

**URBAN COMMUNITIES AND THE CROWN:  
Relations between Bristol, York, and the Royal Government,  
1350-1400**

by

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## ABSTRACT

Relations between urban communities and the crown in later medieval England have tended to be viewed in terms of a reciprocity based on the exchange of money and charters, in which the royal government exploited urban wealth and, in return, granted towns corporate privileges of self-government. This thesis examines relations between Bristol, York, and the crown in the second half of the fourteenth century and explores the concept of community to argue that the towns' relations with the royal government were not simply conducted by the towns as corporate entities. Rather, the towns were composed of collections of individuals, drawn from the political elites of the towns, who were engaged in various forms of administrative, fiscal, military and economic service to the crown. Thus, I argue that, instead of a *quid pro quo* model of crown-town relations, the reciprocal ties between Bristol, York, and the crown were based, not on separate interests, but on shared interests in governance.

In Chapter One, I discuss the existing historiography on relations between urban communities and the crown and outline my methodology based on prosopographical analysis of the governing elites of Bristol and York. Chapters Two, Three and Four examine the fiscal, military and economic contributions of Bristol and York to the enterprise of royal government, including the lending of money and ships to the crown's war effort. Chapters Five and Six explore the nature of urban expectations from the crown. In Chapter Five, I focus on the parliamentary representation of Bristol and York, and in Chapter Six, I address the issue of urban liberties to provide a new interpretation of the significance, and timing, of the charters of 1373, 1393 and 1396 which granted the towns of Bristol and York county status and made their civic officials *ex officio* justices of the peace.

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## ABBREVIATIONS

<i>BIHR</i>	<i>Bulletin of the Institute of Historical Research</i>
BRO	Bristol Record Office
<i>CChR</i>	<i>Calendar of Charter Rolls</i>
<i>CCR</i>	<i>Calendar of Close Rolls</i>
<i>CFR</i>	<i>Calendar of Fine Rolls</i>
<i>CPR</i>	<i>Calendar of Patent Rolls</i>
<i>ECHR</i>	<i>Economic History Review</i>
<i>EGW</i>	<i>The English Government at Work, 1327-1336</i> , ed. J.F. Willard, W.A. Morris, J.R. Strayer and W.H. Dunham, Jr. (3 vols., Cambridge, Massachusetts, 1940-50)
<i>EHR</i>	<i>English Historical Review</i>
<i>LRB</i>	<i>The Little Red Book of Bristol</i> , ed. F.B. Bickley (2 vols., Bristol and London, 1900)
<i>P&amp;P</i>	<i>Past and Present</i>
PRO	Public Record Office
<i>RP</i>	<i>Rotuli Parliamentorum</i> (6 vols., London, 1783)
<i>SR</i>	<i>Statutes of the Realm</i> (11 vols., London, 1810-28)
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
YCA	York City Archives
<i>YMB</i>	<i>York Memorandum Book</i> , ed. M. Sellers and J.W. Percy, 3 vols., Surtees Society, 120, 125 and 186 (1912, 1915 and 1969)

## CHAPTER ONE: INTRODUCTION

### 1.0 INTRODUCTION

Existing scholarship on the subject of relations between urban communities and the crown in late medieval England has focused principally on the fifteenth century.<sup>1</sup> On the one hand, this research was a response to the debate about fifteenth-century urban decline, one of the major issues in urban history from the late 1970s to the mid-1980s.<sup>2</sup> This agenda, to explore the causes, nature and extent of urban decay, provided the context for the work of Lorraine Attreed, in particular, who examined relations between the city of York and the crown in the late fifteenth century in light of the city's appeals to Richard III and Henry VII for financial relief from its fiscal obligations.<sup>3</sup> On the other hand, historians have shown considerable interest in exploring the role played by towns in the Wars of the Roses. Essays have been written on London's reaction to critical moments in the Wars, especially changes of dynasty, such as the Yorkists' seizure of power in February 1461 and Henry Tudor's accession to the throne in 1485.<sup>4</sup> Meanwhile, the response of provincial towns to the Wars of the Roses has been examined within the context of the performance of welcoming ceremonies to royal and noble protagonists.<sup>5</sup> With the exception of a recent collection of

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<sup>1</sup> See, for example, A.P.M. Wright, "The Relations between the King's Government and the English Cities and Boroughs in the Fifteenth Century" (D.Phil. thesis, University of Oxford, 1965), C.M. Barron, "The Government of London and its Relations with the Crown, 1400-1450" (Ph.D. thesis, University of London, 1970), and L.C. Attreed, "The English Royal Government and its Relations with the Boroughs of Norwich, York, Exeter and Nottingham, 1377-1509" (Ph.D. thesis, Harvard University, 1984).

<sup>2</sup> The key articles on the state of English towns in the fifteenth century are C.V. Phythian-Adams, "Urban decay in late medieval England", in P. Abrams and E.A. Wrigley (eds.), *Towns in Societies: Essays in Economic History and Historical Sociology* (Cambridge, 1978), pp. 159-85, D.M. Palliser, "Urban Decay Revisited", in J.A.F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century* (Gloucester, 1988), pp. 1-21, and R.B. Dobson, "Urban decline in late medieval England", in R. Holt and G. Rosser (eds.), *The English Medieval Town: A Reader in English Urban History, 1200-1540* (London and New York, 1990), pp. 265-86.

<sup>3</sup> L.C. Attreed, "The King's Interest: York's Fee Farm and the Central Government, 1482-92", *Northern History*, 17 (1981), pp. 24-43, and L. Attreed, "Poverty, Payments, and Fiscal Policies in English Provincial Towns", in S.K. Cohn Jr. and S.A. Epstein (eds.), *Portraits of Medieval and Renaissance Living: Essays in Memory of David Herlihy* (Michigan, 1996), pp. 325-48.

<sup>4</sup> C.M. Barron, "London and the Crown, 1451-61", in J.R.L. Highfield and R. Jeffs (eds.), *The Crown and Local Communities in England and France in the Fifteenth Century* (Gloucester, 1981), pp. 88-109 and D.J. Guth, "Richard III, Henry VII and the City: London Politics and the 'Dun Cowe'", in R.A. Griffiths and J. Sherborne (eds.), *Kings and Nobles in the Later Middle Ages: A Tribute to Charles Ross* (Gloucester, 1986), pp. 185-204.

<sup>5</sup> L. Attreed, "The Politics of Welcome: Ceremonies and Constitutional Development in Later Medieval English Towns", in B.A. Hanawalt and K.L. Reyerson (eds.), *City and Spectacle in Medieval Europe* (Minneapolis, 1994), pp. 208-31.



essays about York's 1396 charter which placed the charter in a broad chronological and thematic framework,<sup>6</sup> studies of relations between urban communities and the crown in the fourteenth century have tended to focus on moments of extreme political crisis such as Richard II's confiscation of London's liberties in 1392 and the capital's reaction to Richard II's deposition in 1399.<sup>7</sup> The aim of this thesis is to redress the chronological imbalance and to explore the subject of crown-town relations within the fourteenth century and within a wider time-frame.

## 1.1 HISTORIOGRAPHY

Relations between towns and the royal government have tended to be located within a particular paradigm based on the interplay between "finance" and "privilege".<sup>8</sup> According to this paradigm, urban relations with the royal government operated within a framework of reciprocity in which the crown sought to exploit urban wealth and resources in return for the confirmation and/or extension of charters of corporate liberties. Thus, Caroline Barron, writing about London and the crown in the mid-fifteenth century, characterised this relationship as an "equilibrium", in which the crown's financial need on the one hand was balanced by the city's concern for its privileges on the other.<sup>9</sup> When London stopped lending money to Richard II, the king punished the capital by confiscating its liberties, liberties which were only returned in perpetuity when the city made a loan of 10,000 marks to the crown in 1397.<sup>10</sup> In the 1430s, when the crown's policy of granting monopolies of the offices of wine-gauger, cloth-packer, wine-drawer and garbeller within the city to royal servants infringed the right of the capital to rule itself, the city agreed to make a loan on condition that the grants were revoked.<sup>11</sup> There is no doubt that London was a major royal creditor in the fourteenth and fifteenth centuries and that its loans far outweighed those from

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<sup>6</sup> S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997).

<sup>7</sup> C.M. Barron, "The Quarrel of Richard II with London, 1392-7", in F.R.H. Du Boulay and C.M. Barron (eds.), *The Reign of Richard II: Essays in Honour of May McKisack* (London, 1971), pp. 173-201 and C. Barron, "The Deposition of Richard II", in J. Taylor and W. Childs (eds.), *Politics and Crisis in Fourteenth-Century England* (Gloucester, 1990), pp. 132-49.

<sup>8</sup> Barron, "London and the Crown, 1451-61", p. 91.

<sup>9</sup> Barron, "London and the Crown, 1451-61", p. 92.

<sup>10</sup> Barron, "Quarrel of Richard II with London", especially pp. 178 and 199.

<sup>11</sup> Barron, "London and the Crown, 1451-61", p. 91.

provincial towns,<sup>12</sup> but what is significant is that the same pattern of loans and charters has been found in the provinces. In his recent study of the city of York's relations with the crown in the first half of the fourteenth century, for instance, W.M. Ormrod posed the question: "What did the citizens of York have to offer the crown in return for the new jurisdictional privileges they won in the early fourteenth century? The answer, as ever, is money."<sup>13</sup>

There are two problems with this model of relations between urban communities and the crown. On the one hand, it is reductive: it reduces the meaning of these relations to a simple equation involving money and chartered privileges, suggesting that towns only saw the royal government as a source of favours and privileges upon which they could draw and that the crown was interested in towns only insofar as they provided revenue. If urban wealth and resources were important to the crown, it is worth asking why they were important. Money and resources were not given in a moral and governmental vacuum. What was their ultimate purpose? Did they satisfy only the needs of the royal government or did they have some relevance to the polity as a whole?

On the other hand, the danger of this approach is conceptual, for it assumes that urban communities and the polity were entirely self-contained worlds, in which towns and the royal government only met at a particular intersection to exchange money for privileges and were then able to continue their separate existence. Writing in the late nineteenth century, Alice Stopford Green described the fifteenth-century borough as "a state within the state", which "carried on its isolated self-dependent life" outside the normal parameters of the state. All that the borough wanted from the state was the grant of charters extending its corporate privileges, thus allowing it to continue to function as an autonomous community. On the other hand, provided that the yearly fee farms were paid, the king was "too greatly concerned with affairs of state to concern himself with the details of government in his numerous boroughs."<sup>14</sup>

Barron has argued that London's role in national politics was transformed in the course of the fourteenth and fifteenth centuries, so that, "whereas in the thirteenth century

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<sup>12</sup> See, for example, A. Steel, *The Receipt of the Exchequer, 1377-1485* (Cambridge, 1954), pp. 465-73.

<sup>13</sup> W.M. Ormrod, "York and the Crown Under the First Three Edwards", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, *Borthwick Studies in History*, 3 (1997), p. 28.

<sup>14</sup> A.S. Green, *Town Life in the Fifteenth Century* (2 vols., London and New York, 1894), vol. 1, pp. 1-2 and 230.

Londoners joined enthusiastically in the martial games of the great magnates, by the fifteenth century they had grown reluctant and stood apart for as long as was consistent with security.<sup>15</sup> If London support had been crucial to the success of Simon de Montfort in 1263 and of Isabella and Mortimer in 1326, this sense of growing detachment from “the magnate-dominated politics of the realm” meant that, from the late fourteenth century, London’s citizens simply “provided money for wars and receptions for conquering heroes”. At times of political crisis, especially dynastic changes such as Richard II’s deposition, Edward IV’s seizure of the throne, and Henry VII’s defeat of Richard III, London pursued a policy of neutrality, waiting for the contested throne to be won and then lavishing money on the winner in return for the confirmation and/or extension of the city’s liberties.<sup>16</sup> This is an attractive thesis because of its sensitivity to diachronic change. It also has a long lineage. According to Green:

In those days [the fifteenth century] indeed busy provincials but dimly conscious of national policy found in the confusion of court politics and the distraction of its intrigues, or in the feuds of a divided and bewildered administration, no true call to national service... Civil wars which swept over the country at the bidding of a factious group of nobles or of a vain and unscrupulous King-maker left, and justly left, the towns supremely indifferent to any question save that of how to make the best terms for themselves from the winning side, or to use the disasters of warring lords so as to extend their own *privileges*.<sup>17</sup>

It is also significant that the interpretation recalls the work of historians of the seventeenth century such as Roger Howell, Jr., who has detected an “attitude of drifting with events” among civic corporations during the Civil War, as towns sought neutrality rather than involvement in an ideological and political conflict.<sup>18</sup>

In one sense, the issue is whether crown-town relations in the fifteenth century and the early modern period were conducted in a substantially different world from the preceding centuries. But there is a *fundamental* reason for the way in which relations between urban communities and the crown generally have been constructed and this concerns the concept of ‘community’. Building on the scholarship of an earlier generation of legal and constitutional historians such as F. Pollock, F.W. Maitland and J. Tait, who

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<sup>15</sup> For what follows, see C.M. Barron, “London: The Later Middle Ages: 1270-1520”, in M.D. Lobel (ed.), *The Atlas of Historic Towns* (3 vols., London and Oxford, 1969-89), vol. 3, pp. 42-43.

<sup>16</sup> Guth, “Richard III, Henry VII and the City”, pp. 186-87.

<sup>17</sup> Green, *Town Life*, vol. 1, p. 164. My italics.

<sup>18</sup> R. Howell, Jr., *Newcastle Upon Tyne and the Puritan Revolution: A Study of the Civil War in North England* (Oxford, 1967), p. 342.

were interested in the development of the town as a corporation, there has been a tendency to see the town in its relations with the royal government in corporate terms as a separate legal, administrative and physical entity.<sup>19</sup> Since liberties were seen to define the town and to give it its corporate existence, separating the town from the countryside and from the kingdom as a whole, it is scarcely surprising that historians have argued that towns' demands of the crown were limited to the defence and acquisition of urban privileges. Hence Barron could say of London's role in the Lancastrian parliaments that, "the City was only roused to action in defence of its liberties and privileges."<sup>20</sup> Implicit in this concept of the town as a corporate body, however, was also a specific anthropological and sociological understanding of the term community. In other words, not only was the town a *communitas* in name, it also had particular attributes, whether "traditions, a particular group mentality, or institutions", which made it a true community.<sup>21</sup>

Studies of relations between urban communities and the royal government in both the late medieval and early modern periods have generally perceived the town as a particular type of community. In the later nineteenth century, sociologists such as Ferdinand Tönnies and Max Weber looked back to a pre-industrial and pre-modern world for the ideal community which represented an older way of life that was under threat from both industrialisation and the growth of the state.<sup>22</sup> They found this community in the town and village of the Middle Ages.<sup>23</sup> Tönnies proposed a transition from *Gemeinschaft* (community), characterised by intimacy, social harmony and isolation from the outside world, to *Gesellschaft* (society), in which people might still share a common habitat, but where social relations were artificial and transitory and people only acted with others out of self-interest. *Gemeinschaft* was an organism with interdependent parts and with a

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<sup>19</sup> F. Pollock and F.W. Maitland, *The History of English Law*, 2nd Edition re-issued (2 vols., Cambridge, 1968), vol. 1, pp. 635-88, F. Maitland, *Township and Borough* (Cambridge, 1898) and J. Tait, *The Medieval English Borough: Studies on its Origins and Constitutional History* (Manchester, 1936). Among recent scholarship, see L. Attreed, "Arbitration and the Growth of Urban Liberties in Late Medieval England", *Journal of British Studies*, 31 (1992), pp. 205-35.

<sup>20</sup> Barron, "The Government of London and its Relations with the Crown, 1400-1450", p. 348.

<sup>21</sup> See the pertinent remarks on the relationship between "Community and Borough Community" in D.G. Shaw, *The Creation of a Community: The City of Wells in the Middle Ages* (Oxford, 1993), pp. 2-7. See, also, the seminal article by S. Reynolds, "Medieval urban history and the history of political thought", *Urban History Yearbook* (1982), pp. 14-23, which presents an essentially harmonious view of urban life.

<sup>22</sup> F. Tönnies, *Community and Society: Gemeinschaft und Gesellschaft*, transl. and ed. C.P. Loomis (New York, 1963) and M. Weber, *The Theory of Social and Economic Organization*, transl. A.M. Henderson and T. Parsons and ed. T. Parsons (New York, 1964).

<sup>23</sup> Tönnies, *Community and Society*, p. 57.

collective life of its own based on common interests.<sup>24</sup> These ideas influenced the work of the Leicester school of local history, notably Alan Everitt, who exhorted the local historian “to study...the development of some particular local community *as a whole*, as a complete society or organism, with a more or less distinct and continuous life of its own”.<sup>25</sup> In his studies of local communities in the seventeenth century, for instance, Everitt interpreted the period of the Civil War in terms of tensions between the national community and the local communities of the town and county, in which the war itself was “a conflict between two organisms, each with its own independent existence”.<sup>26</sup>

Tönnies’s work can also be seen to have influenced the approach of historians of the late medieval period to the subject of relations between urban communities and the crown. Firstly, the argument that towns such as London were “apolitical” recalled an important aspect of the concept of the organic community, according to which politics was an alien and external activity which happened elsewhere, usually at the centre of the polity.<sup>27</sup> Secondly, the focus on chartered liberties as the extent of towns’ ambitions within the polity echoed the theory of *Gemeinschaft* based on shared values between all members of the community, for urban privileges were enjoyed by the freemen of a town and united them in a common interest.<sup>28</sup> And thirdly, insofar as charters of self-government separated the town from the outside world, they gave the town a life of its own distinct from the wider realm.

Several historians have expressed serious doubts about this notion of community, especially its view of social relations and its treatment of the royal government as a kind of “monolithic ‘other’” distinct from the local community.<sup>29</sup> Reviewing a series of studies of the county community in later medieval England, Rosemary Horrox has argued that “it is important not to see the *communitas* as monolithic, however much it might seek to give that impression on formal occasions. It consisted of individuals with their own connections and

<sup>24</sup> Tönnies, *Community and Society*, pp. 34-35 and 77-78.

<sup>25</sup> A. Everitt, *Ways and means in local history* (London, 1971), p. 6.

<sup>26</sup> A. Everitt, *The Local Community and the Great Rebellion*, Historical Association, General Series, 70 (1969), p. 5.

<sup>27</sup> Compare Barron, “London and the Crown, 1451-61”, p. 92 and the comment of J.R.L. Highfield, “Introduction”, in J.R.L. Highfield and R. Jeffs (eds.), *The Crown and Local Communities in England and France in the Fifteenth Century* (Gloucester, 1981), p. 14, with the point made by C. Carpenter, “Gentry and Community in Medieval England”, *Journal of British Studies*, 33 (1994), pp. 356-57.

<sup>28</sup> See the petition from London’s sheriffs to the common council cited by Barron in the preface to her doctoral thesis: “Considering that this cause is every Freeman’s cause, and the good and true keeping and defending of the liberties of this famous City is the welfare of every man that is inhabitant therein”.

<sup>29</sup> The quotation is from C. Holmes, “The County Community in Stuart Historiography”, *Journal of British Studies*, 19 (1980), p. 55.

own concerns”.<sup>30</sup> Like Clive Holmes, she also voiced her concern about the framework in which relations between the centre and the locality have been explored, so that there is a tendency to see “royal government as something distinct from local concerns”.<sup>31</sup> Similarly, Jim Bolton’s examination of London’s politics between 1456 and 1461 has questioned Barron’s thesis that the politics of London’s rulers “were strictly the politics of expediency”, arguing that the city corporation could not have been politically neutral because of the role of London’s rulers as financial props to the crown and their involvement in the “politics of trade” as merchants trading with Calais and the Netherlands. It was the profound disillusionment of a group of London aldermen and a larger group of the city’s merchants, mercers and staplers with Henry VI’s commercial policies, according to Bolton, which led to their active rather than simply pragmatic and passive support of the Yorkists in 1460-61.<sup>32</sup> Moreover, the recent work of David Harris Sacks on Bristol’s politics before the Civil War has provided a fundamental reappraisal of the nature of relations between urban communities and the early modern state, explicitly rejecting the framework proposed by historians such as Howell and Everitt. Examining the close ties which were established between the leading Bristolians and the crown through royal service, and focusing specifically on the relations between the city government and the royal government, Sacks described the seventeenth century as “a political world...in which the members of the municipal corporations thought of themselves as king’s officers performing the necessary functions of royal government in their city. They were simultaneously citizens and crown servants, city fathers and the legitimate agents of the state in their community, the one role reinforcing the other.”<sup>33</sup> In this analysis, then, the crown and the urban community, or rather, royal and civic government, were interdependent.

This thesis does not deny that the urban community was an institution which could engage in collective activities, such as providing taxation, loans and military forces to the crown. Nevertheless, to Bolton and Sacks, towns were not simply institutions, but were also composed of people whose horizons extended beyond the local communities in which they

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<sup>30</sup> R. Horrox, “Local and national politics in fifteenth-century England”, *Journal of Medieval History*, 18, no. 4 (1992), p. 395.

<sup>31</sup> Horrox, “Local and national politics”, p. 397.

<sup>32</sup> J.L. Bolton, “The City and the Crown, 1456-61”, *London Journal*, 12 (1986), pp. 11-12 and 20-21. The quotations are from pp. 11 and 12.

<sup>33</sup> D.H. Sacks, “The Corporate Town and the English State: Bristol’s ‘Little Businesses’, 1625-1641”, *P&P*, 110 (1986), pp. 69-105. The quotation is from p. 96.

lived. These views suggest an alternative direction in which the subject of relations between urban communities and the crown can be pursued. Indeed, their perspectives fit more comfortably with recent studies of relations between towns and the royal government on the Continent, particularly in France and Castile, which have placed less emphasis on urban charters and privileges than their English counterparts. In his work on the *bonnes villes* of France in the fourteenth and fifteenth centuries, for instance, Bernard Chevalier argued that towns were sometimes in opposition to the royal government but that this opposition was based on real political differences. Thus, in the middle of the fourteenth century, when the English achieved a series of military victories, the *bonnes villes* adopted a political agenda, denouncing the abuses of royal government and demanding to know what had become of the taxes that had been raised and why the realm was badly defended.<sup>34</sup> At the same time, Chevalier identified the second half of the fifteenth century - when Charles VII wrote regularly to his *bonnes villes*, keeping them informed of developments at the centre and seeking their consent to the measures he proposed - as a period in which the king and the towns were “partners in government”.<sup>35</sup> Recent studies of Castile have also been based on the notion of an alliance of interests between Castilian towns and the royal government, but the focus has been more explicitly on the crown’s relations with the towns’ ruling elites. For instance, the theme of Teofilo F. Ruiz’s case-study of the city of Burgos in the thirteenth and fourteenth centuries was the emergence of a partnership between the Castilian kings and the *caballeros villanos* (non-noble knights) of the city,<sup>36</sup> whilst Isabel del val Valdivieso’s work on urban growth and royal interventionism in fifteenth-century Castile has identified “a form of partnership between the agents of the state and the urban ruling class” in which the crown sought to protect and promote urban trade.<sup>37</sup>

## 1.2 A NEW PARADIGM

This thesis builds on the existing scholarship of historians such as Barron and Attreed, but also seeks to develop the arguments of Horrox, Bolton and Sacks within a different

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<sup>34</sup> B. Chevalier, *Les Bonnes Villes de France du XIVe au XVIe siècle* (Paris, 1982), p. 95.

<sup>35</sup> B. Chevalier, “The *bonnes villes* and the King’s Council in Fifteenth-Century France”, in J.R.L. Highfield and R. Jeffs (eds.), *The Crown and Local Communities in England and France in the Fifteenth Century* (Gloucester, 1981), pp. 110-28. The quotation is from p. 118.

<sup>36</sup> T.F. Ruiz, “The Transformation of the Castilian Municipalities: the Case of Burgos, 1248-1350”, *P&P*, 77 (1977), pp. 3-32, especially p. 28.

<sup>37</sup> I. del val Valdivieso, “Urban growth and royal interventionism in late medieval Castile”, *Urban History*, 24 (1997), pp. 129-40, especially pp. 129 and 135-38. The quotation is from p. 129.

chronological context. Attreed has suggested that “in late medieval England, no one bothered to note the etiquette of crown-town relations. Crown policy towards boroughs was never formally expressed, and specific guidelines for town relations with the royal government did not form part of either local or crown records.”<sup>38</sup> But relations between urban communities and the crown were not conducted in a moral and governmental vacuum. There was a framework within which crown-town relations operated, which was based on the body politic.<sup>39</sup>

### 1.2.1 The Body Politic

From the time of John of Salisbury’s *Policraticus* in the mid-twelfth century, it became a commonplace of medieval thought and statecraft for the polity to be conceived as a living human body, in which the king was the head and members of the polity were the limbs.<sup>40</sup> Each of the separate limbs had a specific function to perform, but these functions were designed to promote the health of the whole body, so that there was a mutual interdependence between the king and the other parts of the body. The implications of this analogy will be discussed later in the chapter. Where and how did towns fit into this organic metaphor?

Examining the advice literature of the ‘mirrors for princes’, Jean-Philippe Genet has noted the “failure, both in France and in England”, of late medieval political theory, “to insert local communities into the framework of the *politia*”.<sup>41</sup> Certainly, in Christine de Pizan’s *Le livre du corps de policie*, for instance, the body, in the French model of government, was composed of estates, of which the burgesses and merchants were one.<sup>42</sup> The town itself, however, was not expressed as a corporate entity. In England, it was only

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<sup>38</sup> Attreed, “English Royal Government and its Relations with the Boroughs of Norwich, York, Exeter and Nottingham”, p. 455.

<sup>39</sup> For the evolution of the body politic metaphor in medieval politics and philosophy, see E.H. Kantorowicz, *The King’s Two Bodies: A Study in Medieval Political Theology* (Princeton, 1957), Chapters Three-Five.

<sup>40</sup> For a recent translation of *Policraticus*, see John of Salisbury, *Policraticus: Of the Frivolities of Courtiers and the Footprints of Philosophers*, transl. and ed. C.J. Nederman (Cambridge, 1990). There are discussions of the wider significance of this work in A. Black, *Political Thought in Europe, 1250-1450* (Cambridge, 1992), pp. 14-26.

<sup>41</sup> J.P. Genet, “Political Theory and Local Communities in Later Medieval France and England”, in J.R.L. Highfield and R. Jeffs (eds.), *The Crown and Local Communities in England and France in the Fifteenth Century* (Gloucester, 1981), pp. 19-32, especially p. 20.

<sup>42</sup> Christine de Pizan, *The Book of the Body Politic*, transl. and ed. K.L. Forhan (Cambridge, 1994), pp. 95-105.



at the beginning of the seventeenth century that the town was integrated fully into the polity in political theory. According to *An Apologie of the Cittie of London*, written probably by the lawyer, James Dalton, and published at the end of John Stow's *A Survey of London*, cities were at once both a commonwealth in themselves, existing for the mutual benefit of their citizens, and, at the same time, part of the kingdom as a whole: "in respect of the whole Realme, London is but a Citizen, and no Citie, a subiect and no free estate, an obedienciarie, and no place indowed with any distinct or absolute power, for it is gouerned by the same law that the rest of the Realme is."<sup>43</sup> Moreover, London contributed taxes and troops for the defence of the realm, and merchandise to increase the nation's wealth.<sup>44</sup> Thus, if the city was a commonwealth in itself,<sup>45</sup> it remained part of a wider commonwealth to which it had to fulfil certain responsibilities.

### 1.2.2 The Discourse of the Chamber

It should be noted that the aim of the organic metaphor was social harmony between members of the polity; it is important not to confuse theory with reality. Indeed, having suggested that there are problems with the concept of the organic community of the town, the thesis does not present an idealised vision of the community of the realm. In fact, serious doubts have been cast on the very existence of a unified, national body politic in late medieval England. G.L. Harriss has argued recently that there were "four main dimensions or arenas of political activity", consisting of landed society, court politics, the politics of government (parliament) and popular politics, each with their own culture, language and concerns.<sup>46</sup> Harriss's thesis is important because it is reluctant to assign a single, unitary, national polity to late medieval England. Indeed, to Harriss, "fifteenth-century England did not operate as a political unit but as a series of political contexts, each with its own problems and rules."<sup>47</sup>

In some ways, relations between urban communities and the crown occupied a fifth

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<sup>43</sup> J. Stow, *A Survey of London...with introduction and notes by C.L. Kingsford* (2 vols., Oxford, 1908), vol. 2, pp. 196-207. The quotation is from p. 206.

<sup>44</sup> Stow, *Survey of London*, vol. 2, pp. 209-13.

<sup>45</sup> For the metaphor of the town as a body, see the seminal article by M. James, "Ritual, Drama and Social Body in the Late Medieval Town", *P&P*, 98 (1983), pp. 3-29.

<sup>46</sup> G.L. Harriss, "The Dimensions of Politics", in R.H. Britnell and A.J. Pollard (eds.), *The McFarlane Legacy: Studies in Late Medieval Politics and Society* (Stroud, 1995), pp. 1-20. The quotation is from p. 2.

<sup>47</sup> Harriss, "Dimensions of Politics", p. 16.

political arena with its own language and tensions. This specifically *urban* political discourse was the rhetoric of the chamber. In 1432, when London welcomed Henry VI on his return from France, the mayor met the king at Blackheath and greeted him, in the words of John Lydgate, “into your blessed Realm of England, and especially into your most notable City of London, otherwise called your chamber”.<sup>48</sup> London had actually been known as the ‘King’s Chamber’ since as early as 1328 when Edward III had written to the city, demanding to know the direction of London’s sympathies, whether to the Earl of Lancaster or to the regime of Mortimer and Isabella.<sup>49</sup> London, however, was not the only urban community to acquire the distinction of being a royal chamber. Indeed, London’s status as the ‘King’s Chamber’ was contested by the city of York. For instance, in York’s 1393 petition to Richard II seeking the appointment of the mayor and aldermen as *ex officio* justices of the peace, the city referred to itself as the “chaumbre deuerwyk”, in direct imitation of London’s claim.<sup>50</sup> Similarly, Bristol, in the words of the town’s antiquarian, John Latimer, was “frequently styled the ‘Queen’s Chamber’ in corporate negotiations at Court”, whilst Coventry called itself the ‘Prince’s Chamber’ on the visit of Edward IV’s son to the city in 1474.<sup>51</sup>

Although the meaning of this discourse was not static, the vocabulary and imagery of the royal chamber were employed by certain towns in specific contexts and had particular connotations. The first was financial. Just as the royal chamber was, in essence, the king’s privy purse, with responsibility for the payment of the king’s personal expenses, so a town’s status as a royal chamber had a financial significance.<sup>52</sup> Secondly, in the same way that the chamber was also the king’s bedchamber, a private space within the royal household in

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<sup>48</sup> J. Lydgate, “Ordenaunces for the kyng”, cited in L.M. Bryant, “Configurations of the Community in Late Medieval Spectacles: Paris and London during the Dual Monarchy”, in B.A. Hanawalt and K.L. Reyerson (eds.), *City and Spectacle in Medieval Europe* (Minneapolis, 1994), p. 20, with discussion pp. 20-23.

<sup>49</sup> For the letter, see *Calendar of Plea and Memoranda Rolls of the City of London, 1323-1482*, ed. A.H. Thomas and P.E. Jones (6 vols., Cambridge, 1926-61), vol. 1, pp. 77-83, especially p. 78: the king “appeals to the City, which he regards as the ‘King’s Chamber’, not to show favour to the Earl or to assist him in any way”.

<sup>50</sup> PRO, SC8/103/5147.

<sup>51</sup> *Calendar of the Charters of the City and County of Bristol*, ed. J. Latimer (Bristol, 1909), p. 67; and *The Coventry Leet Book, 1420-1555*, ed. M.D. Harris, 2 vols., 4 parts, Early English Text Society, Original Series, 134, 135, 138 and 146 (1907-1913), vol. 1, pp. 391-92.

<sup>52</sup> For the chamber’s financial role within royal government, see C. Given-Wilson, *The Royal Household and the King’s Affinity: Service, Politics and Finance, 1360-1413* (New Haven and London, 1986), pp. 5-20.

which the king was surrounded by “a small inner circle of friends and counsellors”,<sup>53</sup> so the concept of a town as a royal chamber suggested an element of intimacy and personal relations with the crown. Thirdly, there was a sense in which the chamber was a physical space, and it is perhaps not surprising that York should call itself the ‘King’s Chamber’ in 1393, less than one year after Richard II had removed the main organs of royal government to the city.<sup>54</sup> Thus, the discourse of the chamber was particularly appropriate on the occasion of royal entries to a town when there was physical proximity. More fundamentally, as Lawrence Bryant has pointed out with reference to the contrasting royal entries into Paris and London in the 1430s, the symbolism of the chamber expressed a particular way in which London sought to conduct its relations with the crown. If the ruling elite of Paris used ceremony to emphasise the importance of Parisian institutions within the body politic, London, in contrast, presented itself in courtly terms, appropriating the rhetoric of the chamber to suggest that it “preferred to do business with the king in his chamber rather than his law court [parliament]”. Indeed, Bryant found in the welcoming ceremony performed on Henry VI’s entry into London that the city’s elite “represented the city’s place in relationship to the king and not to the national political order”.<sup>55</sup>

All of these points can be examined in the context of Richard II’s entry into London in 1392.<sup>56</sup> In May 1392, Richard II removed London’s liberties and appointed royal wardens to rule the city on his behalf, probably because of the city’s failure to provide loans to the crown.<sup>57</sup> In August, the king and the city were ready to settle their differences and London chose to celebrate the reconciliation with a series of pageants to be performed on the king’s procession through the city. The procession and pageants were recorded in a contemporary poem entitled *Concordia*, written by a Carmelite friar, Richard Maidstone, in which the king was described repeatedly as the “bridegroom” (*sponsus*) and London as the king’s “bridal chamber” (*thalamus*), playing on the idea of London as the ‘King’s Chamber’ and giving it a specifically marital reading so that the city welcomed the return home of her husband. The chamber imagery had a specific resonance in this royal entry. Firstly, the city of London and

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<sup>53</sup> Given-Wilson, *Royal Household and the King’s Affinity*, p. 5.

<sup>54</sup> For the context to this episode, see Barron, “Quarrel of Richard II with London”, pp. 173-201.

<sup>55</sup> Bryant, “Paris and London during the Dual Monarchy”, pp. 25 and 23.

<sup>56</sup> An excellent essay on the 1392 royal entry is G. Kipling, “Richard II’s ‘Sumptuous Pageants’ and the Idea of the Civic Triumph”, in D.M. Bergeron (ed.), *Pageantry and the Shakespearean Theater* (Athens, Georgia, 1985), pp. 83-103. For what follows, see P. Strohm, “Queens as Intercessors”, in his *Hochon’s Arrow: The Social Imagination of Fourteenth-Century Texts* (Princeton, 1992), pp. 105-11.

<sup>57</sup> Barron, “Quarrel of Richard II with London”, pp. 173-201.

Richard II had fallen out because the city had stopped lending him money, thereby failing to perform its customary financial role as the king's chamber. Secondly, the organs of royal government had just returned to London after their temporary removal to York. And thirdly, and perhaps most importantly, there was the marital language and imagery, noted by Paul Strohm.<sup>58</sup> The idea of marriage between Richard II and the city of London was a way in which the city could delineate its special position within the polity. Specifically, it recalled the metaphor of the ruler's marriage to his realm based on his reception of a ring at his coronation.<sup>59</sup> Just as the ruler was the *sponsus* and the state the *sponsa*, so London was appropriating this metaphor to suggest a marriage between the king and the city.

In short, the chamber discourse represents an important framework in which to locate relations between urban communities and the crown. Nevertheless, it was a rhetoric used in particular situations to deal with specific problems. It may be that in the case of London, as Barron has argued, parliament was less important to the city's rulers than it was to the ruling elites of other towns because their proximity to royal government gave them regular access to the king.<sup>60</sup> As I will show in the thesis, however, parliament provided an important public dimension to the relationship between Bristol, York, and the crown in the second half of the fourteenth century.<sup>61</sup> Moreover, the charters of 1373, 1393 and 1396 conceded to Bristol and York did not grant independence to the towns, but rather, incorporated them more firmly within the body politic.<sup>62</sup>

### 1.2.3 Organ and Organism

Pollock and Maitland described the borough as "both organ and organism" and argued that it should be considered from two points of view. From the crown's perspective, the town "served the state as its organs and instruments"; from the urban perspective, the borough was an organism with its own life, ruled by its own officials.<sup>63</sup> In some ways, the existing paradigm of crown-town relations based on money and liberties fits nicely into this

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<sup>58</sup> Strohm, "Queens as Intercessors", pp. 107-08.

<sup>59</sup> Kantorowicz, *King's Two Bodies*, pp. 212-16.

<sup>60</sup> C. Barron, "London and Parliament in the Lancastrian Period", *Parliamentary History*, 9 (1990), pp. 343-67.

<sup>61</sup> Chapter Five, pp. 149-95.

<sup>62</sup> Chapter Six, pp. 196-219. It should be noted here that although York was a cathedral city, I use the words town and city interchangeably for the sake of convenience.

<sup>63</sup> Pollock and Maitland, *English Law*, vol. 1, pp. 635-36.

conceptual framework, for as an organ, the town provided revenue, and as an organism, the town secured communal liberties which allowed it to function independently. As an instrument of the state, the town did what the royal government wanted it to do, and as an organism, it had its own ambitions and interests.

What exactly were the town's responsibilities towards the state and who was entrusted with these responsibilities? Sacks's comment on seventeenth-century Bristol that "the work of the town as an organization serving the state was performed by a much narrower group than the community as a whole",<sup>64</sup> was also true of the late medieval period. In a seminal article on the growth of government in late medieval England, Harriss has argued that the major development of the period was the "emergence of a political society containing the middling landowners" which was deeply involved in "the activity of governing", serving as sheriffs, parliamentary representatives, justices of the peace, tax collectors, or performing other *ad hoc* services to the crown. "Government", according to Harriss, was not "arcane or remote, something handed down by officials", but was "something in which subjects were involved".<sup>65</sup> Although Harriss was concerned primarily with the county gentry, the work of Stephen O'Connor on the royal service of two London merchants, Adam Fraunceys and John Pyel, has shown that urban elites were also involved in the exercise of royal government, whether lending money, acting as diplomats on missions overseas, and/or serving on royal commissions.<sup>66</sup> If the crown really was not some monolithic 'other', and if royal authority was exercised by, and royal government served by, a town's ruling elite, how should relations between urban communities and the crown be viewed?

The aim of this thesis is to explore the notion of a partnership in government between the crown and the rulers of Bristol and York. As well as asking how much money or how many troops were contributed to the enterprise of the state by a town in its corporate capacity, the thesis examines the identity of the individuals involved in the actual business of governing. If people had a real stake in the royal government, so that the contemporary theory of the body politic in which everyone worked together towards a common goal was not just an ideal but also a reality, did this strengthen the ties between civic and royal government? If townspeople did not simply pay taxes, but were actively involved in

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<sup>64</sup> Sacks, "Bristol's 'Little Businesses', 1625-1641", p. 86.

<sup>65</sup> G. Harriss, "Political Society and the Growth of Government in Late Medieval England", *P&P*, 138 (1993), pp. 28-57. The quotations are from pp. 33 and 37.

<sup>66</sup> S. O'Connor, "Finance, Diplomacy and Politics: Royal Service by two London Merchants in the Reign of Edward III", *Historical Research*, 67 (1994), pp. 18-39.

governing, did this mean that towns were not just the stomach of the body, providing money to sustain its health, but were also its arms, its legs, its senses?<sup>67</sup>

### 1.3 METHODOLOGY

This thesis examines the relationship between Bristol, York, and the royal government from the dual perspective of town and crown, but in doing so, it does not seek to place artificial barriers between them. Although I am interested in the reciprocal nature of this relationship, the question is not so much, ‘what did each side expect from each other?’, implying a trade-off between royal obligations and urban aspirations, but ‘how did they co-operate within a single polity to satisfy their mutual interests?’. Like Harriss, I view government, not as something imposed on towns such as Bristol and York, but rather as a collaborative enterprise between the crown and local elites. To this end, I have used a prosopographical methodology to explore the identity of those members of the ruling elites of Bristol and York engaged in royal service. In contrast to the numerous detailed county studies of the English gentry, prosopographical analysis has rarely been pursued by historians working on English urban communities, although it has been employed more regularly by urban historians writing about continental towns.<sup>68</sup>

“Prosopography”, as defined by Lawrence Stone, “is the investigation of the common background characteristics of a group of actors in history by means of a collective study of their lives.” It is a historical method which has been employed most often to examine elites, particularly political elites, and it looks at the interaction of the various aspects of their public and private lives and explores the familial, marital, and economic ties which tied the elites together. The premise of prosopography is to uncover “the roots of political action: the uncovering of the deeper interests that are thought to lie beneath the rhetoric of politics...the exposure of the workings of a political machine and the identification of those

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<sup>67</sup> C.J. Nederman, “The Physiological Significance of the Organic Metaphor in John of Salisbury’s *Policraticus*”, *History of Political Thought*, 8 (1987), p. 213.

<sup>68</sup> The county community studies include N. Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century* (Oxford, 1981), S.M. Wright, *The Derbyshire Gentry in the Fifteenth Century*, Derbyshire Record Society, 8 (1983), S. Payling, *Political Society in Lancastrian England: The Greater Gentry of Nottinghamshire* (Oxford, 1991), and E. Acheson, *A Gentry Community: Leicestershire in the Fifteenth Century c.1422-c.1485* (Cambridge, 1992). A notable English urban example of prosopographical analysis is M. Kowaleski’s excellent *Local markets and regional trade in medieval Exeter* (Cambridge, 1995). For a European example, see F.J.W. van Kan, “Élite and government in medieval Leiden”, *Journal of Medieval History*, 21, no. 1 (1995), pp. 51-75.

who pull the levers”.<sup>69</sup> The methodology is appropriate to this thesis because it provides an opportunity to examine relations between the towns of Bristol and York and the crown from a new perspective, focusing on the individuals and personalities directly involved in mediating these relations rather than on the towns as institutions.<sup>70</sup>

At the same time, there are limitations with this methodology which need to be addressed. In particular, as Stone noted, there is the perception that politics is simply about self-interest and private gain, so that discussion of “ideas, prejudices, passions, ideologies, ideals, or principles” is completely absent from analysis of political behaviour. Equally, since politics is viewed purely in terms of the interaction of individuals, prosopographical analysis can ignore the “institutional framework” within which the political system operated.<sup>71</sup> In fact, it was a sense of dissatisfaction with the county community studies based on gentry biographies and on the equation of politics with patronage and self-interest which has led to recent calls for a new constitutional history and a new approach to the subject of late medieval English politics. Edward Powell, for instance, has suggested that more attention should be paid to the language of politics and to “the values, ideals and conventions governing political life”.<sup>72</sup> Powell has argued that the rhetoric of politics, which prosopography sought to penetrate to expose the underlying explanation of political behaviour, should be taken seriously because political figures had to operate “within a specific political culture and had to reconcile their actions to its values”.<sup>73</sup> In a similar vein, Christine Carpenter has pointed to the absence of institutions from recent discussion of late medieval politics and has concluded that “we must include the public dimension... We must look at public institutions, and at how private power and private interests focused around them.”<sup>74</sup>

This thesis engages with the agenda outlined by Carpenter and Powell and seeks to explore the public dimension within which relations between Bristol, York, and the crown

<sup>69</sup> For what follows on prosopography, see L. Stone, “Prosopography”, in L. Stone, *The Past and the Present Revisited* (London and New York, 1987), p. 45.

<sup>70</sup> See Appendix for a full statement on my prosopographical approach.

<sup>71</sup> Stone, “Prosopography”, pp. 63 and 64.

<sup>72</sup> E. Powell, “After ‘After McFarlane’: The Poverty of Patronage and the Case for Constitutional History”, in D.J. Clayton, R.G. Davies and P. McNiven (eds.), *Trade, Devotion and Governance: Papers in Later Medieval History* (Stroud, 1994), pp. 1-16, especially p. 10.

<sup>73</sup> Powell, “After ‘After McFarlane’”, p. 11.

<sup>74</sup> C. Carpenter, “Political and Constitutional History: Before and After McFarlane”, in R.H. Britnell and A.J. Pollard (eds.), *The McFarlane Legacy: Studies in Late Medieval Politics and Society* (Stroud, 1995), pp. 175-206, especially p. 195.

operated. According to Carpenter, “for landowners the key area of government was the law that defended their property” and it is the law which should be examined for their ideas about governance.<sup>75</sup> Parliament, in contrast, does not appear to have much of a place in this new constitutional history.<sup>76</sup> This thesis argues that there was a political morality of governance underpinning relations between the ruling elites of Bristol and York, and the crown, which was expressed in parliament and, in particular, in the parliamentary petition.

Crucial to my methodology and my approach are two key terms. The first is ‘reciprocity’, which is a *leitmotiv* of the thesis. As I have already suggested, previous studies of relations between urban communities and the crown in late medieval England have tended to understand these relations in terms of reciprocity. This reciprocity, however, was based on separate interests or different expectations.<sup>77</sup> In fact, this reciprocity could be seen as a form of exchange, in which one side gives one thing in order to receive something else from the other side. Whilst this model of reciprocity is appropriate in certain circumstances, a more nuanced view of reciprocity can be found in contemporary ideas about the body politic, where there was an interdependence between the parts of the body. In John of Salisbury’s *Policraticus*, for example, “each and all are as it were members of one another by a sort of reciprocity, and each regards his own interest as best served by that which he knows to be most advantageous for the others.”<sup>78</sup> Government was based on co-operation between the various members of the body and a commitment to the common good. It was a vision of the body politic which is strongly reminiscent of Harriss’s view of the “consensual nature of the late medieval polity”, in which the king and his subjects were closely integrated and there was a “political society...sufficiently large and varied, but also sufficiently close-knit, to form a commonwealth”.<sup>79</sup> This thesis argues that the reciprocal ties which connected the ruling elites of Bristol and York, and the crown, were based on shared, rather than separate, interests in governance.

The second key term is the concept of ‘community’. Community, as social scientists

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<sup>75</sup> C. Carpenter, *Locality and Polity: A study of Warwickshire Landed Society, 1401-1499* (Cambridge, 1992), pp. 2-3. The quotation is from p. 2.

<sup>76</sup> See the comments of Carpenter in “Gentry and Community”, p. 364, note 106 and in *Locality and Polity*, p. 288.

<sup>77</sup> Attreed, “English Government and its Relations with the Boroughs of Norwich, York, Exeter and Nottingham”, p. 1, Attreed, “Politics of Welcome”, p. 224, and Barron, “London and the Crown, 1451-61”, p. 92.

<sup>78</sup> Cited in Nederman, “John of Salisbury’s *Policraticus*”, p. 219.

<sup>79</sup> Harriss, “Political Society and the Growth of Government”, pp. 47-48 and 56.



and political scientists have long realised, “is a horribly ‘open-textured’ concept” and “there is not and there cannot be an exhaustive specification of the conditions for its correct use.”<sup>80</sup> In short, there is no general agreement as to the meaning of community. Historians, too, have started to become more critical about its meaning and use, whether in the context of religious fraternities, towns or county communities.<sup>81</sup> Carpenter has gone as far as to argue that “there is now a strong case for banning the word ‘community’ from all academic writing and an even stronger one for banning it from the vocabulary of politics”.<sup>82</sup> So how is the word used in this thesis?

On the one hand, I have found particularly helpful the ideas of Gervase Rosser and Christine Carpenter on urban and county communities respectively. Both have sought to locate the meaning of community in terms of what J.C. Calhoun has called “a complex of ideas and sentiments”.<sup>83</sup> To Rosser, writing about medieval Westminster, the sense of community and of shared interests among the inhabitants of the town “is not a continuous state, but is realized momentarily at particular conjunctures”, at which the “perception of a practical public need...unites and transcends private interests.”<sup>84</sup> The sense of social community, then, is transitory. Similarly, Carpenter has argued that, if community has some meaning, it is “the rhetoric of community as a form of resistance” to the growing power of the state.<sup>85</sup> This notion of occasional community is useful because it recognises that a town was not an “undifferentiated *communitas*”,<sup>86</sup> but rather, that it was composed of different groups with different interests who might only express their collective solidarity on specific occasions. On the other hand, the thesis explores what social scientists are calling the “consciousness” of community, bounded not by the neighbourhood or the locality, but by a larger mental world.<sup>87</sup> This idea is especially useful because, as I will demonstrate in the

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<sup>80</sup> M. Taylor, *Community, Anarchy and Liberty* (Cambridge, 1982), p. 2.

<sup>81</sup> M. Rubin, “Small Groups: Identity and Solidarity in the Late Middle Ages”, in J. Kermode (ed.), *Enterprise and Individuals in Fifteenth-Century England* (Stroud, 1991), pp. 132-50, G. Rosser, *Medieval Westminster, 1200-1540* (Oxford, 1989), especially pp. 3 and 247-48, and Carpenter, “Gentry and Community”, pp. 340-80.

<sup>82</sup> Carpenter, “Gentry and Community”, p. 340.

<sup>83</sup> C.J. Calhoun, “Community: towards a variable conceptualization for comparative research”, *Social History*, 5 (1980), p. 107.

<sup>84</sup> Rosser, *Medieval Westminster*, pp. 247-48.

<sup>85</sup> Carpenter, “Gentry and Community”, p. 377.

<sup>86</sup> The quotation is from Rubin, “Small Groups”, p. 146.

<sup>87</sup> A.P. Cohen, *The Symbolic Construction of Community* (Chichester, 1985), pp. 12-13. See, also, Carpenter, “Gentry and Community”, p. 344.

thesis, the political elites of Bristol and York shared a sense of belonging to a national community as well as to the local community in which they lived. It does not mean that the ruling elites of the two towns necessarily formed a close-knit, undivided community, or that these individuals were not part of a wider constituency within their towns; it is simply that their interests in governance led them to identify with the interests of the royal government within the wider realm.

Finally, although the focus of the thesis is on the relationship between the ruling elites of Bristol and York, and the crown, it does not lose sight of the emergence and development of the urban community as a corporate entity with its own collective resources, ruled by a civic government. Indeed, I argue that the second half of the fourteenth century saw the increasing definition and power of the urban community as an institution as a direct result of the crown's fiscal demands on the towns of Bristol and York.

#### **1.4 BRISTOL AND YORK, 1350-1400**

This thesis examines the relations between Bristol, York, and the royal government in the period 1350-1400. Bristol and York were chosen because of their similar size, wealth and constitutional status. Measured by two indicators of urban wealth and population in the late medieval period, namely the 1334 lay subsidy and the 1377 poll tax, Bristol and York were the largest and wealthiest provincial towns in England in the fourteenth century.<sup>88</sup> They were also the first towns outside London to attain county status.<sup>89</sup> The danger of only looking at one town is that it prevents the kind of comparison which is most useful in addressing issues such as typicality. Superficially very similar, I wanted to see how comparable were their experiences with the crown. How relevant, for example, were the terms 'Queen's Chamber' and 'King's Chamber' to describe their relations with the royal government? The two towns were also chosen for more pragmatic reasons, namely the survival of the rich source material in the civic archives provided by the records of civic government. For York, these records include the *Freemen's Roll*, dating from the 1270s, and the *York Memorandum Book*, beginning in the 1370s; for Bristol, there are *The Little Red Book*, dating from 1344, and

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<sup>88</sup> A. Dyer, *Decline and Growth in English Towns, 1400-1640* (Basingstoke and London, 1991), pp. 64 and 70.

<sup>89</sup> The charters to Bristol and York are discussed in Chapter Six.

*The Great Red Book*, beginning in the 1370s.<sup>90</sup> At the same time, this thesis draws on the wealth of material in the Public Record Office, namely the records of the exchequer, chancery and miscellaneous classes such as ancient petitions and ancient correspondence.<sup>91</sup>

The period between 1350 and 1400 was selected for three reasons. Partly it was to fill a gap in the existing literature on the subject of crown-town relations in later medieval England since, with one or two exceptions,<sup>92</sup> the subject has not been explored in this period. More importantly, it was in these years that the towns of Bristol and York received significant additions to their powers of self-government. The thesis is an attempt to examine the background to these charters and to place them within the context of a longer time-frame and of the towns' wider relations with the royal government. Finally, the thesis seeks to offer a contribution to the debate about the relative strengths and weaknesses of the late medieval English state, in which there has been disagreement about the impact of war on royal government and the crown's dependence on the landowning class for administration and justice in the localities.<sup>93</sup> In this light, the second half of the fourteenth century is a critical period, forming the backdrop to the Hundred Years War.

Late medieval Bristol and York have received a great deal of scholarly attention. In terms of general surveys, the literature on York includes Edward Miller's magisterial contribution to the *Victoria County History* series, whilst there is a study of Bristol in the *Atlas of Historic Towns* volumes.<sup>94</sup> Among the various aspects of late medieval Bristol and York which have been studied, two themes are particularly relevant to this thesis. The first theme is the overseas trade of Bristol and York, a subject which has been explored in the work of E.M. Carus-Wilson on Bristol's merchants and in Jennifer Kermode's more recent work on the merchants of York.<sup>95</sup> The other theme is the development of civic government

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<sup>90</sup> YCA, Freeman's Roll, D1 and *York Memorandum Book*, ed. M. Sellers and J.W. Percy, 3 vols., Surtees Society, 120, 125 and 186 (1912, 1915 and 1969); and *The Little Red Book of Bristol*, ed. F.B. Bickley (2 vols., Bristol and London, 1900) and *The Great Red Book of Bristol*, ed. E.W.W. Veale, 5 vols., Bristol Record Society, 2, 4, 8, 16 and 18 (1931, 1933, 1937, 1950 and 1953).

<sup>91</sup> See Bibliography: Manuscript Sources.

<sup>92</sup> See above, p. 2, note 6, and also P. Nightingale, "Capitalists, Crafts and Constitutional Change in Late Fourteenth-Century London", *P&P*, 124 (1989), pp. 3-35.

<sup>93</sup> A debate addressed in Harriss, "Political Society and the Growth of Government", pp. 28-57.

<sup>94</sup> E. Miller, "Medieval York", in P.M. Tillott (ed.), *The Victoria History of the Counties of England: A History of Yorkshire: The City of York* (Oxford, 1961), pp. 25-116, and M.D. Lobel and E.M. Carus-Wilson, "Bristol", in M.D. Lobel (ed.), *The Atlas of Historic Towns* (3 vols., London and Oxford, 1969-89), vol. 2, pp. 1-27.

<sup>95</sup> *The Overseas Trade of Bristol in the Later Middle Ages*, ed. E.M. Carus-Wilson Bristol Record Society, 7 (1937) and E.M. Carus-Wilson, "The Overseas Trade of Bristol", in E.M. Carus-Wilson, *Medieval Merchant Venturers: Collected Studies*, 2nd Edition (London, 1967), pp. 1-97. For Bristol, see,

in the two towns, which has been traced in a volume of Bristol charters and, in the case of York, in a recent collection of essays to celebrate the six-hundredth anniversary of York's 1396 charter.<sup>96</sup> One recent doctoral thesis has sought to place Bristol and its rulers firmly within the context of the region,<sup>97</sup> but perhaps what has been missing is a sense of the town's position in the polity as a whole. Moreover, it is hoped that by examining the place of the ruling elites of Bristol and York within the wider realm, the thesis will demonstrate that the emerging "political society" in the fourteenth and fifteenth centuries did not consist purely of landed society in the shires.<sup>98</sup>

## 1.5 STRUCTURE OF THE THESIS

The thesis has two sections. The first section examines the nature and extent of urban fiscal, military and economic contributions to the enterprise of royal government. Chapter Two considers the payment of the fee farm and of direct taxation. Chapter Three looks at the contributions of loans and ships to the crown's war effort. Chapter Four is concerned with trade, and examines the issues of the customs service, the staple, and commercial diplomacy. My interests are the people involved in these activities, the processes by which urban contributions were negotiated, and the evaluation of these services in quantitative and qualitative terms. The second section of the thesis examines, in greater detail, urban aspirations within the polity. Chapter Five focuses on parliament and emphasises its legislative importance to the MPs for Bristol and York. Finally, Chapter Six considers the meaning and significance of urban liberties, focusing on the charters of 1373, 1393 and 1396. Instead of a *quid pro quo* model of crown-town relations, this thesis argues that there was a partnership in government between the ruling elites of Bristol and York, and the crown, and suggests that the towns' rulers had a wider interest, and a wider role to play, in the polity, than has been hitherto recognised.

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also, A.L. Beetham-Fisher, "The Merchants of Medieval Bristol, 1350-1500" (Ph.D. thesis. University of Oregon, 1987). Among Jennifer Kermode's published work, see J.I. Kermode, "Merchants, Overseas Trade, and Urban Decline: York, Beverley, and Hull, c. 1380-1500", *Northern History*, 23 (1987), pp. 51-73 and J. Kermode, *Medieval Merchants: York, Beverley and Hull in the Later Middle Ages* (Cambridge, 1998).

<sup>96</sup> H.A. Cronne, "Introduction", in *Bristol Charters, 1378-1499*, ed. H.A. Cronne, Bristol Record Society, 11 (1945), pp. 1-83, and Rees Jones (ed.), *Government of Medieval York*.

<sup>97</sup> S.A.C. Penn, "Social and Economic Aspects of Fourteenth-Century Bristol" (Ph.D. thesis, University of Birmingham, 1989).

<sup>98</sup> Harriss, "Political Society and the Growth of Government", pp. 28-57, and R.C. Palmer, *English Law in the Age of the Black Death, 1348-1381: A Transformation of Governance and Law* (Chapel Hill and London, 1993), pp. 11-27.

## CHAPTER TWO: THE FEE FARM AND DIRECT TAXATION

### 2.0 INTRODUCTION

This chapter examines the fee farm and direct taxation, the two most regular financial demands upon Bristol and York in the second half of the fourteenth century, with particular emphasis on the organisation of, and the personnel involved in, the collection and payment of these fiscal obligations. How did the towns develop the machinery to pay the fee farm and royal taxation and did these mechanisms allow towns to raise money for themselves? Susan Reynolds has already drawn attention to the “paradox” that, “while one imagines that in Italy, for instance, municipal institutions profited from the weakness of the monarchy, in England they were developed partly because town officials, however appointed, were kept busy raising royal taxes.”<sup>1</sup> The aim of the chapter is to extend this argument and to suggest that, although the fee farm and direct taxation were royal demands, these obligations could have a positive effect on the development of the financial resources of urban communities such as Bristol and York. In particular, I will argue that the fee farm and royal taxation were instrumental in the growth of the urban community in Bristol and York. I use the word community both to mean the urban community as an institution with its own financial resources and to describe the sense of collective identity which emerged within the towns from the pressure of the crown’s fiscal demands.

The chapter is divided into two sections. The first examines the fee farm and the second looks at direct taxation. The main theme will be the interdependence between civic and royal government in the assessment and collection of financial dues owing to the crown. This theme will be pursued through the examination of points of conflict between Bristol, York and the crown, not because they were typical, but because they offer snapshots of fiscal relations at particular moments when relations were re-negotiated and the consensual nature of the polity was restored. One specific theme to emerge from the following discussion, and perhaps an important point of contrast between Bristol and York, will be Bristol’s fiscal relations with the queen.

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<sup>1</sup> S. Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, 2nd Edition (Oxford, 1997), p. 180.

## 2.1 THE FEE FARM

The fee farm was a fixed annual sum payable by urban communities in lieu of individual payments owing to the crown from feudal revenues such as court profits, tolls, rents and escheats. The sum arose from the landed resources of the crown because certain towns, including Bristol and York, were part of the royal domain.<sup>2</sup> The late twelfth and early thirteenth centuries saw the permanent acquisition by many towns of the privilege of farming the revenues which were due to the crown in return for a lump sum payable annually at the exchequer. Previously the crown had leased the farming privilege to towns on a temporary basis, but the financial needs of Richard I and John encouraged the crown to grant the farm to particular towns permanently for a fixed annual payment.<sup>3</sup> For example, the citizens of York were granted their city to farm for a yearly sum of £160 in 1212, an amount which they continued to render at the exchequer until their pleas for a partial remission of the fee farm were conceded in the 1480s and 1490s.<sup>4</sup> The revenues of the town of Bristol, in contrast, were farmed by a variety of farmers including the town's burgesses and the constables of Bristol castle. When the burgesses did farm the feudal profits of Bristol, they did so on a number of short-term leases, and it was only in 1462 that Edward IV ended this practice in favour of a permanent grant.<sup>5</sup>

This discussion of the fee farm will focus on two issues. The first is the financial importance of the farms of Bristol and York to the crown. Here I will examine the practice of assignment which tended to reduce the revenue payable directly to the crown and which can illuminate Bristol's relations with the royal government after Queen Philippa's death in 1369. The second issue concerns the sources of revenue assigned to pay the fee farm and will be addressed with particular attention to the nature and causes of the conflict between

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<sup>2</sup> The best introduction to the subject remains J. Tait, *The Medieval English Borough: Studies on its Origins and Constitutional History* (Manchester, 1936), pp. 139-93. For the crown's landed revenues, see B.P. Wolffe, *The Royal Demesne in English History: The Crown Estate in the Governance of the Realm from the Conquest to 1509* (London, 1971).

<sup>3</sup> Within the secondary literature, the permanent, hereditary grant of the farm is known as the fee farm so as to distinguish it from the temporary lease. See, for example, T. Madox, *Firma Burgi* (London, 1726), pp. 3-4. To hold at fee farm meant "to hold heritably, perpetually, at a rent; the fee, the inheritance, is let to farm": F. Pollock and F.W. Maitland, *The History of English Law*, 2nd Edition re-issued (2 vols., Cambridge, 1968), vol. 1, p. 293. But I use the words fee farm and farm interchangeably for the sake of convenience.

<sup>4</sup> L.C. Attreed, "The King's Interest: York's Fee Farm and the Central Government, 1482-92", *Northern History*, 17 (1981), pp. 24-43.

<sup>5</sup> For the complex history of Bristol's fee farm between the thirteenth and the fifteenth centuries, see H.A. Cronne, "Introduction", in *Bristol Charters, 1378-1499*, ed. H.A. Cronne, Bristol Record Society, 11 (1945), pp. 41-56.

York's bailiffs and the city's butchers over the payment of schamel toll between 1379 and 1382. In the cases of Bristol and York, their ability to meet the fee farm raised fundamental questions about the relationship between the towns and the royal government.

### 2.1.1 The Practice of Assignment

What was the value to the crown of the fee farms of Bristol and York? It was common practice for very little of the revenue that could have been paid to the king's exchequer to reach the crown. Instead, assignment meant that potential revenue from the two fee farms was paid to crown servants in advance, leaving only a residual profit to the royal government. York's fee farm amounted to £160, upon which there were three permanent assignments. The oldest was the £7 12s. 1d. paid annually to the family of David le Lardener whose hereditary function since the twelfth century had been to stock the king's larder in York, with the accompanying right of keeping the forest gaol.<sup>6</sup> The largest assignment was £100 (originally £120) granted to the Roos family of Helmsley in 1318 in return for the castle of Wark-on-Tweed.<sup>7</sup> Finally, in 1351, £35 14s. 7d. was alienated perpetually to St. Stephen's Chapel, Westminster, in return for alms.<sup>8</sup> In permanent assignments alone, £143 6s. 8d. of York's £160 fee farm was not paid to the crown.<sup>9</sup> In addition, there was money regularly paid to royal servants as pensions, such as the £10 per annum paid to Robert de Swylington and the 5 marks per annum paid to Walter Whithors, one of Edward III's esquires.<sup>10</sup> The cumulative effect of these assignments was that usually less than £10 was paid to the crown directly each year.<sup>11</sup> In fact, it was not unusual for York's fee farm to be overburdened with assignments. Table 2.1, drawn from a sample of exchequer pipe rolls at ten-year intervals, shows the value of the assignments made on York's fee farm between 1350 and 1400.

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<sup>6</sup> R.B. Pugh, "Prisons and Gallows", in P.M. Tillott (ed.), *The Victoria History of the Counties of England: A History of Yorkshire: The City of York* (Oxford, 1961), pp. 494-95.

<sup>7</sup> *CCR, 1318-23*, pp. 18 and 609.

<sup>8</sup> *CPR, 1350-54*, p. 190.

<sup>9</sup> See, for example, PRO, E372/246, rot. 7r.

<sup>10</sup> See, for example, PRO, E372/196, rot. 9r. and E372/193, rot. 5d.

<sup>11</sup> PRO, E372/206, rot. 8r.: a reference to £9 15d. "quos Ballivi at Cives dicte Civitatis annuatim ultra omnes assignaciones ad scaccarium reddere consueverunt".

**TABLE 2.1: Assignments on York's Fee Farm, 1350-1400<sup>12</sup>**

YEAR	ASSIGNMENTS	FEE FARM	DIFFERENCE
1350-51	£150 18s. 9d.	£160	+ £9 1s. 3d.
1360-61	£160	£160	Even
1370-71	£153 6s. 8d.	£160	+ £6 13s. 4d.
1380-81	£176 13s. 4d.	£160	- £16 13s. 4d.
1390-91	£153 6s. 8d.	£160	+ £6 13s. 4d.
1400-01	£178 7s. 4d.	£160	- £18 7s. 4d.

One of the consequences of assignment was intense competition among the various recipients of the revenues from York's fee farm to secure payment,<sup>13</sup> and the crown was just one recipient among many. Thus, in 1358, in response to a complaint from Thomas de Roos, the king ordered the exchequer to deliver £10 to the petitioner because "the king has learned that the treasurer and barons of the exchequer...have arrested and caused to be paid for the king's use...£10 which the bailiffs of York ought to have paid to him".<sup>14</sup> That York's fee farm was extremely valuable to the crown is evident from the way in which its revenues were on occasion over-assigned. Although the crown did not receive any significant direct financial benefit, York's fee farm was an important source of patronage with which to reward royal servants.

In 1275, Edward I assigned the profits of the town and castle of Bristol with the neighbouring royal manor of Barton to his wife, Eleanor of Castile, for the term of her life, as part of her dower.<sup>15</sup> From this date to at least the seventeenth century, the town of Bristol was granted to the queen consort when the king provided her with a landed income.<sup>16</sup>

<sup>12</sup> Statistics based on PRO, E372/196, rot. 9r., E372/206, rot. 8r., E372/216, rot. 9r., E372/226, rot. 8r., E372/236, rot. 14d., and E372/246, rot. 7r. Note that in the pipe rolls, York's annual fee farm is occasionally recorded as £152 7s. 11d., but with the £7 12s. 1d. assignment of the le Lardener family, the total is £160.

<sup>13</sup> For the problems facing the royal creditor who sought payment from a source of royal revenue, see J.F. Willard, "The Crown and its Creditors, 1327-1333", *EHR*, 42 (1927), pp. 12-19, A. Steel, "The Practice of Assignment in the Later Fourteenth Century", *EHR*, 43 (1928), pp. 172-80, and G.L. Harriss, "Preference at the Medieval Exchequer", *BIHR*, 30 (1957), pp. 17-40.

<sup>14</sup> *CCR*, 1354-60, p. 483.

<sup>15</sup> *CChR*, 1257-1300, p. 193.

<sup>16</sup> See, for example, *CPR*, 1317-21, pp. 115-16, *CPR*, 1330-34, pp. 55-56, *CPR*, 1381-85, pp. 125-26, *CPR*, 1401-05, pp. 234-35 and 271-72, *CPR*, 1461-67, p. 430, *CPR*, 1485-94, pp. 75-77, *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, 2nd Edition (21 vols., London, 1864-1932), vol.



Bristol's fee farm was assigned in its entirety to the queen and it became customary for the queen to grant the farm of the town to the burgesses at a fixed sum for a period of years. In 1330, the town, castle and manor of Barton were assigned to the dower of Edward III's wife, Queen Philippa.<sup>17</sup> In April 1332, the queen's steward and constable of Bristol castle, John de Heigham, granted the town to the mayor to farm for ten years at £140 per annum, with the agreement that after the ten years had passed the farm of the town should be devised to the mayor and commonalty of Bristol for the term of the queen's life if it pleased the queen and her council.<sup>18</sup> As long as Bristol remained in the queen's endowment the town rendered its fee farm at the queen's exchequer, although, it, in turn, was accountable ultimately to the king's exchequer.<sup>19</sup>

In theory, and generally in practice, the crown did not receive the profits of Bristol's fee farm during the queen's lifetime because the revenue belonged to the queen. In the fifteenth century, the queen's dower lands were so substantial as to attract the attention of John Fortescue who saw them as lost revenue for the crown.<sup>20</sup> Valued at £140 per annum in 1332, Bristol's fee farm amounted to almost one-thirtieth of Queen Philippa's original dower assignment of £4,500 and it was the largest contribution of any urban community. It was Bristol's importance to the queen as a dower assignment which led to the articulation of Bristol's status as the 'Queen's Chamber' in the early modern period. As late as 1628, when the burgesses of Bristol petitioned Charles I's wife, Queen Henrietta, asking for her intercession with the king to annex the castle precinct to the city's jurisdiction, they referred to Bristol's ancient reputation as "the Chamber of the Queenes of England, as London is called the Kinges Chamber" and declared that, "because the same Citty is parcell of your Majesties jointure wee most humbly pray your Majestie to receive it into your Highnes favour".<sup>21</sup> The meaning of the rhetoric of the royal chamber, as I suggested in the previous

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1, part 1, pp. 48-50, vol. 7, p. 176, and Robert Ricart, *The Maire of Bristowe is Kalendar*, ed. L.T. Smith, Camden Society, New Series, 5 (1872), pp. 113-14.

<sup>17</sup> *CPR, 1330-34*, pp. 55-56.

<sup>18</sup> PRO, C47/9/58, rot. 1r. The extant financial records of Queen Philippa indicate that the £140 fee farm continued to be paid to her receivers to her death. In chronological order, these accounts are PRO, SC6/1091/1, rots. 1d.-4d., PRO, E101/389/2, mem. 2, E101/389/7, mem. 1, SC6/1091/5, mem. 1, PRO, E36/205, fo. 3r., and SC6/1092/3, mem. 3. This last record is dated 1365.

<sup>19</sup> For the working of the queen's exchequer and its relationship with the king's exchequer, see H. Johnstone, "The Queen's Household", in *EGW*, vol. 1, pp. 268-91.

<sup>20</sup> John Fortescue, *The Governance of England*, ed. C. Plummer (London, 1885), p. 131.

<sup>21</sup> *Maire of Bristowe is Kalendar*, pp. 113-14.

chapter, was essentially financial,<sup>22</sup> and the revenue from Bristol was an important element of the queen's landed estate. Although the crown did not normally receive any direct financial benefit from Bristol's fee farm, it could be argued that, as a significant source of income to the queen, it was by extension important to the king, whose responsibility it was to provide a landed income for his queen.<sup>23</sup>

At the same time, the independence of the queen's finances diminished in the course of the fourteenth century. When the town and castle of Bristol and the manor of Barton were granted to Queen Philippa in 1330, the three properties were valued at a total of £210. Two years later, when separate provision was made for the profits of the town of Bristol and the manor of Barton by the queen's officials, Barton alone was farmed for £160, whilst Bristol was farmed for £140.<sup>24</sup> The queen had increased her potential income by nearly 50%. However, in 1360, in the face of mounting debts, Edward III decided to merge the two royal households, the nature and extent of which have been studied by Chris Given-Wilson.<sup>25</sup> Philippa's lands, which included Bristol, continued to be administered by her own ministers and the queen's chamber "seems to have remained quite separate from the royal household, receiving its own annual income of 4,000 marks from the issues of her lands", but the fee farm of Bristol was assigned to the queen's household and it appears to have been used, in the first instance, to pay off the queen's debts. Inasmuch as the finances of the queen's household were supervised by the king's household officials and Philippa's household became an extension of Edward's own, the crown gained control of the queen's landed sources of income, which included Bristol, before Queen Philippa's death in 1369. Although Bristol's fee farm was an important source of revenue to the queen, the main fiscal demands upon the town in the period 1350-1400 were from the crown.

### **2.1.2 Edward III and Bristol's Fee Farm, 1369-1382**

When Philippa died in August 1369 and the town of Bristol along with her other dower properties returned to the king's hands, the crown sought to exploit its newly acquired revenues. Between 1369 and 1382, the profits of Bristol went directly and in full to the

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<sup>22</sup> Chapter One, pp. 10-13.

<sup>23</sup> For the importance of the queen's landed estate to the crown in the fourteenth century, see W.M. Ormrod, "Edward III and his Family", *Journal of British Studies*, 26 (1987), pp. 398-442.

<sup>24</sup> *CPR, 1330-34*, pp. 55-56 and *PRO, C47/9/58*, rot. 1r.

<sup>25</sup> C. Given-Wilson, "The Merger of Edward III's and Queen Philippa's Households, 1360-9", *BIHR*, 51 (1978), pp. 183-87, and for what follows, see pp. 184 and 186.

crown and were free from the types of assignments which were charged against York's fee farm.<sup>26</sup> Equally important was the renewal of hostilities with France after a period of uneasy peace, which made the crown acutely aware of the need to maximise all potential sources of revenue.<sup>27</sup> The crown's treatment of Bristol's fee farm, the ensuing conflict which arose between the town and the royal government, and the manner in which the dispute was settled, are not only interesting in themselves, but also raise important questions about the broader framework of fiscal relations between urban communities and the crown.

On 6 November 1369, Edward III's treasurer, Thomas de Brantingham, appointed William de Somerwell collector of all rents, customs, tolls, court profits, chattels of felons and fugitives and other profits of the town of Bristol for the current financial year.<sup>28</sup> Why was Somerwell appointed to collect the feudal profits of the town? Why was the town not farmed, and why was it not farmed by the burgesses, as York's citizens farmed the revenues of their city? The answer lies in the crown's financial situation. As a collector of the individual revenues owing to the king from rents, court profits and tolls, Somerwell was a *custos* in all but name. As a *custos* or keeper, rather than a farmer, Somerwell was appointed to collect as much revenue as possible from the various sources of income pertaining to the crown.<sup>29</sup> The crucial point is that full profits from these sources of revenue were to be paid to the king rather than to the burgesses. As I will argue later, if the town had been farmed by the burgesses, it is highly likely that the mayor and bailiffs of Bristol would have wanted to collect more from rents, customs and other profits than the fee farm that was owed to the king, for such a profit margin could be used on internal civic costs.

Somerwell had been elected to Bristol's common council in 1350 and he had served as a bailiff of the town between 1367 and 1368. Thus, he not only held a position of authority in Bristol, but was also a trusted royal servant.<sup>30</sup> In the circumstances, his appointment was a sensible move by the crown, since Bristol had a longstanding enmity

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<sup>26</sup> PRO, E372/214-27, rots. 16d., 33d., 37d., 36d., 27d., 1r., 2r., 2r., 2r., 2r., 2r., 2r., and 1r. The only outgoing payments were customary payments paid in addition to the fee farm, such as the wages of the officials of Bristol castle and tithes to Tewkesbury abbey.

<sup>27</sup> Bristol was not the only local community to suffer with the re-opening of the Hundred Years War. See W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327-1377* (New Haven and London, 1990), p. 34 for a summary of the financial costs of the war between 1369 and 1375.

<sup>28</sup> The writ ordering Bristol's mayor and bailiffs to be intendant to Somerwell as the collector of the town's issues is in PRO, E368/142, *Adhuc Commissiones et Littere Patentes*, Michaelmas.

<sup>29</sup> For a definition of the *custos*, see Tait, *Medieval English Borough*, p. 151.

<sup>30</sup> For Somerwell, see Appendix.

towards the appointment of outsiders to collect and pay the town's fee farm.<sup>31</sup> If the crown had been expecting a financial bonanza, however, it was to be disappointed. The particulars of Somerwell's account show that a total of £158 7s. 2¼d. was received from nine sources of revenue in the town (Table 2.2). Customary payments including the wages of the constable of Bristol castle and the keeper of Kingswood forest, tithes to Tewkesbury abbey, as well as Somerwell's fee of £10, meant that the exchequer only received £83 8s. 10d. in overall profit.<sup>32</sup> The amount was almost half what Philippa had received when the town of Bristol had been farmed by the burgesses. The following financial year, 1370 to 1371, saw the crown's profits decline even further and £67 17s. 3d. was eventually paid to the crown after the customary payments had been discharged.<sup>33</sup> Potentially even more damaging to the crown was a protracted legal case in the court of the exchequer involving Somerwell, Bristol's mayor and bailiffs, and the king, which arose from the auditing of Somerwell's account for 1370 to 1371 and which had not been resolved by the time of Henry IV's accession to the throne in 1399.<sup>34</sup>

The case revolved around the crown's demands for an additional £132 from the profits of Bristol,<sup>35</sup> including £20 from the profits of waif and stray, £40 of goods and chattels from wreck, and most controversially for the town, £20 of fines from bakers who broke the assize of bread and £40 of fines from those entering the freedom of the town. Somerwell said that he could not collect the profits of these last two sources of revenue because they belonged to the mayor and bailiffs of the town as income of the civic government.<sup>36</sup> Bristol's mayor and bailiffs appeared by their attorney to defend the town's claims to its own sources of

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<sup>31</sup> See, for example, the 1283 petition in *Rotuli Parliamentorum Anglie Hactenus Inediti*, ed. H.G. Richardson and G.O. Sayles, Camden Society, 3rd Series, 51 (1935), p. 18. See, also, the trouble in Bristol in 1312 involving Bartholomew de Badlesmere, the constable of Bristol castle, who, as farmer of the town, was accused by the mayor of trying to make a profit from his appointment and of oppressing the burgesses: E.A. Fuller, "The Tallage of 6 Edward II (December 16, 1312) and the Bristol Rebellion", *Transactions of the Bristol and Gloucestershire Archaeological Society*, 19 (1894-95), pp. 174-78.

<sup>32</sup> Compare PRO, SC6/851/13, E364/4, rot. 2d. and E372/214, rot. 16d.

<sup>33</sup> PRO, E372/217, rot. 10d., and E372/218, rot. 27d.

<sup>34</sup> The case is recorded in PRO, E368/144, *Adhuc Recorda*, Michaelmas. A copy of the majority of the legal proceedings is to be found in *The Great Red Book of Bristol*, ed. E.W.W. Veale, 5 vols., Bristol Record Society, 2, 4, 8, 16 and 18 (1931, 1933, 1937, 1950 and 1953), vol. 2, pp. 165-72. The case, however, continued beyond the entry in the civic record. I have relied on the copy in the *Great Red Book* and Veale's transcription of the case in the exchequer memoranda roll after the point where the town's record ends. See the Appendix in the *Great Red Book*, vol. 2, pp. 257-58. It ought to be noted that Veale has dated the case incorrectly. She dated the commencement of the proceedings in the court of exchequer as Michaelmas 1372, but according to exchequer dating, Michaelmas 46 Edward III was in 1371.

<sup>35</sup> This calculation is my own.

<sup>36</sup> All of the following references to the case are taken from the *Great Red Book*, vol. 2, pp. 167-72.

**TABLE 2.2: Particulars of Account of William de Somerwell,  
Collector of the profits of Bristol, Michaelmas 1369-Michaelmas 1370<sup>37</sup>**

SOURCE OF REVENUE	AMOUNT	TOTAL
<b>Assessed rent:</b> Fixed/leased rent from tenants, langable within and without the town walls, and rents from 2 capons, 2 pairs of gilded spurs and 1lb. of cumin	£22 10s. 3d.	
<b>Customs (<i>Consuetudines</i>):</b> Customs from 53 weavers, 10 bakers, 24 cobblers and 10 regrators selling fish and vegetables	49s. 2d.	
<b>Customs (<i>Custuma</i>):</b> Customs from ships and boats carrying wine, iron and other merchandise	£70 15s. 9¾d.	
<b>Court pleas and profits:</b> Court pleas and profits during the fairs and the Tolzey (Court) together with fines for suit of court and amercements of butchers, bakers and other regrators who did not sell their victuals at the old market as was customary during the fairs	£35 19s. 7d.	
<b>Farm of the mill:</b> Farm of the castle mill	£20	
<b>Tyna Castri:</b> Custom called 'Tyna Castri' (a prise of ale payable to the constable of Bristol Castle) from 4 brewers	56s.	
<b>Wood-silver:</b> Rent called 'wood-silver' (a customary payment from the king's forest beyond the Avon)	32s.	
<b>Escheats:</b> Farm of 5 tenements	31s. 11d.	
<b>Chattels of felons and fugitives:</b> Goods and chattels of felons and fugitives	12s. 8d.	
		£158 7s. 2¾d.

<sup>37</sup> PRO, SC6/851/13.

income, arguing that they were accustomed to fine bakers for breaking the assize of bread and to levy amerancements “ad vsus suos proprios” because of their view of frankpledge. This right had been confirmed in Edward III’s charter of 1331 to the town and amplified by the charter of 1347 which allowed the mayor and bailiffs to punish bakers breaking the assize by drawing them on hurdles through the town.<sup>38</sup> As to fines for admission to the freedom of Bristol, the mayor and bailiffs claimed that they and their predecessors had had a guild merchant in the town from time immemorial, by which they were accustomed to take “quandam prestacionem ad vsus suos proprios” from all those entering the freedom of the guild.<sup>39</sup> There are no records of civic finance for Bristol until the sixteenth century, but civic ordinances of 1366-67 suggest that payments to enter the freedom were a very profitable source of income to the town.<sup>40</sup> As I will argue in more detail in the conclusion to this discussion of the fee farm, the crown, by not granting the profits of Bristol to the burgesses to farm, had interfered with the way in which the town fulfilled its fiscal obligation to the royal government and violated the principle of “self-government at the king’s command”.<sup>41</sup>

On 31 October 1371, the crown granted the profits of Bristol to two burgesses, Walter de Derby and Henry Derneford, to farm for £100 per annum. The grant marked the beginning of a policy of farming the town of Bristol which continued up to 1382 when the castle and town of Bristol, still valued at a yearly figure of £100, were given to Queen Anne as a dower assignment.<sup>42</sup> Three issues arise from the appointment of Derby and Derneford. The first relates to the nature of their appointment; the second concerns their identity; and the third relates to the amount of the fee farm. As farmers rather than *custodes*, Derby and Derneford were expected to make a lump sum payment of £100 to the exchequer from the issues of rents, tolls, court profits and customs. From the crown’s point of view, this meant that the king was guaranteed a fixed sum of money and the opportunity for further conflict

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<sup>38</sup> The charters are published and translated in *Bristol Charters, 1155-1373*, ed. N. Dermott Harding, Bristol Record Society, 1 (1930), pp. 78-83 and 108-11.

<sup>39</sup> For the relationship between the guild merchant and the urban community, see the seminal work by C. Gross, *The Gild Merchant* (2 vols., Oxford, 1890), vol. 1, pp. 61-76 and 158-61, and Tait, *Medieval English Borough*, pp. 222-34.

<sup>40</sup> *City Chamberlains’ Accounts in the Sixteenth and Seventeenth Centuries*, ed. D.M. Livock, Bristol Record Society, 24 (1965) and *LRB*, vol. 1, pp. 47-49.

<sup>41</sup> The term belongs to A.B. White, *Self-Government at the King’s Command: A Study in the Beginnings of English Democracy* (Minneapolis, 1933). It describes the governmental system in medieval England by which, in the absence of a professional bureaucracy in the localities, the king’s rule was dependent on the unpaid services of local people who were allowed to “govern themselves”. The quotation is from p. 123.

<sup>42</sup> For the successive grants, see *CFR, 1369-77*, pp. 137-38, 254-55, 287 and 365.

over the nature of the king's financial rights in the town was reduced because the payment was made in lieu of individual revenues.

It is also interesting to note that the grant to the two farmers was accompanied by an order to the mayor and bailiffs of the town to allow Derby and Derneford "to make their profit thereof" from the fee farm.<sup>43</sup> Any money that they made in addition to the £100 which belonged to the crown was theirs as profit. The grant was a form of royal patronage,<sup>44</sup> and in the appointment of Walter de Derby, in particular, it is possible to see an expression of the crown's ambition, demonstrated by Peter Clark and Paul Slack for the early modern period, to build up small groups of loyal supporters in every town.<sup>45</sup> Derby farmed the town jointly with Derneford between 1371 and 1372, and on his own from 1372-1376, when he was replaced by John de Woderoue.<sup>46</sup> Walter de Derby was a prominent member of Bristol's civic hierarchy, who had been elected to the town's common council in 1350 and had already served twice as mayor and five times as bailiff of the town. At the same time, he served the crown in a variety of roles, lending money to pay the wages of men-at-arms and archers accompanying the Gloucestershire knight, Guy de Brian, on a military expedition overseas in 1370, and acting as a collector of the wool and petty customs and of the subsidy of tonnage and poundage in the port of Bristol over many years in the 1370s and 1380s.<sup>47</sup>

Despite the terms of the grants to Derby and the other farmers, the interests of the town and its civic officials were not prejudiced. Firstly, there is a suggestion in the lord treasurer's memoranda rolls that Walter de Derby was able to negotiate a reduction in the amount of Bristol's fee farm from £100 to £80. Certainly, Derby appeared in person at the exchequer at Michaelmas 1373, claiming that the treasurer, Richard le Scrope, had granted

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<sup>43</sup> *CFR*, 1369-77, p. 138.

<sup>44</sup> See, also, Ormrod, *Reign of Edward III*, pp. 118-19 for the use of Philippa's lands to reward crown servants.

<sup>45</sup> P. Clark and P. Slack, "Introduction", in P. Clark and P. Slack (eds.), *Crisis and order in English towns, 1500-1700: Essays in urban history* (London, 1972), pp. 22 and 46, note 69.

<sup>46</sup> Derneford was a merchant of the Bristol staple, who was named, alongside Derby, as an elector of the mayor and constables of the Bristol staple in 1356 and 1359: PRO, C47/33/5, nos. 1 and 4. Testamentary evidence suggests that Woderoue was a close associate of Walter de Derby and other prominent civic officials such as William Canynges and John de Stoke: T.P. Wadley. *Notes or Abstracts of the Wills contained...in the Great Orphan Book and Book of Wills*, Bristol and Gloucestershire Archaeological Society (1886), pp. 5-7. Woderoue was also employed in royal service as a deputy controller of the customs in Bristol from 1368 to 1382: PRO, E356/5, rot. 22d. and E356/13, rot. 107r. Neither Derneford nor Woderoue is known to have high-ranking civic office in Bristol.

<sup>47</sup> See Appendix.

the farm to Walter for one year from Michaelmas 1372 for the reduced sum of £80.<sup>48</sup> Secondly, the evidence from the pipe rolls suggests that the town started to take over the payment of the fee farm in an unofficial but nonetheless significant way. Between 1378 and 1380, for instance, the “homines ville Bristoll” paid half of the farm owing by John de Woderoue.<sup>49</sup> And thirdly, Bristol benefited from a greatly reduced fee farm, £40-£60 less than when Philippa had received the profits of the town. The reason for the reduction in Bristol’s fee farm can be found in the enormous financial contributions which the town was already making to the crown’s war effort against the French. In 1370 alone, the town lent nearly £850 to the crown.<sup>50</sup> The crown was able to tap urban wealth through loans and to accept a lower fee farm assessment. It was Bristol’s very wealth that allowed the town to secure a reduction in the fee farm. Thus, town and crown received mutual profit from the arrangements for Bristol’s fee farm in the 1370s.

The conflict over Bristol’s fee farm had two main effects on the broader framework of the town’s relations with the crown. On the one hand, once Bristol’s fee farm was fixed at a reduced rate by the crown in 1371, Richard II’s wife, Queen Anne, inherited the arrangement, so that the farm of the town and castle of Bristol was granted to her as a dower assignment, valued at £100 per annum.<sup>51</sup> In the absence of Anne’s financial accounts, it is very difficult to tell how much the farm of the town on its own was worth, whether the burgesses farmed the town separately from the castle, or whether the queen increased her revenue from Bristol from the initial dower assignment.<sup>52</sup> A comparison with the grant of Queen Joan’s dower in 1403 suggests that the town alone might have been worth around £84,<sup>53</sup> although when the farm of the town alone was granted to Bristol’s mayor in 1395 on Anne’s death, it was valued at £100 per annum.<sup>54</sup> Either way, it is doubtful whether Anne benefited financially from Bristol’s farm to the same extent as her predecessors. If Bristol’s

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<sup>48</sup> PRO, E368/146, *Adhuc Recorda*, Michaelmas. The claim is, however, contradicted by the pipe rolls which indicate that, when Walter de Derby was granted the farm in July 1374 to account from Michaelmas 1372 to Michaelmas 1374, the fee farm was still £100 p.a.: PRO, E372/219, rot. 1r.

<sup>49</sup> PRO, E372/224, rot. 2r. and E372/225, rot. 2r.

<sup>50</sup> See Chapter Three, Table 3.1, p. 69 for Bristol’s loans in the second half of the fourteenth century.

<sup>51</sup> *CPR, 1381-85*, pp. 125-26.

<sup>52</sup> The few extant sources for Queen Anne’s financial administration are referenced in H. Johnstone, “The Queen’s Household”, in T.F. Tout, *Chapters in the Administrative History of Mediaeval England* (6 vols., Manchester, 1920-33), vol. 5, p. 260.

<sup>53</sup> A copy of the 1403 grant is in *LRB*, vol. 1, pp. 155-71. The town was valued at £100, the castle at £20.

<sup>54</sup> *CFR, 1391-99*, p. 137.



fee farm was an important source of revenue to the queen in the period 1350-1400, it was the crown which set the financial parameters in which the queen had to operate.

On the other hand, it would appear that the crown's attempt to increase its revenue from the town precipitated Bristol's petition and the 1373 charter separating the town from the counties of Gloucestershire and Somerset and elevating the town to county status.<sup>55</sup> In response to the crown's fiscal demands, the burgesses of Bristol articulated their sense of communal identity as a form of resistance. The payment of Bristol's fee farm between 1369 and 1371 raised fundamental questions about the rights of the king in Bristol and the status of the town, even its very existence as a corporate body with its own sources of income, which the 1373 charter aimed to resolve.<sup>56</sup> That the charter was granted to the town in the first place owed much to the town's wealth, for Bristol paid 600 marks into the royal chamber for the charter;<sup>57</sup> yet the fee farm was not necessarily, or even solely, a financial burden on the town. Rather, external demands played an important role in the constitutional growth of the town of Bristol and sharpened the sense of community within the town.

Bristol's experiences with its fee farm may not be typical of other urban communities, inasmuch as the town did not gain a perpetual grant of the farm until 1462.<sup>58</sup> Short-term leases provided the town with the opportunity to negotiate the amount of the fee farm, an opportunity which did not exist for York until the crown responded to the city's pleas for a reduction of its fee farm in the later fifteenth century. Whilst York's fee farm remained fixed at £160 per annum from the thirteenth to the end of the fifteenth century, the value of Bristol's fee farm fluctuated enormously. In contrast to York, where the fee farm was a fiscal obligation which had become fossilised and which did not reflect the true level of urban wealth, the value of Bristol's fee farm in the second half of the fourteenth century was linked intimately to the crown's ability to exploit the town's wealth in other ways, primarily through loans. Significantly, the level of Bristol's fee farm at the end of the fourteenth century was almost identical to the amount recorded in the Domesday survey of 1086 when

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<sup>55</sup> A copy of the petition is in *LRB*, vol. 1, pp. 115-26; the charter is in *Bristol Charters, 1155-1373*, pp. 118-41.

<sup>56</sup> For example, the charter granted the mayor, sheriff and common council of Bristol the power to raise taxes for the town's own profit: "for the necessities and profits touching the said town of Bristol...[they] shall be able to assess tallages and to levy them without impeachment". See *Bristol Charters, 1155-1373*, pp. 136-37.

<sup>57</sup> *Bristol Charters, 1155-1373*, pp. 120-21. The terms of the charter are discussed in more detail in Chapter Six, pp. 200-202 and 214-15.

<sup>58</sup> *RP*, vol. 5, p. 626.

the town of Bristol was farmed with the royal manor of Barton for just over £100.<sup>59</sup> As I argued in the previous chapter, relations between urban communities and the crown have tended to be seen in terms of a balance between the crown's financial needs and the concerns of the towns to defend and extend their corporate liberties.<sup>60</sup> In one sense, the response of Bristol's mayor and bailiffs to the crown's attempts to exhaust all potential sources of revenue in the town confirms this model of crown-town relations. But from Bristol's perspective, the issue of civic liberties was also about money and the town's financial resources. Bristol and the crown shared a financial interest in the town's fee farm, and problems arose in this relationship when the crown started to interfere with the way in which the money was raised from the town to pay the fee farm and tried to claim full profits from the fee farm, profits which might normally have gone to the town as civic revenue.

### 2.1.3 York and the Schamel Toll, 1379-1382

Between 1379 and 1382, the ability of the city of York to pay the fee farm created tensions within the city. Like the strains surrounding the payment of Bristol's fee farm between 1369 and 1371, the issue concerned the sources of revenue which constituted the fee farm. The difference was that the conflict in York was not between the city and the crown, but between the city's bailiffs and the butchers of York. The significance of this conflict lies not in its typicality, for there is very little evidence to suggest that York had problems paying the fee farm in the second half of the fourteenth century.<sup>61</sup> Instead, it is important because it allows conclusions to be drawn about popular reaction to royal and civic financial burdens in a period when there was an enormous increase in the costs of government nationally and locally.<sup>62</sup> Ultimately, the episode in York illuminates the interdependence between civic and royal government.

In early 1381, John Westerby and a number of York butchers petitioned the crown, alleging that the city's bailiffs had, by extortion, seized a weekly penny from each of the

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<sup>59</sup> Cronne, "Introduction", in *Bristol Charters, 1378-1499*, p. 21 and note 4.

<sup>60</sup> See Chapter One, pp. 2-4.

<sup>61</sup> In 1354, when the citizens of York petitioned the crown to gain control of the suburb of Bootham from St. Mary's abbey, they pointed out that, if Bootham was annexed to the abbey, the city's fee farm of £160 would have to be reduced because of the loss of revenue. The fee farm was a weapon used by the city to secure the support of the crown: PRO, SC8/178/8867.

<sup>62</sup> For the national picture, see J.W. Sherborne, "The Cost of English Warfare with France in the Later Fourteenth Century", *BIHR*, 50 (1977), pp. 135-50; the situation in York is discussed in S. Rees Jones, "York's Civic Administration, 1354-1464", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), pp. 128-34.

butchers.<sup>63</sup> In May 1381, Westerby appeared in the court of the exchequer to complain that the bailiffs had unjustly entered his house in the parish of Holy Trinity, King's Court, and taken 1d. from him every Sunday from 2 October 1379 to 18 February 1380, claiming it as a custom when, in fact, it was not a customary payment at all. This tax of a weekly penny was known in York as schamel toll or stallage, the schamel being the stall on which the meat was placed for sale.<sup>64</sup> Other towns had a similar sales tax. In Exeter, for example, the "most universal toll" was "that paid by sellers for the privilege of selling (or even exposing for sale) goods in the town's marketplaces" which was paid at a daily rate or as an annual rent.<sup>65</sup> York's bailiffs claimed that the weekly penny was part of the city's fee farm; the pipe rolls were consulted and confirmed the bailiffs' claim. However, although the exchequer found in favour of the bailiffs, the dispute with the butchers did not end with this verdict, and fourteen butchers were later summoned before the king's justices at York to answer the bailiffs' charges concerning the non-payment of schamel toll.<sup>66</sup> When Simon de Waghen and the other bailiffs were elected in 1381, each of the butchers was in arrears of 35d., which the bailiffs tried to reclaim by distraint of their goods. The butchers then acted, according to the bailiffs, "vi et armis - scilicet securibus, gladiis, baculis...in contemptum domini regis...et retardacionem solucionis firme sue...et contra pacem domini regis".<sup>67</sup> When a jury was summoned to decide the case, they found that, contrary to the butchers' claim that the weekly penny was "newly levied" ("de novo levata"), the right to take a weekly penny from each butcher of the city for exposing meat for sale had belonged to the city of York from time immemorial "in auxilium et partem solucionis firme domini regis civitatis".<sup>68</sup>

Two court cases and an armed disturbance resulted from the imposition of the schamel toll. What was at stake in this conflict? The schamel toll was not a new tax; nor was it

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<sup>63</sup> A copy of these exchequer proceedings is in *YMB*, vol. 1, pp. 120-22.

<sup>64</sup> A. Raine, *Mediaeval York* (London, 1955), p. 185.

<sup>65</sup> M. Kowalski, *Local markets and regional trade in medieval Exeter* (Cambridge, 1995), pp. 193-94.

<sup>66</sup> The exact date is unknown, although it is likely to be 1382 or soon thereafter. The bailiffs were Simon de Waghen, Simon de Clapham and Henry de Bolton, who served between 21 September 1381 and 1382: YCA, Freeman's Roll, D1, fo. 293v. According to the record of the case, the bailiffs were described as *formerly* bailiffs of York: *YMB*, vol. 1, p. 125. A copy of the legal proceedings is in *YMB*, vol. 1, pp. 125-31.

<sup>67</sup> *YMB*, vol. 1, p. 127.

<sup>68</sup> *YMB*, vol. 1, pp. 128 and 130. As well as the evidence of the exchequer pipe rolls, the city could have cited the 1253 concord between David le Lardener and the mayor and citizens of York copied into *YMB*, vol. 1, pp. 117-19, in which, in return for 20 marks, David released his right to 1d. of meat or 1d. from every butcher selling meat in the city to the mayor and citizens.

particularly heavy at 1d. a week; as Heather Swanson has shown, York's butchers were a prosperous craft.<sup>69</sup> The conflict can be examined from the perspective of both the civic government and the butchers. Although it is impossible to prove in the absence of internal financial records of the city,<sup>70</sup> it may well be that the city's bailiffs were trying, with extra vigour, to collect as much revenue as possible from the schamel toll to use on internal civic costs: hence the concern expressed by John Westerby that the bailiffs had entered his house to take the weekly penny, presumably without his consent. That the city was experiencing some serious financial problems in the late 1370s is clear from the records of meetings of the city council in which the city government sought to fulfil its other obligations to the crown.<sup>71</sup> In particular, the city was trying to meet the high costs of maintaining vessels for the crown's war at sea.<sup>72</sup> In February 1378, the city council decided to levy a quarter of the city's usual payment of a parliamentary tenth in order to repair the city's barge and in 1379, it resolved to sell the vessel to pay the city's debts.<sup>73</sup> It is also possible that the butchers were an obvious target for the bailiffs as a wealthy group within the city whom, as Swanson has demonstrated, the civic government considered to pose the threat of monopoly in the city with their control of the supply of meat and meat by-products such as hides, tallow and horn.<sup>74</sup>

What was the cause of the butchers' complaint? Why were they so hostile to the imposition of the schamel toll in the period 1379 to 1382? Firstly, if John Westerby's experiences are to be believed, there was the manner in which the tax was raised, which might have given the impression that this was indeed a new tax. More fundamentally, there may have been a deep-seated feeling of hostility towards a civic government from which they were excluded and to which they were expected to pay taxes.<sup>75</sup> The real issue, however, was financial. On its own, the weekly penny was not a burden, but compounded

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<sup>69</sup> H.C. Swanson, "Craftsmen and Industry in Late Medieval York" (D.Phil. thesis, University of York, 1980), pp. 138 and 434.

<sup>70</sup> York's Chamberlains' Accounts are extant from 1396 and are printed in *York City Chamberlains' Account Rolls, 1396-1500*, ed. R.B. Dobson, Surtees Society, 192 (1978-79).

<sup>71</sup> Rees Jones, "York's Civic Administration, 1354-1464", pp. 129-30.

<sup>72</sup> This obligation to build vessels at the city's own expense is discussed in more detail in Chapter Three, pp. 99-100.

<sup>73</sup> *YMB*, vol. 1, pp. 30 and 32. As I will argue in the second section of this chapter, it is interesting to note that the city used the mechanism of raising royal taxation to levy civic taxes.

<sup>74</sup> Swanson, "Craftsmen and Industry", pp. 138-44.

<sup>75</sup> S.H. Rigby, *English Society in the Later Middle Ages: Class, Status and Gender* (Basingstoke and London, 1995), p. 176.

by the other payments to which they were expected to contribute, such as the two tenths and fifteenths granted by parliament in November 1377, an additional quarter of the city's tenth granted by the city council in February 1378, as well as the poll taxes, it is possible to see the dispute over the schamel toll as an expression of the butchers' hostility towards the financial policies of both royal and civic government.<sup>76</sup> Indeed, it is no surprise that when disturbances broke out in York between 1380 and 1381, butchers featured prominently among those who attacked the mayor, John de Gysburn, and drove him out of the city.<sup>77</sup>

On the one hand, the conflict over the payment of the schamel toll suggests that the payment of the city's fee farm could represent a real financial burden to people within the city when the city was under intense fiscal pressure from the crown. On the other hand, the conflict with the butchers suggested an interdependence between royal and civic government, whereby the crown supported the bailiffs' claims to the schamel toll against the butchers and the bailiffs sought to exploit fully this source of revenue to contribute to internal civic costs.

#### 2.1.4 A Fiscal Burden?

By focusing on two points of conflict in the fiscal relations between Bristol, York and the crown, the aim has been to suggest that the fee farm was not simply a fiscal burden imposed by the crown on the two towns, but a fiscal obligation which allowed the civic governments of Bristol and York to raise money for their own purposes. The absence of almost all of the towns' financial records in the period 1350-1400 makes it very difficult to establish the means by which the fee farm was raised in the towns and to identify the sources of revenue assigned to the fee farm.<sup>78</sup> Indeed, it is only at points which deviate from the norm, such as the dispute over the schamel toll and the controversy surrounding the appointment of William de Somerwell, that it is possible to glimpse the usual arrangements for the collection and payment of the fee farm.

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<sup>76</sup> For the weight of royal taxation between 1377 and 1381, see the figures in E.B. Fryde, "Introduction to the New Edition", in C. Oman, *The Great Revolt of 1381*, 2nd Edition (Oxford, 1969), pp. xi-xxxii.

<sup>77</sup> The best analysis of the troubles in York in these years is R.B. Dobson, "The Risings in York, Beverley and Scarborough, 1380-1381", in R.H. Hilton and T.H. Aston (eds.), *The English Rising of 1381* (Cambridge, 1984), pp. 112-42. Dobson has also suggested a connection between the disturbances and the butchers' protest about the schamel toll (pp. 123-24).

<sup>78</sup> For York, there are no surviving bailiffs' or sheriffs' accounts, whilst the chamberlains' accounts survive for only one year in the fourteenth century and survive patchily in the fifteenth century. For Bristol, there are no records of the stewards, bailiffs or sheriffs.

The evidence from other towns suggests that it was possible, even desirable, to raise a surplus from the sources of revenue which contributed to the fee farm to be used for the towns' own needs. In Exeter, for example, there was no difference between the sources of income which were collected on behalf of the crown and the city's own income.<sup>79</sup> Admittedly, the evidence from York's fifteenth-century chamberlains' accounts suggests that the internal corporate financial structure of the city was distinct from the fee farm that was paid first by the bailiffs, and then, after 1396, by the city's sheriffs.<sup>80</sup> If the sources of revenue assigned to the fee farm included the profits of courts, the issues of fairs, a rent on property called husgable, and most importantly, the wool custom of 1s. per sack of wool entering and leaving the city, the city's own sources of income included the rents of property belonging to the city, fines for admission to the freedom, and the farm of the common crane.<sup>81</sup> However, revenue that was assigned for one purpose could be diverted to another if the need arose. For instance, the chamberlains' accounts record regularly the receipt of murage, a toll that was levied on goods coming into the city for sale with the crown's permission, the proceeds of which were assigned specifically for the building and maintenance of the city's walls for a limited period of time.<sup>82</sup> York was granted the toll in perpetuity in 1449, but the chamberlains' records show that previously the city had used murage not only to repair the walls but also to relieve the city's debts.<sup>83</sup>

In Bristol and York, the main source of revenue for the payment of the towns' fee farms were local customs. In Bristol, the custom was an import and export duty levied on boats freighted with all kinds of merchandise leaving and entering the port.<sup>84</sup> In York, the custom was specifically a wool custom, levied on sacks of wool entering and leaving the

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<sup>79</sup> M.M. Rowe and J.M. Draisey, "Introduction", in *The Receivers' Accounts of the City of Exeter, 1304-1353*, transl. and ed. M.M. Rowe and J.M. Draisey, Devon and Cornwall Record Society, New Series, 32 (1989), pp. ix-xvi, and *passim*.

<sup>80</sup> The situation in Bristol is more ambiguous, although the sixteenth-century chamberlains' accounts show that most of the town's own corporate income came from the town's property and admissions to the freedom: D.M. Livock, "Introduction", in *City Chamberlains' Accounts in the Sixteenth and Seventeenth Centuries*, ed. D.M. Livock, Bristol Record Society, 24 (1965), pp. xvi-xvii.

<sup>81</sup> Compare the pipe roll accounts of 1280-82 copied into *YMB*, vol. 1, pp. 122-25 and R.B. Dobson, "Introduction", in *York City Chamberlains' Account Rolls, 1396-1500*, ed. R.B. Dobson, Surtees Society, 192 (1978-79), pp. xxvii-xxx.

<sup>82</sup> H.L. Turner, *Town Defences in England and Wales: An architectural and documentary study, AD 900-1500* (London, 1970), p. 14.

<sup>83</sup> Turner, *Town Defences*, p. 43 and *York City Chamberlains' Account Rolls*, pp. 20, 27 and 29.

<sup>84</sup> A record of the revenue from customs dues is extant for 1437 when the mayor and escheator of Bristol accounted directly to the crown for the profits of Bristol on the death of Henry IV's wife, Queen Joan. It is published in H. Bush, *Bristol Town Duties* (Bristol, 1828) with discussion, pp. 17-27.

city. Other towns such as Exeter also had local port customs on the profits of trade, and although the origins of these local customs are obscure, it may be that some towns gained rights to levy customs when they were granted their fee farms.<sup>85</sup> The revenue from the local customs in Bristol and York was linked intimately to the economic fortunes of the two towns and could fluctuate according to the volume of trade. In the second half of the fifteenth century, when York's economy was in decline because of the fall in wool exports and the decline of the city's cloth industry in the face of growing competition from the cloth-making industry of the West Riding, the amount of revenue from the wool custom would be reduced.<sup>86</sup> However, in the second half of the fourteenth century, York's economy was growing and the city acted as an important centre of distribution and cloth production. Wool was brought to the city from the Yorkshire Dales and the North York Moors to be made into cloth or to pass through York for export from Hull.<sup>87</sup> The possible revenue that could be drawn from the wool custom is suggested by an account of the keepers of the city when York was taken into the king's hands for one year from 3 June 1405 for its part in the Scrope rebellion.<sup>88</sup> The crown charged the keepers to account for a total of £242 10s. 4d. from the wool custom alone. Similarly, Bristol was extremely prosperous in the fourteenth century thanks not only to the overseas trade in cloth exports and wine imports, but also to an important internal and coastal trade.<sup>89</sup> In short, the fee farm was not simply a fiscal burden imposed on the towns by the crown for the sole financial benefit of the royal government. Rather, it provided additional revenue to the towns, demonstrating the interdependence between civic and royal government in the sources of revenue upon which both were reliant.

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<sup>85</sup> M. Kowaleski, "Introduction", in *The Local Customs Accounts of the Port of Exeter, 1266-1321*, ed. M. Kowaleski, Devon and Cornwall Record Society, New Series, 36 (1993), pp. ix and 31, and H.S. Cobb, "Local Port Customs Accounts Prior to 1550", in F. Ranger (ed.), *Prisca Munimenta: Studies in Archival and Administrative History presented to Dr A.E.J. Hollaender* (London, 1973), pp. 215-28.

<sup>86</sup> The classic article on York's changing economic fortunes is J.N. Bartlett, "The Expansion and Decline of York in the Later Middle Ages", *EcHR*, 2nd Series, 12 (1959), pp. 17-33.

<sup>87</sup> Bartlett, "Expansion and Decline of York", pp. 19-26 and P.J.P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c.1300-1520* (Oxford, 1992), pp. 72-81.

<sup>88</sup> PRO, SC6/1088/16.

<sup>89</sup> For a brief survey of Bristol's economic fortunes in the fourteenth century and the sources of the town's wealth, see M.D. Lobel and E.M. Carus-Wilson, "Bristol", in M.D. Lobel (ed.), *The Atlas of Historic Towns* (3 vols., London and Oxford, 1969-89), vol. 2, pp. 10-11.

## 2.2 DIRECT TAXATION

The late thirteenth and early fourteenth centuries saw the emergence of a new fiscal obligation in the form of direct taxation. Compared to the fee farm, this was a different kind of obligation because it arose not from the feudal rights of the crown, but from the Romano-canonical doctrine of necessity, according to which it was the obligation of a ruler's subjects to help the ruler in time of emergency, generally expressed as a threat to the defence of the realm.<sup>90</sup> Taxation was granted in parliament with the consent of the king's subjects and assessed on the value of movable property at the rate of a tenth in most of the towns and in the royal demesne and a fifteenth in the rest of the country. Theoretically, it was a different type of fiscal obligation to the fee farm. Nevertheless, there were similarities between the way in which towns paid direct taxation and the fee farm and in the regularity with which towns met both obligations. Until 1332, the lay subsidy had been assessed directly on individuals by officials commissioned by the crown, but in 1334, the system of direct taxation was re-organised so that it was assessed on the communities of town and vill.<sup>91</sup> Royal tax collectors negotiated with local communities to agree on a lump sum payable to the king which had to be equal to, or greater than, the amount paid in 1332, and responsibility for the valuation and collection of the tax within their communities was entrusted to the villages and towns themselves. This quota system remained in force, albeit with successive revision, from 1334 until the seventeenth century. Thus, in the same way that towns were allowed to farm the feudal revenues owing to the crown, paying a fixed annual lump sum to the king in lieu of the individual revenues from court profits, tolls and rents, so from 1334 it was also the right of local communities to pay a fixed block tax quota. Equally, direct taxation became, if not permanent, certainly more frequent, in the course of the fourteenth century, so that in the period 1370-1410, there were only five years when instalments of lay and/or clerical subsidies were not due.<sup>92</sup>

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<sup>90</sup> G.L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford, 1975), pp. 3-48. But for the opposing view that direct taxation did emerge from the feudal rights of kings, see S.K. Mitchell, *Taxation in Medieval England* (New Haven, 1951), pp. 156-325 and, more recently, M. Prestwich, *English Politics in the Thirteenth Century* (Basingstoke and London, 1990), pp. 109-28.

<sup>91</sup> For the history of the lay subsidy before 1334, see J.F. Willard, *Parliamentary Taxes on Personal Property, 1290 to 1334: A Study in Mediaeval English Financial Administration* (Cambridge, Massachusetts, 1934). For what follows, see R.E. Glasscock, "Introduction", in *The Lay Subsidy of 1334*, ed. R.E. Glasscock, *British Academy Records of Social and Economic History, New Series*, 2 (London, 1975), pp. xiv-xvii, and M.W. Beresford, *Lay Subsidies and Poll Taxes* (Canterbury, 1963), pp. 1-19.

<sup>92</sup> W.M. Ormrod, "The West European Monarchies in the Later Middle Ages", in R. Bonney (ed.), *Economic Systems and State Finance* (Oxford, 1995), p. 146.



In 1334, Bristol's tax quota stood at £220 compared to York's quota of £162.<sup>93</sup> York's sum was certainly a preferential rate because the crown had instructed the tax collectors to negotiate a sum which was not less than the amount paid in 1332. In 1332, York had paid £166 to the king, so the figure of £162 was a reduction of £4. In the same period, Bristol's tax quota had increased from £200 to £220.<sup>94</sup> In the 1330s, therefore, the revenue owing from Bristol's fee farm and subsidy amounted to £360; York's total was £322. From the third quarter of the fourteenth century to the beginning of the fifteenth century, Bristol's fee farm was valued at £100.<sup>95</sup> If a full subsidy was collected in a given year, Bristol paid, together with its tax quota of £220, almost exactly the total sum of York's fiscal obligations. Several reasons can be proposed for these fluctuations. Firstly, it is likely that York's generous assessment by the crown in 1334 reflected the city's importance as the second seat of royal government in the early fourteenth century.<sup>96</sup> It may also be that the city's officials used the opportunity of the presence of the royal government in the 1330s to press for a reduction. After all, the 1334 parliament which fixed the level of tax quotas was held at York.<sup>97</sup> Secondly, the reduction in Bristol's fee farm to an annual sum of £100 was due to the crown's ability to exploit the town's wealth through loans. And thirdly, and perhaps most intriguingly, there was a sense in which the crown knew how much the towns of Bristol and York were worth and was able to ensure that the towns paid a similar total amount from the fee farm and direct taxation.<sup>98</sup>

This discussion of parliamentary taxation will, in the first instance, explore the consequences of what might be termed an example of 'rolling back the state'. How did Bristol and York organise their taxes after 1334? Since the assessment and collection of taxes was now in the hands of the local communities, the crown no longer needed to keep detailed lists of the contributions of each taxpayer, and most of the records of "actual tax-

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<sup>93</sup> J.F. Hadwin, "The Medieval Lay Subsidies and Economic History", *EcHR*, 2nd Series, 36 (1983), Table 3, p. 217.

<sup>94</sup> Hadwin, "Medieval Lay Subsidies", Table 3, p. 217.

<sup>95</sup> See above, pp. 31-34.

<sup>96</sup> See, for example, D.M. Broome, "Exchequer Migrations to York in the Thirteenth and Fourteenth Centuries", in A.G. Little and F.M. Powicke (eds.), *Essays in Medieval History presented to T.F. Tout* (Manchester, 1925), pp. 291-300, and, more recently, W.M. Ormrod, "Competing Capitals? York and London in the Fourteenth Century", in A.J. Minnis and S. Rees Jones (eds.), *Courts and Regions* (forthcoming).

<sup>97</sup> Ormrod, *Reign of Edward III*, Table 5, p. 208.

<sup>98</sup> See G.L. Harriss, "Aids, Loans and Benevolences", *Historical Journal*, 6 (1963), p. 11 for evidence of the way in which certain towns, of equivalent size and wealth, were asked to lend the same amount.

paying practice” after 1334 have been preserved in towns’ own archives.<sup>99</sup> The evidence from the records of Bristol and York is limited, but it is sufficient to suggest the mechanisms by which the towns organised the collection of royal taxes. Secondly, I shall examine the individuals involved in the assessment and collection of the taxes. Did they have prior financial expertise which was particularly valued and which was drawn upon by the crown? Were they experienced members of civic government? Did the crown try to secure the active co-operation of the towns’ political elites in the administration of the taxes? And finally, I will consider the evidence of the assessment and collection of the third poll tax in York, about which much is known from the nominative 1381 poll tax returns,<sup>100</sup> and examine the relationship between the poll tax and the series of disturbances which took place in the city between 1380 and 1381. The discussion will, inevitably, raise questions about the concept of community. As Chris Dyer has suggested, whilst the term community has “a solid, institutional significance”, it also “carries with it a whole range of imprecise meanings” about “issues of mentality or everyday social contact”.<sup>101</sup> My argument is that the demands of royal taxation not only led to the growth of community in an institutional sense, that is, allowing the towns of Bristol and York to raise money for their own needs, but that they also reflected and contributed to a sense of social community in the towns.

### 2.2.1 The System of Tax Assessment and Collection

Prior to 1334, townspeople, acting as sub-taxers chosen by the county tax officials, had been active in the assessment and collection of the subsidies owed by their towns, and their importance continued after 1334 when towns corporately became responsible for the assessment and collection of direct taxes owing to the crown. Nevertheless, towns were still expected to pay their taxes to the royal exchequer via tax commissioners appointed by the crown,<sup>102</sup> who remained accountable at the exchequer for towns’ taxes even though their role in the actual administration of the taxes was limited.

In the 1330s, the town of Bristol sought to free itself altogether from “the

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<sup>99</sup> C. Dyer, “Taxation and communities in late medieval England”, in R. Britnell and J. Hatcher (eds.), *Progress and problems in medieval England: Essays in honour of Edward Miller* (Cambridge, 1996), pp. 175-77 summarises the evidence from urban records.

<sup>100</sup> “The Lay Poll Tax Returns for the City of York in 1381”, ed. N. Bartlett, *Transactions of the East Riding Antiquarian Society*, 30 (1953), pp. 1-91.

<sup>101</sup> Dyer, “Taxation and communities”, pp. 168-69.

<sup>102</sup> H.M. Jewell, *English Local Administration in the Middle Ages* (Newton Abbot and New York, 1972), pp. 107-10.

inconvenience of assessment” by royal officials.<sup>103</sup> In 1332, the mayor of Bristol, Hugh de Langebrigge, fined for £200 so that the “goods within the town and suburbs” of the inhabitants of Bristol “shall not be taxed for this turn for the tenth and fifteenth granted to the king by the commonalty of the realm”.<sup>104</sup> Two years later, the mayor, Roger Turtle, acquired the same exemption for the town in return for £220, and similar grants were made to Bristol in 1336 and 1337. Other urban communities such as London had previously fined for exemption from royal taxation,<sup>105</sup> in exchange for an agreed sum of money, so the practice of fining by Bristol was in no sense unique. In many ways, Bristol’s fine in 1332 for a fixed sum of money was an important antecedent to the general re-organisation of the system of taxation in 1334. By fining for exemption from the normal structure of royal taxation, the town corporately became responsible for the process by which the sum of £220 was to be raised within Bristol. As Dyer has argued about late medieval communities, “management of their own tax affairs was an important function of self-government and helped to make the payments more acceptable.”<sup>106</sup>

The problem for Bristol was that the town became embroiled in a conflict with Queen Philippa over Philippa’s claims to Queen’s Gold from Bristol’s fine for £220 in lieu of direct taxation. The conflict began in the 1330s, but the issue re-emerged in 1353 when Philippa and her officials tried to exploit fully her customary sources of revenue in the context of declining income and increasing expenses. Queen’s Gold was a traditional prerogative of the queen by which she could claim a tenth of the value of a voluntary offering made to the king.<sup>107</sup> This offering was known as a *fine*, but this was not a fine in the sense of a punishment for a criminal offence imposed by a court, but rather a fee paid on the acquisition of a royal grant, licence, pardon or exemption. The sum was payable in addition to the money received by the king, and in Bristol’s case, Queen Philippa claimed £22 as Queen’s Gold from the fine of £220. Queen’s Gold could be paid by an individual or a

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<sup>103</sup> The quotation belongs to C. Johnson, “The Collectors of Lay Taxes”, in *EGW*, vol. 2, p. 211.

<sup>104</sup> See, for what follows, *CPR*, 1330-34, p. 337, and *CFR*, 1327-37, pp. 428, 486 and 506.

<sup>105</sup> Johnson, “Collectors of Lay Taxes”, p. 211 and Glasscock, “Introduction”, in *Lay Subsidy of 1334*, p. xvi.

<sup>106</sup> Dyer, “Taxation and communities”, p. 189.

<sup>107</sup> There is a brief discussion of Queen’s Gold in Johnstone, “Queen’s Household”, in *EGW*, vol. 1, pp. 263-64. The most detailed exposition of Queen’s Gold and the nature of voluntary offerings is provided in *Dialogus de Scaccario: The Course of the Exchequer by Richard, Son of Nigel*, transl. and ed. C. Johnson (London, 1950), pp. 119-23. The *Dialogus* was the contemporary authority on the subject and was cited in the court case involving Bristol and Philippa which arose in 1353. The legal proceedings are discussed below, pp. 45-46.

corporate body such as an urban community, irrespective of whether they formed part of the queen's dower, but the conflict is instructive because, as I will argue, the determined attempt by Philippa to assert her claims in Bristol reflected a pre-existing financial relationship between the queen and the town. Moreover, the dispute emphasises the dual nature of the external financial demands upon the town of Bristol in the period 1350-1400 which had to respond to the fiscal pressures of both king and queen.

Trouble began in the 1330s because of Bristol's fine for £220 in lieu of the 1334 subsidy. Although in theory the king's rights over the payment of Queen's Gold were minimal so that he could not, for example, remit or even reduce the amount payable to the queen without her consent,<sup>108</sup> in 1336 and 1338, in response to petitions from Bristol, Edward III issued writs of *supersedeas* to the exchequer to cancel its demands for Queen's Gold.<sup>109</sup> The reason for Edward's action is not clear, but it is likely that the king recognised the need for domestic peace at the outset of the French war and sought, in particular, to ensure Bristol's financial support.<sup>110</sup> Nevertheless, whilst the king was sympathetic to Bristol's requests, Queen's Gold remained the prerogative of the queen and in the mid-fourteenth century, the queen, like other landowners in the aftermath of the Black Death, experienced declining landed revenue.<sup>111</sup> It is in this context that, fifteen years after the king's grant of immunity to Bristol, Philippa's decided to assert her right to Queen's Gold on Bristol's fine in 1338 for exemption from the first year of a triennial subsidy. The legal proceedings which resulted from Bristol's opposition to this belated claim are recorded in the exchequer plea roll of 1353 (Easter term).<sup>112</sup>

On 24 February 1353, a writ was issued to the sheriff of Gloucestershire to distrain Eborard le Frensshe (the mayor of Bristol in 1338) and the burgesses of the town and to deliver to the exchequer the £22 owing to the queen.<sup>113</sup> The sheriff delivered the writ to

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<sup>108</sup> *Dialogus*, p. 122.

<sup>109</sup> *CCR, 1333-37*, p. 689 and *CCR, 1337-39*, p. 231. See, also, *CCR, 1333-37*, p. 689 for the cancelling of demands for Queen's Gold from the city of London.

<sup>110</sup> For the political and fiscal background to the late 1330s, see E.B. Fryde, "Parliament and the French War, 1336-40", in E.B. Fryde, *Studies in Medieval Trade and Finance* (London, 1983), Chapter Five, pp. 250-69.

<sup>111</sup> For the state of Queen Philippa's finances in this period, see Johnstone, "The Queen's Household", in *Chapters in Administrative History*, vol. 5, pp. 278-79 and M.K. McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200-1500* (Cambridge, 1986), p. 58.

<sup>112</sup> All references to this exchequer plea roll are from W. Prynne, *Aurum Reginae* (London, 1668), pp. 37-38 and 112-14, who transcribed the court cases.

<sup>113</sup> *Aurum Reginae*, p. 37.

Bristol's bailiffs, Walter de Derby and Robert de Cheddre, because Eborard's goods and chattels were in the liberty of the town of Bristol, but the bailiffs denied that they had received the writ in the first place and refused to co-operate with the sheriff. Shortly afterwards, Walter de Derby appeared in the court of the exchequer to argue against the principle of Queen's Gold in relation to Bristol's fine for £220.<sup>114</sup> Derby claimed that Eborard's payment of £220 in 1338 was a recognisance rather than a fine and since a recognisance was not a voluntary offering, it was therefore not liable to Queen's Gold.<sup>115</sup> It is certainly true that Eborard le Frensshe had entered into a recognisance in chancery for the £220 and that a recognisance was an obligation rather than a voluntary offering.<sup>116</sup> Nevertheless, on the basis that Queen's Gold, according to the *Dialogus*, was payable on any offering which bestowed honour and dignity to the donor, the queen's attorney argued that the recognisance was made to free the inhabitants of the town of Bristol from the interference of royal tax collectors, "quod cecidit in proficuum et honorem eorundem hominum".<sup>117</sup>

In 1354, Bristol's Walter de Derby acknowledged that he had not answered the writ sent to him by the sheriff of Gloucestershire and he fined for contempt and paid damages of 100s. to the queen.<sup>118</sup> In contrast, it would appear that Philippa's claims to Queen's Gold in respect of Bristol's fine for exemption in 1338 were never settled and the record of the case in the plea roll trails off without the judgment of the barons of the exchequer.<sup>119</sup> William Prynne believed that Philippa "recovered her gold",<sup>120</sup> but in the absence of Philippa's financial records for this period, it is impossible to be so conclusive. In fact, as I will suggest shortly, there are good reasons for thinking that the case was terminated on the crown's orders.

What was at stake in this conflict between Bristol and the queen over Queen's Gold? After all, £22 was not an enormous sum of money. From the queen's perspective, the attempt to enforce her financial rights in Bristol can be seen as part of a more general policy to collect aggressively as much revenue as possible from all potential sources of income,

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<sup>114</sup> *Aurum Reginae*, pp. 112-14.

<sup>115</sup> *Aurum Reginae*, p. 113.

<sup>116</sup> *CPR, 1334-38*, pp. 564-65.

<sup>117</sup> *Aurum Reginae*, p. 114.

<sup>118</sup> *Aurum Reginae*, p. 38.

<sup>119</sup> *Aurum Reginae*, p. 114.

<sup>120</sup> *Aurum Reginae*, p. 114.

particularly in properties which belonged to her as dower assignments. It is no coincidence that in the early 1350s, and in 1353 in particular, the queen launched inquiries into lands and rights which she believed had been withheld from her in her manor of Havering in Essex.<sup>121</sup> There may also have been an element of principle at stake in 1353, for although Queen's Gold was in theory payable by anyone who made a fine with the king, the queen sought to enforce her rights in communities such as Bristol which were part of the queen's dower. Equally interesting is the role of the crown as a mediator between local communities such as Havering and Bristol and the queen's increasingly aggressive fiscal demands. When the queen's finances became a parliamentary concern in the 1350s, the king responded to the concerns of his subjects. In 1353, for example, when the commons complained about the fines and amercements exacted by John de Molyns, the queen's steward, Edward III promised redress if Molyns was found guilty of such offences.<sup>122</sup> Similarly, in the parliament of 1357, the king stated that Queen's Gold was not to be claimed for the tenth and fifteenth granted by the commons, thus releasing his subjects from the threat of Queen's Gold on parliamentary taxation.<sup>123</sup>

How did the assessment and collection of taxation actually take place within Bristol and York? How were the two communities divided for the purposes of taxation? Before and after 1334, the town of Bristol paid tax on the basis of the administrative division of the five quarters or wards of the town.<sup>124</sup> These wards were All Saints', St. Ewen's, Mary-le-Port, Holy Trinity and Redcliffe and they were administered by aldermen.<sup>125</sup> The first four wards reflected the ancient division of the walled town by the four main streets of Corn Street, Wine Street, High Street and Broad Street and were named after the churches of All Saints', St. Ewen's, St. Mary-le-Port and Christ Church.<sup>126</sup> Redcliffe ward was on the southern side of the Avon and its status as the fifth ward reflected enormous suburban growth in this part

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<sup>121</sup> McIntosh, *Autonomy and Community*, pp. 50-63.

<sup>122</sup> *RP*, vol. 2, p. 253.

<sup>123</sup> *SR*, vol. 1, p. 352.

<sup>124</sup> See, for example, *The Taxpayers of Medieval Gloucestershire: An Analysis of the 1327 Lay Subsidy Roll with a New Edition of its Text*, ed. P. Franklin (Stroud, 1993), pp. 29-31 and PRO, E179/113/27, 16 and 42 for particulars of account from 1373 and 1395. The exceptions to the rule were the poll taxes which appear to have been levied in Bristol in the eighteen parishes of the town. See PRO, E359/8B, rot. 9r. and *CFR*, 1377-83, p. 228.

<sup>125</sup> Little is known about the aldermen or their powers in the fourteenth century, apart from the occasional reference to the qualifications needed for office. See, for example, *LRB*, vol. 1, p. 40. They could be, as in Exeter, "wardsmen with few powers": Kowaleski, *Local markets and regional trade*, p. 103.

<sup>126</sup> For the layout of medieval Bristol, see Lobel and Carus-Wilson, "Bristol", Maps 3 and 7.

of Bristol during the twelfth and thirteenth centuries. In the 1230s, Bristol's walls were extended to incorporate the wealthy suburban areas of Redcliffe and Temple and, from the early fourteenth century, the town was able to tap the wealth of these areas for the purposes of royal taxation.<sup>127</sup>

In the city of York, the unit of taxation was the parish. The poll taxes were assessed on the basis of the parish, as were the traditional tenths and fifteenths.<sup>128</sup> For York, unlike Bristol, there is a taxation list among the records of civic government.<sup>129</sup> Dyer, in an important article on the way in which local communities organised their direct taxes after 1334, has noted "the tendency for the sums collected in our local lists to exceed the amount owed to the exchequer" and has suggested that villages had financial responsibilities which could be met by royal taxation since the surplus of a few shillings would be put towards "village uses".<sup>130</sup> The parish quota of 1419-20 in the *York Memorandum Book* suggests that this practice was also used in urban communities. York was expected to pay a tax quota of £162, but there was a provision for £162 1s. to be collected among the parishes. At the same time, according to the civic record, the tax collectors "colligunt plus quam solvunt ad quamlibet concessionem taxe de gentibus laicis ejusdem civitatis in Bouthum xliiij s.", which was delivered to the city's chamberlains in the mayor's chamber.<sup>131</sup> How long the city had claimed Bootham's tax quota as its own is not known. From the mid-thirteenth century, the city of York and St. Mary's abbey had been in conflict over the territory of Bootham, an area which lay just outside the city's walls and which the abbot claimed "as his free borough" and the mayor claimed "as a suburb of the city".<sup>132</sup> Before 1334, Bootham was taxed not only as part of the liberties of St. Mary's and St. Leonard's by the tax collectors

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<sup>127</sup> For the incorporation of Redcliffe and Temple, see R.H. Leech, "The Medieval Defences of Bristol revisited", in L. Keen (ed.), *Almost the Richest City*, *Bristol in the Middle Ages*, Bristol Archaeological Association Conference Transactions, 19 (1997), pp. 18-30. In 1373, Redcliffe ward contributed £80 to the town's total of £220 (PRO, E179/113/27).

<sup>128</sup> N. Bartlett, "Introduction", in "The Lay Poll Tax Returns for the City of York in 1381", ed. N. Bartlett, *Transactions of the East Riding Antiquarian Society*, 30 (1953), pp. 1-3.

<sup>129</sup> *YMB*, vol. 1, pp. 178-79. Although undated, the list of parish quotas can be dated to 1419-20 on the basis of the mayoralty of Thomas del Gare who is named as mayor. See YCA, *Freemen's Roll*, D1, fo. 12v.

<sup>130</sup> Dyer, "Taxation and Communities", p. 187.

<sup>131</sup> *YMB*, vol. 1, p. 179.

<sup>132</sup> *CPR, 1348-50*, p. 584. For the early history of this dispute, see E. Miller, "Medieval York", in P.M. Tillott (ed.), *The Victoria History of the Counties of England: A History of Yorkshire: The City of York* (Oxford, 1961), pp. 38-40.

of the North Riding but also within the city of York by the city's tax collectors.<sup>133</sup> However, when York's tax officials decided to collect taxes from the Bootham parishes of St. Olave and St. Giles to contribute to the payment of York's 1377 poll tax, Bootham was not taxed within the liberties of St. Mary's and St. Leonard's by the North Riding tax commissioners; it was only taxed by the city.<sup>134</sup> It may be that the city's victory over the abbey in 1354, when Bootham, with the exception of the street of Marygate, was granted by the crown to York's mayor and bailiffs in perpetuity, was crucial to Bootham's inclusion within York's fiscal structure.<sup>135</sup>

Bootham's contributions to York's assessment were not essential to the payment of the city's lay subsidy, but they provided the city with useful additional revenue. Although the city's right to collect the 44s. from Bootham was challenged by the collectors of the North Riding in 1419-20,<sup>136</sup> it is significant that it was customary for the city's chamberlains to receive this money. In villages, as Dyer has shown, taxes were levied "only when parliament granted a 'tenth and fifteenth', frequently during the active phases of the Hundred Years War, but irregularly at other times", and villages were dependent on royal taxation to fulfil their own financial responsibilities.<sup>137</sup> Towns such as Bristol and York were different inasmuch as they had other, more regular, sources of income upon which they could draw.<sup>138</sup> Nevertheless, the evidence from York's taxation record suggests that the city used the occasions of the grants of royal taxation to support the city's internal finances.

As I argued in the introductory chapter, previous studies of relations between urban communities and the crown in later medieval England have tended to emphasise the reciprocal nature of these relations between the crown's financial needs on the one hand and the ambition of urban communities for charters of corporate liberties on the other.<sup>139</sup> The evidence of direct taxation suggests that it is perhaps more fruitful to locate these relations in terms of shared financial interests between royal and civic government. This

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<sup>133</sup> For the 1332 lay subsidy, compare E179/211/8, mem. 3r. and E179/217/5, mem. 4r.

<sup>134</sup> "The 1377 Poll Tax Return for the City of York", ed. J.I. Leggett, *Yorkshire Archaeological Journal*, 43 (1971), pp. 142-44. I owe the reference about Bootham's tax status in 1377 to Dr. Richard M. Smith of Downing College, Cambridge, and Dr. Carolyn C. Fenwick, his assistant on an edition of the 1377, 1379 and 1381 poll taxes funded by the British Academy.

<sup>135</sup> *CPR, 1354-58*, p. 85. The 1354 settlement is discussed in more detail in Chapter Six, pp. 202-07.

<sup>136</sup> *YMB*, vol. 1, p. 179.

<sup>137</sup> Dyer, "Taxation and Communities", p. 187.

<sup>138</sup> See, for example, Dobson, "Introduction", in *York City Chamberlains' Account Rolls*, pp. xxvii-xxxii.

<sup>139</sup> Chapter One, pp. 2-4.



interdependence can also be found in the way in which the mechanism for raising royal taxes was used by York to levy civic taxes. In 1378, for example, the city council decided to levy “de hominibus civitatis quartam partem decime domini Regis” in order to repair York’s barge which had been built at the city’s expense for the Hundred Years War.<sup>140</sup> In Bristol’s case, the right of the town’s mayor, sheriff and common council to levy taxes “for the necessities and profits” of the town of Bristol was granted in the 1373 charter,<sup>141</sup> a grant which accelerated the process by which the town of Bristol, from the 1370s, became responsible corporately for raising loans to the crown.<sup>142</sup> Thus, there was an important inter-relationship between royal and civic finances. Similarly, the 1312 charter to the city of York granted that everyone living and trading in the city should be in “lot and scot” with the citizens of York, paying tallages and other charges on the city to the crown as well as civic taxes.<sup>143</sup> From the city’s perspective, the charter meant that all persons living and trading in York had to become freemen and pay the city’s taxes, but as David Palliser has argued recently, the grant was to the mutual interest of the crown and the civic government, increasing the number of people liable to pay civic as well as royal taxes.<sup>144</sup> Urban and royal government were joined together in a symbiotic fiscal relationship, where the crown’s financial needs could contribute to the costs of civic government and where civic liberties could be in the crown’s financial interest too.

### 2.2.2 The Personnel of the Tax Commissions

There is perhaps no better example of this fiscal partnership than the tax commissions appointed by the crown, for the king’s taxes were not collected by paid royal officials, but by unpaid local men.<sup>145</sup> After 1334, when the responsibility for the assessment and collection of taxation passed into the hands of the local communities, these tax commissioners were appointed to ensure that the communities paid their quotas. They paid the taxes to the

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<sup>140</sup> *YMB*, vol. 1, p. 30.

<sup>141</sup> *Bristol Charters, 1155-1373*, p. 137.

<sup>142</sup> For the changing pattern of Bristol’s loans, see Chapter Three, pp. 84-90.

<sup>143</sup> *CChR, 1300-26*, pp. 185-86. For the meaning of the obligation “to be in lot and scot”, see Gross, *Gild Merchant*, vol. 1, pp. 53-56.

<sup>144</sup> D.M. Palliser, “The Birth of York’s Civic Liberties, c.1200-1354”, in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, *Borthwick Studies in History*, 3 (1997), pp. 103-04.

<sup>145</sup> Tax collectors received expenses for their work rather than wages, but these were low: Johnson, “Collectors of Lay Taxes”, p. 216.

crown and were accountable directly to the exchequer for whatever shortfalls might arise in the collection of a community's taxes.<sup>146</sup> Apart from two commissions in 1350,<sup>147</sup> Bristol received royally commissioned tax collectors only in 1373 with the acquisition of county status.<sup>148</sup> In contrast, the city of York had been "ranked as a county" for the purposes of the lay subsidy since 1319, when, perhaps because of suspicion of fraud in the assessment of the city's taxes,<sup>149</sup> the city was separated from the county of Yorkshire in the administration of royal taxation.

Who belonged to the tax commissions in Bristol and York? I will look first at the identity of those involved in the collection of the traditional subsidy of a tenth and a fifteenth and then consider those active in the assessment, collection and re-assessment of the poll taxes. Several conclusions can be drawn about the collectors of tenths and fifteenths in Bristol and York.<sup>150</sup> The first is that the majority of royal appointments were made to members of the political elite within the towns. In the case of Bristol, thirty-four of the forty-eight collectors (71%) had held high-ranking positions within the civic hierarchy as mayor, sheriff, bailiff, steward, and/or common councillor prior to, or at the same time as, their first appointment to a tax commission. Similarly, in York, forty-five of the city's sixty tax collectors (75%) had acted as mayor, sheriff, bailiff, chamberlain, and/or councillor before their royal appointment.<sup>151</sup> Of these forty-five, all but one had financial experience within the city as either a bailiff or chamberlain, or both, whilst in Bristol, twenty-seven of the thirty-four tax collectors had similar experience as bailiff, sheriff and/or steward, which suggests that the crown valued their administrative and financial skills.

It is also clear that, in the last decade of the fourteenth century, the people serving on tax commissions in Bristol and York did not have the same political status as their predecessors, many of them having little or no experience of the highest political offices

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<sup>146</sup> Jewell, *English Local Administration*, p. 110.

<sup>147</sup> For the peculiar circumstances of these grants, see *CFR*, 1347-56, pp. 191 and 234 and *CCR*, 1349-54, pp. 173-74.

<sup>148</sup> For the first commission after the 1373 charter, see *CFR*, 1368-77, p. 228.

<sup>149</sup> London, Newcastle and Huntingdon also received separate royal tax commissions: Johnson, "Collectors of Lay Taxes", p. 203 and *CPR*, 1334-38, p. 40. See, also, G. Sayles, "The Dissolution of a Guild at York in 1306", *EHR*, 55 (1940), pp. 83-98.

<sup>150</sup> See Appendix. The period covered is 1348-1401, although in Bristol's case, I have considered only the names of commissioners appointed specifically to the town rather than to the county of Gloucestershire.

<sup>151</sup> See Appendix for a description of the civic hierarchy in Bristol and York and for what follows.

within the towns.<sup>152</sup> Employment on an urban tax commission was a low-ranking royal office, a trend that was to continue into the fifteenth century in York, as Edward Miller has shown.<sup>153</sup> This pattern was also true of the gentry, as Nigel Saul and Eric Acheson have demonstrated for Gloucestershire and Leicestershire respectively.<sup>154</sup> By the late fourteenth century, the tax commission in the counties was filled, not by knights, but “by men below the gentry in rank”, who “sought to gain admission to the ranks of the office-holders”.<sup>155</sup> Not enough is known about the process of appointment to determine how, or whether, a position on a tax commission was actively sought. Nevertheless, there is some evidence to suggest that employment as a tax collector might be part of the *cursus honorum* of local office in Bristol and York. In the 1380s and 1390s, John de Lyndesay and Hugh del Chartres served on tax commissions before reaching high civic office in York very soon afterwards; in Bristol, the same was true of Thomas Yonge and John Clyve. Service as a royal tax commissioner bestowed a certain status upon the appointee and provided him with the kind of experience that was especially valued for the occupation of high civic office in the two towns.

In 1377, 1379 and 1380, parliament granted a new form of direct taxation known as the poll taxes which, unlike the tenth and fifteenth, were assessed on individuals rather than on movable property.<sup>156</sup> The 1377 poll tax was a standard rate of 4d. per head charged on every adult over the age of fourteen, except the poor. The 1379 poll tax was a graduated tax based on social status, in which the minimum rate was 4d. and the wealthy were expected to pay more. The third poll tax was a combination of the first two taxes, with everyone over the age of fifteen expected to pay 1s. and the better off instructed to help the poor, so that each town and vill was to return an average of 1s. per person. The precise reasons behind the introduction of the poll taxes remain unknown, but there is no doubt that

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<sup>152</sup> Twelve of the fourteen Bristol collectors, and ten of the fifteen York collectors who did not occupy high civic office in the towns prior to their commission, served from 1388-1401.

<sup>153</sup> Miller, “Medieval York”, p. 67.

<sup>154</sup> N. Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century* (Oxford, 1981), pp. 145-46 and E. Acheson, *A Gentry Community: Leicestershire in the Fifteenth Century, c.1422-c.1485* (Cambridge, 1992), pp. 113-16.

<sup>155</sup> Saul, *Knights and Esquires*, pp. 145-46.

<sup>156</sup> For the following, see *The Peasants' Revolt of 1381*, ed. R.B. Dobson (London, 1970), pp. 103-18. Under the old system, as W.M. Ormrod has also pointed out, “the household, rather than the individual, provided the basic taxable unit”. See W.M. Ormrod, “The Politics of Pestilence: Government in England after the Black Death”, in W.M. Ormrod and P.G. Lindley (eds.), *The Black Death in England* (Stamford, 1996), p. 161.

the crown's urgent financial and military needs were the major factor.<sup>157</sup> The 1377 poll tax, for instance, was granted to fund a naval expedition to defend the realm against imminent attack from a Franco-Castilian naval fleet.<sup>158</sup>

The crown's pressing financial needs and its recognition of both the novelty of the poll taxes and the potential trouble that could arise in their collection might help to explain why those commissioned to assess, collect and re-assess the three poll taxes in Bristol and York generally held higher civic office than the collectors of the traditional lay subsidies. It is likely that they were seen by the crown to command the authority and respect of their fellow burgesses. The collectors of the 1377 poll tax in Bristol, for example, were Walter de Derby, the current mayor, and three former mayors, Walter de Frompton, Robert de Cheddre and William Canynges. Between them, the four men had been elected to the mayoralty on a total of ten occasions.<sup>159</sup> However, it is the second poll tax which is the most interesting in terms of the personnel of the commissions because the crown was able to appoint individuals to perform certain functions according to both their political status within the towns and their experience as royal servants. The reason it was able to do so lay in the crown's instructions to MPs at the 1379 parliament. In response to their petition to be exempt from the collection of the tax, the parliamentary representatives were told to deliver to the king's council before their departure the names "de plus suffisantz et discretos persones en chescune Countee, Citee, et Burghe, si bien pur l'assession, come pur coiller le dit Subside".<sup>160</sup> The instructions are unusual and they suggest an element of flexibility, or perhaps desperation, on the crown's part to ensure that the tax was paid.

In May 1379, separate assessors and collectors of the second poll tax were appointed, and in August, in response to suspicion about the under-assessment of the tax in Bristol and York, re-assessors were commissioned to draw up new lists with the names of those who had been omitted or under-assessed and to present the lists to the original collectors.<sup>161</sup> Although the assessors and collectors were assisted by sub-taxers, the assessor's role was important because he decided how much people should pay. This was the job that was most

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<sup>157</sup> The fiscal and diplomatic background is provided in N. Saul, *Richard II* (New Haven and London, 1997), pp. 31-55.

<sup>158</sup> *RP*, vol. 2, pp. 362-64 and Sherborne, "Cost of English Warfare with France", p. 146.

<sup>159</sup> See Appendix for what follows on the composition of the poll tax commissions.

<sup>160</sup> *RP*, vol. 3, p. 66.

<sup>161</sup> For the format and administration of the 1379 poll tax, see C.C. Fenwick, "The English Poll Taxes of 1377, 1379 and 1381: A Critical Examination of the Returns" (Ph.D. thesis, University of London, 1983), pp. 40-43 and 91-96.

open to corruption, whilst the collector's work was potentially the most hazardous since he was expected to actually collect the taxes assessed.<sup>162</sup> It was the re-assessors, however, who had the most responsibility because they were appointed to supervise the work of the assessors and collectors and to correct the original assessments. Of Bristol's eight assessors, one was the mayor, Ellis Spelly, and another was the current sheriff, William de Combe. A further four, Thomas de Sutton, Thomas Knappe, Richard Inhyne and Reginald Touker, had been bailiffs. York's five assessors included the mayor, John de Acastre, and three former mayors, John de Gysburn, Thomas de Howom and Richard de Howom. In contrast, only one of Bristol's collectors, John Preston, occupied high civic office in the town, although two others, Thomas Wiltshire and William Wermynstre, would progress to civic office after their appointment. Bristol's re-assessors were Walter de Frompton, Walter de Derby and Thomas Beaupyne, who together had already held the mayoralty a total of seven times. York's re-assessors were Thomas Graa and John de Barden, former mayors and MPs at the 1379 parliament, and two lawyers, Thomas Thurkyll, also a member of the city council and later York's recorder between 1388 and 1408, and Thomas de Nessefeld, both of whom had served the crown on a number of judicial commissions in Yorkshire and in the city of York.<sup>163</sup>

In fact, it is clear that, with the exception of Nessefeld, all of the re-assessors in Bristol and York combined a wealth of experience in local government with royal service.<sup>164</sup> All of Bristol's re-assessors had been active in the customs service in the port of Bristol, whilst Derby and Frompton had been royal creditors. Similarly, in 1379 alone, Thomas Graa had been commissioned to repair the king's fishpond and mills in the city of York and John de Barden had been appointed a surveyor and controller of a special subsidy within the northern admiralty which had been granted in parliament to finance the defence of the north-east coast from French attack.<sup>165</sup> Although the reason re-assessors were appointed in the first place was because the crown was suspicious of the amount assessed in Bristol and

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<sup>162</sup> For the relationship between the commissioners and the sub-taxers, see Fenwick, "Poll Taxes", pp. 54-55 and 66.

<sup>163</sup> See "Lay Poll Tax Returns for the City of York in 1381", pp. 75 and 78, in which Nessefeld and Thurkyll are described as "men of law". For their presence on royal commissions, see, for example, *CPR, 1374-44*, pp. 137, 316, 329-30 and 490, and *CPR, 1377-81*, pp. 45 and 166.

<sup>164</sup> See Appendix for what follows.

<sup>165</sup> *CPR, 1377-81*, pp. 354-55. For the context of Barden's appointment and the parliamentary discussion which preceded the commission, see *RP*, vol. 3, p. 63.

York, quotas, Bristol paid nearly £220 and York almost £170.<sup>166</sup> Given that at the beginning of May 1379, before the grant of the second poll tax, Bristol lent corporately over £650 to the crown,<sup>167</sup> it is evident that the royal appointments were a financial success despite the enormous fiscal pressures on Bristol and York.

### 2.2.3 York and the 1380 Poll Tax

Evidence is extant for the way in which the tax burden was re-distributed in the city of York in 1381. Unlike the previous poll taxes, neither of which, in theory, “gave much scope for the local elites to exercise any power or influence over the assessment”, the third poll tax gave tax collectors more freedom to decide how the tax was to be levied within their communities.<sup>168</sup> The collectors were to ensure that each village and town paid an average of 1s. per person, with every person charged “according to his means” and with “the sufficient” to “aid the lesser”.<sup>169</sup> What is particularly significant about the collection of the third poll tax in York is that it took place at a time when there were serious disturbances within the city.<sup>170</sup> Indeed, it was in November 1380, during the parliament which met to grant the third and final poll tax, that the commons petitioned the king informing him of “un horrible chose ore tard faite par diverses malefesours de les Communes de la Citee d’Everwyk”, who had broken into the guildhall and forced the mayor, John de Gysburn, out of the city, and sworn in Simon de Quixlay in his place.<sup>171</sup> The possible causes of these disturbances in York have been discussed by R.B. Dobson, and it seems clear that the events in the city and, in particular, the factional dispute between the rival supporters of John de Gysburn and Simon de Quixlay, predated the assessment and collection of the third poll tax and were precipitated by “personal animosity” towards John de Gysburn.<sup>172</sup> However, despite the troubles in York during the assessment and collection of the poll tax in 1381, the

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<sup>166</sup> PRO, E359/8B, rots. 10d. and 11r.

<sup>167</sup> See Chapter Three, Table 3.1, p. 69.

<sup>168</sup> The comparison between the 1380 tax and the earlier poll taxes is drawn by Dyer, “Taxation and communities”, p. 174.

<sup>169</sup> *RP*, vol. 3, p. 90, translated by Dobson in *Peasants’ Revolt*, p. 117.

<sup>170</sup> The best account of these events is in Dobson, “Risings in York, Beverley and Scarborough”, pp. 118-24.

<sup>171</sup> *RP*, vol.3, p. 96.

<sup>172</sup> Dobson, “Risings in York, Beverley and Scarborough”, p. 120. There had been trouble between John de Gysburn and John de Langton over the mayoralty in the early 1370s. See *CCR, 1369-74*, pp. 59 and 275. On his election as mayor in February 1380, the mayor’s chronicle records that Gysburn received his salary “sub bono gestu suo” (on condition of his good behaviour): YCA, Freemen’s Roll, D1. fo. 8r.

city's assessors, surveyors and sub-taxers were still able to deliver £200 to the king's exchequer.<sup>173</sup>

As Neville Bartlett demonstrated, the 1381 parish assessments for York were based on the parish quotas of the 1374 subsidy, which in turn were related to the return of 1334.<sup>174</sup> However, whereas Bartlett believed that the York returns of 1381 were the result of widespread tax "evasion" in the city, P.J.P. Goldberg has argued convincingly that there was no deliberate attempt to defraud the crown and has suggested instead that the "assessors and collectors of the tax in 1381 sacrificed comprehensiveness for a more workable mode of assessment....The recorded population is thus biased towards more substantial, married, servant-keeping households."<sup>175</sup> Faced with the problem of having to produce an average assessment of 1s. per taxpayer throughout the whole city despite the wide differences in wealth between the parishes, the tax collectors adhered to the parish quotas of the traditional lay subsidy which were "more sensitive to economic realities and variation between parishes".<sup>176</sup> At the same time, within the richer parishes, a small group of wealthy taxpayers subsidised the poorer taxpayers and the very poor north-eastern and south-eastern parishes were "excluded" on the basis that "the political and social implications of burdening poor taxpayers, who could not be effectively subsidized, outweighed the fiscal benefits."<sup>177</sup> This fiscal strategy explains the reduction in the number of taxpayers in York from 7,248 in 1377 to 4,015 in 1381.<sup>178</sup>

The attempt by the tax collectors to spread the burden of the third poll tax equitably in York should also be placed in the context of the unrest in York between 1380 and 1381. In particular, the extent to which those involved in the disturbances were also involved in the administration of the poll tax in the city ought to be noted. The poll tax was administered by assessors/collectors and supervised by surveyors. Below these royal officials

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<sup>173</sup> PRO, E359/8B, rot. 12d.

<sup>174</sup> Bartlett, "Introduction", in "Lay Poll Tax Returns for the City of York in 1381", pp. 6-7 and 12 (Table 1).

<sup>175</sup> Bartlett, "Introduction", in "Lay Poll Tax Returns for the City of York in 1381", p. 7: "the failure of the intentionally heavy 1381 Poll Tax to increase the amount raised by the 1334 Lay Subsidy by even a third is striking evidence of the scale of tax evasion in the city". Compare this interpretation with P.J.P. Goldberg, "Urban identity and the poll taxes of 1377, 1379, and 1381", *EcHR*, 2nd Series, 43 (1990), pp. 194-216. The quotation is from p. 208.

<sup>176</sup> Goldberg, "Urban identity and the poll taxes", p. 205. As I suggested earlier in the chapter, in Bristol, the ward quotas were fixed so as to provide most revenue from Redcliffe ward, the richest part of the town.

<sup>177</sup> Goldberg, "Urban identity and the poll taxes", p. 206.

<sup>178</sup> PRO, E359/8B, rot. 9r. and rot. 12d.

were the sub-taxers who, as with the previous poll taxes and the traditional lay subsidies, co-operated with the royal taxers and were actively involved in the assessment and collection of the tax.<sup>179</sup> Their identity is usually elusive, but there is a list in the *York Memorandum Book* of the names of the parish constables and sub-constables who were appointed on 10 August 1380 to protect the city walls, presumably in the context of growing unrest in the city.<sup>180</sup> It has been assumed that these parish officials also acted as sub-taxers in 1381 on the basis that the parish was the main unit of taxation in the city.<sup>181</sup> Two of the four assessors/collectors and one of the four surveyors, and as many as twenty of the fifty-one parish officials, were either imprisoned, mainperned to keep the peace and/or asked to provide information to the crown about the events of 1380 to 1381.<sup>182</sup> In the same way that the richer citizens compensated for their poorer neighbours by making larger contributions to the poll tax, those who assessed and collected the tax did not evade assessment and, despite their differences, the two sides in the conflict co-operated to collect the king's taxes from each other.

The incomplete nature of York's 1381 poll tax returns means that there is firm statistical data about only four of the assessors/collectors and surveyors and only twenty-two of the fifty-one parish officials.<sup>183</sup> With the exception of Thomas de Kilburn, one of the constables of the parishes of St. Helen, Stonegate and St. Wilfrid, who paid 3s. for himself, all of the taxers were assessed as married couples. York's royal taxers paid an average of almost 13s. for themselves and their wives, compared to a mean rate of nearly 7s. for the sub-taxers (Table 2.3). Since the mean rate for a married couple agreed upon in parliament was to be 2s.,<sup>184</sup> it is clear that York's taxers were paying three to six times the required amount. Some such as William de Burton and Roger de Moreton paid the maximum rate

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<sup>179</sup> For the importance of the sub-taxers in the levying of the three poll taxes, see Fenwick, "Poll Taxes", pp. 64-75.

<sup>180</sup> *YMB*, vol. 1, pp. 151-54.

<sup>181</sup> Miller, "Medieval York", p. 67 also draws attention to the role of the parish constable in assisting with the collection of royal taxes.

<sup>182</sup> See Appendix for the names of the royal tax commissioners. Of the parish officials, I have considered only those specifically associated with a parish. Six of the fifty-seven parish officials were appointed as assessors/collectors and surveyors of the 1381 poll tax so they have been included in the figures for these royal appointees. The names of those implicated in the tumultuous events in York are in *CCR, 1377-81*, pp. 421 and 524-25, and *CCR, 1381-85*, p. 115.

<sup>183</sup> The absence of complete data does not mean that the others escaped payment. Often there are names but the amount paid is missing. See Bartlett's comments on the nature of the extant returns in his introduction to "Lay Poll Tax Returns for the City of York in 1381", pp. 2-3.

<sup>184</sup> 2s. per married couple, or 1s. per person. See *RP*, vol. 3, p. 90 and Goldberg, "Urban identity and the poll taxes", p. 207.



**TABLE 2.3: Poll Tax contributions of York's Taxers in 1381<sup>185</sup>**

NAME	OFFICE	PARISH(ES)	TAX
John de Santon	Assessor/Collector	St. Crux <sup>186</sup>	17s. 4d. (20s.) <sup>187</sup>
William de Burton	Assessor/Collector	St. Saviour	20s. (22s.)
John de Rypon	Surveyor	St. Helen, Stonegate	6s. (7s.)
John de Brathwayt	Surveyor	St. Michael, Spurriergate	8s. 4d. (9s.)
William Fysssh	Constable	St. Mary, Bishophill Senior	6s. 4d. (6s. 8d.)
William de Clapham	Constable	St. Mary, Bishophill Junior	3s. 4d.
John de Cottyngnam	Constable	St. Michael, Spurriergate	4s. 4d. (4s. 8d.)
John de Cezay	Constable	St. Michael, Spurriergate	3s. 8d. (4s.)
John de Askham	Sub-Constable	St. Martin and St. Gregory, Micklegate	3s. 4d. (4s.)
Robert Tothe	Sub-Constable	St. Martin and St. Gregory, Micklegate	4s.
Simon de Quixlay	Constable	St. John at Ouse Bridge End	13s. 4d. (14s.)
John de Kenley	Constable	All Saints' Pavement	3s. (3s. 4d.)
William Redhode	Constable	All Saints' Pavement	6s. (6s. 8d.)
William del Pountfrayt	Constable	All Saints' Pavement	8s. 2d. (9s. 2d.)
Roger de Moreton, Jr.	Sub-Constable	St. Martin, Coney Street	7s. 4d. (8s.)
Adam de Misterton	Sub-Constable	St. Martin, Coney Street	6s. (6s. 8d.)
Robert del Gare	Constable	St. Michael le Belfrey	9s. 8d. (10s.)
William de Leuesham	Constable	St. Helen, Stonegate	3s. (3s. 8d.)
Thomas de Kilburn	Constable	St. Helen, Stonegate	3s. (3s. 8d.)
Richard de Soureby	Sub-Constable	Holy Trinity, Goodramgate	2s. 4d. (3s.)
Hugh del Chartres	Constable	St. Sampson	4s. (4s. 8d.)
John de Howeden	Constable	Holy Trinity, King's Court	9s. 4d. (10s.)
Walter de Frothyngnam	Constable	Holy Trinity, King's Court	1s. 4d. (2s.)
Roger de Moreton	Constable	St. Saviour	20s. (24s.)
John de Barden	Constable	St. Crux	18s. (20s.)
John de Pathorne	Sub-Constable	St. Crux	9s. (9s. 4d.)

<sup>185</sup> Statistics are drawn from "Lay Poll Tax Returns for the City of York in 1381", pp. 18-79.

<sup>186</sup> The parishes are those in which they were taxed in 1381.

<sup>187</sup> All of the figures given are for married couples, with the exception of Thomas de Kilburn, who was assessed as a single person. The figures in brackets indicate how much each taxer paid for his household, including servants.

of 20s., whilst others such as John de Santon and John de Barden paid the maximum of 20s. by paying for their wives *and* household servants. There is also evidence to suggest that there was an attempt, among the taxers themselves, to ensure an equitable distribution of the tax. Thus, in the parish of St. Crux, for example, one of the constables paid 18s. and a sub-constable 9s. Stronger than personal differences, then, was the notion of communal civic responsibility which expressed itself in tax relief for the poorest parishes and in the payment of a substantial proportion of the tax by the leading citizens who assessed and collected it.

In a recent essay, Dyer has argued that, although the tax burden was spread more widely after 1334, tax distribution in villages continued to reflect “a web of neighbourly co-operation, and a belief that the better off should help the poor”.<sup>188</sup> Significantly, he contrasted the experience in villages with the approach in urban communities, in which “the burden was shifted from the wealthy to the less affluent, causing friction”.<sup>189</sup> The evidence of the assessment and collection of York’s 1381 poll tax certainly contradicts this picture, suggesting instead the sensitivity of the tax collectors to tensions in the city and the sense of social responsibility on the part of the wealthiest citizens. Moreover, the argument here has been that royal taxation did not just respect communal solidarity, but that it also helped to create a community ethos which temporarily overcame even the deep fissures apparent in York between 1380 and 1381. The disturbances in York continued through the summer of 1381 and it was in February 1382 that the supporters of John de Gysburn and Simon de Quixlay appeared before the king’s council at Westminster and agreed to keep the king’s peace.<sup>190</sup> Nevertheless, taxation had not been used as a weapon to settle scores and people had put aside their differences to co-operate and to respond to the crown’s demands.<sup>191</sup>

#### 2.2.4 A Sense of Obligation to the Crown

Arguably, despite the troubles in York, what was demonstrated most vividly in the assessment and collection of the third poll tax was the triumph of “a system of government in which crown and subjects shared responsibility” and which saw the tax collectors co-

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<sup>188</sup> Dyer, “Taxation and communities”, p. 190.

<sup>189</sup> Dyer, “Taxation and communities”, pp. 188-89.

<sup>190</sup> Dobson, “Risings in York, Beverley and Scarborough”, p. 121.

<sup>191</sup> Although there were accusations levelled against John de Gysburn’s successor, Simon de Quixlay, concerning the levying of civic taxes and the exaction of forced loans from Gysburn’s supporters, it is debatable, however, how much credence should be given to these claims given the climate of allegation and counter-allegation by both sides. It is possible that the petitioner was playing on royal fears about the consequences of heavy taxation after the Peasants’ Revolt. See PRO, SC8/103/5138.

operate with the crown to pay £200 into the royal exchequer, reconciling the pressures of both royal government and the local community from which they were drawn.<sup>192</sup> It ought to be pointed out that the Peasants' Revolt was occasioned not by the grant or collection of the 1380 poll tax, but by the appointment of commissioners of inquiry in the spring of 1381 to investigate the administration of the tax.<sup>193</sup> "By appointing members of the county gentry reinforced by experts from the central financial and judicial agencies to make detailed inquiries into the administration of the levy and report their findings directly back to the exchequer", as W.M. Ormrod has argued, "the crown was threatening the high degree of autonomy that bailiffs, constables and other village elders had come to expect over the distribution of taxation within individual communities ever since the fixing of the communal charges for fifteenths and tenths in 1334."<sup>194</sup> In short, what was threatened was the principle of self-government at the king's command.<sup>195</sup> This is not to deny that the level of royal taxation could not be oppressive. Indeed, in the attack on John de Gysburn in November 1380 by the commons of York, including the city's butchers, it is possible to see evidence of popular hostility towards the fiscal policies of both civic and royal government. In a period of extremely onerous fiscal demands, such as the years 1377 to 1381, royal taxation could lead to friction within the urban community. However, those involved in the government of the city continued to work in partnership with the crown even if, as in the cases of John de Gysburn and Simon de Quixlay, they were antagonistic towards each other.

Important as it is to assess the impact of royal taxation locally, it is also necessary to consider the national dimension. G.L. Harriss has suggested that in later medieval England, "the need for taxation was broadly accepted by the political nation."<sup>196</sup> The collectors of the third poll tax in York, whether royal taxers or sub-taxers, belonged to the upper echelons of urban society, from whose ranks the city's MPs in the parliaments of the 1370s were also drawn.<sup>197</sup> They too felt a sense of obligation to the crown and were concerned with threats

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<sup>192</sup> The quotation is from G. Harriss, "Political Society and the Growth of Government in Late Medieval England", *P&P*, 138 (1993), p. 57.

<sup>193</sup> For the most recent discussion of this point, see Ormrod, "Politics of Pestilence", pp. 166-67.

<sup>194</sup> Ormrod, "Politics of Pestilence", p. 167.

<sup>195</sup> See White, *Self-Government at the King's Command*, pp. 77-81 for the involvement of local men in the assessment and collection of royal taxes.

<sup>196</sup> Harriss, "Political Society and the Growth of Government", p. 41.

<sup>197</sup> See Appendix. Six of the fifty-seven parish officials were appointed assessors/collectors or surveyors of the 1380 poll tax; of the remaining fifty-one, twenty-eight occupied high rank civic office in the city before the collection of the third poll tax. Compare the names in *YMB*, vol. 1, pp. 151-54 and in the Appendix.

to the defence of the realm. For instance, as I have already shown, John de Barden, a constable of the parish of St. Crux in York, was appointed in the 1379 parliament to oversee the collection of a subsidy in the admiralty of the north for the defence of the north from French naval attack.<sup>198</sup> Moreover, it has been argued recently that the renewal of war in 1369 and the high costs of warfare did not, as was once thought, force the commons in parliament into a position of confrontation and conflict with the crown. Instead, the commons continued to grant the traditional tenths and fifteenths as well as to devise new forms of direct taxation such as the 1371 parish subsidy and the three poll taxes.<sup>199</sup> It was not the case that the commons liked taxation, nor were they enthusiastic for the war with France, but in the context of threats to the safety of the realm, the parliamentary commons provided the taxes essential for its defence.

## 2.3 CONCLUSION

In assessing the fiscal contributions of Bristol and York to the royal government, this chapter has sought not only to measure the fee farm and direct taxation in quantitative terms, but also to examine the ways in which the towns organised and paid their fiscal obligations. It has long been argued that urban self-government developed in response to the fiscal needs of the crown,<sup>200</sup> but I have developed this argument to show that, once the towns corporately gained responsibility for the payment of the fee farm and royal taxation, they were able to benefit financially from the crown's fiscal demands. Admittedly, individuals could suffer from the weight of the crown's financial exactions, particularly in the period 1377 to 1381, but external demands contributed not only to the growth of the urban community as an administrative entity with its own financial resources, but also to the sense of communal identity within Bristol and York, even if, as in York in 1381, this was an elitist rather than a popular sentiment. Exploring the role of individuals in the administration of royal taxation, I have argued that there was a partnership in government between the political elites of Bristol and York, and the crown, which was sustained despite the serious disturbances in York between 1380 and 1381. And finally, I have suggested that

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<sup>198</sup> See above, p. 54.

<sup>199</sup> G. Dodd, "Crown, Magnates and Gentry: The English Parliament, 1369-1421" (D.Phil. thesis, University of York, 1998), pp. 22-30 and the secondary literature cited therein.

<sup>200</sup> See, for example, Tait, *Medieval English Borough*, pp. 139-93, for the way in which towns acquired civic officials such as the mayor and bailiffs in order to pay their fee farms.

this partnership was strengthened by the sense of belonging not only to a local community, but also to wider community, the community of the realm in parliament, which was especially concerned with issues of common interest such as the defence of the realm.

## CHAPTER THREE: LOANS AND SHIPPING

### 3.0 INTRODUCTION

This chapter examines the role and importance of Bristol and York in the military enterprises of the crown. Throughout the later medieval period, as G.L. Harriss has shown, direct taxation continued to be granted by the parliamentary commons for the king's necessity, usually expressed as a threat to the defence of the realm.<sup>1</sup> However, from 1334, when local communities were allowed to pay a fixed tax quota, towns received a relatively light assessment compared to their total wealth.<sup>2</sup> With the onset of the Hundred Years War, the crown relied increasingly on credit, and, in particular, on loans from English merchants, to finance its military operations.<sup>3</sup> Loans, unlike direct taxation, were not fixed and they could be raised much more quickly than parliamentary taxation. Indeed, loans were often negotiated on the security of future repayment from direct and indirect taxation.<sup>4</sup> As well as loans, the main contribution made by Bristol and York to the enterprise of war was the supply of ships for the royal navy.<sup>5</sup> The king only had a small permanent navy of his own. Between 1369 and 1375, for example, the royal fleet numbered only forty vessels, and this small fleet had been disbanded by 1380. Instead, the crown was dependent largely on the requisitioning of merchant shipping either as transport vessels or fighting ships. In short, although Bristol and York did make the occasional contribution of soldiers to the king's armies under commissions of array,<sup>6</sup> their main activities in wartime lay in the provision of loans and ships to the crown.

In the absence of both a state bank responsible for a system of public credit and a permanent royal navy of any significant size, the successful functioning of the state in raising

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<sup>1</sup> For the nature of late medieval taxation, see G.L. Harriss, "Theory and practice in royal taxation: some observations", *EHR*, 97 (1982), pp. 811-19.

<sup>2</sup> W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327-1377* (New Haven and London, 1990), pp. 179-80.

<sup>3</sup> Ormrod, *Reign of Edward III*, pp. 183-86.

<sup>4</sup> In 1375, for example, the crown offered the town of Winchester repayment of a loan from the next parliamentary subsidy: PRO, SC1/55/84(i).

<sup>5</sup> For what follows on shipping, see J.W. Sherborne, "The Hundred Years' War, The English Navy: Shipping and Manpower, 1369-1389", *P&P*, 37 (1967), p. 166.

<sup>6</sup> The city of York arrayed troops in 1367 and 1381: *CPR, 1364-67*, p. 432 and *The Anonimale Chronicle, 1333 to 1381*, ed. V.H. Galbraith (Manchester, 1927), p. 154. Bristol supplied soldiers in 1360 and 1370: *CCR, 1360-64*, pp. 107-08 and *CCR, 1374-77*, p. 152.

money and making war depended on co-operation and partnership between the crown and urban communities such as Bristol and York. The main theme of the chapter is the nature of the collaboration between Bristol, York and the crown in the prosecution of war. Was this relationship conducted by the towns in their corporate capacity or by the merchants of the towns individually, and upon what kind of reciprocity was this relationship based? How, if at all, did the towns benefit from their service to the crown as creditors and suppliers of ships? R.W. Kaeuper has argued recently that the fourteenth century saw the transformation of England from a 'law' state to a 'war' state, in which the concentration of the crown's energies and resources on war weakened the power of the state.<sup>7</sup> War, according to Kaeuper, forced the crown to rely on the wealth and resources of its subjects and to devolve, in return, judicial and administrative powers to the gentry in the localities who then, as justices of the peace, used the law in their own self-interest.<sup>8</sup> In a specifically urban context, it has been argued similarly that the crown's fiscal needs led to the granting of charters of self-government to towns and that it was the desire for the acquisition and maintenance of corporate liberties which motivated towns in their fiscal relations with the crown.<sup>9</sup> The nature of self-government contained in the royal charters granted to Bristol and York will be analysed in Chapter Six. The issue to be addressed in this chapter concerns the nature of urban expectations and interests. In particular, should urban loans be seen "as another form of urban patronage, more effective than gifts of wine or small pensions in convincing the monarch to extend his favor and grant a desired charter or privilege"?<sup>10</sup>

Another theme is the comparative importance of Bristol and York as suppliers of loans and ships to the crown. It has been suggested that the changing military priorities of the crown in the course of the fourteenth century meant that York, which had been a seat of royal government and a major supplier of troops, money and arms in the early fourteenth century, declined in importance to the crown with the beginning of the Hundred Years

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<sup>7</sup> R.W. Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages* (Oxford, 1988), pp. 1-5 and 384-86, and *passim*.

<sup>8</sup> For alternative views on the development of the late medieval state, see G. Harriss, "Political Society and the Growth of Government in Late Medieval England", *P&P*, 138 (1993), pp. 28-57 and W.M. Ormrod, *Political Life in Medieval England, 1300-1450* (Basingstoke and London, 1995), pp. 85-86 and *passim*.

<sup>9</sup> See, for example, L. Attreed, "Poverty, Payments, and Fiscal Policies in English Provincial Towns", in S.K. Cohn Jr. and S.A. Epstein (eds.), *Portraits of Medieval and Renaissance Living: Essays in Memory of David Herlihy* (Michigan, 1996), p. 336.

<sup>10</sup> Attreed, "Poverty, Payments, and Fiscal Policies", pp. 336-38.

War.<sup>11</sup> Did the crown rely more on one town than the other, and is it possible to measure these military contributions in any meaningful way?

### 3.1 LOANS

Until the late 1330s, Edward III had, like his predecessors, borrowed enormous sums of money from Italian financiers. When the Hundred Years War bankrupted the banking firms of the Peruzzi and the Bardi, the king turned to successive syndicates of English merchants to provide regular and substantial loans. With the collapse of these companies in the mid-fourteenth century, the crown started to appeal more frequently to the wider body of its subjects for loans.<sup>12</sup> Much is already known about the operation of the wool monopoly companies from the work of E.B. Fryde,<sup>13</sup> but, despite a growing literature on the subject,<sup>14</sup> the precise nature of the crown's credit arrangements in the second half of the fourteenth century remains complex. If historians are agreed that the English financiers of the 1340s lent money to the crown specifically for financial profit from the farm of the customs, there is little consensus about how loans were raised and why creditors lent money in subsequent periods.<sup>15</sup> This study of the loans from Bristol and York begins in 1347, the year in which, "for the first time", Edward III's ministers "made a general appeal both to individual merchants and to town governments for loans".<sup>16</sup>

In the first instance, the chapter will examine the mechanisms through which the loans were negotiated and the circumstances and occasions on which the towns lent money. Secondly, I will address the question of why the towns lent money to the crown. Was lending a duty or a source of profit to the lender? The third area to be explored is the identity of the creditors within Bristol and York and the changing pattern of corporate and

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<sup>11</sup> E. Miller, "Medieval York", in P.M. Tillott (ed.), *The Victoria History of the Counties of England: A History of Yorkshire: The City of York* (Oxford, 1961), pp. 54-59 and W.M. Ormrod, "York and the Crown Under the First Three Edwards", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), pp. 30-31.

<sup>12</sup> The stages in the changing structure of royal borrowing in this period are traced in Ormrod, *Reign of Edward III*, pp. 183-86.

<sup>13</sup> See E.B. Fryde's essays collected in E.B. Fryde, *Studies in Medieval Trade and Finance* (London, 1983), especially "The English Farmers of the Customs in 1343-51", Chapter Ten, pp. 1-17.

<sup>14</sup> This literature will be referred to in the course of the chapter.

<sup>15</sup> Most disagreement has centred on the question of why creditors lent money to the crown. For two opposing views, see K.B. McFarlane, "Loans to the Lancastrian Kings: The Problem of Inducement", in K.B. McFarlane, *England in the Fifteenth Century: Collected Essays* (London, 1981), pp. 55-78 and G.L. Harriss, "Aids, Loans and Benevolences", *Historical Journal*, 6 (1963), pp. 1-19.

<sup>16</sup> Ormrod, *Reign of Edward III*, p. 184.



personal loans. The final issue is the financial importance of Bristol and York to the crown as royal creditors.

### 3.1.1 The System of Royal Credit

How did the crown obtain loans from its subjects and on what conditions did prospective creditors agree to lend money? There has been disagreement among historians about the fundamental nature of loans to the crown. Although K.B. McFarlane admitted the possibility that “royal boroughs and other corporations were regarded as having a duty to lend without gain”, he preferred to consider loans to the crown in the Lancastrian period in terms of a dichotomy: “Either these loans were unprofitable and compulsory or they were voluntary and carried with them a guaranteed reward.” Ultimately, McFarlane argued, “when all allowances have been made there still exists a strong presumption in favour of a high rate of reward.”<sup>17</sup> In contrast, Harriss believed that there were two distinct types of loan: the “state” loan, an obligation imposed on all of the king’s subjects to lend money in a national emergency without interest; and the loan raised when a large sum of money was needed from “the great merchants (not the ordinary burgesses of the towns)”, for which the crown had to pay interest.<sup>18</sup> According to Harriss, the “state” loan was effectively a form of substitute taxation, obligatory in time of urgent necessity, requested on the basis of a fixed roster, and given by magnates, bishops, religious houses, burgesses, gentry and villagers.<sup>19</sup> Some historians, following Harriss’s interpretation, have characterised the two types of loan as “forced” and “voluntary”.<sup>20</sup> To which category of loans did the loans from Bristol and York belong?

The methods used by the crown to raise loans in the second half of the fourteenth century were constantly evolving. When large sums of money were needed, the crown did turn to small groups of merchants to finance the war effort. In 1377, for example, the merchants of the Calais staple, including a group of York merchants, made a loan of £10,000 to the crown. The arrangement was a straightforward financial one, in which the merchants were given control of the wool custom and wool subsidy from which they could

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<sup>17</sup> McFarlane, “Loans to the Lancastrian Kings”, pp. 59 and 78.

<sup>18</sup> Harriss, “Aids, Loans and Benevolences”, pp.18-19.

<sup>19</sup> Harriss, “Aids, Loans and Benevolences”, pp. 6-11.

<sup>20</sup> See, for example, W.M. Ormrod, “The West European Monarchies in the Later Middle Ages”, in R. Bonney (ed.), *Economic Systems and State Finance* (Oxford, 1995), p. 128.

be repaid in full and, as interest (“in consideration of their good will in the matter of the loan”), they were given a monopoly of wool exports.<sup>21</sup> The 1377 deal, namely giving wool merchants control of the wool trade so that they could lend money to the crown and be repaid from the customs, recalled the practices of the 1340s when a succession of merchant syndicates had lent money to the crown in return for the farm of the customs.<sup>22</sup> Although the 1377 loan from the merchants of the Calais staple was a one-off credit arrangement and it was not until the fifteenth century that the staplers became a major prop of royal finance,<sup>23</sup> a similar deal was almost struck with a group of merchants in the second parliament of 1382.

In 1382, the crown asked the commons to lend £60,000 to finance Richard II’s expedition to France, his first as king.<sup>24</sup> This approach to the parliamentary commons for credit was unusual and can be explained by the crown’s lack of money and by the need to raise a substantial amount of money as quickly as possible: hence the expressed intention of the king and council for the whole realm to make a loan “en une manere”. Presumably the parliamentary representatives of the counties and of the towns and cities were expected to agree to a loan on behalf of their local communities.<sup>25</sup> After the commons had discussed the loan, the knights of the shire approached the lords and told them that “les Merchants ore presentz en cest Parlement ent eussent le charge en especial; qar il scievent plus de tielle affaire, et mieltz ent sachent treter qe nul autre degree del Roiaume”. Fourteen named merchants, including Thomas Beaupyne of Bristol and John de Gysburn of York, were appointed by the lords to meet to consider the loan. The wider significance of this committee of merchants will be discussed in Chapter Five. Here it is important to note the muted response of the merchants to the crown’s financial request: the merchants refused to make the loan, recalling the fate of William de la Pole, John Weseham, John Malewayn and

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<sup>21</sup> See *CCR, 1377-81*, pp. 30-31 and *CFR, 1377-83*, pp. 41-42 (the quotation is from p. 42). The loan is discussed briefly in J.L. Bolton, *The Medieval English Economy, 1150-1500* (London, 1980), pp. 295-96.

<sup>22</sup> For the relations between Edward III and the farmers of the customs in the 1340s, see Fryde, “English Farmers of the Customs, 1343-51”, pp. 1-17.

<sup>23</sup> See, for example, G.L. Harriss, “The Struggle for Calais: An Aspect of the Rivalry between Lancaster and York”, *EHR*, 75 (1960), pp. 30-53.

<sup>24</sup> See *RP*, vol. 3, p. 123 and for all future references.

<sup>25</sup> This may have been an attempt to exploit the status of representatives who, according to the parliamentary writ of summons, were given “full power” to act in the name of the whole community of their borough or county. For the fiscal significance of the *plena potestas* clause, see J.G. Edwards, “The *Plena Potestas* of English Parliamentary Representatives”, in *Oxford Essays in Medieval History presented to Herbert Edward Salter* (Oxford, 1934), pp. 141-54.

Walter Chiriton, who had made loans to the crown “pur un poy de gain” and who had been impeached. Fearing a similar impeachment if they lent for profit, some of the merchants said that, if the lords and other knights and esquires lent money “franchement sanz gain reprendre aucune notable somme”, then they would do so on similar terms. The spectre of the wool monopoly companies of the 1340s, whose restrictive activities had generated so much hostility within parliament, continued to haunt the crown’s large-scale credit dealings.<sup>26</sup> As a result, the crown contracted loans through other methods.

Although the crown did not employ fixed methods to raise money from Bristol and York, the two main ways in which the towns were approached for loans were, firstly, through the summons of individual merchants to merchant assemblies, and secondly, through royal agents carrying letters of privy seal. Merchant assemblies, as the work of George Unwin has shown, were summoned regularly by the crown in the first half of the fourteenth century to negotiate wool subsidies and loans and to discuss wider issues relating to trade.<sup>27</sup> In 1347, the crown summoned a succession of merchants from several towns including Bristol and York to appear before the king’s council “to treat with him [the king] upon things touching the war of France and the defence and safety of England”, and as a result, twenty-five Bristol merchants and twenty-seven York merchants made loans.<sup>28</sup> In 1351, although there is no evidence of a formal summons of a merchant assembly, “a deal”, in the words of Unwin, seems to have been struck between the crown and individual export merchants, and seventeen merchants from Bristol and York lent money to the crown.<sup>29</sup> Similarly, in August 1356, six Bristol merchants, summoned to a merchant assembly in June,<sup>30</sup> made a joint loan.

From about 1370, there appears to have been a shift in the way that Bristol and York were approached for loans, as the crown appealed to town governments rather than individual merchants. Harriss was especially interested in loans made through letters of privy

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<sup>26</sup> Significantly, in 1369, when Edward III returned to the monopolistic practices of the 1340s and relied increasingly on a small group of London merchants for loans, these practices came under intense attack in parliament: G. Holmes, *The Good Parliament* (Oxford, 1975), pp. 102-03 and 108-13.

<sup>27</sup> G. Unwin, “The Estate of Merchants, 1336-1365”, in G. Unwin (ed.), *Finance and Trade under Edward III* (Manchester, 1918; reprinted 1962), pp. 179-255.

<sup>28</sup> The writs of summons are in *Report from the Lords’ Committees...for all Matters Touching the Dignity of a Peer* (4 vols., London, 1820-29), vol. 4, pp. 565-71. The quotation is from *CCR, 1346-49*, p. 360. See, also, Tables 3.1 and 3.2, pp. 69 and 70, below, for a summary of the loans from Bristol and York.

<sup>29</sup> Unwin, “Estate of Merchants, 1336-1365”, p. 225. The deal involved repayment from the wool subsidy.

<sup>30</sup> For the writ of summons, see *Dignity of a Peer*, vol. 4, pp. 609-10.

**TABLE 3.1: Bristol's Loans to the Crown, 1347-1401<sup>31</sup>**

DATE	PURPOSE	LENDER	AMOUNT	REFERENCE
June-Sept. 1347	"the defence and safety of England"	Individual	£293 6s. 8d.	E401/388; <i>CCR, 1346-49</i> , p. 360
Aug.-Sept. 1351	"the defence of the realm"	Individual	£495	E401/407; <i>CCR, 1354-60</i> , p. 573.
Aug. 1356	Poitiers campaign	Individual	£50	E401/434
May 1370	Resumption of 100 Years War	Corporate	£500	E401/501
June 1370	Resumption of 100 Years War	Corporate	£333 6s. 8d.	E401/501
Sept. 1370	Wages of soldiers accompanying Guy de Brian "beyond the sea"	Individual	£33 2s. 2d.	E401/501; <i>Issue Roll of Thomas de Brantingham</i> , p. 258.
Sept. 1377	"the expedition over sea"	Individual	£45	E401/527; <i>CPR, 1377-81</i> , p. 29
Oct. 1377	"the expedition over sea"	Corporate	£621 13s. 4d.	E401/528; <i>CPR, 1377-81</i> , p. 29
May 1379	"for certain business concerning war"	Corporate	£666 13s. 4d.	E401/535; E364/22, rot. 4r.
Dec. 1381	Expedition to France	Corporate	£400	E401/544
Oct. 1386	Threat of Franco-Scottish invasion	Corporate	£200	E401/566
Dec. 1394	King's expedition to Ireland	Individual	£100	E401/596
Oct. 1396	Anglo-French peace conference	Individual	£200	E401/604
Dec. 1397	Unknown	Corporate	£800	E401/608
July 1400	"The king's journey to Scotland"	Individual Individual	£50 £66 13s. 4d.	E401/619 E401/619
Aug. 1400	The king's "journey to Scotland"	Individual Individual Individual	£26 13s. 4d. £40 £80	E401/619; E404/17/385 E401/619 E404/17/385
March 1401	"Expenses of the king's chamber" for Scottish campaign	Corporate	£333 6s. 8d.	E401/621
May 1401	Scottish campaign	Corporate	£162 17s. 10½d.	E401/622

<sup>31</sup> All references are to PRO documents, unless otherwise stated.

**TABLE 3.2: York's Loans to the Crown, 1347-1401<sup>32</sup>**

DATE	PURPOSE	LENDER	AMOUNT	REFERENCE
Aug.-Oct. 1347	"the defence and safety of England"	Individual	£450	E401/388, 391; <i>CCR</i> , 1346-49, p. 360
Sept.-Nov. 1351	"the defence of the realm"	Individual	£585	E401/407, 410; <i>CCR</i> , 1349-54, p. 436
Aug. 1359	Rheims campaign	Individual	£666 13s. 4d.	E401/447
May 1370	Resumption of 100 Years War	Corporate	£600	E401/501
June 1370	Resumption of 100 Years War	Corporate	£300	E401/501
April 1372	"in support of the war at sea"	Corporate	£66 13s. 4d.	E401/508
Sept. 1377	The king's "great need"	Calais Staple	£10,000 (total)	<i>CCR</i> , 1377-81, pp. 30-31; <i>CFR</i> , 1377-83, pp. 41-42
Aug. 1385	Richard II's expedition to Scotland	Corporate Corporate Individual	£120 £16 £27 12s. 4d.	E401/561 E401/561 E401/561
Oct. 1386	"safekeeping of Carlisle"	Corporate	£100	E401/566
Nov. 1386	Threat of Franco-Scottish invasion	Corporate	£100	E401/566
Dec. 1397	Unknown	Corporate	£200	E401/608
1399	The king's "necessity before he undertook the governance of the realm"	Corporate	£333 6s. 8d.	<i>CPR</i> , 1399-1401, p. 354
1400	"expenses of his [the king's] household in his present journey to Scotland"	Corporate	£666 13s. 4d.	<i>CPR</i> , 1399-1401, p. 354

<sup>32</sup> All references are to PRO material, unless otherwise stated.

seal and/or commissioners for loans.<sup>33</sup> These loans were obtained in two ways: either commissioners sent letters of privy seal to individuals whom they knew would lend money or they summoned a meeting of the county or the town so that the inhabitants could hear the king's request. An indenture was then drawn up containing the amount of the loan and a date and a promise of repayment by the crown. Harriss argued that the use of letters of privy seal and itinerant commissioners for loans formed a "well-trying instrument of royal government" from the fourteenth to the sixteenth centuries, but although he provided a few examples from the fourteenth century, his main interest lay in the fifteenth-century commissions for which detailed evidence survives among the records of the council.<sup>34</sup> The summer of 1397, according to Thomas Walsingham, marked the beginning of Richard II's tyranny, for it was then that the king's agents embarked on loan-raising tours of the whole country and "carried with them letters sealed with the royal seal, on which was written the amount which they wanted to borrow, but they were not endorsed until they found the people from whom they wanted to borrow it".<sup>35</sup> In December, Bristol and York lent £800 and £200 respectively to the crown.<sup>36</sup> The evidence of the indentures sealed between the lenders and the commissioners confirms that the king did ask for "une somme notable",<sup>37</sup> but there was nothing extraordinary about the methods used to raise money in 1397.<sup>38</sup> Indeed, as the commons' petition to the crown in the parliament of April 1379 suggests, similar methods had been used by the knights and esquires of the king's household to raise a loan in 1379 when "diverses Lettres de Credence dessouz le Prive Seal" were sent to "diverses parties du Roialme, pur faire chevance d'argent a l'oeps le Roi".<sup>39</sup> One Richard Hembrigg, a king's sergeant-at-arms, was paid for his journey to Bristol in February and March of 1379 to ask for loans for certain business concerning the war.<sup>40</sup> A few months later, during parliament, Bristol lent £666 13s. 4d. Presumably, the town's MPs paid the money into the exchequer.

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<sup>33</sup> See Harriss, "Aids, Loans and Benevolences", pp. 13-14 for what follows.

<sup>34</sup> Harriss, "Aids, Loans and Benevolences", p. 3.

<sup>35</sup> *Chronicles of the Revolution, 1397-1400: The Reign of Richard II*, transl. and ed. C. Given-Wilson, (Manchester and New York, 1993), p. 71. For the payments to messengers requesting loans, see PRO, E403/556, 1 December.

<sup>36</sup> See Tables 3.1 and 3.2 for all future references to loans from Bristol and York.

<sup>37</sup> See, for example, PRO, E34/1B/3.

<sup>38</sup> See, also, the comments of C.M. Barron, "The Tyranny of Richard II", *BIHR*, 41 (1968), p. 2.

<sup>39</sup> On this occasion, however, the commons complained about the threat of an appearance before the king's council if they refused to lend money: *RP*, vol. 3, p. 62.

<sup>40</sup> PRO, E364/22, rot. 4r.

The practice of contracting loans under letters of privy seal and from commissioners for loans was far more common in the second half of the fourteenth century than has been hitherto recognised. In 1370, for example, the issue rolls record payments to one William Tench, “sent with letters of Privy Seal directed to the Mayor and Bailiffs of the town of Winchester, and Bailiffs of the town of Bristol, to borrow and contract for money for the king’s use” and to John Crull, “sent with letters of Privy Seal, directed to the sheriff of Lincoln, the mayors and bailiffs of the towns of Boston, of Barton-upon-Humber, of Beverley, of Lincoln, of Hull, of York, and of Newcastle”.<sup>41</sup> James Sherborne’s study of the preparations for war in 1386 suggests that the loans made by Bristol and York during the October parliament may have been preceded by the distribution of signet and privy seal letters requesting loans.<sup>42</sup> Moreover, in 1400, Richard Kyngeston, dean of the royal chapel, seems to have been particularly active as a royal commissioner for loans, visiting Bristol among other places.<sup>43</sup> Therefore, the evidence from Bristol and York would suggest that the use of letters under the privy seal and commissions to negotiate loans was becoming a regular practice in the later fourteenth century.

The reasons for the crown’s changing strategy will be considered later in the chapter, but it seems clear that the main reasons lay in the decline of a separate ‘estate of merchants’ in the mid-fourteenth century and in the crown’s decision to tap urban wealth in a different way by approaching town governments individually for loans. This system for raising loans was probably not entirely of the crown’s making or choice. W.M. Ormrod has argued that the practices of the wool monopoly companies of the 1340s alienated a wide cross-section of the mercantile community which turned to the commons in parliament to express and protect its interests. Henceforth, the commons became “the mouth-piece of the business classes”.<sup>44</sup> In early 1382, the crown made an attempt to reconstitute a merchant assembly for the purpose of negotiating a loan. In the opening speech of the parliament of May 1382, the chancellor, Richard le Scrope, explained that, first London merchants, and then two or three of the most “sufficient” merchants of each town and city within the realm, had been

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<sup>41</sup> *Issue Roll of Thomas de Brantingham... 44 Edward III*, transl. and ed. F. Devon (London, 1835), pp. 138 and 129-130.

<sup>42</sup> J. Sherborne, “The Defence of the Realm and the Impeachment of Michael de la Pole in 1386”, in J. Taylor and W. Childs (eds.), *Politics and Crisis in Fourteenth-Century England* (Gloucester, 1990), p. 105 and *CPR, 1385-89*, p. 216.

<sup>43</sup> PRO, E401/621, 27 March.

<sup>44</sup> Ormrod, *Reign of Edward III*, pp. 189-90 and 194-96. The quotation is from p. 196.

summoned to a great council.<sup>45</sup> The attempt, however, had failed because the merchants in the assembly declared that only parliament could provide sufficient surety for “si grant somme de Monoie”. When the commons were consulted,<sup>46</sup> they sought to devolve responsibility to a group of fourteen merchants in parliament, a number of whom were not parliamentary representatives,<sup>47</sup> who then refused to make the loan. The crown’s attempt to create a national forum for the negotiation and contracting of loans was a failure.

What was the nature of the loans from Bristol and York? Were they voluntary or compulsory? Although the specific circumstances preceding each of the loans is not always clear, only the 1377 loan from the York staplers can be seen to fit into the category of a large mercantile loan which was entirely freely given. The whole process of negotiating loans was characterised by a degree of coercion, whether the loan was made by merchants in a merchant assembly or by creditors approached under the privy seal. In March 1347, a merchant assembly was summoned to meet in the following month for the purpose of raising loans. Writs were sent to seventy-nine named merchants, including three from Bristol and nine from York.<sup>48</sup> Some did not lend money whilst others agreed to lend but then did not, and the king threatened them with forfeiture of their goods.<sup>49</sup> Finding it very difficult to secure the necessary loans, the king, at the end of June, summoned 186 merchants, including sixteen Bristol merchants and twenty-four York merchants, to appear before the king’s council at various times throughout the summer of 1347.<sup>50</sup> Nevertheless, in July, there were still some merchants, such as Roger Turtle of Bristol and William Graa of York, who had ignored the king’s summons on two occasions, forcing the king to order the sheriffs to “attach” the merchants or threaten them with the penalty of forfeiture to secure their presence before the king’s council.<sup>51</sup>

Similarly, in 1352, pressure was imposed on prospective creditors to ensure that loans were forthcoming. Nicholas Fouk and “certain other men of the city” of York had agreed to lend money “before certain lieges sent to that city” and in order that “the sum might be

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<sup>45</sup> *RP*, vol. 3, p. 122.

<sup>46</sup> See above, pp. 67-68.

<sup>47</sup> On this point and on the wider significance of the committee, see Chapter Five, pp. 190-91.

<sup>48</sup> *Dignity of a Peer*, vol. 4, pp. 563-65.

<sup>49</sup> F.R. Barnes, “The Taxation of Wool, 1327-1348”, in G. Unwin (ed.), *Finance and Trade under Edward III* (Manchester, 1918; reprinted 1962), p. 169.

<sup>50</sup> *Dignity of a Peer*, vol. 4, pp. 567-71.

<sup>51</sup> *CCR, 1346-49*, p. 360.



paid more readily the king sent lieges to receive that sum there".<sup>52</sup> Fouk was ordered, under pain of forfeiture, to make the loan and to appear before the king's council to explain his conduct. At the same time, the mayor and bailiffs of York were instructed to distrain those who refused to pay. In short, an element of coercion was part of the process by which loans from Bristol and York were contracted with the crown. Even more significant, however, is the fact, despite royal pressure on recalcitrant creditors, it was still possible to refuse to lend money. There is no evidence, for example, that Nicholas Fouk or the five other men of York ever actually made a loan to the crown.<sup>53</sup> The loans from Bristol and York were neither entirely voluntary nor compulsory.

Harriss saw the "state" loan raised from all of the king's subjects as an obligation. Given in time of urgent need and for the common profit, the loan was, like royal taxation, impossible to refuse. Although a prospective creditor could try to avoid making a loan by arguing that security for repayment was inadequate or by claiming a plea of poverty, "having been asked - under the appropriate safeguards - it could not be refused".<sup>54</sup> In fact, the evidence from Bristol and York suggests that the process of lending was far more sensitive to a town's needs and the level of negotiation with the crown much greater than has previously been argued. It is certainly clear that royal demands could be reduced. In 1397, for example, the abbot of Rievaulx pleaded that he could not lend the "notable sum" requested by the king, but that he could give twenty marks instead.<sup>55</sup> Similarly, Caroline Barron's work on the pattern of corporate London loans between 1416 and 1438 from the records of the common council has shown that a great deal of bargaining between the city and the crown took place and that, "the citizens very rarely refused to lend, but on no occasion did they lend as much as the king requested. This was a custom which both parties probably well understood."<sup>56</sup> No record of such practice is extant among the records of civic government of Bristol and York, but there is evidence to suggest that the loans raised from the two towns were also the subject of intense negotiation. According to Harriss, loans were requested from an individual or a community according to their "known circumstances or degree", so that these amounts would become stereotyped and "larger cities, like York and

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<sup>52</sup> See *CCR, 1349-54*, pp. 336-37 for what follows.

<sup>53</sup> There is no evidence in the exchequer receipt rolls: PRO, E401/413, 416.

<sup>54</sup> Harriss, "Aids, Loans and Benevolences", pp. 5-6 and 16-17. The quotation is from p. 6.

<sup>55</sup> PRO, E34/1B/30.

<sup>56</sup> C.M. Barron, "London and the Crown, 1451-61", in J.R.L. Highfield and R. Jeffs (eds.), *The Crown and Local Communities in England and France in the Fifteenth Century* (Gloucester, 1981), p. 92.

Bristol, were usually asked to loan not less than 500 marks and often more”.<sup>57</sup> Measured by the 1334 subsidy and the 1377 poll tax, Bristol and York were the largest and wealthiest provincial towns in the fourteenth century.<sup>58</sup> Similar in size and wealth, they should have lent similar amounts when they were both asked to make loans. In 1386, it is true that Bristol and York each lent £200, but just over ten years later, in 1397, Bristol lent £800 compared to £200 by York. There was clearly some flexibility in the system of negotiating loans.

In fact, there is evidence, albeit circumstantial, of outright refusal. In 1393, for example, a messenger, Nicholas Inglefield, was paid for his journey to London and to Bristol to request money to pay for the expenses of the royal household.<sup>59</sup> There is, however, no record of a subsequent loan from Bristol in either the exchequer receipt or issue rolls.<sup>60</sup> In short, it is important to accept the fact that refusal of a loan was a distinct possibility. Indeed, what could a king do to force prospective creditors to lend money if they were recalcitrant? To individual lenders, there was always the threat of an appearance before the king’s council, but as I have suggested, this practice did not always work. In 1398, Richard II commissioned various local royal officials including the mayor and sheriffs of York to secure loans totalling over £2,000 from a group of prominent York citizens who “are indebted in divers sums of money to the king by their letters obligatory”.<sup>61</sup> If the creditors refused to lend the money, they were to appear before the king’s council, but despite continual pressure, there is no evidence that the crown ever received the money it requested.<sup>62</sup> Moreover, it was even more difficult for the crown to deal with towns in their corporate capacity. As Barron’s study of Richard II’s seizure of London’s liberties in 1392 suggests, a king could remove a town’s powers of self-government if it was not providing the loans which were expected by the crown, but he could not do this without other justification.<sup>63</sup>

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<sup>57</sup> Harriss, “Aids, Loans and Benevolences”, p. 11. A similar argument was made in A. Steel, *The Receipt of the Exchequer, 1377-1485* (Cambridge, 1954), p. 146.

<sup>58</sup> A. Dyer, *Decline and Growth in English Towns, 1400-1640* (Basingstoke and London, 1991), pp. 64 and 70.

<sup>59</sup> PRO, E101/403/22, fo. 17r., cited in N. Saul, *Richard II* (New Haven and London, 1997), p. 331.

<sup>60</sup> Although the wardrobe could receive loans directly, repayment was dependent on the exchequer. For the relationship between the wardrobe and the exchequer, see G.L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford, 1975), pp. 208-28.

<sup>61</sup> *CPR, 1396-99*, pp. 363-64 and 368, and *CCR, 1396-99*, p. 425. The identity of the creditors will be discussed later in the chapter.

<sup>62</sup> Steel’s work on the receipt rolls confirms this point: Steel, *Receipt of the Exchequer*, p. 118.

<sup>63</sup> C.M. Barron, “The Quarrel of Richard II with London, 1392-7”, in F.R.H. Du Boulay and C.M. Barron (eds.), *The Reign of Richard II: Essays in Honour of May McKisack* (London, 1971), pp. 173-201,

Without the possibility of refusal, it is very difficult to explain the fact that, with the exception of the 1377 loan from the merchants of the Calais staple to which a small group of York merchants contributed, the citizens of York, whether corporately or singly, did not make a loan to Richard II until 1385. In the same period, Bristol lent over £1,700. How can York's omission as a creditor be explained? The records of meetings of York's city council in the later 1370s indicate that the city was experiencing some serious financial problems at this time, notably the high costs of maintaining the city's barges which had been built at the city's expense in 1373 and 1377 for the defence of the realm.<sup>64</sup> The subject of the cost of the city's barges, which was clearly a major issue in civic politics and a major drain on civic finances, will be discussed in the second section of this chapter. If the claim of the citizens of York in 1378 that they had built "une graunde barge autrefois et ore de novel une graunde balynger et une petite balynger...a plus graunt coustage qe nulle autre Citee du Royaume fors de la citee de Londres" can be believed, then the cost must have been considerable.<sup>65</sup> It may be that, in 1379, the city's governors not only made a plea of poverty, but also drew attention to the city's noble service to the crown as a supplier of barges for the war effort which more than compensated for the lack of financial support: hence the absence of York from a list of over 150 creditors in 1379.<sup>66</sup>

There were also political reasons for refusal to pay which were unrelated to the financial inability of a prospective creditor to provide a loan. In 1375, the king wrote a letter under the privy seal to the mayor and sheriff of Bristol and four other provincial towns and cities asking for loans. The letter described recent rumours of an imminent French invasion and spoke of the urgent need to resist the enemy "in salvacionem nostri ac vestri et tocius regni nostri".<sup>67</sup> There is no evidence, however, that Bristol or the other towns made a loan. Ormrod has suggested that there was a loss of faith among prospective creditors because the crown "refused to honour many of the debts incurred in 1369-70".<sup>68</sup> This was certainly not true of Bristol, for the town's corporate loans totalling over £800 in 1370 had both been

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especially pp. 178-81.

<sup>64</sup> See, also, the comments of S. Rees Jones, "York's Civic Administration, 1354-1464", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), pp. 129-30.

<sup>65</sup> PRO, SC8/216/10758. The cost of one of London's barges, *The Paul*, was £621: Sherborne, "Shipping and Manpower, 1369-1389", p. 169.

<sup>66</sup> The list of creditors is in *CPR, 1377-81*, pp. 635-38.

<sup>67</sup> PRO, SC1/55/84(i).

<sup>68</sup> Ormrod, *Reign of Edward III*, p. 185.

repaid from the Bristol customs in the same year.<sup>69</sup> Although the precise reasons for Bristol's refusal are not explicit, it is plausible that the refusal expressed discontent towards the royal government and, in particular, hostility towards a government that was dominated by a small clique of courtiers who were perceived to have misappropriated royal revenue for the war and to have used it for their own personal profit rather than the common interest, hostility that was to be expressed most dramatically a year later in the Good Parliament of 1376.<sup>70</sup>

The making of a loan rested on a unity of interest between the crown and the creditor and expressed a consensus that the king was acting in the common interest and that the language of common profit was not just empty rhetoric.<sup>71</sup> The whole purpose of kingship in Western Europe in the middle ages was the pursuit of the common good.<sup>72</sup> The idea had several meanings, but in essence, it meant that the king should act not in his own personal interest or even in the interest of the few, but in the interest of all his subjects. Harriss's seminal article on loans to the crown set out explicitly to counter the argument that loans were "not 'forced' but freely made; not offered disinterestedly, but for profit",<sup>73</sup> and was very much part of his wider view of the development of royal government in later medieval England, in which he saw an "extension" rather than a "crisis" of royal authority.<sup>74</sup> The evidence of the loans from Bristol and York would suggest that the crown was dependent on the goodwill of its subjects,<sup>75</sup> but this did not mean that the crown was impotent. Rather, if the crown's request for loans was perceived to be genuinely in the common interest and there was felt to be a real need, the king could expect full co-operation and financial assistance. As Harriss argued in relation to the development of the system of public finance, "in the last analysis the King's interpretation [of the common profit] could not conflict with the political interests of his subjects. Specifically, he could not devote the resources of the

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<sup>69</sup> PRO, E401/501, 10 May and 22 June.

<sup>70</sup> Holmes, *Good Parliament*, *passim*.

<sup>71</sup> The contemporary and secondary literature on the common good is enormous. A useful summary is in A. Black, *Political Thought in Europe, 1250-1450* (Cambridge, 1992), pp. 24-28. For more recent discussion, see J. Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), pp. 18-80 and the literature cited therein.

<sup>72</sup> J.L. Watts, "Ideas, Principles and Politics", in A.J. Pollard (ed.), *The Wars of the Roses* (Basingstoke and London, 1995), pp. 120-21.

<sup>73</sup> Harriss, "Aids, Loans and Benevolences", p. 1. Profit here means *financial* profit.

<sup>74</sup> For the most recent expression of Harriss's views on the subject, see Harriss, "Political Society and the Growth of Government", pp. 28-57.

<sup>75</sup> McFarlane, "Loans to the Lancastrian Kings", pp. 66-67 made a similar point about the impracticality of compulsion.

realm to his personal profit or that of a group of intimates.”<sup>76</sup> Loans were not a knee-jerk reaction to royal pressure; in the cases of Bristol and York, they expressed urban as well as royal interests.

### 3.1.2 Reasons for Lending

For what purposes and for what reasons did Bristol and York lend money to the crown? In answer to the first question, virtually all of the loans coincided with periods of intensive military activity by the royal government and in particular with phases of the Hundred Years War.<sup>77</sup> In the general absence of privy seal letters for loans,<sup>78</sup> the purposes of the loans from Bristol and York have been established from references in the exchequer receipt and issue rolls, warrants for issues and the letters patent which were enrolled as surety for creditors to ensure repayment and from comparison between the timing of loans and known military campaigns. With the notable exception of the loans of 1397, whose purpose remains unclear, and York’s loan of 500 marks in 1399 to Henry Bolingbroke before he became king,<sup>79</sup> all of the loans were for military expenditure to meet a necessity of the realm often expressed in terms of “the defence of the realm”.<sup>80</sup>

The loans from Bristol and York can be seen, in the context of war, as a response by the king’s subjects to the need to assist in the defence of the realm. They reflected a shared commitment, not just an obligation, between crown and subjects, to war. The defence of the realm was one expression of the common good and it was part of a morality of government which united king and subjects. In a recent article on the role of Richard Fitzalan, earl of Arundel, as a royal creditor, Chris Given-Wilson concluded that, “on the whole, he seems to have been prepared to lend for whatever military strategy the King and Council...had decided to pursue, and it is legitimate to see here an element of public-spiritedness.”<sup>81</sup> The loans from Bristol and York can be seen in the same light. That the money was not given disinterestedly is clear also from evidence to be discussed in the second half of the thesis

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<sup>76</sup> Harriss, *King, Parliament, and Public Finance*, p. 228.

<sup>77</sup> See Tables 3.1 and 3.2.

<sup>78</sup> Two extant letters under the privy seal for loans are SC1/55/84(i) and 88.

<sup>79</sup> For different interpretations of these loans, see Barron, “Tyranny of Richard II”, pp. 17-18 and Saul, *Richard II*, p. 441. For the purpose of York’s loan in 1399, see *CPR, 1399-1401*, p. 354. Its significance will be discussed shortly.

<sup>80</sup> For the loans of 1347, for example, see *CCR, 1346-49*, p. 360.

<sup>81</sup> C. Given-Wilson, “Wealth and Credit, Public and Private: the Earls of Arundel, 1306-1397”, *EHR*, 106 (1991), p. 14.

about the extent of urban interest in royal finances and, specifically, concern about the misappropriation of royal revenue which should have been spent on the war.<sup>82</sup>

It has been argued that the key to understanding the relationship between London and the crown under the Lancastrians was “the interplay of finance and privilege”.<sup>83</sup> In particular, Barron has argued from her study of London loans between 1400 and 1450 that the city lent money out of a sense of duty to the crown, but hoped that the loans would act “as oil to lubricate the machinery of royal favour and privilege”.<sup>84</sup> In short, in return for loans, London expected the confirmation and extension of its corporate liberties. This pattern has also been found among the provincial towns, where loans have been seen as “another form of urban patronage”, and where, according to Anthony Steel, “a large town like Coventry”, for example, “might buy (in effect) a new charter with a loan”.<sup>85</sup> The problems with this approach are both evidential and conceptual. Firstly, a comparison between the timing of loans from Bristol and York and the occasions on which the towns were granted new charters, or had their existing charters confirmed, suggests that if the towns hoped to secure corporate privileges through the extension of credit, then it was not a particularly successful strategy.<sup>86</sup> Secondly, every charter was purchased by a payment into the king’s hanaper as a fee for the sealing of the charter or by a payment into the chamber as a fine for the concessions contained in the charter.<sup>87</sup> The payment by Bristol of 600 marks into the king’s chamber for the 1373 charter which elevated the town to county status was an extraordinarily large sum, and it is significant that the money was paid to lord Latimer, the king’s chamberlain, who, in the Good Parliament, was accused by the commons of abusing his position as chamberlain to embezzle the king’s money.<sup>88</sup> Nevertheless, such payments made loans redundant. After all, loans had to be paid back. Indeed, there were other forms of urban patronage more profitable to a town and a king. In 1396, when the city

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<sup>82</sup> Chapter Five, pp. 184-86.

<sup>83</sup> Barron, “London and the Crown, 1451-61”, p. 91.

<sup>84</sup> C.M. Barron, “The Government of London and its Relations with the Crown, 1400-1450” (Ph.D. thesis, University of London, 1970), p. 423.

<sup>85</sup> Attreed, “Poverty, Payments, and Fiscal Policies”, p. 336 and A. Steel, “English Government Finance, 1377-1413”, *EHR*, 51 (1936), 2 parts, part 1, p. 46.

<sup>86</sup> Compare the information in Tables 3.1 and 3.2 and *British Borough Charters, 1307-1660*, ed. M. Weinbaum (Cambridge, 1943), pp. 38-39 and 132.

<sup>87</sup> H.C. Maxwell-Lyte, *Historical Notes on the Use of the Great Seal of England* (London, 1926), pp. 332 and 342.

<sup>88</sup> *Bristol Charters, 1155-1373*, ed. N. Dermott Harding, Bristol Record Society, 1 (1930), pp. 118-21. For the Good Parliament, see *Chronicon Angliae, 1328-1388*, ed. E.M. Thompson (Rolls Series, 1874), p. 78 and Holmes, *Good Parliament*, pp. 133-34.

of York was also granted a charter making the city a county in its own right, Richard II was courted with entertainment and various gifts including £200 “in duabus pelvibus argenti deauratis”.<sup>89</sup> These forms of urban patronage were quite different from loans which had a wider public dimension, namely the common profit of the realm.

The crown could manipulate the language of common interest to appeal to more narrow interests among the prospective creditors. A letter to the city of Coventry from the duke of Gloucester in 1424 asked for a loan to fund an expedition to France since “the well of us and of this our viage is lyke to turne to ryght great ese of the people, and specially of thies merchauntis of this Realme.”<sup>90</sup> An undated letter, probably of 1371, addressed to the citizens and burgesses of various unnamed towns within the realm, asking for a gift of money, emphasised the particular importance of the defence of shipping and trade, reminding the towns to respond positively “come vous desirez la saluacion de noz ditz roialme et navye et par especial de marchandises”.<sup>91</sup> Admittedly, the request was made to complement a grant of tonnage and poundage and to contribute to the equipping of an armed fleet whose very purpose was the protection of shipping, but the repeated appeal to the trading interests of the towns was persuasive. York responded with a gift of 100 marks; London gave £1,000.<sup>92</sup>

Similarly, the crown recognised that some threats to the safety of the realm affected certain areas of the country more than others. In April 1403, Henry IV wrote to a number of creditors asking for loans in order to resist “la malice de noz rebelx Galois et noz ennemis Descoce”. Given their geographical proximity to Wales and Scotland respectively, it is perhaps no surprise that the only towns to receive letters were Bristol and York.<sup>93</sup> In June 1385, France sent an army to Scotland and in the summer of 1386 there were real fears that the Scots would co-operate with the French to invade England’s northern border.<sup>94</sup> Some of these concerns were expressed by the commons in the parliaments of 1385 and 1386.<sup>95</sup>

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<sup>89</sup> *York City Chamberlains’ Account Rolls, 1396-1500*, ed. R.B. Dobson, Surtees Society, 192 (1978-79), pp. 4-8, especially p. 5.

<sup>90</sup> *The Coventry Leet Book*, ed. M.D. Harris, 2 vols., 4 parts, Early English Text Society, Original Series, 134, 135, 138 and 146 (1907-13), vol. 1, pp. 83-84. The quotation is from p. 84.

<sup>91</sup> PRO, SC1/55/88. For the meaning of the free gift which, unlike the loan, was not repaid, see Harriss, “Aids, Loans and Benevolences”, pp. 8-11.

<sup>92</sup> PRO, E401/508, 29 April and 24 July.

<sup>93</sup> *Proceedings and Ordinances of the Privy Council of England*, ed. N.H. Nicolas (7 vols., London, 1834-37), vol. 1, pp. 199-203. The quotation is from p. 200.

<sup>94</sup> Sherborne, “Defence of the Realm”, pp. 99-106.

<sup>95</sup> For what follows, see *RP*, vol. 3, pp. 213 and 223.

In 1385, the commons petitioned the crown that the marcher lords should stay in the northern marches until the next parliament, “en salvation et defense de mesmes les Marches, et en eide de resister noz Enemys”. A similar request, with added urgency, was made in 1386 when the commons asked, on behalf of the counties of Yorkshire, Northumberland, Cumberland and Westmorland, that all the lords of these counties should remain “pur contrestre et resister ove lour poair la sodeyne venue et l’arivall des Enemys si bien de France come d’Escoce, qe y semble a ore de jour en autre es parties suis ditz”. As I will demonstrate in Chapters Five and Six of the thesis, it is very difficult to establish the precise role of York’s MPs in the drafting of the commons’ petitions, but it can be no coincidence that the city lent over £350 to the crown between August 1385 and November 1386. Moreover, some of this revenue was specifically earmarked by the crown to meet the Scottish threat. York’s loan of £100 in October 1386, for example, was assigned to Ralph Neville and Thomas Clifford, the keepers of the castle and town of Carlisle, for the safekeeping of the garrison, thereby making explicit the connection between the loan and the defence of the north.<sup>96</sup>

There could also be financial inducements to encourage lending, although these were not a source of direct financial profit to the creditor. McFarlane argued that creditors received interest on their loans,<sup>97</sup> but with the exception of the 1377 loan from the merchants of the Calais staple to which reference has already been made, no other loan showed an interest payment. The argument that the interest was disguised in the exchequer receipt and issue rolls is, in a sense, an argument from silence, and is impossible to prove.<sup>98</sup> Instead of interest, there is more persuasive evidence that trading privileges occasionally accompanied requests for loans. In 1353, Edward III banned wool exports by native merchants and, in return for special trading licences, English merchants provided loans to the crown.<sup>99</sup> Although it was mainly Londoners who took advantage of the licences, a loan of £50 from a group of Bristol merchants in 1356 may have been made under similar circumstances. Moreover, the corporate loans from Bristol and York in 1370 totalling over £1,700 could well have been part of a trading agreement between merchants and the crown, in which the ban on foreign exports imposed in the summer of 1369 was lifted only when

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<sup>96</sup> PRO, E401/566, 27 October. For the appointment of Neville and Clifford, see *CPR, 1385-89*, p. 42.

<sup>97</sup> McFarlane, “Loans to the Lancastrian Kings”, pp. 76-78.

<sup>98</sup> McFarlane, “Loans to the Lancastrian Kings”, pp. 76-77.

<sup>99</sup> Ormrod, *Reign of Edward III*, p. 185 and Unwin, “Estate of Merchants, 1336-1365”, p. 218.



substantial loans were forthcoming.<sup>100</sup> Given that the crown approached the civic rulers of Bristol and York for loans in 1370, the loans serve as a reminder that the governments of the two towns were dominated by merchants.<sup>101</sup> As merchant assemblies declined, then, the crown appealed for loans to mini-estates of merchants in each town with the offer of the same trading inducements as before.

From the perspective of the individual creditor, there may have been other reasons to lend. Of Richard Whittington's motives behind his involvement in royal finance, Barron concluded that, "in advancing money to the crown, he must have been informed, and probably consulted, about matters of high policy," and that, "it was Whittington's intention, in lending money to the crown, to buy the royal ear and the public eye."<sup>102</sup> In a similar vein, Stephen O'Connor's work on two London merchants, Adam Fraunceys and John Pyel, has suggested that their importance to the crown as creditors led to their involvement in other forms of public service, for the king as well as for the city of London.<sup>103</sup> It is important to note that comparison with London may be misleading since neither Bristol nor York produced a royal creditor on the scale of Whittington, Fraunceys or Pyel. On the one hand, it is true that lending money to the crown could mark the beginning of a career in future royal service. Walter de Derby, for example, lent just over £30 in 1370 to pay the wages of men-at-arms, archers and mariners preparing to sail from Plymouth to France in a ship that he had also supplied to the crown.<sup>104</sup> In the following year he was appointed to farm the profits of Bristol for the crown and he then served regularly in the customs service in the port of Bristol. On the other hand, there is equally persuasive evidence that lending money could be an expression of support to a government in which these men held a personal stake. Thus, Thomas Beaupyne of Bristol, who lent £100 in 1394 for Richard II's expedition to

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<sup>100</sup> Ormrod, *Reign of Edward III*, p. 185 and T.H. Lloyd, *The English Wool Trade in the Middle Ages* (Cambridge, 1977), p. 217.

<sup>101</sup> For Bristol, see S.A.C. Penn, "Social and Economic Aspects of Fourteenth-Century Bristol" (Ph.D. thesis, University of Birmingham, 1989), Chapter Four; for York, see J. Kermode, *Medieval Merchants: York, Beverley and Hull in the Later Middle Ages* (Cambridge, 1998), Chapter Two, especially, pp. 39-40. The control of urban government by a small number of merchants was described a long time ago by S.L. Thrupp, *The Merchant Class of Medieval London, 1300-1500* (Michigan, 1962), pp. 53-102. For the recent debate about the nature of merchant oligarchies in towns, see S.H. Rigby, "Urban 'Oligarchy' in Late Medieval England", in J.A.F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century* (Gloucester, 1988), pp. 62-86.

<sup>102</sup> C.M. Barron, "Richard Whittington: the Man behind the Myth", in A.E.J. Hollaender and W. Kellaway (eds.), *Studies in London History presented to Philip Edmund Jones* (London, 1969), p. 204.

<sup>103</sup> S. O'Connor, "Finance, Diplomacy and Politics: Royal Service by two London Merchants in the Reign of Edward III", *Historical Research*, 67 (1994), pp. 18-39.

<sup>104</sup> See *CPR, 1367-70*, p. 389 and the Appendix for what follows.

Ireland, and who had twice been elected to the mayoralty of Bristol, had served previously in the customs service in Bristol, acted as a re-assessor of the 1379 poll tax, and travelled to Calais in 1388 on a royal diplomatic mission.<sup>105</sup> Similarly, William Graa of York, who contributed to a loan of £666 13s. 4d. with several of the “probi homines” of the city in 1359, was particularly active in the royal war effort at this time. Along with John de Sevenhous, another York merchant, and a group of London merchants, Graa appears to have been paid £400 by the crown in 1358 for his services “either in assisting with wages or, more likely, in supplying military equipment to the Wardrobe”.<sup>106</sup> To the likes of Beaupyne and Graa, employed in active partnership with the crown, lending may have reflected their identification with the interests of the royal government.

There is no single reason to explain why individuals from Bristol and York or the towns in their corporate capacity lent money to the crown. In fact, a more complex picture has emerged which considers the interplay of private and public interests. Government in later medieval England, as Ormrod has argued, functioned “with the consent and active co-operation of the elite”, and there were “vested interests bound up in the mechanisms of the state - and the mechanisms of state finance in particular”.<sup>107</sup> In order to raise loans, the crown required the co-operation of its subjects. Indeed, in 1400, the city of York acted as a collecting point for loans for Henry IV’s expedition to Scotland, and the mayor of York, William Frost, and Thomas Graa, twice former mayor of the city, were appointed to “receive all such sums and treat about their repayment and bring them to the king in person”.<sup>108</sup> The raising of money for war was a shared enterprise between king and subjects and it depended on consent. The potential consequences that could result when this consensus was undermined are evident from the city of York’s reaction to the arrival of Henry Bolingbroke in England in 1399. In 1398, Richard II forced two York citizens and former mayors of the city, Thomas de Howom and William de Helmeslay, to sue for fines

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<sup>105</sup> See Appendix.

<sup>106</sup> For the payments to William Graa of £300 on 24 February 1358, see PRO, E403/388, and of £100 on 15 November 1358, see E403/394. See, also, PRO, E401/447, 28 April 1358, and E401/449, 5 February 1359. The quotation is from O’Connor, “Finance, Diplomacy and Politics”, p. 25.

<sup>107</sup> Ormrod, “West European Monarchies”, pp. 157-58.

<sup>108</sup> *CPR, 1399-1401*, p. 356. Their account is in PRO, E101/42/36. For Frost and Graa, see Appendix. On his re-election as mayor in 1401, Frost, who seems to have been an important intermediary between the city and the crown, was rewarded for his efforts (“pro magno labore”) to secure the repayment of £1,000 lent by the city to Henry IV in 1399 and 1400 and allowed to take 6d. in every pound repaid from the £1,000: YCA, Freemen’s Roll, D1, fo. 10r.

of pardon,<sup>109</sup> and tried to exact, in addition to a corporate loan of £200 already raised from the city in 1397, over £2,000 from a number of prominent York citizens, including Robert Warde, Thomas del Gare, and four former mayors of York, William and Robert Savage, Simon de Quixlay and John de Howeden, with no apparent promise of repayment.<sup>110</sup> It is perhaps no surprise that, given the opportunity when Henry Bolingbroke travelled through Yorkshire on his arrival in England in 1399, the city lent him 500 marks “in his necessity before he undertook the governance of the realm”.<sup>111</sup>

### 3.1.3 Corporate/Individual Loans

This section will consider loans raised by individuals within Bristol and York and loans raised by the towns corporately. In particular, it will be concerned with the growing importance of the corporate loan and will suggest reasons for this development and examine its relevance and significance to urban history. But what of the individuals who made personal loans to the crown? As I have already suggested, very few of them were regular royal creditors. Only a small number of individuals from Bristol and York made more than one loan, the most notable being Robert de Howom of York and Richard le Spicer of Bristol, who each lent on three separate occasions. Indeed, Robert de Howom also lent money to John of Gaunt, duke of Lancaster, and in 1375 he was repaid a loan of £200 which he had made to Gaunt at Bruges.<sup>112</sup> The vast majority of creditors from Bristol and York were already politically active in their towns when they first made loans to the crown.<sup>113</sup> Of the fifty-four lenders from Bristol, forty-five (83%) had held high civic office in their town, whether as mayor, bailiff, sheriff, steward and/or common councillor. Of York’s forty-eight creditors, thirty-five (73%) had served in similar positions in their city. In other words, the individual creditors from Bristol and York were drawn almost exclusively from the towns’ political elite.

Despite this fact, the second half of the fourteenth century saw a shift in the way loans

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<sup>109</sup> PRO, C67/31, mem. 12 and C67/30, mem. 28.

<sup>110</sup> For references, see above, note 61.

<sup>111</sup> *CPR, 1399-1401*, p. 354. For Henry’s movements in the summer of 1399, see Saul, *Richard II*, pp. 408-11.

<sup>112</sup> *John of Gaunt’s Register, 1372-1376*, ed. S. Armitage-Smith, 2 vols., Camden Society, 3rd Series, 20-21 (1911), vol. 1, pp. 343-44. Gaunt was instrumental in negotiating a truce between England and France at Bruges in 1375: A. Goodman, *John of Gaunt: The Exercise of Princely Power in Fourteenth-Century Europe* (London, 1992), pp. 53-54.

<sup>113</sup> See Appendix.

from the two towns were contracted with the crown and an increasing trend towards corporate loans. Until 1370, all of the loans from Bristol and York were from individual merchants or burgesses/citizens.<sup>114</sup> Thereafter, ten out of twelve loans from the city of York and nine out of eighteen Bristol loans were corporate loans. Possible reasons for this trend have already been suggested. Perhaps the most important factor lay in the development of civic government in the second half of the fourteenth century. In the previous chapter, I examined the growth of the town as an institution with financial resources of its own. The period also saw the emergence of a conciliar and increasingly centralised system of government in both Bristol and York, in the form of the common council and the councils of twelve, twenty-four and forty-eight respectively.<sup>115</sup> The same was also true of Colchester, where Richard Britnell's work has shown that the 1370s witnessed a transformation in the government of the town, with the creation of a town council.<sup>116</sup> The ability of towns to organise their own affairs and to raise money explains a crucial point of difference between urban and county communities. Despite the existence of the institution of the county court and the county's function as a unit of royal government for the purposes of royal taxation, counties did not raise taxes outside of parliament.<sup>117</sup> Indeed, W.N. Bryant has shown that Edward III's attempts to secure grants of money from the counties without parliamentary authority led to resistance among inhabitants who denied the "taxative competence" of the county community.<sup>118</sup> As a result, loans were raised from individual gentry within the counties rather than from the counties in their corporate capacity.<sup>119</sup>

In the cases of Bristol and York, it is very difficult to establish how corporate loans were levied within the towns because of the lack of evidence among the civic records. In the exchequer receipt rolls, the corporate loans were expressed variously as from the "homines", "probi homines", "maior et communitas", "maior et probi homines", "maior et cives", or

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<sup>114</sup> See Tables 3.1 and 3.2. Note that no loans were made in the 1360s, reflecting the formal peace which existed between England and France.

<sup>115</sup> For the development of urban councils in general, see J. Tait, *The Medieval English Borough: Studies on its Origins and Constitutional History* (Manchester, 1936), pp. 263-338. For York, see, also, Rees Jones, "York's Civic Administration, 1354-1464", pp. 122-23.

<sup>116</sup> R.H. Britnell, *Growth and Decline in Colchester, 1300-1525* (Cambridge, 1986), pp. 115-20.

<sup>117</sup> F. Pollock and F.W. Maitland, *The History of English Law*, 2nd Edition re-issued (2 vols., Cambridge, 1968), vol. 1, p. 555.

<sup>118</sup> W.N. Bryant, "The financial dealings of Edward III with the county communities, 1330-1360", *EHR*, 83 (1968), pp. 760-71, especially p. 765.

<sup>119</sup> Steel, *Receipt of the Exchequer*, pp. 190-94 and 259-61.

“cives”, of Bristol and York.<sup>120</sup> In York’s case, one loan was also in the name of the bailiffs of the city. In an important discussion of the changing meanings of the term “communitas” in the medieval period, J. Tait demonstrated that, in the fourteenth century at least, “communitas” meant the “corporate body of citizens or burgesses”.<sup>121</sup> In Bristol, the “probi homines” referred specifically to members of the common council, whilst in York, the “probi homines” were members of the councils of twelve and twenty-four, but Tait has shown that the term was used indiscriminately by the royal chancery as a synonym of “homines”, “cives” or “burgenses”.<sup>122</sup> Evidence from London suggests that corporate loans could be raised from general levies on all of the citizens based on the usual system of collecting royal taxation, namely fixed quotas from each of the wards, or from “all the more powerful [of] our fellow-citizens” summoned to a meeting at the guildhall.<sup>123</sup> Either way, it was the common council, along with the mayor and aldermen, who negotiated the loans with the crown and who organised the raising of the corporate loans.

Some of the loans from Bristol and York appear to blur the distinction between loans raised corporately and those raised by individuals, such as the 1359 loan from seven York citizens “et sociis suis probis hominibus Civitatis Eboracum”. Although the men were part of the government of the city, on the basis that the creditors were named individually, I have viewed the loan as an individual loan which came directly from their own pockets and was a personal arrangement with the crown. A corporate loan was a loan negotiated by the town’s government on behalf of the whole civic body, although sometimes there could be disagreement about the right of the government to speak in the name of the community to authorise a loan. In 1351, London’s mayor and four aldermen and eleven members of the common council visited the king to “signify the City’s assent” to lend him 20,000 marks, but the loan was not forthcoming because, as the king learned, “some of the community of the city, scheming to deprive the king of that loan and to move the people against him”, had asserted that “the loan was made without the consent of the community”.<sup>124</sup> Nevertheless, despite the fact that individual lenders were drawn predominantly from the political elites

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<sup>120</sup> PRO, E401/501, 528, 561, 608, 501, 508, and 566.

<sup>121</sup> Tait, *Medieval English Borough*, p. 240.

<sup>122</sup> *Bristol Charters, 1155-1373*, p. 137 and M. Sellers, “Introduction”, in *YMB*, vol. 1, pp. iv-v; and Tait, *Medieval English Borough*, p. 244.

<sup>123</sup> E.J. Davis and M.I. Peake, “Loans from the city of London to Henry VI, 1431-49”, *BIHR*, 4 (1926), pp. 166-67 and *Calendar of Letter-Books...of the City of London*, ed. R.R. Sharpe (11 vols., London, 1899-1912), *Letter-Book H*, pp. 119-21 and 124-26. The quotation is from p. 121.

<sup>124</sup> *Letter-Book F*, p. 235 and *CCR, 1349-54*, p. 394.

of Bristol and York, the crown sought to approach town governments for loans because, like contemporary changes in the payment of the fee farm and direct taxation, it was a simplified system of securing loans from urban communities in which more of the negotiation could be done within the towns themselves rather than with the crown directly. At the same time, the towns had the machinery and the governing structure to organise the collection of loans.

### 3.1.4 The Scale of Lending

How important were Bristol and York as royal creditors in the second half of the fourteenth century? With the collapse of the Italian banking firms and the English wool monopoly companies, the crown had to turn to its own subjects for loans. In this respect, the loans from Bristol and York, whether made by individual merchants, burgesses and citizens, or by the towns in their corporate capacity, acquired a greater significance to the crown. But how much did Bristol and York lend to the crown? Which town was more valuable to the royal government as a source of credit, and how do the amounts lent by Bristol and York compare with the figures for other towns?

At the beginning of the period, it is clear that the men of York lent far more money than their counterparts in Bristol. In 1347 and 1351, York merchants lent over £1,000, compared to just over £750 by Bristol. When it is remembered that, in the same period, a group of York merchants led by John Goldbeter lent about £20,000 to the crown through the Chiriton company,<sup>125</sup> York's pre-eminence as a centre of royal credit in the mid-fourteenth century can be appreciated fully. Thereafter, Bristol succeeded York as the largest lender among the provincial towns. Although it is impossible to establish exactly how much of the 1377 staplers' loan was provided by York merchants and, as Barron has argued about London, "a large advance by the Staplers or by a group of prominent citizens might well make it difficult for the city to raise a corporate loan if it were asked for one soon afterwards",<sup>126</sup> the contrast between the amounts raised by Bristol and York in Richard II's reign is striking. Between 1377 and 1399, corporate and individual loans from Bristol totalled over £3,000 compared to just over £500 from York. Steel's analysis of loans in the

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<sup>125</sup> E.B. Fryde, "Some Business Transactions of York Merchants: John Goldbeter, William Acastre and Partners, 1336-1349", in E.B. Fryde, *Studies in Medieval Trade and Finance* (London, 1983), Chapter Eleven, p. 6.

<sup>126</sup> Barron, "London and the Crown, 1451-61", p. 91.

reign of Richard II enables Bristol's loans to be placed in a wider context. Between 1377 and 1399, the total loans from provincial towns amounted to £12,202 12s. 6½d.,<sup>127</sup> of which Bristol alone contributed £3,033 6s. 8d. (25%). In the same period, Norwich lent just over £700, slightly more than York, but only a quarter of Bristol's total.<sup>128</sup> Although Bristol was not in the same league as London which lent £66,046 4s. 7½d. under Richard II, the town was "easily pre-eminent" among the provincial urban communities.<sup>129</sup>

In the previous chapter, I showed that the total fiscal contributions of Bristol and York to the crown from the fee farm and the lay subsidy were almost identical.<sup>130</sup> In order to demonstrate the relative importance of loans against the other fiscal contributions made by Bristol and York, I have tabulated the three sets of figures.

**TABLE 3.3: Fiscal Payments to the Crown, 1347-1401**<sup>131</sup>

	FEE FARM	LAY SUBSIDY	AVERAGE LOANS
<b>BRISTOL</b>	£100	£220	£102 per annum
<b>YORK</b>	£162	£160	£66 per annum

Within the period 1377-1399, moreover, there were even greater differences between Bristol and York. Bristol lent an average of £138 per annum, five times the average amount lent by York (£26). Thus, it was in the sphere of moneylending that Bristol distinguished itself in its fiscal services to the crown.

Several reasons for York's relative decline in the crown's credit dealings can be proposed. Firstly, there was the beginning of the Hundred Years War and the shift in the crown's attention from Scotland to France. Significantly, when York did lend money to Richard II, between 1385 and 1386, it was to contribute to an expedition to Scotland and to combat the threat of a Franco-Scottish invasion.<sup>132</sup> Similarly, the loan of 1,000 marks to

<sup>127</sup> Steel, *Receipt of the Exchequer*, p. 144.

<sup>128</sup> Norwich's total was actually £724 6s. 8d, a calculation based on Attreed, "Poverty, Payments, and Fiscal Policies", Table 4, p. 337.

<sup>129</sup> Steel, *Receipt of the Exchequer*, pp. 141 and 144. The quotation is from p. 144.

<sup>130</sup> Chapter Two, p. 42.

<sup>131</sup> Although the level of Bristol's fee farm fluctuated in the period, the fee farm was set at a yearly figure of £100 when the town was taken back into the king's hands on the deaths of Philippa and Anne in 1369 and 1394 respectively. The figures for the lay subsidy exclude the amounts paid by Bristol and York to the parish subsidy and the three poll taxes. The figures for loans includes York's "gift" of 1372, but excludes the 1377 loan from the York merchants involved in the Calais staple, for which no precise figure is extant.

<sup>132</sup> See Table 3.2 for what follows.

Henry IV in 1400 was made for the king's expedition to Scotland to resist a Scottish invasion. Perhaps more important was the involvement of a group of York merchants in the monopoly companies of the 1340s. When the Chiriton company went bankrupt in 1349, legal proceedings against Chiriton's creditors were initiated by the crown so that it could recuperate its losses. Litigation continued into the 1360s against some of the York merchants and £3,600 owing to one of the merchants, John Goldbeter, was never repaid.<sup>133</sup> Two of the merchants named as Goldbeter's associates, William de Skelton and Roger de Hovingham, did lend money to the crown after the collapse of the Chiriton company, but it is probable that the involvement of the York merchants in "fractious and interminable litigation...much reduced their confidence in Edward III's ability to pay his debts".<sup>134</sup> This loss of faith in the royal government may also have been aggravated when the exchequer refused to repay its debts on loans contracted in the period 1369-1370. Complaints from the parliamentary commons about non-payment continued into the reign of Richard II, and the city of York was one of the unfortunate creditors.<sup>135</sup> Although the city was assigned repayment on the Hull customs in 1370, the assignment was cancelled and in 1374, York was repaid £500 of a total debt of £900 and the remaining £400 was remitted to the crown.<sup>136</sup> Equally, the fine of 1,000 marks paid by the city in 1382 as a pardon for the disturbances in York between 1380 and 1381 may have reduced the city's ability to provide loans to the crown.<sup>137</sup> Whatever the reason, Bristol's status as the most important royal creditor among the provincial towns and cities continued under the Lancastrians.<sup>138</sup>

It has been argued generally that the monopolistic practices of the merchant syndicates and the recriminations which followed the bankruptcy of these companies soured relations between the crown and the merchant community and led to a reduction in the amount of credit available to the king.<sup>139</sup> Certainly, York did not lend as much money as it previously had done, and neither Bristol nor York lent the amounts given by the Italian financiers and the English merchants in the 1330s and 1340s. Nevertheless, the crown's dependency upon

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<sup>133</sup> Fryde, "Some Business Transactions of York Merchants, 1336-1349", pp. 3-27.

<sup>134</sup> For Skelton and Hovingham, see Fryde, "Some Business Transactions of York Merchants, 1336-1349", pp. 4-5 and the Appendix. The quotation is from Ormrod, "York and the Crown Under the First Three Edwards", p. 31.

<sup>135</sup> *RP*, vol. 2, pp. 347 and 370, and *RP*, vol. 3, pp. 64 and 70.

<sup>136</sup> PRO, E401/501, 11 May and 3 July, and E401/515, 3 August.

<sup>137</sup> *RP*, vol. 3, pp. 135-36.

<sup>138</sup> Steel, *Receipt of the Exchequer*, p. 196.

<sup>139</sup> Ormrod, *Reign of Edward III*, p. 186 and Given-Wilson, "Earls of Arundel, 1306-1397", p. 22.



the wider body of its own subjects for loans and the involvement of the crown's leading subjects in the towns in the raising and collection of royal revenue can also be seen as a source of strength to the royal government for it reinforced the ties between the centre and the locality. Lorraine Attreed has suggested that, "lending money may...have helped many subjects feel a part of the government and its actions."<sup>140</sup> Integrated into the system of royal finance, the towns of Bristol and York, and, in particular, their political and mercantile elites, participated in the financing and prosecution of war.

### 3.2 SHIPPING

English towns, particularly coastal communities, also supplied ships to the crown's war effort. This naval service was especially important for the conduct of war because there was only a small permanent royal navy in the fourteenth century.<sup>141</sup> There were two ways in which towns provided ships. Firstly, and most importantly, the towns supplied merchant ships which were impressed by royal agents who arrested suitable vessels as they travelled from port to port. Secondly, alongside the ancient royal right of impressment, the crown asked certain towns, between 1372 and 1377, to build barges and balingers at their own cost for service at sea. In short, the prosecution of war was dependent on the crown's partnership with the individual merchants of the towns and with the towns in their corporate capacity.

The aim of this section is to explore the nature of this partnership between Bristol, York and the crown. Specifically, I will focus on three areas. Firstly, I will examine the scale of their contributions in quantitative and qualitative terms. How many ships did they provide, how often, and how large were the vessels which they supplied to the crown? Secondly, I will explore the identity of the shipowners from Bristol and York whose ships were requisitioned for naval service. Did they belong to the political elites of their towns? Did war and the crown's naval demands lead to their further incorporation into the structure of royal government? Thirdly, I will address the issue of reciprocity. How, if at all, did Bristol and York benefit from their role as suppliers of ships to the crown? Were they rewarded with grants of chartered privileges? Did their merchants seize the opportunity to profit from privateering and plunder in royal service? How much consideration should be

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<sup>140</sup> Attreed, "Poverty, Payments, and Fiscal Policies", p. 338.

<sup>141</sup> For what follows, see Sherborne, "Shipping and Manpower, 1369-1389", pp. 164-69 and A.E. Prince, "The Army and Navy", in *EGW*, vol. 1, pp. 377-84.

paid to the purpose for which ships were arrested, namely the “defence of the realm”, an aspect of the common interest which the king’s subjects expected their ruler to uphold?<sup>142</sup>

### 3.2.1 Bristol and York Ships in Royal Service

The significance of Bristol and York vessels to royal fleets can be measured both quantitatively and qualitatively because of the survival of the royal naval accounts recording the payment of the wages of shipmasters and their crews and, less frequently, the payment of “tontyght” to the shipowners.<sup>143</sup> Nevertheless, although they contain a wealth of information about the size, number and type of vessels in royal service, interpretation of the records is problematic for a number of reasons. Firstly, it is very difficult to reconstruct the overall numbers of particular fleets because the accounts of the sergeants-at-arms are disparate. Secondly, dating can be hazardous because of the fragmentary nature of some of the accounts. More fundamentally, the counting of ships in royal service is an impossible exercise given the tendency for ships to share the same names. With these caveats, however, it is possible to measure the numerical significance of Bristol and York vessels to the crown’s war effort.

Maryanne Kowaleski, in her study of Devon’s shipping fleet in the fourteenth century, calculated the number of ships from each incidence of service.<sup>144</sup> The same methodology has been adopted here, not least because it allows for comparison between Bristol and York and other towns. Table 3.4 shows the number of Bristol and York ships in royal service with each incidence of service counted once, and it is based on a systematic study of all the extant naval accounts in the period 1350-1400 for which precise dating is possible.<sup>145</sup> The figures include ships for the war against France as well as for expeditions to Ireland, and the table is divided into five-year periods to show the fluctuating levels of naval activity by the two towns. The table shows that Bristol ships were in royal service three times as often as York vessels. When the figures are placed alongside Kowaleski’s statistics for the Devon ports,

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<sup>142</sup> See the comments of Ormrod, *Reign of Edward III*, p. 203 and Watts, *Henry VI*, p. 21.

<sup>143</sup> Under pressure from the commons in parliament, the crown agreed to make a payment to the shipowners known as “tontyght”, a form of compensation for loss and damage to ships whilst they were in royal service: Sherborne, “Shipping and Manpower, 1369-1389”, p. 165. See below, p. 98 for further discussion.

<sup>144</sup> M. Kowaleski, *Local markets and regional trade in medieval Exeter* (Cambridge, 1995), Table 1.3, p. 29.

<sup>145</sup> I have excluded the following accounts for this reason: PRO, E101/36/11, E101/36/13 and E101/42/22.

a more meaningful comparison can be made. Between 1324 and 1402, a longer period than this study, Plymouth and Dartmouth supplied ships on 137 and 213 occasions respectively.<sup>146</sup>

**TABLE 3.4: Ships in Royal Service, 1350-1400<sup>147</sup>**

YEARS	BRISTOL	YORK
1350-55	0	0
1355-60	5	7
1360-65	17	4
1365-70	11	5
1370-75	39	4
1375-80	40	25
1380-85	8	8
1385-90	27	8
1390-95	21	0
1395-1400	28	1
<b>TOTAL</b>	<b>196</b>	<b>62</b>

The number of Bristol ships in particular royal fleets was substantial. In 1381, for example, the fleet which transported the earl of Cambridge to Portugal consisted of forty-one vessels, of which eight were from Bristol. Only Dartmouth, which contributed eleven ships, supplied more.<sup>148</sup> Similarly, in 1386, when John of Gaunt and his army were taken to Spain by a fleet of 117 ships, twelve were each from Bristol and Plymouth and sixteen were from Dartmouth.<sup>149</sup> Although Dartmouth provided more ships for the Hundred Years War than any other port in England,<sup>150</sup> Bristol was also a major source of ships for the war effort against the French. Moreover, perhaps because of the town's geographical proximity, Bristol ships were also numerous in transport fleets to Ireland. In 1394, the fleet which

<sup>146</sup> Kowaleski, *Local markets and regional trade*, p. 29.

<sup>147</sup> In chronological order, the table is based on the figures in PRO, E101/36/20, 27/5, 27/22-24, 28/21, 28/24, 29/1-2, 29/36, 36/14, 30/29, 32/7, 32/22, British Library Additional MS. 37494, fo. 36r.-v., PRO, E101/33/12, 33/31, 34/7, 34/21, 34/25, 37/7, 37/13-15, 37/18-20, 37/23, 37/25, 38/19, 38/30, 39/1-3, 39/17, 40/8-9, 40/19, 42/18, 40/20-21, 40/36, 40/40, 41/31, 42/8, 531/31, 42/3 and 42/5.

<sup>148</sup> PRO, E101/39/17.

<sup>149</sup> PRO, E101/40/19-20.

<sup>150</sup> For Dartmouth's naval importance, see Kowaleski, *Local markets and regional trade*, pp. 29-30.

accompanied Richard II to Ireland included twenty-one Bristol ships.<sup>151</sup> Anthony Saul has argued that the Hundred Years War and the crown's naval demands, in particular, meant that, whilst naval activity increased generally after 1370, Great Yarmouth's contribution was small.<sup>152</sup> The evidence from Bristol, at least, would suggest that the town's role as a supplier of ships remained constant in the later fourteenth century. Indeed, in 1400, of the seventy-seven ships ordered to assemble at Sandwich for royal service, twenty-two were Bristol ships.<sup>153</sup>

Despite the numerical superiority of Bristol's merchant shipping, York's contribution to the naval effort should not be overlooked. The city's barge, *The Peter*, built in 1373, was particularly active in royal service in the 1370s, serving twice in 1373, and was at sea almost continuously between May 1377 and January 1379.<sup>154</sup> In 1378 alone, the barge spent thirty-two weeks in royal service. The military exploits of the barge, employed specifically as a fighting ship of war to defend the English coast rather than as a transport vessel, attracted the attention of the chronicler, Walsingham, who described its capture by the French in 1379.<sup>155</sup> Nevertheless, in qualitative terms, it is clear that Bristol's ships were much larger than those from York, which meant that they could carry more soldiers both for expeditions overseas and for war at sea. The carrying capacity of a ship was measured in tons and the average size of the vessels has been calculated from the figures for tonnage given in the naval accounts.<sup>156</sup> The mean tonnage of Bristol's ships was 134 tons, almost double the average of 72 tons of York's ships.<sup>157</sup> The figures for Bristol are even more impressive when they are compared with the average tonnage of 81 tons of the merchant ships impressed for royal service in the reigns of Henry IV and Henry V, a period which saw the building of

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<sup>151</sup> PRO, E101/41/31.

<sup>152</sup> A. Saul, "Great Yarmouth and the Hundred Years War in the Fourteenth Century", *BIHR*, 52 (1979), pp. 109-12.

<sup>153</sup> PRO, E101/42/5.

<sup>154</sup> PRO, E101/31/29, E101/34/25, E101/37/7, E101/3713-15, E101/37/17-18, E101/37/25 and E101/38/18.

<sup>155</sup> *Chronicon Angliae, 1328-1388*, p. 233. For the value of barges and balingers as fighting vessels in war, see J.W. Sherborne, "English Barges and Balingers of the Late Fourteenth Century", *Mariner's Mirror*, 63 (1977), pp. 109-14.

<sup>156</sup> D. Burwash, *English Merchant Shipping, 1460-1540* (Newton Abbot, 1969), pp. 88-93.

<sup>157</sup> Statistics are based on the sources in note 147 as well as in PRO, E101/36/11, E101/36/13 and E101/42/22. The smaller size of the York vessels was probably a consequence of the city's geographical position on the river Ouse, thirty miles inland, which meant that, although the river was tidal as far as the city, it was very difficult for large ocean-going ships to reach York: J.N. Bartlett, "Some Aspects of the Economy of York in the Later Middle Ages, 1300-1550" (Ph.D. thesis, University of London, 1958), pp. 95-98.

significantly larger ships than in the previous century.<sup>158</sup> However it is measured, Bristol's contribution to the war at sea was more important than that of York.

### 3.2.2 Shipowners in Royal Service

Who were the shipowners whose ships were used by the crown? The question is important because royal service at sea distinguished Bristol's contribution to the war effort. That York's merchants should have so few ships in royal service is hardly surprising given their dependency on the shipping and port facilities of Hull for overseas trade, and recent work has shown that shipownership was not a characteristic of York's merchants in the fourteenth and fifteenth centuries.<sup>159</sup> Indeed, it is clear that even ships owned by York merchants and employed in naval service tended to be sailed by shipmasters from Hull.<sup>160</sup> Moreover, the city could not even rely on its own mariners to sail the barge built in 1373 from corporate funds for the defence of the realm. The record of forty mariners paid for service in York's barge listed the mariners according to their place of residence, and the majority came from towns south of the city such as Selby and Doncaster and from as far away as Gainsborough in Lincolnshire and Faxfleet in the East Riding; only ten were actually from York.<sup>161</sup>

In contrast, Bristol was a major shipowning centre. E.M. Carus-Wilson's study of the overseas trade of Bristol in the fifteenth century demonstrated that this period saw the emergence of the "specialised shipowner" in Bristol who made his fortune not through his own trade but through the charging of freightage on merchandise, but this, as she also acknowledged, was a development of the late fourteenth century when many Bristol merchants invested in ships.<sup>162</sup> A comprehensive analysis of the Bristol and York shipowners whose vessels were lent to the crown is impossible given that the naval accounts are

<sup>158</sup> Burwash, *England Merchant Shipping*, p. 96 and I. Friel, "Winds of Change? Ships and the Hundred Years War", in A. Curry and M. Hughes (eds.), *Arms, Armies and Fortifications in the Hundred Years War* (Woodbridge, 1994), pp. 189-90.

<sup>159</sup> W.R. Childs, *The Trade and Shipping of Hull, 1300-1500*, East Yorkshire Local History Society, 43 (1990), pp. 22-27 and Kermodé, *Medieval Merchants*, pp. 213-14.

<sup>160</sup> See, for example, William Dudeley and Hugh Pogger identified in Hull's 1377 poll tax return (PRO, E179/206/45, rot. 3r.) and in PRO, E101/37/25 and E101/39/2. One exception was John Benetson, a parish constable in York in 1380 and also a mariner from the parish of St. John at Ouse Bridge End: *YMB*, vol. 1, p. 154, PRO, E101/34/25 and 37/15, and "The Lay Poll Tax Returns for the City of York in 1381", ed. N. Bartlett, *Transactions of the East Riding Antiquarian Society*, 30 (1953), p. 23.

<sup>161</sup> PRO, E101/37/26, no. 3.

<sup>162</sup> E.M. Carus-Wilson, "The Overseas Trade of Bristol in the Fifteenth Century", in E.M. Carus-Wilson, *Medieval Merchant Venturers: Collected Studies*, 2nd Edition (London, 1967), pp. 86-87, especially p. 87.

primarily a record of the payment of the wages of shipmasters and that it only became necessary for the royal clerks to note the names of the shipowners after 1380 when they were paid “tontyght”.<sup>163</sup> Although there are occasional references to the arrest of ships for royal service in other records,<sup>164</sup> the following analysis is based on seven naval accounts from the last three decades of the fourteenth century, a chronological span which should provide a representative sample.<sup>165</sup>

In the case of York, the sample is very small. All four of the York shipowners, Thomas Smyth, John de Gysburn, William Fyssh and William de Cawod, held high civic office in the city as mayor, bailiff and/or chamberlain before they lent their ships to the crown, and William de Cawod and John de Gysburn were also engaged in other forms of royal service, lending money to the crown and, in the case of Gysburn, serving as a tax collector of the ordinary tenths and fifteenths as well as of the poll taxes.<sup>166</sup> The extent of Gysburn’s shipping interests is not known, but his loan of a ship for the war against France gave him a personal stake in the conduct of war and in the success of the crown’s military policies. When, in 1373, in the context of growing royal concern about the danger to merchant shipping posed by French naval attack, the parliamentary writ of summons required the citizens and burgesses to be more knowledgeable in shipping and trade (“ac in navigio ac in exercicio mercandisarum noticiam habent meliorem”), Gysburn was one of York’s MPs elected to the parliament.<sup>167</sup>

The sample for Bristol contains the names of sixty-four shipowners whose vessels were employed in royal service.<sup>168</sup> Among this group were a handful of men who monopolised all of the main civic offices in Bristol in the second half of the fourteenth century and whose ships served the crown on several occasions. They included Walter de Derby, Thomas Knappe, Walter de Frompton, Ellis Spelly, Richard le Spicer and William Canynges, who between them occupied the mayoralty for twenty-five years between 1354

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<sup>163</sup> Even after 1380, the payment was intermittent: Sherborne, “Shipping and Manpower, 1369-1389”, p. 165.

<sup>164</sup> See, for example, *CCR*, 1349-54, p. 76 and *CPR*, 1367-70, p. 389.

<sup>165</sup> PRO, E101/32/7 (1372), British Library, Additional MS. 37494 (1373), PRO, E101/33/31 (1374-75), E101/42/22 (?pre-1375), E101/40/21 (1386), E101/41/31 (1394) and E101/42/5 (1400). It should be noted that although PRO, E101/42/22 is undated, William de Cawod, one of the York shipowners, died in 1375: *YMB*, vol. 3, p. 7.

<sup>166</sup> See Appendix.

<sup>167</sup> *Dignity of a Peer*, vol. 4, p. 661 and Appendix. For the military background, see J.W. Sherborne, “The Battle of La Rochelle and the War at Sea, 1372-5”, *BIHR*, 42 (1969), pp. 21-26.

<sup>168</sup> For what follows on the pattern of civic and royal office-holding/service, see Appendix.

and 1403. Bristol's mayoralty was, therefore, characterised by shipownership, as was that of Dartmouth.<sup>169</sup> Moreover, shipownership was based on the "share system" in which, in order to share the risks of shipwreck and piracy, individuals had shares in ships which could be bequeathed in wills in the same way as moveable property and land.<sup>170</sup> William Canynges, for example, left to his son, Simon, "all my share" of the ship which he owned jointly with Ellis Spelly, whilst Walter de Derby left the fourth part of his ship called *The Mary* and one half of the balinger called *The Trinity* to John Stevenes, a future mayor and sheriff of Bristol.<sup>171</sup> Examples of shipping partnerships included Walter de Frompton and Ellis Spelly, and William de Somerwell and Thomas Knappe.<sup>172</sup> The share system bound the political elite of Bristol together and, as I will argue shortly, created a "community of shipowners" which could extend beyond the town to form an interest group in parliament whose concerns about the state of English shipping found frequent expression in the commons.<sup>173</sup>

Equally, it is clear that for men such as William Canynges, Walter de Derby, Richard le Spicer, Ellis Spelly, Walter de Frompton and Thomas Knappe, lending ships for the war effort was another service which they performed for the crown. Four of them lent money to the crown, three on more than one occasion, all served as tax collectors, and five were involved in the administration of the poll taxes. Royal service at sea tied these men, already dominant locally in their town, even more closely into the system of royal government and strengthened further their identification with the interests of the crown. Thomas Knappe, Walter de Frompton and Ellis Spelly were also masters of their own ships and were involved in the transport of John of Gaunt to France in 1373.<sup>174</sup> Indeed, for Bristol, in contrast to York, royal naval service went beyond supplying ships. Several Bristol merchants and burgesses were appointed in the place of royal sergeants-at-arms to collect ships for the crown for service at sea. Thomas Beaupyne requisitioned ships for John of Gaunt's expedition to Gascony in 1370, whilst Walter de Derby helped to assemble a fleet in 1383

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<sup>169</sup> Kowaleski, *Local markets and regional trade*, pp. 30 and 257.

<sup>170</sup> J. Schildhauer, *The Hansa: History and Culture*, transl. K. Vanovitch (Leipzig, 1985), p. 150 and G. V. Scammell, "Shipowning in England, c. 1450-1550", *TRHS*, 5th Series, 12 (1962), pp. 114-16.

<sup>171</sup> T.P. Wadley, *Notes or Abstracts of the Wills contained in...the Great Orphan Book and Book of Wills*, Bristol and Gloucestershire Archaeological Society (1886), pp. 48 and 16.

<sup>172</sup> British Library, Additional MS. 37494, fo. 36r. and PRO, E101/42/22.

<sup>173</sup> The expression belongs to Schildhauer, *The Hansa*, p. 150. The possible influence of Bristol's MPs on the maritime agenda of the commons will be considered in the following section of the chapter.

<sup>174</sup> British Library, Additional MS. 37494, fo. 36r.-v.

for the passage to Ireland of Philip de Courtenay, the king's lieutenant in Ireland.<sup>175</sup> Thomas Norton, who had been a bailiff and sheriff of Bristol and who would later become mayor, came close to developing a full-time naval career when, having lent ships to the crown in 1394 and 1400, he was appointed captain of a royal fleet from Bristol, Dartmouth and Plymouth in 1403.<sup>176</sup>

### 3.2.3 Costs and Profits of the War at Sea

Saul has argued persuasively that the east coast town of Great Yarmouth suffered serious economic decline because of the dislocation of trade caused by royal naval demands. Ships were lost at sea during naval service, whilst the long periods of arrest before active service limited the participation of Yarmouth's ships in the town's important herring trade. In short, although a few burgesses benefited from piracy and others pursued naval careers, in the last quarter of the fourteenth century, "the town was in decline and the war was substantially to blame. The port's fortunes suggest that far from stimulating England's merchant marine the war caused profound disruption of trade and shipping."<sup>177</sup> Saul's argument fits into a broader debate about the impact of the Hundred Years War on the economy and the following discussion will not measure the long-term economic impact of war on Bristol and York.<sup>178</sup> Instead, and in contrast with Saul's conclusions, I will place the crown's naval demands upon the two towns within the context of a reciprocity based on common interest in the prosecution of war and the defence of the realm.

This is not to deny the volume of parliamentary criticism about the impact of the crown's demands on trade and shipping. There were two main points of friction between the king and the commons in parliament. The first was the long periods of inactivity in which ships arrested for royal service could remain in harbour for several months before they eventually sailed. In 1372, the commons petitioned on behalf of the "Marchantz et Mariners d'Engleterre", complaining that ships were arrested for three months or more before

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<sup>175</sup> *Issue Roll of Thomas de Brantingham*, p. 124 and *CPR, 1381-85*, p. 288.

<sup>176</sup> *CPR, 1401-1405*, p. 363.

<sup>177</sup> Saul, "Great Yarmouth and the Hundred Years War", pp. 105-15, especially p. 106.

<sup>178</sup> For this debate, see M.M. Postan, "Some Social Consequences of the Hundred Years' War", *EcHR*, 12 (1942), pp. 1-12, M.M. Postan, "The Costs of the Hundred Years' War", *P&P*, 27 (1964), pp. 34-53, K.B. McFarlane, "War, the Economy and Social Change: England and the Hundred Years War", *P&P*, 22 (1962), pp. 3-13, and A.R. Bridbury, "The Hundred Years' War: Costs and Profits", in D.C. Coleman and A.H. John (eds.), *Trade, Government and Economy in Pre-Industrial England: Essays presented to F.J. Fisher* (London, 1976), pp. 80-95.



departure from port; in 1373, a common petition from the “Seignurs de Niefs par tut Engleterre” alleged that the arrests could be as long as six months.<sup>179</sup> Secondly, there were the demands of the shipowners for compensation for the expenses incurred in equipping their ships for war and for the damage and loss suffered by their vessels in royal service.<sup>180</sup> In 1379 and 1380, the commons petitioned on behalf of the shipowners, asking for payment to cover maintenance costs, and in 1380, the crown granted a payment of 3s. 4d. for each ton of carrying capacity (tontyght). Five years later, shipowners were allowed 2s., and in 1386, the commons petitioned once more for the shipowners, asking that payment be increased to the earlier assessment.<sup>181</sup> In short, there was a vociferous and critical shipowning interest group within parliament which was concerned with the damage to English trade and shipping posed by certain aspects of naval service. Moreover, it can hardly be doubted that Bristol’s MPs, many of whom were shipowners, were active members of this pressure group. Although the names of Bristol’s representatives in 1379 and 1380 are not known, Walter de Derby was an MP in both 1372 and 1373, whilst Thomas Knappe, Ellis Spelly and William Canynges represented the town in 1385 and 1386.<sup>182</sup> At the same time, the MPs represented a constituency in Bristol composed of shipowners, shipmasters and mariners.<sup>183</sup>

It is, however, important to be aware of the nature of the parliamentary criticism. The complaints were not about naval service itself and they did not express a reluctance to supply ships to the crown despite the hindrance to trade. Why was this the case? First of all, royal naval service was predicated on the need to defend the realm from external attack. In 1377 and 1401, for example, the city of York was ordered to build a barge to serve the king “for the defence of the realm”.<sup>184</sup> The defence of the realm was one of the main functions of kingship and was for the common profit. As Ormrod has pointed out, in the

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<sup>179</sup> *RP*, vol. 2, pp. 311 and 320.

<sup>180</sup> A merchant ship had to be converted for war which usually meant that they would be equipped with defensive structures of raised platforms at the top of the mast known as topcastles: Friel, “Ships and the Hundred Years War”, pp. 184-86.

<sup>181</sup> *RP*, vol. 3, pp. 66, 86, 212 and 223.

<sup>182</sup> See Appendix.

<sup>183</sup> For the shipowners, see Appendix. The shipmasters included the likes of John Knappe, brother of Thomas Knappe, and John Canynges, the son of William Canynges, and himself twice mayor of Bristol: PRO, E101/40/19 and E101/42/8, and J.S. Roskell, L. Clark and C. Rawcliffe (eds.), *The History of Parliament: The House of Commons, 1386-1421* (4 vols., Stroud, 1993), vol. 3, p. 525 and vol. 2, pp. 475-76.

<sup>184</sup> *CCR, 1377-81*, pp. 32-33 and *CCR, 1399-1401*, p. 238.

contemporary perception of kingship, there was a “high premium which all the king’s subjects set upon the successful defence of the realm”.<sup>185</sup> Indeed, it has been argued that one of the causes of the Peasants’ Revolt in 1381 was the belief among the Kentish rebels that the crown had failed to organise the defence of the south-east coast from French attack.<sup>186</sup>

At times, the naval demands on Bristol and York could be great. In 1360, Bristol’s mayor petitioned the chancellor in response to an earlier order to select one of the town’s ships for service at sea “pur contrestre et rebouter la malice des enemis” who were threatening the realm.<sup>187</sup> The problem for the town, as the mayor explained, was that a Gloucestershire commission of array had recently visited the town, depriving the town of men to sail the ship and threatening the safety of the town itself. The mayor asked that the county commission be revoked so that he could organise the array of soldiers from the town. On one level, a complaint about the cumulative impact of the crown’s military demands on the manpower of the town, the petition was really an expression of Bristol’s desire to fulfil its naval and military obligations to the crown at all costs and to organise its *own* contributions to the defence of the realm separate from the county.<sup>188</sup>

Similarly, although it is clear that the city of York was having serious problems meeting its commitment to provide barges and balingers for naval service, the city was not reluctant to contribute to the costs of war against France. In the parliament of November 1372, the crown ordered several port towns including Bristol and York to build barges at their own expense for the defence of the realm.<sup>189</sup> Five years later, in the parliament of October 1377, the crown, responding to parliamentary complaints about the neglect of the defence of the sea, ordered the construction of thirty-two balingers from Bristol and York and a number of other towns.<sup>190</sup> York was ordered to build one barge in 1372 and one balinger in 1377, so it is interesting to note that the city also built another vessel in addition to what was required of it by the crown. In their 1378 petition asking for confirmation of

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<sup>185</sup> Ormrod, *Reign of Edward III*, p. 203.

<sup>186</sup> E. Searle and R. Burghart, “The Defense of England and the Peasants’ Revolt”, *Viator*, 3 (1972), pp. 365-88.

<sup>187</sup> PRO, SC1/40/96.

<sup>188</sup> The petition was successful and in March 1360, Bristol’s mayor and bailiffs were granted the power to array forty men of the town to be sent overseas “for defence of the realm”: *CCR, 1360-64*, pp. 107-08.

<sup>189</sup> PRO, E403/447, 27 November. See, also, Sherborne, “Shipping and Manpower, 1369-1389”, p. 169.

<sup>190</sup> *RP*, vol. 3, pp. 5 and 6, and *CCR, 1377-81*, pp. 32-33.

the city's liberties, the citizens of York said that they had built a barge and had recently built a large and a small balinger, a contribution greater than any other town, with the exception of London.<sup>191</sup> In 1379, at a meeting of the city council, the costs of maintaining these three vessels was discussed.<sup>192</sup> The ships were described as a "magnum onus et maxime expense" to the city and the council resolved to sell the barge known as *The Peter* in order to pay the city's debts ("ad solvendum debita civitatis"). That the city council was not trying to avoid its obligation to the crown, but rather that it was trying its best to meet the crown's demands, is clear from a meeting in 1378 in which the council decided to levy a quarter of the city's parliamentary tenth to repair the barge so that it could serve the king properly equipped.<sup>193</sup> Thus, the picture which emerges from Bristol and York is a recognition by the towns of their sense of obligation to the crown to assist, in time of urgent necessity, in the defence of the realm.

The second reason for the absence of criticism from Bristol and York about the need for naval service was that war was presented by the crown to its urban and mercantile subjects, in part at least, as a war for the defence of trade and shipping, and merchants and shipowners "favoured strong naval policies, for government neglect of the seas exposed their trading ventures to serious hazards".<sup>194</sup> On 26 October 1369, a council was summoned at Westminster to discuss the protection of English merchant shipping in the wake of the resumption of the Hundred Years War.<sup>195</sup> Thirty towns including Bristol and York were ordered to send two representatives, "having the best knowledge of foreign parts and skill in the guiding of shipping, merchants and merchandise", to provide advice to the crown on the protection of English trade and shipping and the naval threat from France. The defence of the realm was, in this case, specifically the defence of trade. In 1373, the parliamentary writs requiring parliamentary burgesses to be experienced in shipping and trade suggest that the crown was interested once more in securing the advice of the towns on maritime affairs.<sup>196</sup> Naval policy became, in effect, a joint-stock enterprise between the crown and towns such as Bristol and York.

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<sup>191</sup> PRO, SC8/216/10758 and above, p. 75.

<sup>192</sup> *YMB*, vol. 1, pp. 31-32. For the dating of this meeting, see Rees Jones, "York's Civic Administration, 1354-1464", pp. 129-30.

<sup>193</sup> *YMB*, vol. 1, p. 30.

<sup>194</sup> Sherborne, "Shipping and Manpower, 1369-1389", p. 169.

<sup>195</sup> *CCR*, 1369-74, pp. 109-10.

<sup>196</sup> *Dignity of a Peer*, vol. 4, p. 661 and above, p. 94.

The crown's concern with the protection of trade and shipping was not new in the later decades of the fourteenth century. Indeed, the subsidy of tonnage and poundage on wine and general merchandise, granted first of all by the king's council in 1347, then by merchants, and finally, from 1372, by the commons in parliament, was earmarked specifically for the safe conduct of trade and shipping.<sup>197</sup> The revenue from the subsidy was assigned to the arming of a fleet of ships which operated in a system of convoys to escort merchant ships on their trade routes. How should royal interest in the protection of merchandise and shipping be explained? It could be that the concern was prompted purely by the financial needs of the crown, for attacks on merchants by enemy ships reduced the amount of customs revenue issuing to the royal government.<sup>198</sup> It could also be argued that merchant shipping, which was essential for the war effort, had to be protected for the successful conduct of war. The underlying reason, however, was the crown's role as the defender of the economic interests of its subjects, an aspect of its duty to pursue the common good,<sup>199</sup> and what made the crown acutely aware of its responsibility was parliamentary pressure.

In 1371, 1372, 1373, 1379 and 1380, the commons petitioned the crown about the decay of English shipping, providing a sharp reminder to the crown of the contrast between the present and a previous age when England's ships had been so noble and plentiful that Edward III had been known as "le Roi de la Mer" and the English fleet had been so feared that "toutes Roialmes dotoient le plus d'avoir moever Guerre devers mesme le Roialme".<sup>200</sup> In the third quarter of the fourteenth century, the subsidy of tonnage and poundage depended on the consent of the commons in parliament who granted it intermittently and who ensured that it was spent on specific military needs. It was only from 1386 that the subsidy was levied continuously and became a tax "paid into the royal treasury and available

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<sup>197</sup> The subsidy of tonnage and poundage will receive fuller treatment in the following chapter. For the early history of the subsidy, see Harriss, *King, Parliament, and Public Finance*, pp. 459-65.

<sup>198</sup> Bolton, *Medieval English Economy*, p. 328 argues that the crown's economic policies were motivated primarily by its fiscal requirements.

<sup>199</sup> See E. Miller, "The Economic Policies of Governments", in M.M. Postan, E.E. Rich and E. Miller (eds.), *The Cambridge Economic History of Europe, III: Economic Organization and Policies in the Middle Ages* (Cambridge, 1963), p. 285 and *passim* for the economic responsibilities of rulers. I will examine the practical application of these ideas in the next chapter.

<sup>200</sup> *RP*, vol. 2, pp. 306-07, 311 and 320, and vol. 3, pp. 66 and 86. The quotations are from vol. 2, p. 311 and vol. 3, p. 86.

for the general expenses of the Crown”.<sup>201</sup> Significantly, in 1385, when the commons petitioned the crown to ask for the renewal of “tontyght”, they described the need for the arming of ships in terms of “la sauve-garde des Marchantz, et en defense du Roialme”.<sup>202</sup> This was their order of priorities. Thus, even though the supply of ships to the crown differed from the provision of loans because it could be less easily negotiated, naval war, for the defence of the realm and for the defence of trade, was in the interests of the political and mercantile elites of both Bristol and York, and the way in which the crown appealed to them for advice on maritime matters meant that the war became a joint-stock enterprise based on co-operation and collaboration.

It is also true that, although naval impressment could hinder trade, as the commons’ petitions about the consequences of long arrests suggest, trade and naval service were not necessarily mutually incompatible. The crown appears to have used trade as an incentive with which to make the naval demands on the towns more palatable. In 1377, the crown’s order to certain towns to build a balinger for service at sea contained a promise that, once the voyage was over, the vessel was to be delivered “to them who have built in this time of need to dispose of it to their advantage”.<sup>203</sup> Moreover, even before the royal order of 1377, it is clear that the city’s barge, built in 1373, had been used for commercial purposes when it was not required by the crown,<sup>204</sup> and in 1379, when the city council decided to sell *The Peter*, it was agreed that the vessel should first be freighted to Calais “cum lanis hominum dicte civitatis”.<sup>205</sup> In fact, overseas trade and naval service could be accommodated sometimes on the same voyage. In an account of Walter de Derby, whose ship, *The Gracedieu*, spent over two months in royal service between November 1372 and January 1373 on an expedition to Gascony for the defence of the duchy, there is a list of his income as well as expenditure from the voyage.<sup>206</sup> Among his receipts were £22 from the sale of 15 measures of cloth and £77 for the freightage of 70 tons of wine transported from Gascony to Bristol. The trading connections between Bristol and Gascony based on the export of cloth and import of wine are well-known from the work of Carus-Wilson and it would

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<sup>201</sup> W.M. Ormrod, “Finance and Trade under Richard II”, in A. Goodman and J.L. Gillespie (eds.), *Richard II: The Art of Kingship* (Oxford, 1999), p. 173.

<sup>202</sup> *RP*, vol. 3, p. 212.

<sup>203</sup> *CCR*, 1377-1381, p. 32.

<sup>204</sup> PRO, SC8/103/5133, 5137 and SC8/170/8457 for evidence of the barge in Bordeaux in 1374 to purchase wine.

<sup>205</sup> *YMB*, vol. 1, p. 32.

<sup>206</sup> PRO, E101/32/7.

appear that Derby was following this established trade axis.<sup>207</sup> It is unknown how often trade and naval service were combined since very few accounts of shipowners are extant,<sup>208</sup> but Derby's account does suggest the possibility that commercial activities and service in war were not inimical.<sup>209</sup>

Trade was not the only form of reciprocity sanctioned by the crown in return for naval service, although there is very little evidence that Bristol or York gained from piratical attacks on enemy ships. Indeed, in 1376 and 1377, York's mayor petitioned the crown about the city's barge which had captured a French ship carrying wheat, wine and peas en route to La Rochelle. The ship was taken to Bordeaux where, the mayor alleged, the constable of Bordeaux, Robert de Wykford, seized the goods as his own.<sup>210</sup> Privateering was a potentially more profitable enterprise in which Bristol men occasionally participated. In 1403, for example, John Stevenes, the mayor of Bristol, was commissioned by the crown to array the town's ships "to make war on the men of Brittany" who had broken a truce recently signed between England and France.<sup>211</sup>

More significantly, Bristol and York did receive grants of charters of civic liberties in return for their naval service, although, as I will argue, the implications of this *quid pro quo* are more complex than it might first appear. In 1377, when the crown ordered certain towns to build balingers at their own expense, Bristol and York used the opportunity to negotiate the confirmation of their corporate charters without the usual cash payment, as was customary on the accession of a new king.<sup>212</sup> In 1373, Bristol received a charter elevating the town to county status and separating the town completely from the neighbouring counties of Gloucestershire and Somerset. According to the preamble of the charter, the crown declared that it made the grant "in consideration of the good behaviour of the said burgesses towards us and of their good service given us in times past by their shipping".<sup>213</sup>

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<sup>207</sup> See, for example, Carus-Wilson, "Overseas Trade of Bristol", pp. 28-49.

<sup>208</sup> Six accounts are extant in PRO, E101/32/6-11.

<sup>209</sup> This is not to deny the deleterious impact of war on the Anglo-Gascon wine trade: M.K. James, "The Fluctuations of the Anglo-Gascon Wine Trade during the Fourteenth Century", *EcHR*, 2nd Series, 4 (1951), pp. 170-96.

<sup>210</sup> PRO, SC8/103/5133, 5137 and SC8/170/8457. Although undated, the petitions refer to the title of Robert de Wykford as, successively, constable of Bordeaux and then archbishop of Dublin, an appointment made in 1375. See E.B. Fryde, D.E. Greenway, S. Porter, and I. Roy (eds.), *Handbook of British Chronology*, 3rd Edition (London, 1986), p. 351.

<sup>211</sup> *CPR*, 1399-1401, p. 298. For the background to this commission, see C.J. Ford, "Piracy or Policy: the Crisis in the Channel, 1400-1403", *TRHS*, 5th Series, 29 (1979), pp. 163-78.

<sup>212</sup> PRO, SC8/216/10758 and *CChR*, 1341-1417, p. 248, and *CPR*, 1377-81, pp. 150 and 153.

<sup>213</sup> *Bristol Charters, 1155-1373*, pp. 118-21.

However, although the crown was conscious of, and gave official recognition to, Bristol's role as a supplier of ships to the war effort, the town did not refer to its naval contribution in the petition which preceded the charter and did not use it as a bargaining tool with which to extract corporate privileges from an unwilling royal government.<sup>214</sup> From Bristol's perspective, far more important was the symbolism of the image of Edward III in the 1373 charter confirming the boundaries of the new county.<sup>215</sup> In the illuminated letter 'E' of the king's name, Edward was presented as the king of France, bearing a crown of *fleurs de lis*, holding a sceptre in his left hand, and wearing the royal robes of France over a scarlet gown. Elizabeth Danbury has viewed the charter as an aspect of the propaganda of the Hundred Years War,<sup>216</sup> but this is to miss its essential meaning and to ignore the most important aspect of the charter, namely its audience. Such charter illumination was usually paid for at the expense of the recipient,<sup>217</sup> and the charter itself is likely to have been preserved in the town's guildhall for the eyes of the town's political elite.<sup>218</sup> The illumination was a visual expression by, and for, the town's rulers, of their material and fiscal as well as moral support of Edward III's claims to the throne of France, alluding to their sense of collaboration with the crown in the prosecution of war against the French and their identification with the policies of royal government.

### 3.3 CONCLUSION

In the case of Great Yarmouth, the crown's naval demands clearly had a damaging effect on the town's economy, and it could be argued that war was not, therefore, in the town's best interests. Bristol may not have been typical of England's urban communities in the way that it responded to the crown's enormous demands on its shipping. Indeed, there is some evidence to suggest that the town's important role in the Hundred Years War was nurtured by the crown which gave it special treatment in the impressment of merchant ships and in the repayment of loans. Thus, in 1398, for example, vessels belonging to four Bristol merchants, John Banbury, Thomas Knappe, John Emmot and William Hamme, were

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<sup>214</sup> A copy of Bristol's petition is in *LRB*, vol. 1, pp. 115-26.

<sup>215</sup> The charter is in BRO, *Royal Charters and Letters Patent*: 01209. It has also been reproduced in E. Danbury, "English and French Artistic Propaganda during the period of the Hundred Years War: Some Evidence from Royal Charters", in C. Allmand (ed.), *Power, Culture, and Religion in France, c.1350-c.1550* (Woodbridge, 1989), Plate 2.

<sup>216</sup> Danbury, "English and French Artistic Propaganda", p. 79.

<sup>217</sup> Danbury, "English and French Artistic Propaganda", p. 75.

<sup>218</sup> The excellent condition of the charter suggests that it was not for public display.

released from royal service when the merchants brought it to the king's attention that the ships had been loaded with goods for export at the time of their arrest.<sup>219</sup> Similarly, in 1370, the town of Bristol was repaid its loans totalling over £800 from the Bristol customs, a form of repayment which was of particular importance at this time.<sup>220</sup> Given-Wilson has argued that, "apart from the Earl [of Arundel] and the Londoners, no lender to the crown in the period October 1369-March 1371 - and there were hundreds of them - was allowed repayment from the customs, although this was almost certainly regarded as the best type of Crown security",<sup>221</sup> but clearly Bristol was too, and this was surely a sign of the crown's awareness of the town's importance to the war effort.

Nevertheless, there is a broader point to be made here, beyond the question of measuring the costs and profits of the Hundred Years War: the notion of a shared interest between towns such as Bristol and York and the royal government in the prosecution of war. This chapter has shown how the political and mercantile elites of Bristol and York were involved in the financing of war, in the supply of ships, even in the formulation of naval policy. The crown could coerce where it could not command, but ultimately, it was dependent upon the willing collaboration of the local elites for the conduct of war. One of the consequences of this co-operation was that the crown had to respond to pressure from these groups within parliament about the need to defend trade and shipping from external attack and began, therefore, to develop commercial policies and to act in defence of economic interests. The second half of the fourteenth century was particularly significant in the development of the economic duties of kingship and, as I will argue in the following chapters, many of the economic policies of Edward IV, described by Charles Ross as "the first 'merchant king' in English history", were pre-empted in the reigns of Edward III and more particularly, Richard II.<sup>222</sup>

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<sup>219</sup> *CCR, 1396-99*, p. 327.

<sup>220</sup> PRO, E401/501, 10 May and 25 October.

<sup>221</sup> Given-Wilson, "Earls of Arundel, 1306-1397", p. 11.

<sup>222</sup> C. Ross, *Edward IV* (London, 1974), pp. 351-70. The quotation is from p. 351.



## CHAPTER FOUR: COMMERCIAL POLICY

### 4.0 INTRODUCTION

The king's obligation to defend the realm from external attack was one aspect of his duty to pursue the common good. Thomas Aquinas presented a more positive view of the functions of government, in which the ruler was to ensure that the realm was provided with what was necessary for its sustenance, and these ideas provided the theoretical framework for increasing government intervention in the economy in the later middle ages.<sup>1</sup> This chapter examines the interaction of political ideas about the king's responsibilities in economic affairs and practical politics. One of the key issues is the extent to which the crown's commercial policies were the product of its fiscal, political and diplomatic interests rather than of any particular concern with trade and with ideas about the promotion of trade and the common good. In previous chapters, I have explored the fiscal importance of Bristol and York to the functioning of royal government. This chapter looks specifically at the role of the political elites of Bristol and York within the crown's commercial policies, but it also examines the relationship between the urban elites and the towns in their corporate capacity and the way in which royal commercial policies influenced the development of civic government in the two towns. Focusing on the customs, the staple and diplomacy, this chapter examines the regulation, protection and promotion of trade by the crown.<sup>2</sup> The continuing theme is reciprocity, and in particular, the involvement of the ruling elites of Bristol and York in the formulation and implementation of commercial policies which reflected as much their interests as those of the king.

### 4.1 THE CUSTOMS

Bristol, unlike York, was a head port for the collection of customs. Briefly, in 1333, 1339 and 1341, York was appointed a centre of a customs administration,<sup>3</sup> but thereafter, York

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<sup>1</sup> E. Miller, "The Economic Policies of Governments", in M.M. Postan, E.E. Rich and E. Miller (eds.), *The Cambridge Economic History of Europe, III: Economic Organization and Policies in the Middle Ages* (Cambridge, 1963), p. 285 and J.L. Bolton, *The Medieval English Economy, 1150-1500* (London, 1980), p. 328, and on economic ideas more generally, pp. 320-31.

<sup>2</sup> Other aspects of the crown's commercial policies, dealing notably with ideas of balance of trade and bullionism, will be examined in the next chapter on parliament.

<sup>3</sup> E. Miller, "Medieval York", in P.M. Tillott (ed.), *The Victoria History of the Counties of England: A History of Yorkshire: The City of York* (Oxford, 1961), p. 98 and J.N. Bartlett, "Some Aspects of the

merchants were dependent on the port facilities at Hull. The reason lay in York's unsuitability as an international port because, although the river Ouse was tidal as far as York, the water was too shallow for large ships of the kind engaged in overseas trade to reach the city. The crown was aware of this problem and the 1339 grant authorising York to act as a customs port made an allowance so that, "whenever great ships on account of too shallow water cannot get to their city, wools, hides, wool-fells and other goods duly customed there may be taken thence in small ships or boats and put on board in such ships at Selby or Faxfleet".<sup>4</sup> In contrast, although Bristol was not strictly a coastal port, the town was able to serve as a port for the purposes of the collection of customs because of the "exceptionally high tides" on the river Avon where it met the Severn.<sup>5</sup> Bristol's role as a customs port was also the result of a series of building projects undertaken in the town in the 1240s, including the construction of a new deeper harbour on the river Frome for the mooring of large ocean-going vessels.<sup>6</sup> The crown played a crucial role in the construction of a new quay, for it was in 1240 that Henry III ordered the men of Redcliffe who lived in the area south of the river to assist the burgesses of Bristol in the digging and financing of a new channel for the river Frome, diverting it through St. Augustine's Marsh to meet the river Avon. This new dock became known as the 'Key' and was used for overseas trade, whilst the smaller vessels involved in coastal and inland trade were able to unload at the 'Welsh Back'.<sup>7</sup> Equipped with these harbour facilities, in part a consequence of the crown's concern to promote Bristol's maritime and commercial importance, the town was the centre of a customs jurisdiction which stretched from Chepstow in the north to Bridgwater in the south.<sup>8</sup>

This examination of the customs administration will focus on two subjects. First of all, it will explore the personnel of the customs service, because royal service in the customs distinguished the political elite of Bristol from that of York. With the exception of John de

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Economy of York in the Later Middle Ages, 1300-1550" (Ph.D. thesis, University of London, 1958), pp. 95-97.

<sup>4</sup> *CPR, 1338-40*, p. 393.

<sup>5</sup> For Bristol's geographical position, see M.D. Lobel and E.M. Carus-Wilson, "Bristol", in M.D. Lobel (ed.), *The Atlas of Historic Towns* (3 vols., London and Oxford, 1969-89), vol. 2, pp. 1-7, especially p. 3.

<sup>6</sup> For what follows, see H.A. Cronne, "Introduction", in *Bristol Charters, 1378-1499*, ed. H.A. Cronne, Bristol Record Society, 11 (1945), pp. 37-38.

<sup>7</sup> See Lobel and Carus-Wilson, "Bristol", Map 3.

<sup>8</sup> E.M. Carus-Wilson and O. Coleman, *England's Export Trade, 1275-1547* (Oxford, 1963), p. 8.

Barden, who served as a collector of the wool and the petty customs in the port of Hull between 1390 and 1391, no other York citizen was appointed to the customs service in the second half of the fourteenth century.<sup>9</sup> In contrast, up to the early 1390s, the offices of collector of the wool and the petty customs and collector of tonnage and poundage in the port of Bristol were monopolised by a very small group of Bristol burgesses.<sup>10</sup> One of the questions to be addressed, therefore, concerns the implications of this customs service for Bristol's wider relations with the crown. The second issue is reciprocity. Previous studies of the local administration of the customs have concentrated on the level of efficiency of the customs service and, by extension, that of the royal government, and R.L. Baker, in particular, has cast doubt on the efficacy of the system of "self-government at the king's command" represented by the customs service.<sup>11</sup> Specifically, he has argued that local feeling was stronger than loyalty to the royal government and that it was inevitable that customs officials would collude with their friends and neighbours to evade or reduce the payment of customs duties. Indeed, according to Baker, the crown acknowledged the complete failure of the customs system by appointing successive companies of English wool merchants in the 1340s to farm the customs.<sup>12</sup> Implicit in this thesis was the view that the main attraction of service as a customs official was the prospect of illicit financial gain inevitable in a system in which an official could assess his own goods and those of his friends and neighbours for the purposes of taxation.

My aim is not to measure the efficiency of the customs system in maximising revenue for the crown. There is no doubt that there were suspected cases of bribery and corruption within the Bristol customs service.<sup>13</sup> Nevertheless, interest in the efficiency of the customs administration does draw attention to the key issue about the customs system in general: its purpose. As W.M. Ormrod has pointed out, "the English customs system differed fundamentally from those of most other western European monarchies in that it was intended as a means of profit rather than of protectionism."<sup>14</sup> Of particular interest here are the reciprocal fiscal ties which bound together the crown and the customs collectors and the

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<sup>9</sup> *CFR*, 1383-91, p. 344.

<sup>10</sup> See Appendix. The change in the early 1390s is discussed below. pp. 113-14.

<sup>11</sup> R.L. Baker, *The English Customs Service, 1307-1343: A Study of Medieval Administration*, Transactions of the American Philosophical Society, New Series, 51 (1961), especially pp. 9 and 50-51.

<sup>12</sup> Baker, *English Customs Service*, p. 48.

<sup>13</sup> See, for example, *CPR*, 1354-58, p. 41, *LRB*, vol. 1, pp. 129-32, and *CFR*, 1399-1405, pp. 95-96.

<sup>14</sup> W.M. Ormrod, "Finance and Trade under Richard II", in A. Goodman and J.L. Gillespie (eds.), *Richard II: The Art of Kingship* (Oxford, 1999), p. 158.

town of Bristol from which they were drawn. These ties were based on the system of public credit and, in particular, on the practice of assigning the repayment of loans to various sources of royal revenue, most notably the customs. Whilst Ormrod's point is valid, the subsidy of tonnage and poundage was a special case, and up to 1386, it was not "a regular element within the wider customs system" and its revenue was assigned specifically for the protection of trade and merchant shipping.<sup>15</sup> Could it be argued that Bristol's customs officials, the majority of whom were overseas merchants and/or shipowners, had a real stake in the collection of the subsidy of tonnage and poundage for the defence of their trading interests and those of their friends and neighbours within the town of Bristol?

#### 4.1.1 The Customs Personnel

This study of the customs personnel at the port of Bristol will focus on two sets of officials, the collectors of the wool and the petty customs, and the collectors of tonnage and poundage. Although there were other customs officials at the port, most notably the controller, whose responsibility it was to oversee the work of the collectors, it was the collectors who were the most important officials within the customs system, receiving all of the money collected in the port and then accounting for it at the exchequer.<sup>16</sup> In London, there were separate officials for the wool customs, the cloth and petty customs, and the subsidy of tonnage and poundage, but in Bristol, as in other provincial ports such as Boston, two collectors were appointed to collect the wool and the petty customs and two to collect tonnage and poundage.<sup>17</sup> In the first instance, I will examine the identity of the customs collectors in the period 1351-1391. The character of the collectors thereafter will be discussed in relation to changing royal policy towards the administration of the customs.

From November 1351, immediately after the assumption of direct responsibility for the customs service by the crown, to December 1391, the office of collector of the wool and the petty customs in Bristol was held by sixteen individuals, but it was monopolised by eight men who each occupied the position for five or more years.<sup>18</sup> With one exception, all had

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<sup>15</sup> Ormrod, "Finance and Trade under Richard II", pp. 172-73. The quotation is from p. 172.

<sup>16</sup> For a description of the operation of the customs system and of the hierarchy of customs officials, see Baker, *English Customs Service*, pp. 6-12 and M.H. Mills, "The Collectors of Customs", in *EGW*, vol. 2, pp. 168-200.

<sup>17</sup> S.H. Rigby, "The Customs Administration at Boston in the Reign of Richard II", *BIHR*, 58 (1985), p. 12.

<sup>18</sup> See Appendix for what follows.

held high civic office in the town before their first appointment and four, Walter de Frompton, John de Stoke, Thomas Beaupyne and Walter de Derby, between them, held the office of mayor of Bristol a total of thirteen times. Similarly, between 1351 and 1391, the office of collector of tonnage and poundage was occupied by thirteen people but dominated by four individuals, Walter de Derby, John Candever, Ellis Spelly, and Thomas Beaupyne. Candever was a sheriff of the town before his appointment, whilst the other three, between them, occupied the mayoralty for a total of eleven years. Five men, Walter de Frompton, John de Wycombe, Thomas Beaupyne, William Combe, Walter de Derby and John Candever, all of whom were drawn from the political elite of Bristol, held both offices. Thus, the evidence from Bristol supports Maryanne Kowaleski's conclusions about late medieval Exeter, in which she has found that royal appointments to the customs service were made to citizens of the highest political rank in the city.<sup>19</sup>

According to Kowaleski, these appointments provided the office-holders with financial opportunities "(either legal or illegal)", and in return, the crown sought to build up "a strong political base that often bore fruit" when some members of Exeter's political elite participated on royal expeditions overseas or else lent money to the crown.<sup>20</sup> What Kowaleski was suggesting implicitly here was that appointment to royal office within the customs was a form of royal patronage which could tie members of the civic elite more closely to the interests of the crown, and that the customs administration was not simply a way of maximising revenue. Within the field of urban history, it is an argument that has also been made for the early modern period by Peter Clark and Paul Slack, who, in the words of Stephen Rigby, have identified "the Crown's obsession with the need for small knots of reliable men in every town, a policy promoted by charters of incorporation and widespread conciliar intervention".<sup>21</sup> A similar view of relations between the crown and local elites has been made by Chris Given-Wilson, who has argued that the later fourteenth and early fifteenth centuries saw an attempt by the crown to establish direct royal influence within the counties based on "a system of retaining members of the gentry". For example, Richard II,

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<sup>19</sup> M. Kowaleski, "The commercial dominance of a medieval provincial oligarchy: Exeter in the late fourteenth century", in R. Holt and G. Rosser (eds.), *The English Medieval Town: A Reader in English Urban History, 1200-1540* (London and New York, 1990), pp. 193-95.

<sup>20</sup> Kowaleski, "Commercial dominance of a medieval provincial oligarchy", p. 195.

<sup>21</sup> P. Clark and P. Slack, "Introduction", in P. Clark and P. Slack (eds.), *Crisis and order in English towns, 1500-1700: Essays in urban history* (London, 1972), pp. 22 and 46, note 69, and S.H. Rigby, "Urban 'Oligarchy' in Late Medieval England", in J.A.F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century* (Gloucester, 1988), p. 78.

in the period 1389-1393, made “a conscious attempt to retain those men who formed the topmost layer of the gentry in the localities”.<sup>22</sup> The idea behind the gentry-retaining policy was “to bind men more exclusively to the crown” so that the king could have “a loyal base of support among the gentry of the kingdom in event of a crisis”.<sup>23</sup>

That this royal policy of retaining the gentry for non-military purposes was a novelty in the late fourteenth century is not to be questioned. Moreover, it is clear that the relationship between king and gentry based on the receipt of an annuity at the exchequer was a more personal, and therefore more powerful, bond, than the appointment to royal office, and there is very little evidence that members of the political elite of either Bristol or York were retained formally by the crown.<sup>24</sup> However, it is not the case that the crown was only noticing the importance and usefulness of local elites in the last decade of the fourteenth century. Indeed, as I demonstrated in Chapter Two, the crown granted Bristol’s fee farm in 1371 to Walter de Derby and Henry Derneford “to make their profit” from the town’s revenues owing to the king.<sup>25</sup> Kowaleski’s argument that appointment to the customs service was a form of royal patronage is intriguing because it invites speculation about the success of the crown’s policy. The questions are two-fold. Firstly, if the crown was trying to build up a small group of loyal supporters within the town of Bristol through appointment to the customs service, strengthening the ties between the centre and the local elite, to what extent did the collectors of the customs see their interests as bound up in those of the crown? And secondly, was there a conflict between the customs as a source of royal revenue and as a form of royal patronage? It is certainly true that service as a customs collector tended to reinforce the close links which already existed between a small group of Bristol burgesses and the crown. For a few individuals such as John de Stoke, the customs service offered the opportunity of future royal service, for he was a deputy controller of the customs between 1361 and 1362 before his appointment, three years later, as a collector of the wool and the petty customs, and then as a diplomat to Calais in 1372.<sup>26</sup>

In her study of London’s customs collectors in the reign of Richard II, O. Coleman

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<sup>22</sup> C. Given-Wilson, “The King and the Gentry in Fourteenth-Century England”, *TRHS*, 5th Series, 37 (1987), pp. 87-102, especially pp. 93-94.

<sup>23</sup> C. Given-Wilson, *The Royal Household and the King’s Affinity: Service, Politics and Finance in England, 1360-1413* (New Haven and London), pp. 216 and 223.

<sup>24</sup> Evidence of royal retaining as it relates to Bristol and York will be discussed in the following chapter, pp. 156 and 159.

<sup>25</sup> *CFR*, 1369-77, p. 138 and Chapter Two, pp. 31-33 for discussion.

<sup>26</sup> See PRO, E356/5, rot. 19r. (deputy controller) and Appendix.

argued that the reason for the monopoly of the office of collector by certain individuals lay in “their personal and corporate financial relationships with the crown”.<sup>27</sup> Londoners either lent money to the crown once they had the security of a position as a customs collector in the London customs or else they tried to secure the appointment of themselves or their associates in the customs in order to gain repayment of a loan. In Bristol, there is scant evidence of a similar pattern in terms of individual lenders. Indeed, the only example is Walter de Frompton, who lent money to the crown in August 1351 and who was then assigned repayment of the loan in 1352 and 1353 from the wool and petty customs of which he was also a collector.<sup>28</sup> Nevertheless, it is clear that loans to the crown made by the town in its corporate capacity tended to be repaid from Bristol’s customs, whether the wool and the petty customs and/or the subsidy of tonnage and poundage. The corporate loans of May and June 1370, October 1377, December 1381, and October 1386, totalling over £2,000, were all repaid, in part or in full, from Bristol’s customs.<sup>29</sup> The process by which repayment of Bristol’s loans was assigned to the customs of the port of Bristol meant that the town, in effect, paid itself. The security of the customs, coupled with the occupation of the customs offices by members of Bristol’s political elite, meant that the town’s rulers could be confident of making loans. Both of these facts might help to explain why Bristol lent far more money to the crown than the city of York, whose loans tended to be repaid from the Hull customs and which had to compete with other creditors for repayment.<sup>30</sup> As Coleman realised, if a customs collector contributed to the making of a corporate loan, he would be able to gain priority in the queue for repayment.<sup>31</sup> What the customs collectors gained from royal service in the customs was a guarantee that their loans would be repaid. Moreover, given the integration of the customs in the system of public credit, it could well be the case that the appointment of Bristol men to the local customs administration acted as a major

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<sup>27</sup> O. Coleman, “The Collectors of Customs in London under Richard II”, in A.E.J. Hollaender and W. Kellaway (eds.), *Studies in London History presented to Philip Edmund Jones* (London, 1969), p. 184, and for what follows, pp. 185-87.

<sup>28</sup> See Appendix; for the assignment, see *CCR*, 1349-54, pp. 344 and 573.

<sup>29</sup> PRO, E401/501, 10 May and 22 June, E401/528, 26 October, E401/544, 16 December, and E401/566, 28 February.

<sup>30</sup> York’s corporate loans of 1385, 1386, 1399 and 1400 were repaid from the Hull customs: PRO, E401/563, 9 December, E401/566, 14 February, and *CPR*, 1399-1401, p. 354. In 1370, as I pointed out in the previous chapter, York made two loans totalling £900 which were meant to be repaid from the Hull customs, but the assignment was cancelled, presumably because of over-assignment. In 1374, the city was eventually repaid £500, but £400 was remitted to the crown. See Chapter Three, p. 89.

<sup>31</sup> Coleman, “Collectors of Customs in London”, p. 190.

stimulus to the collection of customs duties in the port and as a spur to greater efficiency. Baker's argument about the failure of the customs service before 1343 might well be true, but when the wool monopoly companies of the 1340s collapsed and the crown was reliant on the wider body of its subjects for loans, the customs system became part of a system of public finance in which the crown and local elites had a shared fiscal interest.<sup>32</sup>

Given the strength of the customs system, then, it is worth exploring the reasons for the general reform of the customs administration in the early 1390s when royal clerks and local gentry were appointed as collectors of the customs. Anthony Steel first noticed this change in the port of Newcastle, arguing that royal policy was a reflection of the exchequer's view that "the well-known and widespread laxity, not to say corruption, of the burgess class as whole in all customs administration could no longer be endured."<sup>33</sup> Coleman also identified a "definite change in the character of London wool collectors...in the second half of Richard II's reign", and in a general survey of the customs collectors in the reign of Richard II, Steel found the pattern in Newcastle repeated everywhere, concluding that, "round about 1391 to 1392 the exchequer became so dissatisfied with leakages in the collection of the customs...that they decided either to get rid of merchant princes entirely in favour of clerks and special agents or at least to place them under strict supervision."<sup>34</sup>

In a more recent article, however, Rigby has argued persuasively that the introduction of royal clerks into the ports in December 1391 was the consequence of new bullion legislation which the collectors were to enforce. Increased central control of the local customs administration was the result of "changes in royal commercial policy" rather than "an attack on a corrupt customs system".<sup>35</sup> In Bristol, Richard des Armes, a king's clerk, held the offices of collector of the wool and the petty customs and tonnage and poundage by joint commission from 1391-1395, and Richard Mawardyn, a king's esquire and sheriff of Wiltshire from 1389-1390, 1393-1394 and 1396-1399, held the two offices

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<sup>32</sup> G. Harriss, "Political Society and the Growth of Government in Late Medieval England", *P&P*, 138 (1993), pp. 35-36.

<sup>33</sup> A. Steel, "The Collectors of the Customs at Newcastle upon Tyne in the Reign of Richard II", in J. Conway Davies (ed.), *Studies Presented to Sir Hilary Jenkinson* (London, 1957), pp. 390-413, especially p. 413.

<sup>34</sup> Coleman, "Collectors of Customs in London", p. 193, and A. Steel, "The Collectors of Customs in the Reign of Richard II", in H. Hearder and H.R. Loyn (eds.), *British Government and Administration: Studies Presented to S.B. Chrimes* (Cardiff, 1974), pp. 27-39, especially p. 38.

<sup>35</sup> Rigby, "Customs Administration at Boston", pp. 17-18. The quotation is from p. 18.



simultaneously between 1395 and 1397.<sup>36</sup> Nevertheless, Thomas Knappe, Thomas Beaupyne and John Stevenes, all mayors of Bristol, served alongside these men, and in 1397, Armes and Mawardyn had been replaced. This is not to underestimate the significance of the changing royal policy towards the customs administration, but to support Rigby's point that what happened in the early 1390s was not the result of the crown's perception of wholesale corruption among the customs officials. In fact, what is more significant about the changes in the customs personnel is that they were, in part, the consequence of parliamentary pressure. Rigby may be right to associate the changes with the new bullion legislation, but there was a political as well as an economic reason behind the re-organisation of the customs administration.

In the parliament of November 1390, the commons had expressed their concern about the identity of the customs collectors. They asked that the collectors should not come from the same town, fearing they would make secret agreements among themselves, and requested that the customs officials should neither be shipowners nor merchants so as to prevent "le damage nostre Seignur le Roy de sa Custome, come la perde de touz les Marchantz repeirantz al dit Port, si bien Aliens come Denzeins".<sup>37</sup> It was not the first time that the commons had been concerned about the types of people appointed to the customs administration. In the last parliament of Edward III's reign, in 1377, the commons had petitioned the king that no wool merchant or shipowner be appointed to the office.<sup>38</sup> The petition, "pur l'avantage du Roy, et ease et profit des touz les Marchantz du Roialme, et toute la Commune", expressed a fear of monopolies, a fear which may have been aggravated by the activities of the London merchant, Richard Lyons, who, in 1372, had been granted the farm of the petty customs in every English port and who had been impeached in the Good Parliament of 1376.<sup>39</sup> Similarly, in 1379, the commons had asked that the customs officials, like sheriffs, be appointed annually, "pur profit nostre dit Seignur le Roi et commune profit du Roialme".<sup>40</sup> It is possible to see in these petitions the vested interests of merchants who were concerned about their treatment by customs officials, but the petitions

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<sup>36</sup> Richard des Armes was a king's yeoman of Edward III whose receipt of an annuity at the exchequer was confirmed by Richard II: *CPR, 1374-77*, p. 370 and *CPR, 1377-81*, p. 146. For Mawardyn, see Given-Wilson, *Royal Household and the King's Affinity*, p. 250.

<sup>37</sup> *RP*, vol. 3, p. 281.

<sup>38</sup> *RP*, vol. 2, p. 371.

<sup>39</sup> W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327-1377* (New Haven and London, 1990), p. 186.

<sup>40</sup> *RP*, vol. 3, p. 62.

also expressed a political morality about the importance of the common good as opposed to personal profit. This morality, in turn, reflected a growing concern within the parliamentary commons about royal finance, specifically a “concern that the taxes that they granted should be properly spent”, and criticism of “the extravagance of the royal household and the administration”.<sup>41</sup>

It can be no coincidence that one of the proposals drawn up by the commission, appointed by the commons in the parliament of October 1385 to investigate the state of the royal finances, was that the profits of the customs would be greatly increased if the customs collectors were “bons et loyalx gentz”.<sup>42</sup> In 1377 and 1379, the crown had rejected the requests of the parliamentary commons, wanting to preserve its freedom to appoint as customs collectors “come luy plerra”.<sup>43</sup> After Richard II’s assumption of personal responsibility for the governance of the realm in 1389, the years immediately following saw the king show “greater sensitivity to his subjects’ feelings than he had in his youth”.<sup>44</sup> One aspect of this “more conciliatory style” of kingship was his readiness to listen to, and act upon, his subjects’ concerns in parliament.<sup>45</sup> In 1390, the king agreed to implement the commons’ petition and outsiders were appointed in several ports.<sup>46</sup> One year later, the crown appointed royal clerks.

In short, both among the Bristol customs collectors themselves and among the wider political community in parliament, the fiscal potential of the customs was a major concern, even though on occasions they might have different views about, and different interests in, the best way to maximise this revenue. As G.L. Harriss has argued, the later medieval period saw “the diffusion of fiscal awareness within political society” and “English public finance represented an amalgam of the interests and actions of both crown and subjects”.<sup>47</sup>

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<sup>41</sup> Harriss, “Political Society and the Growth of Government”, pp. 45-46. The quotations are from p. 45.

<sup>42</sup> N. Saul, *Richard II* (New Haven and London, 1997), pp. 146-47. A transcription of the reforming ordinance drawn up by the commission is provided in J.J.N. Palmer, “The Impeachment of Michael de la Pole in 1386”, *BIHR*, 42 (1969), pp. 100-01. The quotation is from p. 100.

<sup>43</sup> *RP*, vol. 2, p. 371.

<sup>44</sup> Saul, *Richard II*, p. 235.

<sup>45</sup> Saul, *Richard II*, pp. 236 and 256. See, also, the acknowledgement by the commons of the “grant Fervour et Zele” shown by the king to his subjects at the end of the 1390 parliament: *RP*, vol. 3, p. 283.

<sup>46</sup> Rigby, “Customs Administration at Boston”, p. 16.

<sup>47</sup> Harriss, “Political Society and the Growth of Government”, p. 46.

### 4.1.2 The Subsidy of Tonnage and Poundage

Although the customs system was geared primarily to the fiscal needs of the crown, it is also true that, before 1386, the subsidy of tonnage and poundage was designed specifically to finance armed convoys of ships for the protection of mercantile shipping and for the defence of the seas from piracy and enemy attack. It was introduced by the king and council in 1347 as an occasional tax on wine and general merchandise, but from the 1370s, with the resumption of the Hundred Years War, the subsidy was granted by the commons in parliament and became a more regular levy.<sup>48</sup> With the exception of Richard des Armes and Richard Mawardyn, Bristol's collectors of tonnage and poundage were characterised by their mercantile and shipping interests.<sup>49</sup> The collectors would have had a vested interest in the collection of a subsidy earmarked specifically for the protection of maritime commerce. In fact, if the collectors did not appreciate this point, it would have been impressed upon them by the local communities from which they were drawn. In an undated petition, probably of 1382, Robert de Selby, a collector of tonnage and poundage in the port of Hull, petitioned the king's council in parliament to inform it that he had been forced to arm two ships and one balinger with 200 men and victuals for six weeks at his own expense to protect the coast from enemy attack.<sup>50</sup> Between Easter and Pentecost, in "parties du North", several enemy vessels had seized and burned a great number of ships, "sur quoy toute la pais se plenoyt molt grevousment a le dit Roberd par cause qil estoit coillour del custume de vj d. pur li qestoit ordeigne a la garde de la meer a quele garde rien estoit fait". Although, in this instance, the collection of tonnage and poundage had proved inadequate, the collector had been forced to provide the naval defence for which the subsidy had been originally granted.

Within parliament, too, there was a particular concern to ensure that the revenue from the subsidy of tonnage and poundage was spent properly. In the parliament of May 1382, "les Mariners del West" had offered to equip "une Armee sur la Meer" for two years, and

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<sup>48</sup> The best introduction to the subsidy of tonnage and poundage remains G.L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford, 1975), pp. 459-64.

<sup>49</sup> See the biographies of Thomas Beaupyne, Robert Gardener, Thomas Knappe, Ellis Spelly and John Stevenes in J.S. Roskell, L. Clark and C. Rawcliffe (eds.), *The History of Parliament: The House of Commons, 1386-1421* (4 vols., Stroud, 1993), vol. 2, pp. 164-66, vol. 3, pp. 156 and 525-26, and vol. 4, pp. 414-17 and 474-75. For mini-biographies of Robert de Cheddre and Walter de Derby, see S.A.C. Penn, "Social and Economic Aspects of Fourteenth-Century Bristol" (Ph.D. thesis, University of Birmingham, 1989), pp. 220-31.

<sup>50</sup> PRO, SC8/139/6911. For Selby's appointment as a customs collector, see *CFR, 1377-83*, p. 300.

the commons had made a grant of tonnage and poundage to finance the naval force.<sup>51</sup> To ensure that the taxes would be “entierment appliez sur la salve-garde de la meer, et nulle part ailleurs”, the crown, at the request of the commons, appointed three parliamentary burgesses to act as receivers of the subsidy. John Philipot, a London MP, was responsible for the area north of Southampton, whilst John Polymond, MP for Southampton, and Thomas Beaupyne, Bristol’s MP and a former collector of tonnage and poundage in the port of Bristol, were receivers for the area west of Southampton.<sup>52</sup> These appointments recalled the appointment of William Walworth and John Philipot in Richard II’s first parliament in 1377, who, at the request of the commons, were commissioned as guardians of the royal taxes to account to parliament for the receipts and issues of all the fiscal revenue in order to guarantee that the money was spent on the purpose for which it was granted.<sup>53</sup>

At the Wonderful Parliament of 1386, the commons granted a subsidy of tonnage and poundage for an unlimited period, and thereafter the subsidy was collected continuously like other customs duties. It was in 1386 that tonnage and poundage “was symbolically upgraded from a modest tax in aid of local defence to a national subsidy paid into the royal treasury and available for the general expenses of the Crown”.<sup>54</sup> In other words, tonnage and poundage, rather than a tax for the defence of trade and the commercial interests of the crown’s subjects, now became a source of revenue to the crown geared towards its fiscal interests. Nevertheless, the circumstances in which the 1386 grant was made are also significant, for the subsidy was conditional on the king’s willingness to allow the commission, appointed at the request of the commons to implement a series of financial reforms, to do its work without hindrance.<sup>55</sup> In short, the customs administration was part of a wider system of public finance in which crown and subjects had a mutual financial interest.

## 4.2 THE STAPLE

In essence, the staple was “a fixed point through which all wool (and sometimes other goods) intended for the foreign market had to pass”.<sup>56</sup> In 1353, by the Ordinance of the

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<sup>51</sup> See *RP*, vol. 3, p. 124 for what follows.

<sup>52</sup> For Beaupyne, see Appendix.

<sup>53</sup> *RP*, vol. 3, p. 7 and *CPR*, 1377-81, p. 99.

<sup>54</sup> Ormrod, “Finance and Trade under Richard II”, p. 173.

<sup>55</sup> *RP*, vol. 3, pp. 220-21.

<sup>56</sup> Ormrod, *Reign of Edward III*, p. 190.

Staple, a series of domestic staples was instituted at fifteen towns in England, Wales and Ireland, including Bristol and York.<sup>57</sup> Ten years later, a staple was established at Calais, and of the twenty-six merchants appointed by the king and council to govern the town, two were Bristol merchants, Reginald le Frensshe and Walter de Frompton, and two were York merchants, John de Gysburn and Roger de Hovyngham.<sup>58</sup> This discussion of the staple will explore three issues. The first is the creation of the domestic staples in 1353. Why were Bristol and York chosen as the locations of staples, and how and why was royal policy towards the staples devised? The second issue concerns the purpose of the staple towns. What was their role and what was their relationship with the towns in which they were located? In particular, I am interested in the politics of the staple within Bristol and York. To what extent did the staple act as a disruptive issue in urban politics or help to extend civic authority? Thirdly, I will explore, more briefly, the role of the merchants from Bristol and York in the establishment of the Calais Staple in 1363. Specifically, this discussion aims to show that the staple system was not imposed on Bristol and York by the crown primarily as an expression of royal interests, but that it was based on collaboration between the centre and the ruling elites of the two towns.

#### **4.2.1 The Creation of Domestic Staples in 1353**

The reasons for the establishment of home staples in 1353, and for the ban on wool exports by native merchants which accompanied their creation, have been keenly debated by several historians.<sup>59</sup> To George Unwin, the abandonment of the Bruges staple in 1352, and the creation of home staples and the prohibition of wool exports by English merchants in the 1353 Ordinance of the Staple, could all be explained by an alliance between the lesser merchants and the wool-growers in the commons, who were hostile towards the wool monopoly companies associated with the Bruges staple. This alliance of wool-growers and lesser merchants petitioned repeatedly in parliament about the monopolists and when the last monopoly company went bankrupt in 1351, the crown was forced to listen to their complaints and responded with the Ordinance of the Staple which reflected their interests as much as those of the king and which prevented future export monopolies by English

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<sup>57</sup> *SR*, vol. 1, p. 332.

<sup>58</sup> *Foedera, Conventiones, Litterae et...Acta Publica*, ed. T. Rymer (4 vols., London, 1816-69), vol. 3, part 2, pp. 690-91.

<sup>59</sup> The Ordinance of the Staple is in *SR*, vol. 1, pp. 332-43.

merchants by guaranteeing “the freedom of trade”.<sup>60</sup>

T.H. Lloyd offered an alternative interpretation of the Ordinance of the Staple. Whereas Unwin believed that the commons in the great council of September-October 1353 had taken “an active part in framing the ordinances”,<sup>61</sup> Lloyd argued that the initiative actually lay with the king, for although the Ordinance was discussed by the commons at the great council, the staples had been in existence since the beginning of August. Moreover, according to Lloyd, the reason for the crown’s policy of domestic staples lay in its diplomatic interests and in particular, in “the state of relations between England and Flanders”.<sup>62</sup> With Louis de Mâle, the new count of Flanders, increasingly hostile to England, and Bruges too dangerous for English trade to be the location of the staple, the crown established domestic staples and placed a ban on native wool exports so that “any losses at sea or in the Low Countries would cost England nothing and the government would not be embarrassed by the demand of its own subjects for reprisals”.<sup>63</sup> At the same time, Lloyd questioned Unwin’s view of the “anti-monopolist nature” of the 1353 Ordinance, arguing that the officials of the Westminster staple and the provincial staples were either “colleagues of the so-called monopolists” or else “prominent wool exporters”.<sup>64</sup> Thus, implicit in Lloyd’s analysis was the belief that the 1353 Ordinance reflected the interests of both the crown and the greater merchants.

More recently, Ormrod has emphasised that the Ordinance of the Staple was part of a wide-ranging programme of reform of the regulation of trade in the early 1350s which was “instigated by the government in its own specific interests”. The grant of a monopoly of the wool trade to alien merchants, in particular, reflected the fiscal interests of the crown which sought to benefit from the increased rates of customs duties paid by foreign merchants.<sup>65</sup> There is no doubt that the crown’s financial concerns figured prominently in the creation of the system of home staples. Indeed, one of the main responsibilities of the staple officials was to prevent fraud and loss of revenue from the customs system. In staple ports such as Bristol, which were also centres of a customs administration, wool intended for export had

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<sup>60</sup> G. Unwin, “The Estate of Merchants, 1336-1365”, in G. Unwin (ed.), *Finance and Trade under Edward III* (Manchester, 1918, reprinted 1962), pp. 227-33. The quotation is from p. 232.

<sup>61</sup> Unwin, “Estate of Merchants, 1336-1365”, p. 231.

<sup>62</sup> T.H. Lloyd, *The English Wool Trade in the Middle Ages* (Cambridge, 1977), p. 206.

<sup>63</sup> Lloyd, *English Wool Trade*, p. 207.

<sup>64</sup> Lloyd, *English Wool Trade*, p. 206.

<sup>65</sup> W.M. Ormrod, “The English Crown and the customs, 1349-63”, *EcHR*, 2nd Series, 40 (1987), pp. 27-40, especially p. 28.

to be weighed by the staple officials in the presence of the customs staff, whilst in inland staples such as York, the wool was first to be weighed and sealed by the mayor of the staple and then taken to Hull or other port towns and weighed again by the customs officials.<sup>66</sup> It may well be that one of the reasons York and other inland towns were appointed home staples was to counter fraud. Nevertheless, there were important economic and jurisdictional aspects to the domestic staples, including the introduction of debt procedure under statute staple, which will be discussed later in the chapter and which provide evidence of the crown's concern to promote trade within the staple towns.

Why were Bristol and York appointed as staple towns in 1353? As Unwin pointed out, the Ordinance of the Staple which was enacted in the great council of September-October 1353, was preceded by two assemblies in August 1352 and July 1353 at which it is likely that the subject of home staples was discussed, although no records of either meeting are extant.<sup>67</sup> Five of the towns represented in 1352, including Bristol and York, became staple towns one year later.<sup>68</sup> In July 1353, a merchant assembly was convened, composed of seventy-one English merchants from twenty-three towns and twelve foreign merchants. Four merchants each from Bristol and from York were summoned to attend, and with one exception, all of the towns represented in July 1353 were made staple towns one month later.<sup>69</sup> Unwin stated tentatively that "the scheme [for home staples] in its main features was drawn up by this purely mercantile body and was afterwards submitted to the more parliamentary assembly of September."<sup>70</sup> More conclusive evidence that this was indeed the case is provided by a comparison of the names of those summoned on 1 July 1353 with the names of the staple officials appointed by the king and council on 10 July.<sup>71</sup> All of Bristol's staple officials, the mayor, John le Spicer, and the constables, John de Wycombe and Walter de Frompton, were present at the July assembly, whilst two of York's staple officials, William Graa, mayor, and Hugh de Miton, a constable, were also in attendance. The debate about whether the policy of home staples was imposed from above or was the result of pressure from below misses the essential point that the introduction of

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<sup>66</sup> *SR*, vol. 1, pp. 332-33.

<sup>67</sup> Unwin, "Estate of Merchants, 1336-1365", pp. 228-29.

<sup>68</sup> Compare *Report from the Lords' Committees...for all Matters Touching the Dignity of a Peer* (4 vols., London, 1820-29), vol. 4, pp. 593-95 and *SR*, vol. 1, p. 332.

<sup>69</sup> *Dignity of a Peer*, vol. 4, pp. 596-98, especially pp. 596-97.

<sup>70</sup> Unwin, "Estate of Merchants, 1336-1365", p. 229.

<sup>71</sup> See *Dignity of a Peer*, vol. 4, pp. 596-97 and PRO, C67/22, mem. 25.

the staple scheme in 1353 was based on negotiation, collaboration, and a certain amount of vested interest on the part of the local elites.

There were other reasons for the choice of Bristol and York as staple towns in 1353. One reason was that the towns had prior experience as the locations of staples. In 1326, staples were fixed at Bristol and York and seven other English towns, London, Newcastle, Lincoln, Norwich, Winchester, Exeter and Shrewsbury, as well as at a number of towns in Wales and Ireland,<sup>72</sup> and among the English towns, only London and Shrewsbury did not become staples again in 1353. Moreover, in 1326, the merchants of Bristol and York had been strongly in favour of the home staples. When the status of domestic staples was reviewed at a merchant assembly held in York in 1328,<sup>73</sup> a series of letters was exchanged between the cities of London and York which suggest that neither York's civic government nor its merchants wanted the staple to be transferred overseas.<sup>74</sup> On 29 January 1328, York's mayor and commonalty wrote to the mayor, sheriffs, aldermen and commonalty of London to complain about the misconduct of Richard de Betoyme, a London merchant, who had proposed the removal of the domestic staples and whose actions, they believed, did not meet "with the approval of the City, since they found John de Grantham and John Priour [the official representatives of London's merchants] of a different opinion". Indeed, according to Grantham and Priour, writing to the city of London on 30 January 1328, they, as the representatives of London, as well as the representatives of York, Lincoln, Winchester and Bristol, were all opposed to the removal of the staple.<sup>75</sup>

One of the king's avowed aims of the 1353 staple system was to prevent future wool monopolies and it was this intention which also helps to explain the choice of Bristol and York among the staple towns. As Sir William Shareshull, the king's chief justice, explained at the opening of the 1353 great council, when the staple had been overseas, "le Profit qe ent deust avoir venuz en son Roialme au commune poeple par vente de lour Leines ad este acrochez as singuleres persones de meisme le Roialme, a grant damage et empoverissement de la Commune de meisme le Roialme."<sup>76</sup> The crown's adoption of the morality of the common good was in stark contrast to Edward III's support of the wool monopoly

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<sup>72</sup> *CPR, 1324-27*, pp. 269 and 274.

<sup>73</sup> For the background to this dispute, see Lloyd, *English Wool Trade*, pp. 117-20.

<sup>74</sup> The correspondence is in *Calendar of Plea and Memoranda Rolls of the City of London, 1323-1482*, ed. A.H. Thomas and P.E. Jones (6 vols., Cambridge, 1926-61), vol. 1, pp. 52-59.

<sup>75</sup> *Calendar of Plea and Memoranda Rolls*, vol. 1, pp. 53-54.

<sup>76</sup> *RP*, vol. 2, p. 246.



companies of the 1340s, and the organisation of domestic staples can be seen, in part, at least, as an attempt to conciliate the commons in parliament. From this perspective, Bristol made an ideal choice as a staple town because the town's merchants were engaged primarily in the export of cloth rather than wool and the town was not an important centre of the wool trade, so the likelihood that English merchants would monopolise wool exports from the town was minimal.<sup>77</sup> The selection of York rather than Hull was probably made for the same reason, for the staples were located not at the major east-coast wool ports of Hull, Lynn, Boston, and London, but at inland ports.

As Lloyd suggested,<sup>78</sup> Unwin's obsession with "the anti-monopolist nature" of the 1353 Ordinance of the Staple is reductive, for many of York's merchants were wool exporters and a number of them had been involved in the wool monopoly schemes of the late 1330s and 1340s.<sup>79</sup> Moreover, Walter de Kelstern, a wool merchant who had been involved in the wool monopoly of 1337 and a member of Thomas Melchbourn's company in 1344, was elected constable of the York staple in 1355 and 1356, and was a mayor of the staple in 1357.<sup>80</sup> Indeed, Kelstern, was one of the four York merchants summoned by the crown to the merchant assembly in July 1353 at which the proposed scheme of domestic staples was discussed.<sup>81</sup> Nevertheless, with the exception of Kelstern and Roger de Hovyngham, the officials of the York staple were not associates of the wool monopolists. As I suggested in the previous chapter, there may have been an unwillingness among York's merchants generally to participate in future wool monopoly schemes given the experiences of some of the city's merchants who became "involved in fractious and interminable litigation" with the crown when the wool companies of the 1340s collapsed.<sup>82</sup>

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<sup>77</sup> For Bristol's trade in cloth, see E.M. Carus-Wilson, "Trends in the Export of English Woollens in the Fourteenth Century", in E.M. Carus-Wilson, *Medieval Merchant Venturers: Collected Essays*, 2nd Edition (London, 1967), pp. 239-64 and E.E. Rich, "Introduction", in *The Staple Court Books of Bristol*, ed. E.E. Rich, Bristol Record Society, 5 (1934), pp. 66-75.

<sup>78</sup> Lloyd, *English Wool Trade*, p. 206.

<sup>79</sup> For the involvement of York's merchants in the ill-fated wool monopoly schemes of royal finance, see J. Kermode, *Medieval Merchants: York, Beverley and Hull in the Later Middle Ages* (Cambridge, 1998), Appendix 2, pp. 330-31 and E.B. Fryde, "Some Business Transactions of York Merchants: John Goldbeter, William Acastre and Partners, 1336-1349", in E.B. Fryde, *Studies in Medieval Trade and Finance* (London, 1983), Chapter Eleven, pp. 3-27.

<sup>80</sup> For Kelstern, see J.I. Kermode, "The Merchants of York, Beverley and Hull in the fourteenth and fifteenth centuries" (Ph.D. thesis, University of Sheffield, 1990, 2 vols.), vol. 2, Appendix 4: Merchant Biographies (York).

<sup>81</sup> *Dignity of a Peer*, vol. 4, p. 596.

<sup>82</sup> Roger de Hovyngham was one of the York merchants involved in this litigation in the early 1350s, and in 1354, his election as mayor of the York staple was overturned by the crown. See below, p. 128. See,

Perhaps the most important aspect of the system of domestic staples - certainly the most permanent and the most novel - was the provision of new forms of mercantile justice in the form of staple courts. The jurisdictional role of the staples will be discussed shortly, but it is clear that royal concern with the regulation of the staples distinguished the staples established in 1353 from those set up in 1326.<sup>83</sup> In 1326, the staples had simply been towns at which wool for export was to be bought and sold; in 1353, separate jurisdictions were created for the staples within the towns in which they were located. In fact, the Ordinance of the Staple, made a statute in the parliament of 1354,<sup>84</sup> can be viewed as another example of the innovative legislation which characterised the mid-fourteenth century and which included the labour legislation, the reform of the coinage, and the standardisation of the system of weights and measures.<sup>85</sup> The staple courts, with their new form of debt procedure, in particular, were designed to facilitate mercantile credit and to encourage trade by both English and foreign merchants. There were many factors determining the crown's decision to introduce home staples in 1353, but the underlying idea was to promote trade and to focus it in certain centres such as Bristol and York. The appointment of Bristol and York as staple towns may, ultimately, have owed much to the crown's perception of their importance as centres of trade. Certainly, the same perception coloured the pretext of the grant of Bristol's 1373 charter separating the town from Gloucestershire and Somerset, in which the crown's explicit purpose was to remedy the damage to the town's trade caused by the need for the town's burgesses to travel to court sessions outside Bristol, "by which they are sometimes prevented from paying attention to the management of their shipping and trade".<sup>86</sup> In short, the crown's policy in 1353 was the product not just of its diplomatic, political or fiscal interests, but of an active interest in the promotion of trade and of a recognition of its responsibilities to act in the economic interests of the wider body of its subjects.

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also, Fryde, "Business Transactions of York Merchants", pp. 4-5. The quotation is from W.M. Ormrod, "York and the Crown Under the First Three Edwards", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), p. 31.

<sup>83</sup> Lloyd, *English Wool Trade*, p. 115: the 1326 Ordinance, "unlike the legislation of 1353, did not prescribe the form the staple was to assume in each town".

<sup>84</sup> *RP*, vol. 2, p. 254.

<sup>85</sup> For this legislation, see Ormrod, *Reign of Edward III*, pp. 78-80.

<sup>86</sup> *Bristol Charters, 1155-1373*, ed. N. Dermott Harding, Bristol Record Society, 1 (1930), pp. 118-19.

### 4.2.2 Bristol and York as Staples

The 1353 Ordinance of the Staple created staple officials in the form of a mayor and two constables to govern the home staples. Their functions were fiscal and judicial, but also broadly economic inasmuch as they were concerned with trade. On the one hand, as I have already pointed out, the mayor of the staple was given joint responsibility, with the customs officials, for the collection of the customs revenue. All wool intended for export had to be weighed and sealed by the mayor of the staple. In port towns like Bristol, this was to be done in the presence of the customs staff, but in inland towns like York, the wool weighed and sealed by the mayor of the staple was then to be taken to a customs port where it was weighed once more by the customs officials.<sup>87</sup> In the case of York's staple officials, moreover, the mayor and constables served as collectors of the cloth subsidy in the city of York between 1353 and 1358.<sup>88</sup> On the other hand, the staple officials were given substantial jurisdictional powers, for the 1353 Ordinance created a separate jurisdiction for the staples within the towns. All merchants coming to a staple had to swear an oath before the mayor and constables that they would submit to their jurisdiction and be ruled by law merchant rather than by the common law or by borough custom.<sup>89</sup> The staple officials were to hear all pleas of debt, contract and covenant between merchants and were also granted peace-keeping powers to hear and determine criminal cases involving merchants at the staple according to the common law.<sup>90</sup> To ensure that contracts made within the staple were honoured, the mayor of the staple, in the presence of the constables, was also to have a seal to take recognisances of debt and was to imprison defaulting debtors in a staple gaol.<sup>91</sup>

In 1363,<sup>92</sup> when the staple was established at Calais, the home staples lost their economic function as the point at which all English wool exports had to be bought and sold, although wool still had to be weighed and registered at the home staples before it was exported to Calais. In 1369, with the resumption of the Hundred Years War, Calais was abandoned, and home staples regained, briefly, their economic importance, although York had its staple removed, as did the other inland staples. A year later, the staple returned to

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<sup>87</sup> *SR*, vol. 1, pp. 332-33.

<sup>88</sup> *CPR, 1350-54*, pp. 536-37 and H.L. Gray, "The Production and Exportation of English Woollens in the Fourteenth Century", *EHR*, 39 (1924), p. 19.

<sup>89</sup> For the oath, see *SR*, vol. 1, pp. 341 and 336.

<sup>90</sup> *SR*, vol. 1, p. 336.

<sup>91</sup> *SR*, vol. 1, pp. 336-37 and 341.

<sup>92</sup> For what follows, see Lloyd, *English Wool Trade*, pp. 210-34.

Calais and all of the English staples lost their right to check wool ready for export. Thereafter, the staple remained at Calais except for brief periods when it was transferred to Middelburg in the 1380s and when home staples, including York, were restored for one year in 1391. Throughout all of these changes to their economic role, however, the home staples continued to operate as judicial franchises, and it is the legal aspects of the staples which are of particular interest here.

Two aspects of the legal machinery established in 1353 were of benefit to merchants. Firstly, there was law merchant, according to which the staple officials were to judge all cases between merchants. Law merchant was not “a definite code of laws, enacted and enforced by any sovereign body”, but “a composite corpus of the customs in general use among merchants”, and its main advantage to merchants was summary justice.<sup>93</sup> It was predicated on the understanding that merchants were a transient group, so a court enforcing law merchant sat daily and offered justice more quickly than the more cumbersome procedures of the common law courts. In the words of the Ordinance of the Staple, law merchant was to be applied in the staple courts because, since “Merchants may not often long tarry in one Place..., We will and grant, that speedy Right be to them done from Day to Day, and from Hour to Hour”.<sup>94</sup> Secondly, there was the new debt procedure known as statute staple. M. Postan’s work on credit instruments emphasised the importance of credit in medieval trade, and more recently, Kowaleski has argued that in late medieval Exeter, improvements in the legal machinery enforcing contracts and obligations “made it much easier for creditors to compel debtors to pay up, thus reducing transactions costs and alleviating, to some degree, the difficulties caused by reductions in the money supply in the fifteenth century”.<sup>95</sup> In 1353, the Ordinance of the Staple gave the mayor of the staple the power to seal recognisances of debts in order to guarantee the speedy recovery of mercantile debts for merchants trading at the staple.

The practice of registering debts before an official was not new. Indeed, in the 1283 Statute of Acton Burnell and the 1285 Statute of Merchants, Edward I had established

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<sup>93</sup> The main features of law merchant are explained in Rich, “Introduction”, in *Staple Court Books of Bristol*, pp. 31-38. The quotation is from p. 31.

<sup>94</sup> *SR*, vol. 1, p. 340.

<sup>95</sup> See, for example, M. Postan, “Credit in Medieval Trade”, *EcHR*, 1 (1927-28), pp. 234-61, and M. Kowaleski, *Local markets and regional trade in medieval Exeter* (Cambridge, 1995), p. 202. Transaction costs were “the costs of using the market”, including “enforcement costs (ensuring that the terms of the bargain were kept)”, p. 179.

statutory provision for the recovery of debts.<sup>96</sup> Debt registries were established in a number of towns, including Bristol and York, and the mayors of the towns were given responsibility to enforce the statutes. The creditor and the debtor acknowledged the debt before the mayor and promised to repay the debt by a certain date and the recognisance was then entered on a roll. One copy of the recognisance was given to the creditor and another was kept by the mayor, who was to seize the debtor and his goods if the terms of the contract were not upheld. In comparison with statute merchant, the novelty of statute staple was two-fold. Firstly, the cost of registering debts was cheaper;<sup>97</sup> secondly, the procedure for debt recovery under statute staple was much more efficient than statute merchant and allowed the creditor to secure repayment of his debts much more quickly.

As the Ordinance of the Staple made explicit, under statute merchant, the debtor was given three months to sell his lands and tenements to pay his debt, whereas according to statute staple, the debtor's goods and his person were to be seized immediately and payment enforced.<sup>98</sup> Also, as Ormrod has shown, the new debt procedure was intimately associated with the origin of the *sub pena* writ, a writ "addressed and delivered directly to the defendant, thus avoiding the inefficiencies and delaying tactics of sheriffs and the immunities claimed by the bailiffs of liberties".<sup>99</sup> Under statute merchant, if a debtor defaulted and his property lay outside the mayor's jurisdiction, the creditor was to sue before the common law courts of common pleas and king's bench and if he was successful, then the local officials in whose jurisdiction the debtor's property lay were ordered to gain payment of the debt by distraint. According to statute staple, the creditor could certify his debt in chancery and chancery would initiate the process of debt recovery with a *sub pena* writ.<sup>100</sup>

It is difficult to gauge the popularity of the statutory provision of 1353 for the registration and enforcement of debts in Bristol and York because of the paucity of court records for the two towns.<sup>101</sup> Jennifer Kermode's work on the staple certificates of debt

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<sup>96</sup> *SR*, vol. 1, pp. 53-54 and 98-100. For the operation of statute merchant, see A. Beardwood, "Introduction", in *The Statute Merchant Roll of Coventry, 1392-1416*, ed. A. Beardwood, Dugdale Society, 17 (1939), pp. vii-xxvi.

<sup>97</sup> H. Hall, "Introduction", in *Select Cases concerning the Law Merchant*, ed. C. Gross and H. Hall, 3 vols., Selden Society, 23, 46 and 49 (1908, 1929 and 1932), vol. 3, p. lxxxv.

<sup>98</sup> *SR*, vol. 1, p. 337.

<sup>99</sup> W.M. Ormrod, "The Origins of the *Sub Pena* Writ", *Historical Research*, 61 (1988), pp. 11-20. The quotation is from p. 11.

<sup>100</sup> Ormrod, "*Sub Pena* Writ", p. 14 and *SR*, vol. 1, p. 337.

<sup>101</sup> A point noted about York by Kermode, *Medieval Merchants*, p. 233, but also true of Bristol. The Staple Court Books published by Rich, for example, are only extant from 1509.

enrolled in chancery under both statute merchant and statute staple suggests that, in the city of York, at least, “statutory bonds met a particular need and were accepted as superior to other bonds. Statutory bonds seems to have been used for extra security in a particularly large or complex deal.”<sup>102</sup> More specifically, it is clear from the dramatic fall in the number of recognisances enrolled under statute merchant before the mayor of London in the mid-fourteenth century that statute staple provided by Westminster’s staple court was extremely popular in the city of London.<sup>103</sup> Certainly, it is likely that the statute staple debt procedure became more popular when it was made available to non-merchants as well as merchants in 1362. In response to a commons’ petition about the extent of staple jurisdiction, the legal powers of the mayor of the staple were extended so that he was allowed to seal recognisances of debts from “qeconqe persone, soit il marchant soit il autre”,<sup>104</sup> and evidence from Exeter suggests that, in the late fourteenth century, this is exactly what happened, as artisans, clergy, lawyers, gentry, and small landowners as well as merchants turned to statute staple recognisances “to register loans and penal bonds rather than straightforward trading debts”.<sup>105</sup> In this way, the 1353 Ordinance of the Staple and its subsequent revisions can be seen as an attempt by the crown to promote the staple towns as centres of trade and of financial services.<sup>106</sup> E.E. Rich has argued that the mayor and constables of the home staples had “duties” which made them agents of the crown, but they did not enforce royal policy, since they were elected by merchants in the staples rather than appointed by the crown.<sup>107</sup> Nevertheless, the elections of the staple officials were officially ratified by the crown, and in 1390, a royal statute ordered the mayors and constables of the staples to swear an oath, first to the king, and then to their staple.<sup>108</sup> The staple system expressed a partnership in government between the crown and the staple officials.

What was the nature of the relationship between the staple jurisdictions and the towns in which they were located? The question is important because the 1353 Ordinance of the Staple meant that the mayors of the staples were “a new and important element in local

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<sup>102</sup> Kermode, *Medieval Merchants*, pp. 239 and 241.

<sup>103</sup> Ormrod, “*Sub Pena Writ*”, p. 14, note 23, and P. Nightingale, “Monetary contraction and mercantile credit in later medieval England”, *ECHR*, 2nd Series, 43 (1990), p. 565.

<sup>104</sup> *RP*, vol. 2, pp. 270-71.

<sup>105</sup> Kowaleski, *Local markets and regional trade*, p. 213.

<sup>106</sup> On this last point, see, also, Kermode, *Medieval Merchants*, p. 245.

<sup>107</sup> E.E. Rich, “The Mayors of the Staples”, *Cambridge Historical Journal*, 4 (1933), p. 123 and *RP*, vol. 2, p. 250.

<sup>108</sup> *SR*, vol. 2, p. 76.

government, and they ruled over mercantile communities which were now separated in many matters from the cities in which they lived".<sup>109</sup> Certainly, the staples were given a corporate character in the sense that all merchants, native and alien, who came to the staples for the purposes of trade, had to swear an oath of loyalty to the staple officials.<sup>110</sup> Thus, in the same way in which individuals entering the freedom of Bristol and York had to swear an oath to the mayors of the towns to maintain the liberties of the towns, so staple merchants swore to "maintain...the Staple, and the Laws and Usages of the same, without Fraud or Deceit".<sup>111</sup> Moreover, initially, at least, the staple communities differed from the towns because they contained "extra-municipal" elements,<sup>112</sup> notably alien merchants and merchants from other towns. In 1356, three foreign merchants, Peter de Striles, William Borel and Zanobius Forest, were among the electors of the officials of the Bristol staple, whilst Adam Pund, a burgess and merchant of Hull, was appointed a constable of the York staple in 1353 before his appointment as mayor of the Hull staple in March 1354 when a staple was established at the east-coast port.<sup>113</sup> In 1354, a disputed election at York came to the attention of the crown, in which the alien merchants elected William Graa, whilst the English merchants chose Roger de Hovyngham. The king's council appointed Graa to serve as mayor until Michaelmas and then appointed Roger de Normanvill to see out the remainder of the mayor's term of office.<sup>114</sup>

It is clear, too, that the staple franchises overlapped with, and in some cases duplicated, the existing urban liberties. In the first place, at the request of the commons in parliament in 1354, the territorial boundaries of the staples were established within the walls of the towns and cities in which they were located.<sup>115</sup> At the same time, the mayor of the staple's jurisdiction in 1353 was so extensive as to include criminal jurisdiction and the right to hear and determine felonies within the staple,<sup>116</sup> although in 1362, this aspect of the staple franchise was removed and the jurisdiction of the staple officials limited to the hearing of

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<sup>109</sup> Rich, "Mayors of the Staples", p. 125.

<sup>110</sup> *SR*, vol. 1, p. 341.

<sup>111</sup> For these civic oaths, see *LRB*, vol. 1, p. 51 and *YCA*, Freeman's Roll, D1, fo. 1r.

<sup>112</sup> The expression belongs to Rich, "Mayors of the Staples", p. 129.

<sup>113</sup> *PRO*, C267/5/1 and C67/22, mems. 25 and 19. For Pund, see Kermode, "Merchants of York, Beverley and Hull", vol. 2, Appendix 4: Merchant Biographies (Hull).

<sup>114</sup> *PRO*, C267/8/83 and C67/22, mem. 18.

<sup>115</sup> *RP*, vol. 2, pp. 261-62.

<sup>116</sup> The peacekeeping powers of the civic officials of Bristol and York is discussed in Chapter Six, pp. 207-15.

pleas of debt, covenant and contract and other cases involving merchandise.<sup>117</sup> Two other aspects of the staple jurisdiction were very similar to the existing legal provisions within the towns of Bristol and York. The first, as I have already explained, was the mayor's responsibility to enforce statute merchant and to supervise debt registration. Indeed, the way in which debt procedure under statute staple was made accessible to non-merchants as well as merchants after 1362 mirrored the development of recognisances under statute merchant, which were used increasingly for the enforcement of contracts rather than for the recording of mercantile debts.<sup>118</sup> Secondly, in Bristol, at least, law merchant, the law of the staple court, was already enforced in one of the town's own courts, the Tolzey Court, over which the town's bailiffs presided, and which had executed law merchant since the thirteenth century, exercising jurisdiction in cases of debt and breach of contract.<sup>119</sup>

Perhaps unsurprisingly, there was, at first, serious conflict between the staple franchises governed by the mayors of the staple and the urban liberties of Bristol and York ruled by the mayors of the towns. In Bristol, this conflict took the form of an attack on the mayor of the town by the mayor of the staple. In May 1354, a commission of oyer and terminer was appointed to inquire into an incident in Bristol "touching the evildoers who assaulted Richard le Spicer", the mayor of the town, who, "as he was attending to the arrest of some disturbers of the peace in the town...prevented him from arresting them". They imprisoned the mayor and "by duress compelled him to renounce his office" and elected John de Cobyndon in his place.<sup>120</sup> Cobyndon was also elected mayor of the staple a few months later.<sup>121</sup> John le Spicer, the existing mayor of the staple, was subsequently indicted before the justices of oyer and terminer of "having confederated with others to expel Richard le Spicer, of Bristol, then mayor, from his office".<sup>122</sup> The precise cause of the trouble is not known, but there are strong suggestions that it was the result of a jurisdictional dispute between the two liberties. Firstly, Richard le Spicer was in the process

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<sup>117</sup> *RP*, vol. 2, pp. 270-71.

<sup>118</sup> For the development of statute merchant, see Beardwood, "Introduction", in *Statute Merchant Roll of Coventry*, p. xx-xxii.

<sup>119</sup> For the history and jurisdiction of Bristol's Tolzey Court, see E.W.W. Veale, "Introduction", in *The Great Red Book of Bristol*, ed. E.W.W. Veale, 5 vols., Bristol Record Society, 2, 4, 8, 16 and 18 (1931, 1933, 1937, 1950 and 1953), vol. 4, pp. 6-14 and 33-46.

<sup>120</sup> *CPR, 1354-58*, pp. 69-70.

<sup>121</sup> See Appendix.

<sup>122</sup> *CPR, 1354-58*, p. 180.



of “attaching malefactors against the peace” when he was attacked and driven from office;<sup>123</sup> and secondly, after his imprisonment, Richard bound himself over “by a writing obligatory” for £800.<sup>124</sup> It is probable that the mayor of the staple, John le Spicer, had forced Richard to seal a recognisance under statute staple, thus abusing the responsibilities with which he had been entrusted by the crown.

In York, too, there are signs of tensions as a result of the establishment of the staple in the city, but the way in which these tensions were resolved is particularly interesting. The main source of friction was the long-running conflict between John de Langton and John de Gysburn. John de Langton, together with his father, Nicholas, held the office of mayor of York for twenty-nine years between 1322 and 1363.<sup>125</sup> Nicholas de Langton was elected mayor of the city on seventeen occasions between 1322 and 1341, whilst John was mayor continuously between 1352 and 1363. The first evidence of trouble between Langton and Gysburn was in 1357 when Gysburn’s election as bailiff was rejected by Langton on the grounds that he had recently subverted the liberties, laws and customs of the city.<sup>126</sup> The election of Gysburn by a group of twenty-four was overruled and fourteen members of the electoral panel were dismissed so that a new election could take place with the remaining ten members. Although the exact nature of Gysburn’s act of subterfuge was not made explicit in the city’s record of the election, there is good reason for thinking that it was associated with the York staple, for Gysburn was a prominent merchant of the staple. One year after his failed attempt to become bailiff of the city, Gysburn was elected mayor of the staple, an office he held without interruption until 1363.<sup>127</sup> Moreover, of the fourteen dismissed members of the electoral panel, half were past, present or future officials of the York staple and included William Graa, Walter de Kelstern, Hugh de Miton, Robert de Howom, William de Beverlay and John de Rypon.<sup>128</sup> None of the ten remaining electors ever held staple office. In 1364, John de Langton’s occupation of the mayoralty ended and his successor was John de Acastre, who previously had been a constable of the staple for three years. In 1365, Langton was defeated in a contest for the mayoralty by Richard de Wateby,

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<sup>123</sup> *CPR, 1354-58*, p. 181.

<sup>124</sup> *CPR, 1354-58*, p. 70.

<sup>125</sup> YCA, Freemen’s Roll, D1, fos. 4v.-6r.

<sup>126</sup> YCA, Freemen’s Roll, D1, fo. 313v.

<sup>127</sup> See Appendix.

<sup>128</sup> Roger de Hovyngham was the other. He was elected mayor of the staple in 1354, but he was replaced by William Graa and then by Roger de Normanvill on the crown’s orders.

one of the dismissed electors in 1357,<sup>129</sup> in 1366, Roger de Hovyngham, another dismissed elector, was appointed mayor of the city, and in 1367, William Graa was elected mayor after being mayor of the staple in 1365.

What was at stake in this conflict? The conflict between Langton and Gysburn, as Edward Miller pointed out, was not just about personalities: it was also about “competition for the control of the city government between the old ruling group, represented by Langton, and the new class of rich merchants”, represented by Gysburn.<sup>130</sup> The Langton family were property owners whose wealth and political importance within the city were based on their status as “rural *rentiers*” rather than as overseas merchants.<sup>131</sup> After 1363, a transformation took place in the “nature and personnel of the city’s ruling élite”, and after the dominance of the mayoralty by the Langton family came to an end, “nearly every mayor of York...can be proved to have been heavily involved in overseas trade from Hull”.<sup>132</sup> Richard Britnell has argued that a similar development took place in Colchester, where the period after 1350 saw “the establishment of a new urban élite”, the reason for which he believed was economic. Specifically, the expansion of mercantile wealth meant that the merchants in Colchester “increased in numbers and wealth to the point of taking the leading share in government”.<sup>133</sup> It is true that the second half of the fourteenth century also witnessed the growing importance of foreign trade to the city of York, whose merchants dominated the export trade through Hull,<sup>134</sup> but there were also political reasons for the growing ascendancy of the merchants in York’s civic government. Within York, the staple played an important role in wresting control away from the Langton family, and, as I will argue shortly, the crown was also instrumental in accelerating this process.

The staple allowed the merchants to exercise authority in the city of York at a time when John de Langton monopolised the mayoralty, and there is no doubt that they used their new-found authority to pressure Langton. In 1363, there were no staple elections in

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<sup>129</sup> *CPR, 1364-67*, p. 208.

<sup>130</sup> Miller, “Medieval York”, p. 81. The chronology of the conflict between Langton and Gysburn is also examined in Kermode, *Medieval Merchants*, pp. 54-56.

<sup>131</sup> See Miller, “Medieval York”, p. 71 and, for the quotation, R.B. Dobson, “The Risings in York, Beverley and Scarborough, 1380-1381”, in R.H. Hilton and T.H. Aston (eds.), *The English Rising of 1381* (Cambridge, 1984), p. 119.

<sup>132</sup> Dobson, “Risings in York, Beverley and Scarborough”, p. 119.

<sup>133</sup> R.H. Britnell, *Growth and Decline in Colchester, 1300-1525* (Cambridge, 1986), pp. 113-14.

<sup>134</sup> J.N. Bartlett, “The Expansion and Decline of York in the Later Middle Ages”, *EcHR*, 2nd Series, 12 (1959), pp. 23-26.

the city, probably because of the removal of the staple to Calais.<sup>135</sup> The uncertain fate of the home staples encouraged the merchants to oust Langton from the mayoralty in 1364.<sup>136</sup> Staple office provided a point of entry into the highest civic office in the city and experience in the staple allowed the merchants to strengthen their control of civic government. The conflict between Gysburn and Langton continued into the 1370s, and in 1371, the two men were leading figures in the unrest in the city surrounding their competition for the mayor's office. The dispute came to the king's attention and he ordered the city's bailiffs to let neither Langton nor Gysburn "be mayor nor meddle in such election".<sup>137</sup> Gysburn was elected anyway, an indication of the merchants' control of the city, and it can be no coincidence that, immediately after his election, and only a couple of years after the removal of York's status as a staple town, new civic ordinances were drawn up for the safekeeping of the rolls of statute merchant in the mayor's chamber on Ouse Bridge.<sup>138</sup> Gysburn sought to ensure that the city's merchants would not suffer through the loss of statute staple by improving the city's existing facilities for debt enforcement.

Rich has argued that, in the case of Bristol, at least, staple jurisdiction remained separate from civic jurisdiction,<sup>139</sup> but there are signs that the ruling elites of the two liberties were becoming integrated in both Bristol and York. Firstly, it was quite common for people to hold civic and staple office simultaneously.<sup>140</sup> In York, William Frankish, elected a constable of the staple in 1358 and 1359, was made a bailiff of the city in 1359, whilst John de Knapton, a constable in 1360 and 1361, was elected bailiff in 1361. In Bristol, Geoffrey Beauflour, a constable in 1357, was also elected bailiff in the same year, and William de Combe held the staple office of constable concurrently with the office of bailiff of the town in 1376. The same pattern was also true of the mayoral offices. Reginald le Frensshe held the two offices simultaneously in 1356 and 1358, and so did John de Stoke in 1365 and 1367, Walter de Derby in 1364 and 1368, and Walter de Frompton in 1374. The way in which the holding of staple office coincided with the holding of civic office suggests that there was an attempt within the two towns to resolve potential jurisdictional conflicts by

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<sup>135</sup> Rich, "Introduction", in *Staple Court Books of Bristol*, p. 64.

<sup>136</sup> That the 1364 mayoral election was disputed is suggested by the reference to a payment of £20 to John de Acastre "pro suo bono gestu": YCA, Freeman's Roll, D1, fo. 6r.

<sup>137</sup> CCR, 1369-74, p. 275.

<sup>138</sup> YMB, vol. 1, pp. 12-13.

<sup>139</sup> Rich, "Introduction", in *Staple Court Books of Bristol*, p. 61.

<sup>140</sup> For what follows, see Appendix.

vesting similar judicial responsibilities in one person. Secondly, in 1379, a more formal change took place in Bristol when the mayor of the town became *ex officio* mayor of the staple. According to Robert Ricart's description of the mayor's election in the late fifteenth century, "the olde Maire" delivered to "the new maire the kynges Swerde, and his hatte, and the casket with the seale of office, the seale of the Statute of the Staple, the scale of the Statute merchant", and on the third day after Michaelmas, the mayor received the commission of the staple upon which he took his oath.<sup>141</sup> What occurred in 1379 was a redefinition and a simplification of the relationship between the staple franchise and the town of Bristol: hence the copying of a treatise on law merchant and the entering of the "usages" of the staple court in *The Little Red Book*, the main record of civic government in the fourteenth century.<sup>142</sup> Civic authority was also extended, for the mayor of the town was now given formal control of the staple court and the accompanying valuable privilege of statute staple. The staple court had become part of the judicial apparatus of civic government.

According to Rich, the significance of the system of home staples lay in the replacement of a single, national estate of merchants by "a series of municipal 'Estates of Merchants'" composed of alien and English merchants.<sup>143</sup> The evidence from Bristol's election returns of the staple officials suggests that alien merchants disappeared very quickly from the staples.<sup>144</sup> Indeed, the lists of the electors of the staple officials extant between 1356 and 1371 confirm that only in 1356, 1359 and 1362 was the participation of alien merchants in a staple election noted, and only in 1356 were the names of foreign merchants actually given.<sup>145</sup> The returns suggest, instead, that the electors were drawn essentially from the civic office-holding elite of Bristol and that the staple was dominated by this very small group of men.<sup>146</sup> In fact, between 1353 and 1403, forty-seven men were elected to a total of 144 offices. Twenty-six individuals were staple officials on one occasion, which means

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<sup>141</sup> Robert Ricart, *The Maire of Bristowe is Kalendar*, ed. L.T. Smith, Camden Society, New Series, 5 (1872), pp. 74 and 76.

<sup>142</sup> BRO, *The Little Red Book, 1344-1574*: 04718, fos. 22r.-30v. (printed in *LRB*, vol. 1, pp. 57-85) and 49r.-50r. (calendared in *LRB*, vol. 1, p. 103).

<sup>143</sup> Rich, "Introduction", in *Staple Court Books of Bristol*, p. 27.

<sup>144</sup> For these returns, see PRO, C267/5/1-11 and SC1/40/173 and are printed as an appendix in *The Overseas Trade of Bristol in the Later Middle Ages*, ed. E.M. Carus-Wilson, Bristol Record Society, 7 (1937), pp. 297-302. They are important because, along with those of Newcastle, they are the only returns to provide names of electors.

<sup>145</sup> PRO, C267/5/1, 4 and 6.

<sup>146</sup> Richard le Spicer, Edmund Blanket, Walter de Frompton, John de Stoke, Richard de Brompton, Robert de Cheddre, Walter de Derby, Ellis Spelly, William de Somerwell, William Canynges and John Bathe, were among the most frequent attenders of staple elections. All were mayors of Bristol.

that only twenty-one men held 118 of the 144 offices. Forty-two of the forty-seven men occupied office in the staple prior to, or concurrently with, civic office-holding, whilst the office of mayor was monopolised by the likes of Walter de Frompton, Walter de Derby and John de Stoke, who, between them, were elected to the mayoralty of the staple every year between 1362 and 1380 without interruption.

In theory, foreign merchants should have benefited most from the establishment of home staples in 1353. Firstly, they were given a monopoly of the wool export trade, and secondly, the staples were to be ruled by certain forms of mercantile justice which should have privileged them. These included law merchant and the right to have a jury composed entirely of foreign merchants if a case was between aliens, and one made up of half alien merchants and half English merchants if a case was between alien and denizen.<sup>147</sup> Their wool monopoly, however, was lost within a few years,<sup>148</sup> and in the absence of the staple court records of both towns, the electoral returns of the Bristol staple suggest that the legal position of alien merchants within the staples was greatly inferior to that of native merchants. As A. Beardwood noted, the 1353 Ordinance of the Staple, whilst it gave certain legal privileges to alien merchants, did not actually create special courts for foreign merchants, and the legal facilities that were established were to be of benefit to English as well as alien merchants.<sup>149</sup> The staples in Bristol and York were dominated by the merchants of Bristol and York whose political authority within the towns was extended by the system of home staples. As I have argued, staple justice was made available to non-merchants as well as merchants, but in both towns, the staple jurisdiction allowed the merchants to consolidate their dominance of civic government. More specifically, in the case of Bristol, the staple became part of the mayor's jurisdiction and it could be argued that the staple and, in particular, the staple court presided over by the mayor and constables, provided another means for the civic government of Bristol to exercise authority over alien merchants, who were seen as a transient group which needed to be contained and as a source of competition for Bristol merchants in the retail trade. In the same way that the town's rulers sought to regulate the activities of foreign merchants coming to the town by imposing restrictions on the amount of time which they could spend there and limiting their freedom of movement

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<sup>147</sup> *SR*, vol. 1, p. 336.

<sup>148</sup> In 1357, English merchants were allowed to purchase licences to export wool, although they had to pay the alien rate of customs duties: Ormrod, *Reign of Edward III*, p. 193.

<sup>149</sup> A. Beardwood, *Alien Merchants in England, 1350 to 1377: Their Legal and Economic Position* (Cambridge, Massachusetts, 1931), p. 77.

generally, the staple court provided another means with which the town's civic officials could control these foreign merchants.<sup>150</sup>

In 1353, the crown sought to benefit financially from the higher customs duties paid by alien merchants by giving them control of the wool export trade; but it also aimed to promote the trade of English merchants within the staple towns. The wider significance of the policy is that it accelerated the process by which merchants came to dominate civic government in Bristol and York and helps to explain why and how the crown was able to approach the towns in their corporate capacity for loans from around 1370 onwards. Since the town governments were dominated by merchants, the crown could approach them directly for loans rather than summon individual merchants to merchant assemblies.

### 4.2.3 The Creation of the Calais Staple in 1363

Some of the merchants involved in the home staples in Bristol and York were also instrumental in the organisation of the Calais staple in 1363. In the later 1350s, the king came under pressure to open the export trade to English as well as alien merchants. In 1357, native merchants were allowed to export wool in return for special licences and on condition that they paid the alien rate of customs; and in 1359, all wool exports had to pass through a new staple at Bruges.<sup>151</sup> In 1361, a merchant assembly composed of forty-five merchants from the home staples, including six from York and three from Bristol, was summoned to discuss the removal of the wool staple to Calais.<sup>152</sup> Further consultation took place in the 1362 parliament, when the proposal to fix the staple at Calais was presented to the commons. From the parliamentary record, it is clear that there were differences of opinion on the subject, for the knights of the shire said that they had spoken to several merchants about the proposal, some of whom had said that it was a good idea and “les autres le contraire”. The shire knights asked that, since the matter was of special concern to merchants, the merchants should be consulted on the policy.<sup>153</sup> Neither the identity of these

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<sup>150</sup> In the 1188 charter granted to Bristol, alien merchants were only to stay in the town for forty days, but in undated civic ordinances, probably of the fourteenth century, the time limit was reduced to three days: *Bristol Charters, 1155-1373*, pp. 10-11 and *LRB*, vol. 2, pp. 225-26. For the system of hosting, see Beardwood, *Alien Merchants*, p. 34 and A.B. Hibbert, “The Economic Policies of Towns”, in M.M. Postan, E.E. Rich and E. Miller (eds.), *The Cambridge Economic History of Europe, III: Economic Organization and Policies in the Middle Ages* (Cambridge, 1963), pp. 170-71.

<sup>151</sup> Ormrod, *Reign of Edward III*, p. 193.

<sup>152</sup> *CCR, 1360-64*, p. 267.

<sup>153</sup> *RP*, vol. 2, p. 269.

merchants nor what they said is known, but the staple was removed to Calais by royal ordinance and a “*novele Compaignie des Marchantz*” composed of twenty-six merchants was established to govern the town and the merchandise sold there on the king’s behalf.<sup>154</sup> The twenty-six merchants were composed of two mayors and twenty-four aldermen appointed by the king and council. A total of six were from London, and both mayors, John de Wroth and John de Wesenham, were London merchants. Two of the aldermen, Walter de Frompton and Reginald le Frensshe, were merchants from Bristol, and two, John de Gysburn and Roger de Hovyngham, were merchants from York: all had also been elected to office in their home staples.<sup>155</sup>

The reasons for the establishment of the Calais staple in 1363 have been the subject of much historical debate. To Unwin, the aim of the removal of the staple to Calais was to re-establish “a system of monopolies” which could provide revenue to the crown in return for a monopoly of the wool trade.<sup>156</sup> In contrast, Lloyd has pointed out that the company of twenty-six merchants was not granted a monopoly of the wool trade and that its main purpose was to govern the town. Indeed, “the principal motive” behind the creation of the 1363 company, according to Lloyd, was to make “the town financially independent of the Crown” and to meet the town’s expenses from a duty on wool coming to the town.<sup>157</sup> There is much to be said for this argument, not least because it helps to explain the inclusion, among the twenty-four aldermen, of two Bristol merchants, whose trading interests lay in cloth rather than wool. Moreover, Lloyd’s thesis explains the dissolution of the company in 1364 by the crown because of antagonism between the company and merchants trading at the staple.<sup>158</sup> The wool exporters were hostile to the monopolistic activities of the mayors and aldermen who were accused by the commons in parliament of fixing wool prices and of imposing on each sack of wool coming to Calais a 40d. duty for their own profit.<sup>159</sup> A commission was appointed to investigate these claims and in 1365, separate provision was

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<sup>154</sup> The reference to the “new company of merchants” is from a commons’ petition of 1363: *RP*, vol. 2, p. 276. For the charter of liberties to the syndicate of merchants, see *Foedera* (1816-69), vol. 3, part 2, pp. 690-91.

<sup>155</sup> See Appendix.

<sup>156</sup> Unwin, “Estate of Merchants, 1336-1365”, p. 244.

<sup>157</sup> Lloyd, *English Wool Trade*, p. 211.

<sup>158</sup> For what follows, see R.L. Baker, “The Government of Calais in 1363”, in W.C. Jordan, B. McNab and T.F. Ruiz (eds.), *Order and Innovation in the Middle Ages: Essays in Honor of J.R. Strayer* (Princeton, 1976), pp. 207-14.

<sup>159</sup> *RP*, vol. 2, p. 276.

made for the governance of the town and staple of Calais.<sup>160</sup>

Nevertheless, whilst Lloyd is right to point out that the new system of government at Calais introduced after 1363 “was neither the company of 1363 nor the fifteenth-century fellowship of the staple”,<sup>161</sup> it cannot be doubted that the long-term aim of the removal of the staple to Calais by the crown in 1363 was to return to the monopolistic practices of the 1330s and 1340s. Given what had happened in the past when the crown had fixed the staple overseas, it was inevitable that the Calais staple would become dominated by a small group of staple merchants.<sup>162</sup> Moreover, in the person of Roger de Hovyngham, one of the York merchants involved in the wool monopoly schemes of the 1340s, there was an element of continuity in royal policy. Thus, in 1377, the merchants of the Calais staple, including a group of York merchants such as Robert and Thomas de Howom, lent £10,000 to the crown in return for a monopoly of the wool trade.<sup>163</sup> Ultimately, it was this shared fiscal interest in the wool trade between the crown, on the one hand, and the leading wool merchants from London and the east-coast provincial towns such as York, on the other hand, which explains the establishment of the Calais staple. What is also interesting is that this wool monopoly, which in many ways was a repeat of the practices of the 1340s, did not attract hostile attention within parliament, and “the knights and burgesses in parliament now became enthusiastic supporters of the Calais staple”.<sup>164</sup> In the Good Parliament of 1376, the commons attacked the crown’s practice of selling licences to a small group of London merchants to avoid the Calais staple. The staple, the commons claimed, had been established at Calais “pur grande profit du Roi et del Roialme”, and now it was on the point of collapse because merchants such as Richard Lyons had purchased licences “pur lour singuler profit et avauntage”.<sup>165</sup> The ‘common good’ was a malleable concept, and it seemed that some forms of monopoly were feared more than others by the political community in parliament.

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<sup>160</sup> *Foedera* (1816-69), vol. 3, part 2, pp. 768-69.

<sup>161</sup> Lloyd, *English Wool Trade*, p. 214.

<sup>162</sup> Ormrod, “English Crown and the customs”, p. 38.

<sup>163</sup> Lloyd, *English Wool Trade*, p. 226 and *CCR, 1377-81*, pp. 30-31 and *CFR, 1377-83*, pp. 41-42. For Robert de Howom, see, also, J.N. Bartlett, “Robert Holme, Citizen and Merchant of York”, *Journal of the Bradford Textile Society*, 97 (1952-53), pp. 97-100.

<sup>164</sup> Ormrod, *Reign of Edward III*, p. 194.

<sup>165</sup> *RP*, vol. 2, p. 323.



### 4.3 DIPLOMACY

In the same way that the crown was reliant upon urban elites to collect the king's taxes, both direct and indirect, to lend money and ships, and to implement its economic policies concerning the staple, the crown also turned to local men to negotiate commercial treatises overseas. Whilst there is evidence of growing professionalism among English diplomats from the second half of the thirteenth century, permanent embassies overseas did not develop until the second half of the fifteenth century and the crown relied, instead, on an *ad hoc* system in which embassies were sent abroad for a specific purpose and then returned to England upon completion of their mission.<sup>166</sup> Thus, merchants were sometimes employed on diplomatic missions for their specialised knowledge and experience in overseas trade in order to “negotiate trade agreements or to settle maritime disputes”.<sup>167</sup> In 1372 and 1388, two Bristol merchants, first John de Stoke and then Thomas Beaupyne, were appointed to royal embassies to negotiate with representatives of the count of Flanders and of the Flemish towns of Bruges, Ypres and Ghent. Also in 1388, Thomas Graa of York was appointed to a diplomatic mission to negotiate for peace with representatives of the Hanse. As I have demonstrated in the discussion of the customs system and the staple, commercial policy was a product of interaction and negotiation between the crown and urban elites. The embassies involving Stoke, Beaupyne and Graa are instructive because they suggest that, whilst the merchants were appointed by the crown to act on its behalf, the crown was also concerned with the economic interests of its subjects overseas. Like the customs and the staple, however, they also reveal the extent to which commercial policy was influenced by the crown's political, diplomatic and fiscal interests.

#### 4.3.1 Flanders

The ties between England and Flanders were both economic and diplomatic.<sup>168</sup> Economically, the three great Flemish weaving towns of Bruges, Ypres and Ghent were dependent upon the supply of English wool for the production of cloth, whilst England's

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<sup>166</sup> C. Allmand, *The Hundred Years War: England and France at war, c.1300-c.1450* (Cambridge, 1988), pp. 116-17. See, also, H.S. Lucas, “The Machinery of Diplomatic Intercourse”, in *EGW*, vol. 1, pp. 300-31.

<sup>167</sup> C.T. Allmand, “Diplomacy in late-medieval England”, *History Today*, 17 (1967), p. 551.

<sup>168</sup> An excellent introduction to the subject of Anglo-Flemish relations is provided by C. Barron, “Introduction: England and the Low Countries, 1327-1477”, in C. Barron and N. Saul (eds.), *England and the Low Countries in the Late Middle Ages* (Stroud, 1995), pp. 1-28.

economy continued to be largely dependent upon the export of wool to Flanders despite the crown's efforts to promote a domestic cloth industry. Flanders also had a political significance to the English crown as an ally in the Hundred Years War. Political alliances could be formed on the strength of these economic ties, and it is for this reason that, at the beginning of the war against France in 1336, Edward III banned the export of English wool to the Flemish towns so as to force Flanders into an alliance with England.

The resumption of the Hundred Years War in 1369 placed enormous strains on Anglo-Flemish relations. Essentially, England hoped to maintain Flemish neutrality and to prevent a Franco-Flemish alliance, a prospect which looked increasingly likely when the count of Flanders, Louis de Mâle, reneged on a promise to marry his daughter, Margaret, to Edward III's son, Edmund Langley, and Margaret was married to Philip duke of Burgundy, the brother of the French king, Charles V, in 1369.<sup>169</sup> At the same time, there was the problem of piracy between England and Flanders, which was a separate issue in itself, but which also threatened to undermine completely any attempts to secure Flemish neutrality.<sup>170</sup> Between 1369 and 1371, English attacks on Flemish shipping and Flemish reprisals on English vessels spiralled out of control to such an extent that the chronicler, Thomas Walsingham, was to describe 1372 as the year of a "bellum navale inter Anglicos et Flandrenses".<sup>171</sup> English attacks may well have been triggered by the determination of the Flemish towns to continue to trade with France. Certainly, this is what Edward III's council claimed when it confirmed a peace treaty with the envoys of the count of Flanders and of the towns of Bruges, Ghent and Ypres in 1370.<sup>172</sup> Indeed, according to the terms of the treaty, Flemish merchants could only trade with France and Castile if the merchandise was not of a military nature, such as armour, artillery or victuals.

Incidents of piracy continued, however, and attacks were made on English wine convoys.<sup>173</sup> In 1371, an English royal fleet attacked and destroyed twenty-two Flemish vessels in the Bay of Bourgneuf, and the crown ordered the mayors and bailiffs of Bristol, York, and several east-coast ports to arrest the Flemish merchants trading there and to seize

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<sup>169</sup> Barron, "England and the Low Countries", p. 4.

<sup>170</sup> D. Nicholas, "The English trade at Bruges in the last years of Edward III", *Journal of Medieval History*, 5, no. 1 (1979), pp. 34-35, and Lloyd, *English Wool Trade*, pp. 218-19.

<sup>171</sup> Thomas Walsingham, *Historia Anglicana*, ed. H.T. Riley, 2 vols., Rolls Series (1863-64), vol. 1, p. 313.

<sup>172</sup> *Foedera* (1816-69), vol. 3, part 2, p. 898.

<sup>173</sup> For what follows, see Nicholas, "English trade at Bruges", p. 35.

their goods. The Flemish responded by seizing English property at Sluys. It was in this context that, one year later, John de Stoke of Bristol was sent on two missions to Calais to treat for peace with the representatives of the count of Flanders and of the towns of Bruges, Ypres and Ghent.<sup>174</sup> The embassies were composed of Henry le Scrop, a knight banneret and former governor of Calais, Hugh Segrave, a knight, John Shepey, a clerk, and three merchants, John Pyel and Adam de Bury of London, and John de Stoke of Bristol.<sup>175</sup> Stephen O'Connor, in his study of the royal service of two London merchants, John Pyel and Adam Fraunceys, has suggested that "Pyel's engagement in what were probably crucial talks with important allies during renewed conflict with the French was a sign of a closer alliance with members of the court party at this time."<sup>176</sup> This is certainly also a possibility in the case of John de Stoke, who would have been known to the crown from his occupation of Bristol's mayoralty in 1365 and 1367 and his service in the Bristol customs from 1365-1375.<sup>177</sup> Moreover, it raises interesting questions about the timing of Bristol's 1373 charter, which will be explored in the last chapter of the thesis.<sup>178</sup>

Nevertheless, Stoke's appointment may also have owed much to his mercantile interests. The avowed purpose of the diplomatic mission which left for Calais in February 1372 was to deal with breaches of the 1370 treaty between England and Flanders caused by the continuing problem of piracy,<sup>179</sup> and in April 1372, an agreement was reached in which the 1370 peace treaty was confirmed. Property seized by both sides was to be released immediately and a day was established in June to hear individual piracy claims.<sup>180</sup> Stoke was present at this second round of negotiations to examine the claims of Flemish and English merchants;<sup>181</sup> and as a royal envoy, Stoke was paid expenses and wages of £44 13s. 4d. for a total of 84 days which he spent away on royal business.<sup>182</sup> In short, Stoke was appointed by the crown to consider the piracy claims of a large number of English

<sup>174</sup> For the financial account of Stoke's missions, see PRO, E364/5, rot. 8r.

<sup>175</sup> *Foedera* (1816-69), vol. 3, part 2, pp. 932 and 945 and PRO, E364/5, rot. 8r.

<sup>176</sup> S. O'Connor, "Finance, Diplomacy and Politics: Royal Service by two London Merchants in the Reign of Edward III", *Historical Research*, 67 (1994), p. 31.

<sup>177</sup> See Appendix.

<sup>178</sup> Chapter Six, pp. 216-17.

<sup>179</sup> *Foedera* (1816-69), vol. 3, part 2, p. 932.

<sup>180</sup> *Foedera* (1816-69), vol. 3, part 2, pp. 938-39 and 945.

<sup>181</sup> The claims and counter-claims from Flemish and English merchants are in PRO, E30/1271, E30/1635, E30/1275-76, E30/1665, E30/1618 and E30/1226.

<sup>182</sup> PRO, E364/5, rot. 8r. and E403/444, 5 February, E403/446, 11 June, and E403/447, 26 October.

merchants, including a group of Hull merchants who claimed losses amounting to nearly £9,000, but also several Bristol merchants, whose ship had been attacked by Flemish pirates in Brittany carrying goods valued at over £600.<sup>183</sup> These merchants included the likes of Richard le Spicer, William de Somerwell, John Vyell, and William Canynges, Stoke's colleagues in civic office in Bristol.<sup>184</sup> Thus, there was a sense in which Stoke was acting as a representative of the town's commercial interests.

It could be argued that, from the crown's point of view, the naval conflict with Flanders was not perceived solely in terms of a commercial dispute between English and Flemish merchants and that the intense diplomatic activity in the early 1370s to resolve maritime disputes dating back to the 1330s occurred for diplomatic rather than economic reasons. The problem with piracy was that it endangered any attempt by the crown to ensure Flemish neutrality and threatened to force the Flemish into a French alliance. The agreement of April 1372, for instance, confirmed the peace treaty of 1370, whose main purpose had been to prevent Flemish assistance for the French war effort. Nevertheless, as I argued in the previous chapter, it is also true that the royal government was particularly concerned at this time with the need to protect merchant shipping from enemy attack, a concern that was impressed on the crown by the commons in parliament,<sup>185</sup> and in October 1371, just a few months before Stoke's commission, the commons had granted a subsidy of tonnage and poundage to the crown for the protection of maritime trade and shipping.<sup>186</sup> In this way, the war was seen by both king and subjects not just as an expression of the king's own military needs, but also in terms of the defence of the economic interests of his subjects.

Anglo-Flemish relations entered a new phase with the outbreak of civil war in Flanders in 1379,<sup>187</sup> when the towns of Bruges, Ypres and Ghent rebelled against their pro-French ruler, Count Louis of Flanders, and sought an alliance with England. The English crown, however, failed to seize the opportunity, and in 1382, a French army led by the count of Flanders invaded and captured West Flanders, which led to the cessation of the wool trade as English merchants refused to export wool, fearing that it would be captured at sea. In

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<sup>183</sup> PRO, E30/1271, no. 3 (Bristol) and no. 28 (Hull).

<sup>184</sup> See Appendix.

<sup>185</sup> Chapter Three, pp. 99-101.

<sup>186</sup> J.W. Sherborne, "The Battle of La Rochelle and the War at Sea, 1372-5", *BIHR*, 42 (1969), p. 21.

<sup>187</sup> For what follows, see Lloyd, *English Wool Trade*, pp. 225-30, Barron, "England and the Low Countries", pp. 5-6, and J.J.N. Palmer, "English Foreign Policy, 1388-99", in F.R.H. Du Boulay and C.M. Barron (eds.), *The Reign of Richard II: Essays in Honour of May McKisack* (London, 1971), pp. 81-82.

1384, Louis de Mâle died, and one year later, England's potential allies in the Flemish towns made their peace with the new count of Flanders, Philip duke of Burgundy, the brother of the French king, Charles V. Not only had the wool trade been interrupted, but England was at war with Flanders, and in 1386 and 1387, faced a serious threat of a French invasion from Flanders. At the same time, the staple was in Middelburg, which limited Flemish access to English wool. By 1388, then, England's economic and diplomatic relations with Flanders had reached their nadir.

In May 1388, a diplomatic mission was sent to Calais to treat for peace with the representatives of the count of Flanders and of the towns of Ghent, Ypres and Bruges.<sup>188</sup> The embassy was composed of two Calais officials, William Beauchamp and Roger Walden, three knights, John de Say, Edmund de la Pole and Robert Witteneye, a clerk, Richard Rouhale, and six merchants, including Thomas Newton, John Clenhand and Henry Vanner of London, and Thomas Beaupyne of Bristol. Like John de Stoke, Beaupyne belonged to Bristol's political elite and had served the crown in a number of capacities prior to his commission as a royal diplomat. This experience was perhaps reflected in the amount that he was paid for his participation in the diplomatic mission, for he received £32 19s. 2d. in wages and expenses compared to £26 5s. 10d. paid to each of the three London merchants.<sup>189</sup>

Apart from his record of royal service, why was Beaupyne chosen? Firstly, his commission as a diplomatic envoy followed the Merciless Parliament of February 1388 at which he had been one of Bristol's parliamentary representatives. According to Henry Knighton and the Westminster Chronicler, the possibility of peace was discussed in parliament with representatives of Flanders and the decision to send an embassy to Calais was also made in this parliament.<sup>190</sup> Beaupyne's exact role in these preliminary negotiations is unknown, but it is probable that he played some part in them, given his appointment as an ambassador to treat with the Flemings immediately following the conclusion of parliament. Secondly, even though the cloth trade was more important to Bristol's merchants than the wool trade, there was a sense in which Beaupyne was acting in the

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<sup>188</sup> *Foedera, Conventiones, Literae, Et...Acta Publica*, ed. T. Rymer (10 vols., The Hague, 1745; republished 1967), vol. 3, part 4, pp. 23-24.

<sup>189</sup> PRO, E364/22, rot. 2d., and E403/519, 14 and 16 May, and E403/521, 24 February. For Beaupyne, see, also, Appendix, and his biography in *House of Commons, 1386-1421*, vol. 2, pp. 164-66.

<sup>190</sup> *Knighton's Chronicle, 1337-1396*, transl. and ed. G.H. Martin (Oxford, 1995), pp. 450-51 and *The Westminster Chronicle, 1381-1394*, transl. and ed. L.C. Hector and B.F. Harvey (Oxford, 1982), pp. 329-31.

interests of a wider mercantile community in parliament who wanted the staple to return to Calais. It can be no coincidence that the embassy followed a meeting of parliament at which the commons had also asked for the transfer of the staple from Middelburg to Calais.<sup>191</sup> Peace with Flanders was the first step towards the reinstatement of Calais as the staple and would give the Flemings access to English wool.

The crown instructed Beaupyne and his fellow diplomats to seek restitution for offences committed by the Flemings against the king and his subjects and to deal with all possible impediments to the conclusion of a peace treaty.<sup>192</sup> According to Knighton, “amongst other things they asked that they should expel all the French from their territories, and that none henceforward should remain there, and that they agreed to do.”<sup>193</sup> Indeed, Knighton stated further that the Flemings rebelled against the French and that some 16,000 were killed in Ghent, Ypres and Antwerp. As J.J.N. Palmer has pointed out, Knighton’s account may be wrong, for there is no reference to a rebellion in Flemish or Burgundian chronicles. In fact, there is evidence that Beaupyne’s mission was actually a failure, for the towns of Flanders met afterwards to discuss measures to resist an English invasion and, in November, another embassy was sent to treat for peace with representatives of the Flemish towns.<sup>194</sup> Nevertheless, although Beaupyne’s mission was not a success, it does demonstrate the way in which military and commercial concerns could be reconciled in a policy of commercial diplomacy.

### 4.3.2 The Hanse

In the fourteenth century, the Hanse was essentially a confederation of German and Prussian towns whose trading interests stretched from England in the west to the Baltic in the east, but this association “never became a political federation, but always remained a loose alliance...for the defence of common economic interests and exclusive privileges”.<sup>195</sup> Although the Hanse held a diet which became a forum for discussion of their common interests, there could be divergent views within the Hanse, notably between the German and

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<sup>191</sup> *RP*, vol. 3, p. 250.

<sup>192</sup> *Foedera* (1745), vol. 3, part 4, pp. 23-24.

<sup>193</sup> *Knighton’s Chronicle*, pp. 451-53.

<sup>194</sup> J.J.N. Palmer, *England, France and Christendom, 1377-99* (London, 1972), pp. 124-25 and *Foedera* (1745), vol. 3, part 4, p. 35.

<sup>195</sup> R. de Roover, “The Organization of Trade”, in M.M. Postan, E.E. Rich and E. Miller (eds.), *The Cambridge Economic History of Europe, III: Economic Organization and Policies in the Middle Ages* (Cambridge, 1963), pp. 105-18. The quotation is from p. 111.

Prussian towns, and the Prussian towns also owed allegiance to the Grand Master of the Teutonic Order who was the ruler of Prussia-Livonia as well as a member of the Hanse in his own right.<sup>196</sup>

England's relations with the Hanse were based on two points of contact, which were also the source of friction between English and Hanseatic merchants.<sup>197</sup> Firstly, there was a resident Hanse population within England, concentrated in London and Hull, who formed a privileged community. These privileges took two forms: they were free from the 1347 cloth custom payable by denizen and alien merchants on exports, and they were also allowed, through royal protection, to engage freely in the retail as well as wholesale trades.<sup>198</sup> Secondly, English merchants, in the second half of the fourteenth century, were trying increasingly to break into the Baltic trade and, in particular, into Prussia's internal markets. Anglo-Hanseatic relations were divided on the question of reciprocity because English merchants did not enjoy the same privileges in Prussia that the Hanse merchants possessed in England and they expected similar treatment. Specifically, English merchants were prevented from trading inland and were unable to enter the retail trade to sell their imports. The escalating conflict between English and Prussian merchants came to a head in May 1385 when a royal squadron of ships attacked six Prussian vessels anchored in the estuary of the Zwin in the Low Countries. Since England was at war with Flanders at the time of the incident, the Prussians were trading with the king's enemy and the attack was excusable. The Prussians, however, viewed the attack as piracy, and two months later, a diet of Prussian towns ordered the arrest of all English goods in Danzig and Elbing and prohibited trade with England.

Domestic and foreign policy towards the Hanse was initiated by merchants in parliament. In the parliament of October 1385, a petition was presented to the king in the name of "ses liges marchantz dengleterre repeirantz ouesqz lour marchandises en la terre de Pruyce" to complain that goods totalling £20,000 had been arrested in Prussia by Hanseatic merchants.<sup>199</sup> The English merchants demanded that the goods of Hanseatic merchants resident in England should be arrested to the value of £20,000 until restitution was made of

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<sup>196</sup> T.H. Lloyd, *England and the German Hanse, 1157-1611: A study of their trade and commercial diplomacy* (Cambridge, 1991), p. 51.

<sup>197</sup> For what follows, see Lloyd, *England and the German Hanse*, pp. 51-63.

<sup>198</sup> This privilege was of particular concern to both English merchants and town governments: Beardwood, *Alien Merchants*, pp. 56-57.

<sup>199</sup> PRO, SC8/125/6213.

the goods taken in Prussia. They also requested the removal of Hanseatic privileges in England. It is impossible to identify the specific authors of this petition, and the exact role of York's MPs in the drafting of the petition is uncertain. What is clear is that York's merchants had suffered substantial losses in the seizure of English goods in Prussia in 1385. Thirty-three York merchants later claimed losses totalling £1,617, and only Lynn's merchants made greater claims, amounting to nearly £2,000.<sup>200</sup> There is no doubt that York's merchants had a specific interest in the breakdown of Anglo-Hanseatic relations in 1385. So, too, did the city's MPs, for when the crown ordered the arrest of Prussian goods in east-coast towns, four York men were appointed to oversee this arrest between Boston and Newcastle, one of whom was Thomas de Howom who had been one of York's MPs at the 1385 parliament and who had property valued at 54 marks seized in Prussia.<sup>201</sup> York's other MP at this parliament was Thomas Graa and he was appointed to the 1388 diplomatic mission.

Although the king did not suspend the Hanse's privileges in England, perhaps in recognition that the dispute was with Prussia rather than with the Hanse as a whole, the petition did result in the immediate arrest of all Prussian property in England to the value of £20,000.<sup>202</sup> York's mayor and bailiffs then became involved in consultation with the king's council for the recovery of the goods lost by the city's merchants. Between June 1386 and March 1388, York's civic officials, as well as the officials of other towns, received repeated orders "to give notice to all men within the city who have any goods arrested in Prussia, or feel otherwise aggrieved concerning extortions, damages...inflicted on them by subjects of that land" to appear before the king's council by a certain date. The information presented to the king's council was then to be used as the basis for negotiation between envoys of England and Hanse so that the goods could be recovered.<sup>203</sup> It is clear, however, that the crown wanted this information for financial reasons, for the civic officials were also to send to the king's council a list of the names of merchants whose goods had been arrested in Prussia. The crown was aware that the decision to arrest Prussian property in England had been initiated by, and for, English merchants trading in Prussia, and tried to impress this

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<sup>200</sup> For the importance of Baltic trade to York merchants, see Kermode, *Medieval Merchants*, pp. 248-52. For York's claims, see pp. 249-50.

<sup>201</sup> *CPR, 1385-89*, p. 61. For Howom, see Kermode, "Merchants of York, Beverley and Hull", vol. 2, Appendix 4: Merchant Biographies (York) and Appendix.

<sup>202</sup> Lloyd, *England and the German Hanse*, p. 63, and *CPR, 1385-89*, p. 61.

<sup>203</sup> See *CCR, 1385-89*, pp. 67-68, 163, 194-95 and 481. The quotation is from pp. 67-68.



point on the merchants and civic officials of York and other towns by making the diplomatic mission to Prussia self-financing. Specifically, the king was prepared to fund the costs of sending one ambassador to Prussia, but the other diplomats were to be paid from the goods of English merchants arrested in Prussia.<sup>204</sup>

The Appellants, in control of royal government between the Wonderful Parliament of 1386 and the Merciless Parliament of 1388,<sup>205</sup> implemented the royal policy commenced before their assumption of power. The embassy which left England to negotiate for peace with the Grand Master of the Teutonic Order in June 1388 consisted of Master Nicholas Stocket, a clerk, and two merchants, Walter Sibille of London and Thomas Graa of York. The ambassadors were appointed in the Merciless Parliament of 1388, “at the petition of certain lieges and of the commons in this parliament by advice of the council”.<sup>206</sup> Reasons for Thomas Graa’s appointment are not hard to find. Firstly, Graa had been one of York’s MPs at the parliament at which the proposal of a diplomatic mission to Prussia had been first been discussed.<sup>207</sup> Secondly, there were the substantial losses suffered by York merchants in 1385, so there was a sense in which he was also their representative and, consequently, had a personal interest in the success of the mission. Graa may also have been seen by the Appellants as a man of similar political persuasion to themselves, for he had been a member of a commission appointed to inquire into the reform of the royal household in 1380.<sup>208</sup>

Thomas Graa and the other envoys were instructed to present several demands to the Grand Master, the two most important of which were that all property of English merchants arrested in Prussia should be released immediately and that English merchants should enjoy the same freedom to trade in Prussia as Prussian merchants did in England. On 21 August 1388, an agreement was signed with the Grand Master in which both key demands were met.<sup>209</sup> In particular, English merchants trading in Prussia secured the right of freedom of trade whereby they could trade through any port and into inland markets without restriction. The treaty of 1388 was valued highly by York’s merchants and civic government, and it was

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<sup>204</sup> *CCR, 1385-89*, p. 163.

<sup>205</sup> For the political background, see Saul, *Richard II*, pp. 161-66 and 191-94.

<sup>206</sup> *CCR, 1385-89*, p. 403.

<sup>207</sup> See Appendix.

<sup>208</sup> *RP*, vol. 3, pp. 73-74. The significance of this relationship between Graa and the Appellants will be discussed in the following chapter, pp. 160-61.

<sup>209</sup> Lloyd, *England and the German Hanse*, pp. 65-66 and *CCR, 1385-89*, pp. 654-55.

copied verbatim into the *York Memorandum Book*.<sup>210</sup> The success of the mission raises the issue of reciprocity because, unlike other forms of royal service such as employment on a tax commission or the lending of money or ships, the initiative did not come from the royal government. The crown responded to parliamentary pressure and acted as a facilitator of mercantile aspirations, since the reason that York's merchants and the city's MPs turned to the crown in the first place was because they sought royal protection and royal support for the recovery of their goods. Although ideas of economic nationalism did not develop properly until the fifteenth century, the underlying reason behind the appointment of an embassy in 1388 was also the crown's recognition of its responsibility to promote the prosperity of its subjects in the face of foreign competition.<sup>211</sup> In short, Thomas Graa of York was appointed by the crown to act on behalf of the interests of its mercantile subjects, including those of York.

Nevertheless, there were specific political reasons for the crown's response to the demands of the merchants who had lost property in Prussia in 1385. There had previously been complaints from English merchants in parliament about the contradiction between Hanseatic privileges in England and the prohibition on English trade in the Baltic,<sup>212</sup> but no attempt had yet been made by the crown to send an embassy overseas to resolve these tensions between English and Hanseatic merchants. The parliament of October 1385 has been described as "the stormiest that Richard and his ministers had yet faced", in which the commons presented a series of petitions demanding reform of the royal government.<sup>213</sup> In these circumstances, it is likely that the king would have been acutely aware of, and sensitive to, the concerns of his subjects. Similarly, although neither Walter Sibille nor Thomas Graa was paid by the crown in 1388 for their service overseas, both men were each paid £20 retrospectively in 1391 by the king "de dono suo de regardo".<sup>214</sup> Could it be that these payments by Richard II, whilst not of large sums of money, were a conciliatory gesture by a king who had only assumed personal control of the reins of government in May 1389 and who sought to restore harmonious relations with his subjects?<sup>215</sup>

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<sup>210</sup> *YMB*, vol. 2, pp. 3-6.

<sup>211</sup> The best discussion of these economic ideas remains Miller, "Economic Policies of Governments", pp. 330-40. See, also, Bolton, *Medieval English Economy*, pp. 322-30.

<sup>212</sup> For these petitions, see Lloyd, *England and the German Hanse*, pp. 53-60.

<sup>213</sup> Saul, *Richard II*, p. 146.

<sup>214</sup> For Graa's payment, see PRO, E403/536, 9 November.

<sup>215</sup> For Richard's style of kingship in the early 1390s, see Saul, *Richard II*, pp. 201 and 235-36.

There were differences in purpose between the diplomatic missions undertaken by Thomas Graa, John de Stoke and Thomas Beaupyne. The embassies sent to Calais were concerned with diplomatic as well as economic objectives, whilst Graa's mission to Prussia aimed purely to establish a commercial treatise. Yet these diplomatic shared further similarities. Firstly, in all three cases, Graa, Stoke and Beaupyne were involved in negotiations with urban representatives, whether of Prussian towns or of the towns of Bruges, Ghent and Ypres in Flanders. There was a sense in which they, too, were representing the commercial interests of their towns. Secondly, in both cases the crown was responding to the concerns of its urban subjects and acting as a mouthpiece for mercantile interests.

#### 4.4 CONCLUSION

This chapter has demonstrated that the king's duty to promote the economic well-being of his subjects was influenced by wider diplomatic, political and fiscal interests. One of the consequences was that the crown's policies were not always consistent and that there were shifts in royal policy, whether in the location of the staple or in the collection of customs revenue. Charles Ross has written of Edward IV's concern to promote English commercial interests that, "it would be hard to find an occasion in the reign when he allowed commercial pressures to compete successfully with the demands of foreign policy and internal politics," and that, "Yorkist commercial policy" was the result of "a series of pragmatic responses to conflicting and competing demands".<sup>216</sup> The same could also be said of the commercial policies of Edward III and Richard II in the second half of the fourteenth century. In particular, as Ormrod has pointed out, the crown had a specific fiscal interest in improving trade.<sup>217</sup> The one constant in royal policy, however, was the crown's consultation with, and reliance upon, the urban elites of towns such as Bristol and York in the formulation and implementation of commercial policy. This collaboration was characteristic of "a system of government" in later medieval England "in which king and subjects shared responsibility"; therefore, royal policy was the product of their mutual interests.<sup>218</sup> The focus of much of this negotiation was parliament, and it is the role and importance of the MPs for Bristol and York within parliament which I will examine in the next chapter.

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<sup>216</sup> C. Ross, *Edward IV* (London, 1974), p. 356.

<sup>217</sup> Ormrod, "Finance and Trade under Richard II", p. 158.

<sup>218</sup> Harriss, "Political Society and the Growth of Government", p. 57.

## CHAPTER FIVE: PARLIAMENT AND REPRESENTATION

### 5.0 INTRODUCTION

In previous chapters, the business of royal government, in the raising of money, the making of war, and the enforcement of commercial policy, has been viewed as a collaborative enterprise between the ruling elites of Bristol and York, and the crown. The following chapters examine, in greater detail, the nature of urban expectations from the royal government. This chapter focuses on parliament as a channel of communication and as a forum for political debate between the crown and its urban subjects. Parliament's significance as a link between the centre and the localities in the later medieval period has been the subject of some historical debate. Whilst J.R. Maddicott, for instance, contended that, "by the 1370s parliament had become the chief intermediary between the crown and its subjects", Christine Carpenter has emphasised, instead, the "infrequent" nature of "parliamentary gatherings", suggesting that Maddicott's interpretation "can only have been true for matters affecting the whole kingdom, not for everyday local issues, for which the nobility would have been the channel of communication".<sup>1</sup> My intention is not to deny the significance of aristocratic intercessors as channels of communication between Bristol, York, and the crown,<sup>2</sup> but to argue, specifically, for the legislative importance of parliament to the ruling elites of the two towns.

This chapter examines the relationship between Bristol, York and the crown within parliament for two reasons. Firstly, there was, as a number of historians have argued recently, an important public dimension to politics. Edward Powell and Christine Carpenter, in particular, have drawn attention to the need to consider both contemporary political ideas and public institutions in order to gain a more rounded view of relations between the king and his subjects.<sup>3</sup> Powell has emphasised the importance of exploring "the values, ideals and

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<sup>1</sup> J.R. Maddicott, "Parliament and the Constituencies, 1272-1377", in R.G. Davies and J.H. Denton (eds.), *The English Parliament in the Middle Ages* (Manchester, 1981), p. 86, and C. Carpenter, "Gentry and Community in Medieval England", *Journal of British Studies*, 33 (1994), p. 364 and note 106.

<sup>2</sup> See, for example, the role of John Thoresby, archbishop of York, who acted as a mediator between the city of York and St. Mary's abbey to resolve the conflict over the suburb of Bootham in 1354. Thoresby's role is discussed in Chapter Six, p. 206.

<sup>3</sup> E. Powell, "After 'After McFarlane': The Poverty of Patronage and the Case for Constitutional History", in D.J. Clayton, R.G. Davies and P. McNiven (eds.), *Trade, Devotion and Governance: Papers*

conventions governing political life” which constituted a political culture according to which political figures “had to reconcile their actions”.<sup>4</sup> In a similar vein, Carpenter has suggested that the absence of either a conceptual structure or an “institutional framework” in much historical writing on late medieval politics means that “we must look at public institutions” and “those structures of power and government that are integral to constitutional history”,<sup>5</sup> whilst John Watts has reinterpreted the reign of Henry VI in light of a “public” dimension to fifteenth-century politics, consisting of “principles, institutions, places for debate”.<sup>6</sup> Chapters Three and Four of the thesis have examined evidence of a public morality based on the common good among the ruling elites of Bristol and York in the context of their response to the fiscal demands of the crown. This chapter is concerned with exploring this vocabulary of politics within the institutional setting of parliament, which, surprisingly, has been lacking from the work of Powell, Carpenter and Watts. To Powell and Carpenter, the vocabulary and public dimension to politics was provided by the law, whilst Watts focused on the relations between the king and the nobility.<sup>7</sup> It may be that, in the fifteenth century, the period in which Powell, Carpenter and Watts are most interested, parliament was less important as a point of contact between the centre and the localities than it was a century earlier,<sup>8</sup> but as G.L. Harriss has pointed out, in parliament and, more specifically, the parliamentary petition, there was a political arena and a form of communication between the king and his subjects concerned with “the necessities of the king and kingdom...the obligations of subjects and rulers...the crown and the commonweal”.<sup>9</sup>

Secondly, both the role and significance of urban representatives within parliament and the extent of urban interest in meetings of parliament have tended to be minimised by

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*in Later Medieval History* (Stroud, 1994), pp. 1-16 and C. Carpenter, “Political and Constitutional History: Before and After McFarlane”, in R.H. Britnell and A.J. Pollard (eds.), *The McFarlane Legacy: Studies in Late Medieval Politics and Society* (Stroud, 1995), pp. 175-206.

<sup>4</sup> Powell, “After ‘After McFarlane’”, pp. 10-11.

<sup>5</sup> Carpenter, “Political and Constitutional History”, pp. 192 and 195.

<sup>6</sup> J. Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), p. 4.

<sup>7</sup> Powell, “After ‘After McFarlane’”, pp. 12-13, Carpenter, “Political and Constitutional History”, pp. 196-97, and Watts, *Henry VI*, p. 9. See, also, the review of Watts’s book by S.J. Payling, in *Parliamentary History*, 16 (1997), pp. 359-61, who notes the absence of any discussion of the parliamentary commons.

<sup>8</sup> C. Carpenter, *The Wars of the Roses: Politics and the constitution in England, c.1437-1509* (Cambridge, 1997), p. 37.

<sup>9</sup> G.L. Harriss, “The Dimensions of Politics”, in R.H. Britnell and A.J. Pollard (eds.), *The McFarlane Legacy: Studies in Late Medieval Politics and Society* (Stroud, 1995), p. 15.

historians. In part, this view reflects the nature of the parliamentary records and, in particular, the rolls of parliament. As May McKisack wrote in her seminal work on urban representation in the late medieval parliament, “the rolls have remarkably little to tell us of the activities of the burgesses. It would appear that despite their numerical superiority the part played by them in parliament was, if not insignificant, at least inconspicuous.”<sup>10</sup> The parliament rolls were not a complete record of everything which took place within parliament. Rather, they were compiled by chancery clerks as a government record of parliamentary proceedings, and written from the perspective of the royal government. They were, therefore, concerned primarily to record, in summary, the grant of taxation by the commons and the common petitions. The rolls rarely recorded the debate leading up to the formal declaration of the grant of taxation or the successive stages involved in the drafting and presentation of common petitions. Moreover, as D. Rayner’s work on the common petitions has shown, the clerks who enrolled the petitions edited the address of the petitions so that almost all were addressed in the name of “les Communes”.<sup>11</sup>

The silence of the parliamentary record on the activities of the urban representatives in parliament has also been seen by historians to reflect the underlying reality of the internal dynamics of the commons based on prosopographical research into the composition of its members. In his introduction to the recently published *History of Parliament* volumes of biographies of members of parliament between 1386 and 1421, J.S. Roskell argued that “the shire knights, by reason of their superior social status as gentry, their greater involvement in the regional administration of the county, and their more personal connexions with the King and members of the Upper House, discharged a more important role in the Commons than the townsmen, especially in the sphere of high politics.”<sup>12</sup> These qualifications meant that it was the knights of the shire who dominated the agenda of the commons, an impression confirmed by the record of the 1376 Good Parliament in *The Anonimalle*

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<sup>10</sup> M. McKisack, *The Parliamentary Representation of the English Boroughs during the Middle Ages* (Oxford, 1932; reprinted, 1962), p. 119.

<sup>11</sup> D. Rayner, “The Forms and Machinery of the ‘Commune Petition’ in the Fourteenth Century”, *EHR*, 56 (1941), 2 parts, part 1, p. 227. The meaning of the common petition is examined below, pp. 162-66. For the nature of the parliamentary rolls in the second half of the fourteenth century, see A.L. Brown, “Parliament, c.1377-1422”, in R.G. Davies and J.H. Denton (eds.), *The English Parliament in the Middle Ages* (Manchester, 1981), pp. 109-10.

<sup>12</sup> J.S. Roskell, “Introductory Survey”, in J.S. Roskell, L. Clark and C. Rawcliffe (eds.), *The History of Parliament: The House of Commons, 1386-1421* (4 vols., Stroud, 1993), vol. 1, p. 48.

*Chronicle*, in which only the speeches of the shire knights attacking the king's ministers were noted.<sup>13</sup>

More importantly, the limited role played by the urban representatives in parliament at once provides evidence of, and further reflects, the marginal view of urban communities within the polity. McKisack, for instance, argued that the concerns of the parliamentary burgesses "were as much local as national", and suggested that, "the burden of local business laid upon the burgesses may help in large measure to account for the inconspicuous part played by them, as a class, in parliament."<sup>14</sup> As I explained in the introductory chapter of the thesis, this view of the nature of urban interest in parliament fits nicely into the existing paradigm of crown-town relations within the later medieval period, based on the exchange of money and urban privileges, in which the crown was seen purely as a source of favours and privileges by urban communities.<sup>15</sup> Thus, of London's attitude to parliament, for instance, Caroline Barron has suggested that, due to the city's proximity to central government, "it is...likely that meetings of Parliament were less significant occasions for the rulers of London than they were for other burgh MP's", since Londoners had access to the king and central courts "throughout the year". To London's rulers, "meetings of Parliament were not so much opportunities for access but, rather, times when it was necessary to keep a watchful eye on other communities which might try to enlarge their own privileges by successful parliamentary lobbying."<sup>16</sup>

Although this chapter touches on the issue of urban liberties, this subject will be explored in more detail in the following chapter. This chapter is divided into three sections. The first, based on prosopographical research, concerns the identity of the MPs for Bristol and York. What kinds of people were elected to represent the two towns, and how different were they from the shire knights? The aim of this section is to provide a more nuanced understanding of the internal dynamics of the commons and of the place of the representatives of Bristol and York within parliament. It has been argued that the second half of the fourteenth century saw the growing corporate identity of the commons and "a

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<sup>13</sup> *The Anonimale Chronicle, 1333 to 1381*, ed. V.H. Galbraith (Manchester, 1927), pp. 79-94.

<sup>14</sup> McKisack, *Parliamentary Representation of the English Boroughs*, p. 145 and M. McKisack, "The Parliamentary Representation of King's Lynn before 1500", *EHR*, 42 (1927), p. 584.

<sup>15</sup> Chapter One, pp. 2-4.

<sup>16</sup> C. Barron, "London and Parliament in the Lancastrian Period", *Parliamentary History*, 9 (1990), p. 343.

greater sense of solidarity” among its members,<sup>17</sup> whilst the divisions that did exist within the commons were between the shire knights and the parliamentary burgesses.<sup>18</sup> But what happened when the towns of Bristol and York became counties? Was there a blurring of the distinctions between knights of the shire and urban representatives? The second section examines the evidence of the common petitions from Bristol and York, focusing on the role of their MPs as representatives of the towns. What did the MPs request of the crown? How useful is the dichotomy of ‘local’ and ‘national’ to our understanding of the issues expressed in the common petitions? Moreover, to what extent did the petitions express the corporate interests of Bristol and York? Did the petitions use the language of corporate civic identity to disguise personal or sectional interests within the towns? Can they reveal tensions between the merchants and the civic governments of Bristol and York? One of the aims of this section is to argue that, whilst the commons could act together as a unified, corporate body at specific moments, particularly times of political crisis, the commons were composed of geographical, mercantile, and urban interest groups. The third section considers the evidence, and significance, of parliamentary commissions composed of Bristol and York MPs and merchants. In conclusion, I will argue that meetings of parliament had a greater significance to the rulers of Bristol and York than merely as occasions for the confirmation and extension of the towns’ charters of corporate liberties.

## **5.1 THE PARLIAMENTARY BURGESSES OF BRISTOL AND YORK**

What calibre of people served as parliamentary representatives of Bristol and York in the second half of the fourteenth century? The question is important for two reasons. Firstly, the identity of the MPs can help both to explain the attitude of their electors to meetings of parliament and to illuminate some of the MPs’ preoccupations at parliament. Secondly, it has been argued by Roskell, in particular, that the dominance of the shire knights within the commons was due to their superior political status. This status was the result of a number of factors, including their social status as gentry, their close personal ties to the king and to members of the lords, their service as local officials of the crown within their counties, and

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<sup>17</sup> W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327-1377* (New Haven and London, 1990), pp. 166-67. The quotation is from p. 166.

<sup>18</sup> Brown, “Parliament, c.1377-1422”, pp. 120-21.



their parliamentary experience.<sup>19</sup> To what extent did these characteristics distinguish the shire knights from the representatives of Bristol and York? The following section examines the identity of Bristol's and York's MPs between 1350 and 1400 and draws upon my own prosopographical research as well as upon the biographies of MPs within the History of Parliament volumes on the composition of the commons between 1386 and 1421.

Essentially, there were two types of MP elected to represent Bristol and York. On the one hand, there were "outsiders", that is, "men with local interests who advised the town but played no direct part in its government".<sup>20</sup> The second type belonged to the office-holding elite of their towns. The fifteenth century saw an increasing number of gentry and lawyers representing urban communities in parliament.<sup>21</sup> Although it used to be thought that the reason for this phenomenon lay in the ambition of the nobility and gentry to gain representation in the commons, Rosemary Horrox has shown that parliamentary representation by lawyers and gentry was not forced upon the towns. Rather, the towns sought "the support of well connected lawyers and gentlemen" who possessed "outside contacts" which their own burgesses may not have possessed.<sup>22</sup> In the election of outsiders to represent Bristol and York, is it possible to detect specific qualifications which could be employed to the towns' advantage?

Bristol's outsiders were William Yonge, John Serjeant, Thomas Denbaud and Richard de Sydenham. They shared two characteristics. Firstly, they each represented Bristol on only one occasion, a pattern which might suggest that they were elected to serve a specific purpose. Secondly, they were all elected in the 1360s, the significance of which will be considered shortly. William Yonge, MP for Bristol in 1361, Thomas Denbaud, MP in 1366, and John Serjeant, MP in 1363, seem to have been local gentry. Yonge and Denbaud served the crown in local administration. Yonge, for instance, was a member of several royal commissions in the south-west in the late 1350s and early 1360s, including a commission of inquiry into the activities of the escheator and sub-escheator of Gloucestershire, Herefordshire and the Welsh Marches in 1360 and a commission of oyer and terminer into

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<sup>19</sup> Roskell, "Introductory Survey", in *House of Commons, 1386-1421*, vol. 1, pp. 40 and 48-49.

<sup>20</sup> R. Horrox, "Urban patronage and patrons in the fifteenth century", in R.A. Griffiths (ed.), *Patronage, the Crown and the Provinces in Later Medieval England* (Gloucester, 1981), p. 155.

<sup>21</sup> McKisack, *Parliamentary Representation of the English Boroughs*, pp. 60-64 and 113-18.

<sup>22</sup> Horrox, "Urban patronage and patrons", pp. 158-59.

the felling of trees in Queen Philippa's chase in the manor of Bedminster, just south of Bristol, in the same year.<sup>23</sup> Thomas Denbaud was a tax collector in the county of Somerset in 1360 and also a deputy controller of customs in the port of Bristol between 1363 and 1368.<sup>24</sup> Far more is known about John Serjeant,<sup>25</sup> a landowner from Stone in Gloucestershire, who had previous parliamentary experience as MP for Gloucestershire in 1350. He was also appointed a justice of the peace in the same county in 1351, 1353 and 1359, and his appointments to royal office in the county continued after his election to represent Bristol in 1363. Perhaps more significantly, Serjeant was a retainer of the earl of Stafford between 1360 and 1372. Stafford owned a large amount of land in Gloucestershire through the inheritance of his wife, Margaret Audley, and was a "royal confidant" of Edward III, who had served the king in France in the 1340s and had been a founding member of the king's Order of the Garter.<sup>26</sup> Although there is no direct evidence in the rolls of parliament of Serjeant's actions on behalf of Bristol, it is likely that the town's rulers recognised the value of representation by an individual who had access to a powerful lord within parliament.

Bristol's other outsider, Richard de Sydenham, MP for the town in 1368, was a lawyer. Sydenham owned several lands and manors throughout Somerset and, between 1373 and 1375, he was employed as a legal adviser by the town of Bridgwater in Somerset.<sup>27</sup> He was a justice of the peace in Somerset in 1374 and again in 1375, before appointment to the central law courts, first as a king's serjeant in the court of common bench in 1388 and then as a justice of common bench a year later. Elected MP at the beginning of his legal career, Sydenham was probably valued by Bristol's political elite for the legal expertise which he

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<sup>23</sup> *CPR, 1358-61*, pp. 409 and 483.

<sup>24</sup> *CPR, 1358-61*, p. 345, *CPR, 1361-64*, p. 411 and PRO, E356/5, rot. 22r.

<sup>25</sup> For what follows on Serjeant, see *Return of the Name of Every Member of the Lower House of Parliament...1213-1874* (2 vols., Parliamentary Papers, 1878), vol. 1, p. 148 (hereafter cited as *Return of Members*), *CPR, 1350-54*, pp. 89 and 508, *CPR, 1358-61*, p. 219, *CFR, 1368-77*, pp. 192 and 270, and N. Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century* (Oxford, 1981), p. 288.

<sup>26</sup> For Stafford's relations with Edward III, see C. Given-Wilson, *The English Nobility in the Late Middle Ages* (London and New York, 1987; reprinted 1996), pp. 40-41 and Ormrod, *Reign of Edward III*, pp. 14, 18, 103 and 109 (the quotation is from p. 18).

<sup>27</sup> For what follows on Sydenham, see *Pedes Finium (commonly called Feet of Fines) for the County of Somerset, 1347-1399*, ed. E. Green, Somerset Record Society, 17 (1902), pp. 72, 132 and 156, *Bridgwater Borough Archives, 1200-1377*, ed. T.B. Dilks, Somerset Record Society, 48 (1933), pp. 221-22 and 224-25, *CPR, 1370-74*, p. 478, *CPR, 1374-77*, p. 139, and G.O. Sayles, "Introduction", in *Select Cases in the Court of King's Bench under Edward III*, ed. G.O. Sayles, vol. 6, Selden Society, 82 (1965), pp. ci and lxxvi-lxxvii.

could bring to parliament in the drafting of petitions. In 1372, in response to a common petition, the crown prohibited the election of lawyers as knights of the shire on the grounds that they “font mettre plusours Petitions en Parlementz en noun des Communes, qe rien lour touche mes soulement les singulers personnes ove queux ils sont demorez”.<sup>28</sup> The significance of this ordinance will be discussed later in the chapter, but both the commons and the royal government were clearly concerned that lawyers were using their legal skills to present petitions of a private nature in the name of the “Communes” as a whole, thereby undermining the petitory process.

York’s outsiders were Roger de Normanvill, MP for the city in 1351 and 1355, and John de Selby, MP in 1363. As a king’s yeoman, Normanvill was a member of the royal affinity, who served as keeper of the king’s horses north of the Trent between 1343 and 1350, and then as surveyor of the king’s works in York. He owned property in the city and in 1350, a year before his first election to parliament, he became a freeman of York.<sup>29</sup> It is interesting to speculate on the specific reasons for Normanvill’s election in 1351 and 1355. That Normanvill was a trusted royal servant is confirmed by his appointment by the crown to the office of mayor of the York Staple after the disputed election in 1354,<sup>30</sup> so it is likely that he was valued by his electors for his personal contact with the king. This connection was particularly useful to the city in the early 1350s because of the association with the wool monopoly companies of the 1340s of a number of York merchants who then became involved in litigation with the king when these companies collapsed in the mid-fourteenth century.<sup>31</sup> At a time when relations between the crown and York’s merchants were far from harmonious, perhaps Normanvill was viewed as a conciliatory figure who could help to resolve these tensions.

John de Selby was different from Normanvill in that, although he never held civic office in the city, he was a York merchant and a founding member of the fraternity of Our

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<sup>28</sup> *RP*, vol. 2, p. 310. See, also, K.L. Wood-Legh, “Sheriffs, Lawyers, and Belted Knights in the Parliaments of Edward III”, *EHR*, 46 (1931), pp. 372-88, and below, p. 166.

<sup>29</sup> *CPR*, 1343-45, p. 107, *CPR*, 1348-50, p. 470, *CCR*, 1354-60, p. 4; *Feet of Fines for the County of York, from 1347 to 1377*, ed. W. Paley Baildon, Yorkshire Archaeological Society Record Series, 52 (1914), p. 42; and *Register of the Freemen of the City of York*, ed. F. Collins, 2 vols., Surtees Society, 96 and 102 (1896 and 1899), vol. 1, p. 42.

<sup>30</sup> See Chapter Four, p. 128.

<sup>31</sup> E.B. Fryde, “Some Business Transactions of York Merchants, 1336-1349”, in E.B. Fryde, *Studies in Medieval Trade and Finance* (London, 1983), Chapter Eleven, pp. 3-5.

Lord Jesus Christ and the Virgin Mary in 1357, which included several civic officials and which later became the Mercers' guild.<sup>32</sup> He was a wool exporter, like many of York's merchants, and he died in Calais whilst on business,<sup>33</sup> and it was Selby's involvement in the Calais staple which explains his election as MP for the city in 1363. It was this parliament which saw the presentation of a common petition on behalf of merchants trading at the staple complaining about the activities of the recently appointed government of the town, which was accused of imposing a duty of 40d. on each sack of wool coming to the staple for its own personal profit and of fixing wool prices.<sup>34</sup> Although it is impossible to determine Selby's role in the drafting of this petition, it can be no coincidence that he was elected to parliament in 1363. He was clearly there for a specific purpose, namely to voice the concerns of York's merchants about the new government of the town of Calais and its interference in the wool trade.

The timing of the election of outsiders as MPs for Bristol and York can also shed light on the attitude of the towns' rulers towards meetings of parliament. Although the outsiders from Bristol and York had particular skills, connections, or interests, which ensured their election as parliamentary representatives of the two towns, it is significant that, with the exception of Roger de Normanvill, the other MPs who did not belong to the governing elite of Bristol and York were all elected in the 1360s and represented the towns on only one occasion. The 1360s were a period of uneasy peace between England and France, in which no direct taxation was granted by the commons.<sup>35</sup> When war was resumed in 1369 and the commons had to consider grants of direct taxation for the war effort and of tonnage and poundage for the protection of mercantile trade and shipping, the towns' MPs were merchants drawn from the ruling elites of Bristol and York who had parliamentary experience and/or who would continue to represent the towns on several later occasions.<sup>36</sup>

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<sup>32</sup> *The York Mercers and Merchant Adventurers, 1356-1917*, ed. M. Sellers, Surtees Society, 129 (1917), p. 1, and L.R. Wheatley, "The York Mercers' Guild, 1420-1502" (M.A. thesis, University of York, 1993, 2 vols.), vol. 1, pp. 35-37.

<sup>33</sup> Borthwick Institute of Historical Research, Probate Register 1, fo. 10v. For the importance of the wool trade to York's merchants, see J.N. Bartlett, "The Expansion and Decline of York in the Later Middle Ages", *EcHR*, 2nd Series, 12 (1959), pp. 23-24.

<sup>34</sup> *RP*, vol. 2, p. 276.

<sup>35</sup> Ormrod, *Reign of Edward III*, Table 1, p. 204.

<sup>36</sup> See Appendix. The role of the representatives of Bristol and York on commissions to examine fiscal and mercantile issues is discussed below, pp. 184-93.

With the exception of William Frost, MP for York in 1399, who was, in the words of Carole Rawcliffe's biography, a member of "the middle ranks of the Yorkshire gentry", and Thomas Beaupyne, MP for Bristol at six parliaments, who was a merchant but who also owned extensive lands and properties in Somerset and who represented the county at parliament in 1390,<sup>37</sup> these MPs were part of "the group of wealthy merchants drawn from the greater towns and united by their common interest in trade and national finance" who had a particular interest in the attendance of parliaments at which questions about overseas trade and royal finance were at the top of the commons' agenda.<sup>38</sup>

In the second half of the fourteenth century, Bristol and York were represented by thirty-four and twenty-five MPs respectively. With the exception of William Yonge, Thomas Denbaud, John Serjeant and Richard de Sydenham, Bristol's other thirty MPs held high civic office in the town at some point in their career, whether as mayor, sheriff, bailiff, steward, and/or member of the common council.<sup>39</sup> Twenty occupied the mayoralty, and the vast majority, twenty-six, belonged to the common council. Of York's twenty-five MPs, twenty-three occupied high civic office in the city as mayor, sheriff, bailiff, chamberlain, and/or member of the city council.<sup>40</sup> Sixteen were mayors of York, and from 1378 to the end of the fourteenth century, twelve of the thirteen MPs representing the city were drawn from the councils of twelve and twenty-four.

Apart from their dominance of civic government, what else characterised Bristol's and York's MPs? First, they all received appointments to royal office and/or served the royal government in a less formal capacity, lending money or ships to the crown's war effort. It should be noted that what follows is not a description of the totality of their administrative experience, but rather, an attempt to indicate the kinds of connections which tied the MPs to the crown. Of Bristol's MPs, John de Stoke, Walter de Derby, Thomas Beaupyne, Ellis Spelly and William Canynges would perhaps have been the most familiar to the royal

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<sup>37</sup> *House of Commons, 1386-1421*, vol. 2, pp. 164-66 and vol. 3, p. 139.

<sup>38</sup> McKisack, *Parliamentary Representation of the English Boroughs*, p. 101.

<sup>39</sup> See Appendix for what follows.

<sup>40</sup> The 1359 loan from Roger de Hovyngham, John de Allerton "et sociis suis probis hominibus Civitatis Eboracum", suggests that Hovyngham and Allerton were part of the ruling civic council, even though official lists of council members are not extant until 1378. For the loan, see PRO, E401/447, 29 August.

government.<sup>41</sup> All were involved in the administration of the poll taxes in Bristol and monopolised the collection of the customs in the port of Bristol from the mid-1360s to the end of the century, whilst Stoke, Canynges and Beaupyne farmed the cloth subsidy in Dorset, Somerset and Gloucestershire for over twenty years, Derby and Beaupyne made personal loans to the crown, and Stoke and Beaupyne were appointed to diplomatic missions abroad. Similarly, among York's MPs, William Graa, and his son, Thomas Graa, John de Gysburn and William Frost were all active in royal service. For instance, Thomas Graa and John de Gysburn administered the poll taxes in York, William Graa lent money to the crown and supplied goods to the war effort against the French, Thomas Graa and William Frost were escheators of Yorkshire and served on a total of over thirty royal commissions in Yorkshire and the city of York, and Graa was appointed to a royal embassy to Prussia in 1388.<sup>42</sup> Unlike Roger de Normanvill who represented York in 1351 and 1355, none of these MPs had the personal relationship with the king denoted by the receipt of a retaining fee or a royal annuity, but equally, as McKisack suggested, they were not "insignificant townfolk".<sup>43</sup>

Similarly, if, as Anthony Tuck has argued, the shire knights were "more active" in the commons because of the "confidence that came from friendship, blood ties, and neighbourly relations with members of the lords",<sup>44</sup> then it is important to recognise that some of Bristol's and York's MPs also had links to the nobility. Walter de Derby and Ellis Spelly of Bristol and Robert de Howom of York, for example, supplied wine, ships and money to John of Gaunt, the duke of Lancaster,<sup>45</sup> although Linda Clark has warned that "the resulting web of debt and credit, obligation and dependency, led to highly complex relations of a different order from the relatively straightforward bonds of lord and retainer."<sup>46</sup> This may

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<sup>41</sup> See Appendix for what follows and also the biographies of Beaupyne, Canynges and Spelly in *House of Commons, 1386-1421*, vol. 2, pp. 164-66, 476-78 and vol. 4, pp. 414-17.

<sup>42</sup> For biographies of Frost and Thomas Graa, see *House of Commons, 1386-1421*, vol. 3, pp. 138-41 and 218-20.

<sup>43</sup> McKisack, *Parliamentary Representation of the English Boroughs*, p. 100.

<sup>44</sup> A. Tuck, *Richard II and the English Nobility* (London, 1973), pp. 26-27.

<sup>45</sup> *John of Gaunt's Register, 1379-1383*, ed. E.C. Lodge and R. Somerville, 2 vols., Camden Society, 3rd Series, 56-57 (1937), vol. 1, pp. 213 and 228, and vol. 2, pp. 268-69 and 273, and *John of Gaunt's Register, 1372-1376*, ed. S. Armitage-Smith, 2 vols., Camden Society, 3rd Series, 20-21 (1911), vol. 2, pp. 42 and 343-44.

<sup>46</sup> L. Clark, "Magnates and their Affinities in the Parliaments of 1386-1421", in R.H. Britnell and A.J. Pollard (eds.), *The McFarlane Legacy: Studies in Late Medieval Politics and Society* (Stroud, 1995), p. 136.

be true, and with the exception of John Serjeant, Bristol's MP in 1363, who was retained by the earl of Stafford,<sup>47</sup> there is no other evidence that an MP for Bristol or York was retained by a magnate. Several of York's MPs, however, had more personal associations with the Lords Appellant between 1386 and 1388.

In the Wonderful Parliament of 1386, the chancellor, Michael de la Pole, was impeached at the instigation of the commons and a commission of government appointed to rule for a year, to examine the state of royal finances and to implement the necessary fiscal reforms.<sup>48</sup> Two years later, in the Merciless Parliament of 1388, the Appellants, with the support of the commons, found the king's favourites, Robert de Vere, duke of Ireland, Robert Tresilian, chief justice of the king's bench, Nicholas Brembre, a former mayor of London, and Alexander Neville, the archbishop of York, guilty of treason.<sup>49</sup> Whatever the motives of the Lords Appellant,<sup>50</sup> the hostility of the commons in 1386 and 1388 towards the king's ministers was essentially financial, for there was a growing resentment about the rising costs of royal government, particularly the household, at a time when the realm faced serious threats of invasion from the French and the Scots. Indeed, the commission established in 1386 was very much a response to Michael de la Pole's failure to introduce the financial reforms which had been demanded by the commons in the parliament of 1385.<sup>51</sup> This concern with the state of royal finances was also mirrored locally, among the records of York's civic government, for statutes from both the Wonderful Parliament of 1386 and the Merciless Parliament of 1388 were copied into the *York Memorandum Book*.<sup>52</sup> In the margins of the city's copy of the 1386 statute appointing the commission of reform were two succinct glosses, "del empoverissement del estat du Roi" and "de examiner et survore les possessions et profitz du Roi".<sup>53</sup> It can be no coincidence that Thomas Graa, who had been appointed to a parliamentary commission in January 1380 to examine the finances of

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<sup>47</sup> See above, p. 155.

<sup>48</sup> For the background to the period 1386-1388, see J.S. Roskell, *The impeachment of Michael de la Pole, Earl of Suffolk, in 1386* (Manchester, 1984), pp. 11-55. For the period itself, N. Saul, *Richard II* (New Haven and London, 1997), pp. 148-204, provides an excellent narrative.

<sup>49</sup> Roskell, *Impeachment of Michael de la Pole*, pp. 197-204.

<sup>50</sup> These motives are discussed in Saul, *Richard II*, pp. 177-82.

<sup>51</sup> J.J.N. Palmer, "The Parliament of 1385 and the Constitutional Crisis of 1386", *Speculum*, 46 (1971), pp. 477-90.

<sup>52</sup> The statutes are noted in *YMB*, vol. 1, p. 215. For the original texts, see YCA, *The York Memorandum Book*, A/Y, fos. 99v.-107v. The statutes are also printed in *SR*, vol. 2, pp. 39-55.

<sup>53</sup> YCA, *The York Memorandum Book*, A/Y, fos. 101v.-102r.

the royal administration, also represented York in the Wonderful Parliament of 1386 and was appointed by the Appellants to a diplomatic mission to Prussia in the Merciless Parliament of 1388.<sup>54</sup> There was a continuity of parliamentary experience and appointments here which suggests that Graa supported the Appellants and enjoyed their confidence.

There may also have been local issues which led some of York's MPs to sympathise with the Appellants. Firstly, Robert de Vere, the duke of Ireland, was given the wardship of Thomas Roos of Helmsley in 1384, so that the majority of York's fee farm was paid to the king's favourite;<sup>55</sup> and secondly, it is clear that Alexander Neville, the archbishop of York, was deeply unpopular within the city of York. Indeed, John de Rypon, one of York's MPs at the Cambridge Parliament of 1388, was one of several York citizens who attacked the archbishop's palaces at York, Cawood and Bishopthorpe in early 1386, but who managed to avoid punishment.<sup>56</sup> In the words of Carole Rawcliffe, Rypon's "election to the next Parliament, while the Appellants still remained in power, may not have been entirely unconnected with this incident, which clearly reflects where his political sympathies lay".<sup>57</sup> Furthermore, in 1398, Thomas de Howom, York's MP in the Merciless Parliament of 1388, along with a number of other prominent York citizens including John de Howeden, MP for York at both parliaments in 1388, and Robert Savage, MP in 1386, was forced to sue for letters of pardon or to seal 'letters obligatory' for large sums of money with no promise of repayment. Howom's pardon referred specifically to his relationship with the Lords Appellant between 1386 and 1388.<sup>58</sup> In this period, at least, there were ties between York's MPs and a group of magnates of a decidedly personal, if not political, nature.

Many of the MPs for Bristol and York also had a wealth of parliamentary experience. The imperfect survival rate of the election returns and writs *de expensis* for Bristol and York makes it very difficult to determine the extent of repeated election to parliament, particularly

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<sup>54</sup> See Appendix. The 1380 commission is discussed in more detail in the final section of the chapter, pp. 184-86.

<sup>55</sup> *CPR, 1383-91*, p. 42. The relationship between the Roos family of Helmsley and York's fee farm is examined in Chapter Two, pp. 24-25.

<sup>56</sup> *CPR, 1385-89*, p. 172. For a complaint from the archbishop about the trespasses and injuries committed against him "par certains gentz de vostre Cite deuerwyk", see his petition in PRO, SC8/249/12405.

<sup>57</sup> *House of Commons, 1386-1421*, vol. 4, p. 214.

<sup>58</sup> *CPR, 1396-99*, pp. 363-64 and 368, *CCR, 1396-99*, pp. 305, 416 and 425, PRO, C67/31, mem. 12, and *House of Commons, 1386-1421*, vol. 3, p. 402.



re-election to successive parliaments; but it is clear, as I suggested earlier, that the last three decades of the fourteenth century saw more frequent re-election to parliament.<sup>59</sup> William and Thomas Graa represented York at twenty-four parliaments between 1344 and 1397.<sup>60</sup> In fact, William attended seven successive parliaments between 1363 and 1372, whilst Thomas Graa represented the city successively at three parliaments between 1378 and 1380, two parliaments in 1385 and 1386, and four parliaments between 1393 and 1397. The two Graas may have been unusual in the extent of their parliamentary attendance, but there were others who represented Bristol and York on repeated, and sometimes consecutive, occasions. For Bristol, these included Thomas Beaupyne, Ellis Spelly and William Frome, who, between them, represented the town a total of fifteen times; for York, John de Howeden, John de Acastre and William de Selby, between them, represented the city at parliament on a total of fourteen occasions. Like the knights of the shire, then, the parliamentary representatives of Bristol and York had experience which must have been valued highly by their electors.

Parliamentary burgesses, as McKisack argued, “were not a homogenous body”.<sup>61</sup> Rather, they consisted of “two distinct groups” within parliament, “the smaller consisting of wealthy merchants...drawn mainly from London and such great cities as Bristol and York, the larger consisting of representatives of the lesser towns, men who had, perhaps, risen to importance in their borough council”. As I have shown, the parliamentary representatives of Bristol and York were not just important men in local politics, but were also merchants who served the crown abroad on commercial diplomatic missions and who were involved in royal finance, and there was a growing awareness, both by the shire knights and by the crown, of the distinction between the majority of the parliamentary burgesses and the leading merchants within the commons who had particular interests and expertise in questions of trade and national finance.<sup>62</sup>

Despite the personal qualifications of many of the MPs for Bristol and York, however, it was only when the town of Bristol was elevated to county status that the town became more visible in the parliament rolls. When Bristol was made a separate county in

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<sup>59</sup> See Appendix for what follows.

<sup>60</sup> For William Graa’s two elections as MP for York before 1350, see *Return of Members*, vol. 1, pp. 140 (1344) and 147 (1348).

<sup>61</sup> See McKisack, *Parliamentary Representation of the English Boroughs*, p. 100 and for what follows.

<sup>62</sup> For discussion, see below, pp. 184-93.

1373, Bristol's MPs were elevated to the joint status of "Knights of the County of Bristol" and "burgesses of the town and Borough of Bristol".<sup>63</sup> Similarly, after 1396, York's parliamentary representatives were paid as knights of the shire, receiving 4s. per day rather than the daily wage of 2s. paid to citizens and burgesses.<sup>64</sup> The advantages of county status will be examined in more detail in the following chapter, but here it is important to note that, in the case of Bristol, the town's parliamentary representatives seemed to exert a greater influence on parliamentary proceedings after 1373. Before the charter, there is no direct evidence that Bristol's MPs authored any common petitions, but afterwards, there were three common petitions from Bristol in 1376, one in 1377, two in 1378, one in 1390, one in 1393 and another in 1394.<sup>65</sup> The changing status of their representatives in parliament reflected the changing position and identity of the towns of Bristol and York within the polity and emphasises that the county charters, far from granting autonomy to the towns, actually incorporated them into the apparatus of royal government.

## 5.2 COMMON PETITIONS

A great deal of historical debate about the medieval parliament has centred on the question of the meaning of the common petition (*commune petition*). To William Stubbs, common petitions were "the result of deliberation and debate among the Commons themselves, whether they originated in the independent proposition of an individual member, adopted by the house as a subject of petition, or in the complaints of his constituents, or in the organized policy of a party, or in the unanimous wish of the whole house".<sup>66</sup> Rayner revised this view of the common petition, arguing instead that, whilst the commons as a corporate body could present petitions, a common petition in the fourteenth century was not always a petition from the knights and burgesses in parliament. Rather, a common petition was one which was "concerned with a common or public interest", in contrast to the private petition (*singulere petition*) which referred "only to one particular part of the country and the

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<sup>63</sup> *Bristol Charters, 1155-1373*, ed. N. Dermott Harding, Bristol Record Society, 1 (1930), pp. 136-37.

<sup>64</sup> *York City Chamberlains' Account Rolls, 1396-1500*, ed. R.B. Dobson, Surtees Society, 192 (1978-79), p. 16.

<sup>65</sup> *RP*, vol. 2, pp. 352-53 and 372, and vol. 3, pp. 45-46, 272, 308 and 322.

<sup>66</sup> W. Stubbs, *The Constitutional History of England*, 4th Edition (3 vols., Oxford, 1906), vol. 3, pp. 478-79.

burdens consequent upon its geographical position”.<sup>67</sup> A.R. Myers made a similar point concerning the fifteenth century, arguing that “the essential feature of a common petition should be, not that it was a petition of the Commons, but that it was one concerned with a common or public interest.”<sup>68</sup> In short, according to Rayner and Myers, it was the subject matter of a petition, not its origin, which determined its status as a common petition.

The work of Rayner and Myers is useful for two reasons. Firstly, it draws attention to the fact that it is actually very difficult to determine the relationship between a parliamentary petition and an MP for the simple reason that a petition was rarely presented in the name of an individual MP.<sup>69</sup> In the cases of Bristol and York, moreover, the records of civic government in the second half of the fourteenth century do not provide evidence of either instructions or payments to MPs to present certain business at parliament.<sup>70</sup> Although the *plena potestas* clause in the parliamentary writ of summons empowered parliamentary representatives to act “in the name of the whole community” of their town or county, this clause was included for fiscal purposes so that the king could “secure grants of taxation which should, through the consent of fully empowered representatives, be legally binding upon the communities of shire and borough which they represented”.<sup>71</sup> As Helen Cam has suggested, far more is known about the theory than the practice of representation, and whilst “it seems quite possible that they [MPs] did deliver petitions from their communities, and also from individuals living in those communities...it has not been proved”.<sup>72</sup> That the common petitions from Bristol and York were presented by their MPs is indicated by their status as “group” petitions, that is, petitions which came from a particular region or from a particular economic interest group, and it is likely that, as Roskell has argued, “if a common petition came to be presented for the mutual benefit of more than one county, the

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<sup>67</sup> Rayner, “Forms and Machinery of the ‘*Commune Petition*’”, part 1, p. 204.

<sup>68</sup> A.R. Myers, “Parliamentary Petitions in the Fifteenth Century”, *EHR*, 52 (1937), 2 parts, part 2, p. 606.

<sup>69</sup> G.L. Haskins, “The Petitions of Representatives in the Parliaments of Edward I”, *EHR*, 53 (1938), pp. 1-20, especially pp. 15-16.

<sup>70</sup> The earliest reference I have found is a payment of £10 to York’s MPs in 1478, “pro scribendo cuiusdam supplicacionis”: *York City Chamberlains’ Account Rolls*, p. 167. For the evidence from civic records generally, see McKisack, *Parliamentary Representation of the English Boroughs*, pp. 134-35.

<sup>71</sup> J.G. Edwards, “The *Plena Potestas* of English Parliamentary Representatives”, in *Oxford Essays in Medieval History presented to Herbert Edward Salter* (Oxford, 1934), pp. 142 and 147.

<sup>72</sup> H.M. Cam, “The relation of English Members of Parliament to their constituencies in the Fourteenth Century”, in H.M. Cam, *Liberties and Communities in Medieval England* (Cambridge, 1944), pp. 223-24.

representatives involved would collaborate in the course of a session.”<sup>73</sup> This collaboration would certainly explain the existence of three consecutive common petitions on the parliament roll of 1376 from Bristol and its neighbouring counties.<sup>74</sup> Perhaps the parliamentary representatives of Bristol and York came to parliament with specific instructions to present a petition about an issue which specifically affected their towns, but it is significant that they recognised that their local interests were shared by representatives of other communities in parliament and were able to generalise their concerns into a much wider complaint.

Secondly, the studies of Rayner and Myers raise the question of what constituted the common interest in the medieval parliament, although they themselves did not provide a clear definition of the common interest, preferring instead to contrast it with the private petition from a single section of the country. In the course of the thesis, I have examined the concept of the common interest as it related to the duties of kingship, pointing out that it was a malleable idea susceptible to several different interpretations. In parliament, a petition could express primarily the concerns of one interest group or one part of the country, but the defining characteristic of a common petition was that it sought more than judicial remedy or favours or privileges for individuals or individual groups. A common petition could be concerned with an issue such as the defence of the realm, but it could also, more generally, ask for legislation,<sup>75</sup> in the form of statutes or ordinances, which had some bearing on the realm as a whole.

Although common petitions were the result of debate and dialogue within the commons, the procedure by which petitions came to be presented in the name of the commons is unknown. Even in *The Anonimalle Chronicle*'s account of the 1376 Good Parliament, the most detailed contemporary record of the late medieval parliament, “we are not told how different opinions were reconciled or, if unreconciled, how the view of the

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<sup>73</sup> The term was first used by H.L. Gray, *The Influence of the Commons on Early Legislation: A Study of the Fourteenth and Fifteenth Centuries* (Cambridge, Massachusetts, 1932), Chapter 10, especially pp. 337 and 343. The quotation is from Roskell, “Introductory Survey”, in *House of Commons, 1386-1421*, vol. 1, p. 79.

<sup>74</sup> *RP*, vol. 2, pp. 352-53.

<sup>75</sup> On this point, see Roskell, “Introductory Survey”, in *House of Commons, 1386-1421*, vol. 1, p. 78 and G.L. Harriss, “The Formation of Parliament, 1272-1377”, in R.G. Davies and J.H. Denton (eds.), *The English Parliament in the Middle Ages* (Manchester, 1981), p. 49. Private petitions could be “brought with great frequency to central courts, local courts and private courts of law”: G.O. Sayles, *The Functions of the Medieval Parliament of England* (London and Ronceverte, 1988), p. 50.

majority was established".<sup>76</sup> Common petitions, unlike private petitions, went directly to the king and council for discussion rather than to the auditors and triers of petitions,<sup>77</sup> so that it was of obvious advantage to a petitioner to gain the support of the commons if he wanted the king's immediate attention, and it is clear that the commons' procedures were susceptible to abuse. In 1372, the crown banned the election of lawyers as knights of the shire because they were drafting petitions in the name of the commons which only concerned private business and which had not received discussion in the commons.<sup>78</sup> Thus, it was not always possible for the commons as a corporate body to examine the petitions which were put forward in their name.

Also, there is evidence that the commons could be persuaded to adopt private petitions, although it was not until the end of the fourteenth century that individuals petitioned the commons to adopt private petitions and to present them to the king.<sup>79</sup> In 1373, a petition from "voz liges Burgeys de vostre Ville de Bristuyt" requesting the confirmation of the recently granted county charter and the perambulation of the county's boundaries seems to have been sponsored by the commons, for the petition ended with the words, "Et priont la Commune, qe ceste Bille soit conferme en ceste present Parlement".<sup>80</sup> Similarly, in the Good Parliament of 1376, there was a petition from "la Commune" on behalf of "les Citezeins d'Everwyk" who had freighted a Dutch ship at Hull with wool to take to Calais. The problem for the York citizens was that the shipowner, Peter Arnaldeson, had taken the wool, valued at £900, to Holland, where it was seized by the lord of Arkel and Gorinchem, who claimed the wool as compensation for Edward III's unpaid debts for his military service in France.<sup>81</sup> As the petition explained, the damage was explicitly to the loss and "enpooverissement des dites Citezeins", and the citizens asked for a warrant to arrest the

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<sup>76</sup> Harriss, "Formation of Parliament, 1272-1377", p. 39.

<sup>77</sup> Harriss, "Formation of Parliament, 1272-1377", p. 39.

<sup>78</sup> *RP*, vol. 2, p. 310.

<sup>79</sup> For this procedure, see Gray, *Influence of the Commons*, pp. 354-55 and G. Edwards, *The Second Century of the English Parliament* (Oxford, 1979), p. 55, and H. Cam, "The Legislators of Medieval England", in H. Cam, *Law-Finders and Law-Makers in Medieval England* (London, 1962), p. 148. For an example of this later practice, see the 1394 petition of John Banbury, a Bristol merchant, whose petition, concerning the theft of merchandise from his ship-wrecked vessel in the river Severn by a group of Welshmen, requested the intercession of the commons with the king: PRO, SC8/96/4758.

<sup>80</sup> For the original petition, see PRO, SC8/269/13401. It is also printed on the parliament roll under the caption, "Les Petitions de Communes et les Respons d'ycelles": *RP*, vol. 2, p. 320.

<sup>81</sup> *RP*, vol. 2, p. 353.

ships and merchandise belonging to the Dutch lordship in England and Calais.

In fact, not only was this a private grievance, but it is also evident from another almost identical but undated petition that “les Citzeins d’Everwyk” were actually nine “Marchantz deuerwyk et de Hull”.<sup>82</sup> No parliamentary writ is extant, so it is impossible to determine the identity of York’s MPs at the 1376 parliament, but of the seven York merchants mentioned in the petition, four were former mayors of the city, and four, John de Gysburn, Robert de Howom, Thomas de Howom, and John de Rypon, were MPs for York: precisely the kinds of people who were elected to represent the city at parliament.<sup>83</sup> The petition was in the name of the community of the city as a whole, but, in reality, it expressed the mercantile interests of a small number of individuals who dominated civic government in York. Although the commons, as H.L. Gray noted, “were altogether ready to adopt the petitions of counties, towns or economic groups, they were very chary about adopting the petitions of individuals”.<sup>84</sup>

Over the period 1350-1400, however, two factors determined the status of a common petition. Firstly, there was the influence and lobbying skills which particular MPs could exercise in the commons: hence the increasing visibility of Bristol in the parliament rolls when the town was elevated to county status. Secondly, as I will argue in more detail shortly, there was the content of the petition, which was concerned with the common interest rather than, or as well as, the satisfaction of private grievances. From the perspective of urban history, the language of the common petition is of particular importance since it has been claimed that, “on the whole each town looked to its own interests, and the business of its representatives was to seek the vindication of local rights in parliament.”<sup>85</sup> Whether the MPs for Bristol and York were paying lip-service to the morality of the common interest by emphasising the way in which their specific concerns also affected the wider realm is irrelevant, for as Watts has argued, albeit in a slightly different context, the significant fact is that “people were aware of a broader politics beyond their own immediate relationships and interests.”<sup>86</sup>

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<sup>82</sup> For this petition, see PRO, SC8/114/5653.

<sup>83</sup> See Appendix.

<sup>84</sup> Gray, *Influence of the Commons*, p. 344.

<sup>85</sup> M. McKisack, “Borough Representation in Richard II’s Reign”, *EHR*, 39 (1924), p. 519.

<sup>86</sup> J.L. Watts, “Ideas, Principles and Politics”, in A.J. Pollard (ed.), *The Wars of the Roses* (Basingstoke and London, 1995), p. 117.

### 5.2.1 Bristol

In the 1376 Good Parliament, “les Countes de Wyrcestre, Salop, Stafford, Hereford’, Bristut, et Glouc” petitioned on behalf of “pluseurs Marchauntz et autres Gentz des ditz Countes” who “travaillent a Caleys ove lour Marchandies, en profist des ditz Countes et de toute le Roialme”,<sup>87</sup> and who had been arrested at the staple for the debts of their fellow merchants. There is no other evidence from the parliament rolls that the Calais staple was of particular concern to Bristol’s representatives,<sup>88</sup> and it may be that the petition was triggered by the heated discussion in the 1376 parliament about the staple and, in particular, by the hostility of the commons to the London merchant, Richard Lyons, and other royal favourites, who were purchasing licences to avoid the staple, which had been established, as the commons reminded the king, “pur grande profit du Roi et del Roialme”.<sup>89</sup> With the exception of this petition, the most noticeable aspect of Bristol’s common petitions was the frequency with which they expressed certain concerns. The themes of the petitions were four-fold: firstly, the cloth trade in the south-west; secondly, relations with the Welsh; thirdly, legislation on river traffic; and fourthly, the jurisdiction of the court of admiralty. This last issue will be discussed in the conclusion of the section as it was a subject on which the representatives of both Bristol and York petitioned in parliament. That the petitions expressed similar themes, sometimes at nearly successive parliaments, suggests that Bristol’s representatives were not only able to co-operate with the representatives of other communities, but that they could also sustain a particular agenda.

In 1376 and 1390, Bristol’s representatives petitioned about the state of the cloth trade in the south-west counties.<sup>90</sup> In 1376, the petition was in the name of “les Chivalers, Marchantz de Wiltes’, Bristoll, Somers’, Glouc’, et Dors’, et touz les Communes du Roialme d’Engleterre”, who were concerned with the damage to the manufacture and trade of cloth caused by the production of a woollen yarn which was being exported illegally to Normandy and Lombardy, hidden in various containers. In essence, the petition requested the protection of the local cloth industry and cloth trade. In 1390, the petition from “les

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<sup>87</sup> *RP*, vol. 2, p. 352.

<sup>88</sup> Moreover, as I argued in the previous chapter, the trading interests of Bristol’s merchants lay in cloth rather than in wool. See Chapter Four, p. 122.

<sup>89</sup> *RP*, vol. 2, p. 323. For the discussion about the staple, see G. Holmes, *The Good Parliament* (Oxford, 1975), pp. 101-03 and 109-11.

<sup>90</sup> See *RP*, vol. 2, p. 353 and vol. 3, p. 272, and for all future references to these petitions.

Communes” complained about the fraudulent manufacture and sale of cloth in the counties of Somerset, Dorset, Bristol and Gloucestershire. The problem was that cloth was being offered for sale in rolls, making it impossible for the buyer to know the condition of the cloth on the inside of the rolls, which was often of a poor quality and uneven colour and size. Merchants who bought the cloth for export then faced imprisonment, even death, from foreign buyers overseas when the rolls of cloth were opened.

In both cases, then, the petitions were specifically in the interests of Bristol’s cloth merchants. Whilst the 1390 petition was addressed in the name of “les Communes”, it was actually from “les Marchantz qe achatent les ditz Draps, et les amesnent hors du Roialme pur vendre”. The names of Bristol’s MPs in 1376 are unknown, but in 1390, the representatives were William Frome and John Vyell,<sup>91</sup> both of whom exported cloth and may have co-authored the petition. They would no doubt have collaborated with Thomas Beaupyne of Bristol who was not only MP for Somerset in 1390 but who was also the farmer of the cloth subsidy in the counties of Bristol, Gloucestershire, Somerset, Devon, Cornwall and Dorset.<sup>92</sup> In return for a fixed sum of money which he paid to the exchequer, Beaupyne was allowed to collect alnage, an internal sales tax on the sale of cloth, receiving 4d. for every cloth which he sealed. It was his responsibility, like that of other alnagers, “to certify, for the benefit of the buyer, as to the true dimensions of the pieces of cloth submitted for scrutiny and sealing before being offered for sale”, and it is likely that it was Beaupyne who detected the fraud in the first place.<sup>93</sup>

On one level, the petitions reflected an awareness among Bristol’s MPs and the representatives of the neighbouring counties of a shared interest in the cloth trade. Given that the area between Winchester and Bristol was the largest and most important cloth-producing area in the country in the late fourteenth century,<sup>94</sup> this perception of a common economic bond was perhaps hardly surprising. At the same time, the petitions expressed more than regional concerns. They demonstrated an awareness of the wider realm and of

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<sup>91</sup> See their biographies in *House of Commons, 1386-1421*, vol. 3, pp. 135-36 and vol. 4, pp. 721-22.

<sup>92</sup> See his biography in *House of Commons, 1386-1421*, vol. 2, pp. 164-66, especially p. 164.

<sup>93</sup> For the cloth subsidy, see H.L. Gray, “The Production and Exportation of English Woollens in the Fourteenth Century”, *EHR*, 39 (1924), pp. 13-35, especially p. 14, and A.R. Bridbury, *Medieval English Clothmaking: An Economic Survey* (London, 1982), pp. 47-59. The quotation is from p. 47.

<sup>94</sup> Gray, “Production and Exportation of English Woollens”, pp. 31-32.



a wider politics, referring, for instance, to the “tres-grand damage du Roi et du poeple” caused by the smuggling of woollen yarn and to the way in which the fraudulent sale of cloth abroad was “a grant esclandre du Roialme”.<sup>95</sup> The 1376 petition also emphasised the shared fiscal interest between the king and the cloth merchants, in which “le Roi perde son Custume de Drap et de Leynes, et les ditz Chivalers, Marchantz, et Communes, sont dissuz en Draps”. Phrased in this way, it is perhaps not surprising that the petition resulted in a ban on the export of the woollen yarn. The 1390 petition sought a royal ordinance to protect the cloth buyer from fraud. Cloth was not to be sold in rolls, but was to be open so that “les Achatours les puissent veer et conustre, come il est use en le Counte d’Essex” and weavers and fullers were to place their seal on the cloth guaranteeing its quality. The request for legislation to protect the interests of the buyer may have struck a chord with the royal government, since the control of markets in the interests of the buyer was one aspect of royal economic policy,<sup>96</sup> whilst the crown may also have recognised the need to placate an influential economic interest group within the commons, particularly since this was Richard II’s first parliament after his resumption of power in 1389.<sup>97</sup> The petition’s request was transformed into statutory legislation and the statute followed the wording of the petition almost verbatim.<sup>98</sup>

Bristol’s common petitions were also concerned with the freedom of river traffic on the river Severn. In 1377, a common petition, addressed in the name of “les Communes des Countees de Bristuyt, Gloucestr’, Wyrcestr’, Hereford, Salop, et autres Countees adjoynantz a l’eawe de Severne entre Wircestre et Bristowe”, complained about the erection of fishing weirs in the river Severn which reduced the flow of the river so that boats could not travel on it except at great danger and which flooded the farm land adjoining the river banks.<sup>99</sup> In the Gloucester Parliament of 1378, a petition from “les Communes” expressed “une commune grevance...en les Countees de Gloucestre, Bristoll, Wircestr’, Hereford’, et

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<sup>95</sup> *RP*, vol. 2, p. 353 and vol. 3, p. 272.

<sup>96</sup> E. Miller, “The Economic Policies of Governments”, in M.M. Postan, E.E. Rich and E. Miller (eds.), *The Cambridge Economic History of Europe, III: Economic Organization and Policies in the Middle Ages* (Cambridge, 1963), p. 328, and R.H. Britnell, *The commercialisation of English society, 1000-1500* (Cambridge, 1993), pp. 173-78.

<sup>97</sup> For the most recent discussion of Richard II’s approach to parliament in the early 1390s, see Saul, *Richard II*, pp. 201-04 and 235-36.

<sup>98</sup> *SR*, vol. 2, p. 64.

<sup>99</sup> *RP*, vol. 2, p. 372.

Shrouesbury” on the same subject as the previous year, namely the building of fishing weirs and kiddles in the river Severn.<sup>100</sup>

The petitions reflected, in part, sustained parliamentary pressure from the Welsh border region in the 1370s concerning the state of the river Severn. An undated private petition from “la comune des countees de Bristuyt, Gloucestre, Wyrcestre, Hereford, Salop, Stafford” about obstructions on the river Severn seems to have been the beginning of this lobbying process.<sup>101</sup> It was very similar in wording to the 1377 common petition, referring, for instance, to “les gors” which were “si estreitement affermes” that “lewe ne poet bien passier issint qe les prees et terre entour les dite ewe sont enoundes”. The 1377 petition differed from the earlier petition primarily in its emphasis on the dangers to “Femmes et lour Enfantz” caused by the flooding, which seems to have been added to the petition almost as an afterthought. The 1378 petition went a stage further, making the threat to women and children the main concern of the petitioners. The changing emphasis of the petitions is particularly interesting. The freedom of river traffic was an issue which was of relevance not only to a town’s merchants who were engaged directly in trade, but also to a town’s civic officials who were concerned about the sustenance of their communities and the provision of an adequate food supply.<sup>102</sup> The private petition, for instance, emphasised the fact that the vessels whose passage was blocked on the river Severn were carrying wine, fish, corn “et altres vitailles”, presumably to feed the inhabitants of the communities who bordered the river; the 1377 petition emphasised the dangers to the ships and their crews who perished because of river obstructions; the 1378 petition was concerned explicitly with the “grant damage et perisement des femmes et enfantz”. In short, the petitions presented a totally inclusive view of the urban community which included women and children as well as mariners, merchants and civic rulers.

At the same time, whilst the undated private petition and the 1377 common petition asked the king and council to provide a remedy to the particular grievance held by the border counties, the 1378 common petition requested legislative action. Not only were the

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<sup>100</sup> *RP*, vol. 3, p. 46.

<sup>101</sup> PRO, SC8/14/659.

<sup>102</sup> For this point, more generally, see A.B. Hibbert, “The Economic Policies of Towns”, in M.M. Postan, E.E. Rich and E. Miller (eds.), *The Cambridge Economic History of Europe, III: Economic Organization and Policies in the Middle Ages* (Cambridge, 1963), pp. 157-229, especially pp. 158-61, and Britnell, *Commercialisation of English society*, pp. 171-78.

existing statutes on the freedom of river traffic to be enforced, but “mesme l’Ordinance soit faite par tout le Roialme”. The petitioners recognised that their specific complaint about the river Severn was part of a wider, national concern about navigation on England’s rivers. The issue of river obstructions was one which was raised repeatedly by the commons in parliament and to which the crown responded in the second half of the fourteenth century either with new legislation or with confirmation of the existing laws. The crown’s interest in fishing weirs was not new to this period. Indeed, clause thirty-three of the 1215 *Magna Carta* (later clause twenty-three of the re-issue of 1225) had ordered the complete removal of all kiddles from the Thames and the Medway “and throughout all England”,<sup>103</sup> whilst clause eighteen in the second Statute of Westminster (1285) limited the occasions on which certain rivers should “be in defence” for salmon fishing.<sup>104</sup> Nevertheless, it is also true that the crown showed an increasing interest in the issue of the freedom of river traffic in response to common petitions which were presented in parliament at regular intervals between 1350 and 1400.<sup>105</sup> In 1351, the crown revised and updated the 1285 statute, ordering the removal of all fishing weirs and other obstructions which had been erected since the beginning of the reign of Edward I “in the great rivers of England”.<sup>106</sup> In 1371, in response to a complaint that weirs and fishing traps still remained in several places despite legislation, the crown declared that the existing statutes should be enforced and imposed a fine of 100 marks on those found guilty of not removing their traps within a certain time period.<sup>107</sup> Bristol’s common petitions of 1377 and 1378, therefore, emphasise the integration of local and national issues in parliament.

The other theme of Bristol’s common petitions was lawlessness on the Welsh border. In the Good Parliament of 1376, “les Countees de Wyrcestre, Salop, Stafford, Hereford’, Bristut, et Glouc” complained that the men of Wales, the Welsh March and Cheshire, “pur petit debate ou pur petit ire”, entered the English counties killing and burning the inhabitants, safe in the knowledge that, because of their judicial immunity, their goods and

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<sup>103</sup> J.C. Holt, *Magna Carta*, 2nd Edition (Cambridge, 1992), pp. 459-61 and 507.

<sup>104</sup> *SR*, vol. 1, pp. 94-95.

<sup>105</sup> There were common petitions about the regulation of rivers in 1351, 1352, 1363, 1371, 1376, 1377, 1378, 1384, 1390, 1397 and 1399. See *RP*, vol. 2, pp. 229, 240, 277, 305, 331, 333-34, 346, 366 and 372, and vol. 3, pp. 46, 201, 282, 371-72 and 438-39.

<sup>106</sup> *SR*, vol. 1, pp. 315-16. The “great rivers” were the Thames, the Severn, the Ouse and the Trent.

<sup>107</sup> *SR*, vol. 1, p. 393.

chattels could not be forfeited for felonies or trespasses committed in England.<sup>108</sup> In 1378, the “liges Citezeins et Burgeys de Bristowe, Shrouesbury, Hereford, Gloucestr’, Worcestre, et les autres Villes Marcheés” petitioned the crown concerning their experiences in parts of Wales where they had gone to trade, informing the crown that they were reluctant to return to Wales for fear of being distrained for the debts of others in which “ils ne sont detours, plegges, ne trespasours”.<sup>109</sup> In 1393, there was a petition from “les Communes” on behalf of “les Countees de Glouc’, Worcestre, Bristwit, Salop, Hereford’, Stafford, et autres Countees del Roialme”, which fused the main elements of the earlier petitions into one complaint.<sup>110</sup> On the one hand, the men of Cheshire and the Welsh March had committed a litany of crimes in the English counties including murder and robbery, and although they were outlawed in England for their offences, they remained outside English jurisdiction and could not be held accountable because “les ditz mesfesours ne voillent, ne sont pas tenuz, de respondre del robberie ou de les trespases faitz hors de la Jurisdiction de lour Seignurs Marcheéz”. On the other hand, the men of Cheshire and the Welsh March distrained “toutz maners Marchantz, et autres del Roialme” who were trading in Cheshire and the Welsh March for the debts of their fellow merchants, “a grant destruction et empoverissement de les Communes avant dites”.

The main problem for Bristol and the border region in general was the existence of separate judicial franchises in Wales, the Welsh March and Cheshire. If England had an “institutional framework of legal process and redress”, in Wales, as R.R. Davies has pointed out, “the king’s writ could not be served in most parts of the country; nor did royal justices or English sheriffs have any authority there; there was no legal process available for the recovery of goods stolen from English merchants travelling through the country; and the Welsh seemed to take a delight in capturing and ransoming travellers, whether to recover debts owed to them by others or for the sheer devilry and profit of it.”<sup>111</sup> The Welsh March, in particular, was “beyond the reach of royal justice and of the common law of England” and thus it was “impossible to pursue an offender from England into the March or to compel a

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<sup>108</sup> *RP*, vol. 2, pp. 352-53.

<sup>109</sup> *RP*, vol. 3, p. 145.

<sup>110</sup> *RP*, vol. 3, p. 308.

<sup>111</sup> R.R. Davies, *The Revolt of Owain Glyn Dŵr* (Oxford, 1995), p. 5. “Wales” here includes the Principality and the Welsh March.

man from the March to answer for an offence committed in England or against an Englishman".<sup>112</sup> Instead, it was the Marcher lords who were supreme in the March, for writs were issued in their name and each lord was the final arbiter of justice within his lordship.<sup>113</sup> Similarly, in Cheshire, it was the lord who had complete power of justice "in life and limb".<sup>114</sup> Nevertheless, the king still had the right of 'superior lordship' to hear cases concerning areas in which his writ did not operate, a right enshrined in the first Statute of Westminster (1275), according to which, if a crime was committed "in the Marches of Wales, or in any other Place, where the King's Writs be not current, the King, which is Sovereign Lord over all, shall do Right there unto such as will complain".<sup>115</sup> It was this superior lordship to which Bristol's parliamentary representatives appealed in 1376, 1378 and 1393, seeking legislation to correct judicial and administrative anomalies and to ensure that the men of Wales, the Welsh March and Cheshire were punished for their offences.

The 1378 petition was also concerned with the protection of English trade in Wales, trade in which Bristol merchants were especially prominent.<sup>116</sup> Although the trade was lucrative to the merchants involved, the petition, in the name of the "Burgeys de Bristowe", expressed the corporate interests of the town. The citizens and burgesses who travelled into Wales were there, according to the petition, "pur vitailer les dites Citees, Villes, et marchandire pur leur sustinance gaigner", a point repeated later in the petition.<sup>117</sup> The petition sought to impress upon the crown that it was not just, or even, the interests of the merchants who were at stake because of Welsh lawlessness, but also the very well-being of the towns themselves. The prevention of unlawful distraint would, the petition concluded, be "en relevation de voz Villes et Citees suis dites". Whether this was true or not, the point was that there was an awareness by Bristol's MPs and the representatives of the other towns that common petitions were meant to be about the common interest, in this instance, the interest of the urban community as a whole, rather than the personal profit of a few

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<sup>112</sup> R.R. Davies, *Lordship and Society in the March of Wales, 1282-1400* (Oxford, 1978), p. 3.

<sup>113</sup> Davies, *Lordship and Society*, pp. 3-4 and 151-52.

<sup>114</sup> G. Barraclough, *The Earldom and County Palatine of Chester* (Oxford, 1953), p. 20.

<sup>115</sup> *SR*, vol. 1, p. 31 and Davies, *Lordship and Society*, p. 251.

<sup>116</sup> Davies, *Revolt of Owain Glyn Dŵr*, pp. 5 and 28.

<sup>117</sup> *RP*, vol. 2, p. 45.

merchants.<sup>118</sup>

More generally, there was concern about security on the Welsh border, concern that would have touched a nerve with the royal government, for in the fourteenth century, Wales was still perceived as “a security-risk for the English government, be it from external attack or internal revolt”.<sup>119</sup> Although the English crown’s main external interest between 1369 and 1389 was the war against France, there remained an awareness of the dangers posed by the Welsh to the defence of the realm. In 1378, the same year in which the burgesses of Bristol petitioned the crown about Welsh lawlessness, Owain Lawgoch, a claimant to the Welsh throne, who had planned to lead a Franco-Castilian attack on Wales in 1376-1377, was assassinated on the orders of Richard II’s government.<sup>120</sup> Nevertheless, there remained a fundamental difference in the priorities of the representatives of the English border region and the crown, a difference that was revealed in the non-committal answers given to Bristol’s common petitions in 1376, 1378 and 1393, in which the crown stated that the existing laws should be enforced, that the king would be advised by his council and the Marcher lords, and simply that, “le roi s’avisera”.<sup>121</sup> It was the beginning of Owain Glyn Dŵr’s revolt in September 1400 which transformed the crown’s perspective on the situation in Wales, not least because it seemed to confirm what representatives of the border communities such as Bristol had been saying in parliament at various times throughout the second half of the fourteenth century. In 1401, a series of common petitions about the rebellion were presented at parliament, demanding immediate legislative action against the Welsh.<sup>122</sup> The crown responded to some of the common petitions with statutory legislation, and two of these statutes provided the legislative changes which Bristol had earlier requested. Clause sixteen dealt with those who distrained the goods and chattels of the men of the English border counties for debts in which they were neither debtors nor pledges, stating that letters testimonial were to be sealed by the sheriff or mayor of the franchise in

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<sup>118</sup> On this point, see H.G. Richardson, “The Commons and Medieval Politics”, in H.G. Richardson and G.O. Sayles, *The English Parliament in the Middle Ages* (London, 1981), Chapter Twenty-Four, p. 33.

<sup>119</sup> Davies, *Revolt of Owain Glyn Dŵr*, pp. 66-67.

<sup>120</sup> Davies, *Revolt of Owain Glyn Dŵr*, pp. 86-88.

<sup>121</sup> *RP*, vol. 2, pp. 352-53, and vol. 3, pp. 45 and 308.

<sup>122</sup> *RP*, vol. 3, pp. 457, 472-74 and 476. The petitions are also discussed in R.A. Griffiths, “Wales and the Marches”, in S.B. Chrimes, C.D. Ross and R.A. Griffiths (eds.), *Fifteenth-century England, 1399-1509: Studies in politics and society* (Manchester, 1972), pp. 148-49.

which the arrested lived and then delivered to the governor or steward of the appropriate lordship, who was to return the property.<sup>123</sup> Clause seventeen aimed to prevent the Welsh from committing felony and trespass in English counties and then claiming judicial immunity in Wales. In future, the records of such offences tried before the king's justices in England were to be delivered to the lords and royal officials of the franchises in Wales in which the offender was resident for punishment.<sup>124</sup>

Bristol's common petitions demonstrated frequent co-operation and collaboration between the town's parliamentary representatives and the MPs for the neighbouring counties and towns, and Bristol's MPs were part of a regional interest group in parliament based on geographical and economic ties. Moreover, the petitions have provided a political dimension to the work of urban historians who have sought to place towns within the context of their region and to examine the socio-economic connections which tied the region together,<sup>125</sup> suggesting that the region was capable of self-expression through its parliamentary representatives. Equally, it is clear from the content of the petitions that, whilst Bristol's MPs expressed the corporate interests of their town, they also represented their own mercantile interests as well as, more generally, the interests of the town's governing elite.

### 5.2.2 York

In the period 1350-1400, direct evidence of the role of York's parliamentary representatives as petitioners is relatively scant, at least compared to the more numerous petitions from Bristol's MPs. The main reason for this, as I have argued earlier in the chapter, was the greater political status enjoyed by Bristol's MPs in parliament after the town attained county status in 1373. Nevertheless, one of York's common petitions is especially important because, unlike Bristol's petitions, it suggests that there were tensions between mercantile interests in the city and the interests of the civic government which could be expressed by

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<sup>123</sup> *SR*, vol. 2, pp. 128-29.

<sup>124</sup> *SR*, vol. 2, p. 129.

<sup>125</sup> On Bristol, see S.A.C. Penn, "Social and Economic Aspects of Fourteenth-Century Bristol" (Ph.D. thesis, University of Birmingham, 1989), pp. 3-5 and *passim*. Of published studies, see, also, R.H. Britnell, *Growth and Decline in Colchester, 1300-1525* (Cambridge, 1986) and M. Kowaleski, *Local markets and regional trade in medieval Exeter* (Cambridge, 1995).

the city's MPs in parliament.<sup>126</sup>

In 1382, “les Communes des Countees d’Everwik, et Nicole, ove toutes les Citees et Burghs” complained about the practice of granting licences to merchants to export grain, which led to scarcity and rising prices (“escharestee et chiertee”) in the region.<sup>127</sup> The grain trade was lucrative to York’s overseas merchants,<sup>128</sup> but it was clearly of concern to the city’s MPs, who asked that the issuing of licences to export grain be prohibited and that ships carrying corn for export should only be allowed to travel overseas to the English possessions of Calais and Bordeaux. The provision of an adequate food supply for the city was an issue of critical importance to York’s civic government, just as it was for the rulers of other towns, and the city’s rulers sought to ensure that food was plentiful and affordable in the city’s markets.<sup>129</sup> The city was reliant on the grain produce of the counties of Yorkshire and Lincolnshire and the 1382 petition reflected the concerns of the city’s rulers who wanted the grain from the surrounding countryside to enter the city’s markets rather than to go abroad. In short, there was a regional dimension to the petition, in which York’s need for a hinterland as a source of food had created socio-economic ties which could be expressed by representatives in parliament. At the same time, there was a recognition on the part of the petitioners that theirs was not just a regional concern, for they requested an ordinance to prevent *all* merchants from exporting grain. The king agreed, declaring a “defens general” on the export of grain “parmy le Roialme”. Significantly, however, he also reserved the right to grant licences in the future, stating that, “nule licence soit grantez au contraire sanz l’advis de son Conseil, et resonable cause”.<sup>130</sup>

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<sup>126</sup> The other direct evidence of a common petition from York’s MPs comes from 1391, when a petition was presented on behalf of “plusours Citezeins et autres Burgeys d’Everwyk, Neofchastell sur Tyne, et aillours”, who had been impeached for having taken cloth and other merchandise to Berwick. The petition sought a clarification of the 1383 statute which had prohibited trade only with Scotland (*SR*, vol. 2, pp. 35-36) and the king provided statutory remedy to the grievance of the York merchants: *SR*, vol. 2, pp. 80-81.

<sup>127</sup> *RP*, vol. 3, p. 141.

<sup>128</sup> In January 1383, for example, two York merchants, William Richemond and Thomas de Kilburn, were granted a licence to purchase 1,000 quarters of barley from the county of Lincolnshire and to export it to Scotland: *Rotuli Scotiae*, ed. D. Macpherson, J. Caley and W. Illingworth (2 vols., London, 1814 and 1819), vol. 2, p. 47.

<sup>129</sup> For an example of contemporary civic ordinances regulating the victualling trade in the city of York, see *YMB*, vol. 1, pp. 45-46. For discussion, see S. Rees Jones, “York’s Civic Administration, 1354-1464”, in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), pp. 126-27.

<sup>130</sup> *RP*, vol. 3, p. 135. The royal proclamation is in *CCR*, 1381-85, p. 236.



### 5.2.3 The Jurisdiction of the Court of Admiralty

Having argued that the MPs for York, and especially Bristol, did collaborate with the representatives of the regions in which the towns were located, that their interests were shared by the MPs for neighbouring towns and counties, and that there was a regional view of parliament, it is also true that there were some issues which were of specific concern to the representatives of urban communities.<sup>131</sup> One of these issues was the jurisdiction of the court of admiralty. The court of admiralty evolved in the mid-fourteenth century in order to keep the king's peace on the sea and to protect overseas trade involving English and foreign merchants by settling piracy claims.<sup>132</sup> The problem was that the court's jurisdiction was not properly defined, so that the court began to determine cases on land which had previously been tried in civic courts, as well as maritime disputes arising from piracy and spoil of wreck. In January 1390, "les Communes" petitioned the king about the growing jurisdictional power of the admirals and their deputies who were "accrochantz a eux plus grant poair qe a lour Office n'appartient" to the prejudice of the king and the common law and to the "grant emblemissement de plusours diverses Franchises". The petition asked that the extent of the jurisdiction of the court of admiralty be defined and the king answered that, from henceforth, the court of admiralty could not hear cases arising "deinz le Roialme; mes soulement de chose faite sur le Meer", as was customary in Edward III's reign. The king's answer was then enshrined in statutory legislation.<sup>133</sup>

The issue of the admiralty court is important for four reasons. Firstly, it was part of an urban agenda in parliament that was sustained in successive parliaments in the early 1390s; secondly, it was a parliamentary issue in which the MPs for both Bristol and York were involved; thirdly, although the issue concerned urban liberties, it was not really about the interests of civic subjects as much as the interests of civic rulers; and fourthly, the common petitions demonstrate that the issue of urban liberties was not always a local, private matter to the particular town concerned, but that it could become part of a wider, national agenda within parliament.

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<sup>131</sup> A point noted by McKisack, "Borough Representation in Richard II's Reign", p. 519 and Ormrod, *Reign of Edward III*, pp. 195-96. The quotation is from p. 195.

<sup>132</sup> For the origins and early history of the court, see R.G. Marsden, "Introduction", in *Select Pleas in the Court of Admiralty*, ed. R.G. Marsden, 2 vols., Selden Society, 6 and 11 (1892 and 1897), vol. 1, pp. xiii-xv, and M. McKisack, *The Fourteenth Century, 1307-1399* (Oxford, 1959), p. 245.

<sup>133</sup> *RP*, vol. 3, pp. 269-70, and *SR*, vol. 2, p. 62.

In November 1390, in response to the statute proclaimed at the previous parliament, the “Communes de voz Citees et Burghs es Portz sur le Meer” petitioned the king, claiming, both by charter and by custom, to have jurisdiction in all manner of pleas, contracts, covenants and trespasses “si bien par Terre come par Meer”, the profits of which contributed to the payment of their fee farms to the king. The representatives of the maritime communities complained that the court of admiralty had heard cases which had arisen within the towns’ franchises and which were “en desheretison des ditz Citezeins et Burgeys”. Once more, they asked for a clarification of the jurisdiction of the admiralty court, and the king replied that the matter would be referred to his council for discussion.<sup>134</sup> In the following parliament, which met in November 1391, “les Communes” petitioned again about the admiralty’s jurisdiction, complaining that it encroached on the franchises of the cities and boroughs. On this occasion, they asked that the admirals place their jurisdictional claims before parliament so that “la Commune” could know, once and for all, the extent of their jurisdiction. The king’s response went further than the 1390 statute in limiting the power of the admirals. In future, the court of admiralty would have no jurisdiction in cases of contracts and pleas “et toutes autres choses faitz ou sourdantz deinz les Corps de Countees, si bien par terre come par eawe”.<sup>135</sup> The 1391 statute, then, was the response of the royal government to concerted pressure from the parliamentary burgesses over a number of parliaments. However, the admiralty’s jurisdiction had grown neither at the will of the admiralty nor of the king, but as a response to the needs of litigants. In 1391, the clamour of the urban representatives in parliament for legislation against the court of admiralty encouraged the king to act in their interests.

The common petitions of 1390 and 1391, then, were part of a clearly defined urban agenda to combat the growing power of the court of admiralty. But what part did Bristol’s and York’s MPs play in the drafting of the petitions? Although direct evidence is lacking, there is strong circumstantial evidence to suggest that the petitions were drawn up, at least in part, at their request. *The Little Red Book of Bristol* contains an abbreviated copy of the 1391 statute defining the admiralty’s jurisdiction, closely followed by a summary, entitled “Nota Statutum contra admirallos”, of the main clauses of the statutes of 1390, 1391 and

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<sup>134</sup> *RP*, vol. 3, p. 282.

<sup>135</sup> *RP*, vol. 3, p. 291 and *SR*, vol. 2, pp. 78-79.

1402.<sup>136</sup> Of particular significance is the fact that Bristol's copy of the 1391 statute is actually a copy of the king's answer to the common petition on the parliament roll rather than the more detailed legislation on the statute roll,<sup>137</sup> which raises the question of how the town's parliamentary representatives managed to acquire a copy of the king's answer before the proclamation of the parliamentary statute. Answers to common petitions were usually read out at the end of parliament, whilst statutes, on the other hand, were dated the last day of parliament, although there was a delay between the drafting of the statutes and their proclamation in the localities.<sup>138</sup> Perhaps the authors of the 1391 petition received the endorsed common petition,<sup>139</sup> and it is likely that Bristol's MPs were eager to return to Bristol with something to show from their labours before the statute was proclaimed formally in the town.

At the same time, evidence from the *York Memorandum Book* suggests that the jurisdiction of the admiralty court was also of particular concern to York's ruling elite in the early 1390s, for the civic register contains a copy of letters patent revoking a judgment made in the court of the northern admiralty and of the record and process of the case which took place between September 1390 and February 1391, concerning a plea of debt between Thomas de Howom, an alderman and former mayor of the city of York, and Richard Gell, a fishmonger of the city.<sup>140</sup> In 1390, Thomas de Howom sued Richard Gell before York's mayor and bailiffs in the city's court of pleas for a debt of £8, which Gell owed for merchandise which he had bought from him. The case was decided in Howom's favour, but Gell did not pay the debt, so the court ordered the arrest of a ship belonging to Gell in order to force him to pay. According to the custom of the city, the ship remained in custody for eight days to give Gell time to pay what he owed, but Gell still refused to honour the debt

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<sup>136</sup> BRO, *The Little Red Book, 1344-1574*: 04718, fos. 34r. and 37v. Only the headings are printed in *LRB*, vol. 1, pp. 89 and 101. The 1402 statute is in *SR*, vol. 2, p. 124.

<sup>137</sup> Compare BRO, *The Little Red Book, 1344-1574*: 04718, fo. 34r., *RP*, vol. 3, p. 291 and *SR*, vol. 2, pp. 78-79.

<sup>138</sup> Harriss, "Formation of Parliament, 1272-1377", p. 39 and J.R. Maddicott, "The County Community and the Making of Public Opinion in Fourteenth-Century England", *TRHS*, 5th Series, 28 (1978), pp. 33-36.

<sup>139</sup> For the suggestion that the authors of common petitions were returned their petitions with the king's endorsement, see Rayner, "Forms and Machinery of the '*Commune Petition*'", part 1, pp. 232-33.

<sup>140</sup> See *YMB*, vol. 1, pp. 224-35, translated by M. Sellers, "Introduction", in *YMB*, vol. 1, pp. lxxvi-lxxxvi, for what follows.

within the allotted time and the ship was delivered to Howom in payment.<sup>141</sup> Gell, aggrieved at the loss of his ship, took his case before John Beaumont, the admiral of the north, claiming that the case belonged to the court of admiralty since ships “within the sea or arm of the sea” were only to be arrested by the admiral, and Gell’s ship was arrested near Bishopthorpe on the river Ouse “which is an arm of the sea in the county of York and within the said admiralty, which water flows and reflows...as the sea holds its course”. To add insult to the injury of Thomas de Howom, Gell claimed damages for wrongful arrest of £40. Thomas de Howom was summoned to appear before the court of admiralty to answer a plea of trespass.<sup>142</sup>

The importance of the case lies in the way it both responded to, and anticipated, the parliamentary petitions and statutes of 1390 and 1391. On the one hand, the 1390 statute which limited the jurisdiction of the admiralty to “chose fait sur la mer”,<sup>143</sup> formed the basis of both Gell’s prosecution and Howom’s defence. When Howom’s attorney claimed in court that, “the ship was attached with anchors to dry land within the port of the said city”, Gell was adamant that the ship was in the Ouse, “fixed with anchors and other fastenings belonging to the abovesaid ship in the abovesaid water, the fastenings and anchors...being always covered by the aforesaid water”.<sup>144</sup> On the other hand, it is clear that the case fed into the more general complaints expressed in the common petitions of the parliaments of November 1390 and 1391. At the first of these parliaments, Thomas de Howom petitioned the king’s council about the overturning of the verdict in York’s court of pleas by the admiral of the north, exactly the complaint which was made more generally in the common petition about the interference of the admirals in cases which belonged to civic franchises.<sup>145</sup> In early 1391, Howom petitioned the king’s council once more, and the council annulled the judgment against him and ruled that such pleas would no longer be heard by the court of admiralty.<sup>146</sup> In November 1391, the king, as I pointed out earlier, prohibited the court of admiralty from hearing cases of contract and covenant, arising both on land and on sea. Can

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<sup>141</sup> Sellers, “Introduction”, in *YMB*, vol. 1, p. lxxxix.

<sup>142</sup> Sellers, “Introduction”, in *YMB*, vol. 1, pp. lxxix-lxxx.

<sup>143</sup> *SR*, vol. 2, p. 62.

<sup>144</sup> Sellers, “Introduction”, in *YMB*, vol. 1, pp. lxxxix-lxxxii.

<sup>145</sup> Sellers, “Introduction”, in *YMB*, vol. 1, pp. lxxvi and *RP*, vol. 3, p. 282.

<sup>146</sup> Sellers, “Introduction”, in *YMB*, vol. 1, p. lxxxv.

it be a coincidence that the extension of the 1390 statute in 1391 to cover maritime cases was made just after the resolution of the York case which had revolved so much around the question of whether the ship had been arrested on sea or on land? The names of York's MPs in the November 1390 parliament are unknown, but Howom was an influential York citizen who had already represented the city twice in parliament, so it is very possible that he was an MP again in 1390.<sup>147</sup> Moreover, there can be no doubt that York's MPs in 1391, William de Selby and John de Howeden, as former bailiffs and mayors themselves,<sup>148</sup> would have recognised that, whilst the king's council had settled Howom's specific grievance, only a fundamental change in the law would prevent a similar situation arising again.

R.G. Marsden has argued that it was specifically the appointment of John Holland, earl of Huntingdon, as admiral of the south and west, which led directly to the common petitions and statutes of 1390-1391 because "great irregularities appear to have been committed by the judge of his court".<sup>149</sup> It is certainly true that there were specific reasons for complaint about the court of the southern admiralty, and in 1394, a common petition from "voz poveres liges Burgeys de les Villes de Bristuyt, Briggewater, Excestre, Barnestaple, et Welles" complained about "plusours erroignes juggementz" which had been returned in the court against several inhabitants of the towns in cases of trespass and which, according to the 1391 statute, should not have been heard in the first place.<sup>150</sup> However, the issue of the admiralty jurisdiction involved more than personal judicial grievances. Indeed, it was not even primarily about the interests of the urban subjects whom the MPs for Bristol and York represented. It is very revealing that, in the York case, the dispute was between an alderman and former mayor of the city and a fishmonger, since the real issue was the ability of the civic governments of Bristol and York to rule their towns without the interference of other royal officials.

In this respect, the conflict over the court of admiralty was part of a wider contemporary argument between civic and royal officials. In particular, the later fourteenth century witnessed a series of complaints from the parliamentary commons about the

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<sup>147</sup> See Appendix.

<sup>148</sup> See Appendix.

<sup>149</sup> Marsden, "Introduction", in *Select Pleas in the Court of Admiralty*, vol. 1, p. 1. See, also, pp. 1-26, for two cases which, according to Marsden, "were amongst the immediate causes of the restriction which was then placed upon the admiral's jurisdiction".

<sup>150</sup> *RP*, vol. 3, p. 322.

jurisdictional powers of certain royal household officials, namely the steward, marshal and clerk of the market, who were responsible for household purveyance. Hostility centred on the court of the steward and marshal of the household, otherwise known as the marshalsea court, and its right to hear pleas of trespass in the towns within the verge, and the right of the clerk of the market to hold assizes of victuals within the verge, both of which interfered with the privileges claimed by the existing courts of Bristol, York and other urban communities.<sup>151</sup> The difference between this dispute and the conflict over the court of admiralty was that the civic officials of Bristol and York sought to remove the jurisdictional powers of the royal household officials through chartered grants. In April 1396, in response to a petition from “les Mair Viscount et toute la Communalte de la ville Bristuyt”, Bristol was granted a charter which prohibited the steward, marshal and clerk of the market from exercising jurisdiction in the town; one month later, York received a charter elevating the city to county status which contained an identical grant.<sup>152</sup>

Finally, the significance of the issue of the jurisdiction of the admiralty court lies in the way that a local concern, namely the infringement of a town’s liberties, could be transformed by parliamentary debate into a general complaint by the parliamentary burgesses and into a request for legislation. Through this process, local matters became issues of common interest, and the common petitions which they presented in parliament demonstrated the extent to which “national and local issues” could be “intertwined”.<sup>153</sup> As Carpenter has argued about relations between the centre and the locality in the late medieval polity, “most local concerns could easily become national ones, since the final arbiter in all disputes could only be the king, while national politics and policies could not but affect the shires, for the nation was after all the sum of its localities.”<sup>154</sup> Moreover, from the perspective of the parliamentary representatives of Bristol and York, who spoke sometimes

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<sup>151</sup> For the evidence of parliamentary complaints about the court, see C. Given-Wilson, *The Royal Household and the King's Affinity: Service, Politics and Finance in England, 1360-1413* (New Haven and London, 1986), pp. 49-53. For the court itself, see W.R. Jones, “The Court of the Verge: the Jurisdiction of the Steward and Marshal of the Household in the Later Middle Ages”, *Journal of British Studies*, 10 (1970), pp. 1-29.

<sup>152</sup> For Bristol, see PRO, SC8/225/11246 and *CChR, 1341-1417*, p. 353; for York, see *CChR, 1341-1417*, p. 355.

<sup>153</sup> A. Saul, “Local Politics and the Good Parliament”, in T. Pollard (ed.), *Property and Politics: Essays in Later Medieval English History* (Gloucester, 1984), p. 168, and generally, pp. 156-71.

<sup>154</sup> C. Carpenter, *Locality and Polity: A study of Warwickshire Landed Society, 1401-1499* (Cambridge, 1992), p. 643.

on behalf of the common good of the urban communities whom they represented, sometimes for the interests of merchants within the communities, but more often, for the civic governments of the towns from which they were drawn, the crown was not simply a source of favours and privileges, but rather, an architect of statutory legislation for the kingdom as a whole.

### 5.3 PARLIAMENTARY COMMISSIONS

The final section of the chapter examines the role of MPs for Bristol and York on several parliamentary commissions which were held between 1379 and 1382 to discuss fiscal and mercantile subjects. “Rarely”, McKisack has written, “do we find burgesses among those appointed to serve on parliamentary committees or to perform any other special public service”, a point which has been taken as evidence not only of the dominance of the commons by the knights of the shire, but of the preoccupations of urban representatives who were concerned with local rather than national issues.<sup>155</sup> The presence of MPs for Bristol and York on the commissions suggests that they were not at parliament merely to petition, but also to advise the crown on fiscal and commercial policy. The commissions raise a number of other important issues, including their composition, for, as I will show, there were merchants on the commissions who were not at parliament as MPs, a fact which has significant implications for our understanding of the fate of the estate of merchants after the mid-fourteenth century. To what extent did this separate estate disappear entirely and the commons emerge “as the mouthpiece of the business classes”?<sup>156</sup> This discussion develops the argument of the previous section on common petitions to suggest that parliament was viewed by the governing elites of Bristol and York as a forum for political debate and discussion about royal policy.

#### 5.3.1 Finance

In January 1380, the commons, through their speaker, John de Gildesburgh, expressed their concern about the state of the royal finances.<sup>157</sup> The speaker began his address by stating

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<sup>155</sup> McKisack, *Parliamentary Representation of the English Boroughs*, pp. 120-45. The quotation is from p. 120.

<sup>156</sup> Ormrod, *Reign of Edward III*, p. 196.

<sup>157</sup> For what follows, see *RP*, vol. 3, p. 73.

that, if the king had been “bien et resonablement governez en ses Despenses”, then he would not have needed to burden the commons with increasing financial demands. He asked both for the removal of the system of continual councils which had been governing the realm since Richard II’s accession to the throne in 1377 and for the appointment of a council composed of the five main officers of state, namely, the chancellor, the treasurer, the keeper of the privy seal, the chamberlain and the steward of the royal household. Furthermore, the speaker requested the appointment of a general commission of reform “pur remeder le defaute del dit Governail” and to inquire into the state of the royal household, and of royal expenses in general, from the beginning of Richard II’s reign. The commission was then to report back to the king with its findings so that the king could be “honorablement governez deinz son Roialme” and, in particular, so that the king could help to support the costs of the “defens del Roialme”. The king, with the advice of the lords, appointed to the commission three bishops, three earls, three bannerets, three knights of the shire, and three parliamentary burgesses, William Walworth and John Philipot of London, and Thomas Graa, MP for York.

There is no evidence that the commission actually met,<sup>158</sup> but this is not to undermine its significance. The commission’s appointment reflected the commons’ growing concern in the later 1370s and early 1380s about the increasing costs of royal government and their suspicion that royal revenue, particularly taxation, was being mismanaged by the king’s advisers and not spent on the purpose for which it was intended, namely the defence of the realm.<sup>159</sup> The issue of the royal finances was one which was of interest to parliament as a whole, and the 1380 commission reflected this fact, with the bishops, earls and bannerets representing the lords, and the shire knights and parliamentary burgesses representing the commons. Thomas Graa, the MP for York, was already an experienced parliamentary performer, having attended three previous parliaments on behalf of the city,<sup>160</sup> so there was a sense in which his appointment owed much to his personal standing in the commons.

Much more, however, can be read into Graa’s appointment, and this is related to his position as the parliamentary representative of the city of York and of its governing elite in

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<sup>158</sup> Tuck, *Richard II and the English Nobility*, p. 43 and Roskell, *Impeachment of Michael de la Pole*, pp. 25-26.

<sup>159</sup> Tuck, *Richard II and the English Nobility*, pp. 43-45, Roskell, *Impeachment of Michael de la Pole*, pp. 15-35, and M. Prestwich, “An Estimate by the Commons of Royal Revenue in England under Richard II”, *Parliamentary History*, 3 (1984), pp. 148-51.

<sup>160</sup> See Appendix.



particular. The reason for the commons' request for a commission to review the royal finances lay, as I have already said, in a concern with the burden of royal government. It was a concern also expressed in the main record of York's civic government, the *York Memorandum Book*, which, from its commencement in the 1370s, is dominated by financial matters, specifically the interrelated costs of royal and civic government. As Sarah Rees Jones has shown, "the subject of money" featured prominently at meetings of the city council in the later 1370s, and in 1379, for instance, the council, of which Thomas Graa was a member, met twice to discuss the costs of keeping the city's barges which had been built at the city's expense, on the crown's orders, for the defence of the realm.<sup>161</sup> The council resolved to sell one of the vessels since the city could not afford to keep it. In short, the city's ruling elite sought to fulfil its responsibilities to the crown for the defence of the realm, but the city was experiencing serious financial problems at the same time. When they perceived a misuse of royal revenue, a perception sharpened by England's declining fortunes in the Hundred Years War and threats to the safety of the realm, they sought remedial action, and Graa was their representative. Harriss has written of parliamentary opposition that it was "occasional and corrective, the intention being to restore good government, not to abrogate it",<sup>162</sup> and this was true of the 1380 commission. York's governing elite paid taxes to, and collected taxes for, the king, and contributed to the building and maintenance of barges for the defence of the realm. What they wanted from the crown, in return, was not the confirmation or extension of the city's liberties, but an assurance that it would use their fiscal contributions wisely for the purposes for which they had been granted.

### 5.3.2 Trade

In the parliament of 1379, "les Communes" petitioned the crown about a bullion shortage.<sup>163</sup> According to the petition, the commons had been informed by officers of the Tower of London mint that, "pur defaute de bone ordinance", there was a massive shortage of money.<sup>164</sup> Neither gold nor silver was coming into the kingdom, whilst the existing gold and

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<sup>161</sup> Rees Jones, "York's Civic Administration, 1354-1464", pp. 129-30 (the quotation is from p. 129) and *YMB*, vol. 1, pp. 31-33. For further discussion, see Chapter Three, p. 76.

<sup>162</sup> Harriss, "Formation of Parliament, 1272-1377", p. 54.

<sup>163</sup> See *RP*, vol. 3, p. 64 for what follows.

<sup>164</sup> For the petition from the Tower of London officials, see PRO, SC8/125/6230.

silver coinage in England was either exported or clipped so that the currency was losing its value and the price of goods was falling. The mint officials, the commons told the king, wanted a royal ordinance to attract bullion into England and to prevent its export, so that the coinage would be “tenez bone et fort”. The commons asked that the crown take the advice of the mint officials, for an ordinance would be to the common profit (“profit du Roi et de tout son Roialme”), as well as to the profit of merchants who sold their wool at Calais, of English merchants who bought merchandise in Flanders to import into England, and of “touz ceux qi despendent les dites Marchandises”. Although the language of the petition presented an all-inclusive notion of the common profit, the ordinance which the commons requested was clearly of benefit primarily to merchants who sought a “strong and stable coinage” for the purposes of trade.<sup>165</sup> Indeed, in his answer to the petition, the king declared that he would seek the advice of the officers of the mint and “les Marchantz et autres de plus sages sur ceste matire”.

A commission was appointed, composed of thirteen members, to investigate the matter.<sup>166</sup> In some ways, it was a repeat of the 1380 parliamentary commission inasmuch as there were two bishops, two earls, one baron and one banneret, representing the lords, and two shire knights, Richard Waldegrave and John Kentwode, of the counties of Suffolk and Cornwall respectively, and five merchants, John Wesenham, John Haddeley and Adam de Bury of London, Henry Spelly of Bristol and John de Gysburn of York, who together represented the commons.<sup>167</sup> However, neither Wesenham, Haddeley, Bury, Spelly nor Gysburn were MPs at the 1379 parliament. There may have been a specific reason for their attendance at parliament, namely their close involvement with, and expertise in, monetary affairs, since Bristol, York and London were the locations of royal mints, as was Calais, of which Adam de Bury was a former mayor.<sup>168</sup> At the same time, Wesenham, Haddeley and

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<sup>165</sup> J.H.A. Munro, *Wool, Cloth, and Gold: The Struggle for Bullion in Anglo-Burgundian Trade, 1340-1478* (Brussels and Toronto, 1972), p. 28.

<sup>166</sup> The members of the commission are listed in PRO, SC8/146/7275. Although undated, I have dated it to 1379 on the basis of the endorsement at the bottom of the list: “Cest bille fust livere par les officers de la Tour as Seignurs de parlement pur seer sur le busoigne et bille de la monie si plesist au Roi et as Seignurs”.

<sup>167</sup> For the parliamentary attendance of Waldegrave and Kentwode, see *Return of Members*, vol. 1, pp. 194, 198-200, 206-07, 209, 211, 213, 215, 218, 221, 229, 233, 235 and 238.

<sup>168</sup> J. Craig, *The Mint: A History of the London Mint from A.D. 287 to 1948* (Cambridge, 1953), *passim*. For Bury, see *Calendar of Wills proved and enrolled in the Court of Husting, London, 1258-1688*, ed. R.R. Sharpe (2 vols., London, 1889-90), vol. 2, p. 254.

Bury were Londoners, whilst Spelly was a Bristol merchant and Gysburn a York merchant, and in this respect, although they were not present at parliament as MPs for their particular towns, they were representative of the individual municipal estates of merchants within each urban community which I identified in the previous chapter and which had been absorbed into the civic governments of the towns.<sup>169</sup> Gysburn, after all, was York's mayor at the time of his appointment in 1379, whilst Henry Spelly, who was elected to the common council of Bristol in 1381, was probably a relation of Ellis Spelly, an MP for Bristol at five parliaments and a mayor of the town on four occasions, including the year in which Henry Spelly was appointed to the parliamentary commission.<sup>170</sup>

It should also be noted that, although the currency crisis was brought to the attention of the parliamentary commons by the officials of the Tower of London mint, there were repeated complaints in parliament about the scarcity of money and the state of the coinage in the second half of the fourteenth century.<sup>171</sup> Thus, the appointment of the parliamentary commission in 1379 very much reflected the commons' long-term concerns about the money supply and deflation. Moreover, although historians have been divided on the issue of whether price changes were affected by demographic change or by changes in the volume and quality of coinage in circulation,<sup>172</sup> it was the shortage of money that attracted parliamentary attention. The 1379 commission took depositions from five London mint officials, charging them to answer five articles about the currency crisis with suggestions for possible remedies. These depositions were then presented to the king, lords and commons in parliament.<sup>173</sup> The recommendations of the Tower of London officials amounted to a policy of bullionism, that is, of increasing the country's money supply by regulating overseas

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<sup>169</sup> Chapter Four, pp. 132-35.

<sup>170</sup> For Gysburn, see Appendix. For Henry Spelly, see Appendix and T.P. Wadley, *Notes or Abstracts of the Wills contained in...the Great Orphan Book and Book of Wills*, Bristol and Gloucestershire Archaeological Society (1886), p. 27.

<sup>171</sup> For these complaints, see Munro, *Wool, Cloth, and Gold*, pp. 34-35 and M. Mate, "The Role of Gold Coinage in the English Economy, 1338-1400", *Numismatic Chronicle*, 7th Series, 18 (1978), p. 127.

<sup>172</sup> A debate summarised in T.H. Lloyd, "Overseas Trade and the English Money Supply in the Fourteenth Century", in N.J. Mayhew (ed.), *Edwardian Monetary Affairs (1279-1344)*, British Archaeological Reports, 36 (1977), pp. 96-124.

<sup>173</sup> See PRO, SC8/19/932. The report was printed in *RP*, vol. 3, pp. 126-27 and has been dated to 1381-1382, although W.M. Ormrod in "The Peasants' Revolt and the Government of England", *Journal of British Studies*, 29 (1990), p. 27, has argued convincingly that the report was made in 1379.

trade through the restriction of the export of gold and silver bullion.<sup>174</sup> There is no evidence, however, that the crown acted on the recommendations,<sup>175</sup> and the issue of the coinage was debated again in parliament in 1381, on this occasion, in the context of the aftermath of the Peasants' Revolt.

In 1381, "les ditz Communes" petitioned the king and the lords about the "grant Povertee" which existed "dedeins le Roialme au present", the reasons for which, according to their petition, were two-fold.<sup>176</sup> Firstly, there was the state of the coinage, which was either exported or clipped; and secondly, there were the costs of war, including losses at sea and on land caused by the inadequate defence of the coast. The result was that the value of merchandise, including wool, tin and lead, had fallen dramatically, to the "grant empoverissement de tout le Roialme". The commons asked for a remedy and the crown answered that, "les Marchantz serroient de lour part...chargez de lour adviser sur les Meschiefs qe sont deinz le Roialme". The merchants were to advise the crown on a whole range of economic problems, namely deflation, the increasing expense of imports, the state of the country's shipping, and the export and debasement of the coinage. *The merchants* were told to put their advice in writing, so that the lords and the commons could learn from those most knowledgeable on the subject ("de ceulx qi mieulz ent sont connisantz") so as to restore good governance.

Who were the merchants to whom the crown referred? A clue to their identity is provided at the end of the parliament roll, according to which, "certains Marchantz de touz les bones villes et Burghs de le Roialme" were "chargez et commandez par leur serementz et lour liegeance, d'enformer a noz Seignurs et Communes...coment le Roialme d'Engleterre purroit alors mieultz estre relevez de Pover".<sup>177</sup> Among the class of ancient petitions in the Public Record Office is a list of twenty-seven individuals headed "les Marchantz chargez pur profit du roialme", followed by a further four names of "les chivalers assignez a eux", which suggests that the list is of a parliamentary commission.<sup>178</sup> The document is undated, but a comparison with the known parliamentary attendance of the thirty-one individuals

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<sup>174</sup> For a definition of the idea of bullionism, see J.L. Bolton, *The Medieval English Economy, 1150-1500* (London, 1980), p. 298.

<sup>175</sup> Ormrod, "Peasants' Revolt and the Government of England", p. 28.

<sup>176</sup> For what follows, see *RP*, vol. 3, p. 102.

<sup>177</sup> *RP*, vol. 3, p. 119.

<sup>178</sup> PRO, SC8/125/6224.

dates it to 1381, for all four knights were knights of the shire at this parliament and fifteen of the twenty-seven merchants attended the 1381 parliament as MPs.<sup>179</sup> The document would appear, therefore, to be a list of the members of the 1381 parliamentary commission.

The 1381 commission included Thomas Graa of York, the city's MP in 1381, Ellis Spelly, MP for Bristol in 1381, and Thomas Beaupyne of Bristol, who had represented the town at parliament but who was not one of Bristol's MPs in 1381.<sup>180</sup> The merchants were drawn from at least twelve towns and cities, and London dominated the list with eleven merchants, whilst there were two each from Bristol, Winchester and Exeter, and one each from York, Norwich, Lincoln, Newcastle, Gloucester, Ipswich, Lynn and Salisbury.<sup>181</sup> It is clear, then, that there was a particularly strong contingent from London who were at parliament primarily as merchants rather than as MPs and who were in attendance without a formal parliamentary writ of summons.<sup>182</sup> In previous chapters, I have shown how a separate, national estate of merchants disintegrated in the mid-fourteenth century and was replaced by what E.E. Rich called, "a series of municipal 'Estates of Merchants'".<sup>183</sup> The evidence of the 1379 and 1381 parliamentary commissions suggests that a national estate of merchants continued to meet, albeit with unknown frequency, into the second half of the fourteenth century, whose membership overlapped with, but was not necessarily identical to, that of the parliamentary burgesses.<sup>184</sup> The main differences were of size and composition, for whereas in the 1330s and 1340s, the number of merchants summoned to merchant assemblies could be as high as 180, from a number of lesser towns as well as larger ones such as Bristol and York,<sup>185</sup> in 1379 and 1381, this mercantile group was drawn exclusively from large urban centres such as Bristol, York and London. Indeed, in the first parliament of 1382, among the fourteen merchants "ore presentz en cest Parlement" who

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<sup>179</sup> Compare PRO, SC8/125/6224 and *Return of Members*, vol. 1, pp. 207-09.

<sup>180</sup> For Graa, Spelly and Beaupyne, see Appendix.

<sup>181</sup> Their identification has been based on *Return of Members*, vol. 1, *passim*. Only Robert Werbelton and Henry Mulso are unidentified.

<sup>182</sup> On this point, see, also, McKisack, "Borough Representation in Richard II's Reign", p. 524.

<sup>183</sup> Chapter Four, pp. 132-35 and E.E. Rich, "Introduction", in *The Staple Court Books of Bristol*, ed. E.E. Rich, Bristol Record Society, 5 (1934), p. 27.

<sup>184</sup> For the evidence of "certain un-named merchants" who were summoned to the 1354 parliament "for the King's 'secret business'", see W.M. Ormrod, "The English Crown and the customs, 1349-63", *EcHR*, 2nd Series, 40 (1987), p. 31, note 24.

<sup>185</sup> See, for example, G. Unwin, "The Estate of Merchants, 1336-1365", in G. Unwin (ed.), *Finance and Trade under Edward III* (Manchester, 1918; reprinted, 1962), p. 219.

were appointed by the lords to consider a loan of £60,000 to finance the king's expedition to France, seven were London merchants, and one, Thomas Beaupyne, MP in 1382, was from Bristol, and one, John de Gysburn, was from York.<sup>186</sup> According to W.M. Ormrod, in 1382, "the term 'merchants' was applied not to some other group present in the assembly, but to a sub-section of the burgesses in the commons",<sup>187</sup> but the presence of seven Londoners suggests otherwise.

The other important aspect to the parliamentary commission of 1381 was that its members were not just individual advisers to the crown on commercial policy, but also petitioners, who were part of a wider constituency. In other words, the commission was not simply dealing with issues presented to it by the crown. Although about half of the commission's members were not present at parliament in 1381 as MPs, the proposals drawn up by the commission, that the export of coinage should be prohibited, that English merchants should carry their merchandise in English ships, and that the import of foreign wine should be restricted, were designed to improve the fortunes of English trade, and reflected many of the commercial interests represented by the commons in previous parliaments, parliaments at which they had been parliamentary representatives.<sup>188</sup> In short, what the members of the parliamentary commission did in 1381 was to provide solutions to the concerns that they themselves had voiced in earlier parliaments. Moreover, in the case of the concern with the protection and promotion of English shipping, it could also be argued that Ellis Spelly and Thomas Beaupyne of Bristol were acting on behalf of a more specific constituency, namely the maritime interests of the shipowners, shipmasters and mariners of Bristol.

The recommendations of the 1381 commission also expressed, albeit in embryonic form, mercantile ideas of the balance of trade and of mercantilism, that is, of increasing the country's wealth through increased bullion, a balance of exports over imports, and increased

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<sup>186</sup> For the members of the parliamentary commission, see *RP*, vol. 3, p. 123. The names of York's MPs at this parliament are unknown. The fiscal significance of the commission is discussed in Chapter Three, pp. 67-68.

<sup>187</sup> Ormrod, *Reign of Edward III*, p. 252, note 166.

<sup>188</sup> The numerous petitions presented in parliament in the second half of the fourteenth century about the state of English shipping, particularly in the context of the crown's naval demands, are examined in Chapter Three, pp. 97-98. As well as the fifteen merchants who attended the 1381 parliament as MPs, a further four also had prior parliamentary experience: compare PRO, SC8/125/6224 and *Return of Members*, vol. 1, *passim*.

foreign trade.<sup>189</sup> Such ideas were influential in the fifteenth century and were expressed in polemical treatises such as *The Libelle of Englyshe Polycye* and in parliament in anti-alien legislation and in navigation acts which sought to ensure that English trade, in the words of Jim Bolton, was “carried in English ships, protected by a strong navy”.<sup>190</sup> Graa, Spelly, Beaupyne and the other members of the 1381 parliamentary commission were instructed to act “pur profit du roialme”, but their vision of the common good was essentially mercantile; “the prosperity of the realm” meant, in reality, “the prosperity of the merchant”.<sup>191</sup>

The commission’s avowed intention to relieve the country’s poverty also had an important political dimension, given that it was appointed only a few months after the Peasants’ Revolt. There is no doubt that there was a certain amount of vested interest, opportunism, even desperation, in the crown’s willingness to consult the merchants in parliament, and the commission can be viewed as part of the crown’s attempt to examine the causes of the revolt.<sup>192</sup> Tuck has argued that the attitude of the parliamentary commons to the revolt “was shaped by a desire to avoid provoking another rising, and to remedy the grievances which they believed underlay the 1381 rebellion”, which was translated in parliament into a campaign for the enforcement of the labour legislation.<sup>193</sup> The monetary and commercial reforms proposed in 1381 suggest that there was a parliamentary debate about the economy as well as one about law and order after the revolt and that there was an important economic dimension to the commons’ programme of legislative reform. More generally, within parliament, there was a shared interest between the parliamentary representatives and merchants of Bristol and York, and the crown in the restoration of good governance in the economic sphere, for the substance of the commission’s recommendations were made into statutory legislation.<sup>194</sup>

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<sup>189</sup> For definitions of both ideas, see Munro, *Wool, Cloth, and Gold*, p. 12 and Bolton, *Medieval English Economy*, pp. 329-30.

<sup>190</sup> Bolton, *Medieval English Economy*, p. 330, G.A. Holmes, “The ‘Libel of English Policy’”, *EHR*, 76 (1961), pp. 193-216, and C. Ross, *Edward IV* (London, 1974), pp. 359-61.

<sup>191</sup> PRO, SC8/125/6224 and Bolton, *Medieval English Economy*, p. 330.

<sup>192</sup> At the opening of the 1381 parliament, the treasurer told the commons that “si defaute y soit trevez en aucune partie, qe ce puisse ore estre amendez par l’advis des Prelats et Seignurs en ce Parlement...pur mettre le Roi et son Roialme en paix et quiete sur le grant truboill et rumour q’estoient nadgaires moevez en certains parties del dit Roialme”: *RP*, vol. 3, p. 99.

<sup>193</sup> J.A. Tuck, “Nobles, Commons and the Great Revolt of 1381”, in R.H. Hilton and T.H. Aston (eds.), *The English Rising of 1381* (Cambridge, 1984), pp. 208-09.

<sup>194</sup> *RP*, vol. 3, pp. 119-21 and *SR*, vol. 2, pp. 17-20.

That the evidence of parliamentary commissions involving Bristol and York MPs and merchants dates from the period 1379-1382 may not be a coincidence, for these were years both of increasing fiscal demands by the royal government and coin shortages, which led to serious monetary problems.<sup>195</sup> However, the commissions have a much greater significance. As McKisack suggested, “with the passing of the old merchant assemblies, the main responsibility for directing the fiscal and mercantile policy of the country devolved upon the borough members of parliament in consultation with other merchants of the realm.”<sup>196</sup> It was this development which explains the increasing prominence of urban representatives in parliament from the beginning of Richard II’s reign.

## 5.4 CONCLUSION

This chapter has examined several interrelated issues. The first concerned the dynamics of parliament as an institution. Exploring the identity of the MPs for Bristol and York and the evidence of their common petitions, I have demonstrated how the parliamentary representatives of the two towns collaborated with the representatives of neighbouring towns and counties to present petitions of mutual interest. At the same time, whilst I have sought to blur the distinctions between shire knights and parliamentary burgesses within the commons, a process accelerated when the towns of Bristol and York attained county status, I have also argued that there were some issues, such as royal finance and trade, in which a small group of parliamentary burgesses and merchants from London, Bristol and York, were seen both by the shire knights and the crown to have a particular interest and expertise.

The second issue has been the language of the common petitions from Bristol and York. On the one hand, I have argued that, at least among the MPs, there was a consciousness of belonging to a regional as well as a national community, in which local concerns were of relevance to the wider realm. On the other hand, I have explored the language of communal civic identity to argue that, whilst the MPs often spoke in the name of the civic body and there were some issues which were of relevance to the community as a whole, the common petitions reflected, essentially, the interests of the governing elites of Bristol and York, which might not necessarily coincide with those of their civic subjects.

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<sup>195</sup> Britnell, *Commercialisation of English society*, p. 182.

<sup>196</sup> McKisack, *Parliamentary Representation of the English Boroughs*, p. 133.



Thirdly, I have emphasised the statutory authority of parliament. From the perspective of the rulers of Bristol and York, the crown's role in parliament lay not so much in the remedying of private grievances and the granting of privileges and favours, but in the framing of legislation on issues such as the regulation and promotion of internal and overseas commerce, security, and the jurisdiction of the court of admiralty.

The parliamentary representatives and merchants of Bristol and York were involved not only in petitioning the crown, but also in providing recommendations for the drafting of legislation, so that the crown became the mouthpiece of urban and mercantile interests. Although the crown may, on occasion, have had different priorities, government was, in essence, a collaborative enterprise. The *York Memorandum Book* contains a series of copies of complete parliamentary statute rolls from 1381-1424, and there are statutes from thirteen of the twenty parliaments which met between 1381 and 1399.<sup>197</sup> T.F. Tout argued that the later fourteenth century, specifically the period 1376-1388, witnessed a growing public interest in parliamentary affairs, an interest that was generated by political struggle and conflict at parliament.<sup>198</sup> It is certainly true that statutes from the Wonderful Parliament of 1386 and the Merciless Parliament of 1388 were copied into the civic register and, as I suggested earlier in the chapter, it may be that they reflected a particular interest among York's ruling elite in court politics.<sup>199</sup> It is also possible, given that the first statute roll dates from the 1381 parliament, the first after the Peasants' Revolt, that the statutes signified a perception among York's rulers of the interaction of local and national issues, especially since there were serious disturbances in the city at the same time as the revolt.<sup>200</sup> More generally, however, the statutes demonstrated not only an awareness, but a consumption,

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<sup>197</sup> The statutes were from the parliaments of November 1381, May and October 1382, October 1386, February and September 1388, January and November 1390, November 1391, January 1393, January 1394, January 1397 and October 1399: YCA, *The York Memorandum Book*, A/Y, fos. 93r.-98v., 101r.-102v., 99v.-107v., 108r.-125r., 83r.-84v., 125r.-126r., and 135r.-140r. See, also, *YMB*, vol. 1, pp. 207 and 214-16. For the copying of statutes within civic records generally, see McKisack, *Parliamentary Representation of the English Boroughs*, pp. 144-45.

<sup>198</sup> T.F. Tout, "The English Parliament and Public Opinion, 1376-88", in E.B. Fryde and E. Miller (eds.), *Historical Studies of the English Parliament* (2 vols., Cambridge, 1970), vol. 1, pp. 298-315.

<sup>199</sup> See above, pp. 160-61.

<sup>200</sup> These disturbances have been studied by R.B. Dobson, "The Risings in York, Beverley and Scarborough, 1380-1381", in R.H. Hilton and T.H. Aston (eds.), *The English Rising of 1381* (Cambridge, 1984), pp. 112-42.

of parliamentary legislation, for the statutes were glossed by York's common clerk.<sup>201</sup> In fact, the statutes were working documents to which the common clerk would turn for reference. Thus, for example, in 1399, alongside Henry IV's confirmation of Edward III's statutes concerning the freedom of river traffic, were the words, "Nota bene".<sup>202</sup> Similarly, when the 1381 statute prohibiting the retailing of sweet wine within England was later repealed, the clerk made a marginal annotation referring backwards and forwards to the appropriate statutes.<sup>203</sup> In the case of the restriction on the wine trade, it was legislation which had been proposed by the 1381 parliamentary commission of which John de Gysburn of York had been a member.

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<sup>201</sup> The name of Roger de Burton, York's common clerk between 1405 and 1436, appears, on one occasion, in the margin: YCA, *The York Memorandum Book*, A/Y, fo. 138v. For Burton himself, see Rees Jones, "York's Civic Administration, 1354-1464", pp. 108-09.

<sup>202</sup> YCA, *The York Memorandum Book*, A/Y, fo. 137r.

<sup>203</sup> YCA, *The York Memorandum Book*, A/Y, fos. 94r. and 98r.

## CHAPTER SIX: URBAN LIBERTIES

### 6.0 INTRODUCTION

In January 1378, according to the record of Norwich's civic government, Walter de Bixton and Henry Lomynour were elected to represent the city at parliament and were instructed specifically "to go to London to prosecute the confirmation of our charter of liberty and increase our liberties as they may be able".<sup>1</sup> The passage has been seen by historians to epitomise the nature of urban expectations from the crown within parliament;<sup>2</sup> but it also encapsulates the main theme of the existing scholarship on the subject of relations between urban communities and the crown in later medieval England, in which the king's urban subjects sought, above all else, the confirmation and extension of their charters of corporate liberties from the royal government.<sup>3</sup>

This chapter focuses on the issue of urban liberties, using the evidence of Bristol's 1373 charter and York's charters of 1393 and 1396 to examine the nature of urban aspirations for self-government. If the grant of the fee farm to towns in their corporate capacity marked the beginning of the process of urban self-government,<sup>4</sup> then, in many ways, the charters of 1373, 1393 and 1396 represented the climax of the constitutional development of the two towns in the late medieval period.<sup>5</sup> In particular, Bristol's 1373 charter and York's 1393 and 1396 charters elevated the towns to county status and appointed the civic officials *ex officio* justices of the peace, thus freeing the towns from the interference of royal officials in the neighbouring counties and giving the civic officials greater powers of self-government in the towns than they had hitherto exercised. Although the city of London had been a *de facto* county since the early twelfth century,<sup>6</sup> the charters to Bristol and York were the first of their kind to English urban communities. From the late fourteenth century, several other towns including Newcastle, Lincoln and Norwich followed

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<sup>1</sup> *The Records of the City of Norwich*, ed. W. Hudson and J.C. Tingey (2 vols., Norwich and London, 1906 and 1910), vol. 1, p. 271.

<sup>2</sup> M. McKisack, "Borough Representation in Richard II's Reign", *EHR*, 39 (1924), p. 515 and J.R. Maddicott, "Parliament and the Constituencies, 1272-1377", in R.G. Davies and J.H. Denton (eds.), *The English Parliament in the Middle Ages* (Manchester, 1981), p. 70.

<sup>3</sup> For the historiography, see Chapter One, pp. 2-4.

<sup>4</sup> S. Reynolds, *An Introduction to the History of English Medieval Towns* (Oxford, 1977), p. 102.

<sup>5</sup> *British Borough Charters, 1307-1660*, ed. M. Weinbaum (Cambridge, 1943), pp. 38-39 and 132.

<sup>6</sup> Reynolds, *History of English Medieval Towns*, p. 113.

suit, receiving charters which made them separate counties and granted the civic officials the right to act as justices of the peace on a permanent basis.<sup>7</sup>

The charters have received a great deal of scholarly attention, especially York's 1396 charter, whose six-hundredth anniversary was celebrated recently in a collection of essays.<sup>8</sup> To Martin Weinbaum, the charters not only marked an important stage in the incorporation of the towns by recognising them formally as separate corporate entities with county status but also extended the office of the justice of the peace to the civic officials, a process which "forged another link between central and local government and, at the same time, strengthened the responsibilities of the municipalities".<sup>9</sup> More recently, historians have argued that the importance of the charters lay, primarily, in the grant of new jurisdiction to the towns represented by the commissions of the peace.<sup>10</sup> Stephen Rigby, following the example of a number of early modern historians, has developed this point about urban jurisdiction to view the charters as one of the main causes of the growth of urban oligarchy in the later medieval period. The crown, in the context of economic threats to public order, sought to build up small groups of loyal supporters within each town by restricting the level of popular participation in civic government and by increasing the economic and policing powers of the wealthy, mercantile elite over the lives of their urban subjects.<sup>11</sup>

Several aspects of the 1373, 1393 and 1396 charters have been considered in previous chapters, notably the financial negotiations preceding the grants of the charters and the political implications of county status for the parliamentary representatives of Bristol and York.<sup>12</sup> This chapter explores the charters from a jurisdictional perspective. Specifically, it considers their importance in the redefinition of the physical boundaries of civic jurisdiction within the towns and in the extension of the judicial powers of the towns' ruling elites. Although the jurisdictional aspects of the charters have been examined before, this chapter

<sup>7</sup> E.G. Kimball, "Commissions of the Peace for Urban Jurisdictions in England, 1327-1485", *Proceedings of the American Philosophical Society*, 121 (1977), p. 465.

<sup>8</sup> S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997).

<sup>9</sup> M. Weinbaum, "Introduction", in *British Borough Charters, 1307-1660*, ed. M. Weinbaum (Cambridge, 1943), pp. xxiii-xxv and xix.

<sup>10</sup> See, for example, Reynolds, *History of English Medieval Towns*, pp. 113-14.

<sup>11</sup> S.H. Rigby, "Urban 'Oligarchy' in Late Medieval England", in J.A.F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century* (Gloucester, 1988), pp. 78-80, and P. Clark and P. Slack, "Introduction", in P. Clark and P. Slack (eds.), *Crisis and order in English towns, 1500-1700: Essays in urban history* (London, 1972), p. 22.

<sup>12</sup> Chapter Three, pp. 79-80 and Chapter Five, pp. 162-63.

aims to view them within a broader framework established in the earlier chapters of the thesis. On the one hand, in exploring the development of the urban community as a physical entity, I will emphasise the way in which the crown's desire to simplify competing spheres of jurisdiction within the towns was another manifestation of its concern to rationalise its relations with civic authority which was expressed in a fiscal context in the devolution of the payment of the fee farm, direct taxation and loans to the towns in their corporate capacity. On the other hand, whilst Rigby, for instance, has drawn attention to the novelty of the charters in their incorporation of the ruling elites of Bristol and York into the judicial and administrative apparatus of royal government, I will argue that the charters helped to formalise an existing relationship between civic and royal government, in which the crown was already dependent upon local elites in the exercise of government. In fact, it is the tradition of "self-government at the king's command" which largely accounts for the timing of the charters to Bristol and York.<sup>13</sup>

The themes of the chapter are two-fold. Firstly, there is the continuing theme of reciprocity. What liberties did the towns want from the crown, and what did the crown gain from extending the corporate liberties of Bristol and York? The starting point of this discussion will be the petitions which preceded the charters, since it is clear that the initiative for the charters came from the towns.<sup>14</sup> Indeed, although there is no extant petition for York's 1396 charter, the accounts of the city's chamberlains show that a delegation from the city, including the mayor and two chamberlains, stayed over five weeks in London immediately prior to the grant of the charter, during which period they presumably were engaged in negotiations over the precise terms of the charter.<sup>15</sup> At the same time, the charters also expressed royal interests. R.B. Dobson has described the process by which York received the 1396 charter as "horse-trading" between the crown and the mayor and aldermen of the city, so that "one party (the city) gained what the other party (the Crown)

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<sup>13</sup> This expression belongs to A.B. White, *Self-Government at the King's Command: A Study in the Beginnings of English Democracy* (Minneapolis, 1933).

<sup>14</sup> A copy of Bristol's petition is in *LRB*, vol. 1, pp. 115-26. For York's 1393 petition, see PRO, SC8/103/5147. Although York's petition is undated, there is compelling evidence to date it to 1393. Firstly, the charter rolls indicate that the 1393 charter was the result of a petition from the mayor and citizens of York (*CChR*, 1341-1417, p. 336), and secondly, the petition's main request that the mayor and aldermen be appointed *ex officio* justices of the peace was granted in 1393. The petition appears to have been presented at the Winchester Parliament of January 1393: *CChR*, 1341-1417, p. 337.

<sup>15</sup> *York City Chamberlains' Account Rolls, 1396-1500*, ed. R.B. Dobson, Surtees Society, 192 (1978-79), pp. 6-7.

had no particular objection to giving away".<sup>16</sup> Given, as I will demonstrate shortly, the marked similarity between the petitions of 1373 and 1393 and the subsequent charters, the charters can be seen as an expression of the reciprocal ties between civic and royal government. The chapter explores the nature of this reciprocity and argues for a collaboration between civic and royal government in peace-keeping and the preservation of law and order in Bristol and York.

The second theme concerns the nature of the urban community and, in particular, the language of communal civic identity. In a recent paper on the county community in later medieval England, Simon Walker has argued that the county existed as an imaginary community, imagined by a shire elite in order to create a regulating mechanism to control it.<sup>17</sup> Thus, petitions in the name of the county community actually reflected the interests of a small and discrete gentry group. This argument has relevance to the 1373 and 1393 petitions from Bristol and York which were addressed in the name of "the Mayor, Bailiffs and Commonalty of the town of Bristol" and of the "conciteins de vostre Cite et chaumbre deuerwyk".<sup>18</sup> Was the name of the urban community invoked by the governing elites of Bristol and York so as to impose order on it? This chapter argues that behind the rhetoric of community lay a more complex reality based on the interaction of individuals and interest groups within the towns who used the language of community for their own political purposes.<sup>19</sup>

The chapter is divided into three sections. The first section focuses on the redefinition of the geographical boundaries of urban jurisdiction and demonstrates the importance of the 1373, 1393 and 1396 charters in resolving jurisdictional conflicts within the towns between civic and shire and ecclesiastical authorities. The second section examines the significance of the grant to the civic officials of Bristol and York of the power to act *ex officio* as justices of the peace. Why did the towns seek this addition to the economic and policing powers of their rulers, and why was the crown willing to delegate this responsibility to

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<sup>16</sup> B. Dobson, "The Crown, the Charter and the City, 1396-1461", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), pp. 39-40.

<sup>17</sup> S. Walker, "County Communities in Later Medieval England" (paper presented to the Political Culture Seminar in the Centre for Medieval Studies at the University of York, January 1999).

<sup>18</sup> *LRB*, vol. 1, p. 115 and PRO, SC8/103/5147.

<sup>19</sup> What follows does not contradict the argument set out in Chapter Two that Bristol's 1373 petition and charter were, in part, an assertion of community by the town's burgesses in response to royal fiscal demands (Chapter Two, p. 34). Rather, in this chapter, I offer an additional perspective to the background to the petition and charter.

them? The third section considers the timing of the charters and the specific circumstances in which they were granted.

## 6.1 REDEFINING THE BOUNDARIES OF CIVIC JURISDICTION

The charters of 1373, 1393 and 1396 rationalised the complex of overlapping and competing jurisdictions within Bristol and York through the clarification and extension of the territorial boundaries of civic jurisdiction. On the one hand, Bristol's 1373 charter separated the town from the neighbouring counties of Gloucestershire and Somerset so that it became "a County by itself...called the County of Bristol", whilst York's 1396 charter removed the city from the county of Yorkshire, elevating it to the status of "a county by itself...called the county of York".<sup>20</sup> On the other hand, all three charters ignored completely the existence of ecclesiastical franchises within the towns and their claims to jurisdictional autonomy.<sup>21</sup> However, although the charters sought to provide a unified territorial jurisdiction for the civic officials of both towns, it is also clear that the civic rulers of Bristol and York had slightly different priorities and that county status was of particular concern to Bristol, whilst York's relations with ecclesiastical liberties were a major issue for the city's officials.

### 6.1.1 Bristol and County Status

In 1373, "the Mayor, Bailiffs and Commonalty of the town of Bristol" petitioned the king about the problems arising from the town's geographical location on the boundaries of two counties. Since the town was "situated partly in the county of Gloucester and partly in the county of Somerset", the town's burgesses had to attend judicial sessions in the county towns of Gloucestershire and Somerset, a great distance from Bristol, "to the great disturbance of their trade and impoverishment of their estate". Thus, the petition asked that "the said town with its suburbs...may be severed and exempt, in all points, from the said two counties for ever".<sup>22</sup> The crown granted this request, and a few weeks later, at the beginning

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<sup>20</sup> *Bristol Charters, 1155-1373*, ed. N. Dermott Harding, Bristol Record Society, 1 (1930), pp. 120-21, and *CChR, 1341-1417*, p. 354.

<sup>21</sup> The significance of this point for York has been noted by Sarah Rees Jones in her essay, "York's Civic Administration, 1354-1464", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), pp. 120-21, and for Bristol by P. Fleming, "Ecclesiastical Liberties and Urban Community in Later Medieval England: St. Augustine's Abbey and the Town and County of Bristol", *Urban History* (forthcoming).

<sup>22</sup> *LRB*, vol. 1, pp. 115-16.

of September 1373, the king ordered his justices to consult with representatives of the counties of Gloucestershire, Somerset and Bristol, “by whom the truth of the matter may be better known”, to make a perambulation of the boundaries of the new county of Bristol.<sup>23</sup> At the end of September, Bristol’s boundaries were defined by letters patent.<sup>24</sup>

Bristol’s petition made specific reference to the inconvenience to trade resulting from the town’s anomalous position between two counties, and it was the damage to the commercial life of the town which the charter sought explicitly to remedy. However, the declared interest in trade was, in the town’s case at least, simply rhetoric, designed to strike a chord with contemporary royal concerns in the early 1370s about the danger to trade arising from the resumption of the Hundred Years War and from French and Flemish attacks on English merchant shipping: in particular, concerns which had been impressed on the crown by mercantile and maritime interest groups in parliament.<sup>25</sup> If, as James Sherborne has argued, “the defence of merchant shipping was...the Crown’s main consideration in the limited [naval] action of early 1372”, the 1373 parliamentary writs of summons instructing citizens and burgesses to be knowledgeable of shipping and trade suggest that it remained a concern a year later.<sup>26</sup> Certainly, it would explain the wording of Bristol’s 1373 charter, in which the crown acknowledged that the judicial requirement compelling the town’s burgesses to travel to court sessions outside of Bristol meant that “they are sometimes prevented from paying attention to the management of their shipping and merchandise”.<sup>27</sup>

Behind the rhetoric was a longstanding concern, on the part of both civic and royal government, with the judicial and administrative complications resulting from the town’s geographical position in which the area north of the river Avon lay in Gloucestershire and the area south of the river was in Somerset for the purposes of royal administration and justice. The problems arising from these overlapping jurisdictions are encapsulated in a 1326 petition from “le Maire et la Cominaltie de la Ville de Bristuyt”.<sup>28</sup> According to the petition,

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<sup>23</sup> *Bristol Charters, 1155-1373*, pp. 144-45.

<sup>24</sup> *Bristol Charters, 1155-1373*, pp. 147-65.

<sup>25</sup> See Chapter Three, pp. 100-01.

<sup>26</sup> J.W. Sherborne, “The Battle of La Rochelle and the War at Sea, 1372-5”, *BIHR*, 42 (1969), p. 21 and *Report from the Lords’ Committees...for all Matters Touching the Dignity of a Peer* (4 vols., London, 1820-29), vol. 4, p. 661.

<sup>27</sup> *Bristol Charters, 1155-1373*, pp. 118-19.

<sup>28</sup> See *RP*, vol. 1, p. 434 for what follows. For the wider context of the petition, see H.A. Cronne, “Introduction”, in *Bristol Charters, 1378-1499*, ed. H.A. Cronne, Bristol Record Society, 11 (1945), pp. 35-41.



whilst the town and suburbs of Bristol were, for the most part, in Gloucestershire and were answerable to the sheriff of that county, the burgesses of Bristol who lived in Temple Street, south of the river, were responsible to the sheriff of Somerset for the purposes of royal administration and justice. Trouble arose when the king instructed the sheriff of Gloucestershire to execute his orders in the town and “les gentz de la Ville de Bristuit” removed their goods and chattels to Temple Street in the county of Somerset, beyond the reach of both Gloucestershire’s sheriff and Bristol’s bailiffs, neither of whom could enforce the king’s orders. Bristol’s 1373 petition drew the crown’s attention once more to the town’s anomalous location and, according to the letters patent ordering the perambulation of Bristol’s boundary, the crown’s intention was specifically to ensure that the boundaries of the counties of Bristol, Gloucestershire and Somerset “shall be set in certainty” and “that upon the metes and divisions of the said three Counties there shall be no ambiguity in the future”.<sup>29</sup> In separating Bristol from its neighbouring counties and simplifying the complicated network of overlapping civic and county jurisdictions, a potential source of discord within Bristol was removed and the authority of the town’s ruling elite (and, in the process, of the crown) extended throughout the town.

### 6.1.2 York and the Bootham Dispute

Although there is evidence of conflict between the town of Bristol and St. Augustine’s abbey from the end of the fourteenth century when the mayor, John Canynges, and “pluseurs autres de comunes de mesme la ville” were accused by the abbot of attacking the abbey’s water mills in Somerset, relations between the town and the abbey did not become a major issue in urban politics until the late fifteenth century.<sup>30</sup> In contrast, as the work of several historians of medieval York has shown, York’s relations with ecclesiastical franchises including St. Peter’s liberty, belonging to the dean and chapter of York minster, and the liberty of St. Mary’s abbey, were particularly strained from the mid-thirteenth century onwards.<sup>31</sup> That the rivalry between the city and the ecclesiastical jurisdictions within York

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<sup>29</sup> *Bristol Charters, 1155-1373*, pp. 142-43.

<sup>30</sup> For the 1399 petition from St. Augustine’s abbey, see PRO, SC8/250/12456. For the conflict between the town and the abbey in the 1490s, see Fleming, “Ecclesiastical Liberties and Urban Community” (forthcoming).

<sup>31</sup> E. Miller, “Medieval York”, in P.M. Tillott (ed.), *The Victoria History of the Counties of England: A History of Yorkshire: The City of York* (Oxford, 1961), pp. 38-40 and 68-69, and S.R. Rees Jones, “Property, Tenure and Rents: Some Aspects of the Topography and Economy of Medieval York” (D.Phil. thesis, University of York, 1987, 2 vols.), vol. 1, pp. 81-180, especially pp. 173-74.

contributed directly to the desire of York's mayor and aldermen to secure the 1393 and 1396 charters has also been argued by Sarah Rees Jones. In particular, she has shown that the city's charters marked the climax of "the victory gradually achieved by the civic corporation over other local jurisdictions within the city: notably the secular liberties of the Minster, St Mary's abbey and other religious houses", and that the civic officials used their new powers as justices of the peace to exercise jurisdiction within the ecclesiastical liberties.<sup>32</sup> The aim of this section is to explore the conflict between the city of York and St. Mary's abbey in the mid-fourteenth century, drawing upon hitherto neglected sources. The relevance of the dispute in the mid-fourteenth century to the 1393 and 1396 charters lies not only in its significance for the growth of the city's liberties, but also in the way in which a conflict, ostensibly between the abbey and the city in its corporate capacity, was actually provoked by the actions of a few individuals and interest groups within the city.

The dispute between the city of York and St. Mary's abbey focused on the status of Bootham, an area which lay north-west of the city, just outside the city walls, and which the abbot claimed "as his free borough" and the mayor claimed "as a suburb of the city".<sup>33</sup> The dispute came to the crown's attention in the 1260s and 1270s with reports that the citizens of York had attacked the abbey and its property in Bootham, and in 1275 Edward I declared that Bootham belonged to the abbey as "the abbot's borough", whose inhabitants were exempt from civic tallages and from tolls and murage, and in which the mayor and bailiffs of York had no jurisdiction.<sup>34</sup> It is clear, however, that York's civic officials did not accept the 1275 settlement, and in 1312 and 1317, in response to complaints from the abbot of St. Mary's, commissions of oyer and terminer were appointed to investigate claims that the mayor of York had assessed tallages, tolls and other taxes in Bootham.<sup>35</sup> In 1343, in response to threats to the abbot and monks of St. Mary's by "several malefactors" of the city, the king went so far as to threaten to seize the city's liberties if the violence against the abbey continued.<sup>36</sup> In 1350, Bootham was taken into the king's hands for the arbitration of the king's council, probably as a result of another petition from the abbot.<sup>37</sup> The king was

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<sup>32</sup> Rees Jones, "York's Civic Administration, 1354-1464", p. 120.

<sup>33</sup> *CPR, 1348-50*, p. 584.

<sup>34</sup> Miller, "Medieval York", pp. 39-40, and *CPR, 1350-54*, pp. 393-94, which repeats the 1275 settlement.

<sup>35</sup> *CPR, 1307-13*, pp. 470-71 and *CPR, 1313-17*, pp. 692-93.

<sup>36</sup> *CCR, 1343-46*, pp. 96-97.

<sup>37</sup> Although undated, the petition from the abbey asked that, in relation to the dispute over Bootham, "final discussioun soit faite de la dite bosoigne": PRO, SC8/176/8780.

aware that the dispute was longstanding and that the city was continuing to issue “grievous threats of firing the abbey and killing the abbot and convent” and was “anxious that there should be peace and quiet among his people everywhere”, especially since he was currently engaged in a military expedition overseas.<sup>38</sup> The abbot and convent were taken into the king’s protection,<sup>39</sup> and the mayor and bailiffs of York and the abbot of St. Mary’s were summoned to appear at Westminster before the king’s council, whose members were commissioned “to survey all charters, writings, records and other evidences herein produced by either party, to hear their arguments...and to finally determine the whole business”.<sup>40</sup>

Two documents, one a petition from the abbot and convent of St. Mary’s abbey, and the other a council memorandum detailing the abbey’s complaints against the city of York, contain extremely colourful allegations about the criminal behaviour of the city’s ruling elite and suggest that the civic officials did all they could to obstruct royal justice and to prevent Bootham from being taken into the king’s hands.<sup>41</sup> For example, although the king took the abbot and convent into his protection, the complaints alleged that the mayor of the city, on hearing of the protection, raised a great number of armed men in readiness for war (“a foer de guerre”), who appeared at the abbey’s gates threatening to murder the abbot and the monks, so that they were forced to flee for safety. The bailiffs, on receiving the writ ordering the escheator of Yorkshire, Gerard Salvayn, to seize Bootham, summoned the whole city to a meeting at which the citizens agreed that they would not allow the seizure to be made and threatened the escheator, who was too frightened to carry out his office. A writ was then sent to York’s mayor and bailiffs ordering them to appear before the king’s council to present their “evidencz touchantz les ditz desbatz”, but the writ was ignored and they threatened to kill Thomas Ughtred, to whose custody Bootham had been committed, if Ughtred entered the city.

It is very difficult to know how seriously to take the abbey’s accusations, for references to assaults and threats against the abbey as well as to weapons were part of the legal process concerning trespass,<sup>42</sup> and as Philippa Maddern has suggested, “allegations of

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<sup>38</sup> The quotations are from *CPR, 1348-50*, p. 497.

<sup>39</sup> The abbey was taken into the king’s protection repeatedly between 1350 and 1353: *CPR, 1348-50*, p. 496 and *CPR, 1350-54*, pp. 292 and 471.

<sup>40</sup> *CPR, 1348-50*, pp. 530 and 584. This last clause of the commission echoed the abbey’s petition: PRO, SC8/176/8780.

<sup>41</sup> For what follows, see PRO, SC8/26/1286 and C49/7/25.

<sup>42</sup> P.C. Maddern, *Violence and Social Order: East Anglia, 1422-1442* (Oxford, 1992), pp. 27, 29 and 32.

assault, and other violence against the person, might be used simply to further the litigants' pursuit of property rights, rather than to signify the occurrence of actual violence."<sup>43</sup> Certainly, the statement that York's mayor and bailiffs refused to receive a writ ordering their appearance before the king's council is contradicted in the city's petition.<sup>44</sup> Nevertheless, the abbey's accusations were consistent with allegations made against the city earlier in the fourteenth century, and they can be used to illuminate both the main protagonists within the city and the city's attitude towards the resolution of the Bootham dispute.

Firstly, the abbey's complaints emphasised, primarily, the responsibilities of York's civic officials for organising the city's opposition to the abbey. For instance, it was the mayor and bailiffs who issued a series of proclamations in the city's guildhall, declaring that no citizen should sell victuals to the abbey and threatening with imprisonment any monk, servant or official of the abbey who entered the city's jurisdiction. Although the crown was evidently anxious about the potential for disorder in the city, threatening at one stage, in 1343, to take the city into the king's hands if the riotous behaviour towards the abbey continued, violence, and in particular, the threat of violence, as Maddern has shown, could actually have a particular purpose in justifying authority.<sup>45</sup> In her study of the fifteenth-century conflict between the Benedictine priory and the city of Norwich, for example, Maddern argued that "the rivals attempted to demonstrate their authority over disputed areas by much-publicized arrests and imprisonments".<sup>46</sup> Moreover, from the perspective of its perpetrators, violence could also be viewed as a way of restoring peace and order.<sup>47</sup> Is this what York's rulers were trying to achieve in the dispute with St. Mary's abbey?

Secondly, if the city's violence was calculated and carefully orchestrated by the city's ruling elite as a way of justifying civic authority within the contested territory, it is also true that the dispute was not simply between the abbey and the city's rulers. Indeed, apart from the mayor and bailiffs, the only other York citizen named individually was John de Gysburn, who was accused of arresting and imprisoning the abbey's officials. Gysburn was elected to the York mayoralty on four occasions from the early 1370s, but there is no evidence that

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<sup>43</sup> Maddern, *Violence and Social Order*, p. 47.

<sup>44</sup> PRO, SC8/178/8867.

<sup>45</sup> Maddern, *Violence and Social Order*, p. 230.

<sup>46</sup> Maddern, *Violence and Social Order*, p. 229; for the dispute itself, see pp. 175-203.

<sup>47</sup> Maddern, *Violence and Social Order*, pp. 11-12, 81 and 227.

he occupied civic office at the time of the disturbances in the city,<sup>48</sup> and his position within the civic hierarchy is unclear. Certainly, in 1357, as I demonstrated in Chapter Four, Gysburn's nomination as a bailiff was rejected by the mayor, John de Langton, and it is evident that Gysburn was part of a mercantile elite within the city which was trying to secure control of civic government in the 1350s and 1360s.<sup>49</sup> Was Gysburn using the city's longstanding dispute with St. Mary's abbey to pursue his own agenda and to justify his own authority within York?

In 1354, the crown agreed with the view of York's ruling elite regarding the status of Bootham. An agreement was reached between the abbot and convent of St. Mary's abbey and the city of York, thanks to the mediation of John Thoresby, archbishop of York, in which Bootham, with the exception of the street of Marygate, was to "remain for ever in the jurisdiction of the mayor and commonalty".<sup>50</sup> The agreement was an arbitrated settlement, and it is significant that the mediator was Thoresby, a figure of local authority as the archbishop of York but also the royal chancellor, whose jurisdiction in the arbitration process was developing in the late medieval period.<sup>51</sup> If arbitration "aimed at pacifying all parties rather than punishing one, and in this sense differed radically from the law",<sup>52</sup> the 1354 settlement represented a major victory for the city and overturned the 1275 agreement to the city's advantage. Why did the crown reverse its earlier judgement? The answer to this question sheds light on the intimate nature of the relationship between royal and civic government which the crown could not ignore despite the serious allegations of criminality levied against the city's rulers.

In the early 1350s, the citizens of York petitioned Edward III, reminding the king of the fiscal obligations which they owed to him and which the city would find difficult to meet if Bootham was annexed to St. Mary's abbey.<sup>53</sup> Firstly, there was the city's fee farm of £160, and secondly, there was the city's ability to pay tallages to the king, to which

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<sup>48</sup> See Appendix.

<sup>49</sup> Chapter Four, pp. 130-31.

<sup>50</sup> The confirmation of the agreement is in *CPR, 1354-58*, pp. 84-86. The quotation is from p. 85.

<sup>51</sup> For Thoresby, see J.L. Grassi, "Royal Clerks from the Archdiocese of York in the Fourteenth Century", *Northern History*, 5 (1970), Appendix 1, p. 26; for the role of the chancellor in arbitration, see E. Powell, "Arbitration and the Law in England in the late Middle Ages", *TRHS*, 5th Series, 33 (1983), pp. 52 and 65-66. On arbitration generally in urban disputes, see L. Attreed, "Arbitration and the Growth of Urban Liberties in Late Medieval England", *Journal of British Studies*, 31 (1992), pp. 205-35.

<sup>52</sup> Maddern, *Violence and Social Order*, p. 15.

<sup>53</sup> For what follows, see PRO, SC8/178/8867. Although undated, the petition refers to the city's appearance before the king's council in 1350.

Bootham contributed £16 every time the city was tallaged.<sup>54</sup> Although this latter claim can be contested since, as I showed in Chapter Two, Bootham's fiscal contribution tended to be retained by the city's chamberlains as additional internal income for the city and was not paid to the crown,<sup>55</sup> this in itself demonstrates the fiscal interdependence between civic and royal government to which the petition was alluding. However, it was not the fiscal value of Bootham to the city and the crown which ultimately decided the 1354 settlement. According to Edward Miller, it was through "sheer persistence" that "the city reversed the verdict of 1275".<sup>56</sup> Certainly, there seems to have been a desire by all of the participants in the conflict to provide a permanent solution to the conflicting claims to Bootham in the mid-fourteenth century,<sup>57</sup> but the crown was not worn down by the city to accept a settlement against its wishes. In 1354, the crown took a very pragmatic view of the best way to keep the peace in York and decided that this could be achieved most effectively by removing a potential source of friction in the city to the benefit of the civic jurisdiction. The 1393 and 1396 charters extended the jurisdictional and fiscal powers of York's civic officials over an even wider area within the city.<sup>58</sup>

Viewing the charters of 1373, 1393 and 1396 altogether, we can see them as a further stage in the institutional development of the urban community and in the extension of the powers of civic government over the community. In the same way that Bristol and York became collectively responsible for the payment of the fee farm, of direct taxation and of loans to the crown, thereby increasing the authority of civic government over its urban subjects, so the charters redefined the towns as physical entities and extended the territorial limits of civic authority to cover the entire towns.

## 6.2 THE JUSTICES OF THE PEACE

The 1373 petition from "the Mayor, Bailiffs and Commonalty of the town of Bristol" asked that the burgesses of the town "have power to punish evil doers and disturbers of the peace, labourers, workmen and artificers trespassing against the statutes, by amercements, fines,

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<sup>54</sup> Tallage was a tax on the royal demesne which, after 1332, was replaced permanently by the lay subsidy. See S.K. Mitchell, *Taxation in Medieval England* (New Haven, 1951), pp. 236-399, especially pp. 236-37.

<sup>55</sup> Chapter Two, pp. 48-49.

<sup>56</sup> Miller, "Medieval York", p. 69.

<sup>57</sup> The city's petition expressed a desire for the members of the king's council "mettre la dit busoigne a la fine si hastiuement come ils pount bonement solonk la ley de vostre terre": PRO, SC8/178/8867.

<sup>58</sup> Rees Jones, "York's Civic Administration, 1354-1464", pp. 120-21.

imprisonment...before the said Mayor and Bailiffs within the same town for ever”.<sup>59</sup> Similarly, the first request of the citizens of York in their 1393 petition was that the mayor and citizens be granted the right to have justices of the peace “par point de chartre”. Specifically, they asked that each year, on the day of the mayor’s election, they could elect “certains persons”, presumably the mayor and aldermen who were annually elected office-holders, to be justices of the peace within the city, with complete authority to act “par mesme le chartre sanz autre commission ou brief doier et terminer”.<sup>60</sup> In other words, the burgesses of Bristol and the citizens of York wanted the civic officials of the two towns to exercise the powers of justices of the peace *ex officio*: that is, to act as justices on a permanent and continuous basis as a function of civic government. The following discussion is divided into two sections. The first section examines the reasons why Bristol and York sought the legal machinery provided by the system of justices of the peace. The second section explores, from the evidence of the charters, the nature of the crown’s interest in appointing civic officials *ex officio* justices of the peace.

### 6.2.1 The Labour Legislation

The emergence of the office of justice of the peace was the most important development in local government in the late medieval period. The early fourteenth century saw the crown alternate between granting and withdrawing the judicial powers of the keepers of the peace to determine as well as to hear cases of felony and trespass. Although the reasons for changing royal policy in this period have been the subject of much historical debate,<sup>61</sup> there is no doubt that the Black Death had a crucial impact upon the development of the judicial powers of the justices.<sup>62</sup> In 1350 and 1351, the peace-keeping powers of the justices were extended to the enforcement of the 1349 Ordinance of Labourers and the 1351 Statute of Labourers, economic legislation which sought to restrict wage and price increases and to control the increased mobility of labourers resulting from labour shortages after the plague.

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<sup>59</sup> *LRB*, vol. 1, pp. 117-18.

<sup>60</sup> PRO, SC8/103/5147.

<sup>61</sup> The key studies here are B.H. Putnam, “The Transformation of the Keepers of the Peace into the Justices of the Peace, 1327-1380”, *TRHS*, 4th Series, 12 (1929), pp. 19-48, A. Verduyn, “The Politics of Law and Order during the Early Years of Edward III”, *EHR*, 108 (1993), pp. 842-67, A. Musson, *Public Order and Law Enforcement: The Local Administration of Criminal Justice, 1294-1350* (Woodbridge, 1996), pp. 49-82. See, also, A. Musson and W.M. Ormrod, *The Evolution of English Justice: Law, Politics and Society in the Fourteenth Century* (Basingstoke and London, 1999), pp. 86-89.

<sup>62</sup> For what follows on the evolution of the powers of the justices of the peace, see Musson and Ormrod, *Evolution of English Justice*, pp. 50-53.

Between 1352 and 1359, there were separate commissions of the peace and of labourers, but these were then replaced by single commissions which, from 1361, were given statutory authority to hear and determine cases and were given complete jurisdiction over the labour legislation. In 1362, according to royal statute, justices of the peace were expected to hold their sessions quarterly, and in 1368, the 1361-62 legislation was confirmed and the commissions of the peace were granted powers to inquire and to determine felonies and trespasses and to inquire into the labour legislation and economic legislation concerning weights and measures, forestalling and regrating. Further additions were made to the powers of the justices of the peace in the later fourteenth century, including the enforcement of the 1388 legislation requiring servants and labourers to secure written licences in order to leave their place of work and the 1390 legislation allowing justices to fix wages according to local conditions rather than to a pre-determined national wage structure.<sup>63</sup>

It was the ability of the peace commissions to enforce the labour legislation which largely explains the requests for permanent justices of the peace in the 1373 and 1393 petitions from Bristol and York. Indeed, it is clear that there was an important urban dimension to the parliamentary labour laws. This has tended to be ignored by historians, who have focused largely on the relations between the county gentry and the royal government after the Black Death not only in parliament, but also in the enforcement of the labour legislation in the localities.<sup>64</sup> Although, as I pointed out in the previous chapter, it is generally very difficult to identify the authorship of common petitions,<sup>65</sup> there is evidence that, in the case of the 1351 Statute of Labourers at least, there was a strong urban, and specifically London, influence on the legislation, which reflected the concerns of the parliamentary burgesses about the social and economic consequences of the shortage of labour after the plague.<sup>66</sup> The 1349 Ordinance of Labourers was issued by the king and

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<sup>63</sup> For the 1388 and 1390 statutes, see *SR*, vol. 2, pp. 56 and 63.

<sup>64</sup> See, for example, G.L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford, 1975), pp. 516-17, E. Powell, *Kingship, Law, and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989), p. 16, and R.C. Palmer, *English Law in the Age of the Black Death, 1348-1381: A Transformation of Governance and Law* (Chapel Hill and London, 1993), pp. 14-27.

<sup>65</sup> Chapter Five, pp. 163-67.

<sup>66</sup> For the demographic impact of the Black Death in York and Bristol, see P.J.P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c.1300-1520* (Oxford, 1992), pp. 39-81, and C.E. Boucher, "The Black Death in Bristol", *Transactions of the Bristol and Gloucestershire Archaeological Society*, 60 (1938), pp. 31-46.



council after discussion with prelates, nobles and royal justices,<sup>67</sup> but the Statute of Labourers was negotiated in parliament as a result of a common petition.<sup>68</sup> The petition drew attention to the ineffectiveness of the earlier Ordinance of Labourers, stating that labourers did not want to work according to the terms set out by the king and council in 1349 and that they ignored the fines which were imposed on them. Thus, the commons asked for the introduction of corporal punishment for those who refused to accept the wages they had received before the plague. The resulting statute incorporated not only the demand for corporal punishment, but also a list of specific rates of pay for agricultural and urban workers.<sup>69</sup> Putnam placed the responsibility for the Statute firmly on the shoulders of the chief justice of the king's bench, William Shareshull,<sup>70</sup> but the Statute of Labourers was certainly not created by the crown in a political vacuum, and then imposed by the centre on the localities. As the statute roll indicates, it was the product of consultation between the commons and the lords.<sup>71</sup> Specifically, the royal government found the model for the urban aspects of the Statute in London, where a long tradition of labour regulation existed.<sup>72</sup>

The *London Letter-Book F* contains a civic ordinance issued by London's mayor and aldermen establishing the wages of craftsmen in the city and the prices to be charged by victuallers.<sup>73</sup> The ordinance is dated 1350 and thus falls between the 1349 Ordinance and the 1351 Statute of Labourers. In contrast to the 1349 Ordinance, which stated simply that labourers should receive the wages that they were accustomed to receive in 1346, London's ordinance established a wage structure for certain types of craftsmen and labourers "who take immeasurably more than they have been wont to take".<sup>74</sup> The London ordinance can

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<sup>67</sup> *SR*, vol. 1, p. 307, discussed in B.H. Putnam, *The Place in Legal History of Sir William Shareshull, Chief Justice of the King's Bench, 1350-61* (Cambridge, 1950), p. 51.

<sup>68</sup> *RP*, vol. 2, p. 227.

<sup>69</sup> *SR*, vol. 1, pp. 311-12.

<sup>70</sup> Putnam, *William Shareshull*, pp. 53-54.

<sup>71</sup> *SR*, vol. 1, p. 311

<sup>72</sup> For a discussion of this tradition, see B.H. Putnam, *The Enforcement of the Statutes of Labourers during the first decade after the Black Death, 1349-1359* (New York, 1908), pp. 155-56 and, more recently, S. Rees Jones, "Household, work and the problem of mobile labour: the regulation of labour in medieval English towns", in J. Bothwell, P.J.P. Goldberg and W.M. Ormrod (eds.), *The Problem of Labour* (forthcoming).

<sup>73</sup> *Calendar of Letter Books...of the City of London*, ed. R.R. Sharpe (11 vols., London, 1899-1912), vol. 6, p. 212, translated in full in *Memorials of London and London Life in the XIIIth, XIVth and XVth Centuries, 1276-1419*, transl. and ed. H.T. Riley (London, 1868), pp. 253-58. Although Putnam was aware of this ordinance, she did not draw any firm conclusions from it: Putnam, *Enforcement of the Statutes of Labourers*, p. 156.

<sup>74</sup> *SR*, vol. 1, p. 307 and *Memorials of London*, p. 253.

be seen both as a local response to the 1349 Ordinance and, more significantly, as a model for the 1351 Statute. The similarities between the London ordinance and the 1351 Statute are striking. Although the 1351 Statute regulated, firstly, the wages of rural workers such as carters, ploughmen and shepherds, who, unsurprisingly, were not mentioned in the London ordinance,<sup>75</sup> the royal statute then followed the civic ordinance in its concern with the wages of members of the building crafts such as carpenters, masons and tilers.<sup>76</sup> The next group of craftsmen to receive royal attention were those who carried goods by land and by water, exactly the same order as in the London ordinance.<sup>77</sup> The final group of craftsmen referred to by name in the 1351 Statute of Labourers comprised leather, cloth and metal workers including cordwainers, horseshmiths and spurriers: also the final group of workers regulated in the London ordinance.<sup>78</sup> In short, whilst there were differences between the 1351 Statute of Labourers and the 1350 civic ordinance, notably in the regulation of agricultural as well as urban workers, the urban dimension to the royal statute was provided by the London legislation. Although it is impossible to prove conclusively, it is certainly plausible that the crown acquired a copy of the London legislation and generalised the London experience for all of England's urban communities.

According to the 1349 Ordinance of Labourers, the mayors and bailiffs of towns were given powers of inquiry into offences against the legislation; two years later, in the 1351 Statute of Labourers, civic officials were ordered specifically to co-operate with the justices of the peace in the enforcement of the labour legislation in informing the justices of the names of offenders during sessions of the peace.<sup>79</sup> That the labour legislation was important to Bristol and York in the second half of the fourteenth century is suggested by the craft regulations registered before the civic governments of the two towns, which, in the absence of the records of the borough courts of Bristol and York in this period, provide the best evidence for the way in which the labour laws were perceived and implemented in the towns.<sup>80</sup> The ordinances demonstrate that parliamentary labour legislation governing wages and prices did make an impact upon the policing of labour in Bristol and York.

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<sup>75</sup> *SR*, vol. 1, pp. 311-12.

<sup>76</sup> *SR*, vol. 1, p. 312 and *Memorials of London*, pp. 253-54.

<sup>77</sup> *SR*, vol. 1, p. 312 and *Memorials of London*, p. 254.

<sup>78</sup> *SR*, vol. 1, p. 312 and *Memorials of London*, pp. 256-57.

<sup>79</sup> *SR*, vol. 1, pp. 308 and 312.

<sup>80</sup> For the impact of economic parliamentary legislation in local borough courts, see R.H. Britnell, *Growth and Decline in Colchester, 1300-1525* (Cambridge, 1986), pp. 134-37 and 237-40, and M. Kowaleski, *Local markets and regional trade in medieval Exeter* (Cambridge, 1995), p. 190.

Occasionally, an ordinance stated explicitly that a particular action was in contravention of the labour laws. For instance, among the ordinances of the craft of York cordwainers dating from the late fourteenth century was the regulation that “nul mestre de mesme lartefice alowera nul servant pur plus excessive saler qest contenu en la statut nostre seignour le roy pur servantz et laborers en mesme lartefice.”<sup>81</sup> Cordwainers, as I have already shown, were mentioned specifically in the 1351 Statute of Labourers, which might explain why the masters of the York craft thought to refer to royal statute. Similarly, in Bristol, the 1364 ordinances of the cobblers were made explicitly “for the relief of the estates of the masters of the craft of Cobblers of the town of Bristol who are now well nigh impoverished by the excessive price of their servants of the aforesaid craft who are loath to be attendant to the said craft unless they have too outrageous and excessive salary contrary to the statute of our lord the King, and the usages of the said town”.<sup>82</sup> Here, parliamentary legislation held primacy over civic custom and local regulation. More generally, the language of the craft ordinances also echoed the language of the parliamentary labour laws. In the same way that the 1364 ordinances of the Bristol cobblers expressed concerns with “excessive” and “outrageous” wages, following the rhetoric of the 1349 Ordinance and 1351 Statute of Labourers respectively,<sup>83</sup> so the concept that prices should be “reasonable”, articulated in the 1349 Ordinance,<sup>84</sup> was expressed in the late fourteenth-century ordinances of the York fullers, according to which “lez fullours de la cite puissent prendre resonablement pur son service et labour en manere comme autres artificers font, cestassavoir pur fullure de chescun aulne de drap j d. et pur fullour et burlyngs ij d.”<sup>85</sup> Equally, the clause in the 1349 Ordinance that labourers and servants should not depart from their master’s service “without reasonable Cause or Licence”, was reflected in the 1408 ordinances of the Bristol cordwainers in which it was stated that no servant of the craft “depart out of their service...without license or reasonable cause”.<sup>86</sup>

The problem for Bristol and York, like other towns, was that commissions of the peace to enforce the labour legislation were rarely appointed to urban jurisdictions in the

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<sup>81</sup> *YMB*, vol. 1, p. 73.

<sup>82</sup> *LRB*, vol. 2, pp. 41-42.

<sup>83</sup> *SR*, vol. 1, pp. 307 and 311.

<sup>84</sup> *SR*, vol. 1, p. 308.

<sup>85</sup> *YMB*, vol. 1, p. 71. Britnell, *Growth and Decline in Colchester*, pp. 237-38, also notes the importance of the terms “excessive” and “reasonable” in the punishment of economic offences as evidence of the impact of Edward III’s labour legislation in the town of Colchester.

<sup>86</sup> *LRB*, vol. 2, p. 107.

fourteenth century. According to Elisabeth Kimball, “commissions were issued where and when they were thought to be needed, the reasons for them often being obscure.”<sup>87</sup> Prior to 1373, Bristol only received one commission of the peace, in 1332, whereas York received fifteen commissions between 1334 and 1391.<sup>88</sup> Government policy towards peace-keeping in the towns appears to have been “experimental and opportunistic”,<sup>89</sup> and the decision to appoint civic officials as justices in an urban jurisdiction could quickly be reversed if the crown lost confidence in the ability of a town’s rulers to maintain the peace. Thus, a dispute between the citizens of Lincoln and the dean and chapter of Lincoln cathedral provided the background to the appointment of the city’s mayor and bailiffs as justices of the peace in 1380, arousing the hostility of the dean and chapter of the cathedral who, presumably fearing that Lincoln’s civic officials were abusing their judicial powers, alleged in parliament that the commission had been bought by the civic officials. As a result of the petition, all of the peace commissions issued to urban communities were withdrawn.<sup>90</sup>

It is possible that urban ambitions were tempered by the fact that, although it was usual for county justices to assume criminal jurisdiction within the towns when an urban commission was not appointed, these county commissions tended to contain urban representatives drawn from the governing elites of the towns.<sup>91</sup> Nevertheless, the petitions from Bristol and York requested that the civic officials be allowed to carry out their judicial duties *ex officio*, so that the towns would not be dependent upon royal commissions issued specifically to urban jurisdictions on a one-off and occasional basis and which were terminated when new county commissions were appointed and resumed jurisdiction within the towns.<sup>92</sup> The ruling elites of Bristol and York wanted to incorporate the new system of local government which was already functioning on a permanent basis in the counties into the existing structure of civic government.

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<sup>87</sup> Kimball, “Commissions of the Peace for Urban Jurisdictions”, p. 467.

<sup>88</sup> For the commissions, see Kimball, “Commissions of the Peace for Urban Jurisdictions”, Appendix 2, pp. 472 and 474.

<sup>89</sup> Kimball, “Commissions of the Peace for Urban Jurisdictions”, p. 467.

<sup>90</sup> A. Verduyn, “The Revocation of Urban Peace Commissions in 1381: the Lincoln Petition”, *Historical Research*, 65 (1992), pp. 108-11.

<sup>91</sup> See, for example, the 1338 Gloucestershire commission of the peace, which included Bristol’s mayor, Eborard le Frenshe: A. Verduyn, “The Selection and Appointment of Justices of the Peace in 1338”, *Historical Research*, 68 (1995), pp. 15-16.

<sup>92</sup> On the relationship between urban and county commissions of the peace, see Kimball, “Commissions of the Peace for Urban Jurisdictions”, p. 458.

## 6.2.2 Self-Government at the King's Command

According to its 1373 charter, the town of Bristol was granted a sheriff who, with the town's mayor, were to inquire, hear and determine disturbances of the peace and cases "concerning victuallers, workers, labourers and artificers within the same town, suburbs and precinct, as often as they shall see it right to be done". At the same time, the king was to continue to exercise direct and indirect control over the new judicial structure established in the town. Firstly, although the mayor and sheriff were granted the authority to hear and determine less serious criminal offences known as trespasses, they were only given powers of inquiry and arrest into felonies which had to await gaol delivery and sentencing by a quorum of justices, of which the mayor was to be a member.<sup>93</sup> In this respect, Bristol's charter brought the town completely into line with the judicial arrangements in the counties, where, since 1368, a quorum composed of justices of assize was required for the determining of felonies.<sup>94</sup> Secondly, the charter reduced the membership of the town's common council, from which the town's mayor and sheriff were drawn, from forty-eight to forty, and changed the electoral procedure of the council so that the power of election lay, in the first instance, with the mayor and sheriff of the town rather than through "common assent" as had previously been the case.<sup>95</sup> The crown also reserved the power to choose annually Bristol's sheriff from three candidates submitted by the burgesses to the royal chancery.<sup>96</sup>

York's 1393 charter granted the city's mayor and twelve aldermen, "or at least two of them with the said mayor", the power "to correct, punish, enquire, hear and determine all matters as well of all felonies, trespasses, misprisions and extorsions, as of all other causes and plaints whatsoever" arising within the city and suburbs.<sup>97</sup> The new justices, like the justices on the county benches, were to be supervised by a quorum of assize justices,<sup>98</sup> and fines and other profits issuing from the sessions of the peace in the city were to be paid

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<sup>93</sup> *Bristol Charters, 1155-1373*, pp. 124-25.

<sup>94</sup> E. Powell, "The Administration of Criminal Justice in Late-Medieval England: Peace Sessions and Assizes", in R. Eales and D. Sullivan (eds.), *The Political Context of Law* (London and Ronceverte, 1987), p. 54.

<sup>95</sup> *Bristol Charters, 1155-1373*, pp. 136-37. The quotation comes from the first recorded election of the common council in 1344: *LRB*, vol. 1, p. 25.

<sup>96</sup> *Bristol Charters, 1155-1373*, pp. 120-21.

<sup>97</sup> *CChR, 1341-1417*, p. 336.

<sup>98</sup> For operation of the assize justices in York in 1395, see *YMB*, vol. 1, p. 146.

to the king.<sup>99</sup> In 1396, the crown granted to the citizens of York “all fines, forfeited issues and amercements belonging to justices of the peace within the liberty of the said city and suburbs”, which were to be used for the maintenance of Fosse Bridge and Ouse Bridge “and other daily charges”, as a source of income to the city.<sup>100</sup> This grant strengthened the fiscal and judicial ties between civic and royal government, and was part of an older policy of allowing the profits of the king’s courts to benefit the local community rather than the royal government. In 1349, 1351 and 1352, the crown had conceded that the profits of justice from offenders convicted for offences under the Ordinance and Statute of Labourers should help to subsidise the payment of the lay subsidy and, in 1357, fines from the escapes of felons and fugitives indicted before the justices of the peace were used for the same purpose.<sup>101</sup> Indeed, in 1357, although there was a dispute between the citizens of York and the sheriff of Yorkshire about the collection of the tax rebate, financial penalties contributed £10 towards York’s tax quota of £162, thus providing tax relief to the city’s taxpayers.<sup>102</sup> By allowing financial penalties from the sessions of the mayor and aldermen to contribute to the city’s own income in 1396, the city’s government was given a direct financial interest in the enforcement of royal justice.

In short, the delegation of judicial authority on a permanent basis to the civic officials of Bristol and York incorporated the civic governments of the towns into the judicial apparatus of royal government. The crown was dependent upon the ruling elites in the preservation of law and order in the towns, and if they failed in their responsibilities to maintain the king’s peace and if lawlessness and disorder prevailed, then, as with London in 1392, the king could seize the towns’ liberties, removing their powers of self-government and appointing royal wardens to rule the towns on the king’s behalf.<sup>103</sup>

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<sup>99</sup> *CChR, 1341-1417*, p. 336.

<sup>100</sup> *CChR, 1341-1417*, p. 355.

<sup>101</sup> Harriss, *King, Parliament, and Public Finance*, pp. 340-43.

<sup>102</sup> PRO, E359/14, rot. 48d. For York’s petition to the king and council, see PRO, SC8/205/10240.

<sup>103</sup> In her most recent article on the subject, Caroline Barron seems to have modified her view that London’s liberties were seized in 1392 because the city had stopped lending the king money, emphasising instead the crown’s perception of a serious state of disorder in the capital. Compare C.M. Barron, “The Quarrel of Richard II with London, 1392-7”, in F.R.H. Du Boulay and C.M. Barron (eds.), *The Reign of Richard II: Essays in Honour of May McKisack* (London, 1971), pp. 173-201, especially pp. 189 and 200, and C.M. Barron, “Richard II and London” in A. Goodman and J.L. Gillespie (eds.), *Richard II: The Art of Kingship* (Oxford, 1999), pp. 136-37 and 144-48.

### 6.3 THE TIMING OF THE CHARTERS

In Chapter Three, I explored the financial negotiations which preceded the 1373, 1393 and 1396 charters,<sup>104</sup> but there were other factors determining the timing of the charters to Bristol and York which should be considered. In the case of York, John Harvey argued that there was a special relationship between the city and Richard II and that when Richard removed the organs of royal government to York in 1392 after the suspension of London's liberties, he considered seriously establishing his capital in the northern city on a permanent basis. Thus, York's charters of 1393 and 1396 were the result of special royal favour shown to the city.<sup>105</sup> Although Nigel Saul has demonstrated that this argument, based heavily on the evidence of Richard II's visits to the city, cannot be sustained since the king did not visit York any more than he did other towns and cities,<sup>106</sup> Harvey's thesis continues to influence recent scholarship on York's charters. On the one hand, historians have emphasised the symbolic nature of the charters in terms of the corporate self-imaging of the city of York and the competition for status among urban communities.<sup>107</sup> On the other hand, it has been argued that York's ruling elite capitalised upon the visits to the city of the king and of Thomas Arundel, the archbishop of York and royal chancellor, to petition for the charters and to court Richard with gifts and entertainment.<sup>108</sup>

The main reason for the timing of the charters to Bristol and York, however, lay in the existence of small groups of men within each town, dominant in civic office and vastly experienced in royal service, upon whom the crown was already dependent in the exercise of government not only locally, but also at Westminster and abroad. Bristol's 1373 charter acknowledged as much when it referred to the maritime importance of the town's burgesses, whose "good service given us [the royal government] in times past by their shipping",<sup>109</sup> contributed to the crown's military enterprises overseas. Largely as a result of Bristol's

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<sup>104</sup> Chapter Three, pp. 79-80.

<sup>105</sup> J.H. Harvey, "Richard II and York", in F.R.H. Du Boulay and C.M. Barron (eds.), *The Reign of Richard II: Essays in Honour of May McKisack* (London, 1971), pp. 202-17.

<sup>106</sup> N. Saul, "Richard II and the City of York", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), pp. 1-13.

<sup>107</sup> See, for example, W.M. Ormrod, "York and the Crown Under the First Three Edwards", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), p. 33.

<sup>108</sup> Saul, "Richard II and the City of York", pp. 7 and 9-10, and Dobson, "The Crown, the Charter and the City", p. 43.

<sup>109</sup> *Bristol Charters, 1155-1373*, pp. 118-21.

importance to the crown in the Hundred Years War, there were, in the early 1370s, a number of prominent burgesses, such as Walter de Derby, John de Stoke, Walter de Frompton and Richard le Spicer, who were especially active in royal service, lending money and ships to the crown and even serving on royal diplomatic missions overseas.<sup>110</sup> Indeed, it is possible that this service brought such men into contact with figures at court with whom they could negotiate the terms of the town's charter.<sup>111</sup>

The language of York's 1393 petition, from the "conciteins de vostre Cite et chaumbre deuerwyk",<sup>112</sup> also casts light upon the specific circumstances in which the charters of 1393 and 1396 were granted to the city. On one level, the city's claim to be the 'King's Chamber' was in imitation of London's traditional status and can be viewed as further evidence of York's corporate civic confidence at this time, a confidence resulting not only from the city's economic wealth, but also from Richard II's removal of the offices of royal government to the city in 1392.<sup>113</sup> However, in 1393, the rhetoric of the chamber, which I discussed in Chapter One,<sup>114</sup> used the language of communal civic identity to express essentially a personal relationship between the city's rulers and the crown. The discourse of the chamber, with its connotations of intimacy, emphasised the personal service of York's ruling elite to the royal government.

In 1396, there is no doubt that the city's mayor, William Frost, who had held the escheatorship of Yorkshire between 1388 and 1390 and had served on a number of other royal administrative and judicial commissions in the county, was a critical figure in the negotiations preceding the grant of the charter.<sup>115</sup> On his re-election as mayor in 1397, Frost was rewarded by the city for his efforts with a payment of the unusually large sum of £100 "pro feodo suo et pro remuneracione sua de hoc anno predicto".<sup>116</sup> But Frost was not alone in the city with a record of loyal service to the royal government, for there were others within York's ruling elite, including Thomas de Howom, John de Barden and Thomas Graa,

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<sup>110</sup> See Appendix.

<sup>111</sup> This possibility is discussed in Chapter Four, p. 140.

<sup>112</sup> PRO, SC8/103/5147.

<sup>113</sup> For the evidence of York's "civic self-confidence" in the 1390s, see Dobson, "The Crown, the Charter and the City", pp. 42-44 (the quotation is from p. 44).

<sup>114</sup> Chapter One, pp. 10-13.

<sup>115</sup> Frost's importance in 1396 is noted also in Dobson, "The Crown, the Charter and the City", pp. 41-42, Rees Jones, "York's Civic Administration, 1354-1464", p. 134, and in Carole Rawcliffe's biography of Frost in J.S. Roskell, L. Clark and C. Rawcliffe (eds.), *The History of Parliament: The House of Commons, 1386-1421* (4 vols., Stroud, 1993), vol. 3, pp. 138-41.

<sup>116</sup> YCA, Freeman's Roll, D1, fo. 9v.



who had ties to the crown, holding royal office, lending money, acting as parliamentary advisers on commercial and fiscal policy, and serving on royal embassies abroad.<sup>117</sup> Moreover, it is clear that a group of York notables, composed of William de Selby, Thomas Graa, Thomas de Howom, Thomas Thurkyll, John de Barden, Robert Savage, John de Rypon, Thomas Smyth, Thomas de Staynlay and William de Tykhill, seven of whom had been mayors of the city, acted as justices of the peace in York on a continual basis from 1385. First appointed in December 1385, they were re-appointed in January 1387, November 1389, July 1390, and November 1391.<sup>118</sup> In 1393, as a result of the terms of the city's charter, the justices appointed in 1385 were freed from their responsibility to send the records of their sessions to the exchequer for royal inspection; this concession was noted in the *York Memorandum Book*.<sup>119</sup> If the years from 1385 were a trial period for York's ruling elite in the exercise of the powers of justices of the peace, then it is possible to understand why the crown was willing to delegate this judicial authority to the city's mayor and aldermen on a permanent basis in 1393. Behind the rhetoric of communal identity expressed in York's 1393 petition, then, were the interests of the city's ruling elite.

The 1373, 1393 and 1396 charters acknowledged the royal service of the ruling elites of Bristol and York and, by granting the civic officials of the towns the powers to act *ex officio* as justices of the peace, brought them more firmly into the judicial apparatus of royal government: they were to enforce the king's commitment to provide justice to his subjects for the common good and to maintain peace and harmony within the kingdom.<sup>120</sup> Indeed, by claiming for the city the status of the 'King's Chamber', it is also possible that York's rulers sought to express not only their personal connections with the crown, but also the idea of a unified and peaceful city whose unity they were to maintain for the benefit of the king.<sup>121</sup>

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<sup>117</sup> See Appendix and also for what follows.

<sup>118</sup> *CPR, 1385-89*, pp. 81 and 254, and *CPR, 1388-92*, pp. 139, 343 and 524. The only extant record of York's justices dates from 1389-1391 in PRO, JUST.1/1145, mem. 6. I plan to examine this document in future research.

<sup>119</sup> *YMB*, vol. 1, p. 215

<sup>120</sup> For the importance of justice to late medieval kingship, see J. Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), pp. 13-80, especially pp. 21-24.

<sup>121</sup> For the relationship between the chamber and order, see the comments of the Westminster Chronicler about the disturbances in London in 1384 involving John of Northampton, which, the chronicler noted, were of particular concern to the king since the city was "cameram suam": *The Westminster Chronicle, 1381-1394*, transl. and ed. L.C. Hector and B.F. Harvey (Oxford, 1982), p. 62. The passage is also cited in Barron, "Richard II and London", p. 132.

## 6.4 CONCLUSION

This chapter has argued that the charters strengthened the existing relationship between the ruling elites of Bristol and York, and the crown, and articulated their shared interest in the maintenance of law and order in the towns. In essence, the charters, and the petitions which preceded them, expressed the reciprocal ties between civic and royal government. The crown sought to redefine and extend the physical and jurisdictional boundaries of the towns as corporate entities, simplifying its relations with the towns, so that the civic rulers had a clearly defined territory in which to govern. At the same time, the crown granted the towns their own justices of the peace and county status because it had confidence in the ability of the towns' rulers to carry out their judicial and administrative responsibilities. Perhaps ultimately, however, the significance of the charters lay not in the extension of royal justice in the towns, but in the more general way in which they reinforced the direct links between civic and royal authority and allowed the royal government to build up loyal groups of supporters within each town, particularly in the case of Bristol, where the crown chose the town's sheriff from the three nominees selected by the town's burgesses.<sup>122</sup>

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<sup>122</sup> The procedure established in 1373 for the election of Bristol's sheriff may well be the earliest example of 'pricking'. For further discussion, see W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327-1377* (New Haven and London, 1990), pp. 155 and 243, note 58.

## CHAPTER SEVEN: CONCLUSION

This thesis has questioned the validity of the older model of relations between urban communities and the crown in later medieval England based on the interaction of fiscal obligations and corporate civic privileges, in which towns provided financial services to the royal government in exchange for the confirmation and extension of their liberties. Whereas previous historians have tended to view towns solely as corporate entities, I have used a prosopographical methodology to explore the relations between the crown and individuals and interest groups within the towns of Bristol and York. In the first section of the thesis, I examined royal demands on the towns, in the raising of money, the financing of war, and the pursuit of commercial policies. As well as measuring, in quantitative terms, the fiscal and material contributions of Bristol and York to royal government, I explored the identity of those individuals from the towns who were engaged in royal service: collecting the fee farm and direct and indirect taxation, lending money and ships to the crown's military enterprises, holding office in the domestic staples, or serving on diplomatic trade missions abroad. Out of this analysis, I have provided an urban perspective to recent work on the emergence of a political society in the fourteenth and fifteenth centuries.<sup>1</sup> In particular, I have shown that royal policy was not simply imposed upon Bristol and York, but was negotiated with the ruling elites of the towns, so that the financing of war, for example, expressed a community of interests between civic and royal government in the defence of the realm.

In the second section of the thesis, I focused, in more detail, on the nature of urban aspirations within the polity. Firstly, I re-assessed the role, importance, and interests of the parliamentary and mercantile representatives of Bristol and York in parliament, arguing that their interests were not restricted to the request for urban liberties. They did not see the crown simply as a source of favour and privilege, but as a partner in government, issuing legislation for the whole kingdom. Secondly, I re-examined the significance of urban demands for chartered liberties as expressed in the charters of 1373, 1393 and 1396, which elevated the towns to county status and granted the civic officials of Bristol and York the right to act *ex officio* as justices of the peace. I have cast new light upon the timing of the charters, demonstrating, from a new perspective, that the towns' rulers did not seek

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<sup>1</sup> G. Harriss, "Political Society and the Growth of Government in Late Medieval England", *P&P*, 138 (1993), pp. 28-57, and the secondary literature cited therein.

complete autonomy from royal government, but wanted to become integrated more fully into the polity.

One of the continuing themes of this thesis has been the reciprocal nature of crown-town relations. The theme is not particularly novel, inasmuch as it has formed the basis of the research and published work of several historians, such as Caroline Barron and Lorraine Attreed, on London and provincial towns respectively.<sup>2</sup> However, I have demonstrated a different kind of reciprocity based upon the contemporary notion of the common good, rather than upon a form of exchange, in which privileges of self-government were granted in return for grants of taxation, the extension of credit and/or the lending of ships. There was an interdependence and a complementarity between urban elites and the crown, and royal fiscal and economic policy towards the towns of Bristol and York was not restricted simply to the exploitation of urban wealth.

The other theme has been the nature of the urban community. In the last two chapters of the thesis, I have examined the representation and language of community, in petitions from the towns presented to the royal government, to argue that behind the rhetoric of communal identity lay, primarily, the interests of the ruling elites of Bristol and York. As Rosemary Horrox has noted, “for contemporaries the word had far more elitist implications than the modern ‘community’. The *communitas* were the people whose stake in the region gave them the right to a say in its governance.”<sup>3</sup> Nevertheless, whilst the thesis has focused upon relations between the ruling elites of Bristol and York and the crown, it has also examined the changing corporate identity of the towns and the emergence and growth of the urban community as a separate fiscal, and ultimately physical, entity, administered by a civic government. I have also argued that the crown’s fiscal demands contributed to a sense of social community within the towns. Thus, in the imposition of the poll taxes in York, the city’s tax collectors acted upon a feeling of communal responsibility to their subjects to prevent them from being over-burdened with royal taxation. Meanwhile, the crown’s attempts to increase the revenue from Bristol’s fee farm sharpened the sense of collective identity among the town’s burgesses which was expressed in the 1373 petition seeking autonomy from certain kinds of royal officials.<sup>4</sup>

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<sup>2</sup> Chapter One, pp. 1-4.

<sup>3</sup> R. Horrox, “Local and national politics in fifteenth-century England”, *Journal of Medieval History*, 18, no. 4 (1992), p. 395.

<sup>4</sup> Chapter Two, p. 34.

Although there were notable differences between the experiences of Bristol and York in their relations with the crown, least of all because of Bristol's fiscal relations with the queens of England, there were also similarities. In particular, I have demonstrated the presence in each town of small groups of influential men, drawn from the ruling elites of the two towns, who were engaged in various forms of royal service and who mediated relations between the crown and the towns in their corporate capacity. It would be interesting to extend this prosopographical approach into the fifteenth century to see whether or not the relationship between Bristol, York and the crown altered dramatically in the context of the Wars of the Roses and of economic decline. There is no doubt, for instance, that the towns could view their obligations to provide taxation, loans and shipping as necessary for the defence of the realm in the second half of the fourteenth century, largely because their economic vitality in this period allowed them to look favourably upon royal requests. But was this consensus disrupted in the later fifteenth century when the towns' economic fortunes declined, and when their ability to meet the crown's fiscal and material demands was reduced?

Equally, it would be useful to re-examine the impact of the Wars of the Roses on the towns of Bristol and York. Although, as I showed in Chapter One, the issue has been debated in previous studies on the subject of crown-town relations,<sup>5</sup> this study of relations between Bristol, York, and the crown in the second half of the fourteenth century suggests that the existing view of the impotence of urban elites in the fifteenth-century conflict should be revised. In the period 1350-1400, the ruling elites of Bristol and York were equal partners with the crown in the exercise of government; but this partnership could break down when the crown was perceived to be acting in its own private interests. As I argued in Chapter Three,<sup>6</sup> in the mid-1370s, Bristol refused a request for a loan, probably because of the perceived dominance of royal government by a court faction; and in the late 1390s, York responded to Richard II's oppressive fiscal demands by lending money to Richard's successor, Henry Bolingbroke, before his accession to the throne. How is it possible to explain the behaviour of Bristol and York, given the charters of 1373, 1393 and 1396 which the crown had only recently granted to them? As I have demonstrated, relations between urban communities and the crown were not just about the desire for royal favour and

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<sup>5</sup> Chapter One, p. 1.

<sup>6</sup> Chapter Three, pp. 75-77.

privilege. Nor were they conducted in a moral and governmental vacuum, in which the ruling elites of the towns simply sought neutrality in wider political conflicts, preferring to look after their own material self-interest by supporting the victors with financial support in return for the confirmation and extension of the towns' chartered liberties. There was, in short, a political morality of governance which underpinned relations between Bristol, York and the crown.

## APPENDIX: PROSOPOGRAPHICAL ANALYSIS

### 1. METHODOLOGY

This appendix is based upon prosopographical research into the political lives of those members of the ruling elites of Bristol and York who were engaged in certain forms of royal service in the second half of the fourteenth century.<sup>1</sup> The biographical data have been tabulated and individuals have been listed alphabetically by surname so as to provide an easy point of reference to a person's political career. The starting point of this prosopographical research was to identify the individuals involved in financial, military and economic service to the crown, whose service formed the basis of Chapters Two, Three and Four of the thesis. I concentrated upon those individuals who were appointed to collect the fee farm, direct taxation (including the poll taxes) and the customs, who lent money and ships to the crown's war effort, who were elected to hold office in the staples of Bristol and York, and/or who were appointed to commercial diplomatic missions overseas. The tables also include the names of the parliamentary representatives of the two towns and summarise the biographical information contained in Chapter Five about the types of people elected to represent Bristol and York at parliament, in terms of their occupation of civic office and their wider experience in royal service.

The period covered by the tables is the second half of the fourteenth century, although the chronological parameters of my research do extend, in certain fields, before 1350 and beyond 1400. For example, the list of collectors of direct taxation in the city of York begins in 1348, the year which saw the grant of a triennial subsidy, and continues up to 1401. My study of loans covers the period 1347-1401. 1347 was chosen as the starting point because this year marked the end of the dominance of the merchant syndicates in the crown's credit dealings and the beginning of a new fiscal policy by Edward III's government to "appeal both to individual merchants and to town governments for loans".<sup>2</sup> For the collection of customs, I have examined the period 1351-1401 because 1351 saw the crown assume direct responsibility for the administration of the customs after the collapse of the wool monopoly

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<sup>1</sup> For a discussion of prosopography, see Chapter One, pp. 15-16.

<sup>2</sup> W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327-1377* (New Haven and London, 1990), p. 184.

companies.<sup>3</sup> The list of York's staple officials is for the period 1353-1369, the year in which York's staple was removed, and for 1391, when York's staple was reinstated briefly for one year. The names of Bristol's staple officials are drawn from the period 1353-1403, in order to provide a fifty-year sample.

After identifying the individuals who lent money or ships to the crown, or performed other royal services, I then examined their political status, focusing solely upon their occupation of the highest political offices within Bristol and York. The governing structures of the two towns have been described elsewhere, and there is no need to repeat this information in detail here.<sup>4</sup> Instead, it is worth noting in summary that in Bristol, prior to 1373, the ruling elite exercised government through the mayor, two bailiffs, two stewards, and the common council, from which the other civic officials were drawn. After 1373, when Bristol gained a sheriff, the bailiffs acquired new financial duties within the town, replacing the stewards, the officials responsible for Bristol's internal revenue. In York, the ruling elite governed the city through the mayor, two bailiffs (replaced by two sheriffs, after 1396), three chamberlains, and the councils of twelve and twenty-four who together formed the city council. The evidence of civic office-holding represents the totality of the individual's political career in high-ranking civic office within Bristol and York both before 1350 and after 1400.

## 2. DATES

For the civic officials of the two towns, the dates recorded are generally the years in which they were elected to civic office, although the names of members of York's city council are taken not from the records of formal elections, but from meetings of the city council in February 1378, 1379, and 1392, noted in the *York Memorandum Book*.<sup>5</sup> The list of York's councillors is also supplemented by the names of the city's *probi homines* recorded in the

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<sup>3</sup> W.M. Ormrod, "The English Crown and the customs, 1349-63", *EcHR*, 2nd Series, 40 (1987), p. 27.

<sup>4</sup> For the development of civic government in medieval Bristol, see H.A. Cronne, "Introduction", in *Bristol Charters, 1378-1499*, ed. H.A. Cronne, Bristol Record Society, 11 (1945), pp. 73-83; for York, see E. Miller, "Medieval York", in P.M. Tillott (ed.), *The Victoria History of the Counties of England: A History of Yorkshire: The City of York* (Oxford, 1961), pp. 34-37, 70-79 and 80-84, tabulated in S. Rees Jones, "York's Civic Administration, 1354-1464", in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, Borthwick Studies in History, 3 (1997), Table 1, p. 140.

<sup>5</sup> *YMB*, vol. 1, pp. 30 (1378), 31-32 (1379), 32 (1379), and 173 (1392). It is only from the late 1370s that the lists of council meetings survive.



1359 exchequer receipt roll,<sup>6</sup> the earliest reference to the composition of the membership of the city council. The dates given for the collection of direct taxation, and for service as a staple official or a royal diplomat, are the years in which the individuals received their royal commissions or were elected to office; but the columns showing the collection of the fee farm and the collection of the customs cover the entire period in which individuals undertook their royal commissions, since these tended not to be yearly or occasional appointments.

### 3. SOURCES

In the case of Bristol, the names of the mayors, sheriffs, bailiffs and stewards have been extracted from the list of civic officials provided by the Bristol antiquarian, John Latimer, in the early twentieth century,<sup>7</sup> whilst the names of York's civic officials have been compiled from the lists of civic office-holders contained in the Freeman's Roll.<sup>8</sup> The names of members of Bristol's common council, elected in 1344, 1349, 1350, 1381 and 1409-10, are taken from the lists of councillors in *The Little Red Book of Bristol*, the only extant evidence of the identity of the council's members for the period.<sup>9</sup> The names of the collectors of Bristol's fee farm are taken from the exchequer memoranda rolls and the *Calendar of Fine Rolls*.<sup>10</sup> The names of the tax collectors and customs collectors of both towns are from the *Calendar of Fine Rolls*. The lists of creditors have been compiled from the Exchequer receipt rolls, whilst the identity of the shipowners whose ships were engaged in royal service was established from several naval accounts.<sup>11</sup> The names of the staple officials are derived from PRO, C67/22-23 and C267/5/1-31 (Bristol) and C267/8/83-90 (York). Finally, the names of the individuals employed on diplomatic missions overseas are drawn from the record of their formal appointment in the *Calendar of Close Rolls* or of their accounts for

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<sup>6</sup> PRO, E401/447, 29 August.

<sup>7</sup> J. Latimer, "The Maire of Bristowe is Kalendar: its list of Civic Officers collated with contemporary legal MSS.", *Transactions of the Bristol and Gloucestershire Archaeological Society*, 26 (1903), pp. 108-37.

<sup>8</sup> YCA, Freeman's Roll, D1, fos. 5r.-11v. (mayors), 290v.-294v. (bailiffs/sheriffs), and 321v.-331r. (chamberlains).

<sup>9</sup> *LRB*, vol. 1, pp. 25-26 (1344), 20-21 (1349 and 1350), 114-15 (1381), and 137-38 (1409-10).

<sup>10</sup> PRO, E368/142, *Adhuc Commissiones et Littere Patentis*, Michaelmas, and *CFR*, 1369-77, pp. 137-38, 254-55, 287 and 365.

<sup>11</sup> PRO, E101/32/7 (1372), British Library, Additional MS. 37494 (1373), PRO, E101/33/31 (1374-75), E101/42/22 (?pre-1375), E101/40/21 (1386), E101/41/31 (1394) and E101/42/5 (1400).

payment submitted to the exchequer.<sup>12</sup>

#### 4. KEY TO ABBREVIATIONS

The tables contain several abbreviations and symbols. The headings of each column have been abbreviated:

<b>M</b> = Mayor	<b>Co</b> = Councillor	<b>Cust</b> = Customs collector
<b>Sh</b> = Sheriff	<b>Farm</b> = Collector of town's fee farm	<b>Staple</b> = Staple official
<b>B</b> = Bailiff	<b>Tax</b> = Collector of direct taxation	<b>Dipl</b> = Diplomat
<b>Ch</b> = Chamberlain	<b>Loan</b> = Royal Creditor	<b>MP</b> = Member of Parliament
<b>St</b> = Steward	<b>Ship</b> = Shipowner	

Within the main body of the tables further abbreviations and symbols are used:

\* = involved in the administration of the poll taxes in the town

<sup>1</sup> = the first parliament of the year

<sup>2</sup> = the second parliament of the year

w = collector of the wool and the petty customs

t = collector of the subsidy of tonnage and poundage

m = mayor of the staple

c = constable of the staple

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<sup>12</sup> *CCR, 1385-89*, p. 403 (Thomas Graa of York), and *PRO, E364/5*, rot. 8r. (John de Stoke of Bristol) and *E364/22*, rot. 2d. (Thomas Beaupyne of Bristol).

## BRISTOL

NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Appurleye, Walter											1366c		
Arnes, Richard des										1391-95w&t			
Babbeary, Thomas				1348	1344, 1349, 1350			1351					1360
Badecok, William								1347					
Banbury, John	1397	1391	1389					1400	1400		1397m		1397
Barbour, Robert									1373				
Barstaple, John	1395, 1401, 1404-05	1389	1379		1381, 1409-10		1384 <sup>2</sup> , 1386	1396			1395 & 1401m		
Barugh, Peter atte		1386	1383		1381		1385, 1395	1396					
Bath, Robert de				1347	1344			1347					
Bathe, John	1369, 1371		1365										1371
Baxter, Robert		1398						1400					
Beaufour, Geoffrey			1357		1349, 1350						1357c		1360
Beaufour, Robert			1346		1344			1347					

NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Beaupryne, Thomas	1377, 1383	1374	1371		1381		1379*	1394, 1400		1371-72 & 1373-75t, 1375-76 & 1387-91w, 1395w&t	1383m	1388	1373, 1377, 1378, 1382, 1388, 1393
Blanket, Edmund	1352		1349		1349, 1350			1356		1361-63w	1357m		1362, 1369
Blanket, John				1355	1344, 1349			1347	pre-1375				
Blount, Thomas	1407, 1416	1399	1393		1409-10						1402-03c		
Bord, John									1373, pre- 1375				
Bradwey, Ralph					1381		1379*, 1385						
Brompton, Richard de	1362		1357	1352	1349, 1350			1351		1361-62 & 1364-70w	1356c, 1359-60m		1358
Burton, John	1423, 1429		1391, 1416				1386						
Candever, John		1381			1381		1384 <sup>1</sup> , 1395			1387- 90w&t, 1391t	1382-1403c		1383 <sup>1</sup>
Candever, William										1390-91t			
Canynges, John	1392, 1398	1382	1380		1381		1383 <sup>2</sup> , 1384 <sup>2</sup>	1400			1386-88c, 1392 & 1398m		1383 <sup>2</sup>
Canynges, Simon									1394				

NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Canynges, William	1373, 1375, 1381, 1385, 1389		1362, 1370		1381		1377*, 1380 <sup>1</sup> , 1380 <sup>2*</sup> , 1382 <sup>2</sup>		pre-1375	1390-91w	1381, 1385 & 1389m		1383 <sup>1</sup> , 1384 <sup>1</sup> , 1386
Castelacre, John			1349, 1353	1352	1349, 1350			1351			1354c		
Castell, John			1394		1381				1373, 1374-75, pre-1375, 1394, 1400				
Chaumberleyn, Richard			1367										1368
Chaumpeneys, John									pre-1375				
Cheddre, John											1369-70c		
Cheddre, Robert de ( <i>alias</i> Seward)	1361, 1363		1352		1349, 1350, 1381		1377*, 1377 <sup>2</sup> , 1380 <sup>2*</sup> , 1382 <sup>2</sup>	1351, 1356		1363-65w	1355 & 1371-75c		1369
Cheddre, William de										1370-75w			
Chepman, Nicholas					1350						1364c		
Clerk, Edward									1400				
Clerk, Thomas					1381				1400				
Clerk, William									1400				
Clyve, John		1408	1405		1409-10		1401						



NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Dene, Richard de			1354		1350						1361c		
Derby, Walter de	1364, 1368, 1376, 1380, 1384		1352, 1356, 1359-60, 1362		1349, 1350, 1381	1371-76	1377*, 1379*	1370	1372, 1373, pre-1375	1371-72 & 1373-75t, 1376-87w, 1382 & 1386-87t	1355, 1359-60 & 1369-75c, 1364, 1368, 1380 & 1384m		1372, 1373, 1382*
Demeford, Henry						1371-72							
Dodyng, John							1379*		1373, 1374-75, pre-1375				
Draycot, John									1394				
Dudbrook, Robert	1404	1400	1390, 1395		1381				1394				
Dyer, Richard							1379*						
Erlingham, William			1378	1365					1374-75		1365c		
Farewey, John										1382-83t			
Felter, William le					1344			1347					
Fisher, John					1344			1347					
Fraunceys, Hugh									1373				
Frensshe, Eborard le	1337, 1339, 1341		1323, 1326-27	1332	1344			1347					

NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Frenshe, Reginald le	1356, 1358		1350		1349, 1350			1351			1355-56 & 1358m		1355, 1358, 1361
Frere, Thomas									1394, 1400				
Frome, William	1394, 1400	1387	1386		1381, 1409-10		1383 <sup>2</sup>				1389c		1383 <sup>2</sup> , 1390 <sup>1</sup> , 1391, 1397
Frompton, Henry de					1344			1347					
Frompton, Nicholas								1347					
Frompton, Roger de									pre-1375				
Frompton, Walter de	1357, 1366, 1374		1375	1350	1349, 1350, 1381		1350, 1377 <sup>1</sup> *, 1379*, 1380 <sup>1</sup>	1351, 1356	1373, 1374-75	1351-53, 1354-61w, 1371-72t, 1376w	1353c, 1366 & 1369-75m		1362, 1378
Fulbroke, John					1381								1382 <sup>2</sup> , 1388 <sup>2</sup>
Fuster, Nicholas le					1344								
Gardener, Robert					1381					1391t			1388 <sup>2</sup>
Glastyngbury, Thomas											1367c		



NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Godeman, Henry									pre-1375				
Gos, William							1401						
Gose, Walter							1379*						
Gournay, Roger									1373				
Gyen, Robert	1345, 1347, 1349		1326-27, 1331, 1334		1344, 1349			1347, 1351					
Gyen, William					1381		1393						
Hakeston, John			1360	1353, 1355	1350				1374-75		1361m		
Hamme, William					1409-10				1394, 1400				
Hantesford, Richard			1391		1409-10				1394, 1400				
Hardewyk, John			1396		1381				1373, 1394				
Hattere, Edward					1344			1347					
Haukere, John											1354 & 1358c		
Haveryng, John		1393	1389		1409-10		1393		1394				
Hayl, William			1365	1350	1349, 1350			1351			1364c		

NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Hertham, John ( <i>alias</i> Pokeichurche)										1392-95 & 1397-99w&t			
Horncastel, John de					1344			1347					
Horslisle, John									1400				
Inhyne, John			1372				1379*						
Inhyne, Richard			1355		1350		1392				1362c		
Inhyne, Thomas			1356	1359	1350						1358 & 1367c		
Kernesdale, William									pre-1375				
Knappe, Thomas <sup>1</sup>	1386, 1391, 1396, 1399, 1403	1379	1376		1381		1377, 1379*, 1380**	1396, 1400	1373, 1374-75, pre-1375, 1394, 1400	1391-92w&t	1386, 1391, 1396, 1399 & 1403m		1385, 1388 <sup>1</sup>
Lemman, John			1398		1381					1391t			
Mare, Piers de la									1400				
Martyn, Geoffrey					1349					1353-54w			
Martyn, Walter					1381		1386, 1388 <sup>2</sup>						
Mawardyn, Richard										1395-97w&t			
Michell, Robert									1400				

NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Michell, William									1374-75				
Mois, Alex				1365							1365c		
More, Thomas							1398	1400					
More, William							1388 <sup>1</sup>						
Mulleward, Walter				1368							1368c		
Neel, John			1345		1344			1347					
Norton, Richard de										1351-53w			
Norton, Thomas	1413	1401	1392		1409-10				1394, 1400				1399
Panys, Richard			1401										1399
Peper, John										1391t			
Phelpes, Nicholas									1373				
Pichmaker, Simon									1373				
Piers, John									1373, 1374-75				
Pilk, William								1347					
Plummer, Hugh							1393		1400				
Pochtyn, John										1399-1401w			



NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Seward, William								1347					
Seymour, John de					1349								1351
Shepherd, William									1400				
Stoo, John			1366						1373, 1374-75, pre-1375				
Solers, William ( <i>alias</i> Draper)			1384, 1393, 1397		1381		1392						
Somerwell, John de	1393	1385	1383	1369	1381		1380*, 1383*, 1384', 1388', 1395	1400			1393m		
Somerwell, William de	1387	1376, 1380	1361, 1367		1350, 1381	1369- 71	1377-		pre-1375		1378-81c, 1387m		1366, 1384'
Spelly, Ellis <sup>2</sup>	1370, 1378, 1382, 1390		1361, 1363	1356	1350, 1381		1379*		1386	1388-91t	1357c, 1382 & 1390m		1377', 1381, 1384', 1385, 1386
Spelly, Henry					1381					1382-83t			
Spelly, John									1373				
Spert, Roger					1349								
Spicer, John le ( <i>alias</i> Goterest)	1348, 1351		1339		1344, 1349, 1350		1350	1347			1353m		

NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Spicer, Richard le	1354, 1360, 1372				1350		1377 <sup>2</sup>	1351, 1356, 1370	1374-75				1355
Stadleye, John							1398						
Stevens, John	1402	1394	1388		1381, 1409-10			1400	1394	1395-98w&t	1402m		1391, 1393
Stodley, Walter			1373, 1377		1381		1373, 1374, 1384 <sup>2</sup>						
Stoke, John de	1365, 1367, 1379		1354, 1359, 1375		1349, 1350, 1381		1377 <sup>2</sup> , 1380 <sup>2</sup> *			1365-75 & 1376-82w	1361c, 1362, 1365, 1367 & 1376-79m	1372	1363, 1372, 1381
Stowe, Stephen de					1344, 1349			1347					
Sturmy, Walter							1388 <sup>1</sup>						
Sutton, Thomas de			1374		1381		1379*, 1385, 1388 <sup>1</sup>						
Swell, John					1381		1386						
Sydenham, Richard de													1368
Tailour, Reginald					1381			1396					
Tailour, Walter									1400				
Tanner, Thomas									1394				
Tedistille, Walter		1377			1381		1380 <sup>2</sup> *, 1382 <sup>2</sup>				1382-85c		1384 <sup>2</sup>

NAME	M	Sh	B	St	Co	Farm	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Thorp, John										1398-1401w			
Toryton, Philip de				1336, 1345	1344, 1349		1350	1347					
Touker, Reginald			1374		1381		1379*						
Vyell, Edmund								1351					
Vyell, Henry		1375	1358, 1371		1349, 1350						1376c		
Vyell, John	1388	1373	1369-70		1381		1382 <sup>2</sup> , 1383 <sup>2</sup> , 1384 <sup>1</sup>		pre-1375		1377-81c, 1388m		1382 <sup>1</sup> , 1390 <sup>1</sup>
Walshe, Walter									pre-1375				
Warde, Adam									pre-1375				
Wattes, Richard					1381		1393, 1401						
Welde, Richard									1374-75				
Wermynstre, Geoffrey				1368							1368c		
Wermynstre, William		1396	1382		1381, 1409-10		1379*	1396, 1400					
White, Edmund									1400				
Whyte, William							1388 <sup>1</sup>						
Wilcokes, Walter											1366c		
Wilkins, John									pre-1375				





**END NOTES:**

1. In June 1404, Thomas Knappe, Bristol's mayor, died in office, and was replaced by John de Barstaple
2. In January 1391, Ellis Spelly died during his mayoralty and Thomas Knappe was elected in his place.

## YORK

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Acastre, John de	1364, 1379 <sup>1</sup>		1357		1378, 1379	1373, 1374, 1379*				1360-62c, 1367m		1366, 1368, 1369, 1373, 1378
Acastre, Richard de			1370	1367		1380*, 1383 <sup>2</sup> , 1385						
Allerton, John de			1353		1359		1359			1356m		1362
Alne, Richard de			1379	1365		1392						
Ampillford, Robert de			1359	1358	1378, 1379	1360, 1385						
Appilton, John de			1385	1383		1386, 1388 <sup>1</sup>						
Barden, John de	1378		1372	1368	1379, 1392	1379*			1390-91w			1379, 1381
Benteslowe, Peter de							1351					
Beverlay, William de			1353	1352	1378, 1379	1377*, 1377 <sup>2</sup> , 1380 <sup>1</sup> , 1380*, 1382 <sup>2</sup>				1358-59 & 1364-65c		
Bolton, Jr., John de	1410		1386	1384	1392							1399
Bossal, Andrew			1324	1321			1347					
Bowere, Andrew le				1330			1347					

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Brathwayt, John de	1393		1374	1373	1378, 1379	1380*						
Briddesall, William de			1382			1385						
Brighnhale, Richard de			1329	1328			1347					
Bristoll, John de			1334				1347					
Buk, William							1351					
Burton, Adam de						1401						
Burton, John de				1380		1386, 1388 <sup>1</sup>						
Burton, William de			1368	1367	1378, 1379	1377 <sup>1</sup> , 1379*, 1380 <sup>1</sup> , 1380**						
Caperon, John			1334			1352						
Cawod, John de						1401						
Cawod, William de				1350			1351	pre-1375				
Chartres, Hugh del			1393			1388 <sup>2</sup> , 1392						
Cottingham, John de										1368c		
Coupmanthorp, George de			1364	1366		1379*				1367c		

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Craven, John de	1411		1391	1390		1398						
Creyk, John de			1340									1352
Crome, John de			1360	1355			1351					
Crome, Roger de				1379		1383 <sup>2</sup> , 1384 <sup>1</sup>						
Dalby, Robert de			1331	1324		1349, 1350	1347					
Dalton, William de						1393						
Duffield, Robert de			1375			1377 <sup>2</sup> , 1385						
Duffield, Thomas de			1347	1346		1352						
Durem, William de			1384	1372		1386, 1388 <sup>1</sup>						
Emley, John de				1381		1382 <sup>2</sup>						
Essheton, John de			1367	1364								1377 <sup>1</sup>
Estryngton, William de			1332	1328		1348 <sup>2</sup>	1347					
Etton, William de				1373		1393						
Fouk, Nicholas de	1342		1322			1349, 1350	1347, 1351					

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Fox, William						1393						
Frankish, William			1359							1358-59c		
Frebois, John			1352	1350		1353						
Frost, William	1396-97, 1400-04, 1406											1399
Fyssh, William				1366				pre-1375				
Gare, Robert del			1362							1364-65 & 1368c		
Godesbruk, Edmund		1400				1395						
Goldbeter, Thomas										1355-57c		
Gouk, Simon			1362							1367c		
Graa, Thomas	1375, 1397				1378, 1379, 1392	1379*				1391m	1388	1377 <sup>1</sup> , 1378, 1379, 1380 <sup>1</sup> , 1381, 1384 <sup>1</sup> , 1385, 1386, 1393, 1394, 1395, 1397
Graa, William	1367		1345		1359, 1378	1373, 1374	1347, 1359			1353-54 & 1365m		1355, 1358, 1361, 1363, 1365, 1366, 1368, 1369, 1371, 1372
Grantham, Stephen							1347					
Grantham, William de			1339	1334		1349, 1350, 1353, 1357	1347					
Gyry, William			1369	1361		1380**						

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Gysburn, John de	1371-72, 1379-80				1359, 1378, 1379	1373, 1374, 1379*	1351, 1359	pre-1375		1358-62 & 1366m		1360, 1361, 1373
Hamerton, Alan de				1405		1398						
Harome, Robert de			1370			1377 <sup>2</sup>	1377					
Hathington, William de			1347	1338			1347					
Hausard, John			1339				1347					
Helmeslay, William de	1394		1375	1373	1378, 1379	1380**						1393
Holbek, John				1392		1395						
Holme, William			1338	1336			1347					
Horneby, Ralph de	1376		1359	1356	1378					1366c, 1368m		
Horneby, Thomas de			1392			1398						
Hosiere, Alan de				1341			1347					
Hovyngham, Roger de	1366				1359		1359					1358, 1360
Howeden, John de	1386		1374		1378, 1392							1384 <sup>2</sup> , 1388 <sup>1</sup> , 1388 <sup>2</sup> , 1391

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Howom, Robert de	1368		1353	1352	1378, 1379	1379*	1351, 1377, 1385			1364m		1365, 1372
Howom, Thomas de	1374		1366		1378, 1379	1379*	1377, 1385					1385, 1388 <sup>1</sup>
Irenmanger, Richard						1398						
Jarum, Henry de			1385	1382		1383 <sup>2</sup> , 1386, 1388 <sup>1</sup>						
Kelstern, Walter de			1335	1333			1351			1355-56c, 1357m		1351
Knapton, John de			1361	1358						1360-61c		
Ladychapeman, William							1351					
Langton, John de	1352-63		1346				1347, 1351					
Lincoln, Thomas de						1357						
Lutton, Robert de			1364	1351		1354, 1357, 1360	1351					
Lyddeyate, Robert			1346				1347					
Lyndesay, John de			1388	1387		1384 <sup>2</sup>						
Miton, Hugh de			1351	1348	1359		1359			1353c		1352

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Miton, Thomas de			1346			1347						
Moreton, Roger de	1373		1365	1363	1378, 1379		1377					
Moreton, Jr., Roger de			1367		1378, 1379	1379*						1380 <sup>1</sup>
Nessefeld, Thomas de						1379*						
Normanvill, Roger de										1354-55m		1351, 1355
Palmer, William				1391		1401						
Paton, Robert						1401						
Pountfrayt, William del			1380	1379		1384 <sup>2</sup>						
Pund, Adam										1353c		
Simon de Quixlay	1381-83		1375		1378	1384 <sup>1</sup>	1377					1384 <sup>2</sup>
Redhode, William			1395	1378	1379	1395						
Rigton, Thomas de						1384b, 1388b						
Rypon, John de			1356	1355	1378, 1379	1377 <sup>1</sup> , 1380 <sup>2</sup> *				1357 & 1362c		1388 <sup>2</sup>



NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Santon, John de	1377		1361	1359	1378, 1379	1354, 1357, 1360, 1377*, 1380**						
Santon, Nicholas de			1350				1347, 1351					
Santon, Richard de							1347					
Santon, William de				1349			1347, 1351					
Savage, Robert	1384, 1391-92		1374	1370	1378, 1379	1379*	1377					1383 <sup>1</sup> , 1386
Savage, William <sup>2</sup>	1369		1355			1357						
Selby, John de												1363
Selby, Robert de			1344				1347					
Selby, Roger de	1369-70		1358									1362
Selby, William de	1385, 1387-88		1373		1378, 1379, 1392							1383 <sup>1</sup> , 1384 <sup>1</sup> , 1391, 1395, 1397
Setryngton, Stephen de			1329	1327		1348 <sup>2</sup>						
Sevenhous, John de			1364							1366c		
Sheffield, John de			1378	1369		1384 <sup>2</sup>						

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Skelton, Robert de			1337	1335, 1354			1347					
Skelton, William de			1347				1351					
Skorby, Henry de	1347-51		1331	1326	1359		1347, 1351, 1359					
Skorby, Nicholas de			1326	1325			1351					
Skorby, William de							1347					
Smyth, Thomas	1389-90		1377	1372	1379			pre-1375		1391c		
Spaldyng, John						1392						
Sporier, William							1347					
Staynlay, Thomas de	1395		1376	1369	1379	1377 <sup>2</sup>						
Swanland, William de			1352			1352, 1353, 1354, 1357, 1360	1351					
Syggeston, Thomas de			1349	1338			1347, 1351					
Thoresby, Richard de			1363	1362	1378, 1379	1377 <sup>1*</sup> , 1377 <sup>2</sup> , 1379*						
Thorneton, John de			1384			1388 <sup>2</sup>						

NAME	M	Sh	B	Ch	Co	Tax	Loan	Ship	Cust	Staple	Dipl	MP
Thurkyl, Thomas					1378, 1379	1379*				1391c		
Touche, John			1389			1395						
Tykhill, William de			1378	1377	1379	1380 <sup>1</sup> , 1383 <sup>2</sup> , 1384 <sup>1</sup> , 1388 <sup>2</sup> , 1392						
Vesey, William			1391			1393						
Waghen, Richard de			1369	1366		1382 <sup>2</sup>						
Waghen, Simon de			1381			1382 <sup>2</sup> , 1383 <sup>2</sup> , 1384 <sup>1</sup>						
Warde, Robert			1379	1376	1392		1377					
Wateby, Richard de	1365		1356	1351			1359					
Weland, John de			1366			1380 <sup>1</sup>						
Womme, John			1326				1347					
Wystowe, Robert de										1354c		

**END NOTES:**

1. In November 1379, John de Acastre, York's mayor, died in office, and John de Gysburn was elected mayor.
2. In June 1369, the mayor, William Savage, died in office, and Roger de Selby was elected in his place.

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- E34 Exchequer: Treasury of the Receipt: Loans to the Crown
- E36 Exchequer: Treasury of the Receipt: Miscellaneous Books
- E101 Exchequer: King's Remembrancer: Accounts, Various
- E179 Exchequer: King's Remembrancer: Particulars of Account and other records relating to Lay and Clerical Taxation
- E356 Exchequer: Pipe Office: Customs Accounts Rolls
- E359 Exchequer: Pipe Office: Accounts Rolls of Subsidies and Aids
- E364 Exchequer: Pipe Office: Foreign Accounts Rolls
- E368 Exchequer: Lord Treasurer's Remembrancer: Memoranda Rolls
- E372 Exchequer: Pipe Office: Pipe Rolls
- E401 Exchequer of Receipt: Receipt Rolls and Registers
- E403 Exchequer of Receipt: Issue Rolls and Registers
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