviour of royal officials. However, over the past two decades there have been several works which directly address corruption within medieval governments. The growing emphasis on interdisciplinarity and a call for studies of the historic dynamics of corruption were factors in increased dialogue with research in the social sciences. The following draws out the themes of those works which address royal officials and corruption in early fourteenth century England. The exploration of this scholarship is arranged thematically.

1.3.1 The role of public opinion

1.3.1.1 Futile complaint and Administrative Change

John Maddicott explored aspects of English political life from the ninth century to the fourteenth. Maddicott's career produced two significant biographies on Thomas of Lancaster and Simon de Montfort as well as works on political poetry and the seminal *Origins of the English Parliament 924-1327*.³⁹ In 1978 Maddicott published a lengthy supplemental in the journal *Past and Present* which was

³⁹ J. R. Maddicott, *Simon De Montfort* (Cambridge: Cambridge University Press, 1994); J. R. Maddicott, *Thomas of Lancaster - 1307-1322* (London: Oxford University Press, 1970).

foundational in shaping our understanding of lordship, the judiciary, and royal administration more broadly in the thirteenth and fourteenth centuries.⁴⁰ Across nearly ninety pages Maddicott demonstrated how the ‘endemic nature of corruption (though the word is inadequate to describe practices so normal and so pervasive) meant that the working of government could frequently be diverted or controlled in the interests of private individuals and great corporations’.⁴¹ The supplement explores this through an examination of the account books, complaints against the judiciary, and accounts of attempted royal reforms. Maddicott showed that this patronage meant that the ‘rich were usually able to manage the law to their own advantage; the poor were usually defenceless when they set themselves up against lords’ and that ‘fees, robes and *douceurs* were usually able to buy favour and friendship for those who needed them’.⁴² Complaints about this situation ‘were as common as the practices which they illuminate’ but although there were periods of attempted reform, large landholders only moved away from retaining the services of royal justices due to a combination of changes in land management and as the justices’ ‘misconduct had come to jeopardize more interests than it served’.⁴³ To Maddicott, the division of justices’ loyalties between rich landowners, the crown, and their responsibility to execute the law fairly led to complaint. This complaint, however, did not directly result in any lasting changes. Rather complaint was only one factor, and not the primary one, which precipitated the temporary decline of the fees paid to retain justices. Thus, in the view of Maddicott, although public opinion played a role, it was long term changes in the underlying socio-economic factors which ended these corrupt practices.

This was supported and expanded upon by Gwilym Dodd’s 2011 article which looked at the corrupt activities of the local office-holding gentry and senior royal judges.⁴⁴ It sought to explore how this corruption, defined as the intrusion of private interests into public office, informed the crown and wider community. This article was part of a special issue for the *International Journal of Public Administration* which stemmed from a colloquium that included classicists, medievalists, and sociologists.⁴⁵ Dodd particularly focussed on surviving petitions in this study. According to Dodd, the crown was trapped by the need to employ officials that were enmeshed in social and political networks.⁴⁶ This resulted in conflicting pressures on the official.⁴⁷ The crown had expanded the

⁴⁰ Maddicott, ‘Law and Lordship’.

⁴¹ Maddicott, ‘Law and Lordship’, p. 1.

⁴² Maddicott, ‘Law and Lordship’, p. 81.

⁴³ Maddicott, ‘Law and Lordship’, pp. 81, 87.

⁴⁴ Dodd, ‘Corruption in the Fourteenth-Century English State’.

⁴⁵ Colin Adams, Margaret Procter, and Mike Rowe, ‘Bureaucracy, Corruption, and Accountability in Historical Perspective’, *International Journal of Public Administration*, 34.11 (2011), 697–700
[<https://doi.org/10.1080/01900692.2011.598260>](https://doi.org/10.1080/01900692.2011.598260).

⁴⁶ Dodd, ‘Corruption in the Fourteenth-Century English State’, p. 723.

⁴⁷ Dodd, ‘Corruption in the Fourteenth-Century English State’, p. 724.

theoretical limits of its authority from the thirteenth century without a concurrent ability to project it and so increasingly drew officials from local gentry to assert its authority.⁴⁸ Therefore, 'the system of local administration was shaped not by the crown or king personally, but by the social and political networks that already existed in the shires'.⁴⁹ Dodd argued that the Ordinance of Justices of 1346, which forbade justices from taking money or gifts from any person other than the king, was primarily a cynical 'sop to public opinion' and had little impact.⁵⁰ Concurring with Maddicott, Dodd considered that the only instances in which the crown actively engaged in anticorruption practices was as a result of 'pressure from below – particularly from the parliamentary Commons'.⁵¹ However, the principal driver of these practices was not high-minded principles but the necessity of maintaining positive relations with the gentry.

André Vitória, in keeping with other modern studies on medieval corruption, carried out a comparative study of the French, English and Portuguese monarchies from the mid-thirteenth to late fourteenth centuries. Like Maddicott and Dodd, Vitória considered that public opinion was integral within the politics of anticorruption although he goes further than most in asserting importance to the growth of vernacular literature of the fourteenth century and its role in spreading 'political consciousness far beyond the ruling ranks of society and the conventional channels for political representation'.⁵² This 'politicization of society' brought a new 'dimension to politics and to the question of legitimate power that shrewd politicians could explore to advantage'.⁵³ Vitória lists the wider contextual issues which condition responses to perceived corruption and the concurrent anticorruption responses: 'the expansion of government and the question of its financing, the impact of war on society [...] the pressure of public opinion and the opportunities created by broader political representation'.⁵⁴

1.3.1.2 Corruption and factionalism

Public opinion could harden opposition and degrade support for regimes which were perceived to be corrupt. Perceptions of corruption were both a consequence and driver of factional conflicts. For example, Natalie Fryde's 1979 monograph *The Tyranny and Fall of Edward II* explored the latter 'tyrannical' years of Edward II's reign and moved away from the approach taken by scholars such as Tout and Stubbs.⁵⁵ Her work minimised the role of 'great constitutional issues'

⁴⁸ Dodd, 'Corruption in the Fourteenth-Century English State', p. 724.

⁴⁹ Dodd, 'Corruption in the Fourteenth-Century English State', p. 724.

⁵⁰ Dodd, 'Corruption in the Fourteenth-Century English State', p. 727.

⁵¹ Dodd, 'Corruption in the Fourteenth-Century English State', p. 728.

⁵² Vitória, p. 85.

⁵³ Vitória, p. 85.

⁵⁴ Vitória, p. 84.

⁵⁵ Natalie Fryde, *The Tyranny and Fall of Edward II 1321-1326* (Cambridge: Cambridge University Press, 1979).

which, in her view, were ‘bandied about only as transient weapons in a bitter political struggle’.⁵⁶ The collapse of Edward II’s rule stemmed from hoarding wealth and favours and the granting of extensive freedoms to the Despensers. In short, Edward and the Despensers’ regime was based on a narrow group because the material benefits of power were restricted. Fryde supplemented her research on correspondence and financial records based at The National Archives with chronicles of the period. This work only touches briefly on the records of oyer and terminer which are the focus of this thesis although an earlier work of hers explored the political context of the trials in the early 1340s.⁵⁷ Fryde rejected Tout’s arguments that the administrative developments of the exchequer stemmed from the Despensers, and a number of prominent royal ministers.⁵⁸ Rather it was a result of the pressure put on the exchequer by Edward II who had ‘an obsessive preoccupation with wealth’ due to his ‘early financial difficulties’.⁵⁹ Ultimately, according to Fryde, although Edward and the Despensers had built up financial reserves they were unable to preserve their regime because they had ‘forfeited the support of most of the country’s notables’ and their ‘henchmen were regarded with hatred by a large part of [Edward’s] subjects’.⁶⁰ Essentially, in Fryde’s view, the collapse of Edward’s reign was due to the ‘corrupt dictatorship’ of the Despensers which denuded the monarch of potential support and hastened the formation of opposition.⁶¹

In the early eighties there were two articles which continued the exploration of patronage in fourteenth century England. These studies drew upon Maddicott’s ‘Law and Lordship’ and explored how patronage impacted the conduct of royal officials. They also fleshed out some of the conclusions drawn by Fryde on the reasons for the demise of the Despenser regime. In an article of 1983, Scott Waugh explored the nature of the patronage network which the Despensers built up in the years after the Battle of Boroughbridge in 1322.⁶² Waugh believed the regime failed to acquire ‘the exclusive control of the royal administration as they based it on a ‘narrow social group of gentry administrators’ and did not include ‘many of the baronial rank’.⁶³ In the case of the Despensers this was largely due to their general unpopularity.⁶⁴ Less than a year after this article by Waugh, Nigel Saul published an article which also explored the Despensers’ network albeit with a focus on its

⁵⁶ Natalie Fryde, *Tyranny and Fall*, p. 3.

⁵⁷ Natalie Fryde, ‘Edward III’s Removal of His Ministers and Judges, 1340–1’, *Historical Research*, 48.118 (1975), 149–61.

⁵⁸ Natalie Fryde, *Tyranny and Fall*, p. 8; T. F. Tout, *The Place of the Reign of Edward II in English History* (Manchester: Manchester University Press, 1936), p. 144. Those ministers being Roger Northburgh, Roger Waltham, Robert Baldock, and Walter Stapledon.

⁵⁹ Natalie Fryde, *Tyranny and Fall*, p. 87.

⁶⁰ Natalie Fryde, *Tyranny and Fall*, pp. 88–89.

⁶¹ Quote from: Natalie Fryde, *Tyranny and Fall*, p. 8.

⁶² Scott L. Waugh, ‘For King, Country, and Patron’.

⁶³ Scott L. Waugh, ‘For King, Country, and Patron’, p. 46.

⁶⁴ Scott L. Waugh, ‘For King, Country, and Patron’, p. 44.

interaction with local administration.⁶⁵ Saul showed that the Despensers were ambivalent to the important local offices.⁶⁶ Reconstructing the retinues of both Despensers, Saul found that they were able to project their power in the localities through ‘the subservience of the judiciary’ and an extended ‘army of estate officials and hangers-on’.⁶⁷ Saul showed that, as the Despensers and Edward took very little pains to ensure their followers took on important positions, resistance after the invasion of 1326 was limited.⁶⁸ Like Waugh, Saul saw the weakness of this system in the hatred they aroused and the narrowness of their support.⁶⁹

All three studies placed the perceived ‘corruption’ of the Despenser regime as a primary factor which united opponents and ensured that when existential challenges arrived their narrow support ebbed away. They suggest that this narrow support was a result of the perceived corrupt behaviour of the Despensers which unified opposition and ensured the loyalty of supporters was weak. Each study revised the emphasis that Tout placed upon the role of administrators in the evolution of exchequer policies. These studies also tended to downplay grand ideas in favour of pragmatic personal politics. Instead, the pressure created by the need for revenues was seen as the most important influence.

Ilana Krug, in two articles on complaints and corruption associated with purveyance (the seizure or purchase of supplies for military forces), supported the view that dislike of royal practices could energise opposition.⁷⁰ Purveyance had arisen as a means to supply the royal household but was increasingly stretched beyond this purpose, especially by Edward I. Relying on exchequer accounts, petitions, and touching on the oyer and terminer inquiries of royal officials, Krug argued that purveyance was ‘highly contentious practice’ that successfully kept forces supplied but provided a unifying cause for opponents of the crown.⁷¹

1.3.1.3 Hypocrisy and tolerance of corruption

These works indicate the importance of perceptions of corruption on public opinion and changing concentrations of political power. Another aspect of this is borne out in the discrepancy between ideal and real practices. It was this space between practice and principle which allowed critiques of governmental practices to gain traction and contribute toward the emergence of a political class which was able to make their demands heard.

⁶⁵ Saul.

⁶⁶ Saul, pp. 3, 22.

⁶⁷ Saul, pp. 6–14, 24–25, 27–28.

⁶⁸ Saul, pp. 17–22.

⁶⁹ Saul, pp. 32–33.

⁷⁰ Krug, ‘Feeding Mars’; Krug, ‘Wartime Corruption and the Complaints of the English Peasantry’.

⁷¹ Krug, ‘Feeding Mars’, pp. 76–77, 78, 88.

Scott Waugh's article on the patronage network of the Despensers outlined the retaining of royal officials as private clients by local landholders.⁷² Waugh called this a 'double allegiance' that ran counter to 'the prevailing moral principle of the impartiality of public officials, which virtually everyone who wrote about law or government in England since the twelfth century had stressed'.⁷³ However, this principle did not prevent the purchase of officials' loyalties as they 'formed the basis of social relations in England in the early fourteenth century'.⁷⁴ The main value of such a principle, in Waugh's view, was that it was ill-defined enough to be weaponised against political opponents as a means of curbing their power.⁷⁵ William Chester Jordan co-edited a collection of essays on historical corruption in collaboration with scholars from the social sciences in 2004.⁷⁶ Following this, Jordan authored a 2009 article which outlined the 'anticorruption' campaigns of the French crown in the thirteenth century.⁷⁷ The article drew parallels between the anticorruption practices of the French crown and multiple other European polities.⁷⁸ Jordan stated that developments of the thirteenth century established the 'universal recognition that it was the duty of the state to engage in a 'practical commitment to the prevention or punishment of corruption'.⁷⁹ Jordan believed that the legacy of the thirteenth century was not maintained 'because of the incredible disruptions' of war, famine, and recurrent plague'.⁸⁰ According to Jordan, '[r]ulers were incessantly and monotonously reminded of the good old days of Louis IX (and in different contexts also of the good old days of Edward I and of Magnus VI)'.⁸¹ Jordan attributes the power of Louis IX's legacy to the 'Franciscan and Dominican devotion to his memory and sermonising on his accomplishments'.⁸²

In a similar vein, Dodd's article on the behaviour of royal justices showed that the crown promoted a 'rhetoric of impartiality as a way of underpinning the theoretical and moral basis of its own authority' but also 'proved itself to be singularly lacking in the commitment necessary to ensure that these principles were put into place'.⁸³ The crown was trapped by the need to employ officials which were enmeshed in informal networks and this resulted in conflicting pressures.⁸⁴ In essence,

⁷² Scott L. Waugh, 'For King, Country, and Patron', p. 23.

⁷³ Scott L. Waugh, 'For King, Country, and Patron', pp. 41–44.

⁷⁴ Scott L. Waugh, 'For King, Country, and Patron', p. 44.

⁷⁵ Scott L. Waugh, 'For King, Country, and Patron', pp. 42–43.

⁷⁶ *Corrupt Histories*, ed. by Emmanuel Kreike and William Chester Jordan (Woodbridge: Boydell and Brewer, 2004).

⁷⁷ William Chester Jordan, 'Anti-Corruption Campaigns in Thirteenth-Century Europe', *Journal of Medieval History*, 35.2 (2009), 204–19 <<https://doi.org/10.1016/j.jmedhist.2009.03.004>>.

⁷⁸ Jordan, pp. 207–18.

⁷⁹ Jordan, p. 218.

⁸⁰ Jordan, p. 218.

⁸¹ Jordan, p. 218.

⁸² Jordan, p. 218.

⁸³ Dodd, 'Corruption in the Fourteenth-Century English State', p. 723.

⁸⁴ Dodd, 'Corruption in the Fourteenth-Century English State', p. 724.

Dodd's article demonstrated that the 'extension of government increasingly exposed a contradiction between "public authority" on the one hand, that was underpinned by principles of fairness, justice, and propriety; and lordship on the other, shaped by bias, preference and favoritism'.⁸⁵ Furthermore, Dodd showed that the crown did not have a monopoly on ambivalent attitudes toward corruption. The parliamentary Commons, which was drawn primarily from the gentry, criticised officials of central government but 'when it came to the principal *local* officers [...] who were drawn from within their own ranks' there was 'an underlying hypocrisy'.⁸⁶

John Sabapathy' 2014 monograph, *Officers and Accountability in Medieval England 1170-1300*, focused on the measures taken to oversee officials across four case studies which addressed manorial bailiffs and stewards, sheriffs, bishops, and college wardens and fellows. The study spilled out of this temporal and geographic remit to contrast English examples with those across the continent, and more widely, much like Jordan's article on French royal practices. Sabapathy outlined what he, unfortunately, called the 'schizophrenic' attitude of the period that '[a]vowed belief in responsible conduct' which was 'belied by repeated reliance on a thinner accountability in practice'.⁸⁷ Similar to Jordan, Sabapathy placed the emergence of an ethos of accountability in a range of officials, both inside and outside government or state institutions, in the twelfth and thirteenth centuries.⁸⁸ In an echo of Dodd's emphasis on the role of local communities and officials in shaping royal offices, Sabapathy outlined 'vernacular' developments through local contexts and experimentations.⁸⁹ Vitória observed that medieval royal governments were 'pragmatically disposed to considering official misconduct on balance; but it was neither blind to the problem posed by immoderate corruption nor entirely powerless to punish it'.⁹⁰ Vitória's study demonstrated that how governments 'dealt with the problem of corruption depended on the fundamental questions of distribution[s] of power and wealth that defined the relationship between government and political society'.⁹¹ For Vitória this attitude did not prevent the development of 'an ethos based on loyalty, integrity and accountability or the formulation of a legislative framework for governmental action', but it 'conditioned their practical effects and created a space of nuance and contradiction that could only be described as a tolerance of corruption'.⁹²

⁸⁵ Dodd, 'Corruption in the Fourteenth-Century English State', p. 728.

⁸⁶ Dodd, 'Corruption in the Fourteenth-Century English State', p. 729.

⁸⁷ Dodd, 'Corruption in the Fourteenth-Century English State', p. 723; Sabapathy, p. 23.

⁸⁸ Sabapathy, p. 22.

⁸⁹ Sabapathy, p. 23.

⁹⁰ Vitória, p. 89.

⁹¹ Vitória, p. 88.

⁹² Vitória, p. 88.

To summarise, complaint alone rarely caused changes in royal practices unless it was convenient for the crown or accompanied by changes in the underlying socio-economic context. However, in the case of the Despenser regime perceived corruption appears to have denuded support and strengthened opposition. This may also be symptomatic of the fact that Edward and the Despensers hoarded power and wealth among small groups during their ascendancy. Thus, these perceptions of corruption may have resulted from factionalism rather than acted as drivers of it.

Dodd, Waugh, Jordan, Sabapathy, and Vitória all point to the discrepancy between ideals and practices in the fourteenth century. Jordan, Sabapathy, and Vitória suggested that the ideals emerged, or grew in importance, during the thirteenth century. This discrepancy was a challenge for regimes in the fourteenth century and later as it provided a clear point of attack for political opponents. Practices which transgressed the widely held ideals of official conduct were tolerated by the crown because those engaging in corrupt acts were too valuable, or powerful, to punish. However, in England, the emergence of the gentry as a central political class challenged this position regarding important royal ministers. For the gentry, the legacies of Louis IX, Simon de Montfort, and to a lesser extent Thomas of Lancaster, provided convenient examples of good governance, real or imagined, which could be contrasted with the practices of the fourteenth century. They were not utilised to create a less corruptible regime but to strengthen the control of local landholders over important local offices.

1.3.2 Financial Stress and Corruption

In 1975 John Maddicott authored another lengthy supplement, also in *Past and Present*, which explored the burdens placed upon the peasantry of England between 1290 and 1340 as a result of warfare.⁹³ The supplement was primarily intended to redress the perception that the demands of the crown were light in comparison to those made by large landholders.⁹⁴ In doing so, the essay made use of parliamentary petitions, exchequer records, the records of oyer and terminer inquiries, poems of complaint, and polemical tracts. Maddicott posited that '[f]or much of the Middle Ages war formed the dominant influence in shaping English society'.⁹⁵ One result of this was the 'multiplication of officials, together with an increase in the powers delegated to those already existing'.⁹⁶ This 'vastly enlarged the opportunities for the peculation and graft which had always characterised local

⁹³ An updated version was published in 1987 in a collection of important articles from the journal on the economic and social development of landed society in medieval England: Maddicott, 'English Peasantry'.

⁹⁴ Maddicott, 'English Peasantry', p. 288.

⁹⁵ Maddicott, 'English Peasantry', p. 358.

⁹⁶ Maddicott, 'English Peasantry', p. 287.

government'.⁹⁷ Maddicott's supplement also showed that the demands of the crown in the 1330s were likely the highest at any point in England during the Middle Ages.⁹⁸

Jordan, like Maddicott, suggested that another significant factor stemmed from reactions to the financial demands of war – particularly in an English context.⁹⁹ Likewise, the ferocity of the brutal English campaigns against the Scottish and Welsh 'both because of the tremendous outlay of expenses and the belief that the opposition represented savagery, evoked some of the same demands for efficiency (or, read, honesty) in administration and moral regeneration at home'.¹⁰⁰ Jordan also highlighted a study by legal scholar James Jacobs which demonstrated that increased anticorruption practices often resulted in diminished efficiencies.¹⁰¹ Jordan raised a series of questions for future work on this area. One consideration was that 'levels of frustration among subjects from things being done right (and thus slowly)' might have 'undermined confidence in the state'.¹⁰² Illana Krug built on Maddicott's work and illuminated some of the ideas articulated by Jordan when she showed that corruption, and bureaucracy intended to combat corruption, undermined the efficacy of purveyance.¹⁰³

This efficiency imperative aligns the evolution of purveyance with the development of lay taxation across the first half of the fourteenth century. J. F. Willard produced the foundational *Parliamentary Taxes on Personal Property* in 1934 which presented the changes of 1334 as 'the outcome of over forty years' experience with alleged and proven fraud'.¹⁰⁴ Stuart Jenks, in a study largely intended to address the utility of lay subsidy rolls for economic historians, argued that the changes of 1334 were not intended to combat corrupt but to streamline the collection of taxation.¹⁰⁵ For Jenks, the 'allegations of corruption provided a golden opportunity to scrap an inefficient system and to maximise income from the current and from the previous subsidy at the same time'.¹⁰⁶ Jenks believed that the crown's primary motivation was to ensure that it received the maximum amount due rather than to punish any corruption. Both studies posit corruption as a key

⁹⁷ Maddicott, 'English Peasantry', p. 287.

⁹⁸ Maddicott, 'English Peasantry', pp. 285–87, 329.

⁹⁹ Jordan, p. 217.

¹⁰⁰ Jordan, p. 217.

¹⁰¹ James Jacobs, 'Dilemmas of Corruption Control', in *Corruption, Integrity and Law Enforcement*, ed. by Cyrille J.C.F. Fijnaut and Leo Huberts (Brill, 2000), pp. 283–92 <https://doi.org/10.1163/9789004481213_019>; Jordan, p. 218.

¹⁰² Jordan, p. 218.

¹⁰³ Krug, 'Feeding Mars', pp. 87–88.

¹⁰⁴ Willard, *PTPP*, p. 219.

¹⁰⁵ Stuart Jenks, 'The Lay Subsidies and the State of the English Economy (1275–1334)', *VSWG: Vierteljahrsschrift für Sozial- und Wirtschaftsgeschichte*, 85.1 (1998), 1–39.

¹⁰⁶ Jenks, p. 12.

concern in the reform of the tax collection to a system which persisted largely unchanged for nearly three centuries. To Willard the changes in 1334 were a culmination of nearly a half century of experimentation. While in Jenks' view the final form of taxation was driven primarily by expedience. Jenks' thesis fits within the findings of Krug and the balance between anticorruption and efficiency which Jordan and James Jacobs highlighted.

The late thirteenth century saw the introduction of various anticorruption practices within the collection of royal revenues. As Jordan suggested these practices, which sought to ensure fairness and oversight, were also slow. The financial stresses of the fourteenth century, largely as a result of warfare, created a problem for the crown. Anticorruption practices produced systems of revenue collection that were tolerated but inefficient and which therefore struggled to meet the demands of the near constant warfare of the early fourteenth century. This gave the crown the impetus to adapt existing models of collection or scrap them entirely. Alongside this, the growing importance of the parliamentary Commons, especially in their role as granters of assent for taxation, gave voice to the concerns of the gentry. This group, were integral to the crown as they staffed vital local offices. The gentry looked toward the thirteenth century as the ideal of good governance. The discrepancy between the crowns' mode of operation and thirteenth century ideals helped to shape the gentry's stance on the control of local offices in particular.

The thesis argues that the legacy of Simon de Montfort based his political stance, in part, around ideals of good governance. Montfort's popularity and later death created a powerful legacy which was adopted by later protagonists and acted as a unifying force upon the gentry. This group, in the early fourteenth century, increasingly saw their social and political ambitions in parliamentary processes and thus the legacy of Montfort helped to shape the early parliamentary stance. Thus, while complaint alone was often insufficient the longstanding legacy of these thirteenth century models had long-lasting impacts on the views of a significant portion of the political community in England. Furthermore, the thesis argues that many of the stated practices within wool collection and taxation were simply administrative ideals which were often disregarded for reasons of efficiency. In this vein, in contrast to Jordan's argument, the thesis contends that it was the crown, rather than subjects, who bypassed inefficient mechanisms as a result of its thirst for revenues to fight increasingly expensive wars. The crowns tolerance for low level corruption, as posited by Dodd and Vitória meant that it was willing to devolve the collection of revenues away from close control to interested groups such as the local gentry or merchants. This probably had the effect of lowering complaint of a very vocal group and little on reducing corruption as it gave free reign to local landholders. Finally, the thesis builds on the connections made between warfare and corruption to suggest that the financial imperatives of war drove administrative change by increasing complaint against corruption.

I.4 RESEARCH QUESTIONS

Building on the scholarly debates outlined above, this thesis examines how perceptions of corruption shaped the evolution of English crown practices within the collection of taxation, the application of royal justice in the localities, and the development of the parliamentary Commons while addressing how the pressures of war and the role of complaint drove evolution of the political community and ‘state’ institutions.

Firstly, the thesis will look at the contexts in which corruption was tolerated by the crown. It will outline the role of public perception within trials of royal officials and so builds on the works of Dodd, Vitória, and Maddicott in particular. Secondly, it will explore how financial stress and perceptions of corruption affected the evolution of revenue raising practices through an examination of complaints against royal officials. In doing so it will demonstrate the negotiation the balance between efficiency and anticorruption practices. The thesis will show that the thirst for revenues to support warfare drove a move away from thirteenth century modes of governance. Thus, it will elaborate upon on the ideas advanced by James Jacobs, via William Chester Jordan, which suggest that anticorruption is a balance between efficiency and oversight. In the case of the fourteenth century, incessant warfare created an urgency which overrode the need to maintain an older accepted systems which sought to portray an incorrupt veneer. Thirdly, it will investigate how changing diffusions of political power shaped, or were shaped by, anticorruption practices. The thesis will demonstrate, across all four chapters how the emergence of the gentry as an integral facet of the political community of England forged changes in the political settlement which necessitated adaptations within the collections of royal revenues and, more tangentially, the administration of local justice. This will expand upon the ideas of Fryde, Waugh, and Saul which suggested that corrupt activities by royal officials denuded the Despenser regime of support. Finally, following on from the suggestions of Vitória, the thesis will explore the representation of complaint against royal officials within surviving political literature of the period.

The thesis thus engages with several questions. In what ways did the political context of the period under study influence the development of widespread anticorruption investigations? How did fears of corruption drive change in the collection of lay taxation in the early fourteenth century? What was the impact of corrupt behaviours on the collapse of various collaborative schemes designed to profit from the wool trade? Lastly, what was the attitude towards royal officials and government outside of crown records?

I.5 SOURCES AND METHODS

The focus on warfare and its interrelation with corruption and anticorruption processes in prior studies directed the study of these records towards complaints against officials connected to

levies which were most frequent in times of warfare.¹⁰⁷ The thesis focuses on the records of the courts of oyer and terminer and surviving political poetry from the period. They are outlined in more detail below.

1.5.1 The records of oyer and terminer

The primary motivation for exploring the records of oyer and terminer sprang from the relatively limited exploitation of their contents in prior studies of this period. This thesis considers the trials which investigated royal officials as a discrete phenomenon for the first time. In addition to the records of oyer and terminer which investigated royal officials, the thesis explored the records of the exchequer, particularly the memoranda rolls. The memoranda rolls were a compilation of material which was deemed important enough to merit frequent reference by the officials of the exchequer.¹⁰⁸ They often contain much richer detail of individual cases than the records of oyer and terminer. These records were supplemented by printed material such as the various calendars of crown records which were produced in the nineteenth and early twentieth centuries and a number of volumes produced by local record societies.

The contextual details surrounding the records of oyer and terminer is explored in greater detail in Chapter One. The following is simply intended to introduce readers to the content and construction of the surviving rolls. More than fifty extant rolls, drawn up between 1260 and 1344, are now housed at The National Archives in Kew. They are bulky and difficult to handle. The vast majority of the material within the rolls is recorded in Latin. Clerks of the royal justices drew up the rolls, probably in duplicate, and dispatched them to Westminster. It is likely that the surviving rolls are a combination of both working documents and later compilations made from the working records of the court. They were a record of court business, retained for the purposes of raising fines from those found guilty and so likely passed through the exchequer at some point before finding their long-term home in the Tower of London. The *rotulets*, or 'little rolls', are laid flat, stitched 'exchequer style' at the head, and then rolled as a group.¹⁰⁹ Presumably the rotulets were kept loose while the court was in progress and stitched together later. However, it seems unlikely that there is much uniformity of approach in this regard. Both the exchequer memoranda and the records of oyer and terminer were primarily concerned with preserving royal revenues through

¹⁰⁷ Jordan; Maddicott, 'English Peasantry'; Vitória.

¹⁰⁸ For more context see: A. T. Larson, 'Some Aspects of the Mediaeval Exchequer Memoranda Rolls', *Historical Research*, 16.46 (1938), 12–18 <<https://doi.org/10.1111/j.1468-2281.1938.tb01502.x>>; James F. Willard, 'The Memoranda Rolls and the Remembrancers, 1282–1350', in *Essays in Medieval History Presented to Thomas Frederick Tout* (Manchester: Manchester University Press, 1925), pp. 215–30.

¹⁰⁹ This is in contrast to the Chancery style rolls which were stitched together end-to-end and then rolled. Paul Dryburgh, Principal Record Specialist at The National Archives, colourfully equates exchequer style binding to a flipchart and chancery style binding to toilet roll.

fines. They positioned the crown and the general populace as the principal victims as a justification for heavy fines. Both major sets of sources retain information which was deemed important to the crown's fiscal priorities and omitted details considered unimportant.

The nature of the information recorded in the rolls of oyer and terminer relies on complaints made by individuals or by groups of locals providing evidence through presentments. As such they betray particular interpretations of events which were believed to have transgressed proper conduct according to the remit provided by the commissions of the court. Fines, or lack of, are an indication of the view of justices' interpretation of the wishes of the crown. Allegations are mostly arranged by the nature of their presentation to the court. The sheriff was ordered to empanel juries from each hundred who provided evidence to the court in the form of presentments. The role of jurors, as providers of evidence or as investigators, differed from the modern conception of jurors as passive courtroom actors. These allegations make up the majority of the information in the records and are normally organised according to the hundred which the jury inhabited. The second major category of complaint was by written bill and these are usually recorded on separate membranes. A further subdivision often occurred according to the type of official accused. While some are vague accusations summarising a broad range of crimes, most jury presentments contain the name of the accused, the victim, the nature of the crime, sums of goods or money involved, locations, and frequently dates. Courts of oyer and terminer also had the power to 'hear and determine' offences. Meaning that they could hear the allegations and determine punishment. As such fine lists are attached although clerks often recorded the eventual punishment in the margin or nearby. This was possible as usually each allegation was usually given significant surrounding space. The Lincolnshire roll of 1341 is one exception to this.¹¹⁰ The fine list from this Lincolnshire roll is missing and was probably lost during the course of the bailiffs attempts to collect the sums owed.¹¹¹ The infrequent survival of fine lists may be due to their use in the process of collection. Where fines are recorded, the mainpernors, those who stood as sureties for fined individuals, are also usually noted. These are a good guide for reconstructing close connections between individuals. Some rolls, although the minority, include jury lists and many have writs related to the court stitched in amongst the membranes. The rolls from the first half of the fourteenth

¹¹⁰ TNA, JUST 1/521.

¹¹¹ CPR 1338-41, pp. 301-302.

century have the most consistent survival which was a significant factor in the temporal remit of this study. These rolls form the majority of the unpublished sources which were investigated.¹¹²

The commissions which empowered the royal justices varied over the period under study and each iteration tended to become more verbose. However, they generally followed a similar formula which opened with a justification for the investigation. These usually cited the ‘many losses and burdens’ which were ‘inflicted’ on the people of the county and ‘others coming there’.¹¹³ The 1340 commission represents the last commissions of this kind and they called for the justices to uncover the ‘oppressions, extortions, injuries, grievances, and excesses’ of the officials.¹¹⁴ This language was also reflected in the allegations recorded in the court rolls. The Oxfordshire taxers paid a collective fine for ‘all excesses, extortions, and transgressions’ they had committed.¹¹⁵ The commissions were usually accompanied by a list of specific officials to be investigated although this does not appear to have restricted the justices activities if they found offences by officials outside those stipulated. The commissions were interested in officials who acted ‘under colour of their office’ [‘sub colore officorum suorum’].¹¹⁶ This usage is common and wool collectors acting inappropriately were said to have ‘by colour of a certain royal commission’.¹¹⁷ The *Dictionary of Medieval Latin from British Sources* cites usages of this term in the thirteenth and fourteenth centuries to describe ‘disguise’ or ‘pretext’.¹¹⁸ This suggests that the crown was interested in those occasions when officials had exceeded their duties and committed crimes while in office which related directly to their position of trust. Generally, the language used within allegations was more specific although they often closed with more generic formulations. For example, taxers in 1298 ‘unjustly raised’ [‘iniuste levaverunt’] taxes or ‘maliciously taxed’ [‘maliciose taxavit’] individuals who fell under the minimum threshold of taxable wealth.¹¹⁹ Taxers, particularly in the 1330s, were accused of ‘concealment’ [‘concelare’]

¹¹² For a more general outline of these records see: David Crook, *Records of the General Eyre*, Public Record Office Handbooks, no. 20 (London: H.M.S.O, 1982); Richard W. Kaeuper, ‘Law and Order in Fourteenth-Century England: The Evidence of Special Commissions of Oyer and Terminator’, *Speculum*, 54.4 (1979), 734–84 (pp. 738–39) <<https://doi.org/10.2307/2850327>>; Pugh, *Itinerant Justices*; R. B. Pugh, *Calendar of London Trailbaston Trials under Commissions of 1305 and 1306* (London: H.M.S.O, 1975).

¹¹³ See, for example: TNA, JUST 1/254, m. 1: [‘sub colore officorum suorum hominibus de comitatis illis et aliis in eisdem venientibus per falsa indictamenta imprisonmentata appella graves redemptioned intollerabiles distrationes ex causis iniustis factis et diversarum pecunie finarum et rerum extorsiones dampna et gravamina quem plurima diversimode intulerint in nostri contemptum’]. However, the commissions from later in the century follow very similar formulations (see chapter 1).

¹¹⁴ TNA, JUST 1/521, m. 1: [‘diversa oppression, extorsiones, dampna, gravamina, et excessus’].

¹¹⁵ TNA, JUST 1/715, m. 16: [‘pro omnibus excessibus, extortionibus, et transgressionibus’].

¹¹⁶ For example: TNA, JUST 1/254, m. 1; TNA, JUST 1/255, m. 1.

¹¹⁷ TNA, JUST 1/521, m. 15d: [‘colore cuiustam Commissionis per domini Rege’].

¹¹⁸ ‘Color’ (3b), *DMBLs*.

¹¹⁹ TNA, JUST 1/505, mm. 8, 8d, 9.

when they disguised the level of revenues ‘against the form of their commission’.¹²⁰ Corrupt royal officials were also said to have acted in 1340 ‘by colour of a certain royal commission’.¹²¹ Sums were often raised ‘by extortion’ [‘per extorcionem’] which implies violence or some other form of coercion.¹²² The allegations against royal officials frequently related the consequences of their behaviour. For example, wool collectors caused ‘damage and impoverishment of the people’ through the various fees and charges which were imposed upon them.¹²³ Just as common were the suggestions of the damage to the king’s finances which particularly related to the non-seizure of goods or revenues in exchange for bribes of some kind. John Ingram, a wool collector in Lincolnshire, collected a series of bribes ‘so that the king was not served’.¹²⁴

1.5.2 The political texts of the Ludlow Scribe

The focus of Chapter Four is on the political literature produced, copied and probably partly composed, by a single scribe working in the Ludlow area of Shropshire in the first half of the fourteenth century. In this instance political literature is understood as literature which comments on and critiques the socio-political structures of contemporary society. Derek Pearsall believed the manuscript was the most important Middle English survival and, according to Susanna Fein, the manuscript ‘preserves more poems about love and politics than any other manuscript from the era, and for almost all of these items, preservation depends entirely on the book’s own fortuitous survival’.¹²⁵ This tri-lingual manuscript, and the wider work of the Ludlow Scribe, contains political poems and songs, love lyrics, the largest collection of Anglo-Norman fabliaux, tracts on pilgrimage, saints legends, and romance, among others. The works of the Ludlow Scribe were chosen primarily for three reasons. Firstly, they constitute a significant proportion of the surviving political poetry and songs of the first half of the fourteenth century. Secondly, their co-occurrence mostly in a single manuscript provides opportunities for analysis which is not present in disconnected texts. Finally, there has been a recent wealth of studies, principally by literary scholars, on the works produced by the scribe and the wider manuscript ecology. This, in conjunction with the extensive examination of legal records, provided an ideal case study to draw out previously unnoticed nuances of the political texts which has great relevance for how we understand political communication in the early

¹²⁰ See chapter 2 and also: TNA, E 159/112, m. 104: [‘concelatas et [...] levaverunt per extorcionem et contra formam comissionem suo’]. Also m. 143: [‘pro concelemento’].

¹²¹ TNA, JUST 1/521, m. 15d: [‘colore cuiustam Commissionis per domini Rege’].

¹²² See chapters two and three. For example, TNA JUST 1/521, m. 19: wool collector ‘William Myners [...] took 20 shillings by the extortion of Augustinis Attewode’ [‘Willelmus Myners [...] cepit xx. S per extorcionem de Augustinis Attewode’].

¹²³ TNA JUST 1/521, m. 15: [‘ad dampnum et depauperationem populi ad sumam C libras’].

¹²⁴ TNA, JUST 1/521, m. 19: [‘sic quod dominus Rex non sunt servitus’].

¹²⁵ Susanna Fein, ‘Introduction: British Library MS Harley 2253: The Lyrics, the Facsimile and the Book’, in *Studies in the Harley Manuscript: The Scribes, Contents, and Social Contexts of British Library MS Harley 2253*, ed. by Susanna Fein (Kalamazoo: TEAMS, 2000), pp. 1–20 (p. 4).

fourteenth century. They also give a window into the wider attitudes of the lesser gentry toward royal officials and the crown during a tumultuous period of English history. The political poems produced by the scribe are explored and linked to the findings of the previous chapters. While the works produced by a single scribe may appear to be a narrow source base, recent scholarship has instead suggested that the texts are indicative of a much wider network of scribes and their audiences. The texts, the manuscript, and the networks they were part of are explored in much greater detail in the final chapter. However, it is important to stress that the manuscript was the direct product of four scribes and the indirect product of many more who were part of this nationwide network. These scribes copied various texts from exemplars which likely circulated as loose sheaf or collections of texts. At a later point, probably sometime in the 1340s, these loose sheafs which copied earlier were bound into volumes which are now classified as Royal 12.C.XII and Harley 2253. The majority of the Royal manuscript was written many years before its binding while much of Harley 2253 was composed in the late 1330s and early 1340s.

The political texts explored in the final chapter have been well-studied by scholars with a background in literary criticism over the last half century. Historians who have noted these texts have over-privileged translations and readings from literary scholars. This is perhaps due to the interdisciplinary barriers to carrying out a study such as the one attempted in Chapter Four. Many of the texts have been published in their original language or translation since Francis Palgrave produced thirty copies of a booklet containing one of the poems in 1818.¹²⁶ Recent studies have advanced our understanding of the manuscript and scribe significantly. They have situated the years between 1316 and 1342 as the definitive period in which the texts were copied. These texts are invaluable insights into wider perceptions of the remits of royal authority in this period and impinge upon the various decisive political upheavals of the kingdom. Although the texts discussed are largely the product of a single scribe, the chapter will show that the manuscript and wider context demonstrate that this scribe, and the texts produced, were part of a vibrant literary culture which produced and disseminated political texts throughout the early fourteenth century. The texts produced by the so-called Harley Scribe demonstrate connections across England, Wales, Ireland, and the continent. And, as Carter Revard recently put it, 'the manuscript ecology [...] of these poems illuminates their relationship with the literary and social history of the period'.¹²⁷ This chapter expands Revard's approach and analyses the works of the scribe against the context of the institutional records explored in this thesis. In doing so it opens new insights not readily accessible

¹²⁶ *Anglo-Norman Political Songs*, ed. by Isabel Aspin, Anglo-Norman Texts, 11 (Oxford: Blackwell, 1953), p. 67.

¹²⁷ Carter Revard, 'Political Poems in MS Harley 2253 and the English National Crisis of 1339–41', *The Chaucer Review*, 53.1 (2018), 60 (pp. 60–61) <<https://doi.org/10.5325/chaucerrev.53.1.0060>>.

to scholars from a purely literary background. This interdisciplinary approach has yielded new insights into these well-studied texts which explore the role of royal officials and critiques the remits of royal power.

The majority of Chapter Four addresses texts from Harley 2253. However, Royal 12.C.XII is of interest as it was produced largely by the same scribe, collated across the first half of the fourteenth century, and bound at some point after 1340. According to Susanna Fein, the editor of a recent three-volume facing translation of Harley 2253, the manuscript is ‘one of the most important literary books to survive from the English medieval era’.¹²⁸ The texts in Harley 2253 were ‘received by sophisticated audiences across diverse social registers’.¹²⁹ Much of the importance of the manuscript lies in the contextual information which has been gleaned about the book and its author and the wide range of texts unattested elsewhere. The manuscript itself however, is not necessarily unusual in other respects. Matthew Fisher points out that the ‘astonishing richness of the Harley Lyrics has overshadowed, to some degree, the ways in which Harley 2253 is just another fourteenth century manuscript, unremarkable precisely for its heterogeneity’.¹³⁰ Recent work, over the last two decades, has rapidly advanced our understanding of the texts, the scribes who produced them, and the context in which the manuscripts were compiled. Part of the rationale for the focus on Harley 2253, relative to Royal 12.C.XII is a result of the large number of recent studies on the manuscript which allow a better contextual understanding of its production and potential reception. A great deal more work is needed on the production and context of Royal 12.C.XII. Susannah Fein considers that the Harley manuscript was ‘created very much with oral performance as a highlighted purpose’ as ‘the scribe has intentionally made texts look like they are being orally delivered’.¹³¹ Fein lists seven texts that are introduced with exhortations, possibly inserted by the Ludlow Scribe, which invite an audience to listen.¹³²

The poetry explored in Chapter Four discusses corruption in more emotive and visceral terms. The servants of retinues, which I argue refers to the retinues of royal officials, were composed of ‘rybauds’ ['rascals'], ‘harlotes’ ['scoundrels'], ‘gedelynges’ ['bastards'], ‘knaves’, who were ['hatched

¹²⁸ Susanna Fein, ‘Introduction’, in *The Complete Harley 2253 Manuscript*, ed. by Susanna Fein, David B. Raybin, and Jan M. Ziolkowski, TEAMS, 3 vols (Kalamazoo, Michigan: Medieval Institute Publications, 2015), I, p. 1 <<https://d.lib.rochester.edu/teams/text/fein-harley2253-volume-1-Introduction>>.

¹²⁹ Matthew Fisher, *Scribal Authorship and the Writing of History in Medieval England*, Interventions: New Studies in Medieval Culture (Columbus: Ohio State University Press, 2012), p. 102.

¹³⁰ Fisher, p. 103.

¹³¹ Susanna Fein, ‘Compilation and Purpose in MS Harley 2253’, in *Essays in Manuscript Geography*, ed. by Wendy Scase, Medieval Texts and Cultures of Northern Europe, 10 (Turnhout: Brepols, 2007), pp. 67–94 (pp. 88–89).

¹³² Fein, ‘Oppositional Thematics’, p. 89.

from a horses turd’].¹³³ The consistory court is led by an ‘old cherl’. According to the speaker, any ‘fol [fool] cleric’ can buy his way into a position of power and act like this judge ‘swart ant al toswolle’ ['threatening and all puffed up'].¹³⁴ The ‘Song of the Husbandman’ lists a series of officials and depicts them negatively. After a series of complaints against local officials the speaker states that ‘cometh budeles with ful muche bost’ ['tax collectors come with excessive arrogance'].¹³⁵ These officials straddle the divide between crown and commons as they were normally drawn from the communities which they served and only operated when the crown was able to raise taxes. The chief taxer, more frequently officials with close connections to the crown, appear ‘brust ase a bore’ ['bristling as a boar']. The text commonly known as ‘Song against the King’s Taxes’ saves vitriol for close advisors of the king who are ‘false ones’ and an ‘evil counsellor’ who has behaved with ‘depravity’, ‘savagery’.¹³⁶ The poem ‘Trailbaston’ presents sheriffs as seeking bribes and labels royal justices as ‘men of cruelty’.¹³⁷ These colourful poems and songs present a wholly negative image of church and royal officials and particularly those close to the king such as counsellors, royal justices, and sheriffs. Whether the complaints presented in the poems constitute corruption in the eyes of the crown is not necessarily of most interest. What is of most interest is that the authors of these texts wished to present these officials in a negative light and seemingly considered many of these actions as negative behaviour. They are explored in much greater detail in Chapter Four.

1.5.3 The Evidence and its Challenges

Exploring such diverse sources requires very different approaches and engagement with vastly distinct secondary literatures. These literatures are largely out of step with one another due to the skills required to explore literary and administrative records of the period. This divergence would not have been familiar to the Ludlow Scribe however as the clerks who produced or consumed legal and economic records in the fourteenth century also created and circulated poems and songs. Therefore, approaching both sets of records in one study opens up new readings while also requiring a thorough understanding of very diverse secondary research and different approaches. For example, administrative records are largely formulaic and repetitive. They were often working documents surviving in various states of abandonment. Both exchequer memoranda and the records of oyer and terminer were primarily concerned with preserving royal revenues through fines. They portray the crown and the general populace as the principal victims in order to

¹³³ ‘O rybauds Y ryme ant red o my rolle’, art. 88, BL Harley 2253, II. 1, 3, 7.

¹³⁴ ‘Ne mai no lewed lued libben in londe’, art. 40, BL Harley MS 2253, II. 19, 43, 48.

¹³⁵ ‘Ich herde men upo mold’, art. 31, BL Harley MS 2253, II. 37, 50.

¹³⁶ ‘Dieu, Roy de Mageste’, art. 114, BL Harley MS 2253, II. 10, 72,-74: ['Falsis malediction detur', 'Homme ne doit a roy retter | talem pravitatem, | Mes al maveis consiler | per ferocitatem'].

¹³⁷ ‘Talent me prent de rymer e de geste fere’, art. 80, BL Harley MS 2253, I. 35: ['Spigurnel e Belflour sunt gente de cruelte'].

justify for heavy fines. Both major sets of sources retain information which was deemed important to the crown's fiscal priorities and omitted details considered unimportant. As a result, the main priority of scribes was to record the wrongs which were done and the fines which were due. Therefore, scribes often omitted important details in allegations that run in sequence. These are often simply finalised with an 'etc' or some other brief conclusion. Thus, sometimes the records of the court are frustratingly terse. This is compounded by the potential material lost due to archival misfortunes.

Conversely, there is reason to believe that England has suffered relatively greater loss of literary texts than other regions.¹³⁸ The good contextual understanding of the manuscript, its construction, and the time and location of its composition are remarkably well documented for Harley 2253 in particular and allow hyper-specific inferences to be drawn in many cases. This is particularly true for my reading of a number of texts in the final chapter.¹³⁹ The nature of poems and songs can preclude definitive conclusions due to the slippery language employed by the authors of the texts and the desire to subvert political messaging to engage the audience or through fear of reprisals. A further challenge, and perhaps one also not familiar to the Ludlow Scribe and their colleagues, is linguistic. While both literary and administrative sources were composed in Latin and Anglo Norman their vocabulary and usage were very distinct. Harley 2253 also includes a significant portion of texts in Middle English. Administrative records are far more rigid in their range and form as they follow prior precedents. Poetry and song however are more concerned with constructing a pleasant or arresting performance. As such, they stretch correct grammatical practice and may sacrifice clarity for entertainment. There also appears to be, in my readings, an attempt to sublimate political messages either through caution or for performative effect.

As corruption is such a relativistic term which varies greatly according to perspective it was important not to over-privilege crown sources. While the records of oyer and terminer are filtered through crown practices and constructed for specific purposes they do reveal some expectations of the jurors. Secondly, over layering records allows readings of both sets of records which would otherwise be impossible. For example, Chapter One argues that the motivations for the investigations of royal officials had political impetuses which have been underemphasised in previous studies. However, such motivations are hard to detect in the records of the courts beyond the commissions which were publicly read in each town. It was often stated that there was widespread

¹³⁸ Mike Kestemont and others, 'Forgotten Books: The Application of Unseen Species Models to the Survival of Culture', *Science*, 375.6582 (2022), 765–69 (pp. 374–75) <<https://doi.org/10.1126/science.abl7655>>.

¹³⁹ See the readings of 'The Execution of Sir Simon Fraser', 'Traibaston', 'Retinues of the Great', and 'Against the King's Taxes' in particular.

hostility toward royal officials but this was not always easy to detect in crown records. While there are accounts of attacks on royal officials it is difficult to disentangle these from general lawlessness or localised conflicts as opposed to focused disaffection toward the activities of the crown through its officials. However, examining poems produced by the Ludlow Scribe begins to put some meat on the bones of this disaffection. Likewise, the readings in Chapter Four were greatly enhanced by a knowledge of administrative records and the political context in the late thirteenth and early fourteenth centuries.

The records of oyer and terminer preserve many thousands of allegations across a broad geographic range and over several decades. In contrast, the works of the Ludlow Scribe stem from a single individual, albeit one which is connected to a much broader international network. Even so, the poems represent the majority of the surviving political poetry of the early fourteenth century. Combined with the extensive research into the manuscript ecology it is possible to tie the texts to the local gentry, particular political debates in the early fourteenth century, and precise parliamentary sittings. Furthermore, the readings of the poems presented in the thesis were impossible without the over-layering of literary and administrative records.

To some extent, this is a redressing of the distinction between such texts which was less pronounced in the early fourteenth century when most scribes who copied and consumed literary works were also practicing clerks involved in the consumption and production of administrative texts. This over-layering sprang from the work of social anthropologist Tone Kristen Sissener who called for a 'methodological triangulation' of various types of approaches to mitigate the inherent clandestine nature of corruption.¹⁴⁰ Equally, as complaints of corruption are so politically charged such an approach mitigates some of the challenges as distinct source bases can corroborate each other. The thesis falls short of a full application of such a method as it sacrificed breadth for depth. Initially a survey of petitions, chronicles, and political texts of the early fourteenth century was envisaged. In many ways medievalists already engage in methodological triangulation. In any case, it quickly became apparent that the writings of the Ludlow Scribe were ripe for exploitation. Furthermore, petitions, chronicles, and wider political texts of the period are well served by a number of prior studies. That is not to say that the thesis would not have been stronger for their inclusion but in order to achieve the depth of analysis and the novelty of the readings presented in the final chapter it was necessary to restrict the source base.

¹⁴⁰ Tone Kristin Sissener, *Anthropological Perspectives on Corruption* (Bergen: Chr. Michelsen Institute, Development Studies and Human Rights, 2001).

I CHAPTER ONE – THE DEMISE OF WIDESPREAD ITINERANT INVESTIGATIONS OF ROYAL OFFICIALS (C. 1258-1344)

This chapter explores the origins of widespread anticorruption investigations by the English crown. It looks at the courts which carried out these investigations and the historical context in which they were initiated. To give a full account of these various phenomena the chapter will span the late thirteenth and early fourteenth centuries, but will focus primarily on the period under investigation in the wider thesis – 1314 to 1344. Rather than attempt to address all investigations of corrupt officials, this thesis concentrates upon episodes in which there were widespread investigations encompassing multiple investigations. This examines inquiries which were explicitly intended to investigate officials. The distinction is necessary because many investigations into official behaviour were carried out by more general instruments of justice, such as the eyre. The courts of the fourteenth century usually operated under commissions of oyer and terminer which were sometimes colloquially known as trailbastons. These were the successors to the itinerant courts known as eyres which dated back several centuries. Eyres had, by the late thirteenth century, become bloated, slow moving, and prone to corruption. They were widely detested but their successors would come to resemble them in multiple ways and were often greeted with hostility. The courts of eyre were normally ‘general’ – they investigated a wide range of offences within a specific geographic remit. Oyer and terminer commissions however, might be general or ‘specific’ – investigations of singular offences, or series of offences, in response to a specific complaint and on payment of a fee to the crown.¹ The general eyres or oyer and terminer courts investigated routine misbehaviour by all members of the laity, whether they were officials or otherwise. Many oyer and terminer inquiries were ad-hoc and in response to specific complaints against named individuals in small areas. The records of most of these individual inquiries do not survive. Thus, the primary focus of this case study is upon investigations in which the primary stated motivation was to oversee the behaviour of royal officials across large parts of England.² This study outlines the contexts in which

¹ This mechanism was open to abuse. Some committed crimes and initiated a commission to investigate as they were able to name allies as the justices. See: Kaeuper, ‘Law and Order in Fourteenth-Century England’.

² There are also two instances of courts which were explicitly intended to investigate royal officials but also included more general wrongdoing.

anticorruption investigations were priorities for the incumbent regime and as such incorporates political phenomena across the period in question.³

These trials have not previously been considered by scholars as a whole, and instead much focus has been placed upon their immediate context within the reign of specific monarchs, rather than considering them as an institution in English governance. The following will explore the motivations behind these investigations from the mid-thirteenth century to the end of these courts as a distinct phenomenon in 1344. This chapter will show that the commissions to investigate royal officials in the fourteenth century were invariably issued to solve political or financial problems of the crown, rather than to address the systemic causes of corruption. The essential driving question behind this chapter is to outline the political contexts in which the crown deemed it necessary to commission anticorruption trials across most, or significant parts of, the country. It aims to open a discussion of this tradition of investigation which has not been discussed before in a systematic fashion. Investigations of this type emerged from at least the twelfth century. The baronial movement of the mid-thirteenth century innovated upon this prior tradition as part of their programme of government. The crown built upon these apparently popular trials from 1274 until parliament oversaw their demise in 1344. They became a powerful tool for cowing royal officials and the local population. The behaviour of royal officials, and the coercion they represented, engendered hostility across the country and throughout all social classes. This made royal officials convenient points of attack for those wishing to gain popularity with large portions of the population. In the fourteenth century, after the execution of Thomas of Lancaster in 1322, these trials became an empty shell which adopted the mechanisms and stylings of earlier trials under the barons and Edward I, but subverted them for the short-term goals of Edward II and Edward III: money, fear, and control.

I.1 ROYAL OFFICIALS: UNCONTROLLABLE BUT ESSENTIAL

Before considering the political context, which gave rise to these trials in specific instances, it is important to outline the factors which meant that investigations of royal officials might have been a popular measure at any time. These were facets of the activities of the crown and royal officials which meant that any perceived attack on them could have garnered support. The governance structures of the period seem to encourage, or at least fail to discourage, corrupt behaviour. Officials were largely unpaid. They were expected to recoup their expenses through routine duties.

³ This chapter advances several themes which together suggest various motivations for the anti-corruption campaigns. It is difficult at times to ascertain clearly the precise motivations of a monarch from those immediately around them. In these instances, I utilise the term 'the crown' to indicate the wider motivations or behaviour of those who acted with, or through the authority of, the monarch.

In a process illuminated by J. F. Willard, tax collectors earned their wage through condoned under-valuation of their property.⁴ Willard appreciated the connection between these informal means of remuneration, which he called 'the shadowy borderland', and more overt behaviours such as 'extortion and concealment'.⁵ For example, as will be outlined in Chapter Two, wool receivers charged fees for entrance into the customs house in which the wool was weighed, for weighing, and for acquittance.⁶ Clerks regularly charged a fee for enrolling tax dues.⁷ These fees may have been deemed essential and fair by the officials, but at times the crown attempted to ban them and they were frequently complained about.⁸ This emphasises two aspects of corrupt behaviours: their multivalent conceptions and their stickiness. From one perspective, these fees were customary and allowed the officials to recover expenses. From another they might be arbitrary, corrupt, and easily slipped into outright extortion.

The lack of oversight and formal remuneration was linked to the wide-ranging and geographically diffuse duties officials were expected to carry out. The preponderance of under-sheriffs, sub-escheators, sub-taxers, or clerks who deputised in all areas of the administration attests to the demands placed on officials. These deputies often carried out duties in place of the named official who was frequently simply a figurehead. This was the case in the office of the admirals of the north and west in the 1360s and 1370s. These officials were usually, but not exclusively, drawn from the nobility. However, Walter Hanley – a king's serjeant of humble origins – was consistently deputy admiral throughout the 1370s and the 'chief' admirals were ordered to defer to him.⁹ These 'chief' admirals were often reappointed each year suggesting that the true authority and expertise lay with Hanley. Such an arrangement may or may not be normal, but devolution of office was also common among tax collectors and customs officials. A few explanations are likely. Some offices were more of a burden than a gift to these wealthy individuals who had diverse royal and personal duties. This would explain the short terms of office. Perhaps royal posts allowed them to skim some money for minimal duties while leaving the real work to low-born professionals who had fewer demands on their time. Another cause for the shortage of potential candidates was the need for individuals of standing who could command respect and followers to act on behalf of the crown. It seems that those appointed by the crown were stretched quite thinly. Thus, the duties were often devolved to

⁴ Willard, *PTPP*, pp. 205–19.

⁵ Willard, *PTPP*, p. 205.

⁶ See p. 129, also doorkeepers took fees to admit individuals to the exchequer or courtrooms: Fitzneale, pp. 12–19.

⁷ See Chapter Two, section 2.4.2.

⁸ These practices are outlined more fully in chapter 2.

⁹ Partington, pp. 94–95.

poorer individuals who had greater incentive to enrich themselves through low-level extortions.¹⁰ These 'lesser' individuals who often carried out the real duties were perhaps less controllable than men who were closer to the crown. There are innumerable accounts of the inability of the crown to constrain officials of any standing.

Engaging in service for the crown could be dangerous and the violence officials faced was indicative of the low regard in which they were held. The large households which accompanied some officials like royal justices, purveyors, and Keepers of the King's horses are in part explained by the resistance they might meet. For instance, a statute of 1336 forbade Keepers of the King's horses from having more than one 'garceon' per horse and prohibited women, 'pages', and dogs.¹¹ There was at least one instance of such a group containing more than sixty-six horses.¹² Thus, groups like this may have had more than sixty-six servants with accompanying dogs, women, and pages alongside more than sixty-six horses. Such a large following need not be limited to the Keepers of the King's horses. Purveyors of any kind would have had large followings of servants and dogs to handle agricultural produce. Bailiffs and under-sheriffs would presumably likewise need similar assistance to seize the goods of those indebted to the crown.

Justices, like other officials discussed, must have required a relatively large following to administer the court and for protection. Local hostility to outside interference was common and this was often exacerbated by national disturbances. In 1283, after arresting several inhabitants of Ipswich, the Sheriff of Suffolk and Norfolk was abducted and forced by the town to hand over the list of indictments in the county court.¹³ William Ormesby narrowly avoided being attacked by William Wallace and was charged with raising troops to fight at the battle of Stirling Bridge, in 1297, at which his fellow justice Hugh Cressingham was killed.¹⁴ In August 1300 close to thirty men from Sandwich assaulted a group of itinerant royal justices.¹⁵ The attackers were drawn from the leading men of the town and included the mayor, the town clerk, and at least twenty-five others. They met the justices outside the liberty of Sandwich in the village of Ash, indicating that it was not a spur-of-the-moment attack, but carefully planned. The men were aiming to assert Sandwich's exemptions

¹⁰ See Chapter Four for some discussion of

¹¹ Luders, I, p. 288; Wendy Scase, "'Satires on the Retinues of the Great' (MS Harley 2253): Unpaid Bills and the Politics of Purveyance', in *Studies in Late Medieval and Early Renaissance Texts in Honour of John Scattergood: 'The Key of All Good Remembrance'*, ed. by Anne Marie D'Arcy, Alan J. Fletcher, and V. J. Scattergood (Dublin: Four Courts Press, 2005), pp. 305–20 (p. 313).

¹² Scase, "'Satire on the Retinues'", p. 313.

¹³ Kaeuper, 'Law and Order in Fourteenth-Century England', pp. 765–66.

¹⁴ Paul Brand, 'Ormesby, Sir William (d. 1317), Justice', in *The Oxford Dictionary of National Biography* (Oxford University Press, 2004) <<https://doi.org/10.1093/ref:odnb/20840>>.

¹⁵ Justin Croft, 'An Assault on the Royal Justices at Ash and the Making of the Sandwich Custumal', *Archaeologia Cantiana*, 117 (1997), 13–36 (p. 13).

from royal justice: they cut open the bags to remove the king's rolls and broke 'the bows and arrows of the men of the aforesaid justices'.¹⁶ The attackers were bent on the removal of the administrative and physical weapons of the court. Cutting open the bags suggests haste. The group of around thirty were not enough to overpower the justices and their followers for long, and perhaps they relied as much upon the surprise factor of their ambush as sheer force. The men of Sandwich then broke their bows and arrows. This behaviour suggests a fear of pursuit and retribution for their ambush. Furthermore, it suggests that the followers of the royal justices were close, if not superior, to the ambushers in number. In 1313, a royal court in Bristol erupted into a riot over perceived corruption which left twenty dead and others with broken legs as they leapt from the upper stories of the courthouse into the square below to escape.¹⁷

Hatred was directed not just at the courts but, especially, the royal justices which headed them. This was partly a by-product of their lives as significant political figures in the kingdom. For example, Roger Beler, a royal justice, baron of the exchequer, and ally of the Despensers was the target of a ten-line macaronic mocking poem, composed in Latin and English, accusing him of corruption.¹⁸ Beler was murdered by members of the Folville gang in 1326 which had emerged during the upheavals of the civil war of 1321-22. This murder was investigated by Richard Willoughby and John de Wittlebury. Wittlebury, an MP and Justice of the Peace, was himself murdered by a gang in Rutland in 1336.¹⁹ The same gang which murdered Beler also abducted Richard Willoughby in 1332 and ransomed him for 1300 marks.²⁰ In 1340 the same Willoughby was besieged while serving the crown in Leicestershire.²¹ This was associated with altercations between some of Willoughby's men including a squire, the squire's groom, a chaplain, the chaplain's squire and groom and some locals in 1340. The five, or perhaps six, servants or followers of his servants in all were involved in a series of fights which left two local men dead.²² Willoughby was removed as a royal justice after these events, perhaps as he still received his men into his house despite knowing they committed the murders. Thomas Weyland, the Chief Justice of the Common Pleas under

¹⁶ Croft, pp. 13–14.

¹⁷ Samuel Kline Cohn and Douglas Aiton, *Popular Protest in Late Medieval English Towns* (Cambridge: Cambridge Univ. Press, 2013), p. 134.

¹⁸ Wendy Scase, *Literature and Complaint in England, 1272–1553* (Oxford: Oxford University Press, 2007), pp. 52–54.

¹⁹ *Crime, Law, and Society in the Later Middle Ages: Selected Sources*, ed. by Anthony Musson and Edward Powell, Manchester Medieval Sources Series (Manchester: Manchester University Press, 2009), pp. 231–32.

²⁰ S.J. Payling, 'Willoughby, Sir Richard (c. 1290–1362), Justice', *Oxford Dictionary of National Biography* <<https://doi.org/10.1093/ref:odnb/29601>>.

²¹ David Crook, 'The Disgrace of Sir Richard de Willoughby, Chief Justice of King's Bench', *Nottingham Medieval Studies*, 48 (2004), 15–36 (p. 22) <<https://doi.org/10.1484/J.NMS.3.359>>; Payling.

²² Crook, 'The Disgrace of Sir Richard de Willoughby, Chief Justice of King's Bench', pp. 21–23.

Edward I, was exiled for life under similar charges in 1289.²³ During the crisis of 1341 Willoughby was indicted 'by clamour of the people' and paraded around the country to answer for his crimes.²⁴ He was forced to hear so many complaints against him over two days that he was finally unable to speak and put himself on the mercy of the king.²⁵ Royal justice William Shareshull was denounced by the poem 'Wynnere and Wastoure', attacked at least nine times, and in 1344 in Ipswich was put on mock trial by drunken sailors while he was at dinner in a tavern.²⁶ A John Halteby was appointed as a Keeper of the Peace in 1338, as a justice on a commission of oyer and terminer multiple times, and a representative at parliament.²⁷ Halteby, an adherent of the Despensers and sometime servant of Shareshulls' court, carried out violent attacks across East Anglia which allowed him to control local affairs. He was popularly known as the 'king of Ipswich' and was investigated in 1315 for attacking the servants of the Bishop of Norwich, in 1318 for attacking a manor in Essex and abducting a child, and in the 1320s for leading a mob of two-hundred armed men into the house of the town bailiffs.²⁸ While assisting Shareshull's court, Halteby was killed by a mob at Ipswich.²⁹ His murderers were greeted with feasting, gifts, and 'such songs of rejoicing that you would have thought God had come down from heaven'.³⁰ They then processed to the steps of the courthouse and 'caused proclamation to be made that William of Shareshull was to appear before them under a penalty of £100 ... in mockery of the king's justices and ministers in his service'.³¹

These examples demonstrate that the courts, the justices, and their personnel were enmeshed in national and local politics. During a politically fractured period they naturally became involved in the dissensions and changing concentrations of power which was sometimes violent. They were victims, and perpetrators, of this violence and were often the most visible embodiment of a frequently unpopular central government. The violence and hatred often appear to have been directed against officials dispatched by the crown to operate in the counties. In contrast, local figures appointed to act on behalf of the crown could probably rely on at least some local support. This

²³ Paul Brand, 'Edward I and the Judges: The "State Trials" of 1289-93', in *Thirteenth Century England* (Woodbridge: Boydell Press, 1986), pp. 31-40 (p. 33).

²⁴ Crook, 'The Disgrace of Sir Richard de Willoughby, Chief Justice of King's Bench'.

²⁵ Scase, *Literature and Complaint*, pp. 56-58.

²⁶ Richard W. Kaeuper, 'Shareshull, Sir William (1289/90-1370), Justice', in *The Oxford Dictionary of National Biography*, 2015 <<https://doi.org/10.1093/ref:odnb/25204>>.

²⁷ CPR 1334-38, p. 73, 576; CPR 1338-40, p. 139.

²⁸ CPR 1313-17, p. 287, 404; TNA, SC8/233/11637.

²⁹ Stephen Alsford, 'Thomas Le Rente: A Medieval Town Ruler', *Proceedings of the Suffolk Institute of Archaeology and History*, 35 (1982), 105-15, (p. 110).

³⁰ TNA, KB 27/342 m. 162d; Alsford, 'Thomas le Rente', (p. 110).

³¹ Kaeuper, 'Shareshull, Sir William (1289/90-1370), Justice'.

facet was likely one which limited the number of individuals capable of projecting the crown's central authority in a manner which was amenable to the local community.

The individuals in the service of a greater lord could hope to gain advancement by taking up devolved duties, but the followings of these officials also served another important purpose.³² Followers were vital as servants in simply protecting the officials from resistance, and were likely skilled in intimidation or coercion. Power struggles among local and royal officials were common, and successful individuals utilised fear and violence to achieve their aims. The same attributes which made them successful also likely contributed to their poor reputation. Local communities often enforced their freedoms through violent means, thus predisposition to violence was frequently an advantage for officials and their followers. For example, Hugh de Lavenham became a serjeant-at-arms in the service of the king after turning approver against a criminal gang which he had led. Of the nine gang members, two chose trial by combat and were killed by Lavenham, and the final seven were hanged after trial by jury.³³ Lavenham's abilities appear to have endeared him to the crown and he was appointed as a serjeant afterwards.³⁴ This was a position that demanded intelligence and administrative ability as much as toughness and involved close proximity to the monarch.³⁵ Lavenham's martial ability was surely an advantage in these activities. Violence appears to have been an asset in other positions. Thomas Carlton had been a clerk of the sheriff of Lincolnshire from at least 1328.³⁶ In 1327 one Stephen de Clyveland was arrested and imprisoned when an argument broke out at the bishop's palace in Lincoln between Stephen and three royal ministers.³⁷ Thomas Carlton and his followers rescued Stephen from custody despite the presence of the king and the next day assaulted and 'detained' the clerk of the Marshalsea 'from the eight hour to vespers'.³⁸ In April 1332 he was restored to his position as undersheriff after he had been convicted by the King's Bench of removing an 'et' from a writ of novel disseisin and was 'adjudged by the court incapable both of his office and the king's service'.³⁹ Whether Carlton specifically removed an 'et' to change the meaning or targets of the writ, was simply incompetent, or was guilty of some other offence is unclear. When he was replaced in his role as a clerk for the city of Lincoln, he, along with John

³² The advancement through administrative positions dismayed some and is outlined in the final chapter of the thesis.

³³ Partington, p. 92.

³⁴ Partington, p. 93.

³⁵ Partington, p. 89.

³⁶ TNA, JUST 1/516, m. 34d; M. L. Holford, 'Under-Sheriffs, The State and Local Society c.1300–1340: A Preliminary Survey', in *War, Government and Aristocracy in the British Isles, c.1150-1500: Essays in Honour of Michael Prestwich* (Boydell & Brewer, 2008), pp. 55–68 (pp. 55–56).

³⁷ *The 1341 Royal Inquest in Lincolnshire*, ed. by Bernard William McLane, The Publications of the Lincoln Record Society, v. 78 (Woodbridge, Suffolk: Lincoln Record Society; Boydell Press, 1988), pp. 85–86.

³⁸ McLane, pp. 85–86.

³⁹ CPR 1330-34, p. 270.

Judkyn, chased the new clerk out of the city.⁴⁰ Carlton was later an undersheriff and was branded ‘ambidextrous’ for taking bribes from both sides of a legal case in 1334.⁴¹ In 1340, Thomas was restored to the office, in place of the expelled clerk, ‘on condition that he discharge the office in person’ – suggesting that perhaps the problem with his prior service was farming of the office to others.⁴² Carlton also, in some unspecified year, expelled the mayor from his office in Lincoln and led gangs through the streets ‘day and night in alleys, streets, inns and other places’ arguing with and beating those who opposed him and his allies.⁴³ Carlton, Hugh de Stokes, and Judkyn also modified an indenture to name their allies as the returned members of parliament for Lincoln which allowed them to attend parliament for three weeks and claim over £4 in expenses.⁴⁴ Carlton was the centre of a network of violent offenders but was able to maintain his position despite his repeated offences against the king and local community. He was close to the sheriff of Lincolnshire and bailiff for Henry Duke of Lancaster, Gilbert Ledred, and Thomas Wake, baron of Lidell and brother-in-law to Lancaster. In July 1339 Carlton founded a chantry for himself and four others, including Ledred and Judkyn, who served as local or royal officials.⁴⁵ Sometime before September 1341 Thomas made a fine of £80 for unspecified offences, but when the bailiffs attempted to collect his cattle, Thomas and a group of followers attacked them and seized their list of fines and tallies.⁴⁶ The list of fines is no longer attached to the court records, unlike other similar courts, so presumably was never recovered. There seems to have been a serious ongoing dispute between some of the inhabitants of Lincoln and a faction led locally by Ledred and Carlton. The position of undersheriff suited Carlton as he was able to advance the cause of greater men like Ledred, Wake, and perhaps Henry of Lancaster. He was also able to advance his own status through the office as he became a landowner in Lincoln and was twice returned as the representative at parliament for Lincoln.⁴⁷ Advancement through the service to a sheriff was not unique to Carlton.⁴⁸ This career path of violence and intimidation was so common among royal officials like Carlton, Hanley, Ledred, or Halteby that it was clearly beneficial for a career in the royal administration. The same attributes which promoted them through public office however also engendered hostility on the part of those they administered

⁴⁰ TNA SC 8/298/14886, the catalogue entry provides a number of connections to the struggle over this office. Carlton was reinstalled twice with the assistance of Thomas Wake – close relation of the king and member of the ruling council during his absence.

⁴¹ McLane, p. 54.

⁴² CPR 1340-43, p. 14.

⁴³ McLane, p. 70.

⁴⁴ McLane, p. 87.

⁴⁵ CPR 1338-41, pp. 301-302; Holford, p. 56.

⁴⁶ CPR 1340-43, 323-324.

⁴⁷ Holford, p. 66.

⁴⁸ Holford, p. 66.

and could make them hard to control when the crown needed to reign in their more egregious activities.

These officials were essential and enmeshed in local and national politics. They were often skilled in violence and intimidation. They were unpaid and prone to turning legitimate fees into extortions. Their positions required large numbers of followers for protection, but also as a pool of individuals able to deputise for their masters. They required feeding, housing, and payment. Similarly, as they were presumably staffed by individuals of lower station, they were likely more open to extortion and bribery than their masters. This group also saw royal service as a route to enhancing their status.⁴⁹ Royal officials tended to be drawn from the gentry. They were the land-owning classes which sat below the nobility, exercised some form of lordship over tenants, and engaged in administrative roles within counties.⁵⁰ The upper echelon, comprised of knights, probably numbered somewhere between 1,000 to 2,000 in the early fourteenth century.⁵¹ Sheriffs, escheators, justices of the peace, parliamentary representatives, and chief taxers were usually drawn from this upper gentry. Below this were the more numerous minor gentry, known often as *armigeri* or *valleti*, who often filled administrative positions such as hundred bailiff, under-sheriff, coroner, sub taxer, purveyor, verderer, or commissioner of array.⁵² These roles placed the gentry, especially the knights, at the forefront of local communities.⁵³ The knights were not an isolated group but powerful landholders who shared the views of other groups from their local community and ‘were also tenants, overlapping and often coinciding with all those other ‘feudal’ groups of lesser landholders’.⁵⁴ Given the social composition of many of the officials it is inevitable that they were integral to local power struggles which often spilled into violence. Nevertheless, placing important local men in charge of these posts was necessary to obtain support for royal policies and to avoid undermining the county’s right to self-government. This was often a cause for protest against the imposition of itinerant courts headed by justices from outside the county.⁵⁵

1.1.1 Itinerant investigations

Itinerant courts, which included more broad investigations than the particular variety under discussion in this chapter, were subject to a great deal of hostility which is also attested in political

⁴⁹ Many of these points will be fleshed out in the evidence from political poetry in the final chapter.

⁵⁰ W. M. Ormrod, *The Reign of Edward III: Crown and Political Society in England 1327-1377* (London: Yale University Press, 1990), p. 147.

⁵¹ W. M. Ormrod, *Reign of Edward III*, p. 148.

⁵² W. M. Ormrod, *Reign of Edward III*, p. 155; J. R. Maddicott, *The Origins of the English Parliament, 924-1327* (Oxford: Oxford University Press, 2010), p. 136.

⁵³ Maddicott, *OEP*, pp. 137, 414.

⁵⁴ Maddicott, *OEP*, pp. 138-39.

⁵⁵ W. M. Ormrod, *Reign of Edward III*, p. 159.

literature outlined in Chapter Four. This hostility was borne out of a dislike of any outside coercive force and a particular detestation of royal officials.⁵⁶ However, there was also an attraction to royal justice which was more effective at gaining redress than local mechanisms.⁵⁷ The general eyres, trailbastons, or commissions of oyer and terminer, were major events in an area. So many attended that the costs of accommodation were controlled to prevent profiteering.⁵⁸ The writs were read publicly and 'local officials delivered up their insignia of office as if to the king in person'.⁵⁹ According to John Baker they 'were not merely law courts; they were also a way of supervising local government, and of raising revenue, through itinerant central government' which 'begat fear and awe in the entire population'.⁶⁰ They could raise a significant portion of royal finances and some were said to have reduced the entire country to poverty.⁶¹ These courts were seen as almost akin to the personal visitation of the king. They must have had a considerable impact on the area. Their arrival was forewarned, which explains the ambush at Sandwich, and they were likely received with considerable pageantry. Later accounts of itinerant justice, from the sixteenth century onwards, show that local officials would meet the justices at borders of their jurisdiction with trumpets, horns and music alongside formal ceremonies.⁶² While there is a considerable opportunity for changes in practice, it is likely that there was a similar level of pomp associated with such important courts in the fourteenth century. Their arrival was followed by public proclamations which outlined their authority and invited complaint.⁶³ There were subsequently large numbers of proclamations throughout the county which ran alongside courts to elicit further complaint and inform the local population about the business of the court. These were carried out across the county in all prominent locations. At least one writ of proclamation, for the city of Worcester in 1388, records the names of seven people who carried out proclamations across ten different locations.⁶⁴ At the end of each day proclamations were performed publicly which called for evidence against any prisoners who had not yet been sentenced. Thus, a visit by a court of general eyre, oyer and terminer, or trailbaston would have been hugely visible, often unwelcome, and brought a large

⁵⁶ W. M. Ormrod, *The Reign of Edward III*, Updated ed (Stroud: Tempus, 2000), p. 149.

⁵⁷ W. M. Ormrod, *The Reign of Edward III*, p. 149.

⁵⁸ John Baker, *Introduction to English Legal History* (Oxford: Oxford University Press, 2019), p. 19 <<https://doi.org/10.1093/oso/9780198812609.001.0001>> [accessed 22 July 2021].

⁵⁹ John Baker, p. 19.

⁶⁰ John Baker, p. 19.

⁶¹ John Baker, pp. 19–20.

⁶² J. S. Cockburn, *A History of English Assizes, 1558–1714*, Cambridge Studies in English Legal History (Cambridge [Eng.]: University Press, 1972), p. 65.

⁶³ John Baker, p. 19.

⁶⁴ James A. Doig, 'Political Propaganda and Royal Proclamations in Late Medieval England', *Historical Research*, 71.176 (1998), 253–80 (p. 258) <<https://doi.org/10.1111/1468-2281.00064>>, n. 32.

contingent of clerks, bailiffs, servants, grooms, wider hangers-on, members of the jury, and complainants.

1.1.2 Proclamations

These unpaid, often violent, predatory, and intimidatory, officials, numerous especially at times of heavy exaction were hard to control and unpopular. Likewise, courts could raise huge sums of money and were a useful tool to influence public opinion, and intimidate potentially restive local populations. This explains why investigations and solicitation of complaint against royal officials were popular measures. However, royal officials were also integral to the advancement of crown policies and collection of revenues. As is shown later in the chapter, various groups in the late thirteenth and early fourteenth centuries tried to control royal officials. This was integral as the loyalty of these officials could ensure that orders were carried out in the interests of the crown, or another party such as Thomas of Lancaster and the Ordainers throughout the 1310s or the barons in the mid thirteenth century. One area in which this was important was the dissemination of proclamations. The crown, or other parties, could circulate propagandistic statements directly through proclamations made by its officials. In a parallel with the dissemination of the political literature, outlined in Chapter Four, it was reliant on circulation and public reading, or performance, of texts. In the case of formal proclamations, this was controlled by the crown and involved the use of statements attached to various forms of documents. The effectiveness of these means can be seen in their imitation by those opposed to the crown in rebellions from at least the late fourteenth century onward.⁶⁵ They were also mocked and subverted as shown in the final chapter and in the example of the murder of John Halteby in 1344.

The inquiries into royal officials were usually prefaced by widespread removals of officials, especially sheriffs. This was usually followed by proclamations issuing calls for complaints. The removal of officials was an instant statement of change. Sheriffs were the keystone of the county administration and removing them probably led to a collapse of their network as their servants and followers fell from the positions of power in the region. Their absence would embolden complainants which were publicly solicited, at the very least, in 1289, 1314, and 1340. It is probable that such measures were taken in other years although it was only specified on these occasions. Most importantly though, removing these officials eliminated obstacles to the issuing of proclamations. As Baker puts it: 'the central courts were entirely dependent on the sheriffs of the counties to execute writs and proclaim outlawries'.⁶⁶ This extended to all proclamations and as James Doig, in one of the few studies of this area, pointed out, 'there was no guarantee that royal

⁶⁵ Doig, p. 270.

⁶⁶ John Baker, p. 26.

orders would be complied with' during times of national or local crisis or rebellion.⁶⁷ The first step, when commissions to investigate officials were issued, was to send writs of proclamation to local officials who would assist the court directly and ensure that the call for complaints was proclaimed in populated areas at busy times. It is probable that the writs empowering a new sheriff were sent at the same time as the proclamations for the trials to ensure that they were not hindered. Itinerant courts probably had more independence of action in the localities than central courts, perhaps even including criers or other useful individuals among their followers. However, 'fresh' sheriffs with less incentive to oppose the investigation enabled steps to be taken prior to the arrival of the justices, such as public proclamation, without fear of hindrance.

Proclamations were an important method, indeed the main method, of spreading information, and also a means of reinforcing the power of the crown.⁶⁸ Important charters and liberties were periodically confirmed and monarchs could use these to capitalise on the reforming principles of previous regimes.⁶⁹ The attempts to control proclamations are evidence that they were considered an important facet of governance. The barons in 1258, distrustful of local officials, bypassed usual mechanisms and provided proclamations in French and English to reach as wide an audience as possible and to ensure full compliance.⁷⁰ This also suggests that the barons might have been nervous of the choices taken in translating the writs to the public by local officials. Writs from the late thirteenth century were often couched in terms of compliance and threat and with specific instructions on which sections must be recited verbatim.⁷¹ During Edward I's reign the sheriffs were required to endorse all proclamation writs and Edward III forced officials to provide the date and location of all proclamations, indicating a concern that some proclamations might be relegated to quiet times, locations, or never delivered.⁷² The proclamations were issued to sheriffs and bailiffs and these officials then employed local criers who performed the proclamation at fairs, markets, in full county courts, cities, boroughs, market towns, and hundreds.⁷³ County courts at least were occasions which, at least hypothetically, the major landowners attended, and represented an important social occasion in the county every four or six weeks.⁷⁴ It has been estimated that around

⁶⁷ Doig, p. 270.

⁶⁸ Anthony Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt*, Manchester Medieval Studies (Manchester: Manchester Univ. Press, 2001), p. 225; Doig, p. 253.

⁶⁹ Musson, pp. 227–29.

⁷⁰ M. T. Clanchy, *From Memory to Written Record, England 1066-1307*, 2nd ed (Oxford: Blackwell, 1993), pp. 222–23.

⁷¹ Musson, p. 228.

⁷² Doig, p. 259; Musson, p. 228.

⁷³ Doig, pp. 258–59, 263; Musson, pp. 225–26.

⁷⁴ W. M. Ormrod, *Reign of Edward III*, p. 151.

150 litigants, officials, and notables were usually present at such gatherings which made it a focus for political debate among the county gentry.⁷⁵ Therefore proclamations likely reached a diverse audience which included the most significant political individuals in the county. From the beginning of the fifteenth century there were heavy punishments for failure to make a proclamation.⁷⁶ Royal administrations consciously used the preamble to statutes or other proclamations in order to convey propaganda.⁷⁷ The rhetoric which surrounds many statutes, which was publicly proclaimed, is indicative of the monarch's interest in delivering propaganda that portrayed the crown as interested and active in the pursuit of justice across the country. This was a mechanism whereby the crown could publicly and very effectively promulgate its own messages.

The performance of the proclamation may have been tailored to strengthen a viewpoint contrary to its intended message.⁷⁸ Hostile officials may simply have not executed the writ ordering the proclamations or hindered the operation of the courts. This goes some way to explain the consistent attempts by opponents of the crown to control the appointment and conduct of royal officials and the practice of removing officials before initiating the inquiries. The importance of proclamations should not be overstated as there were clearly other more immediate duties – the control of local justice, the collection of taxes, the collection of foodstuffs through purveyance, the arraying of manpower for armed conflict, or the control of royal landed interests. However, the role of proclamations as a tool of the crown is another area which indicates the importance of these officials, particularly the sheriff, and the need for their control. Not only were these officials the subject of hostile public opinion, as seen in various forms of literature throughout the period, but they were also able to influence the public discourse as part of their position. These followers and officials, primarily and perennially the sheriff and escheator but also periodically royal justices, tax collectors, wool collectors, and officials charged with supplying the royal household or military forces, were thus the main point of contact between the crowns and its subjects. Their behaviour, or misbehaviour, was, for most subjects, the crown's behaviour. Likewise control of them was vital for the crown, or whichever groups wished to pursue their agenda. These attitudes towards the royal officials and their considerable importance to the crown were some important reasons why the trials took place.

Control of royal officials was paramount for any faction. They were essential, hard to control, and hated. Itinerant trials gave the crown, or factions like the barons in the mid-thirteenth century

⁷⁵ W. M. Ormrod, *Reign of Edward III*, p. 161.

⁷⁶ Doig, p. 261.

⁷⁷ Musson, p. 228.

⁷⁸ Musson, p. 227.

and the Ordainers in the early fourteenth century, the means to remove officials who may have been suspect and present themselves as answering the complaints of the public. Their removal could be justified after the fact by eliciting complaint against them from the local community, many of whom would have been very willing to comply. Their removal aided the soliciting of these grievances. It also allowed the crown to execute its policies through new, trusted, officials and to control the means of communication. The trial and complaint probably provided an outlet for local frustration and represented a clean break between a prior group of officials, which were now publicly open to attack, and the new officials who became the avengers on behalf of the community. Officials, and the coercion they represented, were popular targets for the crown or factions wishing to oppose royal power in the thirteenth and fourteenth centuries. The crown could also raise significant funds, cow the local area, and remind the population of the power of the monarch. These are all reasons *why* the trials were potentially attractive options for any regime but they do not explain *why* the trials took place *when* they did. The next section explores these trials in each discrete phase from 1258 onward with a particular focus on those trials in the fourteenth century which have received less attention.

I.2 POLITICAL CONTEXT OF INVESTIGATIONS INTO ROYAL OFFICIALS CONDUCT c. 1258-1344

In order to understand the motivations behind these investigations and their goals, this section gives an overview of the political contexts of the commissions from the mid-thirteenth century when they became a regular feature of crown business, to 1344 when parliament demanded a cessation of such trials. Considering the context of investigations from 1258 to 1344 is vital as it is only by a comparative study of each phase of these inquiries across the period that deeper trends can be brought to light. This approach illuminates the connection between anticorruption investigations and warfare. The inquiries are also strongly correlated with military failures, periods of financial difficulty, and times at which the prestige of the crown was at a low ebb – including periods of royal absence. Another common attribute of the anticorruption campaigns was the replacement of officials, the opening of judicial proceedings against them, and finally, fines, occasionally huge, for any wrongdoing which was sometimes levied communally. These inquiries were designed to address the concerns of the crown as they inserted, in all major population centres, powerful crown courts with significant numbers of followers which were designed to intimidate and overawe the local population. This combination of actions allowed the crown to present a picture of renewal to its subjects, cow local discontentment, and enrich depleted coffers. In the final analysis these trials were not born from any high-minded ideals of fairness but were simply designed to further the political goals of the crown. Ultimately this cynicism forced their demise at the hands of parliament in 1344.

1.2.1 Baronial beginnings, (c. 1258-1274)

R. F. Treharne called the reform movements of 1258 'one of the decisive crises of English history'.⁷⁹ This movement was in reaction to the supposed incompetence of Henry III and sought to institute reforms of the administration for, according to Treharne, 'the interests of the entire nation'.⁸⁰ In 1258, following an ultimatum, Henry capitulated to a series of demands made by the barons, blamed foreign counsellors, and agreed to the expulsion of all aliens.⁸¹ Following this, as one of their first steps, the barons enforced a programme of reform which included oversight of royal officials and investigations of royal officials in the localities. The Provisions of Oxford, in the summer of 1258, called for the election of a council. It opened with a call for each county to appoint: 'four prudent and law-worthy knights [...] who, on every day when the county court meets, shall attend to hear all complaints of any trespasses and injuries whatsoever done to any persons whatsoever by sheriffs, bailiffs, or any other persons'.⁸² These complaints were to be collated and presented to the justiciar 'so that on his first visit the justiciar shall be able to hear and determine the complaints'.⁸³ The justiciar was to do 'that which is proper to the justiciarship in upholding right, to all persons, and to 'answer before the king and his council for his period of office, and in the presence of his successor'.⁸⁴ This office had the 'power to right the wrongs done by all other justices, and by officials, by earls, barons' and should 'accept nothing except presents of bread, wine, and such like, that is of food and drink such as is customarily brought to the tables of well-to-do men in the course of the day'.⁸⁵ In August of 1258, further orders were dispatched to the four knights of each county to 'inquire, throughout your county, by the oaths of trusted and law-worthy men [...] into all excesses, trespasses, and acts of injustice committed [...] by no matter what persons, done to anyone whatsoever, and this should cover our justices, sheriffs, and our other bailiffs, and all other persons whatsoever'.⁸⁶ As one of the primary aims of these inquiries was to oversee the sheriff there were careful stipulations to remove the 'present sheriff' from the inquiry unless 'he was sheriff of the county on a previous occasion, in which case we wish the inquiry to cover him for that earlier term of office'.⁸⁷ This was particularly important as the sheriff was responsible for arranging 'such

⁷⁹ Following Treharne and earlier twentieth century studies of this conflict the thesis will refer to this as a baronial reform movement while recognising that this is perhaps overly reductive of the wide participation on the part of all sections of society. R. F. Treharne, *The Baronial Plan of Reform, 1258-1263* (Manchester: Manchester University Press, 1971), p. 2.

⁸⁰ Treharne, *The Baronial Plan of Reform, 1258-1263*, p. 3.

⁸¹ Treharne, *The Baronial Plan of Reform, 1258-1263*, pp. 66-77.

⁸² 'The Provisions of Oxford', as translated in: *Documents of the Baronial Movement of Reform and Rebellion 1258-1267*, ed. by R. F. Treharne and I. J. Sanders (Oxford: Oxford University Press, 1973), p. 98.

⁸³ 'The Provisions of Oxford': Treharne and Sanders, p. 99.

⁸⁴ 'The Provisions of Oxford': Treharne and Sanders, pp. 103, 107.

⁸⁵ 'The Provisions of Oxford': Treharne and Sanders, pp. 107-9.

⁸⁶ 'Pro inquisitionibus faciendis per singulos comitatus Anglie': Treharne and Sanders, pp. 113-15.

⁸⁷ 'Pro inquisitionibus faciendis per singulos comitatus Anglie': Treharne and Sanders, p. 115.

knights and others of the same county as will enable the said inquiry best to be carried out'.⁸⁸ The complicity, or otherwise, of sheriffs was an important facet of any investigation into local officialdom throughout the period under study. These stipulations for control and oversight of the shrieval office were furthered by the Ordinance of Sheriffs which was composed in Latin, French, and English in October 1258 and intended to be proclaimed in each county court.⁸⁹ This document expressed the desire that 'speedy justice be done throughout our realm, no less to the poor than to the rich' and that any 'wrongs which have been done in our time in your county, no matter who has done them, be reported to the four [already appointed] knights [...] and we will have them amended and redressed as fast as we can'.⁹⁰ This Ordinance also specified the oath which incoming sheriffs were made to swear. This contained requirements that the sheriffs:

will do justice in common to all people [...] that he will not waver in this for love nor hate, nor for fear of anyone, nor for any greed, but that he will do speedy justice [...] to the poor as to the rich; nor will he take anything from anyone, either himself or by the hand of anyone else, nor by any kind of trick or device, by pretext of his office.⁹¹

The sheriffs were forbidden from demanding hospitality from anyone below an annual income of £40 or 100 marks (in the case of religious houses), taking gifts of those they stayed with, repeated visits in a single year and also from taking too many sergeants. These sergeants were also required to swear an oath to the sheriff that they will not overburden their jurisdiction of food and drink nor take gifts.⁹² Sheriffs were given allowances for expenses from royal revenues so that 'he shall have no reason to take anything from someone else'.⁹³ They were restricted to a single year in office and required to account for themselves and their sergeants. This was stipulated so that subjects will know that 'if hardships or wrongs are committed against you by the said bailiffs, you shall fear them all the less, and more boldly reveal their wrongdoing'.⁹⁴

These careful arrangements continued to be a matter for legislation and in October of 1259 the Provisions of Westminster ordered that the Justiciar and the barons of the exchequer were to appoint future sheriffs and that 'in preparation for next year [...] four sound and loyal men, who will be useful in that office [sheriff] to both the king and to the county, be elected in full county court,

⁸⁸ 'Pro inquisitionibus faciendis per singulos comitatus Anglie': Trehearne and Sanders, p. 115.

⁸⁹ 'The Ordinance of Sheriffs': Trehearne and Sanders, pp. 14–15, 118–19.

⁹⁰ 'The Ordinance of Sheriffs': Trehearne and Sanders, p. 119.

⁹¹ 'The Ordinance of Sheriffs': Trehearne and Sanders, p. 121.

⁹² 'The Ordinance of Sheriffs': Trehearne and Sanders, p. 121.

⁹³ 'The Ordinance of Sheriffs': Trehearne and Sanders, p. 123.

⁹⁴ 'The Ordinance of Sheriffs': Trehearne and Sanders, p. 123.

and let them present themselves [...] and the barons will select the best men [to be sheriff].⁹⁵ There were still to be four knights who were 'to review the wrongs committed by the sheriffs' and to 'warn the sheriffs to put things right; and if they will not [...] record in writing the wrongs done and report them to the chief justiciar'.⁹⁶ The first item in the Provisions of Westminster called for justice to travel 'throughout the land' to 'see that justice is done to the plaintiffs and to all others'.⁹⁷ The provisions for these investigations were enrolled on the Close Rolls in November 1259. These specified, in addition to public proclamation, that all who had served the king or magnates as officials in the last seven years should attend at the same time as each hundred presented their report of trespasses.⁹⁸ Furthermore, complaints against 'sheriffs and their officers' and 'magnates and their bailiffs' were to be heard and remedied as were any transgressions against the previous provisions and Magna Carta.⁹⁹ The justices were also to inquire whether the bailiffs of the magnates 'who have charge of the hundreds which are held of the king at fee farm, have taken an oath in all things, just as the sheriffs and other officers of the king took last year' and 'of observing the other articles contained in royal letters sent last year to all the counties'.¹⁰⁰ As Henry returned to ascendancy these eyres were cancelled in June 1260, ostensibly as a result of 'a terrible famine'.¹⁰¹ It was more likely intended to win favour with those uncomfortable with investigations of baronial officials.¹⁰²

The records from Essex, Leicestershire, Sussex, Warwickshire, and Oxfordshire survive.¹⁰³ The National Archives catalogue labels them as 'General oyer and terminer'. David Crook has uncovered the trials, which he refers to as eyres, that actually took place by exploring the expenses reported by the justices in the Pipe Roll series.¹⁰⁴ The surviving records, and Crook's exploration, are combined in Table I below. This suggests that, of the twenty-four commissions, there were fourteen which had at least some proceedings. Most were never completed and ten others had no sittings at all. In this instance internal conflict between the crown and leading nobles resulted in changing concentrations of power. An integral part of this lay in controlling officials both centrally, in the king's household, and regionally. At least one aspect of this control and oversight of officials stemmed from a desire to appeal to a political community which saw reform of royal administration

⁹⁵ 'The Provisions of Westminster': Treharne and Sanders, p. 155.

⁹⁶ 'The Provisions of Westminster': Treharne and Sanders, p. 153.

⁹⁷ 'The Provisions of Westminster': Treharne and Sanders, p. 149.

⁹⁸ 'Provisiones factae de illis qui de consilio una cum iusticiariis itinerabunt': Treharne and Sanders, pp. 27, 163.

⁹⁹ 'Provisiones factae de illis qui de consilio una cum iusticiariis itinerabunt': Treharne and Sanders, p. 163.

¹⁰⁰ 'Provisiones factae de illis qui de consilio una cum iusticiariis itinerabunt': Treharne and Sanders, p. 163.

¹⁰¹ 'De Prohibicione itineris iusticiariorum': Treharne and Sanders, p. 193.

¹⁰² Treharne and Sanders, p. 31.

¹⁰³ TNA, JUST 1/236A (Essex); TNA, JUST 1/456 (Leicestershire); TNA, JUST 1/537 (Sussex); TNA, JUST 1/713 (Oxfordshire (Jury Calendar JUST 1/1592)); TNA, JUST 1/953 (Warwickshire).

¹⁰⁴ Crook, *Records of the General Eyre*, pp. 189–91.

as vital. This was, at least in part, aimed at restraining or controlling the personal power of the monarch and those close to him. R. F. Treharne stated of these investigations that: 'general opinion began to form itself behind Montfort and his friends, and the general enquiry into grievances [...] contributed greatly to this result'.¹⁰⁵ These investigations were integral, perhaps the key factor, to the undoubted popularity of the reform and Montfort in particular.¹⁰⁶ The desire to deal with the complaints against royal officials seems to have been genuine and the barons even pushed reforms which limited their own freedoms.¹⁰⁷ This policy seems to have been particularly Montfortian and pushed him into conflict with some of his fellow reformers.¹⁰⁸ John Maddicott considers that this was 'partly rooted in the tactical need to win the support of local knights and freeholders', in other words the gentry, 'whose backing was necessary to broaden the social basis of reform, confirm its permanence, and prevent any royalist recovery'.¹⁰⁹ The lesser landholders had managed to make their complaints heard from the beginning of the thirteenth century as can be seen in a number of the clauses in the Magna Carta.¹¹⁰ This helped to form them as a politically active class and throughout the thirteenth century they were increasingly involved in national debates.¹¹¹ Maddicott contends that the reformations drew inspiration from the reforms of Louis IX and the teachings of the Bishop of Lincoln, Robert Grosseteste. Simon de Montfort was personally familiar with both men and a direct influence on the reformers was likely.¹¹²

These measures in the baronial platform prior to the cancellation of the eyres in June 1260 were an integral facet of the Montfortian reform and, according to Maddicott, created 'the constituency [the county gentry] from which he would later draw his strongest support'.¹¹³ It is not clear if Montfort's focus on the concerns of the gentry was out of high-minded principle or purely to win support although it is, at the very least, indicative of Montfort's perception of their anxieties.¹¹⁴ The Montfort parliaments were not the first to summon the knights as representatives of the gentry but expanded their role beyond simple consent for taxation.¹¹⁵ The redress and reform of local

¹⁰⁵ R. F. Treharne, *Simon de Montfort and Baronial Reform: Thirteenth-Century Essays*, ed. by E. B. Fryde, History Series, 52 (London: Hamledon Press, 1986), p. 182.

¹⁰⁶ Maddicott, *Montfort*, p. 167.

¹⁰⁷ Maddicott, *Montfort*, pp. 166–67.

¹⁰⁸ Maddicott, *Montfort*, p. 167.

¹⁰⁹ Maddicott, *Montfort*, p. 167.

¹¹⁰ Maddicott, *OEP*, p. 126.

¹¹¹ Maddicott, *OEP*, pp. 126, 136, 138, 198–206, 251–60, 277–99.

¹¹² Maddicott, *Montfort*, pp. 167–69.

¹¹³ Maddicott, *Montfort*, p. 165.

¹¹⁴ Richard Cassidy, 'Simon de Montfort's Sheriffs, 1264–5: Simon de Montfort's Sheriffs, 1264–5', *Historical Research*, 91.251 (2018), 3–21 (p. 6) <<https://doi.org/10.1111/1468-2281.12201>>; Maddicott, *Montfort*, p. 360.

¹¹⁵ Maddicott, *OEP*, pp. 259–60.

administration was an issue which the crown and its opponents contested over the next eighty years in order to win the support of the Commons, and more broadly, the lesser landholders and urban elites they represented. The inquiries initiated by the baronial movement synthesised elements of prior widespread investigations into royal rights, with the tradition of the general eyre, inspirations from Louis IX and Robert Grossteste, to establish a new, seemingly popular, tradition of investigations which would later prove to be integral to future widespread investigations of royal officials up to 1344.

Table 1 *Trials with some surviving indication of proceedings.*

COUNTY	SOURCE
NORTHAMPTONSHIRE	E 372/104 r. 18.
BEDFORDSHIRE	E 372/104 r. 16d.
BUCKINGHAMSHIRE	E 372/104 r. 16d.
OXFORDSHIRE	JUST 1/713; E 372/104 r 14.
BERKSHIRE	E 372/104 r. 14d.
SOMERSET	E 372/104, r. 19d.
DORSET	E 372/104 r. 19d.
DEVON	E 372/105 r. 3.
WARWICKSHIRE	JUST 1/953; E 723/104 r. 19d.
LEICESTERSHIRE	JUST 1/456; E372/104 r. 19d.
LINCOLNSHIRE	David Crook, <i>Records of the General Eyre</i> , Public Record Office Handbooks, no. 20 (London: H.M.S.O, 1982), pp. 190-191.
NORFOLK	E 368/35 m. 10d; E 159/33, m. 8; CLR 1251-60, p. 494.
ESSEX	JUST 1/236A; E 372/104 r. 10.
SUSSEX	JUST 1/537; JUST 1/911.

1.2.1.1 Edward I – Imitation and innovation, c. 1274-1307

In October 1274, Edward I, upon his return from the crusade, ordered a series of inquiries into local administration. In doing so Edward reintegrated the measures of the baronial reform movement with older forms of investigation. It is likely that Edward was not yet on a sure footing in his reign and the trials were part of a series of actions intended to assure his subjects.¹¹⁶ To some extent these built upon older traditions from the twelfth century, but they were informed

¹¹⁶ Caroline Burt, *Edward I and the Governance of England, 1272-1307* (Cambridge: Cambridge University Press, 2013), p. 84.

considerably by Edward's experiences during the 1250s.¹¹⁷ The inquiries were intended to ascertain the offences of local officials and encroachments of royal rights. They were coupled with the removal of all sheriffs and adaptations to the shrieval oath.¹¹⁸ The intervention of the Welsh Wars in 1276-77 interrupted these inquiries and it was not until 1278 that the crown opened proceedings to try offences that had been uncovered four years earlier. This separation of investigation and judgement was not uncommon in this period. John Maddicott pointed out that there was much emulation of 1258 within this programme albeit with one clear change.¹¹⁹ Edward placed the emphasis of these inquiries upon the preservation of the Crown's rights first and investigations into officials second.¹²⁰ Thirteen of the articles in the 1274 investigations derive from the Hundred investigations of 1255.¹²¹ These articles had been incorporated into the eyre and were used into the fourteenth century.¹²² Edward established a new oath for incoming sheriffs and the emphasis in these again suggests that monarchical rights were at the forefront of the crown's agenda at this point.¹²³ Maddicott contrasts this with the detailed and specific oaths outlined in 1258 which prohibited outsiders from being appointed, established salaries, and limited the term of office to one year.¹²⁴ These reforms continued to 1278 when the sheriff's legal jurisdiction was limited and they were placed under new supervision.¹²⁵

In 1275 Edward issued fifty-one clauses within the Statutes of Westminster. John Maddicott outlines the three prominent themes which characterised these clauses as measures to improve the maintenance of the peace, restrictions on magnates, and reforms of local administration.¹²⁶ The sixteen clauses, the longest section of the statute, that dealt with local administration were derived from the hundred rolls of 1274. In an echo of the Ordinance of Sheriffs of 1258, they regulated the claims of sheriffs to 'lodge with any person, with any more than five or six horses; and they shall not grieve religious men, nor other, by often coming and lodging'.¹²⁷ This is clearly less restrictive than the requirements of 1258 which specified a minimum level of wealth for the host and banned more

¹¹⁷ J. R. Maddicott, 'Edward I and the Lessons of Baronial Reform', in *Thirteenth Century England* (Woodbridge: Boydell Press, 1986), pp. 1-30 (pp. 27-28).

¹¹⁸ Burt, pp. 84-85; Michael Prestwich, *Three Edwards: War and State in England 1272-1377* (Taylor and Francis, 2003), pp. 8-9.

¹¹⁹ Maddicott, 'Lessons of Baronial Reform'.

¹²⁰ Maddicott, 'Lessons of Baronial Reform', p. 12.

¹²¹ David Roffe, 'The Hundred Rolls of 1255', *Historical Research*, 69.169 (1996), 201-10 (p. 208) <<https://doi.org/10.1111/j.1468-2281.1996.tb01852.x>>.

¹²² Roffe, p. 208.

¹²³ Maddicott, 'Lessons of Baronial Reform', p. 20.

¹²⁴ Maddicott, 'Lessons of Baronial Reform', p. 18.

¹²⁵ Maddicott, 'Lessons of Baronial Reform', pp. 22-23.

¹²⁶ Maddicott, 'Lessons of Baronial Reform', p. 14.

¹²⁷ 'The Statutes of Westminster, 1275', Luders, I, pp. 27-28.

than two visits in a year.¹²⁸ Furthermore, statutes 24-30 restricted specific activities of royal officials. These included the stipulation that no 'escheator, sheriff, nor other bailiff of the king, by colour of his office, [...] disseise any man of his freehold'.¹²⁹ Royal officials were also banned from maintaining cases in the courts, or interfering in cases, and taking 'any reward to do his office'.¹³⁰ Clerks of 'any justice, escheator, or enquirer' should not 'take anything for delivering *chapitres* [rolls]' under pain of a fine three times as high as the sums they took and the loss of office for a year.¹³¹ Sergeants, Pleaders, or 'other' who engaged in 'deceit or collusion [...] or beguile the court or the party' in the royal courts were to be 'imprisoned for a year and a day and from thenceforth shall not be heard to plead in court for any man'.¹³² Harsh punishments were threatened also to those 'serjeants, criers of fee, and marshals of justices in eyre' who took 'money wrongfully'.¹³³ These reforms were widely publicised at Edward's first parliament which was possibly the most attended parliament before 1500.¹³⁴ This unusually high attendance might suggest that Edward wished for as large an audience as possible for his statutes.¹³⁵ This is also reflected in the arrangement for the dissemination of these statutes across the country which was detailed and called for proclamation in cities, boroughs, market towns and for transcriptions to be given to prominent local officials and knights in each county.¹³⁶ In the first half of Edward's reign he sought to place parliament at the centre of political life, promote consensus driven policies, and influence opinion through the parliamentary Commons.¹³⁷ The prominence of reform of local officials and the clear and detailed directions for circulation of the measures adopted by the crown suggest that Edward was well aware of the damage done by official malfeasance and the need to be seen to counter it with measures that were disseminated widely.

From 1286-89 Edward spent time in Gascony reforming the local administration, expelling Jewish residents from the duchy, and establishing *bastides*.¹³⁸ In striking similarities to 1274, Edward arrived

¹²⁸ 'The Ordinance of Sheriffs, 20th October 1258', Trehearne and Sanders, p. 121.

¹²⁹ 'The Statutes of Westminster, 1275', Luders, I, p. 33.

¹³⁰ 'The Statutes of Westminster, 1275', Luders, I, p. 33.

¹³¹ 'The Statutes of Westminster, 1275', Luders, I, p. 33.

¹³² 'The Statutes of Westminster, 1275', Luders, I, p. 34: ['nul serjaunt contour ou autre face nul manere deceyte ou collusion en la court le rey ou consente de fere le en deceyte de lar court por enginnger la court ou la partie'].

¹³³ 'The Statutes of Westminster, 1275', Luders, I, p. 34: ['serjaunz Criurs de feo e les marchals'].

¹³⁴ Maddicott, 'Lessons of Baronial Reform', p. 15: Maddicott quotes from M. McKisack, *Parliamentary Representation of English Boroughs during the Middle Ages* (Oxford, 1932), p.5. Maddicott estimates, based on incomplete records, an attendance of 700-800.

¹³⁵ Maddicott, *OEP*, pp. 416, 448.

¹³⁶ Maddicott, 'Lessons of Baronial Reform', p. 15.

¹³⁷ Maddicott, *OEP*, pp. 297-98.

¹³⁸ Michael Prestwich, 'Edward I (1239-1307)', in *The Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2008) <<https://doi.org/10.1093/ref:odnb/8517>>.

at Dover on 12th of August 1289 and responded to widespread complaints against his officials by removing nearly all judges from office and appointing special commissions to investigate all royal officials.¹³⁹ This was in response to a series of complaints he had received, including a laundress who had followed Edward to Gascony to complain that she had not received justice following a rape plea.¹⁴⁰ When Edward launched his investigations Thomas Weyland, chief justice of the common pleas, fled into sanctuary at Bury St Edmunds. Weyland was starved into submission by the local sheriff, formally abjured the realm, and spent the rest of his life in France.¹⁴¹ Weyland was accused of receiving and harbouring two murderers. The severity of this punishment is unusual in such trials but is an indication of the magnitude of his offence.¹⁴² It is hard not to contrast this with the case of Richard Willoughby who was accused of the same offence in 1340 but merely lost his position as a justice – he was later paraded around the country although it is not clear that this was a result of these precise offences. Edward also removed and imprisoned the escheator Henry de Bray, Adam of Stratton – chamberlain of the exchequer, and four of the five justices of the Bench.¹⁴³ Between 1290-93 about 40 local officials were imprisoned and fined.¹⁴⁴ This pattern was repeated again under Edward I in 1298 following the failure of his campaign in the Low Countries against France. There had been tensions with the French monarchy but the conflict which broke out in October 1294 may have been something of a surprise to Edward.¹⁴⁵ The four-year conflict was expensive and unrewarding for both France and England. Resistance to English rule in both Wales in 1294-95 and Scotland in 1296 meant that Edward's attention was divided.

From 1294 onward Edward began to meet opposition due to the heavy financial demands of the war. He faced opposition from the magnates and the clergy over the level of taxation and overseas service. The crown and the opposition jockeyed to position themselves as the arbiters of public grievances through a series of public displays, orations, and publications. The demands of the opposition were not particularly radical but instead built upon prior examples and the preservation of their rights. Initially passive resistance to military summons began in 1294 and, in 1295, Edward had to cajole several magnates, including the earl of Arundel, with threats before they would serve.¹⁴⁶ The clergy also resisted the repeated exactions of clerical subsidies from 1296. Edward

¹³⁹ T. F. Tout, *The History of England from the Accession of Henry III to the Death of Edward III (1216-1377)* (London: Longmans, Green, and Co., 1905), III, p. 172.

¹⁴⁰ Prestwich, *Three Edwards*, p. 22.

¹⁴¹ Brand, 'Edward I and the Judges', pp. 31, 33.

¹⁴² Brand, 'Edward I and the Judges', p. 33.

¹⁴³ Brand, 'Edward I and the Judges', p. 31.

¹⁴⁴ Brand, 'Edward I and the Judges', p. 31.

¹⁴⁵ Prestwich, 'Edward I (1239-1307)'.

¹⁴⁶ Michael Prestwich, *Edward I*, Yale English Monarchs (New Haven: Yale University Press, 1997), pp. 406-7.

made efforts to convince all estates of the pressing need for funds and cooperation through prayers, in preambles to parliamentary summons, and by suspending unpopular proceedings.¹⁴⁷ This was all undone however by the stand of the clergy and the magnates. The magnates, led by Roger Bigod, the earl of Norfolk, and Humphrey de Bohun, the earl of Hereford, opposed foreign military service in particular but also had historic grievances against Edward. At one point Edward supposedly told the earl of Norfolk that he could 'either go or hang' to which Bigod replied that he would do neither.¹⁴⁸ The summons for overseas service in 1297 rendered only sixty-three responses largely because many magnates had met prior to the expected summons in the Welsh marches and agreed not to attend.¹⁴⁹

Edward was not deaf to his problems and attempted to garner public support. At one stage he enjoined the exchequer to appoint individuals 'who know how to speak to the people well' for the taking of oaths from the tax collectors.¹⁵⁰ This is a strange order and implies that the collectors or sub collectors were impeding the collection of the subsidies through alienating the populace. It is another example of a keen eye for the control of public opinion which at times might have bordered on obsessive. This crisis was a check on Edward's power and prevented him from raising funds in the arbitrary manner with which he had previously, but represents a compromise between the two camps rather than a total victory for any faction. The opposition was mostly interested in the preservation of their rights and did not push for any great radical reform. Edward continued to erode the liberties of the Welsh marches and was able to exact some revenge on the leaders of the opposition in later years.¹⁵¹ The situation in Scotland, following the victory for William Wallace at Stirling Bridge in 1297, was probably the factor which prevented serious ongoing opposition.

Edward landed back in England in March 1298 and one of his first acts was to initiate a trial of officials in response to grievances. This was a fulfilment of a promise in a public letter of August 1297, in which he stated that it 'grieves him greatly that he has so burdened and so exhausted' the

¹⁴⁷ Prestwich, *Edward I*, p. 412.

¹⁴⁸ Prestwich, *Edward I*, p. 416.

¹⁴⁹ Prestwich, *Edward I*, pp. 419, 424.

¹⁵⁰ My translation from: TNA, E 159/70, m. 124: ['E enchargiex tieux gentz qui sachent beau parler au pueple e qui sachent bien e sagement mener la beusouigne' ... 'pretextu cuius mandate assignati sun celrici et alii in comitatibus subscriptis ad capiendum sacramentum de taxatoribus superius assignatis in comitatibus ubi morantur et ad informandum eosdem qualiter loqui debeat ad populum']; *Documents Illustrating the Crisis of 1297-98 in England*, ed. by Michael Prestwich, Camden Fourth Series, v. 24 (London: Royal Historical Society, 1980), p. 120.

¹⁵¹ Prestwich, *Edward I*, p. 434.

population and that he or his heir have 'the will and the desire to amend it' on his return.¹⁵² In this same letter Edward also raised the spectre of conflict between the monarch and barons:

let everyone consider how great discord there has been in the past in this real through these words bandied between the lord and his people and the harm that has resulted from them [...] it could happen that a dispute would arise out of it, which would be more dangerous and more serious than any ever was in this land.¹⁵³

The letters patent which appointed the justices were issued in early April and specified that one clerk and one 'man of religion' were to be supplied by local bishops to aid the inquiries.¹⁵⁴ These inquiries are often stated to be investigations into *prise* or *purveyance* (the practice of seizing foodstuffs for military campaigns) but the inquiries in 1298 investigated all royal officials and include charges against tax collectors, bailiffs, and others. This perception perhaps stems from the ordinance issued by Edward two weeks after his return which stated that the investigations should: 'make enquiry concerning things taken away from the Holy Church, and of prises of wool, fleeces, hides, corn, beasts, meat, fish, and other kinds of things [...] since the start of the war'.¹⁵⁵ The records of investigations into Gloucestershire, Staffordshire, Worcestershire, Lincolnshire, Norfolk, Nottinghamshire, Suffolk, and Yorkshire survive.¹⁵⁶ The rolls from the Norfolk and Lincolnshire inquiries are in good condition while the rolls from the other investigations are relatively brief.

According to Prestwich, these investigations were 'on a massive scale' and that it 'would be wrong to see the inquiry of 1298 as an attempt by the king to divert criticism from himself, and to direct the blame towards minor officials'.¹⁵⁷ Given the condition of the rolls, in order to evaluate Prestwich's claims there would be some value in ascertaining the extent to which these investigations ever took place. It is striking that Edward anticipated the potential positive propaganda value of these investigations to quell discontent even prior to his departure. In doing so he appealed to a tradition of monarchs initiating trials of officials upon their return from the continent. Perhaps

¹⁵² My translation from: Prestwich, *Documents Illustrating...*, pp. 127–28: [l'dunt il lui poyse mult quil les ad taunt grevez e taunt travaillez [...] E si dieu e au gre de son peuple iames returner du veyage quil fait ore, il voet bien qe tuz sachent quil ad volente e graunt desir del amender bonement la volente de dieu e au gre de son peuple taunt avaunt cum il devera. E sil avenist qil ne returnast mye, il bye ordener qe son heir la fra ausi com sil meismes returnast de ceo qe fera amender']; *English Historical Documents. Vol. 3, 1189-1327*, ed. by Harry Rothwell and David C. Douglas (Routledge, 1975), pp. 477–80.

¹⁵³ Translated in: Rothwell and Douglas, pp. 477–80; Prestwich, *Documents Illustrating...*, pp. 127–29.

¹⁵⁴ CCR 1296-1302, p. 204; CPR 1292-1301, p. 338.

¹⁵⁵ My translation from: Prestwich, *Documents Illustrating...*, p. 191: [l'por enquierire de tous maneres des grevances, come des choses prises hors de seinte eglise, des prises de leynes, peause, quirs, bestes, charz, peyssons e de tous autres maneres des choses [...] puis la gerre comencie'].

¹⁵⁶ Gloucestershire, Staffordshire, Worcestershire (TNA, JUST 1/1314), Lincolnshire (TNA, JUST 1/505), Norfolk (TNA, JUST 1/588), Nottinghamshire (TNA, JUST 1/672), Suffolk (TNA, JUST 1/842), and Yorkshire (TNA, JUST/1105).

¹⁵⁷ Prestwich, *Edward I*, p. 431.

he hoped to evoke these memories and present himself as the royal judge correcting the complaints of his people. He was also keen to remind his audience of the dangers of open hostilities of this sort. Combining the carrot and stick like this was likely quite effective. Edward showed that he had learned from the mistakes of his father's reign by presenting himself as the inheritor of the investigations which were a central plank of Montfort's platform while also threatening open conflict 'more dangerous and more serious than any ever was in this land'.¹⁵⁸ There is no need to see these trials in binary terms, as Prestwich suggests. They can be serious attempts to correct wrongdoing brought to light by complaint and cynical management of public perception. The fines that could be reaped were likely a consideration as well. An added advantage must have been that Edward could undermine the earls' presentation of themselves as the representatives of the community by correcting complaints directly through these trials. This anticorruption campaign in particular has many parallels with Edward III's investigations of 1340-42, which will be explored later. While the last few years of Edward's reign were not entirely placid, there were no more widespread anticorruption campaigns before 1314.

During his reign Edward established many of the aspects of these campaigns which would persist up to the 1340s. These campaigns were inspired by the baronial demands of 1258 but Edward adapted them to suit his personal needs. Each wave of investigation was part of a propaganda campaign designed to strengthen his position. Edward reformed his administration in response to petitions and the findings of inquiries. Many aspects of these dealt with offences committed by royal officials as was the case with the first Statute of Westminster in 1275, which immediately followed the inquiries of 1274. This change in 1275 was proclaimed in accordance with careful stipulations from the crown which John Maddicott considers a break with prior practices.¹⁵⁹ Throughout Edward's reign the absence of the king precipitated anticorruption campaigns as did internal divisions, firstly, in 1274 and latterly in 1298. They were also closely associated with complaint about the conduct of royal officials, structural reforms, periods of financial difficulties, and warfare – most especially the increased demands made of the populace during times of conflict. However, Paul Brand found that many of the offences that the officials were accused of were simple wrongdoing rather than any crimes which were connected to their position.¹⁶⁰ According to Brand, 'judicial corruption and other forms of official wrongdoing were treated simply as matters of private grievance, of concern only to those who had directly suffered as a result of them'.¹⁶¹ This is a definitional problem. In modern usage the crimes of those convicted for wrongdoing unconnected

¹⁵⁸ Prestwich, *Documents Illustrating...*, pp. 127–29; Rothwell and Douglas, p. 477.

¹⁵⁹ Maddicott, 'Lessons of Baronial Reform', p. 15.

¹⁶⁰ Brand, 'Edward I and the Judges'.

¹⁶¹ Brand, 'Edward I and the Judges', pp. 39–40.

with their position while in office is not strictly corruption. It is not clear that this was the attitude in England during the thirteenth and fourteenth centuries when monarchs, especially Edward I, would pursue officials who were the subject of complaint. Fines and punishments were given to those officials who transgressed even when the crown was not the ultimate victim – as can be seen in the exile of the justice Thomas Weyland. Today such behaviour is often referred to as bringing an office into ‘disrepute’. The conception of a distinction between public and private roles is often said to be a modern phenomenon and this cuts both ways. In the thirteenth and early fourteenth centuries monarchs oversaw the behaviour of their officials in all aspects and did not necessarily observe a distinction between their official position and their private conduct. This is important as, while there might not be a clear conception of a public ‘office’ in this period, the conduct of officials could undermine trust in crown institutions. Brand’s view relies on a privileging of the legal processes by which these officials were tried in the late 1280s and early 1290s: ‘there was no use of the procedures of presentment or indictment characteristic of legal proceedings against the king or public interest’.¹⁶² In the early fourteenth century, these trials used these precise means to try officials – suggesting a different tenor between these two periods of investigation. It is clear that Edward I used these trials at times of difficulty to reinforce his power and present himself as responsive to complaint. This policy went hand in hand with the establishment of parliament as the ultimate court of appeal.¹⁶³ Likewise, the emergence of petitioning was inherently tied to the emergence of oyer and terminer courts. Edward was keenly aware of the need to elicit and respond to complaint both for reasons of good governance, to defend the rights of the crown and to appeal to public perception, a lesson he probably learnt as a result of the travails of his father’s reign and one his son would fail to heed.

1.2.2 Anticorruption Under Edward II and Edward III: 1307-1348

1.2.2.1 Baronial Ascendancy: 1307-14

The nature of the new king’s relationship with Piers Gaveston and the unfortunate inheritance of discord left by Edward I prompted a fractious and frosty relationship between Edward II and his leading barons from the earliest period of his reign. Such was the hostility that Seymour Phillips considered the kingdom close to civil war in early 1308.¹⁶⁴ This was coupled with the difficult financial position of the crown, and strained relations with France and Scotland. Gaveston was exiled in May 1308 by the leading barons with the assistance of the French king who considered him a

¹⁶² Brand, ‘Edward I and the Judges’, p. 39.

¹⁶³ Gwilym Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford: Oxford University Press, 2007), pp. 36–37.

¹⁶⁴ J. R. S Phillips, *Edward II* (London: Yale University Press, 2011), pp. 146–47.

mortal enemy.¹⁶⁵ As part of the wrangling over Gaveston's position, and following the desire of the earls to curtail the prerogative powers of the monarchy, a series of demands were presented to the king in 1309. These demands came with a promise of a grant of taxation if the king agreed to be bound by them.¹⁶⁶ They built on the requests presented to Edward I in 1300: redress for petitions which had gone unheard, protest at purveyance, the unjust extension of the jurisdiction of the steward and marshal of the household, wrongful seizures by escheators, and the depreciation of coinage.¹⁶⁷ The 1309 demands also built towards the Ordinances of 1311. In 1309, by enacting the statute of Stamford, the monarchy gave way and limited the powers of officials appointed to collect supplies.¹⁶⁸ Gaveston also returned from his exile in this year. These conflicts increasingly brought Edward II into opposition with his cousin Thomas, the earl of Lancaster (c. 1278-1322), who was the most powerful force in England after the king. In 1310, faced with the threat of deposition, Edward agreed to the demands of his leading nobles to appoint 'twelve discreet and powerful men [...] by whose judgement and decree the situation should be reformed' – an echoing of the baronial policy from 1258.¹⁶⁹ In an indication of the role of parliament as a locus for dissemination of news and propaganda, Edward attempted to avoid the 'Ordainers' publicising their demands by refusing to call parliament. However, the need for funds from taxation, which could only be granted by a parliament, led him to call an assembly on the 8th of August 1311. As the measures called for the exile of Gaveston, Edward refused to allow the publication of the findings until threatened with civil war.¹⁷⁰ The Ordinances were published in St Paul's churchyard on the 27th of September 1311.¹⁷¹ They forbade the king from granting lands, seizing foodstuffs, ceased the practice of farming customs to foreigners, and limited the ability of the king to raise revenues outside the exchequer.¹⁷² A few days after the publication, on the 5th of October, several of the magnates gathered in the churchyard at St Paul's and had the Ordinance proclaimed.¹⁷³ Copies were published across the country.¹⁷⁴ Thomas later had a wooden tablet erected in the churchyard to commemorate the affirmation of the Ordinances by Edward II.¹⁷⁵ This tablet became a site of worship after Lancaster's execution and was

¹⁶⁵ Phillips, p. 149.

¹⁶⁶ Maddicott, *Thomas of Lancaster*, p. 98.

¹⁶⁷ Maddicott, *Thomas of Lancaster*, pp. 97-98.

¹⁶⁸ Maddicott, *Thomas of Lancaster*, p. 103.

¹⁶⁹ *Vita Edwardi Secundi: The Life of Edward the Second*, ed. by Wendy R. Childs and N. Denholm-Young, Oxford Medieval Texts, Rev. ed. (Oxford: Clarendon Press, 2005), pp. 18-21.

¹⁷⁰ Maddicott, *Thomas of Lancaster*, pp. 116-17.

¹⁷¹ Phillips, p. 176.

¹⁷² Phillips, pp. 177-78.

¹⁷³ Maddicott, *Thomas of Lancaster*, p. 117; Phillips, pp. 176-77.

¹⁷⁴ Phillips, pp. 176-77.

¹⁷⁵ Maddicott, *Thomas of Lancaster*, p. 117.

likely akin to modern noticeboards.¹⁷⁶ In addition to the measures outlined above, royal officials were to be appointed in, and with the consultation of, parliament and were to swear an oath to uphold the Ordinances.¹⁷⁷ The Ordinances were also published in the localities and officials there were to swear to uphold them.¹⁷⁸ The Ordainers also called for the limitation of the jurisdiction of the steward and the marshal, and regular parliamentary sittings so that cases concerning ministerial behaviour could be judged.¹⁷⁹ Again these demands were reminiscent of the priorities of the earlier baronial movement which was concerned with the proper dissemination of policy and the loyalty of royal officials in the counties. Most problematic in the eyes of those who sought to limit royal powers, aside from Gaveston, was the practice of *prise or purveyance*. This was initially a power designed to supply the royal household, as it moved around the kingdom. However, it had been increasingly abused by Edward I and his son from the 1290s to supply the military forces of the crown, especially in Scotland.¹⁸⁰ This was associated with the move away from feudal modes of service towards a more professionalised military contingent.¹⁸¹ The stipulations from the Ordinances were only repealed in the May parliament of 1322, although the struggle of Edward to resist their enforcement and the personal enmities between the monarch and his leading vassals shaped the political life of the kingdom throughout the decade. It was under the auspices of the Ordinances that a group of the leading nobles including Lancaster arrested and executed Piers Gaveston on the 19th of June 1312. The antagonism engendered by this execution poisoned political relations within the realm. The summary execution was controversial even among those who had been content to be involved in Gaveston's arrest. The fallout from this execution fractured the political landscape throughout the reign. However, it did not result in discrete factions but rather a shifting dynamic. The consistent trend however, was the personal antipathy between the king and his cousin, Thomas, which was sometimes cloaked in constitutional struggles. This was similar to the baronial movements of the thirteenth century which saw various diffusions but retained the antipathy between Montfortian and royal factions. The parallels between Montfort and Lancaster were played up at the time and deliberately encouraged by Lancaster.¹⁸²

There were no attempted widespread investigations of ministerial misconduct between 1298 and 1314. While the leading magnates tried to hold the king and his ministers to account, the actions

¹⁷⁶ Fisher, p. 114.

¹⁷⁷ Phillips, p. 178.

¹⁷⁸ G. L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford: Clarendon Press, 1975), p. 77.

¹⁷⁹ Maddicott, *Thomas of Lancaster*, p. 98; Phillips, p. 159.

¹⁸⁰ Phillips, p. 162.

¹⁸¹ See: Krug, 'Feeding Mars'.

¹⁸² Maddicott, *Thomas of Lancaster*, pp. 321–22.

were limited to a few piecemeal measures which were never reliably enforced by the crown or tussles over the personnel which staffed the royal household. There was clearly a desire for reform as can be seen from the repeated attempts from 1300 to 1312 to restrict the prerogative rights of the monarch. The Ordainers tried to use parliament as a tool to protect themselves against royal reprisals. Regular sittings of parliament were planned to hear complaints against officials and an expanded parliament was soon as useful to provide 'a legitimate basis for opposition' in the Ordainers role as 'spokesmen for popular discontent'. It is possible that these attempts at oversight of officials were merely a useful tool utilised by opponents of monarchical power rather than the application of high-minded principles. Even if this is the case, it is indicative that popular hostility to royal officials was a useful tool in political tussles and that the legacy of the Montfortian reform movement was still powerful.

1.2.2.2 The Bannockburn Commissions: 1314

Edward II found himself on the defensive in the face of renewed opposition from the barons and earls following the disastrous loss at the battle of Bannockburn in 1314. Edward called for parliament to meet and discuss 'various arduous affairs touching the king and the state of the kingdom, and especially 'our land' of Scotland'.¹⁸³ In early September parliament sat to discuss the Scottish situation. No records survive from this parliament and it has generally been accepted that nothing of note was achieved.¹⁸⁴ At a meeting in York Edward agreed with the earl of Lancaster and 'other great men' to observe the Ordinances which they had attempted to force upon the king previously.¹⁸⁵ As part of these Ordinance the barons removed thirty sheriffs, the chancellor, the treasurer, the keeper of the wardrobe, and the cofferer of the wardrobe.¹⁸⁶ This activity shows the continuous aim for those who opposed the crown to control important positions both centrally and in the counties. Shrieval power had diminished over the previous two centuries but in the early fourteenth they were still the 'keystone in the bridge of communication between the localities and the apparatus of central government'.¹⁸⁷ They were charged with keeping the peace, leading local military efforts, the crown's chief financial agent, and president of the county court – which was often one of the primary foci of local political elites and the primary location at which mandates were proclaimed.¹⁸⁸ As shown in Figure 1 there was a spike in appointments in late October and

¹⁸³ Seymour Phillips, 'Introduction, Parliament of 1314 September', PROME.

¹⁸⁴ Seymour Phillips, 'Introduction, Parliament of 1314 September', PROME.

¹⁸⁵ Childs and Denholm-Young, *Vita Edwardi Secundi*, p. 99; Phillips, p. 239.

¹⁸⁶ CFR, 1307-19, pp. 220-221; Phillips, pp. 239–40.

¹⁸⁷ Gorski, 'The Fourteenth Century Sheriff', pp. 6–8.

¹⁸⁸ Gorski, 'The Fourteenth Century Sheriff', p. 7.

early November 1314.¹⁸⁹ A subsequent surge in October 1315 is partly due to the replacement of some of these sheriffs a year later – not an unusual occurrence although tenures were generally longer.¹⁹⁰ The dates should be viewed with some suspicion as they are drawn from a variety of sources with imperfect survival. However, the correlation between the removal of sheriffs and the inauguration of the investigations seem to indicate that in 1314 they are reasonably accurate. If so, this might suggest an attempt to enforce single year terms as the baronial movement had intended in the thirteenth century. There is no indication that most of the sheriffs appointed late in 1314 were anything other than loyal to Edward at the time of their appointment. Seymour Phillips, the author of the most comprehensive biography of Edward II, concluded that the personnel changes within the royal household were not to the disadvantage of the king.¹⁹¹ This does not seem to have been mirrored in the wider changes among the officials in the counties. All sheriffs served with relatively little incident aside from William Trussell who was appointed to Warwickshire and Leicestershire. Trussell was a prime member of Lancaster's retinue from at least 1307.¹⁹² He fought on the Lancastrian side at Boroughbridge and spent time in 1322 with some fellow Lancastrians who would go on to form the notorious Folville gang.¹⁹³ He later joined Mortimer and Isabella in Paris and accompanied them during their invasion which left Dordrecht, or Brill, on the 22nd of September 1326.¹⁹⁴ As the representative of the knightly class it was Trussell who formally withdrew homage from Edward II at his deposition, sat as the judge for the trials of both Despensers, and served Edward III as a trusted senior official.¹⁹⁵ Trussell is somewhat unique in the sustained and dramatic variety of his role in national affairs, but his activities are generally representative of the pivotal position that sheriffs, or the class that they were drawn from, could hold. In general, aside from Trussell, all the appointments appear to be amenable to the king. This is an indication that although there were tensions, there had been no irrevocable break at this stage between Edward and those who sought reform.

Accompanying the removal of the sheriffs, a series of oyer and terminer commissions were established in late October 1314 to enquire into allegations that sheriffs and their ministers have 'under colour of their office [...] inflicted [...] many losses and burdens by means of false indictments, imprisonments, appeals, grievous ransoms, intolerable distraints made for unjust causes,

¹⁸⁹ Appendix I, Figure 1; *List of Sheriffs for England and Wales, from the Earliest Times to A.D. 1831*, Lists and Indexes, 9 (London: H.M.S.O., 1963).

¹⁹⁰ *List of Sheriffs*.

¹⁹¹ Phillips, p. 239.

¹⁹² Maddicott, *Thomas of Lancaster*, pp. 59–60. CPR 1317-21, p. 229.

¹⁹³ CPR 1321-24, p. 82, 95, 167, 228.

¹⁹⁴ Maddicott, *Thomas of Lancaster*, pp. 59–60; Phillips, p. 502.

¹⁹⁵ Phillips, pp. 501, 503, 513, 516, 573.

and extortions of divers sums of money'.¹⁹⁶ The first commission concerns the sheriffs of Yorkshire and their ministers. It was issued, by the hand of the king in York, on the 8th of October presumably during, or as a result of, the September parliament. Parliament, the exchequer, and the monarch were all resident in York at this point so it is likely that this was in response to complaints heard first hand. Perhaps they related to the military activities of the crown as the burden of purveyance would have fallen heavily on Yorkshire due to its proximity to Scotland and the presence of the royal household. The commission ends by calling on the justices to 'hear all other complaints, and are to forward the inquisition made by them so that the king shall have it in the next parliament'.¹⁹⁷ The stipulation to 'hear all other complaints' is indicative of the potential broadness of the investigations in the early fourteenth century. These trials became close to the eyre in function: widespread roving courts with a general, rather than focussed, remit. The sheriff of Yorkshire was removed a week earlier, two further sheriffs on the 8th October, four on the 16th, two on the 24th and a further eleven across November and early December. On the 24th of October, commissions were issued by the council for 32 further county investigations.¹⁹⁸ Possibly the orders for action in Yorkshire predate elsewhere since they could be enacted more quickly as the government was in residence during this period. Royal messengers tended to visit several counties in their duties and waited to gather communications in order to avoid a backlog on their return.¹⁹⁹ The commissions were expanded to specify that amercements should be collected for the king and that the commission should be proclaimed in 'each bailiwick, so that all who wish to complain may come before them'.²⁰⁰ The specific call for amercements – financial penalties paid after an investigation in contrast to fines which were paid prior to an investigation – might suggest that these were, at least partly, targeted to repair crown finances. However, the desire for amercements, rather than fines, suggests that the primary interest was in uncovering and correcting abuses of offices. The calls for widespread proclamation echo the earlier practice of Edward I when he publicised his statutes in 1275, and which John Maddicott suggested was 'extraordinarily elaborate' and 'unusually scrupulous'.²⁰¹

¹⁹⁶ TNA, JUST 1/254, m.1: ['fuerunt vicecomitis eorundem postquam regimen regni nostri suscepimus ac clarici ballivi et ministri eorundem et constabularii ac custodes prisonum necnon et ballivi libertatum in eisdem comitatis sub colore officorum suorum hominibus de comitatis illis et aliis in eisdem venientibus per falsa indictamenta imprisonmentata appella graves redemptions intollerabiles distrationes ex causis iniustis fictis et diversarum pecunie finarum et rerum extorsiones dapna et gravamina quem plurima diversimode intulerint in nostri contemptum']; (TNA, JUST 1/332, m. 1 also retains an almost identical commission); *CPR 1313-17*, p. 242.

¹⁹⁷ *CPR 1313-17*, p. 242.

¹⁹⁸ *CPR 1313-17*, p. 243.

¹⁹⁹ Doig, p. 262.

²⁰⁰ *CPR 1313-17*, p. 243.

²⁰¹ *CPR 1272-81*, p. 104. Maddicott, 'Lessons of Baronial Reform', p. 15.

Like many of the commissions under study, it is unclear how many of these 1314 commissions actually resulted in trials. There are four surviving rolls and all relate to investigations held in Norfolk, Suffolk, Essex, and Hertfordshire.²⁰² Once completed the records for these trials were stitched together and sent to London where they were housed. It is possible that the clerks produced multiple records and that some of them were retained by the justices and might have later found their way to local or private archives. The four surviving rolls effectively represent only two itinerant courts. One of these operated in Essex and Hertfordshire and the other in Norfolk and Suffolk. William de Goldyngton, Willian de Wanton, and John de Borham oversaw Essex and Hertfordshire; William de Ormesby, John de Thorpe, John de Mutford, and John de Fresyngfeld oversaw Norfolk and Suffolk.²⁰³ The Norfolk and Suffolk rolls show that there was an earlier commission of oyer and terminer operating in the counties under a commission dated just before the Battle of Bannockburn on the 18th of June 1314.²⁰⁴ This commission does not mention investigations of sheriffs and their ministers. Nor does the later commission dated 16th of December 1314, which only mentions enforcement of the Statutes of Winchester.²⁰⁵ Regardless, these are the courts enrolled in the Patent Rolls as the same justices were sitting, and the Suffolk roll contains a list of charges against the sheriff of Norfolk and Suffolk. This was a common occurrence and saved on duplication of travel and expenses for royal justices and their associated servants. Unlike the Norfolk and Suffolk rolls, the Hertfordshire roll retains the commission. These commissions are indicative of the role of political crises and military activity as catalysts for anticorruption drives. There is no clear indication that these trials took place on a widespread scale as there are no other surviving rolls. Interestingly, in 1321, 1323, and 1342, the widespread investigations were likewise prefaced by one or two commissions by only a few weeks. It might be that in these times of high tension a genuine response to complaint against officials led to inquiries which later sparked widespread investigations. However, it is hard to date such commissions with precision. It is not clear whether the king, council, or some other faction was the driving force behind these commissions as the records from this parliament do not survive. These investigations were intended to cover a wide area, and this is probably indicative that there was no great hostility to their inauguration. Maddicott suggested that both Thomas and Edward were probably interested in cultivating the sympathies of the Commons and the gentry by addressing their grievances.²⁰⁶ The author of the *Vita*, one of the most significant chronicle sources for the reign, claimed that Thomas

²⁰² TNA, JUST 1/596 (Norfolk), TNA, JUST 1/850 (Suffolk), TNA, JUST 1/254 (Essex), TNA, JUST 1/332 (Hertfordshire).

²⁰³ CPR 1313-17, p. 243.

²⁰⁴ TNA, JUST 1/596, m. 1.

²⁰⁵ TNA, JUST 1/596, m. 1.

²⁰⁶ Maddicott, *OEP*, p. 341.

used the weakness of Edward, in 1314 following the battle, to push for reforms and the king ‘refused nothing to the earls’.²⁰⁷ This may suggest that the commissions were primarily pushed by Thomas and ‘the earls’ and that they might be part of the attempts to restrict royal independence in line with the ordinances and the earlier baronial movements. They may simply have been intended to advance the parallels between Thomas and Montfort.

1.2.2.3 The Treaty of Leake: December 1318

From 1314 and the Battle of Bannockburn, to 1316, Thomas of Lancaster became increasingly powerful and was able to make stringent demands of Edward.²⁰⁸ After 1316, an uneasy truce existed between Thomas and the King, but over time Thomas withdrew, citing the influence of the Despensers, the king’s intransigence, and his failure to observe the Ordinances.²⁰⁹ A rapprochement was brokered through the Treaty of Leake, which was confirmed at parliament on the 22nd of October 1318. This treaty was modelled on a scheme originally proposed by Simon de Montfort in 1264.²¹⁰ It specified a council which was to advise the monarch between parliaments and to uphold the Ordinances of 1311. It also granted mutual pardons between the King and Thomas. At a later parliament the King’s household was reformed and new sheriffs appointed throughout England with the exception of the northern counties.²¹¹ The commissions for investigations of 32 counties were enrolled on the patent rolls on the 29th of December.²¹² The commission attached to the Essex rolls is dated to the 29th of November. The discrepancy is presumably due to scribal error, or the delay between the drawing up of the commissions and their issuing. On this date eleven sheriffs, including the sheriff for Essex and Hertfordshire, were replaced. Parliament concluded on the 9th of December so it seems likely that the commissions were drawn up in November and only enrolled on the 29th of December – perhaps when writs were returned. Unlike the commissions of 1314 for Norfolk and Suffolk, the surviving rolls do not appear to be repurposed commissions.²¹³ The commission is virtually identical to those of 1314 although they also specify sub-escheators for investigation in addition to the prior list of ‘sheriffs, clerks, bailiffs, and ministers of the sheriffs, and

²⁰⁷ Childs and Denholm-Young, *Vita Edwardi Secundi*, pp. 98–101; Phillips, p. 239.

²⁰⁸ Phillips, pp. 264–68.

²⁰⁹ Seymour Phillips, ‘Introduction, 1318 October Parliament’, PROME.

²¹⁰ Phillips, p. 320.

²¹¹ CFR 1307-19, pp. 381-383; Phillips, p. 331.

²¹² CPR 1317-1321, pp. 298-300. I have only identified the records from the investigations in Essex and London (JUST 1/255 and JUST 1/553). The Essex roll has the surviving commission for both Essex and Hertfordshire, although no charges appear to relate to Hertfordshire. This was issued at York on the 29th of November 1318. It is probable that the roll for Hertfordshire – assuming the justices ever sat in that county – was later split up and has subsequently been lost or is still unidentified.

²¹³ TNA, JUST 1/255; TNA, JUST 1/553.

constables, keepers of prisons, as well as bailiffs of franchises, and sub-escheators'.²¹⁴ Like the Norfolk and Suffolk commissions, which spanned 526 days, the Essex investigations took a long time to conclude with a total of 596 days from the commission to the last recorded sitting. The poor survival of these rolls is puzzling, and it seems likely that more are waiting to be identified. A mimicry of David Crook's methodology might suggest which courts are likely to have sat.²¹⁵ The parliament rolls from 1318 are in a poor state of repair but do show a large number of petitions. This probably resulted from the absence of any parliament since 1316 and may have been a spur to initiate these inquiries.²¹⁶ Again, all of this activity was reflected in the number of sheriffs appointed in late 1318.²¹⁷ This year stands in stark contrast to the years preceding it, which saw low levels of turnover in the position of sheriff. In 1316 only six new sheriffs were in post while 1318 saw thirty-three – suggesting that there was significant activity even if not every county saw an investigation. This was probably a result of the political stasis which stemmed from Lancaster's estrangement from the court and increasing isolation. As Lancaster was the driving force behind this settlement it might be thought that these sheriffs were in his orbit.²¹⁸ A closer examination however shows that none of these sheriffs are connected to Lancaster with the exception of the two appointments in Yorkshire. Robert de Rithre was appointed in late November 1318 but does not appear to have acted and was replaced by Simon Warde on the 19th of December. Rithre was dead or disinherited by 1323 as a result of his support for Thomas of Lancaster. While Rithre can safely be called an adherent of the Earl of Lancaster, he was replaced by Simon Warde, seemingly without taking up the role. Warde had been pardoned in 1313 for his role in the death of Piers Gaveston, but Edward does not appear to have pursued him afterwards and a pardon does not necessarily indicate direct involvement.²¹⁹ Warde may have just secured a pardon as an insurance against future dangers. He was awarded a grant for life of 100 marks by the King in 1315 and was sheriff of Yorkshire at the time of the Battle of Boroughbridge in 1322.²²⁰ He was clearly seen as loyal to Edward II, as in the years following Thomas' defeat he was granted lands and goods seized from the rebels, acted as an arrayer in Yorkshire, and was given the custody of Pontefract Castle which had been the centre of Thomas'

²¹⁴ TNA, JUST 1/255, m. 1: ['ad inquirendum [...] de oppresionibus dampnis et gravaminibus in comitatis praedictis per diverses vicecomites comitatus eorundem clericos, baillives, et ministros suos conestabularis ac custodes prisonum nec non baillivos libertatum ac subestcaetores in eisdem comitatis sub collore officiorum suorum hominibus de comitatis illis et aliis in eisdem comitatis venientibus per falsa indictamenta imprisonmentata appella graves redemptiones intollerabiles distrationes ex causis iniustis factas et diversarum pecunie summarum et rerum extortiones facere'].

²¹⁵ Crook, *Records of the General Eyre*, pp. 189–91.

²¹⁶ Phillips, p. 332.

²¹⁷ See Appendix 1, Figure 2.

²¹⁸ Phillips, pp. 333–34.

²¹⁹ CPR 1313-1317, p. 21.

²²⁰ Maddicott, *Thomas of Lancaster*, p. 311. CPR 1313-17, p. 295.

power.²²¹ It is possible that Warde was never a particularly close adherent of Lancaster's. Warde probably represented a local power that was more amenable to Edward. Following his appointment Warde demonstrated a strong loyalty to the crown. The rewards after Thomas' downfall suggest that he assisted Edward in his victory perhaps by rounding up rebels. As Phillips points out, it is difficult throughout 1317-18 to disentangle the Edward's actions from those around him and so it is unclear who the prime instigator of the trials was.²²² It is possible that these commissions arose from discussions around the Treaty of Leake, but the absence of counties north of Lincolnshire might suggest that Thomas was resistant. This is in contrast to 1314 when Lancashire, Northumberland, Cumberland, Westmoreland, and Yorkshire were targeted for investigation. In 1318, Yorkshire aside, none of these counties had sheriffs replaced under this parliament. The absence of investigations and their associated shrieval appointments in Lancaster's heartlands are intriguing. It might be that Lancaster and Edward wished to spare these northern counties following periods of Scottish raiding since 1314. Potentially Thomas actively opposed them and thus they were only commissioned in counties outside his direct control. In these years there is nothing to indicate that Edward was seriously under the control of an outside agency or group. However, nor was he in a dominant position.

1.2.2.4 Prelude to War: December 1320

In 1319 preparations were made for a new campaign in Scotland and the exchequer was once more moved to York. This invasion was again unsuccessful and instead simply exacerbated the tensions within England. Matters were not helped by the vindictive nature of Edward II, who openly promised to avenge 'the wrong that was done to my brother Piers'.²²³ The *Vita Edwardi Secundi* gives this utterance of Edward's as the reason for Thomas of Lancaster's lack of assistance in the siege of Berwick. This account is one of the best chronicle sources for Edward's reign and was probably written in several stages sometime between 1310 and 1325 by a professional clerk with West Country connections.²²⁴ According to this chronicle 'some evidence of treachery was openly spoken of which suggested that Thomas of Lancaster had 'received 40,000 pounds from Robert of Bruce to help him and his men secretly'.²²⁵ The failure of this siege and campaign left the reputations of the two cousins at an all-time low and permanently disaffected from each other. Thomas refused to take part in the parliament of January 1320 because he did not trust the king.²²⁶ Commissions for six counties issued in December 1320 and nine in April 1321 presumably emerge from the activity of

²²¹ CPR 1321-24, p. 137; CPR 1324-1327, pp. 165, 205

²²² Phillips, p. 321.

²²³ Childs and Denholm-Young, *Vita Edwardi Secundi*, pp. 177-79.

²²⁴ Childs and Denholm-Young, *Vita Edwardi Secundi*, pp. xix-xxxii.

²²⁵ Childs and Denholm-Young, *Vita Edwardi Secundi*, p. 167.

²²⁶ Childs and Denholm-Young, *Vita Edwardi Secundi*, p. 177.

the Westminster parliament of October.²²⁷ These commissions follow the same template as those of 1314 and 1318 as they call for the trial of 'sheriffs, their clerks, and bailiffs, constables and keepers of gaols, bailiffs of liberties and sub-escheators, who are alleged to have committed under cover of office diverse offences, to have harassed the people by false appeals and indictments, and to have extorted large sums of money'.²²⁸ Interestingly, these investigations were said to have been 'granted upon petition to the Parliament at Westminster'.²²⁹

Table 2 Investigations commissioned in 1320-21.

Date	Counties	Reference
1320/12/18	Wiltshire, Somerset, Dorset, Gloucestershire	CPR 1317-21, p. 548
1320/12/18	Bedfordshire, Buckinghamshire	CPR 1317-21, p. 548
1321/03/01	Essex, Hertfordshire	CPR 1317-21, p. 549
1321/03/01	Norfolk, Suffolk, Cambridgeshire, Huntingdonshire	CPR 1317-21, p. 549
1321/03/01	Surrey, Sussex	CPR 1317-21, p. 549
1321/03/01	Lincolnshire	CPR 1317-21, p. 549

This parliament was notable for the behaviour of Edward II who was said to be unusually proactive. According to the Bishop of Worcester he 'bore himself splendidly, with prudence and discretion, contrary to his former habit [...]. He arranged the business that was to be dealt with, discussed and determined'.²³⁰ He 'listened patiently, assigning prelates and lords for the hearing with implementation of petitions, and in many instances supplying ingeniously of his own discernment what he felt to be lacking'.²³¹ This parliament was the last in the reign of Edward II to deal with petitions on a large scale.²³² The Rochester chronicler writes that there were many petitions related to the poor state of the realm and that the commissions of trialbaston were ordered to combat this.²³³ A further account suggests that Edward 'showed prudence in answering the petitions of the poor, and clemency as much as severity in judicial matters, to the amazement of many who were there'.²³⁴ The *Historia Roffensis*, an account written by a clerk of the Bishop of Rochester between 1320 and 1350, suggests some magnates prevented the justices of these commissions from entering

²²⁷ CPR 1317-21, pp. 548-549.

²²⁸ CPR 1317-21, pp. 548-549.

²²⁹ CPR 1317-21, p. 548.

²³⁰ Roy Martin Haines, *King Edward II: Edward of Caernarfon; His Life, His Reign, and Its Aftermath, 1284-1330* (Montreal: McGill-Queen's Univ. Press, 2006), p. 45.

²³¹ Haines, *King Edward II*, p. 45.

²³² Phillips, p. 358.

²³³ Haines, *King Edward II*, p. 121.

²³⁴ Phillips, p. 358.

counties because they feared their own men would be injured.²³⁵ The Bishop of Rochester was close to the king and this source is generally well informed.²³⁶ This has been taken to mean that the justices were forcibly prevented from entering the county. However, there is no commission issued for Kent, at least none that was enrolled. Perhaps the opposition meant that enrolment never took place. The geographic spread of the commissions is shown in Figure 6 in Appendix I.²³⁷ Kent, and several other areas in the south, are noticeable by their absence. The 1320 commissions are also characterised by the absence of any investigations in the north and west. This is likely due to the opposition of the local magnates. Perhaps the refusal of Kent was a foretaste for the defection of Bartholomew Baddesmere, who despite being close to Edward, turned against the king within six months of these commissions in June 1321. Given the Kentish provenance of the *Roffensis* it seems likely that magnate resistance was a factor in Kent and the south at least. The counties which had no commissions are almost entirely united, at least in the north and west, by open opposition, on the part of local magnates, to Edward's rule. No records from these trials survive. It appears that the commissions were issued to justices who were already sitting on commissions of oyer and terminer which were investigating more mundane matters. An examination of these rolls, none of which have commissions for the investigations of royal officials, reveals no sustained charges against officials.²³⁸ The October parliament of 1320, during which these commissions were probably organised, was increasingly fractured.²³⁹ The commissions were issued for fifteen counties, but this parliament only oversaw the removal of six sheriffs.²⁴⁰ This was much less than the nineteen removed following the 1314 commissions and in other periods. Sheriffs were usually removed in the same counties as the commissions were issued for. As they were not removed on this occasion it is likely that Edward was unconcerned as the sheriffs there were considered trustworthy, that no proceedings ever took place, or that the crown was unable or unwilling to remove them.²⁴¹

In late October the king seized a highly contested inheritance in the Welsh marches and granted it to Hugh Despenser the Younger.²⁴² This led to a cascade of events which caused attacks on Despenser lands in Wales in the summer of 1321, and eventually open conflict between Edward

²³⁵ Haines, *King Edward II*, p. 121.

²³⁶ Phillips, pp. 497–98, n. 257.

²³⁷ Appendix I, Figure 6.

²³⁸ TNA, JUST 1/1016 (Wiltshire), TNA, JUST 1/767 (Somerset), TNA, JUST 3/16/2 (Dorset), TNA, JUST 1/290 (Gloucestershire (one charge against a sub-escheator)).

²³⁹ James Conway Davies, *The Baronial Opposition to Edward II, Its Character and Policy* (Cambridge: Cambridge University Press, 1918), p. 472; Paul Dryburgh, 'Tout and the Middle Party', in *Thomas Frederick Tout (1855–1929): Refashioning History for the Twentieth Century* (University of London Press, 2019).

²⁴⁰ Appendix I, Figure 3.

²⁴¹ It may be that a thorough survey of the memoranda rolls would reveal more. See for Willard detail on the rolls: Willard, 'The Memoranda Rolls'.

²⁴² Phillips, p. 366.

and his cousin Thomas of Lancaster in 1322.²⁴³ The tensions, which ended in war, would have been clear in late 1320 and early 1321. The Younger Despenser was informed that the marcher lords were gathering troops to raid his lands in early March 1321.²⁴⁴ The conflict ended with Lancaster's execution and his followers being exiled, imprisoned, executed, or scattered. It seems unlikely that, at the time the commissions were issued, the forthcoming confrontation between the crown and its leading vassals was seen as unavoidable. It is probable however that, at a time of high-tension, Edward was keen to present himself as redressing the complaints received at parliament in October 1320. An added consideration was probably to raise funds so that Edward had more room to manoeuvre. It is likely that the courts never took place. At least some records survive from all other widespread anticorruption campaigns from the proceedings in 1258 up to 1344, so complete loss is unlikely. What is clear though is that these commissions were resisted in particular areas which were currently, or would soon be, hostile to Edward. Possibly the tensions convinced the crown that it was impossible to even try to enforce commissions in the north and west. Given the tendency for the justices to hail from the lands they operated in, it is also possible that too few from these regions were willing to act for the crown. Given the unusually proactive behaviour of Edward in this period it is clear that he wished to be publicly seen as responding to the complaints of his subjects at parliament. Again, this is suggestive of the public nature of parliament and demonstrates the importance of being seen to actively hold royal officials to account.

1.2.2.5 Reprisals: 1323 –1324

The circumstances surrounding the commissions issued in late 1323 and early 1324 are clearer. Edward had defeated his baronial opponents in early 1322, executed many of them, and imprisoned others. By August of the same year, he took an army into Scotland, achieved nothing, except narrowly avoiding capture, and returned to York.²⁴⁵ The defeat of his internal enemies and the external threats he faced prompted Edward to embark upon a series of measures to increase his funds. A major part of this policy involved plundering from his defeated opponents through fines or seizures. It was estimated by Natalie Fryde that annual revenues from the confiscated land surpassed £12,000.²⁴⁶ Due to this, and other measures, by the time of Edward's deposition his treasury contained more than £60,000.²⁴⁷ From June to December 1323, corrupt officials in eleven counties and the city of Bristol were investigated under commissions of oyer and terminer. All were in the north or west. These commissions again follow the earlier formula, although they also include 'chief

²⁴³ Phillips, pp. 377–78.

²⁴⁴ Phillips, p. 374.

²⁴⁵ Natalie Fryde, *The Tyranny and Fall of Edward II 1321–1326* (Cambridge: Cambridge University Press, 1979), pp. 129–31.

²⁴⁶ Natalie Fryde, *Tyranny and Fall*, pp. 97–98.

²⁴⁷ Natalie Fryde, *Tyranny and Fall*, p. 105.

taxers and collectors and sub-taxers and sub-collectors'.²⁴⁸ Some rolls still contain subsidiary instructions. For example, a writ within the investigations in Lancashire and Derbyshire dated to the 12th of October 1323 orders the justices to uncover 'by inquiry [...] the goods and chattels of some of our subjects lately against us in war, and others who withdrew, and to surrender them to our hands'.²⁴⁹ The writ also ordered the justices to investigate 'other diverse transgressions and contempts of us [...] and diverse oppressions, harms, and burdens, of our people [...] by sheriffs, their clerks, bailiffs, and other ministers by colour of their office'.²⁵⁰ This is probably the result of the upheavals of the previous few years. Following this is a detailed commission concerning the seizure of property, issued by king and council, on the 10th of June 1324.²⁵¹ Later, on the 18th of June, a more standard commission was issued to investigate complaints against the same constellation of officials listed in the commissions of 1320.²⁵² The rolls for the investigations of Derbyshire, Staffordshire, Warwickshire, and Leicestershire contains a standard commission to investigate royal officials dated to the 22nd of November.²⁵³ A second commission was also issued on the same day specifying details for the inquiry into the goods of the rebels.²⁵⁴ The commissions for Gloucestershire, Shropshire, Herefordshire, and Worcestershire sought 'to enquire touching rebels [...] who gave aid [...] or adhered to the rebels who lately came against the king'.²⁵⁵ Each surviving roll of these counties contains the commission for investigation, but none include the commission to ascertain the goods and lands of rebels. Presumably the portions which dealt with these were split. The dating of these commissions is revealing and suggests that the primary motivation was simply to punish and profit from the defeated and leaderless rebels. The later inclusion of investigations into local officials is an indication that these were intended to raise more funds and perhaps remind the local population of royal power. The impact of the war in France is perhaps also a factor. The first inquiries into rebel property seems to have begun far in advance of the opening of the conflict. Widening the commissions to include all officials was initiated in the period just prior to the French invasion, at a time when it was clear hostilities were likely.

²⁴⁸ My translation from: TNA, JUST 1/316, m. 1 (Herefordshire commission dated 26th December 1323): ['principales taxatores et collectores quam subtaxatores et subcollectores'].

²⁴⁹ My translation from: TNA, JUST 1/425, m. 12 (m. 22 according to stamped numbering of membranes): ['diversis bonis et cattalis que fuerunt quorundam subditorum nostrorum nuper contra nos de guerra insurgentum et que per poriscum eorundem ad manus nostras'].

²⁵⁰ My translation from: TNA, JUST 1/425, m. 12: ['et de aliis diversis transgressionibus et contemptibus nobis [...] necnon de diversis oppresionibus dampnis et gravaminibus populo [...] per vicecomites [...] eorundem clericos ballivos et aliis ministros ibidem colore officorum suorum'].

²⁵¹ TNA, JUST 1/425, m. 15 (m. 27 according to stamped number of membranes).

²⁵² TNA, JUST 1/425, m. 15.

²⁵³ TNA, JUST 1/1389, m. 1.

²⁵⁴ TNA, JUST 1/1389, m. 4.

²⁵⁵ CPR 1321-1324, p. 385.

Table 3 Investigations commissioned in 1323-24.

Date	Counties	Reference
1323/06/03	Bristol	JUST 1/1560
1323/07/26	Yorkshire	JUST 1/1117
1323/08/20	Lancashire, Derbyshire	JUST 1/425
1323/11/22	Derbyshire, Staffordshire, Warwickshire, Leicestershire	JUST 1/1389; CPR 1321-1324, pp. 385-386
1323/12/26	Gloucestershire	JUST 1/296; CPR 1321-1324, pp. 385-386
1323/12/26	Herefordshire	JUST 1/316; CPR 1321-1324, pp. 385-386
1323/12/26	Worcestershire	JUST 1/1036; CPR 1321-1324, pp. 385-386
1324/03/20	Gloucestershire	JUST 1/291
1324/08/27	Norfolk	JUST 1/598
1324/08/27	Suffolk	JUST 1/853

Most investigations of this kind simply targeted royal officials, with only those in 1314 and 1341 expanded to include more general wrongdoing. The tax collectors for Herefordshire and Worcestershire were collectively fined £675 and £560 respectively.²⁵⁶ Tax collected from Worcestershire in 1334 totalled £502 and £437 in Herefordshire for the same year. Lay taxation was the primary revenue raising method of the crown in the early fourteenth century and so the sums raised are a clear indication of the value of these trials.²⁵⁷ For the other counties, the fines were generally levied on individuals rather than collectively. However, cumulatively across twelve

²⁵⁶ TNA, JUST 1/316, (Herefordshire); TNA, JUST 1/1036 (Worcestershire).

²⁵⁷ *English Historical Documents, 1327-1485*, ed. by A. R. Myers and David C. Douglas (London: Eyre & Spottiswoode, 1969), IV, pp. 984-85.

counties the commissions raised several thousand pounds. Like other investigations these also coincided with a high turnover of shrieval appointments. In 1322 there were twenty-two new appointments and eighteen in 1323.²⁵⁸ The average for the period was seventeen which is perhaps slightly inflated by the fluctuating political fortunes from 1314-44. The figures in 1322-23 are indicative of another period in Edward's reign which saw a shift in concentrations of power. In the years 1324-26, after this period of retribution, there were eight or nine changes per year.²⁵⁹ These trials were initiated during periods of increasing tension with France which culminated in English defeat during the war of St Sardos in 1324. It is unclear how much Edward may have anticipated the conflict and was seeking to raise further funds; there were rumours and anticipations of a French assault throughout the Autumn.²⁶⁰ If this was a factor, either in 1320 in anticipation of a forthcoming conflict with Lancaster, or in 1323 prior to the War of St Sardos, then they are the only trials from 1258 to 1344 that prefigure, rather than simply follow, conflict. In both instances however they do also follow conflict, and perhaps this is just a symptom of a particularly disruptive period which saw frequent military activity.

Whatever the precise reasons for the issuing of the commissions between 1320 and 1323, it seems clear that some combination of factors was at play. Firstly, the need to raise revenue to prosecute foreign military campaigns against Scotland and, perhaps, France. Edward also wanted to punish and profit from political foes in 1320 and defeated enemies in 1323. Figure 7, Appendix I, shows that the counties targeted in the first instance by commissions in 1323-24 were all areas which had previously avoided inquiries, and were the foci of baronial opposition.²⁶¹ Specifically, Yorkshire, Lancashire and Leicestershire, which had always been in Thomas of Lancaster's control and, at times, had sheriffs from his retinue or personal orbit. The Welsh marches, Leicestershire, Herefordshire and Shropshire, were also a particular locus of opposition. Perhaps there was also the desire to redirect blame for the failures of the recent campaign in Scotland, and place it on ministerial malfeasance. If so, this would echo the series of commissions issued in the months after Bannockburn, perhaps the return of Edward I in 1298, and the actions of Edward III in 1340-41. The delay between the battle of Boroughbridge in March 1322 and the first commissions in mid-1323 might contradict this but it is difficult to precisely date these commissions. They went through multiple forms as in 1340, there was often poor survival as in 1314, and multiple amendments attached to the rolls often have contradictory dates. These commissions are the first, in the fourteenth century, that can be straightforwardly categorised as scapegoating exercises. Both early

²⁵⁸ Appendix I, Figures 3 and 4, pp. 243.

²⁵⁹ Appendix I, Figures 3, 4, and 5, pp. 243-244, for the overall trends.

²⁶⁰ Natalie Fryde, *Tyranny and Fall*, p. 145.

²⁶¹ Appendix I, Figure 7, p. 246.

and later phases were probably intended as part of a campaign to portray a sense of renewal within the regime – although both were clearly part of a revenue raising drive. This was particularly important as the four years of upheaval between the first commissions in 1320 and the last in 1324 was unparalleled within living memory.

Edward II's reign was characterised by aristocratic quarrels. These quarrels shaped parliament which took on an increasingly aristocratic tenor and drove a separation of the political identities of magnates and the Commons.²⁶² From 1311 onward, the Commons were increasingly used to legitimise and advertise the policies of various factions.²⁶³ This fractured context led to frequent summons of the Commons, repeated re-election of county representatives, and extended parliamentary negotiations which forged a communal identity among the Commons and between the representatives of the counties and the towns.²⁶⁴ This accelerated the separation of political identities away from the magnates who were more focussed on internal power struggles.²⁶⁵ The petitions of the Commons reveal a growing concern for: 'the enforcement of the law, the maintenance of order, and the delivery of impartial justice and equitable government in the localities'.²⁶⁶ Both Edward and Thomas of Lancaster were keen to cultivate the approval of the Commons and the various attempted widespread trials of officials, prior to 1322 at least, seem designed to cater to their concerns.²⁶⁷

1.2.2.6 Crisis: 1340-41

There are no further widespread investigations of royal ministers from 1323 to 1330. That is not to say there was no effort or interest in investigations or attempts to increase oversight of officials. After the conclusion of the 1323 trials there was just one investigation prior to 1330.²⁶⁸ Throughout the 1330s there were only investigations into eight counties and never more than three in a single year.²⁶⁹ One of these commissions was explicitly only to investigate the extortions and oppressions of the ministers of Queens Isabella (c. 1295-1358) and Philippa (c. 1310-1369) in Lincolnshire in 1330 and another, in 1333, which targeted Thomas Carlton, the undersheriff

²⁶² Maddicott, *OEP*, p. 335.

²⁶³ Gwilym Dodd, 'Parliament and Political Legitimacy in the Reign of Edward II', in *The Reign of Edward II: New Perspectives*, ed. by Anthony Musson and Gwilym Dodd (Boydell & Brewer, 2006), pp. 165–89; Maddicott, *OEP*, p. 336.

²⁶⁴ Maddicott, *OEP*, pp. 338–43.

²⁶⁵ Maddicott, *OEP*, pp. 343–47.

²⁶⁶ Maddicott, *OEP*, p. 347.

²⁶⁷ Maddicott, *OEP*, p. 341.

²⁶⁸ TNA, JUST 1/681, (Nottinghamshire).

²⁶⁹ CPR 1327-30, p. 573; CPR 1330-34, pp. 442, 449; TNA, JUST 1/1125 (Yorkshire, 1331); TNA, JUST 1/1124 (Yorkshire 1331); TNA, JUST 1/730 (Rutland, 1331); TNA, JUST 1/637 (Northamptonshire, 1331); TNA, JUST 1/190 (Devon, 1332).

discussed earlier, his clerks, and officials of Lincoln.²⁷⁰ In 1328 the Statute of Northampton called for inquiries headed by 'Justices in divers places as it was done in the time of his said Grandfather, of great men of the land, which be of great power [...] to hear all manner [of crimes] as well by the King's ministers'.²⁷¹ This statute empowered the King's Bench to investigate complaints against royal officials. The investigations triggered by this covered all counties south of Yorkshire under commissions of oyer and terminer.²⁷² These inquiries investigated a mass of offences, over sixty densely packed membranes for the surviving Lincolnshire roll, including some committed by royal officials.²⁷³ Interestingly, the clause 'of great men of the land' is indicative of the type of justice which usually headed such inquiries but was not always stated. Perhaps there was a feeling that these trials particularly required men of significant stature to avoid succumbing to favour or intimidation. These inquiries are largely an attempt by the crown to revive the general eyre rather than a specific inquiry into royal officials and they ultimately were not replicated after the fall of Mortimer.²⁷⁴ There was also widespread reform of the taxation system which Chapter Two will argue was motivated in large part by anticorruption practices. In July 1335 a commission was issued for justices to investigate 'as secretly as they can without making inquisition' as 'taxers [...] have borne themselves ill'.²⁷⁵ The stipulation for 'secret' inquiries is interesting and suggests that the investigations, if they took place, were behind closed doors. This desire is interesting and shows that, in this case at least, the crown was probably interested in actually uncovering and correcting wrongdoing rather than publicly signalling their anticorruption credentials. These specific instructions for secret investigations might demonstrate that the public component of the trials was integral in all other cases. The specificity of secrecy in these trials might suggest that they are the exception which proves the rule.

Edward II was deposed in 1327 by his wife Isabella and her lover Roger Mortimer. The fourteen-year-old Edward III came to the throne as a king in name only. The realm was controlled by his mother Isabella and Mortimer who acted as regents. Mortimer had been imprisoned in the Tower by Edward II but had supposedly escaped via the roof using a rope ladder and fled to France, where he and Isabella planned their invasion. Once established in power, Mortimer repeatedly humiliated the young king throughout his regency and installed spies to watch his household.²⁷⁶ Edward's correspondence to the Pope used a pre-agreed code to guarantee the authenticity of his

²⁷⁰ CPR 1327-30, p. 573; CPR 1330-34, p. 442.

²⁷¹ Luders, I, p. 259.

²⁷² CPR 1327-30, p. 297.

²⁷³ TNA, JUST 1/516.

²⁷⁴ David Crook, 'The Later Eyres', *The English Historical Review*, XCVII.CCCLXXXIII (1982), 241–68 (p. 241) <<https://doi.org/10.1093/ehr/XCVII.CCCLXXXIII.241>>.

²⁷⁵ CPR 1334-38, pp. 201-202.

²⁷⁶ W. M. Ormrod, *Reign of Edward III*, p. 15.

letters.²⁷⁷ After the coup of 1330, when Edward was able to establish his personal rule, Mortimer was executed and his mother confined to a convent. Mortimer, like Lancaster, the Despensers, and Edward III's uncle, the Duke of Kent, was prevented from speaking in his own defence.²⁷⁸ He was strapped to a hurdle and drawn through London and hanged on the common gallows wearing the same tunic he had worn to mourn the death of Edward II.²⁷⁹ This ended a period of severe upheaval that had persisted from the summary execution of Piers Gaveston in 1312. It caused some uneasiness among some sections of the nobility, however, as it was just the latest example of one of their number who were executed without the semblance of a proper trial before their peers.

The 'crisis of 1341' began as a financial disaster which became a political crisis. This ultimately culminated in the complete submission of Edward to the demands of parliament. These demands had their antecedents in the same tradition as the Ordainers or the Montfortian reforms of the thirteenth century. The affair spiralled to such a nadir for the crown as a result of the early experiences of Edward III. Like his grandfather during his absence in Gascony from 1286-89, Edward, while abroad, received complaints of corrupt activities by his ministers.²⁸⁰ Edward arrived at the Tower of London during the night of the 30th of November and summoned various ministers. He found the constable of the Tower, who had custody of the prince, absent. Alongside the proclamations, which outlined the itinerant commissions in December, was another proclamation which ordered all significant landed men and members of the council to remain in the country.²⁸¹ The trials were virtually Edward III's first action on his return from Ghent and have been the source of much scholarship throughout the last century.²⁸² They also ordered the arrest of a number of

²⁷⁷ W. M. Ormrod, *Reign of Edward III*, p. 15.

²⁷⁸ Paul Dryburgh, 'The Career of Roger Mortimer, First Earl of March (c.1287-1330)' (unpublished Doctoral, University of Bristol, 2002), p. 206.

²⁷⁹ Dryburgh, 'The Career of Roger Mortimer', p. 206.

²⁸⁰ Natalie Fryde, 'Edward III's Removal', p. 154; Roy Martin Haines, *Archbishop John Stratford: Political Revolutionary and Champion of the Liberties of the English Church ca. 1275/80-1348* (Toronto: Pontifical Institute of Mediaeval Studies, 1986), pp. 279-80.

²⁸¹ CPR 1340-43, pp. 110-111.

²⁸² Natalie Fryde, 'Edward III's Removal'; G. L. Harriss, 'The Commons' Petitions of 1340', *The English Historical Review*, 78.309 (1963), 625-54; Dorothy Hughes, *A Study of Social and Constitutional Tendencies in the Early Years of Edward III* (London: University of London Press, 1915); W. R. Jones, 'Rex et Ministri: English Local Government and the Crisis of 1341', *Journal of British Studies*, 13.1 (1973), 1-20; W. R. Jones, 'Keeping the Peace: English Society, Local Government, and the Commissions of 1341-44', *American Journal of Legal History*, 18 (1974), 307-20 <<https://doi.org/10.2307/845169>>; Gaillard Lapsley, 'Archbishop Stratford and the Parliamentary Crisis of 1341', *English Historical Review*, 1915, 6-18; Gaillard Lapsley, 'Archbishop Stratford and the Parliamentary Crisis of 1341 (Continued)', *The English Historical Review*, 30.118 (1915), 193-215; McLane; Theodore Frank Thomas Plucknett, 'The Origin of Impeachment', *Transactions of the Royal Historical Society*, 24 (1942), 47-71; T. F. Tout, *Chapters in the Administrative History of Medieval England, The Wardrobe*, The

Edward's ministers and called for complaints against the home council, which was appointed in his absence, and had 'borne themselves in divers manners fraudulently'.²⁸³ The commissions for investigations in 1340-41 are revealing of the growth of royal officials under Edward III's early reign. While commissions under Edward II had specified only sheriffs, their servants, bailiffs, keepers of prisons, constables of the peace, and taxers, the commissions of 1340 greatly expanded this list. They called for the justices to:

hear and determine various oppressions, extortions, injuries, and excesses committed [...] against the people and the king since the king assumed governance of the realm by justices, escheators, sub-escheators, coroners, sheriffs, undersheriffs and their clerks, and ministers, taxers, sub-taxers, and their clerks, admirals of fleets and their deputies, keepers and constables of the peace and castles and of the coasts, collectors and receivers of wool, and their deputies, sellers, assessors and receivers of the ninth and other royal subsidies, barons of the exchequer, clerks of the chancery and exchequer, clerks of receipt and other royal offices, keepers of forests, verderers, clerks and other ministers of the forests, chases and parks, collectors and controllers of the customs, tronagers, butlers and their substitutes, receivers of the king's taxes, keepers of the king's horses and their grooms, stewards and marshals of the king's household, market clerks, purveyors of victuals, purveyors for the households of the king, queen and Edward, duke of Cornwall and earl of Chester, keepers of gaols, electors, triers, and arrayers of men at arms, hobelars and archers, itinerant bailiffs and other bailiffs and royal ministers, and also by conspirators, jurors, usurers, confederates and others who maintain lawsuits in the king's courts, as well as by malefactors who wander about armed in fairs, markets and other public and private places, beating wounding and maiming people and extorting fines and redemptions, and by archdeacons, officials, deans, sequestrators and their commissaries and ministers.²⁸⁴

Earlier commissions, which had more limited remits, still investigated complaints against other officials. As such, to some extent, this expanded and exhaustive list represents the anger and desperation of Edward rather than necessarily increasing the scope of the inquiries. However, these trials have the best surviving records of any which are considered in the current study. While it is impossible to ascertain the extent of any losses from the earlier trials, these later investigations likely produced far more material. Secondly, this extensive preamble would have been proclaimed throughout the country and so were, by departing from prior traditions, intended as a break with tradition. Thirdly, the commissions reveal the desire of Edward to look into every possible corner for malfeasance and the concurrent fines. The commission reads like a throwing together of every

*Chamber and the Small Seals - Volume 3, 6 vols (Manchester: Manchester University Press, 1928), III, pp. 118-42; Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', in *Law, Governance, and Justice: New Views on Medieval Constitutionalism*, ed. by Richard W. Kaeuper, Paul Dingman, and Peter Sposato, Medieval Law and Its Practice, volume 14 (Leiden: Brill, 2013), pp. 121-60; Bertie Wilkinson, 'The Protest of the Earls of Arundel and Surrey in the Crisis of 1341', *The English Historical Review*, 46.182 (1931), 177-93.*

²⁸³ CPR 1340-43, pp. 110-111.

²⁸⁴ TNA, JUST 1/521, m.1; CPR 1340-43, pp. 110-111; Translation of the commission from McLane, p. 1.

commission of the prior forty years, and one can almost picture terrified clerks attempting to come up with new types of offence to investigate. This sense of a shotgun approach must have been amplified when the commissions were expanded to include all transgressions and felonies only a few days later.

Edward attacked those he perceived as the cause of his difficulties, much like previous actions when he felt constrained.²⁸⁵ The target this time, rather than Roger Mortimer or the French king, was his own ministers, including the Archbishop of Canterbury John Stratford. His attack on Stratford and his family forced the archbishop to seclude himself in Canterbury. From the relative safety of the monastery at Canterbury, Stratford defended himself in a public back and forth with Edward and his ministers. Stratford was able to cloak his defence in terms of greater constitutional issues which garnered a wide range of support.²⁸⁶ He was probably aided in this by his experience over decades as a royal administrator, which indicated the complaints that were most likely to win support. Stratford wrote to Edward on the 1st of January, and in a lecturing tone reminded him of the fate of his father when he relied too closely on the advice of a small circle of favourites.²⁸⁷ Stratford also reminded Edward of his coronation oath: a central charge against Edward II before his deposition was the transgression of this oath. Another letter from Stratford to the bishops invited them to join him in his defence of church liberties and, in response, the crown issued a writ to prohibit excommunication of royal officials.²⁸⁸ This line of attack from Stratford tapped into a groundswell of pre-existing hatred of these officials and the coercion they represented.

The very calling of parliament in April 1341 represented a victory for Stratford and it was here that Stratford's carefully crafted manifesto bore fruit. Stratford was prevented from entering parliament and Edward tried to embarrass him by redirecting Stratford to attend the exchequer with a demand for unpaid wool taxes.²⁸⁹ In response to Stratford's exclusions, John de Warenne, the earl of Surrey, and his nephew Richard Fitzalan, the earl of Arundel intervened. Warenne was said to have approached the king and stated that 'those who ought to lead are excluded and others are here in parliament who ought never to be in such a council where only the peers of the land can support you, lord king, in your great need.'²⁹⁰ On this attack the small circle of favourites who were the target of Warenne's ire, including William Kilsby, withdrew silently and Arundel proposed that

²⁸⁵ For further details on this section see: Haines, *Archbishop John Stratford*, pp. 283–326.

²⁸⁶ May McKisack, *The Fourteenth Century, 1307–1399* (Oxford: Oxford University Press, 1991), p. 172.

²⁸⁷ Haines, *Archbishop John Stratford*, pp. 289–90; McKisack, p. 170.

²⁸⁸ Haines, *Archbishop John Stratford*, p. 292; McKisack, p. 170.

²⁸⁹ Natalie Fryde, 'Edward III's Removal', p. 160; Haines, *Archbishop John Stratford*, p. 313.

²⁹⁰ Haines, *Archbishop John Stratford*, p. 319; Quotation from: Lapsley, 'Archbishop Stratford and the Parliamentary Crisis of 1341 (Continued)', p. 195; Bertie Wilkinson, p. 179.

formal charges be drawn up which the archbishop might answer. This episode indicates the success of Stratford in formulating a position which united the clergy and the magnates, and suggests that these close advisors to Edward were particularly disliked in those circles at least.²⁹¹ Arundel and Warenne were probably particularly concerned with Stratford's stand on the rights for a hearing before their peers as Arundel's father, and Warenne's brother-in-law, the prior earl, was executed by Mortimer and Isabella without trial.²⁹² Warenne had only turned away from Edward II after this execution and probably considered himself lucky to avoid a similar fate. Hugh Despenser the Younger was also the father-in-law of Arundel, giving further reason for him to be keen for men of his rank to enshrine the right to trial before peers in law. Their intervention ultimately led to Stratford's admission to parliament.²⁹³ In April 1341 parliament instead passed a series of measures designed to curb royal powers. Stratford, in collaboration with the Earl of Surrey and other leading members of the aristocracy passed statutes which guaranteed that no lord could be arrested, tried, or imprisoned without a trial before parliament and his peers.²⁹⁴ Further, they demanded an audit of the king's finances and requested that great officers be appointed in parliament and be sworn to obey the law.²⁹⁵ These measures hark back to the Ordinances of 1311 and the baronial movement of the thirteenth century. Under pressure Edward assented.

Stratford's aims had largely been achieved. Clergy were protected from arbitrary arrest, encroachment on church courts, and unjust taxation. For the magnates, trial by jury of their peers was enshrined, officials were to be appointed and judged in parliament where they were also to take their oaths. The Commons would be satisfied with the protection of their liberties and the repeal of the commissions of oyer and terminer. He was probably able to construct this list of demands to bring pressure to bear on the king out of his experience in royal administration. These demands united a broad coalition of which Stratford was a prime component – although not the leader.²⁹⁶ The unwillingness of the king to call parliament was another indication of that institution's role in catalysing political agendas. They bore remarkable similarities to the earlier demands of the Ordainers and the barons of the thirteenth century, and demonstrated consistent hostility to the encroachment of royal power on local liberties and, especially, toward royal officials. This episode was another demonstration of the ongoing utility of the models of government, which were established in the thirteenth century, within political tussles even into the fourteenth century.

²⁹¹ There is further speculation on this matter and its connection to some political poetry in the final chapter.
²⁹² McKisack, p. 86.

²⁹³ Haines, *Archbishop John Stratford*, p. 320.

²⁹⁴ W. M. Ormrod, *Reign of Edward III*, pp. 24–25.

²⁹⁵ W. M. Ormrod, *Reign of Edward III*, p. 24.

²⁹⁶ Haines, *Archbishop John Stratford*, p. 326.

1.2.2.7 1342-43

Despite this parliamentary defeat, Edward III was able to attain ascendancy by simply not recalling parliament for another two years. To fully undo the damage of his political defeat Edward simply annulled these statutes in October 1341 by claiming they were contrary to law and forced upon him under duress.²⁹⁷ This episode showed how important parliament had become by this point as a potential focal point of resistance to the monarch, but also how easy it could be to sidestep opposition. It was another indication that monarchs were occasionally reticent to call parliament as it was a forum which disseminated public debate and complaint across a broader audience. Edward commissioned a further series of twenty-two investigations in late 1342 concerning those who:

take from the realm good sterling money and bring within it other money base and counterfeit, export wool [...] uncustomed [...] carry victuals, armour and other goods without the realm for the comfort and succour of the king's enemies. [...] collectors and receivers of the ninth [...] who are said to have taken [...] and not answered in full for the sum collected, and ministers having the king's commissions for furtherance of the business of him and the realm, who have received gifts and other profits not to execute such commissions [...] They are also to enquire touching ships arrested for the king's last passage [overseas], which never came [...] as well as of archers chosen [...] who either came not, or, having come, retired without licence, and frauds by the collectors of the king's wool.²⁹⁸

These were more specific and, in addition to royal officials, targeted counterfeit coinage, smuggling, collectors of the ninth, and deserters. This remit was probably a result of offences which were uncovered in earlier trials. These commissions were followed by a group in 1344 to investigate offences in Kent, Sussex, Hampshire, and Somerset relating the smuggling of 'wools and merchandise'.²⁹⁹ This, in some respects, mirrors the earlier anticorruption campaigns of Edward II. The initial phase of the trials was designed as part of an attack against political opponents. The secondary phase took place once the imminent threat, in the 1320s violent rising and in the 1340s parliamentary opposition, had subsided. The trials likely stemmed from Edward's reticence to call parliament. He could raise sums equivalent to lay subsidies without needing to resort to parliamentary negotiations. Edward probably hoped to raise similar amounts of funds as he had in 1341.

Up to 1340, most prior commissions were broadly similar although often they appear to have had different focuses. The trials in 1298 looked most closely at malpractice by purveyors, in 1314 constables, in 1320-24 the most prominent offender – aside from rebels – were arrayers and tax collectors, in 1340-41 wool officials. The trials in 1342 however, were more specific and

²⁹⁷ W. M. Ormrod, *Reign of Edward III*, p. 25.

²⁹⁸ CPR 1340-43, pp. 585-586.

²⁹⁹ CPR 1343-54, pp. 273-274.

designed to investigate offences that the earlier trials had uncovered. Figures 8 and 9 demonstrate the change in geographic scope across these two phases.³⁰⁰ The later commissions issued to investigate smuggling, coinage, and taxation offences, as well as complaints against royal officials, are almost exclusively targeted at coastal counties who were suspected of engaging in widespread smuggling. In the strict sense these trials do not fall within the purview of this study. Narrow exchequer investigations into this smuggling continued into the 1350s.³⁰¹ The inquests carried out by Edward III from 1340 to 1343 were hugely successful revenue raising exercises which principally targeted a small group of widely disliked individuals. These commissions were initially similar to those held under Edward II, but from 1341 Edward III expanded the commissions to include general wrongdoing. This expanded them to such an extent that they resembled the eyre or trailbaston commissions which were hugely unpopular throughout the fourteenth century. Edward, or his advisors, had attempted to revive the eyre from 1330. Anthony Musson and Mark Ormrod stated that general courts of this type, throughout the fourteenth century, were used cynically by the monarch for financial gain and 'to emphasise his transcendent seigneurial authority at moments when his political will was otherwise being challenged'.³⁰² In this aspect the trials from 1340-43, and perhaps indeed throughout the fourteenth century, were no different, but they were equally unpopular and parliament worked to oppose the second phase of commissions from 1342, despite being initially supportive of them.³⁰³ These trials placed control over local affairs in the hands of royal officials who were close to the king.³⁰⁴ While at least some of the Commons had called for these investigations, the burden, especially financial, that they placed upon the counties and the office holding class was too great. In April 1341 they requested that the king should cease as 'the said commissions have set very grievous fines on various officers attainted before them, having no regard for the seriousness of their crimes'.³⁰⁵ Parliament, in June 1344, successfully oversaw the repeal of 'the new inquiries which conclude so harshly with outrageous fines, ransoms and other grievances, more in destruction than in betterment of the people'.³⁰⁶ Edward III acquiesced to these demands in exchange for a new tax and began a process which would end general commissions of oyer and terminer as a mechanism for local judicial investigations.

³⁰⁰ Appendix I, Figures 8 and 9, pp. 247-248.

³⁰¹ E. B. Fryde, 'The Last Trials of Sir William de La Pole', *The Economic History Review*, 15.1 (1962), 17-30 (p. 20).

³⁰² Musson and Ormrod, p. 45.

³⁰³ See the 'Commons' petition' in: Harriss, 'The Commons' Petitions'.

³⁰⁴ Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', p. 153.

³⁰⁵ 'Parliament of April 1341, PROME, m.4.

³⁰⁶ 'Parliament of June 1344, PROME, m. 2; Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', pp. 153-54.

The trials of 1340-41 were a prime component of Edward III's policy. They were able to raise revenue, persecute disloyal ministers, and potentially undermine the wider networks of his perceived opponents including Archbishop Stratford and William de la Pole (c. 1290-1366), an exchequer minister and wealthy merchant, by targeting their supporters. Mark Ormrod suggested that in 1341 Edward III was impressed by the political implications and financial benefits of such trials.³⁰⁷ Ormrod considers the experience of 1341 to have prompted Edward to become more involved in legal proceedings throughout the 1340s and 50s. Scott Waugh found that the fines from these inquiries were greater than the tax collected in the same counties.³⁰⁸ Waugh did not study the other similar trials in the fourteenth century, but these figures were equivalent to the trials in 1324. The fines raised in the 1340s may have been even greater than those in 1323 because they also included more general wrongdoing and not just the offences of royal ministers. There was also a feverish desire for funds in the early 1340s which was rarely matched in medieval English history. In 1340-41 in Bedfordshire, Hertfordshire, and Northamptonshire the yield from fines was over double the level of tax collected.³⁰⁹ As Waugh points out, this was especially efficient for the crown as the burden for these sums fell upon a small number of individuals who were already widely disliked.³¹⁰ The fines and punishments for corruption might have been secondary to simply replacing less trusted officials with ministers perceived as more loyal to the king. If this was the case, then the conduct of the newer ministers was irrelevant so long as they remained loyal to the crown, and perhaps the trials were simply an excuse to justify the removal of officials who were part of entrenched local networks. This is probably at least partly true of all the anticorruption campaigns that are the subject for study. Like the Statute of Northampton and the attempt to reassert the general eyre in 1328, there may have been a conscious emulation of the various trials which were begun following Edward I's absences overseas. In both cases the monarch was seeking to avert calls for reform by seizing the initiative. The most accurate parallel is probably Edward I's return from Ghent in 1298. In 1298 and 1340 the inquiries were triggered by campaigns in the Low Countries which sought to garner continental allies by outlaying large sums of money. These sums were never sustainable in the long term. In the 1290s and 1330s, larger and larger levels of extraction through lay taxation or manipulation of the wool trade was practiced by the crown to fund these expeditions, and in both decades the failure of these led to the imposition of a tax of a ninth which also failed. Both monarchs used anticorruption campaigns to undermine their opponents either by targeting them directly, as was the case in 1340-41, or by seizing the key complaint and turning it into an explicit royal policy. A

³⁰⁷ W. M. Ormrod, *Reign of Edward III*, p. 55.

³⁰⁸ Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', p. 160.

³⁰⁹ Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', p. 160.

³¹⁰ Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', pp. 143, 152.

key difference between these two episodes however is in the nature of the opposition. In 1340-41 the opponents of Edward III were not anywhere near as organised and determined as those of his father and grandfather.

This crisis of 1341 marked a turning point in Edward's reign and a decisive break from the legacy of discord which had dogged the realm since the closing years of Edward I's rule. Mark Ormrod considers the turnaround from the crisis by Edward III as 'one of the most remarkable political recoveries ever witnessed in medieval England'.³¹¹ To achieve this Edward simply renounced those measures he had been forced to adopt and did not recall parliament until 1343. When he did so, his need for revenue outweighed the usefulness of the trials, and parliament neutered this particular weapon of the royal arsenal. Edward III used the commissions and the unpopularity of all royal officials to direct popular discontent against those officials and ministers he perceived to be working against his interests, an approach that was not dissimilar to Stratford's strategy. Stratford sought to co-opt the magnates and Commons to his cause by allying the issue of trial by jury, ecclesiastical independence, and oversight of royal officials. Edward sought to garner revenue, fear, and provide a visible target in the localities for any ire which might otherwise be directed at the crown. In this aspect he repeated his pattern of decisive attacks on potential opposition to his personal authority before it could threaten his safety. The sidestepping of parliament demonstrated that while it was a powerful force it was not invested with enough independence to completely hold the monarch to account. The one key area of competence was the granting of permission for the monarch to collect lay subsidies. Parliament used this to wring a number of concessions from Edward which included the cessation of all current and future general commissions of oyer and terminer. While parliament ultimately did not gain the right to try, appoint, and swear-in officials, which was a consistent demand since the beginning of the century, it did succeed in decoupling investigations from the general trials which had become something close to the old, hated, eyres.

1.3 CONCLUSIONS

Royal officials were clearly widely disliked. Much like today it was probable that any investigation would uncover at least some corruption if it looked closely enough. Thus, the question is why did the trials take place when they did? This chapter has shown that the trials occurred at times when it became more convenient for the monarch to attack its own officials, and the classes they were drawn from, than it was to placate them. This is in line with Maddicott's suggestion that complaint was often useless unless it was accompanied by some shifting of the underlying context. In the instances outlined in this chapter the principal prevailing factors were a collapse of royal prestige

³¹¹ W. M. Ormrod, *Reign of Edward III*, p. 16.

and financial difficulties. The trials were intended to raise funds and assert power at a time in which the crown was under some real or perceived threat due to setbacks. They could present a picture of renewal by the solicitation of complaint and the wholesale replacement of royal administration within the counties. They probably appealed to a latent hostility toward these officials, from at least some sectors, which would shore up support for the crown. Additionally, it was likely intended to cow the local gentry and officials. This would be useful particularly at times in which the crown felt unsure of support. These aspects demonstrate how, as Maddicott suggested, financial stress drove more and more governmental interventions in a search for funds. This same impetus also shows the denuding of thirteenth century ideals of good governance as the trials became simple revenue raising endeavours.

Exploring the historical context of each phase of the trials outlines the reasons why these trials were infrequent facets of crown policy rather than perennial features. All of these episodes share certain characteristics. Often these campaigns had two distinct phases as under Edward I in 1274 and 1278, Edward II in 1320-21 and 23-24, and Edward III in 1340-1 and 42-44. They were frequently associated with the return of a monarch from a period abroad, as was the case in 1274 following Edward I's return from crusade, Gascony in 1286, and the Low Countries in 1298. The same was true under Edward II in 1314 and 1320 after failures in Scotland, and in 1340 in the aftermath of Edward III's furious return from Ghent. Every commission, from 1298, excepting 1323, was preceded by military failure against foreign adversaries – either Scotland or France. In 1260 and 1323 they followed military victories during a period of internal strife. It seems that, in the period under study, external military failures and internal military victories precipitate, in most instances, widespread anticorruption investigations. In both cases the regime suffered a serious challenge to its prestige and the trials were intended to present the crown as reasserting control. Interestingly, there were no trials following the deposition of Edward II. A close study of this period, up to the coup of 1330, would be revealing. It may be that such trials were only possible when the regime was firmly in control. On those occasions when the regime was very fragile it appears unable to assert itself across the country sufficiently, as was the case in periods of Edward II's rule.

In line with the suggestions of William Chester Jordan, the evidence suggests that the trials in the thirteenth century – aside from 1298 – were of a different character than those in the fourteenth. Each period of widespread investigation in the fourteenth century was closely tied to points in which crown finances were especially dire. Perhaps 1298 established this cynical aspect of the trials more firmly. The investigations could raise huge sums. Edward II seems to have used the investigations of the 1320s to raise funds as a result of his internal problems, but also perhaps in anticipation of conflicts with his own barons and latterly, France. Usually, English monarchs used them in the aftermath of failed campaigns to replenish royal coffers and repay large loans. This was

most particularly the policy of Edward III. Edward I and Edward III used the investigations to release pressure pent up by long periods of heavy financial exaction. The 1290s and 1330s are estimated by John Maddicott as the highest level of wealth extraction by the English crown at any point in the Middle Ages.³¹² The inquiries were partly a response to the hostility these policies had engendered and partly, by fining so many officials and imposing large courts on local regions, a furtherance of them.³¹³ At least by the reign of Edward III they were seen as burdensome and some counties paid fines to avoid them. In most cases, particularly under Edward I and Edward III, the initiation of the trials coincided with a widespread removal of officials and a call for complaint.

This public aspect of these complaints is integral and, alongside the financial considerations, is the key motivation behind the commissions. It is the contestation of the dynamic of complaint and enforcement that is at the heart of political dynamics that relate to anticorruption throughout this period. In every instance from 1260 to the 1340s, whoever was driving the investigations wanted to depict themselves as acting in the best interests of the kingdom. Royal officials were a convenient scapegoat. The political battles of the periods were public and attacks on royal ministers were always a popular weapon. The innovations of the barons in the trials of 1260 ushered in a period of public investigations of royal officials. The later improvisations which built on this practice supports the notion that these were, at least in the thirteenth century, relatively popular measures. Edward I made careful stipulations for public proclamation of the statutes pertaining to the investigations. Likewise, in 1298 the trials ran alongside the Edward I's public troubles with leading members of the aristocracy. In 1314 there were clear instructions on proclamations at a time when Edward II was under huge pressure and unable to resist the demands of Thomas and the earls following the defeat at Bannockburn. In 1320 the careful presentation of Edward in responding to the complaints at parliament suggests a concern for the public aspect of his tussle with Thomas of Lancaster and the other elements opposed to his rule. Even in the 1323 commissions public opinion was key. The Welsh marches, the north-west, and the west Midlands, were the heart of the recent rebellion against the crown and had been central in the rebellions of the thirteenth century. The insertion, very publicly, of loyal and powerful crown officials with the aim of investigating and cowing locals was an important aspect of cementing Edward II's supremacy. Likewise, in 1340-41 the public scapegoating of Richard Willoughby, the chief justice of the King's Bench, was part of a wider plan to turn the enmity of the populace against the ministers.³¹⁴ Such a step would have been more

³¹² Maddicott, 'English Peasantry', p. 331.

³¹³ Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341'.

³¹⁴ Crook, 'The Disgrace of Sir Richard de Willoughby, Chief Justice of King's Bench', p. 29: Willoughby offended two more senior men who were close to the king and was probably removed as a justice in July 1340 because of this.

successful if Edward had constrained himself to only attacking those ministers which he was able to try in his own courts. During the most difficult phase of the conflict with Stratford he vowed, according to the French Chronicle, to only employ officials which he could draw, hang, or execute.³¹⁵ The attacks on officials were effective because the wider population already disliked and were hostile towards these officials. These investigations could thus cow recently removed officials, act as a preventative against future corruption, and use their findings to justify the removal of the incumbent officials.³¹⁶

This co-opting of popular hostility was integral. By seizing the initiative, the architects of anticorruption campaigns, which included the three Edwards, the Ordainers, and the rebel barons in the thirteenth century, could present themselves as the arbiters of public will in opposition to those who opposed them. This was the case in 1260 when the barons contrasted their behaviour with Henry III, and in 1274 when Edward synthesised the methods of those opposing the crown with prior practices. This is probably indicative of the popularity of the investigations – or at least attacking royal officials publicly. The intent was likely to pair the investigations with less acceptable, but equally important, investigations of royal rights. This might have been mirrored in Edward III's attempts to resurrect the general eyre by using investigations or royal officials as a Trojan horse. In 1314 Thomas of Lancaster presented himself as a restraining influence after the failure of Edward II's policies. In 1320 Edward II attempted to paint a picture of himself, to the amazement of many commentators, as a monarch interested in the grievances of the realm. In 1340 Edward III redirected the hostility to royal policies toward his own officials. There is however nuance within the activities of these various monarchs. Edward I used these investigations to redress complaint, protect royal rights, and to undermine potential opposition indirectly by co-opting their policy as his own. Edward II was more cynical and while, possibly, the commissions of 1320 were in response to complaint, subsequent commissions were more explicitly vindictive money-raising ventures. This was prior to the final break between Edward and Thomas, and it seems likely that Edward was appealing to a public mood for oversight of royal officials. It also seems to be used as a unifying goal which garnered appeal across the estates. In both instances however, it is clear that Edward II acted with public opinion, financial concerns, and to control or intimidate local officials. Edward III, while using the investigations for revenue and to persecute opponents, also learnt the lessons from his father's reign

³¹⁵ Haines, *Archbishop John Stratford*, pp. 288–89.

³¹⁶ This was also the case in more specific trials of individuals which have not been considered here such as the commission of Oyer and Terminer established by Edward II on his ascension to the throne in 1307 to hear allegations against the Edward I's treasurer Walter Langton, the Bishop of Lichfield: Alan Harding, *The Law Courts of Medieval England*, Historical Problems: Studies and Documents, 18 (London, New York: Allen & Unwin; Barnes and Noble, 1973), p. 87.

and often rehabilitated those who were persecuted. When Edward III had achieved his immediate aims, he generally allowed the officials back into royal service albeit at a reduced level. This might be a further indication that there was a limited pool of individuals able to act as royal agents for the crown. The later compacts established with parliament in the 1340s set the stage for the successful campaigns of the late 1340s and 50s. The commissions initiated in the aftermath of his return from Ghent displayed all of Edward III's attributes which enabled this turnaround: the flair for the dramatic, the eye for propaganda, adaptability, innovation, but also clemency and compromise.

The courts were likely intended to cow the local populace and officials. This was especially true of the office holding groups who often were integral parts of the local elites. This attitude can be glimpsed in Walter Milemete's treatise *On the Nobility, Wisdom, and Prudence of Kings* which was written for Edward III following the death of his father in 1326.³¹⁷ To Milemete, a king's clerk under Edward II and III, the 'fear of the king should restrict the conduct of people and often subvert their iniquitous intentions'.³¹⁸ As Scott Waugh suggests, the trials were useful because these officials only made up a small, but hated, section of the population.³¹⁹ Another effect of these public trials was possibly also the unleashing of years of pent-up vitriol towards these officials. Richard Willoughby, Archbishop Stratford, and William de la Pole (covered in Chapter Three) might have been the most high-profile victims of this public accounting but they were far from the only ones who were shamed. By giving official sanction to this hatred, perhaps the crown also sought to leave these officials in fear, not just of the power of the monarch, but also of the locals who had been the victims of corruption. These trials in the fourteenth century were linked to the frequent warfare of the period. They followed closely on the heels of failed campaigns because they could raise funds, shore up flagging legitimacy, and cow the local populace. They also became increasingly problematic as they exacerbated the problems they claimed to curb by injecting large numbers of visible, powerful, but disliked, royal officials into all major populated areas of royal authority.

The public aspects of the trials demonstrate how important it could be for a regime to present itself as in control of corruption. Thus, it reinforces the role of perceptions of corruption within political factionalism as suggested by the studies of Natalie Fryde, Scott Waugh, and Nigel Saul. Over the period under study, the trials lost the underlying motivations which sought to promote proper oversight of royal officials. In the thirteenth century these trials were still a

³¹⁷ Walter Milemete, 'On the Nobility, Wisdom, and Prudence of Kings', in *Political Thought in Early Fourteenth-Century England: Treatises by Walter of Milemete, William of Pagula, and William of Ockham*, trans. by Cary J. Nederman, *Arizona Studies in the Middle Ages and the Renaissance*, v. 10 (Temp: Brepols, 2002), pp. 24–61 (p. 19).

³¹⁸ Milemete, p. 35.

³¹⁹ Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', p. 152.

calculated political gambit. However, while the trials still held to this legacy in appearance, the underlying motivations were increasingly driven by financial imperatives. In this light, it represents a hollowing out of thirteenth century approaches in the face of the financial stresses of the fourteenth century. This, therefore, is an example of the processes which Jordan suggested might take place as inefficient anticorruption processes eroded due to the pressures of the fourteenth century. However, in this instance, it was the crown rather than subjects who denuded the original functions of the trials.

Taken as a whole, the commissions in the fourteenth century which investigated ministerial corruption were primarily motivated by several facets. Firstly, to replenish the royal treasury through fines. Secondly, to strengthen the standing of the monarchy by a public demonstration of the crown's willingness. Finally, to address the concerns of its subjects. The final point is key to the legitimacy of the trials. This is a point again stressed by Milemete. He states that in order to command loyalty from high and low the king should 'hand out justice to everyone' and act promptly on grievances.³²⁰ The legitimacy of such trials was used by Edward I to lend support to his investigations of royal rights and privileges which might have been unpopular. A Commons' petition of 1340 called for investigations of officials.³²¹ The Commons, and more widely the gentry, were perhaps more concerned with the behaviour of royal officials who were close to the king rather than local officials. This is why the Commons', in the early 1340s, sought to annul trials which they had recently publicly solicited. They had not envisaged that Edward III would initiate such unprecedently sweeping trials. It seems likely that in most instances, except perhaps 1340, these trials were in part intended to appeal to some aspects of the Commons' concerns, although they also exacerbated them. Edward III attempted to synthesise the trials with the moribund general eyre as a way of raising revenues. This ultimately caused the demise of the investigations of officials as a discrete phenomenon. If the precedent was allowed to stand then the monarch was able to raise revenues equivalent to lay subsidies without having to negotiate with parliament. This was especially dangerous as it could have usurped parliament's role as the primary forum for complaint and redress. If the general commissions became perennial features of royal governance, the crown could, without parliamentary oversight, raise large sums of money and redress complaint. This in turn would undermine the central lever of parliamentary power. In this respect we might consider that the emergence of parliament as the primary forum of complaint and consent for revenue raising

³²⁰ Milemete, pp. 33–35.

³²¹ Harriss, 'The Commons' Petitions'.

from the reign of Edward I was, in time, a principal cause for the failure of widespread itinerant royal justice.

2 CHAPTER TWO – PERCEPTIONS OF CORRUPTION AND THE EVOLUTION LAY OF SUBSIDIES (C. 1290-1340)

The adaptive pressures outlined in the previous chapter were not confined to the legal system. The following case study is concerned with the adaptations within the system of direct taxation as a result of similar financial stresses and the perception of corruption. This concerns the development of 'lay subsidies', so-called to differentiate them from direct taxes which applied solely to the clergy or other more precisely defined levies. This chapter will generally use lay subsidies or lay taxation to describe the specific taxation which was granted by parliament, or other assembly, as a proportion of movable household goods. At the end of the thirteenth century there were four separate systems of direct lay taxation in operation: lay subsidies, scutage, tallage, and feudal aids. Each system had specific remits that had been defined through centuries of custom. By the early fourteenth century, primarily due to parliamentary resistance and passive non-cooperation, only lay subsidies remained as a viable levy. From the thirteenth century each levy of lay taxation performed an assessment of taxpayers' moveable goods and demanded a proportion of their value as tax. In 1334 the assessment was scrapped, and all future taxes were paid by communities at the same value of the assessment of 1332. The collection persisted largely unchanged to 1624 when the British nation entered a period of extravagant wartime.¹ This chapter explores the motivations behind this change through an exploration of the rolls which investigated complaints against tax collectors before and after 1334.

J. F. Willard established the most authoritative study of lay subsidies in his 1934 work *Parliamentary Taxes on Personal Property 1290-1334*.² Willard was particularly interested in the administrative facets of medieval English government and was the architect of a three-volume study *The English Government at Work 1327-1336*.³ This work has been critiqued and fleshed out, but it still

¹ Patrick K. O'Brien and Philip A. Hunt, 'The Rise of a Fiscal State in England, 1485–1815', *Historical Research*, 66.160 (1993), 129–76 (p. 58) <<https://doi.org/10.1111/j.1468-2281.1993.tb01806.x>>; N. A.M. Rodger, 'From the "Military Revolution" to the "Fiscal-Naval State"', *Journal for Maritime Research*, 13.2 (2011), 119–28 (p. 122) <<https://doi.org/10.1080/21533369.2011.622886>>; According to Rodger: 'In the 1640s the real income of the English crown had remained broadly the same for three centuries. By 1815, it had risen 36-fold.'

² Willard, *PTPP*.

³ *The English Government at Work, 1327-1336: Volume I - Central and Prerogative Administration*, ed. by James F. Willard and William A Morris (Cambridge, MA: Medieval Academy of America, 1940); *The English Government at Work, 1327-1336: Volume II - Fiscal Administration*, ed. by James F. Willard and Joseph R. Strayer, 3 vols (Cambridge, MA: The Medieval Academy of America, 1947), II; *The English Government at Work, 1327-1336: Volume III - Local Administration and Justice*, ed. by James F. Willard, William A Morris, and William H Dunham Jr., 3 vols (Cambridge, MA: The Medieval Academy of America, 1950), III.

stands today as the principal work on the lay subsidies. Willard posited that the ‘central government’ feared corruption and this was reflected in the changing oaths and stipulation for the collection of taxation throughout this forty-year period.⁴ Willard presents the collection of lay subsidies as initially a very complex system which, from 1290 to 1334, lost layers of complexity. The complexity of the system in the 1290s and the large volumes of individuals involved allowed for malfeasance to occur at many stages. Willard stated that the ‘appointment of a special kind of assessor and collector in 1334 to guard against corrupt practice was the outcome of over forty years’ experience with alleged and proved fraud’.⁵ Despite the importance attached to the role of corruption Willard only briefly explores the rolls which investigated tax officials and instead relies primarily upon the documents produced by the taxers and exchequer officials.⁶

There were several subsequent studies which explored the reliability of the records of lay subsidies. This was important as many scholars had used these records to draw conclusions about the relative wealth of medieval England. J. F. Hadwin memorably stated that ‘the lay subsidy rolls rarely tell the whole truth and do not even lie consistently’.⁷ In line with this view, Hadwin found that the rolls could not be trusted as a reliable indicator of wealth. Likewise, he suggested that from the 1290s there was a widespread acceptance that taxers should undervalue the property of subjects and this explains the fall in assessment values over the century.⁸ Stuart Jenks examined the lay subsidies rolls and their utility in drawing wider conclusions about the economic health of England.⁹ In a largely statistical study, Jenks explored the rolls of lay subsidies to show that they were a ‘yardstick’ which could, with caveats, measure ‘the performance of the English economy’.¹⁰ Jenks also discussed the changes of 1334 and considered that they were borne out of a desire to simplify and streamline collection rather than a response to corruption.¹¹ For Jenks, the claims of corruption were a smokescreen to scrap the assessment phase and the crown was more interested in recouping lost revenue than punishing corrupt collectors. Jenks also disagreed with Hadwin’s conclusions and found that there was a uniformity in the lay subsidy rolls by comparing them statistically to other measures of economic activity. Jenks discredited the under-valuation which Hadwin suggested. To Jenks, this was undermined by the number of sub-taxers who supposedly administered the collection. Jenks, following many previous studies, believed that upwards of 20,000

⁴ Willard, *PTPP*, p. 219.

⁵ Willard, *PTPP*, p. 219.

⁶ Willard, *PTPP*, p. 213.

⁷ J.F. Hadwin, ‘The Medieval Lay Subsidies and Economic History’, *Economic History Review*, 36.2 (1983), 200–217 (p. 201) <<https://doi.org/10.1111/j.1468-0289.1983.tb01229.x>>.

⁸ Hadwin, p. 214.

⁹ Jenks.

¹⁰ Jenks, p. 29.

¹¹ Jenks, pp. 9–12.

sub-taxers were required for each collection. In contrast, in a 2004 article which concurred with the views of Hadwin, Pamela Nightingale showed that the lay subsidies were a poor guide for the material wealth of fourteenth century England.¹² In part this was a result of the exclusion of various categories of wealth, which mostly related to urban and mercantile activities, as subsidies became more frequent.¹³

This chapter explores the reasons for the changes of 1334 through the complaints recorded in the records of oyer and terminer. To Willard this change was primarily the result of experiences of corruption over the prior half a century. For Jenks it was a desire for efficiency. The chapter rejects Jenks' view that the changes of 1334 were intended to speed collection entirely. However, it suggests that by studying complaints against taxers it is possible to show that the mode of collection prior to 1334 did not follow the exchequer model as closely as has been assumed. The following argues that the changes of 1334 have been overstated and should instead be seen as part of an evolution of practices which emerged before 1334 and likely continued undocumented afterwards.

Rather than solely an anticorruption measure or an exercise in efficiency, the changes in 1334 were in fact a recognition of the limits of the exchequer's ability to enforce their model of collection. The stipulations of the exchequer were never really followed closely as it was impossible to employ the requisite number of individuals to act as taxers. My findings dispute the claims of scholars from Willard onward who postulate tens of thousands of taxers operating across the country. Instead, probably fewer than 10,000 taxers were involved. It seems as though there was a shortage of those able to act as chief taxers and that collection relied upon their households or extended social and familial networks. Since this position, and that of the sub-taxers, required a particular level of stature, wealth, and abilities, it appears it was difficult to guarantee consistent service. As a result, these officials seemingly often delegated their responsibilities to members of their household. This reliance on the support of local elites was probably a factor in the inability of the exchequer to enforce best practices. Edicts on the conduct of the collection were generally ignored. One facet of the change was also the growing administrative oversight which appears to have been a policy from 1297. This allowed the exchequer to ensnare officials through documentation which was hard to doctor.

Furthermore, the changes of 1334 were in fact a recognition of the control of collection by the landed and urban elites. Formally recognising this control had two goals. Firstly, it was intended to gain greater cooperation in the collection by co-opting the support of the most important local

¹² Pamela Nightingale, 'The Lay Subsidies and the Distribution of Wealth in Medieval England, 1275–1334', *The Economic History Review*, 57.1 (2004), 1–32 <<https://doi.org/10.1111/j.0013-0017.2004.00271.x>>.

¹³ Nightingale, pp. 5–9.

groups. Secondly, it would reduce complaint among a vocal group who were increasingly powerful due to the growth of the parliamentary Commons. The Commons had grown to represent this group and were now a regular parliamentary fixture and had ultimate arbitration over the right of the crown to collect tax in the first instance.¹⁴ These local elites also monopolised the important devolved royal posts such as sheriff, mayor, or escheator as well as those less prestigious posts such as undersheriff, bailiff, or taxer. Thus, the changes of 1334 were a recognition of the *de facto* control of collection by local gentry. The trade-off for this was a probable increase in the unfair burden of taxation on those subjects who were less able to enforce their will through the political community. Consequently, the changes might have sped up collection, soothed local elites, and would certainly have been a boon for the Commons and reduced complaints among the groups which the crown depended. Thus, the crown established a compromise toward control of the collection that ensured the support of local elites, albeit at the cost of potential malfeasance by the collectors towards the mass which were excluded from local political society.

2.1 THE EMERGENCE OF LAY TAXATION THE DEMISE OF PREROGATIVE LEVIES

Across the twelfth to the fourteenth centuries the levying of taxation on the lay populace was strongly correlated to periods of warfare. The earliest English lay taxes were raised to fund crusading endeavours. In 1166, at Le Mans, Henry II (1133-89) received assent from an assembly of barons and prominent churchmen to levy an aid for the Holy Land.¹⁵ By 1207, widespread levies possessed all the hallmarks of later lay taxes: a levy on a fraction of goods, directed towards military ventures, and based on the crown's need for necessity and inspired by earlier known practices, both church and secular.¹⁶ At least from the Saladin Tithe of 1188, lay taxation usually required consent from an assembly.¹⁷ This consent granted the tax a greater legitimacy than the prerogative taxes, applied to a much larger portion of the crown's subjects, and therefore could raise relatively large sums. For example, one levy of a thirtieth in 1207 produced £60,000 – around three times the ordinary crown revenue of the period.¹⁸ The high-water mark for these collections came in 1290

¹⁴ Harriss, *King, Parliament*, pp. 256–59; Maddicott, *OEP*, p. 313.

¹⁵ Maddicott, *OEP*, pp. 103–4.

¹⁶ Sydney Knox Mitchell, *Taxation in Medieval England*, ed. by Sidney Painter (New Haven: Yale University Press, 1951), pp. 114–15; Harriss, *King, Parliament*, pp. 3–4.

¹⁷ Maddicott, *OEP*, pp. 104, 119.

¹⁸ David Carpenter, *Henry III: The Rise to Power and Personal Rule, 1207-1258*, Yale English Monarchs (New Haven: Yale University Press, 2020), p. 30; Maddicott, *OEP*, p. 123. This was the high-water mark for Lay Subsidies and similar levies in the fourteenth centuries only reach around £30,000.

when roughly £114,000 was collected.¹⁹ Revenues rapidly declined after this and lay taxation in the fourteenth century usually raised £34,000 to £37,000.²⁰

The legitimacy granted by communal approval was the primary value of the tax. As Maddicott suggests, the monarch 'had to carry his great men with him, not only to win their own cooperation in payment, but also to use their consent as a lever to induce payment and cooperation in the localities'.²¹ In the fourteenth century, the right to grant consent was seen to reside with the parliamentary Commons. As the Commons represented the groups who performed the bulk of the collection (among other important offices), their consent was vital. This was frequently, but not exclusively, obtained through negotiation which often saw the grievances of the Commons addressed by the crown. Through this dynamic, the crown's principal revenue streams came under the purview of parliament and the prerogative modes of collection, such as Scutage or Tallage, were increasingly side-lined across the first half of the fourteenth century.

As a result of this process the Commons' concerns were more relevant to the crown during periods of heightened financial stress. This was due to their position as representatives of the groups who administered royal posts and because they could grant consent for taxation. Thus, during periods of extended warfare, the most common cause of financial stress in this period, the Commons was better able to gain redress of important grievances. This ultimately created more effective cooperation which defined the shared interests of the crown and the wider political community. Parliament was therefore the primary method by which crown practices were negotiated toward forms which were more amenable to the broadest sections of the political community. A central facet of this was reducing the most egregious acts of royal officials, particularly those who fell outside empowered groups, and devolving power away from central authority.

Initial modes of collection were intended to ensure a fair burden of taxation. This was a period in which levies were fairly infrequent. Until around 1294 the crown had been able to rely on regular high levels of lending from Italian companies.²² Following the denuding of this revenue source, direct taxation became more important to royal finances. There were six collections of lay subsidies from the onset of Henry III's reign in 1217 to 1290. With such a low incidence of lay taxation, some inefficiencies were surely an acceptable trade off in a period of relative financial ease.

¹⁹ W. Mark Ormrod, 'The Crown and the English Economy, 1290-1348.', in *Before the Black Death: Studies in the 'Crisis' of the Early Fourteenth Century.*, ed. by Bruce M.S. Campbell (Manchester: Manchester University Press, 1991), pp. 149–83 (p. 153).

²⁰ W. Mark Ormrod, 'The Crown and the English Economy, 1290-1348.', pp. 153–54.

²¹ Maddicott, *OEP*, p. 123.

²² Richard W. Kaeuper, 'Royal Finance and the Crisis of 1297', in *Order and Innovation in the Middle Ages: Essays in Honor of Joseph R. Strayer*, ed. by William Chester Jordan, Bruce McNab, and Teofilo F Ruiz, 1976, pp. 103–10 (pp. 107–8) <<https://doi.org/10.1515/9781400869671>>.

However, from 1294 to 1334 there were twenty-one collections. In the first period there was, on average, a collection every twenty-five years, while in the latter there was a collection less than every other year. Therefore, by the onset of the fourteenth century, the balance tipped toward efficiencies and away from a focus on a fair burden as financial stresses took their toll on the crown. By 1334, the demands for efficiency reduced central control and minimised the involvement of officials in the localities.

The rest of this chapter is concerned with how this final settlement of the collection of lay taxation adapted in the early fourteenth century, the outcomes of these adaptations, and speculation on the motivations of the changes in administrative practice.

2.2 THE CHANGING FORMS OF LAY SUBSIDIES (C. 1290 – 1334)

Before outlining why the changes of 1334 have been exaggerated, the following lays out the modes of collection of lay taxation from the late thirteenth century. The fluctuations from 1290–1334 reflect a movement towards efficiency while sacrificing attempts at fairness and minute control. In some senses, alongside this drive for efficiency, they might be considered as a realisation of the limitations of the crown's ability to enforce behaviours at the local level and perhaps a scarcity of capable officials. This process has hints of the shedding of bureaucratic complexity which Jordan raised.²³

From 1290 two chief taxers were appointed for each county – or part for larger counties such as Kent or Lincolnshire. They were usually prominent local men who had served the crown in some prior capacity. These two individuals summoned the 'best men' of every hundred and from several groups appointed twelve men to serve in juries for each hundred. The twelve sub-taxers travelled from vill to vill and, with the assistance of the reeve and four men of the vill, valued the movable goods of each household. These were recorded and dispatched to the exchequer and collection was made by the same taxers. The most common complaint against taxers, prior to 1298, was levying tax from individuals who fell below the threshold, raising sums above the taxation due, and taking money for expenses. In the 1298 investigation in Lincolnshire there were at least forty-six complaints against taxers. In 1297 the jury phase was scrapped, and the assessment was instead carried out by the inhabitants of the vill. The number of individuals supposedly involved at the level of each vill fell, possibly to as low as six.²⁴ The sub-taxers were now instructed to draw up two rolls from their assessment. One roll was issued to the chief collectors under the seal of the sub-taxers.²⁵ The second roll was retained by the sub-taxers and used to collect the assessed tax under the seal

²³ Jordan, p. 218.

²⁴ Willard, *PTPP*, p. 56.

²⁵ Jenks, p. 12; Willard, *PTPP*, p. 56.

of the chief taxers.²⁶ The duplicate rolls and the swapping of seals indicates a sharing of authority, responsibility, and oversight. The sub-taxers collected under the authority of their superiors and passed the chief taxers their roll with their seals which they retained.²⁷ The chief taxers reported to the exchequer with their roll under their own seals. This system was designed to obstruct potential manipulation and malfeasance. The exchequer oversaw the chief taxers and the chief taxers oversaw the sub-taxers. This practice indicates a move away from oversight by multiplication of officials toward oversight by administrative record. This approach might suggest that the later changes in 1334 were an extension of this method. In 1319 there was an, unsuccessful, attempt to restrict prior collectors from serving multiple times.²⁸ While there was a theoretical reduction in the numbers of individuals involved in this period, the overwhelming number of charges against individual collectors indicate that this reorganisation failed to change significantly the nature of malfeasance among the taxers. For example, in the 1324 investigation of royal officials in Suffolk, sixty-two allegations, representing 83% of total allegations, were against tax collectors for raising sums above the assessed amount and retaining it for their own use.²⁹

The modes of collection before 1334 involved an assessment of taxpayers' movable wealth. From 1334 however, the formal assessment phase was scrapped and the crown demanded that inhabitants pay communally. The sub-taxers were also encouraged to tax more widely than had been the case in previous levies and include those individuals who had been excused on account of their poverty.³⁰ Sub-taxers were no longer required to create detailed rolls outlining the movable items of each household and their liabilities. Alongside these changes, the exchequer decreed that the duties of the chief collectors would be divided between the head of a local religious house and a clerk of the exchequer rather than established local men. These stipulations for collectors however were not repeated after 1334. Perhaps the experience of the churchmen in collecting clerical dues was desirable or perhaps the exchequer felt that they were less corruptible. In fact, it seems that they were no better than their lay counterparts. Additionally, perhaps they were harder to control due to their relatively elevated status. The abbot of Shrewsbury failed to answer several times for the £112.12s he had collected, and his goods were distrained by the sheriff.³¹

The fixed assessment from 1334 gave the exchequer a clear idea of what sums were due from each county. The growth in specific investigations post-1334 is indicative of this and will be outlined

²⁶ Willard, *PTPP*, p. 56.

²⁷ Jenks, p. 12; Willard, *PTPP*, pp. 56–57.

²⁸ Willard, *PTPP*, p. 56.

²⁹ See TNA, JUST 1/853, mm. 1-7.

³⁰ W. Mark Ormrod, 'The Crown and the English Economy, 1290-1348.', pp. 156–57.

³¹ D. Cromarty and R. Cromarty, *The Wealth of Shrewsbury in the Early Fourteenth Century - Six Local Subsidy Rolls 1297 to 1332: Text and Commentary* (Stroud: Alan Sutton, 1993), p. 18.

later. There has been no discovery of instructions to the chief taxers from 1334 onwards. Willard contends that this was because all the necessary instructions were contained within the commissions which instructed the taxers to treat with the communities directly, and there was no need to stipulate how communities should collect the sums.³² It is likely that they were simply expected to continue with prior practices which may have been conveyed to the chief taxers when they received their oral instructions at the exchequer. However, as Willard also states, the clerks who assisted the sub and chief taxers could be responsible for some of the continuity of practice after 1334.³³ These changes had some unforeseen impacts on the anticorruption practices of the crown which allowed more efficient oversight of the chief taxers in particular. The following section explores this and the reality of the changes from the perspective of the anticorruption investigations which took place in the early 1340s.

2.3 DECLINING ASSESSMENTS

Assessments declined throughout the late thirteenth and early fourteenth centuries. Willard believed this was due to growing tax evasion.³⁴ Hadwin, among others, suspected that this decline was the result of deliberate under valuation to ease the burden on taxpayers.³⁵ Mark Ormrod noted that the levies yielded roughly the same amount regardless of the severity of the tax.³⁶ However, Pamela Nightingale showed that as the frequency of levies increased, the desire of the exchequer for rapid funds led to the assessment phase becoming more cursory.³⁷ This was exacerbated by the exclusion of coin, plate, wool, and credit when assessing an individual taxpayer's burden.³⁸ Thus, the assessments mostly reflected, after 1294, the rural rather than urban economy. This, in Nightingale's view, was a principal cause for the decline in assessments due to the agrarian crisis of the early fourteenth century. Whatever the precise reasons, assessments were declining across the fourteenth century and fixing them in 1334 would arrest this decline and ensure that it was impossible for communities, or their taxers, to shirk what the crown saw as the full amount owed.

Additionally, assessments continued after the changes in 1334. William de Gredyk of Louth, a collector of the fifteenth in 1341, was said to have become angry with, and thrown a penny at, Walter de Threldelthorp when Walter, under examination, insisted that his goods were not worth

³² Willard, *PTPP*, p. 57.

³³ Willard, *PTPP*, p. 58.

³⁴ Willard, *PTPP*, p. 345.

³⁵ Hadwin, pp. 206–10.

³⁶ W. Mark Ormrod, 'The Crown and the English Economy, 1290–1348.', p. 156.

³⁷ Nightingale, pp. 5–8.

³⁸ Nightingale, pp. 6–9.

10s.³⁹ William took a fine from Walter of 10s but the interesting aspect is the implied assessment which was being carried out by the sub-taxers in Louth. The same William was said to have extorted sums from two other individuals in Louth in the previous years, perhaps suggesting that he served as a taxer in those years as well. If so, then presumably this was a usual practice, at least in Louth. The changes in 1334 scrapped this assessment phase but some form of assessment must have continued in order to determine the acceptable burden of each taxpayer.⁴⁰ Thus, the real change was that the assessment was carried out without any requirement to draw up formal records which were checked for malfeasance. Presumably rolls were still used to record the relative burden for payment. It seems likely that most areas would simply continue to assess in a similar mode as they had prior to 1334. The practices of assessment may have, over time, become increasingly diverse across the country. For example, in Burford in Oxfordshire, during the sixteenth century, the practice was to gather as many as a hundred people into the common hall and to levy one penny per shilling paid in rent.⁴¹

Given the decline in formal assessment prior to 1334, the increased exemptions of important categories of wealth, and the fact that assessment clearly must still have occurred in some form or other, the changes of 1334 increasingly resemble more of a recognition that the old exchequer models established in the late thirteenth century were no longer fit for the realities of collection and assessment.

2.4 WHAT DO THE INVESTIGATIONS OF ROYAL OFFICIALS IN THE 1340s REVEAL ABOUT THE NATURE OF TAX COLLECTION POST-1334?

The changes in 1334 are often presented as a watershed in taxation practices. However, the surviving records of investigations of corruption confuse the picture as they reveal, both before and after 1334, that there was surprising continuity of practice despite apparent changes in the organisation of collection. The changes refined the process of assessment and collection from a convoluted system in 1290 to one which required minimal interaction between sub and chief-taxers. The earlier phases were constructed so that each group of officials could oversee their immediate subordinates. This was undermined by the large volumes of individuals involved which, rather than providing oversight, allowed corruption to hide in the multitude. Attempts to mitigate against this, such as the stipulations against repeated service of sub-taxers, were resisted or ignored. From 1334

³⁹ TNA JUST 1/521, m. 9d: ['per examinationem praedicti Willelmi dixit quod cattali sua non valuerunt x s. et praedicto Willelmus dixit quod volvit habere cattalis pro sua xx s. et super hoc iacavit unum denar'].

⁴⁰ Willard, *PTPP*, p. 68.

⁴¹ Christopher Dyer, 'Taxation and Communities in Late Medieval England', in *Progress and Problems in Medieval History: Essays in Honour of Edward Miller*, ed. by R. H. Britnell, John Hatcher, and Edward Miller (Cambridge: Cambridge University Press, 2002), pp. 168–90 (p. 186).

the exchequer directly oversaw the chief collectors and left the sub-taxers to carry out the assessment and collection without close supervision. The changes implemented in 1334 were due to the ‘abuses which are said to have occurred in the collection of the last tenth and fifteenth’.⁴² The continued use of the subsidy – with few changes – to 1624 is some evidence of the success of the levy.⁴³ However, as well as the increased efficiency, the subsequent in-depth investigations of significant frauds were a particularly important, perhaps unintended outcome, of these changes. Some of the evidence from investigations in the early 1340s gives the impression that these changes were less sweeping than has been suggested.

The rest of this chapter discusses allegations of corruption frequently. The objective truth of these allegations is of less importance than the administrative reality which they illuminate. These practices are often otherwise unknown. In general, however, these allegations resulted in fines for the accused. Whether this is indicative that they crossed some contemporary threshold for corrupt behaviour is unclear. It is evidence that the behaviour offended at least some jury members enough for a complaint to be made and that the royal justices considered this was enough to justify a fine.

2.4.1 Understaffing of collection

An over-reliance on exchequer records has also inflated the changes of 1334 in other ways. According to Willard’s ‘three plans’, the number of taxers involved in any one vill fell from around twenty in the late thirteenth and early fourteenth to as low as three by 1334.⁴⁴ The principal reason for this fall was the scrapping of the jury phase in 1296. It is from these figures which Willard, Jenks, and Thompson based their projections for upwards of twenty thousand taxers across the country. However, while this reduction in numbers is clearly evident from exchequer records, the evidence from investigations of royal officials, and other tax records, suggests continuity, rather than disruption, of numbers after 1334.

Table 4 Sub-Taxers operating in Shrewsbury.

Year	Sub-Taxers in Shrewsbury
1309	12
1316	6
1327	11

⁴² CPR 1334-38, pp. 38.

⁴³ Jurkowski, Smith, and Crook, p. xxxiii; Willard, *PTPP*, pp. 12–13. Potentially the administrative changes simply obscured any deviation in the collection of Lay Subsidies after 1334.

⁴⁴ Willard, *PTPP*, pp. 54–64.

1332	6
1336	5

Table 5 *Jurors and Sub-Taxers operating in Candelshoe wapentake per levy.*

Year	Jurors	Sub-Taxers
1294	2	18
1295	12	19
1296	12	24
1297	0	13

The local assessment rolls, documents drawn up to show individual movables and thus tax liabilities, for the town of Shrewsbury uniquely survive from 1297 to 1336.⁴⁵ These show a general downward trend in the numbers of sub-taxers in Shrewsbury from as many as twelve, to as low as five. Likewise, the number of sub-taxers within a specific hundred varies from levy to levy. In Sussex for example, the hundreds of Staple, Hawkesburgh, and Shoeswell in 1327 had three, four, and two sub-taxers respectively.⁴⁶ While in 1332 the same three hundreds had two, three, and three – indeed the whole county had forty-one fewer taxers serving in this levy compared with 1327.⁴⁷ Walter Sinclair Thomson made a study of the number of taxers operating in Lincolnshire from the lay subsidy rolls in the 1290s. His exploration of the stipulated form of tax, which is preserved for the 1290 levy, suggests that if the forms were followed precisely then 3,780 sub-taxers were required in Lincolnshire.⁴⁸ Administrative changes from 1297 halve this figure, although this still gives an excessively high figure for a single county (1,890). Thomson uncovered 440 taxers over four levies in Lincolnshire by examining both the assessment rolls and the records of the 1298 inquiry.⁴⁹ He concluded that, due to the fragmentary nature of the assessment rolls this represented only a

⁴⁵ Cromarty and Cromarty.

⁴⁶ *The Three Earliest Subsidies for the County of Sussex in the Years 1296, 1327, 1332*, ed. by William Hudson, Sussex Record Society (London: Mitchell Hughes and Clarke, 1909), X, pp. 217–20.

⁴⁷ Hudson, x, pp. 328–32.

⁴⁸ *A Lincolnshire Assize Roll for 1298*, ed. by Walter Sinclair Thomson, Lincoln Record Society (Hereford: Hereford Times Limited, 1944), xxxvi, p. xlvi.

⁴⁹ Sinclair Thomson, xxxvi, pp. xlvi, 155–77.

fraction of the thousands of sub-taxers across the county.⁵⁰ Table 4 shows the number of jurors and sub-taxers operating in Candelshoe wapentake across the four levies in the 1290s. This was the only wapentake with a consistent run across several levies in Thomson's findings. They show a range which, when accounting for the jurors, is not dissimilar to Shrewsbury. Thomson was able to extract the names of sub-taxers across eleven of the thirty-three or so wapentakes of Lincolnshire for the ninth of 1297.⁵¹ This list gives just over 350 sub-taxers excluding the 'trustworthy men' who examined the goods of the taxers. The wapentakes which were used as administrative divisions across counties were not necessarily consistent, and obviously local variance will render any multiplication crude, but a tripling of these figures to account for the missing data suggests just over 1,000 sub-taxers across Lincolnshire. As the second most populous county in this period, estimated at 8.13% of the national population, and the second largest county by area, this figure is not unreasonable.⁵² It is perhaps higher than most figures explored in this section as it is the earliest in the sample. Most other figures, discussed below, derive from records produced over thirty or forty years later.

Collective fines imposed on taxers show the number of sub-taxers working in the counties before and after 1334. In several instances these fines name each individual collector and can show the number of taxers working in any one levy. As Table 4 shows, there were collective fines levied on chief and sub-taxers in the counties of Herefordshire, Worcestershire, and Leicestershire in 1324, and in 1341 a similar collective fine was raised from taxers in Oxfordshire.⁵³ The figure for collectors within Sussex is drawn from the lay subsidy roll for the county in 1327 which, fairly unusually, names the sub-taxers.⁵⁴ Ideally a comparison would be drawn from across the same counties over the same period but the survival of the oyer and terminer rolls, the lack of communal fines outside of Oxford, and the varying lack of detailed lay subsidy rolls after 1334 precludes such an analysis.

Table 4: Number of Taxers by county per levy.⁵⁵

County	1324	1327	1332	1341
Herefordshire	288*	-	-	-

⁵⁰ Sinclair Thomson, xxxvi, p. xlvi.

⁵¹ Sinclair Thomson, xxxvi, pp. 161–77.

⁵² Stephen Broadberry and others, *British Economic Growth, 1270–1870* (Cambridge: Cambridge University Press, 2014), p. 23 <<https://doi.org/10.1017/CBO9781107707603>>.

⁵³ TNA, JUST 1/316; TNA, JUST 1/715; TNA, JUST 1/1036.

⁵⁴ Hudson, x.

⁵⁵ TNA, JUST 1/316 (Herefordshire), TNA, JUST 1/1389 (Leicestershire), TNA, JUST 1/715 (Oxfordshire), TNA, JUST 1/1036 (Worcestershire); Hudson, x.

Leicestershire	159	-	-	-
Oxfordshire	-	-	-	552*
Sussex	-	236	195	-
Worcestershire	171*	-	-	-

The discrepancies across the counties may be due to local custom, the peculiarities of local geography, or variance in population or population density. The Oxfordshire inquiry does not specify which levy the collectors performed their duties in, while in Worcestershire the collectors were fined for their actions in levies since the ascent of Edward II.⁵⁶ In the Herefordshire investigations it is specifically stated that they were collectors of the Sixth and Tenth and acted in levies under both Edward I and Edward II.⁵⁷ It is possible, perhaps likely even, that the individuals fined in Oxfordshire represent all collectors of all five levies from 1327 to 1340. Intriguingly, several collectors are labelled as 'chief sub-taxers' ['capitales subtaxator'] of particular hundreds.⁵⁸ This might suggest that the chief taxers devolved responsibility for collection to individuals at the level of the hundred who then coordinated sub-taxers across the hundred. Other collectors are simply labelled as 'sub-taxers', Peter de Dodecot is named as 'another chief sub-taxer', and a third in sequence as 'third chief sub-taxer'.⁵⁹ All three named in sequence were fined 100 shillings while those labelled simply as 'sub-taxers' generally paid much less. John de Stokes, Stephen de Crodebrugg, John de Kay of Kenecote, and Thomas de Meaux were all named as 'chief sub-taxers' of the hundred of Bampton through a later interlineal insertion and fined 100 shillings.⁶⁰ The later insertion and the absence of this label in other fines suggests that there was a clear distinction between these collectors and simple sub-taxers. Perhaps they covered the hundreds which were more challenging due to physical geography, population distribution, or some other unclear factor. The figures for Leicestershire represent collectors in the county for 1322 but also includes thirty-two collectors in the city of Leicester who served in the 1319 and 1322 levies.⁶¹ Like Oxfordshire this figure probably had many collectors who served across multiple levies.

Given the population estimates and the number of taxers we might make some crude calculations by adjusting the county figures to give a hint at the potential number of taxers acting per

⁵⁶ TNA, JUST 1/1036, m. 4.

⁵⁷ TNA, JUST 1/316, m.3.

⁵⁸ TNA, JUST 1/715, m. 13-16.

⁵⁹ TNA JUST 1/715, m. 13: 'alteri capitali subtaxator', 'tercio ibidem capital subtaxator'.

⁶⁰ TNA JUST 1/715, m. 15.

⁶¹ TNA, JUST 1/1389.

levy across the country. Since the estimations for Lincolnshire and the other counties are extrapolations it is best to discount them. If the figures for Sussex taxers were extrapolated across the country, then we might expect somewhere around 8,000 taxers across the country. The number of taxers in Leicestershire when extrapolated across the entire populace would give a total number of taxers of around 10,000. These lower figures might be more representative of the number of taxers in operation per levy around 1334. Lincolnshire is an outlier in terms of population and area. Likewise, those figures date from the 1290s. The figures for Leicestershire and Sussex date from the 1320s and 30s. These later numbers would account for changes in practice of collection and the lowering of the population following the repeated agrarian crises of the early fourteenth century. The great famine of 1315-17 alone accounted for around a 10-15% drop in population.⁶² Given these caveats a figure of around 8,000-10,000 per levy seems appropriate. Such figures must be treated with extreme caution, but they suggest significantly lower number of taxers than Jenks, Willard, or Thomson believed. Indeed, beyond the exchequer plans for collection there is little evidence that anywhere near 20,000 taxers were in operation for each levy.

Two possibilities exist for the discrepancy between taxers who we can demonstrate as administering collection and the figures apparently expected by the crown. Perhaps at most half of taxers were never fined communally or recorded in the assessment and collection rolls. It was perhaps more likely that the figures outlined in exchequer records represent guidelines which were widely ignored or impossible to fulfil. The evidence from the two Sussex lay subsidy rolls of 1332 suggest that taxers operated across hundreds rather than vills even before the changes of 1334.⁶³ On average, over the two levies, there was less than two taxers per vill. This suggests that the exchequer instructions were ignored or impossible to fulfil and that Willard, Thomson, and Jenks' suggestions place too much reliance on exchequer designs. If this was the case, then the changes of 1334 were more a reflection of reality and show a retreat from attempts to enforce unrealistic plans, rather than a change in actual practice. Just because the figures were lower than those suggested by the exchequer plans does not mean that the collection was problematic, but it does imply a less than ideal level of staffing. Scrapping the formal assessment phase, even though it had already been reduced by 1334, would ease the burden on over-stretched officials.

2.4.2 Clerks

While sub-taxers were the most numerous officials there were also clerks and servants who served alongside the sub and chief taxers and are difficult to discern from institutional records. Clerks played an important part in the collection, but Willard stated that evidence of their activities

⁶² Philip Slavin, 'Market Failure during The Great Famine in England and Wales (1315-1317)', *Past & Present*, 222.1 (2014), 9-49 (pp. 10-11) <<https://doi.org/10.1093/pastj/gtt025>>.

⁶³ Hudson, x.

‘is hard to find’ and their numbers are difficult to determine.⁶⁴ These officials were intimately involved in drawing up rolls of assessment which were copied, passed between sub and chief collectors, extensively corrected, and delivered to the exchequer. Much can be gleaned from the records of investigations of royal officials. The presence of clerks goes some way to explaining the continuity of practice despite changes in personnel between levies. It appears that they, and other servants, were sometimes responsible for the assessment and collection. It is sometimes hard to discern from the court rolls if an individual is named as a clerk to designate an official acting as a clerk within the collection, or is simply referred to by their profession. From exchequer sources it is difficult to ascertain exactly how many served, if they were independent or servants of the collectors. However, the commission for 1334 explicitly calls for the chief taxers to appoint ‘a clerk’.⁶⁵ Clerks were required by both chief collectors and sub-taxers to record the collection and assessment.

Complaints about the actions of clerks, servants, and taxers can outline aspects of the collection which are otherwise absent from the historical record. One example is illuminating in a number of aspects. In the Lincolnshire roll of 1340-41, Henry de Kyrnyngton and Hugh de Rothewell were named as clerks of the fifteenth and ‘all chief taxers of fifteenths in Lincolnshire after the coronation of the present king [Edward III]’ up to 1341.⁶⁶ This suggests that the clerks operated across the county regardless of the chief taxers – this repeated service may account for some of the continuity of practice. It also shows that, at least in Lincolnshire, there were separate clerks for the tenth and the fifteenth. It is likely that Henry and Hugh had particular local knowledge which made travelling and serving across the largest county in England easier. Perhaps there was a more ready supply of clerks in the more urban areas or the sub-taxers in towns and cities were more likely to be literate. However, it is probable that the office of clerk was taken on by respective town clerks who were likely acting in such a role for urban authorities. Kyrnyngton and Rothewell continued to serve despite changes in practice and personnel of the chief taxers. It is likely that Kyrnyngton and Rothewell were serving communities and assisted the sub-taxers in drawing up the local rolls rather than the chief taxers. As they were usually drawn from wealthier classes and often served the crown in a variety of roles, the chief taxers probably had clerks in their service. A possibility is that the chief taxers, who were often detained on other crown business, delegated responsibility for the assessment and collection in these rural areas to these two individuals. Either way, it suggests that they were semi-freelance clerks who specialised in taxation over more than a decade. Another charge

⁶⁴ Willard, *PTPP*, p. 65.

⁶⁵ *CPR 1334-38*, p. 38.

⁶⁶ TNA, JUST 1/521, m. 10d: [‘clericis [15th] taxe et omnes clerici omni capitum taxatorum [15th] quam fuerunt in comitatis Lincolnensis post coron regis nunc’].

in the same investigation accused John de Colby, a clerk of Sir William de Bayous and a collector of the fifteenth in 1338, of taking 7 shillings ‘by extortion’ for ‘diverse acquittances’ in two vills.⁶⁷ Bayous was a chief collector of the fifteenth in 1338 as well as an arrayer, and so it is likely that John de Colby was a personal servant.⁶⁸ This demonstrates that, even in a period when the chief taxers employed Kyrnyngton and Rothewell for the tax in the fifteenth, they also retained their own clerks. Perhaps they operated in the urban areas or performed different duties than Kyrnyngton and Rothewell. In 1334 the abbot of Bardney was said to have taken 6d per vill for acquittance ‘with his clerks’.⁶⁹ It is unclear if these clerks were Kyrnyngton and Rothewell or his own servants.

The investigations in Somerset in 1341 are a particularly rich source of evidence for wrongdoing by tax collectors. These accusations span between 1327 and 1340 and so cover before, and after, the changes of 1334. They demonstrate, like the Lincolnshire records, that clerks were intimately involved with the collection across levies. In these investigations, Roger de Hanam and Robert Gerneys, sub-taxers of the Winterstoke hundred, were accused of ‘raising [...] 100 shillings for their own use and 20 shillings for their clerk in oppression of the people’ in 1327; he also took 10 marks for himself and 20 shillings again for his clerk in 1335 while serving as a taxer with William de Halle.⁷⁰ Seven other sub-taxers were charged for taking sums ‘for their clerks’ in 1332, 1334, 1336.⁷¹ It seems as though the practice was for the two sub-taxers of Winterstoke to employ a clerk, or clerks, who took a part of the collection for their service. The lack of other charges of this nature suggests that these clerks only operated in this hundred and were not employed across large portions of the county as the Lincolnshire clerks were. It also shows that the pattern of small numbers of taxers, two or three, in each hundred, rather than in each vill, was likely true in Somerset as well as the other counties outlined above. The absence of any names for the clerks perhaps suggests that they were servants of the sub-taxers. Roger de Hanam was twice accused, in conjunction with different taxers, alongside just one clerk, which suggests that this clerk was his servant. The other three charges, against seven other taxers, all indicate plural clerks. This, alongside the lack of any identification for the clerks, indicates that these were not the clerks levy after levy, and that they only operated within this hundred. All taxers were fined. From the five allegations there were three fines of 100 shillings, one fine of £7, and one of £14. These larger fines are not necessarily the result of the sums taken, suggesting that there was another criteria at work. The heaviest fine was for Hugh de Draycote and William de Burton. They were mainperned by one

⁶⁷ TNA, JUST 1/521, m. 12: [‘pro diversis acquietancis per extorcionem’].

⁶⁸ CPR 1324-27, p. 54, 100; CPR 1340-43, p. 152.

⁶⁹ TNA, JUST 1/521, m. 11d: [‘cum clericis suis’].

⁷⁰ TNA, JUST 1/770, m. 8: [‘levavit de hominibus ibidem .C .S ad opus suum proprium et .XX. s pro clero suo etc in oppressionem populi’].

⁷¹ TNA, JUST 1/770, m. 8: [‘pro eorum clericis’].

Walter de Rodeneye who was acting as chief taxer in the year of their misdeeds – suggesting a close link between these sub-taxers and the chief taxer across at least two levies. Rodeneye also acted as a wool purveyor, was elected as sheriff in the county court in 1338, and appointed as sheriff in 1340.⁷² Perhaps the heavy fine is a result of the closeness of these taxers to the relatively exalted Rodeneye.

Other charges, from the same investigations, indicate the slightly unusual nature of the charges in Winterstoke hundred as they suggest that sums taken over and above the amount due in tax were often handed on to the chief taxers for various services. John Ganard, a sub-taxer in the hundred of Kilmersdon in 1333, took 12 pence extra which was given to the clerk of the chief taxers for acquittance.⁷³ John Clerk acted as a sub-taxer in the same hundred under at least three different chief collectors and was accused of the same offence in concert with Ganard and alone.⁷⁴ Ganard was fined 2 shillings and Clerk half a mark for these sums which were said to be for weighing and acquittance. The accusations span multiple collectors which indicates that there was a longstanding practice in the county which did not vary despite changes in personnel. Ganard was also made a collector of wool and also raised sums which were said to be handed over to another for weighing.⁷⁵ The consistency of this practice suggests a sharing of approaches within the county and between different roles. As it was mirrored by different individuals in geographically distant counties, perhaps it might simply have been that it was standard practice, inside and outside tax collection, to take sums to pay for the services and materials of the clerks. As will be outlined in later chapters, the practice was common amongst wool collectors. For example, Gilbert Ledred, sheriff and wool collector in Lincolnshire in 1339, took '6d for the scribe, who used paper'.⁷⁶ However, the exchequer clearly believed that sometimes the expenses taken by clerks were either unpopular or related to more serious malfeasance as the instructions issued to taxers in 1327 forbade the taking of sums for 'records, tallies, or rolls' in future.⁷⁷ The failure of this stipulation to have any effect is further evidence of the inability, or unwillingness, of the crown to effectively prosecute anticorruption practices. While the fees for services of this kind might be routine, taxers were

⁷² *List of Sheriffs*, p. 123.

⁷³ TNA, JUST 1/770, m. 11: ['levavit ibidem .xii.d. ultra etiam summa quis dixit esse solutos clericis capitis collectoris pro acquietentia'].

⁷⁴ TNA, JUST 1/770, m. 11: ['quod levavit ibidem ad oppressionem populum [...] levavit ibidem tempore Abbatis de Ford cap coll [...] ultra etiam summam etc tantum dicit illos solutos fuisse per pondere et acquietancia'].

⁷⁵ JUST 1/770, m. 11: ['levavit quibus petras .de. xv. Libris tunc dicit se eodem pondere Johanni Markant liberasse eandem etc'].

⁷⁶ TNA, JUST 1/521, m. 9: ['clericu scribent in papera .6.d'].

⁷⁷ Rotuli Parliamentorum, II, pp. 426-427: ['les chief Taxours ne lour Clercs ne preignent rien pur chapitres ne pur tailles faire ne pur roules recivre, sur lour serment']. Presumably 'chapitres' indicates individual records of some kind, most like assessments, receipts, and/or indentures; Willard, p. 214.

already recompensed by a reduced tax burden and hosting expenses.⁷⁸ These instances in which sub-taxers, clerks, and chief taxers took fines for their services above and beyond their normal remit does represent taxers who were trying to wring extra profit from their positions against the wishes of the crown and taxpayers. It seems that there were separate clerks for chief and sub-taxers and for rural and urban areas. These clerks took up some of the burden of the administration of the taxation which was expected by the exchequer but never fulfilled to the letter.

Experienced clerks were likely integral to any collection, given the onerous administrative duties a full formal assessment required. Clerks were necessary to record the goods of each household, any sums due, and the collection. As a result, it is hardly surprising that assessment would become increasingly token as a way of speeding the collection. The shadowy nature of clerks in the record and the variability of the assessments implies that the number of literate officials may have been a pinch point in the collection and might answer for some of the shortages of sub-taxers. At least in some instances sub-taxers employed clerks, but there is no reason to suppose that this was universal. Regardless, scrapping the assessment was sure to speed collection given the extensive labour required to record and collate the records.

2.4.3 Household servants and Families

Like clerks, household servants were part of a much wider tax collection which is not reflected in the exchequer record. Records of investigations suggest that often the chief taxers used their retinues or families as part of their duties. These servants were frequently accused of wrongdoing in the collection of the lay subsidies. An interesting example crops up in the Suffolk investigations of 1341. John dil Hill was said to be the former clerk of Peter Gernagan and William de Walsham, who in turn served Ralph de Bockynge as bailiffs.⁷⁹ Bockynge was the chief taxer for the levy of the ninth and fifteenth in 1340 so presumably this allegation dates from that collection. Hill travelled to 'diverse vills' and took 'diverse distractio[n]s' from collectors.⁸⁰ He subsequently paid a fine of 100 shillings. It seems likely that Hill was acting on behalf of the bailiffs who were in turn acting as sub taxers for Bockynge. Likewise, John de Colleby, who was accused of weighing the tax using large pennies to inflate the collection, was described as the clerk of William de Ros.⁸¹ The chief taxer for Kesteven in 1336 was Thomas de Ros not William de Ros. It is possible that Thomas handed responsibility for the collection to William who in turn granted it to his clerk Colleby. Perhaps this office might have been sold on expectation of profit but there is no clear evidence

⁷⁸ Willard, pp. 206–10.

⁷⁹ CPR 1338-40, p. 501; TNA, JUST 1/858, m. 8.

⁸⁰ TNA JUST 1/858, m. 8: ['venerit in diversas villatis [...] et ceperunt de collectoribus [...] diversas distractio[n]es'].

⁸¹ TNA, JUST 1/521, m. 19: ['Johannes de Colleby de Roppele clericus damini Willelmi de Bayous taxatores quindecim denar in partibus de Kesteven'].

beyond likely family connection. Both William and Thomas were important men locally and nationally and were often in the king's service, so perhaps it was necessary to pass on responsibility in favour of more pressing duties. Equally, as important figures, it is less likely that they were in need of the small sums which could be gained from the tax. Likely, the potential under-valuation of their goods, which appears to have been the informal mode of recompense for service, was attractive, but the duties were too onerous and so were delegated to members of their households. In a similar vein, John Bret was said to be acting as a deputy to the chief taxers Saer de Rochford and another of the Lincolnshire Ros, Richard Ros, in 1337. In this capacity he refused to take the tax from the vills of Wigtoft and Bicker until he was given 12d for every £1 collected.⁸² He was also accused of taking more than £15 above the agreed sums and taking 12d for each vill for acquittance to the 'great oppression of the people'.⁸³ These allegations show that in Lincolnshire, at least in the 1330s, the chief collectors often placed deputies to receive the tax on their behalf.

It is likely that service in the household of a royal official could expose individuals to the practice of collection which could allow them to carry out illegal activities. In Somerset in 1341, Walter Peret was accused of pretending to be a sub-taxer to steal three cows.⁸⁴ Peret is described as formerly of the household of Thomas de Marlebergh who was chief taxer in 1337. Between 1327 and 1337 there had been five separate collections in Somerset, so it is unlikely that Peret's victims would be easily hoodwinked by an inexperienced con-artist. Peret was probably part of Marlebergh's household during prior collections and so could easily mimic their behaviour. Reynold de Donyngton, an important king's clerk, is indicative of wider trends. Reynold, much like Walter de Rodeneye in Somerset, was variously a wardrobe clerk, chief-taxer, supervisor of wool receivers, sheriff of Lincolnshire, and a wool collector.⁸⁵ In 1334, Reynold was chief taxer alongside the abbot of Bardney, and John de Trehampton, and all were said to have taken 6 pence for acquittance and 2 pence for entry into the house 'of the receivers'.⁸⁶ He was also a collector in Lincolnshire in 1336 where he was assaulted and robbed of £100 of the collection and four horses by a group of six 'and others' – a further indication of the need for a substantial retinue.⁸⁷ The taxers were apparently so

⁸² TNA, JUST 1/521, m. 16: ['Johannes Bret deputatus domini Sayer de Rocheford et domini Ricardi Ros de Tydde receptors xv noluit recipere quintadecima de villa de Wygtoft quinsque taxatores praedicte villa ei dederunt per qualibet libra .xii d et pro sua acquietancia']; and later on the same membrane: ['Johannes Bret cepit de villa de Byker xis. Videlit pro qualibet libra xve xiid. Ultra summam et pro acquietancia iijs.'].

⁸³ TNA, JUST 1/521, m. 17: ['Johannes Bret de Wrangl [...] cepit per extorionis de vill de hoyland ultra taxata domino regi concessam xv libra et pro singlis acquietancia de qualibet villatis de hoyland xii d ad magnum oppresionem populi'].

⁸⁴ TNA, JUST 1/770, m. 14d: ['Walterus Peret nuper de manupastum Thome de Marlebergh capitul collectore finxit se subcollectore xve ibidem et cepit [...] tres vaccas'].

⁸⁵ See Donyngton's index entry: McLane, p. 148.

⁸⁶ TNA JUST 1/521, m. 13d: ['ceperunt [...] vj.d et ijd. pro acquietancia sua [...] et sic ceperunt singulis villatis pro acquietancia et ijd. pro intratu (?) hostii rec'].

⁸⁷ CPR 1334-38, p. 372.

afraid of this gang that they 'dare[d] not leave their house to attend the king's business or their own'.⁸⁸ Reynold, in his capacity as a wool collector, was accused of taking 2 shillings for each stone of wool weighed, weighing the wool in his favour, taking one fleece for each stone, 6 pence for acquittance, and another 6 pence for weighing.⁸⁹ Reynold also later served as a supervisor of the wool collectors.⁹⁰ Reynold's career, as illustrated by these charges, demonstrates that involvement of the wider network was standard practice and these wider networks also engaged in corruption. Reynold served in a number of different areas bringing his experience to bear across these different fields. This was not unusual, and careers like Reynold's explain the similarities between the collection of wool, lay subsidies, and the wider practices in other administrative offices. Reynold, in his position as a clerk of the wardrobe, was likely aware of the prevailing practices as condoned by the exchequer, and his administrative experience probably exposed him to practices amongst other royal officials. These officials working across multiple forms of royal administration, like Reynold or Walter de Rodeneye, carried the practices with them – in effect acting as hubs for the transmission of administrative practices.

Reynold frequently used servants and family in the course of his duties. One allegation states that Ralph de Highyngton, described as a servant of Reynold, came to 'the house of Adam de Burton, collector of the fifteenth, forced Adam's wife out of the house and would not let her enter it until they paid a fine of 14d'.⁹¹ Reynold's son, Thomas, distrained a collector and would only release the distrant for a fine, or bribe, of 4 shillings.⁹² Henry de Gretford, who is described as a bailiff, but not sub-taxer, of Reynold de Donyngton, was sent by Reynold to collect tax from the vill of Belton. Henry was accused of extorting 18d from the vill to not collect the tax.⁹³ In addition to the attack on Donyngton it seems that the ability to resort to violence, or coercion, was a useful asset for collectors, much like other areas of royal officialdom. A royal mandate of 1336 to the chief

⁸⁸ CPR 1334-38, p. 364.

⁸⁹ TNA JUST 1/521, m. 10d: ['ad singulos duos solidos [...] una petra lane de ponderandi xiiij libra receperunt et ponderaverunt singulas petra ad ponderandi xiiij dimidium libra et nichilominus receperunt ad singulus saccos ponderat unum vellus de caritate et vi.d. per acquietancia eiusdem ville et de qualibet villatis comuniter .vi.d. ad vinum'].

⁹⁰ TNA, JUST 1/521, m. 9: ['supervisor eorundem lanarum'].

⁹¹ TNA, JUST 1/521, m. 9: ['Radulphus de Highyngton serviens Reginaldi de Donyngton venit ad domum Adame et uxem ipsius Adame de dome sua expoliavit ita quod non potuit here ingressum antequam fecit finem de xiiij d'].

⁹² TNA JUST 1/521, m. 9: ['Robertus Tebbe [...] fuit [...] cum denarius domini regis [...] solvit [...] distractione fuit per Thoma fil Reginaldi de Donyngton'].

⁹³ TNA, JUST 1/521, m. 12d: ['Henricus de Gretford ballivus Reginaldi de Donyngton cepit de villata de Belton per extortioribus pro respectu herendo de denar dicto Reginald solutis xvij.d.'].

collectors concerning resistant sub taxers ordered them to 'seize into his hands the goods of any so refusing and if resistance is offered to arrest those resisting and imprison them'.⁹⁴

The activities of the clerks, servants, and family members suggest that there was a wider network of individuals involved in the assessment and collection than is reflected in routine exchequer documents. This network was integral as it allowed chief taxers to efficiently carry out all of their duties, which almost invariably included more than simple taxation. The chief taxers were usually important local, if not national, figures and likely had wide ranging responsibilities both personally and in service of the crown. The lay subsidies were a complicated nationwide administrative exercise, and perhaps it was impossible in the early fourteenth century without large numbers of sub-taxers, chief-taxers, and the associated servants and clerks. It seems likely that there was a limited number of individuals which the crown could rely upon to collect this taxation. A chief taxer would have needed to be reasonably literate, trustworthy and in possession of a retinue to carry out the levy and to protect the officials and their collection. They must also have held enough personal wealth to sustain a retinue and command a level of respect locally which would confer protection in the course of their duties. Those servants, clerks, or family members who operated under these chief taxers relied upon their masters' protection, even when acting independently. There was a limited pool of individuals who possessed this combination of administrative skill and local clout. This pool was probably stretched even further at times of heightened crown activity across a number of areas, which increased the substitution of offices. The wider pool of individuals increased the risk of corruption or innovation which, ultimately, are two sides of the same coin. The chief taxers operated as wool receivers or collectors, justices of the peace or assize, and sheriffs, all of whom were more active at times of warfare. The appointment of local churchmen and exchequer clerks in the 1334 collection appears to be an attempt to draw upon a different group of officials and in part, this may have been due to the dearth of candidates for royal officials.

Perhaps the involvement of these extended households goes some way to explain the discrepancy between the number of taxers expected from exchequer records and the numbers of officials fined. It seems likely that the shortfall in the manpower required for collection was met by servants and clerks who were part of the household of sub-taxers and chief taxers. Perhaps as servants they avoided being directly named within communal fines. It is doubtful that this would explain the gap between the number of collectors which modern studies expect and the reality which is revealed in the investigations of taxers. It is more likely that the exchequer plans were never really reflected in practice as there was a significant shortfall in the numbers of individuals capable of acting as taxers, whether that was due to local political circumstances, personal wealth, or

⁹⁴ CPR 1334-38, p. 366.

education. A prosopographical study of chief and sub-taxers might reveal much. Perhaps many of the sub-taxers were from the households of chief taxers or other important local figures – if so, it would suggest that chief taxers were appointed as they were able to sustain a network of lesser officials. It might also be that the 1334 failure of priors and King's Clerks arose as they had a variety of other duties which prevented them from fulfilling their roles as taxers. Certainly, the head of ecclesiastical houses seem as liable to corruption as other chief taxers, but more difficult to prosecute thanks to their position. Whatever the cause of the failure it did not prevent the crown appointing the heads of these houses to a prominent role in the collections of 1340.⁹⁵

2.4.4 Investigations

On the 15th of July 1334 John de Bohun of Midhurst came before the barons of the exchequer and accused two sub-collectors – William of Andover and John de Bolyngdon – of 'concealment'.⁹⁶ This was the act of returning a lower amount of tax than was collected and doctoring the returns to conceal the fraud. In this case, upwards of £10 was allegedly hidden from the collection of 1332 in Winchester. Bohun stated that 'William and John concealed the aforesaid £10, 10 shillings, and 4 pence by small parts within the schedule'.⁹⁷ He provided the annotated schedule to show the real totals raised from each individual in Winchester. This annotated schedule must have been compiled by the comparison of the 1332 payments to the exchequer and some other source, probably the tallies or receipts given by the taxers to the taxpayers. The following four years saw writs issued and returned and appearances by attorneys of the two sub-collectors at court in Winchester. John de Bolyngdon was apparently dead by the time the evidence came to light and William was eventually acquitted as Bohun could not be found by the sheriff to prove his accusations. The detailed evidence provided by Bohun and the propensity of such charges throughout the period suggests that there was a case to answer, but his failure to appear precluded the court from providing a definitive answer. It is clear that extra-judicial processes were at play which are not reflected in the documentary record. It is possible that Bohun was intimidated, but he was a powerful local man with strong connections to the household of Edward III, extensive land holdings, and was married to the daughter of the Earl of Arundel – one of the richest and most powerful men in the kingdom.⁹⁸ It may

⁹⁵ CPR 1338-40, pp. 499-505.

⁹⁶ TNA, E 159/112, m. 159: ['Johannes de Midhurst [...] venit coram Barones hic et dedit intelligendi curiae quod [...] levassent de [...] diversis personis infra eadem socam [...] et tunc liberavit particulas in quadam cedula tachiata rotulo [...] et sic concelarunt £10, 10 s, 4 d'].

⁹⁷ TNA, E 159/112, m. 159: ['[John] dicut quod ipsi Willelmus et Johannes concelaverunt praedictos x. libris x s. iiiij. d. in particulis contentis in cedulis praedictis'].

⁹⁸ CPR 1334-38, pp. 531-532; Christopher Given-Wilson, 'Wealth and Credit, Public and Private: The Earls of Arundel 1306-1397', *The English Historical Review*, 106.418 (1991), 1-26.

be that Bohun was manipulated in some other way, brought false charges as part of local political feud, was unable to press his charges, or that the exchequer was unwilling to pursue the case.

The case was brought before the barons of the exchequer but tried in Winchester where the prosecution faltered. This illuminates the tension between local effectiveness and central control, which was an ever-present problem for the crown in the fourteenth century. The reliance on local officials opened the door to manipulation or intimidation. These local men were under-remunerated and embedded in local political groups. They were often dispatched on business outside the county meaning that often they could not consistently complete their work, and this may have been the cause for the absence of Bohun. To combat this reliance on local power bases that were open to biases and corruption, the cases were often pursued centrally but this caused a different problem – that of efficacy. The case initiated by John de Bohun of Midhurst was one of a series of cases brought before the exchequer in the wake of the new plan of 1334. These central cases could take decades to settle, as was the case for the exchequer investigations into the concealment of Thomas Bolton, a chief collector in the East Riding of Yorkshire in 1332, which took more than fourteen years to conclude.⁹⁹ Bolton was brought before the exchequer ‘for concealment’ and accused of retaining over eighty pounds in tax from the collection of 1332.¹⁰⁰ The chief taxers of Worcestershire in 1332 also ‘concealed and [...] raised by extortion and against the form of their commission’ more than thirteen pounds.¹⁰¹ The crimes of these collectors were ascertained through the discrepancies of the schedules returned to the exchequer and the sums paid by sub-taxers. This was possible because under the newer system the newly established chief collectors – an abbot or prior and a clerk of the exchequer – were armed with the exchequer schedules totalling the sums delivered in 1332. Local sub-taxers clearly still possessed the acquittances which outlined the sums handed to the chief taxers.¹⁰² In the course of these negotiations over the sums due in 1334, the discrepancies between the sums collected and delivered in 1332 must have quickly become clear. It has generally been thought that this new form of administrative oversight of the chief taxers was an unintended consequence of the changes of 1334. However, there had been a general trend toward documentary oversight across the century, firstly with detailed specifications of rolls to be drawn up and retained, and latterly with close exchequer inspection of the rolls from 1333 onward.¹⁰³

⁹⁹ Jonathan Mackman, ‘The “Unfortunate” Fraudster: Thomas de Boulton and the East Riding Lay Subsidy of 1332’, in *Monarchy, State and Political Culture in Late Medieval England: Essays in Honour of W. Mark Ormrod*, ed. by Gwilym Dodd, Craig Taylor, and W. M. Ormrod, Political Culture in the Middle Ages, 1 (York: York Medieval Press, 2020), pp. 1–20 (pp. 1–20); TNA, E159/112, mm. 143–145.

¹⁰⁰ TNA, E159/112, mm. 143: [‘pro concealamento’].

¹⁰¹ TNA, E159/112, m. 104: [‘concelatas et [...] levaverunt per extorctionem et contra formam comissionem suo’].

¹⁰² Mackman, pp. 5–6.

¹⁰³ Mackman, p. 8; Willard, *PTPP*, pp. 281–82.

The crown dispatched an intriguing series of investigations in early July 1335 which were ‘to take information [...] as secretly as they can without making inquisition, how the chief taxers and collectors [...] have executed their offices’.¹⁰⁴ These investigations coincided with the summoning of chief collectors across several counties to the council to answer for tax offences.¹⁰⁵ One justice charged with carrying out these investigations was John Inge. This may be the same John Inge who was charged in his role as chief taxer and receiver in 1334 for taking 12 pence per pound ‘for weighing’ and 6 pence for ‘acquittance [...] in grave damage and oppression of the populace’.¹⁰⁶ He was fined 40 marks by the Somerset inquiries of 1341.¹⁰⁷ No surviving rolls from these secret inquiries of 1335 have been identified. Perhaps they were never produced. The detailed records surviving from investigations in Somerset also indicate that the acquittances and exchequer returns were used to uncover cases of wrongdoing. Ninety-eight officials were accused and fined for offences as a result of their own recognisances.¹⁰⁸ This implies that the offences were found due to the receipts which were handed to the exchequer or communities in the course of collections. ‘Recognisance’ might simply suggest an admission of guilt; however, such a formulation is unusual within these trials.¹⁰⁹ Even if it does refer to a simple admission of guilt, the initial accusations must have stemmed from an audit of acquittances and submissions to the exchequer. The accused include bailiffs, jurors, wool collectors, and sixty-one taxers. The majority of these offences, which relate to tax collectors, explicitly state that the chief collectors coerced the sub taxers to collect the extra sums or that the cash was handed to them. For example, William de Coker a sub-collector was fined half a mark for having raised sixty-four shillings excess tax ‘by the coercion of Ralph Middelney and his fellow chief collectors’ and delivered them for ‘weighing and acquittance’ through ‘the hand of Ralph’s clerk’.¹¹⁰ This coercion may have been the result of changes in the instructions to taxers in 1327 which prevented them from charging a fee for receiving the rolls. It seems likely that, in order to avoid recover the revenues which had previously been raised, the chief taxers simply ordered the sub-taxers to collect the equivalent of these fee directly from taxpayers. The chief taxers use involvement of clerks may simply be a reflection of delegated authority or a desire for plausible deniability. These sums were then submitted to the chief collectors alongside the general collection but not passed to the exchequer. Presumably these frauds only came to light by tallying of receipts

¹⁰⁴ CPR 1334-38, pp. 201-202.

¹⁰⁵ Mackman, pp. 10-11.

¹⁰⁶ TNA, JUST 1/770, m. 7. [‘cepereunt de qualibet libra xii.d. pro pondere [...] et vi.d pro qualibet acquitare [...] in grave dampnum et oppressionem populi’].

¹⁰⁷ TNA, JUST 1/770, m. 7.

¹⁰⁸ TNA, JUST 1/770, mm. 12-12d: [‘committit per recognitas’].

¹⁰⁹ ‘Reconisance’ (2, 3, 4, 5:2), AND₂; ‘Recognitio’ (1, 2, 3, 4, 5b) DMLBS.

¹¹⁰ TNA, JUST1/770, mm. 12: [‘per recognitas sua quod levavit ibidem per duas vices quibus fuit ibidem subcollector Lxiii s per cohortionem Radulphi de Middelneye et socius sui capit collectorum et illos ei liberavit pro pondere et acquietancia etc unde [...] liberavit pro manus Petrus de cotes clericu praedicti Radulphi’].

of the sub-taxers and chief taxers' submissions. This would explain the emphasis on the recognisances as the mode of determining guilt. The records of the investigation in Somerset perhaps lay bare the process by which taxers in other counties, perhaps including Oxfordshire, were caught despite no direct oversight. This may have been the legacy of the changes in 1334 which enabled better administrative oversight. This was effective in catching some frauds but only possible if the collectors had only doctored their returns to the exchequer and not the receipts or tallies given to the sub-taxers as well. Presumably the sub-taxers and taxpayers were keen to hold receipts or tallies for the correct sums so as to avoid any suspicion of wrongdoing on their part.

Chief taxers were essentially caught in a trap by which they were no longer able to deceive both communities and the exchequer. Fears of future similar investigations would probably keep in check the worst frauds. The exchequer was able to counter fraud through record keeping which could stand in place of the jury system or the presence of a trusted king's clerk. If intended, this change was certainly a neat plan which sped the collection of taxation and presented the exchequer with an easy way of preventing extreme frauds by the chief taxers while allowing the sub-taxers greater leeway. This was probably a sufficient compromise since, in general, the chief taxers were capable of siphoning off far more revenue than the lowly sub-taxers. Such a positive outcome might have been pure happenstance, but it is difficult not to discern some design due to its success.

The inherently clandestine nature of corruption means that it is, and was, often impossible to come to any firm conclusions as to what, if any, corrupt acts have taken place. This was even a challenge in the fourteenth century, and it is only exacerbated at a removal of several centuries. The case brought by John Bohun highlights the role of administrative documents to prove, or obscure, accusations of corruption. It also shows the difficulties in unpicking judicial processes which took place within a dynamic political context, both locally and nationally. Principally, however, it demonstrates increased vigilance on the part of the exchequer toward the chief collectors. As ever, it is impossible to show changes in absolute corruption but there was an upsurge in investigations of officials from 1334 onwards. It is difficult to conclusively rule out that the changes of 1334 were not, at least in part, intended to make oversight of this group more straightforward. Certainly, there was a delay between the collection of 1334 and the moves against potential corrupt collectors in the summer of 1335 but, as was the case of the trials of 1340-41, crown investigations were frequently dilatory even when under extreme pressure for funds or results. However, the changes did establish an administrative trap which meant that it was more difficult for chief taxers to conceal sums from the crown, or even from the communities which paid the tax.

2.5 CONCLUSIONS

The evidence from anticorruption investigations and complaint shows that the conception of tax collection prior to 1334 is probably overly rigid. Far fewer taxers were acting prior to 1334 than

has been supposed, and the changes of 1334 appear to be a recognition of reality rather than the imposition of a new model. There was likely widespread devolution of duties to servants and family members who, like chief and sub-taxers, were primarily subject to local socio-political factors. Equally, the assessment conducted in 1332 was far less rigid than those of the late-thirteenth century. Jenks may be correct that the changes of 1334 were primarily due to concerns over efficiency, and that corruption was merely a smokescreen to scrap the formal assessment phase. Even if Jenks' proposal was accepted wholesale, it would demonstrate that fears of corruption were used to influence public opinion even if only cynically. It seems likely, however, that corruption was still a concern of the crown and the changes of 1334 were probably a continuation of the increased administrative oversight of taxers which began with the changes of 1297.

Furthermore, the crown attempted to address perceived corrupt acts but was ultimately unable to reduce recurrent service, outlaw excessive payments for clerks or other services, and struggled to enforce stipulations on the manner of collection. The punishment of corrupt collectors, beyond fines, was likely undesirable as there seems to have been a limited pool of potential taxers. Local power dynamics may have also been important in this and trumped exchequer concerns over corruption. Part of Jenks' rejection of corruption as a factor in the evolution of lay subsidies lies in his view that the crown was slow to investigate and was only interested in recouping lost revenues. The lack of extreme sanctions is probably explained by the dearth of suitable taxers. Additionally, very few individuals were punished beyond fines or a temporary reduction in status. Some individuals were probably too important to dispose of entirely while others were simply not worth the trouble.

Taxation emerged in correlation with warfare and representative assemblies. The early forms of collection evolved in the thirteenth century when levies were rare. Levies were more common just as crown finances became more stretched in the late-thirteenth and early-fourteenth centuries. As a result, the emphasis in collection gradually moved away from fairness and minute oversight toward a more efficient mode of collection. While the changes in 1334 were probably not as pronounced as has been claimed, the scrapping of the assessment was part of this trend. This saw the chief and sub-taxers trapped by their returns to the exchequer and the acquittances handed to taxpayers. Any investigation could compare the two and identify any missing funds. This was the basis for a series of investigations of taxers in the aftermath of 1334. It was probably also the cause of some of the allegations and fines in the investigations of royal officials after 1340, the most obvious of these being the fines levied in the Somerset investigation against taxers due to the 'recognisances'. Such an approach might also explain the nature of the 'secret' investigations of July 1335. This investigation could afford to be conducted behind closed doors as it had no need of a jury to provide evidence since it only required the exchequer returns and the acquittances held by sub-taxers. It might be the case that this administrative oversight was simply a happy coincidence of the

changes of 1334 as Jenks suggests. However, it was a continuation of the process which moved away from elaborate staffing of the collection to provide checks and balances toward a more efficient system which used administrative oversight. Given this was such a beneficial outcome for the exchequer it seems likely that it was more an outcome of foresight than mere chance.

In some respects, the changes of 1334 represent a retreat from, likely futile, attempts to enforce minute control and fairness. Instead control of taxation in the localities was handed to the local elites, which in reality already controlled them in the manner of 'vernacular evolution' suggested by Dodd and Sabapathy.¹¹¹ Dodd and Vitória pointed out the tolerance of corruption which medieval governments were willing to adopt for political stability. In this instance the crown handed control of the collection taxation to the local elites. This occurred by the time the parliamentary Commons, who represented these local elites, had become a permanent parliamentary fixture with unquestioned rights to approve or deny tax collection. The result of the changes across the early-fourteenth century likely created a more unfair burden on the poorer sections of society and on those unable to make their complaints heard through the usual political channels. Dodd has pointed out that these local elites who were now in charge of the administration of tax, broadly known as the gentry, had an underlying hypocrisy concerning corrupt activities.¹¹² Unrestrained by the need for formal assessments, the local sub-taxers were likely less concerned with ensuring a fair burden fell on their poorer neighbours. This was probably exacerbated by the stipulation which removed the minimum level of taxable wealth and subsequent relative changes in population. To some extent the evolution outlined in this chapter mirrors that suggested by Jordan in his article on anticorruption: a move away from thirteenth century models of governance and toward maximised efficiency.¹¹³ In this instance however, the demands which saw the shedding of these models likely sprang from the crown rather than from subjects.

The changes presented here established a form of collection which required little central reform over the next three centuries. Part of this success probably lay in allowing local groups to formulate their own practices. The involvement of the largest section of political society, represented in the parliamentary Commons, likely played a large part in this as it would have enhanced the acceptability of lay taxation. Furthermore, it probably reduced complaints of corruption from this group as they had now had direct control on the imposition of this tax in their local area and indirect control through parliamentary representation. Thus, a broadening of the

¹¹¹ Dodd, 'Corruption in the Fourteenth-Century English State', p. 724; Sabapathy, p. 23.

¹¹² Dodd, 'Corruption in the Fourteenth-Century English State', p. 729.

¹¹³ Jordan, p. 218.

political community likely saw a diminishment of complaint about corruption and the emergence of more stable crown finances.

3 CHAPTER THREE – CORRUPTION AND COLLABORATION: THE EXPLOITATION OF THE WOOL EXPORT TRADE BY THE ENGLISH CROWN (c. 1336-49)

3.1 INTRODUCTION

The narrower conception of corruption lies in the breaking of a prior agreement, however formally understood, between two parties. This chapter explores this aspect of perceived corruption through an examination of the various wool schemes which were established between the English crown and different groupings of English merchants from 1336 to 1348. This collaboration was formed as a result of the economic necessity of continental warfare and the collapse of traditional credit available to the English crown through Italian merchants. It has been estimated that the revenues from wool duties funded half the cost of English activities throughout the Hundred Years' War.¹ The various merchant-crown groupings were broken by continuous perceived transgressions of pre-agreed contracts by both groups and provide a good case study for an examination of the outcomes of corruption in this period. English merchants appear to have been unable to engage in long-term collaboration with each other due to repeated acts of deception or theft. The crown was unwilling to engage in collaboration without breaking pre-agreed terms with the merchants and resorting to arbitrary exploitation.

The environmental or social quirks peculiar to the British-Irish Isles led to the growth of a medieval industry, particularly in England in the thirteenth and fourteenth centuries, which became central to the revenue raising endeavours of the English crown.² The development of the institutions, which controlled and profited from the wool trade, was a result of complex relations between England, its neighbours, and the wider continent. Like taxation, war was the spur for its inception, but later development was a result of dynamic relations between crown, parliament, continental polities, Italian merchant companies, and latterly, English merchant companies. Unlike taxation the wool trade was intrinsically linked to groups and polities, particularly Flemish and Italian, across the European continent who were consumers of English wool throughout the Middle Ages. This chapter looks at how the crown exploited the wool trade through manipulation and the extraction of funds via export duties. These were applied to wool exports from the late thirteenth century as a result of the crown's need for funds. The crown sought to manipulate the trade by directing the export through, or to, specific locations and artificially creating periods of dearth to

¹ K. B. McFarlane, 'War, the Economy and Social Change: England and the Hundred Years War', *Past & Present*, 22, 1962, 3–18 (p. 8).

² The term 'British-Irish Isles' is preferred as the factors discussed are not restricted to the modern extent of the British Isles and include Ireland.

drive up prices. This was carried out in collaboration with different groups of Italian merchants from the late thirteenth century until English companies were formed from 1336.

The English merchant groups became increasingly fragmented throughout the period, as both merchants and crown were engaged in short-term, antagonistic, profit-seeking behaviours which had serious ramifications for any successful long-term collaboration based on wider consent. Both parties repeatedly transgressed agreements, literally abusing 'entrusted power for private gain'.³ The schemes, from 1336, restricted profit to the crown and small merchant companies as all wool growers and middlemen were excluded. This narrowness was exacerbated by repeated acts of bad faith among merchant groupings. The anger provoked by the various corrupt activities of the crown and its merchants, along with the narrow basis of the schemes, caused the collapse of the close collaboration between merchants and the king but also created fertile ground for opposition to emerge within parliament. The schemes were predicated at the expense of a number of other groups, especially wool producers and minor merchants. In time, these excluded groups aligned their interests with parliament which sought to abolish the narrow monopolies of merchants who controlled wool customs on behalf of the crown. Parliament was naturally hostile to these wool schemes as they were unpopular generally, but also challenged parliament's position as the arbiter of the principal sources of royal revenues. Any deviation from this risked parliament's, and particularly the Commons', position in the complaint-consent dynamic. Eventually, these dynamics forged what Matt Raven recently called a 'community of interest', which exploited the wool export trade for centuries and generated a huge proportion of the funding for the English crown's military exploits in France.⁴

The factors outlined briefly above gave rise to the emergence of a collaborative relationship which, at least in the short term, was a success from the perspective of the crown. The merchants were able to advance huge sums throughout the course of the late 1330s and 1340s which funded the capture of Calais (1346-47) and the campaign which ended in the victory at Crécy (1346). After this period the exploitation of the wool trade became a mainstay of English crown finances for centuries, albeit principally under the aegis of parliament and mercantile elites.⁵ As with lay subsidies, the broad representative basis of parliament gave it a legitimacy which allowed it to force the crown into concessions on the manner and timing of collection. Corrupt acts, and narrow self-interest, were the catalysts which energised opposition. This period of collaboration and corruption caused

³ 'Transparency International - What Is Corruption?' <<https://www.transparency.org/what-is-corruption/>> [accessed 23 August 2020].

⁴ Matt Raven, 'Wool Smuggling from England's Eastern Seaboard, c. 1337-45: An Illicit Economy in the Late Middle Ages', *The Economic History Review*, 2022, 1-32 (p. 27) <<https://doi.org/10.1111/ehr.13141>>.

⁵ Raven, 'Wool Smuggling from England's Eastern Seaboard, c. 1337-45'.

the collapse of the estate of merchants as a distinct body, ruined the king's credit, destroyed faith in merchant-monarch collaboration for decades, and saw parliament cement its position as the sole body which was able to grant consent for significant royal revenues.

3.2 HISTORIOGRAPHY

The wool trade of medieval England has been the cause of much study throughout the last century or more. The economic, political, social, military, and environmental aspects of the wool trade have been explored by historians across several disciplines. Its prominence in the development of various English institutions has been used, at least since the nineteenth century, to assert claims of English, or regional, exceptionalism, and are tinged with nationalistic overtones.⁶ In the late nineteenth century, Bishop William Stubbs viewed the reliance on foreign merchants as a weakness of the monarchy, which placed the king 'in the hands of Lombard bankers'.⁷ Norman Gras, writing in 1918, argued that the systems of customs which emerged in the Middle Ages was of 'indigenous origin' due to the 'general advance of England over other peoples in national organization'.⁸ T. F. Tout compared Edward I's dependence on these merchant companies as equivalent to a corrupt 'Oriental despot' or a 'bankrupt South American republic' and stated that he was 'helplessly in the hands of the greedy companies of Lombard bankers'.⁹ These, at best, teleological, and at worst nationalistic studies often tangentially explored the wool export trade and viewed these interactions with foreign groups as a weakness. However, over the last century there have been several studies which solely address the development of the wool and cloth trades over the Middle Ages. These studies have looked at the wool trade through some combination of economic, political, or social themes. Gras' *The Early English Customs System* was the first major work of the twentieth century to foreground wool collection.¹⁰ This combined just over one hundred pages of discussion with several hundred pages of documentary transcriptions. Bertie Wilkinson's *Studies in the Constitutional History of the Thirteenth and Fourteenth Centuries*, published in 1937, set in train a long-running debate.¹¹ This explored the political ramifications of royal control over the wool trade and was particularly interested in the estate of merchants and the role of parliament in overseeing

⁶ W. Mark Ormrod, Bart Lambert, and Jonathan Mackman, *Immigrant England, 1300-1550* (Manchester: Manchester University Press, 2019), p. 5.

⁷ William Stubbs, *Chronicles of the Reigns of Edward I and Edward II* (Longman, 1883), I, p. c-cii.

⁸ Norman S. B. Gras, *The Early English Customs System: A Documentary Study of the Institutional and Economic History of the Customs from the Thirteenth to the Sixteenth Century* (London: Oxford University Press, 1918), p. 14.

⁹ Kaeuper, 'Royal Finance', pp. 105-6; T. F. Tout, *Edward the First* (London: Macmillan, 1893), p. 66; T. F. Tout, *Chapters in the Administrative History of Medieval England, The Wardrobe, The Chamber and the Small Seals - Volume 2*, 6 vols (Manchester: Manchester University Press, 1920), II, pp. 113-14.

¹⁰ Gras.

¹¹ B Wilkinson, *Studies in the Constitutional History of the Thirteenth and Fourteenth Centuries* (Manchester: Manchester University Press, 1952).

the approval of wool levies and customs. In 1941 the Ford Lectures of Eileen Power were published and became the seminal text exploring the wool trade.¹² These lectures were edited and published by Power's husband Michael Postnan following her untimely death. The resulting book lacked appendices, footnoting, or bibliography but was rushed to print as 'our notes and our persons [are] at the mercy of the Blitzkrieg'.¹³ Power's lectures covered the organisation of the wool trade, sheep farming and wool production, taxation of wool, the staple system, and the effects of the wool trade on the emergence of the middle classes. Power advanced the idea that 'the economic, and a good deal of the political, history of Europe has been profoundly influenced by the fact that the earliest homes of the cloth manufacture were not identical with the most important centres of wool production'.¹⁴

K. B. McFarlane estimated that half of the revenue for English military activities in the Hundred Years' War came from wool duties which were paid by Flemish and Italian merchants.¹⁵ McFarlane undermined the assertions of Power and Wilkinson that the cost of taxation of the wool trade was borne by foreign merchants and consumers and not by English wool growers.¹⁶ In an article, published in Joseph Strayer's *festschrift*, Richard Kaeuper refuted the nationalistic assertions of T. F. Tout and Stubbs and viewed the symbiotic relationship between Edward I and the Italian bankers as vital to the health of his reign.¹⁷ The crown gained steady, reliable revenue from the bankers which could be repaid with the substantial but erratic revenues of the crown.¹⁸ Kaeuper stated that the failure of this relationship was a key factor in the difficulties of Edward I in the closing years of his reign.¹⁹ This system allowed the English monarchy to combine the wealth and sophistication of the Italian bankers with the trusted and respected royal administrative machinery.²⁰ Kaeuper, relying on Italian scholar Emilio Re and surviving Riccardi sources, explored the relations between these bankers and Edward I. Kaeuper saw the reasons behind the collapse of the relationship as a combination of the conflict between the French and English crowns and the recall of papal tax deposits.²¹ Furthermore, Edward I and the papacy suspected that the Riccardi could no longer meet their needs. Meanwhile the French king, Phillip IV saw the Riccardi as close allies of his

¹² Power.

¹³ Power, p. vi.

¹⁴ Power, p. 8.

¹⁵ K. B. McFarlane, p. 8.

¹⁶ K. B. McFarlane, pp. 8–9.

¹⁷ Kaeuper, 'Royal Finance', p. 106.

¹⁸ Kaeuper, 'Royal Finance'.

¹⁹ Kaeuper, 'Royal Finance', p. 106.

²⁰ Kaeuper, 'Royal Finance', p. 106.

²¹ Richard W. Kaeuper, *Bankers to the Crown: The Riccardi of Lucca and Edward I* (Princeton: Princeton University Press, 2015), pp. 209–52 <<https://doi.org/10.1515/9781400869688>>.

English foe. These factors culminated in a terminal decline for the Italian bankers.²² Two new monographs emerged in the late 1970s which addressed different aspects of the field, while largely out of dialogue with each other due to the timing of their completion. Firstly, G. L. Harriss' 1975 monograph, discussed in the introductory chapter, contains two chapters on wool levies which generally contradicted Wilkinson and Power's statements around the nature of parliamentary involvement in the wool trade.²³ Wilkinson and Power mostly agreed that parliament sought the abolition of wool levies out of economic concerns.²⁴ Harriss instead argued that parliament was more interested in representing the concerns of wool growers and lesser merchants and abolishing the control of the trade by narrow monopolistic merchant groupings. The other principle factor behind parliamentary opposition, according to Harriss was adherence to the prevailing constitutional ideas that parliament was the sole body which was able to grant legitimacy to royal levies.²⁵ T. H. Lloyd's 1977 monograph *The English Wool Trade in the Middle Ages* was less well received than Harriss' monograph, but is a focussed survey of the English wool trade and a more direct successor to Eileen Power's earlier work.²⁶ Lloyd added much of the critical apparatus that was lacking in Power's earlier work and is the only scholar, after Power, that seeks to convey the broad sweep of the wool export trade in its entirety. Despite this, Lloyd's book apparently suffered from 'the harsh realities of present-day publishing' and was widely criticised for an absence of figures, tables, a sparse index, and chapters on shipping or the internal wool trade.²⁷ In the later twentieth century, subsequent works have tended to narrow their scope to outline only portions of the wool trade.

Over nearly five decades, John H. Munro examined the wool and cloth industries across Europe through primarily economic methods.²⁸ Munro particularly stressed the importance of the wool trade for the economic development of western Europe, Italy, the Low Countries and England.²⁹ According to Munro, 'wool-based textiles constituted the single most important manufactured commodity to enter both regional and international trade' from the twelfth to the eighteenth centuries.³⁰ Mirroring Munro's career, but differing in focus, Edmund Fryde spent several decades exploring the political and economic implications of the wool trade and particularly the

²² Kaeuper, *Bankers to the Crown*, p. 227.

²³ Harriss, *King, Parliament*, pp. 420–66.

²⁴ Harriss, *King, Parliament*, pp. 420–22.

²⁵ Harriss, *King, Parliament*, pp. 447–49.

²⁶ T. H. Lloyd, *The English Wool Trade in the Middle Ages* (Cambridge: Cambridge University Press, 1977).

²⁷ Lloyd, p. x.

²⁸ Munro's personal website remains online after his death and contains a full list of his publications: <<https://www.economics.utoronto.ca/index.php/index/research/publications?personId=51>>.

²⁹ John H. Munro, 'The Rise, Expansion, and Decline of the Italian Wool-Based Cloth Industries, 1100–1730: A Study in International Competition, Transaction Costs, and Comparative Advantage', *Studies in Medieval and Renaissance History*, 9 (2012), 45–207 (pp. 45–46).

³⁰ Munro, p. 46.

English, Flemish, and Italian merchants who controlled it and its effects on royal finances.³¹ Munro and Fryde, unlike many others in this field, synthesised Anglophone and continental literature and sources on the wool trade. Both were extensively published across Europe, particularly in Italian and Belgian publications. Edwin Hunt, relying heavily on Armando Saporì, the foremost Italian scholar to study the role of Italian merchants in England, produced several works in the 1990s exploring the Italian merchant companies and their role in the wool trade.³² These focused on the Bardi and Peruzzi companies and, secondarily, their interaction with Edward III. Hunt argued that the failure of these companies in the 1330s was not caused by loans to the English crown but primarily by political and economic ructions in Florence.³³ Hunt also suggested that the size of these companies and the loans to Edward III has been over-estimated.³⁴ Mark Ormrod, across a forty year career, building on the earlier works of Wilkinson, Power, and Harriss, examined the political economy of England and the English wool trade in the thirteenth and fourteenth centuries.³⁵ Ormrod, continuing the English tradition, focussed especially on the role of parliament in the negotiation of these novel institutions in the latter half of the fourteenth century.³⁶

³¹ E. B. Fryde, 'The English Farmers of the Customs, 1343-51', *Transactions of the Royal Historical Society*, 9 (1959), 1-17 <<https://doi.org/10.2307/3678803>>; E. B. Fryde, 'The English Farmers of the Customs'; E. B. Fryde, 'The Financial Policies of the Royal Governments and Popular Resistance to Them in France and England, C. 1270-C. 1420', *Revue Belge de Philologie et d'Histoire*, 57.4 (1979), 824-60; E. B. Fryde, 'Dismissal of Robert de Wodehouse from the Office of Treasurer, December 1338', in *Studies in Medieval Trade and Finance*, History Series, v. 13 (London: Hambledon Press, 1983), pp. 74-78; E. B. Fryde, *Studies in Medieval Trade and Finance*, History Series, v. 13 (London: Hambledon Press, 1983); E. B. Fryde, *William de la Pole, Merchant and King's Bunker* (1366) (London: Hambledon Press, 1988).

³² Edwin S. Hunt, 'A New Look at the Dealings of the Bardi and Peruzzi with Edward III', *The Journal of Economic History*, 50.01 (1990), 149-62 <<https://doi.org/10.1017/S0022050700035762>>; Edwin S. Hunt, 'The Great Medieval Merchant-Bankers: A Study of the Peruzzi Company of Florence' (unpublished Doctoral, University of Cincinnati, 1992); Edwin S. Hunt, *The Medieval Super-Companies: A Study of the Peruzzi Company of Florence* (Cambridge: Cambridge University Press, 1994).

³³ Hunt, 'A New Look at the Dealings of the Bardi and Peruzzi with Edward III', p. 161; Hunt, *The Medieval Super-Companies*, p. 245.

³⁴ Hunt, 'A New Look at the Dealings of the Bardi and Peruzzi with Edward III', p. 161; Hunt, *The Medieval Super-Companies*, pp. 245-46.

³⁵ W. M. Ormrod, 'The English Crown and the Customs, 1349-63', *The Economic History Review*, 40.1 (1987), 27 <<https://doi.org/10.2307/2596294>>; W. Mark Ormrod, 'The Crown and the English Economy, 1290-1348.'; W. M. Ormrod, 'Finance and Trade under Richard II.', in *Richard II: The Art of Kingship.*, ed. by Anthony Goodman and James Gillespie (Oxford: Clarendon, 1999), pp. 155-86; W. M. Ormrod, 'The Origins of Tunnage and Poundage: Parliament and the Estate of Merchants in the 14th Century', *Parliamentary History*, 28.2 (2009), 209-27 <<https://doi.org/10.1111/j.1750-0206.2009.00110.x>>; W. Mark Ormrod, 'Parliament, Political Economy and State Formation in Later Medieval England', in *Power and Persuasion: Essays on the Art of State Building in Honour of W.P. Blockmans*, ed. by Peter C.M. Hoppenbrouwers, Antheun Janse, and Robert Stein (Turnhout: Brepols, 2010), pp. 123-39 <<https://doi.org/10.1484/M.STMH-EB.3.2422>>.

³⁶ W. M. Ormrod, 'The English Crown and the Customs, 1349-63'; W. M. Ormrod, 'The Origins of Tunnage and Poundage: Parliament and the Estate of Merchants in the 14th Century'.

More recently, Ignazio Del Punta explored the collapse of the Italian firms which operated in England from the late thirteenth to mid-fourteenth centuries.³⁷ Del Punta ties the emergence of the firms and their relationship with various European polities to speculative bubbles in southern Italy and England.³⁸ In Del Punta's view, the respective monarchies capitalised upon a sustained demographic growth in northern Italy and the Low Countries. This in turn gave rise to demand for English wool and grain from southern Italy.³⁹ Ultimately this led to a symbiotic relationship with northern Italian financiers who had the skills and resources to exploit these particular disseminations of goods and populace.⁴⁰ In both instances the firms exploited the movement of agricultural produce from areas of abundance to areas of paucity. Del Punta follows Kaeuper and stated that these arrangements eventually failed, in the fourteenth century, due to a continental liquidity crisis occasioned by widespread warfare – primarily between England and France.⁴¹ Most recently Adrian Bell, Paul Dryburgh, and Chris Brooks have produced a series of works on the role of advanced contracts in the sale of English wool from the mid-thirteenth century up to the beginning of Edward III's reign, and found a surprising level of financial sophistication.⁴² These studies have primarily addressed economic or political concerns as they relate to the wool trade and generally only addressed corruption tangentially. Often this focuses on the extent to which surviving records can be relied upon due to the suspicion that corrupt acts might alter or undermine their utility. Furthermore, they generally only view corruption very narrowly as the misbehaviour of royal officials. In contrast, this case study reframes the breaching of prior agreements as acts of corruption. This also includes some forms of smuggling when carried out by agents of the crown or their associates.

3.3 ENGLISH ROYAL WOOL SCHEMES (C. 1275-1353)

3.3.1 English Wool Exports (c. 1275-1350)

Before outlining the various wool schemes that form the focus of this case study it is worth outlining how the export arrangements emerged and developed. The origins of the wool trade prior

³⁷ Ignazio Del Punta, 'Italian Firms in Late Medieval England', in *Anglo-Italian Cultural Relations in the Later Middle Ages*, ed. by Michele Campopiano and Helen Fulton (Suffolk: York Medieval Press, 2018), pp. 67–86.

³⁸ Del Punta, p. 85.

³⁹ Del Punta, pp. 84–85.

⁴⁰ Del Punta, p. 85.

⁴¹ Del Punta, p. 86.

⁴² Adrian R. Bell, Chris Brooks, and Paul Dryburgh, *The English Wool Market, c. 1230-1327* (Cambridge: Cambridge University Press, 2007); Chris Brooks, Paul Dryburgh, and Adrian R. Bell, "Leger Est Aprendre Mes Fort Est Arendre": Wool, Debt and the Dispersal of Pipewell Abbey (1280-1330)', *Journal of Medieval History*, 32.3 (2006), 187–211 <<https://doi.org/10.1016/j.jmedhist.2006.07.001>>; Adrian R. Bell, Chris Brooks, and Paul Dryburgh, 'Modern Finance in the Middle Ages? Advance Contracts with Cistercian Abbeys for the Supply of Wool c. 1270-1330: A Summary of Findings', *Cîteaux: Commentarii Cistercienses. Revue d'histoire Cistercienne / A Journal of Historical Studies*, 55.3–4 (2004), 339–43.

to the twelfth century are murky. From that point on however, it is clear that English wool was sought after on the continent and especially in the Low Countries.⁴³ A cloth making industry had developed there due to a population boom, adequate supplies of wool, fullers earth, and plants for dye-making.⁴⁴ The presence of moderate wool produce allowed the industry to emerge, but imported wool was required to feed the growing market for Flemish cloth. Initially merchants from Flanders were the primary importers of wool from England before they were supplanted in the late thirteenth and early fourteenth centuries by the Italian merchant companies. They took on the role of exporting wool to Italy and Flanders and became the primary creditors of the English crown.⁴⁵ The Italians themselves were replaced by English merchant companies who took advantage of Italian difficulties from the late 1330s.⁴⁶ The wool arrived in the hands of these exporters from wool producers both large and small. Most wool was purchased on credit and the seller was repaid once the wool had been sold abroad. The larger wool producers, from lay or clerical estates, dominated the early years of the trade up to c. 1327 and tended to sell their wool via wholesale advanced contracts.⁴⁷ These contracts usually ran two or three years in advance and sometimes up to fifteen or twenty years.⁴⁸ Italian merchants had ready access to liquid capital as a result of their position as tax collectors for the papacy in England.⁴⁹ This ready cash would have been extremely tempting for the wool growers who were typically cash strapped but product rich. Power argues that they leveraged this privileged position to purchase wool at favourable prices and transport the profits of the ecclesiastical tax back to Italy in the form of wool.⁵⁰ Later the organisation and rich capital position of the Italian merchant companies allowed them to advance large sums to the English crown in exchange for privileges such as the control of wool exports or the farm of lay subsidies with which they could recoup their loans. While the large producers were prominent, there were also numerous small farmers who sold their wool. Typically, this was collected by the large producers, sold on to the merchants, and often included in the advanced contracts.⁵¹ Wool gathered and sold in this way was known as *collecta*. Small producers might also sell their wool at fairs or markets, to middlemen who then dealt with exporters, or by agents directly employed by the exporters.⁵² Over the fourteenth century the bulk of wool growing transitioned from large producers towards smaller

⁴³ Power, pp. 15, 41.

⁴⁴ Power, p. 9.

⁴⁵ Power, p. 15.

⁴⁶ Hunt, 'A New Look at the Dealings of the Bardi and Peruzzi with Edward III'.

⁴⁷ Bell, Brooks, and Dryburgh, *English Wool Market*, p. 146.

⁴⁸ Power, pp. 41–43.

⁴⁹ Power, p. 54.

⁵⁰ Power, p. 54.

⁵¹ Power, p. 44; Bell, Brooks, and Dryburgh, *English Wool Market*, pp. 24–25.

⁵² Power, p. 44.

dispersed growers who rented their lands from religious orders or lay landholders.⁵³ The Riccardi, Frescobaldi, Bardi, and Peruzzi companies dominated English royal finance from the late thirteenth century to the third decade of the fourteenth. After this period Italian exporters were only able to export directly to the Italian peninsula. From the 1330s, after the failure of the Italian firms and the decline of large producers, the small producers often dealt with English middlemen.⁵⁴ They were likely always a factor in the trade but came to the fore in the latter half of the fourteenth century. It seems that the Italian merchant groupings seeded many practices in England which were mimicked by English merchants and elaborated on, most especially in the 1330s and 40s.

Throughout the middle and latter half of the fourteenth century, exploitation of the wool trade relied on balancing various interest groups – the crown, the growers, and the merchants. Each was integral. The merchants had extensive contacts, capital reserves, and the accounting sophistication to buy and sell on credit. The growers held the raw material and could choose how and when to sell. The crown could, under certain circumstances, specify how and when sales were made and enforce controls of the export which could manipulate the market and extract revenues through customs. In the case of the first English wool company of 1336-37, the crown and leading merchants agreed a scheme which ultimately placed powerful merchants in an overly dominant position. This had fatal consequences for Edward's financial plans in the late 1330s. Edmund Fryde, the scholar who has covered the early phases of the control of the wool trade by the English crown in most depth, described the wool scheme as 'ingenious'.⁵⁵ Fryde lays the primary blame for the collapse of this scheme on a number of factors but primarily the 'miscalculations, errors of judgement and the short-sighted selfishness of the merchants and of some of the king's leading agents' and 'much too grandiose' ambitions of Edward III and his advisors.⁵⁶ The failure of this otherwise 'well thought-out and coherent scheme' was the primary cause for the collapse of Edward III's campaign on the continent.⁵⁷ A similar successful scheme was later used from 1343 to fund the campaigns which resulted in the victory at Crécy in 1346 and the seizure of Calais almost a year later in 1347.⁵⁸ However, it is the contention of this section that the collapse of this scheme ultimately rested on mistrust between the participants, which was born out of divergent expectations and cultures. This factor was the principal point of failure for the collapse and subsequent political crisis of 1341, and was driven by the diverse backgrounds of the various groups on which the wool scheme was founded. In essence the fundamental lack of a shared understanding

⁵³ Power, p. 40.

⁵⁴ Power, pp. 46–47.

⁵⁵ E. B. Fryde, *William de la Pole*, p. 56.

⁵⁶ E. B. Fryde, *William de la Pole*, pp. 54, 56.

⁵⁷ E. B. Fryde, *William de la Pole*, p. 56.

⁵⁸ E. B. Fryde, *William de la Pole*, pp. 56–57.

of the various priorities of other groups and the flouting of agreements led to the cessation of this shared endeavour. These various transgressions, by the crown or its agents, were thus a primary trigger in the political crisis of 1341.

3.3.2 The First English Wool Company 1336-37

In the view of most scholars from Power onward, the most important interest groups were represented by merchant middlemen, wool growers – great or small – the crown, and the eventual buyers on the continent. From the late thirteenth century to the 1330s, Italian financiers had been able to loan vast sums to the crown, usually in exchange for the right to receive the revenues of the customs until the debt was satisfied. The decline of the Italian bankers, for the reasons outlined, created a vacuum which allowed William de la Pole and a surrounding cadre of English merchants to emerge as the premier financers of the crown.⁵⁹ From the mid-1330s the Bardi and Peruzzi companies were no longer able to sustain substantial loans to the crown. In their place Pole was able to secure huge loans to the crown by corralling lesser merchants, and German financiers, to group their funds in exchange for access to royal grants in the control of the wool export trade.⁶⁰ Pole led the creation of the English wool company in 1336. Under this scheme, all exports of wool were banned from the 12th of August 1336.⁶¹ This was intended to create a crisis in the Low Countries to isolate the count of Flanders and force him to join with the English crown against France.⁶² The export ban created ‘hardship’, ‘crisis’, and ‘utter chaos’ in Flanders and led eventually to the exile of the count and the establishment of a new political regime.⁶³ The diplomatic consequences of the export ban were a central facet but the scheme was also intended to raise funds for the forthcoming conflict with the French. Thus, the wool scheme, in both of its principal aims, was a direct outcome of the beginning phases of the Hundred Years’ War. This scheme excluded continental merchants, English wool growers, the smaller English merchants and middlemen. The omission of any concessions for these two latter groups was the main weakness in the first English wool company.

Like direct taxation, sums raised on the wool trade were expected to be approved by common consent of those who would pay. For this particular scheme the assent was made via three merchant assemblies rather than parliament. The first such assembly, which may not have taken place, was summoned to meet in at Oxford in May of 1336 and comprised eighty-eight merchants

⁵⁹ E. B. Fryde, *William de la Pole*, p. 48; Hunt, ‘A New Look at the Dealings of the Bardi and Peruzzi with Edward III’; Hunt, *The Medieval Super-Companies*.

⁶⁰ E. B. Fryde, *William de la Pole*, p. 54.

⁶¹ E. B. Fryde, *William de la Pole*, p. 58.

⁶² David Nicholas, *The Metamorphosis of a Medieval City: Ghent in the Age of the Arteveledes, 1302 - 1390* (Leiden: Brill, 1987), p. 3.

⁶³ David M. Nicholas, ‘Town and Countryside: Social and Economic Tensions in Fourteenth-Century Flanders’, *Comparative Studies in Society and History*, 10.4 (1968), 458–85 (pp. 477–78, n.78) <<https://doi.org/10.1017/S0010417500005041>>.

from the major cities of the realm.⁶⁴ The day after the scheduled meeting the sheriff of York was instructed to issue a proclamation forbidding rumours that the king was going to place a subsidy of 20 shillings on wool exports and that anyone spreading such rumours was to be imprisoned and have their names sent to the council.⁶⁵ This is an indication of the importance of the scheme to the crown and the risks of rumour in manipulating markets. A further assembly was called to meet at Northampton in June with just over 100 individual merchants summoned by name, and it seems likely that at this meeting an embargo on wool exports was agreed.⁶⁶ The third and final assembly, of just forty-one merchants, took place at Nottingham alongside a parliament from the 23rd of September 1336.⁶⁷ Fifteen of these forty-one merchants were among the founders of the English wool company.⁶⁸ At this Nottingham meeting the merchants agreed an export rate of 20 shillings per sack and a schedule of minimum prices. Fryde concluded that these were set to appease the merchants and they certainly had scope for significant profits.⁶⁹ This was the case especially for the best quality Shropshire and Lincolnshire wool which was later upgraded, in a successor scheme, by 4 marks per sack.⁷⁰ The price of Shropshire wool was set at £7 per sack in 1336 but its price in 1338 was reckoned at £13 6s 8d.⁷¹ This represented around 10% of the wool shipped by the wool company and it seems that by manipulating the prices they made considerable profits per sack.⁷²

The wool company agreed to export 30,000 sacks of wool on behalf of the king and to advance huge loans out of the sale of this wool. The sacks were to be exported to Dordrecht where they were expected to be sold at inflated prices due to the ban on exports.⁷³ In exchange for export privileges, the merchants of the company loaned the king £200,000 interest free which was distinct from the profits on the wool and would be delivered to the crown after each shipment was made.⁷⁴ The first payment was due by Christmas, the second by Easter, and the third by Ascension (26th May 1338).⁷⁵ The merchants were given future revenues from the customs and exempted from customs duties on exports until their loans were repaid. The customs for all other wool exporters were increased from 6 shillings 8 pence to 20s per sack.⁷⁶ The merchants of the wool company were

⁶⁴ George Unwin, 'The Estate of Merchants, 1336-1365', in *Finance and Trade under Edward III*, ed. by George Unwin (London: Frank Cass, 1962), pp. 179-255 (p. 183).

⁶⁵ Unwin, p. 183; E. B. Fryde, *William de la Pole*, p. 59.

⁶⁶ E. B. Fryde, *William de la Pole*, p. 58; Unwin, pp. 183-84.

⁶⁷ E. B. Fryde, *William de la Pole*, p. 59; Unwin, pp. 184-85.

⁶⁸ Unwin, p. 185.

⁶⁹ E. B. Fryde, *William de la Pole*, pp. 60-61.

⁷⁰ E. B. Fryde, *William de la Pole*, p. 61.

⁷¹ E. B. Fryde, *William de la Pole*, p. 61.

⁷² E. B. Fryde, *William de la Pole*, p. 61.

⁷³ Lloyd, p. 147; Harriss, *King, Parliament*, p. 436.

⁷⁴ Harriss, *King, Parliament*, p. 436.

⁷⁵ E. B. Fryde, *William de la Pole*, p. 67.

⁷⁶ E. B. Fryde, *William de la Pole*, p. 57.

to keep the customs revenues and exemptions until they had recouped the money loaned to the king. The rise in customs would normally have been heavily protested but all concerned expected huge profits due to the export ban. Fryde estimated that this wool sold on the continent would achieve a profit of roughly £2 per sack. If all sacks were exported, the king and merchants stood to gain a profit of £60,000 between them.⁷⁷ This was equivalent to the national yield for one year of lay subsidies. Once satisfied of their debt, the merchants were to repay the flock owners or middlemen who had sold their wool on credit. Harriss, building on Unwin, saw this type of purchase as a cause for complaint which only began in 1337. However, credit purchase was normal in the wool trade and growers were not usually repaid until the goods had been sold on the continent.⁷⁸ The surviving bonds issued by the wool company state that half payment will be repaid within six months and the rest a year later, as had been fairly standard since the thirteenth century.⁷⁹ The more likely source of complaint emerged as bonds became effectively worthless following the collapse of the scheme.

The scheme and timetable, as noted by Fryde, should have allowed all groups to benefit in ways which were impossible without a great communal effort. The price of wool was artificially inflated by the embargo which might in theory benefit the growers. The merchants also stood to benefit from this price hike. The favourable fixed prices, which further inflated the merchants' profits, likely harmed the growers. The monarch was able to gain sums in advance to fund his continental ambitions through the merchants who best knew the ways to wring profit from the export of wool.

3.3.3 Why did the First English Wool Company collapse?

Fryde gives several reasons for the failure of the scheme. Firstly, the 'mental gap' between the merchants and the king's envoys in the Low Countries which caused the break with the merchants.⁸⁰ Secondly, the delay of the merchants in shipping the wool. Finally, distrust between the merchants. The following will explore each of these proposed factors.

The underlying theme of this breakdown is the mistrust occasioned by the breaking of prior agreements. This is essentially a result of diverse outlooks and priorities which were the result of distinct expectations. The first major break came as a result of disagreements between the merchants and the crown's envoys in the Low Countries who were headed by the bishop of Lincoln, Henry Burghersh. This group had been responsible for negotiating the continental alliances. They had not been involved in the planning of the wool scheme which was primarily the responsibility of the

⁷⁷ E. B. Fryde, 'Edward III's Wool Monopoly, 1337: A Fourteenth-Century Royal Trading Venture', in *Studies in Medieval Trade and Finance* (London: Hamledon Press, 1983), pp. vi, 8–24 (p. 13).

⁷⁸ Harriss, *King, Parliament*, p. 438.

⁷⁹ Power, p. 15; Bell, Brooks, and Dryburgh, *English Wool Market*, pp. 11–71.

⁸⁰ E. B. Fryde, *William de la Pole*, p. 78.

home council headed by Stratford. Burghersh was from a noble family, was university educated over fifteen years, and owed his appointment as bishop to his career in royal administration.⁸¹ Burghersh's fellow envoys were predominantly men with a background in military affairs.⁸² Prior to the first shipment, this group renegotiated a supplementary agreement with the merchants, probably under duress of some kind, which gave the envoys the power to dispose of the wool from the first shipment as they wished. The new agreement even specified that the envoys could even throw the wool into the Thames, if they wished.⁸³ Fryde suspects that the envoys undertook this measure as a result of exasperation with the delays of the merchants in shipping the wool and a suspicion that they were engaged in smuggling.⁸⁴

The king provided over 100 ships and 2,000 sailors to transport the wool, and the delays must have cost Edward considerable sums.⁸⁵ The crown, needing revenue more quickly than the merchants could provide, also began to give exemptions to the Bardi and Peruzzi merchant companies in exchange for loans. This enraged the merchants and undermined the embargo.⁸⁶ As a result of their frustrations, the envoys, on the arrival of the first delayed shipment, enacted their agreement and seized the wool from the merchants. A consideration may have been that they could seize potentially uncustomed wool in the shipment before the merchants could dispose of it.⁸⁷ This impasse appears to have come about due to the delays of shipping, the suspicions of smuggling, and the drawing up of the supplementary agreement. The merchants had expected to be able to sell in the manner which brought the most profit, but the embargo had failed to prise the loyalty of the count of Flanders from the French crown. Therefore, sales to this region were banned as they would strengthen the king's enemies. It is clear that both sides felt aggrieved by what they perceived as breaches of the agreement. The merchants saw the unilateral rewriting of the agreement, the inability to sell where they wished, and the exemptions granted to the Italians as breaking the compact. The envoys and the king regarded the delays and suspected smuggling as justifying their actions. Ultimately the seizure at Dordrecht ended the cooperation between the group of merchants which formed the wool company and the crown.⁸⁸ These steps, which transgressed the initial agreement, allowed each party to feel vindicated when they acted contrary to the interests of

⁸¹ Henry Burghersh, *The Registers of Bishop Henry Burghersh, 1320-1342: I*, ed. by N. H. Bennett, The Publications of the Lincoln Record Society, v. 87, 90, 101, 3 vols (Woodbridge: Boydell Press, 1999), I, pp. xi-xii.

⁸² E. B. Fryde, *William de la Pole*, p. 79.

⁸³ E. B. Fryde, *William de la Pole*, p. 71; Lloyd, p. 148.

⁸⁴ E. B. Fryde, *William de la Pole*, pp. 65, 78.

⁸⁵ E. B. Fryde, *William de la Pole*, pp. 73-74.

⁸⁶ E. B. Fryde, *William de la Pole*, pp. 71-73.

⁸⁷ E. B. Fryde, *William de la Pole*, p. 78; Lloyd, pp. 147-49.

⁸⁸ Harriss, *King, Parliament*, p. 238.

their partners. This was the final rupture which caused the failure of the wool scheme and it is worth considering, in detail, the reasons for the collapse.

3.3.3.1 Wool Purveyance and non-cooperation

A central cause for delay was due to the slowness at which the wool was acquired by the purveyors. The granting of powers of compulsory purchase is an indication that there was a suspicion that the growers of wool might not be keen to part with their produce at terms which were so favourable to the merchants and the monarch. Prior to the collapse of the company, the wool collectors aroused significant hostility. This was the result of various high-handed actions which were a cause of complaint. These are reflected most obviously in the records of the Lincolnshire trial of 1340-41. Lincolnshire appears to have been the centre of a feeding frenzy due to the favourable prices as a result of the fixed purchase price, the high quality of Lincolnshire wool, and the export ban. Unfortunately, there is no equivalent trial of the collectors in Shropshire which also had similarly favourable factors. Perhaps this is a result of the suspected smuggling, which was more pronounced in Lincolnshire due to the extensive coastline and consequent easy transport to Flanders. Lincolnshire was also part of the power base of William de la Pole, Roger Woolsthorpe, and Henry Tideswell who were all integral figures in the first wool company. Perhaps the trial was retribution against these individuals and their followers. Some allegations may not have transgressed any formally agreed behaviour but still clearly engendered upset as a result of the sudden imposition of unfavourable selling terms on the growers, and the exclusion of the middlemen who facilitated the export trade.

In the Lincolnshire investigation alone, there are fifty-three complaints against wool purveyors about events prior to the Dordrecht seizure in late 1337.⁸⁹ Forty-eight of these involve offences committed directly by Henry Tideswell, a close associate of Pole and founder of the wool company. The earliest allegation, in August 1336, states that Henry forced a Robert Quarrell, 'by colour of a certain royal commission' and 'malicious threats', to return a bond for recently sold wool, so that Tideswell could seize it.⁹⁰ Tideswell sold the wool to the king, presumably at Dordrecht, in the name of the complainant for £300 and obtained a bond of £200, half of which Henry redeemed for himself.⁹¹ Henry was keen to minimise exports in his name while still profiting from them. A key facet of the first wool scheme was the loans made by the wool company to the king which was repaid, in part, through remitted customs. Henry's behaviour was likely an attempt

⁸⁹ TNA, JUST 1/521, m. 12, 15d, 18d.

⁹⁰ TNA, JUST 1/521, m. 15d: ['colore cuiustam Commissionis per domini Rege [...] Et stipendum suum quod habuit de praedicto Walteri pro lanis praedictis per minas suas maliciose fecerunt praefato Waltero reddere'].

⁹¹ TNA, JUST 1/521, m. 15d: ['quas quidem lanas vendiderunt magis CCC. libras et postea tulerunt dicto Roberti Quarrell quoddam stipendio sub nomine dicti domini Regis de CC. libras'].

to obscure the true level of his exports by placing them in Quarrel's name. This would pass the cost of duty to the 'seller' and so would not reduce the king's liabilities toward Henry. In thirty-eight of the forty-eight charges prior to the collapse of the company Henry was explicitly stated to have 'extorted' wool, either by directly seizing excess wool in excess of the usual weight, or for other services.⁹² Eleven allegations explicitly state that Henry and his co-collectors undervalued their wool and later sold it for a higher price at Dordrecht to the 'scandal' and 'great deception and injury' of the king.⁹³ Collectors in Cirencester and twenty-one collectors or deputy collectors, including Henry Tideswell, in Lincolnshire were accused of taking bribes not to seize three of the six sacks of wool 'that they should take'.⁹⁴ The records of the investigations in Lincolnshire used a variety of terms to describe these acts. Perhaps some of this was due to the differences in scribal practice, but as they all occur within the same trial there is some scope to consider that the variety of language is reflective of the diverse ways in which the acts were viewed by the clerks, juries, or justices.

In October 1337, William Myners, a royal minister, royal serjeant at arms, and leader of a retinue in the king's war overseas, 'extorted' 20 shillings from Ralph de Ockele and the same Austin Attewode also at Grimsby not to seize their wool for the 'benefit of the king'.⁹⁵ The use of extortion ['extortio'] implies some threat or violence which is perhaps unsurprising given Myner's career. There is one other instance of extortion to not seize wool in August 1337. Richard Bolnehurst and Henry, the chamberlain of Adam de Limber, a baron of the exchequer, 'took 40 pence by extortion' from three victims in Ingoldsby to 'not take their wool'.⁹⁶ John Ingram took bribes not to take wool 'so that the king was not served'.⁹⁷ In August 1336, Ingram supposedly concealed [concelamento] the

⁹² For example: TNA JUST 1/521, m. 12: 'And [took] of the vills of Howell and Asgarby two stones above the [usual] weight of 14 stones [per stone] by extortion on the aforesaid day and year and 2 shillings for the weighing said wool and 14 pence for acquittance' ['Et de villata de Howell et Asgarby duas petras ultra pondus xijij librarum per extortio die et anno praedictis et ij s pro ponderationem dicte lane et pro acquietancia xij.d'].

⁹³ TNA JUST 1/521, m. 16, ['in scandalum domini regis quia dominus Rex concessit cuilibet mercatori veram valorem venditoris lane sue apud Durdraght venditum'], m. 18d ['in magna deceptionem et deteriorationem domini regis'].

⁹⁴ TNA, JUST 1/521, mm. 3d, 9, 10, 10d, 11d, 12, 12d, 13, 13d, 18d, 19: ['Johannes de Coryngham et Robertus de Barkeworth ceperunt [...] xijij s iiiij d pro eo quod deberent capere nisi tres saccos lanarum de vj saccis'; E. B. Fryde, *William de la Pole*, p. 68.

⁹⁵ CCR 1341-43, p. 85; CPR 1340-43, p. 80; TNA JUST 1/521, m. 19: ['Et quod Willelmus Myners minister domini Regis venit apud Grimesby ad arestandi lanas ad opus domini regis ... et ibi cepit xx s. per extortio De Augustinis Attewode et Ralph do Ockele ad faciend deliberationem lanarum suarum quas attachiasse ad opus domini regis'].

⁹⁶ TNA JUST 1/521, m. 3d: ['Et quod Ricardus de Bolneshurst et Henricus Camerar Ade de Lymbergh [...] cepereunt per extorsionis de Ricardo fil Radulphi de Ingoldesby et Johanne filius Gilberti de ead Et de Willelmo de Poynton de ead ut non caperent lanas suas xl.d'].

⁹⁷ TNA, JUST 1/521, m. 19: ['sic quod dominus Rex non sunt servitus'].

abbot of Grimsby's wool for a bribe of 20 shillings and a further 20 shillings from Austin Attewode 'by the same deceit' [eadem de lusa].⁹⁸

In seventeen cases complainants were charged for acquittance and fourteen were paid for 'entry' – presumably to the customs house. Thirty allegations claimed that the collectors 'falsely and maliciously' weighed wool in their own favour.⁹⁹ For example the vill of Iwardeby (Ewerby) claimed that the collectors '[took] five stone three pounds of wool above the weight of 14lbs [per stone] and 4 pence for entry and 10 pence for acquittance'.¹⁰⁰ Likewise, the same collectors also took 'two shillings for weighing' from the vill of Howell.¹⁰¹ There are several possibilities for the claims that excess wool was extorted. Firstly, the most obvious implication is that the collectors weighed the wool and subsequently took extra wool above the usual 14 pounds per stone. The excess was not recorded presumably until sale. It is also possible that the unrecorded excess was smuggled prior to sale to the crown. Secondly, it is conceivable that a process similar to the collections of lay subsidies was at work. Perhaps the collectors tilted the scales in their favour as a means of counteracting variances in wool quality. The variety in the amounts of wool said to be in excess suggests it was not a standardised process however. Finally, and most simply, maybe the complainants did not have as much wool in each sack as they expected, and such a discrepancy was only flagged up when it was eventually weighed by the collectors. Regardless, it demonstrates that, unsurprisingly, there was a disconnect between the expected practice of wool buyers and the behaviour of the collectors.

These practices did not dissipate after the collapse of the wool company in late 1337. One general allegation against the collectors in 1338 sums up the mode of collection which growers and merchants so objected against:

Gilbert Ledred, Sheriffs of Lincolnshire, Henry Tidesewll, Roger le Wright of Grantham along with Herbert Gresseby, who is outlawed, were wool collectors in Lincolnshire [...] and falsely took and weighed wool for their own profit to the grave damage of the populace. And for each stone taken they kept one lb of wool and more. They also took for each sack four stones and more and took fleeces and 6 pence for each acquittance. And their servants were the door keepers and took silver from the vills before they could enter the door and also took of vills great

⁹⁸ TNA, JUST 1/521, m. 19: ['cepit de Abbas de Grimesby pro concelamento eisdem lanarum suarum xx s. et de Augustinio Attewode xx s. eadem de lusa'].

⁹⁹ TNA, JUST 1/521, mm. 5, 10d, 15, 17d. Quote from m. 5: ['falso et maliciose cepit et ponderavit lanas'].

¹⁰⁰ TNA JUST 1/521, m. 12: ['Et villata de Iwardeby die et anno supradictis quinque petras duas libras lane et ultra pondus xiii librarum et ingressum habendo ad portam iiijd et pro acquietancia x.d'].

¹⁰¹ TNA JUST 1/521, m. 12: ['ij s pro ponderationem'].

*sums for carriage of the said wool to the great damage and impoverishment of the people to the sum of £100.*¹⁰²

This list of complaints does not vary greatly from the allegations against collectors prior to 1338. The major difference is one of volume. In the Lincolnshire trial, 124 of 153 dated complaints against wool collectors occurred in 1338 or later, after the collapse of the wool scheme.¹⁰³ In Hampshire the sheriff was ordered in October 1337 to assist with the collection, as some were hiding their wool or resisting the collection through force of arms. They were to be arrested as rebels if captured.¹⁰⁴ This was mirrored in Lincolnshire, and across the country, as from 1338 sheriffs and experienced purveyors began assisting the collection, causing even further complaints. Proclamations were made in all counties instructing holders of wool to bring their produce for collection.¹⁰⁵ Only five complaints occur after October 1338. Purveyors were well used to forcing reticent subjects to part with their property, and by using such men the crown probably exacerbated complaint.

Thomas Boteler, a wool collector, sheriff's clerk, and deputy of the marshal of the king's household, was twice described as having taken bribes with 'deception and in treachery of the king'.¹⁰⁶ Boteler acted as a collector after the fall of the wool company and was likely experienced in purveyance due to his connections to the shrieval office. Boteler alongside former sheriff, taxer, and wool collector John Trehampton, John Corringham, a deputy of Trehampton's, and Robert Panel attached large quantities of wool for the king. He, in concert with the others or alone, took bribes to relax [relaxare], release [remissio], or dismiss [dimittere] the attachments.¹⁰⁷ This presumably involved the collectors going through the correct assessment of the wool but remitting the collections in exchange for bribes. Purveyors were often accused of using similar methods. Most charges lack a mention of overt threat, but the alleged actions imply a level of menace. Indeed, it seems that Boteler used his position as a wool collector to victimise one Robert de Bury. Boteler

¹⁰² TNA JUST 1/521, m. 15: ['Gilbertus de Ledered vicecomites Lincolensis, Henricus de Tyddeswell, Rogerus le Wright de Grantham simul Herbertus de Gresseby, qui utlagatus, est captores et collectors lanarum domini Regis in comitatus Lincolnensis false ceperunt et ponderaverunt praedicta lana ad propositum suum ipsum ad grave dampnum populi et videlicet ad qualibet petram ultra retum pondus una libra et plus. Et absque hoc ad qualibet saccum iij petras lane et plus et vellus caricatis et ad qualibet acquietancia vj d. Et garcones sui fuerunt custodes hostiorum [hostium] ceperunt de villatis argentim anteporta possent intrare et etiam ceperunt de villatis magnam sumam argenti pro carationem dicte lane ad dampnum et depauperationem populi ad sumam C libras'].

¹⁰³ In an indication of the problematic nature of quantitative assessment of such records one allegation against Roger Woolsthorpe contains over 70 victims with only a single year given.

¹⁰⁴ CCR 1337-39, p. 271.

¹⁰⁵ CCR 1337-39, p. 282.

¹⁰⁶ TNA, JUST 1/521, m. 18d: ['in deceptionem et proditum domini regis'].

¹⁰⁷ TNA, JUST 1/521, m. 13: ['per uno sacco lane ipsius Roberti invento sibi relaxando ceperunt de eodem Roberto xls. sterling', 'venit et per remissione dicte lanarum faciend cepit de praedicto Ricardo xl.s. sterling'], m. 18d: ['cepit de praedicto Roberto xl s. ut dimittere attachiamentum praedicta lane', 'cepit de praedicto Ricardi xls argenti apud Lincoln [...] ut dimittere attachiamentum praedictum', 'ceperunt de Thom Leve de Lincoln unum sccaum et quattor petr lanes ... et xl.d ad relaxando ei residuum lane sue'].

took bribes from Robert on five separate occasions in 1338 either to not take wool or, on one occasion, to return already seized wool.¹⁰⁸ This is perhaps a symptom of a local feud. A Robert Biry of Lincoln was named as a cobbler who apparently 'maintained' a gang of eighteen men in 1340. This included two other cobblers and a series of relatives of undersheriff Thomas Carlton. They gathered with arms, attacked a fair causing 'great uproar', and assaulted at least two people. Carlton, discussed in Chapter One, led his own gang in Lincoln, probably in September of 1338, and expelled the mayor.¹⁰⁹ This gang, and the unnamed 'many others' also included four individuals from the group under Robert Biry, so perhaps there were local divisions which arrayed Biry on one side and Boteler, and Trehampton, on the other.¹¹⁰ However, Boteler was accused eighteen times of various offences relating to wool and, on two of the five times he victimised Biry, he also took bribes from other individuals on the same day and in the same area.¹¹¹ The accusations might therefore simply reflect that Biry held large amounts of wool as a buyer at different points of the year and was therefore a plump target for Boteler. The complaints against Boteler are large for a single individual collector but still indicative of other similar complaints against numerous wool collectors. Indeed, he is far from the most egregious collector named in the Lincolnshire trial records.

The complaints against wool officials fall into two categories, ones which clearly transgressed the correct behaviour of the wool collectors and broke the agreement which the wool company was founded on. The first include the arbitrary seizure of wool without payment or bond, bribes for non-seizure, and not submitting wool to the king and presumably smuggling the concealed wool. On the other side sit allegations which sit in the 'shadowy borderlands' which Willard sketched in the collection of lay subsidies. Such activities include fees for entry and exit to the customs house, for weighing, acquittance, delivery, and allegedly manipulating weights in their favour. These might all be presented as legitimate fees for services of unremunerated officials. This argument falls flat in two respects however. Prior to the collapse of the wool company these officials were expected to gain recompense through the profit on exported wool which exceeded £2 per sack. Additionally, the fees were frequently complained of, which suggests that those who paid them did not see them as the costs of doing business. This might stem from several factors. These complaints arise exclusively from communities rather than individual complainants. It seems likely that the majority of individuals who complained were holders of relatively significant amounts of wool as either growers or traders. The vills, however, were mostly served by middlemen who collected wool from these communities,

¹⁰⁸ TNA JUST 1/521, mm. 10d, 13, 15d, 16, 18, 18d, 23.

¹⁰⁹ TNA JUST 1/521, m. 13, no regnal year is given but allegations that precede and follow both relate to events in 1338.

¹¹⁰ TNA JUST 1/521, m. 13: ['plures alii'].

¹¹¹ TNA JUST 1/521, mm. 13, 16: on membrane 13 it explicitly states it was in the same parish of Lincoln while the accusations on membrane 16 only state that it was on the same day in Lincoln.

conveyed it to the port, and exported it or sold it on to exporters. Equally many of the allegations, from geographically diverse vills, occurred on the same day, suggesting that it occurred at a central location, perhaps the customs house at Lincoln or another port. It is likely that the communities were unused to sending or conveying their wool to the port or central location in this way and usually sold the wool more locally. Sale of wool at the ports would have involved weighing the wool, entry to the customs house, and carriage to ships. Each stage was likely to have required customary fees for doormen, porters, customs officials, and clerks. Presumably these fees were taken into account by these middlemen, who specialised in purchasing and transporting wool in this manner. Thus, from the perspective of the communities, the wool was purchased with a single bond that already accounted for such transaction costs. The sellers were thus doubly harmed due to the low fixed price and the imposition of unexpected fees. If the case presented is accurate then the complaints over the fees represented a disconnect in the expectations of the two groups. The collectors were headed by experienced exporters who were well used to paying such fees or, better yet, passing them on to others, but they were perhaps less experienced at buying outside the major ports. One of the fundamental themes thrown up by any allegation of corruption highlights a fracture between two opposing ideas of correct behaviour within a polity. Perhaps the exchequer and crown also viewed these fees as legitimate and acceptable. However, they likely gave the courts a pretext for levying fines on collectors regardless of the correctness of their behaviour.

Whether or not the allegations were accepted as legitimate, the change in the functioning of the market was a cause for complaint. Firstly, from the growers who lost any chance of a profit as they were restricted in who they could sell to, and were compelled to sell by purveyors who were not above abusing their position for their own financial gain.¹¹² Harriss considered that evasion of levies through concealment, resistance, and smuggling undermined each wool scheme and at times was the primary cause of their failure.¹¹³ In October 1338 proclamations calling for complainants against 'the takers of the wool' to attend the exchequer on the day after the feast of St Andrew.¹¹⁴ The impracticalities of such attendance for at least some individuals probably inhibited the level of complaint and was one justification for the local itinerant investigations of 1340-41. The merchants' refusal at Dordrecht stemmed from resentment at the restriction of the market to which they could sell. This, of course, was precisely the same bind which the scheme placed the growers in. The intransigence of the wool growers is therefore very easy to understand and goes some way to explaining the delays in gathering wool in the late 1330s and early 1340s. The need for compulsion, the high-handed actions of the collectors, and the reduction of any profits created a hostile

¹¹² Harriss, *King, Parliament*, p. 439.

¹¹³ Harriss, *King, Parliament*, pp. 438-39.

¹¹⁴ CCR 1337-39, p. 270.

atmosphere. This probably increased resistance to the collections and was one of the two central causes of the delays from 1336 onward. Evasion and non-cooperation undoubtedly contributed to the collapse of later similar schemes.

3.3.3.2 Smuggling

The second principal point of failure of the collaboration was the extensive smuggling carried out by members of the wool company and likely those excluded from the association. The formation of the early wool schemes from 1336 to 1349 excluded most merchants. The export ban restricted the market to only a few privileged individuals and artificial scarcity. Such an approach was bound to incentivise smuggling. Most of the discovered smuggling was carried out by members of the first wool company who were already benefitting from better trading terms than the majority of merchants. Studies of the wool trade have sought to discuss the role of smuggling in abstract terms. It has been approached with difficulty because the activity which is under discussion was at best hidden and at worst actively warped the very records on which historians rely. This difficulty can be seen in Eleanor Carus-Wilson and Olive Coleman's introduction to England's Export Trade 1275-1547 which compiles statistics drawn from the surviving customs records.¹¹⁵ This is a highly respected and often cited source for the study of the wool and cloth trade in the medieval period. The authors of this study devote nearly one-third of the introduction refuting the idea that their figures might be undermined by smuggling.¹¹⁶ This echoes the debate on the reliability of the records of lay subsidies, which were discussed in the previous chapter. Like Stuart Jenks' article, the authors sought to bolster the reliability of a series of financial records so that they can be exploited as guides to the economic health of medieval England. Steve Rigby disputed the downplaying of smuggling by Carus-Wilson and Coleman in the introduction to a Lincoln Records Society volume.¹¹⁷ Matt Raven's article, published in 2022, provided a further rebuttal by showing that smuggling was widespread in the 1330s and 40s.¹¹⁸ This section will demonstrate how the customs officials who were entrusted by the crown were unlikely to be willing or able to mitigate against smuggling. Instead, it shows that these officials were so enmeshed in local contexts that they often played an active role in, sometimes brazen, smuggling.

¹¹⁵ Carus-Wilson and Coleman.

¹¹⁶ Carus-Wilson and Coleman, pp. 21–33.

¹¹⁷ *The Overseas Trade of Boston in the Reign of Richard II*, ed. by S. H. Rigby, The Publications of the Lincoln Record Society, 93 (Woodbridge: Boydell Press, 2005).

¹¹⁸ Raven's article, published just prior to the completion of this chapter, provides the most in-depth discussion of the various cases of smuggling in this period: Raven, 'Wool Smuggling from England's Eastern Seaboard, c. 1337–45'.

Baker is the only scholar to solely focus on the customs officials of the fourteenth century in 'The English Customs Service 1307-1343'.¹¹⁹ This customs system was administered by officials at major ports throughout the country. Baker showed that customs officials arose and evolved largely to combat smuggling, but ultimately were more closely connected to groups outside the crown's control which, at least periodically, had a vested interest in smuggling. According to Baker, customs posts were generally held by individuals of a relatively high standing in the local area and the administrative ideal was rarely upheld. The named customs officials, like the other administrative positions in the fourteenth century, usually did not perform the service themselves and instead appointed deputies. Alongside these deputies were clerks and other assistants who performed most of the duties.¹²⁰ These were often unnamed in the records and it is difficult to get a clear picture of their number or background. It seems that the controllers, prior to the middle of the fourteenth century, barely served in person and were often appointed through patronage rather than experience.¹²¹ This phenomenon is not confined to controllers and even weighers were often absent. John Goldbeter and two of his servants were discovered smuggling wool through Hull as 'the king's troner [weigher] was absent and still is'.¹²² This was not Goldbeter's only offence and the crown likely only uncovered a fraction of his brazen smuggling. These weighers were often appointed for life and became an avenue for royal or aristocratic favour.¹²³ Reminiscent of Jordan's expectations for anticorruption practices in the fourteenth century, Baker contends that under Edward II the offices and counter-measures that had been in place during Edward I's reign were rolled back.¹²⁴ This was in part due to the prevailing political conditions which made exploitation of customs difficult, and partly due to the inability of the monarchy to find local officials who 'put devotion to the king above personal and community considerations'.¹²⁵ According to Baker the effective sale of the offices for services rendered led to a monopolisation of the positions by 'king's clerks, king's yeomen, and protégés of the rulers or royal favourites'.¹²⁶ The crown was unable to find reliable officials from local groups or among the king's clerks, who gave poor, absent, or indifferent service. The officials were intermittent and were not incentivised to catch smugglers as the searchers would later be. Wool merchants usually had control of these offices and appointed deputies to act for them. These deputies, amenable to bribes, and controllers, often king's clerks,

¹¹⁹ Robert L. Baker.

¹²⁰ Robert L. Baker, p. 8.

¹²¹ Robert L. Baker, pp. 16-18.

¹²² *Calendar of Inquisitions Miscellaneous (Chancery) Preserved in the Public Record Office* (London: H.M.S.O., 1916), p. 438, [1772].

¹²³ Robert L. Baker, p. 18.

¹²⁴ Robert L. Baker, pp. 18-19.

¹²⁵ Robert L. Baker, pp. 19-20.

¹²⁶ Robert L. Baker, p. 18.

were usually absent entirely with no deputy.¹²⁷ The customs collectors usually owed their position to powerful merchant groups or patrons, and operated with minimal oversight.

Attempting to achieve oversight through multiple layers of officials and records probably stemmed from exchequer practices, but there is no evidence that numerous officials precluded collusion and indeed plenty to suggest that large groups of officials were prone to corruption.¹²⁸ The practice of the later thirteenth century to create oversight through such layers was also pronounced in the taxation system as shown in the previous chapter. The successful solution to this problem, in both instances, was to minimise the number of officials involved and engage in a hands-off approach to collection, which probably allowed a certain level of corruption to occur. This, to some extent, was a recognition of reality and was balanced by the cooperation of the most important local groups whose expertise, connections, and wealth were valuable to the crown. It may also be, as in the collection of lay subsidies, that the lack of service in person and poor oversight stemmed from the dearth of individuals capable of acting on behalf of the crown with minimal recompense. The crown relied on administrative checks and balances to achieve this rather than swathes of un-remunerated semi-regular officials.

Given the focus on the arrangement of official posts in the customs service, it is not hard to find counter-measures against suspected smuggling. Investigations into smuggling based on interrogations of the administrative record began in the autumn of 1339 and were common to 1372.¹²⁹ Matt Raven's recent extensive examination of allegations of wool smuggling has shown that there were more than twenty-five commissions in each year between 1341 and 1343.¹³⁰ A summation of allegations of smuggling shows that most relate to the period from 1338-42 with the majority of these dating to 1341-42.¹³¹ In 1336, Edward III appointed searchers and reduced the

¹²⁷ Robert L. Baker, pp. 17–18.

¹²⁸ The controller was required to keep a counter roll which served as a check upon the collectors. This was examined at the exchequer for discrepancies or frauds providing another layer of protection against corruption. This mirrored the dual rolls used in the process of tax collection and split responsibility of two collectors outlined in the prior chapter. Both stem from the same root as the exchequer practice which sought to provide oversight by duplicating important records. From the earliest period in the exchequer this process of copying, certifying, and double checking was given primacy. In the late twelfth century, the treasurer sat next to and oversaw the clerk's workings, next to this clerk was the chancery scribe who produced a duplicate roll and the chancery clerk who oversaw this roll. These four officials were overseen by Thomas Brown in the late twelfth century, the forerunner to the exchequer remembrancer and former official of the King of Sicily. Brown literally looked over the shoulders of clerks who produced a third roll with important excerpts from the first two. See: Richard Fitzneale, *Dialogus de Scaccario: The Dialogue of the Exchequer*, ed. by Emilie Amt and S. D. Church, Oxford Medieval Texts (Oxford: Oxford University Press, 2007), pp. 25–29.

¹²⁹ Robert L. Baker, p. 41; E. B. Fryde, *William de la Pole*, pp. 79–82; Hughes, pp. 93–96; Lloyd, p. 150.

¹³⁰ Raven, 'Wool Smuggling from England's Eastern Seaboard, c. 1337–45', p. 8.

¹³¹ Raven, 'Wool Smuggling from England's Eastern Seaboard, c. 1337–45', p. 9.

number of ports which could export wool.¹³² After 1340 the crown also expanded the commissions of the customs collectors to include the responsibility for controlling export around the principal ports.¹³³ This was intended to assist the searchers but also to make the officials responsible if smuggling should be uncovered. It further suggests that routine smuggling did take place outside the major ports, contrary to the claims made by Carus-Wilson and Coleman. The continental staple system was also used to force all exports through a fixed point as another measure to counteract smuggling.¹³⁴ Given the complex system of oversight and frequent tweaks and investigations it is hard not to conclude that the crown feared that smuggling was common.

The evidence relating to the collapse of the English wool company shows clearly the extent of smuggling in the period. For example, William de la Pole was personally accused of smuggling over 111 sacks of wool, around a third of his total personal shipment. Pole's total shipment was the third largest of all participants of the English wool company.¹³⁵ Later investigations found that at least 4,400 sacks of wool were smuggled by the merchants of the wool company in the same shipment as approximately 10,700 sacks of legally shipped wool.¹³⁶ This can be calculated as there was no distinction made between licit and illicit wool when it was seized at Dordrecht. The merchants likely had not counted on such a seizure and were expecting to spirit their wool away without the notice of the crown. As a result of the seizure, a comparison between the officially declared exports can be contrasted with the wool seizure. Even once the envoys had seized the wool, Robert Denton, an associate of William de la Pole and controller of the customs at Hull in 1337, secretly took 3,000 sacks out of the seized shipment and back to its owners in exchange for a £4 fee per sack.¹³⁷ This was done either to profit from the wool a second time or to disguise the level of smuggled wool. We might surmise that Denton was suited to this role due to his position. Perhaps he employed a group of porters who were skilled at moving wool quickly and without notice. John Goldbeter, a merchant of York and prominent royal financier mentioned earlier, simply ignored the ban and sold his wool to the Flemish regardless.¹³⁸ The contract merchants were confident that they could smuggle wool under the nose of the royal agents. This suggests that smuggling was fairly easy, even during the embargo, as a result of the connivance of the customs agents, who were often in the orbit of these merchants. That this could occur at a time when the controls and the risks of seizure by English or French ships were theoretically at their highest suggests that merchants were

¹³² Robert L. Baker, p. 36.

¹³³ Robert L. Baker, p. 36.

¹³⁴ Robert L. Baker, p. 36.

¹³⁵ E. B. Fryde, *William de la Pole*, p. 69.

¹³⁶ E. B. Fryde, *William de la Pole*, pp. 79–80.

¹³⁷ E. B. Fryde, *William de la Pole*, pp. 79–80.

¹³⁸ E. B. Fryde, *William de la Pole*, pp. 75–76.

unconcerned about the ability of the crown to detect or punish smuggling. The one shipment of smuggled wool at Dordrecht alone was equivalent to one quarter of all shipments of wool from London in 1339, which was a bumper year for exports, and was in excess of 10% of all recorded wool exports from the entire country in that same year.¹³⁹ It is also likely that the smuggled wool reflected in the surviving records is only the tip of the iceberg. Large scale smuggling took place during periods when the potential profits and controls were highest. However, it was likely a simple exercise for powerful merchants who were able to control trade through the major and minor ports.

Robert Denton, the controller of the customs in Hull in 1337, a position which oversaw the two collectors, was said to have doctored customs records in exchange for bribes.¹⁴⁰ Henry Tideswell, close associate of Pole, and one of the founding members of the wool company smuggled at least 135 sacks out of Boston in 1337 during the export ban.¹⁴¹ John Causton, one of the collectors in London, was convicted of smuggling 11 sacks 4 stones of wool.¹⁴² John Wesenham, a collector at Boston and later head of one of the principal wool companies, was investigated in 1361 and found to have under-assessed sacks in 1337.¹⁴³ This did not harm his future career as he went on to head a major wool scheme and was one of the two mayors of the staple at Calais in the 1360s. Later investigations initiated in 1344 found seventeen instances of wool smuggling, along with other goods, from Hampshire and Sussex to Normandy.¹⁴⁴ A similar investigation in Yorkshire, which began in 1342, fined twenty-one individuals £1738, mostly for smuggling wool.¹⁴⁵ Two individuals were also implicated in dissemination of false coinage alongside smuggling and were fined 400 marks.¹⁴⁶ Perhaps this smuggling began in response to the market restrictions from 1336. These Yorkshire smugglers included William Acastre and Thomas Lindsey, who were intimately connected to two brothers, John and Henry Goldbeter. Henry was bailiff (1333) and mayor (1346) of York while John appears to have been involved in the shadier side of business, or as Edmund Fryde puts it 'a daring, much-travelled, ingenious but somewhat unscrupulous merchant' who engaged in 'wayward

¹³⁹ Carus-Wilson and Coleman, p. 45.

¹⁴⁰ E. B. Fryde, *William de la Pole*, pp. 81–82.

¹⁴¹ E. B. Fryde, *William de la Pole*, p. 81.

¹⁴² E. B. Fryde, *William de la Pole*, p. 81.

¹⁴³ E. B. Fryde, *William de la Pole*, p. 81.

¹⁴⁴ TNA, JUST 1/1436, m. 1-4. For example from m. 1: ['Richardus fil Thome Bolde Junior de Goseport [...] cariavit in quaddam nave Willelmi Bailly, Johannis Ramnul, et Thome Branchef precii tresdecim solidorum et quattor denar apud Portesmuth versis Goseport quattor libras lane precii viginti denar et lanas illas duxit ad partes Normanni absque custuma'].

¹⁴⁵ TNA, JUST 1/1128, m. 6-7.

¹⁴⁶ TNA, JUST 1/1128, m. 7: ['Thoma de Manby et Pho de Manby de Benerlaco de fine pro apportionem false monete quam detulerunt in Angliam et abductionem lanarum extra Angliam absque custuma [...] Thoma de Lyndeseye de fine pro abductionem lanarum extra regum Angliae ad partes transmarinas absque custuma et apportionem false monete in Angliam'].

enterprises'.¹⁴⁷ Both Henry and John were among the merchants involved in the first wool company and Henry was in charge of the whole Yorkshire shipment of over 1,800 sacks.¹⁴⁸ It was John who simply took his wool back from the royal envoys at Dordrecht and sold it privately. John was the only merchant to do this and, although he was fined £200, was later pardoned by the king at Antwerp.¹⁴⁹ Perhaps John was not named among the Yorkshire smugglers as he was languishing in 'a deep and obscure prison among thieves and murderers' at Bruges.¹⁵⁰ He was twice imprisoned in the Low Countries by the count of Flanders as part of the diplomatic struggles with Edward III. Five ships, registered in Gascony, were seized by the king for taking and selling goods, of unknown origin, in Flanders.¹⁵¹ The masters appeared at Westminster in November 1337 and agreed to aid the war effort in answer for their crimes – they were probably glad of the chance to escape quite so lightly.¹⁵² The individuals engaged in smuggling in Yorkshire were only accused of smuggling wool or false coinage, unlike those of Hampshire and Sussex who were also transporting foodstuffs and salt among other supplies. The Yorkshire group of smugglers were connected to those engaged in spreading false coinage and stood as sureties for each other's fines to the king. All exported through the port of Hull – where William de la Pole's associates held the customs posts and were accused of doctoring the records. These actions relied on the divided loyalties of the port officials and their intermittent presence. Like corruption more generally, smuggling was considered on balance by the crown which weighed the damage of acts alongside the utility of the transgressors. In this instance, the smugglers were often the only individuals willing or able to finance the crowns military ambitions.

The imposition of the higher duties and the export ban gave every incentive to a group which also had close relationships with the very individuals at the ports charged with prohibiting smuggling. In addition to the investigations into the customs at Hull, the officials of the largest export ports, Boston and London, were all later investigated for collusion. The merchants were so brazen that they avoided paying customs dues on at least 4,400 sacks of wool with the first shipment to the king, and even managed to receive royal bonds for these sacks. Even then, some were willing to sneak their wool away, some presumably successfully, when the scheme was up. The wool which arrived in Dordrecht was of very good quality and it is worth speculating that some of the wool

¹⁴⁷ E. B. Fryde, 'Some Business Transactions of York Merchants, John Goldbeter, William Acastre and Partners, 1336-1349, XI', in *Studies in Medieval Trade and Finance* (London: Hambledon Press, 1983), pp. 3-27 (pp. 5-6).

¹⁴⁸ E. B. Fryde, 'York Merchants', p. 6.

¹⁴⁹ E. B. Fryde, 'York Merchants', p. 7.

¹⁵⁰ E. B. Fryde, 'York Merchants', p. 5. Fryde dates this to December 1336 but it might equally date to 1343 when John was either still imprisoned or had been taken for a second time. See: TNA, SC 8/36/1771, TNA, SC 8/50/2458.

¹⁵¹ CCR 1337-39, p. 275.

¹⁵² CCR 1337-39, p. 275

which the merchants smuggled prior to the first shipment was of poor quality. This would fetch a high price as the wool buyers in Flanders were starved of product and would have paid over the odds for any wool regardless of quality. The absence of customs fees further inflated the profits. Similarly, they could preserve the best wool for the final shipment to pay off the debts to the crown more quickly. The merchants sought to have the best end of the deal at both ends by profiting during the embargo at the expense of the foreign exporters who were prohibited from taking part, and those who were less able to pay off the customs officials. They also took the lion's share of the appointments as purveyors of wool, and so corralled the majority of the legitimate profits as well. Even when the wool was seized, they managed to control the appointment of the valuation committee which gave them very favourable prices, at the expense of the king. This smuggling was the prime trigger which precipitated the collapse of the company. It stemmed from the merchants' inability to cooperate. They were willing to sacrifice the overall health of the scheme in favour of individual profits for the few largest contributors and jeopardised the whole agreement. Given the widespread nature of the smuggling and the presence of so much smuggled wool in the first shipment, there must be some possibility that this was a long-term plan of the merchants.

3.3.3.3 A Clash of Cultures

The final trigger which caused the envoys to forcibly seize the wool at Dordrecht was the merchants' refusal to pay more than the initially agreed sums as part of the loan agreement. Each shipment was to contain ten thousand sacks, and after each shipment one third of the payments to the king were to be made. The merchants had, when the smuggled wool was included, shipped almost half of the expected wool. As such, Fryde contends that they could probably have afforded to render at least close to the sums demanded, even though this was not part of the original agreement.¹⁵³ Perhaps, however this was unlikely due to the restrictions placed on the sale of the wool. The main fault was not the sums required but the rapidity at which the king's envoys demanded them. This ultimately stemmed from a lack of understanding of the merchants' practices that required selling wool to the best markets, which was forbidden by the envoys, and at the best times, which was also being restricted since the sums were demanded right away. G. L. Harriss summarised the problem with the scheme as in a 'sense individual and economic rather than political' – they operated only for the benefit of the king and the merchants and seemed to harm the common profit.¹⁵⁴ This goes straight to the heart of the problems with the scheme which arose as a result of the narrow restriction of gain to the crown and a few individuals. Both groups were more interested in short-term financial gain than long-term sustainability. The most important meetings which were crucial in the fundamental organisation of the scheme, in May 1336, had only twenty-

¹⁵³ E. B. Fryde, *William de la Pole*, pp. 76, 78.

¹⁵⁴ Harriss, *King, Parliament*, p. 439.

four merchant attendees.¹⁵⁵ Even this group seems mostly under the sway of William de la Pole. Pole was forewarned of the embargo and used the time to stockpile wool.¹⁵⁶ He had been gathering wool before the first assembly in May 1336 and held it for seventy weeks.¹⁵⁷ Pole was ultimately the third largest exporter of wool under the scheme.¹⁵⁸ Fryde considers the level of activity carried out by Pole before the embargo as clear evidence of his role as architect of the scheme.¹⁵⁹ These advantages do not appear to have extended to Reginald Conduit, the other nominal head of the scheme. Pole himself seems to have been an unscrupulous individual who, alongside other leading merchants, was quite glad to see the scheme fail as it destroyed many lesser competitors.¹⁶⁰ In the short term these short-sighted selfish actions may have harmed the larger merchants, such as Pole, but it placed them in a powerful position over their rivals and the crown from which they were able to extract many favours in exchange for credit. In the longer term it earned Pole and the other leading merchants the enmity of parliament and the king. The cause for the failure of the first English wool company was due to the short-term and selfish attitude of the merchants who were keen to advance their own position at the cost of their rival merchants. The scheme itself was predicated on an exclusion of various interested groups from any profit and aroused hostility from the outset. The Dordrecht seizure alienated the lesser merchants. Parliament, aligning its interests with these two groups, undermined the monopolist tendencies of these schemes and lobbied for a free market. From 1344 parliament aimed for the free sale of wool, the abolition of fixed pricing, and the opening of the export to all merchants.¹⁶¹ The fundamental reasons for these behaviours stem from the particular social and cultural values of the merchants and the crown. Neither were willing to bend their agenda to fit the purposes of the other enough to make a long-term collaboration viable and resilient. The failure of this scheme also laid the seeds for the failure of future crown-merchant collaboration in the wool export trade by eroded trust in collaborative ventures.

3.3.4 Failures of the English Wool Schemes c. 1343-49

Many of the underlying factors which caused the collapse of the first wool company impinged on the later schemes of the 1340s. This type of approach failed to build long-term collaboration due to the repeated breaches of trust, internally and externally, stemming from the first English wool company. During the first company, the king pushed his powers too far, demanded sums too quickly, and imprisoned any merchants who crossed him. This was a pattern which would repeat in the late

¹⁵⁵ E. B. Fryde, *William de la Pole*, p. 55. It was after this meeting that Pole began stockpiling wool.

¹⁵⁶ E. B. Fryde, *William de la Pole*, p. 55.

¹⁵⁷ E. B. Fryde, 'Edward III's Wool Monopoly', pp. 55, 58.

¹⁵⁸ E. B. Fryde, 'Edward III's Wool Monopoly', pp. 54–55.

¹⁵⁹ E. B. Fryde, *William de la Pole*, pp. 55, 58.

¹⁶⁰ E. B. Fryde, *William de la Pole*, p. 83.

¹⁶¹ Harriss, *King, Parliament*, p. 445.

1340s. The indebtedness of the crown and repeated breaking of agreements alienated all large financiers who would no longer lend directly to the crown. Many of the debts which the crown ran up in the late 1330s and early 1340s were never honoured. The loss of trust in the monarch made raising revenue more challenging. It must have been seen as a success in the short term as the crown was still able to raise significant sums to support military campaigns albeit at a long-term price. However, it made life incredibly difficult for those who did advance funds and was the key factor in their ultimate bankruptcy. The future merchants who engaged in funding Edward were of a smaller stature and could only form small groups, which operated by taking on short-term loans at a high cost from larger lenders who did not want to be directly entangled in royal finances. These larger creditors believed they were more likely to get their funds back from the merchants than the crown. Looking at the dealings of the crown between 1336 and 1349 brings to the fore John Maddicott's conclusion that the 'need for consent was surely less a question of legal justification [...] than of practicality'.¹⁶² Had the crown negotiated with the concerned parties, they might have struck upon a policy through consensus which was more resilient because it had the support of all.

3.3.4.1 Narrow Monopolies

Following the failure of the 1336-37 scheme, a series of forced loans was granted by parliament to assist the king out of his financial travails. These were not especially successful and included the failed collection of the ninth. From 1340, customs revenue was granted by the king to Hanseatic merchants to repay his debts to them. This arrangement persisted until 1343. The principal focus of this chapter however is the collaboration between the English crown and leading English merchants.

William de la Pole organised a new merchant-crown collaboration in 1343. Pole's initial involvement was kept secret, presumably because his reputation was toxic. However, Pole still had value to the crown as he was able to influence significant merchants who could bankroll Edward, and he used this position to recoup his losses from the previous scheme and return to royal favour. This group was allowed to manage the customs for the king. Pole, as leader and initiator of this second English wool company, was forced by the other members to agree to a lengthy set of articles which forbade him from revealing the company's business, hiding information which might harm the company, advising the company in a way which might damage it, hiding revenues, acting in his own personal interest to the harm of the company, delaying in discharging debts which he owes the company, see that debts to the company were given as much consideration as debts to himself, that he shall not interfere in the company's ordinances, and that he should be humble in and reasonable

¹⁶² Maddicott, *OEP*, p. 123.

in both word and deed.¹⁶³ This lengthy list, which only Pole was required to observe, demonstrates the lack of trust in Pole. This is probably a result of the extortion of fellow merchants, significant smuggling, and his role in deliberately collapsing the first company which profited him but impoverished many others. The agreement is evidence of the low regard that the other merchants held him in. That they were convinced to join with him regardless shows that Pole must have been a very valuable collaborator. This must be explained in part by the sophistication of his accounting methods, which surpassed other English merchants of the time, his continental contacts, and perhaps also the funds and creditors that he could still call upon after his fall.¹⁶⁴ Systematic accounts allowed Pole to keep close track of the efficiency of each portion of his dealings and even surpassed Italian merchants operating in England contemporaneously with Pole.¹⁶⁵ Once Pole assumed open leadership of the company in August 1344, he expelled those who were hostile to him.¹⁶⁶ This included Henry Goldbeter of the Goldbeter enterprise discussed earlier. He reorganised and reduced it from thirty-three members to twelve, and later to just six. This was partly to restrict the profits to a smaller group.¹⁶⁷ The company ceased in 1345 as it could not raise the funds it had promised the king. Despite the extensive oath, Pole still managed to renege on most of these promises and was taken to trial by his former associates and the king in 1353. At this trial Henry Tideswell, one of Pole's closest associates in the previous decade, stated that he only joined the venture because Pole was leading it. Clearly Pole's skills were valued even if the man himself was rightfully mistrusted, as later events would demonstrate. The trial shows that not only did Pole saddle his company with worthless debt through fraudulent bonds, but he also left the company before it wound-up, and may have even been the cause of its cessation. This collapse beggared many of the company who never recovered, and Pole compounded this by using their penury to buy up their property.¹⁶⁸ The king's ministers presented a series of carefully laid charges against Pole, probably in an effort to force him to forgive the king's debts to him. Eventually Pole folded and ceded these debts in exchange for a pardon of all offences up to 1354. He used this pardon to avoid repaying his former colleagues the £23,000 they claimed he owed them.¹⁶⁹ He also avoided the charges of smuggling over £1,030 worth of wool and defrauding the king of more than £12,000

¹⁶³ George Sayles, 'The "English Company" of 1343 and a Merchant's Oath', *Speculum*, 6.2 (1931), 177–205 (pp. 189–90) <<https://doi.org/10.2307/2848358>>.

¹⁶⁴ E. B. Fryde, 'The Wool Accounts of William de La Pole', in *Studies in Medieval Trade and Finance, History Series*, v. 13 (London: Hambledon Press, 1983), pp. 3–31 (p. 8).

¹⁶⁵ E. B. Fryde, 'The Wool Accounts of William de La Pole', p. 8.

¹⁶⁶ E. B. Fryde, *William de la Pole*, p. 187.

¹⁶⁷ E. B. Fryde, *William de la Pole*, p. 187.

¹⁶⁸ E. B. Fryde, *William de la Pole*, p. 184.

¹⁶⁹ E. B. Fryde, *William de la Pole*, pp. 220–21.

through currency exchanges.¹⁷⁰ For a second time, Pole led a series of associates into a wool company which collapsed and managed to escape without paying his full share of the cost.

John Wesenham, who had been part of the company and was earlier found to be engaged in corrupt activities at Boston in his role as collector of customs, stepped in and assumed responsibility for its liabilities in 1345. Wesenham had been invited to assist the company but preferred to act on his own rather than assume the responsibility with the other members. Wesenham's company was successful in making profit and meeting the needs of the king – although perhaps its success was due to the short time it held the farm. After fourteen months it was outbid by a different grouping led by Walter Chiriton and Thomas Swanland, which ran the scheme from 1346 to April 1349 when it went bankrupt. This hostile takeover of the customs created a rift between the financiers which caused further fragmentation of the already small group who were willing and able to finance Edward.¹⁷¹ The length that Chiriton's company ran for should not be seen as a success since it was too deeply in debt to give up the customs. They hoped to use the customs revenues to recover their position.¹⁷² Indeed the failure of Chiriton's group relied on contextual factors that were beyond their control and were mostly the result of the fundamental flaws in the scheme. It is unlikely that Wesenham's group would have fared better with the crisis faced by Chiriton. Wesenham, Chiriton, and Swanland had all been involved in earlier schemes and the competition driven by the sale of the customs farm fractured the merchants into smaller groupings which damaged their long-term viability. Chiriton and Swanland, several others from the company of 1343-44, and the group of sureties which took over from Chiriton and Swanland, were imprisoned as a result of significant debts and accusations of illegality. Chiriton and Swanland were also accused of paying private creditors before the king and imprisoned for two years. They tried to recoup some of their losses by pursuing Pole for his debts through the courts in 1353 but were defeated when Pole secured his pardon.

All merchant groupings were keen, not just to exclude the smaller merchants who had been harmed by the Dordrecht seizures, but also to secure the privileges among even smaller groupings. The actions of Pole in stripping down the membership, Wesenham's refusal to act alongside the first company, and the bidding process and open conflict between Wesenham and the last company are all clear evidence of the desire to exclude other interests from profit. The crown seemed ambivalent to this concentration of power in a small group of merchants. The strange confection of collaboration and cheating was not confined to this period. After English merchants were banned

¹⁷⁰ E. B. Fryde, *William de la Pole*, pp. 222, 226.

¹⁷¹ E. B. Fryde, 'The English Farmers of the Customs', p. 11.

¹⁷² E. B. Fryde, 'The English Farmers of the Customs', pp. 11-16.

from export, John Goldbeter, discussed earlier, was engaged in smuggling over 1,000 sacks of wool under the names of Flemish merchants. A large part of this shipment was smuggled for Pole who used this to have Goldbeter outlawed.¹⁷³ This was part of an ongoing hostility between the Goldbeters and Pole, perhaps due to tussles over control of the northern ports. Goldbeter was pardoned after an intervention by the count of Flanders – a further indication of the strong links the Goldbeters, and John in particular, had to the continent and Flanders. Pole had also accused John Goldbeter in 1344 before the exchequer for the illegal sale of wool following the Dordrecht seizure. This resulted in another imprisonment for John, this time in the Fleet.¹⁷⁴ Antagonistic relations were probably a positive as far as the crown was concerned since they would encourage merchant groups to undercut one another. This narrow interest was a significant cause of the hostility which the farmers engendered and harmed their ability to raise credit on favourable terms. A wider group would have been able to levy more funds on more favourable terms. The short-sighted actions of the merchants and the crown shrank the basis of collaboration to such an extent that it was vulnerable to even small-scale shocks.

3.3.4.2 Bonds and Backstabbing

This corrosion of trust between English merchants prevented them from forming a resilient company that might have sustained similar schemes in the long run. The merchants were keen to gain any advantage over one another rather than working toward a communal benefit. The oath which Pole undertook alone is evidence of the degree of mistrust between the merchants in 1343. The justification for this oath is not hard to find. Many of the London merchants associated with the first wool scheme of 1336-37 complained that William de la Pole and Reginald Conduit extorted over £500 from them through excessive fees.¹⁷⁵ They also alleged that they were paid only £2 per sarplar instead of per sack as had been agreed previously. A sack was usually of around 364lb, while a sarplar usually contained two sacks, so there were significant gains made by Pole and Conduit by acting in this way.¹⁷⁶ One Hugh Ulseby, a member of the first wool company, complained in 1353 that Pole owed him £100 of the £200 he was promised for withdrawing from the second company ten years earlier.¹⁷⁷ Ulseby also acted as one of the sureties for the Chiriton group which stepped in after its bankruptcy. He was criticised by another member of the group after his withdrawal from the scheme in December 1349 for ‘disclosing their secrets’.¹⁷⁸ At another trial in 1355 he accused the leaders of another scheme of falsifying the customs records at Southampton to reduce their

¹⁷³ E. B. Fryde, *William de la Pole*, pp. 227–28.

¹⁷⁴ E. B. Fryde, ‘York Merchants’, p. 10.

¹⁷⁵ E. B. Fryde, *William de la Pole*, pp. 65–66, 157; TNA, SC8/220/10986.

¹⁷⁶ Bell, Brooks, and Dryburgh, *English Wool Market*, p. vii.

¹⁷⁷ E. B. Fryde, *William de la Pole*, p. 187.

¹⁷⁸ E. B. Fryde, *William de la Pole*, p. 187.

liabilities. The erasures were later uncovered by an exchequer investigation. After the formation of the company of 1343-45 one of Pole's first acts was to sell his Dordrecht bond to the company for over £2,000. Pole, however, had already redeemed this bond for more than £1,600 without having it endorsed.¹⁷⁹ A similar deal was carried out when Paul de Monte Florum, a royal envoy with close connections to various Italian companies, sold a bond worth £13,000 for £1,400.¹⁸⁰ Monte Florum and the seller then jointly redeemed this bond with the king for £10,000 in exchange for assignments on future royal revenues. It later transpired that Monte Florum had already received part of the payment from the king and was redeeming the same debt twice over. Monte Florum, like Pole, had also managed to avoid having his bond endorsed – it was likely the other party was aware of the fraudulent nature of the deal.¹⁸¹ Another financier, Walter de Yarmouth, was sentenced to 'perpetual imprisonment' for forging the seal of William Norwell, the Keeper of the Wardrobe, on ten bills worth over £5,500.¹⁸² A possible route for Pole and Monte Florum to avoid endorsement was to make a forgery of a legitimate bond which they could keep un-endorsed while redeeming the forgery. They must then have hoped to sell on the pristine original later while feigning ignorance of the forgery if it ever came to light. While George Sayles uncovered the Walter de Yarmouth case, he was seemingly unaware of the associated records of the frauds in the Recorda files.¹⁸³ This record class contains surviving communications between various courts and often has supplementary information which is not included in the plea rolls. There is a record from this case which suggests that the fraudulently sealed bonds were sold by a Florentine, Nicholas Bullet, or Boillet, a 'lumbard' at Lombard Street.¹⁸⁴ The Recorda file names a number of witnesses who accused Bullet of holding false bonds, which suggests that the forgeries came to light after Bullet sold the bonds to others. This was the centre of banking in London, and Pole owned a large house on this street which was seized by Edward III in 1341. The very name of the street is an indication of the impact that Italian bankers had on the development of financial culture in England during the thirteenth and fourteenth centuries. Pole's house on Lombard Street was used by the Wardrobe during the time that the

¹⁷⁹ E. B. Fryde, *William de la Pole*, p. 185.

¹⁸⁰ B. Bombi, 'Andrea Sapiti: His Origins, and His Register as a Curial Proctor', *The English Historical Review*, CXIII.500 (2008), 132–48 (p. 140) <<https://doi.org/10.1093/ehr/cen006>>.

¹⁸¹ E. B. Fryde, *William de la Pole*, pp. 195–96.

¹⁸² George Sayles, 'A Dealer in Wardrobe Bills', *The Economic History Review*, 3.2 (1931), 268 <<https://doi.org/10.2307/2589900>>.

¹⁸³ Sayles, 'A Dealer in Wardrobe Bills'.

¹⁸⁴ TNA, KB 145/2/22/43: ['qui dicunt super sacrum quod Nicholus Boillet lumbar [...] in Lombardstrete London contrefecti sigillum praedicti Willelmi de Norwell et habens billas magnas pecunie summas continentes illo falso sigillo apud lumbardstrete London consignavit et habens et billas illas thesaurar et alii officiar domini Regis porrexit et porrigi fecit et procuravit et sic magnas pecunie summas recepit et allocationem diversas de debitis domini Regis habuit in ipsis domini regis deceptionem et dicti clericci et ipsorum officiarorum scandalum et status sui soppresionem manifestam set quis ut qui consilium ut assensum ad hoc probuerunt penitus ignorant'].

bonds were forged. The selling on of bonds, especially Wardrobe bonds, was routine due to the volume of royal debt in this period, and seemingly common in Lombard Street. Walter and the others likely hoped they could avoid detection among the large numbers of bonds which were circulating. These types of frauds undermined the confidence in the king's debt even further and had fatal consequences for the company of Chiriton and Swanland.

The customs farmers of the 1340s, in exchange for the loans to the king, were given licence to purchase crown bonds. They usually paid around 10-12% of the face value of the bonds which crown officials had issued for wool seized at Dordrecht or given out in the course of other transactions.¹⁸⁵ These bonds were redeemed against the farmers debt to the crown. They formed a considerable part of the profits of the companies. For example, John Wesenham paid £20,000 of the £62,000 he owed the king through this method.¹⁸⁶ If the bond market had collapsed during Wesenham's tenure, it is unlikely his company would have made any profit and perhaps would have folded. The crown could thus make new money from old debts without any extra expenditure, and the customs farmers could make profits of more than 90%. The forged bonds which Walter of Yarmouth created were sold for only £143, despite their face value of £5,918.¹⁸⁷ In the hands of someone who was able to redeem the debt for its full value from the crown this was worth significantly more. The only losers were those to whom the crown issued the bonds in lieu of payment who lost their goods and could only recover a fraction of their true value. Many probably never received any recompense, and those who suffered the most were the poorest as they could not afford to wait and were unlikely to be able to achieve compensation. By 1348 many frauds were uncovered. Some debts were being repaid by the crown twice over. The impetus for the forgeries were due to the speculation unleashed by the customs farmers' privileges. Chiriton's firm had even been buying up the licenses to purchase debt from other financiers to corner the market for themselves.¹⁸⁸

By May 1348 the merchants 'fear[ed] to make such restitution [of government debt which they had acquired] because those bills are found to be false and counterfeited'.¹⁸⁹ As a result, they were given respite from accounting to the exchequer for the various fraudulent bonds they had submitted.¹⁹⁰ The sums of fraudulent or overpaid bonds were estimated, after the bankruptcy, at over £38,000 which was to be levied from the company's assets.¹⁹¹ The collapse in trust in the king's

¹⁸⁵ E. B. Fryde, 'The English Farmers of the Customs', p. 8.

¹⁸⁶ E. B. Fryde, 'The English Farmers of the Customs', p. 8.

¹⁸⁷ Sayles, 'A Dealer in Wardrobe Bills', p. 270, n. 5.

¹⁸⁸ E. B. Fryde, 'The English Farmers of the Customs', p. 14.

¹⁸⁹ CCR 1346-49, p. 606.

¹⁹⁰ CCR 1346-49, p. 606.

¹⁹¹ E. B. Fryde, 'The English Farmers of the Customs', p. 14.

ability to repay debt created the need for schemes which relied on short-term debt from other financiers. The merchants were under such pressure that they needed the ability to purchase bonds at significant markdown in order to achieve any profit. As a result, the main victims were those who had been issued with crown bonds, often in recompense for goods which were forcibly seized. Many merchants cheated this system and undermined confidence in the credit of the crown even further. These very bonds were explicitly an agreement between the crown and debtors of all kinds, from small landholders to great financiers. The crown often issued these debts forcibly. For example, in the late 1330s and early 1340s, through purveyance or the wool scheme of 1336. Many were issued when the crown also forcibly seized the wool at Dordrecht. These asymmetric seizures were unpopular already and were transgressed by the crown when they empowered the merchants to buy up this debt for pennies. This, like the wool schemes, created a closed market that was clearly intended to drive down prices, and which profited the merchants at the expense of less wealthy individuals. The reliance on this market of bad debt was due to the thin profits that the farmers were able to gain. This was a consequence of the high demands for funds which forced the merchants into short-term high-cost loans that exceeded the revenues from the customs significantly. The collapse of the bond market weakened the customs farmers significantly and the setbacks of the Black Death which stalled the export of wool finished them off. The short-term profit-driven approach, which was a cause of the failure of the first English wool company, was compounded by the decision to extract more profits through exploitation of crown bonds. In both instances it provoked hostility which, in the long term, forced the crown into a more equal collaborative arrangement with parliamentary oversight. The indiscriminate use of royal prerogatives to harm small merchants, wool growers, and other bond holders collapsed a credit market. This mirrors the actions of the crown in causing the collapse of the first wool company. In both instances this had disastrous consequences for royal finances.

This confused picture of self-interested dealings demonstrates that there was no group or culture which was capable of re-creating the relationship between crown and merchants as the various Italian companies had previously. These Italian companies failed, in the late thirteenth century, due to the demands of Edward I and, in the fourteenth, due to a liquidity crisis connected to the advent of continental-wide warfare. This imperilled continental trade and made the movement of funds between the continent and England more difficult. The English companies, however, failed as they were unable to work collaboratively in large enough numbers to sustain a long-term arrangement equivalent with the Italian companies. These Italian groupings were of an all-together different scale of operation and sophistication and could only be brought low by significant shifts in the continental context. The English companies could never sustain the demands of Edward, who was more interested in short-term funding for his wars than a long-term financial collaboration. Furthermore, Edward III exacerbated this by vindictively imprisoning and pursuing these merchants.

This was far more challenging for a truly continental merchant company like the Italian groups. In 1382, merchants in parliament rejected a call to finance the crown by specifically citing the attacks on Pole, Chiriton, Swanland, and others in the 1330s and 1340s.¹⁹² This combination of short-sighted royal demands and self-interested and antagonistic mercantile behaviours fractured any chance of developing long-standing collaboration between large groups of merchants and the crown.

3.4 CONCLUSIONS

The factors which impinged upon the initial development of the schemes between Edward I and III and the leading merchants of the kingdom were the result of environmental, economic, and political factors. Warfare and its concurrent financial demands precipitated financial stresses in the English polity which gave rise to new practices. Export customs emerged as a direct consequence of such stresses. Particular environmental conditions created a surplus of wool in England and an emergent textile industry in Flanders. In the late thirteenth and early fourteenth centuries, the engagement of Italian merchant groups, who provided large loans on the security of the revenue from export customs, created a model which was appropriated and elaborated upon by the English merchants. A similar model, in 1336, saw compulsory purchases at fixed prices and export bans to maximise the profits of the scheme. This enabled English merchants, who lacked the capital-rich position of Italian merchants, to obtain and sell wool at high profits which would fund loans to the English crown. The need for continental alliances at the outbreak of the Hundred Years' War created the motive to exploit the trade for diplomatic and financial purposes.

The expansion of the crown's involvement in the export trade led to more complex systems of administration and oversight. As in the administration of tax collection, the crown appears to have been unable to control its officials closely. This may have been as there was a shortage of candidates who could act for the crown in the ports. It seems more likely that these posts were jealously controlled by small groups or local elites. Development of the officials in the English customs service shows that corruption and smuggling were omnipresent fears of the English crown. This mirrors the evolution of lay subsidies in the emergence of a hands-off administration of the scheme – albeit with different outcomes. Smuggling and deception was certainly widespread among the English merchants although precise figures will never be forthcoming. William de la Pole, although imprisoned twice, was still an important adviser for the crown and was granted control of customs officials repeatedly despite his crimes. A group of Yorkshire merchants, with the Goldbeter family foremost, were prominent in smuggling but were still intimately involved in royal finances from the late 1330s to the

¹⁹² E. B. Fryde, 'The Last Trials of Sir William de La Pole', p. 30.

1360s. This lack of long-term punishment was a result of the crown's need for the skills and networks of these merchants.

The levying of aids such as the lay subsidies, as elucidated by G. L. Harriss, was understood to be of limited duration, in response to a specific emergency, for the common good, and granted by the assent of those it touched. The customs schemes of 1336-40 and 1343-53 'formed part of an economic bargain, for the private profit of the parties, and might be continued beyond the specific emergency for as long as the contract proved profitable'.¹⁹³ The lack of consultation on customs schemes excluded important groups such as the smaller merchants and wool growers who stood only to lose from the plans which began in 1336. Not only were they excluded from the profits, but they probably also lost their customary incomes through compulsory seizures at fixed prices. These seizures led to a feeding frenzy for cheap wool which could render vast profits, especially when smuggled. It was accompanied by numerous cases of corrupt and overbearing behaviour by the wool collectors. Furthermore, export taxes were increased without consultation. This broke prior customs and undermined the legitimacy of the levy among the wider community. All of this provoked hostility from these groups who were excluded from the sale and export of wool. These various hostile groups aligned and worked towards the abolition of the narrow monopoly schemes in 1353. Parliament was hostile as the profits rendered from the wool trade threatened to undermine its position to grant levies in exchange for the redress of grievances.

The selfish and short-term profit seeking behaviour of the merchants also fractured the already small mercantile groups into smaller hostile factions. Pole and the other large merchants profited from these fractures as it eliminated their smaller competitors. John Wesenham was keen to act alone rather than as part of a group. Chiriton and Swanland outbid Wesenham, and the hostility this created broke any chance of future collaboration between the members. The narrow groups probably mitigated against the type of fraud and dishonesty which plagued the merchants, but it also made them more vulnerable to setbacks. Pole's oath is evidence of the fear of this type of dishonesty. Despite this detailed oath, Pole was directly implicated in two bankrupt two groups and used the weakness of his former associates, in both instances, to strengthen his own position. Chiriton and Swanland were also engaged in defrauding the king of revenues and fraudulent bonds were widespread. The dishonesty of the merchants seems widespread and was probably a product of their background which privileged adept trickery and skilful manipulation of contracts and bonds to advance themselves at the cost of their competitors. The limitation of the groups to small numbers was aimed to safeguard the profits to the members and protect against cheating but it made them more vulnerable to financial shocks. The crown could not call upon larger, more

¹⁹³ Harriss, *King, Parliament*, p. 448.

established, financiers as its credit was so low due to the previous broken agreements. Corruption eroded trust, reduced future cooperation, and so made the monopolies of the 1340s brittle. In this aspect, they follow the collapse of the Despenser regime as a result of the narrowness of its support. Unlike the Despenser case however, it is clearer that the corrupt behaviour of the crown and merchants was a driving factor behind the reduction in the collaboration in the export schemes.

The transgressions of prior agreements by the monarch and the merchants were the initial break which caused the failure of the first wool company. The breakdown occurred when these two groups ceased to believe that the other was working for the overall ultimate benefit of the plan. Both groups violated the original agreement through short-sighted selfishness which undermined trust in the collaborative venture. These acts fit easily within the definition of corruption – even in the narrow, modern, legalistic sense. Both, through their behaviour, broke the original agreement, corrupted the enterprise, and destroyed trust to such an extent future collaboration was impossible. The merchants were engaged in smuggling large quantities of wool in defiance of the export ban and without paying any customs to the king. The suspicion of this and the delays in shipping precipitated the rewriting of the agreement between the king and merchants prior to the first shipment of wool to Dordrecht. The envoys, who altered the agreement in 1337, refused to allow the merchants to sell the wool to the Flemish, which would have fetched the best prices, as the count of Flanders had not yet broken his alliance with the French crown. This created an impasse which was broken when the envoys seized the merchants' wool and issued credit bonds. Many of these became worthless in time as it was impossible to redeem them. The seizure at Dordrecht ruined many small merchants who might have participated in future schemes and may have been a direct result of the suspicions of smuggling. This issuing of bonds, alongside the widespread circulation of other crown debts, created a collapse in crown finances. The seizure, the indebtedness of the king, and the collapse of the wool company virtually bankrupted Edward. The failure of the king to honour his debts added to his poor credit – this was a direct consequence of the failed policy of pursuing costly continental alliances in the first phase of the conflict with France. Despite the victory at Sluys in 1340, Edward III was still in a difficult position both militarily and financially until the later 1340s – his victories of the second half of this decade still came at huge financial cost. It was this poor credit which laid the groundwork for the fragile schemes of the 1340s.

The crown compounded this poor financial position by breaking the agreement with bond holders of full restitution in a dubious scheme which enabled the merchants to purchase up this bad debt for a fraction of its value. This scheme again profited only the crown and the merchants, and came at the expense of the wider population. It was ingenious and allowed the crown to gain new funds from old debts, but it created a wave of speculation. This speculation unleashed a series of frauds which destroyed the bond market and was a primary trigger in the collapse of Chiriton and

Swanland's wool company in 1349 while the Black Death was raging. This is, again, an instance of a fraudulent or corrupt activity corroding trust in a communal activity.

In the control of wool export duties, like the institution of lay subsidies, corruption was the catalyst for development that ultimately saw a more adaptable system emerge which was of greater mutual benefit for all parties. Once more, like lay subsidies, the principal factor in the emergence of this system was the pressures brought to bear by large scale warfare. Matt Raven has recently stated that the emergence of a more stable exploitation of the wool trade, after 1343, was achieved by 'implementing a series of administrative changes which built a community of interest with key sections of the merchant elite, some of whom had actually participated in the illicit economy'.¹⁹⁴ As in other areas, the crown balanced the transgressive behaviour of merchants against their utility. Like the collection of lay subsidies, when the crown was unable to control groups with important stakes in the collection of royal revenues, a successful solution was to establish a shared interest in revenue raising which balanced the needs of each constituent group.

In one scale of analysis, this case study demonstrates how corrupt behaviour caused a failure of a collaborative endeavour. When viewed from this longer-term perspective, the effects of corruption in the collapse of the first scheme and the hostility it engendered ultimately gave rise to a more robust system with greater consent, a broader community of interest, and less direct crown involvement. The emergence of the new, broader institutions was dependent on the role of parliament to represent diverse interests for the common benefit of those groups represented in parliament. Thus, in the longer-term, warfare and corruption were part of a series of pressures which forced a coalescing of interests through parliamentary dynamics that eventually established a stable long-term revenue stream for the crown. This revenue stream reduced excessive royal extraction and ensured no facet of the English political community was significantly harmed. Much like the hostility aroused by purveyance, crown control of wool exports catalysed political opposition groups which were able to successfully forge a new, more equal, partnership with the crown.

Underlying the various failures of the collaborations between the crown and English merchants were the diverse cultures from which the two groups sprang. Fryde hinted at this when he blamed the 'mental gap' for the breakdown of discussions at Dordrecht.¹⁹⁵ Edward and his advisors were focused solely on financial issues which pertained to the prosecution of his conflict with France. The peremptory manner in which he attacked the merchants perhaps reveals a disdain for this class which was not present in the attacks on his other ministers. The investigations of the

¹⁹⁴ Raven, 'Wool Smuggling from England's Eastern Seaboard, c. 1337–45', p. 24.

¹⁹⁵ E. B. Fryde, *William de la Pole*, p. 78.

first English wool company of 1336 only ceased in 1365 and four leaders were imprisoned for two years at different points.¹⁹⁶ Other ministers were protected by their position in the church or through parliament, which may explain how they escaped the same punishment as Pole, Swanland, and Chiriton. However, the fact that these important men were protected by institutions that the king could not circumvent, while the merchants stood, or fell, alone, is indicative that the merchants were significantly distinct from other ministers. The merchants who financed the crown were among the most successful English traders. It seems that in order to achieve a measure of success as a merchant in this period a mindset was necessary which favoured careful planning, shaving profit from deals by gaining small margins, and an antagonistic approach to business which privileged individual prosperity over collective action. This was at odds with Edward and his ministers who demanded funds more rapidly than any small group could furnish and reacted with great hostility against any deception. This short-sightedness cost Edward dearly in the Dordrecht seizure, which ruined his credit for years and led directly to the short-term arrangements of the 1340s that relied on the very merchants who cheated him by smuggling large amounts of wool in 1337. The smuggling never ceased – even Pole was caught illegally exporting again in 1362.¹⁹⁷ Neither group was able to compromise and view the arrangements as a long-term collaboration from which both sides might benefit. The merchants viewed the king and his financial position as a resource to manipulate and the crown saw the merchants as another revenue stream which they could wring funds from. At this point collaboration on a scale akin to the Italian companies was unheard of among English merchants. Perhaps one facet of the success of these Italian companies was that they were not completely under the aegis of the English monarch and so required more careful cooperation.

The English companies were only ever able to operate for long periods as narrow monopolies which pooled large sums through credit arrangements as they lacked the fiscal resources of the Italian companies. Similarly, they lacked the broad continental base which might mitigate against setbacks. The most significant factor behind their failure was the inability to cooperate on a large scale. This was due to the inherent selfishness of their behaviour which caused resentment from outside interests and also fractured any attempt at establishing an estate of merchants. These attempts were not helped by the short-termism of the crown which consistently pushed the groups to breaking point and prevented any stable arrangements from emerging. Even so the English, and earlier Italian, companies were a critical aspect of the innovations in English crown institutions which gave it a competitive edge over its French opponents in the early phases of the Hundred Years' War. These arrangements, in the short term, funded the capture of Calais (1346-47) and the campaign

¹⁹⁶ E. B. Fryde, *William de la Pole*, p. 226.

¹⁹⁷ E. B. Fryde, 'The Wool Accounts of William de La Pole', p. 227.

which ended in the victory at Crécy (1346). In the longer term they, like lay subsidies, fell under the control of parliamentary dispensation.

The crown was uninterested in corruption or smuggling unless it impinged upon its financial or political wellbeing. As a result, the crown adopted practices which devolved control of revenue-raising to groups with a vested interest in exports or the collection of taxation. Following this, malfeasance among these groups was now of less concern to the crown, as long as they were able to fulfil their financial commitments. As this chapter has shown, corruption and smuggling caused various diffusions within the English political community. These occurred due to outrage at the narrow schemes, breaking of agreements, and unilateral renouncement of debts. These corrupt actions on the part of the crown and merchants energised factional conflict in a similar manner to that outlined by Saul, Waugh, and Natalie Fryde. However, despite the opprobrium these actions attracted, the crown only reformed the exploitation of the wool trade once it had exhausted all other avenues and caused a collapse in royal credit through its highhanded interference. Thus, like the example outlined by Maddicott in the case of royal justices, complaint against unpopular measures only resulted in lasting change when it was coupled with fundamental shifts in the underlying socio-economic context. In this instance it was the collapse of English and continental lenders alongside the onset of the Black Death which precipitated the adaptation of unpopular practices. As Bill Jordan pointed out, the fourteenth century saw governments move away from the thirteenth century principles that sought to ensure a fair burden. In the examples outlined in this chapter, this was the result of the crown's need to maintain positive relations with various merchant groupings and latterly the parliamentary Commons. The balance for the crown lay in making sure that its various revenue streams were efficient but also fair. This fairness was not indiscriminate but only applicable to those groups who had some shared interest with the crown and whose cooperation, or otherwise, could threaten the interests of the crown.

4 CHAPTER FOUR – LOSS, COMPLAINT, AND PERCEPTIONS OF CORRUPTION IN THE WORKS OF THE LUDLOW SCRIBE (C. 1314-42)

There are many sources from the early fourteenth century which can be used to explore responses to the perception of corruption. Petitions, chronicles, the court of the King's Bench, the exchequer Pleas and Memoranda Rolls, and Parliament Rolls all contain interesting and informative records of complaint concerning the behaviour of royal officials. However, these records, to a greater or lesser extent, have been well-studied. Therefore, this chapter will address some records which have been under-explored by historians of this period. It suggests that collaboration across these disciplinary boundaries, like those pursued by scholars such as Revard, Sebastian Sobecki, and Wendy Scase, can yield fruitful results.¹ John Maddicott, and Mark Ormrod, both historians with extensive grounding in institutional records have studied literary texts of the fourteenth century.² Ormrod's recent work is the best example of a close reading of literary records in combination with a firm contextual knowledge of more traditional methodologies. He refers to this as a 'traditional historicist' approach 'while aiming to differentiate between the sometimes-reductive process of "finding" history in literary texts and the wider and more productive purpose of infusing such texts with meaning derived from contemporary ethical and political culture'.³ Ormrod's study of *Winner and Waster* takes a similar approach to the study attempted here. In contrast to this study however there is probably greater contextual knowledge of the milieu in which the scribe lived and operated thanks to the extensive recent advances made by Susannah Fein and Carter Revard.

The literature produced by the Harley Scribe, which is representative of wider political literature of the period, is marked by tropes that contrast contemporary society with an alternative idealised, past, present, or future state. Often the deviation from this state is the result of some nefarious external influence such as the devil, evil ministers, greedy officials, or poor weather. They

¹ Candace Barrington and Sebastian Sobecki, *The Cambridge Companion to Medieval English Law and Literature*, 2019 <<https://doi.org/10.1017/9781316848296>> [accessed 4 March 2021]; Scase, *Literature and Complaint*; Sebastian Sobecki, 'Hares, Rabbits, Pheasants: Piers Plowman and William Longeville, a Norfolk Rebel in 1381', *The Review of English Studies*, 69.289 (2018), 216–36 <<https://doi.org/10.1093/res/hgx130>>.

² J. R. Maddicott, 'The Birth and Setting of the Ballads of Robin Hood', *The English Historical Review*, 93.367 (1978), 276–99 <<http://www.jstor.org/stable/567062>> [accessed 16 August 2017]; J. R. Maddicott, 'Poems of Social Protest in Early Fourteenth-Century England', in *England in the Fourteenth Century: Proceedings of the 1985 Harlaxton Symposium*, ed. by W. Mark Ormrod, *Proceedings of the Harlaxton Symposium*, 2 (Woodbridge: Boydell, 1986), pp. 130–44; W. Mark Ormrod, *Winner and Waster and Its Contexts* (Cambridge: D.S. Brewer, 2021).

³ W. Mark Ormrod, *Winner and Waster and Its Contexts*, p. 12.

represent diverse views not testified in other records and contrast and corroborate the institutional record by giving voice to the grievances of communities in fourteenth century England. These complaints were consciously united across social divides to critique the growth of royal power as represented by the growing number of royal officials. The narrow view of corruption as the pursuit of private benefit through public office is a modern distinction which is not held in fourteenth-century England, although this aspect is also present in the texts examined below. This chapter takes the broader conception, still prevalent in the modern world, of corruption as a labelling of acts, behaviours, and influences as agents of negative change. Therefore, analysing these texts can indicate which aspects of royal governance were considered as negative in the early fourteenth century. It will demonstrate an ongoing concern with the growth of the number of royal officials and how these officials utilised their positions to increase their power and wealth. It shows that there was a preoccupation with the relative drop in living standards in contrast to the elevated status of royal officials or their followers. There are also critiques of the judicial system, changes in the concentration of political power, the practice of purveyance, the retinues which characterised any large governmental endeavour, taxation, wool levies, and the pointlessness of complaint through judicial mechanisms. Many of these poems are more sophisticated than has been appreciated by scholars of any background and there is a great deal of scope to untangle at least some of the complex understandings of the text. They reveal a playfulness and sophisticated understanding of legal and political concepts in early fourteenth century England, an interest in changing concentrations of political power, and the debates over the limits of royal authority.

Before analysing the text in detail this chapter will outline the findings of prior studies and the particular local and national context of the manuscript. This requires re-treading and expanding upon some aspects already covered although with a much more specific focus on those areas which impinge upon the analysis of the political literature in the Ludlow Scribe's oeuvre.

4.1 THE LOCAL, NATIONAL, AND MANUSCRIPT CONTEXTS OF THE LUDLOW SCRIBE

Due to the nature of the survival of political texts from the Middle Ages, it is often difficult to draw too many conclusions about the original circulation and intended audience of such texts. However, the Harley, or Ludlow, Scribe co-produced three significant surviving manuscripts and a number of legal documents from this period. The earliest of these, British Library Harley 273, was produced by the Ludlow Scribe in concert with another scribe and is the least studied of the three manuscripts. It possesses little literature which is of direct interest to the subject at hand. However, the later manuscripts, Harley 2253 and Royal 12.C.XII, are unusual as they comprise the majority of the political texts still extant from this period. They were mostly produced by the Harley Scribe. The scribe produced a tri-lingual collection of works in concert with several other scribes in the

early fourteenth century. These texts explore and critique the political context of England in the period from 1258 to 1341. Thanks to assiduous work over the last forty years by Carter Revard individual pieces within the manuscripts can, with two exceptions, be dated to within one or two years.⁴ This precise dating is possible since Revard uncovered forty-one charters in the Ludlow area composed by the scribe.⁵ Revard has used these dated records to map the changes in the hand of the scribe and compare them with the texts to ascertain relatively exact dating. These dates and the identification of Ludlow as the location of the scribe chime with the best guesses made by scholars before the discovery of the charters.⁶ The analysis of the poems in concert with the political contexts of 1341, presented here, reinforces these prior findings and will advance future studies of the manuscripts and the Ludlow Scribe. There are, according to Revard, sixteen political texts identified in Harley 2253 and Royal 12.C.XII.⁷ Combined with this dating, several of the texts in Harley 2253 can be tied directly to the crisis of 1341.

4.1.1 BL MS. Royal 12 C.XII

Royal 12.C.XII opens with 'The Office for Saint Thomas' which is a prayer to Thomas of Lancaster, the king's cousin, who was executed for rebelling against the crown. This was composed and copied c. 1322-28.⁸ Immediately following this is a short poem, 'Song on the Venality of the Judges', criticising the influence of money and greed on judges. This poem is not considered as 'political' by Revard but this distinction will be analysed, and rejected, later in this chapter. There is also a tale of a rebel baron, 'Fouke le Fitz Waryn', from the Welsh marches who opposed King John which was produced at the same time as 'The Office for Saint Thomas'.⁹ This text, which is probably the most studied aspect of the manuscript, ceased halfway through just as King John was captured by the hero and rebel Fouke and forced to give an oath to provide redress to Fouke. Based on Revard's dating, this break likely occurred sometime around 1327, just as King Edward II had been captured by Isabella and Mortimer's forces. Edward himself was coerced into an oath to abdicate in favour of his son.¹⁰ It is interesting to consider, although beyond the scope of the current work, how far parallels between Fouke and Roger Mortimer might have been on the mind of the scribe and his audience at this time. The second portion of the tale is not resumed until c. 1335-40. Political sensitivities or lack of exemplar material have been given as reasons for this stoppage – although

⁴ Carter Revard, 'Scribe and Provenance', in *Studies in the Harley Manuscript: The Scribes, Contents, and Social Contexts of British Library MS Harley 2253*, ed. by Susanna Fein (Kalamazoo: TEAMS, 2000), pp. 21–110; Revard, 'Political Poems', pp. 75–77.

⁵ Revard, 'Scribe and Provenance', pp. 21–110.

⁶ N. R. Ker, *Facsimile of British Museum MS. Harley 2253*, Early English Text Society (Oxford: Oxford University Press, 1965), pp. xxi–xxiii.

⁷ Revard, 'Political Poems', pp. 75–77.

⁸ Revard, 'Political Poems', p. 75.

⁹ Revard, 'Political Poems', p. 76.

¹⁰ Fisher, pp. 144–45.

perhaps, as the text mirrored contemporary events so closely, it was seen as an opportune moment to cease. The following section begins with the escape of King John who rejects the oath he made in captivity – this again has resonances with the escape of Edward I from his captivity in the marches which is discussed later. The scribe would have been aware of, and perhaps personally familiar with, members of the FitzWaryn family who claimed descent from this rebel baron. Royal 12.C.XII also contains an abridged chronicle that includes an account of the execution of Piers Gaveston which was composed sometime after 1316 and before 1329.¹¹ A date of between 1316-20 is most likely according to Revard.¹² Matthew Fisher sees the inclusion of this text, and the choices made by the scribe which are not represented in other extant versions, as evidence of the Scribe's attempts to maintain 'a sense of historical and regional accuracy in writing Royal 12.C.XII'.¹³ The Scribe, according to Fisher, situated these works in relation to 'contemporary political concerns' and 'quietly endorsed modest political reform' which included 'a role for good counsel'.¹⁴ These texts were bound around 1340 and, along with the poem on the 'Venality of the Judges' which is often overlooked, formed, to some extent, an examination of Edward II's reign.

4.1.2 BL MS. Harley 2253

Much of the content produced by the Scribe in Harley 2253 is interested in the viewpoint of baronial opposition to the crown through texts such as 'A Song of Lewes', 'Lament for Simon de Montfort', or 'The Flemish Insurrection'.¹⁵ The rest of Harley 2253 compiled by the Ludlow Scribe concerns itself with poetry critical of the crown, nobles who oppressed local inhabitants, or church officials.¹⁶ Intriguingly, the poem 'Trailbaston' was probably composed c. 1305-06 in the Ludlow area and attacked a local commission of trailbaston. This court, as outlined in Chapter One, was analogous to commissions of oyer and terminer or eyre. The poem names four justices: Martyn, Knoxville, Spigurnel, and Belfour. These justices were only named once in a commission, of 1305. Revard considers that it was copied in 1340-42 at a time when a new series of national trailbastons, or commissions of oyer and terminer, were being proposed.¹⁷ The analysis below suggests that a date towards the end of this timeframe is most likely. All these works were originally composed between 1302 and the early 1340s. 'A Song of Lewes' (1264), 'Lament for Simon de Montfort' (1265-66), and 'All the World's a Chessboard' (c. 1260's), were all copied in 1340-41 but composed in the

¹¹ Fisher, p. 140.

¹² Fisher, p. 140, n. 123.

¹³ Fisher, p. 141.

¹⁴ Fisher, p. 145.

¹⁵ Revard, 'Political Poems', pp. 75-76.

¹⁶ Revard, 'Political Poems', pp. 76-77. These texts all correspond to political events at the time of their copying:

¹⁷ Revard, 'Political Poems', p. 71.

thirteenth century demonstrating a continued relevance from the 1260s to the 1340s.¹⁸ This demonstrates a long-standing interest in the history of the struggle between the crown and the leading barons of the realm, most especially Montfort and Lancaster. This interest however should not be taken to suggest that the sympathies of the audience necessarily lie clearly with a 'baronial faction' or otherwise. The interest in the political events of national import will be examined below alongside a consideration of the texts which critique royal officials, the crown, or behaviours which might be termed corrupt.

4.1.3 The Manuscript Ecology of the Ludlow Scribe

The manuscripts produced by the Ludlow Scribe demonstrate a close interconnection with other scribes, local and national networks of circulation, and probable local audiences. There is evidence for direct collaboration between the Ludlow Scribe and other scribes as well as indirect connections to other producers. The majority of texts in Harley 273 were produced by other scribes.¹⁹ The majority of Royal 12.C.XII, around three-fifths according to O'Rourke, were produced by the Ludlow Scribe.²⁰ Harley 2253 was compiled by several scribes, although the Ludlow Scribe, stands out due to the volume, around two-thirds by O'Rourke's calculations, and variety of the work which they collated.²¹ Folios 1-48 of Harley 2253 were produced by Scribe A, the first of four hands in the manuscript, and annotated by Scribe B, the Ludlow scribe, who in turn produced folios 49-140.²² Much of the first two booklets, by Scribe A, correspond to two other manuscripts indicating that they were compiled in mass in a monastic or university context for a wide audience.²³ These two booklets were perhaps sold or given to the Ludlow Scribe who probably bound them with works which he copied. These have more immediate and local value such as the life of the patron of Hereford cathedral, Saint Ethelbert, or the ordinal of the same cathedral.²⁴ Lampitt has suggested that the first two booklets were produced by another local scribe whose work was inherited by the Ludlow scribe.²⁵ There may have been a working relationship between the Ludlow Scribe and Scribe

¹⁸ Revard, 'Political Poems', pp. 75-77.

¹⁹ Jason O'Rourke, 'Imagining Book Production in Fourteenth-Century Herefordshire: The Scribe of British Library, MS Harley 2253 and His "Organizing Principles"', in *Imagining the Book*, ed. by Stephen Kelly and John J. Thompson, Medieval Texts and Cultures of Northern Europe (Turnhout: Brepols Publishers, 2005), vii, 45-60 (pp. 54-55) <<https://doi.org/10.1484/M.TCNE-EB.6.09070802050003050106090306>>.

²⁰ O'Rourke, vii, p. 55.

²¹ O'Rourke, vii, p. 55.

²² *The Complete Harley 2253 Manuscript: Volume 1*, ed. by Susanna Fein and others, TEAMS, 3 vols (Kalamazoo, Michigan: Medieval Institute Publications, Western Michigan University, 2014), i, p. 2.

²³ Ker, p. ix; Matthew Siôn Lampitt, 'Networking the March: The Literature of the Welsh Marches, c. 1180-c. 1410' (unpublished Doctoral, King's College London, 2019), p. 61.

²⁴ Susanna Fein, 'The Four Scribes of MS Harley 2253', *Journal of the Early Book Society for the Study of Manuscripts and Printing History*, 16 (2013), 27-53 (p. 33).

²⁵ Lampitt, p. 61.

C of Harley 2253 who copied in paint recipes around the Ludlow Scribe's work.²⁶ Scribe C may have made these additions prior to the binding or may have even bound the manuscript, although most scholars assume the Scribe B, the Ludlow Scribe, bound the texts at some point c.1340-49.²⁷ Finally Scribe D's hand is present in the flyleaf which is cut from an account roll for a Mortimer household based in Ireland (c. 1308-14). On the dorse of this account roll are extracts, made by the Ludlow Scribe, from the Hereford Cathedral Ordinal. Susannah Fein also identified Scribe D's hand in Harley 273, as the joint copyist, along with the Ludlow scribe, of 'Purgatoire de s. Patrice' (c.1314-15).²⁸ The Ludlow scribe therefore worked on three manuscripts, in addition to the various legal charters, with evidence of direct collaboration with at least three scribes: Scribe A of Harley 273, Scribe C of Harley 2253, and Scribe D of Harley 2253. It is likely, according to Fein, that there was a hierarchical, teacher-student, relationship between The Ludlow Scribe and Scribe A of Harley 273 and perhaps Scribe C of Harley 2253.²⁹ Ludlow Scribe likely had a relatively close connection as to Scribe D through the Irish account roll. In short, there is evidence, throughout the career of the Ludlow Scribe, of direct collaboration with three local scribes and indirect collaboration with a series of scribes on a local and national scale.

The scribes, who produced Harley 2253, were probably well-educated, keen to assert local autonomy, overtly hostile to crown officials, politically engaged and probably involved in teaching the younger members of aristocratic households. The Ludlow scribe produced legal documents, had access to records from the Mortimer family archives, worshiped in, or administered to, St Laurence's in Ludlow, was interested in the liturgy of Hereford Cathedral, and the mottos of the Bishops of Hereford. The scribes involved in the production of the codex were relatively well travelled or connected with those who did: Scribe D spent time in Ireland in the service of a member of the Talbot or Mortimer families.³⁰ They were also knowledgeable of, and engaged in, legal processes in their local context. All of which highlights the presence of interconnected networks of parties who were actively engaged with debates surrounding the governance of the realm in the early fourteenth century. To sum up these were educated politically aware individuals who were interested in local and national politics and the acceptable limits of royal authority.

²⁶ Fein, 'The Four Scribes', p. 28.

²⁷ The analysis of this chapter suggests a slightly later *terminus post quem* for the binding (early c. 1341-42 at the earliest for the copying of the texts connected to the Crisis of 1341). Fein, 'The Four Scribes', pp. 33-36.

²⁸ Fein, 'The Four Scribes', pp. 37-38; Susanna Fein, 'The Harley Scribe's Early Career: New Evidence of a Scribal Partnership in MS Harley 273', *Journal of the Early Book Society for the Study of Manuscripts and Printing History*, 19 (2016), 1-30 (p. 16).

²⁹ Fein, 'New Evidence of a Scribal Partnership', p. 16.

³⁰ Fein, 'The Four Scribes', p. 38.

The manuscripts suggests that the texts were part of a considerable circulation across England with close links to the continent and Ireland. Harley 2253 and Royal 12.C.XII are compilations of the Ludlow scribe's own work, whether copied or self-authored, alongside booklets which were copied and circulated by other scribes prior to their binding.³¹ Frances McSparran, in a linguistic study of the dialect of the English texts contained in Harley 2253, has shown that some texts were circulating in the South-West Midlands.³² According to McSparran 'poems composed in the same area were transmitted together in groups, along with others which became associated with them by way of theme'.³³ McSparran considers it highly likely that these groups of texts were composed outside the Ludlow or South West Midlands area and later came into the hands of Ludlow Scribe.³⁴ Furthermore, the presence of northern dialects in many works has long suggested to scholars that, for many of the works at least, a 'considerably' more northern source is probable.³⁵ Thorlac Turville-Petre points out that place names used in the works originate from across England and cites dialect studies, from the early twentieth century, to demonstrate that the texts were 'a country-wide selection of the best poems in English'.³⁶ Marilyn Corrie's study explored the similarities between Harley 2253 and Digby 86 and found that these two manuscripts demonstrate 'the vitality of circulating literature in that region [South West Midlands]'.³⁷ The lack of any clear connection between the texts across the two manuscripts suggests to Corrie a wider literary network, potentially across medieval England as a whole, now lost.³⁸ There is a clear connection to an Irish context through the Mortimer account roll on the flyleaf and several texts which have a link to Ireland such as *Purgatoire* and *Kyng Horn*.³⁹ A prayer, *Anima Christi sanctifica me*, has been attributed to Pope John XXII (1316-34) and the papal curia in Avignon.⁴⁰ The prayer has been dated to c. 1330 and the presence in Harley 2253 within a few years has been cited as evidence of a close connection

³¹ O'Rourke, vii, p. 53.

³² Frances McSparran, 'The Language of the English Poems: The Harley Scribe and His Exemplars', in *Studies in the Harley Manuscript: The Scribes, Contents, and Social Contexts of British Library MS Harley 2253*, ed. by Susanna Fein (Kalamazoo: TEAMS, 2000), pp. 391-427 (pp. 417-20).

³³ McSparran, pp. 417-20. Quote from p. 420.

³⁴ McSparran, p. 392.

³⁵ McSparran, pp. 392, 398, 420; Revard, 'Political Poems', p. 76; Carter Revard, 'Oppositional Thematics and Metanarrative in MS Harley 2253, Quires 1-6', in *Essays in Manuscript Geography*, ed. by Wendy Scase, Medieval Texts and Cultures of Northern Europe, 10 (Turnhout: Brepols, 2007), pp. 95-112 (pp. 103-4) <<https://doi.org/10.1484/M.TCNE-EB.3.2765>>.

³⁶ Thorlac Turville-Petre, *England the Nation: Language, Literature, and National Identity, 1290-1340* (Oxford: Oxford University Press, 1996), p. 195.

³⁷ Marilyn Corrie, 'Harley 2253, Digby 86, and the Circulation of Literature', in *Studies in the Harley Manuscript: The Scribes, Contents, and Social Contexts of British Library MS Harley 2253*, ed. by Susanna Fein (Kalamazoo: TEAMS, 2000), pp. 427-43 (p. 442).

³⁸ Corrie, pp. 442-43.

³⁹ Lampitt, p. 66.

⁴⁰ Ker, p. x.

to Avignon.⁴¹ Several Italian influences on the script strengthen the idea of a material connection to the continent perhaps via the influence of Adam Orleton, variously the Bishop of Hereford, Worcester, and latterly Winchester.⁴² The content in Harley is representative of a wider network of texts which were circulating within the South-West Midlands which drew in texts from across England and beyond.

Traditionally, possible patrons for the scribe have been suggested as great men of the region such as Roger Mortimer and the Bishop of Hereford, Adam Orleton.⁴³ More recently however, Revard posits that the patrons of the Ludlow scribes were likely drawn from one of three families for whom he composed charters: the lords of Richard's Castle, the Ludlows of Stokesay, or the Cheney's of Cheney Longville.⁴⁴ The Cheneys and the Talbots joined Mortimer of Wigmore in the 1321 rising.⁴⁵ However, the Ludlows of Stokesay were in the orbit of Edmund Fitzalan the earl of Arundel who was often opposed to, and eventually executed by, Roger Mortimer of Wigmore.⁴⁶ Jason O'Rourke suggested that the Ludlow scribe was a professional legal scribe who worked independently and only copied texts as a pastime.⁴⁷ Over the years Carter Revard has advanced his best guess as to the identity of the scribe and most recently advanced Thomas de Billebury, parish chaplain, or Richard de Billebury, deacon of the Hospital of St John, both in Richard's Castle.⁴⁸ This latter suggestion is convincing when taken in conjunction with the series of charters copied in Royal 12.C.XII scribe which relate to the Hospital of St John during the reigns of Henry III and Edward I.⁴⁹ Intriguingly, these charters rarely raise a mention except in passing. In Revard's opinion, the scribe was likely a 'secretary' of a noble household who could copy manuscripts, handle business correspondence, keep accounts, and deal with legal matters and might have been in charge of educating children or youngsters.⁵⁰ Revard makes a strong case that the scribe was engaged in producing Harley 2253 as a household book for the Ludlows of Stokesay, an aristocratic family with connections to the Earls of Arundel. Male members of this household fought in Scotland and France throughout the fourteenth century and had a strong interest in the wool trade in Flanders.⁵¹ The Arundel family were also at the centre of the political turmoil throughout the century. Edmund FitzAlan, Earl of Arundel, was a close ally of Edward II and his eldest son married the daughter of

⁴¹ Ker, p. x; Lampitt, p. 66.

⁴² Lampitt, p. 66.

⁴³ Revard, 'Scribe and Provenance', pp. 26–30.

⁴⁴ Revard, 'Political Poems', p. 63.

⁴⁵ Revard, 'Political Poems', p. 63.

⁴⁶ Revard, 'Political Poems', p. 67.

⁴⁷ O'Rourke, vii, p. 58.

⁴⁸ Revard, 'Oppositional Thematics', p. 101.

⁴⁹ BL MS., Royal 12.C.XII, 2r-3v.

⁵⁰ Revard, 'Scribe and Provenance', p. 66.

⁵¹ Revard, 'Scribe and Provenance', pp. 77–81.

Hugh Despenser the younger. The Earl, along with Despenser the Younger and the former Chancellor Robert Baldock, was taken to Hereford in 1326 and executed after the fall of Edward II.⁵² The new earl of Arundel, son of the executed predecessor, became the major power in the region during Edward III's reign from 1330. The upheavals of the first half of the fourteenth century, particularly up to 1340, would have had a huge impact on the local political life in the region. O'Rourke and Lampitt advance the convincing notion that the scribe was not subject to any one patron but instead worked for a number of local patrons as a scribe catering to the demands of a 'local, multilingual network of literati'.⁵³ The proposed biographies advanced match neatly with the posited backgrounds for authors of political works suggested by John Maddicott.⁵⁴ Maddicott in a study of political texts of the century concluded that most were 'possibly' the work of 'clerks, [...] friars, [...] university masters, [...] or] the educated parish clergy' who were familiar with 'the condition of the people'.⁵⁵ Further he suggested that these texts were a response to the worsening conditions of the early fourteenth century and circulated because they 'drew on grievances [...] which] were neither socially nor geographically restricted'.⁵⁶ The subsequent scholarship on Harley 2253 has provided evidence which supports Maddicott's speculations. In short, the scribe and patrons are likely drawn from some portion of society which was broadly known as the gentry.⁵⁷ The question of the sympathies of the proposed patrons or even of the Ludlow Scribe is a dangerous endeavour, especially as texts which were composed or copied across significant periods. For example, the earliest texts in Royal 12.C.XII were copied in c. 1314 and the latest, in Harley 2253, around 1342. Not only is this a large interval but the intervening period saw two civil wars, an invasion, a number of executions of politically important people – especially in a marcher context, and three different regimes – all of which were intimately involved in these violent disturbances. Unpicking the changing sympathies of the scribe, let alone patrons, is a huge challenge especially through political poetry which often deliberately obscured underlying meanings. Additionally, any considerations of the performance or reception of the texts in the manuscript are obviously conjectural, unlike the discussions of possible patrons they are likely to stay that way. Susannah Fein considers that the manuscript was 'created very much with oral performance as a highlighted purpose' as 'the scribe has intentionally made texts look like they are being orally delivered'.⁵⁸ Fein lists seven texts that are introduced with exhortations, possibly inserted by the Ludlow Scribe,

⁵² Phillips, p. 516.

⁵³ Lampitt, p. 65.

⁵⁴ Maddicott, 'Poems of Social Protest in Early Fourteenth-Century England', p. 144.

⁵⁵ Maddicott, 'Poems of Social Protest in Early Fourteenth-Century England', p. 144.

⁵⁶ Maddicott, 'Poems of Social Protest in Early Fourteenth-Century England', p. 144.

⁵⁷ See above, pp. 41-42, 49-51.

⁵⁸ Fein, 'Oppositional Thematics', pp. 88-89.

which invite an audience to listen.⁵⁹ Furthermore, several poems include multiple speakers, such as 'Husbandman' and, in my reading, 'Trailbaston'. In these instances, one might imagine multiple performers or perhaps a single performer mimicking different accents or manners of speech. None of this, however, is conclusive evidence that the texts in Harley were performed. On balance it seems probably that either they were performed from the manuscript or the exemplars that the Ludlow Scribe used were intended for an oral performance of some kind and the compiler retained these features. This makes it likely that some of these texts were, at some point, orally performed even if the surviving copies were not used in this manner. As can be attested by other variants, the scribe inserted linkages and adapted texts. This kind of editorial intervention suggests that, if the elements which imply orality were not introduced by the Ludlow Scribe, they would have been excised if they did not also fit their intentions for the works. The texts which the Ludlow Scribe selected, curated, and altered were created with these potential audiences in mind. Additionally, the texts which the Ludlow Scribe received from further afield were passed, literally from hand to hand, copied and re-imagined, by each scribe involved in the dissemination. This occurred across a broad geographic range throughout England, and from Avignon, in modern France, to Trim, in Ireland. Matthew Fisher added significantly to our understanding of the transmission of texts by outlining the idea of a scribal author in the Middle Ages.⁶⁰ Fisher asserted the role of scribes not just as copyists but also authors who closely read and adapted the texts they copied.⁶¹ In the case of the texts which are explored here, this process can be seen through the broadening of the complaint through time to appeal to wider audiences or new contexts. Various audiences have been proposed for the texts produced by the Ludlow Scribe. These are often tied to the supposed patrons or the attempts to provide an identity of the scribe. Only one aspect of a potential audience is clear. The evidence suggests that the Ludlow scribe was a link in a wider network that was circulating, copying, embellishing, and abridging individual texts which were produced locally, nationally, in Ireland, and the continent. The local network of scribes copied, produced, and consumed this material through reading or performance. Many texts appear to be constructed to aid a public performance which may have included music.⁶² This supposes an audience and we might infer a wider one than just the scribes which were involved in the production of the material. Such a local audience, which the scribe sought to teach or entertain, might also have supported them financially. They certainly had patrons – even solely for the scribe's legal services, pupils, colleagues, and acquaintances both locally

⁵⁹ Fein, 'Oppositional Thematics', p. 89.

⁶⁰ Fisher.

⁶¹ Fisher, pp. 1–13.

⁶² Fisher, p. 105; Music can be recovered for at least four parts of the Office of Saint Thomas of Lancaster; Christopher Page, 'The Rhymed Office for St Thomas of Lancaster: Poetry, Politics and Liturgy in Fourteenth-Century England', *Leeds Studies in English*, 1983, 134–51 <<http://digital.library.leeds.ac.uk/182/>> [accessed 7 September 2021].

and trans-regionally, directly, or indirectly, who were part of this enmeshed network which were interested in the performance, production, and dissemination of texts which often had an overt or implicit political aspect. Thus, the editorial interventions of the scribe stem from their own interest but also their collaborators, the network who supplied their exemplars, the audience, and patrons. From this, we can say that a diverse group of individuals across England with connections to Ireland and the continent shaped the creation of Harley 2253. Therefore, it is not a stretch to argue that the texts in Harley 2253 are representative of a wide range of views rather than a sole unknown scribe.

Finally, we may assert that it seems likely that the scribe, patrons, and audience were, to some degree, part of the gentry which were interested in, and part of, the local county administration, and jealous of outside interference. From the late thirteenth and early fourteenth century the gentry was increasingly represented in parliamentary meetings.⁶³ This process, that took place across the period under study, was, in some ways, the culmination of the Montfortian programme of reform from the late 1250s which was intended to bring the gentry into the political community. This process, outlined in Chapter One, established policies, including oversight of royal officials and restrictions on royal and magnate powers, that were designed to appeal to the gentry.⁶⁴ This was a key facet of the reform movement and underpinned Montfort's popularity within his lifetime and later legacy. Under Henry III, the immediate legacy of Montfort's regime was more thorough consultation of wider groups through parliament.⁶⁵ Edward I continued aspects of Montfortian policy which sought the support of the gentry and used this to publicise and facilitate the enforcement of new laws.⁶⁶ Under Edward I the broadening of parliamentary basis was also intended to demonstrate his concern for the common good of the realm and publicise his policies. As a result the Commons became a more regular feature of political life.⁶⁷ From 1327 two representatives were elected in open county court, or sometimes simply selected, from each county.⁶⁸ The gentry, who broadly formed the Commons, came to find their primary political aspiration through parliament and were increasingly forthright within the political life of the realm in the early fourteenth century.⁶⁹ This strength and adherence to the charters was based, according to Maddicott, on 'a knowledge of history which was probably widespread' and was 'politically educated and sturdily resistant to central direction'.⁷⁰ Montfort's bid for the support of the gentry, who later formed the bulk of the Commons, aimed to broaden and

⁶³ Maddicott, *OEP*, pp. 296–99. See also Chapter six in general.

⁶⁴ See above Chapter One, Section 6.4.1, pp. 25–27.

⁶⁵ J. R. Maddicott, 'Who Was Simon de Montfort, Earl of Leicester?', *Transactions of the Royal Historical Society*, 26 (2016), 43–58 (p. 57) <<https://doi.org/10.1017/S0080440116000049>>.

⁶⁶ Maddicott, *OEP*, p. 284.

⁶⁷ Maddicott, *OEP*, p. 284.

⁶⁸ W. M. Ormrod, *Reign of Edward III*, p. 163. See for example the case of Thomas Carlton, pp. 39–40, 77.

⁶⁹ W. M. Ormrod, *Reign of Edward III*, p. 163.

⁷⁰ Maddicott, *OEP*, p. 315.

sustain the momentum of reform.⁷¹ Given the resonances which Montfort's legacy evoked even in 1340, and represented in Harley 2253, it must be considered a success. The gentry was well aware of the hard-won rights, represented in various charters, throughout the thirteenth century and saw Simon de Montfort and Thomas of Lancaster as martyrs for local autonomy, restraint of royal powers, and oversight of royal officials.⁷² Both Montfort and Lancaster's appeal to the gentry was borne out of political pragmatism as much as any high-minded constitutional principles.⁷³ The best guesses for the scribe, patrons, and audience suggest that the texts in Harley 2253, which circulated across England and perhaps Ireland, were produced by and for the lesser clergy and members of the gentry. This group, according to Chris Given-Wilson, numbered roughly between '2,300 to 2,500 "county gentry" families throughout England in the late middle ages'.⁷⁴ So we might advance a guess that the audience was at least partly based in this class who looked to parliament to achieve their aims, were politically aware, historically literate, and abreast of contemporary political events.

One aspect seems clear from the texts examined here and will be demonstrated throughout: the poems had a sophisticated understanding of the contemporary political situation. They sought to critique and satirise it through inventive playfulness which is difficult to unpick at times as it was sublimated through intricate wordplay. For this reason, many aspects of the reception of the texts will never be reconstructed but, thanks to the assiduous work of scholars like Carter Revard, we are now in a position to reassess these poems, especially from the perspectives of administrative or political historians.

4.2 THE WELSH MARCHES

Most of the poems under study were copied in the Ludlow area of Hereford in the late 1330s and early 1340s.⁷⁵ This context obviously had a significant impact on which texts were of most interest to the scribe and his audience. The final portion of this section is devoted to outlining the principal contexts of this setting which relate to the texts under study. The Welsh marches emerged following the Norman conquest of the eleventh century. The holdings in this region extend across the borders of modern Wales and England and extended into Southern Wales. They tended to be large, compact, and with a high degree of autonomy.⁷⁶ The lords of the March had their own rules

⁷¹ Maddicott, *Montfort*, p. 167.

⁷² Maddicott, *OEP*, p. 324.

⁷³ Maddicott, 'Who Was Simon de Montfort', p. 58.

⁷⁴ C. Given-Wilson, 'The King and the Gentry in Fourteenth-Century England: The Alexander Prize Essay', *Transactions of the Royal Historical Society*, 37 (1987), 87 (pp. 99–100) <<https://doi.org/10.2307/3679152>>.

⁷⁵ See: Revard, 'Political Poems', pp. 75–77. Additionally, 'On the Venality of Judges' was probably copied around 1322–27.

⁷⁶ Robin Frame, 'Lordship and Liberties in Ireland and Wales c.1170–c.1360', in *Power and Identity in the Middle Ages: Essays in Memory of Rees Davies*, ed. by Huw Pryce, John Watts, and R. R Davies (Oxford: Oxford University Press, 2007), pp. 125–38 (pp. 126–27); Lampitt, p. 30.

for negotiating disagreements without royal intervention and prescribed conventions for warfare when this failed.⁷⁷ These involved a negotiation on the boundaries between the lordships, and private war if that failed. This was, in the view of Prestwich, an extension of legal procedure rather than a dramatic departure from it.⁷⁸ The designation 'March' is fluid and is perhaps best considered, in this period, as holdings of nobles with a primary loyalty to the English crown in the region of the modern Welsh border and southern Wales. Robin Frame viewed these lordships as military captaincies rather than constitutional entities.⁷⁹ A recent doctoral thesis by Matthew Lampitt argues that the marches should be seen as a centre of a network of transmission of legal, political, cultural, and linguistic contact between Wales, Ireland, England, and further afield.⁸⁰ This multilingualism is represented in manuscripts like Harley 2253 or Digby 86. It appears to have been a region in which Welsh and English were common before and after the Norman conquest.⁸¹ Michael Richter has explored the canonisation trial of Thomas Cantilupe in Hereford in 1307 and shown that the Welsh marches were a quadrilingual society in the early fourteenth century.⁸² Over two hundred witnesses gave oral evidence to the Papal delegation in English, Welsh, French, and Latin. The testimony of the clerical witnesses was split between French and Latin.⁸³ The testimony of the urban population was divided between French and English while most of the rural population gave evidence in English.⁸⁴ Julia Crick described Wales and the marches as a 'linguistic clearing house' that was home to French, Norse, and Irish speakers.⁸⁵ Lampitt points out that Latin, Breton, and Flemish speaking communities and individuals were also common at points throughout the Middle Ages.⁸⁶

The political texts in Harley 2253 are often said to be pro-baronial or Montfortian and anti-royalist, however such clear distinctions are not especially helpful. The origins and course of this conflict have been discussed in the introduction and Chapter One.⁸⁷ However, a brief precis is helpful as they bear upon the readings of many of the political texts in the manuscript. The texts are said to have been chosen with a view to interest or entertain various local nobles and scholars have

⁷⁷ Prestwich, *Edward I*, p. 348; Rees R Davies, 'The Law of the March', *Welsh History Review, Cylchgrawn Hanes Cymru*, 5 (1970), 1 (p. 15).

⁷⁸ Prestwich, *Edward I*, p. 348.

⁷⁹ Frame, p. 127.

⁸⁰ Lampitt, pp. 28–33.

⁸¹ Lampitt, p. 69.

⁸² Michael Richter, 'Collecting Miracles along the Anglo-Welsh Border in the Early Fourteenth Century', in *Multilingualism in Later Medieval Britain*, ed. by D. A. Trotter (Rochester, N.Y: D.S. Brewer, 2000), pp. 53–62.

⁸³ Lampitt, p. 42.

⁸⁴ Lampitt, p. 42.

⁸⁵ "The English" and "the Irish" from Cnut to John: Speculations on a Linguistic Interface', in *Conceptualizing Multilingualism in Medieval England, C. 800-C. 1250*, ed. by Elizabeth M Tyler, *Studies in the Early Middle Ages* (Turnhout: Brepols Publishers, 2011), xxvii, 217–38 (p. 233).

⁸⁶ Lampitt, p. 144.

⁸⁷ See Introduction, Section 6.4.1, pp. 22–24; and Chapter One, Section 7.2.1, pp. 43–46.

discussed how they may have pleased or displeased particular local figures. However, such clear delineations between discrete factions are overly reductive, even in the thirteenth century let alone the fourteenth, and fail to account for the various diffusions and dynamics within these groups. Likewise, the afterlives of these individuals, like Simon de Montfort and Thomas of Lancaster who consciously aligned himself with Montfort, are not straightforwardly anti-royal.⁸⁸ Much like Thomas Becket, these figures could be appropriate by the crown for their own ends. Lancaster particularly was invoked frequently in the first few decades after his execution. This was perhaps symptomatic of a febrile and shifting political landscape up to 1341.

In the conflicts from 1258 to 1327 the marcher lords played a key role. This was especially the case in the Baronial War of 1264-65. Their role was not straightforwardly Montfortian or Royalist but, for many, it was predicated more on loyalty to the future Edward I. The position of Edward at this time was itself based in self-interest rather than slavish loyalty to his father or reforming principles.⁸⁹ For example, due to this adherence to Edward, the marcher lords were omitted from an important parliament in 1260 as Edward was, at this time, aligned with Simon de Montfort.⁹⁰ Likewise, after a rapprochement between Edward and the king, on the initiative of the queen Eleanor of Provence, these followers were purged from Edward's presence and became central in Montfort's reassertion of power and the Provisions in 1263.⁹¹ This group were, however, more interested in their own advancement and re-joining Edward than in supporting the Provisions of Oxford. They were implicated in mindless violence and robbery during this period.⁹² The career of Roger Mortimer (d. 1282), perhaps the principal marcher lord in this period, is indicative of the fluctuations in factions. Although Mortimer ultimately ended up on the side of Henry III and Edward, he was, at times, aligned against Henry III, carefully neutral, or fiercely opposed to Montfort.⁹³ Prior to the Barons' War he was involved in a long-running dispute with Henry III and his brother Richard, earl of Cornwall and later King of Germany, concerning a large inheritance.⁹⁴ Mortimer believed that they had arbitrarily seized his inheritance.⁹⁵ His focus on this legal wrangling meant he was absent

⁸⁸ Fisher, pp. 108-11; Maddicott, *Thomas of Lancaster*, p. 321.

⁸⁹ Maddicott, *Montfort*, pp. 193-97.

⁹⁰ D. A. Carpenter, 'The Lord Edward's Oath to Aid and Counsel Simon de Montfort, 15 October 1259', *Historical Research*, 58.138 (1985), 226-37 <<https://doi.org/10.1111/j.1468-2281.1985.tb01170.x>>; Maddicott, *Montfort*, p. 195.

⁹¹ Maddicott, *Montfort*, pp. 214, 220.

⁹² Maddicott, *Montfort*, pp. 235-36.

⁹³ D. A. Carpenter, 'A Noble in Politics: Roger Mortimer in the Period of Baronial Reform and Rebellion, 1258-1265', in *Nobles and Nobility in Medieval Europe: Concepts, Origins, Transformations*, ed. by Anne Duggan (183-204, 2000), p. 200; Olivier de Laborderie, J. R. Maddicott, and D. A. Carpenter, 'The Last Hours of Simon de Montfort: A New Account', *The English Historical Review*, 115.461 (2000), 378-412 (p. 184).

⁹⁴ D. A. Carpenter, 'A Noble in Politics', pp. 186-90.

⁹⁵ D. A. Carpenter, 'A Noble in Politics', p. 186.

from a campaign against the Welsh.⁹⁶ A highly unusual letter from the King and supposedly Prince Edward was read publicly before the peers exonerating Mortimer.⁹⁷ Edward himself later appeared before the council protesting against the ‘exoneration’ of Mortimer suggesting that there had been a significant break between the two.⁹⁸ When his fellow marchers aided Montfort’s return Mortimer remained at home and neutral. David Carpenter considers it likely that at this point Mortimer was alienated from the court due to his legal wrangling and the inaction of the king over Welsh incursions.⁹⁹ He also believes that Mortimer resented the grants of several manors to Montfort by the council which bordered very closely on Mortimer’s holdings.¹⁰⁰ Henry III also disliked these grants and probably promised them to Mortimer as an enticement back into the royalist faction.¹⁰¹ In return, Mortimer attacked these manors, seized all he could, extracted oaths from the tenants, and began a personal feud with Montfort.¹⁰² In response Montfort allied himself with the Welsh and laid waste to Mortimer’s holdings, it was likely at this point that Montfort’s followers maltreated Mortimer’s wife Maud.¹⁰³ After 1263 the other marcher lords reverted their support to Edward, probably in part due to Montfort’s alliance with the Welsh. According to Maddicott, this ‘failure to conquer or contain them [the marchers] was a main cause of his eventual defeat’.¹⁰⁴ This group colluded against Montfort in the lead up to the Battle of Lewes and fought on the side of the King and Edward.¹⁰⁵ The royalists were defeated and both Edward and the king were imprisoned. The marchers, and Mortimer, were allowed to go free in exchange for a promise to attend parliament for trial. They later failed to attend parliament and were ordered into exile in their Irish holdings, an obligation they also disregarded. In response Montfort and Gilbert de Clare, the earl of Gloucester, seized Hay, Hereford, Richard’s Castle, Ludlow, and again devastated the lands of Mortimer around Wigmore.¹⁰⁶ After this, the focus of the conflict was firmly fixed on the Welsh marches. Relations between Montfort and Gilbert de Clare the Earl of Gloucester broke down after this and his only ally in the region deserted him. This established the marches as the prime area of opposition to Montfort. Clare, Clare’s brother, and two of Edward’s friends and marcher associates, orchestrated the dramatic escape of Edward I from captivity. Supposedly Edward was out riding with Thomas Clare and Henry de Montfort and asked to try each horse in turn.¹⁰⁷ When he had tired them all he

⁹⁶ D. A. Carpenter, ‘A Noble in Politics’, p. 194.

⁹⁷ D. A. Carpenter, ‘A Noble in Politics’, p. 195.

⁹⁸ D. A. Carpenter, ‘A Noble in Politics’, p. 195.

⁹⁹ D. A. Carpenter, ‘A Noble in Politics’, pp. 184, 198.

¹⁰⁰ D. A. Carpenter, ‘A Noble in Politics’, pp. 198–99.

¹⁰¹ He, and his heirs, were also granted £100 a year out of royal manors.

¹⁰² D. A. Carpenter, ‘A Noble in Politics’, p. 200.

¹⁰³ D. A. Carpenter, ‘A Noble in Politics’, p. 201.

¹⁰⁴ Maddicott, *Montfort*, pp. 244, 246.

¹⁰⁵ Maddicott, *Montfort*, pp. 322–23, 328–29.

¹⁰⁶ Maddicott, *Montfort*, pp. 289–90.

¹⁰⁷ Prestwich, *Edward I*, p. 49.

fled on the swiftest and shouted: ‘Lordings, I bid you good day. Greet my father well, and tell him that I hope to see him soon’.¹⁰⁸ Edward met Mortimer, who had allegedly sent the horse he escaped on, and fled first to Wigmore and then to Ludlow gathering his forces and defeating Montfort’s son at Kenilworth.¹⁰⁹ In an essay on Mortimer’s involvement in the war David Carpenter considers that there were ‘few nobles who played a more decisive role in the downfall of Simon de Montfort’.¹¹⁰ Mortimer led one division at Kenilworth and was, according to some accounts, instrumental in holding a bridge which trapped Montfort’s inferior forces and forced them into a fight on unfavourable ground.¹¹¹ At the battle Montfort was killed, according to one account by Mortimer himself, before being dismembered, castrated, and beheaded.¹¹² The head and genitals were sent to Roger Mortimer’s wife at Wigmore probably because of some prior mistreatment of Maud by the Montforts.¹¹³ Roger Mortimer seemingly personally killed Montfort personally as he was able to claim the head. He also likely killed Hugh Despenser who was a ‘diehard’ supporter of de Montfort and the Provisions and a long-time friend of Montfort’s.¹¹⁴ Hugh Despenser the Younger, the grandson of this Hugh, in the fourteenth century, threatened the Mortimers of Wigmore and Chirk with revenge for the killing of his grandfather.¹¹⁵ This later Hugh, and his father, the younger and elder Despensers of the fourteenth century became were great powers in their turn and would go on to play a part in the ructions of the fourteenth century. The marchers were therefore central to the power dynamics of this dramatic period, ‘the authors of Simon’s defeat’, and played host to a series of dramatic events of national, and even international, importance.¹¹⁶

During Edward I’s reign (1272-1307) the marches were no quiet backwater and tensions between the marcher lords and the Welsh combined with the question of the Welsh princes’ fealty led to a full-scale English invasion in 1277.¹¹⁷ Montfort had also formed an alliance with the Welsh against the marchers, through marriage, and looked to completely reorient the political dynamic of England by handing over this region to the Welsh princes. This invasion was probably in part a decision to avoid any future repeat of such an alliance. There was no straightforward conquest of

¹⁰⁸ Prestwich, *Edward I*, p. 49.

¹⁰⁹ Prestwich, *Edward I*, p. 49.

¹¹⁰ D. A. Carpenter, ‘A Noble in Politics’, p. 183.

¹¹¹ *Vita Edwardi Secundi: The Life of Edward the Second*, ed. by Wendy R. Childs and N. Denholm-Young, Oxford Medieval Texts, Rev. ed. (Oxford: Clarendon Press, 2005), pp. 186–87 n. 382.

¹¹² D. A. Carpenter, ‘A Noble in Politics’, p. 183; de Laborderie, Maddicott, and Carpenter, pp. 400–402: Maddicott, Carpenter, and Laborderie consider it most likely that Mortimer killed Montfort and was not at the bridge.

¹¹³ Prestwich, *Edward I*, p. 51.

¹¹⁴ Maddicott, *Montfort*, pp. 63–64, 213.

¹¹⁵ Childs and Denholm-Young, *Vita Edwardi Secundi*, pp. 186–87, n. 382: Hugh Despenser the Younger threatened the Mortimers of Wigmore and Chirk with revenge for the killing of his grandfather.

¹¹⁶ Maddicott, *Montfort*, p. 344.

¹¹⁷ Prestwich, *Edward I*, pp. 173–76.

Wales but by the summer of 1283 the power of the Welsh princes was broken and the marcher lords had been foremost in the onset and the prosecution of the war.¹¹⁸ After the war, and despite their services in his cause, Edward undermined the traditional marcher freedoms in an 'aggressive nature' even going so far as to imprison the earls of Hereford and Gloucester for a private war.¹¹⁹ The most serious political crisis of Edward's reign occurred in 1297 when a number of his leading magnates refused to provide military service overseas. They based their refusal on a claim of impoverishment due to recent taxes and the sums they had spent in the wars in Wales and Scotland.¹²⁰ Prior to refusing the summons the magnates had discussed their opposition at a meeting in the Welsh marches at Montgomery.¹²¹ The tensions placed on the realm came to a head in 1297 and approached civil war.¹²² Following Edward I's death while on campaign against Robert the Bruce in 1307 Edward II was crowned at Westminster Abbey. The marcher lords were prominent on this occasion as The Earl of Arundel, Hugh Despenser junior, and Roger Mortimer of Wigmore carried a great table which bore the royal robes.¹²³ Mortimer and Arundel were significant powers in the marches and the younger Despenser would grow into one.¹²⁴ Although the principal events of Edward II's reign were covered in Chapter One some brief recapitulation of the events most pertinent to the Ludlow region are necessary.¹²⁵ In 1321-22 many marcher lords and Thomas the Earl of Lancaster were on the losing side of a conflict with Edward II and the Despensers. This conflict erupted after the growth of the power of the Despensers but most particularly due to the seizure of a large portion of lands in the march by Hugh Despenser the younger. Thomas, cousin to Edward II, leader of the opposition, and the most powerful noble, aside from the king, was captured, tried and executed in 1322. The two Mortimers of Chirk and Wigmore, as a result of an attack from Wales and pressure from their Welsh tenants who 'deeply loathed' them, surrendered and were imprisoned in the Tower of London.¹²⁶ As covered in Chapter One, following the defeat of Lancaster and the marchers, Edward and the Despensers ordered a series of investigations in the marches to ascertain the extent of the rebels' holdings and to extract large sums through fines from their former followers.¹²⁷ Alongside this was a long period of lawlessness which meant that Edward, even in his ascendancy, was unable to take hold of some holdings in the area. Roger Mortimer of

¹¹⁸ Prestwich, *Edward I*, pp. 168–201.

¹¹⁹ Prestwich, *Edward I*, pp. 346–52, 435.

¹²⁰ Prestwich, *Edward I*, p. 419. See especially pp. 49–51 above.

¹²¹ Prestwich, *Edward I*, p. 419.

¹²² Prestwich, *Edward I*, p. 401.

¹²³ Dryburgh, 'The Career of Roger Mortimer', p. 23.

¹²⁴ See: Phillips, pp. 446–47 for an account of the methods in which the younger Despenser seized lands in the March.

¹²⁵ See sections 7.2.2.1 to 7.2.2.5, pp. 53–68.

¹²⁶ Phillips, pp. 403–4.

¹²⁷ See section 7.2.2.5, pp. 62–65.

Wigmore famously began an affair with Edward II's wife Isabella in France and returned from this exile with her at the head of an army in 1326. Mortimer was captured and executed as part of Edward III's coup of 1330. This brought to an end a period of executions of nobility with little pretence of a trial. The marcher lords had been central to this. The first phase began after the summary execution of Piers Gaveston in 1312 after his capture by Warenne, the earl of Sussex – a power in the marches, and the earl of Pembroke.¹²⁸ This execution, seemingly without the support of Warenne or Pembroke, fractured the baronial resistance to Edward II. Warenne was entrusted as a judge at Lancaster's execution in 1322.¹²⁹ Lancaster was prevented from speaking at this show trial. After the invasion of Mortimer and Isabella the elder Despenser was executed without trial in Bristol and in parody of Lancaster's death.¹³⁰ The earl of Arundel, Warenne's brother-in-law, Simon of Reading, and two clerks, were also executed without any pretence of a trial. There was more ceremony, although little legality, in the execution of the younger Despenser. Warenne, Despenser's son-in-law, himself barely escaped the same fate. These executions, and the lack of a trial, became a complaint during the crisis of 1341 and bear heavily on the readings of two of the poems in this chapter. It was Warenne who spoke up most forcefully against those advising the king in 1341 and suggested that the peers of the realm should be the king's primary advisors.¹³¹ As outlined in Chapter One, the new earl of Arundel and Warenne, his uncle, played a central role in the crisis of 1341 as they supported Archbishop Stratford's stand against the king's policy and new advisors.¹³² This was probably, due to their family history, given extra impetus by Stratford's plea that magnates should be given a trial before their peers. As Matt Raven recently outlined, Edward III sought to settle down the 'simmering feuds left over from the factionalism of Edward II's reign' by empowering the earl of Arundel as the principal power of the region.¹³³ Arundel was personally active in the marches throughout the 1340s and 50s and used his retinues to enforce royal justice in a region which was still relatively prone to volatility on account of the particular freedoms the lords enjoyed.¹³⁴

The local, and national, connections to the politics of the marches are integral to the understandings of the texts within Harley 2253. There were seismic events in the lifetime, or prior

¹²⁸ Scott L. Waugh, 'Warenne, John de, Seventh Earl of Surrey [Earl of Surrey and Sussex, Earl Warenne] (1286–1347)', *Oxford Dictionary of National Biography* (Oxford University Press, 2004), p. 9 (p. 3) <<https://doi.org/10.1093/ref:odnb/28735>> [accessed 29 November 2021].

¹²⁹ Scott L. Waugh, 'Warenne, John De', p. 5.

¹³⁰ McKisack, p. 88.

¹³¹ Scott L. Waugh, 'Warenne, John De', p. 6.

¹³² See above Chapter One, Section 7.2.2.6, pp. 82–84.

¹³³ Matt Raven, 'The Earls of Edward III and the Polity: The Earls of Arundel and Northampton in the Localities, 1330–60', *Historical Research*, 92.258 (2019), 680–704 (pp. 700–701) <<https://doi.org/10.1111/1468-2281.12288>>.

¹³⁴ Raven, 'The Earls of Edward III and the Polity', p. 700.

generation, of the Ludlow Scribe and the audience of these texts which took place within a short distance of Ludlow. It is telling that few of these events are explicitly mentioned in any of the surviving works. Only a version of the Brut Chronicle which relates the death of Piers Gaveston and the 'Office for Saint Thomas Lancaster' survive. Both of these appear only in British Library Royal 12.C.XII. The absence suggests that possessing or performing texts relating to important political events which had recently taken place might have been problematic. The most recent explicit reference relates to the death of Thomas of Lancaster some eighteen years before the majority of the texts which are examined. Notable absences are those which relate to the flight of Edward I, the death of Edward II, the execution of both Hugh Despensers, the mutilation of Montfort, and the reign of Mortimer and Isabella. The following section will survey these political texts and suggest the aspects which may have been pertinent to an audience in and around Ludlow in the light of events outlined here. It will also relate some of the ways in which these texts reveal attitudes towards royal authority, officialdom, and supposed corrupt behaviour. They show an assertion of independence from central control, a disgust of royal officials, lamentations for the state of the times, and an ongoing interest in political affairs of national import – some of which took place contemporaneously with the copying of the poems.

4.3 POLITICAL POETRY IN MS. HARLEY 2253

4.3.1 Memories of Rebellion: 'A Song of Lewes', 'Lament for Simon de Montfort', and 'The Execution of Sir Simon Fraser'¹³⁵

Revard, among others, has proposed that the manuscript was constructed with a 'dialectic metanarrative' which sought to create oppositional themes through the positioning of texts.¹³⁶ However, O'Rourke rejects the idea of any structured arrangement of texts and outlines the variety of different organising principles that modern scholars have suggested as evidence that they are finding 'order in diversity'.¹³⁷ One example cited by Revard is a sequencing of texts composed in the mid to late thirteenth and early fourteenth centuries. 'A Song of Lewes' (composed 1264), the 'Lament for Simon de Montfort' (1265-66), and 'The Execution of Sir Simon Fraser' (1306) were copied onto folios 58v-61v in around 1340. The date of copying suggests that these were consciously copied and collated together as they bore a perceived relation to contemporary events. These

¹³⁵ *The Complete Harley 2253 Manuscript: Volume 2*, ed. by Susanna Fein, David B. Raybin, and Jan M. Ziolkowski, TEAMS, 3 vols (Kalamazoo, Michigan: Medieval Institute Publications, Western Michigan University, 2014), II, pp. 86–109. All three texts are available online: Full texts online. A Song of Lewes: <https://d.lib.rochester.edu/teams/text/fein-harley2253-volume-2-article-23>. Lament for Simon de Montfort: <https://d.lib.rochester.edu/teams/text/fein-harley2253-volume-2-article-24>. Execution of Sir Simon Fraser: <https://d.lib.rochester.edu/teams/text/fein-harley2253-volume-2-article-25>.

¹³⁶ See, for example: Revard, 'Oppositional Thematics'.

¹³⁷ O'Rourke, VII, p. 59.

poems contrast the victory of the barons at Lewes with the defeat and dismemberment of de Montfort at Evesham with short texts which iterate the shortness and shallowness of the material. The ‘Song of Lewes’, in a refrain probably intended to be sung aloud by a group, mocks Henry III’s brother Richard as a ‘trichard’ [‘traitor’] and the future Edward I as a ‘sheward’ [‘scoundrel’] on a ‘lyard’ [‘poor horse’] who will ‘Shalt thou nevermore breke foreward’ [‘never again break a vowed contract’] (ll. 59-62). This reference to a poor horse may have been an allusion to Edward’s supposed escape on a fast horse provided by Mortimer. Equally, this attack on Edward’s treachery was relevant in the marches as he undermined marcher liberties during his rule. ‘The Lament’ heroicizes the ‘gentle baronage’ who opposed Henry III (mocked as ‘the flatterer’) and suggests that these barons ‘are brought low on account of their loyalty and truthfulness’, and equates Simon de Monfort to Thomas Becket (ll. 6, 37-44, 91-93, 132). After the ‘Lament’ run two short *memento mori* works on folio 59v in English and Anglo Norman with a Latin couplet addition. These works entitled ‘Carnal Love is Folly’, ‘What Allures is Momentary’, and ‘Earth upon Earth’ seem to suggest that reflection should be given to the shallowness and shortness of the material world. Subsequent to this sequence is a poem which recounts the fate of Sir Simon Fraser and rejoices in the capture and execution of Scottish opponents. Here Edward I, Aymer de Valence (Earl of Pembroke and a powerful force in the Welsh marches), and the future Edward II are lionised and presented as heroes and their opponents as duplicitous turncoats. The traitors pledge: ‘Fals wes here foreward so forst is in May | That sonne from the southward wypeth away’ [‘was as false as frost is in May | Which the sun from the south wipes away’] (ll. 42-43). Sir Simon Fraser, who repeatedly switched between loyalty to the Bruce and Edward I:

*He com yn at Newegate, Y telle yt ou aplyht;
A gerland of leves on ys hed ydyht,
Of grene.
For he shulde ben yknowe
Bothe of heye ant of lowe
For treytour, Y wene.*

[entered Newgate prison, I tell you faithfully;
A garland of leaves put on his head
of green,
because he should be displayed,
Before both high and low,
As a traitor, I think]
(ll. 115-120)

Tied to his horse and manacled, Fraser has ‘A gerland of peruenke set on ys heued’ [‘A garland of periwinkle [...] set on his head’] (l. 123). When Sir Simon Fraser is brought to the gallows, he was clad ‘In a curtel of burel, a selkethe wyse | Ant a gerland on ys heued, of the newe guyse’ [‘in a tunic of sackcloth and a garland on his head, of the latest fashion’] (ll. 179-180). At various points the narrator of the poem assures the listener of the veracity of his story: ‘With feteres and with gyves Ichot he wes todrawe’ [‘With fetters and manacles I know he was dragged’] (l. 177). The use of the first-person perspective at times has the feel of an eyewitness account and draws the audience into a view of this spectacle from amongst the crowd who ‘With gomen ant wyth solas, that wes here play, |To Londone Brugge hee nome the way’ [‘With game and with fun, that was their play, To London Bridge they took their way’] (ll. 194-195). This tale is concluded by telling Englishmen to hang up their knives and hatchets while Edward I still lives. The following text ‘On the Follies of Fashion’ excoriates women in particular for their pride. It opens by telling its audience that god needs no knives to punish pride and that:

*Bothe weþmon ant wyf
Sore mowe drede
Lest thou be sturne with strif
[...]
That monkune
Shulde shilde hem from sunne.*

[*Both man and woman
Must fearfully dread
Lest you be stern with strife [...] That mankind
Should refrain from sin*]
(ll. 5-11).

The last three lines of the Fraser poem and the first three of the following are linked by the same closing rhymes (strif/knyf/lyf). This is clearly intended, and is perhaps the result of an insertion by the Ludlow Scribe, to link between the two poems and highlight the mistakes made by men or women who take too much pride in earthly material or power. Taken as a whole, they might betray some anti-royalist leanings, as many have posited, but it seems likely that the primary purpose was to illustrate the dangers of pride and the wheel of fortune which brings the high low and the low high. All these poems feature men who become powerful individuals who seek to place themselves in positions of great power. In the case of Sir Simon Fraser this crowning only occurs in the moment of

his death although Robert Bruce is also singled out. The scribe may have intended to highlight the fates of those who accrue power to themselves.

Copied in 1340-41 this set of poems would have strong resonances for the Ludlow Scribe and his contemporaries. It seems that in arranging these texts the scribe was keen to highlight conflict between baronial and royal power which, as has been shown, was a topic of national interest but also particularly relevant in the Ludlow area. The execution of Hugh Despenser the Younger was dramatic and it seems inevitable that 'The Execution' had particular resonances for a local audience. Hugh Despenser the Younger and Edmund FitzAlan, earl of Arundel, were both executed in Hereford only fourteen years prior to the copying of 'The Execution' – FitzAlan without even the pretence of a trial.¹³⁸ Both had strong local connections and Hugh Despenser had attempted to set himself up as the premier power in the marches at the expense of the Mortimers. FitzAlan, a lord with many connections to the marches, had been one of the Ordainers, was connected through marriage to the Despensers, and intimately involved in the capture and execution of Piers Gaveston – along with the Earl of Hereford, and was a judge presiding over the summary execution of Thomas of Lancaster in 1322.¹³⁹ FitzAlan had earned the hatred of Mortimer of Wigmore, perhaps as he had taken his uncle's lands after the failed rising, and was supposedly executed in secret with a blunt sword.¹⁴⁰ The end of Hugh Despenser was more public and evokes elements of the tale of Sir Simon. He was forced from his horse outside Hereford, stripped and dressed in hides alongside Edward II's chancellor Robert Baldock.¹⁴¹ Despenser was clad in a tunic with his coat of arms reversed and a bible verse inscribed: 'Why do you glory in malice, you who are mighty in iniquity?'.¹⁴² Baldock was crowned with thorns and Despenser with nettles.¹⁴³ Trumpets and horns were sounded to announce the arrival of the procession and Simon of Reading, a close friend of Despenser, carried his lord's banner with the arms reversed.¹⁴⁴ This procession was a common theme in cases of treason and was perhaps an inversion of the entry of royal processions and royal courts. After a brief trial Despenser was sentenced to death and was then drawn, by four horses rather than the usual two, through the streets again to the sounds of trumpets and horns and preceded by Simon of Reading with the reversed banner this time on a lance.¹⁴⁵ Despenser was then hung on a scaffold fifty-feet

¹³⁸ McKisack, p. 86.

¹³⁹ Phillips, p. 516.

¹⁴⁰ Phillips, pp. 417, 516.

¹⁴¹ Danielle Westerhof, 'Deconstructing Identities on the Scaffold: The Execution of Hugh Despenser the Younger, 1326', *Journal of Medieval History*, 33.1 (2007), 87–106 (p. 91) <<https://doi.org/10.1016/j.jmedhist.2007.01.006>>.

¹⁴² Phillips, p. 518.

¹⁴³ Westerhof, 'Deconstructing', p. 91.

¹⁴⁴ Westerhof, 'Deconstructing', p. 91.

¹⁴⁵ Westerhof, 'Deconstructing', p. 92; and possibly his intestines; Natalie Fryde, *Tyranny and Fall*, p. 192.

high, disembowelled, decapitated and quartered.¹⁴⁶ Simon of Reading was apparently singled out as a result of having mocked Isabella and was hanged on a platform ten feet below his master.¹⁴⁷ Despenser's parts were sent across the country and the head to London. The Ludlow Scribe, given his connections to Hereford, and the audience for his works, potentially witnessed these events first-hand and if not, would have heard them recounted by eye-witnesses. The following text, 'On the Follies of Fashion' attacks fashion, women, pride, and suggests that they should fear God who 'cocke with knyf' ['fights with a knife'] (l. 3). This may be a comment on Despenser's pride and violent death. A further connotation springs from the clear link to the performative role of clothing during Despenser's execution which itself may have some link to perceptions of Despenser. Likewise, it could suggest an overture to the role of Isabella in the treatment of Simon of Reading as a result of his supposed insults towards her. The text which follows the *Follies of Fashion* is 'Lessons for True Lovers'. There are any number of connotations of this text in concord with the Execution. The love presented could be platonic or romantic. It may be a comment on the relationship between Isabella and Mortimer or between Despenser and Reading or Despenser and Edward II. The text offers twelve rule of love and is analogous to the 'Rules of Friendship' which also offers twelve rules. Its presence here is perhaps intended to invoke this other work which the scribe also possessed and is present in Harley 273. 'The Execution of Sir Simon Fraser' has been taken as simply proto-nationalist and anti-Scottish. The local contexts and proximity to the execution of Hugh Despenser the younger must have surely been obvious for any listeners or readers in the mid-fourteenth century Ludlow context. The unusual garlands alone are enough to draw these parallels. Despite this, no analysis, thus far, has highlighted this connection. This text shows that older texts were reused as a point of comparison for contemporary events. The poem was first produced after the execution but before the death of Edward I sometime around 1306. Secondly, they show an attempt to sublimate a political message. Whether this was for fear of airing views on political events which were close in both years and miles to the scribe or to force the audience to think carefully about intended resonances is unclear. Either suggests an audience rather than texts collected purely for the scribe's entertainment.

In their local contexts the two texts relating to the Barons' War are less straightforward than has been supposed. The most powerful lords of the marcher lands were responsible for the downfall of the Montfortian cause but, as discussed, their loyalties were no straightforwardly royalist in the course of the conflict – nor subsequently. Texts on Montfort and the Barons' War however were still a subject of national remembrance. Performers entertained Edward II in 1322 with accounts of

¹⁴⁶ Phillips, p. 518.

¹⁴⁷ Natalie Fryde, *Tyranny and Fall*, p. 192.

Montfort.¹⁴⁸ Likewise, a relatively recent discovery of a new account of the Battle of Evesham was copied, from an earlier now lost exemplar, in 1330.¹⁴⁹ The memories of these conflicts were very much alive in this period and the connections from the middle of the thirteenth century to the 1340s will have been clear to the Ludlow Scribe and a marcher audience. The Ludlow Scribe is presumed to have lived from the 1290s to around 1349 and so would likely have known and interacted with witnesses and even participants of these earlier happenings. The series of events from 1264 to 1330 were of national significance and many took place within the environs of Ludlow or just a few days travel. They also concerned the fates of men and women from the region who were not just powerful, but instrumental, in national politics of the era. Indeed, it is no exaggeration to say that members of the marcher elites were some of the most important actors in dramatic political reversals in this period. Often considered today as simply a border region the areas around Ludlow must have seemed as an important and central to much of the high politics of the period. All of these local connections must have been held in mind by the Scribe and his audience at the time of their copying and performance. They hark back to events nearly eighty years prior and link these to more recent events in local and national politics. Revard's dating suggests that they were copied as the crisis of 1341 was unfolding. This was a time of heightened stress due to the failed war, high taxes, a series of high-profile imprisonments, and a public war of words between the king and the Archbishop of Canterbury. It must have seemed at the time that the realm was returning to the tensions, in-fighting, and reprisals of previous years. Indeed, Edward III himself feared such an outcome and several poems in Harley 2253 echo his thoughts.¹⁵⁰ This stress is perhaps revealed by the absence of prominent actors from the marches in the fourteenth century who are conspicuous by their absence throughout the Harley texts. It seems likely that the upheavals of the previous decade were probably still too fresh to commit to parchment or perhaps bind in a collection as these other texts were. However, some of the texts examined later in the chapter suggest a much more topical, although sublimated, link. Perhaps these poems, most especially the 'Execution', were a safe way to explore and discuss the events relating to Despenser within a politically safe proto-nationalist poem.

The texts were almost certainly performed or used to teach and as such it is likely impossible to ascertain what framing discussions or supplementary teachings might have been consumed alongside them. Much like the oral performance of proclamations, there is much scope for the written composition of a text to be altered through performative practices. The addition of

¹⁴⁸ de Laborderie, Maddicott, and Carpenter, p. 406.

¹⁴⁹ de Laborderie, Maddicott, and Carpenter, p. 406.

¹⁵⁰ See for example the letters of Edward III quoted in: Natalie Fryde, 'Edward III's Removal', pp. 153–54. The poems 'Trailbaston' and 'Against the King's Taxes' both suggest that warfare or rebellion might result from the state of the realm.

mocking tones or gestures could undermine a serious message or invert a eulogy to a king. ‘A Song of Lewes’ with its apparently rowdy chorus and mocking chants could appear quite different and might take on a sombre tone, in the light of the fate of Montfort and his followers. This fate was well known to a marcher audience who were descended from men who had fought against Montfort and his followers at the Battle of Evesham. They had also opposed him, and lost, at Lewes and witnessed his death and the return of his dismembered body parts. Montfort’s head was potentially displayed for a long period after his death.¹⁵¹ The ‘Lament for Simon de Montfort’ with its repeated refrain could easily become a chant mocking a fallen enemy:

Now he is slain,
The flower of fame,
Who knew so much of war;
The Earl Montfort,
His cruel death
The land will deeply mourn
(ll. 13-18).¹⁵²

In their performances and framing these two poems could be reversed, one mourning a loss at Lewes the other celebrating a victory at Evesham. The mentions of the Edward’s poor horse could be taken as an allusion to his later escape on a fleet horse in which the marchers played a key role. Additionally, the criticisms of Edward for breaking his word would play well as he subsequently undermined the freedoms of the march. Finally, if we accept that the ‘Execution’ is intended to evoke images of the younger Despenser’s death then these three poems all relate to the downfall of powerful men who opposed the Mortimer family. All relate to the wars of the mid-thirteenth century. Montfort was probably killed at Evesham by Roger Mortimer (d. 1282). The younger Despenser engaged in an ongoing feud with the Mortimers of Wigmore and Chirk as apparently his grandfather had also been killed and dismembered by same Roger Mortimer at Evesham. This strengthens suggestions that the manuscript was associated closely with a family connected to the Mortimers. While it is challenging, perhaps impossible, to untangle the matted mass of local interconnections and understandings of these texts it is clear that they elucidate several points about

¹⁵¹ Westerhof, ‘Deconstructing’, p. 93: Hugh Despenser the Younger’s quarters were on display until the Edwardian coup of 1330. Danielle Westerhof, *Death and the Noble Body in Medieval England* (Woodbridge: Boydell Press, 2008), pp. 125–26: Some part of Andrew Harclay was on display for at least five years, Thomas de Turberville was told his body would hang ‘as long as anything of him should remain’. Prince Llewellyn’s head was on display for at least fifteen years.

¹⁵² [‘Ore est oycs, | La flur de pris, | Qe taunt savoit de guere; | Ly quens Mountfort, | Sa dure mort | Molt en plorra la terre’ (ll. 13-18)].

Harley 2253, the Scribe, and the national literary culture in which they circulated. Firstly, it is clear that political texts from nearly a century before continued to be copied outside of their original context and were reused to draw parallels or impart lessons. This might encompass, like Revard proposes, the idea of the cyclical nature of political power or the transitory nature of material power. Equally they might simply be intended to be an aid to teach historical events or to entertain using texts with a local relevance which is far enough removed that they are safe to discuss openly. It could suggest, in the absence of any more contemporary material relating to figures from within the marches, that it was impolitic or even dangerous to possess such material. Despite a clear interest in the major political figures of the prior century there is a distinct absence of any mention of Roger Mortimer of Wigmore.

While these texts do not directly relate to corruption, they show that there was a clear and ongoing interest in the shifting dynamics of political power over a long period. The series of poems curated by the Ludlow Scribe, 'Office for Saint Thomas of Lancaster', 'The Song of Lewes', and 'The Lament for Simon de Montfort' all, at least on a surface reading, heroize individuals who were famous opponents of royal power. These individuals corralled parliament to attempt to constrain and oversee the activities of royal officials and were killed by the crown. The promotion of Thomas of Lancaster and Montfort was a key part of political discourse throughout the late thirteenth and early fourteenth centuries. This mirrors the veneration of martyrs such as Thomas Becket who were espoused for their resistance to temporal powers. Throughout the thirteenth century Becket and other symbols which had been seen as anti-royal emblems were increasingly adopted by the Plantagenet regime. This may have been in part to combat the effectiveness of the Montfort, and later Lancaster, cults. These two Montfortian poems, especially in conjunction with Royal 12.C.XII, demonstrate a long-standing interest in political figures who opposed the crown. Whether or not the scribe, and audience, were 'anti-royal' or 'pro-baronial' is unclear. It is, in any case, problematic to suggest political allegiances from such multi-valent texts. Especially when such texts appear deliberately ambiguous either to engage the reader or avert accusations of dubious political fidelity. Montfort built a reputation as an opponent to certain aspects of royal power with some of the most well-developed aspects of his political platform devoted to the control of royal officials. Likewise, Thomas of Lancaster consciously mimicked Montfort in his positioning as an alternative power to Edward II albeit with much less success. Montfortian poems continued to be popular precisely because of his position as an opponent of royal power and champion of the gentry. All three of the poems discussed reveal some potential understandings of these texts based on their date of copying and the particular local contexts of the Welsh March which are sublimated for reasons of literary merit or potential censorship. Furthermore, these poems show that the Ludlow Scribe, and the local and national network of which they were a part illuminates one potential audience to which Montfort, Lancaster, the crown, and others were seeking to influence through their public actions –

especially through oversight of royal officials. The next six poems examined in this chapter directly concern attitudes towards these royal officials.

4.3.2 ‘Satire on the Retinues of the Great’¹⁵³

Throughout, the thesis has highlighted the burdens placed upon the populace by taxes, export duties, royal and local justice, and other demands. These were exacerbated by the unremunerated officials and their retinues. Every significant official required servants, clerks, and grooms.¹⁵⁴ The collection of tax or wool, or the administration of the crown’s business required these extensive retinues for protection, intimidation, and simply to administer the collection.¹⁵⁵ Purveyors, collected foodstuffs and supplies for royal armies, and had to literally handle livestock, grain, or other agricultural produce. Such officials surely required significant numbers of individuals alongside tally makers, clerks, servants, herding dogs, horses, and carts. Chief tax collectors appear to have had several deputies and clerks even when collecting currency.¹⁵⁶ When collecting goods in lieu of coinage, they must have required equivalent retinues to the purveyors. This need for an entourage may have been mirrored by the wool collectors although the record is unclear on the detail.¹⁵⁷ It may be that when required to convey large volumes of goods they impressed or employed locals. Purveyors of victuals were often military men and so likely retained a small following which aided their collection. Chief taxers and wool collectors were likewise important figures who could be expected to have a retinue to call upon. Indeed, the ability to command a retinue was probably an important consideration when appointing such officials. As covered elsewhere these retinues were often the source of much complaint.¹⁵⁸

The hatred of such hangers-on, clerks, grooms, and servants is evident across the fourteenth century. It is at its most visceral in ‘Satire on the Retinues of the Great’ which survives only in Harley 2253. It emphasises the numerous members of the retinues and lists multiple names and insults for them.¹⁵⁹ Wendy Scase aligns the poem with other complaints against retinues and believes that this poem is intended to represent the activities associated with purveyance. Scase points out the number of servants attached to royal officials could be very high. A statute concerning the Keeper’s limited them to a single servant per horse in their care. In at least one instance they were

¹⁵³ *The Complete Harley 2253 Manuscript: Volume 3*, ed. by Susanna Fein and others, TEAMS, 3 vols (Kalamazoo, Michigan: Medieval Institute Publications, Western Michigan University, 2015), III, pp. 218–21. Full text available online: <https://d.lib.rochester.edu/teams/text/fein-harley2253-volume-3-article-88>.

¹⁵⁴ See Chapter One, Section 7.1, pp. 37–38; Chapter Two, Section 8.3.3, pp. 106–112.

¹⁵⁵ See Chapter One, Section 7.1, pp. 35–42. Also, for some examples of wool collectors or controllers deputies: pp. 129, 134–135.

¹⁵⁶ Chapter Two, Section 8.3.3, pp. 106–112.

¹⁵⁷ See pp. 142, 148.

¹⁵⁸ See Chapter One, Section 7.1, pp. 35–42.

¹⁵⁹ Scase, “‘Satire on the Retinues’”, p. 313 Scase lists each insult and name for the servants.

responsible for sixty-six horses.¹⁶⁰ The presence of such a statute suggests that the number of servants might have often exceeded one per horse. In the same line the statue forbids additional women, pages, and dogs – again suggestive that such practices were, to some degree, common.¹⁶¹ It is not hard to imagine the serious imposition that over sixty horses and more than sixty servants, dogs, and boys might have when they required housing and feeding by the local populace. In this poem the author, in Middle English and Anglo Norman, lambasts the grooms, stable-hands, pages, and boys who are ‘gedelynges’ ['bastards'] spawned by the devil from ‘fles ant to fleye, to tyke ant to tadde’ ['fleas and flies, mongrels and toads'] (ll. 5, 10). It has been praised for its ‘linguistic inventiveness’ and seen as an attack on attendants of the great as their masters passed through the land.¹⁶² The poem is presented as an accounting for the damage done by their passage and, according to Wendy Scase, plays with the forms of judicial plaint. In the first line the speaker ‘red o my rolle’ ['recount in my roll'] the categories and names of its subject: ‘of gedelynges, gromes, of Colyn ant of Colle, | Harlotes, hors-knaves, bi pate ant by polle’ ['Of low rogues, grooms, of Colin and of Colle, | scoundrels, horse-knaves, by pate and by head'] (ll. 1, 2-3). John Scattergood likens this to a head-count in ‘in a manorial account roll or the like’.¹⁶³ Both names ‘Colyn’ and ‘Colle’ are derogatory names for a countryman.¹⁶⁴ The poem likens the servants to insects and implies that they are parasites living off their betters. The retinues ‘weren yhaht of an horse thoste!’ ['were hatched from a horse’s turd!'] (l. 7). They are greedy, scabrous, drunken, and dressed above their station: ‘Hue bosketh huem wyth botouns ase hit were a brude, | With lowe-lacede shon of an hayfre hude’ ['They dress up with buttons as if they’re bridegrooms, | With low-laced shoes made of a heifer’s hide'] (l. 27). They seemingly take these clothes from the profits of the stolen produce: ‘Hue pyketh of here provendre al huere prude’ ['They filch all their finery from their fodder'] (l. 28). They are above their station due to thievery and the ‘luthernes of the ladde, the prude of the page’ ['insolence of the churl, the pride of the page'] (l. 30). The poem likens these individuals to pests which also live on the horses that they care for. According to Scase, the ‘poet’s obsession with the lower forms of life associated with the stables has bemused critics’.¹⁶⁵ However, I believe that their presence is intended to ponder the parasitic nature of the retinue. As the grooms and servants ride and travel on horseback so these insects live on horses and people. Like these insects, the grooms fatten themselves, drink, and are ‘beuth horlynges ant haunteth the plawe’ ['are lechers and chase

¹⁶⁰ Scase, “Satire on the Retinues”, p. 313.

¹⁶¹ Scase, “Satire on the Retinues”, p. 313.

¹⁶² Scase, *Literature and Complaint*, p. 33; John Scattergood, ‘Authority and Resistance’, in *Studies in the Harley Manuscript: The Scribes, Contents, and Social Contexts of British Library MS Harley 2253*, ed. by Susanna Fein (Kalamazoo: TEAMS, 2000), pp. 163–202 (p. 194).

¹⁶³ Scattergood, p. 194.

¹⁶⁴ Scattergood, p. 194.

¹⁶⁵ Scase, *Literature and Complaint*, p. 34.

after pleasure'] through their position as servants to a powerful master (l. 13). The grooms themselves sustain a 'gobelyn' ['Goblin'] that lives in 'gromene maw' ['groom's belly'] (l. 16). It is to the devil 'thuere syre' ['their sire'] that they will return: 'The Fend ou afretie with fleis ant with felle!' ['May the Devil devour you in both flesh and skin!'] (ll. 15, 38). These insects are often associated with demons.¹⁶⁶ Likewise toads are associated with greed, sexual desire, and a demonic presence.¹⁶⁷ The 'capel-claweres' ['horse-clawers'] are shaped from fleas and flies – their lousy behaviour is driven by their infestation of devils (ll. 10, 25). Thus, there are multiple layers of parasitisation in the text. Fleas, flies, and lice are often associated with demonic possession and the demons to which the grooms are likened. These goblins or demons which sit inside them and explains their rapaciousness. Their master, the devil, sins through these agents. Finally, they also parasitise their masters who are presumably important royal officials or other significant worldly figures. A radical reading might even suggest that their masters, whether lords or royal officials, are parasites on the poor – an idea expressed elsewhere in Harley 2253 and outlined below.

Rather than an accounting of costs rendered by the retinues, it seems more likely that the poem is a mockery of court proceedings. It begins with the speaker recounting various categories of offenders from a roll who will be delivered to the devil. It outlines their provenance, lists their crimes, damages they have caused, and suggests that 'ye shulen hogen ant herbarewen in helle' ['you'll surely hang and find lodgings in hell'] (l. 40). Fein's translation renders this line as something approaching a prophecy rather than a sentencing. Most meanings in the *MED* express 'shulen' as closer to an obligation or a certainty rather than a potentiality.¹⁶⁸ Likewise 'herbarewen' can have the sense of the stabling of livestock.¹⁶⁹ The closing line thus plays on the nested logic of the poem. It pronounces a sentence and damns the retinue to hell. The line might be better rendered as 'you shall hang and lodge in hell'. The stablemen and their retinues are seeking lodgings for their masters, their livestock, and themselves, but, according to the speaker, the only lodgings they deserve is in hell because a devil is 'lodged' in them. Thus, although they are able to take lodgings as they please, the only reward they will receive for their actions is eternal damnation. At the end of the first stanza, after calling all offenders, the speaker states that 'To Devel Ich hem tolyvre, ant take to tolle' ['I deliver them to the Devil, and take a toll'] (l. 4). The crimes, and their costs, are outlined and then sentence, hanging and hell, is pronounced much like court records of this period. This would tally with the likely public performance of the poem and perhaps explains the usage of Anglo-Norman

¹⁶⁶ Renate Blumenfeld-Kosinski, 'The Strange Case of Ermine de Reims (c. 1347–1396): A Medieval Woman between Demons and Saints', *Speculum*, 85.2 (2010), 321–56 (p. 343) <https://doi.org/10.1017/S0038713409990996>.

¹⁶⁷ Blumenfeld-Kosinski.

¹⁶⁸ 'Shulen v.(1)', *MED*.

¹⁶⁹ 'Herberwen v.(2a)', *MED*.

throughout. The poet is perhaps mocking a limited understanding of French by the hangers-on or court officials. One can imagine a performer imitating court officials, the servants, or public proclamations, with the written text acting as a prop like the court roll and an exaggerated manner for added comic effect. Court officials certainly proclaimed their business as they arrived and perhaps this included a list of demands for lodgings and supplies. If so, this poem might be an inversion of these demands by positing that the only thing that the hosts owe to the retinue is murder and damnation. As Scase posited it is an accounting and a comic inflection of complaint but more specifically a complaint issued in court.¹⁷⁰

Scase suggests that it most likely relates to the practices of the Keeper's of the King's horses or purveyors although recognises that it circulated in an area which suffered relatively little from the practice.¹⁷¹ This is probably unnecessarily reductive. The practice of retinues moving from lodgings to lodgings, seizing foodstuffs, and taking bribes from their hosts was not restricted to purveyors, Keeper's of the King's Horses or any other official position. As shown throughout the thesis many types of officials seem to have had retinues which were a cause of complaint. Even tax collectors seem to have retained a fairly large following which must have expanded as and when they were required to levy the sums in agricultural produce. This is just as true of wool collectors. Courts similarly had large retinues which seized livestock or other goods from those who defaulted on their debts to the court. They must have retained enough numbers to discourage resistance and manage the goods or animals – including likely dogs, which are mentioned in the poem, for herding. Scase is explains that purveyance is a national issue despite the supposedly limited geographic impact of such practices. To Scase apparently explains the presence of this text in a manuscript associated with the West Midlands.¹⁷² However although purveyance is limited to those areas closest to the areas of conflict there is no such neat distinction for the retinues of royal courts, other officials such as tax collectors, or important figures with significant households. Most particularly the bailiffs of royal courts would have been painfully obvious in the Ludlow area in the 1320s during the vindictive trialbaston courts of Edward II which confiscated much property. The variety of groups that are suggested by scholars as the object of this poem such as purveyors, indentured servants, or retinues of the powerful, suggest that the poem was aimed at a broad swathe of practices rather than just purveyors. The fine clothes which are the pride of the servants they 'pyketh of here provendre' ['plunder from their fodder'] does suggest an attack directly on those servants who are empowered to collect foodstuffs (l. 28). The emphasis on the numerosness and ubiquity of the servants in the

¹⁷⁰ Scase, "Satire on the Retinues", pp. 312–13.

¹⁷¹ Scase, "Satire on the Retinues", p. 320.

¹⁷² Scase, "Satire on the Retinues", p. 320.

poem could be read as a comment on the growth in the number and variety of officials which emerged from the late thirteenth century onward.

Rather than a simple complaint and accounting it could also be a play on the courts which collect damages, for the king and victims, through fines, amercements, or seizures. This would add a further layer to the poem. It is mimicking the courts which are the site of grooms, pages, stablemen, and other hangers-on. It could therefore be a mock trial of the lesser men of the court. Much like the aftermath of the murder of John Halteby – a servant of the king’s court in Ipswich in 1344.¹⁷³ The hostility towards the court led to its early conclusion and after the murder the townspeople took to the steps of the townhall and sang songs, feasted the murderers, and issued mock proclamations against the justices.¹⁷⁴ The mocking of the courtroom suggests that the audience is invited to consider how these courts, which were ostensibly to improve the local situation, made it worse with the intrusion of a large number of followers who needed to be housed, fed, remunerated, and who often engaged in criminality themselves. These courts and officials, just like the devil and his grooms in the poem, are seen as parasites on the local community. Perhaps earlier versions of the poem related specifically to a single type of retinue, such as purveyors, court officials, or Keeper’s of the King’s Horses, and became more general through its transmission. There is some indication that the poem was copied from a local exemplar ‘from memory or oral recitation’.¹⁷⁵ However widely or narrowly the attack may have been intended, the poem is clearly a negative representation of retinues which underpinned most crown revenue raising activities in this period. It speaks to themes which were important to the Commons and the gentry: the rejection of revenue raising exercises which were predicated on coercion and the interjection of royal power into the localities. It need not be solely aimed at purveyors, courts, or even royal officials but it was surely intended to bring to mind their corrupt activities, especially in the context of Ludlow and its environs which suffered greatly from military turmoil and heavy royal exaction through itinerant courts.

4.3.3 ‘Satire on the Consistory courts’¹⁷⁶

This hostility to courts extends beyond the hangers-on and encompasses other courts and their servants. The ‘Satire on the Consistory Courts’, a comic poem solely attested in Harley 2253, conveys the story of a man forced to wed a woman he has had sexual relations with outside of

¹⁷³ See pp. 38, 41.

¹⁷⁴ TNA, KB 27/342 m. 162d.

¹⁷⁵ Scase, “‘Satire on the Retinues’”, p. 320, n. 74.

¹⁷⁶ Fein, Raybin, and Ziolkowski, *The Complete Harley Vol. 2*, II, pp. 188–93. Full text available online: <https://d.lib.rochester.edu/camelot/text/fein-harley2253-volume-2-article-40>.

marriage.¹⁷⁷ The consistory courts were ecclesiastical courts that heard cases such as matrimonial or defamation suits under the authority of the local bishop.¹⁷⁸ In this poem to the speaker states that:

Ne mai no lewed lued libben in londe

Be he never in hyrt so haver of honde

So lerede us biledes

[No unlettered man may survive in the land

Unless he be always in court so craftily skilled

As the learned who lead us about]

(ll. 1-3).

The speaker is outraged that 'Y shal falle hem byfore ant lurnen huere lay' ['I must bow before them and learn their law'] (l. 5). He cannot 'scaben of huere score | So grimly he on me gredes' ['I shall not entirely escape from their register | So angrily do they cry out on me'] (ll. 8-9). It seems that the court officials publicly proclaimed, in the county court and likely public places such as churchyards and markets, for the appearance of the speaker as they are enrolled in their register. In the court is the judge and 'mo then fourti him byfore my bales to breven' ['more than forty sit before him to record my penalty'] (l. 23). Fein translates 'Bales' as penalty but it also has connotations of torment, misery or grief.¹⁷⁹ This leaves open the interpretation that the evil being recorded is not the crime but the legal process. It is probably, given the tone of the rest of the poem, a better representation of the original intent: 'more than forty sit before him to record my torment'. These clerks 'pynkes with heore penne on heore parchemyn' ['stab with their pens on their parchment'] and suggest that he could 'for menske munte sum mede | Ant thonkfulliche hem thonke' ['pay there some money for a favour | And gratefully "thank" them'] (ll. 25, 29). As he is 'wreint in heore write' ['written into their record'] the clerks and their masters all require 'thanks' before he might leave (l. 33). The written record, learning, and the law is presented as a trap which is used to ensnare. As well as being trapped by the register they:

¹⁷⁷ 'Satire on the Consistory Courts', in *The Complete Harley 2253 Manuscript: Volume 2*, ed. by Susanna Fein, David B. Raybin, and Jan M. Ziolkowski, TEAMS, 3 vols (Kalamazoo, Michigan: Medieval Institute Publications, Western Michigan University, 2014), ll. 189–93: The following relies on the translation in this edition except where noted. It omits footnotes in favour of in-text line numbers.

¹⁷⁸ John H. Baker, *An Introduction to English Legal History*, 3rd ed (London: Butterworths, 1990), p. 147; R. H. Helmholz, *The Oxford History of the Laws of England: The Canon Law and Ecclesiastical Jurisdiction*, ed. by John H. Baker (Oxford: Oxford University Press, 2003), pp. 139–42.

¹⁷⁹ 'Bale', MED.

*me wulleth awe
Heore boca se unbredes
Heo wendeth bokes unbrad
Ant maketh men a moneth amad*

[*wish to make me afraid
As they censure with their book
They go through obscure books
And cause men to go mad for a month*]
(ll. 11-14).¹⁸⁰

Further on the speaker is ‘bacbit’ [‘in disrepute’ or ‘slandered’] as he is ‘wreinte in heore write’ [‘written into their record’] (ll. 34-34).¹⁸¹ The six or seven summoners, ‘recheth forth heore rolle’ [‘stretch out their rolls’] (l. 39). They ‘polketh in pyne’ [‘make painful exactions’] and ‘clastreth with heore colle’ [‘ensnare with their nets’] (ll. 41-42). These officials outnumber, overpower, and loom over the defendant. The court crier ‘yeyeth with a yerde | And hat out an heh’ [‘goes with a stick | and shouts on high’]. Three times the speaker expresses contempt at the thought of bowing at the feet of the court officials who ‘sitteth swart ant forswat’ [‘who sit dark and sweaty’] (l.70). This verticality is a motif of the poem from the judge who sits like:

*an old cherl in a blake hure;
of alle that ther sitteth, semeth best syre,
ant leyth ys leg o lonke*

[*there sits an old churl in a black cap;
Of all who sit there, he seems most magisterial,
And lays his leg stretched out*]
(ll. 19-21).

This judge looms over the bowing speaker, the seated clerks and summoners, the standing crier, the shrinking witness, and the cowering defendant (ll. 5, 37, 55, 59, 66-67, 76-77). The theme of verticality continues in the final stanza as the defendant wishes he ‘me were levere be sonken I the

¹⁸⁰ My translation adapted from Fein’s. *Wendeth* is rendered as ‘to go through’ rather than ‘turn over’. I have preferred ‘obscure’ to ‘unclasped’. This seems to better capture the sense that the written record was an active agent which entrapped the speaker.

¹⁸¹ Fein renders ‘bacbit’ as ‘in disrepute’ but perhaps ‘slandered’ is a better rendition.

see' ['I'd rather have been sunk in the sea'] than 'pleide at bisshopes plee' ['plead in the bishop's plea'] (ll. 79-80).¹⁸² This appears emblematic of the hierarchical power distinctions but equally the likely spatial dimensions of the court room. The officials, and their learning of the law, entrap the speaker much like some poems attribute such trickery to women.¹⁸³ This is an unrelentingly bleak, albeit comic, look at the consistory court and its officials who are presented as corrupt. The summoners, who are famous for their corruption throughout the fourteenth century, purchase their office and are:

*Swart ant al toswolle.
Aren heo toswolle forswore?
Ye the hatred of hell be heore*

*[Threatening and all puffed up.
Are they puffed up in perjury?
Yes, hell's hatred is theirs]
(ll. 48-50).¹⁸⁴*

Much of the rhetoric is conditional. The clerks are ready to record 'sunnes yef Y songe' ['should I sink in sins'] and even the crime is hypothetical; 'Yef Ich on molde mote with a mai' ['If I should happen to lie on earth with a girl'] (ll. 4, 24). It seems unlikely that this text is composed in response to a specific complaint but rather to a generalised distaste for the court, its officials, perhaps women of a certain class, and defendants similar to the supposed complainant. Whoever is the butt of the joke it is clear throughout that the court and its officials are an easy, and probably popular, target. They, along with the wronged woman 'bymodered ase a morhen' ['covered in with mud like a moorhen'], are complicit in the legal 'trap' in which the speaker is caught for their gain – while she gains an unwilling husband, they gain bribes (l. 58). The picture presented is of a court full of officials which uses the law to ensnare the inhabitants for their own enrichment and appears consistent with wider poetry on judicial processes. While this is not an attack on royal officials it does betray the dislike directed towards courts which restrict everyday freedoms. Similarly, the law is presented as a trick or trap designed to control and cajole for personal gain. The poem represents a hostility to

¹⁸² Fein translates 'Y pleide at bisshopes plee' as 'I played in the bishop's game' but I have retained the more literal translation for better comprehension.

¹⁸³ See article 77 'The Blame of Women', and 78 'Nicholas Bozon, Women and Magpies', in Fein et al., *The Complete Harley* vol. 3, pp. 121-129.

¹⁸⁴ See in particular the Friar's tale: Chaucer, pp. 122-28.

outside interference, retinues, and corrupt officials. In this the poem share many themes from other works compiled by the Ludlow Scribe.

4.3.4 ‘Song on the Venality of the Judges’¹⁸⁵

This kind of complaint about courts is not restricted to Harley 2253. Bribery, trickery, grasping underlings, proud and overweening servants, and oppression of the poor are present in ‘Song on the Venality of the Judges’ which survives in British Library MS. Harley 913, a manuscript of Irish provenance, and an earlier version in British Library Royal 12.C.XII which was compiled by the Ludlow Scribe. Intriguingly Royal 12.C.XII opens with the ‘Office for St Thomas Lancaster’ which sought to advance the canonization of Thomas after his execution in 1322.¹⁸⁶ Below the ‘Office of Saint Thomas Lancaster’, in the same hand, is a couplet which bemoans the ‘death of faith’ and the law while ‘fraud lives, love is buried’.¹⁸⁷ ‘Venality’ immediately follows this text on the verso of the first folio. ‘The Office’ was composed, according to Revard, close to the event sometime between 1322-28. Revard places the entire first booklet (fol. 1-7) in the period 1322-27. Therefore, the Royal 12.C.XII version predates the Harley 913 version which was most likely set down in the 1330s or later.¹⁸⁸ It is possible however that this text was discovered after the event and copied into a convenient space – both thematically and pragmatically. Little scholarship has looked at this text in Royal 12.C.XII, especially in the context of Thomas of Lancaster. Carter Revard, in his consideration the political texts in Harley 2253 and Royal 12.C.XII, did not class this text as political. Equally, there has been no comparison of the Harley 913 and Royal 12.C.XII versions.¹⁸⁹ The presence of a text attacking judges immediately after the Office for Thomas of Lancaster is perhaps explained by the role of the royal justice Robert Malberthorpe at the trial and execution of Lancaster.¹⁹⁰ Malberthorpe had been a retainer of Lancaster’s.¹⁹¹ Further in 1324 he was one of the justices appointed to inquire after the rebels in Shropshire, Staffordshire, Worcestershire, Gloucestershire, and Herefordshire.¹⁹² In 1329 he also sat in judgement on the rebels led by Thomas’ brother Henry

¹⁸⁵ James M. Dean, ‘Beati Qui Esuriunt’, *Robbins Library Digital Projects*, 1996 <<https://d.lib.rochester.edu/teams/text/dean-medieval-english-political-writings-beati-qui-esuriunt>> [accessed 8 June 2021] Full text available online. This discussion is based on both Harley 913 and Royal 12.C.XII but relies on the translations made by Dean in this edition.

¹⁸⁶ BL MS., Royal 12.C.XII, f. Iv.

¹⁸⁷ BL MS., Royal 12.C.XII, 1r: ‘Heu proles querit(ur) quod rara fides reperit(ur) | Lex juris morit(ur), fraus vivit, amor sepelit(ur).

¹⁸⁸ Michael Benskin, ‘The Hands of the Kildare Poems Manuscript’, *Irish University Review*, 20.1 (1990), 163–93 (p. 164) <<https://www.jstor.org/stable/25484345>> [accessed 7 June 2021].

¹⁸⁹ See Appendix 2 for a transcription of this poem from Royal 12.C.XII (pp. 249-251).

¹⁹⁰ Phillips, p. 408.

¹⁹¹ J.S. Bothwell, ‘Sir Robert Malberthorpe’, in *The Oxford Dictionary of National Biography*, ed. by H. C. G. Matthew, B. Harrison, and L. Goldman (Oxford: Oxford University Press, 2004) <<https://doi.org/10.1093/ref:odnb/94468>>; Phillips, p. 408, n. 516.

¹⁹² Bothwell.

of Lancaster.¹⁹³ It seems likely Malberthorpe was an object of particular distaste among Lancastrians due to his switching of loyalties. Given the pro-Lancastrian leanings of the scribe and Malbetherope's activities in the Welsh marches he seems a likely target.

The poem presents money as the root of all evil and inequality in the English justice system. It opens with a poetic rendition of Matthew 5:6: 'Blessed are they who hunger and thirst and do justice' (ll. 1-3).¹⁹⁴ The following lines establish what is seen as the ideal conduct of a judge who should:

*hate and avoid
the wickedness of injustice [...]
neither abundance of gold
nor the jewels of the rich
draw from their inflexibility,
or from the cry of the poor;
they judge what is just,
and do not fall off from the right
for the sake of the rich.*
(ll. 4-12).¹⁹⁵

This ideal is contrasted with the poet's perception of society at the time of composition: 'But now the age deceives many' who 'for the love of the world [...] lick up honours' (ll. 13-14, 16-17).¹⁹⁶ The root of this is money 'to which almost every court has wedded itself' (ll. 18-20).¹⁹⁷ This is a complaint that harks back to the Ciceronian ideas of legal impartiality. The poet states that 'I remember well' the judges who are 'seduced' by bribes and partiality and 'pay toll to the devil and serve him alone' (ll. 21-26).¹⁹⁸ He queries what 'will be done with the judges, who for prayers or gifts recede from what is just?' (ll. 32-34).¹⁹⁹ The poem presents the ideal and the reality and emphasises the gap between the two. In essence it displays ideas of corruption which are familiar today. Due to its placement within Royal 12.C.XII it is possible to interpret this as an oblique criticism of the role of Malberthorpe in the execution of his former lord. This is reinforced by the usage of the first

¹⁹³ Bothwell.

¹⁹⁴ 'Beati qui esuriunt | et stitunt, et faciunt | justiam' (ll. 1-3).

¹⁹⁵ 'odiunt et fugiunt | injuriae nequiciam; | quos nec auri copia | nec divitum encennia | trahunt a rigore, | nec pauperum clamore; | quae sunt justa judicant, | et a jure non claudicant | divitum favore' (ll. 4-10).

¹⁹⁶ 'Sed nunc miro more | multos fallit seculum' ... 'mundi ob favorem, | ut lambeant honorem' (ll. 13-14, 16-17).

¹⁹⁷ 'Hoc facit pecunia, | quam omnis fere curia | jam duxit in uxorem' (ll. 18-20).

¹⁹⁸ 'Sunt justiciarii, | quos favor et denarii | alliciunt a jure; | hii sunt nam bene recolo, | quod censem dant diabolo, | et serviunt hii pure' (ll. 21-26).

¹⁹⁹ 'Quid, Jhesu ergo bone, | fiet de judicibus, | qui prece vel muneribus | cedunt a ratione?' (ll. 32-34).

person when recalling justices who are beholden to money and favouritism. By 1320 Malberthorpe was very wealthy and was able to pay Edward II 1,800 marks for a valuable wardship.²⁰⁰

This attack on judges is continued through a generalised hostility toward all officials of the court. These officials restrict access and treat people unequally based on their social status or wealth. Reminiscent of the 'Satire on the Consistory Courts' the clerks sit at the feet of the justices and are 'like people half-famished, gaping for gifts' (ll. 50-52).²⁰¹ Those who come early and give no bribes 'will have to wait' which the clerks 'proclaim as law' (ll. 53-56).²⁰² The doormen likewise keep out the poor and say:

Poor man, why do you trouble yourself? Why do you wait here? Unless you give money to everybody in this court, you labour in vain. Why then, wretch, do you lament? If you have brought nothing, you will stand altogether out of doors.

(ll. 78-88)²⁰³

A note in the most recent translation observes that door-keepers occur in a number of venality satires and cites four other texts which refer to them in similar tones.²⁰⁴ They were clearly a widespread phenomenon as can be seen in the number of occasions in which taxpayers or wool growers were forced to pay fines for entry into the house in which they were staying. Likewise, the doorman at the exchequer, who was a powerful figure and the only official of the exchequer to receive no salary, probably required payment for entry.²⁰⁵ Much like the 'Satire on the Consistory Courts' the poem presents a crowded picture with various nefarious officials keen to advance themselves. These include 'numerous messengers' (*nuncios multiplices*), who entice individuals to 'claim land' (ll. 36, 38).²⁰⁶ This messenger will 'help you in various ways with the judge' and if you give him half the messenger will help you (ll. 41-49).²⁰⁷ It is unclear if the messenger wants half the bribe or half the land. Inserting oneself into a case in order to share profits was known as champerty. In one case Thomas Carlton, an undersheriff, took a fee from both parties in a commission of oyer and terminer to empanel favourable juries.²⁰⁸ The poem recounts a number of officials who otherwise do

²⁰⁰ Bothwell.

²⁰¹ 'Ad pedes sedent clerici, | qui velut famelici | sunt, donis inhiantes' (ll. 50-52).

²⁰² 'et pro lege dantes, | quod hii qui nichil dederint, | quamvis cito venerint, | erunt expectantes' (ll. 53-56).

²⁰³ 'Et quid janitores? | Qui dicunt pauperibus | curiam sequentibus, | "Pauper, cur laboras? | Cur facis hic moras? | Nisi des pecuniam | Cuique ad hanc curiam, | in vanum laboras. | Quid, miser, ergo ploras? | Si nichil attuleris, | stabis omnino foras." (ll. 78-88).

²⁰⁴ *Medieval English Political Writings*, ed. by James M. Dean, Middle English Texts (Kalamazoo: TEAMS, 1996), p. 226, n. 78. Also see p. 143.

²⁰⁵ Fitzneale, pp. 18-19.

²⁰⁶ 'Nuncios multiplices', 'Si terram vis rogare' (ll. 36, 38).

²⁰⁷ "'Amice care, | vis tu placitare? | Sum cum justitiario | qui te modo vario | possum adjuvare; | si vis impetrare | per suum subsidium, | da michi dimidium, | et te volo juvare.'" (ll. 41-49)

²⁰⁸ TNA, JUST 1/521, m. 11; McLane, 54. For Carlton see: pp. 39-40, 77.

not trouble the administrative record. This is not surprising, often it is hard to even know which justices are sitting at various points as the clerks often simply record a single justice, which are presumably their masters. Apparently '[t]here are some at this court who express judgment, whom they call relaters' they are 'worse than the others. They take with both hands and so deceive those whose defenders they are' (ll. 71-77).²⁰⁹ This taking 'with both hands' refers to a specific offence whereby an individual, known as ambidextrous, took fees from both sides in a dispute. In addition to the example of Thomas Carlton, who was both a chamberer and an ambidextrous, William Greddyk, took 5s from the vill of Louth and 10s from the abbot of Louth Park as part of a dispute over the repair of a bridge.²¹⁰ A sheriff, John de Bolingbrok, took sums from both parties to empanel favourable juries much like Carlton.²¹¹ The sheriffs are 'hard to the poor' and empanel them on juries and drag them from jury to jury and 'if he should murmur, unless he immediately make satisfaction, it is all salt sea' (ll. 89-99).²¹² There were frequent complaints against sheriffs for empanelling the poor and many individuals purchased exemptions from jury service. Only two versions of this song survive. The earlier variant is found in Royal 12.C.XII and copied by the Ludlow scribe.²¹³ It closes on the 'salt sea' produced by the tears of the poor dragged about by sheriffs to serve on juries. Harley 913, probably copied in the 1330s, contains an extra three stanzas one of which follows the complaint against sheriffs. 'These same people', presumably the sheriffs or the other officials mentioned, 'enter the house of some countryman, or of a famous abbey, where drink and victuals and all things necessary, are given to them devoutly' (ll. 100-106).²¹⁴ After this food and drink 'the jewels follow and are distributed to all, beadle and attendant boys' (ll. 108-112).²¹⁵ They demand gifts of 'robes of various colours' for their wives. It seems likely that this is a double meaning as 'robes' can also mean fees for services and often referred to the fees taken by judges or other officials.²¹⁶ The reference to colours was likewise an indication of the value of such robes and an allusion to the legal term for acting inappropriately when an official was said to have taken bribes or

²⁰⁹ 'Sunt quidam ad hanc curiam, | qui exprimunt juditiam; | dicuntur relatores; | caeteris pejores. | Utraque manu capiunt, | et sic eos decipiunt | quorum sunt tutores.' (ll. 71-77)

²¹⁰ TNA, JUST 1/521, m. 10; McLane, 48.

²¹¹ TNA, JUST 1/521, m. 11; McLane, 59.

²¹² 'De vicecomitibus, | quam duri sunt pauperibus, | quis potest enarrare? [...] 'Quod si murmuraverit, | ni statim satisficerit, | est totum salsum mare' (ll. 89-99).

²¹³ A transcription of 'Venality' from Royal 12.C.XII is in Appendix 2 (pp. 249-251). A full text of the Harley 913 variant is available online: <<https://d.lib.rochester.edu/teams/text/dean-medieval-english-political-writings-beati-qui-esuriunt>>.

²¹⁴ 'Hoc idem habent vitium, | cum subeunt hospitium | cuiusdam patriotae, | vel abbathiae notae, | quo potus et cibaria, | et cuncta necessaria, | eis dentur devote' (ll. 100-106).

²¹⁵ 'Nil prosunt sibi talia, | nisi mox jocalia | post prandium sequantur, | et cunctis largiantur, | bedellis, garcionibus, | et qui sunt secum omnibus' (ll. 108-112).

²¹⁶ Dodd, 'Corruption in the Fourteenth-Century English State', pp. 722, 725.

extortions 'by colour of his office'.²¹⁷ This practice of taking 'robes' from private individuals among royal justices was a source of controversy and was banned by a statute of 1346.²¹⁸ It was not until the end of the fourteenth century that it ceased altogether and probably then it simply became a more informal arrangement.²¹⁹ Thus 'robes of various colours' might also be understood as 'gifts of various kinds' as well as potential extortion of valuable textiles.

A continuous theme throughout the poem is the unequal treatment of individuals due to their background. If wealthy noble women appear at the court they are attended to 'without having to say a word' but 'if the women be poor and has no gifts, neither beauty nor wealthy background [...] she goes home without effecting her business' (ll. 57-70).²²⁰ This concern for the poor evokes estates satires such as the early fourteenth-century *Simonie*, or, from later in the century, *Piers Plowman*.²²¹ It is more present in Harley 913 which includes a line in the first stanza, not present in the Royal manuscript, that states that the judges who do not turn from the 'cry of the poor' are blessed (l. 9).²²² This might be an indication of the poem becoming more general in its complaint. Additionally, there are three further stanzas at the end of the text which are not present in Royal 12.C.XII. Although this tendency to appeal to the plight of the poor is more pronounced in Harley 913, it seems unlikely that the author was of the poorer classes. The housing of the sheriffs and their servants by 'some countryman' or 'famous abbey' show that the primary focus is on the relatively wealthy rather than the poorest. There is also some distaste for the social mobility provided by service in judicial, or presumably other, administration. The poet attacks 'clerks', which is probably a catch-all for most of the servants attacked earlier:

*I laugh at their clerks,
whom I see at first
poor enough [...]
they next show themselves proud,
and their teeth grow.
Holding up their heads
they begin very hastily to buy
new lands and houses, [...]*

²¹⁷ There are many examples of this but see: *CPR 1340-43*, pp. 320-321, 'ministers of the king and others by colour of their offices have committed manifold oppressions'.

²¹⁸ Dodd, 'Corruption in the Fourteenth-Century English State', p. 726.

²¹⁹ Dodd, 'Corruption in the Fourteenth-Century English State', pp. 726-27.

²²⁰ 'Sed si quaedam nobilis, | pulcra vel amabilis, | cum capite cornuto, | auro circum voluto, | accedat ad judicium, | haec expedit negotium | ore suo muto. | Si pauper muliercula, | non habens munuscula, | formam neque genus, | quam non pungit Venus, | infecto negotio | suo pergit hospitio, | dolendo corde tenus' (ll. 57-70).

²²¹ Dean, *Medieval English Political Writings*, pp. 181-83.

²²² 'nec pauperum clamore' (l. 9).

*amassing money themselves,
they despise the poor
and make new laws,
oppressing their neighbours;
and they become wise men [...]
sparing no one.*
(ll. 126-144).²²³

This concern for the ‘countryman’ and the great houses of the church is probably reflective of a desire to appeal to a relatively privileged background. The absence of these stanzas in the text copied by the Ludlow scribe may suggest that the song had a life beyond this earlier version in which more topical or relevant verses and lines were added. Certainly, the plight of the poor in the 1330s was more pronounced across the country as a whole than in the 1320s due to the growth in royal exactions under Edward III. Although the experience of the Welsh marches in the 1320s was certainly difficult and somewhat unusual. The texts were likely circulated in among broadly similar networks of literate, often clerical, bureaucrats who were connected to wealthy households for administrative and educational purposes. Their concerns might thus be positioned between their wealthy patrons and the less wealthy classes from which the clerks were largely drawn. The stanza attacking the retinues and uppity clerks is likely a result of the increased exposure to officials acting on behalf of the crown whether they were judicial officials, purveyors, tax collectors, or wool collectors. These, probably later additions, link to Wendy Scase’s arguments that the grievances of the poor were co-opted by wealthier elements of society to strengthen their complaints.

The variance between the two surviving texts may also be due to multiple different traditions of textual diffusion. Alongside errors or corruption of original texts these poems were appropriated, rewritten, and recreated by successive authors in light of different contexts and agendas.²²⁴ Perhaps, as its positioning would suggest, the Ludlow scribe had the trial of Thomas of Lancaster specifically in mind and so only included the passages that they considered most relevant. Alternatively, the extra material on Harley 913 might be the result of later additions which made the text more of a general complaint. Certainly, the Royal 12.C.XII text is a more direct and specific

²²³ ‘Clericos irrideo | suos, quos prius video |satis indigentes, | et quasi nil habentes, | quando ballivam capiunt; | qua capta mox superbunt, | et crescent sibi dentes, | collaque erigentes, | incipiunt perpropere | terras et domos emere, | et redditus placentes; |nummosque colligentes, | pauperes despiciunt, | et novas leges faciunt, | vicinos opprimentes; | fiuntque sapientes.| In hoc malum faciunt, | et patriam decipiunt, | nemini parcentes’ (ll. 126-144).

²²⁴ Susanna Fein, ‘Literary Scribes: The Harley Scribe and Robert Thornton as Case Studies’, in *Insular Books: Vernacular Manuscript Miscellanies in Late Medieval Britain*, ed. by Margaret Connolly, Raluca L. Radulescu, and British Academy, Proceedings of the British Academy, 201 (Oxford: Published for the British Academy by Oxford University Press, 2015), pp. 61–80 (pp. 61–62).

attack on judges, the inequality of courts, and the depredations of their officials. The Harley 913 text is at a greater remove and has become a generalised complaint. In the short space of time between the two surviving versions the text has transitioned through the spectrum of ‘timely’ to ‘timeless’.²²⁵ As Matthew Fisher demonstrated the copyists which were the integral part of the transmission of the text were not simply passive processors of texts.²²⁶ This dilution of the central message is a result of the copying process which might be compared to natural selection. Each copyist has the opportunity to mould the text to their particular audience and so a gradual expansion of the complaint to encompass wider audiences might be expected. The texts most likely to be selected to be copied, and then opened to alteration, were probably those which had an appeal outside their immediate context. Thus, it could be suggested that those political texts which began with the broadest appeal, and were most amenable to subsequent adaptation, were most likely to be copied and therefore to survive. The more often the texts were copied the greater the opportunity to adapt to new contexts. The amenability of a text for repurposing in the context of later events, settings, or ideas would also have significant bearing and this may be in evidence in the poem ‘Trailbaston’ which is considered in section 10.2.7.²²⁷

The poem is a clear indictment of the poet’s conception of the current state of judicial process in the early fourteenth century. While perhaps some of this stems from the particular circumstance of the trial and execution of Thomas of Lancaster it is clear that it was still considered relevant in the 1330s in an Anglo-Irish context – with the marches as a likely intermediary stage. It reinforces the complaints present in Harley 2253, some already covered and others explored below, which were also relevant into the early 1340s. The Ludlow Scribe likely still had access to the text from the Royal manuscript when composing those in Harley 2253. One might imagine that this text, alongside the others political texts in Royal 12.C.XII, despite their earlier composition, such as ‘Fouke Fitz Waryn’, the ‘Office for Saint Thomas of Lancaster’, and the abridged Brut, which covered the death of Piers Gaveston, might have been studied and circulated in and around 1341. Perhaps the binding of Royal 12.C.XII was a further stage of this circulation rather than an ending. These texts were still seen as relevant because the Ludlow Scribe, and their audience, were reading, performing, and reconsidering these texts in the light of their contemporary setting. In this instance, the message that the poem is probably intended to convey, by its positioning and its content, is to emphasise the corruptibility of judicial processes. This message was seen as relevant at the time of composition in

²²⁵ Revard, ‘Political Poems’, p. 61.

²²⁶ Fisher, pp. 1–14.

²²⁷ See below, pp. 215–227.

the 1320s and copying in the 1330s. Indeed, it was considered relevant enough to be circulated and appended with wider complaints that were relevant to the new context in which it was copied.

4.3.5 ‘The Song of the Husbandman’²²⁸

The ‘Song of the Husbandman’, like other texts explored above, relates complaint in the first person. However, unlike the other texts considered thus far, the poet is relaying the words of others, as he has ‘herde men upo mold make muche mon’ [heard men upon the land harshly complain] (art. 31, l. 1). This scattering of reported complaints means that, as Richard Newhauser related, the poem uses every personal pronoun in the English language.²²⁹ These grievances outline how the labourers on the land are ‘honted from hale to hurne’ ['hunted from corner to corner'] by a series of officials ‘with ful muche bost’ [with excessive arrogance] (ll. 35, 37). The exactions which go to the officials and the king are contrasted with the losses of the poor of the land. While many have seen the poem as a testimony to the plight of peasants in the early fourteenth century Scase pointed out that the poem placed a strong emphasis on the suffering of all classes and particularly the reduction in social status of the complainants.²³⁰ This mirrors some aspects of ‘Consistory’ which laments the physically and materially reduced status of the complainant. Likewise, this same strand is present, albeit inverted, in the Harley 913 version of ‘Venality’ as it attacks the clerks of the court who have grown in status.

Wendy Scase considers the poem a rendering of the voice of the peasant plaintiff which was increasingly represented in petitions and other forms of legal complaint.²³¹ Scase’s analysis of ‘Husbandman’ uncovered several legal terms which have been overlooked by previous translators. In the middle of the first stanza the speaker relates a complaint that they are forced to ‘carpeth for the king ant carieth ful colde, | Ant weneth forte kevere, ant ever buth acast’ which Scase renders, in contrast to all other translators before or since, as ‘Thus we complain *coram rege* [before the king] and are severely aggrieved, and expect redress of our losses, and always lose’ (ll. 9-10).²³² In the most recent translation this line is rendered as ‘complain about the king’ which, although plausible, is less likely.²³³ Scase advanced this line of thinking further and reframed line 7 (‘Yet ther is a bitterore

²²⁸ ‘Song of the Husbandman’, in *The Complete Harley 2253 Manuscript: Volume 2*, ed. by Susanna Fein, David B. Raybin, and Jan M. Ziolkowski, TEAMS, 3 vols (Kalamazoo, Michigan: Medieval Institute Publications, Western Michigan University, 2014), II, 129–31. Full text available online: <https://d.lib.rochester.edu/camelot/text/fein-harley2253-volume-2-article-31>.

²²⁹ Richard Newhauser, ‘Historicity and Complaint in Song of the Husbandman’, in *Studies in the Harley Manuscript: The Scribes, Contents, and Social Contexts of British Library MS Harley 2253*, ed. by Susanna Fein (Kalamazoo: TEAMS, 2000), pp. 203–17 (p. 216).

²³⁰ Scase, *Literature and Complaint*, pp. 35–36.

²³¹ Scase, *Literature and Complaint*, p. 39.

²³² Scase, *Literature and Complaint*, p. 37 Scase renders ‘carpeth’ as complain and ‘for the kyng’ as ‘before the king’ or *coram rege*.

²³³ Fein, Raybin, and Ziolkowski, ‘Song of the Husbandman’, II, p. 129.

bid to the bon') which was translated by Thomas Wright as 'Yet there is a bitterer asking for the boon' and in the recent 2015 edition as 'And still there's a cut more bitter to the bone'.²³⁴ Scase considers 'bon' as petition rather than bone and 'bid' as request, or item within the petition, rather than bite or cut. This renders the line as: 'Yet there is a more grievous item in the petition'.²³⁵ This recasts the following lines more logically as the speaker sets out their plight and states that they must complain before the king to recover. The speakers, as relayed by the poet, believe that the happy days of the past are fled: "Gode yeres ant corn, bothe beth agon" ["Good years and corn, both are gone"] (l. 3). The same workers on the land complain that "Nou we mote worche – nis ther non other won" ["Now we must labour, there's no other option"] (l. 5). It is possible that there is a further meaning to this line, in the light of Scase's findings, 'mote' can carry a sense of compulsion but it might also mean, according to the *MED*, to speak, complain, or talk or more pertinently to institute legal proceedings.²³⁶ Similarly the word *worche* might be rendered as 'to bring about'.²³⁷ So, it could instead read as 'Now we must begin a complaint (legal proceedings) – there is no other option | No longer can I live with my losses' (ll. 5-6). It is possible that there is a deliberate double entendre 'we must labour' and 'we begin legal proceedings'. Equating the hardships of working the land and of attempting to gain redress in court. This further contextualises the text which Scase examined and logically follows on from the prior line. This states that these labourers 'ne kepeth here no sawe ne no song syng' ['they don't care to hear platitudes nor sing any song'] (l. 4). Essentially Scase's rendering, combined with my reading, reframes the first stanza as stating that the carefree past is gone, the workers do not sing or talk anymore, but can only complain through the courts (and this poem) in vain:

*I heard men of the land harshly complain,
About how they're harassed in their farming:
"Good years and crops, both are gone!"
They don't care to hear platitudes nor sing any song:
"Now we begin a complaint — there's no other option —
No longer can I live with my losses!
Yet there is a more grievous item in the petition,
For every fourth penny must go to the king!*

²³⁴ Peter R Coss, *Thomas Wright's Political Songs of England: From the Reign of [King] John to That of Edward II* (Cambridge: Cambridge University Press, 1996), p. 149; Fein, Raybin, and Ziolkowski, 'Song of the Husbandman', ll. p. 129.

²³⁵ Scase, *Literature and Complaint*, p. 38.

²³⁶ Moten v. (3) 1, 2, *MED*.

²³⁷ Werken v. (1) 4a, *MED*.

*Thus we complain before the king and are severely aggrieved,
and expect redress of our losses, and always lose
Whoever has any goods, he expects not to keep them,
But always the dearest possessions we lose in the end.*
(ll. 1-12).

This complaint which goes before the king is ‘buth acaste’ [‘cast down’] and all their dearest possessions ‘we leoseth alast’ [‘we lose in the end’] (ll. 10, 12).²³⁸ This reading also sets out the explanation for the hopelessness which has always been a noted feature of the poem: the world has changed, songs and stories are gone, only complaint is left to the speaker, and even that is cast down and all is lost in the end.

The speakers are clear about the cause of these woes. The poor weather of the late thirteenth and early fourteenth century is blamed: ‘Ruls ys our ruye [...] | For wikede wederes’ [‘Our rye is rotted [...] | On account of wicked weather’] but the speakers save most of their attention for the royal officials who dog their lives (ll. 69-70). In the second stanza the poet reels off a list of these officials and their crimes. The hayward, an official in charge of maintaining hedges and protecting land from livestock, ‘heteth us harm to habben of his’ [‘threatens us harm to get his bit’] (l. 15). The bailiff, a role which might involve many activities but in this context was probably a local official, ‘bockneth us bale ant weneth wel do’ [‘promises us grief and expects to do well’] (l. 16). The woodward, another local official charged with keeping the woodland, ‘waiteth us wo, that loketh under rys’ [‘who peers under trees, brings us sorrow’] (l. 17). The depredations of these, mostly local, officials does not preserve the husbandmen from further exactions: ‘Yet cometh budeles with ful much bost: | “Greythe me seler to the grene wax”’ [‘Still cometh tax collectors with excessive arrogance: | “Pay me silver for the green wax”’] (ll. 37-38). Echoing the tyranny of the pen and parchment in the ‘Satire on the Consistory Courts’, the wax and the written record serve as the

²³⁸ In this reading, a more poetic combination of Fein’s translation with Scase’s and my own, the first stanza would run:

I heard men of the land harshly complaining,
About how they’re harassed in their farming:
“Good years and corn, both are gone”
They don’t want stories or singing
“Now we start to plead – there is no other option –
No longer can I live with my losses!
Yet there is a more grievous item in the petition:
Always the fourth penny must go to the king
Thus, we complain before the king and are sorely aggrieved
And hope to recover, and are repeatedly cast down;
Whoever has any goods, he expects not to keep them,
But always the dearest possessions we lose in the end”
(ll. 1-12).

justification for these demands: 'Thou art writen y my writ, that thou wel wost' ['you are entered in my writ, as you well know'] (l. 39). This particular fear of the green wax, typified by exchequer documents, is emphasised 'Thus the grene wax us greveth under gore' ['Thus the green wax grieves us to the quick'] (l. 55). The tax collectors come again and again: 'Mo then ten sithen told Y my tax' ['More than ten times I have paid my tax'] (l. 40). These visits are reiterated later 'Ageyn this cachereles cometh thus Y mot care | Cometh the maister-budel, brus tase a bore' ['Again the collectors come so I must worry | The chief collector comes, bristling as a boar'] (ll. 50-51). This chief collector 'Seith he wol "mi bugging bringe ful bare" | Mede Y mot munten – a marke other more' ['Says he will "strip my home completely bare" | I must offer a bribe – a mark or more'] (ll. 52-53). The poem is bookended with complaints against the demands of the king. In the first stanza the 'grievous item' in the complaint is that 'ever the furthe peni mot to the king' ['Always the fourth penny must go to the king'] and in the final stanza the complainant has 'Y mi seed solde' ['I sold my seed'] to 'seche selver to the kyng' ['to find silver for the king'] (ll. 8, 63). This emphasis on the actions of the taxers caused Thorlac Turville-Petre to retitle the song as 'The evils of taxation'.²³⁹

The final complaint is indicative of the depths to which the speakers have fallen. The sense of falling into destitution is portrayed throughout and gives rise to despair. The speaker cannot 'lyve with mi lesing' ['live with my losses'], the dearest possessions are lost, and all they save they must spend (ll. 6, 12, 48). These losses are reflected through their clothing. Men 'nath nout en hod his hed forte hude' ['has not a hood to cover his head'] and 'That er werede robes, nou wereth ragges' ['Those who wore robes now wear rags'] (ll. 22, 36). The closing of the second stanza intimates the loss of status reflected in the clothing is due, almost directly, due to the officials 'al is piked of the pore the prikyares prude' ['all the horsemen's finery is plundered from the poor'] (l. 24). The opening line of the following stanza states that the officials also 'pileth the pore ant pyketh ful clene' ['rob the poor and pick them full clean'] (l. 25). This aligning of the finery of the 'horsemen' and the poor who are picked clean demonstrates that the increased status of officials is at the expense of the poor. The 'horsemen' themselves are evocative of the targets of the 'Satire on the Retinues of the Great'. This is not the least of the losses. The taxers demand the hens, lamprey, and salmon (ll. 41-42). The farmers must sell their tools, unripe corn, horse, seed, and have their livestock seized (ll. 44, 46, 54, 63, 65). As there is no seed, livestock, or tools 'mi lond leye lith ant leorneth to slepe' ['my land lies fallow and learns to sleep'] (ll. 64). This phrasing of the land 'learning' to sleep is indicative of the reclamation of cultivated land which is hard to reverse without significant work. These losses mean that the husbandmen have nothing with which they can return the land to

²³⁹ *Alliterative Poetry of the Later Middle Ages: An Anthology*, ed. by Thorlac Turville-Petre, Routledge Medieval English Texts (London: Routledge, 1989), pp. 17-20.

cultivation. This ‘bredeth monie beggars bolde’ [‘breeds many bold beggars’] who ‘go with bordon ant bagges’ [‘go with staff and bags’] (ll. 34, 67). This downfall is not constrained to a single class. The officials ‘Meni of religioun me halt hem ful hene – | Baroun ant bonde, the clerç ant the knyht’ [‘hold many of religion in utter contempt – | Baron and bondsman, the clerk and the knight’] (ll. 29-30). This seems intended to convey that the broad sweep of society is afflicted by the demands of the king and the officials. The despair this engenders is a result of the relentless pursuit by the officials which is characterised as a hunt: ‘we beth honted from hale to hurne’ [‘we are hunted from hiding holes to the pit of hell’] (l. 35).²⁴⁰ This characterisation is reiterated later ‘He us honteth ase hound hare doth on hulle’ [‘they hunt as like hounds hunt hares on the hill’] (l. 57). A variant of this line is repeated with altered syntax – a device throughout which sees lines repeated or reversed. At the end of the same stanza the speaker bemoans that the ‘Nabbeth ner budeles boded ar fulle’ [‘Never have tax collectors declared their full gains’] (l. 59). This unfairness is exacerbated as ‘For he may scape, ant we aren ever caht’ [‘For he can escape, and we are always caught’] (l. 60). This entrapment echoes the metaphors in the ‘Satire on the Consistory Courts’. The specific instance of the taxers’ ‘escape’ is probably a complaint that taxers were usually remunerated by lower charges on their property.²⁴¹

The ‘Song of the Husbandman’ thus sets out complaints against the royal courts, a series of local officials, the king, and, above all, tax collectors. The full gamut of society, rather than just the poor, are cast down by the corruption and depredation much like the portrayal in ‘Venality’. ‘Husbandman’ gives voice to these protests through a single speaker who has ‘heard’ their ‘mon’ [‘lamentation’] (l. 1). The depredations make beggars and enriches the officials. This betrays the concerns of rising hardships, which occurred across the fourteenth century, and also the dismay at a rising preponderance and wealth of officials, again echoing the ‘Venality’ and ‘Retinues of the Great’, who had vastly grown in numbers since the late thirteenth century. A key concern of the poem is this change from a past of perceived ‘gode yeres’ [‘good years’] to hard times of penury where it ‘Ase god is swynden anon, as forte swynke’ [‘as good to perish, as toil so hard’] (ll. 72). This is echoed in the *Wynnere and Wastour*, a poem of the later fourteenth century as a farmer wishes to hang himself due to poverty.²⁴² The cause of the Husbandman’s despair is laid at the feet of the officials and the lack of recourse for complaint through the court leads to despondency: ‘Wil walketh in land, ant Lawe is forlore’ [‘Will walks the land and Law is abandoned’] (l. 23).

²⁴⁰ My own translation which attempts to retain the alliteration. *hurn(e)* n. (1), *MED*, could also mean cell, dungeon, or pit of hell. Fein’s translation: ‘Thus are we hunted from corner to corner’.

²⁴¹ Willard, *PTPP*, p. 210.

²⁴² W. Mark Ormrod, *Winner and Waster and Its Contexts*, p. 67.

4.3.6 ‘Against the King’s Taxes’²⁴³

Against the King’s Taxes is a ‘short, esoteric, clever’ macaronic poem combining Anglo-Norman and Latin in which many of the themes from ‘Husbandman’, and the other political texts, continue.²⁴⁴ It has been translated by Isabel Aspin in 1953 and Susannah Fein in 2015.²⁴⁵ Each stanza alternates between lines of Anglo-Norman and Latin and closes with a Latin couplet. It has often been noted for its sophistication. It must have necessarily have had a more restricted audience than most of the poems discussed here as a result and is also associated with a monastic cartulary. It survives in Harley 2253 and a shorter version in British Library Additional MS 10374. The shorter version is associated with a Cistercian house at Whalley in Lancashire further suggesting the north, and particularly Lancashire as a source for the Harley works.²⁴⁶ The materials in this Lancashire cartulary date from 1306 to 1346 and includes sermons, letters, contracts and, besides ‘Against the King’s Taxes’, one other Anglo-Norman poem attacking the Scottish and French kings.²⁴⁷ This version does not include the fourth, sixth, ninth, tenth, and sixteenth stanzas which concern the corruption of tax collectors, wool collectors, a lament that the rich do not pay tax, and an attack on the wars overseas.²⁴⁸ John Scattergood considers that this suggests that the monastery did not wish to include material which might upset their patrons.²⁴⁹ It is also possible that the Whalley poem represents an earlier version which is yet to receive more radical additions. Wendy Scase has also linked this text to works by William of Pagula on the theft of church property by royal officials.²⁵⁰ The Harley 2253 copy appears towards the end of Harley 2253 and Carter Revard has dated it to c. 1341 – a year later than most of the political texts. Aspin suggested that it was composed in the period after 1338.²⁵¹

The poem opens by praying to God and the holy trinity, ‘Personas Trinas’, that the ‘king and his household | Not perish’ (ll. 2-3).²⁵² To an extent this is a formulaic expression of fidelity to the person of the king and his family but conveyed in such a way that some level of peril is implied. The reason for this is the perilous state of the realm which is apparently close to rebellion. Taxation runs

²⁴³ Fein and others, III, pp. 290–99. Full text available online: <https://d.lib.rochester.edu/teams/text/fein-harley2253-volume-3-article-114>.

²⁴⁴ Scattergood, p. 167.

²⁴⁵ Aspin, pp. 67–78; ‘Against the King’s Taxes’, in *The Complete Harley 2253 Manuscript*, ed. by Susanna Fein, David B. Raybin, and Jan M. Ziolkowski, Middle English Texts Series (Kalamazoo, Michigan: Medieval Institute Publications, Western Michigan University, 2014), pp. 290–97.

²⁴⁶ Scase, *Literature and Complaint*, p. 33.

²⁴⁷ Scattergood, p. 166.

²⁴⁸ Scattergood, pp. 166–67.

²⁴⁹ Scattergood, p. 167.

²⁵⁰ Scase, *Literature and Complaint*, pp. 31–32.

²⁵¹ Aspin, p. 106.

²⁵² ‘Dieu, roy de magesté, |Ob Personas Trinas, | Nostre roy e sa meyne | Ne perire sinas!’ (ll. 1-4).

'year to year' and 'brings down those wont | to sit upon the bench' (ll. 22, 25-26).²⁵³ It has been suggested that those who sat on 'benches' were the judges who had been dismissed by Edward III rather than a generalised group who have fallen on hard times.²⁵⁴ This, or a double meaning, is possible and also evokes the verticality of 'Consistory'. Much like the sentiments in 'The Song of the Husbandman' the poet states that, due to taxation, the 'common folk' must sell their 'Cows, tools, and clothing'.²⁵⁵ Even worse is the wool tax which 'forces them to sell | Their valuables' (ll. 43-44).²⁵⁶ The law which 'gives my wool to the king' is not 'just' (ll. 49-50).²⁵⁷ The use of the personal pronoun indicates that the poet is a wool grower or wished to present themselves as one. It also links the poem to the wool levies of the 1330s. The proceeding line states that the poor are 'Under a bitter burden' (l. 48).²⁵⁸ This bitter burden, or weight, is a play on the weighing of the wool by the collectors and is continued in the following stanza:

*It is of still greater weight,
As people bear witness,
That from the sack two stones or three
Are retained by force.
By whom will this wool be taken?
Some respond
That neither king nor realm will have it,
But only the wool collectors.
Such a false weight of wool
Constitutes a bitter thing!*

(ll. 51-60)²⁵⁹

As shown in the previous chapter, false weighing, corruption of the collectors, and the diversion of the revenue away from the king and the realm, was a common charge in the judicial records.²⁶⁰ In this context it is clear that the poet wishes to equate the false weighing of the wool with the unjust burdens on the 'simple gent' (l. 41). The diversion of revenue exacerbates these burdens:

²⁵³ 'De anno in annum', 'E fet avaler que soleyent | Sedere super scannum' (ll. 22, 25-26).

²⁵⁴ Scattergood, p. 165.

²⁵⁵ 'Commune gent', 'Vaccas, vas, et pannum' (ll. 27-28).

²⁵⁶ 'Que vendre fet, communement, Divicias earum' (ll. 43-44).

²⁵⁷ 'Non est lex sana | Quod regi sit mea lana!' (ll. 49-50).

²⁵⁸ 'Pondus per amarum' (l. 48).

²⁵⁹ 'Uncore est plus outre peis, | Ut testantur gentes, | En le sac deus per ou treis | Per vim retinentes. | A quy remeindra cele leyne? | Quidam respondentes | Que ja n'aver a roy ne reygne, | Set tantum colligentes. | Pondus lanarum | Tam falsum constat amarum!' (ll. 51-60).

²⁶⁰ See Chapter Three, Section 9.3.3.1, pp. 128-131.

*There is a thing contrary to faith
 By which people are oppressed:
 To the king comes not half
 Of what's raised in the realm!
 Since he does not receive the whole
 As it's granted to him,
 The people must pay more,
 And thus they're cut short.
 For the taxes that are raised
 Are not all given to the king.*

(ll. 31-40).²⁶¹

The ‘people’ or ‘gens’ are those most oppressed. The poet advises that ‘Since the king wants | To take so much’ that ‘He would do better | To have taken a portion from the great, and have spared the lowly’ (ll. 61-62, 66-68).²⁶² Further, it would be ‘Better [...] to eat off wood | And pay in coin for food, | than to serve the body with silver | And pay with wood’ (ll. 145-148).²⁶³ As Wendy Scase relates this is a criticism of the practice of purveyance in which royal officials took agricultural produce and paid for it with wooden tallies which could be redeemed at the exchequer.²⁶⁴ The contrasting treatment of the rich and poor is highlighted throughout. Aside from the unfair burden the taxes are ‘From the sweat of the poor’ (l. 92). The lords who have gone to fight overseas for the king live beyond their means as ‘their lands haven’t the power | To sustain them’ (ll. 153-154).²⁶⁵ Those ‘who would live on others’ are ‘coveting others’ things’ and the poet suggests they will earn damnation: ‘I don’t know how they’ll be able | To save their souls’ (ll. 155-160).²⁶⁶ This sense of the poet standing as witness and assigning damnation is extended: ‘I see at the present time | How people grow prideful, | Holding great pomp with other’s goods’ at the Last Judgement ‘if they don’t

²⁶¹ ‘Une chose est contre foy | Unde gens gravatur: | Que la meyté ne vient al roy | In regno quod levatur! | Pur ce qu'il n'ad tot l'enter | Prout sibi datur, | La pueple doit le plus doner, | Et sic sincopatur. | Nam que taxantur | Regi non omnia dantur’ (ll. 31-40).

²⁶² ‘Depus que le roy vodera | Tam multum cepisse, | Entre les riches si purra | Satis invenisse. | E plus, a ce que m'est avys, | Et melius fecisse | Des grantz partie aver pris, | Et parvis pepercisse. | Qui capit argentum, | Sine causa, peccat egentum’ (ll. 61-70).

²⁶³ ‘Mieu valdrait de fust manger | Pro victu nummos dare, | Qe d'argent le cors servyr | Et lignum pacare’ (ll. 145-148).

²⁶⁴ Scase, *Literature and Complaint*, p. 31.

²⁶⁵ ‘Qui sunt ultra mare; | Ore lur terres n'ount povers | Eosdem sustentare’ (ll. 153-154).

²⁶⁶ ‘Je ne say coment purrount | Animas salvare, | Que d'autrui vivre voderouint | Et propria servare. | Non dubitant penas | Cupientes res alienas’ (ll. 155-160).

‘mend their ways | they must then perish’ (ll. 101-103).²⁶⁷ The speaker rendering judgement and presenting the target of the poem as living upon the poor evokes the various parasitic imagery in ‘Retinues’.

In the ninth stanza the ire is directed toward parliament’s role in the granting of taxes. Wealthy individuals are spared ‘On account of gift or favour’ (l. 94).²⁶⁸ In both Aspin’s and Fein’s translations this attack is obscured and could be attributed to advisers. Aspin renders the lines as: ‘It is wrong to ordain that those who make a grant pay nothing. For not one farthing do they give the king; it is the poor who pay’.²⁶⁹ The 2015 Fein edition renders it as:

For those tax-makers to pay nothing

Is wrongly ordained.

For the policy-makers

Give nothing to the king, only the needy

(ll. 87-90).²⁷⁰

These translations might suggest that ministers are to blame and that the lack of payment by those who grant or order the taxes mean that the poor must pay. However, a more literal rendering could equally be seen as attacking assemblies which grant taxes to the king:

*The great aren’t grieved to grant
tribute to the king;*

The simple have to give all,

Contrary to God’s will.

This counsel is not good at all,

But is sullied with vice.

Those that grant pay nothing

(It) is a bad constitution

For those who concede

²⁶⁷ ‘Je voy en siecle qu’ore court | Gentes superbire, | D’autre biens tenir grant court’, ‘Quant vendra le haut jugement, | Magna dies ire, | S’il ne facent amendement, | Tunc debent perire’ (ll. 101-103, 105-108).

²⁶⁸ ‘Dono vel favore’ (l. 94).

²⁶⁹ Aspin, p. 112.

²⁷⁰ Fein, Raybin, and Ziolkowski, p. 295.

Give nothing to the King, but the poor.

(ll. 81-90).²⁷¹

Again, in this stanza there is a play on multiple meanings of close synonyms. ‘Grantz’, ‘graunter’, ‘grauntent’ are all used to play on the idea of ‘great’, ‘giving’, or ‘granting’. As ‘doner’ and ‘dant’ also appear the stanza has five instances of words that are close to or derived from terms meaning ‘to give’. This preponderance of terms is designed to heighten the message that the great do not give anything but grant the goods of the poor to the king. This stanza also further extends the play with the terms associated with advice or council. Line 85 states that ‘this counsel [or council] is not good at all’.²⁷² The ‘consail’ in question could be the king’s council, the policy of the crown, counsel, or parliament. In conjunction with the play on ‘great’ and ‘grant’ suggests an allusion toward parliament. ‘Consail’ might refer to parliament and ‘graunt consail’ could be another term for a body of magnates sitting within parliament which began to emerge as a term from 1314.²⁷³ It may also allude to a distinction between open or closed parliaments.²⁷⁴ Further, stanza eight closes with the lines ‘Such a policy | Confers general harm’ (ll. 79-80).²⁷⁵ However, this might also be rendered as council or guidance: ‘Such guidance (or such a council) | Confers general harm’ (ll. 79-80). Such a dual meaning is surely deliberate. The policy, the advice, the council, and perhaps the magnates are all to blame for misdirecting the king. Throughout, the poem toys with the idea of one social body giving, one taking, and contrasts the relative disparity between the rich who give nothing and the poor who have nothing. There ‘is so much scarcity | Of money’ at the market and ‘buyers are so few’ that nothing can be raised there (ll. 131-137).²⁷⁶ The ‘tax makers’ pay ‘nothing’ and the policy makers only give ‘the poor’ to the king while ‘such tribute’ cannot ‘last for long’ because ‘Who can give from emptiness?’²⁷⁷ (ll. 87-90, 123-124) We are told that the ‘people turn foolish | From loss of possessions’ before stating that they fear a rising (ll. 126-130).²⁷⁸ The poem attacks ‘That one who made him travel | Over the sea’ (ll. 7-8).²⁷⁹ It suggests that the king should not leave the realm to

²⁷¹ My translation building on Fein and Aspin. ‘Rien greve les grantz graunter | Regi sic tributum; | Les simples deyvent tot doner, | Contra Dei nutum. | Cest consail n’est mye bien, | Sed viciis pollutum. Ceux que grauntent ne paient rien | Est male constitutum. | Nam concedentes | Nil dant regi, set egentes’ (ll. 81-90).

²⁷² ‘Cest consail n’est mye bien’.

²⁷³ Maddicott, *OEP*, pp. 351-52.

²⁷⁴ Maddicott, *OEP*, pp. 351-52; H. G. Richardson and George Sayles, ‘The King’s Ministers in Parliament, 1272–1377’, *The English Historical Review*, XLVII.CLXXXVI (1932), 194–203 (pp. 199–201).

²⁷⁵ ‘Consilium tale | Dapnum confert generale’ (ll. 79-80).

²⁷⁶ ‘Yl y a tant escarcté | Monete inter gentes’, Qe honme puet en marché, | Quam parci sunt ementes’, ‘Rien lever, en verite’ (ll. 131-134, 137).

²⁷⁷ ‘Ceux que grauntent ne paient rien | Est male constitutum. | Nam concedentes | Nil dant regi, | et egentes’ (ll. 87-90); ‘De voyde qy puet doner, | Vel manibus tractare?’ (ll. 87-90).

²⁷⁸ ‘Je me doute, s’ils ussent chief, | Quod vellent levare. | Sepe facit stultas | Gentes vacuata facultas’ (ll. 126-130).

²⁷⁹ ‘Celi qe ly fist passer | Partes transmarinas’ (ll. 7-8).

fight overseas 'Unless the commons of his land | Wish to consent' (ll. 13-14).²⁸⁰ It is unclear if this is a reference to the parliamentary Commons or to the third estate in general.²⁸¹

Given the context and the other, fairly explicit, criticism of taxation grants, it seems more likely a reference to parliamentary Commons. However, if lines 81-90 do allude to a great council, as a closed parliament of just magnates, which excluded representatives of the Commons then the poem is suggesting that the king should not be able to fight overseas unless the Commons, in open parliament, are also consulted. This perhaps represents knowledge of the Ordinances of 1311, a Lancastrian-led reform movement, which forbade the king to go to war without the consent of the baronage in parliament.²⁸² The author seems to be suggesting that the Commons should have a say in such decisions. The speaker continues by stating that 'On account of treason [...] many perish' and that 'no one can know' who to trust (ll. 15-18).²⁸³ This allusion to treason must be intended to evoke the spectres of the past conflicts from Montfort to Mortimer. The stanza concludes that the king 'not leave his realm | Without good counsel' (ll. 19-20).²⁸⁴ The *Dictionary of Medieval Latin from British Sources* gives the definitions of 'consilium' as consultation, advice, plan, purpose, prudence, counsel, and council.²⁸⁵ Thus, this may mean that the king should not leave the realm without placing good counsellors to govern in his absence or that he should only leave once he has received good advice. Again, the ambiguity is surely intentional. It is clear however that some counsellor or counsellors are in mind as having badly advised the king either in leaving or in ruling during his absence. The speaker does not want to blame the king for 'depravity' but instead the unnamed 'evil counsellor' (ll. 72-74).²⁸⁶ The term 'consiler' may mean specific pernicious counsellor or bad advice.²⁸⁷ The poet states that 'I fear that had they a leader, | They would rise in rebellion.' (ll. 127-128).²⁸⁸ This again invokes a fear which is perhaps based on the prior eighty years of upheaval and Edward III's fears in 1340. The emphasis of the absence of a leader may be intended to remind the readers, especially in the Welsh marches and Lancashire, of Roger Mortimer, Thomas of Lancaster, and Simon de Montfort. The final stanza calls on God to 'confound [...] those who plan to

²⁸⁰ 'For si la commune de sa terre | Velint consentire' (ll. 13-14).

²⁸¹ W. Mark Ormrod, 'Parliament, Political Economy and State Formation in Later Medieval England', p. 126.

²⁸² Phillips, p. 177.

²⁸³ 'Par tresoun [...] Quam plures perire', 'A quy en fier securement | Nemo potest scire' (ll. 15-18).

²⁸⁴ 'Non est ex regno | Rex sine consilio' (ll. 19-20).

²⁸⁵ 'Consilium', in *Dictionary of Medieval Latin from British Sources*, ed. by D. R. Ashdowne and R. E. Latham (British Academy, 2018).

²⁸⁶ 'Talem pravitatem, | Mes al maveis consiler | Per ferocitatem' (ll. 127-128).

²⁸⁷ 'Conseiller'¹, AND; 'Conseiler'², AND.

²⁸⁸ 'Je me doute, s'ils ussent chief, | Quod vellent levare' (ll. 127-128).

do treason | And disturbers of the peace! and to 'confirm and grant | Love between kings' and closes by stating that 'he lose consolation | Who destroys the peace' (ll. 162-170).²⁸⁹

In short, the poem is an attack on the magnates, those advising the king, and the heavy demands made to fund wars. There are some parallels with the Winchester 'Commons' petition' which was seemingly a parliamentary petition, perhaps a draft, that was not copied into the parliamentary rolls and only survives in the Winchester cartulary.²⁹⁰ This petition dated to early 1340 suggests that the king has closely followed his advisors directions 'without regard for his bodily toil'.²⁹¹ It also calls for a council to oversee the governing of the realm, to advise the king, to audit any who have received tax, and to investigate and oversee all royal officials. In the poem, the usage of terms meaning counsel or council is used multiple times to pointedly suggest that the king has received poor advice and that the advisors themselves are corrupt. An unnamed minister appears to be under attack throughout. The blame for the state of the realm is apportioned mostly to this evil influence, bad advice or council, and the overseas war. Isabel Aspin suggested the Archbishop of Canterbury, John Stratford while John Scattergood argued for William Kilsby as this unnamed minister.²⁹² The consistent play upon terms relating to counsel and grant suggest an attack on a great council which was an assembly that did not include the parliamentary Commons. Likewise, the strong dislike of taxes, particularly wool taxes, which were granted by magnates who would not have to pay suggests a grant of taxation made by a great council and without the approval of the parliamentary Commons. Isabel Aspin suggested a date after March 1338. With the reading presented here we might refine this further to sometime after 26th of July 1338 when a great council approved the first direct tax on wool. The collection of this levy began in September 1338.²⁹³ This date supports the suggestion that the unnamed official under attack was Stratford. However, if the Harley copy was made sometime after 1340 the new context might invite different readings. The March Parliament of 1340 imposed the new ninth on goods and wool and Stratford fell from power in late 1340.

Given how close this poem was copied to the events it is discussing it seems unlikely that it was altered drastically before it was set down by the Ludlow scribe. Regardless, the poem shows a close interest in politics on the part of the Ludlow Scribe and a wider audience – as suggested by the probable oral performance and the surviving version in the Whalley manuscript. It may have been a

²⁸⁹ 'Confundat errores, | E ceux que pensent fere tresoun, | Et pacis turbatores! | E vengaunce en facez | Ad tales vexatores, | E confermez e grantez | Inter reges amores! | Perdat solamen | Qui pacem destruit!' (ll. 162-170).

²⁹⁰ Harriss, 'The Commons' Petitions'; Harriss, *King, Parliament*, pp. 518–20.

²⁹¹ Harriss, 'The Commons' Petitions', p. 625, n. 1. 'saunz aver regard au travail de soen corps'

²⁹² Aspin, p. 106; Scattergood, p. 165.

²⁹³ Jurkowski, Smith, and Crook, p. 43.

piece of propaganda advancing the cause of a patron or perhaps circulated amongst the parliamentary attendees between 1338 and 1341. In either case it combines concerns over national politics with the more immediate fears of the likely Ludlow audience: purveyance, wool levies, taxation, shortage of coin, dislike of the war, and corruption of officials. This is wrapped in indignation at the unfairness of the exactions and the slide down the social strata just as the corrupt royal officials and their masters ascend. All of these complaints are exacerbated by the unfairness that those who order taxes do not have to pay them. The poem uses these more immediate concerns to advance its own agenda. This agenda was likely tied up with the parliamentary debates between 1338-41 and suggests a rapid dissemination of these ideas to more geographically remote areas such as Ludlow.

4.3.7 ‘Trailbaston’²⁹⁴

Another text which shows the effects of parliamentary debate on the evolution of political texts is ‘Trailbaston’, or ‘The Outlaw’s Song of Trailbaston’, which was first composed between 1305 and 1307. This is a political text in Harley 2253 which excoriates royal officials and a novel form of royal justice – the courts of trailbaston. It has been published and translated several times since the early nineteenth century by Sir Francis Palgrave, Isabell Aspin for the Anglo-Norman Text Society, Carter Revard, and in a new scholarly edition by Susannah Fein, David B. Raybin, and Jan M. Ziolkowski.²⁹⁵ Previous studies have missed several nuances and, probably as a result of interdisciplinary boundaries, failed to properly contextualise the poem in its local and national situation. This new reading outlines some, heretofore, unappreciated double-entendres, critiques of royal policy, and situates the text more firmly in connection to the crisis of 1341 and the public debates between Edward III and Archbishop Stratford. ‘Trailbaston’ is another political text in Harley 2253 which relates to specific named figures with a relevance in the local area. Since Aspin scholars have noted the sophisticated use of ‘legal terms appearing in almost every stanza’.²⁹⁶ The poem has been related to gangs such as the Coterels or Folvilles, and Richard Firth Green draws many parallels between such criminal gangs and the poem’s woodland themes.²⁹⁷ Green also noted many of the legal terms with dual meanings and, quoting from Eric Hobsbawm, suggested that the speaker of the poem was akin to popular heroes and social bandits.²⁹⁸ Carter Revard drew parallels between the poem and

²⁹⁴ Fein and others, III, pp. 144–49. Full text available online: <<https://d.lib.rochester.edu/teams/text/fein-harley2253-volume-3-article-80>>.

²⁹⁵ Aspin, pp. 67–78; Fein and others, I; Carter Revard, ‘The Outlaw’s Song of Trailbaston’, in *Medieval Outlaws*, ed. by Thomas H. Ohlgren (Indiana: Parlor Press, 2005), pp. 151–64.

²⁹⁶ Aspin, p. 68.

²⁹⁷ Richard Firth Green, *A Crisis of Truth: Literature and Law in Ricardian England*, The Middle Ages Series (Philadelphia: University of Pennsylvania Press, 1999), pp. 186–89.

²⁹⁸ Green, *A Crisis of Truth: Literature and Law in Ricardian England*, p. 411 n. 14.

Robin Hood, retitling it, in a modern rendition of the text, as 'The Outlaw's Rap'.²⁹⁹ For Revard the poet is a bad example who is 'protesting too much'.³⁰⁰ Wendy Scase suggested that the poem is not simply oppositional to the common law, as Firth Green posited, but dramatizes 'the instabilities and manipulations attendant on the bill of complaint'.³⁰¹ The text outlines complaints against the king, his ministers, judges, neighbours, and 'false accusers' (l. 21).³⁰² It attacks a specific court, popularly known as a *trailbaston*, which has been dated to between April 1305 and February 1307. This dating is possible as the poem names the four justices, William Martyn, Gilbert Knoville, Henry Spigurnel, and Roger Belflour, who sat under several commissions in Shropshire and Herefordshire.³⁰³ These courts are analogous to the old *hated eyres* which were another form of itinerant court. The detestation of these courts was widespread. It seems related, in a local context, to an apparently unsuccessful claim to gain exemption from the investigations which was copied in 1307 into a book kept at Shrewsbury Abbey.³⁰⁴ The hostility to these courts was not confined to the local area. In 1326 Walter Stapledon, treasurer and Bishop of Exeter, was ambushed and beheaded in London by a mob, in part due to his role in the London eyre of 1321.³⁰⁵ As discussed earlier in this thesis, the royal justices who administered such courts were also the target of mockery, assaults, kidnapping, ambushes, and murder across this period.³⁰⁶

Carter Revard has dated the copying of this poem into the manuscript to sometime around 1340-42. The context at the date of composition, in 1305-07, and at the date of copying are vital to understand some of the ways in which the text might have been understood by the scribe and his audience.³⁰⁷ Furthermore, it is worth considering the ways in which this text might have been read and maybe adapted between 1305 and 1340-42. Edward I caused upset among the marchers, but it was under Edward II that the marcher freedoms were especially trampled to the enrichment Hugh Despenser the younger. This was the principal trigger for the rising against the king of most of the marchers alongside Thomas of Lancaster in 1321-22. This civil war, and royal victory, led to a period of guerrilla warfare, reprisals, and a general lawlessness that was so severe that it was difficult for

²⁹⁹ Revard, 'The Outlaw's Song of Trailbaston', p. 151.

³⁰⁰ Revard, 'The Outlaw's Song of Trailbaston', p. 152; Revard, 'Political Poems', p. 74.

³⁰¹ Scase, *Literature and Complaint*, p. 48.

³⁰² 'Mes le male deseynes' (l. 21). All in text citations reference the 2015 Fein edition.

³⁰³ TNA, JUST 1/306, JUST 1/307, JUST 1/744, JUST 1/745, JUST 1/746.

³⁰⁴ D. C. Cox, 'Peacekeeping Without Frankpledge: Shropshire's Claim in 1307', *Transactions of Shropshire Archaeological and Natural History Society*, 60 (1975), 81-95.

³⁰⁵ Mark Buck, *Politics, Finance, and the Church in the Reign of Edward II: Walter Stapeldon, Treasurer of England*, Cambridge Studies in Medieval Life and Thought, 3rd ser., v. 19 (Cambridge: Cambridge University Press, 1983), pp. 210-12, 214.

³⁰⁶ See Chapter One, Section 7.1, pp. 32-38.

³⁰⁷ Revard, 'Political Poems', p. 75.

Edward II to even seize the lands of some defeated rebels.³⁰⁸ These seizures were accompanied by crippling fines for the rebels and investigations into the offences committed by their followers across the marches, the Midlands, and the North.³⁰⁹ The region thus suffered raiding, warfare, and lawlessness, even prior to the 1326 invasion of Mortimer and Isabella. This invasion, in turn, saw Roger Mortimer of Wigmore, a prominent marcher Lord, become the effective ruler of the realm for three years. A decade after Mortimer's fall, Edward III returned from Ghent, as outlined above, and issued proclamations announcing investigations in most counties in December 1340 which were proclaimed countrywide.³¹⁰ These were accompanied by proclamations calling for the arrest of a number of individuals and mandates for all powerful landed men and members of the council to remain in the country. The proclamation of such writs would have had powerful resonances in the marches due to the recent memory of investigations under similar commissions in the aftermath of the civil war of 1321. One justice vilified in the poem, Henry Spigurnel, led various judicial inquiries in the area up to 1319. He even headed up the investigations following the failed marcher rising of 1321-22.³¹¹ Between the initial drawing up of the commissions, on the December of 10th, and the expansions in January the investigations in the marches were dropped. It is possible that this was a result of political, or other, resistance or a pay-off. Six counties paid some form of communal fine to halt or prevent the courts.³¹² There are no records of fines being paid by the marcher counties.³¹³ This suggests that they did not take place for some alternative reason which might include a sensitivity over the rights of the marchers, the fear of unrest, or political pressure. The copying at this date was part of a national debate about the powers of the king to engage in royal itinerant courts like the eyre either before or after 1341. There were heated debates both inside and outside parliament which culminated in the Archbishop of Canterbury, John Stratford, secluding himself within the cathedral precincts while the king's chief minister proclaimed furious letters outside.³¹⁴ It is fair to surmise, given its history, that there was resistance in late 1340 or early 1341 to the plans for commissions in the marches which had a public dimension. The copying, and presumed public circulation of 'Trailbaston', and other poems with a political dimension in Harley 2253, were part of this local and national debate which erupted in 1341 but had antecedents in the thirteenth century.

³⁰⁸ Natalie Fryde, *Tyranny and Fall*, pp. 69–70, 77–78, 80; S. L. Waugh, 'The Profits of Violence: The Minor Gentry in the Rebellion of 1321–1322 in Gloucestershire and Herefordshire', *Speculum*, 52.4 (1977), 843–69 <<https://doi.org/10.2307/2855377>>.

³⁰⁹ TNA, JUST 1/291, TNA, JUST 1/296, TNA, JUST 1/316, TNA, JUST 1/425, TNA, JUST 1/598, TNA, JUST 1/681, TNA, JUST 1/853, TNA, JUST 1/1036, TNA, JUST 1/1117, TNA, JUST 1/1389, TNA, JUST 1/1560. Natalie Fryde, *Tyranny and Fall*, pp. 70–72.

³¹⁰ CPR 1340–43, pp. 110–113. See Chapter One, Section 7.2.2.6, pp. 68–74.

³¹¹ CPR 1321–1324, pp. 385–386; TNA, JUST 1/291, TNA, JUST 1/296, TNA, JUST 1/316, TNA, JUST 1/1036.

³¹² Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', pp. 141–42.

³¹³ Scott Waugh, 'Success and Failure of the Medieval Constitution in 1341', pp. 159–60.

³¹⁴ Haines, *Archbishop John Stratford*, pp. 278–327.

In both 1305 and 1340 any judicial inquiry seems likely to rile local hostility both inside, and outside, the Welsh marches.

The poem only survives in Harley 2253 and relates to events in and around Ludlow. Revard has proposed two local clerics, Thomas or Richard Billebury, as potential candidates for the, so-called, Ludlow Scribe. Further he suggests that an ancestor of either of these, William Billebury, who ran afoul of the law at the beginning of the century as a candidate for the original author.³¹⁵ The author bemoans that chastising his servant ‘with a blow or two, in order to correct him’ results in a bill of complaint and arrest (l. 10).³¹⁶ To avoid prosecution the author has fled to the woods where he practices archery and rides with his companions. Revard proposes that ‘Trailbaston’ must be understood by the texts which surround it within Harley 2253: ‘Urbain the Courteous’ and the ‘Man in the Moon’. To Revard they are examples of dramatic monologues which demonstrate different forms of advice: courtly, ‘Falstaffian’, and comedic.³¹⁷ Wendy Scase drew a parallel between this poem and the practice of complaint by bill.³¹⁸ She suggested that it presents itself as a bill which appeals to the court of public opinion and is designed to critique the legal process rather than simply reject it.³¹⁹ However, any reading must take into account the socio-legal context of the Welsh marches. Much of the following relies on multiple understandings of particular words or phrases. Therefore, it is important to note, at the outset, that this reading is suggesting that these understandings were likely intended to be held all at once. That is to say there is not one ‘correct’ interpretation or translation but rather several layers of meaning which coexisted alongside one another.

At the time of copying, in 1341, ‘Trailbaston’ appears a much more localised work which rejects outside interference in the marches, rather than an attack on judicial processes in general. The poem presents the justices Spigurnel and Belfour as ‘men of cruelty’ (l. 35).³²⁰ But the two local justices, Martin and Knoville, are presented as ‘men of piety’ who ‘pray for the poor’.³²¹ The author may, or may not, be William Billebury but the poem itself appears to encompass the complaints of multiple individuals. It is written in the first-person but various scenarios are presented to the audience in the conditional tense: ‘Sir, if I should wish to punish my servant’ (l. 9).³²² It has been posited that the author was a cleric as he states that: ‘If you know how to read and are tonsured’ you shall be

³¹⁵ Revard, ‘The Outlaw’s Song of Trailbaston’, p. 153.

³¹⁶ ‘De une buffe ou de deus, pur ly amender’ (l. 10).

³¹⁷ Revard, ‘The Outlaw’s Song of Trailbaston’, pp. 154–55.

³¹⁸ Scase, *Literature and Complaint*, p. 48.

³¹⁹ Scase, *Literature and Complaint*, p. 48.

³²⁰ ‘Spigurnel e Belflour sunt gent de cruelté’ (l. 10).

³²¹ ‘Ly Martyn e ly Knoville sunt gent de pieté, |E prient pur les povres qu'il eyent sauveté’ (ll. 33–34).

³²² ‘Sire, si je voderoi mon garsoun chastier’ (l. 9).

thrown into the bishop's prison (ll. 57-60).³²³ Equally, 'If I should know more about the law than they know, | They'll say, "This conspirator starts to be treacherous" (ll. 89-90).³²⁴ However, he also states that 'If I am one of a company and know about archery' neighbours 'will go about saying, "this one's from the gang | That goes hunting in the forest and commits other sin" (ll. 85-87).³²⁵ For striking his servant the speaker is thrown in dungeon and must pay a ransom (l. 15). The speaker is indicted 'For wicked robberies and other crimes' and he *has* served the king in Flanders, Scotland, and Gascony (ll. 23, 25-26).³²⁶ This range of crimes, mostly conditional, is more likely an outlining of various crimes which are heard before the justices rather than a series of offences that the speaker has committed or might be accused of. Carter Revard has identified some of the allegations which fit these hypothesised crimes in the very court which this poem is referencing. These offences concern the very families which have been posited as patrons by Revard and others. Only briefly citing a few offences in the footnotes Revard misses some of the significance of the trial records.³²⁷ For example, Roger Mortimer was cited by this enquiry for conspiring to entangle a landholder in a legal case and attempting to seize his property.³²⁸ Richard Harley, formerly the sheriff of Shropshire and Staffordshire (1300-03), was indicted for a wide range of legal crimes, and extortion, at times co-accused with William Ludlow of Stokesay.³²⁹ William Ludlow himself was fined £100, a considerable sum, for conspiracy, false indictments, and giving refuge to his servant who was a felon.³³⁰ William mainperned for this felon, John le Salter, who was accused of attacking a man in his home.³³¹ To mainprise an individual was to stand as guarantor for debts or appearance in court and so is an indication of a strong link between the two. William in turn was mainperned by Walter Beysy (sheriff from 1303 following Harley), John Lestrange (sheriff in 1308), and Henry Mortimer – cousin and 'intimate' of Roger Mortimer of Wigmore.³³² Likewise, a Roger Lestrange was accused of leading a gang which robbed a merchant in Scherlet Wood.³³³ Fulk Lestrange and John Lestrange also stood as mainpernors for Richard Harley.³³⁴ William Ludlow and Fulk Lestrange mainperned Philip

³²³ Scattergood, p. 185; 'Si tu sachez de letrure e estes coronee, | Devaunt les justices serrez appellee. | Uncore, poez estre a prisone retornee, | En garde de le evesque, jesque seiez purgee' (ll. 57-60).

³²⁴ 'Si je sache plus de ley qe ne sevent eux, | Yl dirround, "Cesti conspyratour comence de estre faus" (ll. 89-90).

³²⁵ 'Si je sei compagnoun e sache de archerye, | Mon veisyn irra disaunt, "Cesti est de compagnie | De aler bercer a bois e fere autre folie" (ll. 85-87).

³²⁶ 'De male robberies e autre mavestee' (l. 23).

³²⁷ Revard, 'Political Poems', p. 72, n. 35-36.

³²⁸ TNA, JUST 1/744, m. 3. It is unclear if this is Roger Mortimer of Wigmore or Chirk.

³²⁹ TNA, JUST 1/744, m. 3.

³³⁰ TNA, JUST 1/744, m. 10.

³³¹ TNA, JUST 1/744, m. 10.

³³² TNA, JUST 1/744, m. 10; Dryburgh, 'The Career of Roger Mortimer', p. 181.

³³³ It is unclear if this is the same Roger Lestrange who led the forces which killed Llewelyn the Prince of Wales in 1282. He died by January 1303 and so does not appear on the list of fines or as a mainpernor. See: CPR 1301-07, p. 106.

³³⁴ TNA, JUST 1/744, m. 10.

Cheyne.³³⁵ There is a clear connection between the Ludlows, the Mortimers, the Lestranges, the Harleys, and the Cheynes at the outset of the fourteenth century. The families are interlinked through generations and are punished for offences which match those in 'Trailbaston': conspiracy, violence, theft, maintenance, receiving a felon, and robberies in the forest. These offences are close to those of the suggested patrons and their associated families. The familial connections, at the time of the poem's composition, reveal a network of interconnected landed marcher men who were prominent officeholders up to the 1320s and in the circles of some of the most powerful men in the kingdom.³³⁶ When examined alongside the records of the court which the poem attacks, it seems that 'Trailbaston' is intended to highlight all of these complaints rather than represent or mimic a single individual's perspective. In this it might mirror the complaints in 'Husbandman' but without the framing device of the narrator. The offences co-occur among the very group for which the scribe of Harley 2253 provided service as a legal scrivener and which has been posited as likely patrons. Revard has repeatedly suggested that the reader is intended to condemn the author of the poem as a 'bad example'.³³⁷ Two readings seem likely motivations of the author or authors. Firstly, this could be a generalised complaint, produced by a scribe, or scribes, which incorporates the grievances of these families and is intended as a critique of the king, his ministers, and the intrusion of royal justice into the region. Secondly, that the poem could have been produced by an individual, or individuals, who had knowledge of these men and their offences and wished to lampoon them while hiding the mockery within a series of complaints which might have appealed to them. It is possible, likely even, that between composition and copying this poem had a life of its own and what began perhaps as a straightforward attack on the court took on subsequent new lives.

The condemnation of royal officials, ministers, and the law is clear. When the author is threatened with prison, they, presumably the under-sheriffs or jailors, take 'forty shillings as a ransom' (l. 13).³³⁸ Then the sheriff 'comes for his reward | For not consigning me to a deep dungeon' (ll. 14-15).³³⁹ The jurors are 'wicked', the judges 'are men of cruelty', the unnamed minister 'who started these affairs, | [...] will never be reformed | [...] he sins too greatly in it' (ll. 29, 35, 41-43).³⁴⁰

³³⁵ TNA, JUST 1/744, m. 10.

³³⁶ Henry Summerson, "'Most Renowned of Merchants': The Life and Occupations of Laurence of Ludlow (d. 1294)", *Midland History*, 30 (2005), 20-36 (pp. 23-24, 28) <<https://doi.org/10.1179/mdh.2005.30.1.20>> Aside from the connections outlined here, Stokesay Castle, built by William's father Laurence in the late thirteenth and early fourteenth, is adorned with Mortimer heraldry as is his previous residence in Ludlow. Laurence also held land from the Mortimer's of Richard's Castle and loaned money to both Roger Mortimers and Edmund Mortimer of Wigmore.

³³⁷ Revard, 'The Outlaw's Song of Trailbaston', pp. 151-55; Revard, 'Political Poems', p. 74.

³³⁸ 'Quarante souz pernent pur ma raunsoun' (l. 13).

³³⁹ 'E la viscounte vint a son guerdon | Qu'il ne me mette en parfounde prisoun' (ll. 14-15).

³⁴⁰ 'maveis jurours' (l. 29); 'gent de cruelté' (l. 35); 'Qy cestes choses primes comença, | Ja jour de sa vie, amendé ne serra. | Je vous di, pur very, trop graunt pecché en a' (ll. 41-43).

If you are imprisoned by the bishop, you will ‘suffer hardship and extremely harsh punishment and perhaps you shall never be freed’ (ll. 60, 63-64).³⁴¹ It is implied that ministers are already the subject of abuse: ‘Monks and merchants’, perhaps a phrase intended to cover the full spectrum of society, ‘well ought’ to ‘heap curses on all those who ordained the trailbaston’ (ll. 49-50).³⁴² This evokes the wide social spectrum hinted at in ‘Husbandman’.³⁴³ This tension was raised in the initial stanza: ‘If God doesn’t prevent it, I think war will arise’ (l. 4).³⁴⁴ The direct attack on ministers of the crown, rather than the crown itself, is not unusual. Early on, the poem avoids criticism of the monarch. Later the attack is explicit:

*I've served my lord the King in peace and in war,
In Flanders, Scotland, in his own land of Gascony,
But now I don't have any idea how to make a deal.
I've spent all my time in vain to please such a man! (ll. 29-32).³⁴⁵*

The criticism of the monarch goes further than most poetry of the period and evokes the controversy over the demands of military service to the crown. The poet blames rumour and his neighbours for the downfall of law and order (l. 21). The ‘false accusers [...] | Have indicted me with their lying mouths [...] | So that I dare not be received by my friends’ (l. 21-24).³⁴⁶ This echoes the charge against William Ludlow for receiving his servant. The neighbours will accuse him of poaching or other acts if he is one of a company, rides in the woods, and uses a bow (ll. 85-88). The speaker calls shame upon those who accuse him of conspiracy for knowing the law (ll. 89-90). He must ‘wait for a pardon and hear people talk’, they, ‘speak of me badly, | And would happily see my body injured’ and he has been ‘indicted out of envy’ (ll. 77-79, 82). The poet twice bemoans, in almost identical language, that they cannot ‘ride and go about in my country’ or return to friends and relatives (ll. 24, 30, 71, 94).³⁴⁷ The implication is that the bad law of the ministers and the king, has given legal form to the rumouring, and local politics. This has brought the speaker to penury ‘I don’t

³⁴¹ ‘En garde de le evesque jesque seiez purgee’ (l. 60); ‘E soffryr messayse e trop dure penaunce, | E par cas n'averez jamés delyveraunce’ (ll. 63-64).

³⁴² ‘Bien devoient marchaunz e moygnes doner maliçoun | A tous iceux que ordinerent le Traillebastoun’ (ll. 49-50).

³⁴³ ‘Bien devoient marchaunz e moygnes doner maliçoun | A tous iceux que ordinerent le Traillebastoun’ (ll. 49-50). ‘Husbandman’ shows officials who ‘hold many of religion in utter contempt – | Baron and bondsman, the clerk and the knight’ (ll. 29-30, ‘Husbandman’).

³⁴⁴ This echoes ‘Song Against the King’s Taxes’ which is outlined above: ‘Si Dieu ne prenge garde, je quy que sourdra guere’ (l. 4).

³⁴⁵ ‘J'ai servi my sire le roy en pees e en guere, | En Flaundres, Escoce, en Gascoyne sa terre, | Mes ore ne me sai je point chevisaunce fere. | Tot mon temps ay mis en veyn pur tiel honme plere!’ (ll. 29-32).

³⁴⁶ ‘Mes le male deseynes — dount Dieu n'oit ja pieté! — | Parmi lur fauce bouches me ount enditee De male robberies e autre mavestee, | Que je n'os entre mes amis estre receptee.’ (ll. 21-24).

³⁴⁷ ‘Que je n'os entre mes amis estre receptee’ (l. 24); ‘Que je pus a mon pais chevalcher e aler’ (l. 30); ‘Que n'os a la pes venyr entre mon lignage’ (l. 71); ‘Que je pus a mon pais aler e chyvaucher’ (l. 94).

have property by which to be redeemed', and split families and friends so that innocent people will 'become a thief who was never one before | Who, for fear of prison, dares not come to peace' (ll. 45-46). The narrative presents the bad law, which is carried out by the ministers of the king, as driving people from their families, homes, and friends and forcing people to live in fear and penury. Again, this picture recalls the beggars which are made by heavy taxes in 'Husbandman'.³⁴⁸

The poet contrasts the 'bad law' with the tranquillity of nature:

*I shall stay in the woods under lovely shade,
Where there's neither treachery nor any bad law'
In the forest of Belregard, where the Jay flies,
And the nightingale always sings without ceasing*
(ll. 17-20).³⁴⁹

The Jay is noted, at least from the writings of Isidore of Seville in the seventh century, for its ability to mimic other animals, sounds, and even human voices.³⁵⁰ It was also a common cage bird in the Middle Ages and, due to this, was associated with imprisonment.³⁵¹ In this case, as the bird is free in the forest, it is intended to signal freedom or escape.³⁵² To Chaucer the jay was 'skornynge' – meaning to mock or deceive.³⁵³ The jay, I suggest, with its aptitude for mimicry, is aligned with the neighbours, and jurors, who speak falsities. As the jay appears after the claim that there is no 'bad law' in the forest it might be intended to cast doubt on the claims of the speaker. The speaker also calls for:

*You who are indicted, I advise you to come to me,
To the greenwood of Belregard where there's no worry,*

³⁴⁸ 'Husbandman' (ll. 34, 67) ; See also p. 207.

³⁴⁹ 'Pur ce me tendroi antre bois sur le jolyf umbray, | La n'y a fauceté ne nulle male lay, | En le bois de Belregard, ou vole le jay, |E chaunte russinole touz jours santz delay.' (ll. 17-20).

³⁵⁰ Isidore, *The etymologies of Isidore of Seville*, trans. by Stephen A Barney (Cambridge: Cambridge University Press, 2006), p. 216: 'they are named for their call, for it is the most talkative species and importune in its calls'. Michael J. Warren, *Birds in Medieval English Poetry: Metaphors, Realities, Transformations*, Nature and Environment in the Middle Ages (Cambridge: D. S. Brewer, 2018).

³⁵¹ Richard Firth Green, 'Medieval Literature and Law', in *The Cambridge History of Medieval English Literature*, ed. by David Wallace, 1st edn (Cambridge University Press, 1999), pp. 407–31 (p. 423)
<<https://doi.org/10.1017/CHOL9780521444200.019>>.

³⁵² 'The Treatise of Walter de Biblesworth', in *A Volume of Vocabularies from the Tenth Century to the Fifteenth*, ed. by Thomas Wright (Joseph Mayer, 1857), pp. 142–74 (p. 151, n. 5.): Thomas Wright notes a, sadly undigitized, fifteenth century manuscript (BL MS. Harley 1002, f. 72r) which relates an account of a jay kept in a 'howse' which could make many sounds.

³⁵³ 'Scornen', *MED*; Chaucer, p. 390.

*Only wild animals and beautiful shade,
For the common law is too frightening! (ll. 53-56).³⁵⁴*

The speaker claims it is ‘better to live with me in the forest | Than to lie fettered in the bishop’s prison (ll. 65-66).³⁵⁵ The poem was apparently ‘made in the forest under a laurel, | Where sing blackbird and nightingale, and sparrowhawk flies’ (ll. 97-98).³⁵⁶ Nightingales, specifically in Welsh context, are associated with grief, loss, spring, flight from an avenging force, and are said to sing incessantly.³⁵⁷ In the troubadour tradition, they are a symbol for the poet or used to contrast the natural and unnatural worlds.³⁵⁸ Sparrowhawks, however, actively hunt these birds. In Chaucer’s *The Parliament of Fowls*, we find ‘the hardy sperhawk eke’ at ‘the kynges hand’ which aligns the sparrowhawk with a powerful minister of the king.³⁵⁹ The sparrowhawk was a hunting bird associated with nobility and appears in Arthurian legends.³⁶⁰ There are also a series of Old French fabliaux and Middle High German maeren in which the sparrowhawk is closely associated with trickery and deceit.³⁶¹ The verb eyre refers to the sparrowhawk and is usually translated as ‘to fly’ or ‘to hover’ but it usually means nest (specifically of a bird of prey), home, or refer to a court.³⁶² A few lines earlier the speaker refers to their home as ‘heyre’ (l. 91). Elsewhere in the poem voler or vole is used in two other instances to indicate flying (l. 19, 31). The poem is critiquing a new form of court popularly known as a trailbaston. However, these courts are an evolution of previous itinerant courts, or eyres, which were intended to deal with general wrongdoing. The use of the word eyre here, in my view, is intended to associate the sparrowhawk with the king, the judges, and the court. Thus, in the wood, where there is, supposedly, no bad law, the sparrowhawk (the judge or minister) lives, moves through the forest, and hunts the blackbird and the nightingale (the author or authors) and the jay (the false neighbours and jurors). The speaker is suggesting that there is no violence in the forest while the poem is suggesting that, despite the surface meaning, there is little difference between the two.

The violence and threat outside the forest is overt. In addition to the impending threat of war, the poet threatens the jurors:

³⁵⁴ ‘Vous qy estes endité, je lou venez a moy, | Al vert bois de Belregard la n'y a nul ploy, | Forque beste savage e jolyf umbroy, | Car trop est dotouse la commune loy!’ (ll. 53-56).

³⁵⁵ ‘Pur ce valt plus ov moi a bois demorer | Q'en prisone le evesque fyergé gyser.’ (ll. 65-66).

³⁵⁶ ‘Cest rym fust fet al bois desouz un lorer, | La chaunte merle, russinole e eyre l'espver’ (ll. 97-98).

³⁵⁷ Anne E. Lea, ‘The Nightingale in Medieval Latin Lyrics and the Gorhoffedd by Gwalchmai Ap Meilyr’, *Zeitschrift Für Celtische Philologie*, 51.1 (1999), pp. 167–68 <<https://doi.org/10.1515/zcpf.1999.51.1.160>>.

³⁵⁸ Lea, p. 167.

³⁵⁹ Chaucer, p. 390: ‘[at] the king’s hand; the hardy sparrowhawk grows’.

³⁶⁰ Darren Hopkins, ‘The Original Tale of the Sparrow-Hawk’, *Monatshefte*, 98.4 (2006), 505–23 (p. 511).

³⁶¹ Hopkins, p. 1.

³⁶² Aspin, p. 78, n. 98: ‘La chaunte merle, russinole e eyre l'espver’.

*If these wicked jurors won't set things right
 So that I'm able to ride and go about in my country,
 Should I catch up with them, I'll make their heads fly!
 I wouldn't give a penny for all their threats*
 (ll. 29-32).³⁶³

There is a double meaning here. The jury, in its role as a representative of the people, was commonly known as 'the country' and thus 'to go to my country' was to go to the jury.³⁶⁴ These jurors were the neighbours of the indicted. Further every translator has rendered '*Si je les pus ateindre*' as to reach, grasp, or catch up (l. 31). Alternatively, it means to arrest, or find guilty.³⁶⁵ This latter term applied to all those under judgement of the court but was the term for specific legal process by which incorrect or corrupt juries could be overturned – in effect the guilt was moved from the accused to the jury which found them guilty. The punishment for jurors found guilty of this was outlawry at which point they might be hunted and beheaded without consequence.³⁶⁶ The lines might therefore read: 'I can go and ride to my country [jury], | If I can attaint them there, I will make their heads fly!'.³⁶⁷ This meaning might refer to 'the country' of his peers. A jury presiding over a verdict of attaint was composed of twenty-four knights – indicating that perhaps the speaker is of the knightly class and that this is his true 'country'. Following so closely on the accusation specifically against the jury suggests that the speaker does not consider the first jury as of the same class or 'country'. The use of country is a double, or even a triple, entendre. In this first instance the 'country' is intended to be understood as the jury, as neighbours (who are not of the same class), and as peers, with a more literal understanding of country of secondary importance. The latter instance of 'going to my country' follows immediately after a complaint that the speaker cannot return home, thereby evoking this earlier abstract usage but bringing the literal meaning to the fore (l. 94). Finally, the suggestion might be that if the speaker can have them attainted they will gather a

³⁶³ 'Si ces maveis jurours ne se vueillent amender | Que je pus a mon pais chevalcher e aler, | Si je les pus ateindre, la teste lur froi voler! | De touz lur manaces ne dorroi un dener.' (ll. 29-32).

³⁶⁴ Among many other examples see two from the 1340s and one from 1310: F. W. Maitland, *Year Books of Edward II 1308-9 and 1309-10*, Year Books Series, 2 (London: Selden Society, 1904), XIX, pp. 23-24: 'In the end they went to the country [jury]' ['Et ultimo fuit ad patriam']; Luke Owen Pike, *Year Books of the Reign of King Edward the Third Years XVIII and XIX* (London: His Majesty's Stationery Office, 1905), pp. 354-55 'The Commissary pleaded to the country [jury]' ['Le Commissare pleda au pays']; *Year Books of the Reign of King Edward the Third Year XIX*, ed. by Luke Owen Pike (London: His Majesty's Stationery Office, 1906), pp. 64-65: 'enquiry shall be made by the country [jury]' ['serra enquis par pays'].

³⁶⁵ Maitland, XIX, pp. 153-54: 'attainted [found guilty] by the country [jury]' ['fust atteynt de etc. par pays'].

³⁶⁶ John H. Baker, p. 156: due to the outlawry of guilty jurors Baker considers that the action was rare since juries did not want to convict.

³⁶⁷ Alternatively, this might be read as a threat against the neighbours to blame for the rumours: 'If these wicked jurors won't correct themselves, | then I can go and ride to my neighbours, | If I can catch them there, I will make their heads fly!'.

gang of their peers and ride to catch the false jurors and behead them. The two preceding stanzas heighten this usage. If the speaker is part of a ‘compagnoun’ they will be spoken of badly and alleged to be in a ‘compagnie’ (ll. 85-86).³⁶⁸ Clearly the primary intent is to suggest an association or criminal gang however it is also perhaps intended to bring to mind ‘campaignie’ or fields or open country.³⁶⁹ The neighbours suggest the speaker should be turned loose in the forest like a pig (l. 88).³⁷⁰ The following stanza relates that as a result of this, and apparent knowledge of the law, the speaker cannot return home. It seems that these meanings of country, jury, land, neighbours, and peers were intended to be held at once. The threats against the jury pale in comparison to those against the justices: ‘Spigurnel and Belflour are men of cruelty: | Were they in my power, they wouldn’t be returned’ (ll. 35-36).³⁷¹ Writs are ‘returned’ or acted upon, in other words they are endorsed with the relevant response and returned to the issuer.³⁷² Thus, the poet is saying these justices will not be allowed to act and will not be allowed return to Westminster – an interesting aside given that the marchers asserted, and outsiders believed, that the king’s writ did not run in the marches.³⁷³ In the following stanza these threats escalate dramatically. The speaker will ‘teach them the game of trailbaston’ and ‘break their spines and rumps, | their arms and legs – that would be justice! - | Their tongues I would cut out, and their mouths as well’ (ll. 37-40).³⁷⁴ There are no double meanings here. The speaker is threatening retribution. The focus on tongues and mouths chimes with the disdain for gossip and rumour as mechanisms of breaking down the social order in the speaker’s ‘country’ which drives people into exile and away from their lands, friends, and family and toward crime or prison – again reminiscent of ‘Husbandman’. The explicit suggestion is that the game of trailbaston is violence which will be returned upon the justices. This sense of court violence is doubled as a *trailbaston*, could mean a court and a violent criminal.³⁷⁵ This violent mutilation also brings to mind the dismemberment of Montfort, and other defeated enemies, which was a fairly usual practice in Wales and the march although unusual in England.

It seems that there is a multiplicity of voices funnelled through multiple, or a single, speaker, outright attacks on, and threats against, the king’s officials and ministers, and relatively open criticism of the king. There is also a line of attack that asserts that the courts and justices force innocent people into crime in order to survive, a condemnation of the role of rumour and gossip in the law,

³⁶⁸ ‘Si je sei compagnoun e sache de archerye, Mon veisyn irra disaunt, ‘Cesti est de compagnie’ (ll. 85-86).

³⁶⁹ ‘Champaigne’ (l.), AND₂.

³⁷⁰ ‘Que ore vueille vivre, come pork merra sa vye’ (l. 89).

³⁷¹ ‘Spigurnel e Belflour sunt gent de cruelté: | Si il fuissent e ma baylie, ne serreynt retournee.’ (ll. 35-36).

³⁷² John H. Baker, pp. 76-78.

³⁷³ R. R. Davies, *Lordship and Society in the March of Wales* (Oxford: Clarendon Press, 1978), pp. 1, 3.

³⁷⁴ ‘Je lur aprendroy le giw de Traylebastoun: | E lur bruseroy l’eschyne e le cropoun, | Les bras e les jaunbes — ce serreit resoun! — | La lange lur tondroy, e la bouche ensoun!’ (ll. 37-40).

³⁷⁵ Trailbaston, AND₂.

and parallels made between the violence of outlaws and the violence of the court. This situation doesn't harm all equally: 'The rich are fined, the poor dwindle away' (l. 72).³⁷⁶ The speaker states that 'This rhyme was made in the forest under a laurel, | [...] It was written on parchment to be better remembered, | And thrown on the highway so that someone might find it' (ll. 97-100).³⁷⁷ This closing statement is perhaps in mimicry of administrative documents, such as writs, which close with a formula outlining where and when it was composed. Further the laurel is associated, due to being evergreen, with perseverance and victory. In an Italian context, Giovanni Boccaccio's *Decameron* (c. 1351) relates that the laurel confers 'dignity'.³⁷⁸ Perhaps we are invited to laugh at a speaker who has set themselves up as a king of the forest. Scase suggests that this poem is intended to mimic and invite contemplation of complaint by bill, which was a relatively new procedure.³⁷⁹ This seems correct but some of the nuances of this complaint have been unappreciated. Scase considers that the poem does not 'simply oppose the common law and glorify another system' however, in the local context in which it was composed, it might be seen as championing marcher modes of conflict resolution.³⁸⁰ The speaker draws parallels between the law of the forest, with its implied violence, and the law of the king, with its overt violence. This is intended to strip back the unequal veneer of the king's justice. In contrast, the marcher system legitimated violent resolution of conflict.³⁸¹ Clause 56 of the Magna Carta asserted that disputes in the March should be settled according to the laws of the March. This identity of March Law, although clearly distinct, is murky due to the lack of sources. However, it attained great importance during the reign of Edward II as it was under this law that the lords of the March opposed the king and Hugh Despenser the Younger.³⁸² It is in the usage of the term 'country' that it is we might see foremost the assertion of an alternative identity. However, the implications of the forest imagery seem to be suggesting that the poem is comparing these systems and arguing that they are not so different from one another. Whether it is intended to compare and contrast lawlessness, marcher law, and the king's law is difficult to define precisely. Further, as covered above, a central aspect of the crisis of 1341 was the demands by members of the nobility to demand trial by jury in open parliament.³⁸³ Archbishop Stratford called for the complaints against him to be aired in this way and evoked the memory of Thomas of Lancaster as a spectre. It is clear that this episode still held potent reminders for the nobility of the dangers of unrestrained

³⁷⁶ 'Les riches sunt a raunsoun, povres a escolage.' (l. 72).

³⁷⁷ 'Cest rym fust fet al bois desouz un lorer, | La chaunte merle, russinole, e eyre l'esperver. | Escrit estoit en parchemyn pur mout remenbrer, | E gitté en haut chemyn qe um le dust trover.' (ll. 97-100).

³⁷⁸ Giovanni Boccaccio, *The Decameron*, ed. by Jonathan Usher, trans. by Guido Waldman (New York: Oxford University Press, 2008), p. 21.

³⁷⁹ Scase, *Literature and Complaint*, p. 48.

³⁸⁰ Scase, *Literature and Complaint*, p. 48.

³⁸¹ Prestwich, *Edward I*, p. 348; Rees R Davies, p. 15.

³⁸² Rees R Davies, p. 1.

³⁸³ See Chapter One, Section 7.2.2.6, pp. 68-74.

monarchical power. This emphasis on ‘the country’ might have been present earlier but was perhaps an addition by the scribe in and around 1341 to align the text with the contemporary political climate. Along with the overt understandings of country as peers, lands, neighbours, and jury, in the light of Scase’s suggestion that the poem is a form of bill we might consider a final meaning. We, the audience, are being invited to sit and judge on the value of the poet’s complaint and thus become the ‘country’ of the speaker. The effectiveness of this device is potently demonstrated by the fact that nearly seven centuries after its composition audiences are still equivocating over the merits of the speaker’s complaints.

Finally, it is important to consider the context of the years between composition and copying which explains the ongoing relevance of the poem and suggests some new ways in which it was understood in the fourteenth century. Throughout Edward II’s reign there were tensions between the king and the lords of the Welsh March. In the 1320s this spilled into open conflict and many in the March were harassed, imprisoned, and exiled. ‘Trailbaston’, with its themes of yearning for homelands, friends, and family, along with wrongful imprisonment, an ungrateful monarch, corrupt ministers and officials, and assertions of marcher independence must have held particular resonances for the community in Ludlow and the surrounding regions not just in 1305 but the 1320s. Indeed, it is highly likely that these themes grew and were embellished in these years. There was likely relevance in the years of Mortimer’s ascendancy and fall even despite Edward III’s relative clemency. The Mortimer family are closely associated with the manuscript as a whole and, through the court records, this poem in particular. It seems that a group of knightly men connected to the Mortimers had reason to dislike this court and may have been the initial audience for the text in some form. The poem depicts an individual, or individuals, who fought for the king in Flanders, Gascony, and Scotland, was later wronged by the king and a minister, imprisoned, and perhaps persevered in exile. This poem might have become a cipher for the two Mortimers who fit this description – while also being general enough to appeal to a wide audience. The two birds, used in poetry of the period to represent the poet, might stand for the two Roger Mortimers. In addition to being the site of the first meeting between Edward I and Roger Mortimer (grandfather of Mortimer of Wigmore), Ludlow had strong Mortimer connections.³⁸⁴ Roger Mortimer of Wigmore inherited the castle and a moiety of the town through marriage, founded St Peter’s chapel to commemorate his escape from the tower in 1323, and dispatched a Ludlow tenant with his personal instructions to the gaolers of Edward II after the deposition.³⁸⁵ Mortimer spent more time in Ludlow immediately following the death of Edward II, and along with Isabella, Edward III and his wife Philippa of Hainault spent several

³⁸⁴ Dryburgh, ‘The Career of Roger Mortimer’, p. 15, n.5.

³⁸⁵ Dryburgh, ‘The Career of Roger Mortimer’, pp. 17, 122, 130 (n. 157), 131 (n. 162).

days feasting, hunting and tourneying at Ludlow and Wigmore.³⁸⁶ If the Ludlow Scribe was present in the Ludlow area during these years, which is almost certain, then they would likely have witnessed at least some of these events first hand. In any event, the career of Roger Mortimer of Wigmore must have made a huge impact on the Ludlow region – even after Mortimer's execution his widow appears to have resided in the town.³⁸⁷ There are further direct resonances with Mortimer. The Earl of Kent, younger brother of Edward II, was convicted of treason when he was manipulated, by Mortimer, into believing that the old king was still alive. Kent demanded trial by jury of his peers, which was denied, and he was found guilty by a tribunal at parliament and executed.³⁸⁸ Before his death, Kent named other conspirators who sought to raise a rebellion against the Mortimer regime, these included Fulk FitzWarin.³⁸⁹ This of course only muddies the multivalent political connections of the Ludlow region to this text. It is clear however, that the poem is playing with ideas around trial by jury and forcing the listener, or reader, to consider how such a jury of peers might be constituted. This was a live issue throughout the early fourteenth century due to the series of executions of powerful men with little pretence of a trial and only became more relevant when Stratford's stance in 1341 was intended to unite opposition against the new advisors to Edward III.

Certainly, the poem captures some of the emotional tenor of events in the marches. The early phases of the poem are full of threats and the anger is predicated on unfairness while towards the end the tone becomes wistful, mournful even, and invites prayers for their soul. After mentioning two birds, which usually represent the poet, the sparrowhawk flies (or 'eyres') – suggesting peril – and the poet casts out their tale 'to be better remembered' indicating a despair that they will never be able to return home. This captures some of the feeling which may have existed in the area. A mournfulness for a lost past, a wish for friends and family to return, and anger at the unfairness of a traumatic two decades. Maybe this poem, which predated the events of 1320, was distant enough from such trauma of the last years of Edward II, the reign of Isabella and Mortimer, and Mortimer's ultimate execution. Either way the poem must have brought to mind the travails of the March from the reign of Edward I to Edward III and, like the speaker who composed the poem under the laurel, invited fortitude, perseverance, and the ultimately, victory.

4.4 CONCLUSIONS

While Harley 2253 is a unique manuscript it can be interpreted in various ways which allow wider inferences to be drawn. The majority of texts in Harley 2253 were compiled in the late 1330s

³⁸⁶ Dryburgh, 'The Career of Roger Mortimer', p. 134.

³⁸⁷ Dryburgh, 'The Career of Roger Mortimer', pp. 182, 207.

³⁸⁸ Dryburgh, 'The Career of Roger Mortimer', p. 146.

³⁸⁹ CFR 1327-37, pp. 168-170.

and early 1340s. As such the poems represent a crystallisation of texts that were circulating between 1320-1342 and were of interest to the Ludlow Scribe. These texts had been composed, shared, copied, performed, and adapted over the preceding eighty years. Thus, while much of the insights gleaned are particular to the period in which the manuscript was compiled, they are also informative, with caveats, of the period from 1258 to 1341. Likewise, while the manuscript was produced in a particular local setting it is enmeshed in an international context. The manuscript itself was the product of the labour of several individuals and at least some of them may have been unknown to each other. They formed a community of practice, which is probably indicative of wider activities, that was engaged in producing, sharing, collaborating on, and teaching with political, moral, religious, and humorous texts which were of interest to themselves and their audiences. At least one of these scribes travelled and produced texts in an Irish context. All were engaged in copying and adapting texts from the continent as well as texts of an English and Irish provenance. Some of these texts, English and continental, were copied shortly after their composition, indicating a fairly quick dissemination of material.³⁹⁰ This was the case for a poem like ‘Against the King’s Taxes’. Many of the texts originate outside of the marches. The texts were remade and repurposed throughout their lives. As outlined at the beginning of this chapter, they appear to have been constructed for a public performance.³⁹¹ There are indications that the complaints in the political texts became more general as the distance from their composition grew. This was likely as each text was remade to fit particular contexts and agendas and to appeal to wider audiences. Perhaps more specific local details, such as the names of the justices in ‘Trailbaston’ became lost in these re-makings. The manuscript represents the interest of a local, and national, scribal community and their audiences through a curated set of texts drawn from a local, national, and international network which shared, copied, and performed texts – including highly contemporary political poetry. Thus, it represents, to some degree, one facet of the, mostly lost, literary culture of the early fourteenth century. These political texts were deeply interested in contemporary national and international politics and, at least in the case of ‘Trailbaston’ and ‘Against the King’s Taxes’, are responding to national public debates which centred around parliament. Only ‘Trailbaston’ might be argued to be a ‘local’ text. Although even this local text is shaped by national debates. Furthermore, the new reading presented in this chapter indicates that it is also tied to the highly contemporary issue of the nobilities right to trial by jury. All of the texts air general complaint and even, at times, seem keen to indicate multiple perspectives – as is the case in ‘The Song of the Husbandman’ and ‘Trailbaston’. They are presenting widespread grievances which seem to cross class boundaries. This might be simply to engage a wider audience or to co-opt the upset of the lower classes but it still demonstrates that these complaints were

³⁹⁰ Lampitt, p. 68.

³⁹¹ Fisher, p. 105.

widespread and considered to be a popular theme – not just by the Ludlow Scribe but also those who composed and copied his exemplars. The selection of texts and some of their scribal adaptations surely owes much to the local marcher context. However, the marches were not a peripheral zone but were at the centres of a quadrilingual network of social, cultural, legal, and linguistic exchange. It was also central to many political events which had national and international significance in the period under study. While some of these facets are unique to the marches many were common across England and Wales. Many areas were scarred multiple times by civil wars or Scottish raiding. All regions suffered from purveyance although those in the North and East were probably the most impacted. Everywhere suffered from heavy taxation and the wool levies. The dislike of itinerant royal justices was also felt nationwide.

These political texts were interested in events of national, or even international, significance. They particularly addressed baronial opponents of the crown through texts like ‘Fouke Fitz Waryn’, ‘The Death of Piers Gaveston’, and ‘The Office for Saint Thomas Lancaster’ in the 1320s and ‘Lament for Simon de Montfort’, ‘Song for Lewes’, ‘The Execution of Sir Simon Fraser’, ‘The Flemish Insurrection’, and ‘Trailbaston’ in the 1330s and 40s. These opponents, in the case of Simon de Montfort and Thomas of Lancaster – weaponised the hostility that was felt toward royal officials to undermine the crown and enhance their own positions. This positioning was likely a large contributory factor in their popularity both during their lives and afterlives. These afterlives were connected to the Saints Thomas Cantilupe and Thomas Becket, both noted churchmen who opposed the crown. Royal officials are uniformly criticised across all political poetry.³⁹² All texts were hostile to any officials who interfered with the independence of the speakers or complainants.

The numerous followers which characterised any kind of royal administration were a particular target of vitriol as can be seen in ‘Retinues of the Great’, ‘Consistory Courts’, ‘Venality of the Judges’, and to an extent ‘Husbandman’ which runs the gamut of numerous officials and emphasises their omnipresence. Officials are likened to hunters or parasites who use the law to entrap their victims. The poems mimic, mock, and subvert the administrative and performative aspects of courts in particular. They demonstrate a sophisticated understanding of legal terminology. ‘Retinues of the Great’ mocks courtrooms pronouncements and turns them around on the officials of the court. These are the same pronouncements which are bemoaned by the speaker in ‘Consistory Courts’. ‘Husbandman’ represents multiple complainants and mimics a petition as a way of highlighting the futility of the poor seeking redress through royal courts. ‘Trailbaston’ mimics and toys with the practice of complaint by bill.

³⁹² Fisher, p. 107.

All directly or obliquely criticised the policy of the crown in the 1330s and 1340s. Much of the poetry which commentated contemporary politics is sublimated and deliberately obscured. 'The Execution of Sir Simon Fraser' is probably an oblique reference to the execution of Hugh Despenser the younger. The positioning of 'Venality of the Judges' in Royal 12.C.XII suggests that it was a pointed attack on Robert Malberthorpe. Malberthorpe was a prominent and powerful royal justice who used Lancaster to advance his position and later turned on his former master and associates. 'Trailbaston' appears to be obliquely referencing the marcher experience of the early fourteenth century, evoking memories of the two Roger Mortimers of Chirk and Wigmore, and attacking a royal minister.

A great deal of the criticism is preserved for the changes wrought on the social structures as a result of the growth of royal power. Many seem critical of officials and their retinues due to their 'low' background. This is exacerbated as the exactions of the crown bring others down to poverty. These complaints may be an indication that the complaints were not so much to do with the practices of royal officials such as the class of individuals who were employed. The producers and consumers of texts like those studied here were likely relatively wealthy landholders who resented being dictated to by those they perceived as lesser. Earlier chapters have shown that royal officials often did not serve their posts in person and instead devolved responsibility to members of their household. Thus, we might consider that the class hostility of texts like these represents an abhorrence for the positions of power which such servants were placed in despite their low station. The increasing involvement of the gentry in the administration of these institutions likely mitigated against these complaints in future as officials would be drawn from the landholders and their tenants. Therefore, the officials were more amenable to local gentry. This probably redressed the perceived imbalance between the official and the gentry whom they administered but also likely created greater unfairness for those groups without significant local power. Further, the officials are perceived to avoid the worst of these exactions. This charge may have some merit, although the avoidance of these exactions stood in lieu of a salary or adequate expenses. This hostility does indicate that officialdom was probably a good career path for advancing social status and wealth. It may also be indicative of a trend which saw more professionalised secular bureaucrats who had little or no university education.³⁹³ This might add fuel to the suggestions that the authors of these texts were university educated churchmen who were now increasingly absent from sectors of royal service. The perception is also that the rich escape the attentions of these officials through bribery or favour. Indeed, there might be some indication of explicit criticisms of the marcher lords

³⁹³ W. Mark Ormrod, 'Parliament, Political Economy and State Formation in Later Medieval England', p. 124.

approving taxation which they themselves are not subject to.³⁹⁴ The attacks, while they may co-opt the complaints of the poor, are not made by or solely on behalf of them. They probably represent a perspective of the relatively well-off as betrayed in a number of poems – particularly the complaints against the depredations of officials against the houses of ‘the countryman’ or ‘famous abbey’ in ‘Venality’. These are not present in the earlier version of this poem demonstrating how these poems became more generalised over time and distance from their original composition. As in the ‘Venality’, ‘Trailbaston’, and ‘Husbandman’ the burden of the law falls unevenly. The wealthy escape thanks to wealth or favour. It is probably best to consider the appellation ‘wealthy’ as a relative since many of the poems seem to position themselves as complaints of the poorest even as they betray themselves as relatively well-off. This is probably to exaggerate the complaint and reject sinful worldly property. These texts became more generalised over time and so, in some instances, it might be surmised that they are more, not less representative of widespread complaint.

In short, the texts outlined in this chapter demonstrate one facet of the public audience which the baronial opponents of royal power and the crown were vying for. This was a tri-lingual audience with a sophisticated knowledge of legal forms and concepts as well as political events both nationally and internationally. They were connected and circulated texts, some of which were mass produced. This audience also appears conscious of the dangers of copying or possessing texts which were overtly critical of the king. Even strident criticism is couched in terms of loyalty and respect. There are likely further elements to the practice of veiled meanings though. The sublimated meanings were probably intended to separate an audience. Perhaps, at times, only some of the audience would find amusement in certain words or phrases. They were also probably intended to convey wit and dextrous usage of language, metre, rhyme, or knowledge of legal terms. Further, some poems or sections, might have been intended to exclude some parts of the audience. Finally, another factor at work may be the age-old approach of hiding important messages within enigmatic or obscure mediums in order for the audience to work at unravelling them. This is designed to force an engagement and pontification which otherwise might be lacking in more direct approaches. An understanding drawn this way is often held more closely for having been won with effort. All of these poems share an agenda presented by the author, or authors, in drawing negative comparisons between an idealised past and the degraded present: ‘Good years and corn, both are gone’ (l. 3 *Song of the Husbandman*). Taken together they show a concern with poverty as a result of taxation, poor weather, wars, and changing social compositions. There is a particular emphasis on scarcity and losses of goods, livestock, and tools due to royal taxation. The speakers demonstrate fears of falling

³⁹⁴ R. R. Davies, pp. 187, 219; Willard, *PTPP*, pp. 27, 32. There was only one instance in the period under study that the marches paid tax to the king (1292) and that grant was caveated so that it should not become a precedent.

into poverty while uppity clerks advance in wealth and prestige due to the positions. A career in law and administration seems to be beneficial to many, perhaps at the expense of their wealthier neighbours, much to their chagrin. A central concern is the perceived unfairness of the new practices and officials. A major target is courts, particularly royal courts, which are a target of every poem discussed here except the two Montfort poems and 'Execution'. These complaints are aired through a series of clever, amusing, and cutting poems. They deliberately obscure their meanings through clever wordplay or allusions which probably delighted audiences in the fourteenth century and continue to do so today. They show a groundswell of hatred toward royal policy which interfered in the regions through overbearing officials and their retinues. In short, the political texts in Harley 2253, are evidence of the public hostility which is otherwise often can only be inferred from other surviving records. It is this hostility that the crown, and others, sought to quell, or weaponize in their political tussles throughout this period.

This thesis is a study of responses to perceived corruption as a distinct phenomenon in the early fourteenth century through four case-studies. The first three chapters, engaged with three institutions in which corruption was a significant driver of change. The fourth, in this chapter, examined the representation of national political affairs, especially attitudes toward royal officials and crown policy, in literary sources, compiled by the so-called Ludlow Scribe. The first three case-studies primarily examined the evolution of crown institutions and showed how parliament was able to remove royal prerogative from three key revenue raising ventures – itinerant courts, lay subsidies, and wool subsidies. The funds from these ventures comprised the majority of crown incomes and parliament strengthened its position in the complaint-consent dynamic by bringing these institutions under their purview. This coincided with the emergence of the Commons as a regular and significant political force in parliament during the reign of Edward II. The parliamentary Commons was populated broadly by members of the gentry. The same group were most likely, the principal audience and producers of the texts in Harley 2253. The main conclusion of this study is that responses to corruption stemmed from a desire to recoup lost revenues or primarily to placate public opinion. It examined the corrupt acts and the responses of the crown or parliament in general. The primary sentiment which the crown sought to influence in the period under study, following the Montfortian appeal to the gentry, was the social class which produced, performed, and promulgated the poetry within Harley 2253. The texts in Harley 2253 were copied and consumed by members of the gentry who provided the membership of the Commons and two texts, at least, show strong links to parliamentary debates. The texts in Harley 2253 thus represent an insight into the mindset of these groups who were integral in the changing political settlement in this period. Recent scholarship, and my readings, tie some of these texts directly to the crisis of 1341 but this should not obscure the fact that they represent a tradition of thought which spans from the mid-thirteenth century and even earlier. The texts copied by the Ludlow Scribe, some of which probably

had a nationwide circulation, therefore demonstrate some of the underlying attitudes that drove the parliamentary Commons platform over an extended period. Much of the Commons political power lay in their role of granting parliamentary taxation as their consent was integral.³⁹⁵ As these taxes were almost exclusively raised in times of warfare the Commons were offered more opportunities for redress in times of armed conflict. They were able to use their role as arbiters of consent for lay subsidies to shift the political settlement in their favour. The long-standing goals of this group sought greater local autonomy, abolished the general itinerant courts, attacked wool levies, removed purveyance, disliked war or at least the financial costs of war, and bore great hostility to royal officials – all facets which are strongly represented in the poems under study. As Maddicott pointed out this sentiment was no longer based on an adherence to the charters but was tied to a historical and political literacy which is also well-represented in the texts produced by the Ludlow Scribe.³⁹⁶

³⁹⁵ Harriss, *King, Parliament*, pp. 256–59; Maddicott, *OEP*, p. 313.

³⁹⁶ Maddicott, *OEP*, p. 346.

5 THESIS CONCLUSIONS

The thesis conceived of corruption, an inherently amorphous term, as complaint directed against officials entrusted by the crown. This encompassed an investigation of surviving complaints in the records of itinerant royal courts and political poetry from the first half of the fourteenth century. The thesis set to answer the following questions: In what ways did the political context of the period under study influence the development of widespread anticorruption investigations? How did fears of corruption drive change in the collection of lay taxation in the early fourteenth century? What was the impact of corrupt behaviours on the collapse of various collaborative schemes designed to profit from the wool trade? Lastly, what was the attitude towards royal officials and government outside of crown records? The resulting work comprised three case studies which explored various aspects of royal revenue raising and justice. The final chapter examined the representation of complaint against these officials outside records which were constructed by, and for, the crown.

Chapter one showed that, at times of low prestige and financial difficulties, the crown often initiated investigations of royal officials in mimicry of earlier practices which dated back to at least the twelfth century. The trials, throughout the early fourteenth century, moved away from genuine anticorruption practices toward cynical financial measures of scapegoating. They were a symptom of the politically divisive period and demonstrate the role of anticorruption procedures within partisan conflicts. The following chapter looked at the emergence of the collection of lay subsidies from 1290. The chapter showed how the reality of taxation administration probably never matched the picture presented by exchequer records. While fears of corruption and complaint shaped the earlier phases of tax collection, latter stages of collection moved away from these concerns while using alleged corruption to justify the changes. The eventual settlement in 1334 was a recognition of the limits of royal authority to assert control over the periodic collectors due, most likely, to the paucity of potential officials, concern over slow collection, and the need to maintain cordial relations with the gentry. These changes established a form of administrative oversight which allowed the crown to pinpoint lost revenues relatively easily and mitigated against widespread fraud. The changes of 1334 were the final stage of the evolution from the perspective of the crown. Chapter three outlined the emergence of English merchant control of wool exports from the late 1330s to the late 1340s. It showed how repeated breaches of faith between merchants and crown, possibly as a result of differences in culture, caused repeated breakdowns. Each breach of faith justified more extreme breaches in future and ultimately narrowed the numbers of merchants willing to act as financiers for the crown. The crown and merchants also colluded to breach agreements with other holders of royal credit. Taken together these actions effectively bankrupted the crown. Corrupt behaviours on the part of the crown and merchants thus broke down collaboration and engendered hostility. Both combined to cause the cessation of the nascent English merchant companies and extra-parliamentary

merchant-crown collaboration. The final chapter explored complaints against royal officials outside records produced by the crown. It demonstrated that there was a hostile tone toward royal officials, policies, and particularly high ministers of the crown. It attacked taxation, wool levies, overseas wars, and especially royal administration of local justices. There seems to have been a reverence toward important figures who based their political platform on reforms of local governance. These texts refrained from explicit discussion of recent political figures or events although at least some texts refer obliquely toward important recent national events and individuals. They show a keen understanding of royal administrative practices, particularly legal practices, and the research of the three case studies enabled an interdisciplinary reading which highlighted many of these aspects. The links between the songs and poems and recent political events tied them closely to parliamentary debates and meetings. It seems that political texts, such as those produced by the Ludlow Scribe, circulated during such parliamentary meetings which perhaps explains the occasional reticence of some monarchs to call parliamentary gatherings.

As a whole the thesis showed how the royal mania for funds to support warfare drove a move away from thirteenth century modes of governance which privileged fairness and oversight. It therefore builds on the ideas advanced by James Jacobs, via William Chester Jordan, which suggested that anticorruption is a balance between efficiency and oversight. In the fourteenth century, incessant warfare created an urgency which overrode the need to maintain older accepted systems which sought to portray an incorrupt veneer. This differs from Jordan's suggestions in that it was the crown, rather than subjects, who bypassed thirteenth-century practices. Chapter two outlined how the changes of 1334 have been over-emphasised by previous scholars because of a reliance on exchequer records which stress the ideal, rather than real, practice. Court records demonstrate a more nuanced picture of collection and showed that it was more likely that the changes of 1334 were driven by dynamics of corruption and anticorruption. This was the only measure which improved both efficiency and oversight and reinforces James Jacobs' supposition that accounting procedures and auditing were the most likely mechanisms to promote both efficiency and corruption control.¹ Chapters two and three showed how the crown struggled to control officials in the collection of taxation and control of wool exports. This was due to the inability of the crown to dictate terms to local elites and the paucity of those able to act as royal officials. Therefore, the shape of royal administration in the shires was defined by local context and practice alongside crown priorities. As such it supports the arguments of Dodd and Sabapathy in particular who stressed the importance of this kind of 'vernacular' evolution or administration.

¹ Jacobs, p. 291.

The thesis demonstrated that public perception was one of the principal motivations behind trials of royal officials and so reinforces the findings of Dodd, Vitória, and Maddicott who particularly emphasised this point. The hostility engendered by perceptions of corruption were energising to political causes or factions. Opposition toward wool exploitation was aroused by the high-handed actions of the monarch and increasingly small coteries of favoured merchants. The imposition of royal justice in the localities, which was frequently complained about, created a longstanding opposition to grand itinerant royal courts. Changes within the broadly accepted practice of tax collection were justified by citing alleged corrupt activities. The spectre of malfeasance in office, particularly in local government, was raised by political factions to strengthen their objectives and energise support among the gentry from the mid-thirteenth century. Across the literary sources examined, hostile portrayals of royal officials were utilised by the authors of poetry as they were likely to arouse strong responses. Some of these texts must have been circulated by different actors to support or oppose factions within the political conflicts during the early fourteenth century. These aspects of public perception are integral in the role of perceived malfeasance in diffusions of political power. The thesis elaborates upon the ideas of Fryde, Waugh, and Saul which suggested that corrupt activities by royal officials drove shifts among political factions. More broadly, the thesis argues perceptions of malfeasance were catalytic in forming a common group identity among the geographically disparate gentry. This group emerged as an integral facet of the political community of England and were central in changes in the political settlement which saw increasing devolvement of royal administration in the counties. It was this group's priorities, and perceptions of royal governance, which became increasingly important across the fourteenth century as they held collective power through parliament and staffed important local offices.

Furthermore, the thesis demonstrated how the political context shaped responses to complaint. This builds particularly on the work of Dodd and Maddicott in their examinations of the fees paid to royal justices or the emergence of royal officials remunerated through wages rather than gifts. These studies suggested that changing social, economic, or political contexts was the primary factor which defined responses to corruption rather than an altruistic impetus of the state. This thesis has shown that when political difficulties and the need for funds outweighed the desire to retain good relations with royal officials, itinerant trials of local officials were likely. During periods of intensive warfare, royal finances declined, and so the pressure to retain older systems of taxation abated. These changes were not the result of complaint alone but developments in crown priorities. Complaint shaped the nature of the changes but did not precipitate them. Not all complaint was equal. The demands of the parliamentary Commons, and those they represented, appear to be a new decisive factor, alongside sparse royal coffers, which drove the increasing devolution of royal administration in the period under study.

I APPENDIX I – FIGURES

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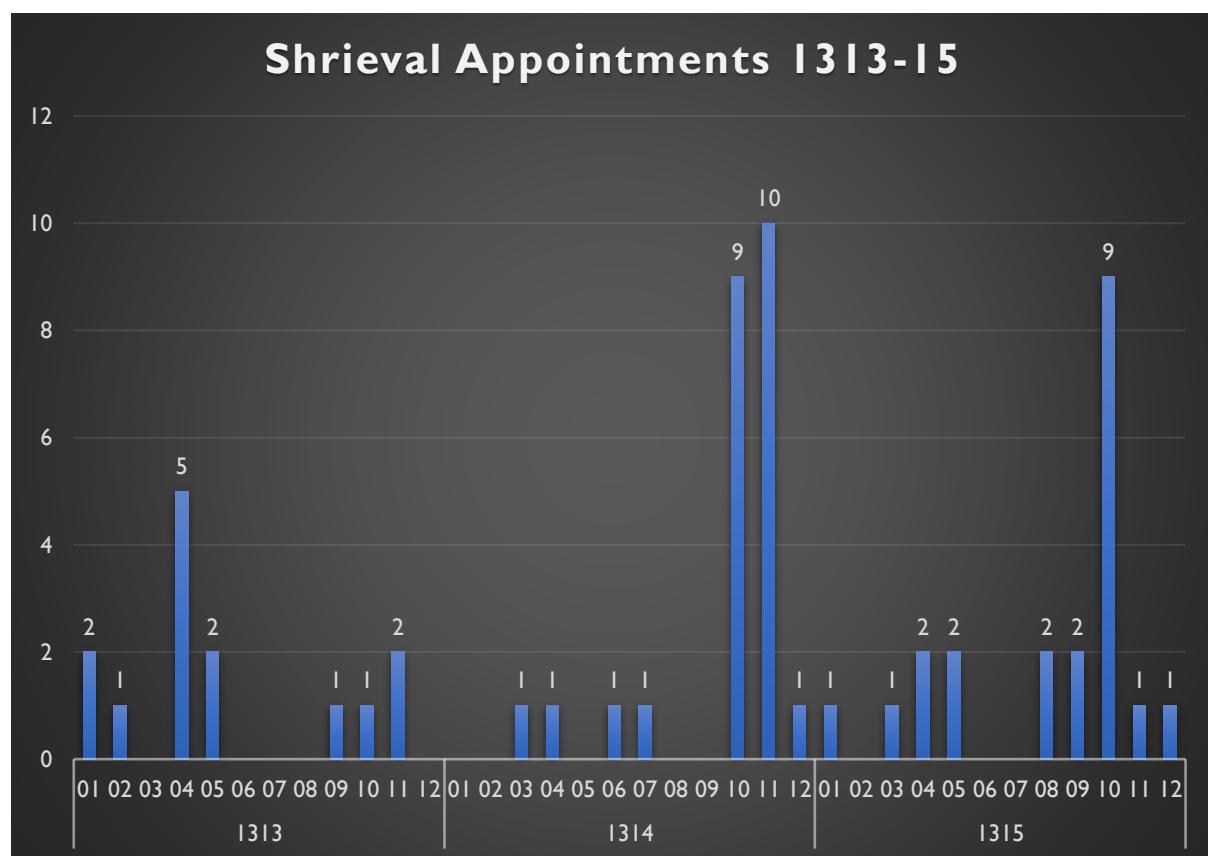


Figure 1 Shrieval appointments (1313-15) according to the List of Sheriffs for England and Wales (List and Index Society 9).

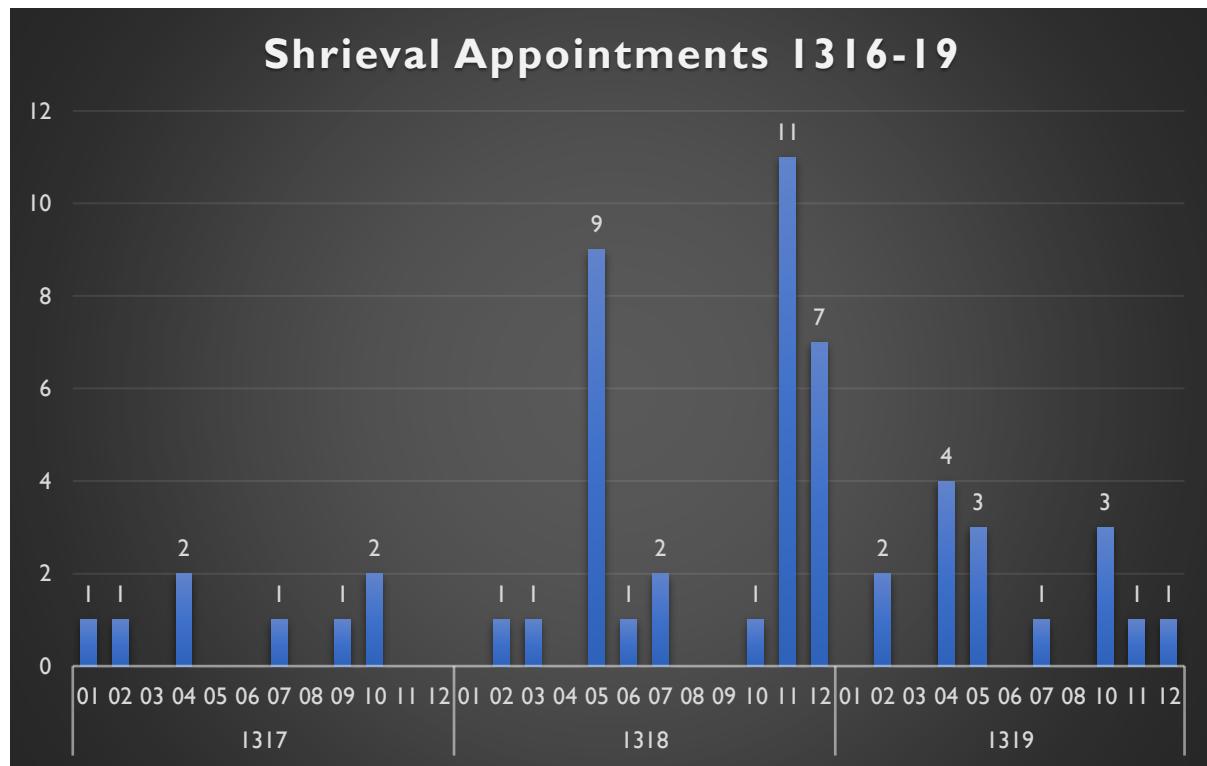


Figure 2 Shrieval appointments (1316-19) according to the List of Sheriffs for England and Wales (List and Index Society 9).

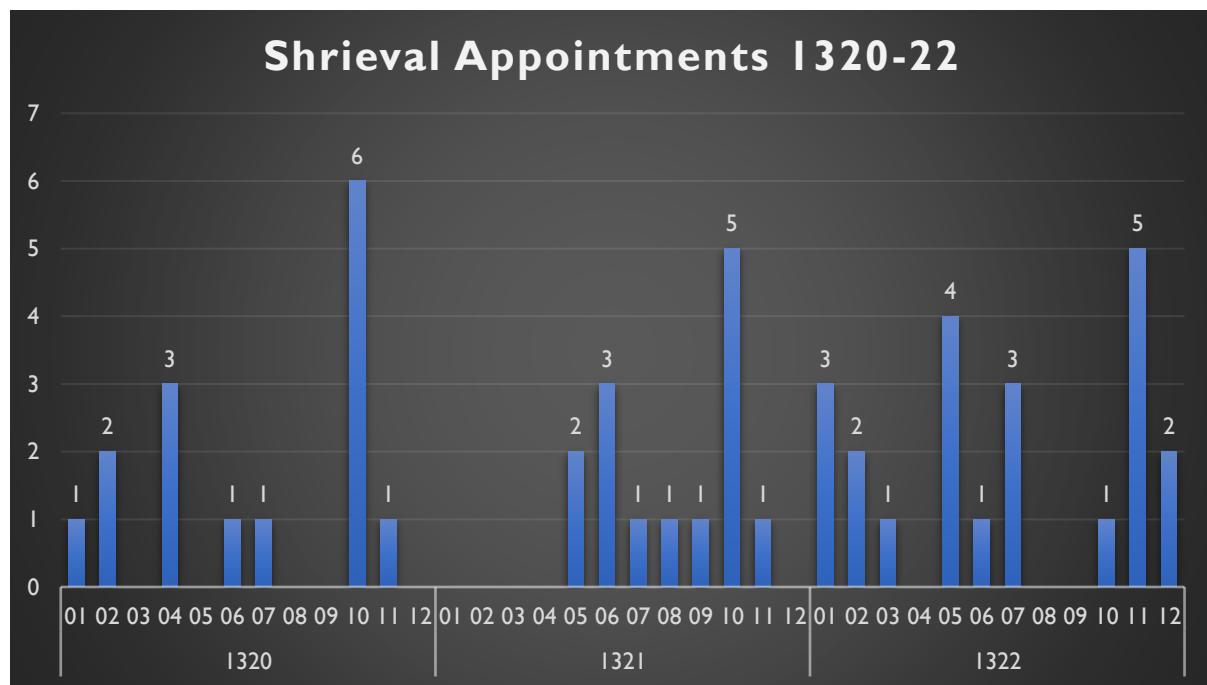


Figure 3 Shrieval appointments (1319-22) according to the List of Sheriffs for England and Wales (List and Index Society 9).

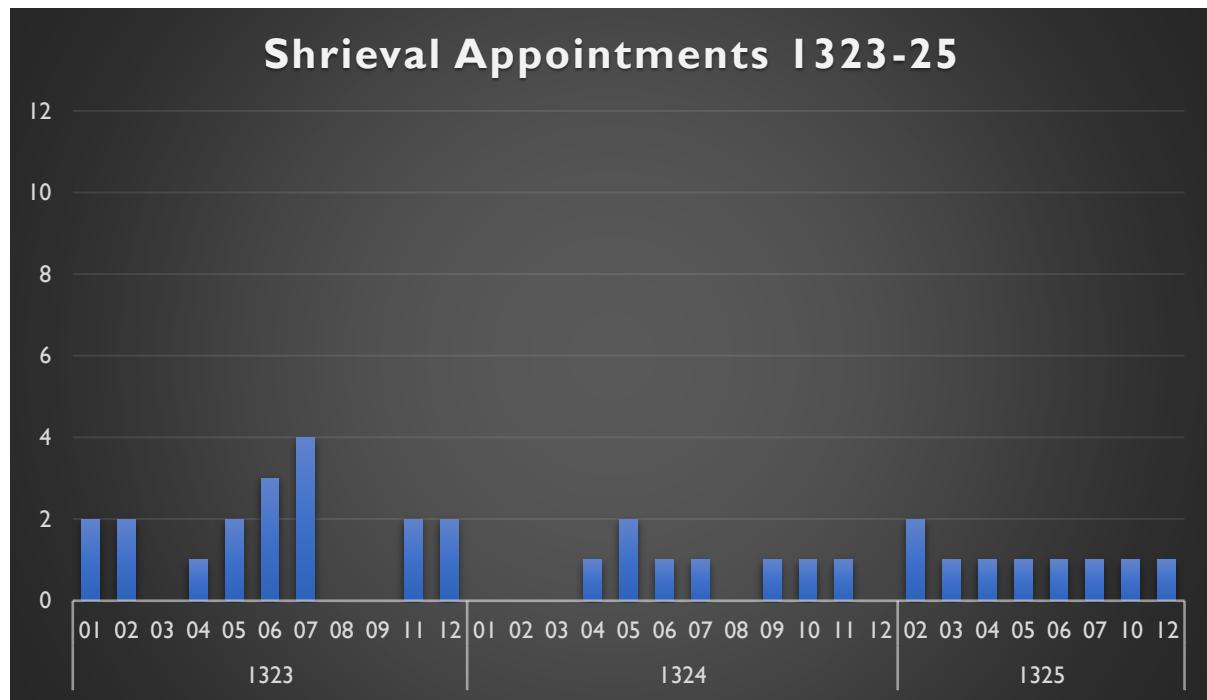


Figure 4 Shrieval appointments (1323-25) according to the *List of Sheriffs for England and Wales* (List and Index Society 9).

Shrieval Appointments 1309-44

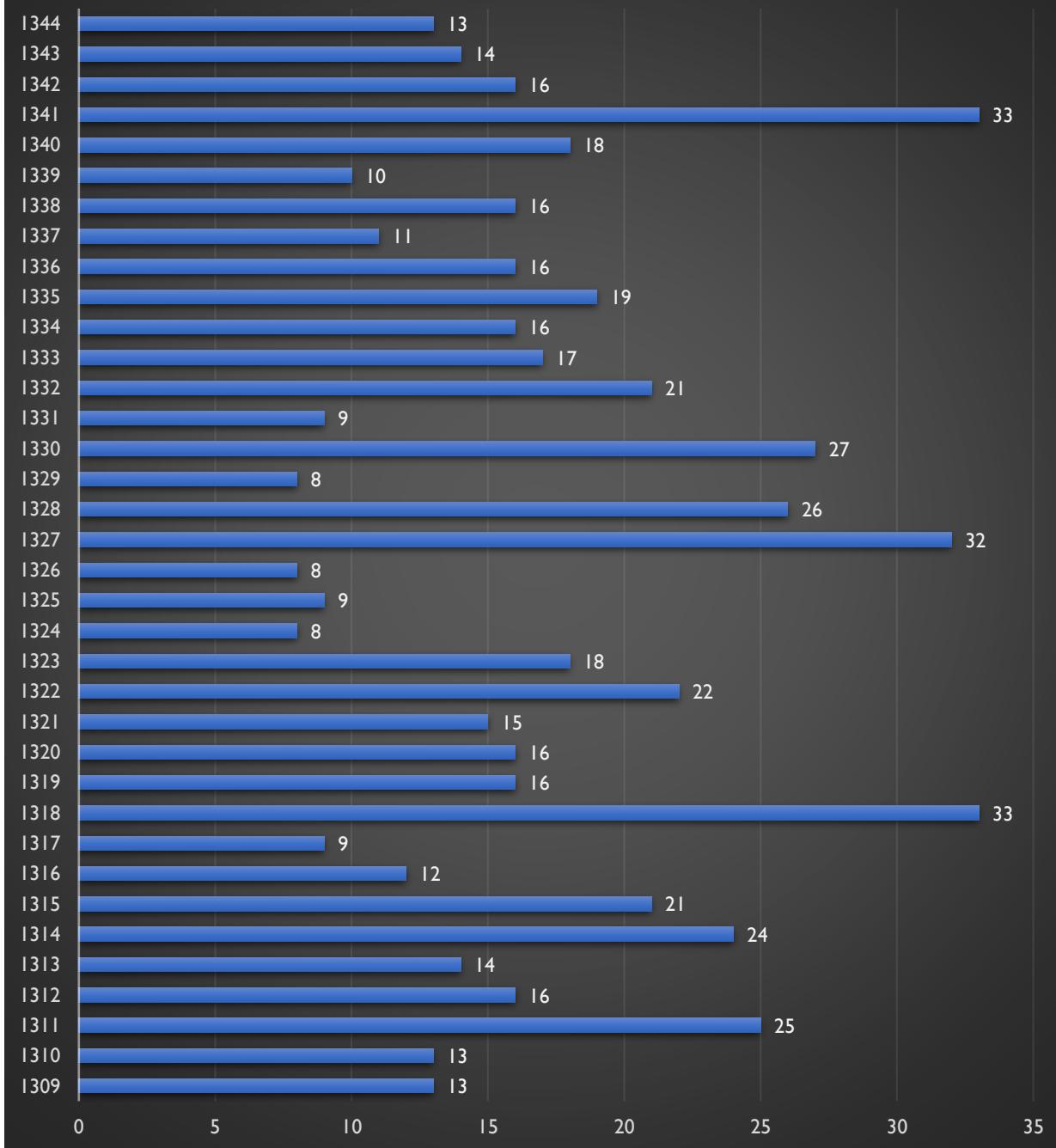


Figure 5 Shrieval appointments (1309-1344) according to the List of Sheriffs for England and Wales (List and Index Society 9).

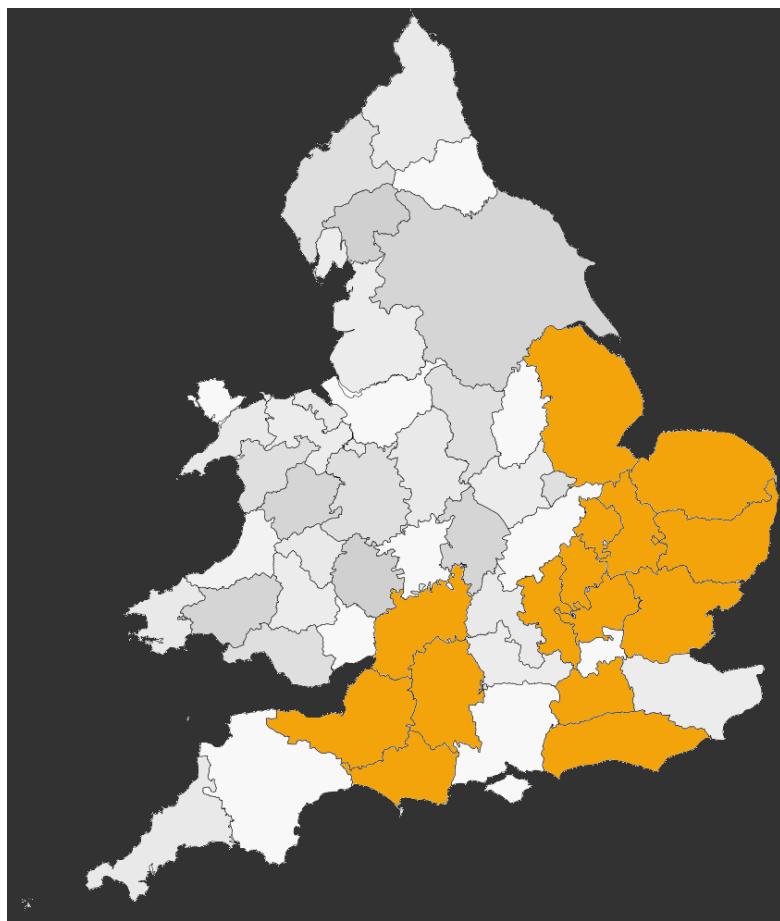


Figure 6 Map of commissions to investigate royal officials issued in November and December 1320.

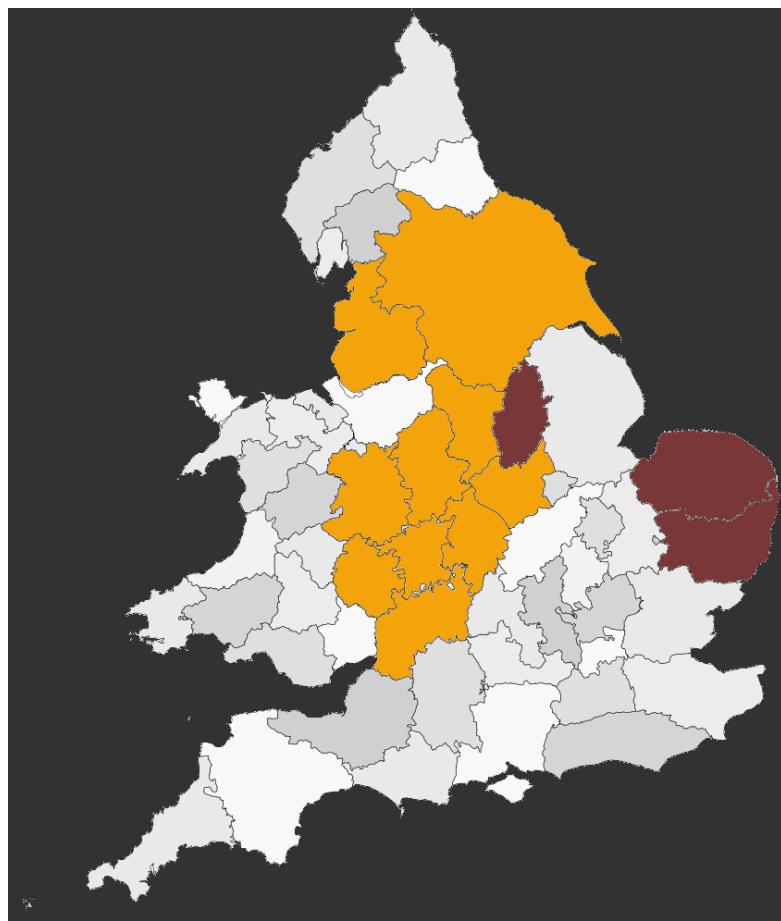


Figure 7 Map of commissions to investigate royal officials from late 1323 and early 1324 (orange) and from late 1324 to 1329 (dark red).

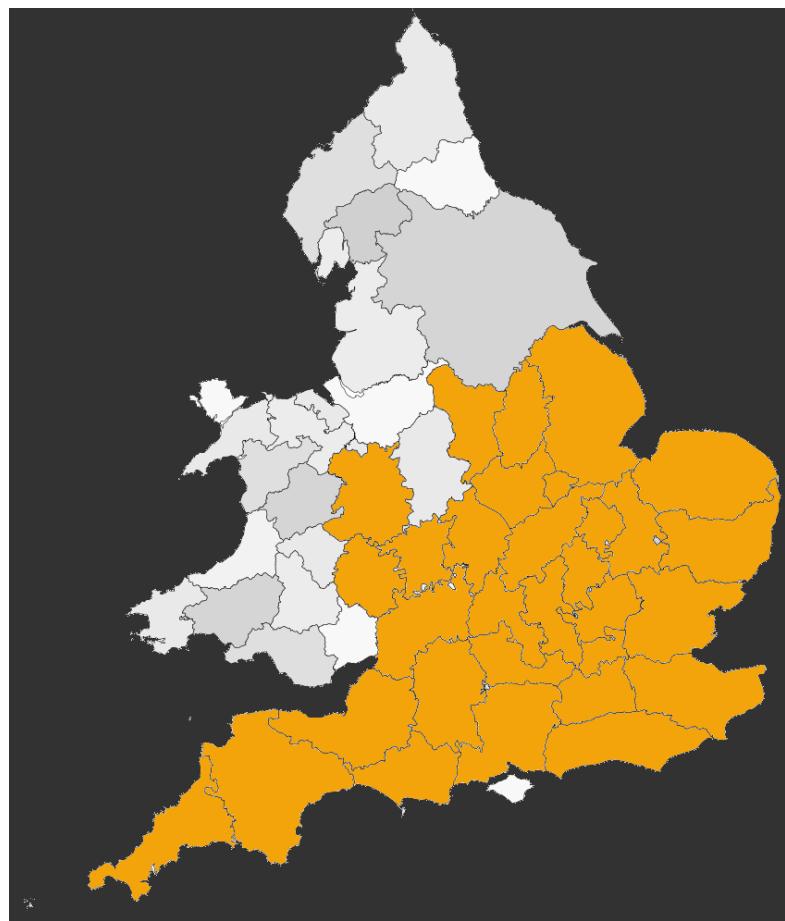


Figure 8 Map of commissions to investigate royal officials to investigate Royal Officials in 1340-41

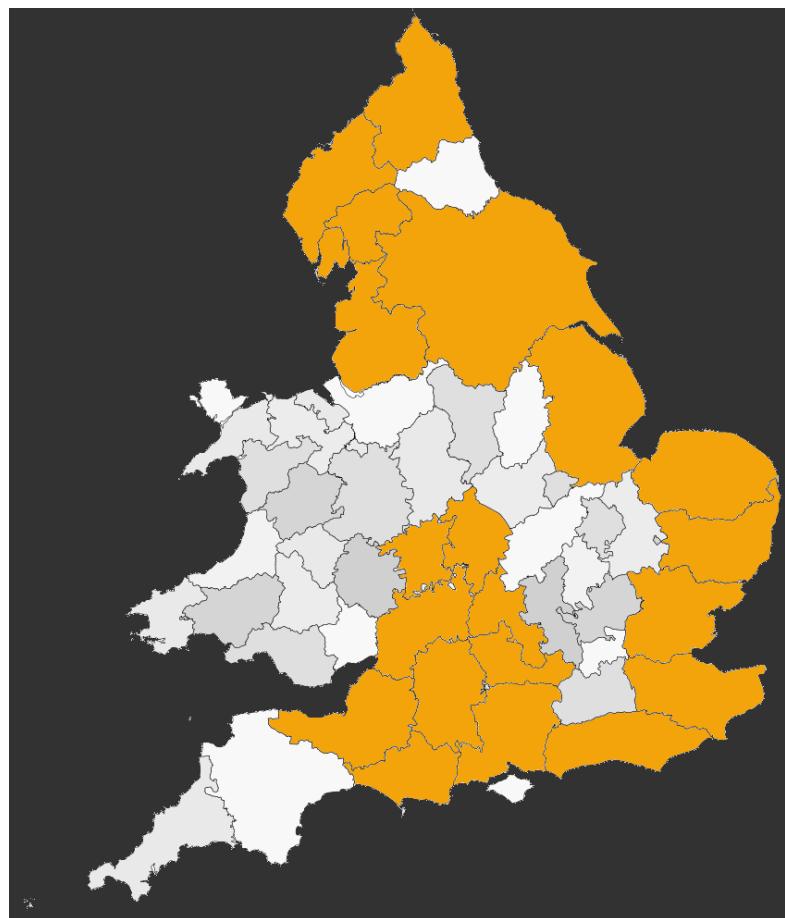


Figure 9 *Map of commissions to investigate royal officials, Counterfeit Coinage, Tax Offences, and Smuggling 1342-44.*

2 APPENDIX 2 – ‘SONG ON THE VENALITY OF JUDGES’, BL MS ROYAL 12.C.XII, F. 1v (BEATI QUI ESIRUNT).

1169

The, probably later, version of this text survives in BL MS Harley 913, ff. 59r-59v.¹¹⁷⁰ This Harley version has several differences. The largest is the addition of four extra stanzas beyond the end of the Royal version. A more minor difference is the inclusion of the line ‘nec pauperum clamore’ in the first stanza of the Harley text (between lines six and seven in the Royal version).

1 Beati qui esuriunt
2 et faciunt justiciam
3 injuriae nequiciam;
4 quos ne cauri copia
5 nec divitum exhennia
6 trahunt a rigore¹¹⁷¹
7 set que sunt justa judicant
8 et aure no(n) claudica(n)t
9 divitu(m) favore

10 Set modo myro more
11 m(u)ltos fallit sec(u)l(u)m
12 et trahit ad p(er)ic(u)l(u)m
13 m(u)ndi ob favore(m)
14 ut ambient honore(m)
15 h(oc) facit p(e)cuniam
16 q(u)am o(mn)is fere curia
17 ia(m) duxit in uxorem

18 Sunt j(us)ticiarii
19 q(uo)s favore et denarii
20 aliciunt a iure
21 hii sunt b(e)n(e) recolo
22 q(uo)d sens(u)m dant diabolo
23 et servient a pure
24 nam jubet lex nat(u)r(a)e
25 quod iudex in iudicia
26 nec precie nec precio
27 acceptor sit p(er)sonae
28 q(ui)d ergo ibidem bene
29 fiet de judicibus
30 q(ui) p(re)ce v(e)l mun(er)ib(us)
31 cedu(n) a r(ati)oneRevera tales judices

¹¹⁶⁹ Added at the bottom of folio 1r by the same hand between ‘The Office of Saint Thomas’ and ‘Venality’: ‘Heu, proles queritur quod rara fides reperitur. | Lex juris moritur, fraus viuit, amor sepelitur’.

¹¹⁷⁰ Full text and translation available online: James M. Dean, ‘Beati Qui Esuriunt’, *Robbins Library Digital Projects*, 1996 <<https://d.lib.rochester.edu/teams/text/dean-medieval-english-political-writings-beati-qui-esuriunt>> [accessed 8 June 2021].

¹¹⁷¹ The Harley 913 variant includes the line: ‘nec pauperum clamore’ following this line.

32 nuncios m(u)ltiplices
 33 h(ab)ent audi q(u)are
 34 si terra(m) vis rogare
 35 accedet ad te nunci(us)
 36 et loquitor secretus
 37 dicens amice care
 38 vis tu placitare
 39 su(m) cu(m) j(us)ticiario
 40 q(ue) te modo vario
 41 potest adjuvare
 42 si vis impertare
 43 per s(uu)m s(u)bsid(iu)m
 44 da m(ichi) dimid(iu)m
 45 et volo te juvare

 46 Si queda(m) pulc(hr)a nobilis
 47 decore ut amabilis cu(m)
 48 capite cornuto
 49 auro circumvoluto
 50 accedat ad judici(u)m
 51 hoc expedit negotium
 52 ore suo muto

 53 Si pauper mulierc(u)la
 54 no(n) h(abe)ns mun(us)cula
 55 forma(m) ne(que) gen(us)
 56 quam no(n) pungit Ven(us)
 57 inf(ec)to negocio
 58 suo pergit hospicio
 59 dolendo corde tenus

 60 Ad pedes sedent cl(er)ici
 61 qui velut famelici
 62 sunt dona inhiantes
 63 et hoc pro lege dantes
 64 quod hii qui nichil dederint
 65 quamvis p(ro)(?) ven(er)int
 66 erunt expectantes

 67 Sunt q(ui)da(m) ad hanc curia(m)
 68 qui exprimunt justiciar
 69 vocantur relators
 70 ceteris priores
 71 utraque manu capiunt
 72 et sic eos decipiunt
 73 quorum sunt tutores
 74 Set quid janitors
 75 qui dicunt pauperibus
 76 curiam sequentibus
 77 pauper q(ui)d laboras cur
 78 quid facis hic moras
 79 nisi des percunia(m)

80 Cuique ad hanc curia(m)
81 in vanum laboras
82 q(ui)d ergo miser ploras
83 Si nichil attuleris
84 ibis omere(?) foras
85 De vicecomitibus(?)
86 quam duri sunt pauperibus
87 quis potest dare enmuare(?)
88 qui nihcil potest dare
89 huc et illux trahitur
90 et in assisis ponitur
91 et cogitur jurare
92 non ausus murmurare
93 quod si murmuravit,
94 nisi statim satisfecerit,
95 est salsum totum mare.

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JUST 1/236A	Essex, 1260 – General oyer and terminer inquiry into trespasses by officials.
JUST 1/254	Essex 1314 – General oyer and terminer inquiry into trespasses by officials.
JUST 1/255	Essex, 1318 – General oyer and terminer inquiry into trespasses by officials.
JUST 1/290	Gloucestershire, 1320-21 – General oyer and terminer inquiry.
JUST 1/291	Gloucestershire, 1324 – General oyer and terminer inquiry into the conduct of the mayors and officials of Bristol.
JUST 1/296	Gloucestershire, 1323 – General oyer and terminer inquiry into the conduct of royal officials.
JUST 1/306	Herefordshire, 1305 – General oyer and terminer.
JUST 1/307	Herefordshire, 1307 – General oyer and terminer.
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KB 27/342	King's Bench, Michaelmas Term, 1345.
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SC 8/36/1771	The petitioners state that they have suffered great damage as they are wrongfully penalised by the count, Flavale and burgomasters and aldermen their merchant people of England, namely John le Goldbeter, Richard de Selby and others going there with their goods and merchandises. They have imprisoned them and divided their goods amongst them for a debt that they claim the king owes them in contempt of the king and to their great damage and impoverishment.
SC 8/50/2458	Goldbeter requests that he be granted the body of Melcheforth who has been arrested at the suit of Goldbeter and detained in the prison of the city

	of York to be delivered to the burgomasters and eschevins after his kinsman and servant has been delivered to Goldebeter.
SC 8/233/11637	Thomas de la Rente requests a hasty remedy for the trespasses and conspiracy committed against him by Haltebe and Costyn with 200 men armed for war, and the damage to his property and houses.
SC 8/298/14886	Letter to the Chancellor from the Mayor and people of Lincoln, recommending William Virly for the office of clerk of the statute merchant in Lincoln.
SC 8/312/E25	The petitioner requests that the king will make enquiry into his rights by loyal justices concerning the excesses committed by Swynnerton as collector of the tenth penny by which he has greatly profited, the people of the country having come to the petitioner and complained of the matter

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