# EDWARD III'S GOVERNMENT OF ENGLAND c. 1346 - 1356

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Worcester College

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## ABSTRACT

This thesis examines the administrative history of the middle decade of Edward III's reign, between the victories of Crecy and Poitiers. It is often assumed that, after the crisis of 1340-1, the king was only able to maintain domestic peace at the cost of his own power. But the administrative records reveal that this political stability was the result not of a renunciation, but a restoration of royal authority. The king annulled the statute of 1341 limiting his control over appointment of ministers, removed from power the Stratford party which had dominated the government in the 1330's, and gave control of the departments of state to the members of his earlier household administration of 1338-40. These men, enjoying long tenure of office, then put into effect the administrative system planned in the Walton Ordinances of 1338. Bureaucratic reforms in the Chancery, the privy seal, the Exchequer and the household created a more efficient, and therefore more effective administration. These changes were co-ordinated in the king's council, which used its legislative and judicial authority to increase central control. In parliament, the king's ministers were able to direct business, obliging the Commons to grant taxes in return for remarkably few statutory concessions. And the best-enforced legislation of the period was that which accorded with government policy, implemented in the provincial sessions of the King's Bench. The greatest success of the regime however was to transform the financial disasters of the late 1330's into the financial security of the mid 1350's. This was the work of treasurer Edington, the most influential and long-lived of the ministers of this period. The success of the government, however, depended not on one man, but on the co-operation and inter-dependence of the whole administration, united in its common determination to restore the authority of the Crown.

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## ABSTRACT

The middle decade of Edward III's reign witnessed a revival in the prestige of the monarchy to an extent unknown since the great days of Edward I. This was a remarkable achievement, coming so soon after the major political crisis of 1340-1. It is usually assumed that Edward III, learning from the mistakes of his early years, realised after 1341 that foreign wars could not be fought without domestic peace, and therefore set about reconciling the political community to his policies through making compromises and concessions. The king granted titles and lands to the nobility, allowed control of taxation and legislative power to the Commons in parliament, and gave increasing initiative to the county communities as the justices of the peace assumed more and more authority. Thus, while the victories of Crecy, Calais and Poitiers undoubtedly increased the popularity of the Crown, it is often stated that the power of the throne declined as the king deferred to the interests of political society.

To write the history of the 1340's and 1350's in these terms is however to ignore the work of the royal administration. Events in 1338-41 had indicated that the king depended on the support not only of the Lords and Commons, but also of his ministers and bureaucrats. Edward had attempted, in the Walton Ordinances of 1338, to create an administrative system guaranteeing him control of government and giving priority to his military policies. The initiative of the home administration run by the Chancery and

Exchequer under Archbishop Stratford was therefore confined, and the influence of the household offices on the continent with the king, and especially of the privy seal, was much extended. A dangerous rift had appeared between the king and the regency government as Edward and Stratford disagreed over the conduct of the war. It was the king's determination to be rid of Stratford and his supporters which had then led to the dismissals and the hostile parliamentary reaction of 1340-1. If Edward had observed the statute of 1341 allowing parliament influence over the appointment of ministers, and had allowed the Stratford regime to stay in power, then it might well be argued that the political peace of the 1340's and 1350's was the result of compromise on the part of the king. But instead, the statute was repealed and Stratford and his followers permanently removed from power. The long-term administrative implications of the resulting change in government personnel have been relatively little discussed; and virtually nothing has been done to assess the political results of such a change for the authority of the Crown. It is with these matters that this thesis is concerned.

The backgrounds and qualifications of the new ministers appointed after 1341 give a strong indication of Edward III's policy during the middle years of his reign. Lay chancellors and treasurers were first appointed in an attempt to remove the clerical immunities claimed by Stratford, and to make royal servants answerable to the king in his courts. Then a new group of clergy, prominent in the household administration of 1338-40, began to move into the highest offices of the land. The promotion of John Offord

and John Thoresby to the chancellorship and William Cusance and William Edington to the treasurership signified the end of the factions of the 1330's, as all departments of government were put under the control of sympathetic royal supporters. Edward's confidence in these men is evident from their long periods of office: Thoresby's seven-year chancellorship and Edington's twelve-year treasurership restored the stability of office-holding which had been so seriously lacking since the time of Edward I. Such details are easily obtained and relatively well-known. But their implications and results have been little discussed. Drawing chiefly on the printed chronicles and records of parliament, historians have given comparatively little attention to the enormous number of unprinted administrative documents to be found in the Public Record Office. These documents form the basis of this study, which examines each of the main government departments in the decade between the great victories of Crecy and Poitiers in order to establish whether and to what extent these ministers helped to transform Edward III's new-found popularity into real political authority.

One of the most important themes to emerge from a study of the administrative records of the 1340's and 1350's is the enduring influence of the Walton Ordinances in English government. It has usually been assumed that the administrative structures created in 1338 had already collapsed by 1340, and were never reinstated. But closer examination reveals that the procedures planned in 1338 were revived by the new regime of the 1340's. It is not surprising that the Ordinances were applied most vigorously when the king went abroad, as in 1346-7. But many of the features

of the Ordinances were also implemented on a permanent basis. The hostilities between the household and the departments of state having been eradicated, it was possible for men like Offord, Thoresby and Edington to view the Ordinances not as the instrument of arbitrary royal control, but as the opportunity for co-ordinating an administration determined to improve the efficiency of royal government. For the royal initiative emphasised in the Ordinances was now itself exercised by the king's ministers in order to enhance the political authority of the Crown.

Under Offord and Thoresby both the Chancery and the privy seal came to observe the system of checks and balances created in the Walton Ordinances. The use of various warranty notes was now much improved and extended; new diplomatic forms were developed; and attempts were made to rationalise records. The result was a better-organised secretariat, at once more strictly controlled and at the same time therefore capable of further expansion. In the office of the great seal, this meant that the judicial work already begun by the lawyer-chancellors of 1340-5 was followed up with new procedures which would eventually grow into the equitable jurisdiction of the Chancery. Meanwhile the privy seal came to be used not only to communicate the king's will, but also increasingly for much routine administrative business. The secretarial departments were thus mobilised to increase the capacities, and therefore the authority, of central government.

The great and privy seals were also used in the service of the king's council. The ministers who dominated the regular administrative council were able to use the resources of their own departments to develop the council not only as an advisory, but also as an executive body. Making skilful use of its ordaining

power, the council issued such measures as the Ordinance of Labourers of 1349 and the Ordinance of the Staple of 1353, the two most important pieces of legislation of this period. The 1340's and 1350's also witnessed important developments in the judicial authority of the council. The specialised conciliar courts of Chivalry, Admiralty and Exchequer Chamber came into being, and a number of new writs came into use, most notably the sub poena, issued at first by the Chancery but also soon under the privy seal, and used to increase the judicial capacities of the council. Such changes illustrate the potential offered by the administrative departments for an increase in royal authority, a potential recognised and used by Edward III's ministers.

The council played an important role in parliament in this period, regulating business and manipulating the Commons in order to secure taxes. The increasing tendency to link grants of supply with redress of grievances meant that, during the long decade of direct taxation between 1344 and 1354, the government necessarily conceded to parliamentary pressure and confirmed some of the Commons' petitions as statutes. It is too easy to assume, however, that all the success and advantage lay with the Commons. So far as the king was concerned, he won a great deal of money at little real or theoretical cost to the Crown. Edward was under no constitutional obligation either to accept Commons' petitions as statutes or to implement the resulting legislation. The Commons, by contrast, were under a clear obligation to respond to the plea of necessity with a grant of taxation. And grumble as they might, their political clout was weakened by the novelty of their exclusive control over taxation. As recently as 1337 a direct subsidy had been granted not in parliament but in a great council; and parliament

failed to make good its claim to control the maltolt, the main form of indirect taxation requiring consent, until after the expiry of the subsidy granted by the great council of 1353. It was only in the 1360's that unprecedented requests for peace-time taxation allowed the Commons the opportunity to force greater concessions from the Crown. Between Crecy and Poitiers, by contrast, the most important and best enforced pieces of legislation were the ordinances created outside parliament by the king's council, or the statutes made in parliament which accorded with government policy and might be applied in the specific interests of the Crown.

The court which accepted special responsibility for enforcing government legislation during this period was the King's Bench. Under Sir William Thorpe and Sir William Shareshull, the King's Bench undertook a series of provincial sessions in the late 1340's and early 1350's, assuming the authority of an eyre. The appearance of the King's Bench in the shires, together with the preponderance of royal justices on the local judicial commissions, indeed signified a deliberate political statement of central control over the county communities. This was reinforced by efforts to whittle away the prerogatives of the franchise holders and to revive contentious fines associated with the eyre. And the net result of the extension in the powers and work of the King's Bench was an increase in the profits of royal justice, which would be used to the financial benefit of the Crown.

The single most important priority of government after 1341 was undoubtedly to restore order to the chaos which Edward III had created in his finances during the early stages of the French war. For without financial stability, the regime would

never be able to restore the political power of the Crown. It was therefore of the greatest importance that the Exchequer under Edington responded to the principles of the Walton Ordinances and carried through internal reforms in order to improve the efficiency of financial administration. The Exchequer of Receipt was brought under stricter supervision as its records and practices were carefully regulated by the Exchequer of Account. Greater attention was paid to the proper warranting of Exchequer issues, and a system of preferences was created as the privy seal came to be recognised as the most frequent and most important means of authorising expenditure. Meanwhile the Exchequer was also able to extend its control over the household spending departments, as Exchequer officials were appointed and Exchequer practices observed in the Wardrobe, the Great and Privy Wardrobes, and the Chamber. The income of the royal household was successfully regulated through the Exchequer, which was therefore established by 1353 as the authoritative head of a united royal fiscal machine. The net result was a tighter and better control over the disbursements of the king's finances. And consequently the Exchequer was better able to administer the new financial resources of the Crown which developed in the 1340's and 1350's.

During Edington's treasurership the Exchequer made great efforts to maximise income from all available sources. The traditional revenues from the farms of the shires, the feudal rights of wardship and aid, the profits of justice, and the prerogative revenues from communal fines and from the king's mint were all developed to their full in order to support the high level of expenditure. Most important of all, however, were the revenues from taxation, which provided both for current spending and for

the clearing of debts. The Exchequer overcame the possible disruption of direct taxation after the plague of 1348-9 by a general refusal to allow immunities to taxpayers or concessions to tax collectors. By using the estreats taken under the new labour legislation in aid of the lay subsidies the Exchequer placated the political community, but at the same time ensured a continued high level of income. As for indirect taxation, the farm of the customs set up in 1343 finally collapsed in 1351, by which time the Exchequer had already taken preliminary steps to ensure that the customs system should yield increased income when direct administration was resumed. The government then imposed a system of English staples and an alien monopoly over wool exports in 1353 which was carefully administered by the Exchequer to produce the highest customs revenues raised in the whole reign. This large income gave the government a greater spending power, allowing it not only to pay off old military debts, but also to provide more and more funds for the king's building programmes and domestic expenses.

The careful management of the new resources provided by the customs administration strongly suggests that the Exchequer had precise information on the levels of income and expenditure enjoyed by the Crown. And there is indeed certain evidence to suggest that the most ambitious clause of the Walton Ordinances, demanding that schedules of royal income and expenditure be compiled in the Exchequer, was implemented in modified form after 1353. The Exchequer's willingness and ability to observe this clause of the Ordinances stands as one of the most remarkable achievements of the administrative regime of the 1340's and 1350's. And the information provided by such schedules left no doubt about the dramatic

improvement not only in the state of royal finance, but also therefore in the real authority enjoyed by Edward III.

The years between Crecy and Poitiers therefore produced many developments in royal administration which, taken together, amounted to a general overhaul intended to provide more efficient and effective government. The old factions of the 1330's had disappeared, and were replaced by a united administration, whose esprit de corps was carefully nurtured by the king through astute use of patronage, and was reinforced by the concentration of all administrative offices in the capital. The privy seal and the council now joined the courts, the Chancery and the Exchequer within the Palace of Westminster to provide a carefully co-ordinated system of government. The inter-departmental influences which were thus facilitated indicate that the administration created after 1341 did not depend on one over-mighty minister, but on a group of able administrators prepared to share power and to co-operate in government. Even the most influential and long-lived of these men, William Edington, never aspired to the same power as that held earlier by Stratford or later by Wykeham. For Edington and his contemporaries were prepared to devote their energies and ambitions to building up the power of the Crown. Their success proves that Edward III's ascendancy in the decade 1346-1356 was based not on a renunciation, but on the very restoration of royal authority.

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## ABBREVIATIONS

| | |
|---|---|
| Biog.Reg.Oxford | A. B. Emden, A Biographical Register of the University of Oxford to 1500, 3 vols. (Oxford, 1957-9). |
| B.L. | British Library |
| Bull.Inst.Hist.Res. | Bulletin of the Institute of Historical Research |
| Cal.Charter Rolls | Calendar of Charter Rolls |
| Cal.Clo.Rolls | Calendar of Close Rolls |
| Cal.Fine Rolls | Calendar of Fine Rolls |
| Cal.Inq.Misc. | Calendar of Inquisitions Miscellaneous |
| Cal.Inq.Post Mort. | Calendar of Inquisitions Post Mortem |
| Cal. Letter Books London | Calendar of Letter Books of the City of London: Letter Books F-G, ed. R.R. Sharpe (London, 1904-5). |
| Cal.Pat.Rolls | Calendar of Patent Rolls |
| Dic.Nat.Biog. | The Dictionary of National Biography, eds. Sir Leslie Stephen and Sir Sidney Lee (Oxford, 1917). |
| Eng.Gov. at Work | The English Government at Work, 1327-1336, eds. J. F. Willard et al., 3 vols. (Cambridge, Mass., 1940-50). |
| Eng.Hist.Rev. | English Historical Review |
| Foedera | Foedera, Conventiones, Literae et Cujuscunque Generis Acta Publica, ed. T. Rymer (Record Comm, edn., vol. iii, 1819). |
| P. R. O. | Public Record Office |
| Rep.Dig.Peer | Report from the Lords' Committees...for All Matters Touching the Dignity of a Peer, 4 vols. (London, 1820-9). |
| Rot.Parl. | Rotuli Parliamentorum, vol. ii (London, 1767). |
| Stat.Realm | Statutes of the Realm, vol. i (Record Comm., 1810). |
| Trans.Roy.Hist.Soc. | Transactions of the Royal Historical Society |
| W. A. M. | Westminster Abbey Muniments |

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Unless otherwise stated, all unpublished documents are to be found in the Public Record Office.

# C H A P T E R  I

## INTRODUCTION

There is no reliable modern biography of Edward III.[1] The practical difficulties involved in such a project explain this gap in historical scholarship: for to cover a period of fifty years is an ambitious task for any medievalist, and becomes a virtual impossibility with the substantial volume of primary material surviving from the fourteenth century. Consequently, while detailed research is gradually revising our opinions of particular events and developments within the period, this has yet to be drawn together into a comprehensive account of the reign; and nothing but the most cursory of efforts has therefore been made to reconcile Edward III's reputation with our present understanding of events between 1327 and 1377.[2]

The general pattern of the reign is known well enough. Received opinion has it that the young Edward III, set up on the throne of his deposed father at a time when the prestige of the monarchy had been badly impaired, became the mere figurehead of the corrupt government of Mortimer and Isabella. Having exerted his authority and overthrown his mother and her lover in 1330, however, Edward set about restoring the power of the throne. This was to be achieved by renewing the hostilities against Scotland and France begun by his grandfather Edward I.

1. M.McKisack, 'Edward III and the Historians', History, xlv (1960), 1-15, gives bibliographical details. Since 1900 the only biographies to appear have been P.Johnson, The Life and Times of Edward III (London, 1973), and M.Packe, King Edward III, ed. L.C.B. Seaman (London, 1983).
2. McKisack, op.cit..

By directing the energies and the attention of the country towards foreign wars, domestic tensions would be eased and the realm guided by a common purpose. The Scottish war and the opening stages of the Hundred Years' War in the 1330's proved an expensive experiment, and precipitated a major political crisis in 1340-1; but after the mid-1340's the king succeeded in his plan and, through the victories of Crecy and Poitiers, re-established the prestige of the English monarchy at home and abroad. The reputation thus created secured the popularity of the regime until the 1360's. But with the military and diplomatic reversals which followed the renewal of the war in 1369, and the removal of the king's influence from public affairs in his declining years, disaffection and criticism developed once again, culminating in the comprehensive indictment of the government and its policies in the parliament of 1376.

It has been customary to write the history of Edward III's reign in these terms, connecting the rise and fall of his authority with the course of the war, and only concentrating on domestic politics at moments of particular crisis. Consequently much attention has been paid to the first and last decades of the reign, in order to provide the background to the political conflicts of 1340-1 and 1376. By comparison, little interest has usually been expressed in the middle years of the reign, the period of political concord and military success which marked the apogee of Edward III's authority and popularity. This period deserves much more detailed attention. For it was one of Edward III's most remarkable achievements that he secured and maintained political stability for some thirty years between 1341 and 1371. This is usually explained as the result of public confidence

in the king's direction of the French wars. The military successes of Crecy and Poitiers played an important part in creating Edward III's political popularity. But there were many other factors involved in the development and consolidation of his authority in these years. On the eve of the battle of Crecy, Edward III had little to show for the first twenty years of his reign. To explain how he recovered prestige in the late 1340's and 1350's we have to look beyond the battles and delve into the administrative records. It is from these sources that we can draw an accurate picture of the running of royal government and estimate whether Edward III's popularity in the decade between Crecy and Poitiers was reinforced by administrative policies aimed at establishing effective royal authority.

If such policies were developed in the 1340's and 1350's they might explain how Edward III was able to extricate himself from the political problems which had dogged the first part of his reign. Although the detailed ministerial history of the 1330's has yet to be written, it is evident that until 1340 Edward's administration was overshadowed by the continued tension between the factions which had dominated his father's reign.[1] The use of such labels as 'Lancastrian' and 'curialist' to describe these groupings is no longer fashionable. But competing parties certainly existed in the 1330's. The chief influence in the administration was John Stratford, who as Bishop of Winchester had taken a prominent part in the opposition movement to Edward II, and was Edward III's chancellor for a total of some six years between 1330 and 1340. Stratford, who was

1. For what follows see T.F. Tout, Chapters in the Administrative History of Medieval England (Manchester, 1920-33), iii. 40-44, and M.McKisack, The Fourteenth Century (Oxford, 1959), pp. 152-4.

translated to the Archbishopric of Canterbury in 1333, was granted much initiative in government, and built up his power by employing relatives and associates in the Chancery, most notably his brother Robert, who became Bishop of Chichester and himself held office as chancellor in 1337-8. Stratford's ascendancy however merely concealed a continued friction in the administration. The protests and accusations which arose after the provision of Adam Orleton, one of the chief supporters of Mortimer and Isabella, to the bishopric of Winchester in 1333, suggest that Stratford felt threatened by the possible resurgence of the 'court' party.[1] The main reason for Stratford's dominating position in the administration during the 1330's was simply therefore that the king made no real effort to influence the government carried out in his name. Edward was content merely with building up his following in the household and passing his time in sports and military exploits.

The administration headed by Stratford was faced with the unenviable task of providing the king with the resources which he needed to fight his wars. Edward's Scottish campaigns of 1332-7 and the opening stages of the Hundred Years' War in 1338-40 proved a massive strain on the country and the administration. Rather than depending on traditional feudal services, the king employed wage-earning soldiers, who had to be provided with victuals and arms. Alliances also had to be purchased with large sums of money. Direct taxation on an unprecedented scale,

1. R.M. Haines, The Church and Politics in Fourteenth-Century England; the Career of Adam Orleton (Cambridge, 1978), pp. 61-2, 106,189.

together with the widespread compulsory purchase of provisions, produced much economic hardship. Opposition to the king's military policies therefore developed: the late 1330's were characterised by political hostility in parliament and a high level of lawlessness in the country. This was the setting for such expressions of discontent as the 'Song Against the King's Taxes', the 'Song of the Husbandman', and possibly the Gest of Robin Hood.[1]

The king, however, remained preoccupied with his military ambitions, and was determined that he should be provided with the resources necessary for these enterprises. During the Scottish campaigns he was able to wield the necessary control over the administration through moving the government departments to York; but new methods were needed when he was faced with the prospect of long periods of absence on campaigns in France. On the eve of his departure for the continent in 1338 Edward therefore issued the so-called Walton Ordinances, whose purpose was to ensure that the dictates of the king and the needs of the war would take precedence over all domestic administrative policy conducted by the regency government.[2] To achieve this, the privy seal was established as the sole means of communication between the king and the home government, warrants under this seal controlling the work of the Chancery and Exchequer. Financial

1. See most recently, J.R. Maddicott, The English Peasantry and the Demands of the Crown, 1294-1341 (Past and Present Supplement no. 1, 1975); idem, 'The Birth and Setting of the Ballads of Robin Hood', Eng.Hist.Rev., xciii (1978), 276-299. The arguments concerning the dating of the Gest have however been called into question by J.C. Holt, Robin Hood (London, 1982), pp. 59-60.
2. The Ordinances are printed in Tout, Chapters, iii. 143-150, and discussed in ibid., iii. 69-80.

stringency was the order of the day: exemptions from taxation, respites on debts and payments by installment were cancelled, and the debts of the king's predecessors repudiated. The treasurer of the Exchequer was required to make careful estimates of the king's financial commitments and resources, and the expenditure of the wardrobe was to be monitored through warrants and frequent audits. The purpose of the Walton Ordinances was thus to curtail the initative of the departments of state left at home under the direction of the regency council, and to enhance the power of the king and his household at war.

Such an attempt to increase the control of the household over the major offices of state could only work if the two branches of the administration united in a common purpose. In theory there was nothing sinister about the increase in the authority of the household, since the Ordinances merely aimed to make the structure of wartime administration, based on the household, more efficient and expeditious. But in practice any divergence between the attitudes of the king and the home government might produce political conflicts between the household and the departments of state reminiscent of Edward II's reign. Such a divergence became apparent when Edward chose to take the advice, not of Stratford and his fellow-councillors, but of a group of courtiers and clerks based in the household, the most influential of whom was William Kilsby, the keeper of the privy seal.[1] Had the king justified this administrative policy by winning battles, all might have been well; but at the crucial moment victory eluded him. While Edward followed an increasingly desperate policy

1. The following account of the crisis of 1338-41 is based mainly on McKisack, The Fourteenth Century, cap. vi, and G.L. Harriss,King, Parliament and Public Finance in Medieval England to 1369 (Oxford, 1975), caps. x-xiii.

of lavish expenditure in the expectation of diplomatic and military success, the regency council was therefore forced to defend the king's policies in the face of disaffection and open hostility in the country. In particular, the attempt to manipulate the wool trade as a source of royal income had produced much antagonism, not only amongst the merchants, whose hope of profit through the agreement to buy and export wool for the king's use in 1337 had been ruined when the king reneged on the so-called Dordrecht bonds, but also amongst the parliamentary Commons, who deeply resented the king's attempt to levy the maltolt, the subsidy on wool, without their consent.[1] In October 1339, and in January and March 1340, parliament passed an indictment of royal policy which Edward was forced to accept as the condition for the grant of a ninth. The statutes thus created were aimed specifically at protecting the subject against unjust royal exactions. They dealt in detail with the proper administration of justice, the regulation of purveyance, and the supervision of sheriffs and escheators.[2] Opposition had been voiced effectively in parliament, and the king had been obliged, through his desperate financial position, to accept the country's criticisms of his policies.

The compromise, however, failed. Neither the ninth nor the additional grant of wool made in the parliament of July 1340 produced any alleviation of the king's debts, and Edward, having little to show for the £400,000 which he had spent in the opening stages of the war,[3] was forced into a truce with

1. E.B. Fryde, Studies in Medieval Trade and Finance (London, 1983), cap. vi, pp. 8-24.
2. Stat.Realm, i. 281-294.
3. Fryde, Medieval Trade and Finance, cap. vii, p. 1142

the French, concluded at Esplechin in September 1340. Frustrated in his military plans, the king turned his wrath on the home government, and ordered a purge of the administration, dismissing the chancellor, treasurer, chief justice of the King's Bench, and four justices of the court of Common Pleas, as well as a number of lesser officials. Stratford and other ministers were summoned to answer for their actions before the king, and general commissions of trailbaston were issued to inquire into the misconduct of other Crown officials in the shires.[1]

Such heavy-handed actions made inevitable the rift between the king and Stratford, between the household administration and the offices of state. The Archbishop, refusing to recognise Edward's authority to take proceedings against him, poured out a stream of invective against the king's maladministration. He presented himself as the defender of the privileges of the Church and the peerage, and the upholder of the traditional role of the barons as the king's counsellors. The king had strayed from good government by placing an inordinate strain on the country's resources and by trusting in the advice of a small group of favourites at the expense of the influence of the magnates. As a result of these arguments, Stratford was able to mount a full scale opposition movement in the parliament of April 1341. The discontent which had been expressed by the Commons in 1339-40 was now used to reinforce the opposition of the Lords, under the leadership of Stratford himself. The archbishop's criticisms

1. D. Hughes, A Study of Social and Constitutional Tendencies in the Early Years of Edward III (London, 1915), pp. 99-119, 182-211; W.R. Jones, 'Rex et Ministri: English Local Government and the Crisis of 1341', Journal of British Studies, xiv (1974), 1-20; N.M. Fryde, 'Edward III's Removal of his Ministers and Judges, 1340-1', Bull.Inst. Hist.Res., xlviii (1975), 149-161.

of the king's policies were thus adopted in parliament, and Edward, again under financial pressure, was forced to accept more legislation which limited his right to dismiss his ministers at will and to take arbitrary proceedings against them, and recognised the prerogative of the Lords to be tried before their peers, and the authority of parliament to pass judgment upon the ministers of the Crown.[1]

A severe blow had thus been struck to the king's authority through the legislation of 1340-1. Not surprisingly, these statutes, and the arguments of Stratford, have formed the basis of most analyses of the crisis, and much significance has been attached to them by constitutional historians.[2] Because of Stratford's earlier connection with the opposition party of Edward II's reign, and the parallels between the political programmes of the Lords Ordainers in 1311 and the parliaments of 1340-1, the dispute has often been seen as an ideological struggle between the forces of arbitrary royal government in the household and the supporters of limited monarchy in the departments of state. To the extent that it arose from a divergence between the king's war administration and the regency government, this conflict did represent a clash between a court party and a baronial opposition.

1. Stat.Realm, i. 295-6.
2. W. Stubbs, Constitutional History of England (4th edn., Oxford, 1906), ii. 402-411; G. Lapsley, 'Archbishop Stratford and the Parliamentary Crisis of 1341', Crown, Community and Parliament, eds. H.M. Cam and G. Barraclough (Oxford, 1951), pp. 231-272; Hughes, Early Years of Edward III, pp. 100-181; Tout, Chapters, iii. cap. ix; B. Wilkinson, 'The Protest of the Earls of Arundel and Surrey in the Crisis of 1341', Eng.Hist.Rev., xlvi (1931), 181-193; idem, Constitutional History of Medieval England (London, 1952), ii. 176-187.

But the constitutional implication of such labels has been much exaggerated.[1] For beneath all the constitutional rhetoric bandied about in 1341 lay a basic disagreement over the conduct of the war, which mattered far more than the niceties of political balance within the administration. The quarrel also had a strong personal element, exacerbated by the stubborn and wilful characters of both Edward and Stratford. For this reason Stratford was only temporarily successful in winning comprehensive support for his opposition to the king. He had failed to eradicate factions within the administration, so that when his direct authority was removed he was unable to win the support of the government departmentsfor his cause. Within parliament, the Lords and Commons lent him support in 1341, but Stratford, who lost sight of the reality of the conflict, was quickly outmanoeuvred by the king. The magnates had been prepared to support the archbishop because they were opposed to the king's policy of depending on the advice of his curiales rather than of his natural counsellors, the barons. But once the king recognised their right to participate in the council, the magnates lost interest in Stratford's radical causes, and personal and informal reconciliation mattered more than theoretical declarations in parliament. Thus it was of great importance for the recovery of Edward's authority that by the end of 1341 he had won back the support of the magnates by summoning them to meetings of the council and thus involving them in policy making and military planning.[2] The most impressive

1. The terms curialists and curiales are used in this work to describe the members of the household administration of 1338-40. I use the terms simply as a shorthand method of referring to loyal servants and close associates of the king: no sinister or ideological connotations are intended.
2. Harriss, Public Finance, pp. 302-312.

and remarkable outcome of this rapprochement between Crown and nobility was Edward's announcement in October 1341 that he had repudiated the statutes passed earlier in that year as being injurious to the royal prerogative, a decision taken with the advice and consent of the magnates in council.[1] While the Commons might complain about the repeal of this legislation, they could achieve little after the magnates had withdrawn from support of their cause. And with Edward's unofficial reconciliation with Stratford in October 1341, the final impediment to the restoration of political concord was removed.

The opposition movement of 1340-1 therefore collapsed as quickly as it had developed: it was a brief and extraordinary episode, a temporary disagreement which all parties (with the possible exception of Stratford himself) were eager to see concluded. For thirty years thereafter, no major political or constitutional controversy arose. Unlike his father or his grandson, Edward III proved to be sensitive to the political climate and judicious in his choice of policies, because he learned from the military, fiscal and political mistakes of 1338-41 and thereafter reconciled himself with the political community. It is therefore crucial to an understanding of the political complexion of the middle period of the reign to explain the means by which such a reconciliation was achieved.

The upturn in Edward's military fortunes in the 1340's was of great importance in re-establishing confidence in the monarchy. The continuation of the king's military enterprises depended on the willingness of the country to contribute manpower and money; and the country was far more likely to support the

1. Stat.Realm, i. 297.

war effort if the king could win battles and pay for them efficiently. It was the absence of victories and the squandering of money which had precipitated the crisis of 1340-1, for Edward III had achieved virtually nothing when he was forced into the truce of Esplechin in September 1340: no advance had been made in the extension of territory and jurisdiction in Guyenne; the claim to the French throne, assumed formally in January 1340, remained a hollow title; and the elaborate system of alliances built up in the Netherlands had largely collapsed.[1] In 1341 there seemed little likelihood of Edward achieving any success: Philip VI was the ostensible victor.

The course of the war was changed, however, by the succession dispute in Brittany.[2] Edward's agreement to support John de Montfort as the rightful Duke of Brittany, against the French-backed Charles of Blois, allowed him to intervene in the Duchy in 1342-3, and when the Anglo-French truce expired in 1345 Edward immediately launched a full-scale offensive in Brittany under the leadership of Sir Thomas Dagworth. Meanwhile in Aquitaine Henry of Grosmont continued to pursue Edward's territorial and seigneurial claims, while the king himself advanced in the north, landing in Normandy in 1346 and marching into the Ile de France, then turning north and meeting the French in pitched battle at Crecy.[3]

It is usual to play down the English victory at Crecy, to emphasise that no treaty was decided, no territory won, and

1. E. Perroy, The Hundred Years War (London, 1951), pp. 101-108.
2. ibid., pp. 114-7; M. Jones, Ducal Brittany (Oxford, 1970), pp. 1-12.
3. For the details of these campaigns see A.H. Burne, The Crecy War (London, 1955), pp. 79-203.

little strategic value gained from the battle. Edward's army was forced to retreat northwards to Calais, which only fell into English hands after a long and expensive siege in August 1347. The diplomatic response was also disappointing: the English alliance with Flanders collapsed as a result of the death of Louis de Male at Crecy; and projected marriage alliances with Flanders and Castille came to nothing.[1] Similarly, the short-term results of the battle of Neville's Cross, the English victory against the Scots in 1346, were disappointing, for although the capture of David II provided Edward III with a powerful negotiating position, the Scots proved reluctant to pay their king's ransom.[2] Furthermore, at home the enormous strain of financing, manning and victualling the siege of Calais produced a level of discontent comparable to that of 1340-1.[3] Nevertheless, the Crecy-Calais campaign proved a turning point both in military and political terms. With the scale of fighting reduced and the fiscal strain consequently alleviated after 1348, enthusiasm for the king's wars increased. Edward had shown that he could win battles and thus justify the country's investment in the war.

Confidence in the king's military leadership had an important effect upon domestic politics. For the war provided the country with a unity and identity carefully manipulated by

1. J. Le Patourel, 'The Kings and the Princes in Fourteenth-Century France', Europe in the Later Middle Ages, eds. J.R. Hale, J.R.L. Highfield and B. Smalley (London, 1965), pp. 173-4; P.E. Russell, The English Intervention in Spain and Portugal in the Time of Edward III and Richard II (Oxford, 1955), pp. 8-9.
2. E.W.M. Balfour-Melville, Edward III and David II (Historical Association Pamphlet, London, 1954), pp. 15-16; J. Campbell, 'England, Scotland and the Hundred Years War in the Fourteenth Century', Europe in the Later Middle Ages, pp. 196-8.
3. M. Prestwich, The Three Edwards (London, 1980), pp. 224-5.

the king and his government. Having won back the confidence of the magnates after the crisis of 1340-1, Edward not only recognised their role as his natural counsellors, but also encouraged them to participate in the wars as his military lieutenants. He thus succeeded in developing a powerful military, social and political esprit de corps between Crown and nobility, reinforced by the titles and estates which Edward bestowed upon his most trusted magnates. The contrast between the relations of Edward II and Edward III with their Lancastrian cousins well illustrates the important implications of such policies. While Thomas of Lancaster headed an opposition movement violently hostile to Edward II's personal and political ineptitude, Henry of Grosmont, Earl and later Duke of Lancaster, was the very epitome of loyalty to Edward III, and one of the most outstanding of the king's war leaders and diplomats in the early stages of the Hundred Years War.[1]

The king also made skilful use of the social and military mores of his time to cultivate such support. By identifying his own tastes and lifestyle with those of the aristocracy he created powerful personal ties with most of the nobility. One of the most obvious examples of this policy was the Order of the Garter, founded during the round of tournaments held in 1348 to celebrate the victories of Crecy and Calais.[2] The order originally included the Earls of Lancaster, Warwick and Salisbury; membership was granted to the earls of Suffolk and Northampton in 1349; and in c. 1351 the company was expanded from twenty-four to twenty-six in order to create room for further members of the nobility.[3] The king clearly intended that honours should be heaped

1. K. Fowler, The King's Lieutenant (London, 1969).
2. N.H. Nicolas, 'Observations on the Institution of the Most Noble Order of the Garter', Archaeologia, xxxi (1846), 125.
3. G.E. Cokayne, The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom, new edn., rev. by V. Gibbs et al. (London, 1910-59), ii. Appendix B.

upon those whose service he most admired and desired.

Edward's success in winning back confidence and support in the 1340's and 1350's was not confined to the nobility. For the government also cultivated the participation and co-operation of the political community in general. Victories were publicised, and prayers said for the king's armies in a deliberate effort to present the war as a national enterprise.[1] The need for money, men and arms was carefully explained through proclamations in the country and speeches in parliament. Skilful use of the plea of necessity and the careful timing of requests for supplies meant that Edward's government was able to secure regular grants of taxation.[2] In return for the generosity of the Commons, the Crown allowed concessions. As Dr Harriss has shown, by 1360 parliament had secured guarantees of 'the cessation of continuous direct taxation in times of truce; parliamentary assent to indirect taxation; strict statutory control of purveyors, and a decline of war purveyances; payment for arrays and the proscription of assessments of the wealthy to military service; the beginning of a tradition of purchasing exemption from the penalties of the eyre; and a right to assent to extensions of feudal aids'.[3] This period therefore witnessed a spirit of co-operation between Crown and Commons in which the king limited his fiscal prerogatives in order to reap the full benefits of taxation granted by parliament in aid of the war.

At the same time the political identification of the Crown and the community was reinforced on a socio-economic level as a result of the Black Death of 1348-9. The plague created

1. H.J. Hewitt, The Organization of War Under Edward III (Manchester, 1966), pp. 158-165; W.R. Jones, 'The English Church and Royal Propaganda During the Hundred Years War', Journal of British Studies, xix (1979), 18-30.
2. Harriss, Public Finance, pp. 314-320.
3. ibid., pp. 513-4.

a common economic problem for the landowning classes, faced by a scarcity of labour and a corresponding rise in wages. Crown, government, lords and gentry therefore drew together to enforce legislation aimed at restricting the improvement in the economic status of the peasants.[1] The Ordinance and Statute of Labourers of 1349 and 1351, and the appointment of justices in the shires to enforce this legislation, thus created a new framework which bound central government and local society together in a common defence of their economic interests.

Such developments provided the key to the political quiescence of the middle years of Edward III's reign, and explain the support and popularity which the king achieved in this period. But these changes are often explained purely in terms of concessions which could prove ominous for the Crown in the future. Despite vigorous arguments to the contrary, the opinion is still sometimes expressed that in his generosity to the nobility Edward III built up short-term popularity at the expense of long-term control over the aristocracy.[2] Similarly it is argued that parliament developed largely at the expense of the monarchy, by extending its authority over royal finance and forcing the Crown to abandon or limit many of its fiscal prerogatives in return for grants of taxation.[3] And the support of the political society in the country is explained chiefly through the same theory of a renunciation of royal authority: the increased initiative granted to the county communities, best illustrated by the development of the office of justice of the

1. ibid., pp. 340-3; B.H. Putnam, The Enforcement of the Statute of Labourers (New York, 1908); idem, The Place in Legal History of Sir William Shareshull (Cambridge, 1950), pp. 68-72.
2. e.g., compare K.B. McFarlane, The Nobility of Later Medieval England (Oxford, 1973), pp. 156-167, with Prestwich, The Three Edwards, pp. 148-155.
3. Stubbs, Constitutional History, ii. cap. xvii; cf, e.g., B. Wilkinson, Studies in the Constitutional History of the Thirteenth and Fourteenth Centuries (2nd edn., Manchester, 1952), cap. x.

peace, has been seen as a substantial handing over of royal and central judicial authority in order to appease local society.[1] These arguments lead to the inevitable conclusion that Edward III was prepared to alienate his demesne, limit his prerogative, and reduce his immediate authority in order to win the support of the country. Such theories are normally countered by the generalisations which state that Edward III was forced by the practicalities of particular situations to make concessions; and that he saw nothing harmful in such actions and cannot be blamed for the rise of the over-mighty subject or the growth of parliamentary opposition to the monarchy.[2] But the explanation of the stability of the middle years of the reign is more complicated than this. Pragmatism and compromise on the part of the Crown certainly played a part in the political reconciliations of this period. But we must also pay attention to the developments in the administration if we are properly to understand the character of government in the 1340's and 1350's. If, as is often concluded, Edward III stepped down after 1341 and never again attempted to disturb the delicate political balance, then we ought to find the government echoing such a policy, through cautious administration which deferred to the interests and rights claimed in the crisis of 1340-1.

The reality of royal administration in the 1340's and 1350's was very different from this. The crisis of 1340-1 ended with the repudiation of the statutes of 1341, signifying not a limitation but a restoration of royal authority. If that authority were to be made good, it had to be backed up by efficient

1. N. Saul, Knights and Esquires: the Gloucestershire Gentry in the Fourteenth Century (Oxford, 1981), pp. 128-35, 168.
2. McKisack, 'Edward III and the Historians', pp. 4-11.

and effective administration which would create security at home and provide the resources for the war on the continent. Such an administrative policy could not be achieved merely by carrying on with the system as it had stood before 1338, or with the modifications and limitations imposed during the years from 1338 to 1341. Edward's quarrel with Stratford had served as a warning that if government were to be effective and to serve the king's interests, it had to be co-ordinated not by a single powerful minister, but by the king and a body of administrators dedicated to the common task of enhancing the control and increasing the resources of the Crown. Although it is a sign of Edward's willingness to learn from his early mistakes and to establish a proper rapport with the influential members of political society that he engineered a reconciliation with Stratford, it is also important to note that this reconciliation was personal and informal, and did not result in Stratford being restored to his former ministerial position. Henceforth he and his relatives had no direct links with the administration, and had to depend on their personal ties with Edward to salvage what they could of their previous influence. While John and Robert Stratford, and their nephew Ralph, Bishop of London, remained members of the council after 1341, their influence came to an end with the Archbishop's death in 1348, after which little is heard of any members of the family in the administrative records.[1]

It is possible to argue therefore that Stratford's fall from power in 1340 signified an important turning-point in Edward III's attitude towards his ministers. The Stratford interest

1. McKisack, The Fourteenth Century, p. 178; Tout, Chapters, iii. 42, n. 2; cf below p. 105 and n.2, p. 106 and n.1; p. 110 and n.3; p. 111.

was virtually wiped out and replaced by a group of men more dependent on royal favour and more sympathetic to the king's policies. This is shown most conveniently by the pattern of appointments of chancellors and treasurers after 1340. Edward's determination to rid himself of the over-mighty minister was made apparent upon his dramatic return from the continent late in 1340, when the dismissed chancellor and treasurer were replaced by laymen, appointed in deliberate contravention of the clerical monopoly of such offices, in order that the king might be served by ministers justiciable in his own courts.[1] The king's resolve to be served by men dependent on his favour proved no temporary aberration, for the restoration of clerical treasurers in 1341 and chancellors in 1345 did not imply a return to the policy of appointments pursued in the 1330's. None of the new ministers of the 1340's had had any real contact with the major departments of state during Stratford's ascendancy. William Cusance, treasurer from 1341 to 1344, was a veteran household official who had been keeper of the Wardrobe during the period of conflict in 1340-1, and thus a key member of the household government which had been criticised by Stratford and his partisans.[2] Cusance's successor at the Wardrobe in 1341, and at the Exchequer in 1344, was William Edington, the man who was to become Edward's most prominent minister in the 1340's and 1350's. Yet in 1341 he was a virtual newcomer to the administration: he had begun his career as a collector of the ninth in 1340, and had no previous experience in either the Wardrobe or the Exchequer.[3] Nor had John Offord held any position in the Chancery before becoming chancellor in 1345. He had instead been prominent in Edward's diplomatic

1. Tout, Chapters, iii. 124.
2. ibid., ii. 272; iii. 161; iv. 106-9.
3. ibid., iii. 109.

service during the 1330's, and was an important member of the curialist party in the crisis of 1338-41, becoming keeper of the privy seal from 1342 to 1344.[1] Offord's successor at the Chancery in 1349, John Thoresby, was another of the curiales of 1338-41, and although he had some links with the Chancery during the 1330's, he was probably not a Chancery clerk proper, for he was mainly employed as a royal notary and diplomat. His first formal appointment in the Chancery came only in 1341 when he took office as keeper of the rolls; and after a period as keeper of the privy seal in 1345-9, he returned to the Chancery as its head in 1349.[2] None of these men appointed to high office in the 1340's therefore had any tangible connection with the Stratford interest, and three of them had instead been prominent members of the king's party in 1338-41. Their appointments to the chancellorship and treasurership signified a determined effort to make a clean sweep of the upper echelons of the administration: Edward III now entrusted the regulation of his government not to the men trained and employed in his father's day who had continued to dominate the administration in the 1330's, but to a new generation of royal servants more closely associated with the king and his policies.

The appointments to offices of state in the 1340's and 1350's therefore indicated Edward III's attempt to re-establish effective royal authority. And having put a new group of men into positions of power, it is noticeable that the king then granted them ecclesiastical offices suitable to their exalted positions in government. After 1341 Edward III changed his policy of

1. B. Wilkinson, The Chancery Under Edward III (Manchester, 1929), p. 117; Biog.Reg.Oxford, ii. 1391-2.
2. Wilkinson, Chancery, pp. 118-120; Chaplais, Essays in Medieval Diplomacy and Administration (London, 1981), cap. xxii, pp. 172-3.

appointments not only with regard to administrative offices, but also with regard to bishoprics. He was determined that there should be no recurrence of events in 1340-1, and no chancellor-Archbishop should in future set himself up as the successor of Becket. The virtual control which the Crown had come to enjoy over the nomination of bishops allowed Edward to select tried and loyal men for Canterbury. His first two candidates for the see, when it became vacant on Stratford's death in 1348, were John Offord and Thomas Bradwardine, both of whom were involved in royal service; and when the plague carried them off, the king chose another royal clerk, Simon Islip, as the new archbishop. Bradwardine, although primarily a scholar, had served in the royal household as chaplain and diplomat.[1] Offord and Islip had stronger connections with royal government: both had served as keepers of the privy seal, and Offord had been chancellor since 1345. Such men clearly represented the continued influence of the curiales in English politics, and the appointments to Canterbury signify the determination of Edward III to retain that influence and eradicate the memory of Stratford.[2] It was further consolidated by other episcopal appointments. William Edington, household clerk, keeper of the wardrobe, and treasurer, was provided to the see of Winchester on the death of Adam Orleton in 1345; John Thoresby, keeper of the privy seal and chancellor, became successively bishop of St David's (1347), bishop of Worcester (1349) and archbishop of York (1352). And when Ralph Stratford died in 1354 the demise of his family's influence was made complete by Edward's nomination of his keeper

1. Tout, Chapters, iv. 114, and n. 4.
2. J.R.L. Highfield, 'The English Hierarchy in the Reign of Edward III', Trans.Roy.Hist.Soc., 5th ser., vi (1956), 136-7.

of the privy seal, Michael Northburgh, to the see of London. Thus by the mid-1350's Edward III had not only re-established his authority through the appointment of curiales to the great offices of state, but he had also consolidated the influence of those same men by granting them some of the richest and most powerful sees in the English Church. This guaranteed Edward the support of the clergy in providing money and prayers for his wars.[1] And it also created a collegiate identity and corporate responsibility amongst the bureaucracy. Clerical ministers now no longer posed a threat to the Crown: instead, they were the king's most enthusiastic supporters.

Perhaps the most important and significant result of the closer ties established between the king and his high officials was the remarkable change in the length of tenure of office in this period. The ministers of the 1340's restored the stability of office-holding which had been so lacking since the end of Edward I's reign. Tables 1 and 2 illustrate the insecurity and brevity which had characterised the chancellorship and treasurership: between 1307 and 1340 no chancellor or treasurer held uninterrupted office for more than three and a half years, and many were in office for much shorter periods, the treasurership in the early years of Edward III's reign being particularly unstable. After 1341, and more especially from the mid-1340's, however, there was a remarkable increase in the length of tenure of office. Had John Offord not succumbed to the plague in 1349, it is probable that he would have continued as chancellor for some time: and indeed he had already held office for almost as long as any chancellor since 1302. His successor

1. above, p. 15, n.1; for clerical taxation see below, pp. 155-6.

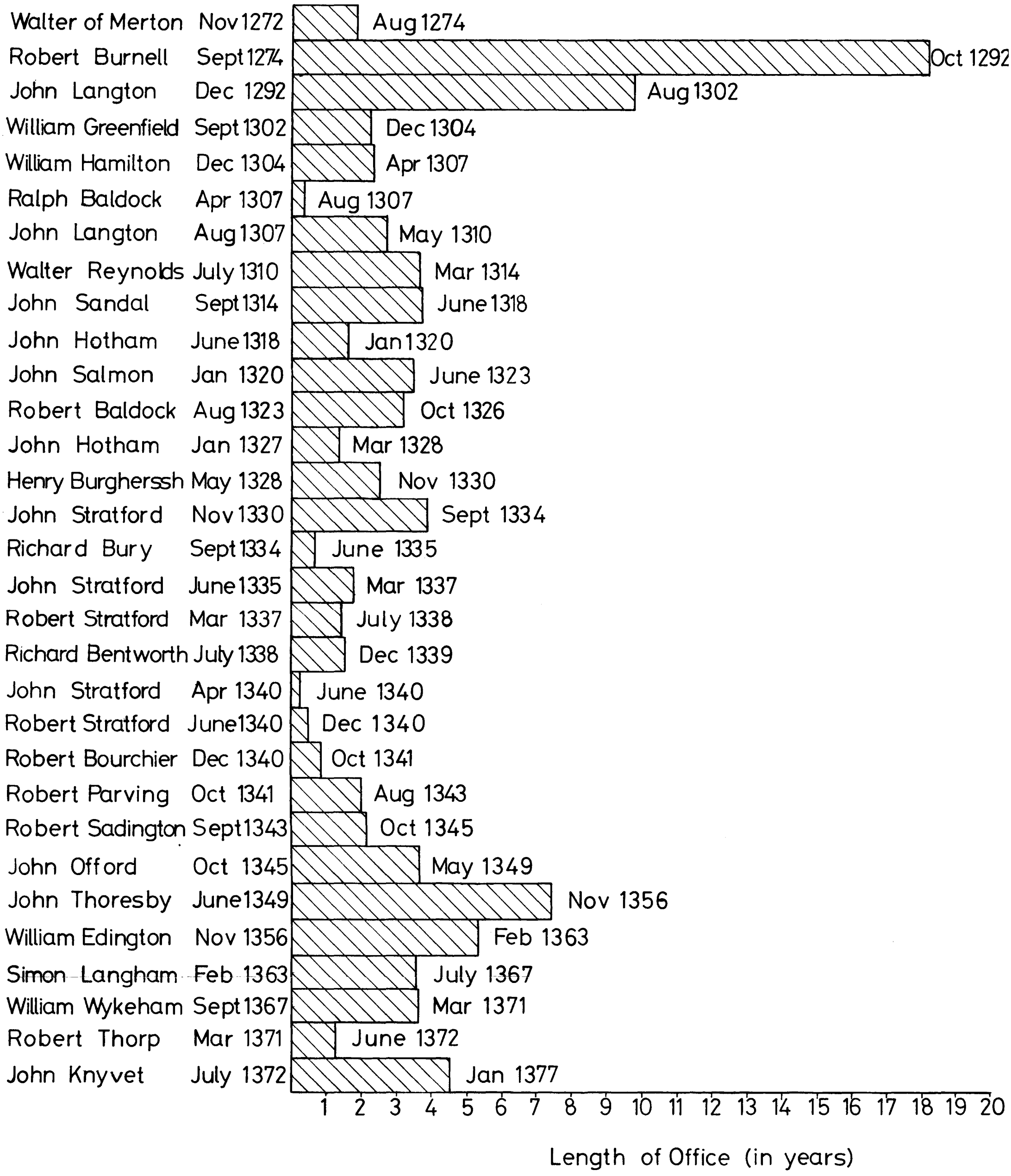


TABLE 1: Length of Office of Chancellors, 1272-1377

| | | |
|---|---|---|
| Joseph Chauncey | Oct 1273 | June 1280 |
| Richard Ware | June1280 | Approx. 3 years |
| John Kirkby | Jan 1284 | Mar 1290 |
| William March | Apr 1290 | Aug 1295 |
| Walter Langton | Sept 1295 | Aug 1307 |
| Walter Reynolds | Aug 1307 | July 1310 |
| John Sandall | July 1310 | Oct 1311 |
| Walter Langton | Jan 1312 | May 1312 |
| Walter Norwich | Sept 1314 | May 1317 |
| John Hotham | May 1317 | June 1318 |
| John Walwayn | June1318 | Nov 1318 |
| John Sandall | Nov 1318 | Sept 1319 |
| Walter Stapeldon | Feb 1320 | Aug 1321 |
| Walter Stapeldon | May 1322 | July 1325 |
| William Melton | July 1325 | Nov 1326 |
| John Stratford | Nov 1326 | Jan 1327 |
| Adam Orleton | Jan 1327 | Mar 1327 |
| Henry Burghershh | Mar 1327 | July 1328 |
| Thomas Charlton | July 1328 | Sept 1329 |
| Robert Wodehouse | Sept 1329 | Nov 1330 |
| William Melton | Dec 1330 | Apr 1331 |
| William Airmyn | Apr 1331 | Mar 1332 |
| Robert Ayleston | Mar 1332 | Mar 1334 |
| Richard Bury | Mar 1334 | Aug 1334 |
| Henry Burghershh | Aug 1334 | Mar 1337 |
| William de la Zouche | Mar 1337 | Mar 1338 |
| Robert Wodehouse | Mar 1338 | Dec 1338 |
| William de la Zouche | Dec 1338 | May 1340 |
| Robert Sadington | May 1340 | June 1340 |
| Roger Northburgh | June1340 | Dec 1340 |
| Robert Parving | Jan 1341 | Oct 1341 |
| William Cusance | Oct 1341 | Apr 1344 |
| William Edington | Apr 1344 | Nov 1356 |
| John Sheppey | Nov 1356 | Oct 1360 |
| Simon Langham | Nov 1360 | Feb 1363 |
| John Barnet | Feb 1363 | June 1369 |
| Thomas Brantingham | June1369 | Mar 1371 |
| Richard Scrope | Mar 1371 | Sept 1375 |
| Robert Ashton | Sept 1375 | Jan 1377 |
| Henry Wakefield | Jan 1377 | July 1377 |

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

Length of Office (in years)

TABLE 2: Length of Office of Treasurers, 1272–1377

Thoresby remained in office for over seven years, a length of time unparalleled since the days of Robert Burnell and John Langton: and he would have stayed longer had he not resigned in 1356. At the Exchequer, William Cusance would probably also have held the treasurership for a lengthy period but for his retirement in 1344: the vacancy thus created was filled by William Edington, whose twelve-year office exceeded even that of Walter Langton in Edward I's reign, and was not surpassed until the long-lived treasurers of the Tudors. Furthermore, Edington would once again apparently have continued at the Exchequer had it not been for a reshuffle of offices in 1356 which resulted in his promotion to the chancellorship, where again he remained for the unusually long period of five and a half years, and then retired voluntarily. These tables also indicate that while the length of office-holding declined somewhat after 1356, chancellors and treasurers in the latter half of Edward III's reign held, on average, longer periods of office than their early fourteenth-century predecessors. The change in Edward's attitude towards his ministers in the 1340's therefore proved permanent and had an important effect on office-holding throughout the rest of his reign.

Such statistics bring to light some important implications concerning the administrative history of the 1340's and 1350's. By the appointment of curiales to high office, Edward III had successfully and peacefully integrated the household with the major departments of state. The collapse of the Lancastrian party with the fall of Stratford meant that the threat of opposition to such a policy was removed. Most contemporaries were little concerned whether the main influence in the administration came from the household or the major offices: the important thing was that

effective and efficient government should be established. The most signal achievement of Edward III in the 1340's and 1350's was not therefore the reconciliation of factions through a policy of compromise and concessions, but the removal of those opposed to the development of royal authority and their replacement by the king's most loyal supporters. Whereas Edward's previous attempt to increase household influence in 1338-40 had led to a divergence and eventual breakdown in the structure of the administration, the assimilation of factions in the 1340's meant that the curiales became the undisputed controllers of the whole government machine, and could thus make the household and the major departments speak with one voice.

What then, if anything, did these ministers achieve? What repercussions did the new generation and the longevity of office holding have on the administration? The patterns in the appointment of chancellors and treasurers pose many questions. Stability of office-holding seemingly provided the conditions conducive to the adoption of reforms and innovations which could be carried through to become part of normal administrative practice. If such alterations can be discerned, were they simply ad hoc measures applied in isolation, or part of a general plan for administrative reform? Again, since the ministers of this period shared a common background in the service of the royal household, they were connected to the king and to each other by personal and professional ties which could facilitate inter-departmental relations and influences. What links can therefore be identified between such departments as the Chancery and the privy seal office, or the Exchequer and the wardrobe? Furthermore, the restoration of royal authority demanded co-ordination beyond the capacity of individual departments or ministers. How then were the king's policies formulated and

applied in his council? What control did his ministers exert over the enunciation of legislation in parliament and its enforcement in the courts? It is to these and other questions that we now turn. This study will take the central decade of Edward III's reign, between the victories of Crecy and Poitiers, and estimate how and to what extent the royal popularity and political stability of these years was consolidated and enhanced by the policies of the king's new administrators. Much of what follows will therefore be of a technical and somewhat anonymous nature, an inevitable result of the character of the sources. Nevertheless, we should not lose sight of the fact that administrative history is about personalities as well as procedures. Government could only be effective when the political situation allowed the Crown uncontested authority. The storm of protest which had arisen in 1338-41 illustrated graphically the real dangers which faced the king if he attempted to alter the administrative framework without testing the political temperature. In 1346 only twenty years had elapsed since the monarchy had suffered a severe blow with the deposition of Edward II; and those twenty years had been punctuated by political, military and fiscal crises which had brought the country, if not to the verge of revolt, then at least to a heightened awareness of the opposition which might be raised against an obdurate king. In 1346 Edward III's political ascendancy was novel and untried: the way still lay ahead for the king's ministers to institutionalise and capitalise upon this authority.

# C H A P T E R  I I

## THE CHANCERY

The highest of all the departments of fourteenth-century English government was the Chancery, the office of the great seal, and it is to this department that we therefore first turn our attention. By the mid-fourteenth century the Chancery was a highly organised office, its structure being much the same as that later described in the Chancery Ordinances of 1389.[1] At the head of the Chancery was of course the chancellor himself, the highest official in the government, one of the king's chief advisers and the recognised head of the royal council. The chancellor had a personal control over some of the business of the Chancery, most notably having the right to issue original writs and other documents of a routine nature, and the prerogative of appointing to benefices in the king's gift of below twenty marks annual value. Much of this patronage was used to provide incomes for the clerks of Chancery. These included twelve clerks 'of the first grade', twelve 'of the second grade', twenty-four cursitors and several other minor officials. The lower grades of clerks were employed in drafting and writing routine documents; but the clerks of the first grade had more initiative and influence. Chief among them was the keeper of the rolls, an important figure who often himself authorised the issue of documents without the chancellor's necessary approval. His colleagues, the other clerks of the first grade, were the praeceptores of writs, who

1. Wilkinson, Chancery, pp. 214-223.

ordered and checked the documents written by the lesser clerks, received attorneys in Chancery, kept the records of parliament and acted as receivers of petitions therein, and performed a host of other general administrative duties which made them influential figures both inside and outside the Chancery.

The monopoly enjoyed by the clergy over offices in the Chancery was abruptly, if temporarily, broken between 1340 and 1345 when Edward III appointed three laymen successively to the office of chancellor: Robert Bourchier (December 1340-October 1341), Robert Parving (October 1341-August 1343), and Robert Sadington (September 1343-October 1345). This decision chiefly arose, as we have noted, from the king's reaction against the clerical immunity claimed by Stratford on the part of the ministers dismissed late in 1340.[1] But, perhaps more importantly, the choice of this new group of ministers signified Edward's determination to be served by men obedient to his will and prepared to put his policies into action. Bourchier, Parving and Sadington owed their appointments to the loyalty they had shown to the king's cause in 1340-1, when Parving and Sadington, holding important positions in the Exchequer and the courts, escaped the dismissals and trials suffered by other ministers and instead acted as the judges in those trials and received the reward of high office.[2] The clerical chancellors appointed after 1345, John Offord and John Thoresby, had been even more closely linked with the king's party in the Stratford crisis: they had been employed as diplomats in the complex negotiations during the early stages of the French

1. above, p. 19.
2. Fryde,'Edward III's Removal of his Ministers and Judges, 1340-1', pp. 156-7; Cal.Pat.Rolls, 1340-3, pp. 107, 108, 109, 110, 111.

war, and as members of the king's household were therefore identified with the curialist party.[1] The return to clerical chancellors after 1345 certainly did not therefore imply the end of the king's attempt to increase royal authority or a return to the methods of government pursued in the 1330's: rather did it indicate that Edward III had now found obedient and sympathetic clerks who would be extremely unlikely to revive the dangerous claims of Stratford, and who would instead assist in the implementation of royal policy. The confidence of the king was apparently well-placed, for as we have already noted, the chancellorships of Offord and Thoresby restored the stability of office-holding which had been lacking since the time of Edward I,[2] suggesting much not only about the relationship of these men with the king but also about their abilities and policies as royal ministers. It is the intention of this chapter to trace the means by which these chancellors sought to increase royal authority and the extent to which this was achieved through the work of the Chancery.

During the later middle ages the Chancery was gradually reduced to a mere clearing house, responsible for the preparation of documents whose form was regulated by custom and whose contents were dictated by warrants received from the offices of the privy seal, the signet, and the other deputed great seals and personal seals used in royal government. The initiative and the importance of the Chancery within the structure of English administration therefore declined as the influence of other offices and seals grew. Nevertheless, although the mid-fourteenth century, as we shall see, was a period of great importance particularly for

1. above, pp. 19-20.
2. above, pp. 22-5.

the development of the privy seal, there is little to suggest that the authority of the great seal was thereby threatened during the middle years of Edward III's reign. For the Chancery was not yet removed from the personal control of the king or the informal influence of his ministers. Although the Chancery was now normally stationed at Westminster,[1] the great seal was periodically restored to its original position in the king's household when Edward took the seal with him on military campaigns.[2] And at other times there is much evidence to indicate that both Edward and his ministers and council still enjoyed a direct contact with the Chancery, communicating their decisions orally and casually, as well as through the more formal system of warrants.[3] The great seal therefore continued to provide an essential means whereby the policies of both the king and his council were put into operation.

Furthermore, the Chancery had a far-reaching and sometimes exclusive authority which guaranteed its central position within the administration. The great seal was crucial as an instrument of patronage, for it was the only seal used on the charters and letters patent which communicated the offices and titles bestowed by the king's grace.[4] It also had responsibility for many routine administrative matters, issuing an enormous number of writs upon which so much of royal government depended. And through its special authority to issue the original writs which instigated procedure in the common law courts, the Chancery also enjoyed a certain judicial authority. It was these three spheres of control - patronage, administration and justice - which provided the great seal with the capacity for development which might be

1. Wilkinson, Chancery, pp. 96-7.
2. below, pp. 36-7, 67.
3. B. Wilkinson, 'The Authorisation of Chancery Writs Under Edward III', Bulletin of the John Rylands Library, viii (1924), 114-5.
4. For the exceptional use of the privy seal on letters patent see below, p. 73, n.1.

used in the hands of capable and loyal chancellors to further the interests and authority of the Crown. If Edward III's plan for royal recovery were to stand any chance of success in the 1340's and 1350's, it was therefore essential that the Chancery should play a prominent part in the implementation of administrative policy. And the programme of reform and development adopted by the new generation of chancellors from Bourchier to Thoresby was to be based on the declaration of royal policy made in the Walton Ordinances of 1338.

In 1338 Edward III had taken his great seal with him to the continent, entrusting it to his keeper of the privy seal William Kilsby; and the chancellor and Chancery, left at home, were given a great seal of absence with which to carry on domestic government.[1] The king, determined that the regency administration should be responsive to the demands and priorities of war, had therefore made careful regulations about Chancery procedure in the Walton Ordinances.[2] The first clause of the Ordinances had stated that the Chancery was not to authorise any kind of payment out of the Exchequer unless it had received a specific warrant under the privy seal. And in the seventh clause this system of warrants was extended to include all Chancery instruments except those which fell within the competence of the chancellor. The Chancery was then to draw up counter-rolls of such warrants which would be examined every quarter by a committee of audit. The main purpose of these specifications was to allow the king and his household a close supervision over the domestic administration, and thus to create a scale of priorities in the day-to-day

1. Tout, Chapters, iii. 84-5.
2. ibid., iii. 144-6, 148

government of the realm. There was nothing inherently controversial or impractical about these orders. But the collapse of political co-operation between the continental and home administrations led to the downfall of the administrative co-ordination envisaged in 1338; and it is generally concluded that no further attempt was made after 1340 to revive the Ordinances. Wilkinson, in his work on the Chancery of Edward III, concluded that, although the Ordinances encapsulated some existing trends and practices, in general they failed to produce any decisive change in Chancery procedures.[1] However, as the following chapters will show, there is much evidence to suggest that many of the themes and details of the Walton Ordinances were employed and re-introduced into English government during the 1340's and 1350's, not only during the king's absences on the continent, but also in the normal administrative techniques used while Edward remained in England.[2] And the clauses of the Ordinances relating to the great seal are no exception to this. We shall see below that during the campaigns of the 1340's the privy seal became the regular means of contact between the continental and domestic administrations, carefully confining the initiatives of regency councils in accordance with the Ordinances of 1338.[3] It is also evident that, under the influence of the new series of chancellors after 1341, and particularly under the curialists Offord and Thoresby, the spirit of the Ordinances might well be implemented on a permanent basis in order that the new sense of political unity between the king and his ministers might be guaranteed through the co-ordination and accountability of the administration.

1. Wilkinson, 'The Authorisation of Chancery Writs', pp. 128-131.
2. below, pp. 77-97, 226-61, passim.
3. below, pp. 76-8, 107-8.

It is perfectly clear, and must be immediately stated, that the chancellors of the 1340's and 1350's never applied the full rigours of the Walton Ordinances, which would have made the privy seal the sole authority for moving the great seal: other warrants and other influences continued to be accepted in the Chancery throughout this period. Nor did the Chancery draw up the rolls of privy seal warrants required by the Ordinances for the purpose of auditing Chancery instruments. But there is still much evidence to suggest that the Chancery observed the importance of the privy seal over and above other forms of warrants, and possessed the capacity to check its own records through the various stages of drafting and enrolment. This scale of priorities and this careful system of accountability were, after all, the basic aims of the Walton Ordinances. And it was these themes which the Chancery observed in the administrative procedures of the 1340's and 1350's. It is no accident that the privy seal warrants received in Chancery were filed and stored carefully, in stark contrast to the haphazard and imperfect collections made of other warrants for the great seal. If auditing of the Chancery records were to be carried out, it would therefore be possible and practical to use these files as an alternative to the enrolments of warrants demanded by the Ordinances. These administrative practices and possibilities were certainly not new in the 1340's. But in the changed political context of the period, and in the shadow of the Walton Ordinances, it is likely that the chancellors from Bourchier to Thoresby felt a keener responsibility and indeed a heightened liability for the actions of their office, which would make them eager to improve the accuracy and accountability

of Chancery procedure.

The concern of the chancellors of this period for the procedural minutiae of their office may be illustrated by the relations between the privy seal warrants and Chancery enrolments of resulting great seal instruments. Normal administrative practice dictated that a great seal document should bear the place and time dates of the originating warrant; and that a 'mention of service' like the warranty note 'by writ of privy seal', should be appended to the instrument.[1] It is usual to point to the discrepancies which occurred in this system, as examples of the inefficiency of the Chancery and the apparently impractical nature of its records.[2] But the prevailing accuracy of Chancery procedure in the 1340's and 1350's far outweighs the occasional slips which were bound to occur given the complexity and the quantity of business carried out under the great seal. Professor Wilkinson analysed the relations between originating warrants and the warranty notes on Chancery enrolments for February and March 1341, shortly after the appointment of chancellor Bourchier, and found only four cases where the mentions of service did not match up with the extant warrants.[3] A more detailed analysis of the privy seal warrants and Chancery rolls for the regnal year 25 Edward III (January 1351-January 1352) reveals a similar high level of accuracy during Thoresby's chancellorship.[4] In this year, there are only

1. H.C. Maxwell-Lyte, Historical Notes on the Use of the Great Seal of England (London, 1926), pp. 247-8; cf Wilkinson, Chancery, pp. 54-5.
2. e.g., Maxwell-Lyte, Great Seal, pp. 247-9, 405-9.
3. Wilkinson, 'The Authorisation of Chancery Writs', p. 113.
4. The relevant privy seal files are C81/349-352. The calendars checked are Cal.Pat.Rolls, 1350-4; Cal.Clo.Rolls, 1349-54; Cal.Fine Rolls, vi; Cal.Charter Rolls, v; Rotuli Scotiae, i. The rolls checked are C61/63 (Gascon roll); C62/128 (Liberate roll); C66/233-235 (Patent rolls - a number of inaccuracies in the calendar); C76/29 (French roll).

twenty-two cases out of a possible three hundred and seventy where the place dates and/or time dates of privy seal warrants were not copied accurately on the Chancery rolls. And, more importantly, there are only ten instances where the warranty note 'by writ of privy seal' was omitted and where a privy seal warrant survives. It is also apparent that the absence of a 'mention of service' in an enrolment did not necessarily mean that it had also been omitted from the actual great seal instrument. In this same year of 1351 a privy seal warrant was sent to the Chancery ordering a grant to be made to the Earl of Arundel: the resulting letters patent were warranted accordingly, and it was only in the enrolment of the document that the warranty note was forgotten.[1] It is evident therefore that under the careful control of a capable staff, the Chancery could achieve a high level of accuracy and efficiency. And although this in itself was nothing new, the emphasis of the Walton Ordinances on the accountability of government offices to the Crown must have contributed something towards the structure of Chancery administration during the middle years of the reign. Furthermore, other more novel administrative techniques were introduced in this same period, and particularly during the chancellorship of John Thoresby, which were clearly aimed at further improvements in Chancery practice in order that the theme of the Walton Ordinances should be reinforced and the authority of the Crown enhanced.

One of the reasons for the survival of the Walton Ordinances in the years after the crisis of 1340-1 was that the special circumstances in which they were originally formulated, namely

1. DL10/312, 313; Cal.Pat.Rolls, 1350-4, p. 188.

the king's departure from the country on a campaign, obtained on a number of occasions after 1340. In 1342-3, 1345 and 1346-7, as in 1338-40, the king took both the great and privy seals abroad with him, entrusting both to the keeper of the privy seal.[1] During these campaigns the great seal was therefore used to express Edward's personal decisions: in 1338-40 and 1346-7 separate patent rolls were drawn up on the continent recording instruments issued under the great seal warranted 'by the king'.[2] While the great seal was used for letters patent, the privy seal was used on all letters close issued by the household administration, which were sent either direct to the addressees or to the Exchequer and Chancery in England to act as warrants.[3] This use of the great and privy seals was similar to the practice of the French chancery, where the great seal was used for solemn public documents and the privy seal (the sceau du secre) on personal letters close of the king.[4] And the similarity was made possible because, during Edward III's campaigns, the great and privy seals of England were in the custody of a single keeper responsible for co-ordinating a unified secretariat, resembling the French chancery which provided the writing office for all departments of government. The structure and personnel of this secretariat during the 1338-40 campaign are uncertain;[5] but in 1346-7 we know that a well-organised 'chancery' was set up at Calais, combining the work of the privy seal and great seal.[6] And on this occasion the parallel with French practice seems more than coincidental. For the keeper

1. Tout, Chapters, v. 18-19, 21-22.
2. ibid., iii. 87, n.1; 170, n.2.
3. below, pp. 76-7.
4. O.Morel, La Grande Chancellerie Royale (Paris, 1900), pp. 244-250.
5. Tout, Chapters, iii. 85.
6. ibid., iii. 179.

of the privy seal and custodian of the great seal during the Crecy-Calais expedition was John Thoresby, a royal servant whose influence was to have far-reaching effects on English diplomatic.

Thoresby's implementation of a system akin to that of the French chancery stemmed not only from his earlier experience and involvement in the continental administration of 1338-40, but also because, like the clerks of the French chancery, he was a notary.[1] Until Thoresby's appearance in the English Chancery around 1336, notaries had only been employed in the service of English kings as ambassadors in the royal household and the privy seal office; and indeed Thoresby was himself largely occupied in diplomatic missions in the later 1330's, taking little part in the internal work of the Chancery. It was only with his appointment as keeper of the rolls of the Chancery after the dismissals of 1340-1 that Thoresby came into regular contact with the Chancery, and even then was removed to the keepership of the privy seal four years later in 1345. Thoresby's status as keeper of the great and privy seals during the important campaign of 1346-7, and his subsequent appointment as chancellor in 1349, however, were to lead to an important notarial influence and resulting changes in English Chancery practice. Thoresby was, as chancellor, responsible for promoting other notaries into his department, with the result that for a short while in the 1350's the Chancery took over from the privy seal office as the centre of diplomatic administration. But more important for the present discussion, and of more permanent significance for Chancery

1. ibid., iii. 85-6; Morel, op.cit., pp. 53-62; for what follows see Chaplais, Essays in Medieval Diplomacy and Administration, cap. xxii, pp. 171-4.

procedure, were certain other notarial reforms carried out in the office of the great seal, whose intention and result was to further the sense of administrative accuracy and accountability which had been the keynote of the Walton Ordinances.

There were two possible forms of warranty notes which might be used on English Chancery documents: 'mentions of service', which as we have seen specified the form of the originating warrants; and 'mentions of clerks', signatures of the officials responsible for ordering, drafting or checking the documents. The latter form of warrant, itself a notarial practice, had been generally adopted in the French chancery since the late thirteenth century,[1] and in England was already a well-established practice on some returnable writs.[2] But as Professor Wilkinson noted, at some stage in the early 1350's Edward III's Chancery greatly extended the use of mentions of clerks, which now came to be employed regularly on many forms of returnable and non-returnable writs.[3] Wilkinson was unable to date or quantify the new practice accurately because of the limited number of Chancery files available to him; but the recent reorganisation of Chancery Miscellanea facilitates a fuller and more precise study of this development. The more complete of the new classes of writs compiled in the Public Record Office offer the following information on the use of mentions of clerks.

1. Morel, op.cit., pp. 155-9; J.R. Strayer, The Reign of Philip the Fair (Princeton, 1980), pp. 21-4.
2. See, e.g., files in the following P.R.O. classes: C88, C258, C260, C269 (certiorari, various series): C242 (de coronato eligendo); C249 (replevin); C254 (dedimus potestatem); cf Wilkinson, 'The Authorisation of Chancery Writs', p. 143.
3. ibid., pp. 134-5, 136-7.

| P.R.O. Class | Type of Writ | Date of first writ with mention of clerk | Reference |
|---|---|---|---|
| C131 | Extents for debts | 30 October 1352 | C131/9/1 |
| C243 | Levari facias | 13 July 1352 | C243/62/10 |
| C245 | Scire facias (ser. 1) | 15 January 1352 | C245/6/35 |
| C246 | Scire facias (ser. 2) | 18 January 1352 | C246/37/28 |

This evidence, corroborated by the series of writs of diem clausit extremum, in which mentions of clerks were adopted from January 1352,[1] points clearly to the widespread extension of this system of autographing at some stage in, and probably during the early months of 1352. As we shall see below, the same practice was adopted in the privy seal office from October 1352, which indicates that a strong common influence was at work amongst the staffs of both royal seals.[2] In the light of the above evidence, it is obvious that such influence came from Thoresby himself.

Thoresby had not only a knowledge of the workings of the Chancery and privy seal and a notary's appreciation of form and accountability, but also a clear policy of improving order and thus enhancing authority in royal government. The notarial signature was intended to produce accuracy in the drafting of documents and a sense of responsibility within the hierarchy of the Chancery. The clerk who ordered or drafted the document was to be accountable for its contents. Checks and double checks were not of course new in themselves. Mentions of service, for instance, were usually written in a different hand from that used in the texts and enrolments of Chancery instruments, suggesting that documents

1. ibid., p. 134, and n. 3.
2. below, pp. 82-4.

were checked for compatibility with their warrants. And a double check was usually made of solemn charters and letters patent by the examiners, senior clerks who wrote their names on the dorses of the documents.[1] On the backs of some writs notes were also occasionally made indicating that they had been ordered (and presumably also often checked) by the praeceptores of the first grade, or even the chancellor himself.[2] However, the reforms of 1352, extending or beginning the use of signatures of clerks on many routine documents, meant a much greater level of control. Whereas the examiners and praeceptores of writs identified on the dorses of documents were drawn from the first grade of Chancery officials, the clerks 'mentioned' on the faces of writs might be of the first grade, the second grade, or possibly mere cursitors.[3] In other words, the increased use of 'mentions of clerks' extended the principle of accountability to all levels in the Chancery, and for some documents at least meant double or even triple checking. The whole of the large personnel of the Chancery was therefore mobilised by chancellor Thoresby in a conscious and successful attempt to implement the ideals of the Walton Ordinances and thus to allow for the extension of royal authority not only in government, but also in the country as a whole.

It was this same policy of creating order and efficiency in Chancery practice which led Thoresby to attempt another important rationalisation during the 1350's, this time of the records of the

1. Wilkinson, Chancery, pp. 76-77.
2. ibid., pp. 77-78; cf Wilkinson, 'The Authorisation of Chancery Writs', 135-136.
3. See, e.g., the analysis in Wilkinson, Chancery, p.66, n.9.

great seal. The criteria by which it was decided whether or not to copy great seal instruments onto the various rolls kept in the archives of the medieval Chancery have not, and perhaps cannot, be worked out fully: Maxwell-Lyte concluded that all letters patent and close concerning the king's interests were enrolled, but this is a very vague definition, and the problem has not been solved by other specialised studies of Chancery practice.[1] From the available evidence it would seem safe to state that all charters and letters patent were normally recorded on the Chancery rolls, since only a small number of originals have come to light for which no enrolments can be found.[2] With letters close, the basic rule seems to have been that non-returnable writs should be enrolled, and returnable writs not enrolled. Drafts or 'counter-writs' of returnable writs were made, which stood as the Chancery record until the originals were returned and filed. In theory therefore enrolment of returnable writs was unnecessary; but in practice these were sometimes copied onto the rolls, with no apparent regularity or rationale.[3] Such haphazard procedures were wasteful of time and energy which might be concentrated to better effect on the new requirements of royal government. Thoresby, whose experience as keeper of the rolls in 1341-5 clearly gave

1. Maxwell-Lyte, Great Seal, p. 365. Wilkinson in Chancery, p. 54, n. 3, and 'The Chancery', Eng.Gov. at Work, i. 173, reaches no conclusions. Cf Morris' remarks in the introduction to Eng.Gov. at Work, i. 57, n. 2.
2. e.g., The Percy Cartulary, ed. M.T. Martin (Surtees Soc., cxvii, 1911 for 1909), p. 322 and n. 3; B.L. Harl. Ch. 43 D 49; W.A,M. 5075.
3. R.F. Hunnisett, 'English Chancery Records: Rolls and Files', Journal of the Society of Archivists, v (no. 3, 1975), 163; cf A.E. Stamp, 'Some Notes on the Court and Chancery of Henry III', Historical Essays in Honour of James Tait, eds. J.G. Edwards, V.H. Galbraith and E.F. Jacob (Manchester, 1933), p. 308.

him first-hand knowledge of such administrative problems, and who was sensitive and responsive to the king's demands for greater efficiency and authority in government, therefore turned his attention to the question of enrolments, and in particular to the recording of judicial commissions, soon after becoming chancellor in 1349.

As with writs, so with judicial commissions: the basic theory was that returnable commissions, like those ordering inquisitions, should be filed rather than enrolled;[1] and that non-returnable commissions such as special commissions of oyer and terminer should be recorded on the dorses of the patent rolls.[2] But again, as with writs, so with commissions, the changing needs and scale of royal administration meant that the theory was not always applied. Particular assize commissions, non-returnable documents empowering the standing justices of assize to take cognisance of individual cases, were theoretically necessary to start mesne process in all assize cases, and were therefore issued in enormous numbers. Although originally recorded en masse on the dorses of the patent rolls, the sheer number of these commissions meant that only a proportion, and a progressively smaller proportion, were recorded as the fourteenth century went on.[3] This practice was unsystematic

1. This conclusion is based on an analysis of information supplied in Cal.Inq.Misc., iii, passim.
2. R.W. Kaeuper, 'Law and Order in Fourteenth-Century England: the Evidence of Special Commissions of Oyer and Terminer', Speculum, liv (1979), 740.
3. M.M. Taylor, 'The Justices of Assize', Eng.Gov. at Work, iii. 225-229; C.A.F. Meekings, 'Formulary', in Calendar of the General and Special Assize and General Gaol Delivery Commissions on the Dorses of the Patent Rolls, Richard II (1377-1399), (Nedeln, 1977), pp. 6-7. I use the latter's nomenclature, distinguishing the particular commission from another form, the special commission, which appointed justices other than those on the standing assize commissions to take an individual assize case. M.M. Taylor referred to particular commissions as special commissions.

and unproductive; and it was with the enrolment of these documents that Thoresby therefore occupied himself after 1349. Table 1 represents the number of particular assize commissions recorded on the dorses of the patent rolls between 1348 and 1355. These figures suggest that, while the temporary reduction in the number of such commissions enrolled in 1349 was probably a result of the contraction in the business of the courts during the plague, the sudden drop already evident towards the end of 1350 signified more than a decline in the number of commissions issued, and indicated a deliberate attempt at eliminating the recording of these documents. By 1354 it was evidently established in Chancery that no particular assize commission should be enrolled. From mid-1355 enrolment started up again, probably as a result of pressure brought to bear in Chancery by plaintiffs suing out such commissions and anxious to take advantage of the authority accruing to the documents from the time-honoured practice of enrolment. Nevertheless, it is evident that from 1350 to 1355 the Chancery, under Thoresby's influence, was following a consistent policy aimed at rationalising and simplifying at least one area of its records.

The extension and introduction of warranty notes and the rationalisation of certain Chancery enrolments may seem piecemeal bureaucratic devices of no general or political importance. But when we place these reforms within their context, as the work of chancellors sympathetic and obedient to the royal policies epitomised in the Walton Ordinances, they take on a new and more far-reaching significance. For the changes in Chancery practice carried through during the 1340's and 1350's were intended both to control and to liberate the office of the great seal. The very ideas expressed in the Walton Ordinances and opposed by Stratford

# TABLE 1

## PARTICULAR ASSIZE COMMISSIONS RECORDED ON THE PATENT ROLLS, 1348 - 1355

| Patent Roll (C66) no. | Date | | Number of particular assize commissions enrolled on dorse |
|---|---|---|---|
| 224 | 22 Edw III (1348-9) | part 1 | 198 |
| 225 | | part 2 | 394 |
| 226 | | part 3 | 158 |
| 227 | 23 Edw III (1349-50) | part 1 | 75 |
| 228 | | part 2 | 58 |
| 229 | | part 3 | 181 |
| 230 | 24 Edw III (1350-1) | part 1 | 169 |
| 231 | | part 2 | 82 |
| 232 | | part 3 | 30 |
| 233 | 25 Edw III (1351-2) | part 1 | 64 |
| 234 | | part 2 | 32 |
| 235 | | part 3 | 18 |
| 236 | 26 Edw III (1352-3) | part 1 | 5 |
| 237 | | part 2 | 96 |
| 238 | | part 3 | 37 |
| 239 | 27 Edw III (1353-4) | part 1 | 33 |
| 240 | | part 2 | 11 |
| 241 | | part 3 | 1 |
| 242 | 28 Edw III (1354-5) | part 1 | 2 |
| 243 | | part 2 | 0 |
| 244 | | part 3 | 11 |
| 245 | 29 Edw III (1355-6) | part 1 | 1 |
| 246 | | part 2 | 134 |
| 247 | | part 3 | 86 |

and his party in 1338-40 were now being put into action with the full support of the king's ministers; for the chancellors of the 1340's and 1350's, as royal favourites, realised that regulating the Chancery did not mean a necessary reduction either of their own influence or of the authority of their office. Instead, the reforms carried out in the spirit of the Walton Ordinances would themselves allow the Chancery to concentrate its energies and expand its work in other areas of royal government. The office of the great seal would therefore prove its capacity to adapt to the changing requirements of administration and take a leading part in the restoration of royal initiative.

The most important result of this attempt to use the Chancery as an instrument of policy was a notable expansion in the judicial authority of the great seal during the 1340's and 1350's, out of which was to grow the equitable jurisdiction of the Chancery. Although most historians date the origins of this judicial competence to the mid-fourteenth century, the reasons for its development are in fact still in dispute. The orthodox view is that, during the 1340's, responding to a growing distinction between 'law' and 'equity',[1] the Council began to delegate to the Chancery the power to hear and grant petitions.[2]

1. T.F.T. Plunknett, Statutes and their Interpretation in the First Half of the Fourteenth Century (Cambridge, 1922), pp. 121-127.
2. Select Cases in Chancery 1364-1471, ed. W.P. Baildon (Selden Soc., x, 1896), pp. xvii-xviii; Select Cases Before the King's Council, 1243-1482, ed. I.S. Leadam and J.F. Baldwin (Selden Soc., xxxv, 1918), pp. xxiii-xxiv; J.F. Baldwin, The King's Council in England During the Middle Ages (Oxford, 1913), pp. 236 ff.. cf M.E. Avery, 'The History of the Equitable Jurisdiction of Chancery before 1460', Bull.Inst.Hist.Res., xlii (1969), 141-142.

Professor Wilkinson however suggested that the equitable jurisdiction of the Chancery grew out of the common law jurisdiction which the chancellor himself exercised, and was therefore the result of an increase in the Chancery's own administrative competence in the 1340's.[1] The latter argument, although controversial and relatively little researched, would seem to reflect most accurately what was going on in the Chancery during these middle years of Edward III's reign. For the curialist chancellors from Bourchier to Thoresby were interested not in defining and limiting 'equity', a term which meant little to them, but in expanding the common law jurisdiction of the Chancery in the specific interests of the Crown.

The evidence often cited to prove the development of a new specialised equitable jurisdiction in the Chancery during the 1340's has, on closer inspection, little novelty and less significance. For it is quite wrong to think that the Chancery first gained jurisdiction over petitions in the 1340's: a large number of petitions had been addressed to or delegated to the chancellor from the reign of Edward I onwards.[2] These were petitions de iure, usually demanding relief at common law, and therefore falling within the chancellor's administrative competence. Petitions de gratia, requesting royal favours, on the other hand were not entertained by the chancellor but normally required

1. Wilkinson, Chancery, pp. 47-53.
2. Petitions addressed to the chancellor are to be found in SC8, files 296-307 and 311. Some of the documents therein are not strictly petitions and belong more correctly amongst Ancient Correspondence or in various Chancery files. Most of the Chancery Proceedings of this period arose from petitions: e.g., C44/2/1, C44/2/2, C44/2/27.

approval from the king himself.[1] The cases used to argue the existence of an equitable jurisdiction in fact yield little evidence to suggest that this situation changed in the 1340's. The Ordinance of Justices of 1346, for example, allowed the chancellor and treasurer to hear complaints against the local ministers of the Crown; but this was a temporary and exceptional measure allowing a certain judicial competence not to the Chancery, but to the regency council left at home during the Crecy campaign.[2] Equally extraordinary was the proclamation of January 1349 which stated that all petitions concerning the common law were to be sued before the chancellor and all those de gratia to be brought before the chancellor and keeper of the privy seal.[3] This measure was merely intended to provide remedy for those persons gathered in the capital expecting to present petitions in the parliament summoned for January but recently prorogued on account of the plague.[4] There was no suggestion in this proclamation that the chancellor was invested with any permanent authority over petitions de gratia; and indeed royal control over such matters was specifically protected by a clause requiring the chancellor and keeper of the privy seal to send petitions of grace to the king.[5] In fact the one area of the administration in which the king was permanently involved during the 1340's and 1350's was in the audience of petitions.[6]

1. below, pp. 90-1.
2. J.R. Maddicott, Law and Lordship; Royal Justices as Retainers in Thirteenth- and Fourteenth-Century England (Past and Present Supplement no. 4, 1978), pp. 40-48. For a possible revival of the ordinance in the work of the King's Bench in 1348 see below, pp. 196-7.
3. Foedera, iii. 181.
4. Rep.Dig.Peer, iv. 577-584. The king was away from the capital at the time: see below, p. 70.
5. For further discussion of this proclamation see below, p. 90 and n.6.
6. Royal involvement in the answering of petitions may be judged by the extensive use not only of the privy seal (see below, pp. 90-1), but also of the secret seal and signet (see the files C81/1332-1334) in communicating petitions to the Chancery.

The judicial authority which was developing in the Chancery in this period arose therefore not from a specialised form of equity, but from the chancellor's own administrative jurisdiction and common law authority.

The essence of the relief provided by the Chancery, as by the Council,[1] lay not in equity, but still in the common law. The 'court' of Chancery was available for the audience of suits brought before the king, and issued the original writs necessary to begin mesne process in the royal courts. It is of course true, as Maitland pointed out, that the issue of original writs cannot in itself be called judicial work.[2] But it is clear that the Chancery thought of itself as a court, and organised much of its work around the legal terms. In the 1340's the Chancery was permanently settled in Westminster Hall, the home of the courts of King's Bench and Common Pleas, and close by the Star Chamber, the new headquarters of the Council.[3] The households of Chancery clerks were also situated in the London ward of Farringdon Without, hard by the newly developing inns of court.[4] This was bound to mean considerable contact between the Chancery and the courts on a practical and personal level, which apparently also carried over into the procedure of the great seal office. The Chancery did not observe the legal and fiscal vacations, and remained open on all but the most important holy days: even during the plague of 1348-9, which carried off chancellor Offord and possibly three of the clerks of the first grade, the office of the great seal

1. below, pp. 125-7.
2. F. Pollock and F.W. Maitland, The History of English Law (2nd edn., Cambridge, 1968), i. 197.
3. Wilkinson, Chancery, p. 96. For the Star Chamber see below, pp. 118-20.
4. Tout. Chapters, iii. 212-3.

remained permanently open in the capital.[1] Nevertheless, the amount of business conducted there always fluctuated according to the time of year. Most original writs, like writs to the Exchequer, were naturally issued during term time.[2] But this pattern was also observed in many of the internal proceedings of the Chancery: writs of certiorari, for instance, which summoned information into the Chancery, were issued regularly during the legal terms, but only rarely in the vacations.[3] The summer period was especially quiet, and the chancellor might take advantage of this to absent himself from the capital.[4] The Chancery was therefore very conscious of its intimate connection with the common law; and under the influence of chancellors determined to revive the authority of the Crown, the judicial capacities of the great seal might be put to fuller and more active use.

The most obvious, but most neglected factor influencing the development of Chancery jurisdiction during the 1340's was a change in the legal experience and qualifications of the chancellors

1. Wilkinson, Chancery, p. 97. The Chancery clerks of the first grade who may have died during the plague were Henry Edwinstowe (died between May 1348 and Feb. 1350), Thomas Cottingham the elder (died between May 1349 and April 1350), and John Morton (died between Feb. and Dec. 1349): see ibid., pp. 150, 160-1, 164.
2. This conclusion is based on a study of the particulars of hanaper accounts, which record, day by day, the issues of original writs (e.g., E101/212/4, 7), and from analysis of the Brevia Baronibus sections of the Memoranda rolls.
3. This analysis is based on the following files of Chancery certiorari writs: C88/23; C131/8; C257/25; C258/10; C260/62.
4. e.g., Cal.Clo.Rolls, 1349-54, pp. 385, 389, 619.

themselves. Before 1340 the Chancery had little contact with trained lawyers. Chancery clerks generally had no other education than that provided within the royal administration:[1] indeed, with the growth of the legal profession in the fourteenth century, Chancery officials who had once played an active part in the common law courts had been ousted by the trained lay lawyers.[2] Similarly formal legal qualifications were rare amongst the chancellors before that date: only four chancellors between 1272 and 1340 had university doctorates in civil law.[3] But this situation changed abruptly

1. The following are the only Chancery officials of the 1340's and 1350's for whom there is any evidence of university educations:
   Andrew Offord: clerk of the first grade, 1353-8, D.C.L. (Wilkinson, Chancery, p. 167; Biog.Reg.Oxford, ii. 1390)
   John Offord: chancellor, 1345-9, D.C.L. (Wilkinson, Chancery, 117; Biog.Reg.Oxford, ii. 1391).
   John de St Pol: Chancery clerk, c. 1332-49; keeper of the rolls, 1337-40; lodged at Oxford in 1340's (Wilkinson, Chancery, pp. 155-157; Biog.Reg.Oxford, iii. 1629).
   John Thoresby: Chancery clerk from 1336; keeper of the rolls, 1341-5; chancellor 1349-56; B.C.L. (Wilkinson, Chancery, pp. 119-120; Biog.Reg.Oxford, iii. 1863).
   John Langetoft: Chancery clerk, 1333-60; M.A., and warden of King's Scholars at Cambridge (Wilkinson, Chancery, p. 155; A.B. Emden, A Biographical Register of the University of Cambridge to 1500 (Cambridge, 1963), p. 351).
2. A. Harding, The Law Courts of Medieval England (London, 1973), p. 113. The only Chancery clerk of the 1340's and 1350's whom I have noted on assize commissions was Thomas Sibthorpe, a clerk of the first grade: e.g., C66/203, 233, dorses, passim. It should be noted, however, that he rarely acted on such commissions: e.g., JUST 1/1443. For other aspects of his career see Wilkinson,Chancery, pp. 162-164, and A. Hamilton Thompson, The English Clergy and their Organisation in the Later Middle Ages (Oxford, 1947), pp. 247-251.
3. William Greenfield (1302-4) (Biog.Reg.Oxford, ii. 820); Robert Baldock (1323-6) (ibid., i. 97); John Stratford (1330-4, 1335-7, 1340) (ibid., iii. 1796); Richard Bentworth (1338-9) (ibid., i. 170).

after 1340, when Edward III broke the monopoly of clerics in the Chancery and appointed to the chancellorship laymen trained and active in the common law. Robert Bourchier, Edward's first lay chancellor, is a shadowy figure; but we do know that he was the son of a former justice of Common Pleas, and it seems likely that he, like his two successors at the Chancery, was trained in the law.[1] Of Robert Parving's qualifications there is no doubt: he was an experienced common lawyer, successively advocate, serjeant at law, king's serjeant, justice of Common Pleas and chief justice of King's Bench, before becoming treasurer and then chancellor in 1341.[2] His successor at the Chancery, Robert Sadington, had similarly served as an advocate and commissioner in the royal courts before being appointed chief baron of the Exchequer in 1334; treasurer in 1340-1 and finally chancellor in 1343.[3] It is a strangely ignored fact, in light of the interest in the origins of the equitable jurisdiction of the Chancery, that in stark contrast to their predecessors these lawyer-chancellors intervened frequently in the common law courts between 1340 and 1345. The Year Books of the early 1340's supply numerous references to these men, especially Parving and Sadington, giving orders, advice and judgments in the common law courts and generally doing much to extend the influence and jurisdiction of the Chancery. By appointing laymen to the chancellorship Edward III had in fact paved the way for an important new development in the authority of the great seal.

The most striking instance of the new jurisdiction claimed by the Chancery in the early 1340's is provided by the writ of

1. Dic.Nat.Biog., ii. 922-923
2. ibid., xv, 352.
3. ibid., xvii, 590-1.

scire facias, which summoned information into the Chancery. The Year Books reveal that the lawyer-chancellors, expecially Parving, made frequent use of this writ to assume cognisance of cases otherwise claimed by the common law courts. Twice in Hilary 1341, for instance, when the returns of scire facias writs into the Chancery were challenged by the officers of the common law courts, the chancellor replied that 'the king shall be answered in whatever court he will chose fit'.[1] Having claimed such jurisdiction, the chancellor could then deal freely with the case in hand: in 1343, for example, the record of a case returned into Chancery by scire facias was sent by Parving to the chief justice of King's Bench 'by his own hand', and without the mittimus which was technically necessary; but despite the irregularity the King's Bench was forced to accept the case.[2] Scire facias procedure therefore allowed the Chancery a flexible approach towards its business; but at the same time it created the opportunity to challenge the exclusive rights of the common law courts and claim a superior jurisdiction for the Chancery as the court closest to the king and the interests of the Crown.

The Chancery records provide evidence of the many and varied uses to which scire facias procedure was therefore put during this period. The writ was used in matters of routine administration, such as cases involving debts recorded on the dorses of the close rolls.[3] In such cases the returned writ was endorsed with a note

1. Year Book 16 Edw III, Hil. pl. 8, 38. The editions of Year Books used here are Les Reportes del Cases en Ley...en le Temps de le Roy Edward le Tierce, 3 vols. (London, 1679), and Year Books of the Reign of King Edward III, Years XI-XX, eds. A.J. Horwood and L.O. Pike, 15 vols. (Rolls Ser., 1883-1911).
2 Year Book 17 Edw III, Pasch pl. 4; the decision was upheld in later cases: Select Cases in the Court of King's Bench, vi, ed. G.O. Sayles (Selden Soc., lxxxii, 1965), no. 10; Year Book 20 Edw III, Trin. pl. 38.
3. List of Chancery Files (P.R.O. List and Index Soc., cxxx, 1976), p. 67.

that the subsequent decision to issue a levari facias or elegit was taken per cons' cur':[1] an important piece of evidence illustrating the status of the Chancery as a 'court'. More important, and more interesting, however, was the frequent use of the writ of scire facias in cases concerning aspects of royal patronage, such as alterations in documents issued under the great seal, cases of escheat, wardship, idiocy and dower, and of licences to alienate in mortmain.[2] Such cases represented as 'equitable jurisdiction' only inasmuch as they were concerned with royal grants de gratia; the real involvement of the Chancery stemmed not from a specialised and exclusive jurisdiction but from its interest and concern as the department responsible for the issue of the document relating to the matter in dispute. There was indeed nothing exclusive about such jurisdiction, for the Chancery could and normally did transfer such cases back to the common law courts.[3] But the Chancery also guarded its right to cognisance of these cases jealously: in 1347 when a suit brought by the Earl of Kent against Sir John Moleyns was adjourned at scire facias into Chancery, Moleyns demanded that it be tried at common law, but the request was refused because the case dealt with the repeal of a royal charter.[4] Furthermore, the Chancery was perfectly capable of carrying any case through to its conclusion, for evidence from Parving's period of office shows that the chancellor could summon juries and deliver judgments in just the same way as his colleagues in the common law courts.[5]

1. e.g., C246/38, passim.
2. List of Chancery Files, pp. 62-3; e.g., C245/7/1, 6, 16-18, 25, 30, etc..
3. e.g., The Cartulary of Cirencester Abbey, eds. C.D. Ross and M. Devine (London, 1964-77), i. caps. 124-132.
4. Year Book 21 Edw III, Hil, pl. 68. The case is enrolled in KB27/352, m. 131, and printed from that source in L. Ehrlich, Proceedings Against the Crown, 1216-1377 (Oxford, 1921), pp. 265-8, and discussed in ibid., pp. 156-7.
5. Select Cases in the Court of King's Bench, v, ed. G.O. Sayles (Selden Soc., lxxvi, 1957), pp. lxxvi, clii.

The writ of scire facias was therefore only one, though the most important, means by which the Chancery might pursue its powers, aimed at upholding the rights of the Crown over and above any separate jurisdiction which the courts might claim.

A more extensive analysis of this procedure would be necessary before it could definitely be established that the use of the writ of scire facias increased in this period; but the interest of the lay chancellors in the early 1340's and the frequency of such cases in the 1340's and 1350's certainly suggests the importance of this and of other 'judicial' activities. A complaint against the appointment of justices as chancellors and treasurers in a Commons' petition of 1343 implies that Parving and Sadington were altering and extending the functions of the Chancery in order to increase their own, and their office's jurisdiction: the petition got short shrift from the king, who, playing on the recovery of his authority since the repeal of the 1340 statutes, replied that he would appoint whomsoever he wished as his ministers.[1] Other internal evidence suggests also that the chancellors were putting their own house in order so as to increase their competence still further. In 1344, possibly at the advice of chancellor Sadington, the king agreed to make two new deputed great seals for the purpose of sealing judicial writs issued by King's Bench and Common Pleas.[2] This was primarily a financial expedient created to improve royal income from the sealing of writs and to use the profits to pay off royal creditors. But the development had real and lasting effects on the internal organisation of the Chancery, now relieved of the onerous duty of regulating the sealing of

1. Rot.Parl., ii. 140.
2. B. Wilkinson, 'The Seals of the Two Benches under Edward III', Eng.Hist.Rev., xlii (1927), 397-401.

judicial writs and collecting the revenues therefrom. This simplification of the Chancery's responsibility for judicial writs, like the later rationalisation of Chancery records attempted by chancellor Thoresby, would allow the Chancery more time and energy not only to improve the administration and increase the profits from original writs returnable in the common law courts,[1] but also to develop further its own judicial business. For with the return of clerical chancellors after 1345, the work of Parving and Sadington and the emphasis on Chancery jurisdiction, far from declining, was in fact continued and enhanced under the capable guidance of John Offord and John Thoresby.

The appointment of chancellors Offord and Thoresby in 1345 and 1349 marked the final stages in Edward III's policy of placing the great offices of state in the hands of devoted royal servants who would use their power to the benefit of the Crown. The allegiance of these curialist ministers would therefore be measured by their efforts and successes in using the Chancery for the extension of the Crown's authority. It is not surprising that, with their ability to sense the direction and requirements of royal policy, these chancellors should therefore have continued the work of their predecessors in building up the jurisdiction of the Chancery. Unlike most of their clerical predecessors, both Offord and Thoresby had higher degrees in civil law,[2] qualifications which allowed them to appreciate the advances made by the lay chancellors of 1340-5. And following on these initiatives, Thoresby in particular sought to extend the judicial capacities of the great seal, by developing new writs and procedures which were

1. See below, pp. 192, 213-4.
2. Biog.Reg.Oxford, ii. 1391; iii. 1863; above, p. 51, n.1.

used both in the service of the Council[1] and for the extension of the Chancery's own legal jurisdiction.

Thoresby's most important contribution to the judicial authority of the Chancery was a new device adopted for the recovery of debts. The common law procedure upon debt, like all common law processes, was liable to be protracted and expensive, and often failed to produce a satisfactory remedy. Around 1350 there is much evidence to suggest that problems were being experienced in the proper observation of such procedure, especially with regard to mercantile debts registered before mayors of towns under the Statute of Merchants.[2] One method of speeding the process was the registration of recognisances in Chancery, where, if the debtor defaulted, a writ of levari facias for execution upon the lands and goods of the debtor would be issued, returnable in the Chancery itself, and not therefore involving troublesome and lengthy proceedings in the common law courts.[3] But merchant recognisances were very rarely recorded on the dorses of the close rolls, and a substantial problem remained. An important change was effected however in 1353 when wool staples were established in England towns and the export trade placed in the hands of aliens.[4] A number of changes were made in mercantile law in order to encourage alien

1. below, pp. 129-31.
2. Rot.Parl., ii. 171, 210; Year Book 19 Edw III, Pasch, pl. 32; Trin. pl. 39; Year Book 20 Edw III, Pasch, pl. 70. See especially the case of Depham v. Plesington and Venour, which illustrates the problems which arose when a debtor tried to escape his obligations by granting the reversion of his lands to a third party: Rot.Parl., ii. 223; W.A.M. 12206; KB27/362, m. 38d.
3. List of Chancery Files, p. 48.
4. For the background to, and the composition of the Ordinance, see below, pp. 176-8.

merchants to come to England, and these were embodied in the Ordinance of the Staple. Prominent amongst the new arrangements was a change in the procedure upon debt. In future, recognisances could be made before the mayors of the new staples. If a debt were not then honoured, the resulting case fell firstly within the new jurisdiction of the mayors, and if that course failed, would be sent into Chancery, where the case would proceed by extent of lands and possessions followed by the immediate issue of a writ allowing the creditor to take the debtor's lands.[1] As a result, the creditor would not be troubled with the protracted mesne process which often resulted from the return of Statute Merchant cases into the common law courts, and was likely to gain swifter, cheaper and more satisfactory justice.

It is hardly surprising to find therefore that the new procedure proved very popular, as the files of certificates of recognisances returned into Chancery as the first step in debt proceedings bear witness. Prior to the Ordinance of the Staple, all such certificates were endorsed with notes for the issue of writs returnable in King's Bench or Common Pleas.[2] But from the very beginning of the new system, certificates of recognisances made before mayors of the staples were endorsed coram cancellario, resulting in process returnable in Chancery.[3] The London recognisance

1. Stat.Realm, i. 336-337. For writs issued under the new procedure, see C131/9/18, 20-22, 24, 25, 29-32; W.A.M. 5134.
2. e.g., C241/131, passim.
3. C241/133/35, 36, 38, 49, 59, 71, 72, 86, 99. A number of letters from the officials of the Westminster staple requesting the chancellor to issue writs subsequent to such proceedings are extant: e.g., SC8/306/15262-3, 15271, 15278. SC8/167/8347 indicates that disputes arising from recognisances made at the staples were brought before the chancellor.

rolls, much reduced in size after the 1350's, [1] suggest that the older common law procedure was declining as the Chancery procedure took off. Furthermore, the superiority of the latter was guaranteed, for if a creditor took the added precaution of making a recognisance not only in the staple but also before the mayor of the town, the staple recognisance took precedence and the Chancery could claim authority over the case.[2] It is quite obvious therefore that the Chancery procedure provided the most successful and popular answer to the satisfaction of mercantile debts. And the ability of the Chancery to assume responsibility for this new and ambitious procedure says much for the administrative and judicial capacities of the office, carefully nurtured by chancellors determined to use their office to political ends. Like the advances made by the lay chancellors of 1340-5, Thoresby's reforms aimed not to create a defined and therefore limited 'equitable jurisdiction' but to extend the administrative and judicial capacities of the Chancery to their full potential, so that the great seal might play a leading part in the recovery of royal government and the Chancery continue its role as the court which upheld and defended the interests of the Crown.

The administrative and legal changes which we have identified in the Chancery in the years after the crisis of 1340-1 were not, therefore, mere isolated and technical reforms imposed for bureaucratic convenience. Rather did they signify a wider policy aimed at reorganising internal procedures in order to create a greater

1. In 1345-6 there were 450 recognisances made before the mayor and clerk of the recognisances of London; by 1363-4 the number had dropped to under 150; and by Richard II's reign one membrane was enough to record the recognisances for a whole year: Corporation of London Record Office, Recognisance Rolls (Debt), 10, 11, 12.
2. C260/67/42.

capacity for external influence. The spirit of the Walton Ordinances, revived by the curiales after 1341, created more effective checks and controls in the Chancery; and this, together with such reforms as the abandonment of sealing judicial writs after 1344 and the rationalisation of enrolments in the early 1350's suggest that the office was consciously putting through reforms in order that it might have the capacity to deal more effectively with other developing administrative procedures. Some of this new business clearly contributed to the growth of a new quasi-judicial authority within the Chancery; but the energies and competence of the office were not only being devoted to such internal matters. For, in a period characterised by inter-departmental influences, the office of the great seal was able now to extend its influence and use its administrative capacities to develop the work of other government agencies, most especially through the bureaucratic reforms of the privy seal office and the development of the judicial procedures of the king's council. Both of these advances, as we shall see,[1] owed themselves to the influence and power of John Thoresby, the most important of Edward III's chancellors during these years. The sheer fact that Thoresby held office for over seven years from 1349 to 1356, a period unequalled since the reign of Edward I, suggests the confidence of the king in a devoted royal servant. But the fact that this long term of office was used to develop new procedures which had crystallised into normal administrative practice by 1356 proves that Edward's confidence was well-placed, and that his ministers were well-chosen for the task of reviving royal initiative in government.

1. below, pp. 82-4, 85-7, 129-32.

# CHAPTER III

## THE PRIVY SEAL

The status and importance of the privy seal altered greatly in the course of the fourteenth century, when it developed from a personal royal instrument into a seal of state. The keeper of the privy seal, originally a member of the king's household, gradually became recognised as one of the king's three great ministers, acting, like the chancellor and treasurer, as the head of a separate department of government, and playing a leading part in the king's council. Consequently, the privy seal ceased to be regarded as the instrument of personal, arbitrary or 'household' government, and became an accepted feature of public administration, with its own busy office acting as a general clearing house for all kinds of business. The removal of the privy seal 'out of court' was naturally a very gradual process, and in the mid-fourteenth century the privy seal office seems to have combined features of a household department and an office of state, which meant that it had a very special part to play in the king's government. It is very difficult to assess the extent of business conducted under the privy seal, however, because the office kept no records of its own,[1] and its history can only be reconstructed from documents

1. Chaplais, Essays in Medieval Diplomacy and Administration, cap. xx, pp. 270-273, shows that drafts and registers of privy seal writs had been kept in Edward I's time; but by the end of Edward II's reign it seems that such records had ceased to be compiled. It should be remembered however that the archives of the later privy seal office had a very chequered history, and fourteenth-century records may once have existed: see Maxwell-Lyte, Great Seal, pp. 26-31. From 1386 comes an anomalous reference to the records of the privy seal office of Edward III's reign: Cal.Clo.Rolls, 1385-9, p. 196. I have found one piece of evidence in my own period which suggests the existence of such records, in an ambiguous reference to an indenture kept in 'les filaces de n[ost]re p[ri]ve seal': E159/125, m. 56 (writ of privy seal of 8 May 1349).

kept in other government departments. Any picture of the competence of the privy seal in the work of government therefore depends on selective evidence which may reveal only isolated areas of activity. It is the purpose of this chapter to analyse the extent and nature of this material, in order to establish how the privy seal contributed to the work of royal government in the 1340's and 1350's.

The most obvious demonstration of the continued ambiguity of the privy seal office, at once part of the household and department of state, is provided by the careers of the keepers of the privy seal themselves. Since Edward III had taken over personal control of government in 1330, he had followed the usual practice of appointing household officials and clerks to the keepership of the privy seal, and thus, by combining the forces of the privy seal with those of the revitalised wardrobe and chamber, used them to build up his personal authority in administration.[1] Such a policy became explicit when, on the eve of Edward's departure for the continent in July 1338, he promoted his receiver of the chamber, William Kilsby, to the keepership of the privy seal. Kilsby is generally accredited with the authorship of the Walton Ordinances issued on 12 July 1338, which attempted to make the home administration completely dependent on the king's decisions, to be communicated from the continent by writs of privy seal. The prominent part assigned to the privy seal in this system of government meant that Kilsby played a crucial role in the king's military administration on the continent during 1338-1340, and was identified as the most influential member of the group of

1. Tout, Chapters, iii. 25-29, 52-55; v. 5-11.

curiales so much criticised by Stratford and his party in the crisis of 1340-1.[1] It is not surprising therefore that the keeper of the privy seal should have been one of those royal officials required by the statute of 1341 to be sworn in parliament to maintain the ancient laws and customs of the realm.[2] Nor is it surprising, however, that the king should have retained Kilsby in his service throughout the crisis. It was only after the renunciation of the 1341 statute in October, signifying the resumption of royal initiative, that Edward was prepared to let Kilsby retire and to appoint a new keeper of the privy seal.

By this point, the king was already set on his policy of restoring royal authority over the administration, and the privy seal would necessarily play an important part in this. There is therefore no suggestion of a change of policies or attitudes in 1342. Rather Edward chose as his keepers of the privy seal in the 1340's men who had been specifically identified with the curialist party in 1338-41 and who were therefore sympathetic to the king's ideas. John Offord (1342-4), Thomas Hatfield (1344-5) and John Thoresby (1345-7)[3] had all been members of the king's party and of his household government on the continent, Hatfield as receiver of the Chamber and keeper of the secret seal, and Offord and Thoresby as diplomats employed in forwarding the king's cause against both the French king and Archbishop Stratford.[4]

1. ibid., iii. 84-5, 120-142; v. 14-16.
2. Rot.Parl., ii. 128; Stat.Realm, i. 296; cf below, pp.100-2.
3. Precise dates of office are lacking. The evidence supplied by Tout, Chapters, vi. 52, is amended and supplemented in Handbook of British Chronology, eds. F.M. Powicke and E.B. Fryde (2nd ed., London, 1961), p.91.
4. Tout, Chapters, iii. 85-7; iv. 261-2; v. 17-21.

To these men, the keepership of the privy seal was a reward for loyalty to the king during the difficult years of 1338-41, and a stepping stone to further honours. Hatfield became bishop of Durham in 1345 at the king's express wish and was thenceforth prominent as the king's representative in the north, taking an active part in the Scottish and French campaigns of 1346 and 1355.[1] Offord and Thoresby, who became respectively Archbishops of Canterbury and York, were both promoted from the keepership of the privy seal to the office of chancellor, which they held, as we have seen, for a long and eventful period between 1345 and 1356.[2] The curiales of 1338-40 were thus successfully appointed to the highest positions in Church and State in the 1340's and 1350's. The dangerous divergence between the aims and methods of the household and of the major offices of state which had arisen in 1338-40 and had found expression in the personal and ideological conflict between Stratford and Kilsby, therefore ceased in the1340's when Edward III succeeded in co-ordinating the personnel of the household and the departments of state, thus producing co-operation in the place of hostility. For Offord and Thoresby, there was no innate conflict between the forces of 'public' and 'household' government, between the great and privy seals; for both had a part to play in the implementation of royal authority.

As chancellors, then, Offord and Thoresby were more than prepared to see prominent and influential men appointed to the keepership of the privy seal, intending to combine with them in the common purpose of effective and efficient government. After Thoresby's removal from the keepership of the privy seal

1. Dic.Nat.Biog., ix. 154-156.
2. above, pp. 19-25, 28-60, passim.

in 1347 a new generation of clerks took over this position, men who had come into the service of the Crown since the crisis of 1340-1, but who were clearly as loyal to the king as any of the curiales. Indeed, both Simon Islip, keeper of the privy seal from 1347 to 1350, and his successor Michael Northburgh, who held the office until 1354, probably owed their promotion to Offord and Thoresby, for they belonged to a group of highly-qualified clerks who were introduced into the king's diplomatic service in the 1340's, including Offord's brother Andrew, John Carlton, Henry Chaddesden, and others. These men came, like Offord and Thoresby, from the diocese of Lincoln, and worked closely with them on many diplomatic missions in the 1340's.[1] The esprit de corps built up among this group, whose university training and membership of the king's council set them apart from other clerks in royal service,[2] created personal and professional links which had important repercussions when they were promoted to high office.[3] Islip and Northburgh, like their predecessors at the privy seal, also enjoyed rich patronage: Islip became archbishop of Canterbury on Offord's death in 1349, and Northburgh replaced Ralph Stratford as bishop of London in 1354.[4] It is of significance to note that

1. Biog.Reg.Oxford, i. 355-6; ii. 1007, 1370, 1390-1, 1392; iii. 1864. Islip had in fact been in the king's service since 1337, but did not become at all influential until after 1342. Chaddesden's career took off from his embassy to Rome in 1343 (Foedera, ii. 1228; Calendar of Papal Registers: Letters, iii. 2) and his membership of the regency council of 1346 (Rep.Dig.Peer, iv. 560). He was B.C.L. (Calendar of Papal Registers: Petitions, i. 232), and was closely associated with Simon Islip, whom he succeeded as keeper of the seal of Prince Lionel in 1347 (ibid., i. 190; Tout, Chapters, v. 25, n. 3).
2. cf below, p. 105, n.2; p. 106, n.1; p.115.
3. For other similar links between members of a government department, see below, pp. 232-3.
4. above, pp. 21-2.

the presence of two former keepers of the privy seal, Offord and Thoresby, as archbishops of Canterbury and York, allowed for a conclusion to the long-standing dispute over the northern primate's right to bear his cross in the southern province in 1353.[1] This spirit of compromise carried over into the secular sphere; for the close relations between the chancellors and keepers of the privy seal meant that the distinction between the offices of state and the household which had caused so many problems in 1340-1, now became blurred and irrelevant. Co-operation, not competition, characterised this period. It is of great importance to establish, therefore, whether this new situation had any tangible effect on the use and work of the privy seal. With chancellors and keepers of the privy seal now working together, rather than in conflict, it ought to be possible to detect a change in the nature and extent of the business conducted by the privy seal office. If the privy seal were now recognised and used not as an instrument of arbitrary royal authority but, like the great seal, as a means of communicating the unanimous will of the king and his ministers, then it is possible that in this period its powers might be extended not in the face of opposition, but with the active encouragement of the offices of state, eager to delegate and relieve themselves of some of the ever-expanding business of royal government.

To understand the nature of the privy seal's authority, and the contemporary attitude to it, we have to establish the physical location of the privy seal office. For the positioning of the seal, the keeper, and the secretariat would obviously have an

1. Highfield, 'The English Hierarchy in the Reign of Edward III', p. 137.

important effect on the business carried out. If it remained part of the king's household, the privy seal office would continue to function as a personal royal instrument; if it were separated from the household and settled permanently in the capital it would take its place alongside the other major departments of state. At first, the evidence would seem to suggest that the privy seal was still closely associated with the household in the 1340's and 1350's, for it was customarily used as part of the machinery created for the king's military campaigns, in which the royal household became the centre of war administration. In 1338-40 the king, in organising his household for war, had taken the keeper of the privy seal with him to the continent as a member of the household, and entrusted to him the custody of the great seal, thus restoring both seals not only to a single keeper but also to the king's immediate control. During the 1340's and 1350's the same arrangements were made on a number of occasions: in October 1342-March 1343, July 1345, July 1346-October 1347 and October 1359-May 1360, the keeper of the privy seal accompanied the king on his continental expeditions and acted also as keeper of the great seal, the chancellor and Chancery being left at home with a great seal of absence.[1] The same practice would probably have been followed had the king gone forward with his projected campaign of 1348;[2] and on another occasion in November 1355 when the king departed for Calais the same pattern was again planned, for the keeper of the privy seal, Thomas Bramber, was preparing to leave for the continent, his plans only to be thwarted by the

1. Information derived from Handbook of British Chronology, p. 36, and Tout, Chapters, v. cap. xvi. cf above p. 37.
2. For the preparations for this campaign see Foedera iii. 174, 175-177; Cal.Pat.Rolls, 1348-50, p. 196.

king's unexpected return within the month.[1] The keeper of the privy seal also accompanied the king on the Scottish campaigns of October 1341-January 1342 [2] and December 1355-February 1356,[3] though on these occasions the great seal was left with the chancellor at Westminster. And there was at least one other time when the king took the privy seal abroad with him, in November 1348, when Edward crossed to Calais to ratify a treaty with Louis de Male, Count of Flanders, and the privy seals of both rulers were applied to the counterparts of the indented document.[4]

It can therefore be seen that in the unpredictable military situation of the 1340's, the keeper of the privy seal might be called upon at any time to join the king's household on campaign. On the other hand, the protracted truces established in the period after the fall of Calais meant that the normal administrative framework was undisturbed between 1347 and 1355, and formal arrangements granting the custody of the great seal to the keeper of the privy seal were not made again until 1359. It was in this same period that the privy seal became divorced from the king's household and located itself in the capital. The privy seal had previously been separated from the king on brief and exceptional occasions; and from the start of Edward III's

1. Tout, Chapters, v. 34. Note the gap in privy seal warrants to the Chancery during the king's absence: C81/365/22918-22919. An indenture drawn up between Edward and the Count of Holstein on this occasion had to be sent home to be sealed with the privy seal: P. Chaplais, English Medieval Diplomatic Practice, vol. ii, (London, 1975), plate 24a; and cf plate 24b.
2. Tout, Chapters, v. 17.
3. Cal.Clo.Rolls, 1354-60, p. 238; C81/365, passim; cf Tout, Chapters, v. 34, n.3.
4. Chaplais, English Medieval Diplomatic Practice, ii. plate 21; Foedera, iii, 175. For the king's journey see Chronicon Galfridi le Baker de Swynebroke, ed. E.M. Thompson (Oxford, 1889), p. 98.

reign the place-dates on privy seal writs had ceased always to signify the location of the king.[1] But it was only during the more stable military and diplomatic situation of the early 1350's that the privy seal came to settle more or less permanently at Westminster, the office possibly housed in the new complex of buildings which sprang up around St. Stephen's Chapel in the late 1340's.[2] Although it is difficult to work out full itineraries either of the king or of the privy seal, the prevailing use of Westminster place-dates on privy seal instruments between 1347 and 1355 at least suggests that this period did indeed mark the first important step in the permanent establishment of the privy seal office in the capital.[3] I have noted only one occasion between 1348 and 1355 when the office probably moved out of Westminster and rejoined the household, and this during the extraordinary conditions prevailing during the plague of 1348-9. The available evidence indicates that the privy seal office remained in the

1. Maxwell-Lyte, Great Seal, pp. 71-72, 405-409.
2. Tout, Chapters, v. 30-34, 68-74; for St. Stephen's Chapel and its administrative significance, see below, pp. 232-3.
3. Several attempts have been made to establish a detailed itinerary of Edward III for this period, but the outcome has not proved satisfactory. Only one set of particulars of wardrobe accounts survive for this period (E101/392/12), but this document complicates matters further by revealing a distinction between the movements of the main household and those of the king's privata familia. More evidence of the movements of the household can be gleaned from the marshalsea court plea rolls of this period (E37/9-18), but this cannot be reconciled easily with the conflicting and inconsistent evidence of place-dates on instruments under the great, privy, secret, and griffin seals. Several lines have been pursued in an attempt to discern some rationale in the place-dates on privy seal writs, but none has produced any definite conclusion.

capital along with other departments during the winter of 1348-9,[1] while the king spent Christmas at Otford, moving to Langley for the period January-April, and thence to Windsor for St. George's Day, and on to Woodstock in May.[2] While it does not seem that the personnel of the privy seal suffered unduly as a result of the plague,[3] it was apparently decided in early May to move the office out to Woodstock and thus restore it to its place within the king's household. For from 6 May to 13 June 1349 every extant privy seal warrant in the Chancery files is place-dated at Woodstock[4] in stark contrast to the usual place-date of Westminster. The king himself returned to the capital by 16 June,[5] and although there is some evidence to suggest that the privy seal continued to itinerate with the court during the summer,[6]

1. The keeper of the privy seal was available at Westminster, with the chancellor, to receive petitions in January 1349: Foedera, iii. 181.
2. This itinerary is based on the place-dates in contemporary Chancery rolls, with corroborative evidence supplied by E403/347, 4 July 1349, amd E36/205, m. 11.
3. The evidence relating to the personnel of the privy seal office is very vague. Keeper Islip himself of course survived the plague. Of the four clerks who went on the campaign of 1346-7 (William Bolton, Henry Ingleby, Adam Newbold and John Winwick: Crecy and Calais from the Public Records, ed. G. Wrottesley (William Salt Archaeological Society, Collections for a History of Staffordshire, xviii, part 2, 1897), pp. 206,208) all but Newbold were still clerks in 1353-4 (E101/392/12, f. 40v.), and Newbold himself was still alive in 1365 (Tout, Chapters, v. 112, and n. 1.).
4. C81/337/20162, et.seq.; C81/338, passim. The single exception of C81/338/20255, place-dated at Westminster, hardly detracts from this argument, since the place of enrolment of the resultant great seal instrument implies that the privy seal warrant was written up later and back-dated: Cal.Pat.Rolls, 1348-50, p. 331.
5. Cal. Clo. Rolls, 1349-54, p. 88.
6. See especially C81/340/20473, resulting in the indenture enrolled in Cal. Clo. Rolls, 1349-54, p. 92.

the falling off of place-dates other than Westminster after August 1349 suggests that the office was thereafter settled more or less permanently in the capital. While individual privy seal clerks might occasionally visit the king's household,[1] the officium, and usually also the seal, were now physically separated from the court until the revival of military activity late in 1355.

The years between the campaigns of 1346-7 and 1355-6 were therefore very important in the history of the privy seal office, for they marked the first time that the privy seal had been separated from the household for any substantial period. This, as we shall see, had significant effects on the nature of its work. Although separated from the king for much of the time, it was not yet divorced from his control, and continued to communicate his will. At the same time, its removal from the household and establishment as a separate government office with its own headquarters in Westminster Palace, hard by the homes of the major offices of state, brought the privy seal within the influence of the king's ministers assembled in council. There is in fact a considerable technical problem in this period in identifying whether and when privy seal writs expressed either the wishes of the king or the policies of the council. But the problem is a bureaucratic, not a political one. For in the 1340's and 1350's king and ministers spoke with one voice: the council enunciated and enacted policies which the king himself favoured. There was no conflict between king and council, and therefore no conflict over the control of the privy seal. This period marks an interim but highly important stage in the history of the privy

1. e.g., SC1/56/24 shows that John de Winwick, clerk of the privy seal, was present with the court at Ludgershall on 27 Dec. 1350.

seal, when it continued both to express the king's fiat and to implement the council's decisions.

The best evidence of this co-operation and co-ordination in the use of the privy seal is provided by the administration of war. Whereas in 1338-40 the conflict between the regency and the king's household had seriously disrupted the administration of the campaign, the expeditions of the 1340's and 1350's were run efficiently and effectively precisely because of the united front presented by the king abroad and his ministers at home. The privy seal played an essential part in that co-ordination. The large and well-organised expeditions launched at various stages in the 1340's and 1350's must have entailed elaborate planning and methodical dispatch of hundreds of orders to many men and authorities. That the king was personally involved in such preparations is proved by the frequent memoranda and letters of secret seal which he issued relating to military organisation.[1] But not all such work can have been carried out by the king alone, nor could it be implemented satisfactorily by the secret seal, which could only act to move the great seal and had no independent authority of its own. It was here that the council, and the privy seal, came in. Members of the council might be summoned by writs or letters of privy seal to attend upon the king to organise a campaign.[2] Once assembled, they would make free use of the privy seal to issue writs summoning knights of the king's retinue for military service,[3] and letters patent making grants of money to

1. SC1/42/160, 178; C47/28/6/10; C81/1332-1334, passim.
2. below, p. 136.
3. E403/332, 5 May 1344; E403/344, 4 Oct., 10 Oct. 1348; E403/353, 28 May, 2 Aug. 1350 (payments to messengers for delivering summonses); cf SC1/39/24, printed in Maxwell-Lyte, Great Seal, p. 37.

foreign mercenaries;[1] or to seal indentures of war[2] and make inquiries into the size and cost of the retinues thus contracted.[3] Writs of privy seal were also issued in large numbers ordering arrays of soldiers and mariners, organising the assembling of troops and the commissioning of ships, and enforcing embargoes.[4] The privy seal office was particularly active in issuing administrative orders supplementary to commissions under the great seals of Chancery and Exchequer demanding collection and distribution of provisions.[5] And at the conclusion of a campaign, king and council would once again make active use of the privy seal office to authenticate the commissions[6] and subsequent orders[7] received

1. e.g., E404/510/161. cf E403/355, 12 Mar. 1351 (payment to John Waver). A number of such letters patent under the privy seal were issued by the king at Calais in 1346-7: B.L. Add. Ch. 11307, printed in E. Deprez, Etudes de Diplomatique Anglaise (Paris, 1908), p. 50; E404/510/89; E43/639, 641. These letters patent were probably only more formal alternatives for wardrobe bills; but they do have some diplomatic significance, for in them Edward's French regnal year was given before the English, whereas in privy seal writs the reverse was the practice, in common with other government departments.
2. E101/68/3/61, E101/68/4/75, 81.
3. C47/2/41.
4. Cal. Letter Books London, F, pp. 25, 58, 131, 141, 216-7, 222-3; ibid., G, pp. 108, 294, 295, 302.
5. E101/25/8; E101/393/6; E101/510/80; E101/552/51; E368/125, m. 257; E404/510/80.
6. E39/17/10A,10B;Chaplais, English Medieval Diplomatic Practice, ii. plate 22.
7. e.g., E403/330, 4 March 1344; E403/353, 31 May 1350; F. Bock, 'An Unknown Register of the Reign of Edward III', Eng.Hist.Rev., xlv (1930), 369, nos. 119, 120, 121 (for the identification of these as privy seal documents see The Diplomatic Correspondence of Richard II, ed. E. Perroy (Camden Soc., 3rd ser., xlviii, 1933), p. xviii).

by diplomats, and to draft and seal the truces and treaties which concluded hostilities.[1]

In all of this work there are clear signs that the privy seal was being used as the instrument of king and council working in unison. And it was this sense of common purpose and co-operation between the king and his ministers which allowed Edward to use the privy seal, not only to make preparations for military expeditions in consultation with the council, but also to issue orders to those same ministers while he was away on campaigns. For it was not only in 1338-40 that the king attempted to use the privy seal as a means of controlling the regency administration at home. As we have already seen, the precedent of 1338-40, when the keeper of the privy seal was given the custody of the great seal and brought within the king's household administration, was followed in 1342-3, 1345, 1346-7 and 1359-60.[2] Furthermore, in the campaigns of 1342-3 and 1346-7 we know that the bureaucratic practices of 1338-40 were also observed, the keeper of the great and privy seals being responsible for issuing firstly, letters patent under the great seal warranted by the king's personal decisions, and secondly, letters close sealed with the privy seal and sent either as warrants to the home Chancery and Exchequer or issued direct to the individuals concerned.[3] We have also seen that

1. Chaplais, English Medieval Diplomatic Practice, ii. plate 21; Bock, 'An Unknown Register of the Reign of Edward III', p. 367 no. 112, p. 369 no. 118 (treaty with Charles of Blois, 1353, and treaty of Guines, 1354, identified as privy seal documents in The Diplomatic Correspondence of Richard II, p. xviii).
2. above, p. 67.
3. Tout, Chapters, iii. 87, no. 1; 152, n. 3; 170, n. 2; vi. 125 (ref. to iii. 152, n. 3). Patent rolls were drawn up on the continent in 1338-40, 1342-3 and 1346-7, and although there is no evidence of similar compilations in 1345 and 1359-60, the rolls may have gone missing, for the roll for 1342-3 itself survives only by chance as C67/28A (not calendared).

keeper Thoresby set up a 'chancery at Calais' in 1346-7, staffed by clerks of the Chancery and privy seal, whose unity and bureaucratic methods echoed French chancery practice.[1] Clearly then, the system adopted in 1338-40 was taken up and extended still further in 1346-7. Yet it has been usual to point not to the similarities but to the differences between the administration of these two campaigns. Historians have generally followed Tout and concluded that the absence of hostility between the king's household government and the home administration in 1346-7 was due to the fact that Edward III never tried to reinforce the controls over domestic government which had been attempted in the Walton Ordinances, and that the king pacified the regency council of 1346-7 by creating a 'privy seal of absence' for its use. Thus, the argument runs, not only was the privy seal, like the great seal, duplicated, but its power was also correspondingly divided.[2] There is however no evidence to suggest that the seal created for the regent Lionel in 1346 deserves the title of a 'privy seal of absence', for it had no more power than the personal seals used by earlier and later regents,[3] and its competence extended no further than the minor administrative powers normally allowed to regents in their letters of appointment.[4] Documents issued under this seal could only warrant Chancery documents and Exchequer

1. above, pp. 37-8.
2. Tout, Chapters, iii. 165-6; cf McKisack The Fourteenth Century p. 212; and Harriss, Public Finance, p. 324.
3. For these seals see Tout, Chapters, v. 23-4, and Deprez, op.cit., pp. 115-6.
4. The appointment of Lionel as regent in 1346 contains no mention of his powers (Foedera, iii. 84), but see other similar commissions in Foedera, ii. 1125, 1212, and Cal. Pat. Rolls, 1348-50, p. 196, which show that the regent was empowered to dispose the minor ecclesiastical patronage of the Crown, to issue the congés d'élire and assents to the election of heads of religious houses, to authorise delivery of estates upon receipt of fealty from tenants in chief, and to control routine administrative business. Warrants under Lionel's seal: C81/1536, 1537, passim, and SC1/40/46-58. They prove that its powers were confined within these bounds.

issues of a de cursu nature:[1] it was never used in direct correspondence with the Upper Exchequer or with royal agents or private officials,[2] and therefore lacked completely the independent public authority of the king's privy seal. And although the regency council had its own power to warrant Chancery and Exchequer issues without this seal, we shall see below that its initiative was in turn confined to the most routine of business.[3]

Unlike the great seal, then, the privy seal was not duplicated in 1346, and its authority remained undivided and unimpaired. And there is ample evidence that Edward made active use of it during the siege of Calais to ensure that his express wishes were carried out by the home government. The privy seal, restored to the king's immediate control in the household, was used not only to validate personal correspondence (letters headed de par le roi) to the chancellor and council,[4] and to issue administrative orders to local government agents and letters to

1. The files of warrants in the Exchequer of Receipt are defective in 1346-7, but see the evidence of warranty notes on the issue rolls E403/338, 339. There was nothing new about the regent being allowed to authorise de cursu issues: for even in 1338-40 the earl of Cornwall had been given such power (see regent's warrants in E404/4/24, 25, passim).
2. The only exception is a letter to the bishop of Hereford requesting his attendance at parliament; but since this merely followed up the formal summons under the great seal, it may be regarded as a piece of private correspondence: Registrum Johannis de Trillek Episcopi Herefordensis, ed. J.H. Parry (Canterbury and York Soc., viii, 1912), pp. 282-3.
3. below, pp. 107-8.
4. C81/908/5, 6; SC1/39/198, printed in Wilkinson, Chancery, p. 118, n. 1.

private individuals in England,[1] but also, and most importantly, to authenticate a regular supply of warrants sent to the Chancery and Exchequer across the Channel at Westminster. Apart from the break in communications during the first stage of the expedition from mid-July to late August 1346,[2] a constant stream of warrants under the privy seal flowed from the king at Calais, controlling all the important administrative work conducted by the home government. In other words, the campaign of 1346-7 was administered in exactly the way that Edward had hoped to organise the expedition of 1338-40. The difference was not that the king gave way and allowed authority to the regency council, but that he was successful in implementing the same system which had caused so much controversy in 1338-40. The contrast in the responses of the home administrations of 1338-40 and 1346-7 is to be explained, then, not in terms of administrative method, but of politics and personalities. In 1346-7 the regency council was led by chancellor Offord and treasurer Edington, two of Edward's most loyal servants,[3] who had been members of the king's party in 1338-41 and who, as supporters of the ideas expressed in the Walton Ordinances, could be expected to observe and enforce the control of the privy seal over the Chancery and Exchequer. Whereas the animosity between chancellor Stratford and keeper Kilsby in 1338-40 had seriously disrupted the king's attempt to control the home government through the privy seal, in 1346-7 the close association between chancellor

1. Cal. Letter Books London, F. pp. 154, 166; C47/22/7/39; Registrum Johannis de Trillek, pp. 291-2, 298-9; Hampshire Record Office, Reg. Edington, ii. f. 66v.. An incomplete transcript of a writ, apparently under the privy seal, recounting the opening stages of the campaign to Thomas Lucy, one of the king's commanders on the Scottish borders, survives in Bodleian Library MS Bod. 302, f. 143v..
2. Tout, Chapters, iii. 166, n. 3.
3. below, p. 106, and nn. 1-2.

Offord and keeper Thoresby guaranteed the smooth-running of the system and typified the unity of purpose between the king's household administration and the major departments of state. The privy seal was therefore just as much the instrument of royal government in 1346-7 as it had been in 1338-40; what was different was that the ministers at home now accepted, indeed welcomed the situation.

The organisation of war in the 1340's and 1350's therefore illustrates that, although the privy seal communicated the king's will when it was taken abroad on campaigns, it also expressed, both during those campaigns and more especially in the preparations for them, the united policy of king and council. The political concord which characterised the period meant that the control over the privy seal was shared by the king and his ministers, and used towards their common goal of restoring royal authority. Consequently, the concurrent changes in the location of the privy seal office had administrative, but not political implications. When the privy seal acted as the instrument of the king's military administration abroad, it was used with the co-operation and encouragement of the ministers left at home. And when the privy seal was stationed in Westminster in the period 1347-55, it continued to be used freely by both king and council. Nevertheless, although a recognised and rapidly expanding department of government, the privy seal office was not to be allowed an excessive independent authority. For with its separation from the household and its growing administrative competence, the privy seal now had in turn to be brought under the system of checks and balances which had been the theme of the Walton Ordinances. This was possible because the privy seal was now working in close conjunction with the other

offices of state, reconciled and united after the disputes of 1338-41. And in particular the close institutional and personal links between the Chancery and the privy seal were now to produce tangible results.

Chancellor Offord and Keeper Thoresby had proved, during the siege of Calais, that the Chancery and privy seal need not compete for control of the administration, but could instead successfully complement each other. This close relationship built up between the two offices continued through the early 1350's as a result of Thoresby's promotion to the chancellorship and the appointment of Simon Islip and Michael Northburgh, the protégés of Offord and Thoresby, to the keepership of the privy seal. This was to have important consequences. For Offord and Thoresby were able not only to control the king's choice of keepers of the privy seal, but also thereby to influence the personnel and internal administration of the office. Thoresby, for instance, was probably responsible for the appointment of two notaries, William Tirrington and John Welwick, as clerks of the privy seal in 1350-3.[1] And in 1354, when Northburgh left the country on a diplomatic mission, the authority to seal privy seal writs was granted to chancellor Thoresby himself,[2] a striking indication of the influence he continued to exert over the privy seal office. Furthermore, Offord and Thoresby were responsible for important changes in privy seal diplomatic which deserve detailed attention,

1. Chaplais, Essays in Medieval Diplomacy and Administration, cap. xxii, pp. 173-4. Chaplais' suggestion that Thoresby brought these men into the privy seal office when keeper is not compatible with their first appearances in the records, for which see Tout, Chapters, v. 112. It is far more likely that as chancellor he influenced the choice of personnel of the privy seal.
2. Tout, Chapters, v. 32, and n. 2.

since they signify the attempts which were being made to extend the specifications of the Walton Ordinances to the privy seal itself.

The files of privy seal warrants to Chancery for the period March-May 1349 contain writs on which are written 'mentions of service', warranty notes appended in the lower right hand corners of the documents, like those customarily placed upon Chancery instruments.[1] This device had been used on brief and exceptional occasions in the privy seal office before, but the spring months of 1349 marked the first time that it was used regularly.[2] The 45 such notes may be grouped as follows.

| | |
|---|---|
| By the king | 2 |
| By the secret seal | 13 |
| By testimony of Thomas Bramber | 13 |
| By testimony of Guy Brian | 12 |
| By testimony of the Earl of Lancaster | 1 |
| By testimony of John de Beauchamp | 2 |
| By testimony of Michael de Poynings | 1 |
| By the council | 1 |

These warranty notes have a double significance. Firstly, they prove that the king continued to control the privy seal even when, as in these early months of 1349, it was separated from the household;[3] for, with the exception of the one writ warranted 'by the council', which will be discussed below,[4] all

1. For Chancery practice, see above, p. 35.
2. Maxwell-Lyte, Great Seal, pp. 75-6; Chaplais, Essays in Medieval Diplomacy and Administration, cap. xx, p. 273.
3. above, pp. 69-70.
4. below, p. 135.

the other warranty notes signify personal orders from the king. The notes 'by testimony of' the Earl of Lancaster, John de Beauchamp and Michael de Poynings resulted from requests received by the king from his military commanders for offices or pardons to be granted to men in their retinues. And the first four categories in the list not only denote personal orders from the king, but also show how they were communicated to the privy seal office: either through warrants under the secret seal, or through oral and written information sent or carried by members of the king's household,[1] Guy Brian, the sub-chamberlain,[2] and Thomas Bramber, clerk of the Chamber and keeper of the secret seal.[3] These warranty notes therefore indicate that the writ of privy seal continued to express the king's personal wishes, and show that the king had access to the privy seal office when it was separated from the household.

These warranty notes also have a second, and possibly more important, significance. For, regardless of the nature of the 'mentions of service', the very fact that they were used on privy seal writs shows that an attempt was being made to bring privy seal diplomatic in line with Chancery practice. As we have seen, the use of the warranty note was being much extended in the Chancery during this period, in response to the Walton Ordinances and under the influence of chancellors Offord and Thoresby.[4] In 1349 Offord was apparently therefore making a concerted effort

1. For informal memoranda relating such information see SC1/42/178, 187, SC1/56/95.
2. Tout, Chapters, vi. 46. For Brian's influence as a councillor see below, pp. 114-5.
3. ibid., iv. 262; v. 180. For Bramber's position in the Chamber see below, p. 253, n.1.
4. above, pp. 35-6, 39-40.

to impose upon the privy seal office one of the checks which formed an essential part of the new system of government instituted after 1341. The attempt was in fact short-lived: warranty notes ceased to be recorded on privy seal writs from 9 May 1349, for the privy seal office had moved from the capital and joined the court by 6 May,[1] and warranty notes would clearly be superfluous with the seal once more under the immediate control of the king. And the reason why they were not adopted again after the separation of the privy seal from the household lies probably in the fact that Offord himself died on 20 May, and, in the interregnum before Thoresby's appointment, the vital influence was lost. It was indeed only by repeated interference that the Chancery could keep control over the privy seal; and in fact the warranty note was never adopted as an accepted part of privy seal diplomatic.[2] But this only serves to emphasise the remarkable, if temporary, influence exerted by Offord over the privy seal during the last months of his life.

Just as Offord's influence may be discerned in the use of warranty notes on privy seal writs in 1349, so too with Thoresby's influence over another reform in the early 1350's. We have seen that in 1352 chancellor Thoresby, adopting notarial practice, greatly extended the use of 'mentions of clerks', the signatures of those responsible for ordering and checking the documents, on writs issued under the great seal.[3] Wilkinson, who drew attention

1. above, p. 70.
2. When the regular system of providing warrants under the signet to move the privy seal was established in Richard II's time, no move was made to adopt warranty notes in the privy seal office; nor did the ordinance of 1444 or the statute of 1536, which regulated this system, make such a requirement: see Maxwell-Lyte, Great Seal, pp. 79-80, 90; G.R. Elton, The Tudor Revolution inGovernment (Cambridge, 1953), pp. 270-1.
3. above, pp. 39-40.

to this matter, pointed out that the practice was taken up in the privy seal office for a short time in 1360-2, drawing his evidence from the imperfect files of Exchequer warrants for issue.[1] Reference to the complete files of Chancery warrants indicates in fact that this system was first adopted in the privy seal office at the same time that it was being extended in the Chancery: from October 1352 to February 1354 such signatures were frequently recorded on privy seal writs.[2] It is no coincidence that the clerk who began the practice, William Tirrington, was, like Thoresby, a notary,and probably owed his position in the privy seal office to Thoresby's influence.[3] The close connection between the Chancery and the privy seal was producing parallel changes in both offices. It is of great significance to note that the third writ signed by Tirrington was also given a warranty note 'by writ [sic] of secret seal'.[4] Tirrington was apparently attempting to re-introduce the 'mentions of service' which had been employed temporarily in 1349. Had he succeeded, the privy seal office would have been using a double system of checks, both 'mentions of service' and 'mention of clerks', in direct imitation of Chancery practice. This attempt failed:[5] as with the earlier attempt of 1349, the device adopted in 1352 did not last, for after the beginning of 1354 signatures of clerks ceased on privy seal writs,[6] and the practice was not in fact regularised in the privy seal

1. Wilkinson 'The Authorisation of Chancery Writs', pp. 134-5, followed by Tout, Chapters, v. 114, n. 1.
2. C81/355/21923-C81/359/22322.
3. above, p. 79.
4. C81/355/21942.
5. The only other privy seal writ with a 'mention of service' in the files for this period is C81/358/22298, warranted 'by the king' (Jan. 1354).
6. After C81/359/22322, dated 3 Feb. 1354, I have noted only one other such signed warrant, C81/360/22409, of 9 May 1354.

office until the reign of Henry VI.[1] Such regulations could not be implemented in the privy seal office without constant vigilance, and by 1354 Thoresby may well have felt that the net result was not worth the effort. But for a short while at least it is clear that the close contact between the Chancery and privy seal office had significant and tangible results.

The purpose of the warranty notes introduced by Offord and Thoresby in privy seal writs in 1349 and 1352-4 was to establish a degree of accountability, to enforce in the privy seal office the system of checks and balances which was being put into action in other departments, and thus, by imposing the ideals of the Walton Ordinances on the privy seal itself, to develop the latter as an independent department in line with the Chancery. And although the attempts to introduce these warranty notes proved only temporarily successful, it seems that the end result was to some extent achieved. It is impossible to quantify the work of the privy seal office; but circumstancial evidence suggests that its administrative competence was expanding in the early 1350's as a direct result of this new attempt to use it as a department of state in conjunction with the Chancery and Exchequer.

In 1353, the notary John Welwick was appointed a clerk of the privy seal, bringing the number of clerks in that office in receipt of robes and fees up to five, instead of the usual four.[2] This may well have been a response to the growth in the privy seal business, and an attempt to impose some specialisation in the internal organisation of the office, for Welwick, like

1. Maxwell-Lyte, Great Seal, p. 34.
2. E101/392/12, f. 40v; Tout, Chapters, v. 77.

his fellow-notary Tirrington, was employed mainly in the drafting of diplomatic documents.[1] Their colleague William Bolton, on the other hand, was much more involved in the drafting of privy seal writs: his signature appears on no less than 115 of the signed writs in the Chancery files for 1352-4, and it is possible that he therefore acted like the praeceptores of the Chancery who ordered and checked documents written by lesser clerks.[2] If this is the case then it indicates, almost a century before the first specific reference, that the privy seal office included not only the keeper and four or five clerks mentioned in the records, but also a number, perhaps a larger number, of cursitors who were occupied in the mechanical process of writing up the documents ordered by the senior clerks.[3] Indeed, it is inconceivable that the five clerks of the privy seal can have undertaken all the writing work demanded of their office, and although on some occasions we know that they drew on the greater resources of the Chancery,[4] under normal circumstances the office had to provide for itself.

In response to the growing pressure on secretarial resources, another important development occurred in privy seal diplomatic in 1349-50, when the office began regularly to issue not only writs but also bills as warrants to the Chancery. The bill of privy seal was a simplified document in which the wording

1. Chaplais, Essays in Medieval Diplomacy and Administration, cap. xxiii, pp. 173-4.
2. See above, pp. 28-9, 41.
3. The ordinance of 1444 distinguished for the first time between the four or five chief clerks and the seven underclerks of the privy seal: Maxwell-Lyte, Great Seal, pp. 33-4.
4. Tout, Chapters, v. 81.

was kept to a bare minimum and the seal applied on the face; it therefore took less time to prepare than the formal writ of privy seal. These bills were used to authorise the issue of great seal licences to travel abroad and letters of safe conduct, originally for certain men travelling to Scotland on the king's business,[1] but really developing after July 1350 for the large number of persons wishing to attend the Jubilee celebrations in Rome.[2] Since regular prohibitions were placed on travel abroad during this period, licences and safe conducts were required in large numbers, and came to be issued automatically without the king's personal involvement.[3] Consequently the privy seal office, which would normally provide the Chancery warrant for such matters, was now allowed to issue simplified warrants which would be drawn up in large numbers without placing an inordinate strain on its limited secretariat. This suggests that the Crown was deliberately developing the privy seal office as a clearing house for routine business. The keeper of the privy seal was now invested with limited administrative initiative, for he could receive and grant requests for the issue of such bills.[4] This authority in no way equated or competed with the administrative powers of the chancellor; on the contrary, there is good reason to believe that the reform was itself put into operation in the privy seal office at the instigation of chancellor Thoresby. Thoresby, who was busy pursuing the administrative and judicial authority of the Chancery,[5] would clearly have an interest in building up

1. C81/909/8, 9, 12.
2. C81/909/13, et seq.; cf Maxwell-Lyte, Great Seal, pp. 54-5. C81/1394/61 is apparently also one of these bills.
3. A.E. Prince, 'The Indenture System Under Edward III' Historical Essays in Honour of James Tait, ed. J.G. Edwards, V.H. Galbraith and E.F. Jacob (Manchester, 1933), p. 296.
4. See e.g., SC1/42/99, a request from Queen Isabella to the keeper of the privy seal for a licence, c. 1356-8.
5. See above, pp. 44-7, 56-9.

the initiative of the privy seal office so that the warrants received in the Chancery could be made automatically into great seal instruments in the sure knowledge that they had already passed through the checks provided by the keeper of the privy seal. In this way, the privy seal office would play an increasing part in the business of day-to-day government, and free the other departments of state to concentrate on more important matters. The bill of privy seal developed in 1349-50 therefore marks an important stage in the gradual emergence of the privy seal as the important administrative department into which it was to grow in the later Middle Ages.

The reforms attempted and achieved in the privy seal office in the period 1349-54 were therefore imposed with the intention of increasing the administrative capacity of that department. Unfortunately, however, if we attempt to establish any precise quantitiative or qualitative change in the work of the privy seal, the evidence fails us, for neither the records of the major departments of state nor chance survivals in non-royal collections will compensate fully for the lack of a privy seal archive. We can only gain a very vague impression of the nature and extent of privy seal activity between Crecy and Poitiers. What evidence there is, however, suggests that although the privy seal was now giving way to the secret seal, and after 1354 the signet, on the personal correspondence of the king,[1] his will

1. Although the letter of privy seal was used in the campaigns of 1346-7 (C81/908/4-6; SC1/39/198) and 1355-6 (C81/908/9-13; SC1/40/212; SC1/56/27), it passed out of use in the intervening period: in the file of privy seal letters C81/908, nos. 7 and 8 are filed for the years between 1347 and 1355, but neither can be dated accurately, and no. 7 is not in any case a letter of privy seal. For the use of secret seal letters see C81/1332-1334, passim; SC1/40/105; E43/98 (1). Tout dated the

continued to be communicated frequently by the formal writ of privy seal. Arbitrary interferences by the privy seal in legal cases during this period, for example, were usually a result of Edward's personal intervention, to protect the holder of an advowson granted by the king,[1] to pardon royal messengers accused of trespass,[2] or to order judgment in favour of the Earl of March in a dispute over the lordship of Denbigh.[3] Writs of privy seal might also be used in conjunction with writs under the great seal to emphasize the fact that the order therein contained was the king's special wish and that it ought therefore to be observed: this device was used in summonses to parliament,[4] and to the council[5], as well as on special occasions such as a dispute over a benefice in the

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cont'd

introduction of the signet from 16 July 1354 (Chapters, v. 175-6), but I have found two earlier instances which show that it was in use from at least May of that year (E159/130, Brev. Bar., Pasch, m. 14 (27 May); Brev. Bar., Trin., m. 5d (2 July)). For further letters under the signet see SC8/246/12292, 12297. The letter of privy seal ceased altogether as a diplomatic form after 1369, after which all the king's personal correspondence was undertaken by the signet.

1. Chartulary of Winchester Cathedral, ed. A.W. Goodman (Winchester, 1927), p. 58, caps. 113-117.
2. Select Cases in King's Bench, vi. no. 44.
3. C66/246, schedule attached to m. 27. For the background to this case see G.A. Holmes, The Estates of the Higher Nobility in Fourteenth Century England (Cambridge, 1957), pp. 15-17.
4. E403/355, 18 Dec. 1350: payment to messengers for delivering writs of great and privy seal summoning persons to parliament. This device was used in 1340 when the king had personal control over the privy seal: Registrum Hamonis Hethe Diocesis Roffensis, ed. C. Johnson, (Canterbury and York Society, xlvii-xlix, 1948), ii. 644-6. cf the use made of this practice by the regent Lionel in 1346: above, p. 76, n.2.
5. W.A.M. 12207 is a writ of privy seal to the abbot of Westminster reinforcing the summons recorded in Rep.Dig.Peer, iv. 550-1 (April 1344).

king's gift,[1] or a demand that the king's nominee be received into a monastic corrody.[2]

It is also evident however that the privy seal was used to authenticate many administrative orders in which the king had less or no immediate personal concern: we have already noticed that privy seal writs relating to the administration of war were issued both by the king and by the council,[3] and many other instructions under the privy seal on this and other matters must have been received by the local agents of the Crown, though the vast majority of such writs have now disappeared. Their frequency is however attested by the payments made to messengers recorded on the issue rolls of the Exchequer, which often mention the delivery of privy seal writs, though unfortunately they rarely state the content of those writs or the persons to whom they were addressed.[4] In the absence of any other substantial evidence within our limited period, we must therefore concentrate our attention on the privy seal correspondence with the Chancery and the Exchequer, which provide the two fullest, and interestingly contrasting, pictures of privy seal activity in the 1340's and 1350's.

The privy seal warrants to the Chancery in this period provide clear evidence of the continued control which the king wielded over the privy seal office. We have already noticed that, when warranty notes were adopted on privy seal writs to Chancery in 1349, by far the largest number proved that the writ expressed

1. C270/29/9: a claimant to the archdeaconry of Buckingham acknowledges receipt of 'duas l[ett]ras Regias una videlicet cu[m] Targia Cancellarie et alteram cu[m] sigillo p[ri]vato ip[s]ius d[omi]ni Regis sigillatas'.
2. The Coucher Book of Selby, vol. ii, ed. J.T. Fowler (York. Archaeological and Topographical Association Record Series, xiii, 1893 for 1892), p. 397.
3. See above, pp. 71-4.
4. e.g. E403/344, 18 Feb., 16 Mar., 1349; E403/349, 2 Oct., 4 Dec. 1349, 9 Jan., 23 Jan., 4 Feb., 13 Mar. 1350.

the king's personal wishes and decisions.[1] The same holds true throughout this period. An analysis of the privy seal warrants to Chancery in the regnal year 27 Edward III (January 1353-January 1354), when the privy seal office was more or less permanently separated from the court, indicates that almost all these warrants authorised the issue not of de cursu administrative orders but of de gratia grants of presentations, corrodies, gifts, pardons, protections, licences, exemptions, etc: of the 285 privy seal warrants extant for this year, all but four were concerned with such grants or with orders subsequent to them.[2] Furthermore, the contents of these few 'administrative' exceptions also suggest the king's influence: royal initiative is evident in an order for a commission of inquisition to be issued relating to lands held by the Chamber, the personal financial office of the king,[3] and in a warrant for a commission to deliver the gaol at Guildford, issued while Edward was staying in that area.[4] The council must of course have been included in the discussions and decisions on at least some of these matters, as is made explicit in another 'administrative' warrant concerning the mints issued under the privy seal in June 1353.[5] But it was not the council, but the king, who usually moved the writ of privy seal in communication with the Chancery. This is indicated by the procedure for the audience of petitions. Petitions de gratia had to be heard by the king,[6] whose decision was then made known to the Chancery in

1. See above, pp. 80-1.
2. C81/356/22019-C81/359/22309. Compare the rather different and unquantified analysis made by Wilkinson, 'The Authorisation of Chancery Writs', pp. 116-7.
3. C81/357/22122, resulting in Cal. Pat. Rolls, 1350-4, pp. 457-8.
4. C81/357/22153 (24 May 1353). The household was in Surrey during May, and at Guildford by 8 June: E101/392/12, ff. 10v-13.
5. C81/357/22191. For details see below, pp. 278-9, and p. 279, n.1.
6. This is made clear by the proclamation of Jan. 1349, which specifically reserved matters de gratia to the king alone: Foedera, iii. 181.

a writ of privy seal; and if it were decided to delegate petitions de cursu to the chancellor or council, this was again done by enclosing the petitions in writs of privy seal-in other words, it was the king's decision to delegate which the privy seal communicated. When the council wished to move the great seal, it did so by the same means employed by the king when dealing with administrative matters, that is, by sending verbal orders or written memoranda to the Chancery resulting in writs warrants 'by the council' or 'by the king'.[1] By contrast, the privy seal therefore provided a more formal method of communicating royal patronage.

A close examination of the text of the Walton Ordinances suggests that it was exactly this situation which Edward had attempted to impose upon the Chancery in 1338. The seventh clause of the Ordinances stated that all documents issued under the great seal should be warranted by the privy seal, except those 'touching the law and the office of the chancellor'.[2] But the matters actually specified in this clause were not concerned with routine administration, much of which in any case fell within the competence of the chancellor, but with the king's grace. Control of patronage was of course as important as, if not more important than administrative initiative, and it is not surprising that Edward should therefore have made this specification in 1338. But the Chancery evidence shows that the privy seal responded to the Walton Ordinances and implemented the seventh clause on a permanent basis. And through the permanent operation of the Ordinances, the privy seal continued to communicate royal patronage even when removed from the king's

1. Wilkinson, Chancery, pp. 41-44.
2. Tout, Chapters, iii. 148.

immediate control. By 1349 we know that privy seal writs were already being authorised by verbal and written instructions from the king;[1] and by the end of the century the signet was to become the standard means of moving the privy seal so that it might in turn act as a warrant to move the great seal.[2] Consequently, although the king could and did communicate directly with the Chancery under the secret seal and signet,[3] the Walton Ordinances, crystallizing into permanent practice in the 1340's and 1350's, safe-guarded the privy seal's competence and allowed it to retain its special power of disposing royal patronage even though it was now moving out of the king's immediate control. In direct response to the Walton Ordinances, therefore, privy seal correspondence with the Chancery in the 1340's and 1350's was almost totally concerned with grants made of the king's special grace, and disregarded almost completely the warranting of ordinary administrative writs.

The Exchequer evidence at our disposal shows the other side of privy seal business in this period, for whereas the privy seal warrants supplied to Chancery were concerned with de gratia patronage, privy seal writs sent to the Exchequer dealt with many different forms of business, both special and routine. The exact number of writs of privy seal sent either to the Exchequer of Receipt, as warrants for issues, or to the Exchequer of Account, as administrative orders, unfortunately cannot be ascertained during this period; but what can be said is that the proportion of privy

1. See above, pp. 80-1.
2. Maxwell-Lyte, Great Seal, pp. 79-80.
3. See above, p. 87, n.1.

seal to great seal writs received in both offices of the Exchequer was increasing in the 1340's and 1350's as a direct result of the financial authority accorded to the privy seal in the Walton Ordinances of 1338. The Ordinances had stated that no issue was to be allowed in the Lower Exchequer, and no accounts of diplomats, military captains or the royal household offices accepted in the Upper Exchequer, without specific warrants supplied under the privy seal.[1] By extension, the privy seal was therefore to have comprehensive control over the disbursement of royal revenues, and the business of the Exchequer was to be subjected to the prior claims of the king and his household at war. It has generally been assumed, because Edward was forced to abandon this strict and absolute control over finance in 1339,[2] and because other writs, bills and warrants continued to be received and acted upon in the Lower Exchequer after 1338, that the Walton Ordinances had little effect on the financial competence of the privy seal.[3] But just as there is evidence of the application of the Ordinances in the work of the Chancery during the 1340's and 1350's,[4] so too are there indications of a conscious and concerted effort to apply the spirit of the Ordinances in the Exchequer during the same period, with important consequences for the privy seal.

One of the first indications of Edward's attempt to restore royal authority after the crisis of 1340-1 was itself an attempt to win back control of finance, in an order issued in June 1341 which put a complete, though temporary, ban on all Exchequer expenditure except that expressly ordered by the king himself.[5] And gradually

1. Tout, Chapters, iii. 144-5, 149-50.
2. Harriss, Public Finance, p. 254.
3. Tout, Chapters, iii. 70, and n. 1.
4. See above, pp. 33-46, passim.
5. Harriss, Public Finance, p. 304 and n. 1. cf, p. 324, and n.3.

under the new treasurers of the 1340's and 1350', Cusance and Edington, this attempt at giving priority to the king's claims on Exchequer resources crystallized into a regular administrative practice through the extended use of the privy seal. Table 1 sets out the numbers of writs under the great and privy seals to be found in the files of Exchequer warrants for issue. Unfortunately, these files are far from complete, and the evidence is particularly poor during the 1340's. But the files do at least indicate that whereas between 1330 and 1337 the comparative numbers of great and privy seal writs fluctuated widely, after the Walton Ordinances the privy seal became much more firmly established as the regular means of authorising issues: when reasonably full files resume in 1350 and 1351, there are a total of nearly 200 privy seal writs extant, compared with only 26 under the great seal. On their own, these figures are hardly conclusive, but although we cannot quantify the exact extent of the increase in the use of the privy seal, we can at least prove reasonably accurately the resultant decrease in the use of the great seal. For the liberate rolls, the enrolments of Chancery writs authorising Exchequer expenditure, contracted to half their former average size between 1341 and 1349, a decline obviously most satisfactorily explained by a simultaneous increase in the use of the privy seal.[1] And as with warrants for issue received in the Lower Exchequer, so with warrants for accounts sent to the Upper Exchequer: Chancery writs of allocate, authorising the Exchequer to pass accounts, had been issued

1. Select Cases in King's Bench, vi. pp. xiv-xv. Sayles is disposed to attribute the decline to the carelessness of the Chancery clerks, but this is unlikely given the precision which we have noted in Chancery practice of this period: see above, pp. 35-6.

TABLE 1

GREAT SEAL AND PRIVY SEAL WARRANTS FOR ISSUE, 1330-1359

| REFERENCE | DATE | NUMBER OF GREAT SEAL WARRANTS | NUMBER OF PRIVY SEAL WARRANTS |
|---|---|---|---|
| E404/2/10 | 1330(Jun-Aug) | 22 | 67 |
| E404/2/11 | 1331(Jan-Oct) | 54 | 46 |
| E404/2/12 | 1331(Nov-Jan) | 64 | 49 |
| E404/2/13 | 1332(Jan-Apr) | 59 | 106 |
| E404/2/14 | 1332(May-June) | 50 | 65 |
| E404/2/15 | 1332(July-Sept) | 15 | 49 |
| E404/3/16 | 1332 | 14 | 9 |
| " | 1333 | 18 | 7 |
| E404/3/17 | 1334(Jan-June) | 56 | 48 |
| E404/3/18 | 1334(July) | 29 | 30 |
| " | 1335 | 5 | 4 |
| " | 1336 | 2 | 2 |
| E404/3/19 | 1337(Feb-May) | 52 | 84 |
| E404/3/20 | 1337 | 65 | 82 |
| E404/3/21 | 1337 | 24 | 36 |
| E404/4/22 | 1338(Jan-Apr) | 39 | 62 |
| E404/4/23 | 1338 | 23 | 96 |
| E404/4/24 | 1338 | 66 | 108 |
| E404/4/25 | 1338-9 | 32 | 53 |
| E404/4/26 | 1340 | 22 | 71 |
| E404/4/27 | 1340 | 33 | 52 |
| E404/4/28 | 1341 | 65 | 45 |
| E404/5/29 | 1342 | 66 | 71 |
| E404/5/30 | 1342 | 34 | 71 |
| E404/5/31 | 1343 | 10 | 16 |
| " | 1344 | 3 | 46 |
| " | 1345 | 1 | 33 |
| " | 1346 | 0 | 2 |
| E404/5/32 | 1347 | 0 | 2 |
| " | 1348 | 0 | 10 |
| " | 1349 | 0 | 9 |
| " | 1350 | 18 | 105 |
| E404/5/33 | 1351 | 8 | 89 |
| " | 1352 | 5 | 6 |
| " | 1353 | 0 | 2 |
| " | 1354 | 0 | 3 |
| E404/5/34 | 1355 | 2 | 61 |
| " | 1356 | 1 | 1 |
| " | 1357 | 4 | 2 |
| " | 1358 | 0 | 43 |
| E404/5/35 | 1359 | 51 | 135 |

in large numbers down to 1338; but after the Walton Ordinances their frequency declined dramatically,[1] as they were replaced by privy seal writs, now used regularly, in accordance with the Ordinances, to validate the accounts of military contractors, royal ambassadors, and the king's Wardrobe.[2] Although the largest number of writs received and recorded in the Upper Exchequer continued to be under the great seal, the proportion of privy seal writs therefore increased substantially during Edward III's reign, from just over 16% in 1335-6 to almost 30% in 1375-6.[3] And this developing financial authority of the privy seal is therefore to be explained by the long-term application of the Walton Ordinances, and their adaptation to everyday administrative routine in the years of political harmony after 1341.

The increase in the number of privy seal writs sent to the Exchequer during the 1340's and 1350's reveals, then, that while correspondence with the Chancery dealt mainly with de gratia matters, warrants supplied to other departments might concern de cursu business. Certainly the king's interest in finance, and his continued control over the privy seal during this period, meant that some of the large number of privy seal writs received in the Exchequer represented personal decisions by Edward himself: and on special occasions such as the absence of the keeper of the

1. See the evidence of the files of warrants for Chancery writs of allocate, C81/1672, 1673: 74 documents here relate to the first twelve years of Edward III's reign, and only a handful to the period 1338-77.
2. e.g., C47/35/21/42; E159/129, Brev. Bar., Trin., m. 16d; E208/4, file 24 Edw III, no. 83.
3. D.M. Broome, 'The Exchequer in the Reign of Edward III, 1327-1377: A Preliminary Investigation' (Manchester Univ. Ph.D. thesis, 1922), pp. 61a, 64.

privy seal in 1354 the king might order that he should be informed of all privy seal warrants for issue before they were sent to the Exchequer.[1] But it is hard to believe that under normal circumstances Edward was responsible for the decision behind every such writ. Nor did he need to exert that control, for the privy seal had now become accommodated to the new political climate, ceasing to represent arbitrary personal government and instead communicating the combined and united will of the king and his ministers. Just as the unity of the government in this period allowed chancellors Offord and Thoresby to influence the internal administration of the privy seal office, so too, as we whall see, the king's chief financial adviser, treasurer Edington, was able to develop a sophisticated and successful system of preferences in the Exchequer by giving priority to privy seal warrants over and above other authorisations and demands upon royal financial policies.[2] And this use of the privy seal to implement the fiscal policies of the administration strongly suggests that royal ministers, both individually and collectively, now enjoyed sufficient initiative in government and influence over the king in order to be able to issue administrative orders under what was still theoretically the king's personal seal. Indeed, as we shall see in the next chapter, it was during this same period that the king's council began to develop a more regular and institutionalised connection with the privy seal which was later to provide the council with its main executive instrument.[3]

The privy seal ultimately therefore remained somewhat

1. Tout, Chapters, v. 32, n. 2.
2. See below, pp. 234-7.
3. See below, pp. 133-8.

ambigious in the middle years of Edward III's reign. On the one hand its periodic use as part of the king's wartime household administration meant that the seal would retain some association with him and express his will; and on the other hand the removal of the privy seal from the household and its establishment in the capital between campaigns meant that it gradually emerged as a department of government with a growing administrative competence. It was this very ambiguity however which gave the privy seal the special authority it enjoyed during these years. For its dual function was made possible by the mutual aims and co-operative attitude which now prevailed between the king and his ministers, united in their effort to restore the political authority of the Crown, and able to use household offices and departments of state alike in order to carry through that policy. The reforms undertaken in the internal organisation of the privy seal office under the influence of Offord and Thoresby were therefore carried through in order to allow the privy seal a full and developing role in the growing requirements of government. The close personal and professional links built up between the privy seal office and other government agencies now put an end to the mistrust and divisions of an earlier period, and allowed the seal to develop with the full co-operation of the departments of state. With unity of purpose and action established, control of the privy seal was not an issue: the seal itself now implemented and epitomised the common objectives of the king and his ministers.

# C H A P T E R  I V

## THE COUNCIL

The mid-fourteenth century marks a transitional stage in the history of the council, half-way between the undifferentiated curia regis of an earlier period and the executive and judicial body which developed by Tudor times. But, as with the privy seal, it was this element of flexibility which made the council such an important part of the governmental structure in the middle years of Edward III's reign. His father's reign had been punctuated by attacks on the king's 'evil councillors', eventually precipitating the very coup which brought the young Edward to power in 1326-7. But the traditional device of reproaching the king by criticising his councillors did not end with Edward II's deposition: for the same theme came up once again in the constitutional crisis of 1340-1. It is of course a commonplace of historical writing that after 1341 Edward III learned from his mistakes and, by restoring the confidence and co-operation of the magnates, his 'natural councillors', was able to rule without dissension for thirty years. But because historians tend to concentrate on the role of the council at moments of crisis, little work has been done to assess how the council was affected by the events of 1340-1, and what the council actually did to assist in the work of government during the years of political stability which followed.

This neglect is hardly surprising given the lack of direct evidence and the problem of definition. Since the council did not begin to keep anything like organised records until

Richard II's reign, it is difficult to establish both the composition and the competence of this body in the mid-fourteenth century. And since, in a sense, consilium was the act of counselling rather than, or as well as, the name of a corporate body, it is very difficult to decide who was a 'councillor', and to which branch of the 'council' he belonged. Nevertheless, this ambiguity is the very key to the problem. The council did not develop into a separate and self-contained office of government in the 1340's and 1350's precisely because the political and administrative unity of the period allowed the king to draw on the advice of all his ministers, magnates and favourites. In this sense, the council both created and epitomised the co-ordination which is such an important feature of government in this period. To understand how this unity and co-operation came about, it is therefore necessary to examine the role of the council in the crisis of 1338-41, and the effects of this crisis on the council of the 1340's and 1350's.

The personnel and powers of the council had been a lively issue throughout Edward III's first continental campaign of 1338-40 and came to a head in the crisis of 1340-1. The king's absence from the country meant that his 'councillors' were divided into two groups, those left at home to rule on behalf of the child regent, the Duke of Cornwall, and those who accompanied the king abroad as his companions and advisors in arms. Edward chose the Earls of Arundel and Huntingdon and Lord Neville to act with the chancellor and treasurer as the regency council, later sending Archbishop Stratford home from the continent to become their president.[1] But the influence

1. Tout, Chapters, iii. 80-84, 100-101; Harriss, Public Finance, pp. 237, 253-254.

of the king's familiares, the Earl of Salisbury, William Kilsby, keeper of the privy seal, and the household knights like Walter Mauny and John Darcy, who provided the king's council on the continent,[1] soon produced a rift between the two administrations. By 1340 Edward's failure to strike the right balance between the powers of the regency council and the continental administration meant that control of the council became a major political question, and in the parliament of March 1340 the king was forced to concede to the demand that a council of magnates be appointed in parliament to supervise royal revenues and discuss the great affairs of the realm.[2] Edward in fact successfully circumvented this statute in appointing a new regency council later in 1340, comprising Archbishop Stratford, the Earls of Huntingdon, Lancaster and Surrey, and Lords Percy, Wake and Neville.[3] But Stratford's party, increasingly hostile to the king's policies, now gained control with the appointment of the archbishop's brother Robert as chancellor and of Roger Northburgh to the office of treasurer. Stratford's personal and political enmity towards the curiales of the continental administration therefore created even greater animosities and problems, and with Edward's return late in 1340 and his arbitrary dismissal of the Stratfordian sympathisers in the great offices of state, the control and composition of the council became one of the central issues of the ensuing crisis.

In the parliament of April 1341, Stratford's clever attacks on evil councillors and his championing of the cause of trial by peers won him the support of the magnates, led by the Earls of Arundel and Surrey, and the Archbishop was therefore

1. Tout, Chapters, iii. 84-90.
2. Harriss, Public Finance, pp. 261-262.
3. Tout, Chapters, iii. 111-112; Harriss, Public Finance, pp. 263-264, 285.

able to create an opposition party led by members of the earlier regency council, exasperated with the king's reckless and high-handed actions.[1] The Lords and Commons, drawing directly on the Ordinances of 1311, demanded that the king appoint the ministers of state, the chief justices and the household officers, by the advice of the prelates, earls and barons in parliament. The king, in desperate need of money, agreed very reluctantly to a compromise which allowed him to appoint such officials not in parliament but with the advice of the council, though they would be answerable to parliament and might be tried for misdemeanours and punished there by their peers.[2] The statute, however, had no effect on the king's choice of ministers, for as soon as the immediate crisis was over, Edward revoked the legislation in October 1341, announcing that he was acting with the advice, not only of the curialist ministers appointed to the offices of state in December 1340, but also of the earls and barons.[3] Who these earls and barons were we do not know; and it seems unlikely that they included the leaders of the opposition group Arundel, Huntingdon and Surrey, who were only apparently reconciled with the king towards the end of the following year.[4] But by October 1341 the king had clearly won back the support of a sufficient number of his 'natural councillors' to make his own re-assertion of power politically possible; and within the month Stratford found himself in an isolated and untenable position, and was forced to make his peace with the

1. ibid., pp. 294-297.
2. ibid., pp. 300-301.
3. Stat.Realm, i. 297: '..cum comitibus et baronibus ac peritis aliis dicti regni nostri consilium habuimus et tractutum...'.
4. Harriss, Public Finance, pp. 307-308.

king.[1]

Having annulled the statute of 1341, Edward III was therefore theoretically as free to choose his own ministers and councillors as ever before. In practice, of course, he realised that he had to appoint men acceptable not only to himself, but also to the magnates and to parliament, if government were to be carried on effectively and peacefully. The political crisis had indicated that there were three main groups of men who regarded themselves, and were regarded by contemporaries, as the king's councillors. These were:

1. The magnates: the earls, barons, bishops and other great men who were not normally members of the king's entourage and who had no formal place in central government, but whose social and political prominence made them the king's 'natural councillors'.

2. The curiales or secretarii, the officials, clerks and knights of the royal household, men whose personal and physical proximity to the king gave them influence and authority in both major political decisions and in day-to-day government.

3. The officers of state, the chancellor, treasurer, justices and other ministers of the main departments of government, meeting regularly at Westminster, undertaking much of the council's routine administrative work, most of its judicial business, and many of its major political decisions.

The crisis of 1340-1 had produced rifts between these groups, and to some extent divisions within their own ranks. It was the king's policy after 1341 therefore to reconcile them and to make the council the instrument of unity and co-operation

1. ibid., pp. 307, 521-522.

in government. But in so doing, he acted in the light of experience, not through pressure from the magnates or from parliament; and, by transforming the political scene, made the disputes and precedents of 1340-1 irrelevant.

The crisis of 1340-1, and the attempt to control the council and the choice of the king's ministers, arose from the particular problem of the king's absence from the country and the resultant collapse of administrative co-ordination. But when war resumed after 1345, necessitating the king's absence once again, the balance between the different groups of 'councillors' changed dramatically. We have already noted how, with the appointment of new men to the great offices of state in the 1340's, the distinction between the curiales and the ministers which caused so many problems in 1340-1 ceased to exist. Thus the personal and professional hostility between Archbishop Stratford and the keeper of the privy seal, William Kilsby, in 1339-41, gave way to the cordial co-operation and close connection between chancellor Offord and keeper Thoresby in 1346-7. But there was another important change in the 1340's, for the upturn in the king's military fortunes after 1345 meant that the magnates were persuaded to take a full and active part in the war, and were thus restored to their traditional position as the king's military leaders and advisers. Whereas the lack of military activity on the continent in 1338-40 had meant that men like Arundel and Huntingdon tended to drift home and became involved with other nobles of the regency council in Stratford's opposition party,[1] by 1346-7 those same men had become the king's closest

1. ibid., p. 285

advisers and commanders: Arundel and Huntingdon now distinguished themselves as soldiers and diplomats in Edward's service.[1] The political implications of this reconciliation between the king and the nobles are well-known; but what has not hitherto been appreciated is that this also had an important effect on the composition and work of regency councils.

Active participation in the war obviously meant that the magnates were precluded from membership of regency councils after 1340, and their place was now taken by the king's ministers. In 1345, the Earls of Lancaster and Surrey, prevented from taking part in the war by old age and infirmity, were the only magnates appointed to the regency council.[2] They were joined by the three Stratfords, John, Ralph and Robert; but undoubtedly the most active and influential members of this council were the royal favourites, chancellor Sadington, treasurer Edington, and other secretarii and influential clerks of the king's service, Thomas Hatfield, John Sheppey, Simon Islip and Andrew Offord.[3] And in

1. Complete Peerage, i. 243; vi. 649; Crecy and Calais from the Public Records, pp. 5, 33, 34.
2. Foedera, iii. 50. The full regency council comprised: John Stratford, Archbishop of Canterbury; Ralph Stratford, Bishop of London; Robert Stratford, Bishop of Chichester; Thomas Hatfield, Bishop elect of Durham; Henry, Earl of Lancaster; John de Warenne, Earl of Surrey; Robert Sadington, chancellor; William Edington, treasurer; John Sheppey, Prior of Rochester; Simon Islip; William Trussell; Andrew Offord.
3. For Hatfield, Islip and Offord, see above, pp. 63-5. For Sheppey's connection with the king's diplomatic service see Highfield, 'The English Hierarchy in the Reign of Edward III', p. 118. Sheppey succeeded Edington as treasurer in 1356.

1346-7 the 'official' element in the regency council was further strengthened and the magnate element weakened.[1] The Earls of Lancaster and Surrey died in 1345 and 1347 respectively, and they were not replaced in the regency council appointed in 1346. And while the Stratford triumverate remained, the official group was now predominent, led by Offord[2] and Edington, and strengthened by the inclusion of more royal clerks, Henry Chaddesden, John de St Pol, and Thomas Spigurnel,[3] and the leading judges, Scot, Shareshull, Thorpe, Hillary and Stouford. In contrast to the earlier regency councils of 1338-40, therefore, the councils of 1345 and 1346-7 were controlled by the king's ministers, themselves in turn either members of the earlier court party or introduced into the king's service by those curiales in the 1340's. These

1. Rep.Dig.Peer, iv. 558. This does not actually specify that the men therein named were appointed as a regency council; but they were summoned to meet a few days before the king left for the continent, and the similarity with the 1345 council makes it reasonably certain that they comprised the main group of men recognised as the regency council in 1346-7. The full list is: John Stratford, Archbishop of Canterbury; Ralph Stratford, Bishop of London; Robert Stratford, Bishop of Chichester; William Edington, Bishop of Winchester, treasurer; Simon Burcheston, Abbot of Westminster; John Sheppey, Prior of Rochester; Simon Islip; Henry Chaddesden; Thomas Berkele; Thomas Spigurnel; William Scot; William Shareshull; William Thorpe; Roger Hillary; John Stouford.
2. The absence of chancellor Offord from the above list does not create any serious difficulties, for he was generally recognised as a member of, and indeed head of, the council ex officio. Thus, although protocol demanded that Archbishop Stratford be given first place in a formal list of the council (Tout, Chapters, iii. 165, n. 1) it was to the chancellor that the king's letters were addressed during this campaign (C81/908/5,6).
3. For Chaddesden see above, p. 65 and n.1. For St Pol and Spigurnel see Biog.Reg.Oxford, iii. 1629-30, 1743-4.

men were acting in close co-operation with the circle of councillors present with the king on the continent. And within that group there was also reconciliation, for the king now had at his side not only loyal servants like keeper Thoresby, but also the majority of the English nobility. By a cunning reversal of the roles of his 'evil' and 'natural' councillors, Edward was therefore able to unite the domestic and campaign administrations, and thus, at a crucial moment, succeeded in producing that very co-ordination which had been so disastrously lacking in 1338-40. For the administrative methods adopted during these periods of absence prove that the Walton Ordinances, already adapted and adopted to form part of the permanent administrative procedure of the government departments, could also be revived in their original context as a means of creating effective royal controls over domestic government.

We have already noted that the seal created for the regent Lionel during the king's long absence of 1345-6 in no way threatened the authority or scope of the large number of privy seal writs sent to the home administration by the king.[1] Furthermore, the power of the regency council itself to move either the Chancery or Exchequer into administrative action was carefully limited during these periods. A review of the instruments on the Chancery rolls warranted 'by the council' during the king's absences in July 1345 and June 1346-September 1347 reveals that the council had authority to act in the following areas: the appointment of officials such as the collectors of taxes, customs and subsidies; the appointment of judicial commissions of the

1. See above, pp. 75-6.

peace, oyer and terminer, and inquisition; miscellaneous functions concerning the war, such as the issue of commissions of array and arrangements for the defence of the coasts and of shipping; the appointment of custodians of vacant temporalities and of farmers of wardships; and many fiscal duties, including the authorisation of assignments and discharges of debts. This list may seem long, and in some respects, particularly in fiscal terms, indicates a certain initiative not accorded in the original Walton Ordinances of 1338; but most of these functions merely represented the ordinary de cursu work of government which could safely be left to the home administration, while the dispensation of royal de gratia patronage and the disposal of royal financial resources were still largely regulated, as we have seen,[1] by the privy seal warrants received from the king and his household administration. Furthermore, the powers enjoyed by a regency council were held only at the king's discretion, and might be withdrawn or overridden: on his return from the campaign of July 1345, for instance, Edward immediately suspended a conge d'elire recently issued on the authority of the regency council.[2] The fact that government ran so smoothly during the king's campaigns of the 1340's and 1350's was surely then a result not of an administrative change, with the abandonment of the Walton Ordinances as contentious and unsuccessful, but rather of a political change, which, in a new spirit of co-operation, allowed for the effective co-ordination between the home and continental administrations.

1. See above, pp. 89-97.
2. Cal.Clo.Rolls, 1343-6, p. 639; cf., Wilkinson, 'The Authorisation of Chancery Writs', pp. 111-2.

The composition and work of the council during the king's campaigns was of course somewhat exceptional, since it included both a regency committee of ministers at home and a group of military commanders and household officials abroad with the king. Under normal circumstances and for most of the period between 1347 and 1355, when the king was in England, councillors are not so easily identifiable, for Edward's immediate involvement in government and the return to a unified administration meant that the council became more flexible in its composition and its authority. We are mainly concerned here with the work of the administrative council, the group of ministers and bureaucrats meeting regularly at Westminster and undertaking the bulk of day-to-day government. But it is clear that the political calm of this period owed much to the recognition of magnates, as well as curiales, as the king's councillors. During periods when they were not fighting, most magnates withdrew from the king's entourage and spent their time on their own estates with their own household retinues. But they still expected to be consulted on matters which affected them; and this, to all intents and purposes, meant that the king was obliged to involve them in the organisation of war. For most of the lords temporal and spiritual, their only usual formal recognition as councillors came when they were summoned to special meetings of the council to discuss preparations for war, or the progress of campaigns and diplomatic talks.[1] It was indeed those men who took the most active part in the war who could except most frequent recognition as councillors.

The witness lists to royal charters in this period

1. See the summonses taken from the close rolls set out in Handbook of British Chronology, pp. 522-3 and nn.

illustrate this point, for although these had long since ceased to signify the necessary presence of the individuals mentioned on the occasion of the grant,[1] they do at least give an indication of the relative political and social prominence of the magnates.[2] Table 1 shows that, apart from the chancellor and treasurer and the archbishop of Canterbury,[3] the only bishops to appear on charter witness list between 1348 and 1355 were the former royal clerks connected with the king's military and diplomatic service: Hatfield of Durham and Kirkeby of Carlisle, prominent in the defence of the northern border,[4] and Bateman of Norwich and Northburgh of London, both influential ambassadors,[5] and the latter a former keeper of the privy seal. Amongst the earls, Oxford, Salisbury, Devon and Hereford and Essex, who remained for various reasons outside the king's circle, rarely if ever appeared, whereas Lancaster, Suffolk, Arundel, Northampton, Warwick, Stafford, Huntingdon and

1. Baldwin, King's Council, pp. 90-1; Maxwell-Lyte, Great Seal, pp. 234-7.
2. cf the use made of such lists in C.J. Given-Wilson, 'The Court and Household of Edward III, 1360-1377' (Univ. of St Andrews Ph.D. thesis, 1979), pp. 170-71.
3. The regular inclusion of the archbishop of Canterbury was presumably a reflection mainly of his ecclesiastical, rather than his political, status, for we know that Islip, for instance, ceased to play any direct part in royal government after becoming archbishop in 1349. As for Stratford, his appearances in 1348 may suggest something of his former influence, but it is striking that the influence of his family ceased with his death: his brother and nephew virtually disappear from the witness lists on royal charters after John's death.
4. Highfield, 'The English Hierarchy in the Reign of Edward III', p. 135.
5. For Bateman see below, p. 113; for Northburgh see above p. 65.

TABLE 1

PERSONS APPEARING IN CHARTER WITNESS LISTS, 1348-1355

| Reference (Charter Rolls C53, nos) | 135 | 136 | 137 | 138 | 138 | 138 | 139 | 140 |
|---|---|---|---|---|---|---|---|---|
| Regnal Year | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| Total number of witness lists | 45 | 10 | 13 | 10 | 9 | 19 | 21 | 12 |
| John Stratford, Archbishop of Canterbury (d.Aug.1348) | 33 | | | | | | | |
| John Offord, dean of Lincoln/ Archbishop of Canterbury elect (d. May 1349) | 35 | 4 | | | | | | |
| Simon Islip, Archbishop of Canterbury | | | 9 | 7 | 3 | 10 | 10 | 3 |
| John Thoresby, Bishop of St David's/Worcester, Archbishop of York | 1 | 6 | 13 | 10 | 9 | 19 | 21 | 12 |
| William Edington, Bishop of Winchester | 40 | 9 | 13 | 9 | 9 | 18 | 21 | 12 |
| Robert Stratford, Bishop of Chichester | 7 | 3 | | | | | | |
| Ralph Stratford, Bishop of London (d. Apr. 1354) | 15 | 4 | | 2 | | | | |
| Michael Northburgh, Bishop of London | | | | | | | | 1 |
| Thomas Hatfield, Bishop of Durham | 4 | 2 | | | | | | |
| William Bateman, Bishop of Norwich (d. Jan. 1355) | 4 | | | 1 | | 1 | | |
| John Paschal, Bishop of Llandaff | 1 | | | | | | | |
| John Kirkby, Bishop of Carlisle (d. Dec. 1352) | | 2 | | | | | | |
| Robert Wyvil, Bishop of Salisbury | | | | | | 1 | | |
| Edward, Prince of Wales | | 1 | 2 | 1 | | | | |
| Henry, Earl/Duke of Lancaster | 42 | 7 | 7 | 6 | 3 | 15 | 11 | 6 |
| William de Bohun, Earl of Northampton | 28 | 5 | 4 | 6 | 5 | 10 | 9 | 7 |
| Richard FitzAlan, Earl of Arundel | 9 | 6 | 9 | 4 | 8 | 15 | 17 | 6 |
| William Clinton, Earl of Huntingdon (d. Aug. 1354) | 13 | 4 | 10 | 6 | 1 | | 1 | |
| Laurence Hastings, Earl of Pembroke (d. Aug. 1348) | 1 | | | | | | | |
| Robert Ufford, Earl of Suffolk | 3 | 1 | | | 1 | 1 | 1 | |

TABLE 1 cont'd

| Reference (Charter Rolls C53, nos) | 135 | 136 | 137 | 138 | 138 | 138 | 139 | 140 |
|---|---|---|---|---|---|---|---|---|
| Regnal Year | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| Total number of witness lists | 45 | 10 | 13 | 10 | 9 | 19 | 21 | 12 |
| John de Vere, Earl of Oxford | | | 1 | | | | | 1 |
| William Motagu, Earl of Salisbury | | | | | | | | 1 |
| Thomas Beauchamp, Earl of Warwick | 12 | 4 | 1 | 4 | 5 | 13 | 12 | 5 |
| Ralph, Lord/Earl of Stafford | 11 | 6 | 5 | 6 | 2 | 3 | 5 | 4 |
| Roger Mortimer, Lord/Earl of March | | | | 1 | | 1 | 9 | 11 |
| Henry Percy (the elder) (d. Feb. 1352) | 12 | | | | | | | |
| Henry Percy (the younger) | | | | | 1 | 4 | 6 | |
| Thomas Wake (d. May 1349) | 27 | | | | | | | |
| Ralph Neville | 2 | | | 3 | 1 | 3 | 1 | |
| John de Mowbray | 2 | 1 | 1 | | | | 3 | |
| John de Lisle of Rougemont | | | | 1 | | | | |
| John Grey of Codenore | | | | | | 1 | | |
| Richard Talbot, steward of the household (to Sep. 1349) | 45 | 7 | | | 2 | | | |
| John Grey of Rotherfield, steward (from Nov. 1350) | | 2 | 12 | 10 | 9 | 19 | 20 | 12 |
| Bartholomew Burghersh, chamberlain (to Mar. 1355) | 9 | 5 | 3 | 1 | 5 | 12 | 7 | |
| Walter Mauny | | | 1 | | | | | 6 |
| Geoffrey de Say | | 1 | | | | | | 1 |
| John de Beauchamp | | | | | | 1 | 1 | |
| Guy Brian | | | | | | | 1 | 1 |

March, the men who owed their titles and favours to the king, and were his closest associates in arms, were frequent witnesses to royal charters. Some at least of the latter group appear to have been in fairly regular contact with the council, particularly the earls of Arundel and Warwick, whose names occur frequently in memoranda of important administrative events on the dorses of the close rolls,[1] and in records on the issue rolls of payments made for the expenses of councillors.[2] For most magnates, however, to be called a councillor was essentially a recognition of one's work as a soldier or diplomat, and did not imply regular involvement in central government. William Bateman, Bishop of Norwich, for instance, was 'retained as one of the king's council' in 1352 [3]in recognition of the diplomatic missions which he undertook for the king, rather than his membership of the regular administrative council at Westminster, for Bateman's itinerary shows that he rarely travelled up to the capital except to attend parliament.[4] To be a royal councillor was, for most of the magnates, to act in an advisory, rather than an executive capacity. The restoration of political stability after 1341 undeniably owed much to the informal recognition of the place of the magnates as the king's natural councillors; but the fact that it remained informal, and was not embodied in a statute or organised in a new conciliar committee, was of fundamental importance for the king's attempt to restore his own authority.

The work of the magnates as the king's councillors

1. Cal. Clo. Rolls, 1349-54, pp. 98-100, 275; 1354-60, p. 332.
2. E403/382, 14 Oct. 1356; E403/392, 19 May 1358.
3. Cal. Pat. Rolls, 1350-4, p. 241.
4. A. Hamilton Thompson, 'William Bateman, Bishop of Norwich, 1344-1355', Norfolk Archaeology, xxv (1935), 110-13.

contrasts to some extent with that of the familiares of the household, the men in regular contact with the king and his court. The frequent appearances of the steward and chamberlain of the household on charter witness lists in this period, and the more occasional appearances of household knights like Walter Mauny, John de Beauchamp and Guy Brian indeed suggest that, despite the attack on their authority, the influence of the curiales continued after 1341. This was indeed inevitable, for such men had a contact with the court and therefore an influence in government which not even the most active of the magnate councillors could match. When, in c. 1343, Sir Bartholomew Burghershh, a prominent banneret of the household, received a grant of wages of 20 shillings a day while in attendance on the council,[1] the duties required of him were far more real and onerous than those implied in Bishop Bateman's grant of 1352. The accounts rendered by Burghershh for such wages show that, at least after his appointment as chamberlain in 1347, he was constantly involved in the work of government and the business of the court, and in regular attendance upon the administrative council at Westminster.[2] And as with Burghershh, so with other household knights like Walter Mauny, Guy Brian, Robert Morley, John and Roger de Beauchamp, a place at court was itself a sign of the king's personal intimacy and confidence in their advice.[3] Such men were often present at important occasions, when the great seal changed hands,[4] or when witnesses were required for

1. There is no formal grant recorded on the Chancery rolls, but evidence of the date of the grant derives from the enrolled accounts: List of Foreign Accounts (P.R.O. Lists and Indexes, xi, 1900), p. 26.
2. The detailed accounts made by Burghershh in 1351-55, E101/96/4-7, are analysed in Baldwin, King's Council, pp. 88-9.
3. Lists of household bannerets and knights of this period are to be found in E101/391/15 and E101/392/12, f. 40.
4. Cal.Clo.Rolls, 1346-9, p. 137; 1349-54. pp. 88, 275,619; 1354-60, p. 332.

royal indentures.[1] It is also interesting to note that, as members of the king's circle, these men were much in demand as witnesses to private deeds recorded in Chancery.[2] Contemporaries were evidently well aware of the social prestige and political influence of the household knights.

As with the lay members of the household, so with its clerical staff: the authority of the curiales remained after 1341. William Kilsby's successors at the privy seal, Offord, Hatfield and Thoresby, were all themselves members of the court party of 1338-41, and were responsible for introducing into the king's household service a new group of highly-qualified diplomats who became dedicated ministers of the crown: men like Andrew Offord, John Carlton, Simon Islip and Michael Northburgh, all of whom received formal grants retaining them as royal councillors in the 1340's,[3] in recognition of their services as ambassadors, and signifying their active involvement in the king's government. For the knights and clerks of the household acted not only, like the magnates, as royal advisors, but also, like the ministers of state, in an executive capacity. We have already seen how, for example, the use of 'mentions of service' on privy seal writs in 1349 illustrates the role of the household knight Sir Guy Brian and the keeper of the secret seal, Thomas Bramber, in communicating the king's will to the central government.[4] Men like Bartholomew Burghershh the chamberlain and John Thoresby, keeper of the privy seal, also acted as the king's agents in parliament and convocation,

1. ibid., 1346-9, pp. 72, 248-49, 290-91.
2. ibid., 1349-54, pp. 211, 354, 356, 367-68, 500, 502 (bis), 586, 594-95,598, 618.
3. Cal. Pat. Rolls. 1343-5, p. 536; 1345-8, pp. 80, 91; Baldwin, King's Council, p. 82; cf above, p. 65.
4. See above, pp. 80-1.

working alongside the ministers of state in directing discussions and encouraging the Commons and the clergy to grant taxes in aid of the war.[1] In all of this the household councillors therefore played a crucial part in co-ordinating royal government and in maintaining the king's influence in the council, in the offices of state, and in parliament.

The strength of the council in the 1340's and 1350's therefore lay in its unity of purpose: the hostile groupings of 1338-41 were eradicated, party labels became irrelevant, and policy was made by unanimous consent of all the king's councillors. But equally important was the power of the council to put such policies into effect. The council played such a key part in government because it was not only an advisory, but also an executive and judicial body. If the king were to succeed in restoring his authority and initiative, it was obviously therefore necessary for him to have not only a group of councillors who assisted and agreed in the broad policies of government, but also a group of ministers who united in putting such policies into action. Thus, influential though the magnate and household councillors were, the most important members of the council were undoubtedly the ministers of state, the officials of the departments of central government. And the success and authority of the council in the middle years of Edward III's reign is to be explained by the corporate identity which existed amongst these ministers.

The appointment of curiales like Offord and Thoresby to the chancellorship and Cusance and Edington to the treasurership

1. H.G. Richardson and G.O. Sayles, The English Parliament in the Middle Ages (London, 1981), cap. xxii, pp. 391-3; J.R.L. Highfield, 'The Relations between the Church and the English Crown from the Death of Archbishop Stratford to the Opening of the Great Schism (1349-78)' (Oxford Univ.D.Phil. thesis, 1951), pp. 254-8.

not only meant the reconciliation of the factions of 1338-40, but also encouraged a sense of common purpose amongst these ministers and an interaction between their offices. Thus, although it was normal for the king to correspond with the council and delegate matters to it _via_ the chancellor, he sometimes communicated with the chancellor and treasurer jointly during this period.[1] In turn, the chancellor and treasurer drew on the support and advice of other members of the central government. The judicial work of the council was mostly undertaken by the chancellor and treasurer with the assistance of the judges of King's Bench and Common Pleas and the king's serjeants at law,[2] and when dealing with financial matters the council would call upon the advice of the Exchequer barons.[3] On a particularly contentious issue the council might consult a large number of such officials.[4] The advice and agreement of the legal and financial experts of the government was indeed crucial in this period, for many of the technical legislative measures and detailed policy decisions must have derived from consultation with the judges and Exchequer officials. Miss Putnam emphasised the importance of these men in suggesting the influence of Sir William Shareshull, a justice

1. C81/345/20094; C81/365/22966, 22976; B. Wilkinson, 'A Letter of Edward III to his Chancellor and Treasurer', _Eng.Hist.Rev._, xlii (1927), 250-1. It would seem that duplicate copies were made of writs addressed to the chancellor and treasurer, since identical forms of one such order survive in the Chancery and Exchequer files: C81/357/22191; E208/4 (part 3), file 26-27 Edw III, no. 49 (for the content of these writs, see below, pp. 278-9).
2. C49 roll 13; C49/7/21 (printed in _Select Cases in King's Bench_, v. pp. cliii-cliii); C49/46/19; _Cal. Clo. Rolls, 1349-54_, pp. 139, 225-26. _Cf_ the orders to the chancellor to summon judges and serjeants at law to give counsel: C81/1332/24, C81/1333/56, 59.
3. _Rot.Parl._, ii. 195; C81/365/22966.
4. C49/67/5, printed in Richardson and Sayles, _English Parliament_, _cap._ xxv, p. 32, n. 73; for this case see below p. 257.

of the court of Common Pleas, and after 1350 chief justice of King's Bench, behind many of the legal and fiscal measures taken by the government in the later 1340's and early 1350's.[1] Shareshull was certainly not alone in this, for many of his colleagues had an equal, if not greater influence in government policy during this period. We have already noticed, for instance, how the lay chancellors Parving and Sadington encouraged the development of Chancery procedures in the early 1340's which would soon lead to the equitable jurisdiction later exercised by that office.[2] And their influence also extended to other departments of government. Both men were trained lawyers, Parving having earlier been chief justice of Common Pleas, and briefly acting as treasurer of the Exchequer in 1340-1,[3] while Sadington, a baron of the Exchequer since 1337, deputy treasurer in 1339 and treasurer in 1340, returned from the Chancery to the Exchequer in 1345 to become chief baron.[4] And as we shall see, other highly-qualified men were promoted or moved into the king's service in the course of the 1340's and 1350's, whose experience and knowledge put them in good stead to advise the council on technical details and legal and fiscal policies.[5] Government was complex, and the council needed the assistance and active involvement of the experts.

The importance of this group of ministers within the king's council was further emphasised in our period when, in about 1343, the council was provided with its own office in Westminster Palace, the 'new chamber' built between the Exchequer of Receipt

1. B.H. Putnam, 'Chief Justice Shareshull and the Economic and Legal Codes of 1351-1352', University of Toronto Law Journal, v (1943-4), 251-281; idem, Shareshull, cap. iv.
2. See above, pp. 52-6.
3. Tout, Chapters, iii. 124.
4. Broome, 'The Exchequer in the Reign of Edward III', pp. xvii, xviii, xix.
5. See below, p. 168.

and the river, later to become known as the Star Chamber.[1] The provision of an office for the council's use was to have important repercussions, for although there are occasional references in our period to meetings of the council at such places as the London houses of the Carmelites and Dominicans and the church of St Mary le Strand,[2] it is clear that the bulk of the council's work was now carried on in the Star Chamber, adjacent to the headquarters of the Chancery, the Exchequer, the courts of King's Bench and Common Pleas, and, from the late 1340's, the new home of the privy seal office.[3] Clearly, the concentration of the administrative and judicial offices of government within Westminster Palace encouraged interaction and co-operation, and gave the council an essential part to play in co-ordinating the central government. The knights and clerks who received wages for attending the council often now specified in their accounts that they had spent the whole period in the capital,[4] and that they returned to Westminster or London after diplomatic missions to report to the council.[5] These men knew that, wherever the king and his magnates were, they could always find members of the council, at least during term time, in Westminster Palace. It is no mere coincidence that, provided with its own headquarters,

1. Les Reportes del Cases in Camera Stellata, ed. W.P. Baildon (1894), pp. xliv-xlv; Baldwin, King's Council, pp. 355-6.
2. Select Cases in King's Bench, v. pp. cliii-cliii; Select Cases Before the King's Council, pp. 35-7; C256/4/1, no. 18.
3. See above., pp. 68-9.
4. e.g., Burghershh's account E101/96/5; cf the account of William Fenton for attending the council at London in 1348: E372/192, m. 46d.
5. e.g., L. Mirot and E. Deprez, 'Les Ambassades Anglaises Pendant la Guerre de Cent Ans', Bibliotheque de l'Ecole des Chartes, lix (1898), p. 571, no. cxxxviii; E372/195, m. 46d. E372/196, mm. 40,41, 41d, 43; E372/197, m. 37d; E372/198, m. 38d.

the council soon achieved a greater corporate identity, for whereas councillors had previously depended for expenses and sustenance on their own departments or on occasional gifts from the king out of wardrobe funds,[1] from 1357 onwards the issue rolls of the Exchequer contain frequent references to payments for food and wine and other necessaries provided for the council.[2] Thus, just a decade after establishing itself in the Star Chamber, the council was recognised as a department of state in its own right, to be provided for out of public funds.

The settling of the council in the capital with its own headquarters in Westminster Palace inevitably meant a much greater cohesion between the various departments of state, and facilitated the development of the council's own powers. To attempt to outline all the spheres of government in which the council was involved would, however, be virtually impossible in the space available, particularly when dealing with a period in which the authority of the council was unchallenged and therefore undefined. Rather than attempting to encompass all the work of the council in these years, much of which will become apparent in the following chapters, we will instead concentrate here on the particular ways in which it expanded its authority. Three main areas present themselves for analysis: the legislative, judicial and administrative functions and capabilities of the council. For there is important evidence to show that, in each of these spheres, the council made notable advances and effective

1. e.g., E101/392/12, f. 38v: the king's butler paid from the wardrobe for wine consumed at Westminster Palace by the council in 1353.
2. E403/387, 29 Apr., 7 July, 14 Aug., 1357; Issues of the Exchequer, Henry III-Henry VI, ed. F. Devon (Rec. Comm., 1847), p. 168; E403/394, 23 Feb., 28 Feb., 8 Mar., 1359.

reforms which enhanced its power in the 1340's and 1350's.

It is too often assumed that the legislative power of the council was curtailed in the mid-fourteenth century by the growing distinction between statutes and ordinances. For by this period statutes could only be made in parliament and were coming increasingly to derive not from proposals made by the king's ministers but from demands registered in Commons petitions as the conditions for grants of taxation.[1] But to suggest that the legislative initiative of the council was thereby reduced is to take no account of the relative importance of those statutes arising from Commons petitions and those from the work of the council. For as we shall see, it was the statutes framed by the king's legal experts which proved most effective and were most frequently enforced during this period.[2] Furthermore, the fact that statutes could now only be made in parliament did not lessen either the importance or the binding force of the ordinance, the legislative instrument of the king and council. The only fundamental difference between a statute and an ordinance was that the former expressed the immutable laws and customs of the realm, whereas the latter often applied only to a particular time, place, or group of persons.[3] It was in fact the selective and temporary nature of the ordinance which was the key to its success: for the council could not only create, but could also adapt and repeal ordinances of its own authority. Consequently, the ordinance was a particularly useful instrument which provided for the changing requirements of the king's government.

1. Richardson and Sayles, English Parliament, cap. xxi (pt.2) pp. 12-13; D. Rayner, 'The Forms and Machinery of the "Commune Petition" in the Fourteenth Century', Eng.Hist.Rev., lvi (1941), 567-8; cf below, pp. 157-8.
2. below, pp. 166-73, 204-5.
3. Richardson and Sayles, English Parliament, cap. xxv, pp. 32-8.

One of the best examples of a conciliar ordinance and, by no mere coincidence, one of the most important pieces of legislation of this period, was the Ordinance of Labourers of June 1349.[1] Miss Putnam showed that this measure was formulated by the king's council, and suggested that the successful machinery of local commissions created to enforce it indicates the special influence of the legal experts like Sir William Shareshull.[2] A supplementary ordinance of November 1349, again created by the king's ministers, shows similar expertise at work in the application of the profits of the labour sessions towards the tenth and fifteenth then being collected. This novel use of judicial revenues as a form of tax relief was again inspired possibly by the judges, or more probably by the treasurer, William Edington.[3] The council's determination to enforce these new regulations also explains a further supplement to the original ordinance issued during the parliament of 1351 and copied onto the statute roll, which gave details of types of labourers and rates of wages.[4] The origin and status of this 1351 legislation, the so-called Statute of Labourers, in fact requires further attention and explanation which suggests much about the legislative capacity of the king's council in this period. The 'statute' was clearly drafted by the king's ministers, for although the legislation claimed to respond to the general request of the Commons for proper enforcement of the 1349 ordinance, the only formal Commons' petition recorded on the parliament roll relating to the labour laws was

1. For what follows see Putnam Shareshull, passim.
2. ibid., p. 51.
3. For Edington's probable involvement see below p. 168.
4. Rot.Parl., ii. 233; Stat.Realm, i. 311.

in fact registered, or at least answered, after the 'statute' was drafted.[1] And it is of great significance to notice that both in its reply to this petition and in the subsequent commissions issued to enforce the labour laws, the council actually referred to the 1351 legislation as an ordinance.[2] This may have been a mere slip, or may simply indicate a continued ambiguity in terminology; but it could, and probably does, suggest more.

It is important to remember that the 1349 Ordinance of Labourers retained independent force and was not confirmed as a statute until 1378.[3] Meanwhile the fact that the legislation of 1351 was made in parliament and enrolled on the statute roll did not in itself make it a statute, for ordinances made both in and out of parliament were still occasionally written up on the statute roll in this period.[4] The subject and nature of the

1. Rot. Parl., ii. 228 (no. 8). This requested that taxpayers be allowed relief by the application to the tenth and fifteenth both of excess wages (used in this way since 1349) and of fines and redemptions taken by the justices of labourers. The petition was not granted, and fines and redemptions were not allowed towards tax payments until a new tenth and fifteenth was granted in 1352: Stat.Realm., i. 327-8. Putnam, Shareshull, p. 70, seems to have gone slightly astray on this matter: she felt that the Commons' petition was acted upon, even though she admitted that it was not carried through in the new commissions of the peace and of labourers appointed in March 1351. H.M. Cam, Law-Finders and Law-Makers in Medieval England (London, 1962), p. 141 and nn. 1 and 2, confuses the issue still further by failing to distinguish between the parliaments of 1351 and 1352. For further discussion of this matter see below, pp. 285-6.
2. Rot.Parl., ii. 228 (no. 8); Richardson and Sayles, English Parliament, cap. xxv, p. 35 and n. 95, citing Putnam, Enforcement, p. 22*.
3. Rot.Parl., iii. 45 (cap. 60); Stat.Realm, ii. 11.
4. Richardson and Sayles, English Parliament, cap. xxv, p. 35; below, pp. 175-6, 181.

labour legislation would suggest in fact that during the 1350's the king's council was determined that both the 1349 and the 1351 laws should remain ordinances. For the government was aware that the economic situation might change for better or for worse at any time, and was therefore anxious to retain control over the legislation in order that it might repeal, alter or reinforce the 1349 and 1351 ordinances of its own authority, and without having to summon and consult with parliament. In the end, of course, the labour legislation became permanent, as a result of the recurrence of the plague at frequent intervals after 1361, and the enthusiasm of the country gentry for a system which allowed them, as wage-earning justices, to indict their own workers and secure possible tax relief from the estreats of their sessions.[1] The 1351 legislation therefore became recognised as a statute, and the 1349 ordinance was therefore confirmed on the statute roll at the start of Richard II's reign. But at least during the decade after the first outbreak of the Black Death, it is of great importance to realise that a deliberate flexibility was created in the status of the legislation which, as we shall see, allowed central government the initiative to dictate how the ordinances were enforced and what powers the justices should wield in the shires.[2]

The same determination to retain the legislative authority of the government produced a similar situation with the other very important conciliar ordinance of this period, the Ordinance of the Staple of 1353. As we shall see below,[3] this ordinance, framed as part of the government's programme of trade and customs reform,

1. For wages paid to justices of labourers see E101/582/24, E101/592/9. During the 1350's when the commissions of labourers and the peace were separate, the payment of wages to justices of labourers distinguished them from the unpaid justices of the peace. For the personnel of the commissions, see below, pp. 200-2; and for the significance of wages and tax relief see below, pp. 204, 285-6.
2. below, pp. 201-5.
3. below, pp. 176-80.

was presented for ratification not in a parliament but in a great council. And although that assembly of September 1353 insisted that the legislation be ratified in the parliament of 1354, the confirmation of the 'Statute of the Staple' in fact represented a compromise, in which the king's council retained the right to supplement,and ultimately abolish,if not the legislation itself then the domestic staples and the alien monopoly over wool exports which were its basic premise. The Ordinance of Labourers and the Ordinance of the Staple therefore illustrate both the complexity and the deliberate flexibility of legislation in this period. It was still the council which ultimately decided which legislation would be placed on the statute roll, and which would have full statutory authority. Statutes and ordinances were not as yet entirely separate and differentiated; and in the area of ambiguity which still existed between them, it was the council which retained initiative.

Just as there is strong evidence of the council protecting and enhancing its legislative authority in the 1340's and 1350's, so too are there signs that it was expanding its judicial competence, again often contrary to the will of parliament, in a conscious effort to increase the effective control of central government. A Commons' petition of 1352, for instance, requested that no man should be made to answer for his freehold by petition or suggestion to the council, but only by indictment or presentment and due process at common law.[1] This suggests that contemporaries noticed an increase in the judicial business of the council, and wished to

1. Rot.Parl., ii. 239 (no. 9); it was granted as a statute: Stat.Realm, i. 321.

curb further advances, because the council was not a court of record, was not bound by common law procedures, and could make arbitrary judgments. In fact, of course, the council usually respected the due process of the law, for most of the cases which it entertained, more often than not arising from petitions delegated by the king, were quickly transferred in turn to King's Bench, Common Pleas, or the Exchequer.[1] But the Commons' complaint of 1352 was clearly not without foundation. For there is ample evidence that around 1350 the council was deliberately attempting to increase its judicial competence and capability.

One of the clearest indications of the extension of conciliar jurisdiction is provided by the development of new specialised courts which themselves assumed authority delegated from the council. The origins of the Court of Chivalry, for instance, may be dated to this period, for two cases of 1348 and 1361 indicate that proceedings concerning military disputes were coming to be heard by a special court headed by the Constable and Earl Marshal.[2] More important and substantial evidence points to the development of the Court of Admiralty in the same period. For with the growing number of maritime and mercantile disputes arising as a result of the French war, the council appears to have delegated at least some such cases to the admirals after about 1343.[3] On the other hand, the connection between the council and these delegated courts remained very close, and interaction continued. Aliens, for example, long continued to use the council for mercantile cases,[4] and in

1. Select Cases before the King's Council, pp. 41-42; SC8/205/10241; SC8/244/12176; KB9/66, no. 13; Rot. Parl., ii. 213-14, 216; C81/323/18765.
2. G.D. Squibb, The High Court of Chivalry (Oxford, 1959), pp. 14-16.
3. Select Pleas in the Court of Admiralty, i, ed. R.G. Marsden (Selden Soc., vi, 1894), pp. xxx-xl.
4. A. Beardwood, Alien Merchants in England, 1350-1377 (Cambridge, Mass., 1931) pp. 86-104.

1353 the Ordinance of the Staple, itself formulated by the king's council, made this particular connection explicit. Within the staples now established in English towns, the law merchant was to obtain, and the common law courts had no right to assume cognisance of cases unless at the choice of the aggrieved merchant.[1] Consequently, any complaints against, or disputes over cases heard by, the mayors of the staples were to be appealed not to the king's common law courts, but direct to the chancellor and council.[2]

It was this jurisdiction over appeals which provided the council with its real judicial influence, and which it protected and enhanced in this period in the face of some hostility. In both parliaments of 1348 the Commons petitioned that errors in the Exchequer, like those in Common Pleas, should be appealed in King's Bench; but the king upheld the power of the council over appeals from the Exchequer by insisting that such jurisdiction be granted, as and when necessary, to the chancellor, treasurer and two justices.[3] This ad hoc body was made into a permanent institution in a statute of 1357, which created the court of Exchequer Chamber, staffed by the chancellor, treasurer, justices and Exchequer barons, to hear appeals on judgments rendered in the Exchequer and to hold its sessions in 'any council chamber near the Exchequer'.[4] The new buildings erected in Westminster Palace in the 1340's were now providing not only headquarters of the council itself, but also the home of a new court exercising conciliar jurisdiction.

The development of the courts of Chivalry, Admiralty and

1. 27 Edw III, stat. 2, caps. 2,5,8,13,20 (Stat.Realm, i. 333-34, 335-36, 338, 340).
2. 27 Edw III, stat. 2, caps. 21,24 (Stat.Realm, i. 341-42).
3. Rot. Parl., ii. 168, 208.
4. Stat.Realm, i. 351-2; Select Cases in the Exchequer Chamber, ed. M. Hemmant (Selden Soc., li, 1933), pp. xii-xx.

Exchequer Chamber in the 1340's and 1350's all therefore point to an increase in the council's judicial authority and the deliberate attempt of the king's councillors to ensure that such jurisdiction could be effectively exercised. Such developments in the mid-fourteenth century may not have received as much attention as the later conciliar courts created by the Tudors, but they were just as important, for they signified the same resolution, of increasing royal authority by providing speedy and effective justice.

It was not only through the evolution of new courts exercising conciliar jurisdiction that the council extended its judicial capacity in the period between Crecy and Poitiers. For it was in the same period that notable, though previously largely unnoticed, developments occurred in the methods employed to bring persons before the council. Since Palgrave's and Baldwin's early efforts to outline conciliar jurisdiction and procedure,[1] much additional material has become available through the re-sorting of Chancery Miscellanea, and an analysis of this evidence shows that a major change occurred in conciliar procedure around 1350, at the initiative of the king's chief ministers. The chancellors of the 1340's and 1350's, Parving, Sadington, Offord and Thoresby, were consciously building up the legal jurisdiction of the Chancery;[2] and it was natural that they should also apply the facilities of the great seal office in the service of the council. Furthermore, men like Thoresby and Shareshull were acutely aware of the problems and delays caused by common law mesne process, and Thoresby attempted

1. F. Palgrave, An Essay upon the Original Authority of the King's Council (Record Comm., 1834); Baldwin, King's Council, cap. xi.
2. See above, pp. 49-59.

to speed the course of justice with new methods such as the Chancery procedure for debt implemented in 1353.[1] They were obviously therefore equally aware of the inefficiencies of conciliar procedure and eager to reform them. For although petitioners saw the council as a more expeditious means of obtaining justice, in practice the council was prone to the same problems as the common law courts. Considerable delays sometimes arose as a result of confusion over the whereabouts of prisoners impleaded before the council, for whom there was no regular place of detention,[2] or because members of the council and advocates were absent from Westminster.[3] The most serious delays were caused by the inadequacies of procedure, however, for although the council was not hidebound by common law process, it thereby lacked the proper machinery for securing the attendance of defendants.[4] It was to these problems that the king's councillors, and chancellor Thoresby in particular, turned their attention in this period.

Prior to about 1350 the only regular means of bringing defendants before the council were the writs of venire facias and praemunire facias, served by the sheriffs, and the commission of arrest served by specially-appointed royal agents.[5] But around 1350 new writs were developed in a deliberate attempt to improve

1. See above, pp. 57-9.
2. See, e.g., the case of William Rouceby and John Avenal, the opening stages of which are printed in Select Cases before the King's Council, pp. 37-41. Rouceby was brought before the council in 1354 and placed in the custody of Philip de Whitton. Later in the year Whitton claimed to have handed Rouceby over to Sir John Avenal, but the latter disclaimed any knowledge of this: C256/6/1. no. 10. Avenal was himself placed in the Tower in June 1355 (Cal.Clo.Rolls. 1354-60, p. 135), and his lands seized (SC8/246/12295, datable in C81/1334/23); but this did nothing to solve the problem of Rouceby's whereabouts.
3. Cal.Pat.Rolls, 1345-8, pp. 136-38; C256/1/1, no. 1d; cf Cal.Clo.Rolls, 1346-9, p. 523.
4. J.G. Bellamy, Crime and Public Order in England in the Later Middle Ages (London, 1973), pp. 100-2; List of Chancery Files, pp. 159-60.
5. See the series C256/2 (Praemunire facias) and C256/3 (Venire facias). Such writs were rarely enrolled in Chancery, whereas commissions of arrest are normally to be found on the patent rolls.

conciliar procedure. More use was made, for example, of the writ of arrest, served by the sheriff, rather than the more cumbersome commission of arrest.[1] The most vital development, however, was the increase in the use of a writ not employed in the common law courts, the personal summons issued direct to the defendant. Such writs had hitherto only been issued to persons of some rank, or to royal office-holders, and had generally specified reasons for which they should appear before the council.[2] But from about 1346 personal summonses began at once to be issued to a wider range of defendants, and to omit the cause of summons and merely include the phrase quibusdam certis de causis.[3] It was only a short step from this to the adoption of a penal clause and the creation of the famous sub poena writ, which became the most frequent instrument of conciliar justice in the later Middle Ages. And the evidence derived from the recently-sorted Chancery files allows us to date this development from 1353.

The threat of forfeiture had long been in use as a dissuasion against default in summonses to appear before the council.[4] But in 1353 the Chancery began to specify particular monetary penalties:

1. See the evidence of the file C256/4/1. The first surviving writ habeus corpus cum causa dates from 1353 (C250/1/1).
2. C256/1/8, 9, passim.
3. Palgrave's earliest example of such a writ dated from 1346 (Palgrave, op.cit., pp. 131-32), and this is corroborated by the evidence of Chancery Miscellanea: in the file C256/1/1 (personal summonses to answer, no cause stated), no. 1d dates from 1346; and in C256/1/7 (personal summonses to answer, to do and receive what enjoined, no cause stated), no. 1c comprises three writs of April 1347 containing the clause quibusdam certis de causis. These latter are enrolled in Cal. Clo. Rolls, 1346-9, p. 254; but the Chancery rolls are an unsatisfactory source for this matter, since enrolment was spasmodic, and since the printed calendars exemplify many writs and thus disguise their original format.
4. e.g., Rep. Dig. Peer, iv. 450, 527, 536, 562, 566, 567, 572, 586.

in February of that year, a summons to appear before the council to answer for contempt included, for the first time, a penalty clause of £100;[1] in May, a primitive form of the later sub peona, a praecipimus with no cause specified and a penalty of £100, was issued;[2] and in June, writs were sent to a group of merchants summoning them before the council, again making no reference to the cause, and threatening a fine of £1,000 for default.[3] And at the same time, the sub poena clause was also being introduced into the writs ordering the return of defendants before the council by sheriffs: a penalty of £100 was included in a writ of praemunire facias as early as 1348, and was adopted regularly in such writs from 1353;[4] and by 1354 we find the same clause being employed in writs of habeas coram nobis et consilio[5] and in writs of venire facias returnable before the council.[6] It is therefore clear that in 1353 a major policy decision was taken by the council, and applied in Chancery, to use the threat of a fine in order to secure the attendance of defendants before the council, in the hope that a specific penalty would have more impact than the endless threats of forfeiture and arrest applied so laboriously in common law writs.

The co-incidence in the timing of this new practice and other notable changes taking place in Chancery and privy seal diplomatic in the early 1350's[7] suggests very strongly that chancellor Thoresby, the head of the council, was the driving force behind the adoption of the new penal clause in conciliar writs.

1. C256/1/9, no. 25. Most subsequent writs in this series have sub poena clauses.
2. C253/1, no. 1.
3. Rep. Dig. Peer, iv. 596. For the reason for this summons see below, p. 178.
4. C256/2/3, nos. 18, 20, 21; C256/2/4, passim.
5. C256/6/1, no. 9.
6. C256/3/3, no. 13.
7. See above, pp. 39-40, 82-4.

But its use was not confined to judicial writs issued from the Chancery. For the close contacts between members of the council meant that the monetary penalty was soon to be used in the general administrative orders of the council and in the writs issued from other departments of government. In November 1353, for instance, a sub poena clause was included in the writs ordering the sheriffs to make proclamation of the Ordinance of the Staple.[1] And in 1354 a monetary penalty was similarly employed in writs issued under the seal of the Exchequer summoning controllers of the customs before the council.[2] The sub poena clause was therefore rapidly adopted on many forms of conciliar writs, both judicial and administrative, after 1353, and used in both Chancery and Exchequer to enhance the authority of the council and ensure effective and speedy operation of its policies. The unity of purpose between the ministers of state, exemplified in the relationship between chancellor Thoresby and treasurer Edington, was thus producing important and tangible results.

Just as the council was striving to increase its legislative and judicial authority in the period between Crecy and Poitiers, so too did it extend its administrative competence. By creating co-operation between the departments of state and co-ordinating their work, the council was able to put its policies into action through any of those offices. Naturally, it made most frequent use of the Chancery and Exchequer to enact its decisions, moving the great seals of the two departments by casual

1. C255/3/3, nos. 62-72; Cal. Letter Books London, G. p. 16.
2. E368/126, Brev. Retorn. Hil. (7th full membrane). The earliest known sub poena writ proper issued under the Exchequer seal dates from 1367: Beardwood, Alien Merchants, pp. 98-100.

or oral warrants to issue writs warranted 'by the council'.[1] But during this period there is evidence that the council was also making more frequent use of the privy seal as an administrative instrument. With the close personal and professional contacts built up between the chancellors and the keepers of the privy seal in the 1340's and 1350's, and the settling of both the council and the privy seal office close by each other in Westminster Palace during the late 1340's,[2] it would be natural to suppose that the council might come to use the privy seal, like the seals of state, as an instrument of government. The successive keepers of the privy seal, Offord, Hatfield, Thoresby, Islip and Northburgh, were all themselves royal councillors, and although they seem to have been only comparatively rarely involved in the administrative and judicial work of the council, and more occupied in diplomacy,[3] their general influence, and the growing competence of their office

1. Wilkinson, 'The Authorisation of Chancery Writs', pp. 124-25; idem, Chancery, pp. 41-44. For Exchequer writs warranted 'by council', or 'by treasurer, barons and others of the council', see E368/122, mm. 138, 198; E368/126, Brev. Retorn. Hil. (5th and 7th full membranes); E368/127, Brev. Retorn. Mich (34th membrane), Brev. Retorn.Trin. (9th membrane); E368/128, Brev. Retorn. Trin. (dorse of 8th full membrane).
2. above, pp. 69, 118-9.
3. The keepers of the privy seal of this period were almost never involved in judicial commissions or in judicial proceedings before the council: the only examples I have found are Cal. Pat. Rolls, 1348-50, p. 204, and Fryde, Medieval Trade and Finance, cap. xii, p. 27. The implications of the keeper of the privy seal's involvement in the audience of petitions in 1349 have been much exaggerated (see above, p. 48). Apart from Islip's two summonses to parliament in 1348, the keepers of this period were not summoned to parliament. Both Offord and Northburgh were absent for long periods on diplomatic missions (Tout, Chapters, v. 17-18, 28-30), and when at home were also apparently most actively involved in the work of the council when it concerned itself with the war: e.g., Northburgh's involvement in the council negotiating the ransom of Charles of Blois in 1353 (E403/365, 21 Feb 1353).

in the work of government, was now widely recognised, and utilised by the king's council.

The evidence therefore suggests that, although an official conciliar secretariat did not develop in the privy seal office until Richard II's reign,[1] the privy seal was already coming to provide for the needs of the council on something more than an ad hoc basis by the 1350's. The council, for instance, often sent letters to the king when he was away from the capital,[2] which were presumably written in French, and possibly by clerks of the privy seal.[3] This is certainly the case with the letters which the council sent to diplomats during this period.[4] Similarly, memoranda of general administrative decisions taken by the council were usually now drawn up by privy seal clerks.[5] In addition, the council might also make use of the formal writ of privy seal to communicate its will to the Exchequer, authorising issues and allowances in the spirit of the Walton Ordinances.[6] And although most privy seal correspondence with the Chancery dealt with de gratia patronage dispensed by the king,[7] the council might also on special occasions issue privy seal writs as warrants to move the great

1. Tout, Chapters, v. 59-61; A.L. Brown, The Early History of the Clerkship of the Council (Glasgow, 1969).
2. See the payments to messengers for delivering such writs: e.g., E101/392/12, f. 49; E403/330, 22 Oct. 1343; E403/339, 1 Dec. 1346; E403/344, 25 Oct. 1348; E403/378, 17 Feb. 1356.
3. The only extant letter from the council to the king surviving from this period is SC1/56/6, a letter, in French, from Archbishop Stratford, treasurer Edington and chancellor Offord to the king at Calais in 1346. The privy seal and privy seal office were abroad with the king at the time, but it is possible that the document might have been drafted by a cursitor of the privy seal office left at home.
4. See above, p. 73, n.7.
5. e.g., SC1/42/177; C47/14/6, nos. 38, 39; C81/1538, passim (for examples of documents in the latter file of privy seal provenance see Baldwin, King's Council, p. 481 and n. 4, p. 482 and n. 3).
6. See above, pp. 96-7.
7. See above, pp. 89-91.

seal. On 21 April 1349, for instance, members of the king's council, including the chancellor and treasurer, the earls of Warwick and Arundel, Sir Bartholomew Burghershh the chamberlain, Simon Islip keeper of the privy seal, Sir Guy Brian and Sir Roger de Beauchamp, met in Westminster Palace to take sureties for the debts of the farmers of the customs on behalf of the king,[1] and in the course of the meeting received a petition from two Bristol merchants, complaining about unjust demands being made upon them by the Exchequer. The council delegated the petition to the Chancery with an order that justice be done in the case, sent in the form of a writ of privy seal upon which was written the warranty note 'by the council'.[2] And although this case was somewhat exceptional, since the majority of the warranty notes on privy seal writs during this period signified direct orders from the king,[3] it does at least suggest that a real connection did exist between the council and the privy seal in these years of co-operation and unity in central government.

The most important use made of the privy seal by the council in the years between Crecy and Poitiers was not however as an instrument to move the great seal, but as an alternative to it. We have seen that Thoresby, who retained influence over the privy seal after his promotion to the chancellorship in 1349, was responsible for increasing the bureaucratic capacity of the privy seal office in a deliberate attempt to delegate to it some of the work previously undertaken by the Chancery, so that the latter office might be able to concentrate on building up its quasi-judicial authority.[4] Consequently, the council came to

1. Cal. Clo. Rolls, 1349-54, pp. 98-100.
2. SC8/246/12258, enclosed in C81/337/20114, resulting in Cal.Clo.Rolls, 1349-54, p. 76.
3. See above, pp. 80-1.
4. See above, pp. 86-7.

use the privy seal in place of the great seal, sending out privy seal writs direct to local officials and private individuals. We have already noticed the use made by the council of the privy seal in this way for the administration of war.[1] But perhaps the clearest example of this gradual shift from the exclusive dependence on the great seal towards the more frequent use of the privy seal is provided by the writs which summoned magnates and non-curial bishops to special meetings of the council.

Prior to 1350 the bulk of such summonses were issued under the great seal:[2] the privy seal was only used to express the special and personal wishes of the king that a particular favourite attend a meeting.[3] But in 1350, writs of privy seal were issued to summon a large council of 'bishops, earls, barons and others' to discuss the king's plans for a new campaign.[4] Thereafter the number of great seal summonses declined rapidly, virtually ceasing after 1353.[5] And the great seal was now replaced by the privy seal; for after 1354 the issue rolls provided regular references to the delivery of privy seal writs summoning magnates to meetings of the council.[6] The contact which this implies between the council and the privy seal should not be exaggerated, for to some extent such writs reflect the king's decision to hold special meetings of the council and his choice of councillors;

1. See above, pp. 72-4.
2. See above, p. 109, n.1.
3. Baldwin, King's Council, p. 92; Wilkinson, 'The Chancery', Eng.Gov.at Work, i. 180. I have noticed only one reference on the issue rolls of the 1340's to the delivery of privy seal writs summoning councillors: E403/330, 3 and 4 Mar. 1344. The king's personal will is also evident in the writs and letters of privy seal issued in our period subsequent to great seal summonses to parliaments and councils, for which see above, p. 88.
4. Rep.Dig.Peer, iv. 587: writs of great seal sent to those who had failed to respond to the privy seal summonses.
5. Handbook of British Chronology, pp. 524-5 and nn.
6. E403/374, 24 May 1354; E403/375, 20 Feb., 9 Mar. 1355; E403/377, 17 Jun. 1355; E403/380, 2 May, 4 May, 14 May 1356; E403/388, 9 Dec. 1357.

indeed, there is evidence of the use not only of the privy seal but also of the secret seal and signet to summon councillors in the 1350's.[1] Nevertheless, it was the increase in the use of the privy seal as a means of summoning councillors which was to lead quickly to the use of the privy seal to summon persons before the council.

It is therefore no accident that some of the earliest references to the use of the privy seal to summon defendants to appear for judicial proceedings before the council date from this period. In 1352, for instance, a writ was issued from the Chancery for the arrest of one John Mariot, who had refused to answer a summons under the privy seal to appear before the council.[2] And in 1354 a complaint was made in parliament that the king's purveyors were suing out writs of privy seal to bring persons before the council.[3] The influence behind this development may be safely attributed to chancellor Thoresby, for his policy of transferring administrative work from the Chancery to the privy seal was clearly having a profound effect on the connection between the council and the privy seal office. Just as the Chancery was becoming more involved in the development of new judicial writs for the use of the council around 1353, so it was transferring the responsibility for other conciliar business to the privy seal. And this in turn allowed the privy seal itself to emerge as both an administrative and a judicial instrument of the council. By the 1360's the privy seal was being used frequently by the council,[4]

1. E403/373, 25 Mar. 1354; E403/378, 22 Apr. 1356; E403/382, 18 Nov. 1356; E403/387, 14 Aug. 1357.
2. C256/4/1, no. 19.
3. Rot.Parl., ii. 260 (cap. 34).
4. The details of this relationship have yet to be worked out in detail, but indications are provided by an increase in the number of judicial inquisitions instigated by writs of privy seal after the early 1360's. Cal.Inq.Misc., ii. no. 1402, and C46/2/41, no. 12, are the only examples of the use of the privy seal in this way before 1361. After that date the practice becomes more frequent:

a situation which owed much to Thoresby's earlier policy and which undoubtedly contributed to the power of William Wykeham, who, as keeper of the privy seal from 1363 to 1367, surpassed all other ministers as the king's chief councillor.[1] That the keeper of the privy seal ranked alongside the chancellor and treasurer as a third minister of state by the end of Edward III's reign therefore owed much to the administrative developments of the early 1350's. The privy seal, emerging as an instrument of public administration in the 1340's and 1350's, now applied its resources and potential in the service of the king's council.

The connections established between the council and the privy seal under the influence of chancellor Thoresby in the early 1350's completed the process of reconciliation and unification which had been going on since 1341. By creating practical and cordial relations with the privy seal office, the king's council was signifying the end of earlier hostilities: the distinction between the offices of state and the household departments were now irrelevant, and the king's servants, in whatever office they were employed, were working with a common purpose. By developing real contact with the departments of its constituent members, the council successfully increased its own potential authority in government. And that potential was used to build up its legislative, judicial and administrative capacities in order to make the council an effective arm of royal government. With the increase in conciliar authority,

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Cal.Inq.Misc., iii. nos. 458, 588, 667, 814, 912. In the series known as 'Council and Privy Seal', the file E28/1 begins with a torn fragment of a Chancery writ of 12 Edward III; the privy seal documents date from the late 1360's onwards.

1. Tout, Chapters, iii. 238-9.

we might seem to have moved far from Edward III's earlier efforts of 1338 to inhibit the power and initiative of his council. But the Walton Ordinances had sought not so much to deny authority to the council as to ensure that it enacted the king's policies: and it was precisely this which was achieved in the climate of political and administrative unity which prevailed in the 1340's and 1350's. And in any case, the Walton Ordinances had been framed to cope with an extraordinary situation: a division, both physical and ideological, between the king's councillors. When the rift between the hostile groupings of 1338-41 had been healed, the Walton Ordinances were able to outlive their original context and become a permanent administrative reality precisely because the king's council was now united in his service, and prepared to respect his will. That the council came to develop closer contacts with the privy seal was a sign therefore, not of an attempt to prevent royal influence in government, but of a specific desire to observe the letter of the Walton Ordinances and implement the policies of the king's government. The special dual authority of the council, which both formulated and enacted policy, made it perhaps the most influential of all the agencies of government in the later Middle Ages; the fact that that authority was now exercised unanimously and effectively does much to explain how Edward III restored his own power in the years between Crecy and Poitiers.

# C H A P T E R V

## PARLIAMENT

To place parliament amongst the offices of central government might at first seem a contradiction, for parliament in the fourteenth century lacked the permanence and authority to assume an executive power. Furthermore, since the relationship between Crown and parliament in the later middle ages is often presented in terms of competition and conflict rather than co-operation, it is often assumed that parliament represented at best a brief interruption and at worst a serious impediment to the work of central government. Emphasis upon, and perhaps an exaggeration of, the role of the Commons in parliament has led many historians to interpret parliament as the instrument not of the king, but of the country, and to view the institution as a constitutional check on the power of the Crown and a practical constraint on the authority of central government. But it is possible to see Edward III's relations with parliament in a different light, and to interpret the political calm of the middle years of the reign as arising not at the expense of the Crown's authority, but from the very retention of central initiative. Parliament was, after all, the king's parliament, the mouthpieice not only of the community of the realm but also of the Crown. And it would not be surprising to find that the king's ministers in the 1340's and 1350's were determined that the administrative and judicial capacities built up in the Chancery, the privy seal and the Council should be extended and tested in the highest court of the land, parliament. For it was in the assemblies of the king and his people that the strengths and

effectiveness of the two sides would be most easily measured, and the king's determination to establish his political authority most openly displayed.

There has been much dispute over the definition of what was, and what was not, a 'parliament' in the thirteenth and early fourteenth centuries;[1] and although the terminology was becoming more precise in Edward III's reign, there are still problems in differentiating 'parliaments' from great councils and other representative assemblies in the mid-fourteenth century. The debate is, and will probably remain, unresolved. But the most reliable, and certainly the most thoroughly worked analysis, is that of Richardson and Sayles,[2] who take as their criterion the use of the term parliamentum in the writs of summons recorded on the close rolls. They have argued that it is only assemblies thus described which should be accepted as parliaments, because it was only in such meetings that private individuals and the community were recognised as having the right to register their grievances, and having a guarantee that their petitions would be heard by the king. It is this feature, they suggest, which distinguished a properly-constituted parliament from all other assemblies. Their definition is accepted here, for it would appear to describe most accurately not only the procedural realities of the mid-fourteenth century,[3] but also the political complexion of parliament in the middle years of Edward III's reign. This period, as we shall see,[4] witnessed a significant, if sometimes exaggerated, increase in parliament's control over taxation and influence over legislation.

1. A useful bibliography and summary of the arguments is provided in Handbook of British Chronology, pp. 492-5.
2. For what follows, see Richardson and Sayles, English Parliament cap. xxi (part 1), pp. 72-82; cap. xxvi, pp. 30-43.
3. See below, pp. 157-66, 181.
4. See below, pp. 149-66.

The authority thus gained or claimed was closely related to the special bargaining position which parliament was able to take up with the Crown through the petitioning process. Parliament provided the point of contact between the king and his subjects; and the Crown's response to the requests of the country would therefore determine the delicate balance between central and local initiative. Too few concessions, as in 1337-39, could simply mean that when a crisis arose, as in 1340-1, the king would be forced into serious and substantial limitations on his power. But if an identity of interests and objectives could be created between the king and his subjects, then the very petitions of the Commons might be used to the advantage of the king, and the taxative and legislative powers of parliament manipulated to <u>enhance</u> royal authority.

Events in 1340-1 had made it clear to Edward III that he could never guarantee domestic peace or support foreign wars without the support of parliament. The crisis had indicated that a royal institution might also be a dangerously hostile critic of the Crown, and that the authority of parliament could be used not only to support, but also to oppose the king's policies. Nevertheless, as we have seen,[1] the political situation in 1340-1 had been extraordinary: parliament had been able to present an effective opposition only because ministers, Lords and Commons, each with their own grievances against the king, formed a united front. This comprehensive opposition did not last. With Stratford and his followers dismissed, Edward now gave power to a new group of ministers, men like Offord, Thoresby and Edington, who, summoned to parliament as bishops, would provide a solid basis of ministerial support for the Crown. The official element was indeed increased

1. For what follows see above, pp. 8-11, 100-4.

during the 1340's and 1350's by the summons to parliament not only of the judges and serjeants of the common law courts, but also of a number of important household clerks and royal ambassadors like Henry Chaddesden, John Leche, John Carlton and John Barnet, loyal servants of the Crown who might act as the king's agents in parliament.[1] And not only was Edward guaranteed the support of his ministers: he was also quickly and successfully reconciled with the Lords. Despite the renunciation of the statute of 1341, Edward was already well on his way to winning back the support of the magnates by the end of that year. And in the period which followed he was careful to reinforce this reconciliation: prominent amongst the men summoned to parliament for the first time in the 1340's and 1350's were Edward's supporters amongst the household knights and military captains, like John Beauchamp, Thomas Bradestone, Guy Brian and Walter Mauny.[2] While the less influential lords temporal and spiritual ignored summonses or sent proxies to parliament[3] the large number of magnates, bishops and officials who made up the body of king's councillors would therefore guide the business and direct the political attitudes of the House of Lords. And with the dangerous alliance of 1340-1 thus split,

1. Rep.Dig.Peer, iv. 560, 574, 577, 580, 589, 592, 603, 605, 612, 616. For Chaddesden and Carlton see above, p. 65 and n.1; p. 115. for Barnet and Leche see Biog.Reg.Oxford, i. 112-3; ii. 1118-9.
2. Complete Peerage, ii. 50-1, 273, 361-2; viii. 571-6; J.E. Powell and K. Wallis, The House of Lords in the Middle Ages (London, 1968), cap. xxi.
3. J. S. Roskell, 'The Problem of the Attendance of the Lords in Medieval Parliament', Bull.Inst.Hist.Res., xxix (1956), 162-175. Unfortunately the only occasions when details of attendance were given during the 1340's and 1350's coincided with periods of military activity when many of the lords temporal would be abroad, so that attendance at these assemblies cannot be regarded as typical.

the Commons were left isolated and politically weakened.[1] By skilful manoeuvring, Edward had thus broken Stratford's opposition movement and created the potential for a recovery of royal ascendancy in parliament.

To write the history of parliament in the 1340's and 1350's as the history of the House of Commons is, therefore, to disguise the fact that parliament was a royal institution, regulated by the king and his council. It was the successive chief justices of King's Bench, Sir William Thorpe and Sir William Shareshull, who acted as the king's spokesmen at the opening of parliaments during this period, outlining the causes of summons and the matters to be discussed in the assemblies.[2] Discussions were also carefully manipulated by the household officials like John Thoresby and Bartholomew Burghershh who appeared in parliament bringing news of battles and peace proposals, and publicising the king's need for money to continue the war.[3] Consequently, although Edward III allowed parliament to debate many aspects of royal policy in a deliberate attempt to win support for his military campaigns,[4] it is noticeable that the business of parliament was carefully supervised, indeed controlled, by the agents of the Crown.

The process of petitioning in parliament best illustrates this influence and control exerted by the king's government. During the 1330's a distinction had developed between communes petitions, representing the interests of the community and drawn up by the Commons, which were delivered to the clerk of parliament and heard by the king and council, and singuliers petitions, those

1. cf below, pp. 159-60.
2. Rot.Parl., ii. 164, 200, 236, 254, 264.
3. See above, pp. 115-6.
4. Harriss, Public Finance, pp. 314-320.

entered by individuals, delivered to panels of receivers and heard by specially-appointed committees of auditors.[1] The senior officials of Chancery who acted as clerks of parliament and receivers of private petitions were able to speed or delay the answering of petitions, showing a particularly selective and partial attitude in their choice of petitions to be handed to the committees of triers.[2] And the committees themselves were dominated by the magnates and ministers of the king's council. In the parliaments of 1351, 1352 and 1354, for example, the auditors of private petitions were very largely the same men whom we have identified as royal councillors: bishops with a background in the king's service, like Islip of Canterbury, Bateman of Norwich and Gynewell of Lincoln; the closest of Edward's advisers amongst the nobility such as Lancaster, Northampton, Arundel, Huntingdon, Warwick, Stafford, Percy and Nevill; the justices and chief justices of King's Bench and Common Pleas like Sir John Stonor and Sir William Shareshull; and household officials and knights including Richard Talbot, Thomas Bradestone and Guy Brian.[3] These were also permitted to call upon the advice of other royal officials, the chancellor and treasurer, the steward and chamberlain, the serjeants at law, the officials of the Chamber, the justiciar and treasurer of Ireland and the constable of Bordeaux, to provide expert opinions on particular problems or areas of the king's domains.[4] Parliament was in a real sense a meeting of the king's council, coming together to

1. Richardson and Sayles, English Parliament, cap. xxi (part 2), p. 11; Rayner, 'The Forms and Machinery of the "Commune Petition" in the Fourteenth Century', p. 566.
2. G.P. Cuttino, 'King's Clerks and the Community of the Realm', Speculum, xxix (1954), 404-6.
3. Rot.Parl., ii. 226, 236, 254; above, pp. 109-115. For Gynewell see Highfield, 'Relations between the Church and the English Crown', pp. 600-3. For the judges see above, pp. 117-8, and below, pp.185-7. For Bradestone see above, p. 143.
4. Richardson and Sayles, English Parliament, cap. xxii, pp. 383-5.

discuss the affairs of the realm and to pursue the interests of the Crown.

The most important, but least discussed control which the king and his council exerted over parliament was of course the right to decide when to summon and when to dismiss an assembly. Parliaments were not permanent institutions: they were extraordinary assemblies dependent on the will of the king for their very existence. Just how exceptional a session of parliament was in the reign of Edward III may be gauged from table 1, which provides information on the number and length of parliaments between 1327 and 1377, including, where available, evidence of delays in the start of effective proceedings.[1] The table provides some interesting statistics and comparisons. It shows that parliaments were in active session for a total of only some two and a half years in a reign of over fifty years. But within that period, the list also shows some significant changes. Down to 1341, at least one parliament was held every year: indeed, with a few exceptions, this had been general practice since 1258.[2] But after 1341, such assemblies were notably less frequent. No parliaments were held in 1342, 1345, 1349-50, 1353, 1356, 1359, 1364, 1367, 1370, and 1374-5. Put another way, this means that 23 parliaments were held in the first fifteen years of Edward III's reign, compared with 24 in the last 26 years. But table 1 shows that, just when parliaments were becoming less frequent, the length of individual sessions increased. In the decade 1329-38, none of the 13 parliaments

1. The list of parliaments derives from the definition of Richardson and Sayles: above p. 141.
   For information on the lengths of sessions see Handbook of British Chronology, pp. 518-526, and Roskell, op.cit., pp. 165-9.
   I count adjournments only as far as the day of the opening speech or of the appointment of receivers and triers of petitions, whichever came first.
2. G. O. Sayles, The King's Parliament of England (London, 1975), pp. 137-140.

TABLE 1

THE PARLIAMENTS OF EDWARD III, 1327-1377

| Year | Dates of Parliament | Delays in opening of session (where known) | Length of session |
|---|---|---|---|
| 1327 | 3 Feb. - 9 Mar. | - | 34 days |
| 1328 | 7 Feb. - 5 Mar. | - | 27 days |
| | 24 Apr. - 14 May | - | 20 days |
| | 16 Oct. - 31 Oct. | - | 15 days |
| 1329 | 9 Feb. - 22 Feb. | - | 13 days |
| 1330 | 11 Mar. - 21 Mar. | - | 10 days |
| | 26 Nov. - 9 Dec. | - | 13 days |
| 1331 | 30 Sept. - 9 Oct. | - | 9 days |
| 1332 | 16 Mar. - 21 Mar. | - | 5 days |
| | 9 Sept. - 12 Sept. | - | 3 days |
| 1333 | 20 Jan. - 27 Jan. | - | 7 days |
| 1334 | 21 Feb. - 2 Mar. | - | 9 days |
| | 19 Sept. - 23 Sept. | - | 4 days |
| 1335 | 26 May - 3 June | - | 8 days |
| 1336 | 11 Mar. - 20 Mar. | - | 9 days |
| 1337 | 3 Mar. - 16 Mar. | - | 13 days |
| 1338 | 3 Feb. - 14 Feb. | - | 11 days |
| 1339 | 3 Feb. - 17 Feb. | - | 14 days |
| | 13 Oct. - *c.* 3 Nov. | - | *c.* 21 days |
| 1340 | 20 Jan. - 19 Feb. | - | 30 days |
| | 29 Mar. - 10 May | - | 42 days |
| | 12 July - 26 July | - | 14 days |
| 1341 | 23 Apr. - 27/28 May | - | 34/35 days |
| 1343 | 28 Apr. - 20 May | 1 day | 21 days |
| 1344 | 7 June - 28 June | 1 day | 20 days |
| 1346 | 11 Sept. - 20 Sept. | - | 9 days |
| 1348 | 14 Jan. - 12 Feb. | - | 29 days |
| | 31 Mar. - 13 Apr. | 2 days | 11 days |
| 1351 | 9 Feb. - 1 Mar. | 1 day | 19 days |
| 1352 | 13 Jan. - 11 Feb. | - | 29 days |
| 1354 | 28 Apr. - 20 May | - | 22 days |
| 1355 | 23 Nov. - 30 Nov. | - | 7 days |

Table 1 continued

| Year | Dates of Parliament | Delays in opening of session (where known | Length of session |
|---|---|---|---|
| 1357 | 17 Apr. - 8/16 May | - | 21/29 days |
| 1358 | 5 Feb. - 27 Feb. | - | 22 days |
| 1360 | 15 May - ? | - | ? |
| 1361 | 24 Jan. - 18 Feb. | - | 25 days |
| 1362 | 13 Oct. - 17 Nov. | - | 35 days |
| 1363 | 6 Oct. - 3 Nov.. | - | 28 days |
| 1365 | 20 Jan. - 17 Feb. | - | 28 days |
| 1366 | 4 May - 11 May | - | 7 days |
| 1368 | 1 May - 21 May | 3 days | 16 days |
| 1369 | 3 June - 11 June | - | 8 days |
| 1371 | 24 Feb. - 29 Mar. | - | 33 days |
| 1372 | 3 Nov. - 24 Nov. | 2 days | 19 days |
| 1373 | 21 Nov. - 10 Dec. | - | 19 days |
| 1376 | 28 Apr. - 10 July | 1 day | 72 days |
| 1377 | 27 Jan.-2 Mar. | 1 day | 33 days |

lasted for more than two weeks, whereas between 1339 and 1377 only five out of thirty parliaments lasted less than a fortnight, and most continued in excess of three weeks. The long sessions of March-May 1340, February-March 1371 and April-July 1376 were of course exceptional, the occasions of particular political crises. But there is still a marked general increase in the average length of a parliamentary session after 1341. To understand why meetings became at once less frequent and of longer duration we need to examine the business conducted in parliament in this period.

It was the exclusive right of parliament to grant taxes which became the single most important function, and indeed the very raison d'etre of the assembly in the later Middle Ages. The special authority of parliament to bind the community in a fiscal obligation to the Crown had been recognised and utilised since the thirteenth century. But as we know, most recently and most notably from the work of Dr Harriss, [1] the whole political and constitutional role of parliament was transformed in the reign of Edward III when the king became increasingly dependent on extraordinary revenues to finance his wars, and recognised the exclusive right of parliament to grant both direct and indirect taxation. This process began of course in the 1330's, during the Scottish wars and the early French campaigns; but it is noticeable that parliament only finally emerged as the arbiter and controller of taxation after the crisis of 1340-1. The relative novelty of parliament's claim to an exclusive control over direct and indirect taxes was to have important political effects during

the 1340's and 1350's, and therefore requires some detailed attention.

Table 2 sets out the direct taxes granted to Edward III between 1327 and 1377, and the assemblies which authorised these taxes. The table shows that between 1327 and 1339 the king was granted a total of six direct taxes upon movables; but only three of these were made by properly-constituted parliaments.[1] The twentieth of September 1327, the fifteenth and tenth of September 1336 and the vitally important triennial fifteenth and tenth of September 1337 were granted not in parliaments but in great councils.[2] It was only after the parliamentary crisis of 1340-1 that a change occurred. For the king's continued need for regular supplies to pay for the renewed hostilities with France in the 1340's and 1350's led to a *de facto* recognition of parliament's exclusive right to grant subsidies on movables: apart from the single exceptional instance of the fifteenth and tenth authorised by local assemblies in 1360,[3] every other lay subsidy granted to Edward III after 1340 was authorised in parliament. The exclusive control of parliament over direct taxation was therefore new and untried in the middle years of the reign.

Furthermore, it was during the same period that the parliamentary control over indirect taxation became for the first time a possibility and a reality. Table 3 provides a list of

1. *i.e.*, following the definition above, p. 141.
2. The nature of these assemblies, especially that of 1337, demands more attention. Harriss, *Public Finance*, p. 234, assumes that the 1337 assembly was a parliament: E. B. Fryde, 'Parliament and the French War, 1336-40', in *Historical Studies of the English Parliament*, ed. E. B. Fryde and E. Miller (Cambridge, 1970), i. 245, 252, recognises the fact that this was not a parliament, but minimises the significance of this. The fact that petitions were heard of right only in parliaments was of great importance during this period: see below, pp. 180-2.
3. Harriss, *Public Finance*, pp. 395-400.

TABLE 2

DIRECT TAXATION: SUBSIDIES ON MOVABLES, 1327-1377

| Date of Grant | Form of Subsidy | Duration | Form of Assembly authorising grant |
|---|---|---|---|
| Sept. 1327 | twentieth | 1 year | great council |
| Sept. 1332 | fifteenth and tenth | 1 year | parliament |
| Sept. 1334 | " | 1 year | parliament |
| Mar. 1336 | " | 1 year | parliament |
| Sept. 1336 | " | 1 year | great council |
| Sept. 1337 | " | 3 years | great council |
| Apr. 1340 | ninth | 2 years | parliament |
| June 1344 | fifteenth and tenth | 2 years | parliament |
| Sept. 1346 | " | 2 years | parliament |
| Apr. 1348 | " | 3 years | parliament |
| Jan. 1352 | " | 3 years | parliament |
| Apr. 1357 | " | 1 year | parliament |
| March 1360 | " | 1 year | local assemblies |
| March 1371 | parish subsidy | 1 year | parliament |
| Nov. 1372 | fifteenth and tenth | 1 year | parliament |
| Nov. 1373 | " | 2 years | parliament |
| Feb. 1377 | poll tax | 1 year | parliament |

TABLE 3

INDIRECT TAXATION: THE SUBSIDY ON WOOL, OR MALTOLT, 1327 - 1377

| Date of Grant | Duration | Form of Assembly authorising grant |
|---|---|---|
| Feb. 1333 | 1 year (retrospective) | King and Lords in parliament |
| May 1333 | 1 year | merchants |
| Sept. 1336 | indeterminate | merchants |
| May 1338 | indeterminate | merchants |
| Apr. 1340 | Easter 1340-Pentecost 1341 | parliament |
| July 1342 | July 1342-Midsummer 1343 | merchants |
| Apr. 1343 | Midsummer 1343-Michaelmas 1346 | parliament |
| Feb. 1346 | Michaelmas 1346-Michaelmas 1348 | great council |
| Mar. 1347 | Michaelmas 1348-Michaelmas 1351 | merchants with great council |
| Apr. 1348 | confirmation of above | parliament |
| Feb. 1351 | Michaelmas 1351-Michaelmas 1353 | parliament |
| Oct. 1353 | Michaelmas 1353-Michaelmas 1355 | great council |
| Nov. 1355 | 6 years | parliament |
| Oct. 1362 | 3 years | parliament |
| Feb. 1365 | 3 years | parliament |
| May 1368 | 2 years | parliament |
| June 1369 | 3 years | parliament |
| Nov. 1372 | 2 years | parliament |
| Nov. 1373 | 2 years | parliament |
| June 1376 | 3 years | parliament |

the grants made to Edward III of the subsidy on wool known as the maltolt, the most important form of indirect taxation requiring assent before the king was allowed to collect it. As with direct taxation, so with indirect taxation: the table reveals that the maltolt did not come under the exclusive control of parliament until the middle years of the reign. Down to 1340 the maltolt was granted by the merchants or by great councils, as it was also in 1342, 1346 and 1347. It was only in 1340, 1343 and 1348 that the Commons in parliament were able to take their opportunity and offer the tax in the hope of wresting control from the merchants.[1] And in February 1351, anticipating the expiry of the three-year subsidy of 1348 at the Michaelmas following,[2] the Commons offered to renew the maltolt for two years from that date, requesting and receiving in return a guarantee that in future parliament alone should have the power to make such a grant.[3] That monopoly was in fact flouted by the government in 1353 when the maltolt was renewed by a great council,[4] but from 1355 onwards, as table 3 shows, the subsidy was granted regularly in parliament. The table also indicates, however, that from 1342 this tax on wool, originally a subsidy granted for limited and isolated periods, became a regular form of taxation, the grants of the maltolt forming an uninterrupted sequence which provided the king with a permanent and valuable revenue.[5] And the main reason for this transformation of an extraordinary into an ordinary tax was the anxiety of parliament

1. ibid., pp. 428-31.
2. There is no justification for Harriss' statement (ibid., pp. 322-3) that the maltolt ceased in June 1350: he confuses this with a separate and additional subsidy on wool granted by a special council in April 1350, which terminated in June: Reg.Dig.Peer, iv. 587; E365/5, m. 1; Cal.Clo.Rolls, 1349-54, pp. 237-8; cf below p. 288.
3. Rot.Parl., ii. 229.
4. For the significance of this grant see below, pp. 181-2.
5. J. G. Edwards, The Second Century of the English Parliament (Oxford, 1979), p. 21.

to control the maltolt. The best way of ensuring a monopoly over a tax was, after all, to appear prepared, if not eager, to grant it. For without the willingness of parliament to authorise the subsidy on wool, Edward III would simply have looked elsewhere, to the merchants or to great councils, for authority to collect the maltolt. And in the light of the evidence provided by table 2, it may be argued that much the same went for parliament's attitude towards direct taxation. If parliament's exclusive control over the granting of fifteenths and tenths was new in the 1340's, the best hope of securing that control was for the Commons to indicate their acceptance, albeit a reluctant acceptance, of the obligation to provide supplies for the king's wars.

The vulnerability of parliament's new and untried control over taxation during the 1340's and 1350's was used by Edward III's government to the tactical and financial advantage of the Crown. The king, employing the plea of necessity, was able to call upon his subjects for aid in the war, and they were obliged by moral, political and constitutional convention to respond with supplies.[1] Parliaments were often told that they had been summoned with the express purpose of discussing the military situation, an oblique but obvious reference to the requests for supplies which would follow.[2] They were also carefully timed to coincide with, or overlap, expiring subsidies. The parliaments of 1346 and March 1348 were clearly intended to authorise direct taxes which would dovetail with previous grants. It is possible that the king also hoped to include another subsidy in this series, for parliament was called in February 1351, just as Edward was planning

1. Harriss, Public Finance, pp. 314-320.
2. Rot.Parl., ii. 157-8, 200, 237, 264-5.

a military expedition,[1] and just before the 1348 tax ended. And although this expedition, and therefore the subsidy, came to nothing, a further triennial fifteenth and tenth was secured less than a year later in 1352. This deliberate effort to time parliaments so as to secure uninterrupted sequences of taxation is particularly evident of course with the maltolt: table 2 indicates that from 1342 the subsidy on wool became a permanent imposition precisely because the king deliberately summoned councils and parliaments to overlap with the ends of previous grants. And it was the very control which parliament came to assert over taxation, and the royal management of parliament, which in fact produced the decline in the frequency of parliaments which we have noted after 1341.

Table 2 indicates that for a decade after 1344 the Commons, following the precedent of the great council of 1337, made grants not of single fifteenths and tenths but of multiple subsidies which lasted for two or three years. Table 4, which sets out the clerical taxes granted to Edward III, shows that much the same thing happened with the subsidies granted in the convocations of Canterbury and York, again on the precedent of 1337 and again on a regular basis in the decade after 1344. And table 3 illustrates exactly the same trend with the maltolt as soon as parliament found its opportunity to grant the indirect tax in 1343; and in this case the practice of multiple subsidies continued, on one occasion in 1355 producing an unprecedented six-year grant. This parallel between lay and clerical, direct and indirect subsidies seems more than a mere coincidence, and perhaps suggests that the Crown was

1. ibid., ii. 225. A request for a lay subsidy is all the more likely on this occasion given that the clergy were asked to grant a tenth in the same parliament: Cal.Clo.Rolls, 1349-54, p. 349.

## TABLE 4

## DIRECT TAXATION: CLERICAL SUBSIDIES, 1327 - 1377

| Canterbury: Date of Grant | York: Date of Grant | Form of subsidy | Duration |
|---|---|---|---|
| Nov. 1327 | Oct. 1327 | tenth | 1 year |
| Sept. 1334 | Oct. 1334 | tenth | 1 year |
| Mar. 1336 | May 1336 | tenth | 1 year |
| Sept. 1336 | Oct. 1336 | tenth | 1 year |
| Sept. 1337 | Nov. 1337 | tenth | 3 years |
| Oct. 1338 | (no grant) | tenth | 1 year |
| Feb. 1340 | Feb. 1340 | tenth | 1 year |
| (no grant) | Dec. 1342 | tenth | 1 year |
| May 1344 | Jun. 1344 | tenth | 3 years |
| Oct. 1346 | Jan. 1347 | tenth | 2 years |
| May 1351 | May 1351 | tenth | 2 years |
| May 1356 | Jun. 1356 | tenth | 1 year |
| Feb. 1360 | Feb. 1360 | tenth | 1 year |
| Jan. 1370 | Feb. 1370 | tenth | 3 years |
| Apr. 1371 | Jul. 1371 | parish subsidy | |
| Dec. 1373 | (no grant) | tenth | 1 year |
| Feb. 1377 | (no grant) | poll tax | |

following a concerted policy of extending the time-scale of taxation. There were obvious financial benefits of such a policy; but so too would there be political advantages. For longer periods of taxation would mean that parliament needed to be summoned less often, and there would be fewer opportunities for the community to air their grievances against the Crown. Once a tax had been granted there was little that could be done to control or limit it; for although the Commons and clergy alike might attempt to make future instalments of a multiple subsidy conditional upon the continuation of war, it was the king, and not parliament or convocation, who would decide whether the scale of military action justified collection.[1] The reduction in the frequency of parliaments after 1341 therefore owed itself indirectly and ironically to the Commons' desire to secure exclusive authority over taxation.

The specific association between parliament and taxation which arose in the 1340's may have led to a decline in the number of assemblies; but, so it is generally argued, it also meant an increase in the authority of parliament. For the growing taxative power of parliament allowed the Commons to seek concessions from the government in return for the grant of supplies. It had long been recognised that parliament provided the occasion not only for the king to put his demands to the country, but also for the country to put its grievances to the king. It was indeed this feature which made parliament unique, and which distinguished it from other representative assemblies.[2] The procedure developed during the 1330's for the audience of petitions reflected the importance of this aspect of parliamentary business.[3] For although

1. Harriss, Public Finance, pp. 320-7.
2. See above, p. 141.
3. See above. pp. 144-5.

there was a decline in the number of singuliers petitions received in parliament after the 1340's, the same period witnessed a marked increase in the importance of the commune petition.[1] It had become usual since the 1330's for the Commons' petitions to be written up on the roll of parliament, and for those received favourably by the king and council to be confirmed on the statute roll.[2] If the Commons should attempt to make grants of supply conditional upon redress of grievances, taxation and legislation would therefore become intimately and inextricably connected, and the whole character of the statute roll and the nature of parliament would be transformed.

It has generally been concluded that this connection between taxation and legislation became a political reality during the middle years of Edward III'd reign. Whereas in the reign of Edward I parliament had been the king's court and the statutes had been government-inspired legal codes, it is often argued that by the mid-fourteenth century parliament had become a forum for political debate, and control of legislation had therefore passed into the hands of the Commons, who used the statute roll as a means of wresting political and constitutional concessions from the Crown.[3] But such a conclusion not only ignores the complex and various influences behind the statutes of this period, but also distorts the political and administrative context in which we must place parliamentary sessions during the 1340's and 1350's.[4] To concur with the argument that the taxative and legislative

1. Richardson and Sayles, English Parliament, cap. xxi (pt. 2), pp. 2-6.
2. Rayner, op.cit., pp. 215-220; Richardson and Sayles, English Parliament, cap. xxii, pp. 379, 387.
3. ibid., cap. xxi (pt. 2), p. 13; Sayles, The King's Parliament of England, pp. 115-6.
4. See the comments of Harriss, 'The Formation of Parliament, 1272-1377', in The English Parliament in the Middle Ages, eds. R.G. Davies and J. H. Denton (Manchester, 1981), pp. 45-9.

authority of parliament increased in this period does not oblige one to conclude that this was to the detriment of the power and interests of the Crown. For it must be emphasised that the most notable advances in the authority of parliament during this period were won not through hostility and competition, but through political harmony and co-operation. And when concessions were allowed, they were carefully measured and circumscribed in order to ensure that the balance between their constitutional implications and financial benefits was weighted in favour of the Crown.

The king did not in fact achieve so quick and easy a reconciliation with the Commons as he had with the Lords after the crisis of 1340-1; for down to the end of the 1340's, as Dr Harriss has shown, the Commons continued to oppose the heavy burden placed upon the country by the king's wars, concentrating their attack on Edward's abuse of his prerogative levies, and even after the great victories of Crecy and Calais, raised a storm of criticism in 1346-8 similar in scale to that of 1340-1.[1] But whereas in 1340-1 the Commons had secured the support of the Lords and forced the king into impressive (though temporary) concessions, the king's reconciliation with the nobility after 1341 left the Commons isolated, and they acheived little.

Just how little they did achieve is worth emphasising. In the parliaments between 1344 and 1352 the Commons, under continual pressure to grant subsidies, made every effort to impose conditions and constraints upon the Crown, prefacing their grants of taxation with complaints about such impositions, and requesting that the

1. For what follows, see Harriss, Public Finance, cap. xv. cf Prestwich, The Three Edwards, pp. 224-5.

king respond to the Commons' petitions before the end of the assembly. Yet on each occasion that a grant was made, the offer of the tax preceded the delivery of the petitions, so that the Commons' bargaining power was very limited. Consequently, although it was accepted in theory that petitions ought to be guaranteed an audience before the end of parliament, legal or political considerations might delay decisions. Furthermore, there was no guarantee that a petition would receive a favourable reply; and, even when such a reply was given, there was no requirement upon the government to enrol the decision as a statute. Thus, although the Commons were obliged to respond to the king's appeal for taxes, the king was not obliged to offer any concessions in return. If enrolment of petitions as statutes was the yardstick by which the Commons measured their success, then they can be said only to have had a very qualified victory in the 1340's. In 1344 they were successful in gaining the enrolment of granted petitions as statutes, but in 1346 and the two parliaments of 1348, no legislation resulted from the lengthy lists of Commons' petitions. The Commons can have felt little sense of achievement in 1348. And since the parliament due to meet in January 1349 was first adjourned and then dissolved on account of the plague,[1] the Commons had no further opportunity to register their grievances until February 1351, after an unprecedented gap of three years.[2]

It was at this point, according to Dr Harriss, that the Commons, isolated and unsuccessful in the 1340's, found their chance of success in the new social and economic conditions which

1. Rep.Dig.Peer, iv. 577-85.
2. See the table in Sayles, The King's Parliament of England, 137-141, and above, pp. 147-8.

arose after the plague.[1] The landowning and labour-employing gentry who dominated the Commons now allied with the king and the lords to implement the Ordinance and Statute of Labourers of 1349 and 1351 in a common desire to curb the rise in wages resulting from the Black Death. The new sense of co-operation between king and Commons then led, it is argued, to the settlement of old disputes in a spirit of compromise and realism. For in 1352 the king responded to complaints and requests hitherto ignored or evaded, and in particular allowed several limitations on the use of prerogative charges which had been such an issue since the 1330's. He agreed that no man should be compelled to find soldiers (except those who held by military tenure) unless by assent and grant in parliament; that common consent would in future be a necessary prelude to any royal decision to exact a feudal aid; and that the king's purveyors should be strictly limited by the existing statutes regarding royal prises.[2] These and other statutes created in the parliament of 1352 represented in theory at least substantial concessions which curtailed the Crown's fiscal prerogatives and increased the financial authority of parliament.

In practice, however, the timing of these statutes meant that they had rather less significance. For whereas Edward had refused such concessions during the heavy military involvement of the 1340's, the scale and cost of fighting was much reduced by 1352,[3] and the government could afford to make some allowances.

1. Harriss, Public Finance, pp.354-5, 516-7.
2. Stat.Realm, i. 319, 321, 322.
3. cf below, p. 287.

Furthermore, the administration was soon to devise methods of avoiding these awkward statutes by changes in the organisation, financing and victualling of royal armies, which meant that the opportunity for parliament to use its new-found power did not actually arise.[1] In practice, therefore, although the king was aware that concessions needed to be made if grants of taxation were to be secured, his ministers were careful to ensure that only safe and affordable concessions be allowed. Furthermore, at the same time the government made a calculated and successful effort to separate legislation from taxation, and thus to eliminate any theoretical victory which the Commons might claim.

In the parliament of 1352 the Commons for the first time placed their petitions on the schedule granting a triennial tenth and fifteenth, in a conscious effort to make the payment of taxes conditional upon the redress of grievances.[2] But the king's ministers were well aware of the potential dangers arising from such a precedent, and no such direct connection was made. The government had already faced this problem on a number of occasions with the taxes offered by convocation, which were sometimes made conditional on the king giving satisfactory statutory answers to the gravamina of the clergy.[3] In 1351 the council had ignored the conditions placed upon the grants of a biennial tenth by the convocations of Canterbury and York,[4] and only eventually did

1. Harriss, Public Finance, pp. 376-395, 410-416.
2. ibid., p. 361.
3. D. B. Weske, Convocation of the Clergy (London, 1937), cap. v; W. R. Jones, 'Bishops, Politics and the Two Laws: the Gravamina of the English Clergy, 1237-1399', Speculum, xli (1966), 224-5, 227-33, 238-9.
4. Weske, op.cit., pp. 253, 285. The York schedule of the grant, C270/14/5, specifies grievances and is endorsed in cancellar' cor' canc', but there is no evidence that the petitions were answered. The Canterbury schedule, C270/13/10, made the second year of the grant conditional upon the redress of unspecified petitiones cleri, a reference apparently to unrecorded clerical petitions made in the parliament of Jan. 1351, for the audience of which a commission was appointed in September (Cal.Pat.Rolls, 1350-4, p. 133), but which appear to have remained unanswered.

it consider the subsequent clerical petitions presented in the parliament of February 1352,[1] some of which were later conceded in the statute Pro Clero granted in June of that year, just as the second year of the tax fell due.[2] By doing so, the Crown was certainly not suggesting that the payment of future instalments of multiple subsidies was dependent on the redress of grievances: it was simply accepting that judicious concessions and their careful timing and publicity were a wise and necessary means of ensuring the continued acquiescence of taxpayers. It was for this same reason that during the 1340's the members of the Commons had taken back to their constituencies copies of the conditions they had made upon grants of taxes, and schedules of the statutes granted in parliament.[3] Such a practice could be a useful means of indicating the government's responsiveness to the problems of the country in return for the Commons' continued co-operation in granting taxes. But it could also suggest that the Commons were pressing for a more specific connection between taxation and legislation and forcing the government to implement all their demands before a tax need be paid. Consequently, when that connection was made in 1352, the government responded to the apparently unilateral demands made by the Commons as the price of a triennial subsidy, by carefully separating the Commons' petitions from their context in the grant of the tax.

The first of the Commons' petitions made in the conditions of the triennial tenth and fifteenth of 1352 was that, following

1. Rot.Parl., ii. 244-5.
2. Replies to the petitions were at first delayed (Concilia Magna Britanniae et Hiberniae, vol. iii, ed. D. Wilkins (London, 1737), 28-9; The Register of John de Grandisson, Bishop of Exeter. ed. F. C. Hingeston-Randolph (London, 1894-9), i. 76-7), and finally granted in June (Stat.Realm, i. 324-5, datable in Concilia, iii. 23-5, Reg. Grandisson,i. 77-9). For dates of instalments of the tax see Weske, op.cit., pp. 253, 285. A record of the confirmation of the second year of the subsidy was made on the memoranda roll: E159/128, Recorda, Trin. (2nd membrane).
3. Harriss, Public Finance, p. 365.

on the precedent of 1349,[1] the government should apply the profits of the sessions of the justices of labourers towards the new tenth and fifteenth.[2] The government's response to this request was removed from the other Commons' petitions and put not into schedules for the M.P.'s to take back to their constituencies, but into administrative orders to be communicated directly to the tax collectors.[3] And the other Commons' petitions which received favourable replies (and not all did) were written up on the statute roll and publicised not through the returning M.P.'s but through the government's agents, the sheriffs.[4] This separation of taxation from redress of grievances and the removal of responsibility for publicising the conditions and the statutes from the Commons themselves therefore suggests that the government was successfully resisting pressure to enact all Commons' petitions or to implement all resultant statutes before a tax need be paid. Petitions could still be rejected or delayed and statutes could still be ignored or over-ridden.[5] The king had therefore made a few careful and limited concessions, but the theory remained intact: the granting of petitions was still a matter of royal grace, and the making of statutes still a matter of royal discretion.

Ultimately, therefore, the most remarkable thing about the parliament of 1352 is surely not that the Commons wrung statutory

1. See above, p. 122.
2. Rot.Parl., ii. 238.
3. The 'statute' of the form of the levying of the fifteenth in Stat.Realm, i. 327-8, is not on the statute roll: the only copy of it is E163/4/39, and it is enrolled on the memoranda roll as part of the commission to the collectors: Putnam, Enforcement, pp. 268*-273*. For the particular arrangements made in this document see below, pp. 168, 285-8.
4. Stat.Realm. i. 324: Cal.Letter Books London, F. p. 244.
5. For the government's selective response to the enforcement of statutes see below, pp. 167-173, 204-5.

concessions from the Crown, but that the king succeeded in obliging the assembly, after some eight years of continuous direct taxation, to grant yet another triennial fifteenth and tenth at a time when only very intermittent and isolated fighting was going on, apparently on the rather flimsy presupposition that the recent collapse of negotiations with the French would lead once more to full-scale war.[1] And while the remarkable acquiescence of the Commons may be explicable partly in terms of the new economic identity and political co-operation between the Crown and the landed gentry in the years after the plague, in the end it was political pressure and constitutional obligation which forced them to pay up. If parliament was anxious to guarantee its exclusive right to grant taxes, the best way to secure this was not to complain or refuse, but simply to offer a subsidy. And with great councils having been authorised to grant direct taxes as recently as 1337, and continuing to grant the indirect tax of the maltolt until 1353, it was clearly necessary that parliament should show itself responsive to the king's needs if a monopoly over taxation were to be achieved. It would seem, then, that the preparedness of the Commons in 1352 to grant yet another triennial tenth and fifteenth stemmed less from their eagerness to pay taxes and more from their reluctant acceptance of their political and constitutional vulnerability should they fail to respond to the king's plea of necessity.

To suggest, then, that the years between Crecy and Poitiers witnessed a continuous and one-sided pressure applied by parliament

1. Rot.Parl., ii. 237.

upon the king would be to distort the political temperature of the period. In many ways the pressure came from the king, who, exerting initiative and authority, was able to win moral and financial support for his policies at small cost to his own power. The careful balance thus created is best illustrated in the legislation of the period. For the 'constitutional' statutes relating to royal prerogative levies need to be put into their context; most Commons petitions of the period dealt not with matters of fundamental constitutional importance, but with particular legal and economic grievances of the community. And in responding to these petitions, the government did not simply accept the point of principle and repeat the Commons' petition verbatim in the statute roll. For it is too often forgotten that, while statutes might have their origins in Commons' petitions, the wording, definitions, technical details and remedies offered by the statutes came as often as not from the experts of the king's council.

Miss Putnam recognised this important fact in her analysis of what she called 'the great code of 1351-2 of ecclesiastical, economic and legal reforms..... a more vital and a more far-reaching code than any in the past since Edward I or than any in the future until the sixteenth century'.[1] For she saw that, although most of the legislation of these two parliaments arose from Commons' petitions, in many cases, and particularly the more important statutes, the request was merely for remedial legislation, and formulation of the statute was therefore left to the council. This point is well illustrated by the Statute of Treasons of 1352, which arose from a request made in parliament that the king recite the points

1. Putnam, Shareshull, pp. 52-4; cf idem, 'Chief Justice Shareshull and the Economic and Legal Codes of 1351-2', pp. 254-5.

of treason.[1] The Commons were clearly pressing for a narrow definition in order to limit the scope of an over-used and abused charge.[2] The Lords would also stand to gain from a definition which protected them from arbitary conviction and loss of escheats;[3] and the clergy too expressed concern over their status in connection with the treason laws in this parliament.[4] But it is important to notice that there is no evidence that Commons, Lords or clergy made any direct suggestions or played any direct part in the formulation of the statute. The list of treasonable offences and the careful distinction between high and petty treason were authorised by the king and worked out by his councillors. The statute certainly represents a substantial limitation of the scope of treason. But this was the result less of effective political opposition to treason charges than of the king's desire for political reconciliation and the judges' concerns over the use and abuse of the charge of treason during the late 1340's.[5] And in terms of formulation, the statute clearly indicates that it was the experts of the council who had the technical knowledge and experience necessary to provide specific remedies for problems which the Commons raised only in general terms.

The scope for government initiative and creativity offered by the legislative process in parliament was not surprisingly used to the full by Edward III's council during the 1340's and 1350's. For the group of outstanding ministers working in the king's service during this period knew, from their involvement in the crisis of 1340-1, what a potential threat parliament might be to the king's authority, and were determined, in the political calm which followed, to use their power in parliament to produce legislation which was

carefully formulated and regulated to the king's advantage. The process of legislation and the nature of the evidence do not normally allow us to distinguish individual influences behind particular statutes. Miss Putnam, however, argued that Sir William Shareshull, chief justice of King's Bench from 1350 to 1361, had a formative influence on much of the legislation of this period;[1] and although somewhat exaggerated, her basic premise was doubtless correct, for many of the statutes of the early 1350's dealt with technical legal matters which required the expert advice of the judges. But Shareshull was not the only legislator at work in this period. We have already seen, for example, how chancellor Thoresby was probably responsible for the change in the procedure for mercantile debts enacted in the Ordinance of the Staple of 1353.[2] The influence of treasurer Edington is also to be discerned in the legislative document detailing the method of collection of the subsidy granted in parliament in 1352, for its special financial provisions suggest expert advice,[3] and we know that Edington was personally responsible for bringing the news of the grant, and of the agreed form of collection, to the Exchequer.[4] But although such indications of personal influences are interesting and instructive, the most important feature of the legislation of the early 1350's is that it represented the combined achievement of a group of ministers united in the pursuit of a common goal - the recovery of royal authority. By taking full advantage of its power to interpret and provide remedies for Commons' petitions, the king's council was often therefore able to use a potentially difficult Commons

1. See above, pp. 117-8.
2. See above, pp. 57-9.
3. Stat.Realm, i. 327-328; Putnam, Shareshull, p. 70.
4. E159/128, Communia Hil. (dorse of 9th membrane); E368/124, m. 44.

grievance to its own advantage, and to use a point of general principle to the specific benefit of the Crown.

One example of such legislation arising from Commons' petitions and interpreted in the king's favour is provided by the much discussed, but often misconstrued Statutes of Provisors and Praemunire of 1351 and 1353. To understand the true significance of these rather confusing statutes, a clear distinction needs to be drawn between the general anti-papal sentiments of the opening clauses of the Statute of Provisors and the legal technicalities of Provisors and Praemunire.[1] The criticism of papal provisions in the preamble and opening clauses of the statute of 1351 clearly responded mainly to the attitude of the Commons, who had been complaining about papal interference in the English Church, and in England in general, for some while.[2] But what changed the king's mind in 1351 and led the government to respond to Commons' pressure hitherto resisted, was not the practice of papal provisions itself, by which the king's nominees were normally appointed to bishoprics and his clerks given generous preferment,[3] but the way in which this practice obtruded on the king's own ecclesiastical patronage. During the 1340's when Clement VI was extending papal provisions,[4] Edward III was seeking not only to take advantage of that system but also to increase his own patronage by recovering the gift of benefices by the procedure of quare impedit.[5] And although most such recoveries were made at the expense of English

1. E. B. Graves, 'The Legal Significance of the Statute of Praemunire of 1353' Anniversary Essays in Medieval History Presented to C. H. Haskins, ed. C. H. Taylor (New York, 1929), pp. 57-80; F. Cheyette, 'Kings, Courts, Cures and Sinecures: the Statute of Provisors and the Common Law', Traditio, xix (1963), 295-349.
2. W. A. Pantin, The English Church in the Fourteenth Century (Cambridge, 1955), pp. 82-84.
3. ibid., pp. 55-56, 64; cf above, pp. 21-2.
4. G. Barraclough, Papal Provisions (Oxford, 1935), p. 106.
5. Cheyette, op.cit., pp. 298-318.

bishops, in practice they limited or challenged the pope's right to present to the prebends and dignities of cathedral churches which were the stock in trade of papal provisions.[1] In this context, the final clause of the Statute of Provisors, stating that papal provisors challenging lay presentations should be imprisoned until they renounced their claims, could obviously be applied specifically in the king's interests. For the cases and the legislation which followed this statute suggest that it was indeed aimed primarily at protecting royal rights of patronage.

Patrons and clerics dispossessed by quare impedit proceedings were bound to appeal to the curia against the decisions of the king's courts. The frequency of such appeals during the 1340's is attested by the figures in table 5, showing the number of orders issued for the arrest of persons challenging royal rights of presentation recovered by this means. As the table indicates, challenges may have been reduced slightly by the statute of 1351; but this legislation did not in itself declare illegal the whole process of appealing to Rome. It was the Statute of Praemunire of 1353 which took this important step. In 1353 the government, responding to a Commons' petition,[2] declared that all persons appealing outside the realm on matters cognisable in the king's courts should be summoned by the writ of praemunire facias to answer for contempt. Although the actual number of proceedings by this method was small,[3] we know that appeals to the curia on all matters declined rapidly from the 1350's,[4] and as table 5 indicates, the most important repercussion of the statute was

1. Highfield, 'The Relations between the Church and the English Crown', p. 287.
2. Rot.Parl., ii. 252. The fact that the petition was made in a great council rather than a parliament had no effect on the validity of the statute: see below, pp. 180-1.
3. See the Year Book cases cited in Graves, op.cit., pp. 74-75, 77-78; and for a further case see C81/365/22973-6.
4. Highfield, op.cit., pp. 412-418.

TABLE 5

Proceedings against persons appealing in derogation of judgments in the courts whereby the king recovered rights of presentation to benefices

| Year | Number of special commissions, general mandates, etc. signifying challenges to royal recoveries in the courts, as recorded on the dorses of the patent rolls. |
|---|---|
| 1340 | 5 |
| 1341 | 2 |
| 1342 | 4 |
| 1343 | 7 |
| 1344 | 7 |
| 1345 | 3 |
| 1346 | 7 |
| 1347 | 11 |
| 1348 | 9 |
| 1349 | 1 |
| 1350 | 9 |
| 1351 | 3 |
| 1352 | 7 |
| 1353 | 0 |
| 1354 | 0 |
| 1355 | 0 |
| 1356 | 1 |
| 1357 | 0 |
| 1358 | 3 |
| 1359 | 1 |
| 1360 | 1 |

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These totals include only those cases where a judgment in the king's courts (normally Common Pleas) is specified, and do not therefore include the writs of prohibition recorded on the patent rolls forbidding appeals while cases were in mesne process in the royal courts; nor do they include successive mandates on the same case, only the earliest mention of each case being included. As a result, the table underestimates the number of such mandates issued in any one year, particularly in the 1340's, since many subsequent commissions and orders might be issued upon a single case. The figures are also confined to cases dealing with royal presentations, occasional commissions recorded in favour of other lay patrons being omitted.

therefore an immediate and permanent reduction in the number of appeals registered against royal recoveries. Thus while quare impedit proceedings continued as frequent as before,[1] appeals against such procedures virtually ceased after the Statute of Praemunire. The Statutes of Provisors and Praemunire had therefore been couched in general terms to respond to the grievances, demands and interests of the Commons; but their real intention, and their effect, was to increase the authority of the king's courts and to extend the ecclesiastical patronage of the Crown.

The example of the Statutes of Provisors and Praemunire indicates that, while a statute might respond to a Commons' petition and provide a general remedy, it could often be enforced specifically in the king's favour. The idea that every Commons' petition, and every statute, was a potential threat to royal authority is therefore a fundamental distortion of the nature of legislation during the 1350's. Furthermore, it is no accident that the government took a much keener interest in the implementation of those statutes which would be to the immediate benefit of the Crown. On some occasions, a Commons' petition might indeed complement a preconceived royal policy, so that the government would enforce the resultant statute with enthusiasm. In 1352, for example, the Commons requested and secured the confirmation of clause 35 of Magna Carta, relating to the uniformity of weights and measures.[2] This request came up frequently in parliament and had previously, in 1340, resulted in a statute, wrung from the government by Commons' pressure at a moment of political crisis, and consequently never effectively

1. e.g., in the Easter term of 1354 some twelve presentations of attorneys were made in Common Pleas by defendants in cases brought by the king on quare impedit or quare non admisit; CP40/377, attorneys membranes.
2. Rot.Parl., ii. 240; Stat.Realm, i. 321.

enforced.[1] But the statutory confirmation of Magna Carta offered in 1352 was no mere sop to the Commons. For since 1349 the government, and especially the Exchequer, had been pursuing a rigorous policy aimed at securing uniformity of weights and measures used in the customs administration;[2] and in July 1351 this policy had already been extended to the country as a whole, when a special inquiry had been ordered into the standard weights and measures current throughout England.[3] Consequently, in 1352 the government took advantage of the Commons' petition to issue a statute which not only confirmed the principle, but also specified the exact measures which accorded with the king's standard. It is not surprising to find, therefore, that the statute was immediately and effectively enforced, to the financial benefit of the Crown, in the provincial sessions of the King's Bench during the 1350's.[4] On such occasions as this, the council, having already formulated its plans, could test the reaction of the country in parliament and use a Commons' petition as a mandate for legislation; and taking advantage of the special authority of statute law and the process of proclamation in the shires, could then publicise and implement its policies to the benefit of the Crown.

By contrast, a statute which offered no immediate advantage to the king's government was almost inevitably a dead letter. In 1352, for instance, in response to a Commons' petition complaining of the hardship suffered by defendants put at the king's mercy by the writ of exigend, the government created a statute which required that, in cases of felony, the courts should

1. below, p. 204.
2. below, pp. 290-2.
3. E159/127, Brev. Bar., Trin., m. 7.
4. below, pp. 204-5.

proceed to the exigend only after the issue of two writs of capias.[1] Defendants were well aware of the protection this statute gave them, and might quote it when the courts were unduly hasty in the issue of exigends.[2] But the number of writs of capias issued during mesne process continued to vary widely.[3] To guarantee the rights of defendants would do nothing to secure convictions, and the statute was not therefore in the king's interests, and not therefore enforced. The statutes of this period indeed include a large number of measures dealing with the abuses of mesne process, the cost of justice, the packing of juries, the disposition of goods and chattels of convicted persons, the appointment and work of local justices and sheriffs, and so on, which were all largely ineffective because they offered no immediate advantage to the Crown, and the king's ministers therefore had no intention of enforcing them. Consequently, although petitioners might quote with facility and precision the form of the statutes relating to their grievances,[4] and although the Commons might complain about the inadequacy of the statutes and demand their better enforcement, they could do no more than to put a moral obligation on the government to observe such measures. For while the government continued to control the making of legislation, so too did it retain discretion over its enforcement.

Enrolment on the statute roll did not in itself therefore ensure the application of legislation. Nor did it ensure its permanence. For although, as we have already noted, there was

1. Rot.Parl., ii. 240; Stat.Realm, i. 322.
2. Select Cases in King's Bench, vi. no. 70; Proceedings Before the Justices of the Peace in the Fourteenth and Fifteenth Centuries, ed. B. H. Putnam (Ames Foundation, 1938), pp. 290-292.
3. ibid., pp. ciii-civ.
4. J. R. Maddicott, 'The County Community and the Making of Public Opinion in Fourteenth-Century England', Trans.Roy. Hist.Soc., 5th ser., xxviii (1978), 36-37.

in this period a generally accepted distinction between statutes made in parliament, representing the immutable laws of the realm, and ordinances made by the council, with a limited application in time or place,[1] in practice the government did not always recognise this differentiation. For the king and council claimed, and exercised, the right to amend and annul statutes without the authority of parliament. The king himself, as an integral part of parliament, and as the supreme power in the land, was the ultimate lawgiver: as a contemporary judgment in the courts had it, 'the king makes the laws with the assent of the peers and the commons, and not through the instrumentality of the peers and commons'.[2] And what the king could give, the king could also take away. In 1341 Edward III was able, of his own authority, to annul the statutes made in parliament earlier that year, because he claimed that they were injurious to the royal prerogative.[3] And in 1343, 1348 and 1352, he upheld his right to review, amend and repeal statutes with the advice of the council, and without the necessary permission of parliament.[4] Moreover, the Crown could, and did, re-inforce its control over parliamentary legislation by preferring to label a measure an ordinance rather than a statute, to be applied only so long as the government deemed appropriate. Thus, for instance, as we have seen, the council deliberately chose to call the so-called Statute of Labourers of 1351 an ordinance so that it might repeal the legislation when the economy had recovered from the consequences of the plague.[5] And such ordinances

1. See above, p. 121.
2. Year Book 22 Edw III, Hil. pl. 25, translated in W. Holdsworth, A History of English Law (4th edn., London 1936), ii. 435.
3. See above, pp. 10-11, 102-3.
4. Rot.Parl., ii. 139, 203, 241.
5. See above, pp. 122-4.

might themselves be enrolled on the statute roll with no obligation on the government to apply them permanently or comprehensively.[1] The initiative therefore remained with the Crown: it was the council, and not the Commons, which decided the status of legislation, and which could use both the distinction and the ambiguity between statutes and ordinances to the advantage of the king.

It is essential to remember this ability of the Crown to manoeuvre within that ambiguous area between statutes and ordinances, since towards the end of our period a more definite distinction was made which might seem to have constricted the legislative capacity of the king and his council. The great council of September 1353, summoned to ratify the Ordinance of the Staple, insisted that this should be confirmed as a statute in the parliament of 1354. And in the latter assembly the Commons demanded that the legislation be put into permanent operation, and that any further changes in the statute should be made in parliament.[2] In theory at least, this therefore represented an important limitation on the legislative initiative and discretion of the king's council. But to understand the real significance of these arrangements we must look more closely at the events of 1353-4.

During the early years of the French war the Crown had attempted to manipulate the wool trade as a source of wealth, raising huge loans on the security of English wool and creating monopolies over wool exports in order to increase prices and raise revenues from the customs.[3] With the collapse of the

1. e.g., the Ordinance of Ireland of 1357: Stat.Realm, i. 357-64.
2. Cam, Law-Finders and Law-Makers, pp. 139-40.
3. For what follows see Fryde, Medieval Trade and Finance, cap. vi, pp. 8-24; cap. x, pp. 1-17.

Italian banking companies in the early 1340's the monopoly had passed to a group of English merchants, who were granted control over wool exports and allowed to farm the customs system. This syndicate of merchants went bankrupt in 1349, and although the farm continued, in modified form, it was eventually abandoned in 1351 in favour of direct royal administration of the customs and freedom of trade. In 1353, however, a further change took place in the customs system, when compulsory wool staples were set up in English towns and a ban was placed on the export of wool by denizen merchants. It has been usual to see these new arrangements, formally set out in the Ordinance of the Staple passed at the great council of September 1353, as the result of pressure applied on the government by the wool growers and merchant middlemen, who saw that their best interests were to be served in a system which, while preventing English merchants from taking a direct part in the export trade, would also thereby put a stop to the restrictive practices of the years before 1351.[1] More recently, however, it has been argued by T. H. Lloyd that the initiative behind the staples came not from the Commons in the great council of September 1353, but from the government itself, which was eager to increase royal revenues by collecting higher customs paid by aliens.[2] A closer look at the administrative records of the period proves that the government was not only indeed responsible for the new system, but was also careful to

1. G. Unwin, 'The Estate of Merchants', in Finance and Trade under Edward III, ed. G. Unwin (Manchester, 1918), p. 232; E. Power, The Wool Trade in English Medieval History (Oxford, 1941), pp. 98-101.
2. T. H. Lloyd, The English Wool Trade in the Middle Ages (Cambridge, 1977), pp. 204-7. One chronicler at least was in no doubt that the staples were intended to benefit the king rather than the people: Chronicon Henrici Knighton, ed. J. R. Lumby (Rolls Ser., 1889-95), ii. 74.

protect its legislative powers in order to ensure that it might alter and abandon the system as and when it deemed this necessary.

The home staples and alien monopoly of 1353 were first imposed not in the great council of September, but in a conciliar ordinance issued on 6 June and recorded on a special new Chancery roll called the roll of the Staple, which ordered that the new regulations should come into action on 1 August.[1] When the king called the great council of bishops, abbot and lords, together with one knight elected from each shire and two representatives from each of thirty-eight cities and boroughs, which met at Westminster at the end of September,[2] Edward was therefore able to present the assembly with a fait accompli. The council was then asked to ratify a more elaborate ordinance, again recorded on the roll of the Staple,[3] detailing the special technical and legal arrangements necessary for the smooth running of the system. The Commons now saw that the best hope of maintaining the interests of the wool producers lay in securing the permanence of the new system, and therefore demanded that the Ordinance be recited and confirmed in parliament as a statute.[4] But the king's ministers showed an interesting and significantly different attitude to

1. C67/22, m. 25d. For evidence of the staples functioning before Michaelmas see Adae Murimuth Continuatio Chronicarum et Robertus de Avesbury De Gestis Mirabilibus Regis Edwardi Tertii, ed. E. M. Thompson (Rolls Ser., 1889), p. 419; Chronica Johannis de Reading et Anonymi Cantuariensis, ed. J. Tait (Manchester, 1914), pp. 298-9; C67/22, mm. 23, 25; C255/4/13, no. 1D. The council called on 1 July (Rep.Dig.Peer, iv. 596-7) was clearly associated with the implementation of the staples, as the commissions to the mayors and constables of the staples issued on 10 July included many of the men summoned to this council (C67/22, m. 25).
2. Rep.Dig.Peer, iv. 598-601.
3. Printed from that source in Stat.Realm, i. 332-343.
4. Rot.Parl., ii. 253.

the Ordinance, aware that the new arrangements, though highly profitable to the Crown, could not last, and that English merchants would sooner or later need to take part in the export trade again. And this divergence of opinion was to have important effects on the recording, and therefore the status, of the legislation.

The government recognised that it could better implement the Ordinance of the Staple without the encumbrance of parliamentary ratification for each alteration needed in a necessarily flexible system, and therefore took careful steps to ensure its own continued control over the legislation. For although the Ordinance was confirmed as the Statute of the Staple in the parliament of 1354, an exemplifying clause was deemed sufficient on the statute roll, and the Ordinance in its entirety was <u>not</u> written up there. Nor were those clauses making alterations and additions to the Ordinance in response to Commons' petitions enrolled there: instead, they were written up on the Roll of the Staple, which therefore became the definitive record of the legislation.[1] And the government also therefore remained fully entitled to amend or extend the legislation on its own authority without the request or sanction of parliament. A supplementary ordinance concerning the fees taken by the mayors of the staples, for instance, was created in November 1354 by the king with the assent of the nobles and others of the council, and written up on the roll of the staple.[2]

1. <u>ibid</u>., ii. 261; C67/22, m. 20. It is interesting to note that the petitions relating to the staple were made by, or in the name of the merchants, for certain unnamed merchants had been summoned to this parliament for the king's 'secret business': E403/374, 22 Apr., 1354.
2. C81/361/22577: '....une ordenance faite p[ar] nous & les g[rau]ntz nobles & aut[re]s de n[ost]re conseil....'. The ordinance, though not on the statute roll, is printed from the roll of the staple in <u>Stat.Realm</u>, i. 343-4.

This ambiguity in the records, and therefore the status, of the staple legislation, had important results when it was finally decided to abandon the home staples and the alien monopoly. For although discussions took place in the parliament of October 1362 concerning this matter, no conclusion was reached,[1] and the new staple at Calais was established in the following February by an administrative order of the council.[2] Thus, although the 'Statute of the Staple' continued to be observed, its basic presupposition, of English staples and an alien monopoly over wool exports, had ceased to appertain. The government, by its acute awareness of the nature of the 1353 arrangement, had retained enough legislative and administrative initiative to control the staple system.

The events of 1353-4 need therefore to be put into perspective. The Ordinance of the Staple was the work of the king's council, determined, and as we shall see, successful in its effort to increase revenue from the customs by imposing an alien monopoly on wool exports.[3] But the Ordinance also had a legislative significance which indicates the power and policies of the government during these years. The Commons' request of 1353 that the Ordinance be ratified in parliament had only a limited success. Furthermore, this petition, stating that 'ordinances and agreements made in councils shall not be of record as though they had been made by common parliament',[4] may have been put as a point of general principle, but in its context it was a specific

1. Rot.Parl., ii. 268, 269.
2. Foedera, iii. 688-9.
3. See below, pp. 292-7.
4. Rot.Parl., ii. 253: '...les Ordinances & Acortes faites en Conseils ne soient de Recorde, come s'ils fuissent faitz p[ar] commune Parlement'. (Translation of Sayles, The King's Paliament of England, p. 132.)

request concerning the permanence of the English staples and alien monopoly. It did not challenge the power of the king's council to issue ordinances, for these continued after 1353 as before, published in royal proclamations or announced in great councils and parliaments.[1] Nor did it deny the power of great councils to make statutes. For the Commons in 1353 presented petitions on several subjects, and accepted without question that those concerning matters other than the staple, if favourably received by the king, should be enrolled as statutes. Legislation including the Statute of Praemunire and statutes regulating the cloth and wine trades were therefore written up on the statute roll in 1353 and proclaimed and enforced with full statutory authority, without needing confirmation in 1354.[2]

Finally, and most important of all, the Commons in 1353 did not question the right of a great council to grant taxation. For the very reason why the Commons in the great council were allowed the privilege of presenting petitions, a privilege only held of right by parliament,[3] was that they had assumed the authority to grant the maltolt, over which parliament had only recently in 1351 claimed and secured control.[4] Having been allowed the parliamentary rights to grant taxation, register petitions and make statutes, it is clear that the Commons, in demanding the confirmation of the Ordinance of the Staple in parliament, were therefore making a particular request concerning a special piece of legislation, and were not asserting a general principle.

1. Stat.Realm, i. 353-64, 369-70.
2. ibid., 329-31.
3. above, p. 141.
4. Rot.Parl., ii. 229; above, pp. 150-3.

Their statement and actions did not therefore mean the inevitable end of the great council as a means of authorising legislation or taxation. For although great councils including elected representatives of the shires and boroughs ceased to be held after 1353,[1] this stemmed less from the limitations placed on such assemblies by the events of 1353-4 than from the eagerness of parliament to co-operate with royal legislative and financial requirements in the hope of securing its control over taxation.

It is therefore striking that when, in 1355, parliament was once again asked to renew the maltolt, far from refusing supplies or complaining about the violation of the 1351 agreement, the Commons now offered to grant the subsidy on wool for the unprecedented period of six years.[2] It was only, as we have seen, by showing itself prepared to grant taxes in this way that parliament could really assert its supremacy over great councils.[3] And the king was obviously more than willing to allow parliament that supremacy in return for such generous grants, and in the sure knowledge that this would not seriously hinder the legislative initiative of the government. Having already indicated its refusal to connect supply with redress of grievances in 1352,[4] the king's council had followed this up in 1353-4 by a show of its determination to retain control of the legislative process and thus prevent any further attempt on the part of parliament to turn the statute roll into a mere recital of the Commons' demands upon the Crown. Definitions and procedures were undoubtedly becoming more precise, but Edward III's ministers were eager and

1. Richardson and Sayles, English Parliament, cap. xxi (pt. 1), pp. 74-7.
2. Rot.Parl., ii. 265.
3. See above, pp. 149-57.
4. See above, pp. 162-4.

able to make every use of the flexibility which yet remained in order to emphasise the legislative power, and thus the political authority, of the Crown.

This analysis of the taxative and legislative power of parliament during the middle period of Edward III's reign suggests that the institution needs to be viewed in a new perspective. For it has been argued that while parliament, and especially the Commons, were undoubtedly developing their potential constitutional power, it was the king who gained the real and immediate advantage from the political situation in the years between Crecy and Poitiers. By re-establishing a rapport with the Lords after 1341, and by winning the support of the Commons in the period after the plague, Edward succeeded in pacifying parliament and in manipulating it to his own ends. The most tangible result of this reconciliation was not an increase in the constitutional power of parliament, but a notable and valuable increase in the king's revenues from direct and indirect taxation. For although the king's demands for taxation undoubtedly allowed parliament to adopt a bargaining position, the concessions won by the Commons in return for taxes were still granted not of right, but of the king's grace. The sensitivity of the government allowed it to assess the bare minimum it needed to give away in order to keep parliament amenable to royal demands; and the administrative ability of the king's ministers allowed them to use many of those concessions to the king's advantage. For although much of the legislation of the early 1350's responded to the grievances of the Commons, it was only enacted after careful consideration of its political impact, judicial consequences, and administrative practicality. Thus the government was selective not only in its choice of Commons'

petitions to receive favourable replies, but also in its choice of statutes to be enforced in the courts; and as we shall see in the next chapter, it was precisely those statutes which offered the best chance of political and financial gain to the Crown which were most enthusiastically and effectively implemented. Since the king's ministers controlled every stage of the legislative process, from the audience of petitions to the enforcement of statutes, there was therefore little that the Commons could do to ensure that its grievances were accepted, or that the remedies offered would be implemented. While the duration and the business of parliament remained limited, it was the central administration, and not the Commons, which directed royal government.

# CHAPTER VI

## THE KING'S BENCH

An analysis of the court of King's Bench has a rightful place in the administrative history of the mid-fourteenth century, since the King's Bench, the court coram rege, was the place where royal interests were upheld in civil and criminal law. The political implications of such judicial authority were recognised by Miss Putnam in her study of Sir William Shareshull, Chief Justice of the King's Bench from 1350 to 1361, whose influence she discerned behind many of the administrative and legal reforms of the period.[1] Shareshull's career proves that the King's Bench needs to be viewed not as an isolated institution protected by the sanctity of the Common Law from political and administrative interference, but as an integral part of the government machine. For just as the king's ministers of the 1340's and 1350's showed an interest in extending the special judicial competence of Chancery, Council and Parliament in the king's favour, so too would we expect the King's Bench to have been used deliberately to implement royal policy and uphold royal interests. In taking a closer look at some of the work of the King's Bench in the years between Crecy and Poitiers it is hoped therefore to set the court within the framework of English administration and to assess its particular contribution to the re-establishment of royal authority.

The political involvement of the judges of the common law courts had been recognised dramatically in 1340, when Edward III

1. Putnam, Shareshull, passim; idem, 'Chief Justice Shareshull and the Economic and Legal Codes of 1351-1352'.

returned to England and took vengeance on the unco-operative ministers of the home council.[1] The chief justice and six puisne justices of Common Pleas had all been dismissed from office, although only one of their number, Sir Richard Willoughby, was actually charged and prosecuted for misuse of office, and most, including Willoughby, found their way back onto the bench in a short time. The fortunes of the King's Bench were rather different, for the chief justice, Sir Robert Parving, profited from the change of ministries, and was promoted firstly to the treasurership and then to the chancellorship, with important repercussions for the office of the great seal.[2] Otherwise, only one of the puisne justices of King's Bench, Robert Scarborough, was dismissed, later to be convicted for corruption. Consequently, after the temporary disruption of 1340-1 the personnel of the common law courts rapidly settled down again: Sir John Stonor and Sir William Shareshull, chief justices of Common Pleas and King's Bench in the early 1350's, had been serving as justices of the central courts since the 1330's.[3]

Some changes did however occur. The most important was the emergence of Sir William Thorpe, king's serjeant at law 1341-44 and justice of King's Bench 1345-46, appointed chief justice of King's Bench in November 1346.[4] Thorpe, like many of his colleagues in the courts, is a somewhat shadowy figure.[5] But his emergence after the crisis of 1340-1 and his rapid promotion in King's Bench at least suggests that he was favoured by the

1. Select Cases in King's Bench, vi. pp. xvi-xvii.
2. See above, pp. 50-6.
3. For Stonor's career see Select Cases in the Court of King's Bench, iv, ed. G. O. Sayles (Selden Soc., lxxiv, 1955), pp. xci-xcv; Select Cases in King's Bench, vi. pp. lxvi-lxix.
4. ibid., vi. pp. lii-liii, xciii.
5. Dic.Nat.Biog., xix. 804-5.

king and was likely to assist in the work of restoring royal authority. Whether he was particularly associated with the curiales Edington, Offord and Thoresby, who were running the king's government during the late 1340's, is uncertain, as the references to Thorpe's membership of the king's council are mainly confined to the legal cases in which the judges would be bound to be involved.[1] But we do know that, even after his dismissal and public disgrace in 1350, when he was convicted for taking bribes to subvert the course of justice, Thorpe was rapidly restored to royal favour and given office as second baron of the Exchequer in 1352.[2] And the esteem in which he was held by the king and the government is to be explained by his influence upon the work of the King's Bench in 1346-50, for he seems to have been responsible for re-introducing and developing the provincial sessions of the King's Bench which were to prove so important during Shareshull's period as chief justice in the 1350's. To understand Thorpe's influence on the work of the King's Bench we need to turn to the records of the court itself.

The King's Bench plea rolls of our period do not immediately suggest a dramatic rise in business or change in the status of the court; in fact, as Professor Sayles has pointed out, the plea rolls actually become smaller during the early 1350's at just the time when, according to Miss Putnam, the authority and business of the King's Bench was increasing.[3] As table 1 suggests, the decline in the size of the plea rolls can be associated with

1. Cal.Clo.Rolls, 1349-54, pp. 139, 225-6.
2. Maddicott, Law and Lordship, pp. 48-51.
3. Select Cases in King's Bench, vi. pp. ix-xi.

TABLE 1

Numbers of Plea Rotulets in the Rolls of King's Bench, 1344 - 1354

| Year | Term | KB27 no. | Justices' rotulets | Rex rotulets |
|---|---|---|---|---|
| 1344 | Hil. | 335 | 101 | 32 |
| | East. | 336 | 108 | 35 |
| | Trin. | 337 | 129 | 34 |
| | Mich. | 338 | 172 | 68 |
| 1345 | Hil. | 339 | 110 | 40 |
| | East. | 340 | 116 | 41 |
| | Trin. | 341 | 131 | 38 |
| | Mich. | 342 | 164 | 61 |
| 1346 | Hil. | 343 | 121 | 50 |
| | East. | 344 | 120 | 49 |
| | Trin. | 345 | 94 | 29 |
| | Mich. | 346 | 154 | 57 |
| 1347 | Hil. | 347 | 135 | 38 |
| | East. | 348 | 125 | 48 |
| | Trin. | 349 | 158 | 39 |
| | Mich. | 350 | 180 | 57 |
| 1348 | Hil. | 351 | 141 | 42 |
| | East. | 352 | 131 | 38 |
| | Trin. | 353 | 118 | 32 |
| | Mich. | 354 | 152 | 69 |
| 1349 | Hil. | 355 | 89 | 51 |
| | East. | 356 | 56 | 37 |
| | Trin. | Court not in session | | |
| | Mich. | 357 | 37 | 37 |
| 1350 | Hil. | 358 | 45 | 23 |
| | East. | 359 | 60 | 22 |
| | Trin. | 360 | 79 | 35 |
| | Mich. | 361 | 88 | 48 |
| 1351 | Hil. | 362 | 73 | 30 |
| | East. | 363 | 81 | 29 |
| | Trin. | 364 | 71 | 29 |
| | Mich. | 365 | 101 | 46 |
| 1352 | Hil. | 366 | 75 | 39 |
| | East. | 367 | 70 | 41 |
| | Trin. | 368 | 67 | 51 |
| | Mich. | 369 | 90 | 84 |
| 1353 | Hil. | 370 | 61 | 46 |
| | East. | 371 | 60 | 46 |
| | Trin. | 372 | 76 | 35 |
| | Mich. | 373 | 102 | 59 |
| 1354 | Hil. | 374 | 80 | 35 |
| | East. | 375 | 78 | 30 |
| | Trin. | 376 | 91 | 26 |
| | Mich. | 377 | 105 | 34 |

the plague: between 1344 and 1348 the number of rotulets in the justices' section or civil side of King's Bench proceedings only once fell below 100, whereas from 1349 to 1354 there were only three occasions on which the number exceeded 100. But the decline must not be exaggerated, or taken at its face value. For the records of the court of Common Pleas, set out in table 2, indicate a far more dramatic reduction in business, from 400-600 membranes in 1348 to 100-200 membranes in the early 1350's. Furthermore, for a number of reasons, the sheer size of the plea rolls does not in itself provide an accurate assessment of the amount of business conducted on the civil side of the King's Bench.

Richardson and Sayles have shown that the King's Bench, particularly during its provincial sessions, could hear large numbers of cases instigated not by writs but by bills, and have proved that such cases were not normally recorded on the King's Bench plea roll unless or until they were brought to judgment.[1] The number of such cases entertained in any one term can however be estimated by counting the number of presentations of attorneys for cases brought by bill in the lists appended to the coram rege rolls. The numbers of such presentations of attorneys in each session between 1348 and 1353 are set out in table 3. The fluctuations in numbers are dramatic, and can be immediately associated with the geographical location of the court. When the King's Bench sat at Westminster or in the home counties,

1. Select Cases of Procedure Without Writ Under Henry III, eds. H. G. Richardson and G. O Sayles (Selden Soc., lx, 1941); Select Cases in King's Bench, iv. pp. lxvii-lxxxvi.

TABLE 2

Number of Plea Rotulets in the Rolls of Common Pleas

1348-1354

| Year | Term | CP40 no. | Plea rotulets |
|---|---|---|---|
| 1348 | Hil. | 353 | 429 |
| | East. | 354 | 414 |
| | Trin. | 355 | 325 |
| | Mich. | 356 | 598 |
| 1349 | Hil. | 357 | 103 |
| | East. | 358 | 190 |
| | Trin. | Court not in session | |
| | Mich. | 359 | 139 |
| 1350 | Hil. | 360 | 117 |
| | East. | 361 | 127 |
| | Trin. | 362 | 184 |
| | Mich. | 363 | 224 |
| 1351 | Hil. | 364 | 158 |
| | East. | 365 | 179 |
| | Trin. | 366 | 155 |
| | Mich. | 367 | 265 |
| 1352 | Hil. | 368 | 202 |
| | East. | 369 | 177 |
| | Trin. | 370 | 173 |
| | Mich. | 371 | 285 |
| 1353 | Hil. | 372 | 200 |
| | East. | 373 | 198 |
| | Trin. | 374 | 237 |
| | Mich. | 375 | 340 |
| 1354 | Hil. | 376 | 223 |
| | East. | 377 | 221 |
| | Trin. | 378 | 218 |
| | Mich. | 379 | 323 |

TABLE 3

Attorneys presented in King's Bench for cases brought by bill, 1348 - 1353

| KB27 no. | Year | Term | Place of Session | No.of attorneys for bills |
|---|---|---|---|---|
| 351 | 1348 | Hil. | Westminster | 7 |
| 352 | | East. | Westminster | 6 |
| 353 | | Trin. | Westminster | 1 |
| 354 | | Mich. | York | 632 |
| 355 | 1349 | Hil. | York | 210 |
| 356 | | East. | Lincoln | 263 |
| 357 | | Mich. | Westminster | 10 |
| 358 | 1350 | Hil. | Westminster | 4 |
| 359 | | East. | Westminster | 10 |
| 360 | | Trin. | Westminster | 21 |
| 361 | | Mich. | Westminster | 16 |
| 362 | 1351 | Hil. | Westminster | 2 |
| 363 | | East. | Westminster | 7 |
| 364 | | Trin. | Aylesbury | 30 |
| 365 | | Mich. | Westminster/Chelmsford | 63 |
| 366 | 1352 | Hil. | Westminster/Chelmsford/Bury St Edmunds | 16 |
| 367 | | East. | Bedford | 67 |
| 368 | | Trin. | Warwick | 134 |
| 369 | | Mich. | Norwich/Ipswich | 285 |
| 370 | 1353 | Hil. | Westminster | 1 |
| 371 | | East. | Norwich | 110 |
| 372 | | Trin. | Westminster | 3 |
| 373 | | Mich. | Westminster/Kingston | 32 |

procedure by bill was rare; but when it moved out to the Midlands or the North, the court might be inundated with such cases. Proximity to the capital allowed the inhabitants of the South-East to seek redress frequently in the Westminster courts; but for an inhabitant of an outlying county it was obviously cumbersome and expensive to go all the way to London to obtain an original writ, especially when, in the 1340's, the Chancery began to charge fines for original writs over and above the usual fees.[1] Thus, the session at York in Michaelmas term 1348 entertained an enormous number of bills, so large indeed that the Panella file for this term, the file of bills and writs relating to possessory assizes, had to be split into two:[2] the first and last time that this was necessary before the sixteenth century.[3] Clearly, then, Sir William Thorpe's York session in 1348 produced a very large amount of business which made relatively little impression on the plea roll itself: only 68 of the 632 cases brought by bill in Michaelmas 1348 were actually written up on the justices' rotulets of the plea roll for this session.[4] Consequently,

1. Wilkinson, 'The Seals of the Two Benches under Edward III', pp. 397-401.
2. KB146/2/22/4, nos. 1,2.
3. Information from the MS list of the class KB146 in the P.R.O..
4. This total is derived by counting up the 50 entries beginning convictum est, i.e. those instigated by bills and brought to judgment (see Select Cases in King's Bench, iv. pp. lxvii-lxxxvi), together with a further 18 cases noticed in which procedure by bill is mentioned but no judgment given, on the plea roll KB27/354. M. Hastings, 'The Case of the Mare Lost in the Humber: a Note on the Early History of the Law of Contract', Bull.Inst.Hist.Res., xiii (1935), 37-8, working before Sayles, counted only 30 cases brought by bill on this plea roll. In Le Liver des Assises & Plees del Corone...en temps du Roy Edward le Tiers (London, 1679), the pleas nos. 28-99 for 22 Edw III, although headed 'Surrey, Assisa Coram Wilby, Green & Norton', clearly relate to the King's Bench session at York, and some 19 of these cases mention that they were originated by bills.

the decline in the size of the plea rolls in the early 1350's does not tell the whole story: when the King's Bench was away from the capital its business was likely to increase dramatically, yet this would have little effect on the size of the plea rolls themselves. In some ways, then the plea rolls represent only the tip of the iceberg, and fail to show the substantial difference between the amount and the nature of the work undertaken by the King's Bench when at Westminster and when, as at Michaelmas 1348, sitting in the provinces.

In contrast to the fluctuations in civil proceedings, the criminal side of King's Bench work, recorded in the Rex section of the plea rolls, remained much steadier through our period. Between 1344 and 1348,as table 1 indicates, the average number of Rex rotulets in the King's Bench plea rolls was 44; between 1349 and 1353 it was 41, a remarkably stable figure considering the disruption and the drop in the population after the plague. Furthermore, the extent of criminal proceedings in the period after 1349 was possibly, as with civil actions, more extensive than the records suggest, for the secretariat, and therefore the records, of the court were disrupted by the plague. The King's Bench was to some extent sheltered from the ravages of the Black Death, firstly by its removal to the north,[1] and then by the adjournment of the Trinity session of 1349.[2] The judges and king's serjeants therefore escaped death; but other officials of the court were not so fortunate. The king's attorneys in both King's

1. The plague did not reach Lincoln and York until May 1349: A. Hamilton Thompson, 'The Registers of John Gynewell, Bishop of Lincoln, for the Years 1347-1350', Archaeological Journal, lxviii (1911), 312.
2. The order for the adjournment of the King's Bench is not recorded, but that for the court of Common Pleas is to be found in Cal.Clo.Rolls, 1349-54, p. 28.

Bench and Common Pleas were dead by Michaelmas 1349,[1] and, most seriously, at least ten of the 25 or so recording clerks at work in the King's Bench at the beginning of 1349 had disappeared by the end of the year.[2] This meant that, between Michaelmas 1348 and Michaelmas 1350, the distinction between the Rex and the Justices' rolls broke down,[3] with the result that criminal cases spilled over into the civil side of the King's Bench records for several terms: in Trinity 1350, for instance, the exigend issued against one John de Laysyngby for felonies and robberies was recorded not on the Rex but on the Justices rolls.[4] This suggests that the criminal side of King's Bench business may also have been more extensive in the period after the plague than the sheer size of the plea rolls would suggest. Nevertheless, the totals of fines and amercements levied in the court also suggest, as we shall see,[5] that as with civil proceedings, so with the criminal side of the court's work, the most striking increase in business occurred not in Shareshull's period as chief justice, but in the King's Bench sessions at York in 1348-9 under Sir William Thorpe. A closer look at the work of the court during those sessions and at its relationship with the eyre, will confirm that impression.

The general eyre, a commission assuming all civil and criminal jurisdiction and having the power to inquire into local affairs and the conduct of the king's agents in the shires, had largely ceased to be used as part of the judicial framework from

1. Select Cases in King's Bench, vi. Appendixes II, VI, X, XIX.
2. KB27/355-357, passim, corroborated by reference to Select Cases in King's Bench, vi. Appendix XIX.
3. Putnam, Shareshull, p. 83.
4. KB27/360, m. 17. When the writ was returned in Hilary 1351 it was restored to its rightful place amongst criminal proceedings, and put onto the Brevia Regis file: KB37/25/1, Yorks section.
5. See below, pp. 213-8.

as early as 1294, for the increase in the judicial business of the Crown and the development of specialised central and local courts had rendered the comprehensive scope of the eyre obsolete and impractical.[1] The attempt of Sir Geoffrey le Scrope to resurrect the eyre in 1329-31 was apparently a somewhat half-hearted attempt to raise revenue for the Crown;[2] and the only eyres held regularly through Edward III's reign were those appointed in Kent and Durham during episcopal vacancies, which were usually bought off by communal fines.[3] The commission of trailbaston had largely taken over the former criminal jurisdiction of the eyre since 1305, and it was such general commissions of trailbaston, or oyer and terminer, which Edward III had appointed in December 1340 when he sought to make a countrywide inquiry into the conduct of royal justices and officials.[4] This precedent was repeated on several occasions in various counties during 1343-44,[5] emphasising that the special power to inquire into the administration of the shire, which had been the particular feature of the eyre, remained an essential prerogative of the Crown. Despite the hostility to such intrusions into shire affairs, it was therefore essential that the king should retain and exercise this prerogative during the 1340's and 1350's as a means of political, as well as judicial, control over the localities. And the king's chosen instrument through which to revive the eyre, or the authority of the eyre,

1. Kaeuper, 'Law and Order in Fourteenth-Century England: the Evidence of Special Commissions of Oyer and Terminer', pp. 738-9, and the sources cited therein.
2. E.L.G. Stones, 'Sir Geoffrey le Scrope (c. 1280 to 1340), Chief Justice of the King's Bench', Eng.Hist.Rev., lxix (1954), 11-12.
3. D. Crook, 'The Later Eyres', Eng.Hist.Rev., xcvii (1982), 248-266.
4. Cal.Pat.Rolls, 1340-3, pp. 106-7, 111-3.
5. Harriss, Public Finance, pp. 405-6.

was the King's Bench.

In 1346, on the eve of his departure on the Crecy campaign, Edward III issued an ordinance for the maintenance of peace and justice, requiring that all judges of the central and circuit courts should take an oath to observe the true laws and customs of the realm and abjure all attempts to subvert the course of justice.[1] The ordinance was originally little more than a pious platitude, an assurance of good government during the king's absence; and it had virtually no effect on the courts, where corruption and malpractice were rife.[2] But after the king's return from Calais in 1347, it is possible that the government hoped to revive the spirit of the ordinance through the King's Bench, combining inquiries into the practices of royal officials with a vigorous programme of law enforcement. Occasional attempts made in the King's Bench and in other courts in 1347-50 to extend the charge of treason suggest an effort at restoring law and order in the realm.[3] And parliament was not slow to appreciate the possible repurcussions: in March 1348 the Commons demanded that commissions of trailbaston should cease and that no eyres should be held during the course of the new triennial subsidy,[4] which suggests that the Crown was already planning to move the King's Bench out of the capital and to extend its judicial competence.[5] Whether or not the York and Lincoln sessions of 1348-9 made any detailed inquiries into the work of royal justices and administrators in response to the ordinance of 1346 must await a more detailed analysis of the plea rolls. But it is perhaps significant, as well as ironic, that in 1350 Sir William Thorpe was himself convicted for taking bribes in the Lincoln session of 1349, and was dismissed

1. Stat.Realm, i. 303-5.
2. Maddicott, Law and Lordship, pp.40-8.
3. Bellamy, The Law of Treason, pp. 67-79.
4. Rot.Parl., ii. 174, 200, 202.
5. The decision was certainly taken by the beginning of September: Cal.Clo.Rolls, 1346-9, p.559.

from office on the basis of the 1346 ordinance of justices.[1] The most obvious and important result of these provincial sessions, however, was the substantial increase in business resulting from the court's claim to cognisance of all civil and criminal pleas pending in the relevant county. And it was this superior status of the King's Bench which encouraged Thorpe's successor, Sir William Shareshull, to continue the policy of provincial sessions and to make good the court's standing as a 'superior eyre'.

Under the leadership of Shareshull, the King's Bench undertook one of its most ambitious and energetic tours of the shires between 1351 and 1354, spending most of its time in the provinces and often moving between different towns or shires in the course of a term. The exact itinerary of the court, and the rationale behind its movements, are difficult to work out, partly because the plea rolls do not always give a clear indication of the location of the court,[2] and partly because we lack any evidence of policy decisions relating to the King's Bench or communications between the government and the court.[3] But that these sessions were carefully planned as a deliberate attempt to impose central authority in the localities is at least suggested by the Commons' complaint of 1352 that the King's Bench ought not to visit the shires, and the king's abrupt answer that he would send his court wheresoever he wished.[4] Furthermore, in

1. Maddicott, Law and Lordship, pp. 48-51.
2. Select Cases in King's Bench, vi. Appendix I, corrects the errors of Miss Putnam in Proceedings Before the Justices of the Peace, pp. 29-32.
3. The only references I have found are ambiguous entries on the issue rolls recording payments to messengers taking letters from the king to the court: E403/359, 17 Jan. 1352; E403/365, 5 Oct. 1352.
4. Rot.Parl., ii. 238; Putnam, Shareshull, pp. 110-111.

1353, the implicit connection between the King's Bench and the eyre became explicit. The Black Prince's eyre of Cheshire planned in that year, to be headed by chief justice Shareshull, was, like the royal eyre of Kent in 1348, chiefly a means of raising revenue from communal fines.[1] But a more serious and far-reaching intention was evident when the King's Bench moved to Kingston upon Thames in the Michaelmas term of 1353.

When the court sat at Kingston in 1353 it was not only authorised to assume control over all judicial proceedings pending in the county,[2] but was also issued, in the same way as the eyres of Edward I's time, with a series of twenty-seven articles listing its special powers and duties.[3] These articles indicate the preoccupations of the government during this period, and the special place which the crown accorded to the King's Bench in the enforcement of royal policies. The court was instructed to take proceedings against persons violating recent statutory measures, such as the re-introduced Statute of York, the legislation concerning forstalling, the weighing and export of wool, the currency, and weights and measures, all part of the economic 'code' passed in the parliaments of 1351 and 1352.[4] Further than this, the King's Bench was also allowed jurisdiction over offences by sheriffs, coroners, constables and keepers of prisons, over taxers and collectors, and over 'all servants, officers and ministers of the king; archbishops, bishops,

1. P.H.W. Booth, 'Taxation and Public Order: Cheshire in 1353', Northern History, xii (1976), 16-31. For Kent in 1348 see Crook, op.cit., p. 264, n. 1.
2. Le Liver des Assises, 27 Edw III, Mich. pl. 2.
3. ibid., 27 Edw III, Mich. pl. 44.
4. For an analysis of these articles see Putnam, 'Chief Justice Shareshull and the Economic and Legal Codes of 1351-1352', pp. 275-80.

dukes, earls, barons, and all others whatsoever, for the trespasses, extortions and grievances make on the king's people'.[1] Clearly, then, the court was now authorised to act, like the eyre, as a commission of general inquiry, examining the affairs of the shire, and prosecuting those violating the laws and customs of the realm.

It might at first seem curious that the Crown was attempting, during the late 1340's and early 1350's, to re-establish central judicial authority through the work of the King's Bench and the revival of the eyre. For it was in precisely the same period that the government found an effective and efficient method of enforcing law and order in the shires, through the development of the offices of justice of the peace and justice of labourers,[2] the success of which apparently set the trend for more and more judicial and administrative power to be handed over to the localities. Any attempt to restore the eyre or to increase the power of the King's Bench could therefore seem an anachronism in the 1350's, and a refusal to acknowledge that the only effective means of maintaining public order was to establish a permanent and wide-ranging judicial authority in the shires. But to suggest that the development of the commissions of the peace and of labourers was a renunciation of power to the shires is to presume that these agencies were dominated in the 1350's by the country gentry who later came to control the bench; whereas in fact the real control of these commissions during the 1350's lay with the professional judges of the king's courts, and the links between central and

1. '...de touts serva[un]ts, officers, & minist[re]s le Roy, Archevesq[ue]s, Evesq[ue]s, Dukes, Cou[n]tez, Baro[un]z, & toutz aut[re]z q[ue] cu[n]q[ue]z, de louer tr[e]s[pase]z, extort[ionz] & greva[un]c[e]z faites al peopl[e] le roy ...'
2. See above, pp. 122-4, 160-1.

local courts were therefore much closer than has often been appreciated.

Throughout the first half of Edward III's reign, strenuous efforts had been made to impose central control over the justices who sat in the shires. Statutes passed during the 1320's and 1330's meant that, by our period, the work of the assize and gaol delivery sessions in the counties was being carried out, not by local amateurs, but by the professional lawyers employed as judges and serjeants at law in King's Bench and Common Pleas.[1] Until the 1340's, however, the fluctuations in the jurisdiction of the keepers of the peace had meant that the government was less concerned about the personnel of these commissions; and in 1338 the second clause of the Walton Ordinances had actually allowed the county communities the right to elect the keepers of the peace along with other local Crown agents.[2] By 1344, however, the government had not only reasserted its right to appoint the peace commissioners, but also issued a statute declaring that such commissions should only be granted the power to determine cases when afforced by 'autres sages et apris de la ley'. The result was that the judges and serjeants of King's Bench and Common Pleas became increasingly involved in the peace sessions, just as they had previously assumed control over the assize and gaol delivery commissions.

Until 1351 however the professionals were usually only appointed on an ad hoc basis to assist the standing commissions of the peace when cases needed to be determined. But in March 1351

1. R. B. Pugh, Itinerant Justices in English History (Exeter, 1967), p. 11; cf above p. 51.
2. For what follows see B. H. Putnam, 'The Transformation of the Keepers of the Peace into the Justices of the Peace, 1327-1380', Trans.Roy.Hist.Soc., 4th ser., xii (1929), 19-48.

new commissions of the peace were issued throughout England, incorporating the power to enforce the Ordinance and Statute of Labourers, and at this point, just as the authority of the justices of the peace was dramatically increased, the government gave final and formal recognition to the statute of 1344 by including, in each county commission, all the members of the assize and gaol delivery commissions then serving on the relevant circuit, and insisting that these royal justices and serjeants should be present, acting as the quorum, when any case was brought to judgment.[1] The new quarter sessions were therefore to be held by the king's justices 'coming into the county to hold their sessions':[2] the vital new agency of law enforcement was to be kept firmly in the control of the central government, and not handed over to the local gentry. It was only later, after changes in the form of the peace and labour commissions in 1359, that the professional element declined to one lawyer per bench, and the gentry element became preponderant.[3] During the 1350's by contrast the personnel of the commissions counterbalanced the apparent renunciation of authority to the localities. For although the lawyers were sometimes detained on other work and were unable to attend the quarter sessions, so that they appointed deputies to do their work,[4] their influence

1. Putnam, Enforcement, pp. 21*-24*.
2. ibid., p. 14.
3. Yorkshire Sessions of the Peace, 1361-1364, ed. B.H. Putnam (Yorkshire Archaeological Society Record Series, c, 1939), p. xxiv; Sessions of the Peace for Bedfordshire, 1355-1359, 1363-1364, ed. E.G. Kimball (Bedfordshire Historical Record Society, xlviii; and Historical Manuscripts Commission Joint Publication no. 16, 1969), p. 14.
4. E.M. Thompson, 'Offenders Against the Statute of Labourers in Wiltshire, A.D. 1349', Wiltshire Archaeological and Natural History Magazine, xxxiii (1903-4), 384-409; Putnam, Enforcement, pp. 228*-229*. Compare also the names of the commissioners in Cal.Pat.Rolls, 1350-4, pp. 85-92, with the names of those receiving wages in Cal.Clo.Rolls, 1349-54, pp. 314-6. For protests against the appointment of deputies see Rot.Parl., ii. 252, 265.

upon the sessions of the peace remained powerful, not only through their membership of the commissions, but also because, when the King's Bench entered the county, it assumed control of all cases pending before the justices of the peace and of labourers. It should not be forgotten that the extant peace rolls survive only because they were delivered up to the King's Bench when it entered the shires and assumed its superior jurisdiction. It was therefore precisely because the King's Bench had already developed a policy of provincial sessions and the status of a general eyre in 1348, and because the justices of the central courts had taken over the work of the local commissions, that the king's advisers deemed it safe to grant authority to the shires in the 1350's.

It is also noticeable that the government was very reluctant to extend the power of the commissions of the peace and of labourers beyond that allowed in 1351. In 1352 the commissions of the peace and of labourers were separated,[1] and although the personnel and the sessions of the two commissions were often in practice identical, the measure was perhaps a deliberate move to control the initiative of the localities. We have already had occasion to note that the government did not initially expect the labour legislation to be operated permanently,[2] and with its abolition the separate justices of labourers would also have disappeared. It was only with the amalgamation of the commissions of the peace and labourers in 1359 and the statute of 1361 that the labour legislation and the framework for its administration were implicitly recognised as permanent, and even then the justices

1. Putnam, Enforcement, p. 15.
2. See above, pp. 122-4.

of the peace were deprived of their right to determine in 1364, and only regained the power, this time permanently, in 1368.[1] It is hardly surprising therefore that the historian of the county community considers that the justices of the peace were 'inconspicuous figures' in local affairs before the last quarter of the fourteenth century.[2] For although the government was under constant pressure through the 1350's to increase the jurisdiction of the justices of the peace and of labourers, it rarely responded to such requests. Sometimes, it is true, this simply meant that the local justices assumed a jurisdiction not formally granted. The statute against forestalling of 1351, for instance, was officially enforced in the town courts,[3] by ad hoc commissions of oyer and terminer,[4] and by the King's Bench acting in provincial sessions.[5] But the justices of the peace had already assumed the power to enforce the statute long before authority was formally granted them in 1364.[6]

1. J. B. Post, 'The Peace Commissions of 1382', Eng.Hist.Rev., xci (1976), 98-101.
2. Maddicott, 'The Birth and Setting of the Ballads of Robin Hood', pp. 279-280.
3. Leet Jurisdiction in the City of Norwich, ed. W. Hudson (Selden Soc., v, 1892 for 1891), pp. 62-5; The Records of the City of Norwich, eds. W. H. Hudson and J. C. Tingey (Norwich, 1906-10), i. 381-3.
4. Cal.Pat.Rolls, 1350-4, pp. 94, 157, 276, 340-1, 395, 509, 512.
5. Le Liver des Assises, 27 Edw III, Mich. pl. 44.
6. Proceedings Before the Justices of the Peace, pp. cxxi-cxxii, 64, 67, 68, 81, 349, 368, 370; Putnam, Enforcement, pp. 166*-169*; Essex Sessions of the Peace, 1351, 1377-1379, ed. E. C. Furber (Essex Archaeological Society, Occasional Publication no. 3, 1953), pp. 47, 48-9, 111, 119; Records of Some Sessions of the Peace inthe City of Lincoln, 1351-1354, and the Borough of Stamford, 1351, ed. E. G. Kimball (Lincoln Record Society, lxv, 1965), p. 12; Yorkshire Sessions of the Peace, 1361-1364, pp. xxxii, xxxiv.

On other occasions, however, there are signs that the government deliberately kept jurisdiction out of the hands of the local justices for political reasons, preferring to give special responsibility for certain offences to the King's Bench in its capacity as a superior eyre. A good example of this practice is provided by the enforcement of standard weights and measures.

During the political crisis of 1340, the Commons had wrung from the government a statutory confirmation of the uniformity of weights and measures guaranteed in clause 35 of Magna Carta.[1] The statute provided that two men should be appointed in each county to arrest persons using illegal measures,to determine such cases, and to take a quarter of the resultant estreats as wages. The payment of these justices, a contrast to the usual tradition of unpaid service in local government, suggests a parallel with the arrangements made in 1349-51 for the justices of labourers to receive wages out of the profits of the quarter sessions.[2] But important differences also exist between the commissions of weights and measures and the justices of labourers which meant that the 1340 statute, unlike the labour legislation, soon failed. The commissioners appointed to enforce weights and measures in 1340 were local men drawn from the country gentry, not judges of the central courts; and it is no coincidence that such commissions ceased to be issued after 1344,[3] the year of the statute insisting on the inclusion of professional judges in the work of the peace sessions. By the 1350's when a new effort was launched to enforce standard weights

1. Stat.Realm, i. 285.
2. See above, p. 124 and n.1.
3. Cal.Pat.Rolls, 1340-3, pp. 310, 363, 441, 446, 580-1, 587; 1343-5, pp. 72, 282-3. An isolated appointment was made under the form of this statute in 1350: Cal.Pat.Rolls, 1348-50, p. 533. The standing commissions were still theoretically in force in 1349: E368/121, m. 17.

and measures, the government's technique therefore changed.

We have already seen that the king's ministers, having undertaken an inquiry into weights and measures in 1351, took advantage of the 1352 Commons' petition for confirmation of clause 35 of Magna Carta to issue a statute specifying that the king's standard was to be observed throughout England.[1] In substance the statute was a repetition of the 1340 legislation; but the government now decided to apply it not through local amateur commissions, but through the King's Bench itself. Miss Putnam pointed out the frequent prosecutions under this statute in her analysis of the King's Bench plea rolls of 1352.[2] So frequent indeed were such convictions that by the middle of 1352 the King's Bench was apparently becoming specifically associated with this weights and measures jurisdiction, and when the court sat at Norwich and Bury St Edmunds in Michaelmas 1352 a large number of vills, anxious to buy their exemption from liability to the new statute, compounded to pay communal fines: some £450 out of the total £1,300 levied in estreats in this term was raised in this way.[3] These fines are in fact the key to an understanding of the judicial and political role of the King's Bench during the early 1350's. For it was only the King's Bench, assuming the authority of the eyre, which had the power to charge communal fines. And in re-asserting this feature of the eyre, the government was not only securing valuable extra revenues from judicial processes, but was also making a political stand over its authority in the shires, and, most significantly, in the franchises.

1. See above, pp. 172-3.
2. Putnam, Shareshull, pp. 72-3.
3. Figures derived from the fines membranes of KB27/369. cf below, pp. 213-8.

One of the main reasons for the failure of the 1340 statute of weights and measures was that the local commissioners appointed to enforce it had been specifically excluded from interfering in the franchises.[1] The 1352 statute also allowed loopholes, for although it stated that the king's standard should be current throughout the country, the ad hoc commissions appointed to enforce it were not to be allowed jurisdiction in the franchises. The King's Bench, however, was not apparently bound by any such constraint, and insisted on its right to impose the statute throughout the shires in which it sat, tam infra libertates quam extra. The potential threat posed by the King's Bench to the franchises is made clear in a request from the Earl of Stafford early in 1352 that the court, about to begin its session in Essex, be ordered not to intermeddle in the franchises he held within the shire.[2] And by the end of 1352 the court had made that potential threat a real one. For the communal fines for exemption from weights and measures jurisdiction levied by the King's Bench in East Anglia in Michaelmas term 1352 were charged on vills inside, as well as outside, the franchises. The intrusion which this represented into the judicial and fiscal privileges of the franchise holders raised an old and contentious argument. For during the late 1330's and early 1340's the lords of franchises had taken advantage of the king's political weakness to extend their claims to the fines and amercements imposed by the king's courts within their liberties.[3] The Exchequer had played a waiting game during the 1340's, so that claims to estreats imposed many years previously

1. See the commissions cited above, p. 204 and n.3.
2. SC8/227/11343; Cal.Clo.Rolls, 1349-54, p. 411.
3. Hughes, Early Years of Edward III, pp. 177-181.

were still being entered by the franchise holders in 1350.[1] Although it was proposed that the matter be discussed in parliament in 1351,[2] nothing seems to have been done until after the King's Bench session at Norwich and Bury St. Edmunds in Michaelmas term 1352, when the liberty holders tried to make good their claims not only to individual fines and amercements levied on their tenants, but also communal fines on vills within their franchises.

In 1353 the Abbot of Bury St. Edmunds put in a claim for estreats including the communal fines levied within his liberties for exemption from weights and measures proceedings during the King's Bench session at Bury in the previous year. A discussion was then held by treasurer Edington, chancellor Thoresby, chief justices Shareshull and Stonor, the justices of the King's Bench and others of the king's council, and it was decided that the fines levied on vills for exemption from weights and measures jurisdiction, together with certain fines imposed by the collectors of lay subsidies within the franchise, pertained to the Crown, and the abbot was ordered to collect and deliver these fines without delay.[3] The attempt of the abbot to secure communal as well as individual fines was therefore given up, and he had to content himself in future with amercements charged on single tenants only.[4] This test case was then put into general practice: the claims of the prior of Ely to communal fines, for instance, although frequently allowed in earlier periods,[5] were subsequently rejected on the basis of the judgment against the abbot of Bury,[6] and his

1. E368/122, mm. 289d, 290, 290d.
2. E368/123, mm. 258d, 262, 264, 265d, 267, 272d, 276, 276d.
3. E368/126, Precepta, Mich. (dorse of the 11th, and the 12th membranes from the start of the Precepta section, numbered confusingly in the original).
4. E199/29/30.
5. E. Miller, The Abbey and Bishopric of Ely (Cambridge, 1951), pp. 202-203.
6. E101/121/5.

claims were thereafter confined to amercements on individual tenants.[1] The determination of the government to invest the King's Bench with special authority over weights and measures therefore represented far more than the general policy of implementing statutes in the courts: it signified the king's wish to capitalise on the political reconciliations of the 1340's in order to re-assert and extend the control of the Crown over the country, of the central government over the localities. The magnates and ecclesiastics who had used the king's political weakness during the Stratford crisis to press home their privileges now found those privileges whittled away in the new political climate on the 1350's. And it was the King's Bench, the successor of the eyre, which was the chosen instrument by which the government implemented this policy of restoring royal judicial and fiscal authority.

Such policies were, not surprisingly, unpopular. In resuming the practice of itinerant sessions in the provinces, the King's Bench had resurrected the eyre; and the county communities in general, and the franchise holders in particular, resented this intrusion into local affairs. It is remarkable however how long the Crown was able to maintain central control in the face of local opposition. Despite demands in parliament that jurisdiction over weights and measures be granted variously to the sheriffs, to the justices of peace, or, most frequently, to the justices of labourers,[2] the government refused to make any such concessions until 1356. In the interests of law enforcement, it would be much more satisfactory to grant such authority to the local justices, for the ability of the King's Bench to maintain law and order was obviously confined by time and place. Its

1. E101/121/4.
2. Rot.Parl., ii. 252-3, 260, 265.

work in enforcing standard weights and measures and other economic regulations in the Colchester sessions of 1351-2, for instance, was all but undone after the court left Essex, and a special commission had to be appointed in 1353 to inquire into such offences which were now going unpunished for lack of a regular and satisfactory authority in the shire.[1] But in the case of the weights and measures jurisdiction, political as well as judicial considerations needed to be taken into account. For as and when the government should finally give in to Commons' pressure and to the demands of regular enforcement, it would also be obliged to give up its attempt to obtrude royal authority into the franchises.

In 1356 standing commissions were appointed in various counties with special jurisdiction over weights and measures,[2] and then, in February 1357, this authority was granted to the justices of labourers.[3] At first, their powers extended tam infra libertates quam extra; but within a few months a complaint was made that tenants of a liberty holder were being punished by the justices of labourers when they had already been amerced for offences concerning weights and measures in the seigneurial courts,[4] and the government conceded and allowed the franchises exemption from the weights and measures jurisdiction of the justices of labourers.[5] Thus, although the king's ministers had created a framework for the permanent operation of the weights and measures

1. Cal.Pat.Rolls, 1350-4, p. 509.
2. ibid.. 1354-8, pp. 396-7.
3. Putnam, Enforcement, pp. 25*-27*.
4. ibid., pp. 164-5, 219*-221*.
5. ibid.. The writ to the justices of labourers specifies an agreement made in a great council in 1353 concerning the rights of franchise holders, but no record of this survives.

legislation of 1352, the franchise holders were now able to regain control over the assize of weights and measures in their own seigneurial courts, and to uphold this right in the face of royal encroachments for the rest of the Middle Ages.[1] The failure of either Edward III or his successors to restore such royal control over the franchises only serves however to emphasise the remarkable achievement of the central government, and of its judicial agency, the King's Bench, in making vital inroads into the rights of the franchise holders during the period 1352-57.

The defeat of the government's attempt to increase its judicial authority, and therefore its revenues, by imposing weights and measures regulations within the franchises in 1357 did not however mean a general re-assertion of private jurisdiction and prerogatives, or a collapse of the judicial and fiscal authority of the Crown. For at the same time that the government stepped down over weights and measures, it was upholding and extending its rights elsewhere. Although the justices of labourers were excluded from the franchises so far as weights and measures were concerned, the labour laws themselves allowed the justices to act tam infra libertates quam extra.[2] Thus, when the profits of the quarter sessions of the justices of labourers were used towards the lay subsidies between 1349 and 1354,[3] the estreats imposed both outside and inside the franchises were paid towards the tax in exactly the same way. And although after 1354 the lords of franchises were allowed to take the fines and redemptions of the quarter sessions relating to their tenants, their claim

1. F. M. Page, The Estates of Crowland Abbey (Cambridge, 1934), pp. 17, 154-5.
2. Putnam, Enforcement, p. 39.
3. See above, p. 122; below, pp. 285-6.

to the excess wages taken as estreats by the justices was rejected in a test case which came before the king and council in parliament in 1357.[1] Thus, just at the moment when fiscal authority over the franchises was renounced in weights and measures, it was confirmed in the labour laws. And when the Commons in this parliament granted a tenth and fifteenth, they were offered relief, not from the profits of the labour laws, as in 1349-55, but out of the fines for escapes of felons and fugitives, a form of penalty chosen specifically because it represented a continuation of the whole judicial policy pursued by the King's Bench since the late 1340's.

The taking of the chattels of escaped felons, and the imposition of fines for such escapes upon the local community, were charges traditionally associated with the eyre,[2] and the abandonment of eyres had therefore left the Crown deprived of this form of income for some years before the 1350's. In 1337 an attempt had been made to institute an inquiry in the King's Bench into the debts owed to the Crown from the chattels of criminals, but the king had been forced to agree to the suspension of such inquiries in 1338 and 1339 in return for loans of wool granted in parliament,[3] and finally in 1340 had conceded a statute which pardoned these and other controversial charges such as scutages and feudal aids.[4] As with the franchise holders, so with the county communities, the political weakness of the Crown in 1338-40 had therefore allowed the localities to gain advantage and secure immunities from the eyre. But the statute of 1340 did not make it clear whether the pardon related only to exactions made between

1. Putnam, Enforcement, pp. 138-143.
2. Crown Pleas of the Wiltshire Eyre, 1249, ed. C. A. F. Meekings (Wiltshire Archaeological and Natural History Society Records Branch, xvi, 1961 for 1960), p. 107.
3. Select Cases in King's Bench, iv. p. lxvi; Fryde, 'Parliament and the French War', pp. 252-3, 257.
4. Stat.Realm, i. 281-2, 290.

1338 and 1340 or whether it was also binding in the future.[1] This ambiguity was to allow the king's ministers to re-assert their claims after the recovery of royal authority in the 1340's. For although scutages ceased to be raised thereafter,[2] the king felt perfectly entitled to levy a feudal aid for the knighting of his eldest son in 1346,[3] and in the following years the revival of the eyre in the work of the King's Bench once again allowed him the opportunity to claim the chattels and fines from felons and fugitives. Chief justice Shareshull indeed gave his well-known interpretation of the status of the King's Bench as a superior eyre in 1353 in order to make good the court's right to collect such fines in the face of opposition from the shires.[4] And it was against the background of a reassertion of old charges that the special arrangements for the lay subsidy of 1357 were worked out. In 1357 when parliament was asked to grant a tenth and fifteenth, the Crown formally pardoned the community the escapes and chattels of felons and fugitives and other communal fines, and the Commons granted a subsidy to which the king applied these estreats as relief.[5] For the Commons, the arrangements of 1357 may have seemed a successful revival of the earlier efforts of 1340 to buy exemption from the eyre, and certainly they were to request and receive such concessions in grants of taxation made later in the reign.[6] But as far as the Crown was concerned, there was good reason to claim the advantage in 1357. For by

1. Harriss, Public Finance, p. 412.
2. H. M. Chew, 'Scutage in the Fourteenth Century', Eng.Hist.Rev., xxxviii (1923), 35, 39-41.
3. See below, pp. 270-1.
4. Putnam, Shareshull, pp. 109-110.
5. Stat.Realm, i. 352.
6. Harriss, Public Finance, pp. 408-9.

applying the fines for felons and fugitives in aid of the lay subsidy, the king was in fact forcing the county communities not only to raise such communal fines but also to pay them, via the tax, into the royal coffers. The sum of over £800 raised by such means, and contributing 2% of the total taxation assessment of 1357,[1] was obviously of small financial significance to the Crown.[2] But its importance was not fiscal, but political. For by insisting on the right to judicial and fiscal prerogatives associated with the eyre during the 1340's and 1350's, Edward III's ministers had clearly been doing more than merely attempting to revive antiquated and sometimes troublesome charges: they had also succeeded in making a political statement about their determination to revive the authority and initiative of the Crown.

In the long term, it was the political implications of the judicial developments of the 1340's and 1350's which were therefore probably most significant. But the financial expectations and results of an extension in the work of the King's Bench were also of great importance. The Crown's determination to extend the scope of royal justice can indeed be explained partly in terms of the increased revenues thus promised. We have already noticed, for example, that the primary intention of the separate deputed great seals created in 1344 for judicial writs issued by the King's Bench and Common Pleas was to increase the fees taken for such writs and to use these profits to pay off royal creditors.[3] Also during the 1340's the Chancery was systematically imposing fines for original writs over and above the usual charges, thus increasing the profits of the hanaper by as much as a

1. ibid., pp. 345-6.
2. It was also of course of limited financial benefit to the Commons: cf below p. 286.
3. See above, p. 55.

third:[1] in the Exchequer year 1347-8, for instance, the hanaper of the Chancery raised some £761 0s 6d from the sale of original writs.[2] And an increase in the business of the King's Bench would mean an increase not only in the profits of writs but also in the income from estreats. For as Miss Putnam noticed, the revenues of the King's Bench from fines and amercements grew during the 1340's,and were developed during the provincial sessions of the court in the early 1350's.[3] In order to quantify these profits, the totals derived from the fines membranes of the King's Bench plea rolls between 1344 and 1354 are set out in table 4, providing some interesting comparisons and necessitating some re-interpretation of the judicial and fiscal role of the King's Bench during these years.

The most immediate impression of the figures in table 4 is that these are not very impressive sums, and never provided anything like the enormous revenues enjoyed by the Crown from direct and indirect taxation. Nevertheless, the variations in the profits of the court are perhaps more significant, for the table also illustrates the substantial increase in the fines and amercements which might occur during a provincial session of the King's Bench. Miss Putnam argued that Sir William Shareshull was responsible for this extension in the profits of the court, suggesting that he was present when the King's Bench sat at Ipswich in Michaelmas term 1344 and levied 'fantastic sums' in fines and amercements.[4] Not only has it been proved, however, that

1. Wilkinson, 'The Seals of the Two Benches under Edward III', pp. 400-1.
2. E101/212/4.
3. Putnam, Shareshull, cap. v, esp. pp. 66-7, 78.
4. ibid., p. 67

TABLE 4

Totals of Fines Imposed in the Court of King's Bench, 1344-1354

| KB27 no. | Year | Term | Place of Session | Fines £ | s | d |
|---|---|---|---|---|---|---|
| 338 | 1344 | Mich. | Westminster/Ipswich | 137 | 8 | 1 |
| 339 | 1345 | Hil. | Ipswich | 47 | 12 | 0 |
| 340 | | East. | Westminster | 29 | 4 | 8 |
| 341 | | Trin. | " | 55 | 1 | 1 |
| 342 | | Mich. | " | 196 | 5 | 0 |
| 343 | 1346 | Hil. | Norwich/Bury St Edmunds | 667 | 18 | 10 |
| 344 | | East. | Westminster | 192 | 16 | 4 |
| 345 | | Trin. | " | 83 | 14 | 6 |
| 346 | | Mich. | " | 86 | 8 | 10 |
| 347 | 1347 | Hil. | " | 68 | 14 | 9 |
| 348 | | East. | " | 88 | 2 | 2 |
| 349 | | Trin. | " | 110 | 19 | 2 |
| 350 | | Mich. | " | 81 | 13 | 8 |
| 351 | 1348 | Hil. | " | 124 | 8 | 1 |
| 352 | | East. | " | 67 | 11 | 10 |
| 353 | | Trin. | " | 58 | 10 | 8 |
| 354 | | Mich. | York | 964 | 12 | 7* |
| 355 | 1349 | Hil. | " | 1729 | 0 | 4* |
| 356 | | East. | Lincoln | 318 | 1 | 3 |
| 357 | | Mich. | Westminster | 70 | 17 | 0 |
| 358 | 1350 | Hil. | " | 87 | 7 | 0 |
| 359 | | East. | " | 238 | 3 | 6 |
| 360 | | Trin. | " | 265 | 19 | 5 |
| 361 | | Mich. | " | 114 | 10 | 4 |
| 362 | 1351 | Hil. | " | 145 | 15 | 4 |
| 363 | | East. | " | 24 | 6 | 8 |
| 364 | | Trin. | Aylesbury | 159 | 9 | 0 |
| 365 | | Mich. | Westminster/Chelmsford | 308 | 6 | 3* |
| 366 | 1352 | Hil. | Westminster/Chelmsford/ Bury St Edmunds | 377 | 19 | 5* |
| 367 | | East. | Bedford | 452 | 2 | 0* |
| 368 | | Trin. | Warwick | 388 | 13 | 8* |

TABLE 4 continued

| KB 27 no. | Year | Term | Place of Session | Fines £ | s | d |
|---|---|---|---|---|---|---|
| 369 | 1352 | Mich. | Norwich/Ipswich/ Bury St Edmunds | 1320 | 9 | 10* |
| 370 | 1353 | Hil. | Westminster | 228 | 0 | 0* |
| 371 | | East. | Norwich | 424 | 17 | 0* |
| 372 | | Trin. | Westminster | 85 | 0 | 6* |
| 373 | | Mich. | Westminster/Kingston | 464 | 3 | 8* |
| 374 | 1354 | Hil. | Westminster | 56 | 15 | 8 |
| 375 | | East. | " | 32 | 4 | 4 |
| 376 | | Trin. | " | 30 | 12 | 4 |
| 377 | | Mich. | Westminster/St Albans | 323 | 17 | 8* |

An asterisk denotes the presence of summae at the feet of some or all of the feet of the fines membranes. These have been generally used in the computation of totals, though where doubts exist the individual entries have been added up to provide verification. Units of less than a penny have been disregarded.

Shareshull never acted in the King's Bench until his appointment as Chief Justice in 1350,[1] but it is also evident from table 4 that the Ipswich sessions of 1344-5 were in fact of little financial significance. The profits of the court only showed marked signs of improvement in Chief Justice Scot's session in East Anglia in Hilary 1346. And it was not until Thorpe's sessions at York in 1348-9 that a really conspicuous increase occurred in the estreats of the King's Bench, the two terms raising almost £2,800 in fines and amercements. This sudden rise in the profits of the court was clearly the result of the new policy of increasing the judicial authority of the King's Bench and reviving the powers of the eyre. In fact, such high revenues were not to be repeated in the 1350's. For although Miss Putnam argued that Chief Justice Shareshull dramatically increased the estreats during the provincial sessions of the early 1350's, table 4 reveals that only once between 1350 and 1354 did the fines and amercements imposed in the court exceed £500 in one term. And even on this occasion the £1,320 raised in East Anglia in Michaelmas 1352 fell over £400 short of Thorpe's revenues from Hilary 1349. This decrease in the profits of the court is however more a reflection of the remarkable achievement of Thorpe in 1348-9 than of any major decline in business under Shareshull, for the criminal side of the court's work and its resultant estreats remained remarkably high after 1349, helped by the increase in the jurisdiction and the frequent provincial sessions of the King's Bench. And although such estreats never provided more than a small proportion of the Crown's total revenue, it is clear that they remained substantially higher than the fines

1. Select Cases in King's Bench, vi. pp. xviii-xix.

and amercements imposed when the court sat at Westminster. Sums amounting to anything between £500 and £2,000 a year were far from negligible, particularly at a time of high expenditure, when every form of royal revenue needed to be maximised to its full potential. It is not surprising to find, therefore, that the government gave careful attention to such revenues in its general determination to increase the financial viability, and thus the political authority, of the Crown.

Table 4 shows that, from the York sessions of 1348-9 onwards, summae sometimes appear at the feet of the fines membranes of the King's Bench plea rolls, particularly the rolls of those sessions where large amounts were levied in fines and amercements. Such totals were of no immediate bureaucratic advantage, since the estreat rolls copied from these fines membranes and sent into the Exchequer had to be subdivided under different shires in order to be charged upon the summonses of the green wax in the sheriffs' accounts.[1] The summae in the plea rolls therefore appear to represent attempts on the part of the officials of the King's Bench to assess the profits of the court, either for their own satisfaction or for the information of the king and government. It is tempting indeed to suggest that chief justices Thorpe and Shareshull often reported back to the council on the financial success of their provincial sessions.[2] Certainly, the king's ministers were united in their determination to pursue and extend such income.

The government gave particular attention during this period to the collection of the fines charged on sheriffs

1. The Pipe Roll for 1295, Surrey Membrane, ed. M. H. Mills (Surrey Record Society, vii. no. xxi, 1924), p. v.
2. cf below, pp. 306-7.

and keepers of gaols for allowing bail to persons detained for non-mainpernable offences. An inquiry made into the prisoners in the marshalsea of King's Bench in 1350-1 upheld the king's right to such fines.[1] And in the parliament of 1351 a related case came up before the king and council concerning eleven men indicted on a murder charge who had been released from the marshalsea on bail,[2] resulting in the estreat of the £100 bail money to the Crown.[3] The government's concern was then followed up by the Exchequer, which charged the fines taken for release of prisoners as individual items on the sheriffs' accounts,[4] and could therefore safely assign these estreats in anticipation of their collection.[5]

The Exchequer also gave adequate, though not excessive, attention to the collection of the other fines and amercements levied in the King's Bench. It is interesting to note that some of these estreats were used for the expenses of the court, since annotations appear on the fines membranes of the plea rolls in this period assigning fines at source for the costs of provincial sessions,[6] and other assignments of estreats were made through

1. Year Book 25 Edw III, Hil., pl. 22; Select Cases in King's Bench, vi. no. 48; ibid., v. pp. xxvii, cxxii-cxxiii.
2. ibid., vi. no. 48; KB27/362, Rex m. 1d; KB29/11 m. 6.
3. E368/123, m. 200.
4. These fines, marked mittitur in scaccarium in the fines membranes of the plea rolls, are identified and analysed in M. Blatcher, 'The Working of the Court of King's Bench in the Fifteenth Century' (London Univ. Ph.D. thesis, 1936), pp. 282-89.
5. e.g., E401/416, E403/365, both for 12 Nov. 1352.
6. KB27/357, Fines; KB27/366, Fines mm. 2, 3d; KB27/367, Fines m. 2d; KB27/368, Fines, mm. 3, 4, 5; KB27/369, Fines mm. 1d, 9d; KB27/371, Fines m. 3d; KB27/372, Fines m. 2d; KB27/373, Fines m. 1.

the Exchequer records for the fees of the justices of the King's Bench.[1] The King's Bench was therefore paying for itself. But it was also, through careful Exchequer supervision, providing cash for the royal coffers. It was customary for the estreats of the King's Bench to be returned to the Exchequer, and charged on the sherifs' accounts, only once a year; but it is noticeable that the fines and amercements levied in the counties where the court sat were submitted and levied as separate termly estreats, as with those for Essex in Michaelmas 1351 and Bedfordshire in Easter 1352.[2] By such methods the Exchequer impressed on the sheriffs the importance of the speedy collection of such revenues. For although the profits of justice might be small in comparison with other forms of royal income, the Exchequer, as we shall see in the next chapters, well appreciated that every source of revenue should be used to its full advantage if the king's finances were to be placed on a sound footing. And by using the King's Bench as one possible source of income, the king's council was therefore proving that careful co-ordination between justice and administration could be of real advantage to the authority of the Crown.

The attention which Edward III's government gave to the work of the King's Bench in the years between Crecy and Poitiers amounted, then, to far more than a general interest in the progress of royal justice and the development of the common law courts. The King's Bench, like other departments of central government, was being used to carry out certain specific policies aimed at restoring and enhancing royal authority. In particular, the

1. e.g., E401/413, 8 May 1352.
2. E372/197, Essex, Nova Oblata; Beds and Bucks, Nova Oblata.

court's status as a superior eyre between 1348 and 1357 indicated the determination of the Crown to impose central control over the localities and to eradicate the privileges and immunities enjoyed during the king's political difficulties in 1338-41. That the King's Bench was able to carry on this role for so long, despite opposition in the shires, is therefore a measure of the political recovery of the Crown during the 1340's and 1350's. And in helping to enhance royal authority, the King's Bench was using its judicial functions to political and fiscal ends. For William Thorpe and William Shareshull, there was nothing inconsistent about operating the king's justice in the king's favour. They were using the highest common law court in the land in exactly the same way as their colleagues in the administrative departments, Thoresby at the Chancery and Edington at the Exchequer, to institutionalise the political advantage enjoyed by Edward III in the middle years of his reign.

# C H A P T E R  V I I

## THE EXCHEQUER (1)

Of all the departments of government, the most crucial to the success of Edward III's regime was the Exchequer, responsible as it was for the financial resources, and therefore the political viability, of the Crown. The various secretarial and judicial agencies all offered opportunities for the extension of the king's authority -opportunities used to their full potential by the ministers of the 1340's and 1350's. But ultimately the success or failure of the regime depended on the Exchequer. For it was perfectly obvious to medieval kings that without money, and without control of their finances, they had little real power. If Edward III had failed to realise this in the early years of his reign, then the fiscal and political disasters of 1338-41 must have brought the point home forcefully. Consequently, when the king attempted to use the political calm and military successes of the 1340's and 1350's to restore the initiative of the Crown, royal finance would inevitably be the area in most urgent need of reform. The king's rights could be maintained and enhanced through the Chancery, the privy seal, the Council and the King's Bench; and the political community could be skilfully manipulated in parliament in order to ensure the co-operation and generosity of the country. But the potential revenues from the profits of justice, and notably from parliamentary taxation, could only be made real and used to the benefit of the king if the Exchequer were to operate along the same lines and with the same objectives as the other offices of state. It is accordingly on the basis of the Exchequer records

that we must ultimately judge the system of government in the years after the crisis of 1340-1.

The Exchequer was the most highly-developed of all the administrative offices of the Crown, having begun the move 'out of court' in the reign of Henry II, and in the twelfth and thirteenth centuries having built up an elaborate and independent bureaucratic system.[1] The Exchequer was divided into two main sections: the Exchequer of Receipt, or Lower Exchequer, which collected and distributed the king's revenues and expenditure; and the Exchequer of Account, or Upper Exchequer, which controlled the business of the Receipt through its responsibility for auditing the accounts rendered by the king's financial agents. Within each section of the Exchequer there was a large body of officials, organised in an elaborate hierarchy: in the Lower Exchequer, the chamberlains and clerks responsible for recording receipts and issues; and in the Upper Exchequer the barons, dealing with administrative and judicial matters, the auditors responsible for accounting procedures, and the clerks, led by the chancellor of the Exchequer and the remembrancers, who drew up the documents issued under the great seal of the Exchequer and the many and voluminous records of financial administration. This highly--developed structure meant that the treasurer, the overall head of both departments of the Exchequer, was recognised alongside the chancellor as the most powerful and influential minister of the Crown. The king's relations with the treasurer and the Exchequer were therefore of the utmost importance, because they would ultimately dictate the success of the regime.

1. For details of the structure and personnel of the Exchequer, see Broome, 'The Exchequer in the Reign of Edward III'.

The ideological and political split between the king's party and the major offices of state led by Archbishop Stratford in 1340-1 had made it perfectly clear to Edward III that control of an obedient Exchequer was essential to his military policies. For Edward's reckless and fruitless extravagance during the campaign of 1338-40 had meant that the Exchequer simply would not, and could not, provide the level of expenditure necessary to support the enterprise. The officials of the Exchequer therefore suffered along with the other members of the regency council when the king returned to England in November 1340 and dismissed the treasurer, Roger Northburgh, and the sometime deputy treasurer John Thorp.[1] Determined to achieve greater control over the offices of state, Edward then appointed a layman, Sir Robert Parving, as treasurer, with the intention of making him justiciable in the royal courts, and the Exchequer therefore more accountable to the king.[2] By October 1341, however, a more successful, and a more long-term solution was found, with the appointment as treasurer of William Cusance, a conspicuous member of the curialist party of 1338-41, and keeper of the Wardrobe during the Stratford crisis.[3] Cusance's promotion,coinciding with the king's renunciation of the statutes passed in parliament earlier in 1341, thus marked the start of a new period in the administrative history of Edward III's reign. The great offices of state were now taken over by the curiales and used for the recovery and extension of royal authority. For upon Cusance's retirement in 1344 he was replaced by another trusted royal servant, William Edington, who had risen to influence as receiver of the ninth in 1340-1 and as Cusance's

1. Tout, Chapters, iii. 121.
2. ibid., iii. 124; cf above, pp. 18-19.
3. For what follows, see above, pp. 19-26.

successor at the Wardrobe from 1341 to 1344. And with Edington's twelve-year treasurership frim 1344 to 1356, the stability of office-holding, so lacking since the death of Edward I, was at last restored to the Exchequer.

The continuity created by Edington's treasurership was barely disrupted by the effects of the plague of 1348-9 on the Exchequer. There may have been a temporary panic at the opening of the Hilary term of 1349, when the view of account of the sheriff of Norfolk and Suffolk was adjourned because of the reluctance of the staff of both the Exchequer and the sheriff's office to risk the perils of the plague in Westminster;[1] and Edington withdrew from the capital and remained in the relative safety of his country residences at Esher and Farnham from January until September of 1349.[2] But the Exchequer itself remained open. The Upper Exchequer was in regular session throughout the financial year 1348-9;[3] and although the Receipt closed for the Easter and Whitsun vacations of 1349, it was open during the summer when the plague was at its height.[4] And the officials who remained in the capital were little affected. Apart from Thomas Cross, royal chamberlain in the Receipt, who died in January 1349, and Peter de Belagh, clerk of the pleas in the Upper Exchequer, who was dead by April, the only other known official who disappears from the records during the plague is Alan de Ashe, one of the Exchequer barons.[5] Any temporary disruption of business or personnel was therefore rapidly dispelled as order resumed in the Exchequer.

The comparative immunity of the Exchequer from the plague,

1. E368/121, m. 144d.
2. Hampshire Record Office, Reg. Edington, i. ff 37r-57v.
3. E159/125; E368/121.
4. E401/395, 397; E403/344, 347.
5. Broome, 'The Exchequer in the Reign of Edward III', pp. xxix, lviii, lxviii.

together with the long treasurership of William Edington, therefore combined to produce a remarkable stability of office-holding amongst the lower ranks of Exchequer officials during this period. Several of the Exchequer barons, the two remembrancers, the clerk of the pleas, and at least five of the auditors in the Upper Exchequer who were holding office in 1350 were still in the same positions a decade later.[1] They clearly formed a powerful team of bureaucrats with a prestigious accumulation of experience and expertise. And under the leadership of Edington, a sense of identity and stability amongst the Exchequer personnel could be used to administrative advantage. As with Offord and Thoresby at the Chancery,[2] so with Edington at the Exchequer, security of tenure created the opportunity both to impose reforms and to carry them through to become part of regular administrative practice. And if such reforms were indeed instituted, it would not be surprising to find that, as in the Chancery and the privy seal office, many of them were inspired by the manifesto of the curialist party, the Walton Ordinances of 1338.

At first sight, and in the context in which they are often interpreted, the Walton Ordinances might seem a strange basis on which to build the financial authority of the Exchequer. For in attempting to secure for the king an overall and immediate control of royal resources, and thus to ensure the financial priority of the war, the Ordinances had emphasised and enhanced the power of the king's household. They had stated that the Exchequer was not to make any issue without a specific warrant provided under the king's personal instrument, the privy seal;[3] and the Wardrobe,

1. ibid., passim.
2. cf above, pp. 22-5, 29-30.
3. Tout, Chapters, iii. 144-5.

the household office responsible for military expenditure, was thus to be assured of a large income and a prominent place in financial administration. However, the real intention of the Ordinances had not been to create a division between the Wardrobe and the Exchequer, but to hold the structure of government together in order that the war might be carried on effectively. For the extension of the financial authority of the Wardrobe and privy seal was essentially a response to the administrative needs of the moment and the physical separation of the continental and regency ministries. And the Ordinances had in fact maintained the authority of the Exchequer by stating that the Wardrobe, like other offices and individuals involved in military expenditure, should answer for its receipts and expenses before the Exchequer.[1] The Exchequer's resultant knowledge of royal finance was indeed presupposed in the clauses of the Ordinances stating that an audit of Exchequer accounts should be held every year from which the king was to be advised of his income and the state of his treasury, and that the treasurer should draw up regular estimates of the Crown's debts.[2] It was therefore the Exchequer, not the household, which had the competence to review the whole structure of royal finance and to act as a budgetting agency. When the king and the Exchequer were reconciled after 1341 with the appointments of Cusance and Edington, the comprehensive authority over royal finance which Edward III had claimed for himself in 1338 could therefore, without difficulty, be delegated to the treasurer. And in the hands of William Edington in particular, such authority would be used in the interests of more precise control, better

1. ibid., iii. 149-50; cf below, pp. 242-5.
2. Tout, Chapters, iii. 145-6, 149.

knowledge, and more efficient use of the Crown's financial resources.

Edington's first and fundamental concern was with the internal administration of the Exchequer. If the treasurer were to control all the king's finances, he realised that it was essential that he should first improve the level of accountability within the Exchequer itself, and in particular bring the Receipt under closer supervision from the Upper Exchequer. Accordingly, immediately after Edington entered office in April 1344, a significant change occurred in the records of the Lower Exchequer, indicating an attempt to regulate business more closely. For from the Easter term of 1344 the note lib' ad scaccarium compotorum, made in the left hand margin of certain entries in the issue rolls of the treasurer's clerk, began also to be made on the issue rolls of the king's chamberlain and the Warwick chamberlain.[1] This note signified the allowance of the entry on an account made at the Upper Exchequer, and was apparently entered on the issue roll of the treasurer's clerk, summoned into the Exchequer of Account, during the auditing procedure. It would appear therefore that the writing up of these notes in the chamberlains' issue rolls after 1344 meant either that all three series of issue rolls were called into the Exchequer of Account whenever an audit was under way, or that the chamberlains'rolls were periodically brought up to date at some general auditing process like that mentioned in the Walton Ordinances. Whatever the administrative details, the purpose of this reform was clear: Edington intended that the records of the Lower Exchequer should provide the maximum available

1. J. F. Willard, 'The Treasurer's Issue Roll and the Clerk of the Treasurer, Edward I - Edward III', Bull.Inst.Hist.Res., viii (1931), 129-135.

information, and should be kept in triplicate and checked regularly, in order to increase the accountability of that office. And within a short while this policy was to be extended by the use of other forms of marginalia in the records of the Receipt.

During the 1330's the clerks of the Lower Exchequer had begun to differentiate between entries on the issue rolls representing payments in kind and those indicating assignments,[1] and to make the pro notes in the right hand margins of the receipt rolls which indicated that certain entries represented anticipated revenue and corresponded to assignments recorded in the issue rolls.[2] By the 1340's the financial pressure of the king's wars was such that it became necessary to have some accurate knowledge both of the number and scale of assignments of revenue, and of the amount of royal income collected in cash. Consequently, two years after Edington entered office as treasurer, and a month after the king departed for the Crecy campaign in 1346, the officials of the Lower Exchequer began to make sol entries in the right hand margins of the receipt rolls, signifying cash receipts, and to adopt the pro and sol notations as a regular and integral part of the information provided by the receipt rolls.[3]

It was not surprisingly Edington's own deputy in the Lower Exchequer, the treasurer's clerk John Chesterfield, who was apparently responsible for instigating regular use of these marginal notes; for although his receipt roll for the Easter term of 1346 is missing and the earliest sol entry is to be found on the king's chamberlain's receipt roll for that term, it was

1. J. F. Willard, 'The Crown and its Creditors, 1327-1333', Eng.Hist.Rev., xlii (1927), 12-19.
2. A. Steel, The Receipt of the Exchequer, 1377-1485 (Cambridge, 1954), p. xxxi.
3. ibid., citing E401/386, 2 Aug. 1346.

Chesterfield who immediately began to make the fullest records of pro and sol notes.[1] But the insistence that marginalia be copied in the rolls of the two chamberlains, imposed in the issue rolls in 1344, was also soon brought to bear on the receipt rolls. Thomas Cross, king's chamberlain from March 1347 to his death in January 1349, made a start with pro and sol notes in his receipt rolls.[2] And his successor Ralph Brantingham was clearly required to maintain this practice, for the marginal notes in his receipt roll for Easter 1349 appear to have been made in the hand also used in the treasurer's clerk's roll, suggesting a co-ordinated policy and ensuring an accurate and comprehensive copy.[3] And while annotations were not usually made in the Warwick chamberlain's rolls while John Buckingham held office from April 1347 to February 1350,[4] this series was brought into line with the others under Buckingham's successor William Rothwell.[5] By 1350 pro and sol annotations were therefore a regular feature of Exchequer administration: from then until 1355 some 75% of entries in the receipt rolls had pro and sol notes appended to them; and by the time Edington left the Exchequer in 1356 the proportion was reaching as high as 96%.[6]

1. e.g., E401/388 (Easter 1347; 55 pro and 14 sol entries); E401/397 (Easter 1349; 240 pro and 46 sol entries).
2. In Cross's receipt roll for Easter 1348, each annotated section is headed with his name: E401/394, 2 May, 5 May, 2 June, 5 July 1348.
3. Compare the hands in E401/397 and 398, e.g., under 23 July - 1 Aug..
4. E403/390, 393, 395, 399.
5. The fragment E401/402, ascribed to the Warwick chamberlain for Easter 1350, is in fact apparently dated Easter 1340. Rothwell's earliest extant receipt roll is therefore E401/405, for Michaelmas 1350-1, which has regular pro and sol entries.
6. Steel, op.cit., p. xxxi.

These efforts to extend the information provided by the receipt and issue rolls were no mere bureaucratic niceties. For they represented a concerted effort to improve the reliability and accountability of the Lower Exchequer. The pro and sol annotations would give the treasurer a detailed knowledge of transactions in the Receipt. And if audits of the receipt and issue rolls were made, the use of these notes would impress upon the officials of the Lower Exchequer their obligation to make careful account of their work. It was as a result of such reforms for instance, that the chamberlains of the Receipt were summoned to the Exchequer of Account in 1353 to answer a charge of negligence. The foils of some thirty Exchequer tallies, representing assignments to the value of £2,500, had disappeared, 'in scandalu huius curiae et retardacionem expeditionis negotiorum Regis et populi'.[1] This case might suggest that the attempt to enforce a sense of responsibility in the Receipt was not yet completely successful; but it ought also to be noted that this was the only such case which arose during Edington's twelve-year treasurership. In comparison with the scandals which broke out in the Exchequer during the 1360's, after Edington's influence had waned, this isolated case from the 1350's was of relatively little political or financial importance.[2] Its chief significance lies instead in the example it provides of the effective financial controls created by Edington. Annotations, cross-references, and records in triplicate were a sign of good book-keeping; and good book-keeping, as Edington well appreciated,

1. E368/125, m. 126.
2. Tout, Chapters, iii. 243-251; 'The Ransom of John II, 1360-70', ed. D. M. Broome, Camden Miscellany xiv (Camden Soc., 3rd ser., xxxvii, 1926), 1-5; cf below, pp. 324-5.

was the essence of sound financial management.

More precision, more information, and more accountability were therefore Edington's achievements in the records of the Lower Exchequer. The clear aim of such reforms was to bring the Receipt under closer supervision, and to provide the fullest possible knowledge of royal income and expenditure. And with this in mind, Edington apparently followed up these reforms in internal procedure with an attempt to create a greater sense of corporate responsibility amongst the officials of the Receipt. Exchequer officials did not normally live together in one household; but Edington cannot have been blind to the social and professional cohesion which such an organisation provided in an office like the Chancery.[1] It is possible that the appointment of Gervase de Wilford as chief baron of the Exchequer in 1350 represented something of an attempt at re-establishing a clerical monopoly, and thus a corporate atmosphere, in the Upper Exchequer, since Wilford was the first clerk to hold this office since 1316.[2] However, far more substantial and significant advances were made during this period in the Lower Exchequer.

When the king's new collegiate foundation in St Stephen's Chapel was set up in 1348, with accommodation provided for the canons and their vicars,[3] Edington apparently persuaded Edward

1. See above, pp. 28-30.
2. Broome, 'The Exchequer in the Reign of Edward III', p. 70.
3. Cal.Pat.Rolls, 1348-50, p. 147. For evidence of buildings put at the disposal of the household of the college see Tout, Chapters, iv. 404; R. A. Brown, H. M. Colvin and A. J. Taylor, The History of the King's Works: The Middle Ages (London, 1963), i. 525.

to use this opportunity for increasing the clerical cohesion within the administration in general, and in the Exchequer of Receipt in particular. The king's chamberlain in the Receipt, Thomas Cross, was made the first dean of the chapel, and the Warwick Chamberlain John Buckingham and the treasurer's clerk John Chesterfield were granted prebends there.[1] And after Cross's death and the promotion of Chesterfield and Buckingham to other offices, the special association between the college and the Receipt continued, as other prebends were made available for their successors, William Rothwell, Roger Chesterfield and Ralph Brantingham.[2] It would be easy to exaggerate the administrative effects of these ecclesiastical preferments, but the improvements in the accountability and the records of the Lower Exchequer during this period may have owed something to the corporate identity of its three key officials. Certainly, the success of Edington in imposing his reforms on their records encouraged him to employ several of these men in key positions in royal financial administration during the 1350's.[3] The conscious effort to create a collegiate atmosphere and collective responsibility in the Receipt therefore contributed to the improvement of administrative procedures and the better ordering of the king's finances.

To improve knowledge of receipts and issues was one thing; to exert control over them was quite another. If the Exchequer were obliged to honour all the government's financial demands then it would simply act as a clearing house for warrants. But under Edington, there is evidence that the Exchequer not only kept the records, but also retained an important discretion over

1. Cal.Pat.Rolls, 1348-50, pp. 146-147.
2. ibid., 1348-50, p. 570; 1350-4, pp. 54, 55.
3. See below, pp. 249-51, 254-5.

royal spending which allowed it to function as the arbiter of the king's finances. For during the 1340's and 1350's there developed an elaborate system of preferences in the Exchequer, by which the department was able to refuse, avoid or delay some of the claims on royal resources, and give priority to others. This selective response to the payment of the king's debts was an essential part of late medieval finance, and had been employed on an informal basis for some time;[1] but Edington's treasurership witnessed an attempt to institutionalise this system and thus to create order out of the financial chaos caused by over-spending during the early years of the French war.

The Walton Ordinances of 1338 had stated that no issues were to be made in the Exchequer of Receipt, and no accounts for military expenditure were to be accepted in the Upper Exchequer, without special warrants under the privy seal provided by the king's household administration on the continent.[2] We have already shown that there is evidence to indicate that this specification was put into permanent practice during the 1340's and 1350's with important results for the authority of the privy seal;[3] and it is necessary here to assess the impact of this development on the Exchequer itself. For the unity of purpose and action re-established in government after 1341 meant that the privy seal came to work not in competition, but in close conjunction, with other forms of warrant to the Exchequer, and as the instrument of both the king and council was accorded a special authority and a prior claim upon royal finances. During the 1340's and 1350's, warrants under the privy seal therefore came not only

1. G. L. Harriss, 'Preference at the Medieval Exchequer', Bull.Inst.Hist.Res., xxx (1957), 17-40.
2. Tout, Chapters, iii. 144-5, 149-50.
3. See above, pp. 92-6.

to be more numerous,[1] but also to be regarded as a more pressing and important demand on the Exchequer than any other writ or bill. The general impression given by the warranty notes on the issue rolls of this period is that, while other seals and departments continued to order payments, the Exchequer often ignored such warrants, and only honoured them when subsequent writs were received under the privy seal. The warrant 'by writ of great seal and writ of privy seal' which appears particularly frequently in these years, suggests therefore that a conscious effort was being made to defer payments other than those authorised by the privy seal. But the practical effects of this system can best be illustrated by the techniques developed for the honouring of wardrobe bills.

Wardrobe bills were vouchers given for soldiers' wages and other military expenses incurred during the king's campaigns, and were redeemable at the Exchequer of Receipt. They were issued in large numbers during Edward III's major expeditions of 1338-40 and 1346-7, and therefore proved an enormous strain on Exchequer resources during the regime of Cusance and Edington. These treasurers indeed made every effort to limit the issue, as well as the payment of such bills: in c. 1345-9, for example, it was proposed that a special committee be set up, comprising the chancellor, treasurer, judges and other financial officials, to examine letters of obligation and wardrobe bills, since it was apparent that many such documents were being forged, to the detriment of the king's finances.[2] And in 1350 it was decided that a special seal should be created, and used under strict Exchequer supervision, to validate the many bills, as yet unsatisfied,

1. See above, pp. 94-6.
2. SC1/42/177.

issued by the late keeper of the Wardrobe, Thomas Clopton (1347-9), in order to ensure that no forged bills should be passed at the Exchequer.[1] Ultimately, however, the number and value of such wardrobe bills made it impossible for the Crown to honour all those presented at the Exchequer, and many individuals found themselves involved in protracted and unsuccessful negotiations in a vain attempt to secure payment on such vouchers.[2] The best chance of getting the Exchequer to pay off a bill quickly and unequivocally was therefore to sue out a writ of privy seal ordering the immediate payment of a bill,[3] or to avoid the wardrobe bill altogether and secure from the king letters patent or close under the privy seal to authorise wages and grants made in return for military service.[4] By the time of the Crecy-Calais campaign it was therefore already well-established, not only amongst the bureaucrats, but also amongst the king's creditors, that the privy seal was the speediest, most effective and best assured means of securing Exchequer issues. Consequently, as we have already noted, the co-ordination of government and the successful administration of the campaign of 1346-7 were achieved not, as normally asserted, because the contentious ideas of the Walton Ordinances had been dropped, but precisely because the priorities of the Ordinances were observed, and the administrative methods they demanded had crystallised into normal practice.[5] Under the regime of Cusance and Edington, the privy seal was no longer

1. E159/126, m. 126d.
2. e.g., C81/328/19227, which reveals that in 1348 Sir Reginald Cobham was still owed £1,745 on wardrobe bills issued between 1338 and 1344.
3. e.g., E208/4, file 23 Edw III, no 56: a writ of privy seal ordering the honouring of a mislaid wardrobe bill granted to Simon Islip.
4. See the letters patent under the privy seal cited above, p. 73, n.1.
5. See above, pp. 74-8, 107-8.

regarded as a threat to the Exchequer; it had come instead to form a necessary and valuable part of royal financial administration.

The creation of this system of preferences in the Exchequer during the 1340's obviously meant that, so long as the curialists Cusance and Edington continued to respect Edward's priorities and provided the king with the necessary resources to fight his wars, other less pressing demands on Exchequer funds would have to be deferred. The Walton Ordinances had indicated this point, in stating that none of the ancient debts of the Crown should be paid off until the king was once again solvent.[1] During the 1340's and 1350's it was clearly not only ancient debts, but also more recent obligations incurred by Edward III, which had to be delayed or ignored. It is well-known that Edward's government, in refusing to honour its debts, contributed to the bankruptcies of the Italian companies of the Bardi and Peruzzi.[2] Only £3,367 8s 5d was paid out to the Bardi between 1346 and 1355;[3] and the Peruzzi in this period received just one substantial block payment of £6,000 from the Exchequer in 1349.[4] The king and his treasurer were apparently therefore extending the specifications of the Ordinances to many other royal debts in the struggle to keep royal expenditure down. In January 1349, for instance, the Exchequer was reminded that it need not recognise any debts owed to merchant financeers or to the Italian banking companies which were not specified in the contracts drawn

1. Tout, Chapters, iii. 147.
2. Fryde, Medieval Trade and Finance, cap. x, pp.1-17; Beardwood, Alien Merchants, pp. 4-5.
3. ibid., pp. 6-9, 122-133.
4. E403/347, 9 July 1349.

up between those creditors and the Crown.[1] If solvency were to be achieved, the curialist ministers of the 1340's and 1350's realised that the best hope of success lay in the inequitable but very necessary system of preferences created by the Walton Ordinances.

For the king not to pay his debts was one thing; but for his debtors to refuse to honour <u>their</u> obligations to the Crown was quite another. For just as the Walton Ordinances excused Edward III from repaying his loans, so too, by a striking display of double standards, did they tighten the procedure for the collection of debts owed to the king. The third clause of the Ordinances had forbidden a practice known as estallment, by which an individual owing money to the Crown was allowed to delay payment, or to pay the sum by instalments.[2] This was in fact one of the most controversial of the clauses of the Ordinances, because, as the magnates at the great council held at Northampton in July 1338 claimed, estallments of debts had been allowed since time immemorial, and the practice was part of the custom of the realm which could not be changed without the consent of parliament.[3] Although the king reissued this clause of the Ordinances in May 1339, it has therefore been assumed that he was eventually forced to abandon it in September of that year.[4] However, other evidence hitherto neglected proves not only that the administration had put this order into effect in 1338, but also that the government <u>continued</u> to implement it after its apparent renunciation in 1339.

The estallments allowed on debts to the Crown were

1. E159/125, m. 45d.
2. Tout, <u>Chapters</u>, iii. 147.
3. Fryde, 'Parliament and the French War', pp. 253-4.
4. <u>ibid</u>., p. 254; Harriss, <u>Public Finance</u>, p. 254.

recorded on special rolls kept in the Exchequer.[1] These rolls prove that the large number of concessions offered in the first twelve years of Edward III's reign came to an abrupt and permanent halt after the Easter term of 1338, with the issue of the Walton Ordinances. The entries thereafter subsided to a mere trickle of exceptional concessions allowed on relatively minor debts, which despite the formal renunciation of the policy regarding estallments in 1339, showed no sign of increasing until the early 1350's. Such grants really only took off again in the late 1350's and early 1360's, though even then they were not made with anything like the same frequency as in the early years of the reign. These rolls of estallments therefore provide unequivocal evidence that, under the regime of Cusance and Edington, the ideals of the Walton Ordinances were continued and intensified with the clear intention of maximising royal revenues and thus ensuring adequate resources for the king's wars.

The reforms and regulations examined so far were all clearly inspired in some way or another by the Walton Ordinances, and were intended to re-establish the financial viability of the Crown after the disasters of the early years of the war. One of the most important results of these reforms was the building up of the fiscal authority of the king's treasurer. The Exchequer's comprehensive knowledge, if not control, of royal finances had indeed been presupposed in two of the most important clauses of the Walton Ordinances, which stated that a committee of audit should be appointed to survey the Exchequer accounts

1. E101/120/20; B. L. Add. Rolls 26588-26593.

and advise the king of his income, and that the treasurer should draw up regular estimates of the Crown's debts.[1] Had these orders been implemented, the Exchequer would therefore have acted as a budgetting agency for the Crown. But it has generally been assumed that they were very largely ignored during the 1340's and 1350's.[2] However, there are some indications, and some documents hitherto ignored, which suggest that Edington made several attempts to restore or adapt these regulations in the hope of developing the Exchequer's responsibility, and his own control over financial policy.

The committee of audit planned in 1338 to supervise Exchequer accounts was originally to comprise a bishop, a banneret and a clerk, an independent body intended to assist the king in his attempt to exert greater control over the Exchequer. After 1341, however, the king had no reason to distrust the Exchequer, and it is possible therefore that some modified auditing procedure was introduced, using the machinery and officials of the Exchequer of Account itself. We have already seen how, after 1344, the records of the Lower Exchequer were apparently audited from time to time in order to ensure that the three series of issue rolls represented accurate and full records of expenditure.[3] Furthermore, while there is no evidence that the enrolments of warrants for issue ordered by the Walton Ordinances were ever drawn up, their place at an audit might well have been taken by the files of warrants kept in the Receipt.[4] And although we can only suggest, rather than prove, that regular audits of Exchequer accounts

1. Tout, Chapters, iii. 145-6, 149.
2. ibid., iii. 78.
3. See above, p. 228.
4. cf the suggestion of Harriss, Public Finance, pp. 473-4.

took place, there is more definite evidence that the surveys of receipts, issues and debts ordered by the Walton Ordinances and resulting from such auditing processes, were drawn up. A memorandum of income and expenditure was compiled in the Exchequer in 1340 in direct response to the Ordinances.[1] And a previously neglected document proves that Edington attempted to revive the practice of drawing up schedules of debts owed to the Crown, ordered in 1338. For in July 1345, a year after Edington became treasurer, a list of such debts was drafted in the Exchequer, sent to the king for his information, and then returned to the Exchequer in order that the appropriate action might be taken.[2] Similar evidence is lacking for the next few years. But Edington's work during this period in improving the accuracy of records and the accountability of the Receipt were themselves aimed ultimately at providing a full and fair assessment of the Crown's financial situation. Furthermore, the attention which he devoted to the receipt and issue rolls during the 1340's made Edington acutely aware that, if accurate assessments were to be made of the Crown's financial situation, these rolls must represent all royal income and expenditure. Consequently, before any further efforts were made to draw up the schedules demanded by the Walton Ordinances, it was essential that the Exchequer should achieve control and knowledge of the various royal prerogative revenues and personal expenses which did not as yet appear in the Exchequer records. It was only by extending the authority of the Exchequer

1. H. Jenkinson and D. M. Broome, 'An Exchequer Statement of Receipts and Issues, 1339-40', Eng.Hist.Rev., lviii (1943), 210-216.
2. B. L. Harl. Roll CC30. This document is unfortunately in a poor condition and the writing too faint to be transcribed accurately.

over the whole spectrum of royal finances that treasurer Edington could achieve in reality the overall control which he claimed in theory as the king's chief financial minister.

The biggest impediment to Edington's attempts at compiling comprehensive statements of royal revenue and expenditure, and the biggest threat to the supreme authority of the Exchequer over royal finance, undoubtedly came from the offices of the royal household, the Wardrobe and its sub-sections the Great and Privy Wardrobes, and the king's Chamber. The financial reforms of Edward II's reign had brought the Wardrobe under closer Exchequer supervision, insisting that, with the exception of a few of its minor revenues, all the Wardrobe's income should be provided from the Exchequer, and its accounts subject to detailed audit there.[1] However, the Walton Ordinances of 1338, while upholding this principle of accountability, had also given the king's household, acting through the privy seal, supreme control over all Exchequer issues, with the result that the Exchequer had little or no control over the actual amounts of money paid into or out of the Wardrobe. Consequently, during the keepership of William Norwell in 1338-40, the Wardrobe, constantly demanding enormous funds from the Exchequer, had still overspent to the tune of £74,000, a deficit which the Exchequer itself would ultimately have to make up.[2] As for the Chamber, the Exchequer had virtually no influence over this office, whose income derived from various royal fiscal and feudal prerogatives, the scope and profits of which were much extended in the 1330's, while the office itself

1. J. H. Johnson, 'The System of Account in the Wardrobe of Edward II', Trans.Roy.Hist.Soc., 4th ser., xii (1929), 99-104.
2. Tout, Chapters, iv. 105, n. 1; vi. 88-9.

remained accountable to the king alone.[1] Until the Exchequer could better regulate the receipts and expenditure of the Wardrobe and Chamber, the treasurer would therefore have little hope of achieving a comprehensive knowledge of royal finance. A certain amount could be achieved as a result of the healing of the rift between the household and the offices of state after 1341, so that finance was better managed and co-ordinated: thus Walter Wetwang, keeper of the Wardrobe from 1344 to 1347, and whose account therefore covered the period of the Crecy-Calais campaign, overspent by £16,000, a sum appreciably smaller than the earlier disastrous deficit of William Norwell.[2] Nevertheless, firmer and more fundamental improvements could not be made until the Exchequer had a comprehensive knowledge and institutionalised control of the income and expenditure of the household offices. And it was to this matter that Edington turned his attention in the later 1340's and 1350's.[3]

Edington's attempt at complete financial control of the household was apparently precipitated by the king's decision in 1348-9 to create a landed estate whose profits were to be assigned exclusively and directly to the upkeep of the Wardrobe.[4]

1. ibid., iv. 238-251, 286-8.
2. ibid., iv. 117-8; vi. 88-9.
3. Tout made several tentative suggestions about Edington's influence over the household reforms of this period, pointing out the need for a more detailed analysis of inter-departmental relations: ibid., iii. 204, 264; iv. 122, 128-9, 281-2, 288-9, 304-5. The following discussion therefore owes a good deal to Tout, and although I have supplemented his evidence and sometimes revised the details of his argument, his main theme, of the extension of Exchequer authority under Edington, is supported and reinforced.
4. ibid., iv. 120-9.

In reviving a practice much used and much criticised in his father's reign, Edward III does not appear to have been making any attempt to subvert the basic structure of financial administration, but merely to take special advantage of the many estates falling to the Crown as wardships after the deaths of a large number of tenants-in-chief during the plague. But in re-establishing the Wardrobe estate, the king was indirectly threatening the financial authority of the Exchequer. For when the estates of the late Earl of Pembroke were assigned to the Wardrobe in November 1348,[1] the keeper, Thomas Clopton, began to record the profits of these lands in the recepta forinseca section of the wardrobe account, which listed those forms of household income derived from sources independent of the Exchequer.[2] According to the Exchequer Ordinance of May 1324, however, such revenues were supposed to be recorded amongst the recepta de scaccario, the receipts from the Exchequer, and persons paying the farms of wardships to the Wardrobe were supposed to receive letters of acquittance which they then had to surrender at the Exchequer in return for tallies, entries then being made on the issue rolls recording 'payments' to the keeper of the Wardrobe.[3] Tout, in analysing the new Wardrobe estate of 1348-9, believed that revenues from wardships continued to be recorded amongst the recepta forinseca on into the 1350's.[4] But it is inconceivable that Edington,

1. Cal.Fine Rolls, vi. 100-1.
2. See the recepta forinseca section of Clopton's Wardrobe account in E361/2 m. 42.
3. Johnson, 'The System of Account in the Wardrobe of Edward II', pp. 78-81, 100; idem, 'The King's Wardrobe and Household', Eng.Gov. at Work, i. 231-2; The Red Book of the Exchequer, ed. H. Hall (Rolls Ser., 1896), iii. 908-929; Tout, Chapters, ii. 263-4.
3. ibid., iv. 130, 132, 134.

the treasurer dedicated to establishing his control over royal finance and determined to make the receipt and issue rolls a complete statement of financial transactions, should have countenanced the infringement of the 1324 Ordinance and the return to the swollen foreign receipt of Edward II's time. His quarrel was not with the principle of the wardrobe estate itself, but simply with the way in which it was being administered. Indeed, given proper supervision, a landed estate assigned to the Wardrobe could be of great benefit to the Exchequer, since it would reduce the demands of the king's household for supplies. Consequently in 1349 Edington determined to improve Exchequer control over the Wardrobe in order not to abolish the landed estate, but to ensure the Exchequer's comprehensive control of all Wardrobe revenues.

In July 1349 William Cusance, who had retired from the treasurership in 1344, was brought back into royal service and made keeper of the Wardrobe, the post he had held earlier in 1340-1.[1] The cursus honorum in financial administration, which had up until this point always meant promotion from the household to the Exchequer, was thus dramatically reversed, with the clear intention of establishing greater Exchequer control over the Wardrobe.[2] At the same time the Exchequer was also extending its authority

1. ibid., iv. 122.
2. ibid., iv, 122; cf ibid., iv. 163. So far as I can tell, the only precedent for such a move from the Exchequer to the household was the case of John Charnels, deputy treasurer in 1337 and 1338, who became keeper of the Great Wardrobe in 1344-5 (ibid., vi. 22, 36). The special circumstances of Charnels' appointment to the Exchequer in 1337-8, and his lack of any other contact with the Exchequer, however, make the case altogether exceptional (ibid., iii. 45, 81 n. 4, 98 n. 2).

over the escheators in order that Edington might regulate the system of wardships more effectively. The government had been struggling since the early months of 1349 to improve the reliability and extend the scope of the information supplied by the escheators through alterations to the Chancery writ of diem clausit extremum;[1] but Edington was now determined to assume direct administration of wardships, and for this purpose the copies of inquisitions post mortem normally submitted by the excheators when they made their accounts at the Exchequer were insufficient.[2] Accordingly, in the same month as Cusance's appointment to the Wardrobe, the escheators were summoned to appear in the Exchequer at Michaelmas to give special information regarding the tenants-in-chief who had died during the previous year, and were instructed to bring with them copies of their inquisitions.[3] When this information had been gathered, the Exchequer finally had full knowledge and control of royal casualties. And it is no coincidence that it was only at this point, in October 1349, that the king established the general policy that all wardships should be assigned to the Wardrobe.[4] For this decision, taken under Edington's guidance, was taken precisely because keeper Cusance and his successors now set out to ensure that the payments from wardships

1. C81/336/20007, printed in Select Cases in King's Bench, v. p. cliii; Cal.Inq.Post.Mort., ix, p. vii.
2. For this procedure see Guide to the Contents of the Public Record Office revised ed, (London 1963), i. 59-60.
3. E368/123, mm. 20d-21; for later similar summonses see E368/126; Brev. Retorn., Hil. (5th full membrane); E368/127, Brev. Retorn., Mich. (34th membrane).
4. SC1/40/100, printed and dated in Tout, Chapters, iv. 123, n. 1.

should be duly recorded on the Exchequer rolls according to the specifications of 1324 and the demands of Exchequer centralisation.

The details of revenues from farms of wardships paid to the keepers of the Wardrobe between 1348 and 1359 are set out in table 1. These figures show that, up until the end of Cusance's short keepership in February 1350, little of the Wardrobe's income from wardships was in fact recorded in the Exchequer: the largest proportion of this income, derived from the Pembroke estates, was still accounted for as foreign receipt. But it was under Cusance's successor, William Retford, that the results of the work of Edington and Cusance really began to show. If the king had any doubts about the Exchequer's insistence on controlling the Wardrobe estate, then he was clearly won over by July 1350, for a writ of privy seal sent to the Exchequer in that month insisted not only that all profits of wardships should be assigned to the Wardrobe, but also that these must be recorded through the Exchequer, and that the Exchequer must take responsibility for ensuring the collection of outstanding farms of wardships owed to the Wardrobe.[1] The king, the treasurer of the Exchequer, and the keeper of the Wardrobe were thus united in an effort to maximise the yields from wardships. This would both increase household income and reduce the pressure on the Exchequer to find other financial resources for the Wardrobe, and thus be of common benefit to the whole administration. Furthermore, the landed estate used to provide income for the household was further extended and its profits swollen, by the assignment of the temporalities of bishoprics and abbeys to the Wardrobe,

1. E159/126, m. 96d.

TABLE 1: WARDROBE RECEIPTS, 1347 - 1359

| Keeper<br>Accounting Period | Clopton<br>24 Nov 1347-<br>5 July 1349 | Cusance<br>5 July 1349-<br>13 Feb 1350 | Retford<br>14 Feb 1350-<br>23 Feb 1353 | Buckingham<br>23 Feb 1353-<br>22 Feb 1354 | Buckingham<br>23 Feb 1354-<br>26 Feb 1357 | Retford<br>26 Feb 1357-<br>12 Dec 1358 | Walton<br>16 Dec 1358-<br>3 Nov 1359 | SOURCE |
|---|---|---|---|---|---|---|---|---|
| | £ s d | £ s d | £ s d | £ s d | £ s d | £ s d | £ s d | |
| RECEPTA DE SCACCARIO FROM WARDSHIPS | 167- 1-5 | - | 4,935- 4-11½ | 556-14-2½ | 7,225-10-5½ | 1,566- 9- 6 | 340-13-4 | ISSUE ROLLS OF EXCHEQUER, E403 |
| RECEPTA DE SCACCARIO FROM VACANT TEMPORALITIES | 400- 0-0 | 200- 0-0 | 927-10-9½ | - | - | 3,729- 1- 9 | 1,160- 0-0 | ENROLLED WARDROBE ACCOUNTS, E361 |
| RECEPTA FORINSECA FROM WARDSHIPS | 517- 6-11 | 1,187- 3-0 | 1,062-19-2½ | - | 371-19-11 | 42-13- 3 | - | |
| TOTAL RECEIPTS FROM WARDSHIPS | 1,084- 8-4 | 1,387- 3-0 | 6,925-14-11½ | 556-14-2½ | 7,597-10-4½ | 5,338- 4-6 | 1,500-13-4 | |
| | £ s d | £ s d | £ s d | £ s d | £ s d | £ s d | £ s d | ENROLLED WARDROBE ACCOUNTS AND PARTICULARS, PRINTED IN TOUT, CHAPTERS, vi. 90-91. |
| RECEPTA DE SCACCARIO FROM ALL SOURCES | 21,132- 7- 5 | 5,596-10-3¼ | 51,501- 7- 0½ | 18,175- 5-2 | 127,389-18-8 | 113,547-13- 0 | 38,820-15-7½ | |
| RECEPTA FORINSECA FROM ALL SOURCES | 1,263-16-7¼ | 1,324-19-6¾ | 6,964- 8-4 | 4,381-11-2¼ | 1,598-16-1 | 1,925-17-11½ | 4,010- 0-9 | |
| TOTAL WARDROBE REVENUE | 22,396- 4-0¼ | 6,921- 9-10 | 58,465-15- 4½ | 22,556-16-4½ | 128,988-14-8 | 115,473-10-11½ | 42,830-16-4½ | |

represented by the separate section in table 1. This policy was again apparently adopted late in 1349, for although the Canterbury estates were assigned to the Chamber during the vacancy of August-November 1349,[1] thereafter for a number of years the issues of vacant temporalities, as well as the farms of certain alien priories, were regularly paid into the Wardrobe _via_ the Exchequer.[2] Consequently, the Wardrobe estate provided a significant proportion of total Wardrobe revenue, some 20% under Cusance and 10% during Retford's keepership of 1350-53. Under the close supervision of treasurer Edington a landed estate was thus created in a conscious attempt to reduce the demands of the Wardrobe on the Exchequer while at the same time retaining and extending the effective control of the Exchequer over the Wardrobe.

The success of Edington in securing the appointment of William Cusance to the keepership of the Wardrobe and thus creating greater Exchequer controls over the household, encouraged the treasurer to attempt further reforms. In February 1350 John Buckingham, the Warwick Chamberlain in the Exchequer of Receipt, was appointed keeper of the Great Wardrobe. This was the first time that an _acting_ Exchequer official had ever been appointed to a household department,[3] and a move which must have caused considerable comment in bureaucratic circles. The choice of Buckingham for this important household office was doubly significant, for he came straight from the Receipt of the Exchequer, where Edington had already made great efforts to improve reliability

1. E372/194, m. 49d.
2. E372/198, mm. 37-37d, 38d; E372/199, mm. 37, 41-41d; E372/200, m. 42; E372/203, m. 41.
3. Tout, _Chapters_, iv. 381. The only precedents were those of Charnels and Cusance: above, p. 245 and n. 2.

and accountability,[1] and was clearly now intended to impose parallel reforms in the household. Immediately after Buckingham's appointment, an attempt was therefore made to bring the Great Wardrobe into closer contact with its parent office, the Wardrobe, and thus to bring both under more effective Exchequer control. For from September 1351 the separate accounts of the Great Wardrobe, like those of the king's butler, ceased, as both were reduced to sub-sections of the main Wardrobe account.[2] With the Wardrobe and the Great Wardrobe functioning under Exchequer influence, over-elaborate procedures could be whittled away and a new efficiency and economy achieved.

This in turn meant that the personnel of these household offices could also be rationalised. When Cusance had become keeper of the Wardrobe in 1349 the position of cofferer had disappeared,[3] rendered unnecessary by the presence of a keeper actively involved in the preparation and presentation of his accounts. And in 1352 when John Buckingham was appointed controller of the Wardrobe, he retained the keepership of the Great Wardrobe and held the two offices in conjunction,[4] their functions now obviously allied by the amalgamation of the accounts of the two departments. In the following year Buckingham was promoted to the keepership of the Wardrobe, with the clear intention that he should continue the work of Cusance, and ensure that the various reforms in the accounts and organisation of the household offices were carried through to become part of normal administrative

1. See above, pp. 228-32.
2. Tout, Chapters, iv. 431-2; List of Foreign Accounts, p. 25.
3. Tout, Chapters, iv. 119, n. 3; vi. 32.
4. ibid., vi. 29, 36.

practice. The extent of his success can be gauged from the figures in table 1, which show that all of Buckingham's receipts from wardships in his 1353-4 Wardrobe account, and all but a small proportion of such receipts in his 1354-7 account, were duly recorded on the Exchequer issue rolls in accordance with the 1324 Ordinance and the policy of Edington and Cusance.[1] As a former chamberlain of the Exchequer, Buckingham was well acquainted with the treasurer's policy of making the issue rolls a full and reliable account of all royal expenditure, and now, under Edington's close supervision, was being employed to ensure that this policy was carried through in the Wardrobe.

The policy of rationalising and amalgamating household offices, and extending the authority of the Exchequer through the personnel and the accounting procedures of the household, was, then, a crucial part of Edington's determination to improve his knowledge and control of all royal finances. If that authority were to be truly comprehensive, however, it was essential that Edington should exert his influence not only over the Wardrobe, but also over the Chamber, the most independent of the household departments. The Chamber was the office of the king's privy purse, and was therefore answerable for its income and expenditure

1. The only set of particulars of wardrobe accounts surviving for this period are those of Buckingham for 1353-4: E101/392/12. Tout analysed this document and thought that the absence of receipts from wardships in the recepta forinseca indicated that the wardrobe estate had ceased to exist or to be productive (Tout, Chapters, iv. 133-4). But he failed to notice that all such receipts were itemised in the recepta de scaccario section of these particulars, all of which can be traced to related entries on the Exchequer issue rolls.

to the king alone. During the later 1340's a closer connection had already been established between the Exchequer and the Chamber, for in 1347 the Chamber had been provided with a special room in Westminster Palace where its accounts were to be held, and, a year later, the auditors of the Chamber had been instructed to store all their records there and allow the Exchequer access to them.[1] Such reforms seem, however, to have been instigated by, and intended to benefit, the Chamber itself, for they were meant not to make the Chamber accountable to the Exchequer, but to utilise the Exchequer machinery to bring pressure to bear on the Chamber's reclacitrant debtors.[2] The Chamber accounts themselves remained independent of the Exchequer:[3] the account made by Robert Burton to the Exchequer in 1349 for the time that he had been receiver of the Chamber at Calais in 1346-7 was not in fact a Chamber account at all, for it was confined to expenditure incurred in the purchase of arms and armour, a function normally undertaken, and accounted for, by the Privy Wardrobe, but assumed by the Chamber office during 1346-7 because the Privy Wardrobe had not gone to the continent with the rest of the household.[4] In the late 1340's, therefore, nothing had as yet been done to ensure Exchequer control over the income of the privy purse.

That control was not in fact to be achieved for several more years. In April 1349 Robert Burton left office as receiver

1. Tout, Chapters, iv. 281-2.
2. ibid., iv. 282-4.
3. See, e.g., E159/126, m. 96d: the Exchequer ordered not to intermeddle in the Chamber's independent administration of its estates.
4. E101/391/4, E357/194, m. 44. The significance of this account was somewhat exaggerated by Tout, Chapters, iv. 288-9. It was the distinction between the accounts of the Chamber proper and of the Chamber acting as a Privy Wardrobe which meant that two writs of certiorari had to be issued in Apr. 1353, one to

of the Chamber and was succeeded by Robert Mildenhall, already keeper of the Privy Wardrobe and of the king's mint, who held all three offices in conjunction for the next four years.[1] The amalgamation of the Chamber and the Privy Wardrobe and mint under one keeper clearly owed something to Edington's policy of

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CONT'D

4. the Exchequer and the other to the Chamber, inquiring into Burton's accounts, in order that the surplus of £1209 0s 3½d on the Exchequer account could be used to pay off his deficit of £1080 on the independent Chamber account: C260/64/17A, resulting in the order printed in Tout, Chapters, iv. 289, n.3.

1. Tout's list of receivers of the Chamber of the late 1340's (Chapters, iv. 258, vi. 55), based on the confusing document E101/391/1, is misleading. Burton was the receiver of the Chamber from 25 Dec. 1344 to 23 Apr. 1349; but during the Crecy-Calais campaign, when the Chamber went abroad and undertook some of the functions of the Privy Wardrobe (above, p. 252 ), the Privy Wardrobe proper, left in England, had taken on some of the functions of the Chamber. Burton created Robert Mildenhall, keeper of the Privy Wardrobe, his deputy in England, and Mildenhall's duties were confined to receiving the Chamber's foreign receipts from its landed estates; all issues made from the Exchequer to the Chamber continued to be made in Burton's name (see E403/336, 338, passim). Mildenhall therefore ceased to function as Burton's deputy when the Chamber returned to England in October 1347, and only resumed his connection with the Chamber when he succeeded Burton as receiver in April 1349. And there is no justification for the inclusion of Thomas Bramber and Richard Norwich in Tout's list of receivers, since although Bramber occasionally received Exchequer issues to the Chamber, the issue rolls never gave him the title of receiver; and Norwich never received any Exchequer issues, his account in E101/391/1 being confined to foreign expenses. Bramber and Norwich were in fact far more actively involved in the secretarial rather than the financial work of the household.

rationalisation and simplification being carried through at the same time in the Wardrobe and Great Wardrobe.[1] But it did not at first mean that the Exchequer had any more control over the Chamber, for the income of this office continued to derive from independent sources, most notably from the lands taken into the king's hands as forfeitures and escheats.[2] On 12-15 October 1349 it was indeed established as general policy that the profits of all casualties should be paid into the king's Chamber.[3] The simultaneous decision to assign all wardships to the Wardrobe was taken, as we have seen, with the full support of the Exchequer.[4] But treasurer Edington could not countenance an extension of the Chamber estate, for the simple reason that, unlike the income which the Wardrobe derived from wardships, the revenues from lands assigned to the Chamber would not be recorded in the Exchequer issue rolls. Edington was not exhibiting hostility to the 'household system' or animosity to the privy purse; he simply wished that the Chamber, like other household departments, should conform to his policy of making the receipt and issue rolls of the Exchequer a full and accurate account of all royal revenue and expenditure.

The best hope of asserting control over the Chamber was therefore, as Edington recognised, to continue the policy adopted in the Wardrobe and Great Wardrobe and secure the appointment of Exchequer officials to the king's household. Accordingly, in April 1353 when Robert Mildenhall left office as receiver of the Chamber and keeper of the Privy Wardrobe and the king's mint, he was succeeded by William Rothwell, who, since

1. See above, pp. 245-51.
2. Tout, Chapters, iv. 238-251.
3. ibid., iv. 244; the decision can be dated precisely by reference to Cal.Clo.Rolls, 1349-54, p. 145; Cal.Pat.Rolls, 1348-50, p. 405; E159/127, Brev. Bar., Hil., m. 5d.
4. See above, pp. 246-7.

the appointment of John Buckingham to the household in 1350, had been Warwick chamberlain in the Receipt of the Exchequer.[1] The king had now been persuaded, apparently by treasurer Edington, to take the unprecedented step of appointing an Exchequer official as the head of the most independent of the household departments. If Buckingham's transfer to the Great Wardrobe in 1350 had caused some comment, then Rothwell's move from the Exchequer to the Chamber in 1353 must have excited a good deal of interest and speculation in the bureaucracy. For Rothwell, even more than Buckingham, had been actively involved in the various reforms carried out by Edington in the Exchequer of Receipt,[2] and was now clearly intended to impose some of those reforms in the Chamber itself.

The results were soon evident. Immediately after Rothwell's appointment as receiver, the Exchequer began to make substantial issues and assignments to the king in his Chamber, like the £9,333 6s 8d assigned ad voluntatem regis in July 1353 and the £4,400 cash payments out of the customs paid to the king's personal treasury in October of that year.[3] From Michaelmas 1354 these payments developed into the certum, the annual Chamber income guaranteed from the Exchequer, at first valued at 5,000 marks and later, in 1355, raised to 10,000 marks.[4] The Chamber was not obliged to account to the Exchequer for this

1. Tout, Chapters, iv. 455-6. I disagree with Tout's argument that the Chamber and Privy Wardrobe were moving apart, for the amalgamation of the two offices under one keeper suggests the exact opposite, and the evidence indicates that Rothwell was, contrary to Tout's suggestion, very much involved in the administration of the Chamber.
2. See above, p. 230.
3. E403/368, 20 July 1353; E401/422, 18 Oct. 1353.
4. Tout, Chapters, iv. 303, 313-4.

revenue;[1] the important thing was that the scale, and the guaranteed payment, of the certum, made it by far the most important and valuable form of Chamber income, and thus ensured that the majority of Chamber funds now passed through the central treasury and were duly recorded on the receipt and issue rolls. Treasurer Edington, the minister committed to providing the household with adequate finances for the king's wars and personal expenses, was not attempting to control and thus reduce the scale of household expenditure; he simply wished that the revenue of all the household departments, including the Chamber, should be recorded in the Exchequer. The employment of Exchequer personnel and practices in the Chamber after 1353, thus assuring the Exchequer of a full knowledge of the revenues of the privy purse, therefore marked the final stage of the policy which Edington had been pursuing in household finance since 1349.

It was the creation of the certum, the guaranteed Chamber income from the Exchequer, under the guidance of Edington and Rothwell in 1353-5, which led, as Tout noted, to the eventual abolition of the Chamber estate, and thus of the main form of independent income enjoyed by the Chamber, in January 1356.[2]

1. Such issues from the Exchequer free of the obligation to account must be distinguished from other payments to Rothwell recorded on the issue rolls which, though they might call him receiver of the Chamber, were clearly made to him in his capacity as keeper of the Privy Wardrobe, and for which he had therefore to account at the Exchequer. The distinction between the two types of payment can be ascertained from a list of issues to Rothwell for which accounts were necessary, drawn up in the Exchequer in 1356: E159/132, Recorda Hil. (8th membrane).
2. Tout, Chapters, iv. 305, and n. 2.

What Tout failed to appreciate fully, however, was that this policy decision was intimately associated with a series of events in 1355-6 which had important political as well as administrative results. In the parliament of November 1355 the king agreed to take the side of Blanche, Lady Wake, in her celebrated quarrel with Thomas de Lisle, Bishop of Ely;[1] and Edward accordingly ordered that the temporalities of the bishopric be seized. However, the king's departure on a winter campaign in Scotland allowed his ministers to ignore the order, and Edward, with some impatience, issued a letter of privy seal from Newcastle on 30 December instructing the chancellor and treasurer to proceed in the matter without further delay.[2] Thoresby and Edington, allying with the judges and barons of the Exchequer, refused to carry out the seizure of the Ely temporalities, claiming that this would be contrary to the protections and privileges allowed to the Church in the statute of 1340.[3] Apart from this question of principle, however, it would also seem that the king intended that the Ely estates should be assigned to the Chamber, like other royal forfeitures, and that the king's ministers, and treasurer Edington in particular, were determined not to allow this. For on 20 January 1356, while the king was still in the north, the Chamber estate was formally abolished, not by a warrant received under one of the king's personal seals, but by a writ under the great seal, place-dated at Westminster, which went unrecorded on the Chancery rolls and was only committed to record when it was copied onto the

1. Rot.Parl., ii. 267. The details of this case are discussed in B. Wilkinson, 'A Letter of Edward III to his Chancellor and Treasurer', 248-251; Dic.Nat.Biog., xi. 1222-4; and Highfield, 'Relations between the Church and the English Crown', pp. 141-6.
2. Wilkinson, op.cit.,
3. Richardson and Sayles, English Parliament, cap. xxv, p. 32, n. 73.

memoranda roll of the Exchequer.[1] The timing and the diplomatic of this writ strongly suggest that it represented a decision taken behind the king's back, and made possible by the collusion of chancellor Thoresby and treasurer Edington, in a determined effort to prevent the Ely temporalities being assigned to the Chamber. And this exceptional divergence between the attitudes of the king and his ministers was bound to have serious repercussions when the king returned from the north in February.

Edward was probably not greatly concerned by the administrative implication of the abolition of the Chamber estate, for he was obviously more than satisfied with the Chamber revenue from the certum. But he remained firm in his determination to seize the Ely estates. For some months the matter remained unresolved; but then Edward's hand was strengthened by Bishop Lisle's flight to Avignon, where he had registered an appeal against the judgment rendered in Lady Wake's favour.[2] Consequently the king was able to secure a judgment in Common Pleas, apparently on the basis of the Statute of Praemunire, as a result of which writs were issued for the seizure of the Ely temporalities in October 1356.[3] Again, it seems probable from the timing of these events that the forfeiture precipitated the resignation a month later of chancellor Thoresby, who was still opposed to the king's infringement of ecclesiastical privileges.[4] But meanwhile,

1. Transcribed from that source in Tout, Chapters, iv. 305, n. 2.
2. Highfield, op.cit., pp. 268-9.
3. The evidence of such a judgment is to be found in the issue roll, where an entry records a payment to messengers for delivering writs under the seal of the Common Bench for the seizure of the temporalities: E403/382, 21 Oct. 1356. Although I have not found a record of such a judgment on the Common Plea rolls, this evidence increases the likelihood that the Statute of Praemunire was actually cited in the case, and gives additional force to the argument that the Statute was enforced by Edward III's government: see above, pp. 169-72.
4. Cal.Clo.Rolls, 1354-60, p. 332.

Edington had evidently worked out a clever compromise with Edward, persuading him that the Ely estates should be farmed out and their profits paid, not to the Chamber, but into the king's Wardrobe.[1] The competing priorities of the two men would thus be reconciled, Edward enjoying a considerable increase in his household revenue and Edington ensuring that this income would be recorded through the issue rolls of the Exchequer. Any tension between the king and the treasurer resulting from the earlier controversy was thus dispelled, and Edington reaped his reward, being promoted to replace Thoresby as chancellor.

The controversy over the Ely temporalities in 1355-6, the one disruption in the king's government in a period characterised by harmony and co-operation, ended therefore with the re-assertion of Exchequer supremacy and the departure of Edington to the highest office in the land. But before we can assess the administrative achievement of Edington in his twelve years at the Exchequer, the story of the Wardrobe estate needs to be concluded. For the immediate and direct result of the seizure of the Ely temporalities was, as table 1 demonstrates, that the Wardrobe estate was saved from the natural extinction which would have come about as a result of the reversion of wardships. The Ely lands accounted indeed for some £2,840 of the £5,338 4s 6d received from the Wardrobe estate by William Retford in 1357-8,[2] and therefore helped substantially to maintain such income as a significant proportion of total Wardrobe revenue.

1. ibid., 1354-60, p. 392; Tout, Chapters, iv. 127.
2. E403/338, 26 Oct. 1357; E403/392, 2 July 1358; E403/394, 18 and 19 Feb. 1359 (the latter represents payments of arrears after Retford had left office).

The profits of the estate, which accounted for 5% of Buckingham's income in 1354-7, remained at 4½% in Retford's 1357-8 account. Such percentages may have been small, but they were not negligible; and there was no reason why, if the Wardrobe estate had continued, it should not have flourished again with the large number of wardships falling to the Crown after the plague of 1361-2. But by that stage the Wardrobe estate had ceased to exist, not, as Tout thought, through a mere decline into oblivion,[1] but with a policy decision taken under exceptional circumstances later in 1359.

On 28 October 1359 the king left for the continent on a new campaign, and as in 1346-7, intended to take his household administration with him. Such a plan might well cause problems in the administration of the Wardrobe's income from lands in England. In fact, before the Wardrobe had time to observe the king's wishes its keeper, Henry Walton, died.[2] And when Walton's executors appeared in the Exchequer on 18 November, they reported that the rendering of his Wardrobe account would be delayed because of the large amounts still to be paid in from the farms of lands. Edington's successor, treasurer Sheppey, together with the barons of the Exchequer and others of the king's council accordingly decided that, to save more complications, all payments from wardships should in future be made not into the Wardrobe _via_ the Exchequer, but directly into the Exchequer itself.[3] The Wardrobe estate therefore came to an end with a policy decision caused not by Exchequer animosity but by the immediate administrative needs of the moment. In the meantime, the landed estate had

1. Tout, _Chapters_, iv. 126-7, 132, 134.
2. _ibid_., iv. 136-8.
3. E159/136, Recorda, Mich. (8th membrane).

served a useful purpose for a full decade, not only providing a welcome supplement to the revenue of the Wardrobe but also allowing the Exchequer the opportinuty to exert full and effective control over household finance.

It has been necessary to dwell at some length on the administrative reforms carried out in the Exchequer and the household in the years between 1344 and 1356, for they signify the determined policy of treasurer Edington to assert his authority over all aspects of royal finance and thus to use to the full the comprehensive responsibility delegated to him from the king in the spirit of the Walton Ordinances. Many of these reforms, viewed in isolation, may seem piecemeal, mere technical details; but taken together, they amount, if not to a major overhaul of financial administration, then at least to a consistent effort to tighten up existing procedures, to improve record-keeping and accountability, and thus to create for the treasurer a supreme control of the king's finances. Such reforms would of course have been to little avail had they not been accompanied by an equally vigorous policy aimed at increasing the actual revenues of the Crown, to which we shall turn our attention in the next chapter. But in order to improve royal income, Edington appreciated that the first and fundamental necessity was to improve the structure of financial administration. His reforms in book-keeping were not therefore mere bureaucratic niceties; they were the essential first stage in his larger policy of restoring the financial and political authority of the Crown.

# CHAPTER VIII

## THE EXCHEQUER (2)

The bureaucratic reforms imposed in the Exchequer during the 1340's and 1350's under the influence of treasurer Edington were of major importance for the recovery of royal initiative in government. But they could only be a preliminary stage in that process, and would have been to little avail had they not been accompanied by, and intended to achieve, an increase in the king's revenues. For by 1350 the most pressing need of government was clearly to create income commensurate with expenditure. It was on its response to this problem that the success or failure of the regime would ultimately be judged. For the outstanding debts from the opening stages of the French war and the continued high expenditure of the 1340's combined to produce an unprecedented pressure on royal resources. This alone would have been serious enough; but the fact that it coincided with the first outbreak of the Black Death and the consequent demographic and economic disruption of the country in the years after 1349, might have proved fatal for the king's finances had they not been under the capable direction of Edington. Ever since he had entered office as treasurer in 1344, Edington must have been acutely aware of the need to make the king's financial capabilities match his military ambitions. To understand the true significance of the internal reforms of the Exchequer, we therefore need to examine the financial policies of the government during the 1340's and 1350's, and the means by which royal revenues were developed and collected in pursuit of Edington's

ultimate aim - solvency.

The king enjoyed revenue from many different sources in the 1340's and 1350's. Ordinary income was provided by the royal demesne, the farms of the shires and boroughs, the feudal rights of wardship, marriage and relief, the profits of justice and of the king's mints, and the prerogative of taking aids, prises and subsidies. The largest single source of ordinary revenue was provided by the various duties which made up the customs charged on imports and exports. These ordinary revenues were supplemented from time to time by the extraordinary direct taxes granted in parliaments and convocations to pay for the king's wars. We have already noted the implications of the permanent imposition of the maltolt and the frequent lay and clerical subsidies of the 1340's and 1350's, which meant that more and more of the king's income was now being derived from taxation.[1] It is not surprising to find, therefore, that William Edington devoted much of his time, and much of the Exchequer's energy, to these valuable taxes. But it is also interesting and significant that during this period the Exchequer gave attention to <u>every</u> form of royal revenue, whether large or small, in a conscious determination to increase each part, and therefore the whole of the Crown's financial resources. Before turning to the income from direct and indirect taxation,[2] we need then to examine the Exchequer's policies with regard to the smaller traditional revenues of the Crown during Edington's treasurership.

The Exchequer had originally come into existence in order to collect the fee farms of the shires and boroughs, and

1. See above pp. 149-57.
2. See below, pp. 280-305.

in the fourteenth century Exchequer practice continued to revolve around the twice-yearly proffers and annual accounts of the sheriffs. These occasions had long since ceased to provide substantial cash for the king's coffers because of the widespread assignment of the farms at source; but Edington's concern for accuracy and accountability within the Exchequer would naturally make him determined to continue such checks on the local financial agents of the Crown. This became particularly important when the Black Death began to cause administrative problems in the shires. For without the rigorous policy which the Exchequer adopted towards the sheriffs during and after the plague, the valuable income from the shrieval farms might have been seriously diminished, and royal financial security therefore jeopardised.

The Exchequer itself, as we have seen, was little affected by the plague, and its work continued undisturbed.[1] It also therefore expected its local officials to respond to the call of 'business as usual'. Consequently, the only shrieval proffer officially adjourned as a result of the plague was that of William Bret, sheriff of Essex and Hertfordshire, who died shortly before he was due to appear at the Exchequer in 1349.[2] Similarly the only shrieval account which the Exchequer adjourned was that of the sheriff of Norfolk and Suffolk, during the temporary scare in the capital in January 1349.[3] Otherwise, little provision was made for the considerable problems experienced in the shires, where the mortality rate amongst royal officials was apparently higher than in the central administration. The sheriff of Cornwall and the under-sheriff of Staffordshire both died in office in

1. See above, p. 225.
2. E368/121, m. 6d. cf Cal.Fine Rolls, vi. 130-1; E199/10/12.
3. See above, p. 225.

the summer of 1349.[1] The sheriff of Devon was unable to attend his account because he had fallen ill from the plague.[2] Some of the staff of the sheriff of Nottinghamshire and Derbyshire were dead by Trinity 1349, and the sheriff himself died in September.[3] And the sheriff of Bedfordshire and Buckinghamshire reported that his whole staff had died during the pestilence.[4] Such evidence would suggest a serious disruption in shire administration which might have severe consequences for royal finance. But it is to be noted that not all the claims of the sheriffs could be taken at their face value. The staff of the sheriff's office for Bedfordshire and Buckinghamshire did not all die in the plague, since at least one man working there in the 1330's, William Berkhampstead, was still in the sheriff's service in the early 1350's.[5] It was clearly to the sheriff's advantage to make such claims in the hope of gaining concessions. But the Exchequer, realising that the plague might provide an excuse for laxity and abuse, now adopted a strict policy without which the shrieval farms would have ceased to provide a real source of royal income.

1. List of Sheriffs for England and Wales (P.R.O. Lists and Indexes, ix, 1898), pp. 21, 127; Register of Edward the Black Prince (London, 1930-33), ii. 11, 13; Cal.Inq.Post Mort., ix. no. 437; E368/121, m. 186.
2. E. Fryde, 'The Tenants of the Bishops of Coventry and Lichfield and of Worcester after the Plague of 1348-9', Medieval Legal Records, eds. R. F. Hunnisett and J. B. Post (London, 1978), p. 226.
3. E368/121, m. 64; List of Sheriffs for England and Wales, p. 103.
4. E368/121, m. 60d.
5. Rolls from the Office of the Sheriff of Beds. and Bucks., 1332-1334, ed. G. H. Fowler (Quarto Memoirs of the Beds. Historical Record Soc., iii, 1929), pp. 3-4; E207/3/2 (lower string).

After 1349 the number and scale of requests for relief of farms and debts ratione pestilencie necessitated a careful and more rigorous attitude towards allowing concessions in the Exchequer. The sheriffs of Northumberland and Cumberland had for many years been claiming relief on their farms as a result of Scottish raids, and these requests were normally granted automatically.[1] But it is noticeable that they did not receive the same pro forma treatment when claiming reductions of their farms on account of the plague. The sheriff of Cumberland, requesting exoneration of £25 6s 5d on his account for 1350-1 as a result of the Black Death, was told that no pardon could be made of this sum without the special command of the king.[2] Other sheriffs and escheators had to put in detailed claims, even though these were sometimes for relatively small amounts, before any allowances might be made.[3] And the Exchequer often insisted that special inquisitions be held in the shires to substantiate claims for larger concessions. Sir Saier de Rocheford, sheriff and escheator of Lincolnshire from 1348 to 1355, for instance, secured a total relief of £240 10s 8d on his account only after his claims were vindicated in special inquiries in 1351.[4] This encouraged him to make further successful requests for remissions in 1352, 1353 and 1355.[5] But not even the returns of inquisitions guaranteed a pardon of debts in the Exchequer. Sir Thomas Fermband, sheriff of Bedfordshire and Buckinghamshire in 1349-50, requested

1. e.g., E368/122, mm. 285-6; E368/124, mm. 280-6; E368/126, Precepta, Mich.; cf Morris, 'The Sheriff', Eng.Gov. at Work, ii. 74.
2. E368/124, m. 303.
3. E368/122, mm. 270d-271; E368/123, mm. 229d-230; E368/124, mm. 229, 230; Cal.Clo.Rolls, 1349-54, p. 286.
4. E368/123, mm. 270d-271; E159/127, Brev.Bar., Pasch, m.2.
5. E368/124, mm. 288d, 289d; E368/125, mm. 279-280; E368/127, Precepta, Pasch, mm. 2-3.

exoneration of £99 on his shrieval farm in 1351, and special inquiries were ordered in those counties, which returned that Fermband had been unable to collect the farm ratione pestilencie & mortalitatis hominibus.[1] But he was not in fact discharged the debt until six years later, when in 1357 the king ordered the Exchequer to pardon Fermband £75 of the £99 originally claimed.[2] For a number of years after the plague, then, constant pressure was being applied on sheriffs as a result of the Exchequer's refusal to condone laxity or accept difficulties in local financial administration.

The Exchequer was equally grudging in allowing concessions on the fee farms of the boroughs. Most towns claiming remissions on their fee farms as a result of the Black Death were allowed relief only after careful inquiries into their economic conditions.[3] And it is striking that most of the boroughs which secured such reductions in this period were allowed relief not on account of the plague alone, but more specifically as a result of flood damage or French attacks: it was these latter factors which secured reductions of the farms and debts of Southampton,[4] Dunwich,[5] and Winchelsea and Rye.[6] When plague alone was the cause of impoverishment, the Crown would not pardon debts, but instead allowed the towns a

1. E159/127, Brev. Bar., Hil., m. 16, Trin., m. 3; Recorda Hil., m. 25; E368/123, mm. 74, 75.
2. E368/124, m. 277; E368/125, m. 226d; E368/126, Fines, etc., Mich., m. 7; C262/8/3; Cal.Clo.Rolls, 1354-60, p. 363. cf the example of the sheriff of Devon quoted in Fryde, op.cit., p. 226.
3. e.g., the town of Cork: C47/10/22/2; Cal.Pat.Rolls, 1350-4, pp. 117-8.
4. ibid., 1350-4, p. 56; C62/128, m. 4.
5. Rot.Parl., ii. 210-211; Cal.Pat.Rolls, 1348-50, p. 79; Cal.Clo.Rolls, 1349-54, pp. 491-2, 620; Cal.Inq.Misc., iii. no. 156; SC8/162/8087.
6. E368/124, mm. 254d-255d.

contribution, out of ecclesiastical property in the case of Winchester,[1] and out of lay taxes in the case of Hull,[2] in order that they should maintain the full payment of the fee farms. Once again, a stubborn refusal to acknowledge the real or affected repercussions of the plague in the provinces allowed the central government to maintain its income and its authority at a difficult moment.

That all of this was deemed necessary and worthwhile is a sign of the important place which the fee farms still held in royal finance. For a significant proportion of the Crown's ordinary and extraordinary expenditure was made through assignments on these farms, and it was therefore essential that a high level of income be maintained from the shires. Fees and annuities, for instance, were a regular and onerous charge on the fee farms.[3] But by far the heaviest strain on shrieval resources during this period was for the expenses of the king's armies, especially the provision of victuals for English garrisons on the continent.[4] The cost of providing foodstuffs for the forces at Calais indeed stretched the shires beyond their capacities,[5]

1. Cal.Pat.Rolls, 1350-4, p. 223.
2. ibid., 1350-4, p. 417.
3. T. F. Tout and D. M. Broome, 'A National Balance Sheet for 1362-3', Eng.Hist.Rev., xxxix (1924), 412; Harriss, Public Finance, p. 527; C. R. Young, The English Borough and Royal Administration, 1130-1307 (London, 1961), pp. 61-8.
4. List of Various Accounts (P. R. O. Lists and Indexes, xxxv, 1912), under the sections 'Army, Navy and Ordnance', and 'Sheriffs' Administrative Accounts'.
5. See e.g., the failure of the sheriffs to collect or pay for the prises ordered for Calais in 1351: Cal.Fine Rolls, vi. 273-7, 288-91: E358/1, 2, 5, passim.

and changes in the system therefore came about after criticisms in parliament had led to the king's agreement in 1352 to abide by the statutes regulating purveyance.[1] The receiver of Calais began from 1353 to contract with merchants to supply victuals for the garrison, and to pay for them out of funds provided direct from the Exchequer.[2] These new arrangements undoubtedly eased the burden on the shires. But purveyance continued to represent the heaviest of many charges on the shrieval farms, and the need to maintain close Exchequer supervision over the local agents of the Crown therefore applied not only at moments of crisis such as the period of the plague, but also as a matter of permanent policy.

The Exchequer's response to its local agents in the period after the Black Death was therefore harsh and unfeeling, but was also very necessary. For a less vigilant attitude would have resulted in both financial and political concessions to the localities. If the Crown had been prepared to bow to pressure from its local agents, then the king's financial resources would have been damaged, and his political prestige weakened. Just as the judicial policies of the government in this period were directed towards the maintenance of central initiative,[3] so too therefore was the Exchequer's attitude towards the fee farms dictated by the determination to uphold and enhance royal authority. Learning its lesson from the plague, the Exchequer continued its vigilant control of the farms into the 1350's. Sheriffs failing to attend their proffers were amerced heavily;[4] and in 1355 an attempt was made to confine the sending of attorneys to proffers

1. Stat.Realm, i. 238; see above, p. 161.
2. S. J. Burley, 'The Victualling of Calais, 1347-65', Bull,Inst. Hist.Res., xxxi (1958), 53-4.
3. See above, pp. 194-209.
4. e.g., E368/122, mm. 1, 5; E207/3/2 (upper string).

and accounts, in an attempt to ensure the greater responsibility of the sheriffs for their accounts, and the swifter settling of business.[1] Edington's earlier efforts to increase the accountability and efficiency of the officials of the Exchequer was therefore being extended to the local financial agents of the Crown in a conscious and concerted attempt to maintain order and financial security.

The farms of the shires were part of the traditional and permanent income of the Crown, administered through set procedures and yielding fixed revenues. But there were other long-standing forms of income which were more flexible and which, under skilful management, offered the opportunity for increasing the financial capacities of the Crown. We have already noticed some such traditional revenues which were developed to their full potential in the decade between Crecy and Poitiers. The increase in the estreats of the King's Bench and the profits of wardships after the late 1340's was encouraged by the government and nurtured by the Exchequer to provide useful extra income.[2] Similarly, the king's rights to take feudal aids and communal fines, dropped in 1340 under pressure from parliament, were revived in the new political climate of the late 1340's and 1350's, the aid of 1346 bringing in some £9,000, and the communal fines being charged during the provincial sessions of the King's Bench in the early 1350's to gain both political and financial advantages for the

1. Red Book of the Exchequer, iii. 845-6, reproducing the writ enrolled in E159/131, Brev. Bar., Pasch, m. 9. This writ superceded an earlier similar order which had been returned to the king for amendment: E159/131, Brev. Bar., Mich., m. 22d.
2. above, pp. 218-20, 243-9, 259-60.

Crown.[1] Many such revenues were ad hoc, the lucky result of special political or administrative situations. And the king was particularly fortunate during this period in being served by ministers who had the sensitivity to know when to pursue, and when to drop, such sources of income. The Exchequer's policy under Edington amounted to more than opportunism; but the realisation of opportunities was clearly an important part of Edington's technique. One of the most important and successful of these opportunities was provided by the potential revenue offered as a result of the series of numismatic reforms carried out in the king's mint during the 1340's and 1350's. These reforms in fact offer one of the best examples of the sophisticated financial policies pursued during the middle years of Edward III's reign.

In 1344-51 a major reform of the currency was carried through which was to have important consequences both for the late medieval English coinage and for the king's income.[2] In January 1344 it was decided that a reduction should be made in the official weight of sterling, and at the same time that a new gold coin, the noble, should be put into circulation. The main purpose of this reform was to establish a stable currency, and to create a ratio between English and foreign coins which would put a stop to the efflux of English sterling to the continent while at the

1. above, pp.211-2.Harriss, Public Finance, pp. 410-6.
2. For what follows see A. Feavearyear, The Pound Sterling, 2nd edn., rev. E. V. Morgan (Oxford, 1963); A. Hughes, C. G. Crump and C. Johnson, 'The Debasement of the Coinage under Edward III', Economic Journal, vii (1897), 185-198; J. H. A. Munro, Wool, Cloth and Gold: the Struggle for Bullion in Anglo-Burgundian Trade, 1340-1478 (Toronto, 1972), cap. i; T. H. Lloyd, 'Overseas Trade and the English Money Supply in the Fourteenth Century', in Edwardian Monetary Affairs (1279-1344), ed. N. J. Mayhew (British Archaeological Reports, xxxvi, 1977), pp. 110-111.

same time ensuring the success of the gold noble in the French and Italian markets. The frequent changes made in the coinage over the next few years signified the government's determination to achieve this balance. It was eventually successful in June 1351 when a major reduction was made in the weight of silver and gold coins, and two new sterling coins, the groat and half groat (4d and 2d) were introduced. This created the most stable currency in later medieval Europe, one which would remain substantially unaltered for the next century. The numismatic and economic significance of the coinage reforms of 1343-51 is therefore far-reaching, and indicates considerable expertise on the part of Edward III's financial advisers. Furthermore, the government was also clearly aware that the reminting necessitated by changes in the weight of the coinage and the introduction of new coins would lead to an increase in the business, and therefore in profits, of the mint. And every effort was now made to take advantage of this opportunity to increase the king's income.

The king derived revenue from the mint through a charge known as seigneurage, which, combined with a levy for the costs of production called mintage, appears in the accounts of the keepers of the mints under the heading 'moneyage'. The moneyage figures in these accounts for 1338-55 are set out in table 1[1], along with information derived from the indentures made between the Crown and the keepers of the mint setting out the rates at which seigneurage and mintage were charged, thus allowing us to ascertain the approximate proportion of moneyage which actually went to the Crown.

1. The figures for the first decade of the reign are printed in A. Beardwood, 'The Royal Mints and Exchanges', Eng.Gov. at Work, iii. 60 (under the heading 'mintage').

TABLE 1: RATES AND RECEIPTS OF SEIGNEURAGE AND MINTAGE AS CHARGED AT THE MINTS OF LONDON, CANTERBURY AND YORK, 1338-1355

LONDON AND CANTERBURY

| DATE | SOURCE | ACCOUNT OF | TOTAL "MONEYAGE" £ s d | GOLD SEIGNEURAGE MINTAGE | SILVER SEIGNEURAGE MINTAGE | SOURCE |
|---|---|---|---|---|---|---|
| 6 JUNE 1338-MICH 1338 | E372/187 m54 | JOHN FLEET | 23 3 $6\frac{3}{4}$ | | | |
| [illegible] MICH 1350 | E372/195 m39 | " | 173 14 $4\frac{1}{2}$ | 9s 4d 1s 2d | $8\frac{3}{4}$d $5\frac{1}{4}$d | Cal.Clo.Rolls, 1349-54 pp 217-9 |
| MICH 1350-24 JAN 1351 | E372/195m42 | " | 87 0 $0\frac{1}{4}$ | | | |
| 24 JAN 1351-24 JUNE 1351 | E372/195 m45d | " | 150 16 $3\frac{1}{4}$ | | | |
| 24 JUNE 1351-25 OCT 1351 | E372/196 m45d | " | 1090 6 1 | 7s 3d 2s | 6d 8d | Cal.Clo.Rolls, 1349-54 pp 379-81 |
| 25 OCT 1351-4 MARCH 1352 | E372/196 m39 | " | 900 1 1 | | | |
| 4 MARCH 1352-24 JUNE 1352 | E372/196 m43d | " | 855 5 $2\frac{1}{2}$ | | | |
| 24 JUNE 1352-11 NOV 1352 | E372/197 m37 | " | 1062 13 $4\frac{1}{4}$ | | | |
| 11 NOV 1352-6 MAY 1353 | E372/198 m35 | " | 1240 8 5 | | | |

continued over

TABLE 1 CONTINUED

| DATE | SOURCE | ACCOUNT OF | TOTAL "MONEYAGE" £ s d | GOLD SEIGNEURAGE MINTAGE | SILVER SEIGNEURAGE MINTAGE | SOURCE |
|---|---|---|---|---|---|---|
| 7 MAY 1353-<br>24 DEC 1353 | E372/198 m39d | ROBT.<br>MILDENHALL | 2113 11 1 | | | |
| 24 DEC 1352-<br>MICH 1354 | E372/199 m35d | WM.ROTHWELL | 2076 7 2 | | | |
| MICH 1354-<br>5 APRIL 1355 | E372/200 m37 | " | 711 0 $5\frac{1}{4}$ | | | |
| 5 APRIL 1355-<br>31 MAY 1355 | E372/200 m38d | " | 269 14 $4\frac{3}{4}$ | | | |
| 31MAY 1355-<br>24 DEC 1355 | E372/200 m39d | " | 667 1 $3\frac{1}{2}$ | 5s 6d 1s 2d | $2\frac{3}{4}$d $6\frac{1}{2}$d | Cal.Clo.Rolls, 1354-(<br>pp 235-8 |
| YORK | | | | | | |
| 14 JULY 1353-<br>24 DEC 1354 | E372/199 m35d | WM.HUNT | 625 7 $6\frac{1}{2}$ | | | |
| 25 DEC 1354-<br>29 MAY 1355 | E372/200 m40d | " | 63 1 6 | | | |

Notes to Table 1

1. Change in rates, June 1345.

2. Change in rates, November 1345; no figures mentioned for gold.

3. Change in rates, January 1349.

* denotes the operation of the Canterbury mint.

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These figures should be set alongside those for the actual production of coin, printed in C. G. Crump and C. Johnson, 'Tables of Bullion Coined under Edward I, II, III', Numismatic Chronicle, 4th ser., xiii (1913), 200-245.

As the table shows, the immediate result of the new weights and rates of January 1344 was a substantial increase in the profits of the mint, partly explicable by the very high seigneurage charges on the production of gold nobles. When Edington entered office in April 1344, he must therefore have been fully aware of the potential income offered by the mints. The frequent alterations in weights and rates over the next few years meant that the revenues of the mint were somewhat inconsistent. But the table indicates that the reform of June 1351 was a success not only in numismatic but also in financial terms. For the substantial decrease in the weights of silver and gold coins, and the introduction of the new sterling denominations, necessitated a comprehensive re-minting. The new sterling currency of 1351 indeed had a greater impact in England than the gold noble of 1344, for many of the chroniclers commented on the 1351 reforms, attributing them to Edington.[1] And the administration of the mints in the 1340's and 1350's suggests that Edington was indeed the motive force, if not behind the initial reform of 1344, then behind the determination to establish the viability and profitability of the new currency.

Edington's influence in the administration of the mints was possible because the Exchequer was not only generally responsible for drawing up the indentures between the Crown and the master moneyers which dictated the weights and rates of the currency,[2]

1. Chronicon Johannis de Reading, p. 113; Historia Anglicana of Thomas of Walsingham, ed. H. T. Riley (Rolls Ser., 1863-4), i. 275-6; Tout, Chapters, iii. 204. cf Chronicon Galfridi le Baker, p. 116; The Brut, ed. F. W. D. Brie (Early English Texts Society, 1906-8), ii. 304.
2. Indentures were often recorded on the Memoranda rolls: E159/126, m. 146 (Cal.Clo.Rolls, 1349-54, pp. 217-9); E159/128, Recorda, Mich., m. 5 (Cal.Clo.Rolls, 1349-54, pp. 379-381); and were then communicated from the Exchequer for enrolment in the Chancery: C81/1591/52 (Cal.Clo.Rolls, 1346-9, p. 39).

but also because the treasurer himself nominated the keeper of the king's mint and exchanges.[1] From 1338 until the currency reform of 1344, the keepership of the mint had been held by the keeper of the Privy Wardrobe, John Fleet.[2] But between 1344 and 1349 various experiments were made, apparently in an attempt to improve Exchequer control over the mint. The most important and novel of these was the decision to make the Italian master moneyers George Clerkyn and Loti Nicholyn responsible for their own accounts in 1344 and 1347-8. The change was not in fact a success, for Clerkyn and Nicholyn proved abnormally slow in paying their debts,[3] and although the English merchants who gave surety for them were theoretically liable to honour their debts, in 1351 the mainpernors of Clerkyn and Nicholyn had to be excused a debt of over £1,000 still outstanding on their account.[4] These and other problems[5] therefore pursuaded Edington in 1349 to resume former practice when Robert Mildenhall, keeper of the Privy Wardrobe, was appointed keeper of the mint, and at the same time, receiver of the Chamber.[6] With Mildenhall, and more especially with his

1. e.g., C81/1585/67, 69.
2. Tout, Chapters, iv. 448-9.
3. e.g., E401/382, 23 May 1345; E401/385, 27 July 1346; E401/395, 11 Dec. 1348, 16 Feb. 1349.
4. E368/123, m. 68d.
5. John Horton, warden of the mint 17 May 1348-1 June 1349, appears to have been closely associated with the farmers of the customs, who acted as his mainpernors (Cal.Fine Rolls, vi. 88), and whose collapse in April 1349 probably precipitated Horton's dismissal.
6. E372/194, m. 40d. The changes in the personnel of the mint during 1344-9 were ignored by Tout, Chapters, iv. 280, 455. For the date and significance of Mildenhall's appointment to the Chamber see above, pp. 252-4 and p. 253, n.1.

successor William Rothwell, a former official of the Receipt,[1] the influence of the Exchequer could be brought to bear on the mint to ensure efficiency and revenue, and thus to allow the Crown to benefit from the 1351 reform of the coinage.

The appointment in 1351 of two new English master moneyers, Henry de Brisele and John de Chichester, clearly marked the culmination of the Exchequer's effort to restore its control over the mint. For on 18 June, two days before the new indenture for the coinage was drawn up,[2] the newly-appointed master moneyers visited the mint in the company of the keeper and the first baron of the Exchequer, and surveyed the standards and trussels being used there.[3] On the basis of their report to the Exchequer, it was then decided by the treasurer and others of the council that new dies should be commissioned for the mint 'iuxta ordinationem monete tunc ordinate'. These dies were evidently delivered on 24 June, when minting of the new coins began at the Tower.[4] The close Exchequer supervision revealed here thus provided the stimulus for careful management and maximum revenue. As table 1 shows, the recoinage necessitated by the new rates of 1351 brought in nearly £3,000 in moneyage in the following year, and a further sum of £4,500 by the time Mildenhall left the mint in December 1353.

The king and council took further steps during this period to ensure the Crown's profits from the mints. For in June 1353 an ordinance was issued regarding the rights of those bishops and abbots who held the privilege of coining royal pennies and taking

1. See above, pp. 230, 254-6.
2. Cal.Clo.Rolls, 1349-54, pp. 379-381.
3. E159/127, Recorda, Trin. (3rd membrane).
4. E372/196, m. 45d.

the profits therefrom.[1] They were to coin money according to the new sterling standard, to take seigneurage at 4d in the pound weight, and were forbidden to farm out their mints or to receive old and foreign currency. The business of these provincial mints had already in fact been curtailed by the re-opening of the king's mint at Canterbury, which was functioning in 1344-7;[2] and by the setting up of a royal mint and exchange at York in 1352-3.[3] The latter continued to function until 1355 in order to deal with the increase in business resulting from the 1351 reform, and produced £688 in moneyage, to supplement the sum of over £3,000 produced by Rothwell at the Tower mint during the same period. The deliberate limitation placed upon those holding the privilege of minting royal pennies therefore allowed a further extension in royal profits. The success of the 1351 reform and the stability of the new coinage obviously meant a gradual decline in business after the rush of 1351-2, however, and in 1355 the seigneurage and mintage charges were reduced, bringing profits still lower. Nevertheless, between 1351 and 1355 the mints had produced a profit of some £11,000 in costs of production and levies for the Exchequer. Clearly Edington's awareness of the opportunities to be taken from royal prerogative charges had thus ensured another valuable supplement to the king's revenues.

The traditional revenues of the Crown and the occasional

1. C81/357/22191; E208/4 (part 3), file 26-27 Edw III, no. 49. For the diplomatic significance of this example, see above, p. 117 and n. 1.
2. For the brief revival of these mints during the 1340's see Sir John Craig, The Mint (Cambridge, 1953), p. 64; H. B. E. Fox and S. Fox, 'Numismatic History of the Reigns of Edward I, II and III', British Numismatic Journal, vi (1909), 205-210.
3. Cal.Fine Rolls, vi. 324, 366; Cal.Clo.Rolls, 1349-54, p. 555; Cal.Pat.Rolls, 1350-4, p. 513.

profits of feudal and prerogative rights were therefore of great importance to Edington in his effort to restore order to royal finances in the 1340's and 1350's. Nevertheless, the Crown could not depend, and did not need to depend on such revenues to balance its high expenditure during this period. The profits of the mints in fact provide an excellent point of contrast between the English and French monarchies in these years. For whereas in England the primary intention of the 1344-51 reforms was to establish a stable currency, and the increased income from seigneurage was a fortuitous result of this, in France the chaotic financial status of the crown necessitated continual debasement of the coinage, specifically to provide the seigneurage revenues which in 1349 amounted to some 70% of the total revenue of Philip VI.[1] Edward III did not need to resort to such desperate measures for the simple reason that the English Crown had other more valuable forms of revenue. For without the extraordinary taxes granted to the king in convocations and parliaments, and the ordinary indirect taxation derived from the customs system, it would have been impossible for Edward to support his high level of spending during the middle years of the reign. It is to these forms of revenue that we therefore need to turn our attention in an effort to understand the financial policies and successes of the years between Crecy and Poitiers.

It is usual to discuss the development of taxation in a political rather than a financial context, and to point to the

1. H. A. Miskimin, Money, Prices and Foreign Exchange in Fourteenth Century France(New Haven and London, 1963), pp. 42-3; J. B. Henneman, Royal Taxation in Fourteenth Century France (Princeton, 1971), pp. 332, 340, 343-4.

authority assumed by parliament as a result of the control it gained over public finance in the course of the fourteenth century, rather than to the enormous revenues which the king enjoyed from such sources. But we have already noted that during the 1340's and 1350's the comparative novelty of the parliamentary monopoly over taxation, the government's clever manipulation of the plea of necessity, and its refusal to allow a direct link between grants of supply and redress of grievances, meant that, in immediate and practical terms, it was the king who benefitted most from extra-ordinary taxation.[1] A lay tenth and fifteenth was estimated to raise £38,000, a clerical tenth some £18,000; and since no less than ten lay subsidies and seven clerical taxes were granted between 1344 and 1354,[2] it was clearly of the greatest importance that the Exchequer should turn these promises of supply into real revenue.

The necessity of maintaining the high income from direct taxation became a preoccupation of the government after 1349, for the arrival of the Black Death in England obviously posed a major threat to royal finance. But as with the farms of the shires, so with lay tenths and fifteenths, the government showed a united and determined effort to cope with administrative problems and maintain the pre-plague level of income. In theory, the Crown had nothing to fear from a drop in the population itself, for since 1334 individual taxation rates had been abandoned in favour of block assessments on vills,[3] and these assessments would now simply have to be redistributed to compensate for any decline in the

1. See above, pp. 149-66.
2. See above, pp. 151, 156.
3. J. F. Willard, Parliamentary Taxes on Personal Property, 1290 to 1334 (Cambridge, Mass., 1934), p. 5.

number of taxpayers. But had the king bowed to requests for exemptions and remissions from taxation on account of the economic disruption following the plague, it is clear that the level of income enjoyed before 1348 could never have been achieved. Moreover, irresponsible concessions to individual and local interests would have damaged the political as well as the financial authority of the Crown at a moment when the king was attempting to reassert central initiative. It was therefore crucial that Edward's financial advisers should impress upon him the need to refuse such concessions at this vital moment.

It was thus of great importance to the Exchequer that after 1349, although the king protected the rights of those holding charters of exemption from taxation,[1] virtually no new immunities were allowed to private individuals. Furthermore, and more important, no permanent reductions were made in any of the assessments charged on vills. Only under a few special circumstances were even temporary remissions allowed. In 1350 the burgesses of Newcastle upon Tyne were pardoned 250 of the 600 marks due from the town towards the tenth and fifteenth, and the collectors of the tax were instructed to give special consideration to the impoverishment of the merchants there.[2] Great Yarmouth was similarly pardoned £100 of the £200 debts on the first and second years of the 1348 subsidy in recognition of the effects of the plague.[3] Portsmouth and Bath were allowed small concessions of £12 12s 2d and £13 6s 8d a year on their respective assessments.[4] But apart from

1. Rot.Parl., ii. 242.
2. Cal.Pat.Rolls, 1350-4, p. 15; Cal.Clo.Rolls, 1349-54, p. 258; E159/127, Brev. Bar., Hil., m. 14. In the 1352 subsidy the remission was continued, but was reduced to 150 marks: Cal.Pat.Rolls, 1350-4, p. 353.
3. E159/126, m. 105d; E359/14, m. 38; E13/76, m. 41.
4. E359/14, mm. 38, 39d, 41d, 42.

exonerations allowed to several vills in Rutland,[1] no other temporary reductions in communal assessments can be found. The government therefore generally responded with a firm refusal to the pleas of hardship received from taxpayers after the plague.

The determination to maintain the pre-plague level of taxation led to further efforts during the 1350's, when several successful attempts were made to pre-empt or prevent special privileges claimed or enjoyed with regard to taxation. In 1351 the newly-created palatinate of Lancaster was specifically denied the traditional exemptions from taxation enjoyed in Durham and Chester.[2] Furthermore, in 1357 the government put a stop to the attempt by Queen Philippa's ministers to take queen's gold, a tenth of all voluntary fines paid to the king, on lay taxes granted in parliament.[3] And throughout the 1350's protracted inquiries were taking place in an attempt to establish the king's rights to take tenths and fifteenths in the Archbishop of York's liberty of Hexham.[4] These scattered pieces of evidence do not suggest any fundamental attack on long-standing immunities: there was no attempt, for instance, to impose direct taxation in the palatinates of Durham and Chester. But these cases do suggest that the government showed a deliberate reluctance to allow the extension or proliferation of such immunities during the years after the plague. The best way to maintain the earlier

1. E359/14, mm. 39, 39d, 41.
2. Cal.Pat.Rolls, 1350-4, p. 60.
3. H. Johnstone, 'The Queen's Household,' Eng.Gov. at Work, i. 264-5.
4. C260/62/4; Cal.Clo.Rolls, 1354-60, pp. 332, 410, 423, 457, 524.

assessments was, after all, to maintain the scope of taxation. As with the fee farms, so with direct taxes: the Crown, far from granting reckless concessions to placate the nobility and the county communities, took a firm stand at an important moment which guaranteed not only the revenues, but also the political supremacy, of the central government.

To refuse concessions was one thing; but to collect the taxes was of course quite another. For it is clear that the economic and administrative difficulties caused by the plague created considerable problems for the tax collectors which might have had serious consequences. But here again the government was able to respond with special arrangements to ensure that taxes were collected speedily and efficiently. Before the plague it had been usual for two men to be appointed as chief tax collectors in each area.[1] But when the plague began to take its toll in 1349, the government, in replacing deceased collectors, substantially enlarged the size of the commissions, appointing as many as fourteen men in one area.[2] Furthermore, special supplementary commissions were issued towards the end of the second and third years of the 1349 subsidy to assist in the collection of arrears. The novelty and the timing of these arrangements strongly suggest that they were the Exchequer's answer to the local administrative problems created by the plague. And the success of the policy may be measured by the size of the outstanding debts which remained after the final accounts of the collectors and which were transferred to the pipe rolls to be levied as desperate debts.[3]

1. Willard, op.cit., p. 41.
2. Cal.Fine Rolls, vi. passim.
3. The following analysis is based on the enrolled accounts in E359/14, m. 38ff. I do not include those small sums noted as a surplus (which, in these accounts, means a deficit), but only those which were noted as having been transferred to the pipe. The totals here are rounded to the nearest hundred pounds.

In the accounts of the first year of the 1348 subsidy, eighteen sums amounting to £7,000 had still to be collected at the time of the final accounts, though the lion's share of this came from the counties of Norfolk and Suffolk, where the collectors had as yet collected virtually nothing, and owed some £4,700. During the second year of the subsidy, in which we would expect the effects of the plague to be most marked, nineteen groups of collectors had debts ranging from £15 to £700 transferred to the pipe, amounting in all to £4,200. By the third year, however, the close Exchequer supervision of collectors and accounts produced an appreciable reduction of the outstanding debt: when the final accounts of this year were rendered, only thirteen areas owed debts which were removed to the pipe rolls, and which represented a total of just £1,700. It was clearly one of the most considerable achievements of the Exchequer, under the vigorous leadership of Edington, that it was able to overcome the problems arising from the plague and in such a short time could restore efficiency and normality to its accounting procedures, and maintain its vitally important income from lay taxation.

The most novel of the methods adopted to ensure revenue from direct taxation in the period after the plague was however the application of judicial revenues towards lay tenths and fifteenths as a form of tax relief.[1] In 1349, as we have seen,[2] excess wages taken under the Ordinance of Labourers were assigned towards the lay subsidy then running. And in 1352 all money penalties under the labour legislation were applied in aid of the

1. For what follows, see Putnam, Enforcement, pp. 98-149; Harriss, Public Finance, pp. 340-2.
2. See above, p. 122.

new triennial tenth and fifteenth, providing over 10% of tax revenue in some areas, though averaging throughout the country some 6% of the total tax burden. These arrangements were undoubtedly popular with the country gentry, and therefore represented a clever reconciliation of the financial requirements of the Crown with the political attitudes of the Commons.[1] Nevertheless, it is important to remember that the initiative here remained with the Crown. It was not parliament, but the king's council, which framed the Ordinance and Statute of Labourers;[2] and it was not the Commons, but the king's ministers -and Edington in particular - who devised the procedures for applying the estreats of the labour sessions towards lay subsidies.[3] Furthermore, the Commons were unable to make this a permanent form of tax concession. In 1357 the government chose to use as tax relief not the profits of the labour legislation, but the fines for escapes of felons and fugitives, in an adroit attempt to ensure the collection of a controversial charge associated with the eyre.[4] The government was aware of the need to conciliate the Commons; but in making concessions it was careful to maintain its own interests and priorities. And the first priority of financial administration was clearly the absolute necessity of ensuring high revenues from taxation. It is surely one of Edington's greatest contributions to royal finance that he therefore succeeded in this plan.

By the tightening up of administrative procedures and the making of careful concessions the Exchequer was therefore able to enjoy a large revenue from taxation in the 1340's and 1350's,

1. Harriss, Public Finance, pp. 354-5.
2. See above, pp. 122-4.
3. See above, p. 168.
4. See above, pp. 211-3.

revenue which could be put to good use in re-establishing the financial security of the Crown. For as Dr Harriss has shown, the comparatively light military involvement of the years after the fall of Calais allowed the king to use taxation to pay off the debts accumulated during the early years of the French war.[1] Of the money raised from the triennial lay subsidy of 1348, only perhaps £50,000 was required for current military charges, allowing some £150,000 to be used to clear old debts. By 1352, many of the king's most pressing obligations were therefore removed, and with the scale of war much reduced, the Exchequer was able to devote an increasing proportion of extraordinary revenue to the domestic expenses of the royal household. Debts of course remained;[2] but by the end of the 1352 subsidy it is reasonable to suggest that the financial problems of the 1340's had given way, if not to solvency, then to a remarkable new financial stability. And when the long decade of direct taxation came to an end in 1354, the Exchequer, far from facing a dramatic drop in income and the corresponding problem of reducing expenditure, was able to sustain and indeed countenance an increase in royal domestic spending. For it was now enjoying large revenues from indirect taxation, through the newly re-organsied customs system.

By the mid-fourteenth century the customs and subsidies raised on imports and exports consisted of a number of different charges. The Crown enjoyed revenue from the duty on the export of wool, woolfells and hides paid by denizen and alien merchants under the Old Custom of 1275, and the extra duties paid by aliens under the New Custom of 1303. Additionally, the king could also

1. Harriss, Public Finance, pp. 335-40.
2. See e.g., the debts to financiers and outstanding wardrobe bills: above, pp. 235-8.

raise the maltolt, the subsidy of 40s on a sack of wool, which came in the 1340's and 1350's to form part of the permanent revenue of the Crown, granted by the Commons in parliament.[1] There were also various other customs and subsidies imposed for the first time during this period. In March 1347 a great council granted the king a permanent custom on the export of cloth, a loan of 20,000 sacks of wool, and a subsidy on wool, wine and other merchandise.[2] The latter, the origin of the later subsidies of tunnage and poundage, was granted by the merchants again in February and September 1350.[3] A further subsidy of 20s on a sack of wool, over and above the maltolt,was granted by a council of magnates summoned in April 1350.[4] In the same period came further developments in the taxation of cloth. The government in 1351 restored the assize of Northampton, by which cloths exposed for sale within England had to be measured, and those not conforming to the assize forfeited to the Crown.[5] Because of difficulties in the administration of this system however,[6] it was replaced in 1353 by a general subsidy of 4d paid by the seller on each broadcloth sold within England, an excise duty collected by the sheriffs, the mayors of the staples, and the customs administration.[7] The

1. See above, pp. 150-4.
2. Harriss, Public Finance, pp. 450-1, 457, 460.
3. ibid., pp. 461-2.
4. Rep.Dig.Peer, iv. 586; E356/5, m. 1. Because of an embargo on exports, the levy raised nothing and was abandoned in June: see above, p. 153, n.2.
5. Stat.Realm, i. 314.
6. The alnager and his deputies responsible for enforcing the assize abused the system for private gain (C260/63/17), and consequently failed to account to the Exchequer (E159/128, Brev. Bar., Pasch, m. 12d). For opposition to the forfeitures made by the alnager see Cal.Letter Books London, F, pp. 229-30; Rot.Parl., ii. 241.
7. Stat.Realm, i. 330-1; Cal.Pat.Rolls, 1350-4, pp. 536-7; E356/7, mm. 1-5. The alnager's functions were now reduced to the measurement of cloth: Cal.Pat.Rolls, 1354-8, pp. 29-30, 169, 348, 503, 581, 605.

incidence of these various new taxes was comparatively light, and the revenue they raised comparatively small, but taken together with the Ancient and New Customs and the now permanent maltolt, they ought to have represented a very substantial royal revenue after the later 1340's. It was not however until the mid-1350's that the full potential of these customs and subsidies was realised.

This delay in the expansion of the profits of the customs arose from the various attempts made by the Crown in the years between 1337 and 1351 to manipulate the wool trade.[1] These confusing and often confused arrangements were intended to provide much needed money for the war, but in practice usually led to financial problems and administrative deterioration. When Edington arrived at the Exchequer in 1344 he found that the customs had recently been farmed out to a syndicate of English merchants who, enjoying a monopoly over wool exports, had promised to pay the king £50,000 a year for their farm.[2] This system at first stood some chance of success, and raised a good deal of money; but in the later 1340's the cost of the Crecy-Calais campaign and the slump in the wool trade during the plague meant that the farmers could not meet their obligations, and went bankrupt in April 1349. And by that time it would seem that Edington, aware of the administrative and financial shortcomings of the farm, was already contemplating a return to direct Exchequer control of the customs system. It is noticeable that, unlike the Ancient and New Customs and the maltolt, the 1347 custom on cloth and the various other subsidies granted during the later 1340's were not included in the farm, but were paid directly into the Exchequer.[3] This was perhaps Edington's

1. See above, pp. 176-7.
2. For what follows, see Fryde, Medieval Trade and Finance, cap. x, pp. 1-17.
3. E356/5, 7, passim.

way of suggesting that the Exchequer was now better able to deal with the customs, and that the king might enjoy a larger income through direct administration. For although the farm was actually renewed until Michaelmas 1351, the same rigorous controls exerted over the sheriffs and tax collectors were now also applied to the collectors of customs as the Exchequer planned to make the customs revenues the centrepiece of royal finance. In April 1349 when the farm of the customs was reorganised, the government issued a complete new series of commissions to collectors of customs,[1] and followed this with further sets of appointments in May 1350[2] and November 1351.[3] Control of personnel allowed control of procedures: for in 1349 and 1350 the tronagers were summoned before the council, and on the latter occasion were issued with an ordinance for the punishment of persons using false weights.[4] And in September 1351 the same officials were called to the Exchequer for a special inquiry,[5] as a result of which the tronager at Ipswich was found to be in contempt for using illegal measures.[6] It is therefore evident that for over two years before the abandonment of the farm of the customs, the Exchequer had been exerting central control over the ports as part of a deliberate policy of improving the administration, and preparing the way for the profitability, of the customs.

The resumption of direct royal administration of the customs in 1351 was therefore carefully prepared by the Exchequer. And the preliminary steps were then followed up by careful decisions and actions by the council. Two representatives from each of the

1. Cal.Fine Rolls, vi. 134-5.
2. ibid., vi. 241-2; cf E159/127, Brev. Bar., Mich., m. 31.
3. Cal.Fine Rolls, vi. 312-3; Cal.Pat.Rolls, 1350-4, p. 174.
4. C81/1332/58; Cal.Clo.Rolls, 1349-54, pp. 67, 213, 222; C49/7/24; Cal.Fine Rolls, vi. 241-2.
5. Cal.Clo.Rolls, 1349-54, p. 393.
6. E159/128, Recorda, Mich., m. 1.

port towns were summoned to talks with the council in September 1351, presumably to discuss the arrangements for the new customs administration to be implemented from Michaelmas.[1] The government then proceeded to consolidate the Exchequer's earlier efforts at reforming the weighing procedures at the ports. The controllers of customs and tronagers were called to the Exchequer in November 1351, to take an oath that they would observe the standard weights of 14 pounds to the stone, and 26 stones to the sack of wool.[2] A supplementary order was then issued stating that two cloves might be allowed for the packaging in the weighing of wool.[3] When parliament met in January 1351, these rates were confirmed in a statute.[4] And at the request of the Commons, the government ordered that wool should now be weighed not by the auncel, a weighing machine using unauthorised weights, but by the balance of trone, which took weights which accorded with the king's standard.[5] The Exchequer promptly issued twelve new trones to be sent to the ports to replace the old weighing machines.[6] So effective was the government's new control, that within a short time the merchants were complaining against the rigorous new weighing policy, and requested that some regard should be given to former practices.[7] But the government, far from allowing concessions, pressed ahead with the enforcement of the 1352 statute. In April and September of 1354, and again in July 1355, the Exchequer issued official metal weights, stamped with the royal monogram to indicate that they had been checked to be in accordance

1. C49/46/21; C256/7/14.
2. E159/128, Recorda, Mich., m. 4.
3. Cal.Clo.Rolls, 1349-54, p. 335.
4. Rot.Parl., ii. 239-40; Stat.Realm, i. 321.
5. See Oxford English Dictionary, 'auncel' and 'tron'.
6. L. F. Salzman, English Trade in the Middle Ages (Oxford, 1931), pp. 59-60.
7. SC8/346/E1405.

with the 1352 statute, and sent them to the staples and ports for use on the balances.[1] The common determination of the government was thus being implemented through the Exchequer under the leadership of Edington to ensure that the customs administration should be put on a sound footing and thus provide valuable revenue for the Crown.

The concern of the government in general, and the Exchequer in particular, with the personnel of the customs and the weighing procedures of the ports indicates, then, that reforms were well under way even before the resumption of direct royal administration of the customs in 1351, and certainly before the legislation of 1353 imposed the system of English staples and the alien monopoly over English wool exports. Such administrative reforms indeed help to put the changes of 1353 into some perspective. For as we have seen, the staples and alien monopoly were established, not at the demand of the Commons in the great council of September 1353, but at the instigation of the government in a conciliar ordinance issued in June of that year.[2] So far as the king and his council were concerned, the main justification for this new system was that it would improve the structure and regulation of the customs, and, through the imposition of high export duties upon aliens, create a larger revenue for the Crown. It is indeed tempting to suggest that Edington was not only responsible for encouraging the king to return to direct royal administration of the customs in 1351 but was also instrumental in the decisions of 1353, since of all the king's ministers he was obviously the most aware of the potential profit offered by this plan. Certainly

1. E159/130, Recorda, Pasch (dorse of 5th membrane).
2. See above, p. 178.

Edington was interested and involved in the new staple system, for the Exchequer records of the period indicate that the preliminary reforms of 1349-53 were now followed up with a major effort to overhaul the customs administration and thus to increase royal revenue.

The biggest threat to effective central control over the customs was the abuse of smuggling. Evasion of the customs had been widespread in the early years of Edward III's reign, and one of the reasons for the creation of the farm of the customs in 1343 had indeed been the government's desire to avoid direct responsibility for this problem.[1] It had therefore been necessary to give attention to this matter when direct control of the customs had resumed in 1351, and general commissions had then been appointed to assist the searchers at work in the ports, with special powers to investigate illegal exports.[2] But the potential problem obviously became much greater with the ban on all English merchants exporting wool in June 1353, and new efforts were therefore needed to counter smuggling. The government took swift action, for in July standing commissions were appointed in many coastal shires with powers to hear and determine cases of smuggling.[3] Similar commissions continued to be appointed throughout the 1350's.[4] And the new staples were also mobilised to assist in this work. Following the precedents of 1326 and 1333, the staples for the larger ports of Hull, Boston, Lynn, London and Southampton were removed from those towns and

1. R. L. Baker, The English Customs Service, 1307-1343: A Study of Medieval Administration (Transactions of the American Philosophical Society, new. ser., 1i, part 6, 1961), pp. 23-50.
2. Cal.Pat.Rolls, 1350-4, pp. 275, 289, 334, 338, 512.
3. ibid., 1350-4, 514-5.
4. ibid., 1350-4, p. 523; 1354-8, pp. 66, 125, 162, 163, 548-9, 613.

situated at York, Lincoln, Westminster and Winchester.[1] This provided an important opportunity to improve the government's regulation of smuggling. For an ordinance was issued during the great council of September 1353 stating that wool, woolfells and hides must be weighed both at the staples and at the ports before they could be authorised for export.[2] Clearly the intention here was to enforce a double check, and therefore to reduce the opportunity for smuggling. The coastal commissioners and the officers of the staples, together with customs officials and other local agents of the Crown were all active therefore during the 1350's in the effort to minimise customs evasion.[3] The King's Bench also played its part: in Trinity term 1353, just as the alien monopoly on exports was being imposed, this court began a series of trials against persons indicted for smuggling from Berwick and Newcastle during the previous decade.[4] But the office

1. Stat.Realm, i. 332. For earlier precedents see Lloyd, The English Wool Trade in the Middle Ages, pp. 115-6; Mills, 'The Collectors of Customs', Eng.Gov. at Work, ii. 190-1 (note however that on these earlier occasions London was allowed joint status as a staple). Hull was granted the privilege of having its own staple in March 1354: C67/22, m. 20; SC8/52/2556.
2. C67/22, m. 22d.
3. Cal.Inq.Misc., iii. nos. 173, 250, 359; E122/70/12; E122/125/6; E122/137/14; E122/189/35; E122/190/9; E122/192/22; Cal.Clo.Rolls, 1354-60, pp. 9, 37; J. B. Blake, 'Medieval Smuggling in the North-East: some Fourteenth-Century Evidence', Archaeologia Aeliana, 4th ser., xliii (1965), 256-7.
4. KB29/12, m. 39; KB27/372, Rex m. 10. These trials were held at nisi prius on the basis of indictments taken by a standing commission appointed in 1342: Cal.Pat.Rolls, 1340-3, pp. 452-3.

in overall control of the anti-smuggling campaign was clearly the Exchequer itself. The coastal commissioners returned a number of cases into the Exchequer, concerning English merchants exporting wool illegally and alien merchants exporting wool without payment of customs.[1] The judicial as well as the administrative procedures of the Exchequer were therefore being brought to bear as part of Edington's consolidated effort to capitalise on the potential increase in customs revenues offered by the alien monopoly of 1353.

What effect, then, did these various administrative efforts undertaken in the customs system have on the income of the Crown? Sir James Ramsay's figures provide some answers to this question.[2] His totals, derived from the summae receptorum, the grand totals of the various customs and subsidies written up in the enrolled Ancient Customs accounts, cause a few minor difficulties, since Ramsay used regnal instead of Exchequer years, and failed to compensate for those accounts which do not run from Michaelmas to Michaelmas. Nor did he realise that in London there were separate collectors of the New Custom and the cloth subsidy of 1353, which meant that their revenues were not included in the Ancient Customs enrolled accounts. There is also some repetition in Ramsay's table, since the cloth custom of 1347, placed in a separate column under the misleading heading 'Cloth (Excise)', was accounted for within the summae receptorum of the Ancient Customs Accounts after 1353. Nevertheless, from checks which I have made on the enrolled accounts for 1353-4, it would seem that Ramsay's column of 'General Customs' (i.e. the Ancient

1. E159/130, Recorda, Mich. (9th - 10th membranes); Recorda, Pasch (3rd membrane); E159/131, Recorda, Pasch (dorse of 3rd membrane, and 7th membrane).
2. J. H. Ramsay, A History of the Revenues of the Kings of England (Oxford, 1925), ii. 292.

and New Customs, the maltolt, the cloth custom of 1347 and the cloth subsidy of 1353) provides a reasonably accurate assessment of revenue, and a useful point of comparison, and these figures are therefore reproduced here in table 2.

When we remember that the farm of the customs had been set at only £50,000 in 1343-51, and that even that sum had not always been achieved,[1] the increase which this table indicates in the customs revenues from 1353 onwards is substantial and striking. The £112,000 raised in the year after the Ordinance of the Staple was indeed the largest annual revenue from the customs in the whole of Edward III's reign. And although the figures fell somewhat after this, revenues from the customs between 1354 and 1362 were always above £65,000 a year, and the average annual income between 1353 and 1362 was over £87,000. Clearly, then, the most immediate and impressive result of the staples and alien monopoly established in 1353 was a substantial increase in royal revenue. So substantial indeed was this increase that Edward III's customs revenues after 1353, and particularly those of the annus mirabilis of 1353-4, became apocryphal in the sixteenth and seventeenth centuries as one of the most notable achievements of a much-revered regime.[2]

1. See above, p. 289.
2. Tudor Economic Documents, eds. R. H. Tawney and E. Power (London, 1924), i. 178-9, prints a Tudor transcript of the Ancient Customs enrolled accounts, purporting to be for 28 Edw III, although by a confusion between regnal and Exchequer years, the figures for 29 Edw III were copied. E. Misselden, The Circle of Commerce (London, 1623), pp. 119-120, printed a 'balance of trade' for 28 Edw III, which actually again used the customs accounts for 29 Edw III, though it separated imports from exports, a distinction not made in the enrolled accounts. Misselden's source for this distinction may be connected with another Tudor document, B. L. Lansdowne MSS 110/59, for which see L. Stone, 'Elizabethan Overseas Trade', Economic History Review, 2nd ser., ii. (1949-50), 32, n. 6.

## TABLE 2

## ESTIMATES OF TOTAL REVENUE FROM THE CUSTOMS AND SUBSIDIES, 1351 - 1362

(Source: Sir James Ramsay, A History of the Revenues of the Kings of England (Oxford, 1925), ii. 292: table of 'General Customs')

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| Exchequer Year | Date (Mich.-Mich.) | Revenues from Customs £ | s | d |
|---|---|---|---|---|
| 26 Edw III | 1351-2 | 54,115 | 2 | 6¼ |
| 27 Edw III | 1352-3 | 42,962 | 1 | 0¾ |
| 28 Edw III | 1353-4 | 112,257 | 12 | 0½ |
| 29 Edw III | 1354-5 | 85,204 | 5 | 2¾ |
| 30 Edw III | 1355-6 | 77,340 | 10 | 11¾ |
| 31 Edw III | 1356-7 | 95,623 | 18 | 2 |
| 32 Edw III | 1357-8 | 93,926 | 12 | 1 |
| 33 Edw III | 1358-9 | 65,159 | 12 | 0¾ |
| 34 Edw III | 1359-60 | 84,951 | 14 | 8¼ |
| 35 Edw III | 1360-1 | 66,303 | 1 | 6¼ |
| 36 Edw III | 1361-2 | 108,734 | 17 | 1½ |

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More significant, however, for the present study is the fact that Edward III and his ministers were themselves quickly and fully aware of this increase in revenues and were determined to make special use of such valuable resources in their financial policies. For the customs revenues in fact offer one of the best examples of the deliberate and sophisticated management of finance developed by the king's ministers under the capable leadership of Edington.

One of the most important features of royal finance during the years from 1351 to 1354 was the comparatively low level of assignment on, and the resulting high level of cash receipts from, the customs.[1] There were probably several reasons for this. Whereas the pre-assessed debts charged against the shrieval farms and direct taxes allowed the Exchequer to anticipate revenue, the king's financial office had little knowledge of the income to be expected from the customs until the collectors made their annual accounts, and therefore little information on which to base advance assignments on that income. Furthermore, the fluctuations in revenue during the last years of the farm probably made the Exchequer cautious about making large-scale assignments on the customs. Fees and annuities, for instance, were far more commonly paid out of the farms of shires and boroughs[2] than out of the customs: apart from the grants of between 1000 marks and £1,500 enjoyed by the Earls of Warwick and Stafford and Queens Isabella and Phillipa from the profits of the larger ports,[3] no other substantial fees were paid out of the customs in the early

1. The following analysis is based on the receipt and issue rolls and the enrolled customs accounts for the period after 1351.
2. See above, p. 268.
3. Cal.Pat.Rolls, 1348-50, pp. 145, 185; Cal.Clo.Rolls, 1349-54, pp. 326, 555, 561, 579.

1350's. Similarly, few of the debts incurred during the opening stages of the French war were paid off by anticipating revenue from the customs. Debts to foreign merchants and bankers, often previously paid off by assignments or concessions on the customs, were now for the most part ignored:[1] the only large-scale assignment of the customs made to such a group during the early 1350's was the sum of 6,500 marks promised to the Lucca syndicate of bankers in June 1352.[2] And even when the king offered recompense out of the customs, such promises were not always honoured. In 1351, for instance, Edward III agreed to pay debts of over £22,000 to Bernard Ezii, the seneschal of Gascony, by assignments out of clerical taxes and customs.[3] Considerable sums were therefore allocated to Ezii out of the clerical tenth of 1351-3;[4] but the receipt rolls furnish virtually no evidence of corresponding assignments out of the customs. Nor were the customs assigned for current military charges: while a proportion of lay and clerical taxes in these years was allocated for the king's garrisons on the continent and offensive expeditions such as those of the Duke of Lancaster and the Earl of Stafford,[5] the customs revenues were once again almost never assigned for such purposes.

After 1354, however, the receipt rolls indicate an increasing tendency to anticipate income from the customs. And, in common with the pattern of expenditure of the lay subsidies,

1. See above, pp. 237-8.
2. E101/601/10; Cal.Clo.Rolls, 1349-54, p. 490; E401/413, 5 July, 28 July 1352.
3. Cal.Pat.Rolls, 1350-4, pp. 127,316.
4. e.g., E401/410, E403/359, both for 15 Dec. 1351; E401/416, E403/365, both for 21 Dec. 1352.
5. For lay subsidies see Harriss, Public Finance, pp. 335-40. For the clerical subsidy of 1351-3 see E401/410, E403/359, both for 5 Dec. 1351 (£5,194 assigned to the Duke of Lancaster); E401/419, 22 May 1353 (£1000 assigned to the Earl of Stafford).

the large-scale assignments on the customs in the mid-1350's were made not so much for military charges as for the personal expenses of the king and queen, the domestic offices of the butler, the Wardrobe, and the Great and Privy Wardrobes, and for the increasingly expensive programme of works at Windsor, Eltham and Westminster.[1] That Edward was able to maintain this extravagant domestic expenditure is itself a sign of the financial strength of the Crown in these years. And that an increasing proportion of that expenditure could be supported by assignments out of the customs was a direct result of the fuller, more accurate and more frequent information which was now available on this particular source of income.

The first accounts of the collectors of customs taken after the collapse of the farm were made at Michaelmas 1352, and revealed a healthy profit of £54,000.[2] These figures were apparently reported to the council, which then ordered the sum of £261 6s 4d to be distributed to customs officials as a reward for the increase in revenue shown by their accounts.[3] The further marked improvement in the income from the customs after 1353 not surprisingly meant that similar rewards were paid throughout the 1350's.[4] The government's knowledge of the value of the customs revenue also became increasingly precise, because it sprang not from general hearsay, but from detailed information now being supplied by the Exchequer. Until the new staple system of 1353, evidence on the income from the customs was gathered once a year, for the collectors of customs usually appeared at the Exchequer

1. e.g., E401/427, 19 Dec. 1354, 11 Mar. 1355; E401/429, 30 June, 2 Aug., 27 Aug. 1355; E401/431, 8 Dec., 15 Dec. 1355, 10 Feb. 1356.
2. E368/125, stat. et vis. comp., and Precepta, Mich.; see above, p. 297.
3. E159/129, Brev. Bar., Mich. m. 15; E401/416, E403/365, both for 30 Oct. 1352.
4. E403/375, 378, 382, 388, 394, 398, etc.: the payments are normally recorded around the time of the Michaelmas audits.

only on one occasion, to make their final accounts at Michaelmas, and it was only in special circumstances that views of account were deemed necessary during the Exchequer year.[1] But at Easter 1354, views of account of all the collectors of customs were held,[2] in an evident attempt to assess the financial results of the new alien monopoly. Despite Edington's efforts to ensure the attendance of local Crown agents at such occasions,[3] however, views of account were bound to be somewhat cumbersome. After 1354 a new and more efficient device was therefore adopted, as the Exchequer began to issue writs of certiorari ordering the collectors of customs to return information on their income. Three such inquiries were held in the course of the Exchequer year 1354-5, at Hilary, Easter and Trinity 1355,[4] and the certificates of the collectors were carefully enrolled in the Exchequer to provide a permanent record of this revenue.[5] The details of these returns, set out in table 3, indicate that, in conjunction with the final accounts which would be held at Michaelmas, the Exchequer was thus provided, in the course of one year, with no less than four surveys of the income from the customs.

The frequency and precision of these detailed schedules of revenue provided an unparalleled knowledge of the customs system which could prove of great value to the government. For such information would allow the Exchequer not only to assess its current

1. M. H. Mills, 'The Collectors of Customs', Eng.Gov. at Work, ii. 194-5, suggested that such views were held but not recorded. Her examples, however, indicate that these occasions were the exception rather than the rule. One such special view of accounts was held at Easter 1352 after the resignation of John Malwayn: E368/124, mm. 243, 243d, 244, 245d, 248d, 254.
2. E368/126, stat. et vis. comp., Pasch, mm. 6, 9-12.
3. See above, pp. 269-70.
4. E159/131, Brev. Retorn. Mich. (3rd membrane), Hil., Pasch.
5. E159/131, Recorda Hil. (3rd membrane), Pasch (1st membrane), Trin, (3rd membrane).

TABLE 3: REVENUES FROM THE CUSTOMS, 1354 - 55

| SOURCE | E159/131 Recorda Hil. (3rd m.) | | | E159/131 Recorda Pasch (1st m.) | | | E159/131 Recorda Trin, (3rd m.) | | |
|---|---|---|---|---|---|---|---|---|---|
| PERIOD | MICHAELMAS - CHRISTMAS 1354 | | | CHRISTMAS 1354 - EASTER 1355 | | | EASTER - NAT. JOHN BAPTIST 1355 | | |
| | £ | s | d | £ | s | d | £ | s | d |
| LONDON | 13,596 | 1 | $8\frac{3}{4}$ | 1,789 | 16 | 9 | 6,569 | 10 | 5 |
| BOSTON | 3,061 | 7 | $9\frac{1}{2}$ | 3,255 | 10 | $11\frac{1}{2}$ | 2,304 | 15 | 9 |
| HULL | 3,213 | 11 | 2 | 3,474 | 1 | 0 | 2,350 | 15 | 1 |
| YARMOUTH | 1,254 | 16 | $5\frac{1}{4}$ | 1,360 | 10 | $6\frac{1}{2}$ | 635 | 1 | 1 |
| SOUTHAMPTON | 1,283 | 12 | 6 | 1,431 | 18 | $3\frac{1}{4}$ | 2,709 | 6 | $7\frac{3}{4}$ |
| CHICHESTER | 567 | 6 | $6\frac{1}{2}$ | 106 | 17 | $5\frac{1}{2}$ | 275 | 7 | 8 |
| EXETER | 405 | 12 | 6 | NICHIL | | | 429 | 17 | 9 |
| BRISTOL | NICHIL | | | 26 | 0 | 0 | NO RETURN | | |
| NEWCASTLE | 350 | 9 | 1 | 570 | 4 | $1\frac{3}{4}$ | 325 | 3 | $10\frac{1}{2}$ |
| SANDWICH | 258 | 6 | 8 | 497 | 18 | 10 | 117 | 9 | 8 |

income, but also to plan its future expenditure. It is not surprising therefore that the practice of calling up certificates of revenues from the customs was repeated regularly at Hilary and Easter in the years after 1355.[1] And as the returns proved useful, the Exchequer began to require more information. From Michaelmas 1355 the collectors of customs were obliged to state not only their total receipts, but also the amounts already paid into the Exchequer in cash or paid out at source in assignments. The intention here was clearly to impress upon the collectors the need for a swift return of revenue and to prevent them from hoarding funds which belonged in the king's treasury. The collectors and the Exchequer tended to add together the payments of cash and the assignments for the purpose of assessing income, so that the enrolments for Michaelmas 1356-Hilary 1357, set out in table 4, for instance, only made the distinction in the cases of Boston and Hull. These figures do however suggest that an important change had occurred in the government's spending policy as a result of its better and more frequent knowledge of the customs revenues. For at both Boston and Hull approximately half the revenue collected from the customs in 1356-7 was paid out at source in assignments. This would suggest that whereas the Exchequer had resisted large-scale assignments on the customs during the early 1350's, it was coming after the middle of the decade to accept that revenue from the customs, like other forms of income,

1. E159/132, Brev. Retorn., Mich. (3rd membrane), Hil. (dorse of 4th membrane); Recorda Hil. (4th membrane), Pasch (1st membrane); E159/133, Brev. Retorn. Mich. (4th membrane), Hil. (dorse of 2nd membrane); Recorda Hil. (4th membrane), Pasch (15th membrane).

TABLE 4: REVENUES FROM THE CUSTOMS, MICHAELMAS 1356 - HILARY 1357

SOURCE: E159/133, Recorda Hil.(4th membrane)

| PORT | TOTAL COLLECTED | | | AMOUNT PAID INTO EXCHEQUER (CASH) | | | AMOUNT PAID OUT IN ASSIGNMENTS | | | TOTAL PAID INTO EXCHEQUER OR OUT IN ASSIGNMENTS | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LONDON | 9,455 | 11 | 3½ | | - | | | - | | 9,454 | 13 | 11½ |
| BOSTON | 5,650 | 11 | 11½ | 2,684 | 5 | 9 | 2,898 | 16 | 3½ | (=5,585 | 2 | 0½) |
| HULL | 2,918 | 5 | 8¼ | 1,394 | 16 | 8 | 1,213 | 17 | 7¾ | (=2,608 | 14 | 3¾) |
| YARMOUTH | 422 | 1 | 6 | | - | | | - | | 422 | 1 | 6 |
| SOUTHAMPTON | 44 | 7 | 0 | | - | | | - | | 34 | 10 | 8½ |
| CHICHESTER | | 12 | 1½ | | - | | | - | | NICHIL | | |
| BRISTOL | 17 | 10 | 0 | | - | | 2 | 10 | 0 | (= 2 | 10 | 0) |
| NEWCASTLE | 142 | 0 | 10 | | - | | | - | | 142 | 0 | 10 |
| SANDWICH | 47 | 15 | 9 | | - | | | - | | 40 | 0 | 0 |

could be safely anticipated. And the main reason for this was not simply that the Exchequer had conceded to the king's demands for greater household expenditure, but that Edington had created in the Exchequer a budgetting agency capable of managing royal finances. For the frequent and detailed inquiries into the income from the customs carried out in the 1350's gave the Exchequer a knowledge and control unknown in the history of the customs. It was surely one of Edington's most notable achievements that he was able to apply to the customs system the principles of precise book-keeping and careful management and thus transform a source of revenue which had earlier been so troublesome into the very centrepiece of the remarkable financial success of the 1350's.

The administration of the customs therefore provides the most striking of all the examples of the financial success of Edward III's government in the years between Crecy and Poitiers. In conjunction with the useful profits of traditional and prerogative revenues, and the huge income derived from direct taxation, the enormous revenues from the customs must have provided the Crown with financial resources which would have been the envy of any medieval king. Given the government's general awareness of its financial strength, it would seem likely that the king's ministers would require some grand totals or overall estimates of the revenues and expenditure of the Crown. This would seem even more probable since the Walton Ordinances of 1338, which influenced so much of Edington's fiscal administration, had ordered that annual statements of income and expenditure should be compiled.[1]

1. Tout, Chapters, iii. 145-6.

It is somewhat surprising, therefore, that with the exception of an early attempt at such a statement in 1340,[1] no other evidence has hitherto been produced to suggest that comprehensive schedules of receipts and issues were drawn up in the Exchequer until the early 1360's.[2] A more detailed analysis of the Exchequer's policies and records during Edington's ascendancy, however, suggests that such estimates might well have been a reality in the 1350's.

Edington's early attempts at implementing the Walton Ordinances,[3] by improving the records of the Lower Exchequer after 1344 and assessing the Crown's debts in 1345, had made the treasurer acutely aware that the Exchequer could never provide the estimates demanded by the Ordinances until its records represented all the financial transaction carried on in the king's name. It would seem therefore that the improvements in the reliability and extent of the information provided by the receipt and issue rolls during the 1340's were aimed at making these records a comprehensive statement of income and expenditure. The extension of Exchequer control over the household was intended to similar ends, for the reforms instituted in the Wardrobe by Cusance and his successors after 1349, and in the Chamber by Rothwell after 1353, guaranteed that almost all the revenues of the household offices now passed through the Exchequer and were duly recorded there. While these reforms were taking place, the value of other individual revenues paid into the Exchequer was being estimated: from 1348, rough totals were worked out of the fines and amercements levied in the King's Bench;[4] and an attempt was made in the

1. above, p. 241 and n. 1.
2. Tout and Broome, 'A National Balance Sheet for 1362-3'; Harriss, Public Finance, pp. 470-489.
3. For what follows see above, pp. 226-56.
4. above, p. 218.

Exchequer in c. 1349 to calculate the total revenue to be expected from the feudal aid of 1346.[1] And after 1352, such estimates and approximations were supplemented by the precise and accurate totals to be derived from the various returns and accounts rendered by the collectors of customs at the Exchequer. By the end of 1353 it was therefore possible for the Exchequer to claim control and knowledge of almost all royal revenue, duly recorded in the receipt and issue rolls of the Lower Exchequer and the Memoranda and account rolls of the Upper Exchequer. It was arguably more important, and certainly more typical of the medieval Exchequer, that its primary concern should be with the parts rather than the whole, with each particular form of revenue rather than with grand totals. General estimates of income were of less importance than precise calculations of the profits from single sources. For this reason the detailed declarations made by the collectors of customs after 1354 were of much greater practical use than, and therefore circumvented the necessity of, comprehensive statements of royal revenue. No such statements of income were therefore apparently compiled while Edington held office. But it is of the greatest importance to notice that just at the point when the Exchequer could claim overall knowledge of royal finance in 1353, an attempt was possibly made to revitalise the Walton Ordinances and to provide the king with general estimates of expenditure.

From 1353 to 1363 there survives a series of documents known as the Protocolla rolls, consisting of condensed transcripts of the issue rolls of the treasurer's clerk in the Receipt.[2] It seems unlikely, given the earlier attention paid to the three

1. Harriss, Public Finance, p. 415, n. 2.
2. E403/1289-1304.

existing series of issue rolls, that these new documents were merely introduced as another parallel set of records to be used in the Lower Exchequer. It may therefore be suggested that the rolls were in fact used to provide general outlines and grand totals of expenditure for the information of the Upper Exchequer and for the government as a whole. It is possible then, that for several years before the detailed accounts of receipts and issues compiled in the early 1360's, the Exchequer was already able to take advantage of its new-found financial authority to implement perhaps the most ambitious administrative demand made by the Walton Ordinances. Certainly, the fact that the Protocolla rolls ceased to be made after 1363, when estimates of revenue and expenditure also ended and when William Edington retired from public office, would suggest that they represented an extraordinary Exchequer procedure, one which was framed, and could only survive, while the ideals of the Walton Ordinances were upheld in royal financial administration.[1]

The Protocolla rolls therefore mark the final achievement of a remarkable period in royal financial administration. The Exchequer, under the capable control of ministers loyal to the king and sympathetic to the Walton Ordinances, had become the real focus of attention for a government determined to revive the royal authority lost during the crisis of 1340-1. Useful administrative and judicial reforms were carried through during the same period in the Chancery, the privy seal, the Council, and the King's Bench, and a clever balance was achieved between the interests of the Crown and community in parliament and the

1. <u>cf</u> below, pp. 323-5.

shires. But while all of these developments were of great significance, the programme of political recovery envisaged in 1341 could never have been achieved had it not included a successful effort to restore the financial capacity of the Crown. It was to his Exchequer, and to his long-lived treasurer, William Edington, that Edward III therefore owed most thanks for the power which he once again enjoyed by the mid-1350's.

Edington's most important contribution to the regime of the 1340's and 1350's was therefore the reconciliation of financial reality with the political ambitions of the king. The estimates of income and expenditure left no doubt about the treasurer's success in restoring the financial credibility of the Crown. And supplied with the news he wanted, of increased revenues which might allow more military campaigns and more lavish domestic expenditure, the king was more than content to leave the detailed policy decisions and the administrative niceties to his trusted treasurer. The Exchequer was not therefore a mere clearing house for receipts and issues: instead, it had gained a vital initiative over the collection and disbursement of royal revenues which gave it a new and central position in royal government. The Exchequer had now become a budgetting office, with overall responsibility for co-ordinating the income and expenditure of the Crown. The royal influences and priorities contained in the Walton Ordinances had now been delegated to capable treasurers devoted to upholding the king's interests. And armed with such authority and with the support of his fellow ministers, Edington had therefore been able to devote his energy and ability to the recovery of royal finance. Such was his success that on the eve of the Poitiers campaign he must have been tempted to

contemplate that the Crown might soon become solvent again. Such a hope would have been inconceivable so soon after the financial disasters of 1338-41 had it not been for the Exchequer's persistent determination to overcome the financial problems raised by war and plague in the 1340's and its policy of seeking out and extending forms of income, both old and new, in the 1350's. And without that remarkably swift financial recovery, Edward III could never have moved so quickly from the political crisis which he suffered in 1340-1 to the political ascendancy which he enjoyed in the decade between Crecy and Poitiers.

# C H A P T E R  I X

## CONCLUSION

The speed with which Edward III's government was able to overcome the financial disasters of the early years of the reign and restore stability and strength by the mid-1350's must stand as the most dramatic administrative success of a remarkable regime. For the determination of the king's ministers to re-establish the financial viability of the Crown had both bureaucratic and political implications. Viewed alongside the secretarial and judicial reforms carried through by Edward's councillors in the same period, these financial improvements indicated the true objectives of royal policy during the 1340's and 1350's. Edward III's intention was not to renounce the military ambitions and administrative techniques so much criticised in the crisis of 1340-1, but to re-create the structure of government planned in 1338 on a workable and practical basis, and thus to ensure the continued political initiative of the Crown. The foregoing analysis of some of the salient features of English government in the decade between Crecy and Poitiers suggests that the middle years of Edward III's reign witnessed not a retreat but a restoration of royal authority. The political harmony of the 1340's and 1350's is therefore to be explained not, as so often, simply in terms of compromises and concessions granted away by the Crown, but as a result of reconciliation and recovery which enhanced the power and popularity of the monarchy.

So much has been written on the political and constitutional significance of events in 1340-1 that it is easy to forget that the crisis ended not with the statute limiting the king's control over his ministers, but with the renunciation of that statute later

in 1341. The personnel and policies of the administration in the following years suggest that the repeal of the statute indeed signified a public declaration of Edward III's determination to regain political and administrative control. For the emergence of a new group of ministers after 1341 represented more than a simple reaction against the Stratford regime which had held power during the early years of the reign. The appointment of men like Offord and Thoresby, Cusance and Edington to the highest offices of state was an indication of the king's desire to be served by the household servants and advisers who had remained loyal to him in 1338-41 and who were most able and ready to recreate the system of government envisaged in the Walton Ordinances. The reforms and successes achieved by these ministers after 1341 were therefore the result not simply of a wish to improve bureaucratic procedure, but also of a determination to implement a whole administrative system which would guarantee royal authority and central initiative in the complex structures of English government.

The fundamental intention of the Walton Ordinances was to ensure that the policies of the king should be given priority over all the other administrative work carried out by his ministers. The Ordinances had originally been drawn up to cope with the extra-ordinary situation of the king's departure from the country and a division between the household and the offices of state; and it was therefore inevitable that Edward, preoccupied with military matters, should be most anxious to apply the full rigours of the Ordinances during his absences. Indeed, such were the constraints placed upon regency councils after 1341 that little of any importance could be done without the king's <u>fiat</u>. One petitioner complained during the siege of Calais that she had been unable

to obtain seisin of her lands since all deliveries had been suspended pending the king's return; and she went so far as to request that the regency council accroach the power to issue a special commission to inquire into the delay.[1] Similarly, although parliament met during the king's absence in 1346, at least some of the matters brought to the attention of the home administration had to be referred to the king at Calais for final decisions to be made.[2] It is indeed remarkable that administration functioned as well as it did during these periods. For apart from one minor brush between Edward and chancellor Offord in 1347 over the granting of a benefice,[3] the only major controversy which arose during one of the king's campaigns in the 1340's and 1350's was over the refusal of the government to carry out the seizure of the Ely temporalities in 1355-6, a dispute which arose from political differences rather than administrative confusion.[4] The reason for the prevailing success of this system was clearly that the king abroad and his ministers at home were now not only united in their political objectives, but were also able to co-ordinate administration through their common determination to implement the Walton Ordinances as an effective and workable means of war-time government. And it was that sense of identity and co-operation established between the king and his ministers which meant that the broad themes, and some of the precise details, of the Walton Ordinances were applied not

1. SC8/81/4009. cf the case of the king suspending a congé d'élire issued by the regency council of 1345: above, p. 108.
2. R. Frame, English Lordship in Ireland, 1318-1361 (Oxford, 1982), pp. 116-7.
3. C81/908/5.
4. See above, pp. 257-9.

only during Edward's absence on campaigns but also on a permanent basis while the king remained in England and the government remained unified.

The primary reason for the permanent implementation of the Walton Ordinances in the years after the emergency of 1341 was the fact that Edward had successfully eradicated the conflicts of 1338-41 and had appointed ministers able and eager to carry through his will. But the real reason for the political and administrative success of this royal policy was that the royal initiative emphasised in the Ordinances now itself became corporate. In the new atmosphere of trust and co-operation established after 1341, it was perfectly safe, and administratively advisable, for some of that royal initiative to be delegated to the king's ministers. The new group of royal councillors who emerged after 1341 therefore interpreted the Walton Ordinances not as an expression of the king's arbitrary personal power, but as an opportunity to extend the authority of the Crown as an institution. For these men were now allowed to exercise power on the king's behalf to the benefit of central control. The development of the 'equitable jurisdiction' of the Chancery and the emergence of the Exchequer as a budgetting agency were but two of the results of the power granted by the king to such trustworthy men as chancellor Thoresby and treasurer Edington. And such reforms, far from being isolated or piecemeal, were part of a general policy proposed by the king and carefully co-ordinated by his council in the spirit of the Walton Ordinances. Active in legislative and judicial affairs, the council was also extending its administrative competence in order that Edward III's priorities should be observed throughout the government machine.

And holding the whole structure together, and guaranteeing the permanent application of the Walton Ordinances, was the privy seal. No longer viewed as a divisive or controversial instrument, the privy seal emerged in the 1340's and 1350's as the means by which the king and his ministers implemented their combined policies. The centrepiece of the Walton Ordinances had therefore become an essential part of the structure of government, guaranteeing that the principles and priorities of the king were maintained and applied by his ministers.

Royal policy and administrative action had therefore become corporate, as king and council spoke with one voice and acted with one intent. And it was this system of corporate government which really distinguished the administration of the 1340's and 1350's from the earlier Stratford regime. In many ways, it was the concerted efforts of whole departments and the co-ordinated policies of the whole bureaucracy which therefore proved more important than individual influences for the re-establishment of royal authority in the years after 1341. Any tensions or distinctions between the royal household and the major offices of state were now eradicated as all departments worked with the same intent. The lower echelons of the bureaucracy were encouraged to exhibit the same responsibility and enthusiasm as their superiors, as the principles of accountability were extended to all levels and the king made use of his ecclesiastical patronage to reinforce the collegiate atmosphere of the administration. And amongst the heads of each department, government policy was determined not by the dictates of a single minister but by the deliberations which took place within the king's council. The growing sophistication of government, combined with the need

for common policies and techniques, therefore encouraged the development of a more cohesive and coherent machine.

The institutional links which were forged during the middle years of Edward III's reign were not however an administrative abstraction, but the product of personal influences. And as government became more complex, so too did the interaction between members of the government become more frequent and more varied. Unfortunately, the administrative records of this period are for the most part anonymous, giving little indication of the personalities and influences which directed the king's government. But if the aim of administrative history is to determine not only how things were run, but also who ran them, then we should perhaps attempt to extract what clues we can in order to personalise the government policies of the 1340's and 1350's.

Many of the royal councillors of this period might have some claim to be regarded as Edward III's chief ministers, and most of them can be said to have left their mark on the principles and procedures of their departments. The professional lawyers, for instance, were becoming influential in more and more spheres of government, providing expert knowledge which could be applied in the interests of more thorough control. The lawyers Sadington and Parving were responsible for beginning the development of a new judicial authority in the Chancery during the early 1340's, while Thorpe and Shareshull were able to use the King's Bench both to implement government policy and to raise useful revenue for the Crown. And within the council such men encouraged the evolution of new writs and new conciliar courts. Professionalism and expertise were becoming an essential part of the apparatus of administration.

It was amongst the clerical ministers, rather than the lawyers, however, that we may discern the most influential and powerful royal servants of the period between Crecy and Poitiers. For the men who inevitably dominate this period are those who retained office the longest: John Thoresby, chancellor from 1349 to 1356, and William Edington, treasurer from 1344 to 1356. It would be difficult to make any precise evaluation of their relative contributions to administrative and political developments in these years, for Thoresby and Edington clearly worked not in competition, but as a team, organising administrative policies which might be put into action in their own departments and throughout the governmental system. Both men, under the common influence of the Walton Ordinances, made successful efforts to rationalise the records of their departments in order to increase efficiency and emphasise the accountability of their staffs. And both intended to use the potential of their newly-reformed departments to increase royal authority, by quasi-judicial methods in the Chancery and by financial improvements in the Exchequer. Both Thoresby and Edington also exerted much influence over government departments outside their immediate control, Thoresby in the office of the privy seal and Edington in the various offices of the royal household. Most important of all, they worked together in the king's council, of which they were inevitably the most powerful members, discussing and implementing many key policies. Thoresby made a particular contribution to the development of new judicial procedures in the council while Edington used the council to reinforce the financial policies pursued within the Exchequer. For both men, the council was the essence of government, the centre of policy making and administrative action,and its corporate

responsibility to the king far outweighted the individual proposals or ambitions of its members.

One of the most remarkable features of the 1340's and 1350's, and one of the main reasons for the ascendancy enjoyed by Thoresby and Edington, was of course the restoration of stability of office holding. The sheer length of time that these men survived at the Chancery and Exchequer allowed them the opportunity to develop long-term policies and to implement them effectively. Their prestige and influence inevitably increased as the years passed and the problems of the early 1340's dissolved into the successes of the mid-1350's. But this certainly did not allow either for complacency or for unbridled power. The circumstances which had brought Thoresby and Edington to office in the 1340's had made clear the king's determination to be served by sympathetic and capable ministers dependent on royal favour and prepared to observe and implement royal policies. Thoresby's resignation in 1356 over the affair of the Ely temporalities was a striking indication that even such an able and trusted minister was still dependent on the whim of the king. And Edington was only able to maintain his influence and take advantage of Thoresby's retirement through a careful administrative and personal compromise with the king. Edward III had regained total control over his ministers with the repeal of the statute of 1341, and had no intention of giving up that control. The reason why Thoresby and Edington were able to hold office for so long was precisely because they pursued the <u>king's</u> policies and worked successfully for the restoration of <u>royal</u> authority.

Thoresby and Edington therefore typify the administrative regime of the middle years of Edward III's reign, a regime

characterised by control, co-ordination and co-operation amongst the king's ministers. Ultimately, however, if we need to identify a single minister more powerful and influential than all the other many capable men who occupied government offices during this period, then William Edington probably deserves this position most of all. Edington held office as treasurer for twelve and a half years, a longer period even than that enjoyed by Walter Langton under Edward I; and although his influence declined after his promotion to the Chancery in 1356, Edington nevertheless remained in office there for a further five and a half years, a period only exceeded since Edward I's time by the seven-year chancellorship of Thoresby. Edington was undoubtedly something of an opportunist and a man of strong personal ambition, as his long ascendancy and his actions in the dispute over the Ely temporalities illustrate. But it would be inaccurate to suggest that he won favour and power merely because he was a political trimmer. For his work in financial administration and in the general policies of government suggest that he worked according to a programme of administrative reform aimed at reconciling political factions while at the same time reinforcing royal authority.

It is interesting to notice that John of Reading described Edington as a friend of the communitas who, during the whole period of his office saved the people from royal extortions, and by his hard work and prudence was able to do much for the profit of the king and of the realm.[1] The comment of a well-informed chronicler is significant; for it suggests that some contemporaries at least attributed to Edington the most important achievement of the 1350's, namely the reconciliation of the Crown's financial demands

1. Chronicon Johannis de Reading, p. 113.

with the political interests of the community. Through his administrative procedures and political policies, Edington had created an identity of interests between the king and the realm based on the popularity of successful warfare, a recognition of the political concept of public finance, and the careful balance between central and local initiative. It was this policy which enabled Edward III to regain and retain his ascendancy during the 1340's and 1350's, and which made William Edington the most prominent and successful of Edward's ministers.

The achievement of political peace in England between 1341 and 1371 therefore owed much to the enduring influence of Edington, whose career as household official, treasurer and chancellor spanned the years from 1341 to 1363. It is striking, however, that although conflicts did not break out again until the 1370's, a change in the political climate was already evident from the late 1350's, and is to be associated in some measure with the decline of Edington's influence after his removal to the Chancery in 1356. The year 1356 indeed marks something of a turning point in the reign. For whereas the victories of Crecy and Calais in 1346-7 had guaranteed the political popularity of the regime during the early 1350's, Edward III's failure to capitalise on the victory of Poitiers after 1356 led to a growing disillusionment in the country. During the invasion scare of 1359-60 the county communities, in expressing their concern over the continued pressure of extraordinary taxation, already indicated a distrust in the king's conduct of the war.[1] The peace proposals

1. Harriss, Public Finance, pp. 395-400; W. N. Bryant, 'The Financial Dealings of Edward III with the County Communities, 1330-1360', Eng.Hist.Rev., lxxxiii (1968), 768-771.

put forward at Bretigny and provisionally confirmed at Calais in 1360 were never put into effect, and all that was achieved was an uneasy truce which lasted until 1369.[1] It was against this background that the political community in England was able to make its first effective challenge to the initiative enjoyed by the Crown during the 1340's and 1350's.

One of the first indications of a change in the structure of English politics after the battle of Poitiers was the government's withdrawal from attempts at increasing central authority in the shires and franchises through novel judicial procedures. We have seen that in 1357 the provincial sessions of the King's Bench were for the moment abandoned as the county communities bought their immunity from the threat of the eyre.[2] At the same time the rights of the franchise holders to take the profits of the sessions of the king's justices, whittled away in the early 1350's, were partly restored. And, more seriously, the government began to lose control over its new judicial agents in the shires, the justices of the peace and of labourers. It is no accident that the only clause of the Walton Ordinances not applied during the 1340's and 1350's had been that granting the county communities the right to elect Crown officials in the shires: control of personnel was the best guarantee of control of policy, and for this reason the Crown in 1349-59 had deliberately reinforced the commissions of the peace and of labourers with judges and lawyers from the central courts. But with the amalgamation and extension of the authority of these commissions in 1359-64, the government bowed to Commons' pressure and, while retaining the right of

1. McKisack, The Fourteenth century, pp. 140-2.
2. For what follows, see above, pp. 201, 208-213.

appointment, nevertheless allowed a growth in the number and influence of the amateur local gentry appointed to the office of justice of the peace. By so doing, the Crown not only abandoned a vital judicial initiative, but also indicated an obvious and ominous willingness to succumb to political pressure from the country.

The Commons in parliament were not slow to realise and capitalise upon this new political situation. For their opportunity to make a real and lasting impression on government policy emerged in the 1360's with the Crown's unprecedented demand for peace-time taxation. The period 1344-56 had clearly been of great importance for the developing taxative authority of parliament, as the Commons took advantage of the Crown's frequent demands for supply to secure a parliamentary monopoly over direct and indirect taxation, and to gain some important legislative concessions. But as we have seen,[1] Edward's requests for taxes during that period, frequent though they were, were all justified by the expectation or continuation of war, and although the Commons might reasonably expect the king to hear their grievances, they were nevertheless morally and constitutionally obliged to respond to the plea of necessity. The situation changed, however, when the king had to appeal to the Commons during the peace of 1360-9 for the continuation of the subsidy on wool, in order to clear the debts which had piled up over two decades of war.[2] The novelty of peace-time taxation allowed the Commons the opportunity not only to question their obligation to grant supplies, but also therefore to demand greater concessions from the Crown. When

1. See above, pp. 154-5, 159-65.
2. Harriss, Public Finance, pp. 502-8.

in 1362 the king made his first request for the continuation of the maltolt since the conclusion of peace, the Commons were able to secure legislation which set out the limits of the king's prerogative of purveyance, an altogether more far-reaching statement than that won in the statute of 1352, and indeed the most fundamental and successful definition of purveyance in the Middle Ages.[1] This fiscal statute, like the concessions to the judicial interests of the shires, was therefore a clear indication of the new political context of the 1360's, in which the authority enjoyed by the Crown during the middle years of the reign gradually disintegrated under pressure from the country.

The interests and initiative of the Crown might yet have been upheld during the 1360's, however, had the king's ministers been capable of maintaining the united and determined front presented by the administration since 1341. For if the techniques of Thoresby and Edington had been continued in the departments of government and the king's council after the victory of Poitiers, then royal authority and central control might well have been maintained. But just as the ministerial history of the 1340's and 1350's goes a long way towards explaining the political success of those years, so too are the changes in administrative personnel and policies after the late 1350's to be associated with the decline of royal authority which set in after the mid-1360's.

The themes of the Walton Ordinances, based on the accuracy and accountability of record-keeping and the co-ordination between administrative departments, did apparently continue for a few years after Thoresby's resignation in 1356 and Edington's removal

1. ibid., pp. 378-9, 506.

to the Chancery. The device of applying signatures of clerks to royal writs, for instance, greatly extended in the Chancery and applied temporarily in privy seal diplomatic in 1352 under the influence of Thoresby, was again enforced in the privy seal office for a short while in 1360-2,[1] possibly as a result of the close contact between chancellor Edington and the now keeper of the privy seal, John Buckingham.[2] Most important was the remarkable series of documents prepared in the Exchequer during the early 1360's providing detailed estimates of revenue and expenditure, which clearly owed a good deal to the book-keeping techniques still being observed by Exchequer officials trained under Edington.[3] But it is significant that these various attempts to continue or revive the programme of the Walton Ordinances and the administrative techniques of the 1340's and 1350's came to an end with Edington's retirement in 1363. And it is noticeable that laxity and inefficiency set in immediately after the removal of this last representative of the generation of ministers who had risen to power in the 1340's.

None of Edington's three successors at the Exchequer, John Sheppey, Simon Langham and John Barnet, had any previous experience in royal financial administration,[4] and they were unable to maintain the same tight controls over Exchequer personnel and practices. In 1365 the co-operation between the two chamberlains and the treasurer's clerk in the Receipt, carefully nurtured by Edington, broke down amidst accusations of falsifying the Exchequer

1. See above, pp. 82-3.
2. For the contact between Edington and Buckingham see above, pp. 230, 249-51.
3. Tout and Broome, 'A National Balance Sheet for 1362-3'; Harriss, Public Finance, pp. 470-4.
4. Information supplied by Tout, Chapters, vi. passim. For Sheppey and Barnet's earlier involvement in other aspects of government see above, p. 105 and nn. 2-3; p. 143 and n.1.

rolls, and the chamberlains were both dismissed from office.[1] It was then discovered that various of the installments of the ransom of King John had been paid into a private treasury at the Tower under the control of the Chamber, and that, in direct contravention of the system of Chamber finance worked out by Edington and William Rothwell after 1353, these payments had not been recorded on the receipt rolls of the Exchequer.[2] The chief baron of the Exchequer and the chief justice of King's Bench were also dismissed from office on unspecified charges in 1365, and in 1367 the steward of the royal household was imprisoned after protests were raised in parliament over the extension of household jurisdiction.[3] Accusations of corruption and inquiries into maladministration were nothing new;[4] but the frequency and seriousness of such scandals in the 1360's can have done nothing either to improve the efficiency or to revive the failing reputation of the regime.

It was against this background that William Wykeham emerged as the new chief minister of Edward III, and it is with his rise that we must end this brief excursion from the years of success in the 1340's and 1350's into the period of retreat during the 1360's. The contrast between Edington and his successor Wykeham is a striking one, and was not lost on contemporaries. John of Reading's eulogy on Edington's public-spirited concern for the welfare of the political community was followed by a bitter criticism of the low-born, ambitious and self-seeking Wykeham.[5] When the

1. Tout, Chapters,, iii. 248-50.
2. Broome, 'The Ransom of John II, 1360-70'.
3. Tout, Chapters, iii. 259.
4. See e.g., the case of Sir William Thorpe (above, pp. 187, 196-7) and the Exchequer scandal of 1353 (above, p. 231).
5. Chronicon Johannis de Reading, pp. 177-8.

detailed administrative history of the 1360's comes to be written, it may well be that Wykeham will lose some of his reputation as an able administrator, a reputation apparently based largely on his political astuteness and his personal influence with the king, rather than on his ability to co-ordinate the complex governmental system which he claimed to control. Froissart's comment that 'everything was done by him and nothing was done without him'[1] provides the key not only to Wykeham's political authority but also perhaps to the failure of his administrative regime. For it was impossible, given the sophisticated machinery of government built up during the first half of the fourteenth century, for one man to control the whole vast administrative system effectively. Froissart's comment could never have been made in reference to William Edington precisely because Edington was simply a _primus inter pares_, the most prominent of a group of ministers who had the ability not only to frame royal policy, but also to apply that policy to the minutiae of government in the administrative practices of their various departments. It was the removal of this group after the late 1350's which therefore marked the first stage in the administrative deterioration, and thus the political decline of Edward III's regime.

The retirement of Edington and the rise of Wykeham therefore ended a period of remarkable stability and strength for the English Crown. The political quiescence of the middle years of the reign had been a direct result of the development of an identity of interests between a warrior king and his companions and country in arms, which had been enhanced and used to the king's

1. Quoted in Tout, _Chapters_, iii. 239.

benefit by an able group of administrators. The latter years of the reign were to bring to light the delicate nature of the political compromise worked out after 1341, as military reversals, royal withdrawal from government, and the build-up of factions within the administration, upset the balance between the interests of the Crown and the country. During the period of royal ascendancy, however, the possibilities of such reversals must have seemed unlikely. The king had recovered from the crisis of 1340-1 not through a series of reckless concessions to the political community, but through the very restoration of royal authority. The decade between Crecy and Poitiers therefore witnessed a recovery not only in the popularity, but also in the power of the English Crown, to an extent unknown since the great days of Edward I. It was surely Edward III's greatest achievement that, in a century marked by a succession of constitutional crises and the deposition of two kings, he was able to restore and maintain both political concord and royal initiative for so long.

# BIBLIOGRAPHY

## A. MANUSCRIPT SOURCES


Bodleian Library, Oxford:

MS Bod. 302

British Library:

Add. Rolls 26588-26593
Harl. Ch. 43 D 49
Harl. Roll CC 30

Corporation of London Record Office:

Recognisance Rolls (Debt), nos. 10, 11, 12

Hampshire Record Office, Winchester:

Register of William Edington

Public Record Office:

Documents cited from the following classes:

| | | |
|---|---|---|
| C44 | Chancery Common Law Pleadings | |
| C47 | Chancery Miscellanea | |
| C49 | Chancery: | Parliament and Council Proceedings |
| C53 | Chancery: | Charter Rolls |
| C61 | Chancery: | Gascon Rolls |
| C62 | Chancery: | Liberate Rolls |
| C66 | Chancery: | Patent Rolls |
| C67 | Chancery: | Patent Rolls (Supplementary) |
| C76 | Chancery: | Treaty Rolls |
| C81 | Chancery: | Warrants for the Great Seal (Series 1) |
| C88 | Chancery Files: | Records upon Outlawries |
| C131 | Chancery Files: | Extents for Debts |
| C241 | Chancery Files: | Certificates of Statute Merchant and Statute Staple |
| C242 | Chancery Files: | Certificates of Election of Coroners and Verderers |
| C243 | Chancery Files: | Levari Facias |
| C245 | Chancery Files: | Scire Facias (Series 1) |
| C246 | Chancery Files: | Scire Facias (Series 2) |
| C249 | Chancery Files: | Warrants for Replevin |
| C250 | Chancery Files: | Habeas Corpus cum Causa |
| C253 | Chancery Files: | Sub Poena |
| C254 | Chancery Files: | Dedimus Potestatem |
| C255 | Chancery Files: | Miscellaneous Files and Writs |
| C256 | Chancery Files: | Various Summonses |
| C257 | Chancery Files: | Certiorari (Escheators, etc.) |
| C258 | Chancery Files: | Certiorari (Corpus cum Causa) |
| C260 | Chancery Files: | Recorda |

C262 Chancery Files: Certiorari (Miscellaneous)
C269 Chancery Files: Certiorari (Ecclesiastical)
C270 Chancery Ecclesiastical Miscellanea

CP40 Common Plea Rolls

DL10 Duchy of Lancaster: Royal Charters

E13 Exchequer of Pleas: Plea Rolls
E28 Exchequer, Treasury of Receipt, Council and Privy Seal
E36 Exchequer, Treasury of Receipt, Miscellaneous Books
E37 Exchequer, Treasury of Receipt, Marshalsea Court Plea Rolls
E39 Exchequer, Treasury of Receipt, Scottish Documents
E43 Exchequer, Treasury of Receipt, Ancient Deeds, Series WS
E101 Exchequer, King's Remembrancer, Various Accounts
E122 Exchequer, King's Remembrancer, Customs Accounts
E159 Exchequer, King's Remembrancer, Memoranda Rolls
E163 Exchequer, King's Remembrancer, Miscellanea
E199 Exchequer, King's Remembrancer, Sheriffs' Accounts
E207 Exchequer, King's Remembrancer, Bille
E208 Exchequer, King's Remembrancer, Brevia Baronibus
E356 Exchequer, Lord Treasurer's Remembrancer, Enrolled Customs Accounts
E357 Exchequer, Lord Treasurer's Remembrancer, Enrolled Escheators' Accounts
E358 Exchequer, Lord Treasurer's Remembrancer, Miscellaneous Enrolled Accounts
E359 Exchequer, Lord Treasurer's Remembrancer, Enrolled Accounts of Subsidies
E361 Exchequer, Lord Treasurer's Remembrancer, Enrolled Wardrobe and Household Accounts
E368 Exchequer, Lord Treasurer's Remembrancer, Memoranda Rolls
E372 Exchequer, Lord Treasurer's Remembrancer, Pipe Rolls
E401 Exchequer of Receipt: Receipt Rolls
E403 Exchequer of Receipt: Issue Rolls
E404 Exchequer of Receipt: Writs and Warrants for Issues

JUST 1 Justices Itinerant: Assize Rolls, etc.

KB9 King's Bench, Ancient Indictments
KB27 King's Bench, Coram Rege Rolls
KB29 King's Bench, Controlment Rolls
KB37 King's Bench Files: Brevia Regis
KB146 King's Bench Files: Panella

SC1 Ancient Correspondence
SC8 Ancient Petitions

Westminster Abbey Muniments:

Nos. 5075
5134
12206
12207

## Unpublished Theses

Blatcher, M., 'The Working of the Court of King's Bench in the Fifteenth Century' (Univ. of London Ph.D. thesis, 1936).
Broome, D.M., 'The Exchequer in the Reign of Edward III: A Preliminary Investigation' (Manchester Univ. Ph.D. thesis, 1922).
Given-Wilson, C.J., 'The Court and Household of Edward III, 1360-1377' (Univ. of St Andrews Ph.D. thesis, 1979).
Highfield, J.R.L., 'The Relations between the Church and the English Crown from the Death of Archbishop Stratford to the Opening of the Great Schism (1349-78)' (Univ. of Oxford D.Phil. thesis, 1951).

## B. PRINTED SOURCES

### i. Primary Sources

Adae Murimuth Continuatio Chronicarum et Robertus de Avesbury De Gestis Mirabilibus Regis Edwardi Tertii, ed. E.M. Thompson (Rolls Ser., 1889).
The Brut, ed. F.W.D. Brie, 2 vols. (Early English Texts Society, 1906-8).
Calendar of Charter Rolls, vol. v (1341-1417) (London, 1916).
Calendar of Close Rolls, Edward III, 14 vols. (London, 1896-1913).
Calendar of Fine Rolls, Edward III, 5 vols. (London, 1913-24).
Calendar of the General and Special Assize and General Gaol Delivery Commissions on the Dorses of the Patent Rolls, Richard II (1377-1399) (Nedeln, 1977).
Calendar of Inquisitions Miscellaneous, vols. ii-iii (1307-1377) (London, 1916-37).
Calendar of Inquisitions Post Mortem, vols. vii-xiv (London, 1909-52).
Calendar of Letter Books of the City of London: Letter Books F-G, ed. R.R. Sharpe (London, 1904-5).
Calendar of Papal Registers: Letters, vol. iii (1342-1362) (London, 1897).
Calendar of Papal Registers: Petitions, vol. i (1342-1419) (London, 1896).
Calendar of Patent Rolls, Edward III, 16 vols. (London, 1891-1916).
The Cartulary of Cirencester Abbey, eds. C.D. Ross and M. Devine, 3 vols. (London, 1964-77).
Chartulary of Winchester Cathedral, ed. A.W. Goodman (Winchester, 1927).
Chronica Johannis de Reading et Anonymi Cantuariensis, ed. J.Tait (Manchester, 1914).
Chronicon Galfridi le Baker de Swynebroke, ed. E.M. Thompson (Oxford, 1889).
Chronicon Henrici Knighton, ed. J.R. Lumby, 2 vols. (Rolls Ser., 1889-95).
Concilia Magna Britanniae et Hiberniae, vol. iii, ed. D. Wilkins (London, 1737).
The Coucher Book of Selby, vol. ii, ed. J.T. Fowler (Yorkshire Archaeological and Topographical Association Record Series, xiii, 1893 for 1892).
Crecy and Calais from the Public Records, ed. G. Wrottesley (William Salt Archaeological Society, Collections for a History of Staffordshire, xviii, part 2, 1897).
Crown Pleas of the Wiltshire Eyre, 1249, ed. C.A.F. Meekings (Wiltshire Archaeological and Natural History Society Records Branch, xvi, 1961 for 1960).

The Diplomatic Correspondence of Richard II, ed. E. Perroy (Camden Soc., 3rd ser., xlviii, 1933).
English Medieval Diplomatic Practice, vol. ii, ed. P. Chaplais (London, 1975).
Essex Sessions of the Peace, 1351, 1377-1379, ed. E.C. Furber (Essex Archaeological Society, Occasional Publication no. 3, 1953).
Foedera, Conventiones, Literae et Cujuscunque Generis Acta Publica, ed. T. Rymer (Record Comm. edn., vol. iii, 1819).
Historia Anglicana of Thomas of Walsingham, ed. H.T. Riley, 2 vols. (Rolls Ser., 1863-4).
Issues of the Exchequer, Henry III-Henry VI, ed. F. Devon (Record Comm., 1847).
Leet Jurisdiction in the City of Norwich, ed. W. Hudson (Selden Soc., v, 1892 for 1891).
Le Liver des Assises & Plees del Corone....en temps du Roy Edward le Tiers (London, 1679).
The Percy Cartulary, ed. M.T. Martin (Surtees Soc., cxvii, 1911 for 1909).
The Pipe Roll for 1295, Surrey Membrane, ed. M.H. Mills (Surrey Record Soc., vii, no. xxi, 1924).
Proceedings Before the Justices of the Peace in the Fourteenth and Fifteenth Centuries, ed. B.H. Putnam (Ames Foundation, 1938).
'The Ransom of John II, 1360-70', ed. D.M. Broome, Camden Miscellany XIV (Camden Soc., 3rd ser., xxxvii, 1926).
The Records of the City of Norwich, eds. W.H. Hudson and J.C. Tingey, 2 vols. (Norwich, 1906-10).
Records of Some Sessions of the Peace in the City of Lincoln, 1351-1354, and the Borough of Stamford, 1351, ed. E.G. Kimball (Lincoln Record Society, lxv, 1965).
The Red Book of the Exchequer, ed. H. Hall, 3 vols. (Rolls Ser., 1896).
Register of Edward the Black Prince, 4 vols. (London, 1930-33).
The Register of John de Grandisson, Bishop of Exeter, ed. F.C. Hingeston-Randolph, 3 vols. (London, 1894-9).
Registrum Hamonis Hethe Diocesis Roffensis, ed. C. Johnson, 2 vols. (Canterbury and York Society, xlviii-xlix, 1948).
Registrum Johannis de Trillek Episcopi Herefordensis, ed. J.H. Parry, (Canterbury and York Society, viii, 1912).
Report from the Lords' Committees.... for All Matters Touching the Dignity of a Peer, 4 vols. (London, 1820-9).
Les Reportes del Cases in Camera Stellata, ed. W.P. Baildon (1894).
Les Reportes del Cases en Ley....en le Temps de le....Roy Edward le Tierce, 3 vols (London, 1679).
Rolls from the Office of the Sheriff of Beds. and Bucks., 1332-1334, ed. G.H. Fowler (Quarto Memoirs of the Beds. Historical Record Society, iii. 1929).
Rotuli Parliamentorum, vol. ii (London, 1767).
Rotuli Scotiae, 2 vols. (Record Comm., 1814-19).
Select Cases before the King's Council, 1243-1482, eds. I.S. Leadam and J.F. Baldwin (Selden Soc., xxxv, 1918).
Select Cases in Chancery, 1364-1471, ed. W.P. Baildon (Selden Soc., x, 1896).
Select Cases in the Court of King's Bench, ed. G.O. Sayles: vol. iv (Selden Soc., lxxiv, 1955); vol. v (Selden Soc., lxxvi, 1957); vol. vi (Selden Soc., lxxxii, 1965).
Select Cases in the Exchequer Chamber, ed. M. Hemmant (Selden Soc., li, 1933).

Select Cases of Procedure Without Writ Under Henry III, eds. H.G. Richardson and G.O. Sayles (Selden Soc., lx, 1941).
Select Pleas in the Court of Admiralty, vol. i, ed. R.G. Marsden (Selden Soc., vi, 1894).
Sessions of the Peace for Bedfordshire, 1355-1359, ed. E.G. Kimball (Bedfordshire Historical Record Society, xlviii; and Historical Manuscripts Commission Joint Publication, no. 16; 1969).
Statutes of the Realm, vol. i (Record Comm., 1810).
Tudor Economic Documents, eds. R.H. Tawney and E. Power, 3 vols. (London, 1924).
Year Books of the Reign of King Edward III, Years XI-XX, eds. A.J. Horwood and L.O. Pike, 15 vols. (Rolls Ser., 1883-1911).
Yorkshire Sessions of the Peace, 1361-1364, ed. B.H. Putnam (Yorkshire Archaeological Society Record Series, c, 1939).

## ii. Secondary Sources

AVERY, M.E., 'The History of the Equitable Jurisdiction of Chancery before 1460', Bull.Inst.Hist.Res., xlii (1969), 129-144.
BALDWIN, J.F., The King's Council in England during the Middle Ages (Oxford, 1913).
BALFOUR-MELVILLE, E.W.M., Edward III and David II (Historical Association Pamphlet, London 1954).
BARRACLOUGH, G., Papal Provisions (Oxford, 1935).
BEARDWOOD, A., Alien Merchants in England, 1350-1377 (Cambridge Mass., 1931).
------,'The Royal Mints and Exchanges', in The English Government at Work, 1327-1336, vol. iii, eds. J.F. Willard, W.A. Morris and W.H. Dunham (Cambridge, Mass., 1950), pp. 35-66.
BELLAMY, J.G., Crime and Public Order in England in the Later Middle Ages (London, 1973).
------,The Law of Treason in England in the Later Middle Ages (Cambridge, 1970).
BLAKE, J.B., 'Medieval Smuggling in the North-East: some Fourteenth-Century Evidence', Archaeologia Aeliana, 4th ser., xliii (1965), 243-260.
BOCK, F., 'An Unknown Register of the Reign of Edward III', Eng.Hist. Rev., xlv (1930), 353-372.
BOOTH, P.H.W., 'Taxation and Public Order: Cheshire in 1353', Northern History, xii (1976), 16-31.
BROWN, A.L., The Early History of the Clerkship of the Council (Glasgow, 1969).
BROWN, R.A., COLVIN, H.M., and TAYLOR, A.J., The History of the King's Works: The Middle Ages, 2 vols. (London, 1963).
BRYANT, W.N., 'The Financial Dealings of Edward III with the County Communities, 1330-60', Eng.Hist.Rev., lxxxiii (1968), 760-771.
BURLEY, S.J., 'The Victualling of Calais, 1347-65', Bull.Inst.Hist. Res., xxxi (1958), 49-57.
BURNE, A.H., The Crecy War (London, 1955).
CAM, H.M., Law-Finders and Law-Makers in Medieval England (London, 1962).
CAMPBELL, J., 'England, Scotland and the Hundred Years War in the Fourteenth Century', in Europe in the Later Middle Ages, eds. J.R. Hale, J.R.L. Highfield and B. Smalley (London, 1965), pp. 184-216.

CHAPLAIS,P., Essays in Medieval Diplomacy and Administration (London, 1981).
CHEW, H.M., 'Scutage in the Fourteenth Century', Eng.Hist.Rev., xxxviii (1923), 19-41.
CHEYETTE, F., 'Kings, Courts, Cures and Sinecures: the Statute of Provisors and the Common Law', Traditio, xix (1963), 295-349.
COKAYNE, G.E., The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom, new edn., rev. by V. Gibbs et al., 13 vols. (London, 1910-59).
CRAIG, Sir J., The Mint (Cambridge, 1953).
CROOK, D., 'The Later Eyres', Eng.Hist.Rev., xcvii (1982), 241-268.
CRUMP, C.G., and JOHNSON, C., 'Tables of Bullion Coined under Edward I, II and III', Numismatic Chronicle, 4th ser., xiii (1913), 200-245.
CUTTINO, G.P., 'King's Clerks and the Community of the Realm', Speculum, xxix (1954), 395-409.
DEPREZ, E. Etudes de Diplomatique Anglaise (Paris, 1908).
The Dictionary of National Biography, eds. Sir Leslie Stephen and Sir Sidney Lee (Oxford, 1917).
EDWARDS, J.G., The Second Century of the English Parliament (Oxford, 1979).
EHRLICH, L., Proceedings Against the Crown, 1216-1377 (Oxford, 1921).
ELTON, G.R., The Tudor Revolution in Government (Cambridge, 1953).
EMDEN, A.B., A Biographical Register of the University of Cambridge to 1500 (Cambridge, 1963).
------,A Biographical Register of the University of Oxford to 1500, 3 vols. (Oxford, 1957-9).
FEAVEARYEAR, A., The Pound Sterling, 2nd edn., rev. by E.V. Morgan (Oxford, 1963).
FOWLER, K., The King's Lieutenant (London, 1969).
FOX, H.B.E., and FOX, S., 'Numismatic History of the Reigns of Edward I, II and III', British Numismatic Journal, vi (1909), 197-212.
FRAME, R., English Lordship in Ireland, 1318-1361 (Oxford, 1982).
FRYDE, E.B., 'Parliament and the French War, 1336-40', in Historical Studies of the English Parliament, eds. E.B. Fryde and E. Miller, 2 vols. (Cambridge, 1970), i. 242-261.
------,Studies in Medieval Trade and Finance (London, 1983).
------,'The Tenants of the Bishops of Coventry and Lichfield and of Worcester after the Plague of 1348-9', Medieval Legal Records, eds. R.F. Hunnisett and J.B. Post (London, 1978), 223-266.
FRYDE, N.M., 'Edward III's Removal of his Ministers and Judges, 1340-1', Bull. Inst.Hist.Res., xlviii (1975), 149-161.
GRAVES, E.B., 'The Legal Significance of the Statute of Praemunire of 1353', in Anniversary Essays in Medieval History Presented to C.H. Haskins, ed. C.H. Taylor (New York, 1929), pp. 57-80.
Guide to the Contents of the Public Record Office, rev. edn. (London, 1963).
HAINES, R.M.,The Church and Politics in Fourteenth-Century England: the Career of Adam Orleton (Cambridge, 1978).
Handbook of British Chronology, 2nd edn., eds. F.M. Powicke and E.B. Fryde (London, 1961).
HARDING, A., The Law Courts of Medieval England (London, 1973).
HARRISS, G.L., 'The Formation of Parliament, 1273-1377', in The English Parliament in the Middle Ages, eds. R.G. Davies and J.H. Denton (Manchester, 1981), pp. 29-60.

------,King, Parliament and Public Finance in Medieval England to 1369 (Oxford, 1975).
------,'Preference at the Medieval Exchequer', Bull.Inst.Hist.Res., xxx (1957), 17-40.
HASTINGS, M., 'The Case of the Mare Lost in the Humber: a Note on the Early History of the Law of Contract', Bull.Inst.Hist. Res., xiii (1935), 35-8.
HENNEMAN, J.B., Royal Taxation in Fourteenth Century France (Princeton, 1971).
HEWITT, H.J., The Organization of War Under Edward III (Manchester, 1966).
HIGHFIELD, J.R.L., 'The English Hierarchy in the Reign of Edward III', Trans.Roy.Hist.Soc., 5th ser., vi (1956), 115-138.
HOLDSWORTH, W., A History of English Law, 4th edn. (London, 1936).
HOLMES, G.A., The Estates of the Higher Nobility in Fourteenth Century England (Cambridge, 1957).
HOLT, J.C., Robin Hood (London, 1982).
HUGHES, A., CRUMP, C.G., and JOHNSON, C., 'The Debasement of the Coinage under Edward III', Economic Journal, vii (1897), 185-198.
HUGHES, D., A Study of Social and Constitutional Tendencies in the Early Years of Edward III (London, 1915).
HUNNISETT, R.F., 'English Chancery Records: Rolls and Files', Journal of the Society of Archivists, v (no. 3, 1975), 158-168.
JENKINSON, H., and BROOME, D.M., 'An Exchequer Statement of Receipts and Issues, 1339-40', Eng.Hist.Rev., lviii (1943), 210-216.
JOHNSON, J.H., 'The King's Wardrobe and Household', in The English Government at Work, 1327-1336, vol. i, eds. J.F. Willard and W.A. Morris (Cambridge, Mass., 1940), pp. 206-249.
------,'The System of Account in the Wardrobe of Edward II', Trans. Roy.Hist.Soc., 4th ser., xii (1929), 75-104.
JOHNSON, P., The Life and Times of Edward III (London, 1973).
JOHNSTONE, H., 'The Queen's Household', in The English Government at Work, 1327-1336, vol. i, eds. J.F. Willard and W.A. Morris (Cambridge, Mass., 1940), pp. 250-299.
JONES, M., Ducal Brittany (Oxford, 1970).
JONES, W.R., 'Bishops, Politics and the Two Laws: the Gravamina of the English Clergy, 1237-1399', Speculum, xli (1966), 209-245.
------,'The English Church and Royal Propaganda During the Hundred Years War', Journal of British Studies, xix (1979), 18-30.
------,'Rex et Ministri: English Local Government and the Crisis of 1341', Journal of British Studies, xiv (1974), 1-20.
KAEUPER, R.W., 'Law and Order in Fourteenth-Century England: the Evidence of Special Commissions of Oyer and Terminer', Speculum, liv (1979), 734-784.
LAPSLEY, G., 'Archbishop Stratford and the Parliamentary Crisis of 1341', in Crown, Community and Parliament, eds. H.M. Cam and G. Barraclough (Oxford, 1951), pp. 231-272.
List of Chancery Files (P.R.O. List and Index Soc., cxxx, 1976).
List of Foreign Accounts (P.R.O. Lists and Indexes, xi, 1900, reprinted with additions, 1963).
List of Sheriffs for England and Wales (P.R.O. Lists and Indexes, ix, 1898, reprinted with additions, 1963).
List of Various Accounts (P.R.O. Lists and Indexes, xxv, 1912).
LLOYD, T.H., The English Wool Trade in the Middle Ages (Cambridge, 1977).
------,'Overseas Trade and the English Money Supply in the Fourteenth Century', in Edwardian Monetary Affairs (1279-1344), ed. N.J. Mayhew (British Archaeological Reports, xxxvi, 1977). pp. 96-124.

MADDICOTT, J.R., 'The Birth and Setting of the Ballads of Robin Hood', Eng.Hist.Rev., xciii (1978), 276-299.
------,'The County Community and the Making of Public Opinion in Fourteenth-Century England', Trans.Roy.Hist.Soc., 5th ser., xxviii (1978), 27-43.
------,The English Peasantry and the Demands of the Crown, 1294-1341 (Past and Present Supplement no. 1, 1975).
------,Law and Lordship: Royal Justices as Retainers in Thirteenth- and Fourteenth-Century England (Past and Present Supplement no. 4, 1978).
MAXWELL-LYTE, H.C., Historical Notes on the Use of the Great Seal of England (London, 1926).
MILLER, E., The Abbey and Bishopric of Ely (Cambridge, 1951).
MILLS, M.H., 'The Collectors of Customs', in The English Government at Work, 1327-1336, vol. ii. eds. W.A. Morris and J.R. Strayer (Cambridge, Mass., 1947), pp. 168-200.
MIROT, L., and DEPREZ, E., 'Les Ambassades Anglaises Pendant la Guerre de Cent Ans', Bibliotheque de l'Ecole des Chartes, lix (1898), 550-577.
MISKIMIN, H.A., Money, Prices and Foreign Exchange in Fourteenth Century France (New Haven and London, 1963).
MISSELDEN, E., The Circle of Commerce (London, 1623).
MOREL, O., La Grande Chancellerie Royale (Paris, 1900).
MORRIS, W.A., 'The Sheriff', in The English Government at Work, 1327-1336, vol. ii, eds. W.A. Morris and J.R. Strayer (Cambridge, Mass., 1947), pp. 41-108.
MUNRO, J.H.A., Wool, Cloth and Gold: the Struggle for Bullion in Anglo-Burgundian Trade, 1340-1478 (Toronto, 1972).
McFARLANE, K.B., The Nobility of Later Medieval England (Oxford, 1973).
McKISACK, M., 'Edward III and the Historians', History, xlv (1960), 1-15.
------,The Fourteenth Century (Oxford, 1959).
NICOLAS, N.H., 'Observations on the Institution of the Most Noble Order of the Garter', Archaeologia, xxxi (1846), 1-163.
PACKE, M., King Edward III, ed. L.C.B. Seaman (London, 1983).
PAGE, F.M., The Estates of Crowland Abbey (Cambridge, 1934).
PALGRAVE, F., An Essay Upon the Original Authority of the King's Council (Record Comm., 1834).
PANTIN, W.A., The English Church in the Fourteenth Century (Cambridge, 1955).
PATOUREL, J. Le, 'The Kings and the Princes in Fourteenth-Century France', in Europe in the Later Middle Ages, eds. J.R. Hale, J.R.L. Highfield and B. Smalley (London, 1965), pp. 155-183.
PERROY, E., The Hundred Years War (London, 1951).
PLUCKNETT, T.F.T., Statutes and their Interpretation in the First Half of the Fourteenth Century (Cambridge, 1922).
POLLOCK, F., and MAITLAND, F.W., The History of English Law, 2 vols. (2nd edn., Cambridge, 1968).
POST, J.B., 'The Peace Commissions of 1382', Eng.Hist.Rev., xci (1976), 98-101.
POWELL, J.E., and WALLIS, K., The House of Lords in the Middle Ages (London, 1968).
POWER, E., The Wool Trade in English Medieval History (Oxford, 1941).
PRESTWICH, M., The Three Edwards (London, 1980).
PRINCE, A.E., 'The Indenture System Under Edward III', Historical Essays in Honour of James Tait, eds. J.G. Edwards, V.H. Galbraith and E.F. Jacob (Manchester, 1933), pp. 283-297.

PUGH, R.B., Itinerant Justices in English History (Exeter, 1967).
PUTNAM, B.H., 'Chief Justice Shareshull and the Economic and Legal Codes of 1351-1352', University of Toronto Law Journal, v (1943-4), 251-281.
------,The Enforcement of the Statute of Labourers (New York, 1908).
------,The Place in Legal History of Sir William Shareshull (Cambridge, 1950).
------,'The Transformation of the Keepers of the Peace into the Justices of the Peace, 1327-1380', Trans.Roy.Hist.Soc., 4th ser., xii (1929), 19-48.
RAMSAY, Sir J.H., A History of the Revenues of the Kings of England, 2 vols. (Oxford, 1925).
RAYNER, D., 'The Forms and Machinery of the "Commune Petition" in the Fourteenth Century', Eng.Hist.Rev., lvi (1941), 198-233, 549-570.
RICHARDSON, H.G., and SAYLES, G.O., The English Parliament in the Middle Ages (London, 1981).
ROSKELL, J.S., 'The Problem of the Attendance of the Lords in Medieval Parliaments', Bull.Inst.Hist.Res., xxix (1956), 153-204.
RUSSELL, P.E., The English Intervention in Spain and Portugal in the Time of Edward III and Richard II (Oxford, 1955).
SALZMAN, L.F., English Trade in the Middle Ages (Oxford, 1931).
SAUL, N., Knights and Esquires: the Gloucestershire Gentry in the Fourteenth Century (Oxford, 1981).
SAYLES, G.O., The King's Parliament of England (London, 1975).
SQUIBB, G.D., The High Court of Chivalry (Oxford, 1959).
STAMP, A.E., 'Some Notes on the Court and Chancery of Henry III', in Historical Essays in Honour of James Tait, eds. J.G. Edwards, V.H. Galbraith and E.F. Jacob (Manchester, 1933), pp. 305-311.
STEEL, A., The Receipt of the Exchequer, 1377-1485 (Cambridge, 1954).
STONE, L., 'Elizabethan Overseas Trade', Economic History Review, 2nd ser., ii (1949-50), 30-58.
STONES, E.L.G., 'Sir Geoffrey le Scrope (c. 1280 to 1340), Chief Justice of the King's Bench', Eng.Hist.Rev., lxix (1954), 1-17.
STRAYER, J.R., The Reign of Philip the Fair (Princeton, 1980).
STUBBS, W., Constitutional History of England, 3 vols. (4th edn., Oxford, 1906).
TAYLOR, M.M., 'The Justices of Assize' in The English Government at Work, 1327-1336, vol. iii, eds. J.F. Willard, W.A. Morris and W.H. Dunham (Cambridge, Mass., 1950), pp. 219-257.
THOMPSON, A. HAMILTON, The English Clergy and their Organization in the Later Middle Ages (Oxford, 1947).
------,'The Registers of John Gynewell, Bishop of Lincoln, for the Years 1347-1350', Archaeological Journal, lxviii (1911), 301-360.
------,'William Bateman, Bishop of Norwich, 1344-1355', Norfolk Archaeology, xxv (1935), 102-137.
THOMPSON, E.M., 'Offenders Against the Statute of Labourers in Wiltshire, A.D. 1349', Wiltshire Archaeological and Natural History Magazine, xxxiii (1903-4), 384-409.
TOUT, T.F., Chapters in the Administrative History of Medieval England, 6 vols. (Manchester, 1920-33).
TOUT, T.F., and BROOME, D.M., 'A National Balance Sheet for 1362-3', Eng.Hist.Rev., xxxix (1924), 404-419.
UNWIN, G., 'The Estate of Merchants', in Finance and Trade under Edward III, ed. G. Unwin (Manchester, 1918).

WESKE, D.B., Convocation of the Clergy (London, 1937).
WILKINSON, B., 'The Authorisation of Chancery Writs Under Edward III', Bulletin of the John Rylands Library, viii (1924), 107-139.
------,'The Chancery', in The English Government at Work, 1327-1336, vol. i, ed. J.F. Willard and W.A. Morris (Cambridge, Mass., 1940), pp. 162-205.
------,The Chancery Under Edward III (Manchester, 1929).
------,Constitutional History of Medieval England, 1216-1399, vol. ii (London, 1952).
------,'A Letter of Edward III to his Chancellor and Treasurer', Eng.Hist.Rev., xlii (1927), 248-251.
------,'The Protest of the Earls of Arundel and Surrey in the Crisis of 1341', Eng.Hist.Rev., xlvi (1931), 181-193.
------,'The Seals of the Two Benches under Edward III', Eng.Hist.Rev., xlii (1927), 397-401.
------,Studies in the Constitutional History of the Thirteenth and Fourteenth Centuries (2nd edn., Manchester, 1952).
WILLARD, J.F., 'The Crown and its Creditors, 1327-1333', Eng.Hist.Rev., xlii (1927), 12-19.
------,'The Treasurer's Issue Roll and the Clerk of the Treasurer, Edward I-Edward III', Bull.Inst.Hist.Res., viii (1931), 129-135.
------,et al., eds., The English Government at Work, 1327-1336, 3 vols. (Cambridge, Mass., 1940-50).
YOUNG, C.R., The English Borough and Royal Administration, 1130-1307 (London, 1961).

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