

The University of Hull

The Earls of Edward III, 1330-60: Comital Power in Mid-
Fourteenth Century England

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List of Abbreviations

AC	<i>The Anonimale Chronicle, 1333-1381</i> , ed. V.H. Galbraith (Manchester, 1927)
<i>The Age of Edward III</i>	J. Bothwell (ed.), <i>The Age of Edward III</i> (Woodbridge, 2001)
Avesbury	R. Avesbury, <i>De Gestis Mirabilibus Regis Edwardi Tertii</i> , ed. E.M. Thompson (London, Record Society, 1889)
Baker	G. Baker, <i>The Chronicle of Geoffrey le Baker of Swinbrook</i> , ed. and trans. D. Preest (Woodbridge, 2012)
<i>The Battle of Crécy</i>	A. Ayton and P. Preston (eds), <i>The Battle of Crécy, 1346</i> (Woodbridge, 2005)
BBCS	<i>Bulletin of the Board of Celtic Studies</i>
Bel	J. le Bel, <i>The True Chronicles of Jean le Bel, 1290-1360</i> , ed. and trans. N. Bryant (Woodbridge, 2011)
BIHR	<i>Bulletin of the Institute of Historical Research</i>
BJRL	<i>Bulletin of the John Rylands Library</i>
BL	British Library
BPR	<i>Register of Edward, the Black Prince</i> , ed. M.C.B. Dawes, 4 vols., (London, 1930-1933)
<i>Bracton</i>	<i>Bracton de Legibus et Consuetudinibus Angliae</i> , ed. and trans. S.E. Thorne, 4 vols., (Cambridge, MA., 1968-1977)
<i>Bridlington</i>	'Gesta Edwardi Terti Auctore Canonico Bridlingtonensi', in W. Stubbs (ed.), <i>Chronicles of Edward I and Edward II</i> , 2 vols., (London, Rolls Series, 1882-1883), II, pp. 93-151.
<i>The Brut</i>	<i>The Brut</i> , ed. F.W.D. Brie, 2 vols., (Early English Texts Society, 1906-1908)
CChR	<i>Calendar of Charter Rolls (1300-1417)</i> , 3 vols., (London, 1908-1916)
CCR	<i>Calendar of Close Rolls (1323-1377)</i> , 14 vols., (London, 1898-1913)
CDS	<i>Calendar of Documents Relating to Scotland</i> , ed. J. Bain, G.G. Simpson and J.D. Galbraith, 5 vols., (Edinburgh, 1884-1987)
CFR	<i>Calendar of Fine Rolls (1307-1377)</i> , 7 vols., (London, 1912-1924)
CIPM	<i>Calendar of Inquisitions Post Mortem (1307-1399)</i> , 12 vols., (London, 1908-1988)
<i>Complete Peerage</i>	G.E. Cokayne, <i>The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom</i> , rev. V. Gibbs et al., 13 vols., (London, 1910-1959)
CMMBC	<i>A Catalogue of the Medieval Muniments at Berkeley Castle</i> , ed. B. Wells-Furby, 2 vols., (The Bristol and Gloucestershire Archaeological Society, 2004)
CPR	<i>Calendar of Patent Rolls (1307-1377)</i> , 21 vols., (London, 1894-1916)
EAH	<i>Essex Archaeology and History</i>
ECHR	<i>Economic History Review</i>

- EnGW* J.F. Willard, W.A. Morris, W.H. Dunham and J.R. Strayer (eds), *The English Government at Work, 1327-1336*, 3 vols., (Cambridge, MA., 1940-1950)
- EHR* *English Historical Review*
- The English Parliament* H.G. Richardson and G.O. Sayles, *The English Parliament in the Middle Ages* (London, 1981)
- ESP* *Essex Sessions of the Peace 1351, 1377-1379*, ed. E.C. Furber (Essex Archaeological Society, 1953)
- Essex Fines* *Feet of Fines for Essex. Volume 3. (A.D. 1327-A.D. 1422)*, ed. R.C. Fowler and S.C. Ratcliff (Essex Archaeological Society, 1949)
- FCE* *Fourteenth Century England*
- Fighting Essex Soldier* C. Thornton, J.C. Ward and N. Wiffin (eds), *The Fighting Essex Soldier* (Hatfield, 2017)
- Foedera* *Foedera, Conventiones, Literae et Cuiuscunque Generic Acta Publica*, ed. T. Rymer, 4 vols. in 7 parts, (London, Record Commission, 1819-1869)
- French Chronicle* *Chroniques de London*, ed. J.G. Aungier (London, Camden Society, 1844)
- Froissart J. Froissart, *Chroniques de J. Froissart*, ed. S. Luce et al, 15 vols., (Paris, 1869-1975)
- Fryde, *Studies* E.B. Fryde, *Studies in Medieval Trade and Finance* (London, 1983)
- Gawain* *Gawain and the Green Knight*, ed. W.R.J. Barron, Revised Edition (Manchester, 1998)
- HR* *Historical Research*
- HSEP* E.B. Fryde and E. Miller (eds), *Historical Studies of the English Parliament*, 2 vols., (Cambridge, 1970)
- JBS* *Journal of British Studies*
- JMH* *Journal of Medieval History*
- JMMH* *Journal of Medieval Military History*
- Knighton H. Knighton, *Knighton's Chronicle, 1337-1396*, ed. and trans. G.H. Martin (Oxford, 1995)
- Lanercost* *The Chronicle of Lanercost, 1272-1346*, ed. and trans. Sir H. Maxwell (Glasgow, 1913)
- LCBP* *The Life and Campaigns of the Black Prince*, ed. and trans. R. Barber (Woodbridge, 1979)
- LHR* *Law and History Review*
- List of Escheators* *List of Escheators for England and Wales*, PRO Lists and Indexes, 72 (London, 1971)
- List of MPs* *Return of the Name of Every Member of the Lower House of the Parliaments of England, Scotland and Ireland, 1213-1874* (London, 1878)

- List of Sheriffs* *List of Sheriffs for England and Wales*, PRO Lists and Indexes, 9 (London, 1898)
- MH* *Midland History*
- Monasticon* *Monasticon Anglicanum*, ed. W. Dugdale and R. Dodsworth, New Edition, 6 vols. in 8 parts (London, 1817-1830)
- Murimuth A. Murimuth, *Continuatio Chronicarum*, ed. E.M. Thompson (London, Record Society, 1889)
- NH* *Northern History*
- NMS* *Nottingham Medieval Studies*
- Norwell *The Wardrobe Book of William de Norwell*, ed. M. Lyon, B. Lyon, H.S. Lucas and J. de Sturler (Brussels, 1983)
- ODNB* *Oxford Dictionary of National Biography* (Online Edition, Oxford, <http://www.oxforddnb.com>)
- P&P* *Past and Present*
- PH* *Parliamentary History*
- PJPs* *Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries*, ed. B.H. Putnam (Ames Foundation, 1938)
- The Plantagenet Empire* P. Crooks, D. Green and W.M. Ormrod (eds), *The Plantagenet Empire, 1259-1453: Proceedings of the 2014 Harlaxton Symposium* (Donington, 2016)
- Political Poems* *Political Poems and Songs Relating to English History, Composed during the Period from the Accession of Edward III to that of Richard III*, ed. T. Wright, 2 vols., (London, Rolls Series, 1859)
- 'Private Indentures' 'Private Indentures for Life Service in Peace and War, 1278-1476', ed. M. Jones and S. Walker, *Camden Miscellany*, 3 (1994), pp. 1-190
- PROME* *Parliament Rolls of Medieval England*, ed. and trans. C. Given-Wilson, P. Brand, J.R.S. Phillips, W.M. Ormrod, G. Martin, A. Curry and R. Horrox (CD-ROM Version, 2005)
- PTEFCE* *Political Thought in Early Fourteenth-Century England: Treatises by Walter of Milemete, William of Pagula and William of Ockham*, ed. and trans. C.J. Nederman (Arizona, 2002)
- RDP* *Reports from the Lords' Committees Touching the Dignity of a Peer of the Realm: With Appendixes*, 5 vols., (Reprint, London, 1829)
- Reading *Chronica Johannis de Reading et Anonymi Cantuariensis, 1346-1367*, ed. J. Tait (Manchester, 1914)
- Rotuli Scotiae* *Rotuli Scotiae*, 2 vols., (London, Record Commission, 1814-1819)
- SAC* *Sussex Archaeological Collections*
- Scalacronica* T. Gray, *Scalacronica*, ed. and trans. A. King (Surtees Society, 2005)
- SCCKB* *Select Cases in the Court of King's Bench*, ed. and trans. G.O. Sayles, 7 vols., (Selden Society, 1936-1971)

<i>SR</i>	<i>Statutes of the Realm</i> , 11 vols., (London, 1810-1828)
<i>Sussex Fines</i>	<i>An Abstract of Feet of Fines for the County of Sussex: Vol. 3, 1308-1509</i> , ed. L.F. Salzman (Sussex Record Society, 1916)
<i>Tout, Chapters</i>	T.F. Tout, <i>Chapters in the Administrative History of Medieval England</i> , 6 vols., (Manchester, 1920-1933)
<i>Treaty Rolls, 1337-1339</i>	<i>Treaty Rolls Preserved in the Public Record Office: Vol. II, 1337-1339</i> , ed. J. Ferguson (London, 1972)
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
<i>VCH</i>	<i>Victoria County History</i>
<i>Wigmore Chronicle</i>	<i>The Wigmore Chronicle, 1066 to 1377: A Translation of John Rylands Manuscript 215, ff. 1-8 and Trinity College, Dublin, MS.488, ff. 295-9</i> , ed. and trans. P.M. Remfry (Castle Studies Publication, 2013)
<i>W&MBRJ</i>	<i>William and Mary Bill of Rights Journal</i>

A Note on Citations

After the initial citation to published works, shortened references have been used throughout this thesis. Full references without abbreviations can be found in the bibliography.

Unless otherwise indicated, all unpublished manuscripts are held by The National Archives, Kew. The Warrants for Issue class of documents (E 404) has been cited according to the format set out in G.L. Harriss, 'Preference at the Medieval Exchequer', *Bulletin of the Institute of Historical Research*, 30 (1957), 17 n. 3. The Memoranda Rolls of the King's Remembrancer (E 159) up to Exchequer year 24 Edward III (Michaelmas 1349-Michaelmas 1350, E 159/126) have been cited by the modern Arabic numeral pencilled onto each rot. From E 159/127, however, pencilled numerals are not extant and citations are made to roll number, *roll section*, term, rot. number. Similarly, the Receipt Rolls of the Exchequer (E 401) lack modern membrane numbers and have been cited by roll number, date of entry.

Introduction I: Scope and Historiography

This thesis examines the earls of Edward III from 1330 to 1360 to ascertain their place in the Edwardian polity. As such, it studies the earls of Edward III as they engaged with a series of public roles paralleling the functions thought to pertain to comital rank in fourteenth-century political thinking. The terminal points carved out of historical continuity for this thesis were chosen for reasons both practical and historical: extending a collective study earlier or later in time would have proved almost impossible for reasons of time and space and, more importantly, the period has its own coherence. The year 1330 is shorthand for the assumption of personal power by Edward III, after the coup at Nottingham Castle on the night of 19 October 1330 freed him from the control of his mother and Roger Mortimer. 1360 is shorthand for the treaty of Brétigny, confirmed in the October of that year, which marked the end of a distinct phase in the lives of political society.¹ Furthermore, a number of prominent earls died through 1359-61: demographically, c. 1360 marks the end of a distinct group of comital figures.²

Earls had stood at the apex of the English social hierarchy as the gradation of lay society second only in power, wealth and prestige to the king himself since before the Conquest.³ In 1337, the earl was displaced by the king's bestowal of the title duke of Cornwall on his son and heir, Edward; and in 1351 Henry of Grosmont, earl of Lancaster, received the title duke of Lancaster.⁴ Historians have long since maintained that medieval politics consisted largely of a king's 'daily personal relations with his barons'.⁵ Despite these incidences of ducal rank being granted in England, in practice the earls retained their primacy in thought and action, since only Prince Edward stood above them for

¹ See the comments of C.J. Rogers, *War Cruel and Sharp: English Strategy under Edward III, 1327-1360* (Woodbridge, 2000), 418-22.

² See the earls of March, Northampton, Hereford and Essex, and Oxford, and the duke of Lancaster: below, introduction II.

³ D. Crouch, *The Image of Aristocracy in Britain, 1000-1300* (London, 1992), 32-56.

⁴ More generally, see C. Given-Wilson, 'Rank and Status among the English Nobility, c. 1300-1500', in T. Huthwelker, J. Peltzer and M. Wemhöner (eds), *Princely Rank in Late Medieval Europe: Trodden Paths and Promising Avenues* (Stuttgart, 2012), 97-118.

⁵ To quote the oft-quoted dictum of K.B. McFarlane, *The Nobility of Later Medieval England: The Ford Lectures for 1953 and Related Studies* (Oxford, 1973), 120.

much of the period, and Grosmont was one of their own. Like the earls of Henry II, Edward III's earls were still those 'whose titles, wealth and conspicuous consumption marked them out as the very *crème de la crème*...a dozen or so individuals whose titles and landed resources set them apart from mere barons in just the same way that archbishops were distinguished from bishops'.⁶ Their exalted status was signified by their wearing of coronets, at least away from the king's own gaze.⁷ Nor are they selected simply as a manageable sample: like the northern barons of King John, they are selected for us by their contemporaries, by political thinking, and by practice, although we must remember that these earls, although marked off by wealth and title, were neither monolithic in status and personality nor single-minded in their immediate aims.⁸

This study examines the careers of twenty-one of the English earls active across a thirty-year period. Not all of the higher nobility are examined in their own right. Edmund, earl of Kent, died in March 1330 and thus has not been subject to detailed study, while Thomas Holland, made earl of Kent in September 1360, has been considered as elevated too late in the day. The Irish earls and William, count (later margrave) of Juliers, made earl of Cambridge in 1340, are excluded, since in this period their concerns and the patterns of their careers were very different from the English earls and deserve scholarly treatment more sustained than could have been provided here.⁹ Similarly, the king's sons active from various points in the period – Edward, duke of Cornwall and Prince of Wales, Lionel of Antwerp, earl of Ulster, and John of Gaunt – should be considered a distinct group. Countesses have been omitted, since they too were burdened in some (although not all) areas of public life with very different expectations, responsibilities and paths of action. But despite these notable exceptions, the approach is collective. Individual studies have proved invaluable in rescuing the later-medieval baronage from the monolithic caricature of late-nineteenth and early-twentieth

⁶ N. Vincent, 'Did Henry II have a Policy Towards the Earls?', in C. Given-Wilson (ed.), *War, Government and the Aristocracy in the British Isles, c. 1150-1500: Essays in Honour of Michael Prestwich* (Woodbridge, 2008), 1.

⁷ Crouch, *Image of Aristocracy*, 162-3.

⁸ J.C. Holt, *The Northerners: A Study in the Reign of King John*, Second Edition (Oxford, 1992), 7, 71.

⁹ P. Crooks, 'Comital Ireland, 1333-1534', in H. Doherty and D. Crouch (eds), *The Earl in Medieval Britain* (forthcoming). Accessed at <https://tcd.academia.edu/PeterCrooks>.

century historians and remain an important tool of historical analysis by emphasising the individual concerns, outlooks and reactions apposite for an individual magnate or one noble family.¹⁰ As such, this general, collective approach sacrifices detail and something of the individual characteristics of each earl.¹¹ But more is gained by a collective approach than lost, since the earls were thought of by contemporaries as a corporate body and considering their collective actions provides insights into their roles and importance within the polity more generally that might be lost in studies of individuals.¹² In this way, the corporate view can complement important studies of individuals and families to provide a more rounded account of the Edwardian nobility.¹³ It is some of the public duties and secular functions of these comital figures that form the subject of this thesis. Although doubtless important to the earls, their land management, the organisation of their households, their consumption and their piety (for example) are not directly considered as objects of analysis. This, then, is less a compilation of full comital biographies than a study of the collective similarities in

¹⁰ J.R. Maddicott, *Thomas of Lancaster, 1307-22: A Study in the Reign of Edward II* (Oxford, 1970) and J.R.S. Phillips, *Aymer de Valence, Earl of Pembroke 1307-1324: Baronial Politics in the Reign of Edward II* (Oxford, 1972) were ground-breaking. More generally, see M. Prestwich, 'Medieval Biography', *Journal of Interdisciplinary History*, 40 (2010), 325-46.

¹¹ Compare R.R. Davies, *Lordship and Society in the March of Wales, 1282-1400* (Oxford, 1978), v-vi.

¹² For examples of a collective approach to the medieval nobility in the British Isles, see e.g. A. Tuck, *Richard II and the English Nobility* (London, 1973); J. Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996); Vincent, 'Did Henry II'; D. Crouch, *The English Aristocracy, 1072-1272: A Social Transformation* (London, 2011); A.M. Spencer, *Nobility and Kingship: The Earls and Edward I, 1272-1307* (Cambridge, 2014); Crooks, 'Comital Ireland'. See S. Gunn, *Henry VII's New Men and the Making of Tudor England* (Oxford, 2016) for a similar attempt of a 'panoramic view' of a collective group, during a later period (quote at 13).

¹³ Most directly for the earls studied here: F.R. Fairbank, 'The Last Earl of Warenne and Surrey, and the Distribution of his Possessions', *Yorkshire Archaeological Journal*, 19 (1907), 193-264; K. Fowler, *The King's Lieutenant: Henry of Grosmont, First Duke of Lancaster, 1310-1361* (London, 1969); C. Given-Wilson, 'Wealth and Credit, Public and Private: The Earls of Arundel 1306-1397', *EHR*, 106 (1991), 1-26; M. Burtscher, *The FitzAlans: Earls of Arundel and Surrey, Lords of the Welsh Marches (1267-1415)* (Logaston, 2008); P. Dryburgh, 'Living in the Shadows: John of Eltham, Earl of Cornwall (1316-1336)', in G. Dodd and J. Bothwell (eds), *FCE IX* (Woodbridge, 2016), 23-48; R. Douch, 'The Career, Lands and Family of William Montague, Earl of Salisbury, 1301-44' (University of London unpublished MA thesis, 1950); J.M. Parker, 'Patronage and Service: The Careers of William Montague, Earl of Salisbury, William Clinton, Earl of Huntingdon, Robert Ufford, Earl of Suffolk and William Bohun, Earl of Northampton' (University of Durham unpublished MA thesis, 1985); W.M. Warner, 'The Montagu Earls of Salisbury 1300-1428: A Study in Warfare, Politics and Political Culture' (University of London unpublished PhD thesis, 1991); A. Marshall, 'Thomas of Brotherton, Earl of Norfolk and Marshal of England: A Study in Early Fourteenth-Century Aristocracy' (University of Bristol unpublished PhD thesis, 2006).

thought and action binding Edward III's earls together within the governmental, social and cultural context of later medieval England.

Historiography

Given the importance of the higher aristocracy to political life in medieval England, this thesis might be justified purely on the absence of any existing study of the earls of Edward III in public life through the mid-fourteenth century. However, a more compelling justification for a collective approach to the earls of Edward III which situates them in a context of processes, assumptions and ideas is historiographical. All historians are, of course, as bound by time and context as were the people, texts and events they study. They write for an illocutionary purpose in order to contribute to historiographical debate. The purpose of this thesis is not overtly to support or refute any one historiographical interpretation but, nonetheless, in order to place it into its proper context we first need to understand the historiographical landscape it engages with.

While immensely valuable in its own way, the late-nineteenth century and early-twentieth century historiography of the later medieval nobility was bound up in the teleology and fallacies of what is now called the Whig Interpretation of History. Bishop William Stubbs, the most influential proponent of this brand of medieval English history, overlaid his constitutional history of the middle ages with a story of progress towards the national parliamentary monarchy of the later Victorians.¹⁴ And, for Stubbs, like the politics of the nineteenth century, the later middle ages saw the clash of two parties, each fundamentally opposed to the other: the royalist party searching for absolute monarchy, and the baronage and the country, seeking the limited foundations of constitutional monarchy governed through the growing institution of Parliament. The relatively peaceful relations between Edward III

¹⁴ W. Stubbs, *The Constitutional History of England in its Origin and Development*, Fourth Edition, 3 vols., (Oxford, 1906); *Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First*, ed. W. Stubbs, Ninth Edition (Oxford, 1913). See the comments of H. Cam, 'Stubbs Seventy Years After', *Cambridge Historical Journal*, 9 (1948), 129-47; C. Carpenter, 'Politics and Constitutional History: Before and After McFarlane', in R.H. Britnell and A.J. Pollard (eds), *The McFarlane Legacy* (New York, 2005), 175-206.

and his barons were achieved by the king's surrender of royal rights and embracing of the superficial and immoral luxuries of courtly life, as Stubbs passed 'from the age of heroism to the age of chivalry, from a century embodied by devotion and self-sacrifice to one in which the gloss of superficial refinement fails to hide the reality of heartless selfishness and moral degradation – an age of luxury and cruelty'.¹⁵ Stubbs was a formidable historian and his assumptions and conclusions set the tone for subsequent generations, who read (if they were durable) his *Constitutional History* alongside his *Select Charters*, which together formed the bedrock of the study of medieval English history at Oxford and Cambridge.¹⁶ One of his most important students was T.F. Tout, who substantially modified Stubbs's framework without overturning its pivotal assumptions.¹⁷ Tout moved scholarly attention away from the parliamentary focus of Stubbs into the medieval English administration: the 'machinery of government' and the vast records this government left behind.¹⁸ But still kings and barons engaged in their constitutional struggle, with the king and his *curiales* seeking to establish an autocracy governed through the organs of the royal household, controlled personally by the king, while the barons sought 'to set up a premature Whig oligarchy to which the king was to stand in the position of doge' by forcing the king to govern through 'national' institutions subject to baronial and parliamentary control.¹⁹ And, like Stubbs, Tout thought the domestic peace of the mid-fourteenth century a product of Edward III's willingness to alienate the resources of the monarchy to his magnates and his enthusiasm for aristocratic social life.²⁰ The baronage, although immensely important as the antagonists in the battle for the constitution, were not studied in their own right by Stubbs or Tout. The barons were monolithic, possessed of modern ideas inapplicable to their time,

¹⁵ Stubbs, *Constitutional History*, II, 319.

¹⁶ J. Campbell, 'William Stubbs (1825-1901)', in H. Damico and J. Zavadil (eds), *Medieval Scholarship: Biographical Studies on the Formation of a Discipline, Volume 1* (New York, 1995), 77-87.

¹⁷ Tout, *Charters*. See Carpenter, 'Politics and Constitutional History', 179-84; M. Raven, 'Tout and the Higher Nobility under the Three Edwards', in C. Barron and J. Rosenthal (eds), *Thomas Frederick Tout (1855-1929): Repositioning History for the 20th Century* (London, forthcoming).

¹⁸ See L. Scales, *The Shaping of German Identity: Authority and Crisis, 1245-1414* (Cambridge, 2012), 57 for a perceptive comment on such usage of the language of the Industrial Revolution.

¹⁹ Tout, *Charters*, III, 140-41.

²⁰ Tout, *Charters*, III, esp. 32-9, 47, 120, 140-41.

and caricatured as over-mighty subjects: in equal measure violent, stupid and reactionary. Their private power was contrasted to the Crown and its public order, intrinsically opposed to royal power and authority.

The Whig paradigm of interpretation disintegrated through the middle decades of the twentieth century under a combined assault by wider societal changes and new methods of historical analysis. As the twentieth century unfolded, a triumphant march towards parliamentary democracy lost its comfortable place as the assumed grand narrative of historical events.²¹ New techniques in political history, especially the adoption of prosopographical research, emphasised individuality and forced the conclusion that historical actors were not possessed of the motives ascribed to them by the generations of Stubbs and Tout.²² In 1929, Lewis Namier published *The Structure of Politics at the Accession of George III* which, when absorbed, shattered the pervasive model of eighteenth-century Whig and Tory parties; in 1939, Ronald Syme published *The Roman Revolution*, a seminal work which portrayed the beginning of the Roman Empire in terms of material motivation, patronage and self-interest rather than as a constitutional struggle between Republic and Empire.²³ Across the Channel, from the 1920s Marc Bloch and other members of the *Annales* school pioneered an influential model of social and environmental history studied over the *longue durée* in preference to constitutional and political history as traditionally conceived.²⁴

That decade also saw the Oxford medievalist K.B. McFarlane begin his research, which eventually dismantled the framework Stubbs and Tout had erected over later medieval English history.

McFarlane was as revolutionary a figure for the study of the later middle ages as Namier proved to

²¹ P.B.M. Blaas, *Continuity and Anachronism: Parliamentary and Constitutional Development in Whig Historiography and in the Anti-Whig Reaction between 1890 and 1930* (London, 1978); R.A. Cosgrove, 'Reflections on the Whig Interpretation of History', *Journal of Early Modern History*, 4 (2000), 147-67.

²² L. Stone, 'Prosopography', *Daedalus*, 100 (1971), 46-79; C. Charle, 'La prosopographie ou biographie collective: bilan et perspectives', in C. Charle, *Homo Historicus: réflexions sur l'histoire, les historiens et les sciences sociales* (Paris, 2013), 94-108.

²³ L. Namier, *The Structure of Politics at the Accession of George III*, 2 vols., (London, 1929); R. Syme, *The Roman Revolution* (Oxford, 1939).

²⁴ P. Burke, *The French Historical Revolution: The Annales School 1929-2014* (Cambridge, 2015); T. Bisson, 'La terre et les hommes: A Programme Fulfilled?', *French History*, 14 (2000), 322-45.

be for the eighteenth century. Temperamentally, McFarlane was suited to a polemical revision of current orthodoxies: he combined a ferocious work ethic with an unusually high degree of intellectual independence and self-reliance.²⁵ Most importantly, his research was focused primarily on the later medieval nobility in their own right. Rather than assuming their motivations and interests, McFarlane actually studied them, using their own archives where possible.²⁶ This led McFarlane to reject the conflicting constitutional principles assigned to the king and his baronage by Stubbs and Tout and to rescue the nobility from the caricatures of Whig historiography: the 'over-mighty' nobles whose power lay in Parliament and whose ponderous attentions revolved around forcing limitations onto the Crown. In his Ford Lectures of 1953, entitled 'The Nobility of Later Medieval England', McFarlane punctured the Whig paradigm and outlined a political society of fully-rounded individuals with their own interests and pre occupations. This society was characterised by networks similar to those posited for the eighteenth-century by Namier: personal connections and interests were paramount and political society operated around a reciprocal nexus of reward (increasingly in the form of cash fees) for service. The nobility, for their part, had no reason to be opposed to a good king, since loyal service to an adequate ruler brought rewards and satisfaction in itself.²⁷ McFarlane died in 1966 without completing the development of his Ford Lectures into the comprehensive study of the later medieval nobility he planned. Nonetheless, through his seminal articles, posthumous publications and students, McFarlane's influence on succeeding generations of historians has been remarkable: 'nearly all the political historians of fourteenth- and fifteenth-century England today...are, to some extent, academic 'children or 'grandchildren', even 'great grand-children', of McFarlane'.²⁸

²⁵ See J.P. Cooper's introduction to McFarlane, *Nobility*, vi-xxxvii; K. Leyser, 'Kenneth Bruce McFarlane, 1903-1966', *Proceedings of the British Academy*, 62 (1976), 485-506; A.L. Rowse, *Historians I Have Known* (London, 1995), 65-75; Carpenter, 'Politics and Constitutional History', 185-206. In this, he bore many similarities with both Namier and Syme: L.S. Sutherland, 'Sir Lewis Namier', *Proceedings of the British Academy*, 48 (1962), 371-85; G.W. Bowerstock, 'Ronald Syme, 1903-1989', *Proceedings of the British Academy*, 84 (1994), 538-63.

²⁶ McFarlane, *Nobility*, 3.

²⁷ McFarlane, *Nobility*, 120-21, 160-61.

²⁸ C. Carpenter, *The Wars of the Roses: Politics and the Constitution, c. 1437-1509* (Cambridge, 1997), 18-19.

Post-McFarlane work on the medieval nobility generally tended to stress McFarlane's emphasis on patronage and reward at the expense of a structure of ideas and assumptions framing political life.²⁹ And, like Namier's assault on the constitutional history of the eighteenth century, McFarlane's work – perhaps because it was unfinished – was essentially destructive and concentrated on removing the frameworks of interpretation previous historians had imposed. It did not erect a coherent structure of political life to replace that which it dethroned.³⁰ This emphasis on competitiveness and on buying service had the curious effect of retaining the divide between the king and his aristocracy characterising older work, with the aristocracy again a threat to the monarchy, although motivated now more by the prospect of individual gain than by principles of constitutional struggle. McFarlane did not suggest 'there were no politics save jobbery' and judged that only an inadequate king had anything to fear from his baronage, normally firm supporters of the Crown.³¹ However, his emphasis on the personal and on the centrality of material reward set the tone. At its worst, post-McFarlane work was characterised by the 'poverty of patronage', which marginalised ideas and governmental principles from accounts of political life and implied that service, even to kings, was bought by the prospect of material reward.³² More recently, work on the fifteenth century and, even more recently, the thirteenth has consciously sought to integrate a collective approach to the nobility with a framework of governmental practices and norms to provide a fuller picture of political society in later medieval England.³³ These historians have emphasised the essential alignment of the king and

²⁹ See Watts, *Henry VI*, 1-5; Spencer, *Nobility and Kingship*, 1-3.

³⁰ For the later period see e.g. Q. Skinner, 'The Principles and Practice of Opposition: The Case of Bolingbroke vs. Walpole', in N. McKendrick (ed.), *Historical Perspectives: Studies in English Thought and Society Presented to J.H. Plumb* (London, 1974), 93-128; G.R. Elton, *The Practice of History*, Revised Edition (London, 1969), 132 n. 6.

³¹ McFarlane, *Nobility*, 119; K.B. McFarlane, *England in the Fifteenth Century: Collected Essays with an Introduction by G.L. Harriss* (London, 1981), 238.

³² E. Powell, 'After "After McFarlane": The Poverty of Patronage and the Case for Constitutional History', in D.J. Clayton (ed.), *Trade, Devotion and Governance: Papers in Later Medieval History* (Stroud, 1996), 1-16.

³³ E.g. C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401-1499* (Cambridge, 1992); Carpenter, *Wars of the Roses*; Watts, *Henry VI*; E. Powell, *Kingship, Law, and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989); Spencer, *Nobility and Kingship*. See the comments of W.M. Ormrod, 'The New Political History: Recent Trends in the Historiography of Later Medieval England', in T. Dahlerup and P. Ingesman (eds), *New Approaches to the History of Late Medieval and Early Modern Europe* (Copenhagen, 2009), 37-59. However, although not dealing primarily with the nobility, and not a conscious work of post-McFarlane historiography, G.L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369*

his nobility in political thinking and have revealed common vocabularies, languages and patterns of politics. The model of studying political societies in this manner has yet to be tested against the experiences of the mid-fourteenth century English aristocracy. Instead, a divide between royal and aristocratic power has been retained in more modern work concerning the reign of Edward III. The following section examines current work dealing with the Edwardian nobility, in order to situate this thesis in this context of thought.

A starting point common to much of this historiography is Edward III's need to recover royal power after the degradation and damage done to kingship by Edward II. In an important paper published in 1960, May McKisack judged that Edward III achieved this by combining good personal and social relations with his magnates with a generous distribution of patronage.³⁴ The emphasis on recovery through essentially personal relationships has remained prominent ever since. Since the 1980s, Mark Ormrod has published widely on the reign and on the king himself.³⁵ Indeed, he has done more than anyone to rehabilitate the king from the old charge that he surrendered royal authority to Parliament, the localities, or to his magnates.³⁶ Ormrod's monumental biography *Edward III* was published in 2011 and, as a biographical study, hoped 'as much as is possible, to recover Edward III's experiences, deeds, words, behaviour and demeanour'.³⁷ This was achieved with resounding success. Throughout, Ormrod highlights the personal dimension of Edward's dealings with his magnates and it is in these terms that magnate relations are presented, as befits such a biographical study.³⁸ The king's 'emphasis on affective bonds of friendship forged and celebrated within the

(Oxford, 1975) is a magnificent account of how ideas 'became rooted in political institutions and formed traditions of political behaviour' (quotation at vii-viii).

³⁴ M. McKisack, 'Edward III and the Historians', *History*, 45 (1960), 1-15. Note that McKisack either attended McFarlane's then unpublished Ford Lectures or had access to transcripts: *ibid*, 13 n. 26. This extended her influential assessment in M. McKisack, *The Fourteenth Century, 1307-1399* (Oxford, 1959), esp. 251-6, 269-71.

³⁵ See bibliography, 347-8.

³⁶ E.g. W.M. Ormrod, 'Edward III and the Recovery of Royal Authority in England, 1340-60', *History*, 72 (1987), 4-19; A. Musson and W.M. Ormrod, *The Evolution of English Justice: Law, Politics and Society in the Fourteenth Century* (Basingstoke, 1999).

³⁷ W.M. Ormrod, *Edward III* (London, 2011), 2.

³⁸ See, for example, the review by B. Hanawalt, *Speculum*, 89 (2014), 1,186-8.

culture of chivalry' is identified as one of three traits particularly associated with Edward.³⁹ Edward encouraged the participation of the political elite, and retained their support even through the 1340-41 crisis, '[b]y exploiting his sociability, his talent for showmanship, and his instinctive resistance to the politics of vengeance'.⁴⁰ As a further expression of these personal bonds, the king retained close control over royal patronage and, ultimately, this combined with his personality and his gift for friendship to explain the long and loyal service he received from the nobility.⁴¹ These judgements summed up and built on the work of a generation. Already, in Michael Prestwich's similarly monumental *Plantagenet England*, published in 2005, and his popular textbook *The Three Edwards*, first published in 1980, Edward III had been praised for an unlikely recovery of royal power after 1330 which revolved around a shared community of interest in the Hundred Years' War, the king's judicious use of patronage and his ability to rule without dependence on royal favourites.⁴² Similar judgements were given by Maurice Keen and Anthony Tuck in more general works on the Crown and the nobility in later medieval England.⁴³ Most recent work assumes the interpretation of Ormrod and Prestwich: the necessity of recovering royal prestige, and the triple pillars of patronage, personality and warfare highlighted as explanatory mechanisms for this recovery.⁴⁴ However, a somewhat

³⁹ Ormrod, *Edward III*, 104.

⁴⁰ Ormrod, *Edward III*, 145-6.

⁴¹ Ormrod, *Edward III*, 363-7, 595-600.

⁴² M. Prestwich, *Plantagenet England: 1225-1360* (Oxford, 2005), 266-7, 281-3, 290; M. Prestwich, *The Three Edwards: War and State in England, 1272-1377*, Second Edition (London, 2003), 129, 133, 216-17.

⁴³ M. Keen, *England in the Later Middle Ages: A Political History* (London, 1973), 144-65; A. Tuck, *Crown and Nobility 1272-1461: Political Conflict in Late Medieval England* (London, 1985), 102-11, 152-7.

⁴⁴ J. Vale, *Edward III and Chivalry: Chivalric Society and its Contexts, 1270-1350* (Woodbridge, 1982), esp. 87; R.W. Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages* (Oxford, 1988), 31-2; J. Sumption, *The Hundred Years War*, 4 vols., (London, 1990-2015), I, 102, 112-14; A. Verduyn, 'The Politics of Law and Order during the Early Years of Edward III', *EHR*, 108 (1993), 856; C. Shenton, 'The English Court and the Restoration of Royal Prestige, 1327-1345' (University of Oxford unpublished DPhil thesis, 1995); C. Valente, *The Theory and Practice of Revolt in Medieval England* (Aldershot, 2003), esp. 163, 205; A.J. Gross, 'K.B. McFarlane and the Determinists: The Fallibilities of the English Kings, c. 1399-c. 1520', in R.H. Britnell and A.J. Pollard (eds), *The McFarlane Legacy* (New York, 2005), n. 14; N. Saul, Review of G.L. Harriss, *Shaping the Nation: England 1360-1461*, (review no. 459), <http://www.history.ac.uk/reviews/review/459>; P. Bradford, 'Parliament and Political Culture in Early Fourteenth Century England' (University of York unpublished PhD thesis, 2007), 94; R. Barber, *Edward III and the Triumph of England: The Battle of Crécy and the Company of the Garter* (London, 2013), esp. 95-6; B. Smith, *Crisis and Survival in Late Medieval Ireland: The English of Louth and their Neighbours, 1330-1450* (Oxford, 2013), 26; D.P. Franke, 'Beyond the Medieval Military Revolution: Robert Ufford, Earl of Suffolk, and the Wars of England, 1298-1369' (University of Rochester, New York, unpublished PhD thesis, 2014), 51; D. Green, *The Hundred Years War: A People's History* (New Haven, 2014), 9; J. Sumption, *Edward III* (London, 2016), 52-3; Dryburgh, 'Living in the Shadows', 23-4; N. Griboit, *Henry of*

different emphasis has recently been put forward by Richard Partington in his analysis of military noble service, which explicitly notes that Edward's patronage was designed less to bind the nobility to him and more to 'facilitate the delivery of his rule' since, as a focus for authority, he was 'the only show in town' after the Nottingham coup.⁴⁵

The main body of published work dealing primarily with the nobility of Edward III, however, represents a more extreme version of the 'recovery of royal authority' approach. According to James Bothwell, the threat posed to the monarchy by the magnates after Edward II's reign was so great that a policy of generosity and shared interest could not itself have prevented further civil war.⁴⁶

Edward III's relations with his nobles are examined through a painstakingly-researched analysis of Edward III's patronage. Bothwell concludes that Edward inserted royalist figures into the peerage and carried out a patronage programme of conditional and limited term grants designed to bind the nobility – both 'new men' and established families – into loyal service. The tendency for aristocratic and royal power to clash was so great that even 'new men', friends and servants of the king, received limited grants, since once ennobled they too

could also be a threat to the very royal power he [Edward III] was trying to augment. Indeed, for Edward to endow by such reasoning alone would risk a return to a domination by 'overmighty' subjects similar to that of his father's reign and the Minority, individuals bloated with lands and income via royal favour who threatened not only to excite civil war by their presence, but also to damage the power and prestige of the Crown itself.⁴⁷

Lancaster's Expedition to Aquitaine, 1345-1346 (Woodbridge, 2016), 11-12; R.W. Kaeuper, *Medieval Chivalry* (Cambridge, 2016), 225-6, 235; D. Green, 'Imperial Policy and Military Practice in the Plantagenet Dominions, c. 1337-c. 1453', *JMMH*, 14 (2016), 45. See B. Smith, 'Transnational Lordship and the Plantagenet Empire: The Mortimer Lords of Wigmore, 1247-1425', *Welsh History Review*, 29 (2018), 31 for a recent judgment of the 'indulgent' Edward III's 'generosity' towards Roger Mortimer, second earl of March.

⁴⁵ R. Partington, 'The Nature of Noble Service to Edward III', in B. Thompson and J. Watts (eds), *Political Society in Later Medieval England: A Festschrift for Christine Carpenter* (Woodbridge, 2015), 74-92 (quotations from 76).

⁴⁶ J. Bothwell, *Edward III and the English Peerage: Royal Patronage, Social Mobility and Political Control in Fourteenth-Century England* (Woodbridge, 2004), 6-7. This monograph draws together and expands upon a number of Bothwell's articles (for which, see bibliography, 321).

⁴⁷ Bothwell, *Edward III and the English Peerage*, 140.

The threat of aristocratic power was increasingly bound up in the peerage, with Parliament representing a potential rival to the king which needed controlling and manipulating. As such, Bothwell's work presents the reader with a combination of Stubbs and Namier: politics consisting of individuals out for all they could get, taking place against the 'inexorable' growth of a constitutionalist parliamentary peerage, '[f]or this institution was obviously bound sooner or later to compete with the monarch for political and social power as, the more stratified it became, and the more hereditary, the further outside of the ambit of the king's personal control it moved'.⁴⁸ It is little wonder that the classic view of 'over-mighty' nobles still sometimes appears.⁴⁹

The nobility Bothwell portrays are particularly court-focused, and their motivations especially materialistic and opportunistic.⁵⁰ This view of a political society inherently hostile to the king, pacified and paralysed in equal measure by his patronage, certainly stands towards one end of a spectrum of post-McFarlane research, although it is cited by those discussing the Edwardian nobility with a significantly lower or latent degree of friction between king and magnates in their accounts.⁵¹ But, in almost all recent work, there are degrees of this gulf between the king and his magnates: a recovery of royal power was necessary to re-establish the position of the monarchy *vis a vis* the nobility. As such, this historiography bears some similarities to a wider tradition of scholarship emphasising the restraints placed on aristocratic behaviour by state power and chivalric conduct.⁵² Furthermore, the personal emphasis common to almost all work on the subject has come at the

⁴⁸ Bothwell, *Edward III and the English Peerage*, 144.

⁴⁹ D.J. Seipp, 'Magna Carta in the Late Middle Ages: Over-Mighty Subjects, Under-Mighty Kings, and a Turn Away from Trial by Jury', *W&MBRJ*, 25 (2016), 682-3.

⁵⁰ See J. Bothwell, 'Internal Exiles: "Forced" & "Voluntary" Exclusions from the Later Medieval English Court 1265-1399', in F. Lachaud and M. Penman (eds), *Absentee Authority across Medieval Europe* (Woodbridge, 2017), 143-4 for a recent restatement of the centrality of the royal court and royal patronage.

⁵¹ E.g. Prestwich, *Plantagenet England*, 266-7 and Ormrod, *Edward III*, 596-7.

⁵² For a recent example of this historiography, see T. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, 2009). For this historiographical legacy: S. Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, Second Edition (Oxford, 1997), xiv-lxvi; D. Crouch, *The Birth of Nobility: Constructing Aristocracy in England and France, 900-1300* (London, 2005), 7-28, 180-206, 261-78; D. Crouch, 'Captives in the Head of Montesquieu: Some Recent Work on Medieval Nobility', *Virtus*, 19 (2012), 185-89; M. Innes, *State and Society in the Early Middle Ages: The Middle Rhine Valley, 400-1000* (Cambridge, 2000), 4-12, 254-63.

expense of, rather than alongside, work on the framework of assumptions and political thinking laid upon those of noble standing. The legacy of great historians is to be so convincing as to shape future enquiry by the parameters of their own thought: this is what McFarlane did for the fourteenth-century nobility.⁵³ This historiography runs very much along the lines his work and his students set out: those of individuality, personality, politics and patronage and the emphasis on what may crudely be called 'private' or personal concerns.⁵⁴ Such an emphasis has proved invaluable but historiographically Edward III's nobility seems to have fallen somewhat into the trap elucidated by J.G.A. Pocock: '...the anti-ideological interpreter tends to suppose that when he has refuted the suggestion that theory stands in a certain relation to action, he has refuted the suggestion that there is any relation between the two at all'.⁵⁵ When the views of Stubbs and his followers were abandoned, ideas on political thinking concerning the Edwardian nobility and their place in the structures of the polity – both 'Whig' and medieval – largely went with them. As such, the historiography of Edward III's nobility combines the techniques and aristocratic focus of post-McFarlane work with a tension between aristocratic and royal power in the later middle ages found in the earlier work of Stubbs and Tout. This is why, for instance, the judgments of two notably old-fashioned works appear similar to the current orthodoxy on the subject: the dominating political condition was 'one of co-operation...as a result of a conscious compromise in 1330 which was not effectively broken even by the crisis of 1341', achieved by Edward's shared interests with, and even-handed treatment of, the magnates who 'had been caught up in the king's cause and the ideals of the Round Table'.⁵⁶

⁵³ Such legacies are hardly confined to historians, of course: see e.g. C. Geertz, *The Interpretation of Cultures* (New York, 1973), 3-5.

⁵⁴ Of a massive literature on the relationship between 'public' and 'private' and the difficulties in separating the two, see G. Chittolini, 'The "Private," the "Public," the State', *Journal of Modern History*, 67 (1995), 34-61; S. Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford, 1994), 25-6.

⁵⁵ J.G.A. Pocock, 'The History of Political Thought: A Methodological Inquiry', in J.G.A. Pocock, *Political Thought and History: Essays on Theory and Method* (Cambridge, 2009), 11.

⁵⁶ M. Powicke, *Military Obligation in Medieval England* (Oxford, 1962), 182; J.E.A. Jolliffe, *The Constitutional History of Medieval England from the Settlement to 1485*, Second Edition (London, 1948), 380.

It is not the contention of this thesis that the personal connections forged through social practices and the experience of warfare were unimportant, or that they should be disregarded as significant factors in the relationship between Edward III and his nobility. Nor should the general assumption that the monarchy was in some measure opposed to the aristocracy be judged erroneous merely because it was adopted by Stubbs and Tout. It is, however, the contention of this thesis that this personal, top-down approach needs to be supplemented by integrating the actions of Edward III's earls into the ideological contexts revolving around their status in society and the shifting governmental contexts in which they operated, and that this provides a new way to view the earls within the broader polity in which they played a central role. Simply, the public careers of Edward III's earls need to be seen in relation to how many contemporaries thought they should be using their power and within the workings of the institutional and social structures through which political life was conducted. By doing so, a more complete picture of the earls of Edward III and the contexts in which they lived emerges. This picture shows the earls to be bound up in traditions and practices of thinking on their place in the Edwardian polity and suggests that the earls need to be seen within a wider framework of ideas and practices emphasising the duality of comital power with the pursuit of the common good personified in the body of the king. And, in addition to supplementing our understanding of the dynamics of political life in the mid-fourteenth century, viewing the earls within these contexts enables easier comparison with (to take a purely English view) recent work on the reign of Henry III, Edward I, work on the fifteenth-century nobility, Parliament, queenship, and the law, and fruitful approaches to state power in the seventeenth century, which have emphasised the inter-connections between public and private in rhetoric and practice and moved beyond a reductive binary assumption of a central, bureaucratic royal state *versus* localities of magnates and gentry.⁵⁷ Further afield, viewing political thinking and action and the dynamics between the two

⁵⁷ See n. 33; S.T. Ambler, *Bishops in the Political Community of England, 1213-1272* (Oxford, 2017); B. Weiler, *Kingship, Rebellion and Political Culture: England and Germany, c. 1215-c. 1250* (Basingstoke, 2007), esp. 35-8; G.L. Harriss, 'Political Society and the Growth of Government in Late Medieval England', *P&P*, 138 (1993), 28-57; C. Carpenter, 'Introduction: Political Culture, Politics and Cultural History', in L. Clark and C. Carpenter (eds), *The Fifteenth Century IV: Political Culture in Late Medieval Britain* (Woodbridge, 2004), 1-19; Harriss,

within a wider institutional landscape bears parallels with (although also divergences from) the ‘New Institutionalisation’ of political science, the ‘New Institutional Economics’, and the unwritten, uncodified ‘structuring structure’ of the *habitus*, popularised through the work of Pierre Bourdieu.⁵⁸ All of these approaches seek to place behaviour itself into wider, interactive frameworks of institutions, structures and norms. The historiography dealing with political and social processes and patterns in fourteenth-century England needs to continue to build on these studies and approaches if the place and significance of these processes and patterns is to be articulated and rendered as comprehensible as possible. Ultimately, by viewing the actions of Edward III’s earls within this context, this thesis suggests a rethinking of the assumptions fostered by the divide of state and aristocratic power prevalent to various extents in the historiography and seeks to provide a framework for the study of the higher nobility in the fourteenth century by integrating comital action and political thinking.

King, Parliament, and Public Finance; G. Dodd, ‘Parliament and Political Legitimacy in the Reign of Edward II’, in G. Dodd and A. Musson (eds), *The Reign of Edward II: New Perspectives* (Woodbridge, 2006), 165-89; W.M. Ormrod, ‘“Common Profit” and “The Profit of the King and Kingdom”: Parliament and the Development of Political Language in England, 1250-1450’, *Viator*, 46 (2015), 219-52; L. Benz St John, *Three Medieval Queens: Queenship and the Crown in Fourteenth-Century England* (London, 2012); A. Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt* (Manchester, 2001); D. Hirst, ‘The Place of Principle’, *P&P*, 92 (1981), 79-99; K. Sharpe, ‘Remapping Early Modern England: From Revisionism to the Culture of Politics’, in K. Sharpe, *Remapping Early Modern England: The Culture of Seventeenth-Century Politics* (Cambridge, 2000), 3-37; M. Braddick, *State Formation in Early Modern England, c. 1550-1700* (Cambridge, 2000); S. Hindle, *The State and Social Change in Early Modern England, 1550-1640* (London, 2002).

⁵⁸ J.G. March and J.P. Olsen, ‘The New Institutionalism: Organizational Factors in Political Life’, *American Political Science Review*, 78 (1984), 734-49; J.G. March and J.P. Olsen, ‘Elaborating the “New Institutionalism”’, in S.A. Binder, R.A.W. Rhodes and B.A. Rockman (eds), *The Oxford Handbook of Political Institutions* (Oxford, 2008), 3-20; C. Ménard and M.M. Shirley (eds), *Handbook of New Institutional Economics* (Berlin, 2008); P. Bourdieu, *Distinction: A Social Critique of the Judgement of Taste*, trans. R. Nice (London, 1984), esp. 165-71. On the latter, see also Crouch, *Birth of Nobility*, 52-3.

Introduction II: The Earls and their Earldoms

It is first necessary to sketch the earldoms active between 1330-60 and the earls at their heads. As laid bare by the grants supporting the comital creations of March 1337, which seem to have represented and catered to a tradition of thinking, a landed endowment worth around £1,000 was considered to be the minimum income required to support comital rank.¹ By the mid-fourteenth century, the consolidation of landed wealth towards the top-end of the social hierarchy ossified this figure: although it retained its place in thought, the mean income of thirteen earls in the early fourteenth century was around £1,600.² Such wealth, prestige and social position pushed expectations of conduct forward on those men who, by inheritance or design, bore the title *comes*.

The greatest earldom through the mid-fourteenth century was that of Lancaster. Earl Thomas (d. 1322) united the Lancastrian inheritance, including the earldoms of Derby and Leicester, with the Lacy earldoms of Lincoln and Salisbury through his marriage to Alice Lacy and as a result enjoyed a truly exceptional gross income of c. £11,000.³ Thomas's brother, Henry, then in his forties, succeeded Thomas after his death and forfeiture. Henry subsequently played a pivotal role in Edward II's fall and secured the annulment of the judgement against Thomas in March 1327, along with the bulk of his brother's earldom in April. In 1328, however, dissatisfaction with the Minority Regime prompted Henry to lead an unsuccessful revolt against Mortimer and Isabella, after which his lands were confiscated.⁴ Yet another restoration of Lancastrian power came with Edward III's assumption of personal authority from October 1330. The financial bonds of 1328 hanging over Henry were lifted and, slowly, the Lancastrian inheritance was restored.⁵ After all the convulsive

¹ RDP, V, 27-32; C. Given-Wilson, *The English Nobility in the Late Middle Ages: The Fourteenth-Century Political Community* (London, 1987), 37.

² B.M.S. Campbell, 'The Agrarian Problem in the Early Fourteenth Century', *P&P*, 188 (2005), table 1. See also C. Dyer, *Standards of Living in the Later Middle Ages: Social Change in England, c. 1200-1520*, Revised Edition (Cambridge, 1998), 29-30.

³ Maddicott, *Thomas of Lancaster*, 22-3. See also Spencer, *Nobility and Kingship*, 14-16.

⁴ G.A. Holmes, 'The Rebellion of the Earl of Lancaster, 1328-9', *BIHR*, 28 (1955), 84-9.

⁵ *PROME*, November 1330, item 9; *CPR 1330-1334*, 26; E 159/107, rot. 49d; SC 8/342/16127; KB 27/282, rots. 128, 128d; Fowler, *King's Lieutenant*, 24-5.

events of 1322-30, the earldom of Lancaster emerged as immensely wealthy and powerful: Henry was, as his comital style shows, 'earl of Lancaster and Leicester, Steward of England'.⁶ *Valors* of his lands give an income, after fees distributed to officials and retainers, of £6,463 16s 3 ¼d in 1330-1 and £5,370 9s 5d in 1331-32.⁷ The reality of status though, for earl if not for earldom, was tempered by chance: Henry began to go blind around 1330 and subsequently occupied a personal position far less central to the polity than his lands, his experience and his titles warranted.⁸

It was, perhaps, for this reason that his son and heir, Henry of Grosmont (d. 1361), received patrimony and title before the death of his father in 1345. Grosmont was given the lordship of Kidwelly in South Wales and other lands from his father in 1332, when he was around twenty-two.⁹ In March 1337 he received the title earl of Derby from the king. In September 1345, Grosmont succeeded to his father's inheritance and titles and, over the following years, obtained a number of valuable grants from the king, purchased further manors in Lancashire, and received the dower lands of Alice Lacy, widow of Thomas of Lancaster, in 1348.¹⁰ In 1351, Grosmont was made duke of Lancaster for life, with palatinate liberties during his lifetime, as the first English duke apart from Edward of Woodstock, the king's oldest son and duke of Cornwall.¹¹ By the end of his life, Lancaster held manors and twenty-three castles across thirty English counties and three Welsh lordships, plus his French possessions. Kenneth Fowler estimated Lancaster's income from these lands at over £8,380.¹² In the latter stages of his life, Grosmont enjoyed the status of alderman in the prestigious

⁶ E.g. DL 36/1/41, 67, 249; DL 36/2/267; Shakespeare Birthplace Trust, DR 10/62.

⁷ DL 41/1/11, fols. 48r, 55; Spencer, *Nobility and Kingship*, 131.

⁸ Baker, 38, 42.

⁹ R. Somerville, *History of the Duchy of Lancaster*, 2 vols., (London, 1953-70), I, 38 n. 2; below, 147-9.

¹⁰ *CPR 1345-1348*, 542; *CChR 1341-1417*, 70; *CCR 1346-1349*, 440; *Final Concords for Lancashire, Part 2, 1307-77*, ed. W. Farrer (Record Society of Lancashire and Cheshire, 1902), no. 126; *CFR 1347-1356*, 97, 98, 102, 103; Fowler, *King's Lieutenant*, 225-6.

¹¹ *CPR 1350-1354*, 60.

¹² Fowler, *King's Lieutenant*, 172, 225-6.

urban guild of Corpus Christi in Cambridge, which was founded in 1352 and received its royal licence at his request.¹³

The wealth and scale of the Lancastrian patrimony was truly exceptional; most earls could claim nowhere near this landed income. Thomas of Brotherton, earl of Norfolk and the king's uncle, came close to leading the rest of the pack. Born in 1300, Brotherton was the fifth son of Edward I. After Roger Bigod IV, earl of Norfolk (d. 1306), left his inheritance to Edward I, the bulk of these lands went to Brotherton when he was made earl of Norfolk and marshal of England in December 1312.¹⁴ At Brotherton's death in 1338, this earldom may have been worth £3,000-3,500 yearly.¹⁵ In 1332, however, Brotherton agreed to surrender a group of manors worth £800, which he had received after the fall of the Despensers, to William Bohun, a favoured household banneret.¹⁶ The majority of Brotherton's lands were geographically compact, comprising twenty-six manors in Norfolk and Suffolk, along with the Suffolk castles of Framlingham and Bungay, and five manors in Sussex, with two more in Essex, one more in Cambridgeshire and Berkshire respectively, and the lordship of Chepstow in the Welsh Marches. His son, Edward, predeceased him and his estates were split between his two daughters and his wife, Mary.

John Warenne, earl of Surrey (d. 1347), like many earls, suffered in the turmoil of Edward II's reign: he was forced to choose and change sides several times, which led Tout to characterise him as 'coarse, turbulent and vicious, at once violent and crafty' and 'brutal, profligate, unstable, and untrusted'.¹⁷ Warenne was born in 1286 and was thus in his mid-forties when Edward III assumed personal rule in 1330. As the seventh earl of Surrey (also styled earls Warenne), John was the heir of

¹³ CPR 1350-1354, 378-9; N. Saul, *Lordship and Faith: The English Gentry and the Parish Church in the Middle Ages* (Oxford, 2017), 313.

¹⁴ M. Morris, *The Bigod Earls of Norfolk in the Thirteenth Century* (Woodbridge, 2005), 171-83; Spencer, *Nobility and Kingship*, 25-6.

¹⁵ R.E. Archer, 'The Estates and Finances of Margaret of Brotherton, c. 1320-1399', *HR*, 60 (1987), 265. Compare Marshall, 'Thomas of Brotherton', 173, 177-8.

¹⁶ CPR 1330-1334, 322, 333, 335; DL 10/266, 276; CFR 1327-1337, 323-4; E 159/109, rot. 75d; DL 25/3354, 1839; CPR 1334-1338, 236; E 159/114, rot. 50d; E 159/115, rots. 76, 84; E 372/182, rot. 16.

¹⁷ T.F. Tout, *The Political History of England from the Accession of Henry III to the Death of Edward III (1216-1377)* (London, 1905), 272-3, 291.

a distinguished lineage which crossed the Channel with the Conqueror.¹⁸ Under Edward I, the earldom was centred around extensive manorial holdings in Surrey, Sussex and Norfolk, along with Stamford and Grantham in Lincolnshire, Wakefield, Conisbrough and Sandale castles in Yorkshire, and the Welsh Marcher lordships of Bromfield and Yale.¹⁹ These lands probably brought in around £3,000 yearly. The territorial distribution of the earldom remained stable until John's death in 1347.²⁰

To understand the earl and his patrimony, we need to understand his marriage to Joan de Bar (1306).²¹ This marriage was turbulent, unhappy and childless and, although Warenne was unsuccessful in securing a divorce, John and Joan usually lived apart after 1313. In 1347, Warenne secured royal acquiescence to settle his estates on his most recent mistress Isabella Holland and any children they might have. However, after hearing the complaint of Richard, earl of Arundel, the heir general who stood to be disinherited, the king reversed his decision and settled large parts of Warenne's lands – including the lordship of Bromfield and Yale and the estates in Surrey and Sussex – on Arundel, although Arundel only assumed possession of Lewes and began to use the title 'earl of Surrey' after the death of Joan de Bar in 1361.²² Warenne's plans to give his illegitimate children his landed inheritance had failed. Instead, all he could provide in his will for his son William (elsewhere referred to as 'our dear son') was 500 marks, a silver helmet with the arms of Strathearn, a silver coronet with two clasps and a silver strap, and all his armour for the joust.²³ The Warenne earls of Surrey had patronised the priory of Lewes since the 1080s and it was here that John, seventh and last earl, was laid to rest in accordance with his last testament.²⁴

¹⁸ D. Crouch, 'The Warenne Family and its Status in the Kingdom of England', in T. Huthwelker, J. Peltzer and M. Wemhöner (eds), *Princely Rank in Late Medieval Europe: Trodden Paths and Promising Avenues* (Stuttgart, 2012), 281-307.

¹⁹ Spencer, *Nobility and Kingship*, 25.

²⁰ *CIPM*, IX, nos. 54, 55. Warenne was also nominal earl of Strathearn.

²¹ For more detail, see Fairbank, 'The Last Earl of Warenne and Surrey', 193-264.

²² *CPR 1345-1348*, 480.

²³ *Testamenta Eboracensia*, ed. J. Raine (Surtees Society, 1836), 41-5.

²⁴ *VCH Sussex: Volume II*, ed. W. Page (London, 1973), 64-71.

Edward III had one brother, John of Eltham.²⁵ John was made earl of Cornwall in 1328: as an immediate family member of the king, he was an obvious and acceptable choice for this honour. Although he bore comital title from this point, John only began to receive the lands pertaining to this dignity after the Nottingham coup. In December 1330, he received lands confiscated from Queen Isabella valued at 2,100 marks, including the honour and castle of Eye in Suffolk, the valuable manor of Kirton in Lincolnshire, and the symbolic third penny of the county of Cornwall.²⁶ In October 1331, he received the Cornish core of his earldom – valued at 1,000 marks – and in 1333 a number of farms and profits in Cornwall and Devon worth 500 marks, along with an annuity of 300 marks.²⁷ In total, Eltham should have had an income of over £2,500 by the end of 1333 and, although the receiver's roll drawn up after his death is incomplete, this figure seems substantiated.²⁸ Tragically, Eltham died aged just twenty at Perth on 13 September 1336 during a military campaign. His personality is obscured by the nature of the sources and by his early death – it is with good reason a recent biographer entitled his account 'Living in the Shadows' – but the evidence hints that the relationship between the king and his brother was a close one.²⁹

Edward III was unlikely to have felt the death of Hugh Courtenay, earl of Devon, in 1340 quite so keenly. In 1293, Hugh had been deprived of the majority of the inheritance of his distant cousin, Isabella Forz, countess of Devon – estimated to be worth £3,000-4,000 – by Edward I's drive to endow his own family.³⁰ Courtenay had to be satisfied with baronial rank under Edward I and Edward II, despite his frequent petitions for the rest of the Forz inheritance.³¹ In 1332, however, royal letters to the Exchequer acknowledged Courtenay as the heir of William Redvers, earl of Devon

²⁵ For Eltham, see Dryburgh, 'Living in the Shadows', 23-48.

²⁶ *CChR 1327-1341*, 198. An outstanding alabaster tomb monument of Eltham remains at Westminster Abbey: for context, see N. Saul, *English Church Monuments in the Middle Ages: History and Representation* (Oxford, 2009), 67.

²⁷ *CChR 1327-1341*, 233 (vs B.P. Wolffe, *The Royal Demesne in English History: The Crown Estate in the Governance of the Realm from the Conquest to 1509* (London, 1971), 57), 302-3; *CPR 1330-1334*, 494.

²⁸ SC 6/1095/1.

²⁹ See n. 24; Ormrod, *Edward III*, 126.

³⁰ McFarlane, *Nobility*, 258-9.

³¹ SC 8/325/E712; SC 8/240/11972; SC 8/82/4087; SC 8/41/2017; SC 8/3/101.

(d. 1217), and ordered inquiry into payments of the comital third penny.³² In 1335, after the Exchequer refused these payments since Courtenay lacked comital rank, the king ordered him to assume the title 'Earl of Devon'.³³ No accompanying grants of land were necessary: the elevation of Courtenay in 1335 was a recognition of the place he already held in the south-west. The Register of John Grandisson, the formidable bishop of Exeter, yields a remarkable –if one-sided– insight into the effect Courtenay's new dignity had on him:

I have to reckon with the mad conduct of that silly old man, the newly fledged Earl of Devon... So vain-glorious is he that he even goes about proclaiming everywhere that he is the King's equal ...he boasts that no one in the Realm is his equal in wisdom, and that, in fact, all the affairs of the Realm depend on himself in the main.³⁴

Courtenay was succeeded in 1340 by his son of the same name, who lived until 1377. The earldom remained concentrated in Devon and Cornwall, although the inheritance did grow substantially: Earl Hugh I inherited sixteen manors in 1297; Earl Hugh II died in 1377 having added twenty more.³⁵ But, despite this, it remained on the lower side of the scale of comital incomes: by 1377, Earl Hugh II could have expected perhaps £1,500 net per annum, the majority of which came from his Devon estates.³⁶

John de Vere, earl of Oxford (d. 1360), commanded a similar income, although his lineage was ancient. Their relative poverty tended to marginalise the earls of Oxford from political life: in John Maddicott's words, the thirteenth-century earls 'were generally obscure men who lived outside the world of affairs... [who] combined the most distinguished of pedigrees with, in most generations, the

³² E 159/108, rot. 144.

³³ *CCR 1333-1337*, 376, 466; E 159/111, rots. 62d, 84.

³⁴ *Register of John de Grandisson, Bishop of Exeter*, ed. F.C. Hingeston-Randolph, 3 vols., (London, 1894-99), I, 293-4 (the translation is that of the editor: III, li, n. 2).

³⁵ R.J. Burls, 'Society, Economy and Lordship in Devon in the Age of the First Two Courtenay Earls, c. 1297-1377' (University of Oxford unpublished DPhil thesis, 2002), 130.

³⁶ Burls, 'Society, Economy and Lordship', 123.

most undistinguished of lives'.³⁷ Their lands were concentrated in Essex – they had never possessed any land in Oxfordshire – and under Edward I yielded around £1,000, barely enough to support their comital dignity.³⁸ Robert, sixth earl of Oxford, died childless in 1331 and the title passed to his nephew, John. In 1336, John married Maud Badlesmere, one of four Badlesmere co-heiresses, who also brought a dower portion from her first marriage to Robert Fitzpayn.³⁹ The wealth of the family was significantly boosted by this union: of the forty-one manors recorded as held by John and Maud in John's incomplete Inquisition Post Mortem, nineteen came from his marriage.⁴⁰ Including the lands brought by Maud, the earldom probably yielded about £1,300.⁴¹ Geographically, the main focus of this earldom remained Essex, where the earl held his *caput honoris* at Castle Hedingham. The long association of the earls of Oxford with the region was reflected in the name of the manor of Earls Colne: occasionally, it was even referred to as 'Earls of Oxford Colne'.⁴² Unsurprisingly, in his will of 1358 Oxford asked to be buried at Earls Colne Priory.⁴³ With an income some way short of £1,500 p.a., the earldom of Oxford was one of the poorest fourteenth-century English earldoms. The Beauchamp earls of Warwick lacked some of the antiquity of the Vere lineage but far surpassed the earls of Oxford in wealth. Thomas Beauchamp, earl of Warwick (d. 1369) emerged by 1330 from a long period of minority.⁴⁴ At the death of Earl Guy in 1315, the family held lands in nineteen English counties, the March of Wales, and Scotland.⁴⁵ These were centred around the West Midlands, where the earls held the hereditary shrievalty of Worcestershire.⁴⁶ Although underage, his

³⁷ J.R. Maddicott, 'Follower, Leader, Pilgrim, Saint: Robert de Vere, Earl of Oxford, at the Shrine of Simon de Montfort, 1273', *EHR*, 109 (1994), 641.

³⁸ Crouch, *Image of Aristocracy*, 48; Spencer, *Nobility and Kingship*, 28.

³⁹ See *CCR 1337-1339*, 498-9, 532; *CCR 1339-1341*, 282; *CFR 1337-1347*, 102-4 for the Badlesmere inheritance.

⁴⁰ *CIPM*, X, no. 368.

⁴¹ *CIPM*, X, no. 368; *CIPM*, XI, no. 81; J. Ross, *John de Vere, Thirteenth Earl of Oxford (1442-1513): 'The Foremost Man of the Kingdom'* (Woodbridge, 2011), 16-17.

⁴² KB 27/365, Rex side, rot. 42; JUST 1/267, rot. 2 (11).

⁴³ Abstracted in *Testamenta Vetusta*, ed. N.H. Nicolas, 2 vols., (London, 1826), I, 62-3.

⁴⁴ Summarised in A. Tuck, 'Beauchamp, Thomas, Eleventh Earl of Warwick (1313/14-1369), Soldier and Magnate', *ODNB*, accessed 09 January 2018.

⁴⁵ C. Burt, 'A "Bastard Feudal" Affinity in the Making? The Followings of William and Guy Beauchamp, Earls of Warwick, 1268-1315', *MH*, 34 (2009), 162-4 and fig. 2.

⁴⁶ For the historic earldom, see *The Newburgh Earldom of Warwick and its Charters, 1088-1253*, ed. D. Crouch with an Introduction by R. Dace (Dugdale Society, 2015), 19-34.

inheritance and his comital title were released to Thomas after he performed homage in 1329 and the hereditary shrievalty was confirmed to him shortly after the Nottingham coup.⁴⁷ This inheritance underwent a number of changes during the earl's long lifetime. The dower estates of his mother, worth over £500, finally returned in 1337.⁴⁸ Earl Thomas consolidated his position in Worcestershire and Warwickshire by buying manors and land through the 1340s and his influence in the Midlands was enhanced in June 1344 with the life grant of the shrievalty of Warwickshire and Leicestershire.⁴⁹ In 1344, he received royal permission to carry out a major enfeoffment of the earldom, ensuring its descent in tail male.⁵⁰ From 1348, the earl was given an annuity of 1,000 marks p.a. in return for providing one hundred men-at-arms to the king for life.⁵¹ In 1352, the Exchequer was ordered to inquire into the Beauchamp claim to the valuable Marcher lordship of Gower and, in 1354 as part of a highly arbitrary string of territorial judgments, the king helped Warwick secure custody of the lordship from John, lord Mowbray.⁵² Accordingly, from 1337 to the grant of his annuity in 1348 Warwick probably had an income of around £2,500; from 1348, his income was boosted by 1,000 marks (although, of course, this was not based in land); after Warwick gained Gower (worth at least £300), he probably received around £3,500 p.a. through the mid-1350s and 1360s.⁵³ Much of this derived from the compact territorial base in the West Midlands. Warwick Castle was a favoured residence and, when the earl made his will in 1359, he wished to be buried in the Collegiate Church of our Lady at Warwick.⁵⁴

⁴⁷ *CCR 1327-1330*, 429; E 159/106, rot. 85d; E 159/107, rot. 48d; E 159/108, rot. 104d (mis-calendared as Warwickshire in *CCR 1330-1333*, 110).

⁴⁸ *CFR 1337-1347*, 8.

⁴⁹ E.g. CP 25/1/260/21, no. 17; *Warwickshire Feet of Fines: Volume II, 1284-1345*, ed. E. Stokes and L. Drucker (Dugdale Society, 1939), nos. 1,943, 1,972; BL Add. MS 28,024, fols. 8v, 11v, 73r, 74v, 75r, 76r, 76v, 80v, 97v, 103r, 104v, 114r, 116r. Life shrievalty: E 159/120, rots. 136, 256.

⁵⁰ *CPR 1343-1345*, 251-2, 517-18; BL Add. MS 28,024, fols. 16-18, 20v. These arrangements were substantially adjusted in 1361 and 1369: G.A. Holmes, *The Estates of the Higher Nobility in Fourteenth-Century England* (Cambridge, 1957), 48-9; McFarlane, *Nobility*, 72-3.

⁵¹ *CPR 1348-1350*, 145; E 101/29/21.

⁵² C 49/46/26; Knighton, 125-7; Holmes, *Estates*, 39. For Gower and the Newburgh earls and countesses of Warwick from 1107-75, see *The Newburgh Earldom*, 39-40.

⁵³ *CIPM*, XII, no. 326; McFarlane, *Nobility*, 72-3, 191 n. 3; Davies, *Lordship and Society*, 51 (Elfael), 196 (Gower).

⁵⁴ Abstracted in *Testamenta Vetusta*, I, 79-80.

Richard FitzAlan, third earl of Arundel (d. 1376), was even wealthier and indeed is chiefly remembered for that wealth. On his death, he had over £72,000 in disposable wealth, including over £60,000 in cash in the High Tower of Arundel Castle.⁵⁵ This is all the more remarkable because Richard's father, Earl Edmund, suffered execution and forfeiture in 1326. Richard FitzAlan was restored to his inheritance and comital title in 1330.⁵⁶ The following year, he received the important Marcher lordship of Chirk.⁵⁷ In 1336, Arundel consolidated his position in Shropshire by securing the grant of the manor of Stretton and, from 1337, began to buy manors and lands in Sussex on a huge scale.⁵⁸ From 1347, he secured custody of part of the Warenne inheritance and reversion to the dower lands of Joan de Bar (d. 1361) in Sussex and Surrey. The northern Marcher lordships of Bromfield and Yale (worth around £1,000) were the most important of the lands Arundel received immediately in 1347 and, together with the lordships of Chirk and Oswestry, made Arundel a formidable power in the northern Marches.⁵⁹ Arundel continued to build his power in the region in the 1350s by purchasing a number of manors in Shropshire.⁶⁰ His landed patrimony brought in a huge income: Given-Wilson estimates that the FitzAlan lands were worth c. £1,600 in 1302, over £2,700 by the mid-1340s and, with the acquisition of the Warenne inheritance in stages (1347, then post-1361), between £4,500 and £5,000 in the 1360s.⁶¹ In 1370-1, Arundel's total income from his Marcher lands alone was over £2,800.⁶² Along with his Marcher lordships, Arundel's lands were clustered primarily in Sussex and Shropshire. Arundel married twice: first to Isabella Despenser (annulled in 1344, against her wishes) and secondly to Eleanor, daughter of Henry, earl of Lancaster

⁵⁵ BL Harley MS 4,840, fol. 393; Given-Wilson, 'Wealth and Credit', 1.

⁵⁶ *PROME*, November 1330, item 13; SC 8/242/12085; *CPR 1330-1334*, 41.

⁵⁷ E 159/109, rot. 24d; *CFR 1327-1337*, 373; SC 6/1234/3; E 159/111, rot. 62; E 159/117, rot. 14; E 372/185, rot. 31.

⁵⁸ E 372/183, rot. 39; Given-Wilson, 'Wealth and Credit', 1; Burtscher, *The FitzAlans*, 124.

⁵⁹ His succession to the lordship was subsumed into a wider struggle for definition of the status of the Black Prince and the Principality of Wales in the March: *BPR*, I, 111-12, 114; *CPR 1345-1348*, 434, 437; *CPR 1350-1354*, 499, 539; *CCR 1349-1354*, 562, 614; *SR*, I, 345; M. Rogers, 'The Welsh Marcher Lordships of Bromfield and Yale, 1282-1485' (University of Aberystwyth unpublished PhD thesis, 1992), 69-70; Davies, *Lordship and Society*, 196-8.

⁶⁰ CP 25/1/195/15, nos. 25, 29, 31, 43.

⁶¹ Given-Wilson, 'Wealth and Credit', 17-18. No IPM was made after Arundel's death.

⁶² Rogers, 'The Welsh Marcher Lordships', 171-2.

(married 1345). Arundel had children by both marriages but Richard, his son from his second marriage, was his legitimate heir.⁶³ The earl was buried alongside his second wife at the Priory of Lewes, rather than the family mausoleum at Haughmond Abbey in Shropshire, perhaps as a result of an agreement with John Warenne, earl of Surrey, who had been desperate to ensure his familial title and arms survived his death.⁶⁴

Both Arundel's son, Richard, and daughter, Joan, married into the Bohun family. Under Edward III to 1361, the Bohun earldom of Hereford and Essex was held first by John Bohun (d. 1336) and then by his brother Humphrey (d. 1361). At the death of their father Earl Humphrey III in 1322, the family's estates were centred around the Essex castle of Pleshy and the Marcher lordship of Brecon and probably brought in around £2,000-2,200.⁶⁵ Both Earl John and Earl Humphrey (IV) seem to have suffered some physical incapacity and both surrendered their hereditary constabulary of England to their more active younger brothers.⁶⁶ John died aged only thirty in January 1336. His Inquisition Post Mortem records the centrality of Essex to his English landholdings.⁶⁷ In the Marches, he held the castle lordships of Brecon, Hay, Huntingdon and Caldicot. Altogether, these must have been worth around the £2,000 estimated for the earldom in 1322.

Under Earl Humphrey, the family's lands expanded: Humphrey's Inquisition Post Mortem of 1361 records more manors than that of 1336: some of these – such as Kimbolton Castle in Huntingdonshire – had simply been left off the earlier IPM but others had been added by Humphrey during his lifetime.⁶⁸ Most importantly, Humphrey consolidated his control of the great lordship of Brecon from 1336. He purchased lands in the region and held his own *quo warranto* proceedings

⁶³ For the fascinating reaction of Edmund, Arundel's disinherited son by Isabella Despenser, see Burtscher, *The FitzAlans*, 45-7.

⁶⁴ *Testamenta Vetusta*, I, 94-6. I owe this suggestion to Richard Partington, of Churchill College, Cambridge.

⁶⁵ Spencer, *Nobility and Kingship*, 20-21. See also Holmes, *Estates*, 19-25.

⁶⁶ *CPR 1330-1334*, 12, 14; *CPR 1338-1340*, 91, 95.

⁶⁷ *CIPM*, VIII, no. 55.

⁶⁸ For Kimbolton, see *VCH Huntingdon: Volume III*, ed. W. Page, G. Proby and S.I. Ladds (London, 1936), 75-86.

across the lordship in 1349.⁶⁹ This increased the lordship's value to over £1,500 gross.⁷⁰ All this may have pushed Earl Humphrey's total landed income towards £3,000 by 1361. Earl Humphrey appears to have been more than usually pious and lavishly patronised the London Augustinian Friars. It was at their church that he wished to be buried, without any pomp, and with no great men present but only one bishop and common people.⁷¹

John and Humphrey Bohun had two younger twin brothers, Edward (d. 1334) and William (d. 1360). They suffered no debilitating infirmities, unlike their older brothers. Both were strongly associated with the young king and his household around the time of the Nottingham coup. In 1334, however, Edward drowned on the Scottish March and, as Tout noted, this misfortune gave William an even greater chance of advancement.⁷² William excelled in royal service and was made earl of Northampton in March 1337.

Since there was little available land with which to endow William, he received annuities totalling £1,000, with reversions to lands held by others for life.⁷³ This added to the £800 of land he received from the earl of Norfolk in 1332 and the lands brought to him by his marriage to Elizabeth, another co-heiress of Giles Badlesmere, in 1335 (worth c. £250).⁷⁴ At the time of his death in 1360, Essex was the county in which the earl held most manors, with nineteen whole manors there by the end of his life, some of which were purchased over 1356-57.⁷⁵ From the reversions granted to him in 1337, he received Stamford and Grantham in Lincolnshire and the castle of Oakham in Rutland, with the hereditary shrievalty of the county. He also acquired land in Bronllys and Brecon in tandem with his

⁶⁹ Davies, *Lordship and Society*, 92-7; J.B. Smith, 'Marcher Regality: *Quo Warranto* Proceedings related to Cantredselyf in the Lordship of Brecon, 1349', *BBCS*, 28 (1978-80), 267-88. Humphrey made an unsuccessful attempt to regain the lordship of Builth around this time: SC 8/244/12200; SC 8/34/1693, 1694, 1695; Holmes, *Estates*, 21-2.

⁷⁰ Davies, *Lordship and Society*, 95.

⁷¹ *Testamenta Vetusta*, I, 66-8.

⁷² Tout, *Chapters*, III, 39 n. 1.

⁷³ *CChR 1327-1341*, 401; *CPR 1334-1338*, 416-17.

⁷⁴ Ormrod, *Edward III*, 144; Parker, 'Patronage and Service', 36.

⁷⁵ *CIPM*, X, no. 639; DL 43/3/13; below, 227-8, in more detail.

brother, Earl Humphrey, via an exchange with Humphrey's powerful vassal, Philip ap Rees.⁷⁶ Bohun also held the lordship of Annandale in Scotland with custody of Lochmaben Castle – worth c. £200 yearly – and, rather intriguingly, he was granted Arscot in Brabant by Godfrey Harcourt in 1357.⁷⁷ From the position of younger son and knight of the royal household in 1330, he enjoyed an income of over £2,000 by the late 1350s.

Robert Ufford, elevated to comital rank in March 1337, was another man with a distinguished history of service to the king. In 1318, while still underage, he succeeded to his baronial inheritance, largely comprising Suffolk estates worth some £200-240.⁷⁸ Ufford played an important supporting role in the coup of October 1330 and, like William Bohun, his path to elevated rank and status lay in the royal household, of which he was steward for just over a year from March 1336.⁷⁹ With the assent of the Parliament of November 1330, Ufford was given £200 worth of land in January 1331.⁸⁰ Unsurprisingly, considering his interests were almost exclusively East Anglian, the endowment given in support of Ufford's elevation in 1337 included lands in Suffolk, most importantly the honour, town and manor of Eye.⁸¹ The lands he received immediate possession of were worth only £413 6s 8d: the rest of his 1,000 marks was met by annuities. Despite Ufford's baronial inheritance and the patronage of the king, the earldom of Suffolk was not an East Anglian substitute – at least in size and value – to the earldom of Norfolk split among the heiresses of Thomas Brotherton in 1338 for, as earl of Suffolk, Ufford's income was only c. £1,500. In June 1368, Suffolk made his will: he wished to be buried at the Abbey of Campsey in Suffolk and left his comital sword to his eldest surviving son, William.⁸² Earl William's patrimony more closely resembled the earldom of Norfolk, since his

⁷⁶ DL 25/1618, 1624, 1625; *CPR 1350-1354*, 258, 294, 296; DL 36/1/153, 226, 261; CP 25/1/83/43, no. 158; DL 10/315.

⁷⁷ Lochmaben and Annandale: see below, 92 and n. 50. Brabant: DL 34/1/18; DL 25/1636, 1637, 1978.

⁷⁸ *CIPM*, VI, nos. 58, 686; Parker, 'Patronage and Service', 20-21.

⁷⁹ Tout, *Chapters*, VI, 43.

⁸⁰ *CChR 1327-1341*, 210-11; E 159/109, rot. 19.

⁸¹ *CPR 1334-1338*, 418.

⁸² Abstracted in *Testamenta Vetusta*, I, 73-4.

marriage to Joan Montagu, granddaughter of Thomas Brotherton, brought him the Suffolk castles of Framlingham and Bungay and another thirteen manors in the region.⁸³

William Clinton (d. 1354), made earl of Huntingdon in March 1337, served as a banneret of the royal household in the late 1320s and early 1330s alongside William Bohun and Robert Ufford. He was the second son of John Clinton, lord of Maxstoke (d. 1310).⁸⁴ By the late-1320s, William had worked his way into the favour of Queen Isabella and was promised lands worth £200; most of this was realised in September 1327 with the valuable manor of Halton in Cheshire.⁸⁵ His greatest leap up into the higher aristocracy to date came the following year, when he married Juliana Leybourn, sole heiress of William Leybourn, who held around forty manors – mostly in Kent – and who also brought the custody of Laurence Hastings, heir to John Lord Hastings, her son by her first marriage, and the enfeoffed lands of Thomas Blount (d. 1328), her second husband.⁸⁶

William Clinton's primary allegiance, however, was not to Isabella but to her son and he assisted with the coup at Nottingham Castle in 1330. Clinton's elevation as earl of Huntingdon in 1337 was accompanied by a series of endowments, worth 1,000 marks: around half of this was met immediately with the grant of Kirton in Lincolnshire, and the rest comprised annuities in lieu of lands held by others for life.⁸⁷ After his elevation, Clinton consolidated his position in Warwickshire by buying lands close to Coventry through the mid-1340s and fostered close links with Thomas, earl of Warwick, and Ralph Stafford, another prominent Midlands landowner.⁸⁸ The earl had no children; instead, he concentrated his attention and income on Maxstoke Priory, which he founded in 1337

⁸³ William's estates have been valued at £2,000-£3,000: B. Thompson, 'Ufford, William, Second Earl of Suffolk (c. 1339-1382), Magnate', *ODNB*, accessed 13 February 2018.

⁸⁴ *Complete Peerage*, III, 312-13.

⁸⁵ *CPR 1327-1330*, 170, 174.

⁸⁶ *CCR 1327-1330*, 326; Given-Wilson, *The English Nobility*, 37; B. Wells-Furby, 'Sir Thomas Blount (d. 1328): A Midlands Knight and the Despenser Regime 1322-26', *MH*, 41 (2016), 145-6; W.M. Ormrod, 'Leybourne, Juliana, Countess of Huntingdon (1303/4-1367)', *ODNB*, accessed 1 June 2017.

⁸⁷ *CPR 1334-1338*, 409-10, 415.

⁸⁸ *Warwickshire Feet of Fines: Volume II*, nos. 1,899, 1,916; C. Carpenter, *Bastard Feudalism in Fourteenth-Century Warwickshire* (Dugdale Society Occasional Papers, 52, 2016), 29-31, 35-6. See below, 33-4 for Stafford.

and where he was buried.⁸⁹ His income derived from two main sources: his wife's inheritance and the endowment supporting his elevation to comital rank in 1337. As earl of Huntingdon, Clinton probably enjoyed an income of £1,500-2,000, mainly drawn from extensive manorial holdings in Kent and Warwickshire.⁹⁰

After the death of Roger Mortimer in 1330, Laurence Hastings, born in 1320, spend much of his adolescence as a ward of William Clinton and his mother Juliana. He was heir not only to his father's lordships of Abergavenny and Cilgerran but also to Aymer de Valence's earldom of Pembroke.⁹¹ He married Agnes, a daughter of Roger Mortimer, earl of March, in 1328. Like William Clinton, Laurence was strongly associated with the royal household in his youth.⁹² A combination of this service and the position of his step-father doubtless helped Laurence secure his inherence at the age of just nineteen, when he was endowed with the title earl of Pembroke as the son of Aymer de Valence's eldest sister.⁹³ Under Edward II, the earldom was worth around £3,000.⁹⁴ This patrimony was not reconstituted in its entirety for Laurence Hastings but he still enjoyed a huge power base in the Welsh Marches, with possession of the county palatinate of Pembrokeshire, the lordship of Abergavenny, and the castles of Tenby and Castlemartin.⁹⁵ Pembroke also held lands and rents across the Irish Sea, and manors in twelve English counties. His Marcher lands alone may have brought in over £1,000 and, combined with his holdings in Ireland and England, Pembroke probably had an income of around £1,500. Pembroke died young in 1348, during a journey to his lordship of Abergavenny. His son and heir, John, was only one at the time of his death.⁹⁶

⁸⁹ *VCH Warwick: Volume II*, ed. W. Page (London, 1908), 91-4.

⁹⁰ *CIPM*, X, no. 193. But note that the valuable manor of Kirton, which reverted to the Black Prince, was omitted from the IPM.

⁹¹ See Davies, *Lordship and Society*, 280.

⁹² E.g. BL Cotton MS Nero C VIII, fol. 231r.

⁹³ *CPR 1338-1340*, 395.

⁹⁴ Phillips, *Aymer de Valence*, 240-45.

⁹⁵ *CIPM*, IX, no. 118. See Phillips, *Aymer de Valence*, 248-9 for comment on the palatinate.

⁹⁶ Tout, *Chapters*, IV, 120-21. For Pembroke's tomb monument, see P. Lindley, 'Two Fourteenth-Century Tomb Monuments at Abergavenny and the Mournful End of the Hastings Earls of Pembroke', in J.R. Kenyon and D.M. Williams (eds), *Cardiff: Architecture and Archaeology in the Medieval Diocese of Llandaff* (Leeds, 2006), 136-60.

William Montagu rose from household service to a height of Marcher lordship that surpassed even Laurence Hastings. His career has been described as ‘perhaps the most conspicuous case in the fourteenth century of a sudden rise to greatness by royal favour and patronage’.⁹⁷ He inherited around £300 worth of manors in the south-west of England, although his marriage to Katherine Grandisson brought no estates of significant value.⁹⁸ Montagu was the king’s greatest friend and confidant and played a chief role in organising the coup at Nottingham Castle. In 1331, with the assent of Parliament, he was given the great Marcher lordship of Denbigh (valued at 1,000 marks but worth around £1,000) and manors in Hampshire, Berkshire, Buckinghamshire and Kent.⁹⁹ Together with his inheritance, the grants of 1331 ‘transformed the West Country inheritance into a national power’, comparable with the poorer earls of the day.¹⁰⁰ In August 1333, Montagu was made lord of the Isle of Man.¹⁰¹ But as yet, of course, William Montagu had no comital style: he was ‘lord of Man and Denbigh’ only. This changed in March 1337 when he received the title earl of Salisbury. Now Montagu’s style – ‘earl of Salisbury, lord of Man and Denbigh’ – matched his income, which was boosted further by an annuity of 1,000 marks until available lands and rents came in.¹⁰² Montagu died in January 1344.¹⁰³ His landed position had been completely transformed in his lifetime: having inherited nine manors in 1319, he died possessing twenty-seven manors and two parts of another, with a further fifteen manors and two castles held in reversion.¹⁰⁴ Altogether, Salisbury must have enjoyed an income of over £2,300 by 1344.

⁹⁷ Holmes, *Estates*, 26.

⁹⁸ Douch, ‘The Career, Lands and Family of William Montague’, 116, 121. Of this, some £91 was held by his mother Elizabeth as dower until 1354.

⁹⁹ *CChR 1327-1341*, 199, 210; *Survey of the Honour of Denbigh: 1334*, ed. P. Vinogradoff and F. Morgan (London, 1914), 323.

¹⁰⁰ Holmes, *Estates*, 26. Montagu also received numerous landed grants in 1334-36: see Holmes, *Estates*, 26-7.

¹⁰¹ *CPR 1330-1334*, 464. See W.M. Ormrod, ‘Man under the Montacutes, 1333-92’, in S. Duffy (ed.), *A New History of the Isle of Man: The Medieval Period, 1000-1406* (Liverpool, 2015), 151-69.

¹⁰² *CChR 1327-1341*, 400; *CPR 1334-1338*, 426-7.

¹⁰³ T. Guard, *Chivalry, Kingship and Crusade: The English Experience in the Fourteenth Century* (Woodbridge, 2013), 55; Ormrod, *Edward III*, 301 n. 12.

¹⁰⁴ *CIPM*, VI, no. 238; *CIPM*, VIII, no. 532.

If the first earl of Salisbury rose, the second fell: the fourteenth-century earls of Salisbury provide a fine empirical case-study to accompany discussions of the Wheel of Fortune prevalent in medieval art and symbology.¹⁰⁵ Earl William II was born in 1328. After his first marriage to Joan, heiress of the earldom of Kent, ended in annulment and acrimony, William married Elizabeth Mohun, with whom he had a son named William. After the first earl's unexpected death in 1344, William Montagu II rented Denbigh from the Black Prince for 550 marks p.a. until at least 1347.¹⁰⁶ In 1349, his mother Katherine died and her dower portion returned.¹⁰⁷ William came of age later that year and assumed the title earl of Salisbury and had livery of his inheritance.¹⁰⁸ But in 1354, Salisbury suffered the loss of Denbigh, his most valuable lordship, to Roger Mortimer, earl of March, in an extraordinary judgment delivered with the acquiescence of the king.¹⁰⁹ This was a serious blow and the return of his grandmother's dower portion on her death in the same year did little to alleviate the loss of the great Marcher lordship.¹¹⁰ Indeed, Salisbury remained on the back foot for the rest of his life: he sold the important Somerset manor of Martok in 1355, lost his rights to a clutch of manors in Somerset and Dorset to John of Gaunt in the mid-1360s, and sold the Isle of Man to the Scrope family for 10,000 marks in 1389.¹¹¹ By the time of his death in 1397, the loss of Denbigh and these other properties had reduced his income to around £1,200. Montagu wished to be buried at Bisham Priory in Berkshire alongside his father, who had founded the priory in 1337, and left 500 marks for the building a tomb for his father, his mother, himself and his son, who he had tragically killed at a tournament in 1382.¹¹²

¹⁰⁵ See J. Bothwell, *Falling from Grace: Reversal of Fortune and the English Nobility, 1075-1455* (Manchester, 2008), 1-6.

¹⁰⁶ *Calendar of Ancient Correspondence Concerning Wales*, ed. J.G. Edwards (Cardiff, 1935), 229-31, 239-40; *BPR*, I, 9, 38, 46.

¹⁰⁷ C 81/1338, no. 69.

¹⁰⁸ *CPR 1348-1350*, 278.

¹⁰⁹ *CCR 1354-1360*, 50-51; KB 27/376, rots. 20, 21; Holmes, *Estates*, 14-16, 29.

¹¹⁰ *CFR 1347-1356*, 401-2.

¹¹¹ Holmes, *Estates*, 29; *CCR 1389-1392*, 559; Ormrod, 'Man', 164-5.

¹¹² Abstracted in Nicolas, *Testamenta Vetusta*, I, 145.

It is appropriate to proceed from the second earl of Salisbury to Roger Mortimer, the man who took Denbigh from him in 1354.¹¹³ Roger Mortimer (b. 1328) provides one of the great examples of political rehabilitation in the later middle ages: his ride on the Wheel of Fortune was ascendant. From an extremely unpromising position – grandson of a notorious traitor, with an inheritance burdened by a long minority and several dowagers – he rose to regain all that his grandfather had lost. In 1341, young Roger received £250 of his father’s inheritance in the March, including Radnor Castle, and the following year received Wigmore Castle and began to style himself ‘lord of Wigmore’.¹¹⁴ In the mid-1340s, he received his father’s inheritance as it stood in 1331 and, in 1347, received the important liberty of Trim in Ireland from his grandmother, Joan. In 1354, the king’s favour climaxed with the repeal of the judgment levied against the first earl of March in 1330 and the consequent creation of Roger as second earl of March.¹¹⁵ Over the following years, the earldom was restored with the support of Edward III. These lands were centred around the Welsh Marches – the lordships of Denbigh, Radnor, Wigmore, Montgomery, Builth and Kidwelly – and the liberty of Trim in Ireland. In England, Roger held a number of manors, mainly in Oxfordshire, Berkshire, Kent and Somerset. The value of these estates was huge: by the time he died at Avalon in February 1360, the earl of March must have enjoyed a gross income of over £3,000.

Hugh Audley, earl of Gloucester from March 1337 until his death in 1347, enjoyed an income of a not dissimilar magnitude. Born around 1291, by 1330 Audley had been both a royal favourite and (from 1321-26 and again in 1328-29) a baronial opponent of those in power: his earlier career provides a useful index to the instability of aristocratic politics under Edward II and Mortimer and Isabella.¹¹⁶ In the early 1330s, Audley was exonerated and received seisin of his lands with aid from the king.¹¹⁷ These lands were huge (worth over £2,000), since Audley had married Margaret Clare,

¹¹³ For more detail and references, see M. Raven, ‘The Loyal Earl: The Career of Roger Mortimer, Second Earl of March’, *Journal of the Mortimer History Society*, 2 (2018), forthcoming.

¹¹⁴ E.g. British Library Harley MS 1,240, fol. 43.

¹¹⁵ *PROME*, April 1354, items 8-12.

¹¹⁶ See J.R. Maddicott, ‘Audley, Hugh, earl of Gloucester (c. 1291-1347), Magnate’, *ODNB*, accessed 5 February 2018.

¹¹⁷ E 159/107, rot. 59; *CPR 1330-1334*, 410, 470; E 159/109, rot. 57d; E 159/110, rot. 13d.

one of the co-heiresses of the last earl of Gloucester, and also held his father's inheritance.¹¹⁸ He was, therefore, already receiving a comital income by March 1337: like the acknowledgment of Hugh Courtenay as earl of Devon in 1335, the elevation of Audley as earl of Gloucester did not need an accompanying endowment of land and rent.¹¹⁹ According to his Inquisition Post Mortem, the lands held by the earl of Gloucester comprised thirty-three manors spread across twelve English counties, including clusters of manors in Kent (where Audley also held the castle of Tonbridge), East Anglia, Essex, Wiltshire and Northamptonshire, along with the valuable manor of Thornbury in Gloucestershire.¹²⁰ Audley also held the Welsh Marcher lordship of Newport – worth c. £500 – which was omitted from his IPM because it was taken into the custody of the Black Prince.¹²¹

Gloucester died in 1347 and his title died with him. But the inheritance lived on through Margaret, his daughter and sole heiress. Margaret married Ralph Stafford (b. 1301), a Staffordshire knight and a prominent figure in Edward III's household, in interesting circumstances: in 1336, Audley called an *oyer* and *terminer* commission on the grounds that Stafford had abducted Margaret and married her against his will.¹²² But as Carole Rawcliffe notes hostility does not quite tell the whole tale, since Audley and Stafford appear to have reconciled with suspicious rapidity.¹²³ Indeed, Stafford had been one of Audley's closest associates since at least 1332.¹²⁴

In any case, Edward III seems not to have disapproved strongly of Stafford's actions and he embarked on a meteoric rise through society. Stafford had inherited roughly £200 worth of land in the North Midlands. In 1347, Ralph and Margaret received most of the latter's massive inheritance, worth over £2,000, including the valuable lordship of Newport, and that same year the substantial Corbet lands in Shropshire, which included the castle and lordship of Caus, reverted to Ralph.¹²⁵ By

¹¹⁸ Given-Wilson, *The English Nobility*, 37.

¹¹⁹ *CPR 1334-1338*, 414-15.

¹²⁰ *CIPM*, IX, no. 56.

¹²¹ Davies, *Lordship and Society*, 196, 271.

¹²² *CPR 1334-1338*, 298.

¹²³ C. Rawcliffe, *The Staffords, Earls of Stafford and Dukes of Buckingham 1394-1521* (Cambridge, 1978), 8.

¹²⁴ *CPR 1330-1334*, 276. See also below, 202-4.

¹²⁵ *CIPM*, IX, no. 50.

the late 1340s, Stafford enjoyed a landed patrimony worth around £3,000, which was centred around the North and West Midlands and the Welsh Marches, with further clusters of manors in Kent, Essex and Norfolk.¹²⁶ His standing with the king combined with his new-found wealth to make him an obvious choice for an earldom after the deaths of Gloucester and Surrey in 1347 and, during the Parliament of March 1351, Ralph received the title earl of Stafford, along with an annuity of 1,000 marks in return for staying with the king with one hundred men-at-arms in war and peace.¹²⁷ This, combined with his patrimony, must have pushed Stafford's income towards £3,500. Notably, Stafford held extensive Irish interests: he and his wife held one third of the lordship of Kilkenny and in 1348 Stafford was appointed guardian of Maurice, heir to the earldom of Desmond, who subsequently married his daughter, Beatrice.¹²⁸ In 1358, after his son-in-law Earl Maurice II died, Stafford received wardship of two parts of the earldom of Desmond as the next heir was examined for idiocy.¹²⁹ Ralph Stafford lived until 1376: in his long life, he had risen far and had much to be thankful for. Perhaps because of this, he was strongly pious, founding a house of Augustinian friars at Stafford and endowing a chantry at Cold Norton Priory, Oxfordshire, for the salvation of his soul and that of Margaret, whose inheritance made possible such largesse.

Conclusion

It will be clear that – as much as comital rank bound these men together – Edward III's earls in the mid-fourteenth century were far from a homogenous group. A number of 'new men' – the earls elevated in March 1337 and Ralph Stafford – combined with established comital lineages such as Warenne, Arundel, Oxford and Warwick: this dynamic is, of course, characteristic of most nobilities, despite the hostile attitudes many commentators displayed towards those with upwardly-mobile pretensions. But consistency in comital rank itself hid significant internal stratification in income.

¹²⁶ *CIPM*, XIII, no. 210; Rawcliffe, *The Staffords*, 8-10.

¹²⁷ E 356/8, rot. 41; E 101/508/14; E 372/212, rot. 36.

¹²⁸ R. Frame, 'Rebellion and Rehabilitation: The First Earl of Desmond and the English Scene', in P. Crooks and S. Duffy (eds), *The Geraldines and Medieval Ireland: The Making of a Myth* (Dublin, 2016), 210-11.

¹²⁹ *CCR 1354-1360*, 467.

Three levels of comital wealth have been identified under Edward I and the situation under his grandson was similar.¹³⁰ At the top of the pile were those earldoms whose incomes exceeded £3,500: the earldom (then dukedom) of Lancaster, the earldom of Norfolk, and the earldom of Arundel. Most earldoms fell into a middle category, with incomes that were smaller but still truly formidable: this group included those of Surrey, Cornwall, Warwick, Salisbury until the mid-1350s, March from the same period, Hereford and Essex, Northampton, Gloucester and Stafford. At the lowest end of the spectrum were those with incomes well below £2,000: Oxford, Devon, Suffolk, Huntingdon and Pembroke. Of these, John de Vere, earl of Oxford, and Hugh, first earl of Devon, may have had incomes worryingly close to the £1,000 minimum thought necessary to support comital status.

Together, these estates spread over many regions of England and dominated the Welsh March, where earls held many of the largest and most valuable lordships. Most English counties contained numerous comital manors; some areas – such as Sussex, Devon and the West Midlands – were tenurially dominated by comital landholding. It is, however, notable that comital estates were much rarer in the far north-east and far north-west of England, where aristocratic society was dominated by the families of Percy and Neville and the palatinate liberty of the bishop of Durham. Similarly, there was a relative lack of the transnational landholding characteristic of earlier (and later) generations of the higher nobility.¹³¹ Ireland and Irish estates were still important for some of the earls: Maud, daughter of Henry, earl of Lancaster and sister of Henry of Grosmont, married the last earl of Ulster in 1327; Roger Mortimer actively sought custody of the liberty of Trim; Laurence Hastings, earl of Pembroke, held wide lands in Wexford; and Ralph Stafford engaged in Irish affairs from the late 1340s. But compared to comital interests in Ireland under Edward I, Edward II and Richard II, the landed interests of the mid-fourteenth century earls marginalised the lordship. Indeed, in the period 1330-60, of all the English earls only the earl of Oxford went to Ireland

¹³⁰ Spencer, *Nobility and Kingship*, 28-9.

¹³¹ See Smith, 'Transnational Lordship', 36-7 for a recent assessment.

personally, and that was because he was shipwrecked off the Connacht coast.¹³² The period 1330-60 saw more 'ebb-tide' of the English Empire than most.

These, then, were the English earls active through the mid-fourteenth century. This thesis examines the careers of these earls as a corporate group in several areas of public activity, although it should certainly be noted that – as with the citizenry of later-medieval English towns – the ideal and assumption of a corporate group of *comites* could grate against the personal, political and financial stratifications and divergences that collective noun concealed.¹³³ The earldoms were a prerequisite for the performance of these actions: the lordship over land and over men they provided laid the foundations for comital service. But before turning to the actions of the earls, it is first necessary to establish their place in contemporary thinking. What roles should an earl have within the polity? How were they expected to use the power inherent in the vast earldoms outlined above? The following section turns to these questions and how it might be possible to answer them.

¹³² R. Frame, *The Lordship of Ireland, 1318-1361* (Oxford, 1982), 61.

¹³³ C.D. Liddy, *Contesting the City: The Politics of Citizenship in English Towns, 1250-1530* (Oxford, 2017), 30.



Graph 1: Comital Lifespans, 1270-1400

Comital Power in Fourteenth-Century England: The Earl in Political Thinking

Historiographically, more is known about the Edwardian aristocracy and Edward III himself than ever before. What is missing, at least from discussions of politics and the mid-fourteenth century earls and earldoms outlined above, is the set of basic ideas common to a deepening political society on the place of these earldoms in the polity, which framed political life.¹ In summary, the historiography has moved from what McFarlane described as an ‘excessive addiction to constitutional issues’ to focus on the mechanics of politics.² To supplement this historiographical landscape, this thesis is built on a conscious effort to re-introduce the place of principle to the shape of the relationship between king and earls in the mid-fourteenth century. In doing so, a more holistic picture of the place of the Edwardian earls within the medieval polity emerges. An obvious historiographical debt should of course be acknowledged but the parameters in which this thesis is written are too prevalent and too important to its argument and purpose to rest on the conclusions of others, especially those working on earlier or later centuries.³ As such, a sketch of these obligations must be drawn from the evidence.

What is needed to supplement this historiographical landscape is a series of contemporary strands of thought on public obligations and an examination of the relation between these ideas and the actions of Edward III’s earls. In turn, this necessitates the resurrection of some of the ‘constellations of absolute presuppositions’ which both conditioned and were conditioned by these actions.⁴ The method employed in this resurrection takes much from the work of Thomas Kuhn, Quentin Skinner, J.G.A. Pocock, Kevin Sharpe, Gerald Harriss, Christine Carpenter and John Watts by studying the meaning of dominant speech acts embedded in contemporary discourse and by placing such

¹ See Harriss, ‘Political Society and the Growth of Government’, 28-57, for a seminal view of political society in relation to government through the period.

² McFarlane, *Nobility*, 2.

³ See below, n. 5.

⁴ On absolute presuppositions, see R.G. Collingwood, *An Essay on Metaphysics* (Oxford, 1940), 1-48.

ideologies within a framework of governmental and institutional practice.⁵ The themes on the role of the earls and on the uses of power illustrated below should not be taken as monolithic. A number of such structures have been found to operate through societies.⁶ The following paradigm is not meant to define the later medieval earl and his world. Medieval societies were far too complex for that: as one historian has noted 'there was no single organising principle in their world, outside its theology'.⁷

Language acts on both the speaker or writer and the listener or reader and the more institutionalised certain language forms and patterns are, the more it can reasonably be asserted that they were being used because they conveyed a set of principles that needed to be referred to by those commanding or acting *and* needed to be heard by those being acted upon.⁸ Certain ideas became dominant and were available for negotiation, interpretation and use in argument. The more ideas were institutionalised into the language of political society, the more they were normalised and expected by that society. In a medieval polity, with pre-modern communications and methods of enforcement, which depended on the co-operation of substantial sections of the landed elite, the exercise of state power was dependent on negotiation: the languages of power had to be projected to meet the expectations of those sections of society which made the exercise of that power possible. As well as being communicated to a public audience, the media of power were constructed and determined by the pressures rising from that audience. Medieval governments tended to reflect the society they served because they had no other choice. In later medieval England, this means that

⁵ T.S. Kuhn, *The Structure of Scientific Revolutions: 50th Anniversary Edition* (Chicago, 2012); Pocock, *Political Thought and History*; Q. Skinner, 'Meaning and Understanding in the History of Ideas' and 'Interpretation and the Understanding of Speech Acts', in Q. Skinner, *Visions of Politics Volume 1: Regarding Method* (Cambridge, 2002), 57-89, 103-27; K. Sharpe, 'A Commonwealth of Meanings: Languages, Analogues, Ideas and Politics', in K. Sharpe, *Remapping Early Modern England: The Culture of Seventeenth-Century Politics* (Cambridge, 2000), 38-123; Harriss, *King, Parliament, and Public Finance*; Carpenter, *Locality and Polity*; Carpenter, 'Politics and Constitutional History', 175-206; Watts, *Henry VI*, 13-80. Other important contributions are: Powell, 'After "After McFarlane"', 1-16; Ormrod, 'The New Political History', 37-60; Ormrod, "'Common Profit'", esp. 219-24.

⁶ Cf. P. Strohm, *Politique: Languages of Statecraft between Chaucer and Shakespeare* (Indiana, 2005), 11-12.

⁷ Crouch, *Birth of Nobility*, 279.

⁸ Pocock, *Political Thought and History*, esp. 35-7, 38-9, 67-71, 92. Cf. Sharpe, 'A Commonwealth of Meanings', 38-46 and Strohm, *Politique*, 5-9.

the visual and textual manifestations of a regnal polity – the imagery of the great seal and royal display, the institutionalised languages of government, which both emanated from prescriptive ‘official’ texts and were adopted by petitioners or reformers – were designed in part to meet the expectations of the political society on whom the governance of the realm depended and for whom this governance was ostensibly conducted.⁹ The ways in which these media of government conveyed themselves to their audience form a paradigm of expectations on the roles and uses of power, including the projected relationship between the nobility and the state. By focusing on the language encompassing political life, some of the roles and obligations held by common assumption to rest on the earls by virtue of their place in the polity can be recreated.

In order to situate the earls of Edward III firmly within this context of ideas, this paradigm of obligation needs to be recovered from as broad a range of sources as possible, for two reasons. Firstly, there is the problem of exposure and who may or may not have read what. The crux of this argument revolves around the obvious but unobjectionable point that the ideas on the role of king and nobility contained within scholastic and juristic treatises may have operated at a level of abstraction wholly removed from the realities of political practice, because it is very hard to prove that they were read and drawn upon directly by members of political society. Secondly, no-one in the fourteenth century wrote a practical, forthright, directly applicable account of what the king and his nobility should be doing day-by-day to ensure the prosperity of the realm and the achievement of the common good through virtuous practice. Instead, such notions were addressed obliquely and indirectly through a thick smog of allusion to biblical and classical moral lessons, and platitudinous ‘harping’ on common themes removed from everyday action.¹⁰ This high level of abstract thinking

⁹ See K. Sharpe, *Selling the Tudor Monarchy: Authority and Image in Sixteenth-Century England* (London, 2009), 1-58.

¹⁰ I have found the following helpful: F.M. Powicke, ‘Reflections on the Medieval State’, *TRHS*, 19 (1936), 1-18; S.B. Chrimes, *English Constitutional Ideas in the Fifteenth Century* (Cambridge, 1936), xv-xx; *Select Cases of Procedure without Writ under Henry III*, ed. and trans. G.O. Sayles and H.G. Richardson (Selden Society, 1941), xxi-ii; Reynolds, *Kingdoms and Communities*, esp. 4-5, 319-25; Watts, *Henry VI*, esp. 6-16, 51-6; A. Harding, *Medieval Law and the Foundations of the State* (Oxford, 2002); S.F.C. Milsom, *A Natural History of the Common Law* (Chichester, 2003), 75-105. On ‘harping’: Carpenter, *Locality and Polity*, 354.

combined with the turgid formalism of the central writing offices to create a great mass of material but one that resists any attempt to recreate something approaching a modern 'constitution'.¹¹ There are too many contradictions between writers arguing conflicting strains of thought and too many unspoken assumptions that never needed to be stated for a point-by-point list of exactly what the king or his nobles should be doing when and why. Instead, what *can* be found is a hazy set of principles, obligations and limitations forming one paradigmatic framework concerning the uses of power. Certain ideal-type principles were sketched around the realm of public action by a skein of political languages that, while not monolithic, unchangeable or unchallengeable, are pervasive enough to provide an ideological framework for the investigation of the careers of Edward III's earls. Before these principles are outlined, it is necessary to examine the sources from which they are drawn, for the viability of the relation of ideas concerning the earls of Edward III to their actions and experiences stands squarely on whether such ideas can be shown to have permeated the working assumptions of the period.

The Sources of Political Thinking

The sources for the recreation of a paradigm of obligation range from juristic texts such as *Bracton* to ordinary writs. As such, they operate on different levels of abstraction because they were aimed at different audiences for different purposes. These purposes need to be considered, although many of the same fundamental precepts underpin this seemingly divergent body of texts and contexts. At the highest level of abstraction there are the works of jurisprudence and philosophical argument intended for an audience of churchmen, schoolmen and scholastics. Below these texts are those – more varied in form – designed for a princely or aristocratic audience.¹² These include instructional

¹¹ C. Fletcher, 'Are There "Constitutional" Ideas in the Rolls of the English Parliament, c. 1340-1422?', in F. Foranda and J-P. Genet (eds), *Des chartes aux constitutions: autour de l'idée constitutionnelle en Europe (XIIe-XVIIe siècle)* (Paris, forthcoming).

¹² For their proliferation and consumption, see J. Watts, *The Making of Politics: Europe, 1300-1500* (Cambridge, 2009), 258-63; C.S. Jaeger, *The Origins of Courtliness: Civilizing Trends and the Formation of Courtly Ideals, 939-1210* (Philadelphia, 1985), 195-254.

texts in the Mirrors for Princes tradition, chronicles, poetry and epic and romantic literature.¹³ Many of these texts were designed to be performed: indeed, Martin Aurell has remarked that ‘literature – whether in the form of romances to be read out loud, or improvised songs to be sung during evening gatherings – was ever present in aristocratic homes, from the lowliest fortified manor to the most spectacular royal palaces’.¹⁴

The loss of inventories and other evidence to chance and time makes the reconstruction of aristocratic book ownership extremely difficult.¹⁵ Nevertheless, fragments remain: on his accession to the throne Edward III was presented with a copy of the *Secretum Secretorum* and an advisory text entitled *On the Nobility, Wisdom and Prudence of Kings* by the royal clerk Walter Milemete, and ordered that chronicles be sent to him at least twice.¹⁶ Edward II probably possessed a translation of Giles of Rome’s *De Regimine Principum*, the most popular *Fürstenspiegel* of the later middle ages, and another copy was presented to Edward III in 1328, while, in a later period, the courtiers of Richard II were exposed to Giles’s ideas.¹⁷ In the early fourteenth century, the Bohun earls of Hereford and Essex may have owned a copy of Geoffrey Baker’s chronicle, while Guy, earl of Warwick (d. 1315), owned at least forty-three books including a copy of the *Brut* chronicle and a *Secretum Secretorum* and consciously associated himself and his lineage with the legendary Guy of

¹³ On the Mirrors, see W. Kleinke, *Englische Fürstenspiegel vom Policraticus Johanns von Salisbury bis zum Basilikon Doron König Jakobs I* (Halle, 1937), 1-72; W. Berges, *Die Fürstenspiegel des Hohen und Späten Mittelalters* (Leipzig, 1938); M.L. Kekewich, ‘Books of Advice for Princes in Fifteenth Century England, with Particular Reference to the Period 1450-1485’ (The Open University unpublished PhD thesis, 1987), 7-91. Chronicle compilation is surveyed in C. Given-Wilson, *Chronicles: The Writing of History in Medieval England* (London, 2004).

¹⁴ M. Aurell, *The Lettered Knight: Knowledge and Aristocratic Behaviour in the Twelfth and Thirteenth Centuries*, trans. J.-C. Khalifa and J. Price (Budapest, 2017), 105.

¹⁵ A point well brought out throughout E. Gue, ‘The Education and Literary Interests of the English Lay Nobility, c. 1150-c. 1450’ (University of Oxford unpublished DPhil thesis, 1983) and in R.F. Green, *Poets and Princepleasers: Literature and the English Court in the Late Middle Ages* (Toronto, 1980), 7-8. For rates of book production across the period 500-1500, see J.L. van Zanden, *The Long Road to the Industrial Revolution: The European Economy in a Global Perspective, 1100-1800* (Leiden, 2009), 69-91 and table 3.

¹⁶ On the young king’s literary environment, see Ormrod, *Edward III*, 12-15 and Vale, *Edward III and Chivalry*, 48-52. On the *Secretum*, see L.K. Escobedo, *The Milemete Treatise and Companion Secretum Secretorum: Iconography, Audience, and Patronage in Fourteenth-Century England* (New York, 2011), 51-9. Chronicles: Given-Wilson, *Chronicles*, 74.

¹⁷ C.F. Briggs, *Giles of Rome’s ‘De Regimine Principum’: Reading and Writing Politics at Court and University, c. 1275-c. 1525* (Cambridge, 1999), 54-6, 60-62; Ormrod, *Edward III*, 13; Gue, ‘Education’, 15-16.

Warwick, immortalised in literature.¹⁸ John Grandisson, bishop of Exeter, held strong historical interests and owned and annotated copies of William of Malmesbury, Higden's *Polychronicon*, the *Flores Historiarum*, Bede, Henry of Huntingdon's *Historia Anglorum* and the *Vita Edwardi Secundi*.¹⁹ Generally, the patronage and authorship of the predominantly Anglo-centric earls cannot compare to their Anglo-Irish brethren and there is no parallel in elegance to Gerald FitzGerald, third earl of Desmond (d. 1398), who composed his own poems.²⁰ But still, the chivalric romance *Gawain and the Green Knight* may have been composed for one of Edward III's greatest captains, Henry of Grosmont, duke of Lancaster, who also authored a devotional treatise of his own and who may have written a now-lost book on the laws of war.²¹ Nor, interestingly enough, were these interests confined to such great heroes. John Bohun, the disabled earl of Hereford, who left the realm on military service only once, borrowed a chivalric romance off the royal household and was twice ordered in no uncertain terms to cease holding jousts during the Minority.²² His similarly disabled brother Earl Humphrey commissioned a copy of the chivalric romance *William of Palerne*.²³ The third Bohun brother William, earl of Northampton, a highly active military figure, may have commissioned

¹⁸ G. Jones, 'The Bohun Earls of Hereford and Essex, 1270-1322' (University of Oxford unpublished MLitt thesis, 1985), 194; Gue, 'Education', 177, 199-200; N. Orme, *From Childhood to Chivalry: The Education of the English Kings and Aristocracy, 1066-1530* (London, 1984), 95; A.F.J. Sinclair, 'The Beauchamp Earls of Warwick in the Later Middle Ages' (University of London unpublished PhD thesis, 1986), 16-17; E. Mason, 'Legends of the Beauchamps' Ancestors: The Use of Baronial Propaganda in Medieval England', *JMH*, 10 (1984), 25-40; D. Crouch, 'The Local Influence of the Earls of Warwick, 1088-1242: A Study in Decline and Resourcefulness', *MH*, 21 (1996), appendix A; Y. Liu, 'Richard Beauchamp and the Uses of Romance', *Medium Aevum*, 74 (2005), 271-87.

¹⁹ M.W. Steele, 'A Study of the Books Owned or Used by John de Grandisson, Bishop of Exeter (1327-1369)' (University of Oxford unpublished DPhil thesis, 1994), 55-65, 164-8.

²⁰ See Gearóid Mac Niocaill, 'Fitzgerald, Gerald fitz Maurice, Third Earl of Desmond (1338?-1398)', *ODNB*, accessed 21 Feb 2017.

²¹ W.G. Cooke and J. A.J.D. Boulton, 'Sir Gawain and the Green Knight: A Poem for Henry of Grosmont?', *Medieval Aevum*, 68 (1999), 42-54; Ormrod, *Edward III*, 459-60; M. Thiébaux, 'Sir Gawain, the Fox Hunt, and Henry of Lancaster', *Neuphilologische Mitteilungen*, 71 (1970), 469-79. On his treatise, see the introduction to *Le Livre de Seyntz Medicines: The Book of Holy Medicines*, ed. and trans. C. Batt (Arizona, 2014) and E.J. Arnould, 'Henry of Lancaster and his *Livre des Seintes Medicines*', *BJRL*, 21 (1937), 352-86. On the laws of war book: C. Taylor, 'English Writings on Chivalry and Warfare during the Hundred Years War', in P. Coss and C. Tyerman (eds), *Soldiers, Nobles and Gentlemen: Essays in Honour of Maurice Keen* (Woodbridge, 2009), 67.

²² Vale, *Edward III and Chivalry*, 49, appendix 9; DL 10/250, 251.

²³ A.I. Doyle, 'English Books In and Out of Court from Edward III to Henry IV', in V.J. Scattergood and J.W. Sherborne (eds), *English Court Culture in the Later Middle Ages* (London, 1983), 165. Humphrey was educated by a tutor: Gue, 'Education', 76.

a copy of the *Romance of Alexander* while in the Low Countries from 1338-40.²⁴ Together, these brothers show that the literary manifestations of a heroic martial culture could be shared both by those at the forefront of chivalric conduct and by those whose own experiences paralleled tales of prowess to a far lesser extent.

On a wider level, the ethics of military virtue through the practice of warfare in the service of the common good were disseminated among the militarised later medieval aristocracy through the highly popular *De Re Militari* of Vegetius.²⁵ Edward III himself possessed a copy.²⁶ In years to come, the duke of Gloucester would be presented with a copy of *Froissart* and owned Plato's *Republic*, while the Appellant lords looked to the *Modus Tenendi Parliamentorum* in 1388.²⁷ It seems clear, despite the slippery nature of the evidence, that the nobility displayed a level of interest in books, mostly of courtly and military leaning, and as such it is probable that such works contributed to a more general atmosphere of thought.²⁸ Of course, the educational prowess of the nobility should not be overstated: as with the gentry, the household of the average earl was 'more physical than bookish'.²⁹

Thus far, the sources mentioned have been a diverse bunch. What they all have in common, however, is that it is very hard to ascertain the extent to which political society used them. It is most instructive to go through the work of Aquinas or of the chroniclers and extract from them themes relevant to the place of the earls in the polity, because they wrote in order to contribute to

²⁴ L.E. Dennison, 'The Stylistic Sources, Dating and Development of the Bohun Workshop, ca. 1340-1400' (University of London unpublished PhD thesis, 1988), 53-4, 94, 276-7; Given-Wilson, *Chronicles*, 211 and n. 261.

²⁵ C. Allmand, *The De Re Militari of Vegetius: The Reception, Transmission and Legacy of a Roman Text in the Middle Ages* (Cambridge, 2011), 26-7, 33, 61-2, 65-73, 77-8, 255-69, 277-304; M.D. Reeve, 'The Transmission of Vegetius's *Epitoma Rei Militaris*', *Aevum*, 74 (2000), 243-354.

²⁶ Vale, *Edward III and Chivalry*, 50.

²⁷ G. Croenen, 'The Reception of Froissart's Writings in England: The Evidence of the Manuscripts', in J. Wogan-Browne (ed.), *Language and Culture in Medieval Britain: The French of England, c. 1100-c. 1500* (Woodbridge, 2009), 410; Watts, *Henry VI*, 54.

²⁸ Gue, 'Education', 95-101.

²⁹ P. Coss, *The Foundations of Gentry Life: The Multons of Frampton and their World, 1270-1370* (Oxford, 2010), 209-56 (quotation at 254).

contemporary currents of thought and as such tend to represent ideals and principles intelligible to kings, barons and the rest of political society. But to rethink past thought from such sources alone poses the substantial risk that the finer points they contained were peripheral or absent entirely because the sources which provided the vehicle for their dissemination were peripheral or absent entirely from the minds of people involved in political action. Bishops provide a welcome exception to the rule but one that also serves to highlight the difficulty of locating theological and didactic writing firmly around individual figures in the secular nobility.³⁰ There is no equivalent to the third earl of Southampton (d. 1624), who, it was claimed, was led into rebellion in 1601 after reading portions of Aristotle's *Politics*.³¹ It is this risk that makes the sources of 'pragmatic literacy' – functioning on a lower level of abstraction – invaluable, although they have been sorely underused by historians of political thinking.³² They were in use every day, throughout the kingdom, in the households of the people that form the focus of this study. Through specific patterns of language these records conveyed concepts tailored to their landowning, elite audience and accordingly illustrate some of the assumptions on the uses of power expected from wider society.³³ And – as historians of other periods and areas have realised – charters and similar documents, while formulaic and now often represented as mere words in an edited calendar, were in themselves

³⁰ See Ambler, *Bishops*, esp. 32-81.

³¹ P.E.J. Hammer, 'The Use of Scholarship: The Secretariat of Robert Devereux, Second Earl of Essex, c. 1585-1601', *EHR*, 109 (1994), 49.

³² This term is discussed in the preface to R.H. Britnell (ed.), *Pragmatic Literacy, East and West, 1200-1330* (Woodbridge, 1997). On 'political thinking', see J. Sabapathy, *Officers and Accountability in Medieval England, 1170-1300* (Oxford, 2014), 12. Broadly similar use of pragmatic records to construct or trace political thinking can be found in: J.C. Davies, *The Baronial Opposition to Edward II* (Cambridge, 1918), 1-49; Chrimes, *English Constitutional Ideas*; J.C. Holt, *Magna Carta*, Third Edition (Cambridge, 2015); J. Hudson, *Land, Law, and Lordship in Anglo-Norman England* (Oxford, 1994), 65-105; N. Saul, 'Richard II and the Vocabulary of Kingship', *EHR*, 110 (1995), 854-77; Reynolds, *Kingdoms and Communities*; Harding, *Medieval Law and the Foundations of the State*; J.M. Theilmann, 'Caught between Political Theory and Political Practice: "The Record and Process of the Deposition of Richard II"', *History of Political Thought*, 25 (2004), 599-619; A. Ruddick, *English Identity and Political Culture in the Fourteenth Century* (Cambridge, 2013), 183-216; G. Dodd, 'Kingship, Parliament and the Court: The Emergence of "High Style" in Petitions to the English Crown, c. 1350-1405', *EHR*, 129 (2014), 515-48; Sabapathy, *Officers and Accountability*; Ormrod, "'Common Profit'". See also P. Stafford, 'Political Ideas in Late Tenth-Century England: Charters as Evidence', in P. Stafford, J.L. Nelson and J. Martindale (eds), *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds* (Manchester, 2001), 68-82.

³³ See J-P. Genet, 'L'historien et les langages de la société politique', in A. Gamberini, J-P. Genet and A. Zorzi (eds), *The Languages of Political Society: Western Europe, 14th-17th Centuries* (Vienna, 2011), 17-36.

‘performative’, since they played a crucial role in the projection, communication and moulding of authority, individual will and agency.³⁴ These records, less attractive and less academically coherent though they may be, form a crucial element in a reconstruction of a contemporary paradigm of obligations precisely because of their formality, their predictability, and their relentless repetition. If the usefulness of such documents to the ideological framework of comital power is to be truly appreciated, the mechanics of the documentary polity need to be understood.

The Place of Documents in Later Medieval England

By the mid-fourteenth century, the written word had achieved something of the hegemony it has since retained.³⁵ The pervasive reach of a royal government increasingly bound by bureaucratic routine and its vellum output had disseminated royal writs deep into the fabric of local society; charters were propelled ‘to every village’ by c. 1300 and the place of such documents into poems such as ‘The Knight of the Letter’.³⁶ By the mid-fourteenth century the royal writing offices may have been impressing as many as 50,000 writs per year with the depersonalised charisma of the royal seal, which were sent out into the localities and were generally received in a matter of weeks.³⁷ A quantitative estimate of Exchequer output is harder but, as a gauge, the usher of the Exchequer

³⁴ See, for instance, J. Masschaele, ‘The Public Life of the Private Charter in Thirteenth-Century England’, in B. Dodds and C. Liddy (eds), *Commercial Activity, Markets and Entrepreneurs in the Middle Ages: Essays in Honour of Richard Britnell* (Woodbridge, 2011), 205-9; G. Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840-987)* (Turnhout, 2012); M. Mersiowsky, *Die Urkunde in der Karolingerzeit: Originale, Urkundenpraxis und Politische Kommunikation*, 2 vols., (Wiesbaden, 2015).

³⁵ For English government records, see M.T. Clanchy, *From Memory to Written Record: England 1066-1307*, Third Edition (Oxford, 2013). See also B. Stock, *The Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (New Jersey, 1983); J-P. Genet, *La genèse de l’État moderne: culture et société politique en Angleterre* (Paris, 2003), 111-37; Aurell, *The Lettered Knight*, 5-10.

³⁶ Clanchy, *From Memory to Written Record*, esp. 2, 19, 45-7, 53, 328 (quotation at 53); S. Justice, *Writing and Rebellion: England in 1381* (Berkeley, 1994), 13-66; D. Matthews, *Writing to the King: Nation, Kingship, and Literature in England, 1250-1350* (Cambridge, 2010), 4, 9-10.

³⁷ A.L. Brown, *The Governance of Late Medieval England, 1272-1461* (London, 1989), 52; P. Crooks, ‘Before Humpty Dumpty: The First English Empire and the Brittleness of Bureaucracy, 1259-1453’, in P. Crooks and T.H. Parsons (eds), *Empires and Bureaucracy in World History: From Late Antiquity to the Twentieth Century* (Cambridge, 2016), 257. On speed of delivery: J.F. Willard, ‘The Dating and Delivery of Letters Patent and Writs in the Fourteenth Century’, *BIHR*, 10 (1932), 1-11; M. Ray, ‘Administrative Efficiency in Fourteenth-Century England: The Delivery of Writs Based on Evidence from the Register of Bishop Martival’, *HR*, 84 (2011), 14-27.

sealed 3,413 letters from the close of Easter 1334 to the end of July.³⁸ Such letters formed one prominent experience of royal authority in the fourteenth century and the mechanism by which commands, summons, orders of all types, litigation by original writ, dissemination of information and propaganda were conducted.³⁹ Pragmatic literacy had expanded from office-holders to become a fundamental necessity for a deepening cross-section of property owners, in conjunction with their social reading and the rise of the written word more generally.⁴⁰ The common law and its procedures may have involved an 'extraordinarily high level of court involvement with the country', with an estimated 8,500 cases a year in the court of Common Pleas prosecuted in the early 1330s and over 9,000 in Trinity term 1370 alone.⁴¹ Charters or other documents were essential for proving seisin in the thirteenth century: as *Bracton* put it, 'A gift may be made with a charter or without one, for it may be valid though no charter has been made, provided it can be proved by other proper documents'.⁴² Thomas, earl of Norfolk, was forced to petition king and council as he could not obtain seisin of Newnham, Gloucestershire, because a clerical error in his charter said it belonged to the Earl of Winchester.⁴³ It was a common accusation in court that the plaintiff had suffered charters stolen, as well as goods and chattels.⁴⁴ Indeed, the recovery of charters was an issue important

³⁸ E 404/3/18 27 July 8 Edward III.

³⁹ Common law process could also be initiated by bills, which may have been less likely to contain routine speech acts. See *Select Cases of Procedure without Writ*, xlv-clvi; *SCCKB*, IV, lxvii-lxxxv; A. Harding, 'Plaints and Bills in the History of English Law, mainly in the Period 1250-1350', in D. Jenkins (ed.), *Legal History Studies 1972* (Cardiff, 1975), 65-86; G. Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford, 2007), 29-31.

⁴⁰ H.G. Richardson and G.O. Sayles, *The Governance of Medieval England from the Conquest to Magna Carta* (Edinburgh, 1963), 273-84; Clanchy, *From Memory to Written Record*, 47, 247; Justice, *Writing and Rebellion*, 13-66; Jaeger, *The Origins of Courtliness*, 224-6; *Lost Letters of Medieval Life: English Society, 1200-1250*, ed. and trans. M. Carlin and D. Crouch (Philadelphia, 2013), esp. 1-25; Aurell, *The Lettered Knight*, 35-227.

⁴¹ Early 1330s: R.C. Palmer, *The Whilton Dispute, 1264-1380: A Social-Legal Study of Dispute Settlement in Medieval England* (Princeton, 1984), 6-8. 1370: C. Donahue Jr., 'What Happened in the English Legal System in the Fourteenth Century and Why Would Anyone Want to Know', *Southern Methodist University Law Review*, 63 (2010), 955 and n. 24.

⁴² *Bracton*, I, 50. Cf. F. Pollock and F.W. Maitland, *The History of English Law before the Time of Edward I*, Second Edition, 2 vols., (Cambridge, 1923), II, 80-106; F. Kern, *Kingship and the Law in the Middle Ages*, trans. S.B. Chrimes (Oxford, 1939), 162-4; Holt, *Magna Carta*, 149-52; Harding, *Medieval Law and the Foundations of the State*, 132-3.

⁴³ SC 8/145/7208.

⁴⁴ E.g. KB 27/338, rot. 6d.

enough and common enough to have its own property action – ‘detinue of charters’.⁴⁵ Similarly, statute books and other legal materials began to be widely copied and circulated towards the end of the thirteenth century, and not just for use by lawyers.⁴⁶ These documents were important enough to be targeted by those seeking to influence local life. As is well known, they formed a primary focus in the destruction accompanying the Great Revolt of 1381.⁴⁷ But even decades before this, when the Essex knight John Fermer was hauled before the King’s Bench and indicted for myriad crimes, he was accused of killing John Pleystowe, the clerk of Hengham hundred, and taking all the feet of fines, rolls and existing records and processes ‘in contempt of the king and his Crown and to the great damage of the people’.⁴⁸

And neither was exposure to the formulaic messages subsumed as a matter of practice into such documents confined to the literate: statutes, charters and perhaps even some letters patent were open documents, to be read aloud in public places and the county courts.⁴⁹ Indeed, earls might request that this be done, if it were in their interests to disseminate the contents: in 1340, notifications of a recent statute concerning remittance of debts were made on behalf of the earl of Hereford, since he stood to have debts of £4,345 19s 3 ³/₄d annulled.⁵⁰ Brian Stock has made familiar the idea of textual communities, which orally diffused the impact of writing to largely non-literate social groups through literate *interpretes*, thus massively widening the extent of textual penetration, and this process seems highly applicable to political society in Britain in the later middle ages.⁵¹ In

⁴⁵ R.C. Palmer, *English Law in the Age of the Black Death, 1348-1381* (London, 1993), 96-102.

⁴⁶ Chrimes, *English Constitutional Ideas*, 230 n. 1; P. Brand, *Kings, Barons and Justices: The Making and Enforcement of Legislation in Thirteenth-Century England* (Cambridge, 2003), 1; R. Hanna, *London Literature, 1300-1380* (Cambridge, 2005), 44-97; Musson, *Medieval Law in Context*, 120-24; A. Musson, ‘The Legacy of Magna Carta: Law and Justice in the Fourteenth Century’, *W&MBRJ*, 25 (2016), 636.

⁴⁷ Justice, *Writing and Rebellion*.

⁴⁸ KB 27/367, Rex side, rot. 35.

⁴⁹ H.G. Richardson and G.O. Sayles, ‘The Early Statutes’, *Law Quarterly Review*, 50 (1934), 544-6; Chrimes, *English Constitutional Ideas*, 229-30; Clanchy, *From Memory to Written Record*, 85; J.R. Maddicott, ‘The County Community and the Making of Public Opinion in Fourteenth-Century England’, *TRHS*, 28 (1978), 33-4; Justice, *Writing and Rebellion*, 70; J. Masschaele, ‘The Public Space of the Marketplace in Medieval England’, *Speculum*, 77 (2002), esp. 390-99.

⁵⁰ E 159/116, rot. 104d; *CPR 1340-1343*, 15.

⁵¹ Stock, *The Implications of Literacy*, 88-240; B. Stock, *Listening for the Text: On the Uses of the Past* (London, 1990), 12-13, 23, 37.

1285, legal counsel argued that a conditional gift could not be known by a jury because ‘...it is necessary that it [the deed] have been read in a certain place before an assembly of people either in the county court or in the hundred court...’.⁵² Truces or other issues of importance could be publicly proclaimed.⁵³ Magna Carta is only the most important and best studied example of this process.⁵⁴ In 1346, the ordinance made in accordance with the king’s coronation oath to see impartial justice done to his people, complete with a recital of the oath to be sworn by his justices, was ordered to be proclaimed by all the sheriffs of the realm ‘for the better administration of justice’.⁵⁵

A deep level of documentary memory could lie behind processes both routine and exceptional. The Exchequer required letters of acquittance in order to allow expenses to officials, while merchants going to collect sums due to them and soldiers in royal service needing to recruit and provision men all required letters and bills to do so.⁵⁶ In 1333, Henry, earl of Lancaster, needed to produce a charter of Henry III and the following exemplification of Edward III in order to have the king vouch for warranty as a defendant in a case brought by writ of right.⁵⁷ Calendars of diplomatic materials were gathered for sustained use in the early years of the Hundred Years’ War.⁵⁸ This was the documentary environment imbibing the languages of power in which the earls of Edward III operated and this environment both shaped and was shaped by normative speech acts concerning the place and role of power.

⁵² *The Earliest English Law Reports*, ed. and trans. P. Brand, 4 vols., (Selden Society, 1996-2006), III, 288.

⁵³ *BPR*, III, 45. See also J.A. Doig, ‘Political Propaganda and Royal Proclamations in Late Medieval England’, *HR*, 71 (1998), 253-80; I. Forrest, *The Detection of Heresy in Late Medieval England* (Oxford, 2005), 113-42; C. Fletcher, ‘News, Noise, and the Nature of Politics in Late Medieval English Provincial Towns’, *JBS*, 56 (2017), 250-72.

⁵⁴ J.R. Maddicott, ‘Magna Carta and the Local Community, 1215-1259’, *P&P*, 102 (1984), 25-65; P. Brand, ‘The First Century of Magna Carta: The Diffusion of Texts and Knowledge of the Charter’, *W&MBRJ*, 25 (2016), 437-53.

⁵⁵ *CCR 1346-1349*, 64; *SR*, I, 303-4.

⁵⁶ E.g. E 159/107, rot. 109d; C 49/7/6.

⁵⁷ *An Index and Paraphrase of Printed Year Book Reports, 1268-1535* (Seipp’s Abridgement), ed. D.J. Seipp: Seipp Number 1333.015 (Online, Boston University School of Law, <http://www.bu.edu/phpbin/lawyearbooks/search.php>, accessed 2/1/2016). *Inspeximus: CChR 1327-1341*, 196.

⁵⁸ C 47/28/1/23. See also C 47/28/1/52 and G.P. Cuttino, *English Diplomatic Administration, 1259-1339*, Second Edition (Oxford, 1971), 73-83. The calendar has been published as *The Gascon Calendar of 1322*, ed. G.P. Cuttino (London, Camden Society, 1949).

It is, furthermore, vital to note that the use of such documents and the forms and ideas assumed, embodied and reinforced through this use was not a one-way imposition from a bureaucratised centre. Chroniclers increasingly appropriated royal documents in compiling and authenticating their work, thus conveying their illocutionary force to their readership.⁵⁹ This is hardly surprising in the case of the sometime royal clerk and diplomat Adam Murimuth, or Robert Avesbury, registrar of the court of the archbishop of Canterbury at Lambeth, but this practice can also be shown through (for example) an analysis of the chronicles of the Canon of Bridlington or the popular *Brut*.⁶⁰ ‘News-letters’ recording important events were widely circulated.⁶¹ Through the late thirteenth and fourteenth centuries the rhetorics and forms of royal statutes and Parliament Rolls increasingly made their way back into the arena of public discourse via the petitions of the king’s subjects.⁶² Governmental instruments and the languages of governance were available for use, since the king’s responsibility for justice, defence and the common good provided the justification and rhetorical guidelines for demands and supplications made by the consumers of government. Petitioners attached old commissions of office to their supplications in support of their claim.⁶³ There can be no clearer evidence of the demand for the authenticity of writing from a political society desiring greater involvement in the authority of the king and its written manifestations than the draft letters patent attached by petitioners to their supplications, found by Gwilym Dodd.⁶⁴ The earls were no

⁵⁹ Given-Wilson, *Chronicles*, 14-20, 187-90; J. Taylor, *English Historical Literature in the Fourteenth Century* (Oxford, 1987), 39-53, 111-19; Ruddick, *English Identity and Political Culture*, 171-4; J. Bellis, *The Hundred Years War in Literature, 1337-1600* (Woodbridge, 2016), 52-3.

⁶⁰ Murimuth, ix-xiii; Avesbury, 279; *Bridlington*, II, 116-18, 124-6, 129-33, 140-47; *The Brut*, II, 538-41.

⁶¹ K. Fowler, ‘News from the Front: Letters and Dispatches of the Fourteenth Century’, in P. Contamine and M. Keen (eds), *Guerre et société en France, en Angleterre et en Bourgogne, XIV-XV siècle* (Lille, 1991), 63-92. E.L.G. Stones and M.N. Blount, ‘The Surrender of King John of Scotland to Edward I in 1296: Some New Evidence’, *BIHR*, 48 (1975), 103 n. 3 note ‘A list of some 30 such letters between 1339 and 1371 can quickly be made, even from printed sources’.

⁶² T.F.T. Plucknett, *Statutes and their Interpretation in the First Half of the Fourteenth Century* (Cambridge, 1922), 11; H.G. Richardson and G.O. Sayles, ‘The Early Records of the English Parliaments: The Exchequer Parliament Rolls and Other Documents’, reprinted in *The English Parliament*, chapter XIX, 135-7; Clanchy, *From Memory to Written Record*, 149-54, 162-72; Dodd, *Justice and Grace*, 313-14; W.M. Ormrod, ‘On – and Off – the Record: The Rolls of Parliament, 1337-1377’, *PH*, 23 (2004), 50-52; J.R. Maddicott, *The Origins of the English Parliament, 924-1327* (Oxford, 2010), 293-7.

⁶³ *Rotuli Parliamentorum Anglie Hactenus Inediti MCCLXXIX-MCCCLXXIII*, ed. H.G. Richardson and G.O. Sayles (London, Camden Society, 1935), 191.

⁶⁴ Dodd, *Justice and Grace*, 305.

strangers to the need for such documents. When Robert, earl of Oxford, petitioned for the office of hereditary chamberlain in the Parliament of November 1330 he attached the original patent of appointment issued by Henry I.⁶⁵ Those earls whose lineages had suffered forfeiture but were subsequently exonerated and restored needed to regain the documents vindicating their rights: thus, the earls of Lancaster and Arundel petitioned for their muniments, charters and documents in 1327 and 1331 respectively.⁶⁶ Less dramatic circumstances might call for similar measures. After the king's reversal of heart concerning the Warenne inheritance in 1347, Arundel requested that the relevant charter of enfeoffment be delivered to him, as 'commanded previously but not performed'.⁶⁷ That same year, Arundel brought forth recent royal letters patent in the court of Common Pleas.⁶⁸ As an act of grace, the king might order that particularly important documents be enrolled in central records for ease of access and the 'contenta' of the earl in question, as happened for the earls of Devon, Northampton and Lancaster.⁶⁹ In 1393, the clerk of Roger, fourth earl of March (d. 1398), paid a number of fees to Chancery and Exchequer officials, including 20s for ten letters patent.⁷⁰

When it comes to analysing the thought trapped within the wording of such mundane documents it is important to remember the two-way nature of language. Royal documents, of course, contain what may be assumed to be the royal interpretation and justification of its place. But it would be a mistake to imagine the language of charters and writs and so on to be a one-sided discourse dictated by the fancies of those in power. That certain words were repeatedly chosen, that they are *institutionalised*, suggests that they were expected by those who received and used them, that a set of speech acts embodying particular concepts were intelligible to both the producers and consumers

⁶⁵ SC 8/162/8073-4.

⁶⁶ *PROME*, January 1327, item 4; SC 8/13/649.

⁶⁷ SC 8/246/12263, resulting in C81/339/2035; *CPR 1348-1350*, 327.

⁶⁸ CP 40/351, rot. 267.

⁶⁹ *CPR 1340-1343*, 250; E 159/117, rots. 54, 54d, 127; *CChR 1341-1417*, 8, 10-11; E 159/119, rot. 25; E 13/68, rot. 22d. See N. Ramsay, 'Retained Legal Counsel, c. 1275-c. 1475', *TRHS*, 35 (1985), 102 on the benefits of enrolment in the royal courts.

⁷⁰ BL Egerton Roll 8,742.

of government, and that these were pervasive enough to become generally uncontentious assumptions. What the repetitive images and speech acts of bureaucracy 'were doing by saying what was said' was simultaneously creating and meeting expectations and assumptions about the function of power.⁷¹ When seen within their performative, administrative and social contexts, these pragmatic texts can be seen as instruments of 'mass communication', like the sermons preached by churchmen and friars (although to a more socially exclusive section of the population).⁷² The inclusion of these working documents as sources for the recovery of political thinking helps to overcome the limitations inherent in the ownership and rarity of 'higher' sources of political thought and allows a set of fundamental principles common to a whole range of experiences in the lives of the earls, ranging from the administrative and judicial to the social and recreational, to be established and firmly situated in the documentary environment of fourteenth-century England.

Concepts

Key themes on the responsibilities placed on the earls can now be isolated from the currents of later-medieval political thinking. Recognising a set of basic obligations allows comparisons to be made between these expectations and assumptions on the use of comital power and what happened when and why. The four themes expounded upon below are neither static nor abstract, which is to say they should be regarded as changeable and developing over time and as ideas used by contemporaries in argument, discussion and discourse for a purpose. These ideas were, in short, being used to meet the expectations of audiences and readers, and their use could change, decline or increase in prominence. By placing the sources in their illocutionary context, it is argued that

⁷¹ I have in mind here the theme of Skinner, 'Meaning and Understanding in the History of Ideas', esp. 79, 82-6.

⁷² D. d'Avray, *Medieval Marriage Sermons: Mass Communication in a Culture without Print* (Oxford, 2001), 1-30; D. d'Avray, *Medieval Marriage: Symbolism and Society* (Oxford, 2005), 19-73.

these ideas provided some of the pillars upon which assumptions about the uses (and abuses) of power rested.

Inalienability and the Crown

The concept of inalienability had become integrated into much European political and intellectual culture by the fourteenth century.⁷³ The principle maintained that anything thought to pertain to the realm rather than to any temporal individual should remain undiminished. In England, notions of public resources as inalienable appurtenances seem to have accompanied and intertwined with a sense of national identity under the Plantagenets that had hardened by the fourteenth century.⁷⁴ The Crown became a key regnal symbol, as the perpetual embodiment of the public powers and resources committed to the custody of the king and fused with his person, which needed to be preserved if the king's basic obligation to ensure the earthly and spiritual sanctity of his people be met.⁷⁵ This is clearly seen in, for example, the oath sworn by the council in 1307 and the new royal coronation oath of 1308. The oath of 1307 expanded the duty of royal councilors to maintain the estate of the realm into four clauses.⁷⁶ Alongside Magna Carta, the royal coronation oath was becoming one of the most important cornerstones of political and constitutional discourse. We know, thanks to the researches of H.G. Richardson, that the promise to preserve the rights of the Crown unimpaired was contained within the reference to the widely-circulated *Leges Edwardi Confessoris* featured in the first clause of the 1308 oath.⁷⁷ Through this reference, the most basic

⁷³ Harriss, *King, Parliament, and Public Finance*, 128-59; P.N. Riesenber, *Inalienability of Sovereignty in Medieval Political Thought* (New York, 1956); M. Hellmann (ed.), *Corona Regni: Studien über die Krone als Symbol des Staates im Späteren Mittelalter* (Weimar, 1961); Watts, *Making of Politics*, 74-7.

⁷⁴ T. Turville-Petre, *England the Nation: Language, Literature, and National Identity, 1290-1340* (Oxford, 1996); R.R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093-1343* (Oxford, 2000), 142-71; D. Green, 'National Identities and the Hundred Years War', in C. Given-Wilson (ed.), *FCE VI* (Woodbridge, 2010), 115-30; Ruddick, *English Identity and Political Culture*.

⁷⁵ Harriss, *King, Parliament, and Public Finance*, 128-31.

⁷⁶ Items 4-7: printed in J.F. Baldwin, *The King's Council in England during the Middle Ages* (Oxford, 1913), 347-8. This enlarged upon item 3 of the oath sworn by the council in 1257.

⁷⁷ The oath is extant in both Latin and French (SR, I, 168). See H.G. Richardson, 'The English Coronation Oath', *Speculum*, 24 (1949), 62-3; H.G. Richardson, 'The Coronation Oath in Medieval England: The Evolution of the Office and the Oath', *Traditio*, 16 (1960), 151-61; Riesenber, *Inalienability of Sovereignty*, 119-23; G. Post, 'The Roman Law and the "Inalienability Clause" in the English Coronation Oath', in G. Post, *Studies in Medieval Legal Thought: Public Law and the State, 1100-1322* (Princeton, 1964), 415-33. On the *Leges*, see P. Wormald,

obligations to preserve the estate of the realm were used as part of the continuing 'politicization' of the coronation oath, which had intensified over the previous centuries, as the language of inalienability reflected the pressures placed on the Crown by political society.⁷⁸

These ideas were entrenched in practice by the beginning of Edward III's personal rule. The liberality of his father, and of Queen Isabella and Roger Mortimer, had forced the question of inalienable patrimonies to the forefront of political discussion. Through the thirteenth century into the fourteenth successive crises over patronage, where the king was perceived to be alienating public resources to royal favourites, had paralleled the increased burden of public taxation and made a growing political community more aware of the concept of inalienability, its limits and its application to politics.⁷⁹ In the legal treatises *Fleta* and *Britton*, the fisc – the sacred property of the Crown – was held to include the king's ancient manors, homages and tenements and a distinction was made between the royal demesne of the Crown and the manors accruing from escheat or another acquisition of lordship.⁸⁰ The language of the inalienable Crown and its degradation permeated the protests of the reign of Edward II and the subsequent demands for resumption.⁸¹ The magnates who opposed the king frequently appealed for legitimacy by alleging that Edward II had provided for his favourites out of the resources supposed to support the estate of the realm. The articles drawn up by the barons at Pontefract in April 1308 and presented to Parliament used the rhetoric of the Crown to justify the demand for Gaveston's removal: Gaveston should be judged guilty by the

The Making of English Law: King Alfred to the Twelfth Century - Volume 1: Legislation and its Limits (Oxford, 1999), 409-11; B.R. O'Brien, *God's Peace and King's Peace: The Laws of Edward the Confessor* (Philadelphia, 1999).

⁷⁸ P. Stafford, 'The Laws of Cnut and the History of Anglo-Saxon Royal Promises', *Anglo-Saxon England*, 10 (1982), 173-90; G. Garnett, *Conquered England: Kingship, Succession, and Tenure, 1066-1166* (Oxford, 2007), 105-36, 295-300; A.M. Spencer, 'The Coronation Oath in English Politics, 1272-1399', in B. Thompson and J. Watts (eds), *Political Society in Later Medieval England: A Festschrift for Christine Carpenter* (Woodbridge, 2015), 38-54.

⁷⁹ Harriss, *King, Parliament, and Public Finance*, for a magisterial discussion of the growth of taxation. See also Ambler, *Bishops*, 154-8.

⁸⁰ *Fleta*, ed. and trans. H.G. Richardson and G.O. Sayles, 3 vols., (Selden Society, 1953-83), III, 12; *Britton*, ed. and trans. F.M. Nichols, 2 vols., (Oxford, 1865), I, 221-3; H. Hoffmann, 'Die Unveräußerlichkeit der Kronrechte im Mittelalter', *Archiv für Erforschung des Mittelalters*, 20 (1964), 431-2, 443-4.

⁸¹ For the demands for resumption, Harriss, *King, Parliament, and Public Finance*, chapter VII.

people since 'he disherits the Crown and, as far as he is able, impoverishes it'.⁸² On 24 June 1308

Edward reluctantly agreed to banish Gaveston and restore the earldom of Cornwall to the Crown.⁸³

The Ordinances of 1311, which began with a preamble on the neglected state of the realm, including that 'his [Edward II's] Crown in many ways has been debased and ruined', set out that no alienations should be made without the counsel and consent of the Ordainers and stated that 'since the Crown had been so abased and ruined by numerous grants' an annulment of harmful grants should be undertaken.⁸⁴

The culmination of the previous centuries and, especially, of his father's reign was the legacy which shaped the reign of Edward III. This is clearly illustrated in the *Milemete* treatise. This work encouraged liberality but not profligate giving in a prince, since a 'lord of illustrious liberality ... gives those of his goods that should be given and retains those that should be retained' and a prudent ruler 'does not give everything, but only what should be given; and he retains what of his should be maintained'.⁸⁵ Similarly, the pseudo-Aristotelian *Secretum Secretorum* balanced the emphasis on liberality common to the *Mirrors* with the realities of fourteenth-century politics: good service should be rewarded but 'any king who makes gifts beyond the capacity of the kingdom surely will be destroyed...'.⁸⁶ The Minority regime of Roger Mortimer and Isabella was condemned and remembered in these terms.⁸⁷ By the mid-fourteenth century, the abuse of the inalienable Crown was one of the most powerful accusatory tools available because it plugged into widely-held convictions about the nature of the polity.

⁸² Second Article: *English Historical Documents, 1189-1327*, ed. and trans. H. Rothwell (London, 1975), 529-30. There is no 'official' record of the articles: J.R.S. Phillips, *Edward II* (London, 2010), 148 n. 126.

⁸³ Phillips, *Edward II*, 149.

⁸⁴ *SR*, I, 157-67. See esp. caps. 3 and 7. See also the draft of the Ordinances printed in M. Prestwich, 'A New Version of the Ordinances of 1311', *HR*, 57 (1984), 189-203.

⁸⁵ *PTEFCE*, 53-4.

⁸⁶ '[...firmiter dico tibi quod] quisquis regum superflue continuat donaciones ultra quam regnum suum possit sustinere, talis rex proculdubio destruitur, et destruit'. R. Bacon, *Opera Hactenus Inedita Rogeri Baconi*, Fasc. V, ed. R. Steele (Oxford, 1920), 45.

⁸⁷ *PROME*, November 1330, item 1.

The rhetoric of inalienability also permeated the language of the governed. Two petitions presented to the Parliament of January 1327 are particularly illustrative. The community of London asked that ‘the rights of the Crown of old and of new should be preserved and maintained for him [Edward III] until he comes of age...for the maintenance of the realm’ and requested good counsel for the maintenance of the king’s estate ‘since the community of the realm well understand that a master will not have full charge...’.⁸⁸ Similarly, the community prayed that the king’s brother John of Eltham be endowed ‘... from the escheats which ought to come within reason to the king, without taking anything from the realm, except for his money’.⁸⁹ The auditor of the Chamber from 1346 until the dissolution of the Chamber estate in 1355-56, Henry Greystock, thought along the same lines when he divided the royal revenues he received into those held of the realm and those held ‘of the king’s own right’.⁹⁰

The huge pressures of public taxation that accompanied the onset of war in 1337 helped create a political environment in which the use of resources and the granting practices of the king were under particular scrutiny. The first stages of the Hundred Years’ War saw taxation in real terms rarely surpassed until the seventeenth century.⁹¹ The costs of war were approaching £500,000 by 1341 and successive waves of direct taxation, customs duties and ongoing purveyance continued through the 1340s and 1350s.⁹² This extraordinary bout of financial imposition resulted in the possibility that

⁸⁸ *PROME*, January 1327, item 48.

⁸⁹ *PROME*, January 1327, item 23. See below, 149-50 for Eltham’s endowment.

⁹⁰ ‘de iure suo proprio’: E 101/392/15. For the Chamber estate, see Tout, *Chapters*, IV, 238-311.

⁹¹ P.K. O’Brien and P.A. Hunt, ‘England, 1485-1815’, in R. Bonney (ed.), *The Rise of the Fiscal State in Europe, c. 1200-1815* (Oxford, 1999), 58.

⁹² W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327-1377* (London, 1990), 11. For the frequency of taxation, see M. Jurkowski, C.L. Smith and D. Crook, *Lay Taxes in England and Wales, 1188-1688* (Public Record Office Handbooks, 31, 1998). See also E. Miller, ‘War, Taxation and the English Economy in the Late Thirteenth and Early Fourteenth Centuries’, in J.M. Winter (ed.), *War and Economic Development* (Cambridge, 1975), 11-31; W.M. Ormrod, ‘The Crown and the English Economy, 1290-1348’, in B.M.S. Campbell (ed.), *Before the Black Death: Studies in the ‘Crisis’ of the Early Fourteenth Century* (Manchester, 1991), 168-74; W.M. Ormrod, ‘The English Crown and the Customs, 1349-1363’, *ECHR*, 40 (1987), 27-40; W.M. Ormrod, ‘England in the Middle Ages’, in R. Bonney (ed.), *The Rise of the Fiscal State in Europe, c. 1200-1815* (Oxford, 1999), 31-3; B.M.S. Campbell, *The Great Transition: Climate, Disease and Society in the Late-Medieval World* (Cambridge, 2016), 268-71; I. Krug, ‘Feeding Mars: Military Purveyance in the Long Fourteenth Century’, in G. Dodd (ed.), *FCE X* (Woodbridge, 2018), 79-88.

those wishing to lessen the fiscal burden could try to use the allegation that royal granting practices had impoverished the Crown as a rhetorical device echoing the theme of the Ordinances of 1311. Accordingly, in 1340 the Commons' Petition preserved in the Winchester Cartulary unsuccessfully requested an inquiry into all alienations of royal lands other than escheats or purchases back to the time of Edward I, with the intention of having unworthy grants resumed by the authority of Parliament.⁹³

The inalienable appurtenances ensuring the continuity of the realm included a bundle of lands, rights and privileges that needed to be protected. By the mid-fourteenth century, a confluence of ideas had combined with the profligacy of Henry III and Edward II and the onset of massed public taxation to push ideas of inalienability to the forefront of political life. The rights of the Crown as a key symbol of the realm, encompassing the king and all his subjects, were to be preserved and by the reign of Edward III these prerogatives included the lands thought to pertain to the estate of the realm. Generally, it was thought that patronage should be sourced from the transient and shifting body of escheats, wardships and forfeitures the king received as a consequence of his personal lordship, rather than from the body of lands and rights thought to uphold the state of the realm. Such ideas permeated thought from *Fleta* to the petitions of the king's subjects and conditioned the expectations held by political society. They might even be pushed *ad extremis* by lawyers arguing a case.⁹⁴ If 'the State' became a 'master-noun' of political discourse in a later period, perhaps the development of the concept of the inalienable Crown came to be used in a not dissimilar role through the thirteenth and fourteenth centuries.⁹⁵

Of course, the responsibility for ensuring these obligations were met lay ultimately with the king, not with the earls who form the focus of this study. Nevertheless, it is important to recognise the se

⁹³ *PROME*, appendix March-May 1340, no. 1. See also G.L. Harriss, 'The Commons' Petitions of 1340', *EHR*, 78 (1963), 647-8; Wolffe, *The Royal Demesne*, 74.

⁹⁴ *Year Books XVI Edward III*, Part I, ed. L.O. Pike (London, Rolls Series, 1891), 120: '...and I know that the king can not give anything except to his own damage...'

⁹⁵ Q. Skinner, 'The State', in T. Ball, J. Farr and R.L. Hansen (eds), *Political Innovation and Conceptual Change* (Cambridge, 1989), 123.

assumptions for at least two reasons. Firstly, the prevailing concept of the realm and its continuity promoted the responsibility of service to the realm and to the king as the appointed keeper of that realm. On the other hand, the magnates had a responsibility to the wider community and to the king to see that the estate of the king was preserved intact, and this could take the form of reminding the king of the limits of what he had to give. Secondly, the finer points concerning the alienability of lands, offices and rights – particularly the distinction between those revenues and rights pertaining to the king's lordship rather than his public function – become highly important when the distribution of rewards to Edward III's earls and the implications of royal patronage for the earls are considered.

Magnate Counsel

Regarding the fifteenth century, S.B. Chrimes discerned a 'crying need for counsel and ever more counsel'.⁹⁶ The same could be said of the fourteenth (and indeed most, if not all, centuries of monarchical rule). This was the result of a simple but potentially unresolvable problem: the risk inherent in the exercise of the sovereign will of a monarch integral to the governance of the realm. All agreed that royal power should aim to achieve the common good – the provision of impartial justice extended throughout the realm, the security of the king's subjects and the achievement of virtue – which was often couched in Aristotelian terminology. Problems could and did arise, however, when the king's will and interpretation of his duties was sufficiently removed from the parallel hopes and expectations of his subjects.⁹⁷ How could such a king be restrained and guided without violating the very authority necessary for rule?⁹⁸ Such alarming and difficult situations were, in theory, avoided by the provision of good counsel: by advising the king on his proper role and

⁹⁶ Chrimes, *English Constitutional Ideas*, 39; J. Rose, 'The Problem of Political Counsel in Medieval and Early Modern England and Scotland', in J. Rose (ed.), *The Politics of Counsel in England and Scotland, 1287-1707* (Oxford, 2016), 1-43.

⁹⁷ Watts, *Henry VI*, 102-363; J. Watts, 'The Counsels of King Henry VI, c. 1435-1445', *EHR*, 106 (1991), 279-98; J. Watts, 'Was there a Lancastrian Court?', in J. Stratford (ed.), *The Lancastrian Court: Proceedings of the 2001 Harlaxton Symposium* (Donington, 2003), 253-71 explore these themes in the reign of Henry VI. See also Spencer, *Nobility and Kingship*, esp. 36-8, 51-3; J. Rose (ed.), *The Politics of Counsel*.

⁹⁸ Compare Valente, *The Theory and Practice of Revolt*, 12-48 and Ambler, *Bishops*, 32-60.

duties he would achieve the moral virtue inherent in his office and use his power for the common good as Nature intended. Policy of all kinds was carried out by the authority, whether verbally or carried by writ or officer, of the royal will. That will was to be informed at all times by the advice of meritorious subjects who desired the good of the community.

The duty of providing counsel was a key function of magnate status and the idea of the earls as the king's rightful counsellors provided a common language for the sources at various levels of abstraction. *Bracton* provides a valuable viewpoint.⁹⁹ The counsel and consent of the magnates (in the time of *Bracton* the acknowledged representatives of the community of the realm) was crucial in the making of legislation.¹⁰⁰ Indeed, the author thought the very title 'comites' to be taken 'from 'comitatus' or from 'societas', a partnership, who may also be called consuls from counselling, for kings associate such persons with themselves in governing the people of God, investing them with great honour, power and name when they gird them with swords, that is, with sword belts'.¹⁰¹ Here the sword is the symbol not just of the military prowess and function of the earl but of their role as the chief supporters on the king's authority in all senses, including that of providing advice on behalf of the community.¹⁰² The symbol of the comital sword was resplendent in the patents of earldom creations.¹⁰³ Earls certainly considered the sword a symbol of vital significance: when the second earl of Suffolk made his will in 1381 he specified that, if he died without male issue, the earldom sword

⁹⁹ Generally, see F. Schulz, 'Bracton on Kingship', *EHR*, 60 (1945), 136-76; B. Tierney, 'Bracton on Government', *Speculum*, 38 (1963), 295-317; E. Lewis, 'King Above Law? "Quod Principi Placuit" in Bracton', *Speculum*, 39 (1964), 240-69; G. Post, 'Bracton on Kingship', *Tulane Law Review*, 42 (1968), 519-54; E.H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton, 1957), 143-97; Harding, *Medieval Law and the Foundations of the State*, 145-6.

¹⁰⁰ *Bracton*, II, 19.

¹⁰¹ *Bracton*, II, 32. The term 'comites' had been adopted by the tenth century: N. Banton, 'Ealdormen and Earls in England from the Reign of King Alfred to the Reign of King Aethelred II' (University of Oxford unpublished DPhil thesis, 1981), 56; Crouch, *Image of Aristocracy*, 34-8.

¹⁰² Cf. L. Roach, *Kingship and Consent in Anglo-Saxon England, 871-978: Assemblies and the State in the Early Middle Ages* (Cambridge, 2013), 191 and Crouch, *Image of Aristocracy*, 55-6, 145-52, along similar lines. Furthermore, 'Pleas of the Sword' were held in the Palatinate of Chester from the mid-twelfth century: Crouch, *The English Aristocracy*, 181-2.

¹⁰³ E.g. *RDP*, V, 27-32.

received by his father Robert Ufford in 1337 be laid in the family mausoleum for ever.¹⁰⁴ *Bracton's* famous passage on the earls as bridles to a tyrannical king – one ruling without adherence to the natural law of God or the law of the land – lays the responsibility for correcting the will of the king away from tyranny towards monarchy firmly on the shoulders of the earls.¹⁰⁵ Such considerations convey in no uncertain terms the principle of a corporate baronage acting on behalf of the wider realm and so provide a useful insight into the expectations held by a judicial authority (although one with conspicuously regnal preoccupations) on the place of the higher aristocracy within the polity.

Bracton was compiled and finished by the 1240s and perhaps never gained the level of contemporary influence its compiler intended.¹⁰⁶ But it was still relevant. A gloss on *Bracton* by John Longeville, an Assize Justice of Edward II, stated an extreme view of the Bractonian insistence on comital counsellors: the earls were the colleagues of the king and 'he who has a colleague, has a master; the king has a colleague, therefore the king has a master. And further, he who has a master has a superior; the king has a master, therefore the king has a superior'.¹⁰⁷ When, as under Edward II, the public face of the Crown began to conflict with the private interest of the king, it was the earls who were expected to realign the two.

The convoluted *Mirror of Justices* described a scene divorced from reality, as part of a claim to antiquated venerability: twice-yearly parliaments were to be held following the example of King Alfred, who 'for the good estate of his realm...caused his earls to assemble'.¹⁰⁸ However, the

¹⁰⁴ K.B. McFarlane, 'The Descent of English Earldoms in the Fourteenth Century' (Magdalen College Archives, Oxford, Papers of K.B. McFarlane, 1903-1966, GPD/26/II/41c), 34.

¹⁰⁵ *Bracton*, II, 110. On this passage, see C.J. Nederman, 'The Royal Will and the Baronial Bridle: The Place of the *Addicio de Cartis* in Bractonian Political Thought', *History of Political Thought*, 9 (1988), 415-29.

¹⁰⁶ S.F.C. Milsom, "'Pollock and Maitland': A Lawyer's Retrospect', in J. Hudson (ed.), *The History of English Law: Centenary Essays on "Pollock and Maitland"* (London, 1996), 246 remarks that 'things look very different [from *Bracton*] in the plea rolls'. Although compare P. Brand, 'Ireland and the Literature of the Early Common Law', *Irish Jurist*, 16 (1981), 95-113 and T.J. McSweeney, 'Creating a Literature for the King's Courts in the Later Thirteenth Century: *Hengham Magna*, *Fet Asaver*, and *Bracton*', *Journal of Legal History*, 37 (2016), 56-65, 67-70. For the dating, see P. Brand, 'The Age of Bracton', in Hudson (ed.), *The History of English Law*, 72-3 and P. Brand, 'The Date and Authorship of Bracton: A Response', *Journal of Legal History*, 31 (2010), 217-44.

¹⁰⁷ Cambridge University Library, MS Dd.7.6, fol. 179v.

¹⁰⁸ *The Mirror of Justices*, ed. and trans. W.J. Whittaker with an introduction by F.W. Maitland (Selden Society, 1895), 6-8.

association of the earls with representation and with their counsel in Parliament preventing ordinances being ‘founded upon will rather than upon right’ shows the crucial place of earls in the projected thought of the treatise, which strove to promote the place of the community in Parliament.¹⁰⁹ The earls symbolised and embodied the representation crucial to the author’s thought, and made the text attractive to Andrew Horn in the context of London under Edward II.¹¹⁰ And it must be noted that, putting aside ideas of biannual parliaments and King Alfred, preambles to statutory proclamations frequently emphasised the corporate nature of legislation and the counsel and assent of prelates, earls, barons and other magnates in a way the author may well have accepted.¹¹¹

The magnates had long sought to portray themselves as the representatives of the community, whose social standing and power made them the king’s proper counsellors. Such concerns had been sharpened through the experiences of the thirteenth and early fourteenth centuries: the baronial ‘Song of Lewes’ which justified Montfort’s actions and argued for the innate Christ-like virtue of his charismatic leadership predictably contained passages which promoted magnate counsel.¹¹² The ‘Elegy on the Death of Edward I’ conveys the sadly unfulfilled hope that the young Edward II ‘...take such counsel that the land may be governed aright’.¹¹³ The reign of Edward II provides copious substantive evidence on the place of noble advice in the negative form of decrying evil counsel. Indeed, much of the reign can be broadly read as the magnates and the wider community attempting – unsuccessfully – to implement the advice of Edward’s noble counsellors rather than his favourites, who gave advice for their own purposes and not for the benefit of the community. The *Polychronicon* of Ranulf Higden (d. 1364) is far more than a narrowly political chronicle: it is a

¹⁰⁹ *The Mirror of Justices*, 155-6.

¹¹⁰ Maitland thought his political creed ‘...a curiously oligarchic and aristocratic ideal’: *The Mirror of Justices*, xxxix. On Horn: J. Catto, ‘Andrew Horne: Law and History in Fourteenth Century England’, in R.H.C. Davis and J.M. Wallace-Hadrill (eds), *The Writing of History in the Middle Ages: Essays Presented to Richard William Southern* (Oxford, 1981), 367-91; Liddy, *Contesting the City*, 185, 191.

¹¹¹ E.g. the early statutes of Edward III: SR, I, 251-61.

¹¹² For a recent analysis of the Song of Lewes and its context, see Ambler, *Bishops*, 129-32, 169-76.

¹¹³ Cited in Matthews, *Writing to the King*, 92.

universal history displaying a keen interest in Antiquity, geography and ethnology.¹¹⁴ This broad appeal contributed to it being the most popular chronicle in later medieval England. Higden's primary focus 'was with past, not contemporary, history' and it has been claimed that 'the chapters contemporaneous with his own life are of very slight value to the historian'.¹¹⁵ Nonetheless, the *Polychronicon* carried messages of the importance of noble counsel to its wide audience in an influential assessment of Edward II, which judged that Edward, 'neglecting the company of his nobles', preferred the company of labourers and others who lacked noble virtue.¹¹⁶ Such complaints of evil counsel underlie much of the comment of the chroniclers, the Ordinances and the Deposition articles.¹¹⁷

Walter Milemete's treatise was moulded by this legacy and Milemete's advice on the counsel to be received by the young Edward III underlies much of what he said and much of what he tried to do. The ideal subject should always be seeking ways to benefit their lord through aid and counsel.¹¹⁸ After the previous twenty years, Milemete was more than aware that serious disagreements amongst the nobility could occur. He sought to impress upon the young king that the merits of both sides of an argument should be heard but that it was the king's will alone that should decide policy according to the benefits of each argument.¹¹⁹ Such impartial action in pursuit of peace and profit would promote stability and loyalty. The wise king would promote harmony among the great men by dealing out the impartial justice inherent in his person, doing 'everything discreetly and with

¹¹⁴ Generally, see V.H. Galbraith, 'An Autograph Manuscript of Ranulph Higden's *Polychronicon*', *Huntington Library Quarterly*, 23 (1959-60), 1-18; J. Taylor, *The Universal Chronicle of Ranulf Higden* (Oxford, 1966); A. Gransden, *Historical Writing in England*, 2 vols., (London, 1974-1982), II, 43-57.

¹¹⁵ First quotation from Gransden, *Historical Writing*, II, 44; the second from Galbraith, 'An Autograph Manuscript', 17.

¹¹⁶ *Polychronicon Ranulphi Higden Monachi Cestrensis*, ed. C. Babington and J.R. Lumby, 9 vols., (London, Rolls Series, 1865-86), VIII, 298. See Phillips, *Edward II*, 9-10 for the influence of this passage.

¹¹⁷ E.g. *Scalacronica*, 95; *The Anonimale Chronicle, 1307-1334*, ed. and trans. W.R. Childs and J. Taylor (Yorkshire Archaeological Records Society, 1991), 83; Murimuth, 12; Baker, 10. Ordinances of 1311: *SR*, I, 157-67. An authoritative version of the deposition articles has been reproduced in C. Valente, 'The Deposition and Abdication of Edward II', *EHR*, 113 (1998), 878-81.

¹¹⁸ *PTEFCE*, 27.

¹¹⁹ *Ibid*, 35-6.

counsel' and concluding 'nothing finally without your fullest deliberation'.¹²⁰ For Milemete, prudence was a crucial moral virtue.¹²¹ The king should choose the virtuous as his counsellors since they would provide him with advice benefitting all, rather than just themselves.¹²² The advice of the magnates was especially important in times of war.¹²³ Like the Milemete treatise, Edward III's *Secretum Secretorum* placed great emphasis on counsel – unsurprisingly so – and especially on the counsel of those desiring the good of the community.¹²⁴

Similarly, good counsel was a theme common to middle English romances, which portrayed noble counsel – given by both high-status men and women – as integral to the pursuit of virtuous action.¹²⁵ The importance of counsel was emphasised throughout *Gawain and the Green Knight*.¹²⁶ Similarly, in *William of Palerne*, when the hero William succeeds to his rightful royal position, his just rule was built on good counsel, for flatterers and liars were removed from his presence and he 'took to him tidely true counsel ever'.¹²⁷ The virtue of aristocratic counsel, in particular, was stressed throughout the story, as when the Emperor of Rome was able to agree immediately to the marriage of his daughter, since the presence of his lords enabled him to take their counsel without delay and act with their consent and advice.¹²⁸

The community of London's petition in the first Parliament of Edward III's reign forced upwards the same fundamental principles. There could be no formally constituted body to replace the will of the king: instead, it was through the provision of good counsel that the young king was to be guided.¹²⁹

The community was bitterly disappointed by the Mortimer regime, and discussed the excesses of

¹²⁰ Ibid, 35.

¹²¹ Ibid, 52.

¹²² Ibid, 43-6, 47-8.

¹²³ Ibid, 49.

¹²⁴ BL Add. MS 47,680, fols. 30v-31r, 33r-34r.

¹²⁵ G. Barnes, *Counsel and Strategy in Middle English Romance* (Woodbridge, 1993), esp. 29-90.

¹²⁶ R.H. Thompson, 'The Perils of Good Advice: The Effect of the Wise Counsellor upon the Conduct of Gawain', *Folklore*, 90 (1979), 71-6.

¹²⁷ *The Romance of William of Palerne*, ed. W. Skeat (Early English Text Society, 1867), lines 5,480-82.

¹²⁸ *Romance of William of Palerne*, lines 1,457-64.

¹²⁹ *PROME*, January 1327, item 47.

Mortimer and Isabella and the rising of Henry, earl of Lancaster, in terms of counsel.¹³⁰ Lancaster portrayed himself as the proper counsellor of the king, denied his proper role. The bishop of Winchester was sent on his behalf to proclaim that the king was ill-advised and had no good counsel around him.¹³¹ Lancaster's intervention was a failure but his projected motivation was accepted and projected by later chroniclers, at least.¹³² When Mortimer fell, the first accusations made against him were that he had defied the arrangements set up to provide adequate counsel to the king. His actions meant Lancaster and the other magnates of the realm 'were unable to talk to or counsel their liege lord as they ought'.¹³³ Edward III left the wider community in no doubt of his intentions after the onset of his personal rule by issuing letters close to be published containing the following matters 'which touch us and the estate of our realm are to be disposed of by the common counsel of the magnates of our realm, and not in any other manner'.¹³⁴

This language, of matters touching the estate of the realm, paralleled summonses to Parliament, which emphasised that the summoned were required partly to dispense advice on public issues. Earls received summonses as a matter of course even before the hardening of a hereditary peerage later in the century. The earls under consideration received at least 527 individual summonses from 1327-60.¹³⁵ Parliament provided one – although not the sole or necessarily the most important – focus of magnate counsel. In the early 1340s, the Oxford clerk Walter Burley used the idea of a representative Parliament to convey the ideal of mixed monarchy in his commentaries on Aristotle. Burley's *Commentaries* were widely circulated and disseminated throughout Europe, with over twenty-five manuscripts of his commentary on the *Politics* surviving and as many as forty projected

¹³⁰ E. Hartrich, 'Urban Identity and Political Rebellion: London and Henry of Lancaster's Revolt, 1328-29', in W.M. Ormrod (ed.), *FCE VII* (Woodbridge, 2012), 89-105.

¹³¹ *Calendar of Plea and Memoranda Rolls Preserved among the Archives of the Corporation of the City of London at the Guildhall, AD. 1323-1364*, ed. A.H. Thomas (Cambridge, 1926), 79.

¹³² *French Chronicle*, 62-3; *The Anonimale Chronicle, 1307-1334*, 141; *Scalacronica*, 101-3.

¹³³ *PROME*, November 1330, item 1.

¹³⁴ *Foedera*, II, Part II, 799.

¹³⁵ This number is likely to be marginally lower than the number actually received since no writs of summons survive for the Parliament of February 1329. This information has been extracted from *RDP*, III-IV.

to be extant.¹³⁶ Burley advocated a politics of cooperation between a king he judged 'most excellent in virtue' and his magnates, undertaken as part of the governance of the country: he applied Aristotelian ideas to the particular context of mid-fourteenth century England and magnate counsel in Parliament helped him do it.¹³⁷ All these examples used the same political language because counsel was widely understood to be a fundamental obligation for those at the apex of society.

At the lowest level of abstraction, the simple make-up of charter witness lists embodied a principle of tacit assent which legitimised and strengthened the authority upon which the contents of the charter rested. Earls were included after the spiritual peers in royal witness lists, probably as a matter of right, and this disseminated their association with all kinds of governmental orders through the realm in the simple form of a list of names. Additionally, legislation, orders and proclamations issued by council or Parliament proliferated throughout the country and emphasised this rhetoric of consent, carrying ideals of magnate counsel into the everyday life of political society. Orders of a sensitive or important nature could contain the clause '...with the deliberation of our council' or 'with the assent of the prelates, earls and barons and the commonality of our realm for the safety of them and of us and of the rights of our Crown'.¹³⁸ Even without such specifics, the more solemn orders issued through the Chancery contained illustrative notes of warranty recording the authority by which the great seal was moved. Many letters were authorised merely 'by the king himself' or 'by privy seal' but a large number of the more significant orders were warranted 'by king and council' or, for the most important documents such as the patents conferring earldoms issued in March 1337, 'by king and council in full Parliament'.¹³⁹ The warrants for the great seal issued by

¹³⁶ S. Harrison Thompson, 'Walter Burley's Commentary on the *Politics* of Aristotle', in E. Leonardy (ed.), *Mélanges Auguste Pelzer* (Louvain, 1947), 562, 563 n. 26; J-P. Genet, 'The Dissemination of Manuscripts Relating to English Political Thought in the Fourteenth Century', in M. Jones and M. Vale (eds), *England and her Neighbours, 1066-1453: Essays in Honour of Pierre Chaplais* (London, 1989), 227.

¹³⁷ C.J. Nederman, 'Kings, Peers, and Parliament: Virtue and Corulership in Walter Burley's "Commentarius in VIII Libros Politicorum Aristotelis"', *Albion: A Quarterly Journal Concerned with British Studies*, 24 (1992), 391-407; Ormrod, *Edward III*, 597.

¹³⁸ E 159/118, rot. 148d; E 404/5/29 28 May 16 Edward III; E 404/5/30 4 July 16 Edward III; C 49/7/8.

¹³⁹ *RDP*, V, 27-34. See B. Wilkinson, 'The Authorisation of Chancery Writs under Edward III', *BJRL*, 8 (1924), 107-39.

formally-constituted councils of absence while Edward III was abroad emphasised conciliar consent in the absence of the king's personal authority.¹⁴⁰ For example, a warrant issued under the nominal authority of the Black Prince's regency was justified 'with the assent of the honourable father of God Canterbury and the earls of Arundel and Huntingdon, deputies for our beloved king, our counsellors, and others of the council'.¹⁴¹ Such routine phrases were matters of administrative convenience but also carried ideas about assent into common routine and met expectations rising from below about the composition of the king's counsels. These ideas were distillations of those espoused, used and referred to by chroniclers, jurists and scholars and promoted by petitions and the rhetoric of government. They condensed and helped to maintain the assumption of magnate participation in the giving of advice thought necessary to guard against tyranny and they formed an extremely strong set of principles to which contemporaries could refer.

The fourteenth-century aristocracy trumpeted their own virtue: their nobility of blood was affirmed by the nobility of their moral choices.¹⁴² This assumption runs through the actions and sources of the period. The earls were obliged to counsel the king because, for them, their social status obliged virtuous conduct and the performance of this conduct justified their social status. For Henry of Grosmont, duke of Lancaster, and the aristocratic society in which he lived, noble blood intertwined with the practice of noble virtues, just as the natural place of the lesser orders at the feet of society was justified by their lack of noble traits.¹⁴³ William Langland built these ideas into *Piers Plowman* a generation later and revealed the tensions they could cause when those on the lower rungs of the

¹⁴⁰ C 81/1532-36.

¹⁴¹ C 81/1534, no. 5.

¹⁴² See M. Keen, 'Some Late Medieval Ideas about Nobility', in M. Keen, *Nobles, Knights and Men-at-Arms in the Middle Ages* (London, 1996), 187-207; Liddy, *Contesting the City*, 134. Earlier debates about the nature of nobility and the development of the conflicting binary views of 'nobility of blood' and 'nobility of mind' are analysed in D. Crouch, *The Chivalric Turn: Conduct and Hegemony in Europe before 1300* (Oxford, 2019), chapter 11: 'The Conspiracy of Deference'.

¹⁴³ *Le Livre de Seyntz Medicines*, 88-9, 96-7; S. Rigby, 'Justifying Inequality: Peasants in Medieval Ideology', in M. Kowaleski, J. Langdon and P.R. Schofield (eds), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce M.S. Campbell* (Leiden, 2015), 173-97.

social ladder perceived a chasm between theory and practice, and proclaimed that *they* were the truly virtuous in deed.¹⁴⁴

The Defence of the Realm

The most obvious theme of political life in the years 1330-60 is that of war. The king and his nobles spent a great deal of time fighting wars in France, the Low Countries, Scotland and Spain. What is of importance here is how these wars were portrayed, how they could be justified, and what that reveals about the network of obligations which lay on the earls that fought in them. A tradition of academic and juristic thought maintained the principles of a just war fought in the defence of the realm and authorised by proper authority, and that is exactly how the wars of Edward III were referenced through sources at all levels of abstraction. Warfare should be conducted under the proper authority (which, conveniently enough, meant kings and princes by the fourteenth century) in defence of the rights of the subject, for the ultimate aim of peace.¹⁴⁵ The concept can be charted through Antiquity. Aristotle's *Politics* taught a fundamental symbiosis between war and law: war in defence of the state was noble, as a means to the end of the Good Life; war was for the sake of peace.¹⁴⁶ By the later middle ages this symbiosis was commonplace, since the syntheses of Augustine and Aquinas rendered these concepts (and much more besides) applicable to the Christian polities of the middle ages.¹⁴⁷ Aquinas in his *De Regno*, for instance, told his prospective

¹⁴⁴ J. Simpson, 'Spiritual and Earthly Nobility in Piers Plowman', *Neuphilologische Mitteilungen*, 86 (1985), 467-81.

¹⁴⁵ Watts, *Henry VI*, 35-8. On the projected symbiosis between law and war, see also S. Morillo, 'The Sword of Justice: War and State Formation in Comparative Perspective', *JMMH*, 4 (2006), 1-17.

¹⁴⁶ *The Politics of Aristotle*, ed. W.L. Newman, 4 vols., (Oxford, 1887-1902), I, 304, 327-8.

¹⁴⁷ See F.H. Russell, *The Just War in the Middle Ages* (Cambridge, 1975). More recent works include R. Cox, *John Wyclif on Peace and War* (Woodbridge, 2014), 15-36; R. Greenwood, 'War and Sovereignty in Medieval Roman Law', *LHR*, 32 (2014), 31-63; D.R. Brunstetter and C. O'Driscoll (eds), *Just War Thinkers: From Cicero to the 21st Century* (London, 2017). M. Clauss, 'Krieg der Könige: Monarchen auf den Kriegszügen des Hundertjährigen Kriegesin', in M. Clauss, A. Stieldorf and T. Weller (eds), *Der König als Krieger: Zum Verhältnis von Königtum und Krieg im Mittelalter* (Bamberg, 2015), 223-264 provides a recent analysis of the king as 'warlord, general and warrior' ('Kriegsherr, Feldherr und Kämpfer') in the Hundred Years' War (see esp. 228-31 on ideals).

prince that his third charge was to keep the multitude 'entrusted to him safe from external dangers'.¹⁴⁸

England was no exception in working within the confines of justification and legitimacy inherited and adapted by Christian theologians through the course of the previous centuries. The very first passage in *Bracton* makes it abundantly clear that such notions permeated the expectations of jurists :

To rule well a king requires two thing, arms and law, that by them both times of war and of peace may rightly be ordered. For each stands in need of the other, that the achievements of arms be conserved [by the laws], the laws themselves preserved by support of arms. If arms fail against hostile and unsubdued enemies, then will the realm be without defence; if laws fail, justice will be extirpated; nor will there be any man to render just judgment.¹⁴⁹

And, like the name *comites*, the *barones* were called so for a reason: their name derived from 'belli robur' or 'the strength of war'.¹⁵⁰ The painful context of Walter Milemete's treatise once again prompted the clerk to illustrate the place of war with clarity and conviction. Edward II's failures in this regard could not be borne again. The Emperor should 'fight wars and pay homage to peace' and these wars should be sought in accordance with the desire for just rule as 'battle is the foundation of peace, since many preserve the peace on account of their fear of war'.¹⁵¹ These integral conflicts should be fought in accordance with long-established scholastic principle: 'And the king should always furnish a just cause for a war that has been fought or is being fought on his behalf'.¹⁵² After a pointed detailing of the proper leisurely pursuits of a prince, Milemete sought to remind the young Edward III that 'the greatest comforts of a king ought rather to be in the glorious praiseworthiness of

¹⁴⁸ *On Kingship to the King of Cyprus*, ed. and trans. I.T. Eschmann (Toronto, 1949), 67.

¹⁴⁹ *Bracton*, II, 19.

¹⁵⁰ *Bracton*, II, 32. See also Crouch, *Image of Aristocracy*, 80-86.

¹⁵¹ *PTEFCE*, 26, 56.

¹⁵² *Ibid*, 50.

a prosperous regime, and in attending to the utility of his subjects and kingdom by means of conquering land and using arms...'.¹⁵³

In Milemete, scholastic thought on the place of and conditions for war in the middle ages had been bound into an advisory tract intended for a prince. In the chivalric literature of the period, the ideal of martial feats in the service of righteous war became subsumed into the poetry and prose intended for the pleasures and education of the aristocracy upon whom the practicalities of those wars depended.¹⁵⁴ Chivalric lessons centred on the use of arms and force in accordance with a set of moral virtues. The story of Guy of Warwick emphasised the service of its protagonist in defence of the nation and people of England and of Christendom more broadly as part of a moral code centred around male conduct.¹⁵⁵ *Gawain and the Green Knight* revolves around the voluntary expedition of Gawain, 'the exemplar of physical prowess and courteous behaviour', in the stead of his lord for the defence of Arthur's reputation and honour.¹⁵⁶ Gawain draws his strength in battle from the virtues of generosity, love of his fellow men, purity, courtesy, and compassion.¹⁵⁷ In his exploits Gawain journeys far into the unknown to defend his lord: such principles catered to the experience and fancies of an aristocratic culture imbued with the ideals of military service to their lord king in defence of the realm. The primacy of prowess in the service of just rulers and in defence of honour is replete through the lengthy alliterative middle English translation *William of Palerne*, ascribed by its compiler and translator as being produced at the request of Humphrey Bohun, earl of Hereford, for 'those' that did not know French.¹⁵⁸ William of Palerne, heir of the king of Apulia, was stolen away as

¹⁵³ Ibid, 47.

¹⁵⁴ Gue, 'Education', 95-101; R.R. Davies, *Lords and Lordship in the British Isles in the Late Middle Ages* (Oxford, 2009), 116-18. A magisterial discussion for an earlier period is provided in Aurell, *The Lettered Knight*, 254-76.

¹⁵⁵ R. Field, 'From *Gui* to *Guy*: The Fashioning of a Popular Romance', in A. Wiggins and R. Field (eds), *Guy of Warwick: Icon and Ancestor* (Woodbridge, 2007), 57-8; R.A. Rouse, 'An Exemplary Life: Guy of Warwick as Medieval Culture-Hero', in Wiggins and Field (eds), *Guy of Warwick*, 96-7.

¹⁵⁶ *Gawain*, 2.

¹⁵⁷ *Gawain*, lines 640-65.

¹⁵⁸ On possible provenance and audience, compare T. Turville-Petre, 'Humphrey de Bohun and "William of Palerne"', *Neuphilologische Mitteilungen*, 75 (1974), 250-52; R.F. Green, 'Humphrey and the Werewolf', in J.A. Burrow and H.N. Duggan (eds), *Medieval Alliterative Poetry: Essays in Honour of Thorlac Turville-Petre* (Portland, OR., 2010), 115-19; E.E. Foster and G. Gilman, 'The Text of "William of Palerne"', *Neuphilologische*

a child but despite this the nobility running through his blue blood shines to the fore in both his physical appearance and in his conduct during his time growing up at the court of the Emperor of Rome. The Emperor's daughter Melior falls in love with William, despite the seeming social chasm between them, because of the nobility William displays, which ensures he is held in unanimous esteem by all.¹⁵⁹ Integral to William's personification of noble conduct is the prowess he shows in defence of his lord, the Emperor, against the invading duke of Saxony, and then in defence of his mother's kingdom in battles against the king of Spain.¹⁶⁰ William emerges as a paragon of male fortitude and prowess – the 'manli man' who fought for the right reasons.¹⁶¹

The epic poetry proliferating after the opening of the Hundred Years' War told tales of great deeds that ranged widely in delivery, language and sophistication but that tended to be written within similar parameters to suit their audiences. Whether satirical or not, the 'Vows of the Heron' tells how the earls of Salisbury, Suffolk and Derby were the first to offer their aid as Edward III swore to defend his rights and honour.¹⁶² The later fourteenth century poet Iolo Goch, part of an Anglophile although still strongly Welsh elite group who often served the Marcher lords (and writing for an audience of this group), unequivocally used the *topos* of war for the sake of peace in poems addressed to Edward III and to Roger Mortimer, earl of March (d. 1398): the Crown and its warriors guarded the established order and defended it from attack through the legitimised violence of suppressing rebellion.¹⁶³ Goch urged his lord, the earl of March, to learn skills in arms ('beautiful strength of a lord') in order to suppress the rebellion in the earl's Irish lordships.¹⁶⁴ The Gaelic bard

Mitteilungen, 74 (1973), 481 and n. 2; P. Coss, 'Aspects of Cultural Diffusion in Medieval England: The Early Romances, Local Society and Robin Hood', *P&P*, 108 (1985), 57-8.

¹⁵⁹ *Romance of William of Palerne*, lines 488-537. A common literary trope: M. Keen, *Origins of the English Gentleman: Heraldry, Chivalry and Gentility in Medieval England, c.1300-c.1500* (Stroud, 2002), 108.

¹⁶⁰ *Romance of William of Palerne*, lines 1,179-253, 3,275-301, 3,315-465, 3,555-646, 3,787-961.

¹⁶¹ Quote at line 3,325.

¹⁶² *Political Poems*, I, 12-17. As is also noted in Ormrod, *Edward III*, 135-6. For comment and literary context, M. Keen, *Chivalry* (New Haven, 1984), 213-15; Taylor, *English Historical Literature*, 239; M. Prestwich, *Armies and Warfare in the Middle Ages: The English Experience* (London, 1996), 234; M. Vale, *The Princely Court: Medieval Courts and Culture in North-West Europe 1270-1380* (Oxford, 2001), 210-20.

¹⁶³ 'To King Edward III' and 'Praise of Sir Roger Mortimer', in *Iolo Goch: Poems*, ed. and trans. D. Johnston (Dyfed, 1993), 2-5, 82-8.

¹⁶⁴ See *ibid*, 'Praise of Roger Mortimer', esp. lines 19-40, 107-34 (quotation at line 24).

Gofraidh Fionn Ó Dálaigh displayed similar pride in the military service Maurice fitz Maurice, future second earl of Desmond, gave to Edward III.¹⁶⁵ William Langland, the author of *Piers Plowman*, who was critical of many aspects of governance and lordship including the influence of some of the aristocracy, did not question the ultimate responsibilities of the king. In Conscience's discussion of supply, the fundamental concept is that the monarch may supply himself from extraordinary taxation as long as this money is used to defend the realm, and his rule was undertaken in accordance with reason and truth.¹⁶⁶ Langland's quarrel was that the nobility of his era seemingly had no intention of fulfilling their own role.

Likewise, the suppositions of war in defence of the realm underlay the judgements of many of the period's chroniclers. The popular prose *Brut* chronicle records the onset of the Poitiers campaign as a classic just war. With royal rights in Guyenne threatened, the king authorised the Black Prince to 'defend and avenge him upon his enemies, and save and maintain his right'.¹⁶⁷ Geoffrey Baker and Froissart both portrayed battle as the means by which peace was to be secured.¹⁶⁸ Eulogies of king and noble alike 'harp' along the same lines. After the death of the duke of Lancaster in 1361, the soldier Thomas Gray remembered him as 'wise, glorious and worthy; and intent on honour and arms in his youth, and very much the good Christian before his death'.¹⁶⁹ The duke had thought as much. His devotional treatise describes the life of luxury he led as a young man and his love of arms and feats of prowess.¹⁷⁰ His king was showered with praise upon his death: Geoffrey Baker

¹⁶⁵ 'Mo' r ar bfearg riot a rí' Saxon', in *Irish Bardic Poetry: Texts and Translations*, ed. and trans. O. Bergin, D. Greene and F. Kelly (Dublin, 1970), no. 17, trans. 244-5; P. Crooks, 'State of the Union: Perspectives on English Imperialism in the Late Middle Ages', *P&P*, 212 (2011), 22-3.

¹⁶⁶ A.P. Baldwin, *The Theme of Government in Piers Plowman* (Woodbridge, 1981), 9 (quoting passage). Cf. M.C. Schroeder, 'The Character of Conscience in "Piers Plowman"', *Studies in Philology*, 67 (1970), 13-30; S. Wood, *Conscience and the Composition of Piers Plowman* (Oxford, 2012).

¹⁶⁷ *The Brut*, II, 305.

¹⁶⁸ Baker, 121 (Latin given in *Chronicon Galfridi le Baker de Swynebroke*, ed. E.M. Thompson (Oxford, 1889), 141); Froissart, II, 124, IV, 19, V, 1, VI, 159, 168.

¹⁶⁹ *Scalacronica*, 149. See A. King, 'War and Peace: A Knight's Tale. The Ethics of War in Sir Thomas Gray's *Scalacronica*', in C. Given-Wilson (ed.), *War, Government and the Aristocracy in the British Isles, c. 1150-1500: Essays in Honour of Michael Prestwich* (Woodbridge, 2008), 152-5 on Gray and Just War theories.

¹⁷⁰ *Le Livre de Seyntz Medicines*, 85-6. Cf. R.W. Kaeuper, *Holy Warriors: The Religious Ideology of Chivalry* (Philadelphia, 2009), 39-41.

retrospectively described his birth as heralding the arrival of ‘the great conqueror of the French and the terror of the Scots’; Knighton wrote ‘He was the flower of this world’s knighthood, for whom to do battle was to reign, to contend was to triumph, and to him by right of the female line of the kingdom of France ought to have descended’; Jean le Bel remembered that Edward ‘defended his land well against his enemies (and won a great deal from them), and bravely put his life at stake alongside his men both at home and abroad’.¹⁷¹ Clearly, the expectations fostered by chivalric literature, by chroniclers, and by jurists were all related. The expectation was that violence and the use of force would be used to secure virtuous and just rule through the successful defence of the rights and interests of king and kingdom. Through the focus on the king as the centrepiece of aristocratic military service for this common good the great nobles subsumed themselves in to the role of the chief lieutenants of a king striving to fulfil the obligations taught by chivalric and didactic literature.¹⁷²

The tag ‘for the defence of the realm’ runs through a wide range of documents produced by the practice of war, with enough frequency to suggest that a just war in defence of the realm provided a common language through which the wars of Edward III were viewed and discussed. From the outbreak of war in Scotland in 1333 to the Treaty of Brétigny, summonses to Parliaments or Great Councils frequently contained the defence of the realm as a justification for the assembly. The magnates were summoned to Parliament in 1339, for instance, ‘to treat of the war and the rights of the Crown and the defence of the realm...’ and to council in 1346 for negotiations on the ‘salvation and defence of our kingdom of England’.¹⁷³ Parliament authorised taxation in response to the king’s plea of necessity. Invariably, this plea was bound up with the defence of the realm.¹⁷⁴ The attempted scutage of 1327 to fund the expedition to Scotland in 1328 was justified as ‘upholding the state and

¹⁷¹ Baker, 6; Knighton, 197; Bel, 168.

¹⁷² Aurell, *The Lettered Knight*, 275-9 comes to similar conclusions.

¹⁷³ *CCR 1339-1341*, 237; C 76/23, m. 19d ‘...salvacione et defensione regni nostril Anglie’.

¹⁷⁴ Harriss, *King, Parliament, and Public Finance*. See also G.L. Harriss, ‘Thomas Cromwell’s “New Principle” of Taxation’, *EHR*, 93 (1978), 721-38.

the defence of the realm', while the crushing public taxation of 1338-40 was called 'the aids and grants in aid of the maintenance of our wars' by the king's government.¹⁷⁵ The letters of the king suspending judicial proceedings concerning men fighting in his wars – heavily abbreviated in the published calendars – are replete with the language of service in war for the defence of the realm and of all the king's lands and rights.¹⁷⁶ The rhetoric of just warfare runs through the records because the prosecution of warfare, which depended on the support of the aristocracy, required such principles to be met.

As the arena of war grew, members of the nobility began to serve away from the king and lead expeditions as the king's lieutenants. The language of their commissions is illustrative: Henry of Lancaster (later earl of Derby) was appointed Lieutenant of the March of Scotland in 1336 'for the defence of the realm, land and people'; the following year the earl of Warwick received the same role 'for the secure keeping of the March of Scotland...against the aggressive assaults of the Scots'.¹⁷⁷ In 1344, the earls of Derby and Arundel were appointed as lieutenants of the king for the reform of the state and governance of the duchy of Aquitaine, and the king's other neighbouring lands and places, and the recovery of the king's lands and rights which are occupied by rebels, to defend and govern the duchy and those lands and places, and see full justice done.¹⁷⁸ These patents and the wording they contained were important practical instruments whose authority was needed for the preparations and processes of array and campaigning. Summonses to join the king for campaigns usually stipulated that the earls (and everyone else) were being called upon to defend the realm from the Scots or the French.¹⁷⁹ Commissions of array and recruitment were made 'for our expedition of war in parts beyond the sea for the defence and salvation of our realm and the rights

¹⁷⁵ E 159/115, rot. 83d; Cambridge University Library, MS Dd.9.38, fols. 107-8.

¹⁷⁶ E.g. JUST 1/1423, rot. 66d.

¹⁷⁷ *Foedera*, II, Part II, 936: 'pro defensione regni, terrarum et populi'; E 159/114, rot. 278d: 'pro securae custodia marchie Scocie...contra hostiles aggressus Scotorum'.

¹⁷⁸ C 61/56, m. 9.

¹⁷⁹ E.g. *CCR 1327-1330*, 118; *Foedera*, II, Part II, 855.

of our Crown'.¹⁸⁰ As the largest landholders and the greatest recruitment figures beside the king himself, the earls received such writs at regular intervals.

Nor was the distillation of just war principles into the working documents of war limited to England. The defence of Aquitaine was an integral cause of the Hundred Years' War. Military activities undertaken by the Gascon administration thus naturally fell under the same political language. Gascon lords were ordered to array in 1340 to preserve his honour and rights with their usual courage.¹⁸¹ Wages incurred for service there by earls and Gascon captains were due 'for the salvation and restoration of the...Duchy'.¹⁸² Payments of advance sums and wages were paid to earls, sheriffs and officers of the Crown of all types 'for the defence of the realm', as appears in their accounts.¹⁸³ Even very informal documents, such as exonerations from the military assessments of the mid-1340s and the scraps of parchment scrawled upon by captains' clerks to warrant letters of protection, included the justification that the service in question was undertaken 'for the defence of the realm'.¹⁸⁴ Very importantly, the earls used the same justifications themselves: an aid forced from the Marcher tenants of the earl of Surrey was made 'in defence of the estate and realm of England'.¹⁸⁵ By such means the rhetoric of just warfare in the defence of the wider realm surrounded political society, especially those members of the higher nobility who played such a conspicuous part in the planning and execution of war. The theoretical presuppositions of just warfare as conveyed through several levels of abstraction and embodied in several different sets of sources with different audiences and purposes show that the principles embodied by those words provided a backdrop for the involvement of the higher aristocracy in warfare through the mid-fourteenth century.

Reward and Patronage

¹⁸⁰ E.g. *Treaty Rolls, 1337-1339*, no. 904; *Foedera*, II, Part II, 1,070-72; C 76/24, m. 10; E 404/504/42, 45, 47, 67, 69, 73.

¹⁸¹ 61/52, m. 20.

¹⁸² E 101/169/1, no. 11. Boxes E 101/169/1-2 contain a number of similar warrants.

¹⁸³ E.g. E 101/20/25, m. 3; E 372/191, rot. 54d; E 159/114, rot. 10d; E 404/5/31 26 October 18 Edward III.

¹⁸⁴ E.g. E 159/128, *Brevia Directa Baronibus*, Hilary term, rot. 4; C 81/1747, no. 66; C 81/1748, no. 6.

¹⁸⁵ SC 2/226/17, m. 1; Davies, *Lordship and Society*, 83.

The issue of royal patronage seems to have loomed even larger in historiography than it did in the minds of fourteenth-century men and women.¹⁸⁶ Given the historiographical emphasis on the material and tangible rewards bestowed by the king on his nobles, it is important to place such considerations within common assumptions on the nature, use and limitations of patronage. Generally, rewards of land, office or money were justified by two rhetorical devices (which could overlap): that of reward for good service and that of enabling the recipient to uphold his or her estate.

Service was one dominant ethic of the period.¹⁸⁷ Retinue members of an earl or other magnate expected to be rewarded for their loyalty and continued service. As such, a fundamental fault line divided the king and all others. Loyalty and service should be given by magnates (and others) to their king without need of reward or inducement. There was no other focus for their loyalty and service to him transcended that of the service of a retainer to a magnate in that service to the king was public service in its most direct manifestation. If the gentry had 'other resources, other patrons, other refuge', the higher nobility had no such luxury.¹⁸⁸ Furthermore, as we have seen, the patronage of the king was theoretically shaped by the limitations held on the inalienability of the fisc, which severely restricted the resources available for the king to grant away. The result of such considerations was that patronage did not come as a matter of course for those serving the king. When lands or grants were conceded, it was often with the provision that it was 'good service' which was being rewarded, which was a convenient tag with which to justify the alienation of the king's resources by virtue of the recipient's outstanding qualities and actions. The creation patents of earldoms are a case in point. Through the fourteenth century, they frequently contained preambles which justified elevation by referring to the concept of outstanding service earning reward. Andrew

¹⁸⁶ Above, 6-12. See also C. Given-Wilson, *The Royal Household and the King's Affinity: Service, Politics, and Finance in England, 1360-1413* (London, 1986), 200-1.

¹⁸⁷ R. Horrox, 'Service', in R. Horrox (ed.), *Fifteenth-Century Attitudes: Perceptions of Society in Late-Medieval England* (Cambridge, 1994), 61.

¹⁸⁸ S. Walker, *The Lancastrian Affinity, 1361-1399* (Oxford, 1990), 261.

Harcla was created earl of Carlisle in 1322 for 'good and honourable service'; the new earls of 1337 received their illustrious new dignities because of their great efforts and strenuous labours on behalf of the king; Henry, earl of Lancaster, received the ancestral earldom of Lincoln in 1349 for 'his strenuous and laudable efforts' in danger and necessity; Ralph Stafford was made earl on similar terms in 1351.¹⁸⁹ Nor was the rhetoric permeating the patents of creation confined to the parliamentary stage. They were, above all, deeds of title that needed to be kept and used and as such the rhetoric of reward for service in support of the state of the realm was subsumed into administrative procedure in the localities. The institutionalised speech acts conveying the idea that the patronage of the king was given as reward for truly notable service are prevalent, and increasingly so in the more important grants and concessions. What these rhetorical tags were doing was referring to existing notions commonly held about why the rewards distributed by the king should be given.

The use of these phrases in the working documents of government and society paralleled the expectations of 'higher' sources. Milemete devoted a copious amount of space to the issue of rewarding servants as an attempted antidote against the inability of Edward II to abide by the limitations assumed by the political community on rewards, their extent, their source, and their recipients. Men should be rewarded according to their merits, in accordance with the virtues of gratitude and generosity.¹⁹⁰ After the king's subjects have served, the king should, if he is wise, 'hand over to each, according with his merits and status, a substantial and appropriate reward' since the virtuous lord 'knows how to distribute his riches and acquired possessions wisely among meritorious subjects, saving for himself only that which is fitting to retain under his lordship'.¹⁹¹ As was common in the tradition of the *Mirrors*, the Prince was taught that liberality was a virtue. This in no way justified a patronage free-for-all, however: the virtue of liberality was to be tempered by what

¹⁸⁹ *RDP*, V, 18, 27-34, 45-6.

¹⁹⁰ *PTEFCE*, 33, 37, 53-4.

¹⁹¹ *Ibid*, 38.

resources were available and by the merit of the subject. The king was to be neither prodigal nor covetous but a balanced medium between the two.¹⁹² It was the experience of Edward II's reign that provided the context for Milemete's adaption of a conventional Mirror and, when the last years of Edward III and the reign of Richard II saw the issue of patronage gain a degree of political prominence once again, the same principles are stated in *Piers Plowman*. Conscience had to explain to the king that rewards should not be used to buy loyalty, as is the practice of Meed towards her destructive retinue, but as a reward for proven loyalty.¹⁹³

The other justification commonly given for reward was that the lands or money issued enabled the recipient to maintain their estate and live and – most importantly – serve in the manner required of them. Different gradations of society were expected to possess the requisite power in lordship over land and men that allowed them to function as society expected. Land and wealth enabled expectations – of service, of authority, of display and looking the part – to be met and it was on these expectations that the basic structure of noble society rested. David Crouch has cheerfully commented that '...the most sustainable definition of a medieval nobleman is of a man who acted in a noble manner and was not laughed at by his neighbours'.¹⁹⁴ Accordingly, the requisite amount of landed power needed to be possessed for status to be assumed and to ignore such considerations was to risk allegations of men 'raised from the dust', as under Henry I, or the scorn later piled on the 'duketti' of Richard II.¹⁹⁵ Henry of Grosmont firmly subscribed to this view: in addition to noble parents, his remaining criteria for noble status was 'to ascertain whether he behaves in word and in deed like a gentleman and loves the company of other nobles'.¹⁹⁶ From the perspective of king and political society, gifts given in order to help a man or a woman bear the burden of their social gradation entailed a measure of obligation; the local landed and jurisdictional power inherent in the

¹⁹² Ibid, 53-4.

¹⁹³ Baldwin, *The Theme of Government in Piers Plowman*, 37 (quoting passage).

¹⁹⁴ Crouch, *The English Aristocracy*, 193.

¹⁹⁵ J. Green, *The Government of England under Henry I* (Cambridge, 1986), 139-41; N. Saul, *Richard II* (London, 1997), 381-2.

¹⁹⁶ *Le Livre de Seyntz Medicines*, 96-7.

granting of patronage built up the estate of those then expected to mobilise this power in the service of king and realm. By granting lands in such a manner the king was enabling the aristocracy to fulfil the duties required of men of great local standing in the overlapping spheres of local governance and peacekeeping, in counsel, and in warfare for the defence of the realm.

Both of these strains of thought on the place of patronage – that rewards should be given to the deserving and that grants could be given to enable the proper execution of social duties and expectations – were prevalent enough to provide a structure to which the king and his government could make reference in the documents integral to the practical realisation of such gifts. It is important to recognise that there were at least some reasons for the distribution of patronage thought worthy of articulation that went beyond a simple nexus of service-reward, let alone the idea of buying support and appeasing the nobility prevalent in some of the modern historiography. These ideas were incorporated into the fundamental set of responsibilities of service in the interest of the common good that lay on those with landed power, with the king and his earls.

The Earl in the Body Politic

A synthesis of these ideas can set out a framework of contemporary ideas encompassing the interplay of king, earls and lesser aristocracy. But some points of caution should be reiterated. These concepts are not monolithic: they represent some of many contemporary ideas, a number of which existed in tension. The ideas expounded upon above are simply some of those most applicable, dominant and relevant to the study of the public lives of the earls. Secondly, pointing towards the existence and vibrancy of such principles need not relegate the place of faction and politics. Ideas are not necessarily predeterminants of action and a harmonious ideal in the service of the common good at war, in counsel, and in taking justice into the localities could remain only an ideal, which may not have been followed.¹⁹⁷

¹⁹⁷ See Ambler, *Bishops*, 29-31.

It has, however, been the purpose of this chapter to illustrate the existence of such ideals concerning the uses of power by the king and the place of the earls within those expectations. This supplements the practical detail now available in some areas of fourteenth-century studies. The study of language in a variety of contexts has shown that reference was made to a set of underlying assumptions and principles by documents of widely variant purpose and audience. That the governance of the king was to be conducted in the interests of the common good had long been accepted and had, since Aquinas synthesised Aristotle's *Politics*, gained a common political language. Rule for the common good may be contested in terms of who really had the interests of the community at heart but it could not be disavowed.¹⁹⁸ Within this very broad outline a number of sharper concepts allowed the avenues leading to the achievement of virtuous rule to be demarcated. The patrimony pertaining to the continuity of the realm should not be wasted or granted away. Just rule was to be guarded against the tyranny of the king's will gone wrong by the constant provision of wise counsel from those great men representing the wider community, who desired the advancement of the prosperous regime. Inextricably intertwined with just internal rule was the idea that the king was obliged to defend his realm and people and his nobility were expected to use the power inherent in their position along with their military expertise as his foremost military companions. To enable this service, the deserving might be endowed with the landed power needed to provide the appropriate level of service, while those who had distinguished themselves might receive rewards as bestowed by a king liberal within limitations on alienability of land. The existence of these ideas is important to show since it allows the actions of the earls to be measured against thought and for the relationship between ideas and practice to be noted and incorporated into the history of the Edwardian nobility. Crucial to the viability of such a paradigm of ideas regarding the place of the nobility is the contention that the records of pragmatic literacy, used every day by a wide and widening political society, contained distillations of thought on themes found in 'higher' works of education, entertainment and philosophy and that, as such, these ideas

¹⁹⁸ See, for example, Brand, *Kings, Barons and Justices*, 390-92.

can be extrapolated into the fabric of everyday life. Examination of the rhetoric of the sources of pragmatic literacy and of their social and literary environment allows the themes of inalienability, justice through counsel, defence, and service to be traced through several levels of abstraction and placed firmly in and around the lives of the earls and, indeed, the many others who used, expected and negotiated with the language of government.¹⁹⁹ It is in such an atmosphere that the Gascon Calendar of 1322 – a large collection of practical diplomatic materials to be used in subsequent negotiations – opened with a discourse on the nature of royal authority which stated the duty of a prince was to work for the well-being of his subjects and to guard them from harm.²⁰⁰

What does all this mean for the relationship between king, earls and wider society? It seems clear that the fundamental dividing line between the king and his nobility found to a greater or lesser extent in much of the historiography was much rarer in the assumptions of the period. They were all expected to act for the same ends because they possessed the landed power and social authority required for the effective pursuit of the obligations lying ultimately on the king, which needed to be exhausted for virtuous rule to be exercised and the common good to be achieved. The idea of inherent tension between a royal 'centre' and an aristocratic 'locality' – between 'state' and 'society' – does not fit at all easily into these obligations. Indeed, the study of the state and its nature, in the medieval period as in others, has been haunted by the spectre of Max Weber and subsequent preoccupation with bureaucratic machinery and a monopoly of violence extending over a defined area.²⁰¹ The medieval polity was structured differently. At a secular level, the greatest powers in the realm were the king and his nobility and they were assumed to be using the same type of power for the same ends, for the benefit not only of themselves but of all those with a stake in the continuity of the regnal polity. It was in such a polity that the following justification for several of the earldom

¹⁹⁹ Cf. D. Rollison, *A Commonwealth of People: Popular Politics and England's Long Social Revolution, 1066-1649* (Cambridge, 2010), 137-43.

²⁰⁰ *The Gascon Calendar of 1322*, 1.

²⁰¹ E.g. in Susan Reynolds's influential modification of Weber's famous definition, first presented in *Fiefs and Vassals*, 26-7 and developed in S. Reynolds, 'The Historiography of the Medieval State', in M. Bentley (ed.), *Companion to Historiography* (London, 1997), 117-38. Innes, *State and Society* is instructive on this subject, as is Harriss, 'Political Society and the Growth of Government'.

creations in the Parliament of March 1337 was thought appropriate: 'Among the signs of royalty we considered it to be the most important that, through a suitable distribution of ranks, dignities and offices, its position is sustained by the wise counsels and protected by the many powers of formidable men'.²⁰²

The king's authority and the vast landholdings of the earls were justified by the expectation that they would use this power for the provision of internal peace and justice and for the defence of the realm. These expectations came not just from above – that is, not just from the king and members of the higher nobility themselves – but from the wider political society which interacted with the language of government, expected the justifications of inalienability, counsel, defence and service and, in times of political breakdown, used that same political language to contest and negotiate the limits of power. The duality between the ascending basis of power inherent in the structures of the polity and the sacral authority of the anointed sovereign were made explicit in a medal struck at the coronation of Edward III, bearing the motto 'he gives their rights to his willing subjects' on the obverse and carrying the words 'he does not seize but inherit' on the reverse.²⁰³ In addition to the personal bonds of friendship, ritual, ceremony and patronage between king and earls which helped to foster service were the assumptions welling up from wider society, which obliged comital participation in a number of public roles. King and earls acting for the good of the wider community by virtue of the sacral power entrusted to the king and the resources and status possessed by his earls: this was the ideal. This disembodied, abstract group of magnates were envisioned by the soldier-chronicler Thomas Gray, writing in the 1360s: lords 'who do not desire anything save the good of the community, nor individually strife for any other aim'.²⁰⁴ Now it is possible to view the

²⁰² *RDP*, V, 29, 30, 31.

²⁰³ J. Barnes, *The History of That Most Victorious Monarch Edward III* (Cambridge, 1688), 4. The obverse bore 'POPULO DAT IURA VOLENTI', while the reverse bore 'NON RAPIT SED RECIPIT'. Barnes records that these medals were 'flung amongst the people'. There may be echoes of the Roman Law tradition of the source of the Emperor's authority in this episode: see M. Ryan, 'Political Thought', in D. Johnston (ed.), *The Cambridge Companion to Roman Law* (Cambridge, 2015), 423-4. On the role of medals in representing authority, see K. Sharpe, *Image Wars: Promoting Kings and Commonwealths in England, 1603-1660* (London, 2010), 215.

²⁰⁴ *Scalacronica*, 97.

careers of Edward III's earls within this context, the reality of a changing historical landscape of king, nobility and gentry can be explored and the actions of the earls can be analysed to ascertain whether or not the earls of Edward III matched up to the expectations laid on them in political thinking.

The Earls of Edward III in Counsel and Representation

One of the most important functions resting on the earls was that of counselling the king.¹ The aristocracy espoused the ideology of virtue inherent through nobility of deed, which confirmed their nobility of blood and which made them the king's counsellors in their own minds and in the mind of their contemporaries.² This role entailed substantial responsibility, for a constant stream of counsel to the king was a cornerstone of a polity structured towards the common good of political society, in which great influence rested ultimately and unavoidably on the will of the king alone. The magnates had long assumed this responsibility and accordingly their representation of the community of the realm forms a dominant theme in the historiography of the thirteenth-century nobility.³

The fourteenth century marked an outwardly momentous change concerning this monopoly on representation, for the magnates lost their sole right to represent the wider community to the Commons in Parliament. This formed an integral part of an increasingly institutionalised political landscape, which developed under the pressures placed upon the royal judicial and administrative system by the society it served. By 1330, Parliament had a recognised place in the realm and over the course of Edward's reign it was frequently held as an integral part of the developing Plantagenet state. These developments have shifted historiographical attention firmly towards the part played by Parliament as it subsumed the role and language of a representative body, with studies analysing the emergence of a functional and independent parliamentary Commons.⁴ This historical shift was

¹ See above, 58-66.

² Cf. S. Rigby, *English Society in the Later Middle Ages: Class, Gender and Status* (London, 1995), 182-205.

³ F.M. Powicke, *King Henry and the Lord Edward: The Community of the Realm in the Thirteenth Century*, 2 vols., (Oxford, 1947); F.M. Powicke, *The Thirteenth Century*, Second Edition (Oxford, 1962), 129-69; Valente, *The Theory and Practice of Revolt*, 49-107; Maddicott, *Origins of the English Parliament*, 139-147, 194-8, 200-2, 206-17.

⁴ Notably, M.V. Clarke, *Medieval Representation and Consent* (London, 1936), 154-72; W.A. Morris, 'Magnates and the Community of the Realm in Parliament, 1264-1327', *Medievalia et Humanistica*, 1 (1943), 58-94; Powicke, *The Thirteenth Century*, 511-59; G. Post, 'Plena Potestas and Consent in Medieval Assemblies', in G. Post, *Studies in Medieval Legal Thought: Public Law and the State, 1100-1322* (Princeton, 1964), 91-162; E.B. Fryde, 'Parliament and the French War, 1336-40', *HSEP*, I, 242-61; Harriss, *King, Parliament, and Public Finance*; J.G. Edwards, *The Second Century of the English Parliament* (Oxford, 1979), esp. 16; H.G. Richardson and G.O. Sayles, 'The Parliaments of Edward III', reprinted in *The English Parliament*, chapter XXI; J.C. Holt, 'The Prehistory of Parliament', in R.G. Davies and J.H. Denton (eds), *The English Parliament in the Middle Ages* (Manchester, 1981), 1-28; J.R. Maddicott, 'Parliament and the Constituencies, 1272-1377', in *ibid*, 61-87; M.

paralleled by the changing focus of medieval literature in the later-fourteenth and fifteenth centuries, which began to reflect the increased importance of Parliament in the polity.⁵ This chapter attempts to ascertain the role of the earls in the giving of counsel and in *königsnähe* ('closeness to the king') in this shifting world of representative Parliaments and increasingly bureaucratic government. By doing so, it provides a supplement to, and a balance against, the predominant themes of most modern writers.⁶ To borrow a phrase, we are looking for a series of 'points of contact' between king and earls in a changing political environment.⁷ The following section attempts to pinpoint the presence and role of the earls in the spaces surrounding the king's person and thus the chance to offer informal advice. Successive sections examine the role of the earls in the advice-giving and governmental bodies of the council and Parliament, before we turn to what comital participation in these areas may mean in the context of the developing medieval polity.

Informal counsel

The sources for informal counsel are scarce: records of who was around the king day-to-day and who discussed what with him are desirable but almost completely lacking.⁸ Instead, much of what

Prestwich, 'Parliament and the Community of the Realm in Fourteenth Century England', in A. Cosgrove (ed.), *Historical Studies XIV: Papers Read before the Irish Conference of Historians* (Belfast, 1983), 5-24; W.M. Ormrod, 'Agenda for Legislation, 1322-c. 1340', *EHR*, 105 (1990), 1-33; Reynolds, *Kingdoms and Communities*, 262-76, 305-12; Valente, 'The Deposition and Abdication of Edward II', 852-81; S.L. Waugh, 'England: Kingship and the Political Community, 1272-1377', in S. Rigby (ed.), *A Companion to Britain in the Later Middle Ages* (Oxford, 2003), 219; Prestwich, *Plantagenet England*, 278-84; C. Fletcher, 'De la communauté du royaume au "common weal": les requêtes anglaises et leurs stratégies au XIVe siècle', *Revue française d'histoire des idées politiques*, 32 (2010), 359-72; Maddicott, *Origins of the English Parliament*, 331-75; Ormrod, "'Common Profit'"; P. Bradford, "'The Obscure Lives of Obscure Men": The Parliamentary Knights of the Shires in the Early Fourteenth Century', in W.M. Ormrod (ed.), *FCE VII* (Woodbridge, 2012), 107-30; J.R. Maddicott, 'Parliament and the People in Medieval England', *PH*, 35 (2016), 336-51; *Early Common Petitions in the English Parliament, c. 1290-c. 1420*, ed. W.M. Ormrod, H. Killick and P. Bradford (Cambridge, Camden Society, 2017), 7-9; J.R.S. Phillips, 'Parliament in the Reign of Edward II', in G. Dodd (ed.), *FCE X* (Woodbridge, 2018), 25-46.

⁵ M. Giancarlo, *Parliament and Literature in Late Medieval England* (Cambridge, 2007), 34-67.

⁶ I am grateful to Professor David Crouch for advice on the term *königsnähe*. Ormrod, "'Common Profit'", 232 notes that the process of the Commons beginning to speak for the community of the realm need not diminish the magnate voice.

⁷ G.R. Elton's presidential addresses to the Royal Historical Society, reprinted in his *Studies in Tudor and Stuart Politics and Government*, 4 vols., (Cambridge, 1974-92), III, 3-57.

⁸ The comment of Baldwin, *King's Council*, 10-11 discussing the counsellors of John holds true for the later middle ages.

follows is based on the elliptical and conjectural evidence of presence around the king, supplemented by rare tangential evidence of discussions and influence proper. It is based on the premise that it is reasonable to equate presence and intimacy with potential influence, in the eyes of contemporaries as well as historians.

The royal household provided a flexible institution around the king's person through which the government of the realm could be conducted. Under Edward II, the Chamber developed as the 'upper' section of the household, a sub-division with more privacy than the 'lower' Hall.⁹ Access to the 'upper' household was broadly commensurate with status and influence.¹⁰ The *königsnähe* inherent in these spaces made them areas in which gain and politics were pursued: the position of chamberlain, for example, brought control over access to the most private and immediate of the king's quarters and had been heavily politicised under Edward II, when it was occupied first by Piers Gaveston and then by the Younger Despenser.¹¹ Those men whose duties revolved around the household were 'curial' in the sense that they had a measure of consistent and immediate access to the monarch, through which they could advance their careers and the prospects of their dependants.¹² This is not a study of the royal household and, in any case, the higher nobility of the mid-fourteenth century were not a 'courtly' aristocracy.¹³ They had their own concerns away from the nerve-centre of royal government which were often their priority, and their status, roles, social obligations and actions arose from wider pressures than that of 'the court'. Nevertheless, the worlds of the established earls and that of the itinerating royal household often collapsed into each other.

Presence in, and interaction with, the royal household and the inner sanctum of the Chamber

⁹ T.F. Tout, *The Place of the Reign of Edward II in English History* (Manchester, 1914), 168-75; Tout, *Chapters*, II, 245-69, 314-60; Tout, *Chapters*, IV, 227-311; Given-Wilson, *The Royal Household and the King's Affinity*, 9-22, 29-31; Vale, *The Princely Court*, 56-68.

¹⁰ Vale, *The Princely Court*, 56-68, 94.

¹¹ Phillips, *Edward II*, 136-7, 331, 391-2, 442.

¹² For examples, see Parker, 'Patronage and Service'; Warner, 'The Montagu Earls', 32-71; J. Bothwell, 'Edward III, the English Peerage and the 1337 Earls: Estate Redistribution in Fourteenth-Century England', in *The Age of Edward III*, 35-52.

¹³ Matt Heffernan, of the University of Nottingham, has recently completed doctoral research into the household knights of Edward III, 1330-1369.

provided the most pertinent space in which the king could receive the informal counsel supposedly imposed upon him by the requirement to rule for the common good in accordance with the counsel of his great men.

Most obviously, men were retained as part of the king's household. During the Minority, the earl of Surrey received two Wardrobe debentures for his stay with the king 'in time of war' and then 'in time of peace' through much of 1329 and later, in consideration of these debts, he was compensated for 'his agreement to always stay with the king'.¹⁴ After the coup, Surrey did not retain his place at the king's side. As has often been remarked, the young king restocked the personnel of his household with younger supporters, including men instrumental in the coup of 1330.¹⁵ Their consistent presence around the king's household in the early years of the reign almost certainly gave them a substantial measure of influence. Robert Ufford and William Montagu were retained by the king in war and peace in the early years of the reign.¹⁶ But they did not monopolise the king's counsels. The household accounts of 1330-31 make interesting reading: amongst the squires and bannerets receiving robes, we find Henry of Grosmont, Richard FitzAlan and John de Vere, heirs to the established comital lineages of Lancaster, Arundel and Oxford.¹⁷ Their presence suggests familiarity with and access to their king, which doubtless contributed to their conspicuously impressive careers in royal service, and indicates that the counsellors of Edward III contained an appropriate element of blue blood. Arundel and Oxford subsequently gained their earldoms in late 1330 and early 1331 respectively and so left the household to assume their comital responsibilities, while Grosmont acted in many respects in place of his increasingly blind father, the earl of Lancaster,

¹⁴ E 404/489/577, 581; CPR 1327-1330, 517; E 159/110, rot. 93.

¹⁵ E.g. Tout, *Chapters*, 36-9; Bothwell, *Edward III and the English Peerage*, 15-27; Ormrod, *Edward III*, 133-8, 363.

¹⁶ Ufford: E 404/490/409; E 403/246, m. 1; E 159/106, rots. 68, 291; E 404/2/9 12 April 4 Edward III; E 404/2/9 9 May 4 Edward III. Montagu: E 404/490/423, 626.

¹⁷ E 361/3, mm. 17, 17d. On young members of the higher nobility being educated in the royal household, see Orme, *From Childhood to Chivalry*, 48-55.

in the years after 1330.¹⁸ The same process applied to Laurence Hastings, attached to the royal household in the mid-1330s and restored to his familial earldom of Pembroke in 1339.¹⁹

Most of the household bannerets elevated to earldoms in 1337 remained close to the king after this date.²⁰ William Montagu had probably served as chamberlain between 1334 and 1337.²¹ Another of the great household positions – that of steward – which entailed a significant investment of time and significant rewards of influence, was occupied by Robert Ufford from March 1336 until his elevation a year later and by Ralph, later earl of Stafford, from January 1341-March 1344.²² The *ex officio* household officers with immediate and enviable access to the king attracted no small measure of criticism across the fourteenth century on the grounds that they dispensed advice for their own profit, not for the profit of the realm.²³ Montagu, Clinton, Bohun and Ufford excited no such reaction and, to judge from this lack of negative comment, were assumed to be dispensing advice in the interests of the common good.²⁴ The foundations of access and influence these *consiliiari* of the royal household laid during their time in that most intimate space remained after their elevations in 1337 and 1351; indeed, the promotion of these new earls from the household in times of falling comital numbers ensured that the ranks of the great continued to hold no shortage of valued counsellors. As arenas for counsel and representation, the Chamber and Household were also the locations for gift-giving, with the traditional New Year's Day celebrations especially important in this regard.²⁵ Gift-giving and the rituals of kingship and service it embodied, displayed and maintained has a large

¹⁸ See above, 17, 21-2, 23-4.

¹⁹ E.g. BL Cotton MS Nero C VIII, fols. 193r, 231r; E 404/492/438.

²⁰ E 361/3; E 361/9.

²¹ Parker, 'Patronage and Service', 79-82. See also the royal letters under Montagu's seal: C 81/1538/22, C 81/1330/11 and C 81/1330/24 (printed in B. Wilkinson, *The Chancery under Edward III* (Manchester, 1929), appendix VII, document 1 and H.C. Maxwell-Lyte, *Historical Notes on the Use of the Great Seal of England* (London, 1926), 63, 114).

²² Tout, *Chapters*, VI, 43.

²³ See e.g. Given-Wilson, *The Royal Household and the King's Affinity*, 142-88.

²⁴ But compare the role of Ralph Stafford in 1340-41: below, 127.

²⁵ F. Heal, *The Power of Gifts: Gift Exchange in Early Modern England* (Oxford, 2014), 54, 69, 92-3.

historiography, although one heavily weighted towards the early middle ages.²⁶ In Anglo-centric later-medieval historiography, the subject is hampered both by documentation and conceptions of what such gifts were doing. The household accounts, while recording royal gifts given, do not record counter-gifts received (although there is a rare reference to Robert, earl of Oxford (d. 1330) as hereditary chamberlain presenting Queen Philippa with a pair of shoes and three silver basins at her coronation).²⁷ Juxtaposed to this, the great increase in records compared to earlier periods means historians of the *Spielregeln* ('rules of the game') and politics of later medieval England have focused less directly on demonstrative gift-giving than their early medieval counterparts.²⁸ More importantly, and perhaps related to this evidential base, is the historiographical assumption that such gifts were 'routine patronage' to reward and stimulate service, or that they represent the lavish display related to the growth of a courtly society.²⁹ Royal gift-giving may have been both these things but it was surely also a display of intimacy, of vaguely defined *königsnähe* in a courtly space. Royal gifts were given as part of a ritual process upholding a set of wider assumptions on the close personal relationships between the king and his earls, using the symbiosis of familiarity and position to offer the king advice.

Gifts were regularly given to those held in particular esteem by the king: special aketons of green and purple velvet and silk, embroidered with gold and silver thread, were made for the king and six

²⁶ J.T. Rosenthal, *The Purchase of Paradise: Gift Giving and the Aristocracy, 1307-1485* (London, 1972) covers gift-giving to the church. The essays in F. Theuvs and J.L. Nelson (eds), *Rituals of Power: From Late Antiquity to the Early Middle Ages* (Leiden, 2000), E. Cohen and M. De Jong (eds), *Medieval Transformations: Texts, Power, and Gifts in Context* (Leiden, 2001), and W. Davies and P. Fouracre (eds), *The Languages of Gift Giving in the Early Middle Ages* (Cambridge, 2010) are helpful. Heal, *The Power of Gifts* is particularly good on courtly gift-giving. See also D.R. Pratt, *The Political Thought of Alfred the Great* (Cambridge, 2007), esp. 12-13, 38-43, drawing on Bourdieu's notion of 'cultural capital'.

²⁷ C 62/107, m. 7. Compare Heal, *The Power of Gifts*, 93. But see an earlier example printed in B.L. Wild, 'A Gift Inventory from the Reign of Henry III', *EHR*, 135 (2010), 529-69.

²⁸ An approach exemplified by Gerd Althoff: e.g. G. Althoff, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde* (Darmstadt, 1997); G. Althoff, *Die Macht der Rituale: Symbolik und Herrschaft im Mittelalter* (Darmstadt, 2003). See J. Barrow, 'Demonstrative Behaviour and Political Communication in Later Anglo-Saxon England', *Anglo-Saxon England*, 36 (2007), 127-50 for an application to England.

²⁹ Bothwell, *Edward III and the English Peerage*, esp. 105-8; Shenton, 'The English Court', 63; Prestwich, 'The Court of Edward II', in G. Dodd and A. Musson (eds), *The Reign of Edward II: New Perspectives* (Woodbridge, 2006), 70; Vale, *Edward III and Chivalry*; Vale, *The Princely Court*, esp. 94; Barber, *Edward III and the Triumph of England*.

others, including John of Eltham, earl of Cornwall, immediately after the Nottingham coup.³⁰ Such clothing represented a significant and doubtless eye-catching departure from the normal household liveries of woollen cloths and plain robes.³¹ Along with the earl of Cornwall, the king's favoured household bannerets often received similarly significant gifts of clothing in the following years.³² Over £240 worth of gifts were distributed on New Year's Day, 1334.³³ The gift-giving of the New Year's Celebrations of 1334-35 involved members of the royal family, earls, bannerets and Chamber valets, all set to the music of two minstrels of Lombardy playing psalms.³⁴ Most notably, in 1335 William Montagu was given the king's crest ('*timbream nostram*') of an eagle, and his own griffin symbol may have formed the basis for the design of the royal griffin seal.³⁵ These gifts, lavish in form and doubtless given with some ceremony, served as a visual display of the position and influence wielded by these men. After their elevations in 1337, the new earls continued to feature in the gift-giving ceremonies of the king. At the Christmas feast of 1337 three specially-made white tunics embroidered in gold were worn by the king, Henry of Grosmont, now earl of Derby, and Montagu, now earl of Salisbury, while in 1340 Montagu was given a gold cup worth £36.³⁶

Such occasions were not limited to those earls who owed their elevations to the opportunities inherent in household service. The Christmas feast of 1337 shows how 'new' men were integrated with the established earls through the ritual of gift-giving. Eight pairs of shields made of precious metals were presented to the king, the earls of Derby, Arundel and Salisbury and Henry Ferrers,

³⁰ E 361/3, mm. 16d, 17, which correlates with the particulars of account printed in the appendix to C. Shenton, 'Edward III and the Coup of 1330', in *The Age of Edward III*, 13-34.

³¹ See Vale, *The Princely Court*, 93-115.

³² E 361/3, m. 19d; E 101/387/9, mm. 1-2; BL Add. MS 46,350, m. 2; Shenton, 'The English Court', 63, 195.

³³ BL Add. MS 46,350, m. 2.

³⁴ E 101/387/9, cited in Parker, 'Patronage and Service', 84 n. 2.

³⁵ *CChR 1327-1341*, 348-9; Tout, *Chapters*, V, 182-7; Ormrod, *Edward III*, 134-5 and n. 81. A. Ailes, 'Royal Grants of Arms in England before 1484', in P. Coss and C. Tyerman (eds), *Soldiers, Nobles and Gentlemen: Essays in Honour of Maurice Keen* (Woodbridge, 2009), 86, 90-1 believes that this instance constitutes the earliest recorded example of a royal bestowal of arms. More broadly, see A. Ailes, 'Heraldry in Medieval England: Symbols of Politics and Propaganda', in P. Coss and M. Keen (eds), *Heraldry, Pageantry and Social Display in Medieval England* (Woodbridge, 2002), 83-104.

³⁶ Ormrod, *Edward III*, 134; Barber, *Edward III and the Triumph of England*, 113; Bothwell, *Edward III and the English Peerage*, 106.

Thomas Poynings and Walter Mauny, knights of the household, while other pairs were given to, among others, the earl of Warwick and the earl of Suffolk.³⁷ In 1348, Lancaster received armour and horse-trappings in blue and white silk.³⁸ Such performances of gift-giving displayed a shared understanding of collective responsibility. In other words, by putting on such a show the close connections between giver and recipient were acknowledged and earls were publicly portrayed in their allotted role, with the access to the king needed to ensure the provision of good counsel.

Comital counsel, 1330-1360

The household records illuminate a crucial area of space around the king and are especially useful for determining a skein of relationships in the early years of the reign. But to gain a full picture of the place of comital counsel (as far as is possible) the evidential net must be cast more widely. The following section moves through the period chronologically with an eye on presence with the king in an informal setting to illuminate the place of the earls in the counsels of Edward III and to illustrate how a balance was achieved between the many 'private' concerns of the earls and their corporate role as the proper counsellors of their monarch assumed by political society.

In 1329, the young king went to Paris to pay homage to King Philip VI for the duchy of Aquitaine. He was accompanied, tells the cheerfully unreliable Froissart, by the bishops of London and Lincoln, and four earls: Derby, Salisbury, Warwick, and Hereford.³⁹ As with many of Froissart's lists of persons, his penchant for including the great and the good at the expense of accuracy shines through but, putting this aside, it is undoubtedly significant that Froissart catered for the expectations of his audience by portraying – even before the coup – a key group of comital figures around the king: while the passage diverged from reality, the intention behind it was to associate the young king with the presence of his bishops and earls. The coup itself saw the involvement of old and 'new' men, being masterminded by the king's confidants Richard de Bury and William Montagu, with the

³⁷ Barber, *Edward III and the Triumph of England*, 113.

³⁸ Barber, *Edward III and the Triumph of England*, 273.

³⁹ Froissart, I.II, 94.

support of William Clinton and Robert Ufford, but also backed by the power of the earl of Lancaster.⁴⁰ Montagu remained foremost in the counsels of the king, as befitted a man of obvious talent with the opportunities inherent in his service within the royal household. Thomas Gray, who later served with him in Scotland, wrote 'At this time and for a long while after, the king was advised by William de Montagu...'.⁴¹ From 4-20 April 1331, John Stratford, bishop of Winchester, Montagu and other (unfortunately unspecified) magnates accompanied the king to Pont-Sainte-Maxence on a secret mission 'to fulfil a vow he made in certain peril', as Edward reluctantly conceded points regarding liege homage for Aquitaine.⁴² Already, in the first years of the reign we can see the importance of the household and those men it contained, balanced against the influence and presence of men of higher birth.

Upon the king's return, he fought under William Clinton's banner at a tournament at Dartford.⁴³ Such occasions fulfilled other purposes than those of enjoyment and lavish display. Tournaments provided a vital point of contact for those at the apex of the political community. Such occasions often witnessed a gathering of comital figures in a common space, which provided an opportunity for discussion, interaction and collective action between king and earls. In darker times, a tournament in 1313 provided a veneer for insurrection by some of Edward II's earls.⁴⁴ By contrast, the tournaments of Edward III provided irregular but frequent occasions for comital presence and counsel which balanced the influence of the ever-present *familiares* of the household.⁴⁵ Unfortunately, registers of attendance are not generally extant (if they were made), so our knowledge of comital presence at tournaments often depends on the fragmentary descriptions of

⁴⁰ *Scalacronica*, 105-7; *The Brut*, I, 269; Shenton, 'Edward III and the Coup of 1330', 21-8; W.M. Ormrod, 'The King's Secrets: Richard de Bury and the Monarchy of Edward III', in C. Given-Wilson (ed.), *War, Government and the Aristocracy in the British Isles, c. 1150-1500: Essays in Honour of Michael Prestwich* (Woodbridge, 2008), 163-78.

⁴¹ *Scalacronica*, 107.

⁴² Murimuth, 63; *CCR 1330-1333*, 299, 306.

⁴³ Barber, *Edward III and the Triumph of England*, 69; Murimuth, 63.

⁴⁴ Phillips, *Aymer de Valence*, 65; Maddicott, *Thomas of Lancaster*, 150.

⁴⁵ See Vale, *Edward III and Chivalry*, appendix 12 for a provisional list of tournaments 1327-45, and Barber, *Edward III and the Triumph of England*, appendix 4 for a provisional list through the reign.

the chronicles. The early years of Edward's reign saw a number of tournaments and sometimes the evidence allows earls to be ascribed to these gatherings: in June 1331 the king fought on the same team as his uncle, Thomas, earl of Norfolk, with all participants masked; at Cheapside the following September, William Montagu hosted a lavish tournament at which, according to the eyewitness St Paul's Annalist, 'the king, earls and barons and all the knights in the kingdom gathered'; a tournament at the favoured royal residence of Woodstock in July 1332 was attended by Henry of Grosmont and a number of household knights.⁴⁶ A trio of tournaments at Dunstable, Woodstock and Newmarket before the Parliament of February 1334 met at York yields a rare and valuable roll of participants for the Dunstable meeting, who included the earls of Cornwall, Norfolk, and Warwick, and Henry of Grosmont, Hugh Courtenay,⁴⁷ and numerous household bannerets.⁴⁸

The essential dynamic of counsel – a core of household men and officials whose focus first and foremost was around the king's person and the sporadic but important presence of established earls and men of comital lineage – continued through the 1330s. After the outbreak of war with Scotland in 1333, military service provided another crucial point of contact. The earls of Cornwall and Surrey, for instance, were with the king at the installation of Richard de Bury as bishop of Durham in the summer of 1334.⁴⁹ In September these two earls, along with the earl of Arundel and Hugh Courtenay (soon made earl of Devon), were at Westminster to witness the release by Henry Percy of the castles of Lochmaben and Annandale and the king's subsequent quit-claim of the valley of Lochmaben in favour of Percy, which resulted in a long-running dispute between the families of Percy and Bohun over these lands.⁵⁰ John, earl of Cornwall, accompanied Edward north later that year and stood

⁴⁶ Stepney and Cheapside, 1331: 'Annales Paulini', in W. Stubbs (ed.), *Chronicles of Edward I and Edward II*, 2 vols., (London, Rolls Series, 1882-83), I, 353-5; Murimuth, 63; Avesbury, 285-6, recording the presence of 'vigorous earls, barons, knights and all other nobles of the realm of England'. Woodstock, 1332: Vale, *Edward III and Chivalry*, appendix 12, no. 16. DL 40/1/11, fol. 52v for the presence of Grosmont.

⁴⁷ Probably the second earl (d. 1377), although this is unspecified.

⁴⁸ Printed in *Collectanea Topographica et Genealogica*, ed. J.B. Nicholas, 8 vols., (London, 1834-43), IV, 389-95. Ralph Stafford was also present, although his name was omitted by Nicholas when he printed the contents of the manuscript: J. Barker, *The Tournament in England, 1100-1400* (Woodbridge, 1986), 131 n. 75.

⁴⁹ *Lanercost*, 285.

⁵⁰ *CCR 1333-1337*, 327; *The Percy Chartulary*, ed. M.T. Martin (Surtees Society, 1909), 450. For Annandale, see C 49/6/29; *Rotuli Scotiae*, I, 280-81, 399; DL 27/44; DL 36/1/163; DL 36/3/222, calendared in *CDS*, IV, no. 47; DL

mainprise for the appointment of Niccolo Usomare as Constable of Bordeaux.⁵¹ Sadly, Cornwall's early death in 1336 deprived Edward of his brother and one of his closest companions, a great figure in the counsels of the king. But the influence of men of both greater and lesser stature was highlighted in 1335 in the process of a dispute between the Priory of Christ Church and the villeins of Risborough: the steward of the priory advised that, for a favourable verdict, the first need was to secure the 'lordship and friendship' of either the earl of Hereford, William Bohun or William Montagu.⁵² Such chance insights allow the historian to see the power wielded by the earl by virtue of his status and the influence of the king's favoured household bannerets.

The place of comital counsel, like so many normative functions of the medieval polity, can be best seen in the negative: of the years 1330-60, it was in the early years of the Hundred Years' War that the king strained the acceptable limits on the counsel he took and it is in these years that we can see the importance of the earls in counsel most clearly. The domestic administration through 1338-41 included the earls of Arundel and Huntingdon and, for substantial sections of 1339-40, the earls of Derby, Warwick, Oxford and Surrey.⁵³ The king was surrounded from the onset of the Low Countries campaigns by the earls of 1337 and members of his household. The fiscal burdens imposed by extraordinary taxation in the years 1338-41 were huge and this cumulative grievance mounted along with the associated ills of purveyance, while the Ordinances of Walton prevented the domestic administration from reacting to problems.⁵⁴ In this period, a councillor wrote to another of the king's advisors in Brabant complaining that the king's courts were not well governed in his absence, to the

36/1/21; DL 36/3/86, calendared in *CDS*, IV, no. 127 and cf. J.M.W. Bean, 'The Percies and their Estates in Scotland', *Archaeologia Aeliana*, 35 (1957), 97-8; R. Nicholson, *Edward III and the Scots: The Formative Years of a Military Career, 1327-1335* (Oxford, 1965), 147, 150-51; Rogers, *War Cruel and Sharp*, 112 n. 155; A. Rose, *Kings in the North: The House of Percy in British History* (London, 2002), 119-21.

⁵¹ C 61/46, m. 3.

⁵² Quoted in J.R. Maddicott, *Law and Lordship: Royal Justices as Retainers in Thirteenth and Fourteenth-Century England* (Past and Present Supplement 4, 1978), 37.

⁵³ See below, 106-10 for the domestic council.

⁵⁴ See Harriss, *King, Parliament, and Public Finance*, 231-93; Ormrod, *Edward III*, 212-46; J.R. Maddicott, *The English Peasantry and the Demands of the Crown* (Past and Present Supplement 1, 1975), 15-34.

detriment of his people.⁵⁵ Fiscal exhaustion, administrative impositions, and a perceived rise in disorder built up and played crucial roles in causing the crisis of 1340-41.

But the complaints of 1340-41 were framed in the language of counsel. The Commons, in their petition of (probably) the Lent Parliament of 1340, demanded that the king's officers – those men of lower standing with immediate royal access – '...shall be appointed to counsel him and to govern his realm as are good and loyal men of the land and no other, to be elected in this present Parliament, and from Parliament to Parliament, and they shall watch over and govern the business of the land as is stated above...'.⁵⁶ Evil counsel provided John Stratford, archbishop of Canterbury, with the rhetoric for his letter to the king dated 1 January 1341. Stratford used the tropes of youth and good counsel to address the crisis and to justify his actions as the foremost domestic councillor of the king and thus to avoid the looming threat of accroachment of royal power alluded to by the accusations of his furious monarch.⁵⁷ Stratford opened with the importance of 'good and wise counsel' and emphasised the biblical message 'In a multitude of counsellors there is safety', before showing the ill-effects of the departure from good counsel of Solomon's son, Rehoboam.⁵⁸ The lessons of guidance were suddenly brought closer to home by pointed reference to the reliance of Edward II on evil counsel. Stratford, having established the place of good counsel in both scripture and recent practice, then addressed the problems at hand: 'And now, by evil counsel, abetted by certain people of this land who are not so wise as is needed, and by counsel of others who seek rather their own profit than your honour or the safety of your land', the king had begun to break the moral contracts

⁵⁵ A.J. Verduyn, 'The Attitude of the Parliamentary Commons to Law and Order under Edward III' (University of Oxford unpublished DPhil thesis, 1991), 71.

⁵⁶ Cap. 5 of the Commons' Petition in the Winchester Cartulary: translated in *PROME*, appendix March-May 1340, no. 1. Harriss, 'The Commons' Petitions of 1340', 646-7 takes the request to apply to the home council set up under the presidency of Stratford in April-May 1340. This may well be partly correct but complaints over counsel would seem more applicable to the counsel around the king in the Low Countries.

⁵⁷ Avesbury, 324-9. See G.T. Lapsley, 'Archbishop Stratford and the Parliamentary Crisis of 1341', reprinted in his *Crown, Community and Parliament in the Later Middle Ages: Studies in English Constitutional History* (Oxford, 1951), 240-46; Harriss, *King, Parliament, and Public Finance*, 289-95; R.M. Haines, *Archbishop John Stratford: Political Revolutionary and Champion of the Liberties of the English Church, ca. 1275/80-1348* (Toronto, 1986), 278-315; Ormrod, *Edward III*, 230-36.

⁵⁸ The following is from Avesbury, 324-7. Compare the critics of Richard II: C. Fletcher, *Richard II: Manhood, Youth, and Politics, 1377-1399* (Oxford, 2008), 151-75, 249-74.

embodied by Magna Carta and the coronation oath. The king should return to the counsel of his magnates: 'And sire, [despite the advice of] those same men who now make themselves governors and counsellors, more than their estate does warrant...wherefore, for the salvation of your honour and your land and for the maintenance of your enterprise, be willing to take to you the great and wise of your land and to act in your affairs by them and their counsels...'. Whatever the personal animosities between Stratford and William Kildesby, his rival and keeper of the privy seal, and the burdens of war, some of the most pertinent issues of these difficult years were played out through the prism of counsel by the great men, a principle established well enough to be unimpeachable.⁵⁹

During the Parliament of April 1341, the primacy of the magnates was again asserted by the earl of Surrey, who protested that Stratford, denied access to the assembly by the *familiars* of the king (including Ralph, baron Stafford), should be entitled to his place in the assembly as a great magnate, in direct contrast to the unworthy persons occupying *ex officio* influence through their positions in the royal household.⁶⁰ The Commons petitioned 'because much evil has occurred as a result of bad counsellors and ministers' that royal officers, including the steward, the chamberlain of the household, the keeper of the privy seal, and the treasurer of the wardrobe should be appointed in Parliament.⁶¹ A compromise was reached whereby the king would

take to himself the agreement of the great men who will be found nearest in the region, together with the good counsel which he has near him, and put another suitable man in the said office. And these men shall be sworn at the next Parliament...And at every Parliament their offices shall be taken into the king's hands, and they shall answer those who will complain.⁶²

This was then embodied in statute and read out to the king.⁶³ Clearly, as well as being the culmination of fiscal, judicial and administrative pressures, the crisis of 1340-41 was a crisis of

⁵⁹ For Stratford and Kildesby, see Haines, *Stratford*, 292-3; Ormrod, *Edward III*, 236.

⁶⁰ *French Chronicle*, 90. See also B. Wilkinson, 'The Protest of the Earls of Arundel and Surrey in the Crisis of 1341', *EHR*, 46 (1931), 177-93.

⁶¹ *PROME*, April 1341, item 15.

⁶² *PROME*, April 1341, items 41, 42.

⁶³ *SR*, I, 296.

magnate counsel, of those men whose social position and noble conduct gave them the right and duty to counsel the king. To fully understand the place of comital counsel in the polity of Edward III, we need to examine the place of the earls in the years preceding 1340-41.

Allowing for Lancaster's blindness and the appointments of Arundel and Huntingdon to successive domestic councils, significant comital influence was maintained through much of the period to mid-1340. The members of the household against whom Stratford, Warenne and Parliament would turn – William Kildesby, keeper of the privy seal, John Darcy, steward, Henry Ferrers, chamberlain, and Ralph Stafford, steward from 1341 – were ever present through 1338-39.⁶⁴ But the household officers did not have a monopoly on the king's counsels: even before the king's departure on 16 July 1338, he received messages from the earls of Arundel, Warwick and Gloucester concerning matters touching the estate of the realm and for some time a strong comital presence around the king in the Low Countries was maintained.⁶⁵ At Antwerp on 3 November, the earl of Derby testified that Roger la Zouch be permitted to retain the shrievalty of Leicestershire and Warwickshire; on 10 November, the earls of Derby, Salisbury and Suffolk witnessed an important grant to William de la Pole; the following February, they and the earl of Northampton witnessed grants, while the earls of Northampton and Suffolk acted as liaisons between the continental and domestic administrations (the earl of Derby was similarly appointed but seems not to have actually departed).⁶⁶ Their roles in this capacity may account for the presence of only one earl – Salisbury – at a confirmation of the debts owed to Baldwin, archbishop of Trier, on 18 March 1339.⁶⁷ By May, however, the earls of Derby and Northampton had joined Salisbury in witnessing charters on the 6th and 15th.⁶⁸

⁶⁴ Tout, *Chapters*, III, 84-131 contains a great deal of information.

⁶⁵ SC 1/54/28 (1).

⁶⁶ 3 November 1339: C 81/249, no. 11354, printed in Tout, *Chapters*, III, 95 n. 1. 10 November: *CPR 1338-1340*, 193. February: *CPR 1338-1340*, 311. Liaisons: Northampton: *CCR 1339-1341*, 11, 22. Suffolk: C 49/46/8, partially transcribed in Haines, *Stratford*, 259 n. 272. Derby: K. Fowler, 'Henry of Grosmont, First Duke of Lancaster, 1310-1361' (University of Leeds unpublished PhD thesis, 1961), 34-5; C 47/7/7, printed in Baldwin, *King's Council*, 476-7 and Hughes, *Social and Constitutional Tendencies*, appendix 1.

⁶⁷ C 67/17, m. 2.

⁶⁸ *CPR 1338-1340*, 383, 384. C. Given-Wilson, 'Royal Charter Witness Lists, 1327-1399', *Medieval Prosopography*, 12 (1991), 40-44 shows that, generally, witness lists to royal charters name those present at

A growing rift opened over the summer of 1339 as the home council struggled to deal with the increasingly unrealistic demands of the king for aid and supply. For the moment, he acted on the advice of those with him in Brussels: the margrave of Juliers, the earl of Salisbury, Henry Burghersh, bishop of Lincoln, Geoffrey Scrope and William Kildesby.⁶⁹ But the Cambrai campaign brought the earls of Suffolk, Derby, Northampton, Pembroke and Warwick over to the king and the royal charter witness lists issued by the Brussels administration in November lose some of their 'curial' feel.⁷⁰ A tournament attended by many nobles, including German princes, was held at Brussels in early November after the French had refused battle at La Capelle.⁷¹ After the Parliament of March 1340, Arundel and Huntingdon witnessed the delivery of the great seal to John Stratford as he was invested with the office of Chancellor and were present, along with Derby, as the king sailed from Orwell to the Low Countries.⁷² Although the pressures of war on the administration of finance and justice began to tear the consensual make-up of the Edwardian polity, the earls maintained a sustained presence around the king until early 1340. True, the appointment of several earls to positions of domestic responsibility had limited their chances to offer informal advice but, through those earls (especially Salisbury, Suffolk, Derby and Northampton) who went with the king to Brabant, balance between the counsels of the great and those of the lower-status members of the royal household had been maintained.

the witnessing ceremony in Chancery, not those with the king when the original warrant was drawn up. However, not all charters in this period were enrolled on the Charter Rolls in such a fashion. The charters of 6 and 15 May are exemplary of the output of the king's continental administration during times of prolonged foreign absence. These charters are alike in subject and form to those enrolled on the Charter Roll but their witness lists represent those with the king abroad. This is why in 1339 Given-Wilson (appendix, 65-6) has members of the home council with high percentages of witnessing and Salisbury, Suffolk, Derby, John Darcy, Henry Ferrers, Ralph Stafford and Bartholomew Burghersh witnessing few or no charters. The Charter Roll proper records the charters issued by the domestic and not the continental administration. Thus the witness list percentages in Given-Wilson's article are skewed, although rarely.

⁶⁹ C 47/30/8, no. 8; E 159/116, rot. 12; *CPR 1338-1340*, 374; Ormrod, *Edward III*, 205-8; Hughes, *Social and Constitutional Tendencies*, 75. Those named (Henry, bishop of Lincoln, William, earl of Salisbury, William Kildesby, Geoffrey Scrope) in *Das Deutsch-Englische Bündnis Von 1335-1342: 1. Quellen*, ed. F. Bock (Munich, 1956), no. 549 are indicative of this period.

⁷⁰ E.g. *CPR 1338-1340*, 396.

⁷¹ *Chronographia Regum Francorum*, ed. H. Moranville, 3 vols., (Paris, 1891-97), II, 85.

⁷² *CCR 1339-1341*, 467, 482-3.

This changed in 1340: not through policy, politicking or factionalism but through the misjudgements of the earls of Salisbury and Suffolk and the demands of the king's continental creditors. Suddenly, the balance between comital and household influence vanished. On 11 April 1340, the earls of Salisbury and Suffolk foolishly left the siege of Tournai to investigate the defences at Lille and were captured. This was disastrous enough to be widely reported by the chroniclers.⁷³ They were not released until after the treaty of Esplechin on 25 September.⁷⁴ Meanwhile, the earls of Warwick, Derby and Northampton were named as sureties for substantial loan repayments to mercantile financial consortiums at Malines, Brussels and Louvain.⁷⁵ These three important figures were arrested on 24 July as part of the process of non-repayment for the Malines debt, although they were initially released after more loans were contracted for this express purpose.⁷⁶ A subsequent secondary default in repayment obliged these earls to re-enter prison at the end of summer 1340: indeed, so many repayments had defaulted that Northampton and Derby were simultaneously held in person by the Malines creditors and by proxy of four knights each at Louvain.⁷⁷ Northampton's knights were detained from 1 August 1340-16 April 1341, although he himself was free by the end of November 1340.⁷⁸ The earl of Warwick remained in prison for 183 days until May 1341.⁷⁹ The earl of Derby was detained from 25 September-23 May 1341.⁸⁰ Since the older earls of Devon, Surrey and Lancaster remained at home, Hereford remained unable to participate in foreign activity, Arundel and Huntingdon remained on the domestic council, and Oxford only joined the king in July 1340, the

⁷³ Knighton, 27; *Scalacronica*, 129; *AC*, 15; Bel, 83; *French Chronicle*, 73; Baker, 59.

⁷⁴ *Scalacronica*, 135; Ormrod, *Edward III*, 227.

⁷⁵ E.B. Fryde, 'Edward III's War Finance 1337-41: Transactions in Wool and Credit Operations', 2 vols., (University of Oxford unpublished DPhil thesis, 1947), I, 29-30. More generally, see Fryde, *Studies*, chaps. V, VI, VII; E.B. Fryde, 'Materials for the Study of Edward III's Credit Operations, 1327-48', *BIHR*, 22 (1949), 105-38, 23 (1950), 1-30; H.S. Lucas, *The Low Countries and the Hundred Years' War, 1326-1347* (Michigan, 1929), 302-9, 353-8, 429-33.

⁷⁶ Fowler, *King's Lieutenant*, 35-6.

⁷⁷ E 101/389/8, m. 7.

⁷⁸ E 101/389/8, m. 7.

⁷⁹ E 101/389/8, m. 7.

⁸⁰ Fowler, *King's Lieutenant*, 36-7.

effect of all this on the make-up of the king's counsellors is striking: much of the comital presence conspicuous through 1330-early 1340 was removed to continental prisons.

The best indication of this is the composition of the king's counsellors when they returned to England on 30 November 1340, with the king determined to purge the personnel of central and local government and punish those he held responsible for his recent financial and military embarrassments.⁸¹ Adam Murimuth describes the king's return: with him were the household bannerets Walter Mauny, John Darcy, son of the steward, John and Edgar Beauchamp, William Kildesby and Phillip Weston, confessor of the king.⁸² Alone of all the earls was Northampton, recently released from prison. The lack of comital counsel at this crucial time gave Stratford the perfect argument with which to frame the crisis of 1341.

1340-41 saw a crisis of comital counsel which prompted complaints of evil, low-born counsel, remedied by the return of the king to the counsels of the great men. The years 1342-60 did not see a repeat of such themes. Initially, a spate of tournaments provided opportune points of contact: at least two tournaments were held after the April Parliament of 1341.⁸³ In early June, a joust was held at Woodstock at which the king's team fought under the quartered arms of the earls of Salisbury and Suffolk.⁸⁴ Assuming these earls were present, their public reintegration into the king's presence marks an important display of comital influence after their release from the Valois prison. The great council summoned for 11 July retained an element of factional division, although six earls were summoned.⁸⁵ However, two of the most important earls, Derby and Northampton, omitted from the conciliar summons, were with the king at Westminster shortly after the Woodstock joust to witness letters patent being engrossed.⁸⁶ The war with Scotland undertaken over the winter of 1341

⁸¹ *French Chronicle*, 82-4; N. Fryde, 'Edward III's Removal of his Ministers and Judges, 1340-1', *BIHR*, 48 (1975), 149-61.

⁸² *CCR 1339-1341*, 653; Murimuth, 116.

⁸³ See Barber, *Edward III and the Triumph of England*, 149-51, appendix 4.

⁸⁴ Barber, *Edward III and the Triumph of England*, 150.

⁸⁵ *RDP*, IV, 523. It may be that Derby and Warwick were not summoned by the writs sealed on 12 June 1341 as they had only been released from prison by mid-May.

⁸⁶ C 61/53, m. 2.

provided the most prolonged opportunity for comital influence since the early months of 1340.⁸⁷ In December, the earl of Derby was once again with the king at Newcastle.⁸⁸ After the Scottish campaign, three more tournaments were held in 1342. One, at Dunstable in February, was great enough to arouse comment from the chroniclers: 'all the young earls of the realm were there, namely the earls of Derby, Warwick, Northampton, Pembroke, Oxford, and Suffolk. But the earls of Gloucester, Arundel, Devon, Surrey, and Huntingdon were absent, whom age and infirmity excused'.⁸⁹ Through such opportunities, the primacy of the great men was re-established along the lines put forward by the archbishop of Canterbury's letter of 1 January 1341.

The earls were frequently present with Edward through the 1340s and 1350s: before the king's dotage, the periodic input of his *comites* was sustained. In October 1342, in preparation for the Brittany campaign, Chancellor Parving received a great seal of absence in the royal ship *Le George* in the presence of the king and the earl of Derby and, in March 1343, when the king returned to collect this seal he was accompanied by the earls of Suffolk and Salisbury.⁹⁰ Warwick won the prize in a royal tournament of June 1343 and sealed charters of pardon with the king on 29 September in the new Star Chamber at Westminster.⁹¹ January 1344 saw a series of magnificent spectacles at Windsor for what was supposed to be the founding ceremony for the Round Table. The stage-managed place of the earls in these performances is striking. After the earls were prepared in 'appropriate fashion', Derby and Salisbury accompanied the king as he left Windsor chapel as steward and marshal of England and then they, with the earls of Warwick, Arundel, Pembroke and Suffolk made a solemn and public oath to preserve the Round Table.⁹²

⁸⁷ For the earls that went to Scotland, below appendix 1, table 1.2. The importance of the Scottish war is noted by Harriss, *King, Parliament, and Public Finance*, 305.

⁸⁸ *CCR 1341-1343*, 354.

⁸⁹ Murimuth, 123. The lists in Bel, 147 and Froissart, III, 3 are defective.

⁹⁰ *CCR 1341-1343*, 660; *CCR 1343-1346*, 97.

⁹¹ Vale, *Edward III and Chivalry*, appendix 12, no. 35; *CCR 1343-1346*, 233; *CPR 1343-1345*, 118.

⁹² See the account translated in Barber, *Edward III and the Triumph of England*, 161-2.

The place of the earls around the king was obvious. Even the death of Edward III's great companion William Montagu, earl of Salisbury, early in 1344 seems not to have seriously derailed the balance of comital counsel reinstated by archbishop, earls and Commons over 1340-41. When, later in 1344, the king was considering the execution of his prisoner-of-war Sir Herve de Leon, Henry of Grosmont was able to dissuade him.⁹³ It was Grosmont, the pre-eminent comital figure of his day, who accompanied Arundel on a secret mission on behalf of the king in early summer.⁹⁴ The young earls of Pembroke and March competed with the king against Warwick, Arundel and Suffolk and the baron of Stafford at a tournament at Hereford in September 1344.⁹⁵ Adam Murimuth tells that various earls were present in a secret council of the king in October 1345.⁹⁶ Earlier that year, there is an intriguing reference on the dorse of a petition for a charter of pardon which reveals that the earl of Warwick successfully communicated the assent of the king to Chancery.⁹⁷ Sufficient authority to move the great seal on the king's behalf could be derived only from *königsnähe*.

The presence of a core group of active earls continued through the siege of Calais in 1346-47: Lancaster, Northampton, Suffolk, Warwick, Arundel, Huntingdon and Pembroke featured frequently in charter witness lists revealing those present.⁹⁸ After the Crécy campaign, the Order of the Garter provided a structure through which the intimacy of some of the earls was displayed and maintained. In November 1348, the king crossed to Calais for St Andrew's Day accompanied by the earl of Warwick, who appears around the king far more often in the 1340s than in the mid-1330s.⁹⁹ In the 1350s, it seems probable that Roger Mortimer, earl of March from 1354, frequently joined the counsels of the king. When March died in February 1360 on the Brétigny campaign, Thomas Gray named him the king's closest advisor.¹⁰⁰ The lack of concrete evidence for this relationship in the

⁹³ Bel, 153.

⁹⁴ Murimuth, 156.

⁹⁵ Murimuth, 159.

⁹⁶ Murimuth, 177. See also *CCR 1343-1346*, 661.

⁹⁷ SC 8/239/11923.

⁹⁸ *CPR 1345-1348*, 527-30, 545 (see n. 68 for these charters). See also Tout, *Charters*, III, 170.

⁹⁹ Baker, 85.

¹⁰⁰ *Scalacronica*, 175.

preceding years provides a salutary reminder of the gaping holes in the records of the king's counsels. March appears (with Arundel) with the king in an informal setting in November 1356, when Chancellor Thoresby surrendered the great seal to his replacement, William Edington, and at a similar occasion in 1359 as a seal of absence was provided for the domestic administration.¹⁰¹ As early as 1347, he may have had a measure of access to the Chamber, receiving £100 of treasure there to be restored at the king's will.¹⁰² But generally, Mortimer's influence must be projected backwards from the comments of Gray into darkness, although the evidence of charter witness lists suggests the council in Chancery probably provided a point of contact for him.¹⁰³

We are on slightly surer ground with Henry of Grosmont, duke of Lancaster after 1351. Along with Arundel and Warwick, he witnessed the second earl of Salisbury's ceremony of homage for the barony of Denbigh on 24 October 1353.¹⁰⁴ Through the migration of his long-time clerk, Henry Walton, into royal service from 1351 (most importantly as keeper of the royal wardrobe, 1358-9), Lancaster's influence was felt at the very heart of government: the abbot of Glastonbury, when requesting a financial discharge in 1358, thought it prudent to write not only to Walton but to Lancaster too, to have the greatest chance of success.¹⁰⁵ As the abortive Second Treaty of London was drawn up in 1359, Lancaster and the Black Prince accompanied the kings of England and France in a private meeting.¹⁰⁶ The importance of magnate counsel in military matters was prominent through the Mirrors for Princes tradition and medieval romances, such as *William of Palerne*.¹⁰⁷ Grosmont's influence appears to have paralleled this didactic tradition or, at least, Froissart thought

¹⁰¹ *CCR 1354-1360*, 332, 656.

¹⁰² Tout, *Chapters*, IV, 259 n. 1.

¹⁰³ See below, 116.

¹⁰⁴ *CPR 1350-1354*, 499.

¹⁰⁵ BL Arundel MS 2, fol. 48r. For Walton, see Tout, *Chapters*, IV, 136-8, 140-44; Fowler, 'Henry of Grosmont', 650, 673-4.

¹⁰⁶ Bel, 247. On the Second Treaty of London: C.J. Rogers, 'The Anglo-French Peace Negotiations of 1354-60 Reconsidered', in *The Age of Edward III*, 204-8.

¹⁰⁷ *PTFCE*, 49; *Romance of William of Palerne*, lines 1,106-17.

such a dialogue viable. During the protracted negotiations in early 1360, Lancaster's access to the king's presence enabled him to counsel for the sake of peace:

My Lord, this war that you are waging in the kingdom of France is a wondrous thing, but too costly to you...Everything considered, if you continue to pursue it according to your opinion it will last for your lifetime and it is very doubtful that you even then secure what you wish for. I would therefore counsel you, while you can bring it to an honourable conclusion, to accept the proposals which are offered to you.¹⁰⁸

The king acted in accordance with this advice and a chapter in the lives of the fourteenth-century nobility ended.

Conclusion

The giving of counsel by the magnates was both a performance and function: it was an obligation which needed to be seen to be met for a group whose noble standing rested on their social position. But for the earls there was a balance between their own concerns and those of the realm and the opportunities that interaction and counsel with king and household could bring. Although some of the most prominent earls progressed through the ranks of the royal household, a landowner of comital magnitude was no courtier. Visits to and interaction with what is misleadingly referred to as 'the centre' by earls tended to be by necessity irregular. Thus, the theoretical ideal of a constant stream of informal comital counsel providing for the upkeep of the realm was in practice negotiated through 'points of contact', by which the balance of private duties and the penetration of magnate counsel was managed and sustained. These 'points' took various forms but all had the same basic purpose of meeting the pressure for comital involvement. From 1330-60, the earls of Edward III loomed large in his presence. The early household of the king featured the scions of great families. The intimacy between the king and his favoured men was displayed and confirmed by the ritual of gift-giving. The early years of the reign saw tournaments frequented by a commendable blend of

¹⁰⁸ Froissart, VI, 1-5 (quotation at 4).

household men and earls. The early Scottish campaigns provided points of contact for the earls of Surrey, Arundel, Cornwall and Warwick, and the elevations of March 1337 propelled five highly active advisors into the comital ranks. The early years of the Hundred Years' War split the ranks of the earls between those left at home and those with the king in Brabant. A fine balance of comital presence around the king's person was maintained between the two administrations until mid-1340. Then the earls of Northampton, Derby and Warwick were imprisoned by the king's creditors and the earls of Salisbury and Suffolk were captured and imprisoned by the French king. The crucial element of comital counsel, necessary to the perceptions of good counsel held by the political community, dropped away with a startling suddenness.¹⁰⁹ Thus, the crisis of late 1340-41 was framed in part through the language of counsel and some earls themselves acted to reintegrate the great into the counsels of the king, with the support of Stratford and the Commons. The rest of the period saw a continuation of the themes detectable in the 1330s: frequent points of contact through tournaments, presence and ritualistic displays of social position, but now attended by an abler and more active cadre of earls including Lancaster, Warwick, Arundel and the young earl of March. Through 1330-60, with the dramatic exception of a period of around twelve months from mid-1340, the king managed to balance the pressure for comital counsel imposed by the expectations of his subjects with the attendance of the figures in the royal household. For the earls, the balance between a requisite proportion of influence and the demands of their estates, tenants and adherents was largely kept. A hierarchy of preference and influence naturally formed around Edward III, as one had around Edward II. Unlike Edward II's familiars, however, Edward III's intimates included many of those whose social position gave them precedence in political thinking and whose characters were well-thought-of by contemporaries. At the apex of this hierarchy were the most

¹⁰⁹ On a sudden lurch toward crisis, I have found some of the 'revisionist' arguments on the Civil War helpful (irrespective of whether they are now accepted for that particular subject). See C. Russell, 'Parliamentary History in Perspective, 1604-1629', *History*, 61 (1976), 1-27; C. Russell, *Parliaments and English Politics, 1621-1629* (Oxford, 1979). Useful historiographical appraisals are: G. Burgess, 'On Revisionism: An Analysis of Early Stuart Historiography in the 1970s and 1980s', *Historical Journal*, 33 (1990), 609-27; J. Kenyon, 'Revisionism and Post-Revisionism in Early Stuart History', *Journal of Modern History*, 64 (1992), 686-99.

active of Edward III's earls and, from the mid-1340s, the Black Prince. Comital interests both comprised the innermost of these concentric circles of intimacy and if necessary could penetrate through them: thus the Black Prince, requesting timber from John Warrane, earl of Surrey, offered 'the help of the Prince's slight influence with the king' if Surrey desired it.¹¹⁰ The words of Jean le Bel, eulogising his hero, cannot be condemned merely as hagiography: Edward 'who cannot be honoured more highly, for in all his deeds he always followed sound advice'.¹¹¹

The Earls and the Council

The study of the council under Edward III is beset by problems. Before the reign of Richard II, the council's records were generally never made, or not kept.¹¹² It was a body whose composition and function were always vague and flexible.¹¹³ Consequently, the role of pre-Ricardian earls in council is habitually unrecoverable. Often, an order to assemble the council contains no more elaboration than 'to make assembly of....the justices and sergeants of our council and other men of our council'.¹¹⁴ The history of the *ex officio* members of the council could more easily be written: records of conciliar action refer to, for example, judicial proceedings conducted before 'the Treasurer and the Barons of the Exchequer and the Justices of the Bench and other magnates of the king's council'.¹¹⁵ Sometimes, when chance provides the membership of the council at a certain point in time, it is clear that no earls were there.¹¹⁶ But all is not shrouded in darkness: if, as Maitland thought, ideas develop not from the simple to the complex but from the vague to the definite then

¹¹⁰ *BPR*, I, 64.

¹¹¹ Bel, 168.

¹¹² Baldwin, *King's Council*, 385-94; Ormrod, *The Reign of Edward III*, 74. The series E 28, containing the council and privy seal records transferred to the Exchequer of Receipt for preservation, begins under Richard II.

¹¹³ Baldwin, *King's Council*, 459.

¹¹⁴ C 81/1333, no. 58.

¹¹⁵ E 159/117, rot. 187.

¹¹⁶ For instance, C 49/7/21: 'This decision was made [on 5 November 1346] ... by our lord the king's council, namely, the bishop of Winchester, the Treasurer, the dean of Lincoln, the Chancellor, John of Stonor, Robert of Saddington, Richard of Willoughby, William of Shareshull, William Thorp, William Basset, John of Stowford, Roger of Bakewell, justice[s], Robert of Thorp and William of Norton, the king's serjeants-at-law'.

the records of informal counsels, councils and Parliaments traverse the same path.¹¹⁷ This section will attempt to establish the presence of earls in councils throughout the period 1330-60 and give an indication of the functions they performed. The usual proviso with the dispensing of advice remains: direct evidence of advice is lacking but the council was, amongst other things, an advisory body constituted to assist the king in whatever way was necessary.

Councils of Absence

Membership is easiest to ascertain for the irregular councils set up in the king's absence, usually during a lengthy military expedition. These were constituted to confront the problem of conducting the government of a realm dependant for many decisions of importance on the will of the king when the king was not there in person. Their clearly-defined membership laid out the principle that social status was intrinsic to authority to govern in the king's name. The king's journey to France in April 1331 saw the appointment of the king's younger brother, the earl of Cornwall, as keeper of the realm, with the archbishops of Canterbury and York, the bishops of Lincoln and Norwich, the earl of Lancaster and the mayor of London appointed to counsel him and ordered to find appropriate lodgings near him.¹¹⁸ In late 1336, while the king was on campaign in Scotland, Arundel and Surrey were entrusted with the defence of the realm in his absence. On 11 December, the king appointed a conference to manage the defence of the realm and the southern coast which included the archbishop of Canterbury, the bishop of London, the earl of Surrey, Henry of Grosmont, acting representative of the house of Lancaster, and William Clinton, a trusted banneret and Warden of Dover and Constable of the Cinque Ports.¹¹⁹

The prolonged absence of the king in 1338-41 necessitated the constitution of a series of formal councils. The importance of comital representation on these is obvious from their membership. The

¹¹⁷ F.W. Maitland, *Domesday Book and Beyond* (Cambridge, 1907), 9.

¹¹⁸ *CPR 1330-1334*, 98; *CCR 1330-1333*, 217, 299. This council was short-lived as the king returned on 20 April but a number of grants and orders were witnessed and warranted by keeper and council: *CCR 1330-1333*, 220-24, 299-305; *CFR 1327-1337*, 240, 246-8.

¹¹⁹ *Foedera*, II, Part II, 953; Fowler, *King's Lieutenant*, 33; Haines, *Stratford*, 243-5.

administrative council set up in the wake of the Walton Ordinances under the nominal presidency of the Black Prince featured two earls – Arundel and Huntingdon – whose talents in administration were frequently utilised in such a way throughout the reign.¹²⁰ This council had very little authority of its own: it was to be an executive instrument of the king's will imparted by a constant stream of privy seal writs.¹²¹

The appointment of Arundel and Huntingdon to this council allows something of their activities as councillors to be recreated. Their local power and authority was harnessed to the council. The Walton Ordinances ordained that the collection of revenue should be overseen by the Exchequer. The only exception to this was the subsidies collected in northern counties to fund their defence, one of the council's overriding concerns, and Arundel was placed in charge of these in his conciliar capacity.¹²² Along with the northern border, the southern coastline was the region most open to hostile forces. Through the summer of 1338, rumours of French attacks on the southern coasts were followed by raids on Portsmouth in June and a serious assault on Southampton in early October.¹²³ In August, commissions of array were organised 'by the keeper and the whole council' to combat this threat. Some of the earls left in England featured heavily: the earls of Norfolk, Arundel, Huntingdon and Surrey were all appointed as overseers for areas in which they held substantial landed interests.¹²⁴ After the attack on Southampton, Arundel, Warwick and Huntingdon all played important roles in putting the council's duty to defend the coast into action.¹²⁵

Through 1338-40, the council was necessarily engaged in advising the king about the state of the realm and, with depressing frequency, attempting to justify the lack of supply making its way over to Brabant. A series of conciliar memoranda answering fifteen articles of inquiry sent to them by the

¹²⁰ *CPR 1338-1340*, 112.

¹²¹ See Harriss, *King, Parliament, and Public Finance*, 237.

¹²² Harriss, *King, Parliament, and Public Finance*, 241.

¹²³ See below, 213.

¹²⁴ *CPR 1338-1340*, 141.

¹²⁵ See below, 213-15.

king was drawn up between 6 May-25 June 1339, probably by the Treasurer and the Chancellor.¹²⁶ These revolved around the council's failure to satisfy the group of contract merchants granted a monopoly on 30,000 sacks of wool, to be exported through the customs in return for a loan of £200,000 and half the wool profits. This wool was lamentably hard to collect, which resulted in a devastating financial shortfall and ultimately the collapse of the king's early strategies.¹²⁷ The king accused the council of failing to supply him and of rescinding assignments made to creditors; in turn, the council protested that everything possible had been done to meet the king's demands. The king blamed the council and the council blamed the collectors of wool and the customs officials. The council advised the king that revenue needed to be assigned for the defence of England, as well as sent to Brabant. They also advised that a Parliament or Great Council be held to raise a suitable aid 'if the earls who are appointed to the privy council should be willing to agree and send their letters thereon'.¹²⁸ Here is a distillation of the nature of the council and the place of the earls within it: the Chancellor and Treasurer – those with the expertise and knowledge – undertook the detailed business but acted with the advice and confirmation of the earls.

The restrictions imposed by the Walton Ordinances left the two administrations – one domestic, one continental – grinding along in friction with each other. The difficulties experienced by the home council in governance and supply led its members and the political community at home to force a reconstitution of the domestic council in the Lent Parliament of 1340. Under the titular authority of the duke of Cornwall, the realm was to be governed by Archbishop Stratford and the earl of Huntingdon as chief counsellors, with the assistance of the earls of Lancaster and Surrey. Arundel and Gloucester subsequently joined them after the naval battle of Sluys on 24 June.¹²⁹ The five earls

¹²⁶ C 49/7/7, 9, 10 (largely printed between Hughes, *Social and Constitutional Tendencies*, appendices I and II and Baldwin, *King's Council*, 476-9). See Ormrod, *Edward III*, 205-6.

¹²⁷ E.B. Fryde, 'Edward III's Wool Monopoly of 1337: A Fourteenth-Century Royal Trading Venture', reprinted in Fryde, *Studies*, chapter VI; Harriss, *King, Parliament, and Public Finance*, 235-42.

¹²⁸ Answer to the seventh article.

¹²⁹ *PROME*, March 1340, item 55; *Foedera*, II, Part II, 1,125; *CPR 1338-1340*, 528; Murimuth, 107-8; Baker, 62; *CCR 1339-1341*, 640; Harriss, *King, Parliament, and Public Finance*, 263, 285-7. Harriss (263 n. 3) conjectures that the councillor's oath printed in Baldwin, *King's Council*, 351-2 was taken by Stratford's council of 1340, which is certainly possible. When Baldwin's book was published the oath was unfiled: it is now C 49/46/12.

integrated into this council of governance form a prime example of the place of the earls in the body politic: as the king's proper advisors by virtue of their noble status, they assumed responsibility for the state of the realm in the king's absence along with the greatest spiritual peers and were installed to govern in his name.

And govern – or at least try to govern – they did. The unequal dialogue between king and council continued into 1340. After the king's assumption of the title of the king of France, the council successfully combatted domestic alarm at such a proclamation by persuading the king to separate strictly the two realms and provide by statute that England would never be subject to the kingdom of France.¹³⁰ The council, featuring Arundel, Huntingdon and Surrey, attempted to safeguard the coasts and remove corrupt customs officials.¹³¹ These earls were heavily involved in conciliar business and appointed themselves to a number of commissions. Two letters of the council were enrolled on the Parliament Roll of July 1340, the first from the Archbishop, the Chancellor, the Treasurer, Arundel, Thomas Wake of Liddel 'and others of your council in England' on 30 July and the second by the archbishop, Arundel and Wake on 13 August.¹³² The first records the negotiations for a new grant to replace the inadequate ninth: amidst the ensuing discussions, the members of the council were at pains to emphasise the importance of Arundel, the earl of Gloucester and William Trussell in steering Parliament towards a grant of 20,000 sacks of wool. They also made it clear that the officials and collectors held responsible for the failures of the successive grants in wool and produce would be held accountable, in an attempt to shift to the king's ire away from the council chamber. The second letter informed the king of the discussions between the council and the merchants during and after Parliament and gives credence to the messages of the council borne by Trussell. The day-to-day business of the earls on council was of lesser note and was shorn of such

¹³⁰ *SR*, I, 292. See also W.M. Ormrod, 'A Problem of Precedence: Edward III, the Double Monarchy, and the Royal Style', in *The Age of Edward III*, 133-54.

¹³¹ *PROME*, March 1340, item 19; *CPR 1340-1343*, 89, 92, 94; *CCR 1339-1341*, 628; R.L. Baker, *The English Customs Service, 1307-1343: A Study of Medieval Administration* (Transactions of the American Philosophical Society Supplement, 1961), 40-41; Harriss, *King, Parliament, and Public Finance*, 286-7.

¹³² *PROME*, July 1340, items 29-30.

dramatic effect. Much of their work was necessarily routine: the earl of Huntingdon, for example, organised the mundane matter of supplying wine and victuals.¹³³

When the king went to Brittany in 1342, the earls of Surrey, Hereford and Lancaster were summoned to Westminster 'for the defence of the realm...and the good government of the realm in the king's absence'.¹³⁴ The comital input in government was officially maintained by the appointments of these three either aged or disabled earls, when many of the younger earls were away on campaign. They were probably joined in late October by the earls of Huntingdon and Arundel, who had been defending the Scottish border.¹³⁵ Extensive comital involvement in the campaigns of 1345-46 and 1355-56 saw councils of absence constituted in the same way. The earls of Lancaster and Surrey, old hands who could not go abroad but who could symbolise the representation of the earls, were appointed in 1345, although the death of Lancaster that September and the retirement of Surrey meant that the council reconstituted in 1346-47 as the Crécy campaign continued was very unusual in featuring no earls.¹³⁶ In 1355, Arundel was one of those entrusted with the governance of the realm.¹³⁷ The repeated use of Arundel by the king in this way is interesting: although also a frequent campaigner, he obviously had a talent for administration. His financial acumen is well-known and he was the only earl whose lending to the Crown ranks alongside Pole, and later Cardinal Beaufort, as a domestic financier, and it may be that his conciliar experience stimulated his desire to lend.¹³⁸ He featured on the next council of absence convened at the outset of the 1359-60 campaign, along with Devon and Oxford.¹³⁹ Study of the domestic councils invoked in the king's absence reveals a number of principles at play. The

¹³³ E.g. *CCR 1339-1341*, 504; E 404/503/104.

¹³⁴ *CCR 1341-1343*, 661; *RDP*, IV, 543.

¹³⁵ Arundel, Huntingdon, Lancaster and Warenne were summoned to a council by writs dated 20 November 1342: *CCR 1341-1343*, 678; *RDP*, IV, 545.

¹³⁶ *CPR 1343-1345*, 487. For the 1346-47 council, see W.M. Ormrod, 'Edward III's Government of England, c. 1346-1356' (University of Oxford unpublished DPhil thesis, 1984), 105-8.

¹³⁷ *CPR 1354-1358*, 269.

¹³⁸ See Given-Wilson, 'Wealth and Credit', 1-26. Pole and Beaufort have been the subject of revealing biographies: E.B. Fryde, *William de la Pole: Merchant and King's Banker* (London, 1988); G.L. Harriss, *Cardinal Beaufort: A Study of Lancastrian Ascendancy and Decline* (Oxford, 1988).

¹³⁹ *CCR 1360-1364*, 96-7.

commissions of appointment reveal that the responsibilities publicly proclaimed for these councils of absence were the twin responsibilities of maintaining order and supply and organising effective defence. Their membership very clearly shows an idealised social configuration for the pursuit of these lofty ends: prelates, earls and barons, aided by the administrative and judicial experts of the Chancery, Exchequer and the Benches. The inclusion of earls was necessary to secure the provision of good advice and as an outward display of power and authority which could be translated into local action. This pressure for comital involvement is especially clear in the case of the earl of Lancaster (d. 1345) who, despite being unable to attend, was named on the council of absence in 1345. The appointments to the home councils also reveal the use of those who could not accompany the king abroad: the earls of Lancaster, Warenne and Hereford may not feature through the chivalric chronicles of the period but their presence on the home council allowed a comital element in government to be maintained.

The Earls and the Royal Council, 1330-60

Although the councils of absence allow the make-up of the upper echelons of these councils to be identified with ease, they were infrequent and abnormal. The council took many forms, of which councils of absence were but one. Comital involvement in other more normative manifestations of the council can be shown throughout the period, if only in a hazy outline. The following section will attempt to ascertain comital involvement in the council. A strictly nominalist approach has been taken: phrases such as ‘the Chancellor and other magnates of the council’ have not been taken to imply comital involvement in themselves. Such usage – depressingly common for those who wish to disaggregate the membership of the council – may refer to earls but also may refer just to justices, Barons of the Exchequer, or knights sitting in council and as such cannot provide sufficient evidential foundations when focusing on the earls.

By the mid-fourteenth century, the evidence of charter witness lists provides an indication of the membership of the council in Chancery. The witness lists, as Professor Given-Wilson has shown,

represent not necessarily those men around the king as the original warrant to Chancery was drawn up but those present at a later date, as the document was formalised in Chancery style at a witnessing ceremony.¹⁴⁰ It is unwise to be overly strict about such distinctions, since the king and Chancery were often together, but the fundamental separation between the king and his Chancery at Westminster means that the witness lists must be assumed to represent royal councils, not royal counsels. From the Coup to the outbreak of the Hundred Years' War, the comital element in the witness lists is largely represented by two of the king's immediate relatives: the earls of Cornwall and Surrey, with the earls of Arundel and Warwick witnessing more sporadically.¹⁴¹ In January 1331, the earls of Cornwall, Norfolk and Lancaster witnessed a charter to the abbot of Halesowen, along with Montagu and Ralph Neville, steward of the household.¹⁴² After the close of Parliament in March 1336, the council heard a dispute between Queen Isabella and the prior of Coventry, brought by petition.¹⁴³ This council proves substantially representative of the early period: a mix of magnates, including the earl of Surrey and Thomas Wake, a frequent baronial witness in the early years, and a body of ministers and judicial specialists providing expertise. A reference to the king's council in the following Parliament of March 1337 reveals a vaguer body built in the same ideal-type. A representative body of 'the prelates, earls, barons, justices and others of our lord king's council' was appointed to remedy injustices.¹⁴⁴ The elevations of this Parliament took place just before its close, so the earls referred to were probably drawn from the earls of Surrey, Arundel, Norfolk, Devon, Cornwall, Oxford and Warwick.¹⁴⁵

¹⁴⁰ Given-Wilson, 'Royal Charter Witness Lists', esp. 40-44.

¹⁴¹ Cornwall: 1331: 87.6%. 1332: 78.2%. 1333: 84.4%. 1334: 92%. 1335: 98.8%. 1336: 70.3%. Surrey: 1331: 16.9%. 1332: 16.4%. 1333: 80%. 1334: 72%. 1335: 56.3%. 1336: 43.8%. Warwick: 1331: 2.3%. 1332: 30.9%. 1333: 4.4%. 1334: 10%. 1335: 45%. 1336: 12.5%. Arundel: 1331: 1.1%. 1332: 30.9%. 1333: 4.4%. 1334: 8%. 1335: 26.3%. 1336: 29.7%. All percentile values for witnessing royal charters are from Given-Wilson, 'Royal Charter Witness Lists'.

¹⁴² *CFR 1327-1337*, 228.

¹⁴³ *PROME*, March 1336.

¹⁴⁴ C 81/1538, no. 21, quoted in G.O. Sayles, *The Functions of the Medieval Parliament of England* (London, 1987), 422 n. 3.

¹⁴⁵ *Summonses: RDP*, IV, 464-73. Lancaster was summoned but was probably represented by Grosmont.

The composition of the council as represented by the witness lists to royal charters in the early years of the Hundred Years' War is problematic. We know from the composition of the domestic councils of absence that the earls of Arundel, Huntingdon and Surrey, along with John Stratford and his brother Robert, should have been pre-eminent and they are indeed prominent in the witness lists.¹⁴⁶ More prominent, however, are the earls of Northampton, Derby and Warwick, who were with the king in Brabant for much of the period.¹⁴⁷ As such, the charter witness lists do not represent first and foremost the membership of the administrative council governing in the king's absence, as one would expect from documents witnessed in Chancery. One possible explanation for this is that these charters were periodically witnessed at a disproportionate rate, weighted towards periods in which the king and those earls accompanying him were back in England. Additionally, membership of the two administrations – continental and domestic – was certainly elastic. If around Westminster, earls were included in the home council regardless of whether they had been officially appointed to it. Accordingly, the council in September 1339 included the earls of Arundel, Derby and Northampton.¹⁴⁸ On 1 March 1340, the earls of Derby and Northampton, Bartholomew Burghersh, the Chancellor, the Treasurer and others were named on the council and, in November, Salisbury was ordered to join 'others of the council' at Westminster.¹⁴⁹ Combined with periodic spates of charter witnessing, such instances probably explain the confused make-up of the witness lists of these years. It is, however, clear that by the late 1330s, despite the death of the earl of Cornwall and the demands of war and its administration, a group of young, highly competent men became very active around the council and Chancery in the period.

¹⁴⁶ Arundel: 1337: 23.2%. 1338: 21.3%. 1339: 92.9%. 1340: 36.7%. 1341: 33.3%. Huntingdon: 1337: 9.8%. 1338: 36.2%. 1339: 28.6%. 1340: 49%. 1341: 50%. Surrey: 1337: 68.3%. 1338: 51.1%. 1339: 78.6%. 1340: 44.9%. 1341: 25%. Stratfords: Given-Wilson, 'Royal Charter Witness Lists', 82.

¹⁴⁷ Northampton: 1337: 62.5%. 1338: 85.7%. 1339: 82.1%. 1340: 20%. 1341: 33.3%. Derby: 1337: 18.3%. 1338: 61.7%. 1339: 0%. 1340: 46.9%. 1341: 29.2%. Warwick: 1337: 28%. 1338: 38.3%. 1339: 35.7%. 1340: 10.2%. 1341: 0%.

¹⁴⁸ *CPR 1338-1340*, 394.

¹⁴⁹ *CCR 1343-1346*, 573-4; *CCR 1339-1341*, 640.

Many of this group were somewhat surprisingly involved in an unglamorous function of the council through the early-mid 1340s: auditing. Auditing was normally a reserve of the Upper Exchequer but high-ranking figures were sometimes appointed to audit particularly important accounts in a conciliar capacity. This was the case with a group of merchants and officials – such as William de la Pole, Paul Monte Florum and the companies of the Bardi and Peruzzi – responsible for receiving and disbursing the king’s wool and cash through 1338-40.¹⁵⁰ Investigation into their affairs was one of the Commons’ conditions for their grant in the Parliament of May 1340.¹⁵¹ For the king, his council, and his Commons, someone was to blame for the recent, catastrophic lack of supply and suspicion fell on those who, like Pole, were perceived to have made a great profit out of the crippling financial schemes.¹⁵² During the Parliament of March 1340, a tribunal including the earls of Derby, Arundel and Huntingdon was appointed to hear the accounts of such figures, some of whom subsequently came before this council to receive mainprise.¹⁵³ Throughout 1340-41, these earls were appointed to, and acted on, commissions and tribunals concerned with the audit of these accounts.¹⁵⁴ More earls were involved in the audit of Monte Florum’s account: allowance was to be made for him of all goods, money, jewels, etc. testified by the oaths of the earls of Derby, Northampton, Salisbury or Suffolk, or Kildesby and Darcy.¹⁵⁵ These oaths were to be treated as equivalent to a warrant or acquittance. This practice led to substantial difficulties, since the Exchequer was understandably reluctant to accept such a method of allowance. In 1344, this led to John, archbishop of Canterbury, the earls of Derby, Northampton and Suffolk and others being ordered to examine the accounts of

¹⁵⁰ Monte Florum was one of the chief royal paymasters in the Netherlands from 1337-40: see E 101/624/28. Information on his activities through this period can be found in E.B. Fryde, ‘Financial Resources of Edward III in the Netherlands, 1337-1340’, reprinted in Fryde, *Studies*, chapter VII.

¹⁵¹ Fryde, *William de la Pole*, 136.

¹⁵² In Pole’s case, additional suspicion fell on him due to his holding of the office of Second Baron of the Exchequer, since it was alleged his account could not be audited properly while he occupied this office (*CPR 1338-1340*, 394; E 159/116, rot. 155d). Over 1341-42, Pole was also indicted for illegally exporting wool: KB 9/22/1, no. 5; JUST 1/259, rot. 7d; KB 9/22/2, nos. 88, 89, 90.

¹⁵³ *PROME*, March 1340, items 22-27.

¹⁵⁴ *CPR 1340-1343*, 87, 313; *CCR 1339-1341*, 618-9. See Fryde, *William de la Pole*, 179-86, whose understanding of the sources is magisterial.

¹⁵⁵ *CPR 1340-1343*, 320. These were in essence the men who were with the king in Brabant, where the majority of Monte Florum’s work was done.

the Bardi and Peruzzi, Monte Florum and John de Portenare because the latter parties had complained that the Exchequer would not accept these verbal warrants and acquit them.¹⁵⁶ Monte Florum's second audit for the money received to redeem the great and small crowns of the king, pawned to royal creditors, was undertaken by the earl of Derby, Bartholomew Burghersh, William Cusance and William Edington.¹⁵⁷ Comital involvement in the auditing of accounts was extremely unusual but the appointment of these earls shows both the pressure for their involvement in issues of political sensitivity and their occasional integration into even the most technical procedures of the council.

The increased conciliar involvement of the earls continued after the crisis of 1341, when a set of interlocking pressures pushed the desirability of comital participation in governmental structures to the forefront of political discourse and practice. The witness lists reveal a strong comital element in the council's composition, in accordance with a set of assumptions help by political society about the importance of aristocratic representation. Henry of Grosmont and the earls of Northampton, Huntingdon, Warwick and Arundel all witnessed charters frequently.¹⁵⁸ Through 1343 and 1344, a number of releases and indentures reveal that Northampton, Warwick and Suffolk were present in council at various points.¹⁵⁹ In 1347, similar documents name the earls of Huntingdon, Northampton and Arundel on the council.¹⁶⁰ The presence of Lancaster, Arundel, Huntingdon, Warwick and

¹⁵⁶ *CPR 1343-1345*, 274, 276, 284.

¹⁵⁷ *CCR 1343-1346*, 320; E 101/390/6 (Monte Florum's audited account). See also E 159/118, rot. 148d; E 404/5/29 28 May 16 Edward III; E 404/5/30 4 July 16 Edward III; E 403/327, unnumbered membrane, 15 January 17 Edward III; E 101/507/21; Fryde, 'Edward III's War Finance, 1337-41', I, 281-5.

¹⁵⁸ Grosmont: 1342: 68.8%. 1343: 7.1%. 1344: 25%. 1345: 80%. 1346: 0%. 1347: 60.7%. 1348: 95.7%. 1349: 70%. 1350: 58.3%. 1351: 60%. 1352: 33.3%. 1353: 78.9%. 1354: 52.4%. 1355: 50%. 1356: 41.2%. 1357: 0%. 1358: 37.5%. 1359: 54.5%. 1360: 33.3%. Northampton: 1342: 57.1%. 1343: 59.6%. 1344: 50%. 1345: 38.5%. 1346: 60%. 1347: 57.1%. 1348: 59.6%. 1349: 50%. 1350: 38.5%. 1351: 60%. 1352: 55.5%. 1353: 52.6%. 1354: 47.4%. 1355: 58.3%. 1356: 70.6%. 1357: 50%. 1358: 62.5%. 1359: 54.5%. 1360: 16.7%. Huntingdon: 1342: 0%. 1343: 46.4%. 1344: 50%. 1345: 40%. 1346: 50%. 1347: 14.3%. 1348: 27.7%. 1349: 40%. 1350: 69.2%. 1351: 60%. 1352: 11.1%. 1353: 0%. 1354: 4.8%. Warwick: 1342: 62.5%. 1343: 67.9%. 1344: 42.9%. 1345: 60%. 1346: 45.8%. 1347: 21.4%. 1348: 27.7%. 1349: 40%. 1350: 7.7%. 1351: 40%. 1352: 55.5%. 1353: 68.4%. 1354: 57.1%. 1355: 41.7%. 1356: 0%. 1357: 25%. 1358: 62.5%. 1359: 54.5%. 1360: 33.3%. Arundel: 1342: 12.5%. 1343: 48.6%. 1344: 17.9%. 1345: 30%. 1346: 45.8%. 1347: 32.1%. 1348: 23.4%. 1349: 60%. 1350: 69.2%. 1351: 40%. 1352: 88.9%. 1353: 73.7%. 1354: 80.9%. 1355: 50%. 1356: 82.4%. 1357: 87.5%. 1358: 87.5%. 1359: 63.6%. 1360: 100%.

¹⁵⁹ *CCR 1343-1346*, 266-7, 451.

¹⁶⁰ *CCR 1346-1349*, 246-7; *CMMBC*, I, 77.

Northampton continued into the 1350s and they were joined by Ralph, earl of Stafford after 1351.¹⁶¹

As Ormrod has noted, Arundel and Warwick probably deserve to be counted as members of the administrative council in this decade.¹⁶² In the mid-1350s, the earl of March began to witness charters very frequently and generally it is probable that a strong overlap between the counsels and councils of the king existed in the later 1340s and 1350s.¹⁶³ As happened so frequently in the middle ages, 'state' and 'society' collapsed into one another and the bonds between the king and his aristocratic companions were represented through the institutional council as a point of contact.

There are signs that some of these earls participated intermittently in the increasing judicial business of the council. In 1345, proceedings involving John Molyns were brought before the earls of Arundel and Huntingdon, sitting among others in the council chamber, and read out before them as John Wingfield, executor of the late earl of Salisbury, began litigation over the disputed manor of Stoke Triste.¹⁶⁴ In the Lent Parliament of 1348, the council in Parliament – including Arundel and Huntingdon – heard forgery allegations against Walter of Yarmouth concerning forged Wardrobe bills, which he had used as negotiable credit instruments for securing loans.¹⁶⁵ That year, the earls of Lancaster and Suffolk sat on the council to hear another alleged forgery case.¹⁶⁶ In 1350, the earls of Arundel and Huntingdon sat with the king, the Chancellor and the Justices of the King's Bench to determine whether Otto, brother of Thomas Holland, was to be committed to the Marshalsea after breaking his indenture with the king concerning the ransom of Ralph, count of Eu.¹⁶⁷ Later that year, a powerfully constituted council of the earls of Warwick, Arundel and Huntingdon, and the steward and chamberlain of the king's household, sentenced Chief Justice William Thorpe to death for taking bribes during a King's Bench session the previous year (although this sentence was subsequently

¹⁶¹ E.g. *CPR 1348-1350*, 505; SC 8/35/1749; *CCR 1349-1354*, 313-14, 594-5. Stafford: 1351: 60%. 1352: 22.2%. 1353: 15.8%. 1354: 26.3%. 1355: 33.3%. 1356: 23.5%. 1357: 37.5%. 1358: 0%. 1359: 0%. 1360: 41.7%.

¹⁶² Ormrod, *The Reign of Edward III*, 75.

¹⁶³ March: 1351: 10%. 1352: 0%. 1353: 5.3%. 1354: 38.1%. 1355: 91.7%. 1356: 88.2%. 1357: 62.5%. 1358: 25%. 1359: 81.8%. 1360: 0%.

¹⁶⁴ *CPR 1345-1348*, 136-7.

¹⁶⁵ G.O. Sayles, 'A Dealer in Wardrobe Bills', *EcHR*, 3 (1931), 269.

¹⁶⁶ *CPR 1348-1350*, 130-31.

¹⁶⁷ *SCCKB*, VI, 70.

remitted).¹⁶⁸ While much of the legal business of the council rested on the shoulders of the justices and the serjeants-at-law, the presence of a number of highly active earls in judicial processes of unusual importance shows their integration into the council as a court of justice, in accordance with the expectation of their participation in upholding one of the prime obligations of kingship.

As noticeable as a group of highly active earls are in the faint imprints left by their participation in the king's council, the absence of many of the earls throughout the period is as noteworthy. The presence of the earls of Lancaster and Norfolk fades away through the 1330s as age, infirmity and perhaps a measure of disinterest set in. The earls of Hereford, Suffolk, Oxford, Devon, and Pembroke rarely witnessed royal charters. Similarly, aside from his time on the council of absence in 1339-40, Gloucester is conspicuous in royal councils only by his absence. Unlike his contemporary the earl of March, the second earl of Salisbury did not begin to witness charters in the 1350s. This survey of the absent stands in stark contrast to those earls – Derby (then Lancaster), Arundel, Huntingdon, Warwick, Northampton – who appear so regularly. Absence from the witness lists need imply no particular disfavour or disapproval, as has been postulated for the absence of Gloucester.¹⁶⁹ The contrast between the two groups of earls – one active, the other passive – illustrates the essential balance of comital representation and advice-giving. The earls were not courtiers or ministers, dependent on the council and the household for work, favour and patronage. Many of them dwelt on their own estates and concentrated on living nobly, little disturbed by the business of the administrative councils sitting in Westminster. The functions of the council were advisory, judicial and executive. Much of its business was highly technical or routine in nature. Generally, the council did not need a great number of earls to be present and, in their everyday lives, the earls did not need the council.¹⁷⁰ The everyday business of government was left to those best suited to the task:

¹⁶⁸ *Foedera*, III, Part I, 208-9; *CPR 1350-1354*, 30; *SCCKB*, VI, xxv-vi; Maddicott, *Law and Lordship*, 40-41; A. Musson, 'Second "English Justinian" or Pragmatic Opportunist? A Re-Examination of the Legal Legislation of Edward III's Reign', in J. Bothwell (ed.), *The Age of Edward III* (Woodbridge, 2001), 81; Ormrod, *Edward III*, 379.

¹⁶⁹ Bothwell, *Falling from Grace*, 27. The same reasoning has been applied to the absence of Thomas, earl of Norfolk, from royal charter witness lists between 1321-22: Marshall, 'Thomas of Brotherton', 78.

¹⁷⁰ Baldwin, *King's Council*, 100-1; Ormrod, *The Reign of Edward III*, 75.

to administrators who had the necessary training and inclination.¹⁷¹ A sworn councillor might have to spend the majority of their time acting in this capacity; few if any earls, even Arundel in the 1360s, could have afforded to do so, even if they wanted to.¹⁷² Certainly, in 1401 the 'Advice' of the Lords expressed their reluctance to serve on the council because they needed to manage their estates and men.¹⁷³ But the council was also a point of contact through which the interests of the governors and the governed met and around which expectations of good government were clustered. A measure of comital representation was secured on an intermittent basis that allowed the expectations of political society to be met and confirmed while enabling the private concerns of the earls to be balanced against the pressure for them to participate in the business of governance.

Conclusion

What does this level of comital participation in the membership of the council mean? Over the period, the council became increasingly important as an executive organ of government. In the judicial sphere, it exercised an all-purpose jurisdiction providing remedy for those supplicants unable to get it at common law and, from the mid-fourteenth century, the council, working now from its own Star Chamber of later fame, played an increasingly important role in relieving Parliament of some of its arbitral and remedial functions.¹⁷⁴ As a secretarial and administrative body, the privy

¹⁷¹ See J.F. Baldwin, 'The King's Council', in *EnGW*, I, 147-60; Ormrod, 'Edward III's Government of England', 99-139; W.M. Ormrod, 'Accountability and Collegiality: The English Royal Secretariat in the Mid-Fourteenth Century', in K. Fianu and D.J. Guth (eds), *Écrit et pouvoir dans les chancelleries médiévales: espace français, espace anglais* (Louvain-La-Neuve, 1997), 55-85. Note the similarities to G. Dodd, 'Henry IV's Council, 1399-1405', in G. Dodd and D. Biggs (eds), *Henry IV and the Establishment of the Regime, 1399-1406* (Woodbridge, 2003), 102-3.

¹⁷² See Baldwin, *King's Council*, 88-9 and B.H. Putnam, *The Place in Legal History of Sir William Shareshull* (Cambridge, 1950), 30-36 for examples. Arundel witnessed charters extremely frequently after 1360: see Given-Wilson, 'Royal Charter Witness Lists', tables 4 and 5 and Given-Wilson, *The Royal Household and the King's Affinity*, 154-6.

¹⁷³ *Select Documents of English Constitutional History, 1307-1485*, ed. S.B. Chrimes and A.L. Brown (London, 1961), no. 183; Dodd, 'Henry IV's Council, 1399-1405', 108-9.

¹⁷⁴ Baldwin, *King's Council*, 241-306, 354-8; Wilkinson, *The Chancery under Edward III*, 40-53; *SCCKB*, V, lxxi-xcvii; Ormrod, 'Edward III's Government of England', 118-39; J. Guy, *The Court of Star Chamber and its Records to the Reign of Elizabeth I* (London, 1985), 1-2; W.M. Ormrod, 'The Origins of the *Sub Pena Writ*', *BIHR*, 61 (1988), 11-20; Ormrod, *The Reign of Edward III*, 74-7; Palmer, *English Law in the Age of the Black Death*, 104-32; Dodd, *Justice and Grace*, 121-3.

seal became the seal of the council in the 1350s as its work became increasingly routine.¹⁷⁵ The role of the council as a vital nerve-centre of government increased as the pressures of war and the administration of justice stimulated the continued growth of government. Such developments – the increase of bureaucratic routine and of an executive body functioning at times away from the king, staffed largely by expert administrators and lawyers – seem like the murky medieval origins of the modern state.¹⁷⁶ And yet Bertie Wilkinson thought that, in addition to gaining an increased executive function, the council became increasingly baronial.¹⁷⁷ Certainly, from the perspective of comital participation, he was right. The presence of a highly active group of earls in and around the council, especially from the onset of the Hundred Years' War, retained the place of the upper nobility in accordance with traditional views on their importance in advice-giving and representation in a political landscape that was looking increasingly bureaucratised and institutional. Such an environment may look increasingly 'modern' but it is important to recognise that the aristocracy were integrated into the burgeoning institutions 'of state' as they hardened and formalised. The periodic presence of some of the earls balanced the necessarily core presence of the administrators and ministers, in line with commonplace notions of good counsel held by virtue of high birth. As a point of contact between government and political community, between state and society, through which power was negotiated, dispersed and regulated, the make-up of the council in the fourteenth-century could scarcely have been any different.

The Earls and Parliament

¹⁷⁵ Tout, *Chapters*, V, 21-54; A.L. Brown, *The Early History of the Clerkship of the Council* (Glasgow, 1969); Ormrod, 'Edward III's Government of England', 61-91, 133-7.

¹⁷⁶ I draw here on the title of the flagship for a voluminous and continuing historiographical tradition: J. Strayer, *On the Medieval Origins of the Modern State* (New Jersey, 1970).

¹⁷⁷ B. Wilkinson, *Studies in the Constitutional History of the Thirteenth and Fourteenth Centuries* (Manchester, 1937), 108-79.

The place of Parliament in the fourteenth century polity has long exercised historians.¹⁷⁸ Studying the interplay between the earls, the Lords and the Commons will help to show the extent to which the earls were involved in an increasingly important multi-functional point of contact between Crown and political community, which had begun to claim the representative voice of the community of the realm. First, the presence of the earls will be analysed. Secondly, the business of Parliament will be examined from the standpoints of advice-giving and the provision of justice to see how far the Lords generally, and the earls in particular, were involved in the workings of Parliament as the era of the Commons dawned.

Before this, a note on the sources will be helpful. Under Edward III, Parliament Rolls began to be made and preserved systematically and are now available in an excellent modern edition.¹⁷⁹ This should not, however, blind us to certain limitations in their content. Richardson and Sayles were correct – if characteristically combative – in dismissing the assertions of Stubbs and Tout that the rolls contained a detailed journal of Parliamentary proceedings.¹⁸⁰ The written record embodied in these rolls is substantially concerned with the administration of justice and the granting of taxation, because such matters needed to be recorded in case of subsequent reference or appeal.¹⁸¹

Discussions and debates featured far less regularly because they did not need to be recorded in the same way.¹⁸² It is not until a later period that the day-journals of the Lords and Commons begin, while we totally lack the diaries and correspondence of members available to historians of the later-sixteenth and -seventeenth centuries.¹⁸³ For most of the reign of Edward III, at least, the chroniclers

¹⁷⁸ G. Dodd, 'Historians of the Late Medieval English Parliament', *History Compass*, 12 (2014), 473-88. See n. 4.

¹⁷⁹ *PROME*.

¹⁸⁰ Richardson and Sayles, 'The Early Records of the English Parliaments: The Exchequer Parliament Rolls', 129-31.

¹⁸¹ Similarly noted by Wilkinson, *Studies*, 25; T.F.T. Plucknett, 'Parliament', *HSEP*, I, 207; G.L. Harriss, 'The Formation of Parliament, 1272-1377', in R.G. Davies and J.H. Denton (eds), *The English Parliament in the Middle Ages* (Manchester, 1981), 35; Ormrod, 'On – and Off – the Record', 39-43.

¹⁸² Genet, *La genèse de l'État moderne*, 100-7 identifies the two types of discussion recorded in the Rolls: the opening address and, after 1376, the response of the Speaker.

¹⁸³ Day-journals: H.L. Gray, *The Influence of the Commons on Early Legislation* (Cambridge, MA., 1932), chapter 2; G.R. Elton, 'The Early Journals of the House of Lords', *EHR*, 89 (1974), 481-512; W.H. Dunham, "'The Books of the Parliament" and "The Old Record", 1396-1504', *Speculum*, 51 (1976), 694-712. Later sources generally, see

too tend to fail the historian of Parliament.¹⁸⁴ But even given these limitations, there is light enough to illuminate the role of the earls in Parliament, which is testament to the institution becoming an accepted and expected instrument of royal governance during the period.

Presence

The presence of the earls at Parliaments need not detain us for long, since the difficulties inherent in the study of counsel – the occupation of the space around the king – and in the study of the council – shifting membership of a continuous body – have no corollary here. Earls were invariably summoned by right, unless they were prevented from attending by extraordinary circumstance.¹⁸⁵ Bishop Orleton was excluded from assemblies by the anger of Edward II, and was omitted from Edward III's assemblies of September 1334 and May 1335 because of a dispute over his translation to the see of Winchester, but this omission of a great peer is an instance without parallel for the earls of Edward III from 1330.¹⁸⁶ Sometimes summonses were not issued to earls whose military commitments prevented their attendance: thus in December 1337, while they were campaigning in Scotland, Arundel, Norfolk, Gloucester, Salisbury, Suffolk and Northampton were issued separate summonses; in September 1346 the earls of Northampton, Arundel, Warwick, Oxford and Suffolk wrote to Parliament because they were at the siege of Calais; and in 1355 the Duke of Lancaster, although issued a summons, had left for France by the time Parliament assembled.¹⁸⁷ Another reason for absence was old age or infirmity. From the early 1330s, the blindness of the earl of Lancaster meant he tended to be represented through proxy by his son, although he continued to

Russell, *Parliaments and English Politics, 1621-1629*, xvii-xxi; G.R. Elton, *The Parliament of England, 1559-1581* (Cambridge, 1986), 3-15; P.R. Cavill, *The English Parliaments of Henry VII, 1485-1504* (Oxford, 2009), 8-11.

¹⁸⁴ Taylor, *English Historical Literature*, 196; Bradford, 'Parliament and Political Culture', 199-218.

¹⁸⁵ This conclusion is based on analysis of the summons in *RDP*, IV, from 1330-60.

¹⁸⁶ R.M. Haines, *The Church and Politics in Fourteenth-Century England: The Career of Adam Orleton c. 1275-1345* (Cambridge, 1978), 152 n. 83; Plucknett, 'Parliament', 207 n. 2.

¹⁸⁷ 1337: *RDP*, IV, 488-91. 1346: *PROME*, September 1346, item 45; J. Roskell, 'The Problem of the Attendance of the Lords in Medieval Parliaments', *BIHR*, 29 (1956), 167; W.M. Ormrod, 'Introduction', to *PROME*, September 1346. 1355: *PROME*, November 1355, item 4; W.M. Ormrod, 'Introduction', to *PROME*, November 1355.

receive summonses as a matter of form.¹⁸⁸ The earl of Surrey secured himself an attorney for the Parliament of December 1332 after being summoned, although he did come to the prorogued session the following January.¹⁸⁹ The elderly earl of Devon was summoned to great councils in 1335 and 1336 with the proviso that, if he could not appear in person, he should send his eldest son.¹⁹⁰ In the later 1340s, life exemptions were granted to Surrey and Devon on the grounds of age and ill-health, on condition that they send suitable proxies.¹⁹¹ Both continued to be summoned officially. Humphrey Bohun, earl of Hereford, is the only magnate for whom infirmity appears to have made a noticeable dent in the frequency of summons (rather than his being summoned officially and then attending by proxy).¹⁹²

The actual attendance of the Lords at Parliaments was the subject of a classic article by John Roskell, who highlighted the frequent delays in the opening of Parliament caused by their late arrival.¹⁹³ This argument substantially rests on the evidence of the Parliament Rolls, which were not compiled for such purposes and reveal attendance only tangentially, and usually only at the start of a session when the opening speech and the triers of petitions were recorded. Nevertheless, Roskell's argument concerning the attendance of the Lords under Edward III is persuasive.¹⁹⁴ While there can be no proper statistical analysis of attendance at the projected opening date of a Parliament, it seems that the frequent northern locations of Parliament (sometimes during winter) was the primary reason for absence in the 1330s. By contrast, participation in the king's wars kept some

¹⁸⁸ Fowler, *King's Lieutenant*, 27; DL 40/1/11, fols. 46v, 52v. Lancaster has surviving attorneys or proxies for the Parliaments of March 1332, 1334 and 1339: Roskell, 'The Problem of Attendance', 173. More generally, see V.F. Snow, 'The Evolution of Proctorial Representation in Medieval England', *American Journal of Legal History*, 7 (1963), 319-39.

¹⁸⁹ Roskell, 'The Problem of Attendance', 165, 173; *PROME*, January 1333, item 6.

¹⁹⁰ *CCR 1333-1337*, 468, 702.

¹⁹¹ *CPR 1345-1348*, 196, 528.

¹⁹² Although an earl, Humphrey was not summoned by the writs issued on 14 January 1337, 26 December 1338, 25 August 1339, 16 November 1339, 21 February 1340, 30 May 1340, 3 March 1341, 24 February 1343, and 20 April 1344 (*RDP*, IV, 464-73, 497-503, 503-6, 507-9, 515-18, 521-4, 529-32, 546-8, 551-3). After this, he was summoned to every Parliament held in his lifetime.

¹⁹³ Roskell, 'The Problem of Attendance'.

¹⁹⁴ Followed by, for example, Ormrod, *The Reign of Edward III*, 106; Bradford, 'Parliament and Political Culture', 99.

magnates away from Parliament in the 1340s and 1350s. A further consideration could be added to the conclusions of Roskell and Ormrod: as Parliament continued to gain a recognised place in the polity, the apparently increased enthusiasm of the Lords to attend punctually may owe something to their recognition of Parliament's importance and the need to operate within it to retain a voice among those representing the wider community. In any case, the earls and dukes generally made a point of attending Parliament, when possible.¹⁹⁵

Functions I: Advice

If the presence of the summoned earls in the ranks of the Lords is generally assumed, allowing for occasional exemptions, what role did the Lords have in parliamentary advice-giving? Although rhetorically the provision of counsel was the *raison d'être* given in parliamentary summons, it has been argued that parliamentary business was instead dominated by the king's desire for consent to public taxation and the Commons' desire for redress of grievances.¹⁹⁶ Counsel, we are told, may have been given but was more practically achieved through informal advice or the council. This may be substantially correct: the records are dominated by taxation and justice and the king may often have been 'going through the motions' of debate for a policy already decided. Still, we ought not disregard the reasons for summoning Parliament so persistently projected in the writs of summons, nor should the business dominating the rolls blind us to the discussions which did take place. As much as it was a place for granting taxation in return for the redress of complaints as 'the king's court of Parliament', Parliament was also one of a number of forums through which advice could be channelled to the king by the gathered magnates.

Immediately after the Nottingham coup, the king proclaimed his intention to rule by the advice of his great men.¹⁹⁷ This principle can be seen through the early surviving Parliament Rolls. In the Parliament of December 1330, Richard FitzAlan was reinstated to his familial inheritance after his

¹⁹⁵ As noted in Given-Wilson, 'Rank and Status', 107.

¹⁹⁶ E.g. Bradford, 'Parliament and Political Culture', 126-8.

¹⁹⁷ *Foedera*, II, Part II, 51-2.

petition had been read out and 'it seemed to the great men' that his estate should be restored.¹⁹⁸ The same assembly saw William Montagu endowed with £1,000 of land after the Lords had petitioned the king and then advised on the extent of his endowment 'by way of counselling'.¹⁹⁹ The king, of course, was the prime mover in Montagu's reward but even if the roll records a fiction it need not be disregarded: the petition and advice of the great men, including the assembled earls, performed the obligation to receive counsel.²⁰⁰ In the Parliament of September-October 1331, the Chancellor called for the collective advice of the Lords on whether to make war with France.²⁰¹ On consideration they answered 'with one voice, and each one separately for himself' that peace was preferable. Subsequently the earls of Norfolk and Surrey, presumably two of the earls invested in this policy, were appointed to the diplomatic process.²⁰² That same parliament considered what to do with Edmund Mortimer, Roger Mortimer's son, in terms illustrative of the place of the Lords: the king charged the prelates, earls and barons 'on their faith and allegiance which they owed to him... that they, having regard for the honour of our lord the king in such a matter, should advise him what he ought to do'.²⁰³ In the Parliament of March 1332,²⁰⁴ the Chancellor asked the Lords their advice on the crusade to the Holy Land proposed by Philip VI and Chief Justice Scrope charged them to counsel the king on how to confront a perceived rise in domestic disorder.²⁰⁵ The lay and spiritual peers deliberated separately and reconvened to advise that the state of the law should be the king's

¹⁹⁸ *PROME*, November 1330, item 13. Arundel's petition may have been responsible for the important legislation in cap. 9, 5 Edward III (*SR*, I, 267) guaranteeing that no man suffer forfeiture against the form of Magna Carta: F. Thompson, *Magna Carta: Its Role in the Making of the English Constitution, 1300-1629* (London, 1948), 76-7, 90; C. Donahue Jr., 'Magna Carta in the Fourteenth Century: From Law to Symbol?: Reflections on the "Six Statutes"', *W&MBRJ*, 25 (2016), 598 n. 35. For the wider significance of this clause (clause 29 of the 1225 Magna Carta), see J.H. Baker, *The Reinvention of Magna Carta 1216-1616* (Cambridge, 2017), 47-68.

¹⁹⁹ *PROME*, November 1330, item 14.

²⁰⁰ Norfolk, Lancaster, Hereford, Surrey and Warwick were summoned (*RDP*, IV, 397-9).

²⁰¹ *PROME*, September 1331, item 3. Arundel, Norfolk, Cornwall, Lancaster, Hereford, Oxford, Surrey and Warwick were summoned (*RDP*, IV, 403-5).

²⁰² *PROME*, September 1331, item 3.

²⁰³ *PROME*, September 1331, item 17.

²⁰⁴ To which the earls of Arundel, Norfolk, Cornwall, Lancaster, Hereford, Oxford, Surrey and Warwick were summoned.

²⁰⁵ *PROME*, March 1332, item 5.

priority over the crusade.²⁰⁶ The great men advised that Keepers of the Counties should be appointed for the good of the community and the Commons simply agreed.²⁰⁷

In the September Parliament of 1332, the Lords considered the defence of the realm. The place of the magnates in counselling the king on military matters was a principle asserted in the advice literature of Walter Milemete. In this assembly, we can see such a principle in action. The king was planning an expedition to Ireland and desired advice.²⁰⁸ After a day of deliberation, the Lords returned that the realm would best be served by the king advancing towards Scotland, taking with him wise and powerful men, and sending men and money to Ireland.²⁰⁹ Similarly, the Parliament held over winter 1332-33 provides an interesting window onto the nature of corporate advice performed on the parliamentary stage: the Lords' attendance at the remote York Parliament in December was so scanty that those present felt unable to offer the king advice representative of the magnates.²¹⁰ The Parliament was prorogued until January and the Lords were then charged to counsel the king concerning the crowning of Edward Balliol as King of Scots.²¹¹ In response, a broadly representative group of magnates and barons – including two earls – was chosen to discuss the matter, which they did for five days, as the other Lords and the Commons likewise deliberated.²¹² Protracted discussion failed to bring consensus and the king sought further advice from the pope and the king of France, and from a group of six advisors to be kept near him in the following months.²¹³ There were no earls among the six: they were not courtiers, who could be attendant on

²⁰⁶ *PROME*, March 1332, item 5.

²⁰⁷ *PROME*, March 1332, item 5. See also Verduyn, 'The Politics of Law and Order', 862-6; Ormrod, *Edward III*, 108.

²⁰⁸ *PROME*, September 1332, item 1. The earl of Norfolk, for instance, was issued military summons in early January 1332: *CCR 1330-1333*, 532.

²⁰⁹ *PROME*, September 1332, item 5.

²¹⁰ *PROME*, December 1332, item 1; Roskell, 'The Problem of Attendance', 165. Arundel, Norfolk, Devon, Cornwall, Lancaster, Hereford, Oxford, Surrey and Warwick were summoned to the York Parliament which met in December: *RDP*, IV, 416-19. Cf. the subsequent summons to the absentees: *RDP*, IV, 418-19; *CCR 1330-1333*, 618. Arundel, Norfolk, Lancaster and Hereford feature among those issued a secondary summons.

²¹¹ *PROME*, January 1333, item 6. Froissart, II, 105 describes this assembly as meeting 'pour avoir sur ce conseil et meure deliberation'.

²¹² *PROME*, January 1333, item 6. The chosen earls were the earls of Surrey and Warwick.

²¹³ *PROME*, January 1333, item 6.

the king for that length of time; instead their advice had publicly been given through Parliament to achieve a balance of magnate counsel.

Through the mid-1330s a number of Parliaments and Great Councils took place for which no surviving roll exists.²¹⁴ These gatherings presumably dealt with the preliminaries to and, from the Parliament of March 1337, the financing and prosecution of the Hundred Years' War.²¹⁵ The next extant Parliament Roll is that for the session of October 1339. The king's unravelling finances forced Archbishop Stratford to request an aid to the value of £300,000 from a lay peerage whose attendance was diminished by the participation of many of the earls in the Low Countries expedition.²¹⁶ The actual method of taxation to be employed provoked protracted and intriguing discussion: the Lords and the Commons deliberated separately; the Lords returned that for various concessions they would grant a tenth of produce but that this grant would only bind the lands and tenants of those peers present in Parliament.²¹⁷ The Commons, meanwhile, proceeded down their own path. They declared, for the first time in the history of the English Parliament, that they could not agree to an aid of such magnitude without first returning to their constituencies for consultation.²¹⁸ The refusal of the Lords to bind all their number by their grant in the absence of some of the most eminent magnates speaks to the uncertainty pervading the conciliar structure of the polity in late 1339, while the separate procedure of the Commons and their successful bid to return to their constituencies marks an important stage in the emergence of the lower representatives. A subsequent session was convened in January, at which the Lords and Commons once again failed to proceed in tandem. The Commons proposed a strictly conditional grant of 30,000 sacks of wool; the Lords repeated their grant of October 1339 but this time with binding

²¹⁴ There are no rolls for the Parliaments of September 1334, May 1335, March 1337, September 1337, February 1338, July 1338 or February 1339. That for March 1336 is a roll of legal proceedings between the prior of Coventry and Queen Isabella, not a conventional roll.

²¹⁵ See the introductions to these Parliaments in *PROME*.

²¹⁶ Arundel, Huntingdon, Devon, Lancaster, Gloucester, Oxford, Surrey and Warwick were summoned (*RDP*, IV, 503-6). Arundel, Warwick, Gloucester, Oxford and Huntingdon were named as present when Parliament responded to Stratford's request for supply (*PROME*, October 1339, item 4).

²¹⁷ *PROME*, October 1339, items 5-7.

²¹⁸ *PROME*, October 1339, item 8.

force on all those who held land of the king by barony.²¹⁹ The corporate identity of the Lords was thus reasserted over their peers but again the Commons, under the pressures of war, purveyance and taxation, emerged in their own right.

As the comital element integral to perceptions of good counsel fell away from the king in 1340 and the complaints of the Commons combined with the robust rhetoric of Archbishop Stratford to mould the problems of 1338-40 into a crisis of counsel, the Parliament of April 1341 provided the space for the counsel of the great men to be enforced on the king.²²⁰ The refusal of the king's household men to allow the archbishop to enter Parliament provoked the earl of Surrey into protest:

Sir king, how goes this Parliament? Parliaments were not wont to be like this. For here those who should be foremost are shut out, while there sit other men of low rank who have no business to be here. Such right belongs only to the peers of the land. Sir king, think of this.²²¹

Arundel, Salisbury and Northampton added their support.²²² The earls' recognition of the place of the Lords was forced upon the king. Unusually for this reign if not for those which preceded and succeeded it, Parliament briefly became the organ through which the counsels of the great were imposed on the king, as the peers used the magnates' right to give counsel to ensure the parliamentary peerage was composed as was proper for the dispensation of advice.

The consensual norm of magnate counsel was re-established in the revocation of the statute of 1341, which was considered prejudicial to the Crown. This revocation was made with the assent of the magnates, after a great council held in late September 1341.²²³ Although no writs of summons

²¹⁹ *PROME*, January 1340, item 3.

²²⁰ See above, 93-9. Arundel, Huntingdon, Devon, Lancaster, Gloucester, Pembroke, Northampton and Warwick were summoned: *RDP*, IV, 529-31. Derby and Warwick were in prison, while Oxford, Suffolk and Salisbury may not have required summons since they may have been with the king.

²²¹ *French Chronicle*, 90.

²²² *French Chronicle*, 90; *Anglia Sacra*, ed. H. Wharton, 2 vols., (London, 1691), I, 40. The dating is usefully worked out in W.M. Ormrod, 'Introduction', to *PROME*, April 1341.

²²³ *Foedera*, II, Part II, 1,177; *SR*, I, 297. See Stubbs, *Constitutional History*, II, 410, who considered the revocation 'a piece of atrocious duplicity'; Tout, *Chapters*, III, 140, who considered it 'an outrageous breach of faith'; Ormrod, *Edward III*, 243.

survive for this important council, Murimuth states ‘the king held a council with many earls’.²²⁴ The Commons protested in the Parliament of April 1343 but without magnate support it was to no avail.²²⁵ The king confirmed the points he considered ‘honourable and profitable’ but did not reverse his decision. The years 1339-41 were important to the emergence of an independent Commons in Parliament, which pressed for redress of grievances in return for supply and pursued an ‘agenda for legislation’.²²⁶ But this need imply no lessening of the importance of the Lords’ counsel. In the Parliament of April 1343 both the Lords and the Commons discussed the truces agreed on 19 January 1343 at Malestroit, effective to 29 September 1346, and both advised that the truces were honourable and should be maintained.²²⁷ The symbiosis of parliamentary advice – given by both Lords and Commons alike – further shines through in the notable suggestions made by this Parliament for the conduct of local governance. On 2 May, the Lords and Commons gathered in the White Chamber to discuss how to improve the state of law and order and the administration of justice.²²⁸ In practice, this was more the preserve of the Commons than the Lords and numerous petitions submitted by the Commons in this assembly dealt with the form and manner of law enforcement in the shires.²²⁹ But the initial request for counsel was made to both estates and the confirmation of the Commons’ proposal, that justices should be chosen ‘by the assent of the great men and of the Commons’ with the consent of Parliament, came from the Lords together with the king.²³⁰ The Commons wished future commissions to be confirmed before themselves and the ‘peer of the land’ (*piers de la terre*) ‘who have to maintain the laws under you’.²³¹ This is, again, illustrative of the symbiotic nature of counsel in parliament as advocated by the Commons, which was

²²⁴ Murimuth, 121: ‘habuit rex concilium comitum multorum’. Ormrod, *Edward III*, 243 names Derby, Northampton and Warwick as present at a series of councils through September.

²²⁵ Harriss, *King, Parliament, and Public Finance*, 308-9. Huntingdon, Devon, Derby, Lancaster, Gloucester, Oxford, Pembroke, Salisbury, Suffolk, Northampton, Surrey and Warwick were issued summons: *RDP*, IV, 546-8.

²²⁶ Ormrod, ‘Agenda for Legislation’.

²²⁷ *PROME*, April 1343, item 9.

²²⁸ *PROME*, April 1343, item 10.

²²⁹ *PROME*, April 1343, item 11; Harriss, *King, Parliament, and Public Finance*, 310 and n. 4.

²³⁰ *PROME*, April 1343, items 11-12.

²³¹ *PROME*, April 1343, item 11.

paralleled by their shared responsibility for putting royal justices into practice. Magnate counsel was integral to the performance of Parliament.

In June 1344, Parliament considered a new continental campaign. The discussion of Lords and Commons – whether separately or together is not indicated – lasted from 10-23 June.²³² A delegation of Lords – including the earls of Northampton, Warwick, Huntingdon, Suffolk, Oxford, Pembroke, Devon and Angus – made their way into the White Chamber, together with a number of bishops and the Commons, where they advised in consideration of the perils to the realm and the burdens war placed on the populace that the king should seek ‘to bring an end to this war, either by battle or by a suitable peace if one could be had’.²³³ Professor Ormrod sees the influence of the Commons behind this hedging, on the basis that the Commons usually indicated their general support rather than suggested specific policies.²³⁴ Since the proceedings subsequently moved onto the business of negotiating supply this may well be true but the strong cadre of Lords present, especially so many earls with extensive military experience, should warn against overplaying the influence of the Commons.²³⁵ It was probably a considered response arising from a lengthy debate between all parties, which left the formation of policy to the will of the king as the anointed guardian of the realm, who ultimately decided policy alone.

A further example of the place of the Lords in a Parliament containing an increasingly-assertive Lower House came in 1348. The January Parliament of that year dealt with the grievances of the community.²³⁶ This was impressed upon the Commons by a group of peers, including the earls of Lancaster and Northampton, who intercommuned between the two houses.²³⁷ The Commons were

²³² *PROME*, June 1344, item 7. Arundel, Huntingdon, Devon, Derby, Lancaster, Gloucester, Oxford, Pembroke, Suffolk, Northampton, Surrey and Warwick were summoned: *RDP*, IV, 551-3.

²³³ *PROME*, June 1344, item 8.

²³⁴ W.M. Ormrod, ‘Introduction’, to *PROME*, June 1344.

²³⁵ See appendix 1 for military service.

²³⁶ Arundel, Huntingdon, Devon, Hereford, Lancaster, Oxford, Pembroke, Suffolk, Northampton and Warwick were summoned: *RDP*, IV, 572-5.

²³⁷ *PROME*, March 1348, item 4; W.N. Bryant, ‘Some Earlier Examples of Intercommuning in Parliament, 1340-1348’, *EHR*, 85 (1970), 56.

then asked for their counsel on the continuation of the war, to which they proffered a striking but problematic answer:

Most dread lord...we are so ignorant and simple that we neither know nor are able to give counsel thereon; wherefore we pray your gracious lordship that we should be considered excused from the order, and that it might please you, by the advice of the great and wise men of your council, to ordain on this point that which seems best to you for the honour and profit of you and of your realm. And whatever is thus ordained by the agreement and accord of you and the aforesaid great men, we will properly agree firmly and steadfastly to uphold.²³⁸

Their response illuminates an important principle in the giving of counsel. Counsel on the matter of war was presumed to be the preserve of the great men, not of the Commons.²³⁹ The desirability of the advice of the council as a panel of experts combined with the lordly wisdom of the great was pushed upwards by the Commons in Parliament. In the Parliament of January 1352, the Commons were asked to deliberate on the war and on law and order in return for an aid, having first received the advice and information of the Black Prince, the chamberlain of the household and other great men.²⁴⁰ The consent of the Commons was needed for the imposition of fiscal policy or for supply but the duty of offering the king counsel on various matters remained intensely aristocratic, and this was reinforced by the expectations of the Commons themselves.

Generally, the surviving Parliament Rolls of the 1350s are taken up by fiscal negotiations, by the issue of the wool staple, by the redress of the petitions proffered by the Commons in return for supply, and by the enforcement of labour regulation enacted in the wake of the Black Death. These were all matters in which the Commons claimed a substantial measure of input and interest and,

²³⁸ *PROME*, January 1348, item 5.

²³⁹ Further to the discussion of this response in W.M. Ormrod, 'Introduction', to *PROME*, January 1348, it is important to note that even if, for example, the Commons ran out of time, it was the principle of advice by the great men and not by themselves that framed their response. See G. Dodd, 'Writing Wrongs: The Drafting of Supplications to the Crown in Later Fourteenth Century England', *Medieval Aevum*, 80 (2011), 233-7; Ormrod, "'Common Profit'", 229 on the rhetoric of deference.

²⁴⁰ *PROME*, January 1352, items 8-9. Arundel, Huntingdon, Devon, Hereford, Lancaster, Oxford, Salisbury, Suffolk, Northampton and Warwick were summoned: *RDP*, IV, 590-93.

furthermore, matters whose enrolment was thought desirable. They dominate the rolls but sometimes the essential co-operative dynamic of advice in Parliament shines through. The Parliament of 1353, which evolved from the summoning of a Great Council of magnates which met in July, convened to discuss the implementation of the Ordinance of the Staple, which would manage and regulate a new system of domestic wool staples through which England's most valuable domestic product would be exported.²⁴¹ The Ordinance was prepared in advance with the advice of this Great Council and was then submitted to the Lords and Commons in the assembly of September 1353 for their assent.²⁴² The Commons subsequently returned a memorandum of their advice, which was further debated by the great men in council. After receiving the combined advice and assent of the gathered magnates and Commons, the Ordinance was issued.²⁴³ The same co-operative dynamic can be seen in the grant of the triennial subsidy of wool, leather and wool-fells in the same assembly, made after deliberation by the Lords and the Commons.²⁴⁴ The Parliament of November 1355 was shortened because of the fall of Berwick to the Scots but the remarkable grant of the wool subsidy for a further six years was still agreed unanimously by the Lords and Commons together.²⁴⁵ Unfortunately, the rolls for the following three Parliaments convened before the Treaty of Brétigny have been lost, so the place of the Lords in the counsels offered in these Parliaments cannot be recreated.²⁴⁶ Nonetheless, the surviving rolls of the 1350s show how magnate counsel remained an expectation which needed to be referred to publicly, even in the matter of economic policies.

²⁴¹ For a valuable summary, see W.M. Ormrod, 'Introduction', to *PROME*, September 1353. Arundel, Huntingdon, Devon, Hereford, Lancaster, Oxford, Salisbury, Suffolk, Northampton, Warwick and Stafford were summoned: *RDP*, IV, 598-601.

²⁴² *PROME*, September 1353, item 2; Ormrod, 'Introduction', to *PROME*, September 1353.

²⁴³ The Ordinance was referred to as made by 'the wise men of his council, as well as the prelates, dukes, earls, barons, justices, serjeants and others of the commonalty': *PROME*, April 1354, item 1.

²⁴⁴ *PROME*, September 1353, item 32.

²⁴⁵ *PROME*, November 1355, item 11. Arundel, Devon, Hereford, Lancaster, March, Stafford and Northampton were summoned: *RDP*, IV, 603-6.

²⁴⁶ Arundel, Devon, Hereford, March, Stafford and Northampton were summoned to the Parliament of April 1357: *RDP*, IV, 611-13. Arundel, Devon, Hereford, Lancaster, Oxford, March, Stafford, Suffolk, Salisbury, Warwick and Northampton were summoned to the assembly of February 1358: *RDP*, IV, 614-16.

Overall, the integral place of the advice of the great men in Parliament seems clear, even if the records are uncongenial for recreating discussion. If the Parliament Roll of 1343 represents the usual method of counsel in Parliament, the advice of the great men was given by each of them in turn, as befitted their individual status, their own expectations of primacy and the expectations of the wider community regarding the magnates as the physical embodiment of noble wisdom.²⁴⁷ As illustrated by the response of the Commons in 1348, if the Commons had become increasingly assertive over the issues of taxation, redress and fiscal policy by the second half of this study, the crucial matter of counsel through Parliament generally remained a dualistic enterprise between them and the great men summoned to the king's Parliament to offer their advice. The Commons were undeniably important, especially after 1340. Their advice was sought on matters which needed their input: taxation, local peacekeeping, mercantile and fiscal policy.²⁴⁸ But this advice was usually offered in tandem with that of the Lords, and by virtue of their central role the Lords (including the earls) retained their elevated place in the counsels of the king, which ran through contemporary political thinking as Parliament began to feature more regularly as a point of contact between the king and the community of the realm.

Functions II: Justice

Parliament was a place in which justice could be done for those private petitioners who could not find redress in the courts of common law, and where statutes were enacted both in response to common petitions and through the initiation of the king's justices. The dominant paradigm of contemporary expectations tasked the higher nobility with roles of prime responsibility in the execution of the king's obligations of governance, including the provision of justice either locally or in the public forum of Parliament.

²⁴⁷ *PROME*, April 1343, item 19.

²⁴⁸ Cf. Edwards, *The Second Century*, 42.

This was immediately apparent in the Parliament of November 1330. The king charged the earls and barons as the peers of the realm to render judgement on Roger Mortimer as a notorious usurper of royal power.²⁴⁹ The lay lords were given the articles of accusation levelled against Mortimer and, after reading them, gave their judgement: Mortimer was a traitor. As earl marshal, Norfolk supervised the execution of 29 November. This spectacle shows the Lords carrying out the principle of trial by peers: an emergent Parliament is being grafted onto clause 39 of the 1215 Magna Carta.

The role of the Lords, including some of the more active earls, in the dispensation of justice can be clearly seen in the Parliaments of 1340-41, in which the Commons pushed for some of the great men to be highly conspicuous in the making of legislation and in the committee to decide upon the right of trial by peers in Parliament. The Parliament of March-May 1340 saw a very unusual process for the creation of legislation. Instead of being discussed and drafted by the king and his council, the legislative process was deferred to a committee including Derby, Arundel and Huntingdon, along with twelve knights of the shires and six citizens and burgesses elected by the Commons.²⁵⁰ This highly representative body was part of the conditions secured by the Commons in return for their grant of the ninth, so evidently the participation of the earls of Derby, Arundel and Huntingdon was considered desirable if justice was to be done and appropriate statutes enacted. Those named on the panel correlate strongly to the regency council enacted in Parliament under the presidency of the Archbishop: clearly, Arundel, Derby and Huntingdon were figures whose personalities and noble standing pushed them towards the forefront of the compromise between king and community hammered out during this Parliament. The statute of this Parliament dealt with a number of issues which had troubled the Commons in previous years and the aristocratic make-up of the legislative commission shows that such judicial remedies were secured by the active agency of the community of the realm, headed by the archbishop and the earls.²⁵¹

²⁴⁹ *PROME*, November 1330, item 1 for the following.

²⁵⁰ *PROME*, March 1340, item 7.

²⁵¹ *SR*, I, 281-9.

In the Parliament of June 1340, a private case was brought on behalf of Geoffrey Staunton, after he had been unable to obtain remedy from the Common Bench. Its mind-numbing detail was inspected not by a panel of triers, or by the judicial members of the king's council, but by 'the prelates, earls, barons and others of the Parliament', who ordered that the case either be returned to the Bench for judgement or brought back to Parliament.²⁵² In the event, the king's council, including the Justices of both Benches and barons of the Exchequer, determined the case but, as Ormrod has noted, the Lords' role in the first section of this Parliamentary process 'helps to illustrate the role of the lords, functioning as a great council, in the determining of difficult cases, and thus, by extension, its emerging role as a high court of appeal'.²⁵³ This role was reinforced in the following years: in the Hilary Parliament of 1348, for example, the record and process of a recent judgment on Edmund Hadlow was brought before a group of earls, barons and justices, deputised by the king to hear and determine the case.²⁵⁴

A significant aspect to the crisis of 1341 was Archbishop Stratford's claim that he should only be tried by his peers in full Parliament. With the support of some of the earls, Stratford entered Parliament on 28 April.²⁵⁵ At his request, a committee of twelve lords, including the earls of Arundel, Salisbury, Huntingdon and Suffolk, was appointed to inquire into trial by peers on 3 May.²⁵⁶ They reported back on 7 May and found that 'the peers of the land should not be arrested or brought to judgement except in Parliament and by their peers'.²⁵⁷ Later in this Parliament, Stratford's answers to the articles levelled against him were considered by the bishops of Durham and Salisbury and the earls of Northampton, Arundel, Warwick and Salisbury, who were to decide whether Stratford ought to be excused.²⁵⁸ This committee, probably for political reasons (the archbishop had a great deal of support among the representatives), was empowered to report their findings to the king outside of

²⁵² *PROME*, July 1340, item 31.

²⁵³ *PROME*, July 1340, item 31; W.M. Ormrod, 'Introduction', to *PROME*, July 1340.

²⁵⁴ *An Index and Paraphrase of Printed Year Book Reports*: Seipp Number 1348.025.

²⁵⁵ *French Chronicle*, 90; *Anglia Sacra*, I, 40.

²⁵⁶ *PROME*, April 1341, item 7.

²⁵⁷ *PROME*, April 1341, items 7, 51; *SR*, I, 295-6. For the revocation, see above, 127-8.

²⁵⁸ *PROME*, April 1341, item 44. Noted by Murimuth, 120.

Parliament. Meanwhile, the grant of the ninth was conditional on the acceptance of the petitions of the Commons and, when at first the king's answers were deemed insufficient, another representative committee including the earls of Northampton, Arundel, Salisbury and Huntingdon was entrusted to oversee the petitions and report the wishes of the Commons to the king.²⁵⁹ The comital composition of the judicial committees empowered in the course of the April 1341 assembly reveals two key assumptions about the role of the earls in the dispensation of justice: first, Stratford drew on a sense of corporate privilege held by the peers in Parliament to defend himself and this identity was confirmed by a representative group of adjudicators including the earls of Arundel, Salisbury, Suffolk and Huntingdon; secondly, the make-up of all these commissions was orientated towards the appeasement of the gathered political nation represented by the Commons. It was their expectations, as much as anything, which were being met by the appointment of these earls in such a capacity.

The principle of trial by peers can be seen at play in later Parliaments, when cases were subject to the scrutiny of the Lords as a display of corporate responsibility and consent. In 1351, after the conciliar condemnation of Chief Justice Thorpe, the king caused the record and process to be read out to the Lords in Parliament so that he might know their advice as Thorpe's peers.²⁶⁰ The Lords accepted Thorpe's condemnation and agreed that in the future the king should summon before him whichever of the great men please him and act on their advice. In the Parliament of April 1354, Roger Mortimer and Richard, earl of Arundel, petitioned to have the sentences of treason laid on their ancestors annulled.²⁶¹ This was the result of private collusion between the king and these magnates to protect lands given to them; as such, their petitions represented more their private wishes and those of the king than the concern of the wider community.²⁶² But this arbitrary reversal

²⁵⁹ *PROME*, April 1341, item 17. This committee also included the bishops of Durham, London, Ely and Salisbury.

²⁶⁰ *PROME*, February 1351, item 10.

²⁶¹ *PROME*, April 1354, items 8-15.

²⁶² Holmes, *Estates*, 14-17.

and the confirmation of the annulment received by Mortimer in the Parliament of November 1355 was a performance of the judicial power of the Lords in Parliament, since they were given with the consent of ‘the prelates, Edward, eldest son to our said lord the king, prince of Wales, Henry, duke of Lancaster, and the earls and barons, the peers of the land, and the knights of the shires and all the other commons of the land’, as an integrated body representing political society.²⁶³ This confirmation, which attests to the consent of ‘the king, the archbishops, bishops and other prelates, dukes, earls and barons, with the assent of the commons of his said realm now in full Parliament’, is a particularly revealing fiction, since both dukes were in France at the time. And, given the controversial legal and tenurial context of the annulment secured by Mortimer, this rhetoric was part of a very much ‘live’ documentary process.

The Earls and Petitions in Parliament

Parliament was the venue for the submission of common petitions, schedules framed for the benefit of the common good. This device has been very ably considered elsewhere: we need only note the form of the responses to common petitions.²⁶⁴ Unlike private petitions, which were considered by panels of appointed triers, common petitions were delivered by the clerk of Parliament to the king’s council.²⁶⁵ The responses to them were often associated with the magnates in Parliament, as can be seen from a comparison of the common petitions enacted into statutory legislation.²⁶⁶ These statutes were sometimes prefaced with the proviso that they resulted from common petitions and were enacted by, or assented to by, the king, his prelates, earls and barons.²⁶⁷ Here, we can see the

²⁶³ *PROME*, November 1355, item 29.

²⁶⁴ D. Rayner, ‘The Forms and Machinery of the “Commune Petition” in the Fourteenth Century’, *EHR*, 56 (1941), 198-233, 549-70; Dodd, *Justice and Grace*, 126-55; Ormrod, ‘On – and Off – the Record’, 46-55; Maddicott, *Origins of the English Parliament*, 341, 354-7, 363-4.

²⁶⁵ H.G. Richardson and G.O. Sayles, ‘The King’s Ministers in Parliament, 1327-1377’, reprinted in *The English Parliament*, chapter XXII, 388.

²⁶⁶ Here, I agree with the suggestion put forward by Richardson and Sayles, ‘The King’s Ministers in Parliament, 1327-1377’, 388 n. 5.

²⁶⁷ E.g. *SR*, I, 261, 265, 275, 276, 327, 371, 378. The association of legislation with magnate counsel was, of course, already ancient: J. Hudson, *The Oxford History of the Laws of England: Volume II, 871-1216* (Oxford, 2012), 25.

shared responsibility of the Lords and Commons in action: the common petitions of the representatives and the assent of the magnates to their proposals combine to produce statutory remedy through the accepted venue for the articulation of the voice of the community of the realm. Aside from irregular appointment to judicial committees and the responses to common petitions, a core group of earls featured prominently on the panels which dealt with private petitions brought to Parliament. Their primary function was to redistribute cases to the most appropriate branch of the legal system.²⁶⁸ From the Parliament of March 1340, when earls began to be named after a nineteen-year hiatus, a notable comital element featured in these panels of triers. Those named are shown in table 1. The earls were a crucial part of the panels' composition, which was designed to be representative and usually featured prelates, earls, barons, bishops and abbots, assisted by royal judges and the Chancellor and Treasurer.²⁶⁹ As can clearly be seen from the table, a relatively youthful group, all of whom were highly active in the counsels, councils and campaigns of the period, featured frequently as triers. The exception is the earl of Devon, whose naming usefully shows the idealised participation of an earl whose relations with the king were relatively distant but whose social status accorded him a place in the set-piece occasion of Parliament. Dodd has noted that the proportion of earls named as triers substantially increased during the 1360s: it became normal for most earls to be named rather than for most earls not to be.²⁷⁰ This is indisputable but should not detract from the fact that the panels of 1340-60 consistently featured a number of prominent earls. That many earls were *not* included continues the familiar theme of balance. Presumably, the panels did not need to feature more earls at this point and many of the earls probably had little interest in being named. Parliament was increasingly part of their world but they did not need to busy themselves with its minutiae. For the performance of judgement by a representative panel, two or three earls for each set of petitions sufficed.

²⁶⁸ Dodd, *Justice and Grace*, 105-6.

²⁶⁹ See Dodd, *Justice and Grace*, 92-7.

²⁷⁰ Dodd, *Justice and Grace*, 93-4 and figure 5.

Reasonable doubt has been cast on the issue of service as a trier, as opposed merely to being named. Richardson and Sayles were suspicious of the artificial appearance of the panels, remarking ‘we need not suppose that many of the magnates took an active part in trying petitions’.²⁷¹ Dodd, drawing on later action enforcing the presence of a quorum of six peers, also questions whether many of the named lords actually sat in judgement.²⁷² In the absence of minutes of proceedings drawn up by the triers, it must be assumed that those earls named may not have actually participated in the business of the panels, although this is more probable for the larger panels of the later period in which the quorum was enacted. Certainly, although much of the work of the triers was probably done by the king’s ministers, superfluous naming on the panels need not immediately relegate the magnates from sitting. In 1344, a petition from Isabel de Ros was to be brought before the triers in the June Parliament.²⁷³ Those named on the endorsement – the bishop of Chichester, the earls of Devon and Huntingdon, Thomas, lord Wake, and Thomas Berkeley – represent only some of those named as triers for that assembly; that both earls are named in the endorsement as well as in the wider pool of potential triers suggests they may actually have been involved in trying such pleas, on this occasion at least.

Table 1: Comital Triers, 1340-60

²⁷¹ Richardson and Sayles, ‘The King’s Ministers in Parliament, 1327-1377’, 385.

²⁷² Dodd, *Justice and Grace*, 95.

²⁷³ SC 8/171/8521, initiated by an earlier petition to king and council, SC 8/138/6853, with the endorsement ‘let it be held over to the next Parliament’. The first of these is dated in The National Archives online catalogue to 1348 on the basis that this date is accorded to it in Matthew Hale’s transcripts. The triers named in the endorsement, however, all correlate with the triers of the June 1344 Parliament (*PROME*, June 1344, item 3) and not those of 1348.

Parliamentary Session	Comital Triers (E = English petitions, F = Foreign and C = clerical)	Reference
March 1340	Arundel and Huntingdon (E), Northampton (F)	<i>PROME</i> , March 1340, item 21.
July 1340	No panels of triers appointed	<i>PROME</i> , July 1340.
April 1341	Northampton and Arundel (E), Huntingdon and Devon (F)	<i>PROME</i> , April 1341, item 3.
April 1343	Warwick and Suffolk, or one of them (E), Huntingdon and Devon (F)	<i>PROME</i> , April 1343, item 5.
June 1344	Huntingdon and Devon (E), Suffolk and Oxford (F)	<i>PROME</i> , June 1344, item 3.
September 1346	No earls named (during Crécy- Calais campaign)	<i>PROME</i> , September 1346, item 3.
January 1348	Northampton and Huntingdon (E (and Scotland)), Arundel, Huntingdon and Lancaster (C), Lancaster, Oxford and Suffolk (F)	<i>PROME</i> , January 1348, item 3.
March 1348	No panels of triers appointed	<i>PROME</i> , March 1348.
February 1351	Northampton, Arundel and Huntingdon (E), Lancaster, Warwick and Suffolk (F)	<i>PROME</i> , February 1351, item 5.

January 1352	Northampton, Arundel and Huntingdon (E), Warwick and Stafford (F)	<i>PROME</i> , January 1352, items 3-4.
September 1353	No panel of triers appointed	<i>PROME</i> , September 1353.
April 1354	Northampton, Arundel and Huntingdon (E), Lancaster, Warwick and Stafford (F)	<i>PROME</i> , April 1354, items 6-7.
November 1355	No panels of triers appointed	<i>PROME</i> , November 1355
April 1357	No Parliament Roll	
February 1358	No Parliament Roll	
May 1360	No Parliament Roll	

Whether the named earls sat or not, the panels of triers clearly show the necessary comital involvement in the performance of justice in Parliament as a public point of contact between judicial authority and supplicant. The panels represented an ideal type of communal justice with a mixture of expertise and noble blood, achieved through a combination of ministers who derived their authority from their office and the innate nobility of the earls, barons and prelates. A number of earls representing the wider comital group were increasingly associated into parliamentary justice through the 1340s and 1350s, in order to meet assumptions on the administration of justice as Parliament became increasingly important as a judicial forum.

Conclusion

Parliament was a performance, which met the expectations of those looking towards it as a microcosm of the political nation. As the growing judicial role of the Lords shows, along with the increasingly conspicuous role of a select group of earls as triers, the earls and the Lords more generally played an integral part in the execution of judicial business on the parliamentary stage as the proper counsellors of the king. These commitments were undertaken by an active group of earls who involved themselves in parliamentary business, and whose involvement was also pushed from below by the Commons, who desired their authority and status. Furthermore, part of the development of Parliament saw it evolve as a space through which the advice of the great men could be imparted. The Commons played an increasing role over the period as they spoke for the wider community and accordingly many of the records of Parliament are given over to the interplay between Commons and Crown for national taxation and the redress of grievances. This in no way detracts from the continuing role of the Lords both in these negotiations and, often in tandem with the Commons, in the business of advice-giving and the provision of justice. These integral functions of the later medieval Parliament were not zero-sum games. The earls maintained an important place in parliamentary counsel and representation by involving themselves in a great deal of parliamentary business and through their unquestioned place in the ranks of the Lords.

Counsel, Council and Parliament: Conclusion

This chapter has navigated through a series of institutions and occasions, beginning with the royal household and the spaces around the king, continuing through the workings of the king's council, and ending with Parliament, to ascertain the role played by the earls in the crucial business of counsel and representation, a key obligation resting on those of comital rank. The development of these occasions and venues increasingly institutionalised the political landscape of later medieval England and is often equated to the rise of courtly society alongside a bureaucratic council and a powerful Commons sitting in Parliament. In contemporary thinking, counsel was a safeguard against

tyranny and its provision by the great and wise was as such a constant necessity. These demands grated against the realities of social status: the greater the person, the less time they were likely to be able to spend in attendance to the king. This tension between the obligation to provide counsel for the common good and the need to regulate one's own affairs was mediated through a series of meeting points. This chapter has identified several points of contact, through which advice was disseminated by the earls of Edward III. These ranged from informal and transient access to the royal Chamber or partaking in tournaments to participation in the increasingly routine business of the council and Parliament. Together, these institutions and events incorporated traditional powers of magnate counsel into a concrete framework of representation by wider political society. They allowed the community to be represented by the Commons and allowed the king to receive the expert advice of his ministers, and it is these seemingly modern elements that have in the main drawn historiographical attention.²⁷⁴ This chapter has shown how these institutions were balanced against the continued influence of the earls. Through periodic appearances in the presence of the king, they exercised the informal advice expected to be received by the king from his *comites*. As has been emphasised throughout, the earls were not courtiers; balance between 'public' and 'private' was, aside from the years 1340-41, achieved by the notable but periodic participation of the earls as a corporate group in informal counsel, council and Parliament. Such interactions by the earls with the nexuses of power could bring reward, favour and advancement but also served to satisfy the assumptions of king, political society and, of course, the earls themselves about the role they played in the body politic. The increasingly bureaucratic and institutionalised governmental structures of the fourteenth century increased the prominence of the minister and the MP but it would be a mistake to equate this to a profound loss of aristocratic influence. Government grew.²⁷⁵ The earls, by periodic representation on the council, by the active and realised claims of the Lords to offer the king advice through Parliament, and by participation in the judicial activities of both, maintained the

²⁷⁴ See above, nn. 4, 174.

²⁷⁵ Harriss, 'Political Society and the Growth of Government'.

self-fulfilling prophecy of comital involvement in counsel and representation which arose up from common assumptions about noble virtue. Even as the state centralised, the earls found important roles to play in these hardening institutional structures. Nor was this the magnates clutching onto power: often the Commons acted with the magnates and themselves pushed for magnate participation. The earls remained integral to both the concept and the practice of good governance secured by the counselled sovereign. The words of Ronald Syme are characteristically alarming but contain something of the truth when applied to later medieval England: 'In all ages, whatever the form and name of government, be it monarchy, republic, or democracy, an oligarchy lurks behind the façade; and [Roman] history...is the history of the governing class'.²⁷⁶ Despite the claims of the Commons in Parliament, the parallel pressure for comital advice and representation to be taken and given, along with the benefits that closeness to the monarch could bring, ensured the continued importance of the aristocracy in counsel and representation in a political landscape which, although increasingly institutionalised and involving a wider section of political society than ever before, remained intensely aristocratic.

²⁷⁶ Syme, *The Roman Revolution*, 7.

Endowment, Reward for Service, and the Place of Place of Royal Patronage

This chapter considers the looming issue of royal patronage. In some ways, it looms because of the preoccupations of modern historiography but, despite the attention rightly drawn to Edward III's grants, his patronage 'policy' has not been viewed within the full structural context in which the king and the aristocracy lived. This context included the obligations of internal peace guided by virtuous counsel and external defence by strength of arms placed on the king as the head of the body politic and on the higher nobility as its chief members. By the fourteenth century, scholastic notions of inalienability had intertwined with the politics of previous generations to force into prominence the notion of the inalienability of whatever was thought to pertain to the Crown.¹ These ideas shape and explain much of Edward III's patronage, although this seems to have been underplayed by most modern commentators.² Instead, historians have concluded that Edward III restored the prestige of the Crown by forging strong personal connections with his leading magnates through shared social pursuits and the bonds of patronage.³ James Bothwell has illustrated what mechanisms the king had at his disposal for the distribution of patronage with admirable clarity, and has carried out an exhaustive investigation into the king's patronage of the peerage.⁴ According to Bothwell, this patronage programme was shaped with the express purpose of limiting the potential powers of the magnates and thus binding them to the Crown.⁵ However, some historians, notably John Watts, have argued that the earldom creations of Edward II, Edward III and Richard II were the means by which regnal structures were 'harmonised' with local power for the pursuit of wider kingly obligations (with varying levels of success).⁶ Recently, Richard Partington has explicitly noted that

¹ See above, 53-8.

² Briefly mentioned or noted in: Wolffe, *The Royal Demesne*, 59-60; Given-Wilson, *The English Nobility*, 37-40; Bothwell, *Edward III and the English Peerage*, 47-8 (arguing that the relatively insubstantial worth of the royal demesne was the reason for not using it as patronage); Prestwich, *Plantagenet England*, 267. However, I do not believe that any of these accounts gives adequate weight to the importance of the concept.

³ See above, 9-12.

⁴ Bothwell, *Edward III and the English Peerage*.

⁵ See J. Bothwell, 'Edward III and the "New Nobility": Largesse and Limitation in Fourteenth-Century England', *EHR*, 112 (1997), 1,111-1,140; Bothwell, *Edward III and the English Peerage*, esp. 5-8, 140-56; Bothwell, *Falling from Grace*, esp. 18-19, 27, 185.

⁶ Watts, *Making of Politics*, 251-2.

Edward's patronage was designed to 'facilitate the delivery of his rule'.⁷ Interestingly, the recognition of a wider purpose for patronage features most heavily in works of 'British History', where patronage is often seen as a way in which families built up their local power while maintaining strong links to the Crown.⁸ Clearly, considering these contrasts, there is still scope for thought on the subject, despite the prominence of patronage in studies of the Edwardian nobility.

The predominant emphasis on the importance of personal bonds and the politics of royal favour is valuable but alone cannot fully explain the nature of Edward III's patronage or what the king achieved through that patronage; the skeins of personality and interest have to be seen within the wider framework of expectations which shaped the use of royal resources and comital actions. Furthermore, patronage has to be seen from the bottom up, or from 'the localities' inwards, as a necessarily difficult and lengthy redistribution of local structures. These considerations may help to explain the shape of the patronage given out under Edward III. The rhetoric underpinning many of Edward III's grants was that of reward or that of endowment (or both). Reward for service given and endowment to enable social gradation to be upheld were ideas fully compatible with the perceived role of the aristocracy in assisting the king to fulfil his obligations of office. But the necessity for new men to be endowed and for rewards to be given to those who distinguished themselves in service grated along with the responsibilities of inalienability: the three ideas were in friction, since the king needed both to use resources as patronage and to keep the landed basis of the Crown's power

⁷ Partington, 'The Nature of Noble Service to Edward III', quote at 76. See also 91.

⁸ For instance, W.M. Ormrod, 'Edward III and his Family', *JBS*, 4 (1987), 398-422; B. Smith, *Colonisation and Conquest in Medieval Ireland: The English in Louth, 1170-1330* (Cambridge, 1999), 42-50, 113-14, 129-32; Smith, *Crisis and Survival*, 25-50, 219; D. Green, 'Lordship and Principality: Colonial Policy in Ireland and Aquitaine in the 1360s', *JBS*, 47 (2008), 3-29; K. Stringer, 'States, Liberties and Communities in Medieval Britain and Ireland (c.1100-1400)', in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), 21-22; Crooks, 'State of the Union', 13-14, 17-19; M. Brown, *Disunited Kingdoms: People and Politics in the British Isles, 1280-1460* (Harlow, 2013), 88-92, 146-56, 169-74, 181-7; C. Veach, *Lordship in Four Realms: The Lacy Family, 1166-1241* (Manchester, 2014), 26-8, 48-55, 118-19, 279-81; A. Taylor, *The Shape of the State in Medieval Scotland, 1124-1290* (Oxford, 2016), 19-20, 25-53, 438-55; Frame, 'Rebellion and Rehabilitation', 194-222; S.G. Ellis, *Tudor Frontiers and Noble Power: The Making of the British State* (Oxford, 1995), parts I and II; S.G. Ellis, *Defending English Ground: War and Peace in Meath and Northumberland, 1460-1542* (Oxford, 2015), 1-60, 84-112; Smith, 'Transnational Lordship', esp. 47-50.

intact, and all this during a period of distinct financial pressure.⁹ This means we must distinguish sharply between the landed aspect of the king's Two Bodies: the fisc and the alienable patrimony pertaining to the king's private lordship. Although the fisc could be farmed out for a limited term, the growth of national taxation during the Hundred Years' War intertwined with the increasing political importance of the idea of inalienability to make it politically inadvisable for Edward to use the fisc as alienable patronage.¹⁰ In contrast to the fisc stood the king's profits from his feudal perquisites, the private lands and rights at the disposal of the king, comprising largely the accidents of prerogative wardship, escheat and forfeiture. These were regarded as occasional and therefore outside the inalienable patrimony of the Crown lands and through failure of inheritance, non-age or incapacity formed a relatively stable fount of largesse but one with a perpetually transient composition. Generally, Edward III had the right to use such revenues as he saw fit. Although his private patrimony gave Edward III a flexible body of alienable resources, there was not enough land to go around for both his significant endowment programme and for widespread rewards to be given (if Edward had wanted to do so). As such, studying Edward III's patronage is like watching a juggling act: a wide variety of sources and mechanisms were used in a desperate attempt to provide 'new earls' with the land they needed to fulfil their duties and to reward those whose service merited the king's grace.

The following sections examine Edward III's patronage in relation to these two areas: endowment and reward for service. An exhaustive study of Edward III's grants to the earls is unnecessary in the light of so much historiographical attention; instead, these common themes rising through a paradigm of noble conduct in the service of the monarchical state will be surveyed in relation to the grants bestowed by the king on his earls.¹¹ Furthermore, the nature of patronage itself – as a

⁹ See above, 53-8, 74-8.

¹⁰ The only permanent major grant of the fisc was that of Burstwick to William de la Pole in 1338, which in part explains the vitriol with which Edward pursued Pole after his first fall from grace: see C 49/7/8; Harriss, *King, Parliament, and Public Finance*, 157; Fryde, *William de la Pole*, 108-10 and appendix C.

¹¹ See Bothwell, *Edward III and the English Peerage* for an admirably comprehensive survey.

mechanism reshaping and distorting layers of networks, obligations and tenurial patterns – provides a practical dimension to these considerations of Edward III’s comital patronage and its distribution. As such, the shape of Edward III’s patronage will be subsumed into the larger ideological and practical contexts dominating public life in the fourteenth century and ideas on the relationship between king and earls within the medieval state can then be drawn from these discussions.

Endowments

Edward III’s reign is famous – or perhaps infamous – for the elevation of a large number of ‘new’ men to positions of high social rank. The rhetoric in support of these elevations was shot through with the language of endowment: the lands and annuities given were framed as supporting the recipients in order for them to be able to properly execute the duties required of them.¹² By the use of this language in the working instruments of government, ideas of endowment for service in the common good were met and reinforced. Edward III followed a policy of trying to provide a number of especially able men with the resources they needed to function as earls and this section will examine how this policy was pursued, and the difficulties it encountered.

Early in the reign several prominent, young figures received endowments to enable the service expected of them. One of the most important was Henry of Grosmont, who received an annuity of 500 marks at the Exchequer in March 1332 for the express purpose of maintaining himself better in the service of the king.¹³ But the process of assignment had its difficulties and the provision of the 500 marks needed by Grosmont to act nobly in the service of Edward III – ‘to be judged to be properly noble’, in his own later words – was no easy process.¹⁴ For the first year of this annuity, Grosmont was assigned on various sources, including the fifteenth and tenth in Leicestershire and the shrievalty of Herefordshire.¹⁵ The full amount due is not recorded paid, however, and by 1333

¹² Bothwell, *Edward III and the English Peerage*, 31-2.

¹³ *CPR 1330-1334*, 265.

¹⁴ *Le Livre de Seyntz Medicines*, 96-7.

¹⁵ C 62/109, mm. 3, 5; E 159/109, rot. 284; E 404/3/16 16 July 7 Edward III; E 403/267, unnumbered membrane, 17 June, 16 July; E 43/699, nos. 1-3.

Grosmont felt a reassignment on a permanent source was a better bet for full payment of his annuity. At his request, Grosmont was to receive 500 marks from Roger Grey, keeper of Abergavenny during the minority of Laurence Hastings, heir to the earldom of Pembroke.¹⁶ This was clearly preferable, being an area with strong Lancastrian connections and, to cap it off, Grosmont received the wardship of Abergavenny for an annual render of 500 marks after Grey's death in 1334.¹⁷ Of course, the sum of the annuity and the render cancelled each other out, as was surely intended, and Grosmont subsequently received quittance of these revenues and his 500 marks yearly until at least Michaelmas 1339.¹⁸ But after Laurence Hastings was made earl of Pembroke in 1339 and received custody of the portion of his inheritance held by Grosmont, the 500 mark annuity was once again in need of reassignment.¹⁹ In 1345, shortly before the death of his father (and thus the termination of the annuity), Grosmont received an assignment on the Petty Customs of London, a source already overloaded with creditors.²⁰ The letters patent embodying the king's will acknowledged the potential for this source to be unable to meet Grosmont's obligations by specifying that the assignment should be shifted to the Great Custom if the Petty Custom was deficient.

When Grosmont assumed the title of earl of Lancaster, the assignment was void and its purpose of providing him with means in lieu of the Lancastrian lands fulfilled. This annuity from the king, which supplemented the provisions made for Grosmont by his father, helped him act as the representative of the house of Lancaster during a time when the earl of Lancaster himself was incapacitated. The styling of Grosmont as 'earl of Lancaster' on a warrant of 1333 is a scribal error but an unusually illuminating one: Grosmont often acted in the public arenas of diplomacy, warfare, counsel, council and Parliament as earl, and Edward III's annuity helped him do it.²¹ A detailed exposition of this

¹⁶ *CPR 1330-1334*, 397; C 62/110, m. 5; E 403/271, m. 3.

¹⁷ *CFR 1327-1337*, 401.

¹⁸ E 403/288, m. 8; E 159/113, rot. 59d; *CPR 1334-1338*, 349; E 372/184, rot. 19.

¹⁹ For Pembroke, see above, 29, and below, 151-2.

²⁰ *CPR 1343-1345*, 376; *CCR 1343-1346*, 513.

²¹ E 404/3/16 16 July 7 Edward III.

annuity also highlights another consideration that was forced to the forefront of Edward III's patronage time and time again. This was the complexity and volatility of the resources at the disposal of the king, shaped by the principles of inalienability. Edward did not just grant out 500 marks of land in 1332, he assigned Grosmont an Exchequer annuity. The subsequent difficulties in collection necessitated several reassignments authorised by the privy seal in response to Grosmont's requests. Patronage was a difficult business and not one to be undertaken lightly. And such difficulties need not be applied only to substantial endowments like Grosmont's. Before he became earl of Hereford and Essex in 1336, Humphrey Bohun was given a weekly pension of 20s to support himself but, through the years 1329-31, his payments from a wide range of officials were so sporadic that he was given an Exchequer annuity in cash in 1331, subsequently followed by the manor of Eastspring in Kent as soon as it returned to the king's hands.²²

The major landed endowment in the early years of Edward III's reign went to his brother, John of Eltham. During the Parliament of November-December 1330, Eltham received the third penny of Cornwall and over 2,000 marks of land in fee tail in support of the title earl of Cornwall he had assumed in 1328.²³ Much of this had been forfeited by Queen Isabella. The following year saw a foreshadowing of Edward III's later patronage policy to his sons: Eltham was granted the Cornish core of the earldom, valued conservatively at 1,000 marks, which was held to pertain to the immediate royal family.²⁴ This grant of part of the patrimonial lands allowed Eltham to use the full power of a large earldom in support of the Crown. Subsequent to this, there was not enough land for Eltham to receive further permanent landed endowments but he did receive two wardships in the first half of 1332 and, furthermore, he was granted a 300 mark annuity in lieu of available lands, and the profits of a succession of farms, mines and revenues in Cornwall on 3 October 1333.²⁵ Even if

²² E 403/246, mm. 8, 24; E 404/2/9 26 May 4 Edward III; E 403/249, mm. 20, 3; E 403/256, m. 17; *CPR 1330-1334*, 148; *CFR 1327-1337*, 254, 258, 269; E 159/107, rots. 126d, 131d, 135; DL 36/1/273; E 159/109, rot. 56.

²³ *CChR 1327-1341*, 198; E 159/108, rot. 54.

²⁴ *CChR 1327-1341*, 233; *CPR 1330-1334*, 184. The earldom had usually been held by a close relative of the king since the grant to Robert of Mortain in 1072: *ex inf.* Colin Veach.

²⁵ *CPR 1330-1334*, 242, 306, 494; *CFR 1327-1337*, 310; C 62/111, mm. 5, 2; E 404/3/17 6 May 8 Edward III; C 62/112, m. 7; C 62/113, m. 7; *CChR 1327-1341*, 302-3. For the tin mines and stannaries, see J.R. Maddicott,

sufficient land was unavailable, Edward was determined that his brother be able to provide the comital support he needed in the early years of the reign.

The earl never seems to have visited his Cornish estates; instead, his landed endowment comprised a pool of resources from which manpower could be drawn for the earl's prominent service in the king's wars.²⁶ This pattern was cut short by his early death in 1336 but much of the later career of the Black Prince expanded on the patterns and networks of Eltham's career and resources.²⁷ The endowment of Eltham and the fate of the constituent lands of the earldom of Cornwall after his death in 1336 clearly illustrate the pressures of inalienability confronted by Edward III after Edward II's misuse of the earldom to endow Piers Gaveston.²⁸ Eltham was at first given escheated land, followed by the grant of the Cornish core of the earldom. This was acceptable to give to Eltham as an immediate family member of the king but, as its distribution after his death shows, unacceptable to give to almost anyone else. In 1336, a receiver's roll was drawn up after Eltham's death.²⁹ This provided figures for both the earldom of Cornwall proper and the lands the earl held outside the boundaries of the traditional earldom. Marginal annotations distil the matter: those manors outside the core earldom were dissipated as patronage to those outside the immediate royal family the king wanted to reward or endow, including the new earls of Huntingdon and Suffolk. Those lands and rights traditionally of the earldom itself have no annotations. They were given to the Black Prince on his creation as duke of Cornwall and so were kept within the immediate royal family. The old earldom of Cornwall was entailed in the same way as the county of Chester, with the Duke's appanage to descend to the eldest sons of the Duke's heirs – 'such heirs being kings of England' – so that the duchy was in effect annexed permanently to the Crown.³⁰ This example illustrates the

'Trade, Industry and the Wealth of King Alfred', *P&P*, 123 (1989), 20-27 and L.F. Salzman, 'Mines and Stannaries', in *EnGW*, III, esp. 91-7, 99-104.

²⁶ See Dryburgh, 'Living in the Shadows', 40-44.

²⁷ My thanks to Dr Sam Drake for discussions of Cornwall and the Black Prince.

²⁸ See P. Chaplais, *Piers Gaveston: Edward II's Adoptive Brother* (Oxford, 1994), 30.

²⁹ SC 6/1095/1.

³⁰ See J.E. Powell and K. Wallis, *The House of Lords in the Middle Ages: A History of the House of Lords to 1540* (London, 1968), 327.

division made between the lands pertaining to the Crown and the royal family and those escheats, forfeitures and wardships which were generally considered alienable to those the king wished to reward or endow.

The break-up of an earldom to provide for those who could use its landed resources in the interests of the realm formed a conspicuous characteristic of the minority of Laurence, earl of Pembroke from 1339. His lengthy minority (Laurence was ten years old in 1330) provided opportunities for Edward III to use parcels of his inheritance to buttress the endowments of new men who could use those resources to serve the Crown, as the adolescent Laurence could not. The early years of the king's personal rule saw many appurtenances of the earldom granted away in wardship to men whose names resonate through the records of the time for their great deeds (Henry of Grosmont and William Montagu being among the most prominent).³¹ In 1335, Grosmont was given custody of the dower portion of the earldom recently held by Isabel Hastings.³² As Laurence's step-father, William Clinton held custody of Laurence's person along with a portion of his lands, and received 200 marks yearly for Laurence's support: even as a minor, Hastings was heir to the earldom of Aymer de Valence and had to look and act the part.³³ Such wardships allowed the king to use his private, alienable patrimony to give landed estates – and thus the control over men, jurisdictions and networks of tenure and military recruitment inherent in these estates – to those who needed building up. That wardships could only bring such power for a temporary term was an unavoidable consequence of the shortage of permanently alienable lands: the juggling act had to continue.

In 1339, when Hastings received early seisin of his inheritance (he was not twenty-one until 1341), almost all the lands granted away in wardship were reassembled into the earldom of Pembroke.³⁴

³¹ *CPR 1330-1334*, 397; *CFR 1327-1337*, 428; *CPR 1334-1338*, 349; *CPR 1338-1340*, 313.

³² *CFR 1327-1337*, 431-2; C 81/316/18058.

³³ C 62/109, m. 6; E 404/2/13 29 April 6 Edward III; E 403/262, m. 1; *CCR 1330-1333*, 455-7; *CFR 1327-1337*, 360; E 401/341, 8 December; E 372/183, rot. 39d; E 159/110, rot. 288d; E 404/500/18, 19, 88; E 403/276, m. 14; *CCR 1333-1337*, 259, 607-8; E 159/111, rot. 93d; C 62/112, m. 7; E 403/282, m. 14; E 159/112, rot. 15; E 403/288, m. 26; *CCR 1337-1339*, 202; E 403/297, m. 17; E 404/4/24 8 July 12 Edward III.

³⁴ *CFR 1337-1347*, 117; *CPR 1338-1340*, 313, 395; E 159/119, rot. 49; E 372/187, rot. 15; *CCR 1339-1341*, 209-10, 292-3, 346, 366, 539.

The exception was the portion granted to Grosmont as earl of Derby, who retained custody of them until late 1340 at least.³⁵ This was surely for two closely interrelated reasons: Grosmont was especially favoured by the king as one of his foremost social companions, and he needed all the land he could get in order to act as the Lancastrian representative while without direct custody of the Lancastrian estates. Grosmont was using such lands to great effect through the 1330s. Laurence Hastings, the young earl of Pembroke, could not offer what Grosmont offered.

The king's greatest raft of elevations took place on the parliamentary stage in March 1337. The endowments made in support of the new earls reveal much about the relationship between the ideas of inalienability pressing on Edward III and the need to support the new earls. Since Edward was about to embark on a full-scale war with France, involving a period of heavy taxation, it was especially important for him not to use the resources pertaining to the estate of the Crown in the endowments of the 'new' men. Despite the number and scale of forfeitures and escheats in the years 1322-37, there was still not enough land for the immediate provision of the 1,000 marks reckoned to be the minimum comital endowment.³⁶ This shortage is clearly visible in the endowments. Northampton was promised land to the value of £1,000. The shortage of available land forced him to be dependent upon a series of reversions, to be held in tail male.³⁷ Until then, Northampton had to be satisfied with various assignments on customs ports and shrievalties.³⁸ With the exception of Hugh Audley, earl of Gloucester, the other new earls were promised grants worth

³⁵ *CCR 1339-1341*, 539. The king was free to make such a proviso because until he turned 21 Hastings held custody of his inheritance by 'the great affection' of the king, not by right of his inheritance as such.

³⁶ Wolffe, *The Royal Demesne*, 60.

³⁷ *CChR 1327-1341*, 401; *CPR 1334-1338*, 416-17. The original is DL10/279. These comprised the manors of Stamford and Grantham held by the earl of Surrey; the castle of Fotheringhay by Mary de St Pol; and the manor of Oakham by Hugh Audley, earl of Gloucester, and Margaret his wife. His creation patent specified that if the Bohun family earldom of Hereford and Essex fell to Northampton, £500 of his £1,000 endowment was to revert to the Crown on his death, and this surrender was to take place immediately if his male heirs succeeded to the earldom of Hereford after his death. It seems probable that these conditions were designed to free any excess lands for distribution elsewhere once Northampton had received enough to enable him to perform adequate service and, as such, the detailed endowment strategy implemented for the new earl of Northampton illustrates the scarcity of resources at Edward's disposal.

³⁸ *CPR 1334-1338*, 417. £400 from the customs of London, £150 from the ports of Boston and Hull respectively, £200 from the issues of the city of London, and £100 from the issues of the county of Essex, along with the traditional £20 third penny of Northamptonshire.

1,000 marks of land and rent but they too had to be provided for with remainders and annuities.³⁹

Gloucester provides a marked contrast to the other endowments: he and the male heirs of his body were granted a mere £100, to be received yearly at the Exchequer.⁴⁰ The difference between Audley and the rest is easily explained. Audley already had a gross income of well over £2,000.⁴¹

Accordingly, Audley did not need Edward to endow him to support his elevation and this, compared with the massive patronage programme required for the other new earls, illustrates that how these endowments were given to support comital rank.

Maitland's preferred category of social analysis—land tenure—needs to be discussed here. Bothwell has suggested that the prevalence of tail male rather than fee simple or fee tail in the grants supporting the earldom creations signifies 'Edward had no intention of permanently endowing new noble lines', a strategy designed to guard against over-mighty subjects.⁴² The application of tail male needs explaining but to view this as a direct attempt by Edward to limit his new earls and their heirs perhaps neglects the rise of tail male tenure more generally and neglects some of the potential benefits of tail male. In 1953, McFarlane showed how by 1337 'creations in fee accorded so little with the outlook and practice of the times that nothing wider than tail male was thought suitable'.⁴³ Furthermore, Edward III's use of tail male followed grants in the same tenure made by Edward II, including the creations of the earldoms of Kildare (1316), Louth (1322) and Carlisle (1322).⁴⁴ The fourteenth-century shift from granting earldoms and the lands supporting them from fee tail to fee

³⁹ Salisbury received 800 marks of reversions, held for life by John Warenne, earl of Surrey, and Joan his wife, in tail male, with the remaining 200 marks left unfulfilled 'until the promised rent of that amount be granted'. Until these lands became available, Salisbury received an assignment worth 1,000 marks a year upon the coinage of tin in Cornwall. Half of the 1,000 marks due to Huntingdon was made up of the manor of Kirton, Lincolnshire, with the remaining 500 marks either assigned on a miscellany of sources or granted in reversion. Suffolk received lands in Suffolk, the reversion of the manor of Benhall in Suffolk, held for life by Eleanor, wife of Guy Ferre, and an annuity of £120 to be received at the Exchequer. Derby received assignments of 400 marks from London and 300 marks from the ports of Boston and Hull. *CPR 1334-1338*, 415, 418, 426-7; E 328/108, m. 2.

⁴⁰ *CPR 1334-1338*, 414-15.

⁴¹ Above, 32-3.

⁴² Bothwell, *Edward III and the English Peerage*, 140-43.

⁴³ McFarlane, *Nobility*, 273.

⁴⁴ *CChR 1300-1326*, 307, 408 (Kildare, Louth); *RDP*, V, 18 (Carlisle); J. Biancalana, *The Fee Tail and the Common Recovery in Medieval England, 1176-1502* (Cambridge, 2001), 179.

tail male formed an accentuation of a wider social move towards preventing the dissipation of an inheritance through collateral heirs or female coparceners, which can be detected even before the De Donis clause in the Second Statute of Westminster.⁴⁵ McFarlane thought Tout's suggestion of tail male being used to ensure 'fighting heirs...ingenious but unconvincing', because a life grant would have been suited to that purpose but tail male 'would lead sooner or later to a minority'.⁴⁶ Here – and most unusually – McFarlane is thinking with a 'king's friend' hat on. Grants of supporting lands in tail male were vastly preferable to life grants from the point of view of the new earls, since they wanted of course to pass these lands on to any sons they might have. Tail male allowed that and provided security for successive generations of their families if there was a male heir, while simultaneously enabling Edward III to ensure either that the lands supporting the earldoms passed to a male heir who could fulfil comital obligations or that they would revert to the Crown. It seems probable then that the use of fee tail male in 1337 was the result of social expectations regarding inheritance more broadly and the nature of earldoms in particular in political thought. The expectations of the king and his nobles have to be subsumed into the wider obligations resting on them: tail male was the best available compromise between fee tail and life grants, which both catered to the interests of the nobility and to the needs of the Crown. The dispersal of hereditary earldoms through the accidents of inheritance, such as that of Gloucester in 1314, hamstrung the capacity of comital service in the years prior to 1337 and was clearly referred to in the introductions to the 1337 creation charters. The use of tail male guaranteed that this could not happen to the lands granted in support of the earldoms of 1337.

The pressures of inalienability caused by the process of the growth of the Crown as a concept, by the immediate legacy of Edward II, and by the need for taxation shaped the grants made in support of the earldom creations of 1337. The immediate repercussions of these pressures were the difficulties

⁴⁵ McFarlane, 'The Descent of English Earldoms', 14, 18; P. Brand, 'Formedon in the Remainder before "De Donis"', *Irish Jurist*, 10 (1975), 318-23; Biancalana, *The Fee Tail*, 6-82.

⁴⁶ McFarlane, 'The Descent of English Earldoms', 17 n. 1.

faced by the king and these earls – not to mention the over-worked sheriffs, customs officials and Exchequer clerks – in navigating the financial structures of later medieval England to have the assignments necessitated by the absence of available alienable land paid in full and on time. These processes deserve full study and there is certainly far more evidence than can be analysed here, but some choice examples show the difficulties faced in the collection of these assignments.

Montagu's assignment on the tin mines met immediate difficulties: tellingly, the potential for this assignment to be hard to collect was recognised in the grant. In the event of non-payment, this provided that Montagu should be given a new 1,000 mark assignment at the Exchequer.⁴⁷ The difficulties anticipated with this source arose within two years and the keeper of the coinage acknowledged a debt of £1,600 to Montagu in October 1339, which represented the arrears of his annuity.⁴⁸ In 1338, the difficulty of this source prompted a surrender by which Montagu received 600 marks worth of land in Chester from Queen Isabella in return for the same sum out of the issues of the tin mine.⁴⁹ The earl of Derby's assignments were reduced and modified a number of times by successive grants of alienable land from escheats and alien priories and, importantly, by the inadequacy of his original assignments. By 1339, he was owed 891 marks 5s 6 ¼d p.a. of the original 1,000 marks from the customs; at his request, his original letters patent were surrendered and he received a reassignment of all the issues of the Petty Custom of London 'for the more speedy obtaining of the balance', with the proviso that if these proved inadequate the surplus would be taken from the Great Custom.⁵⁰ The Petty Custom regularly proved defective and the collectors often paid Grosmont's attorneys months or years late, after testifying that they had insufficient

⁴⁷ *CPR 1334-1338*, 426-7.

⁴⁸ *CCR 1339-1341*, 272; Douch, 'The Career, Lands and Family of William Montague', 69 n. 3; Salzman, 'Mines and Stannaries', 98-9.

⁴⁹ *CPR 1338-1340*, 114-15.

⁵⁰ *CPR 1338-1340*, 319.

funds available.⁵¹ The assignment ended with Grosmont's assumption of the earldom of Lancaster in 1345 but, as late as 1353, he was still owed 1,441 marks 8s 11 ¼d.⁵²

The earl of Northampton's assignments suffered a similar journey through the late 1330s and early 1340s. By 1342, even though several sets of collectors were summoned to the Exchequer to answer for his assignments in the late 1330s, the Exchequer found Northampton was owed arrears of £1,740 built up over 1337-40.⁵³ This was still owed in 1348.⁵⁴ Northampton and Derby, then, suffered serious arrears on major assignments. This was perhaps to be expected in years of unprecedented fiscal pressure and levels of taxation in real terms but such problems also presented themselves to the king and his earls even in small assignments: Hugh Audley received £90 of his £100 endowment in 1337 from the forfeited lands of John Stutville, a Norman, but even the remaining £10 to be received in cash at the Exchequer were in arrears through the late 1330s, although Audley was paid promptly from 1341.⁵⁵

The pressures of inalienability in 1337 necessitated a precarious set of assignments in expectancy of later reversions. As time went on, some of these lands came in (the earl of Surrey's death in 1347, for example, allowed Stamford and Grantham to revert to the earl of Northampton) but the obstacles posed by the principle blighted the patronage of the new earls for years and forced a delicate balancing act between the alienable lands available through wardship, forfeiture, escheat and assignment to be pursued. These pressures had eased by the 1350s, as can be seen from the earl of Stafford's elevation and the assignments given to support his new estate. Stafford received 1,000 marks p.a. to stay with the king in war and peace.⁵⁶ Unlike the assignments supporting the

⁵¹ *CCR 1339-1341*, 351, 362-3, 375; E 159/117, rot. 107; E 372/185, rot. 9d; *CCR 1341-1343*, 290, 298, 373, 600, 607; E 159/119, rot. 99d; *CCR 1343-1346*, 48-9, 60, 182, 189; E 159/120, rot. 74d; E 356/8, rot. 39.

⁵² *CPR 1350-1354*, 524-5; E 159/130, *Brevia Directa Baronibus*, Michaelmas term, rot. 25.

⁵³ C 62/119, m. 8; E 159/118, rot. 161.

⁵⁴ E 159/124, rot. 148d.

⁵⁵ C 62/118, mm. 7, 1; E 403/318, m. 17; C 62/119, m. 7; E 404/5/29 15 May 16 Edward III; C 62/120, mm. 5, 2; Bothwell, *Edward III and the English Peerage*, 81.

⁵⁶ *CChR 1341-1417*, 124; *Scalacronica*, 128; E 101/508/14; E 372/212, rot. 36. This grant replaced an existing annuity from 6 September 1348 for service with 60 men in return for 600 marks p.a. See e.g. *CCR 1349-1354*, 177.

1337 creations, this annuity probably suited the king and his new earl. Stafford had already received the majority of the earldom of Gloucester after the death of Hugh Audley in 1347.⁵⁷ For Stafford, a land grant was not necessary to sustain his social position; instead, the grant of 1,000 marks p.a. was probably designed to aid the dynamics of recruitment, which depended on the provision of cash for wages, *regard* and *restauro equorum*. The financial climate of the 1350s and 1360s was calmer than that of the late 1330s and 1340s and generally Stafford received his annuity without the problems experienced by Edward III's earlier creations.⁵⁸ By 1368, he had received £10,459 of a total of £11,375 6s 8d due, with the remainder paid later that year.⁵⁹

Endowments: Conclusion

Bracton and modern legal historians speak of conditional gifts.⁶⁰ The endowments of Edward III were conditional gifts in a different way: they were gifts with a set of obligations, duties and responsibilities.⁶¹ The recipients of those gifts used the local power and prestige the king's patronage brought them in the service of king and realm. Furthermore, the men endowed were carefully chosen for their competence and for the local links extended through their families. Grosmont, Eltham, the earls of 1337 and Ralph, earl of Stafford, used the patronage they received for lifetimes of service. Edward III managed the fraught and at times frantic process of circumventing the pressures of inalienability through the use of escheats, expectancies and reversions, while use of tail male tenure ensured that a male earl would inherit in the future or the earldom would revert to the Crown. By attempting to shape the power-networks of the localities around a group of able magnates, Edward III provided himself with a cadre of earls strong enough to fulfil the functions of kingship both domestically and in warfare. That he and his government were largely successful in navigating the challenge of inalienability and the structural difficulties of credit finance and

⁵⁷ See above, 33.

⁵⁸ *CCR 1349-1354*, 556; *CCR 1354-1360*, 21-2, 125, 156; E 356/8, rots. 41, 42, 42d, 43, 58, 58d, 59, 59d, 60; E 159/130, *Brevia Directa Baronibus*, Michaelmas term, rot. 10; E 403/388, m. 42.

⁵⁹ E 101/508/14; E 372/212, rot. 36.

⁶⁰ *Bracton*, II, 49.

⁶¹ Cf. Ormrod, *Edward III*, 597-8.

assignment is testament both to the ingenuity and flexibility of the governmental structures of later medieval England and the determination of the king to see that his earls were capable of meeting the expectations of their power fostered by aristocratic society and the assumptions of the wider political nation.

Reward for Service

The other primary current in contemporary political thinking alongside – and sometimes in friction with – endowment was that of reward for service.⁶² These rewards remained an integral part of the king's grace: service did not necessarily bring reward and patronage does not seem to have been required to prompt service from the established aristocracy. Unlike, for example, many Gascon nobles through the fourteenth century, the English king and the realm were the only proper focus for the service of the earls: there was no polarity of legitimate secular authority – no feasible alternative – until the last months of Richard II's life and, even more notably, the Wars of the Roses.⁶³ While patronage was naturally desired by the powerful, it was justified in the rhetoric of the period by the performance of obligations in counsel, justice and the defence of the realm. A king under the influence of no faction could walk the fine line between liberality and prudence, gratitude and alienability, by rewarding those whose service merited it while maintaining the constitution of the fisc pertaining to the realm: this was the ideal, which was honed and promoted by the constant misunderstandings of Edward II. To achieve this, the use of the private royal patrimony was once again crucial. And again, there was not enough of this to go around, especially with the extensive use of escheats, wardships and forfeitures to provide endowments for those earls who had to be built up

⁶² See above, 75-7.

⁶³ For the Gascon nobility, see M. Vale, 'The Gascon Nobility and Crises of Loyalty, 1294-1337', in *Actes du 3e congrès national des sociétés savantes (Poitiers, 1986): section d'histoire médiévale et de philologie, 1* (Paris, 1988), 207-16; M. Vale, *The Origins of the Hundred Years War: The Angevin Legacy, 1250-1340*, Second Edition (Oxford, 1996), 80-112. Wars of the Roses: Watts, *Henry VI*, 260-362.

in order to serve. Edward III navigated these tensions by judicious use of the prerogative of reward and the full range of acceptable patronage at his disposal.⁶⁴

Throughout the years 1330-60, Edward III tended to reward those earls who distinguished themselves in his service by using a wide variety of sources and mechanisms that allowed him to circumvent limitations on his resources while rewarding those earls he thought deserved it. This was helped enormously, of course, by the nature of comital power: established earls possessed massive estates and incomes and did not *need* patronage to act properly in their role as *comites*.⁶⁵ This meant that permanent grants of alienable land could be prioritised for use as endowments. We have seen how Henry of Grosmont as a banneret and then as earl of Derby was endowed with the lands necessary to support his position in the realm.⁶⁶ As earl of Lancaster from September 1345, he needed no further landed patrimony in England to be added to his already vast estates. His brilliant service through 1345-7 was rewarded 'for his victorious deeds in the furtherance of the war in Aquitaine' by the grant in tail male of the castle and town of Bergerac in the diocese of Perigueux, which he had lately 'taken by a stout assault', and forfeited property in the Gascon town of Saint-Jean-d'Angély.⁶⁷ Grosmont was also restored to the former Lancastrian castle and honour of Pontefract, 'having regard for the good service and great honour which our said cousin has done us in Gascony and elsewhere by the name of earl of Derby and greatly wishing that the aforesaid name and title should not be lost but should be maintained in perpetual memory'.⁶⁸ In 1349, in anticipation of his service in Gascony, Lancaster was allowed free disposal of all his lands and goods after his death, even if he was in debt to the Crown, as long as sureties for those debts were found,

⁶⁴ For figures and percentages on the use of wardships, escheats, forfeitures and reversions to the 'established' nobility, see Bothwell, *Edward III and the English Peerage*, 145-53 and appendices 3, 4, 5.

⁶⁵ This is not to say that they might not have *wanted* patronage, which is an entirely different question. Cf. Phillips, *Aymer de Valence*, 285.

⁶⁶ Above, 147-9, 151-2.

⁶⁷ *CPR 1345-1348*, 542, 566.

⁶⁸ C 81/321/18545; *CPR 1348-1350*, 104; *CCR 1346-1349*, 610; C 62/127, m. 6. '...eantz regard a bon service et au graunt honour que nostre dit cousin nous ad fait es parties de Gascoigne et aillours par le dit noun de conte de Derby, et par tant meut voillantz que le noun et le title avantditz deperent einz soient maintenuz a perpetuele memoire...' (C 81/321/18545).

as a special grace.⁶⁹ None of these rewards could be considered to have alienated resources to the detriment of the Crown. They were conquests and restorations. His greatest reward for his years of service came with ducal title in 1351.⁷⁰ This allowed him to take his place among the European elite, suggesting that his elevation looked to the future as much as it did to the past.⁷¹ It is, however, important to note that John of Reading's chronicle conveyed what was surely a commonly-held view: the creation of the dukedom for Grosmont was 'according to his merits'.⁷²

Like the earl of Lancaster, once Arundel regained his inheritance he did not need substantial landed grants that (from the king's perspective) could be better used elsewhere. Instead, after his service in the wars of the mid-1330s, Arundel received return of the king's writs and summons of the Exchequer in ten Sussex hundreds, as well as in his court at Arundel, in return for rendering 76s 8d yearly at the Exchequer.⁷³ In his charter, this gift of grace was given for his good service and it was with this rhetorical justification that the grant was enrolled, investigated and confirmed in the Pipe Rolls, Close Rolls and Memoranda Rolls.⁷⁴ In 1336, Arundel was further rewarded with the grant of the manor of Stretten in Strettons Dale, Shropshire, which escheated to the king following the death of Roger Mortimer (d. 1330).⁷⁵ There was a certain justice in this grant, not to mention some neat symmetry for, in the minority, Mortimer had granted himself Stretten from the forfeited property of Edmund, earl of Arundel (d. 1326).⁷⁶ Across 1338-40, Arundel was rewarded for his efforts in council with some Marcher lands of the Mortimer wardship, for a render of 200 marks (later reduced to £100 payable to the Chamber), and from the Sussex holdings of the great alien abbey of Fécamp.⁷⁷ In

⁶⁹ *CPR 1348-1350*, 373.

⁷⁰ *CPR 1350-1354*, 60; Baker, 99; Knighton, 109.

⁷¹ See Guard, *Chivalry, Kingship and Crusade*, 74-6.

⁷² Reading, 117.

⁷³ E 159/113, rot. 75; *CChR 1327-1341*, 402.

⁷⁴ E 372/182, rot. 12d; *CCR 1337-1339*, 395; E 159/114, rot. 75d.

⁷⁵ E 372/183, rot. 39.

⁷⁶ BL Harley MS 1,240, fol. 45r.

⁷⁷ *CFR 1337-1347*, 87; E 159/118, rots. 28d, 33d; E 159/119, rot. 121d; E 372/188, rots. 32d, 33d; E 372/192, rot. 28d; *CPR 1338-1340*, 431. When the Sussex holdings of the Abbey were confiscated during the war of Saint-Sardos (1324-25) the manors were Warminghurst, Bury, Ecclesden, Sompting, Longenhurst and Brede: SC 6/1127/7.

1345, after Arundel's service in Gascony with Grosmont as King's Lieutenants, Arundel and his consort Eleanor received custody of Eleanor's son by John Beaumont, Henry, along with his marriage and in 1347, while Arundel was at the siege of Calais, they were forgiven the debts inherited through the Beaumonts.⁷⁸

Robert Ufford, earl of Suffolk, is one of the outstanding examples of endowment under Edward III but, again, after he had been given (if only in reversion) enough land to support himself, he could not expect the cascade of heritable grants from Edward III to continue, even though he performed notable service in the king's wars and on commissions. Instead, during the Crécy-Calais campaign Ufford was rewarded by the wardship and marriage of John Bernak, which had been reserved to the Chamber, at a preferential rate of £120 yearly.⁷⁹ As with the earl of Suffolk, so too with Thomas Beauchamp, earl of Warwick. After his notable service in the Brittany campaign of 1342, Warwick received the wardship of Ralph Basset of Drayton in 1343.⁸⁰ Ralph's father (also Ralph) had served with Warwick on numerous occasions and his son's wardship further strengthened the earl's influence in Staffordshire and the East Midlands, especially since Warwick married young Ralph to his own daughter, Joanna.⁸¹ Across 1346 and 1347 (a period of ardent campaigning for Warwick) he was given the wardship of Robert Clifford, subsequently extended into the Clifford lands in the bishopric of Durham, the wardship and marriage of Richard of Cornwall, and the wardship and

⁷⁸ CPR 1343-1345, 557; E 159/123, rot. 108; CFR 1347-1356, 151, 172-3; CPR 1350-1354, 5; E 159/127, *Brevia Directa Baronibus*, Michaelmas term, rot. 14; C 62/128, m. 4; E 404/5/33 22 February 25 Edward III; E 403/355, m. 33; E 159/128, *Brevia Directa Baronibus*, Hilary term, rot. 11; E 372/196, rot. 18; E 404/494/34, 329; E 404/486/91; E 404/488/149, 151, 557; E 404/495/180; E 372/205, rot. 14; E 159/137, *Brevia Directa Baronibus*, Michaelmas term, rot. 28; E 159/137, *Recorda*, Easter term, rot. 8d. Arundel was allowed input into the value of this wardship (set at £300 to be rendered into the Wardrobe). After the Black Death, this was reduced by £100. Beaumont did not come of age until 1360.

⁷⁹ C 81/1337, no. 40; CPR 1345-1348, 136, 144; CCR 1346-1349, 93-4, 105, 171.

⁸⁰ CFR 1337-1347, 327.

⁸¹ C 81/1742, no. 26; E 101/19/36, m. 7d; E 101/20/17, m. 7. See also CPR 1338-1340, 213; CPR 1361-1364, 48. For the Bassets more generally, see R. Hazell, 'The Basset Family: Marriage Connections and Socio-Political Networks in Medieval Staffordshire and Beyond' (University of Missouri-Kansas City unpublished MA thesis, 2015).

marriage of the daughters of John Loveyne.⁸² Through these wardships, Warwick was rewarded for his outstanding service as a military commander and recruiter from the king's alienable resources.

John de Vere, earl of Oxford, spent most of his public career following, not leading. Unlike Warwick or Suffolk, he lacked the resources and probably the personal ability to rank alongside the stand-out earls of the reign. He did not merit a stream of patronage (although this need imply no *disfavour*) and accordingly he did not receive a great deal. After the Scottish campaigns of the 1330s, Edward III enforced an earlier charter allowing Oxford's third penny to be allowed from the farm he rendered at the Exchequer for the manor of Gelham, rather than being assigned on the sheriff, which prevented any arrears and in effect allowed the earl to take his own third penny.⁸³ After Oxford served in the campaigns of the 1340s, he was given a set of minor allowances on waste and strip from the lands formerly held by Richard Bromley, hanged for felony.⁸⁴ This patronage, if it even deserves that label, cost the king nothing.

The rhetoric of reward for service was also subsumed into more major grants, such as the grant to the earl of Surrey of £2,000 out of the wardships, escheats and marriages accruing to the king in 1329.⁸⁵ Even ordinary requests for fees on behalf of William Clinton, earl of Huntingdon, as Constable of Dover and Warden of the Cinque Ports used the justification of good service given, as did the later grant of that office to Roger Mortimer, earl of March.⁸⁶ In the 1350s, the brilliant military leadership of the earl of March saw him rewarded in dramatic style by the reconstitution of the earldom of March acquired through dubious means by his grandfather.⁸⁷ In the same decade, the earl of Warwick gained the great lordship of Gower from the Mowbray family by a similarly

⁸² *CPR 1345-1348*, 58, 194, 253; *CFR 1337-1347*, 457-8, 496; E 159/123, rot. 73.

⁸³ E 159/113, rot. 109d; E 372/180, rot. 4; *CPR 1334-1338*, 338; E 401/347, 17 February; Bodleian MS Rawlinson B 248, fol. 6v.

⁸⁴ *CPR 1350-1354*, 349.

⁸⁵ *CCR 1327-1330*, 491; *CPR 1327-1330*, 441, 530; *CFR 1327-1337*, 164; SC 8/78/3863; E 159/108, rot. 123d; E 159/116, rot. 56; *CCR 1339-1341*, 509-10; E 159/117, rot. 8d.

⁸⁶ E 159/117, rot. 87; C 81/1334, no. 27; *CFR 1347-1356*, 433; E 403/388, m. 7.

⁸⁷ Above, 32.

arbitrary process.⁸⁸ Such incidences represent an amalgamation of endowment and reward. Both earls had proved themselves exceptionally talented and Edward III clearly felt little regret in disinheriting less able members of the nobility to make his favoured men even stronger. Again, by helping to secure March's earldom for him, and Gower for Warwick, Edward found a way to reward service that did not diminish his own landed resources. Sometimes, the rewards of service could transcend death: William Montagu, first earl of Salisbury, gained the favour of his king to such an extent that his underage son, William, received part of his inheritance in 1344 for 'the good service done by his father'.⁸⁹

It is clear that Edward III rewarded those whose service merited it. It is also clear that, as with endowments, these rewards were shaped by the pressures of inalienability. The limitations on the alienability of lands prompted Edward III to reward his earls for their service in a different way, through allowance of debts and fines which could be respited for a defined period or exonerated completely, which has not been given due emphasis by historians.⁹⁰ Many of these sums were longstanding and relief – temporary or otherwise – from the demands of the Exchequer was doubtless appreciated. This use of the king's grace allowed favour to be dispensed while circumventing the issue of alienable lands and avoiding charges of impoverishing Crown revenues during a reign characterised by heavy taxation.

Many of the allowances of debt given to the earls of Edward III came after periods of notable service. Indeed, reward for service sometimes featured as an explicit justification in the letters sent to the barons of the Exchequer. In 1330, Henry, earl of Lancaster, was given respite for all his debts

⁸⁸ Above, 23.

⁸⁹ *CPR 1343-1345*, 330.

⁹⁰ The most important work is E.B. Fryde, 'Magnate Debts to Edward I and Edward III: A Study of Common Problems and Contrasting Royal Reactions to Them', *National Library of Wales Journal*, 27 (1992), 249-87. Bothwell, *Edward III and the English Peerage*, 99-100 notes pardons of debts. This practice has received more attention from historians of earlier centuries: Holt, *Magna Carta*, 176-80; D.A. Carpenter, 'King, Magnates, and Society: The Personal Rule of Henry III, 1234-1258', *Speculum*, 60 (1985), 53-7; Morris, *The Bigod Earls*, 4-7, 14-16, 49-53, 110-14, 131-5, 153-60, 178-81; Spencer, *Nobility and Kingship*, 91-2.

after his service ‘in negotiations for us and for the state of our realm in France’.⁹¹ In 1333, John Warenne, earl of Surrey, whose debts were postponed across the first three years of Edward’s personal rule, received exoneration for £1,520 18s 11 ¾d, in consideration of his deeds in the war in Scotland, although it was not until 1339 that this grant was effected.⁹² Similarly, in 1337 the earl of Suffolk received exoneration for all the debts owed by him and his ancestors ‘in consideration of his many services to the king, attended with various dangers’.⁹³ In both 1336 and 1338, William Montagu (earl from 1337) received an important annulment of his sizeable debts in consideration of his services as one of the council and this was enforced over the following years on what may have been Exchequer officials reluctant to give up claim to such potential revenue sources in a time of financial crisis.⁹⁴ The earl of Norfolk, hardly a boon companion of the king, received temporary respite from his debts in 1337, since he was about to set off to Scotland in the king’s service.⁹⁵ Even without such explicit wording, the distribution of such allowances often correlated with periods of notable service. The earl of Warwick was allowed debts in 1336; the earl of Northampton in 1338-39, for substantial debts of £4,046 4s owed for the properties transferred to him by the earl of Norfolk in 1332; the earl of Oxford in 1340 (reordered in 1341); and the earl of Stafford for his Irish debts in the late 1350s.⁹⁶

This pattern of respite for earls involved in public action was particularly important for those with large inherited debts. William Clinton owed over £250 through his wife Juliana and her previous

⁹¹ E 159/106, rot. 50d.

⁹² *CPR 1330-1334*, 457; E 159/109, rot. 87d; E 159/115, rots. 103, 155; C 47/88/4, no. 74; E 372/182, rot. 25d; Fryde, ‘Magnate Debts’, 269.

⁹³ *CPR 1334-1338*, 461; E 159/114, rot. 23d.

⁹⁴ *CPR 1334-1338*, 264, 567; E 159/114, rot. 65d; E 159/115, rots. 63d, 96d, 215; E 159/117, rots. 59d, 120; *CPR 1338-1340*, 389, 394; *CPR 1340-1343*, 56-7; E 159/126, rot. 94. The Exchequer received numerous orders for quittance but it was only after the order in favour of Montagu was repeated with an added clause emphasising the assent of the prelates, earls, barons and magnates of the whole realm and the statutory provision of 14 Edward III, Stat. 1, Cap. 3 (*SR*, I, 282) that notes of allowance begin to accompany the letters to the barons and exoneration begin to appear on the Pipe Rolls (e.g. quit of £334 7s 2d in E 372/184, rot. 25d). See also Fryde, ‘Magnate Debts’, 276-7.

⁹⁵ *CCR 1337-1339*, 159, 243; E 159/114, rot. 11.

⁹⁶ Warwick: E 159/111, rot. 69d. Northampton: E 372/182, rot. 16; E 159/114, rot. 50d; E 159/115, rots. 76, 84. Oxford: *CPR 1340-1343*, 13; E 159/117, rot. 103d. Stafford: *CCR 1354-1360*, 347; *CPR 1354-1358*, 591; *CPR 1358-1361*, 271. For military service, see appendix 1.

marriages. This was reduced in 1332 and repeatedly postponed throughout the mid-1330s, as Clinton served in the king's wars and on his councils and, from 1337, a portion (£93) of his debt was paid in instalments of 40s yearly, in accordance with the king's grant of this staggered payment schedule.⁹⁷ In 1342, he received respite until the king's will and the Memoranda Rolls reveal no more payments or allowances during his lifetime.⁹⁸ The earls of Arundel and Gloucester both owed substantial sums in the early years of the reign: Arundel through the recognisances and forfeiture of his father and Audley through the turmoil of Edward II's reign and his involvement in Lancaster's revolt of 1328. After Arundel's restoration, he was given all the debts owed to his father (which had escheated to the king) and respited and exonerated from the debts attached to his inheritance.⁹⁹ This was a lengthy process and grants of Edmund's debts were still being reordered on his son's behalf in 1339, while quittances for Arundel's Shropshire debts appear on the Pipe Roll of 1340-41.¹⁰⁰ In 1331, Audley received a general respite at his petition, followed by a temporary remittance for the sum of £523 that Audley had been forced to acknowledge to the Despensers.¹⁰¹ In 1333, Audley received respite and exoneration from £12,000 of debt owed by further recognisances extracted from him by the Despensers and, through the late 1330s, he received further respites in consideration of his service in the king's wars.¹⁰² This was surely welcome: in 1337, the Exchequer found he owed £4,555 7s 11d, largely inherited through Gilbert Clare, earl of Gloucester (d. 1295), and through Audley's father.¹⁰³ £1,555 7s 11d of this was allowed to Audley in November 1337 but the rest remained hanging over him, postponed only by the grace of Edward III.¹⁰⁴

⁹⁷ E 159/109, rots. 46, 47, 68; *CCR 1330-1333*, 517; *CCR 1333-1337*, 215; E 159/110, rot. 16d; E 159/111, rot. 18; E 159/112, rot. 12d; E 159/113, rots. 27, 96; *CCR 1337-1339*, 42-3, 237-8, 423; E 401/341, 1 December; E 401/349, 17 July; E 401/351, 9 November; E 159/114, rot. 69.

⁹⁸ *CCR 1341-1343*, 696; E 159/119, rot. 82d.

⁹⁹ C 81/178/4205; *CPR 1330-1334*, 41, resulting from SC 8/242/12085; SC 8/13/649; E 159/108, rots. 55, 76d; E 159/110, rot. 95d; *CPR 1330-1334*, 191; *CCR 1333-1337*, 333; E 159/111, rot. 16; *CPR 1334-1338*, 119; E 159/112, rot. 49.

¹⁰⁰ E 159/116, rot. 67; *CPR 1338-1340*, 350; E 372/186, rot. 38.

¹⁰¹ *CCR 1330-1333*, 139-40, 608; E 159/106, rots. 16, 38d, 83d; E 159/107, rot. 69d; E 159/109, rots. 23, 36.

¹⁰² *CPR 1330-1334*, 410, 470; E 159/109, rots. 57d, 80d; E 159/110, rot. 13d; E 159/112, rot. 78d; *CCR 1337-1339*, 122, 123, 635; E 159/113, rot. 78.

¹⁰³ C 47/88/3, no. 56; Fryde, 'Magnate Debts', 272-3.

¹⁰⁴ E 159/115, rot. 26; E 159/124, rot. 78.

Such grace was widespread for a core group of earls whose service at home and abroad was as sustained as it was effective. Those earls unable to serve in such a manner experienced the other side of Edward III's favour. The earls of Lancaster (d. 1345), Norfolk and Hereford and Essex (d. 1336) are largely absent from the allowances and remittances of the 1330s. The most John, earl of Hereford and Essex, received was an allowance that he could pay his debts in regular half-yearly instalments of £10.¹⁰⁵ Nor did his similarly-disabled successor, Humphrey, see the benefits of royal largesse for his substantial liabilities. By 1340, Humphrey owed at least £4,590 13s 2 ¼d.¹⁰⁶ This was officially waved for him under the statute of 1340, which annulled ancient debts (those incurred before 1336). Despite this, only £172 13s 4d was cancelled and the rest remained due until 1364-65, when under Earl Humphrey V £4,418 9s 10 ¼d was cancelled by reference to the statute of 1340.¹⁰⁷ In June 1345, William Montagu, second earl of Salisbury, as yet too young to have built a record of service, and his father's executors paid in £4,393 10s 4d of debts inherited from the first earl.¹⁰⁸ The outstanding example of the king's harsh treatment of those earls he did not consider worthy of his active intervention at the Exchequer came in 1340. After the death of the first earl of Devon in 1340, the second earl chose in January 1341 (an extremely inopportune time) to try and barter the comital relief of £100 owed after the death of his father down to £15 since, the earl claimed, he should pay three knight's fees worth and no more.¹⁰⁹ 1340 saw the culmination of a period of fiscal crisis partly caused by taxation levels: it was not the time for a spurious attempt to renege on royal debts. Courtenay was forced to pay the whole £100 to Ralph Ufford (who had been assigned the sum), his lands were placed in distraint until September 1341, and he was charged the completely arbitrary

¹⁰⁵ *CPR 1330-1334*, 152; E 159/108, rot. 50.

¹⁰⁶ E 159/116, rot. 104d; E 159/121, rot. 104; Fryde, 'Magnate Debts', 278.

¹⁰⁷ Fryde, 'Magnate Debts', 277-9, citing E 363/1, rot. 10d.

¹⁰⁸ E 401/382, 17 June. Note that the earl's executors wrote off some £6,347 of £11,720 owed to the first earl by the Crown: W.M. Ormrod, 'Montagu, William [William de Montacute], First Earl of Salisbury (1301-1344), Soldier and Magnate', *ODNB*, accessed 9/3/2016.

¹⁰⁹ For the following sentences, see E 159/119, rot. 234; BL Add. MS 49,359, fols. 87-90; Fryde, 'Magnate Debts', 271-2.

sum of £66 13s 4d for two mandates that should have cost at most £15 12s.¹¹⁰ Without notable service, the reward of remittance and exoneration was at best lacking and at worst a weapon against those who drew the king's ire. Edward III wanted a service nobility to meet his expectations and the expectations of the wider community. With the exception of the earl of Devon in 1340-41, inability to serve or personal friction did not necessarily bring active disfavour and maltreatment; these earls did not suffer as did the magnates of King John, for example.¹¹¹ But if an earl fell short of these standards, they did not reap the benefits of royal goodwill.

Patronage was one subject writ large through the records of the period, especially the rolls of Chancery, which began to appear calendared and translated from the final years of the nineteenth century. The danger of such voluminous material and such easy access to the bulk of the records containing it is the onset of a kind of 'roll-blindness'.¹¹² Throughout any discussion of the king's patronage, it is important to bear in mind those who were *not* rewarded, since it is only by comparing and contrasting the experiences of different earls that the shape of Edward III's patronage can be seen. Many earls received little in the way of landed grants from their king: the first earl of Lancaster, the earl of Norfolk, both earls of Devon, the earl of Pembroke, the earls of Hereford and the earl of Oxford did not receive considerable levels of landed patronage, temporary or otherwise. Nor did the earl of Suffolk or the earl of Huntingdon after 1337. It seems unlikely that this distribution should be explained as the result of a patronage policy whereby Edward III inserted 'new men' into the ranks of earls and pacified key families to control the parliamentary peerage. Rather, Edward III's patronage policy was shaped by the obligations of his kingship and the ideas of reward for exceptional service and inalienability of lands and rights pertaining to the Crown. On the

¹¹⁰ Fryde mistakenly reads Ralph Ufford as Robert Ufford. For the cost of charters and royal letters from Chancery, see Wilkinson, *The Chancery*, 59-60.

¹¹¹ Holt, *Magna Carta*, 167-80; C. Veach, 'King John and Royal Control in Ireland: Why William de Briouze had to be Destroyed', *EHR*, 129 (2014), 1,051-1,078.

¹¹² See N. Vincent, 'Why 1199? Bureaucracy and Enrolment under John and his Contemporaries', in A. Jobson (ed.), *English Government in the Thirteenth Century* (Woodbridge, 2004), 48.

whole, those earls who got little either did nothing meriting substantial reward or did not need to be permanently endowed with new resources in order to serve in the manner expected of them.

The Nature of Landed Patronage

It is easy, when searching for who got what and when, to assume that the grants recorded in the Chancery Rolls represent the simple, neat reordering of the localities that emerges from their pages. There is a danger that the historian of Edwardian patronage simply assumes that what was enrolled was carried out: that the earls of Edward III (and others) received their grants and 'got' the estate, wardship, escheat or forfeiture in question. But local society might not work like that. Local society in Britain, like that in much of Europe, comprised a densely-layered series of networks interlocking with regional and national concerns along lines of topography, economy, landholding, familial allegiance and affinity. Such a society could not be partitioned *en masse* at the mere will of anyone, even kings. This is why, for instance, physical livery of seisin was required to signify ownership, in addition to (or rather than) documentary evidence.¹¹³ Patronage was a difficult business, with a substantial measure of time and effort required to see that grants were realised on the ground and that local structures were harnessed as intended.¹¹⁴ Maitland's characterisation of the nature of real property possession as 'shifting quicksands' was certainly apt.¹¹⁵

Numerous difficulties were experienced by the recipients of Edward III's patronage in establishing seisin and lordship in lands granted or restored to them.¹¹⁶ Early in the reign, Hugh and Margaret Audley had trouble establishing their seisin of the important Essex manor of Thaxted, which reverted to them after the death of Bartholomew Badlesmere (d. 1322) but which was taken into royal

¹¹³ The classic exposition is Pollock and Maitland, *History of English Law*, II, 83-4. See also S.F.C. Milsom, *The Legal Framework of English Feudalism* (Cambridge, 1976), 40.

¹¹⁴ See e.g. C. Veach, 'Beyond Respite: A Case Study in Local Power and Authority during the Minority of Henry III', *Fine of the Month* (July 2010), available at <http://www.finerollshenry3.org.uk/content/month/fm-07-2010.html> (accessed 1/2/2017).

¹¹⁵ Pollock and Maitland, *History of English Law*, II, 102 (I ascribe the quotation to Maitland alone since, as is well known, Pollock authored only the chapter on Anglo-Saxon law). See also the contrast of seisin and right in S.F.C. Milsom, *Historical Foundations of the Common Law*, Second Edition (Oxford, 1981), 119-22.

¹¹⁶ Bothwell, *Edward III and the English Peerage*, 114-27 for a very useful survey.

custody after the death of Thomas, earl of Lancaster.¹¹⁷ In 1328, Hugh and Margaret's possession of Thaxted was confirmed but, between this date and 1331, Margaret Badlesmere (widow of Bartholomew) sued to expel them from the manor and Hugh and Margaret were forced to petition king and council requesting due process of law.¹¹⁸ This was granted to them. They came into Chancery and it was found that the manor had been removed from their hands after Hugh's involvement in Lancaster's 'expedition' of 1328-29 but also that the manor should once again be delivered to the Audleys, since Hugh had been pardoned.¹¹⁹ But still, in 1337, Edgar Badlesmere brought an assize of novel disseisin against Hugh and Margaret over Thaxted.¹²⁰ Orders for seisin of other parcels on Audley's landed estates in England appear in 1331 and 1333 and, for fees in Ireland, in 1339.¹²¹

Nor, of course, was Audley alone in struggling to reconcile the nature of landed property subject to heritable claim and possessory seisin with the turmoil of the years 1307-30. Like Audley, Arundel experienced significant delays in establishing effective lordship over portions of his restored inheritance long after his official restitution. In 1331, several petitioners suing for messuages of the Arundel inheritance were referred to common law to pursue their claims.¹²² As late as 1343, the escheator of Wiltshire found that the manor of Knighton was in the custody of John Kinley and Richard Todworth, contrary to the king's letters of 1331 restoring Arundel, and that Arundel should therefore receive possession.¹²³ In 1344, the same escheator was ordered to deliver another part of the Arundel inheritance that had been withheld and, after Arundel's acquisition of substantial portions of the Warenne inheritance in 1347, he experienced problems with the Warenne executors in establishing himself in his new lands.¹²⁴ After his own restitution in 1354, Roger Mortimer, earl of

¹¹⁷ *CCR 1327-1330*, 183-4. Later accounts of the manor and a survey of 1393 have been published as *Thaxted in the Fourteenth Century: An Account of the Manor and Borough*, ed. K.C. Newton (Chelmsford, 1960).

¹¹⁸ *CCR 1327-1330*, 250, 297-8; SC 8/31/1513.

¹¹⁹ C 44/1/4, resulting in *CCR 1330-1333*, 363-4.

¹²⁰ JUST 1/1423, rot. 81d.

¹²¹ *CCR 1330-1333*, 364; *CCR 1333-1337*, 65; *CCR 1339-1341*, 171.

¹²² SC 8/137/6827; SC 8/311/15532.

¹²³ C 44/1/14.

¹²⁴ *CCR 1343-1346*, 311; *CCR 1346-1349*, 315, 318, 340-41.

March, requested and received letters patent confirming his just title in Ireland and petitioned for a series of lands and rents through 1355.¹²⁵ It took Laurence Hastings, earl of Pembroke, at least five years to establish seisin of several manors in Surrey and Sussex after he had performed homage.¹²⁶ As revealed by a series of law reports, the earl of Lancaster sued the earl of Surrey in Hilary term 1330 for lands forfeited by Thomas, earl of Lancaster, and this case was still being prosecuted by the duke of Lancaster in 1351 against Surrey's executors and his widow Joan, after confusion in the courtroom in 1347 as to whether the earl of Surrey was alive or dead.¹²⁷

Some of the grants with the greatest potential difficulties at the local level were those made to the new earls of 1337. Robert Ufford, earl of Suffolk, required new letters patent in 1337 as the originals recording his grant of the honour of Eye and the manor of Thorndon had omitted several rents and advowsons; and, in 1339, he was issued an exemplification of a writ of intent to the honour since the original had been lost.¹²⁸ In 1343, and as late as 1348, inquisitions were ordered because 'very many' fees and services pertaining to Suffolk in this important lordship were being withheld.¹²⁹ Similarly, William Clinton, earl of Huntingdon, experienced difficulty extracting a rent of 100s from tenants in Kirton in 1338 and petitioned successfully in 1340 that he be allowed to enfeoff escheats in fee simple or fee tail, because he was losing escheated lands.¹³⁰ In 1355, Huntingdon required assistance from the officials of the Black Prince to collect the sums due to him from his Kirton tenants.¹³¹ Similar examples could doubtless be multiplied at all levels of landholding society.

¹²⁵ *CPR 1354-1358*, 159-60, 270, copied into BL Harley MS 1,240, fol. 38 (noted as *vacatur* because it was later copied into the Irish section of the cartulary, fol. 123). *CPR 1354-1358*, 270 was warranted by C 81/908, no. 9, which stipulated Mortimer was made earl of March by the king's special grant after his many petitions, and ordered the relevant letters patent and writs to be issued under the great seal. For the Mortimers in Ireland in the earlier and later fourteenth-century, see Smith, 'Transnational Lordship'; Crooks, 'State of the Union', 18.

¹²⁶ *CCR 1346-1349*, 127.

¹²⁷ *An Index and Paraphrase of Printed Year Book Reports*: Seipp Number 1330.033; Seipp Number 1350.053; Seipp Number 1350.056; Seipp Number 1350.093; Seipp Number 1351.031. All accessed 7/7/2015.

¹²⁸ *CPR 1334-1338*, 496; *CPR 1338-1340*, 204; E 159/115, rot. 108d.

¹²⁹ *CPR 1343-1345*, 170; *CPR 1348-1350*, 61-2, 137-9.

¹³⁰ E 159/114, rot. 68d; *CPR 1334-1338*, 567; *CPR 1338-1340*, 510; *CCR 1339-1341*, 588.

¹³¹ *BPR*, IV, 126-7.

While laborious to recount and to digest, such difficulties in establishing and keeping seisin reveal something of the local world through which any patronage policy had to navigate. There is ample evidence that such concerns were taken into account: patronage was usually geographically shaped by the familial and landed interests of the recipient, to maximise consolidation and the chance of establishing lordship.¹³² This implies limits beyond even the availability of alienable land: in 1333, for instance, the Exchequer was ordered to search its records for an extent of the Marcher castle of Montgomery for Robert Ufford.¹³³ Ufford, however, never received custody of Montgomery, probably because he lacked any substantial powerbase in the region to support the grant's realisation. Montgomery was later restored to the Mortimer earl of March, a far more natural lord in the region.¹³⁴ In the fourteenth century, just as in other parts of the medieval West, 'politics was played out through a jigsaw of property rights': along with the principles of inalienability, the nature of landed society enforced limitations of what could be given and where.¹³⁵

Conclusion

A consideration of endowments and rewards given for service, along with the recognition that many earls received relatively little, suggests that the king's patronage was compatible with the wider obligations of his office. At the start of the reign, Edward III needed to create a nobility fit for purpose, which could fulfil the duties required of comital rank. He also needed to learn the lessons of his father's reign by rewarding those whose service merited it, while declining to lavish patronage pertaining to the realm on favourites. Both tasks were accomplished with no small measure of political skill and an equally-substantial measure of difficulty. The idea of the fisc as an appurtenance of the Crown forced a set of assumptions on later medieval rulers, which they disregarded at their peril through a grave misunderstanding of their role in the body politic. These ideas meant Edward III had to provide landed grants to endow new men, and to reward the established earls, from the

¹³² Bothwell, *Edward III and the English Peerage*, 139.

¹³³ E 159/110, rot. 24d.

¹³⁴ SC 8/247/12302; *CPR 1354-1358*, 267; KB 27/381, rot. 71, 71d; BL Egerton Charter 8,726.

¹³⁵ Quote from Innes, *State and Society*, 250.

private patrimony accruing to him, often answerable to the Wardrobe or the Chamber. The use of wardships, escheats, marriages and forfeitures under Edward III was so prevalent because a series of long- and short-term political, financial and constitutional considerations made it so.¹³⁶ Furthermore, the amalgamation of the principles of inalienability and reward for service combined with the structures inherent in local society to mould the patronage received by the earls. Patronage in the form of land grants was not as simple as the output of the Chancery makes it seem, as is testified by the difficulties experienced in getting and keeping seisin. Patronage needs to be viewed from the bottom up: local society comprised varying relationships and patterns that patronage could change and disturb. By granting out land, Edward III initiated a difficult process that reshaped local societies in a way compatible with the obligations lying on him and his earls. These difficulties, along with inalienability and the shortage of land, explain why mechanisms of patronage which did not entail permanent grants of land were often preferred. Edward III succeeded in both creating new earls who could perform a set of public duties effectively and in rewarding those whose excellent service merited it. These difficult tasks were – at least in the years 1330-60 – achieved without a substantial backlash from the political community because this patronage policy kept and reinforced the distinctions arising and solidifying between alienable and inalienable, rewarded the right people, and reflected and projected the language of endowment and reward. This patronage policy was undertaken in order to meet a set of public obligations concerning good governance and defence. As such, it rarely deviated from a predominant paradigm of thought, thinking and culture on the uses and abuses of power in fourteenth-century England. Now that Edward's patronage has been situated in this series of contexts, the activities of the earls in warfare and in local governance that this largesse helped enable can be examined.

¹³⁶ See Bothwell, *Edward III and the English Peerage*, appendix 4 for marriages.

The Earls of Edward III at War

War is a dominant theme of modern studies of the Edwardian aristocracy and of the reign more broadly. It is with good reason that the introduction to a collection of essays entitled *The Age of Edward III* sets out 'there is an unmistakable impression that, above all, for Edward III, everything came back to the war, and it is war, therefore...which underlies many of these papers'.¹ The Hundred Years' War was a major public endeavour for the king and his earls: indeed, readers of the recent Penguin biography of Edward III could be forgiven for failing to realise that much else happened at all.² There are a number of ways in which warfare has been seen as a driving influence in the shape of the reign and of the aristocracy's role in this reign. Historians have rightly highlighted the contrast between Edward II and Edward III with regard to the latter's enthusiasm for warfare and his emerging status as a paragon of chivalric conduct.³ Historians have argued that, along with his patronage policies, Edward recovered royal authority through warfare and have shown how he embraced and promoted ideals of chivalric conduct and how this helped to form a partnership with his nobles which lasted until at least the 1360s. Furthermore, the governmental structures which developed to prosecute the Hundred Years' War have been seen as a 'war state', in which king, nobles and Commons engaged in dialogue around warfare.⁴ Intertwined with the development of the war state were important shifts in the nature of warfare.⁵ The importance of cavalry declined in

¹ C. Given-Wilson and M. Prestwich, 'Introduction', in *The Age of Edward III*, 1.

² Sumption, *Edward III*.

³ See above, 10.

⁴ Most obviously, Kaeuper, *War, Justice, and Public Order*. In a different way, Harriss, *King, Parliament, and Public Finance*; G.L. Harriss, 'War and the Emergence of the English Parliament, 1297-1360', *JMH*, 2 (1976), 35-56; W.M. Ormrod, 'Parliament, Political Economy and State Formation in Later Medieval England', in P. Hoppenbrouwers, A. Janse and R. Stein (eds), *Power and Persuasion: Essays on the Art of State Building in Honour of W.P. Blockmans* (Turnhout, 2010), 123-39. See the comments of Watts, *Making of Politics*, 19-29.

⁵ See A. Ayton, *Knights and Warhorses: Military Service and the English Aristocracy under Edward III* (Woodbridge, 1994), 9-25; A. Ayton, 'English Armies in the Fourteenth Century', in A. Curry and M. Hughes (eds), *Arms, Armies and Fortifications in the Hundred Years War* (Woodbridge, 1994), 21-38; A. Ayton and J.L. Price, 'Introduction: The Military Revolution from a Medieval Perspective', in A. Ayton and J.L. Price (eds), *The Medieval Military Revolution* (London, 1995), 2-17; A. Ayton, 'Knights, Esquires and Military Service: The Evidence of the Armorial Cases before the Court of Chivalry', in *ibid*, 81-104; M. Prestwich, 'Was there a Military Revolution in Medieval England?', in C. Richmond and I.M.W. Harvey (eds), *Recognitions: Essays Presented to Edmund Fryde* (Aberystwyth, 1996), 19-38; Prestwich, *Armies and Warfare*, esp. 334-46; J. Stone, 'Technology, Society, and the Infantry Revolution of the Fourteenth Century', *Journal of Military History*, 68 (2004), 361-80; A. Ayton, 'Sir Thomas Ughtred and the Edwardian Military Revolution', in *The Age of Edward*

tandem with the rise of infantry and archers, and mixed retinues of archers and men-at-arms became increasingly common from the 1330s. Strategically, it is now generally accepted that Edward III actively sought battle on many of his campaigns, as part of a coherent strategy. The nobility served for pay, contracted with the Crown from the 1340s for service away from the monarch with retinues as stipulated by indentures, and came to terms with increasing professionalisation, as the much-searched-for outlines of early modern armies came into definition in the shape of the lower-born professional: the Thomas Dagworths, the Nicholas Sabrahams and the John Hawkwoods.

Warfare in the fourteenth century, then, has drawn a huge amount of scholarly attention – and by necessity this has included work on the role of Edward III’s earls. This chapter provides an account of the military roles of the earls which draws on and supplements this corpus of work. The importance of Edward III’s earls to his military designs between 1330–60 can be demonstrated and contextualised by examining which earls provided military support, where, when, and with what strength. That a group of earls – Henry of Grosmont, the earls of 1337, the earls of Warwick, Pembroke, March and Stafford – were tireless campaigners in France, Scotland and beyond has rightly been seen as a result of Edward’s personal success in inspiring confidence in his kingship. By examining the earls as a wider collective group, however, the variety and importance of the service they offered can be extended and nuanced. Furthermore, this service also needs to be seen within the emphasis placed on military activity in defence of the realm as an obligation laid on those of comital status, which was highly prominent in political thinking at various levels of abstraction.⁶ It

III, 107-32; A. Ayton, ‘Armies and Military Communities in Fourteenth-Century England’, in P. Coss and C. Tyerman (eds), *Soldiers, Nobles and Gentlemen: Essays in Honour of Maurice Keen* (Woodbridge, 2009), 218-19; C.J. Rogers, ‘The Military Revolutions of the Hundred Years War’, reprinted in C.J. Rogers, *Essays on Medieval Military History: Strategy, Military Revolutions and the Hundred Years War* (London, 2010), chapter IV; C.J. Rogers, ‘“As if a New Sun had Arisen”: England’s Fourteenth-Century RMA’, reprinted in *ibid*, chapter VI; Green, *The Hundred Years War*, 2. Battle-seeking strategy: C.J. Rogers, ‘Edward III and the Dialectics of Strategy, 1327-1360: The Alexander Prize Essay’, reprinted in Rogers, *Essays on Medieval Military History*, chapter I; Rogers, *War Cruel and Sharp*; A. Ayton, ‘The Crécy Campaign’, in *The Battle of Crécy*, 35-107. Professionalism: A. Ayton, ‘The Military Careerist in Fourteenth-Century England’, *JMH*, 43 (2016), 4-23; A.R. Bell, A. Curry, A. King and D. Simpkin, *The Soldier in Later Medieval England* (Oxford, 2013), esp. 20, 267-8; Gribit, *Henry of Lancaster’s Expedition*, 218-44.

⁶ See above, 67-74.

has long been recognised that magnate service in the Hundred Years' War was prompted by a number of considerations, including the desire to emulate the conscious lessons taught by a pervasive chivalric code of knightly conduct.⁷ Alongside the emphasis on the chivalric associations between Edward and his earls has been warfare as, in McFarlane's appropriate and oft-quoted phrase, a 'speculative, but at best hugely profitable trade' for the nobility.⁸ By supplementing these themes with an emphasis on the 'defence of the realm' rhetoric surrounding military service, the participation of the earls in the wars of the mid-fourteenth century can be seen in a complementary but as yet somewhat neglected light. Warfare was not only an opportunity for the emulation of the chivalric ideals fostered by Edward III, and a chance to pursue profit, but an obligation of social status, which both descended from the expectations of the king and the earls and rose up from broader political society, to whom narratives of just warfare and service in defence of the realm also catered. It is hardly polemical but, in short, there is a continuing historiographical need to broaden the focus both to include all the earls and to view their service as part of a wider cultural and intellectual context. Intertwined with this focus is the issue of professionalisation and the service of the traditional nobleman, who trumpeted his own military prowess through imagery and action. By highlighting the continued importance of the aristocracy, it is stressed that the increased importance of 'professionals' as opposed to 'socio-professionals' need not equate to a binary of gained and lost importance.⁹ The service of the nobility in the defence of the realm remained crucial; as with the 'law state' of Edward III, the 'war state' was growing and the earls retained their places of primacy in political thinking on the conduct of warfare by retaining their places of primacy in the realities of that warfare.

⁷ Keen, *Chivalry*, provided a seminal foundational text.

⁸ McFarlane, *Nobility*, 21. See e.g. M. Prestwich, 'The Enterprise of War', in R. Horrox and W.M. Ormrod (eds), *A Social History of England, 1200-1500* (Cambridge, 2006), 74-90.

⁹ As has been recognised in: McFarlane, *Nobility*, 40; Powicke, *Military Obligation*, 171; Bell, Curry, King and Simpkin, *The Soldier in Later Medieval England*, 261; S. Gunn and A. Jamme, 'Kings, Nobles and Military Networks', in C. Fletcher, J-P. Genet and J. Watts (eds), *Government and Political Life in England and France, c.1300 -c.1500* (Cambridge, 2015), 53; Ayton, 'Military Careerist', 16.

Comital Presence and Strength on Campaign

The following section focuses on the support provided during Edward III's campaigns by his earls and the size of their personal retinues. As Andrew Ayton has made clear, the records on which the latter assessment relies must be used with caution.¹⁰ The payrolls, when extant, do not supply a consistent level of detail, omit unpaid and locally raised troops, and sometimes fail to record retinue fluctuations. What these payrolls can do is give a good indication of the maximum size of a retinue owed Crown pay. By combining the use of payrolls with modern works of scholarship, contemporary chronicle accounts, and other record evidence, a sketch of comital service on campaign can be drawn and comital participation in one aspect of the defence of the realm illuminated.

1333-1341: Scotland and the Low Countries

The following section takes the Scottish campaigns from 1333 and the campaigns in the Low Countries from 1338-40 as its parameters. The service of the aristocracy in this period has sometimes been seen as suffering a hangover, caused by the damage done to the prestige of the Crown by Edward II's military and political failures, which was eventually alleviated from 1341.¹¹ In light of the pervasive intellectual context pushing forward the military service of the earls in defence of the realm, it is worth analysing the role of the earls across these years to see whether they lived up to the expectations placed on them and, indeed, whether it was possible for them to do so.

Payrolls are not extant for the highly successful campaign of 1333, in which the Scots suffered heavy casualties at Halidon Hill and were forced to concede Berwick to Edward III. It is however clear that a number of earls accompanied Edward III through the spring and summer of 1333.¹² Arundel was

¹⁰ Especially Ayton, *Knight and Warhorses*, 138-55.

¹¹ Ormrod, *Edward III*, 197-8. The view of Ormrod, *The Reign of Edward III*, 100-1 was starker and has been significantly modified.

¹² Appendix 1, table 1.1; Nicholson, *Edward III and the Scots*, 105-38; Sumption, *The Hundred Years War*, I, 129-32; Rogers, *War Cruel and Sharp*, 48-76.

already in Scotland with the king in March 1333 and was spared the summons ‘for the defence of our realm and people and the conservation of our honour’ issued to over forty magnates on 21 March.¹³ The earls heeded these summons and Oxford, Arundel and Warwick took part in the campaign alongside the king’s brother John, earl of Cornwall, and the older generation, comprising the earls of Surrey and Norfolk.¹⁴ The only comital absentees were the earls of Hereford and Lancaster but their absence was potentially damaging both to recruitment and to the sense of collective action the king was trying to project through the first major campaign of his personal rule. These effects were partially offset by the presence of Henry of Grosmont and Edward Bohun, brother of Hereford, who acted on behalf of their incapacitated relatives.¹⁵ Through their participation, the 1333 campaign witnessed the involvement of every earldom, if not of every earl. Comparatively, the campaign Edward led over the winter of 1334-35 was a disappointment.¹⁶ The presence of the English earls can be fleshed out by analysing the retinues they brought with them, since the 1334-35 campaign witnessed the beginning of the payrolls contained in Richard Ferriby’s *Wardrobe Book*. Again, the earls turned out in force: Arundel, Warwick, Cornwall, Oxford and Surrey were all present; Hereford was once again represented by his family (Edward Bohun, who died late in 1334, and William); and the house of Lancaster was again embodied by Henry of Grosmont.¹⁷

The surviving evidence shows how effective a stand-in Grosmont was. For this campaign, captains contracted for a quarter-years’ service at the rate of £100 for every twenty men-at-arms, with mounted archers accounting separately.¹⁸ As Nicholson noted, Grosmont – although without comital title of his own – brought a retinue of comital standing.¹⁹ Indeed, as might be expected of the

¹³ *Foedera*, II, Part II, 855; *CCR 1333-1337*, 99.

¹⁴ Appendix 1, table 1.1.

¹⁵ Appendix 1, table 1.1.

¹⁶ Nicholson, *Edward III and the Scots*, 174-91; Ayton, *Knights and Warhorses*, 104-8; Ormrod, *Edward III*, 164-6.

¹⁷ Appendix 1, table 1.1.

¹⁸ Although Gilbert Umfraville, earl of Angus, and John Warenne, earl of Surrey, received a lower rate of 100 marks per 20 men-at-arms, since they held lands in Scotland (Warenne was, nominally, earl of Strathearn): Nicholson, *Edward III and the Scots*, 178.

¹⁹ Nicholson, *Edward III and the Scots*, 176-7; appendix 2, table 2.1.

representative of Lancaster, he brought the largest single retinue, comprising sixty men-at-arms and one hundred mounted archers. Arundel and Cornwall followed with retinues of similar standing, while Warwick and Surrey each brought smaller retinues of eighty men. Oxford provided a retinue commensurate with his relative comital income (by far the smallest comital retinue, half the size of Warwick and Surrey's). Around 30% of the army's men-at-arms served in comital retinues and the earls provided around 650 men to an army whose maximum size, including arrayed troops, reached around 5,300 men by mid-December.²⁰

Another notable contribution was the regular appointment of earls to leadership positions away from the king himself, a phenomenon characteristic of Edward III's way of war which was in time given institutional form in the indenture system. The earls of Warwick and Oxford, along with Edward Balliol, were placed in charge of one force in the western March, while the earl of Cornwall was made Warden of the March, to repel the Scots – 'enemies and rebels' – and guard the border.²¹ The campaign was strategically disappointing but it did see a notable input from Edward's earls in both recruitment and leadership. This campaigning through the early 1330s was undertaken in an intellectual environment which assumed the virtues of prowess and fortitude in combat rested in those of noble status. While the earls made notable contributions to the army, whether by their personal presence or by proxy, they were also expected to show their personal prowess, which could not be measured on an army payroll. The Scottish campaigns lacked many opportunities to perform these ideas. William Montagu, the king's favoured household banneret, was noted as an exemplar of strenuous knighthood at this time: he lost an eye at the battle of Halidon Hill in 1333 and was singled out for praise by Robert Avesbury and, later, by Froissart.²² However, he was more the exception than the rule and no earls received comparable praise in the chronicle accounts.

²⁰ Appendix 2, table 2.1; Rogers, *War Cruel and Sharp*, 84; A. Chapman, *Welsh Soldiers in the Later Middle Ages, 1282-1422* (Woodbridge, 2015), table 5.

²¹ *Lanercost*, 289; I.A. MacInnes, *Scotland's Second War of Independence, 1332-1357* (Woodbridge, 2016), 20; *Rotuli Scotiae*, I, 318; Dryburgh, 'Living in the Shadows', 39.

²² Bel, 62; Avesbury, 297; Froissart, I.II, 112.

Perhaps stung by the seeming lack of enthusiasm from the wider aristocracy – if not the earls – over the winter of 1334-35, Edward returned to Scotland the following summer with one of the biggest forces of the reign for a campaign portrayed as being undertaken ‘for the defence and salvation of our realm and our lands in England and Scotland and our people against the aggression of the Scots’.²³ To judge from the intensive recruitment processes effected by this order, this rhetoric of necessity actually paralleled a desire to serve. The earls were at the heart of this massive recruitment drive: all of the earls physically able to serve in 1335 did so; only Norfolk, Devon and Lancaster remained in England.²⁴ Remarkably, even the disabled John Bohun, earl of Hereford (d. 1336), fulfilled his comital duties in person, as is shown by the ‘Carlisle Roll’, which recorded the muster made at the start of the campaign.²⁵ As befitted an earl of his landed wealth, Hereford brought a substantial retinue of 164 men.²⁶ His presence helped to offset the absence of Norfolk, who was no longer up to the hardships of campaigning, and Devon, whose absence was partially mitigated by the service of Hugh Courtenay junior, who brought five Devon knights with him in his brother-in-law Hereford’s retinue.²⁷ Cornwall and Arundel brought retinues of 134 and 130 men respectively, while Warwick and Grosmont (representing his father) brought over one hundred men each. The earl of Surrey, on his last campaign in person, surpassed all the other earls with a retinue of 266 men. This was swollen by his retaining of the earl of Oxford for this campaign, which provides a rare example of one English earl retaining another.²⁸ That Oxford served in another earl’s retinue is testament both to his relative lack of resources and to the pre-eminent position of the earl of Surrey. The earls provided a peak of around 1,000 men for this expedition, in a notable increase on the

²³ Nicholson, *Edward III and the Scots*, 198-236; Ayton, *Knights and Warhorses*, 12-13; Chapman, *Welsh Soldiers*, table 5; *Rotuli Scotiae*, I, 332-3.

²⁴ Appendix 1, table 1.1.

²⁵ *English Mediaeval Rolls of Arms, Vol. 1, 1244-1334*, ed. R.W. Mitchell (Peebles, 1983), no. 1. My thanks to Andrew Ayton for bringing this source to my attention.

²⁶ For this figure and those following, see appendix 2, table 2.2.

²⁷ *English Mediaeval Rolls of Arms*, nos. 12-17.

²⁸ Appendix 1, table 1.1. This was not the first time Surrey retained another earl. In Gascony in 1325, the earl of Athol served in his retinue: A. Ayton, ‘Military Service and the Dynamics of Recruitment in Fourteenth-Century England’, in A. Bell, A. Curry, A. Chapman, A. King and D. Simpkin (eds), *The Soldier Experience in the Fourteenth Century* (Woodbridge, 2011), 19 n. 42. Surrey himself had been retained by Thomas, earl of Lancaster, in the first part of Edward II’s reign: Holmes, *Estates*, appendix 2, list A.

previous winter's contribution, and once more provided around a third (823 of c. 2,800) of the men-at-arms, the backbone of the army. And once again, comital leadership enabled a pincer-movement: the king invaded western Scotland from Carlisle with the earls of Cornwall, Warwick and Hereford while Surrey, Arundel and Oxford invaded eastern Scotland from Berwick.²⁹ Both in recruitment and strategy, the campaign of 1335 marked the high point of comital involvement in Scotland before their attentions were necessarily split between the North and the Continent.

In April 1336, Henry of Grosmont was appointed King's Lieutenant in the March of Scotland 'for the defence of the realm, land and people' and, together with Warwick, provided over half of the army which campaigned through Scotland to Perth in the summer, while the king led another prong of the English attack into the highlands.³⁰ The armies involved in the 1336 *chevauchée* perhaps totalled some 3,500 men.³¹ The size of the earls' retinues shrank accordingly, compared to 1335 campaign. Furthermore, Norfolk and Surrey were absent, as was Hereford, although his brother William served and was made captain in Cumberland and Westmoreland.³² The earls of Oxford and Cornwall travelled to Scotland with the king and, along with Lancaster and Warwick, made a notable contribution to the army. Altogether, those earls present in the summer of 1336 probably contributed over 400 men to the expedition.³³ Arundel only drew pay from mid-October, so his retinue of sixty-three men missed much of the action but were present when Edward III returned to Scotland in mid-October 1336 to fortify the strategic castle of Bothwell.³⁴

The 1336 campaign marked the end of massed comital participation in Scotland. From mid-1337, the arena of war widened and Edward's primary focus turned to France. If the early Scottish campaigns

²⁹ *Scalacronica*, 119.

³⁰ *Foedera*, II, Part II, 936; *Rotuli Scotiae*, I, 415; 284 of 'around 520 men': appendix 2, table 2.3; Ayton, *Knights and Warhorses*, 173-4. For the campaign, Fowler, *King's Lieutenant*, 32; I.A. MacInnes, "'To Subject the North of the Country to his Rule': Edward III and the 'Lochindorb Chevauchée' of 1336", *Northern Scotland*, 3 (2012), 16-31; Ormrod, *Edward III*, map 3.

³¹ Chapman, *Welsh Soldiers*, table 5.

³² Appendix 1, table 1.1; *Foedera*, II, Part II, 936; *Rotuli Scotiae*, I, 415-16.

³³ The payroll records 389 men but omits archers for Cornwall and Oxford: appendix 2, table 2.3.

³⁴ See appendix 2, table 2.3; Ormrod, *Edward III*, 174.

were ‘the formative years of a military career’ for Edward III, they surely were too for some of his earls, who strove to fulfil the expectations placed on them by repeatedly serving in the north. Arundel and Warwick (and, to a lesser extent, Oxford) emerged by 1337 as experienced campaigners, whose recruiting reach implemented the abstraction of war for the defence of the realm in the field of battle. But Surrey, Norfolk, Hereford and Cornwall – for a variety of reasons – did not emerge from the Scottish wars as potential leaders in future campaigns. Edward III remedied this worrying fall in the numbers of active comital campaigners through the earldom elevations of 1337, which revitalised recruitment networks and provided the king with a group of earls strong enough to fulfil his military designs.³⁵ These men, including William Montagu, a knight widely respected for his military prowess, and seasoned campaigners Robert Ufford, William Clinton and William Bohun, injected more martial ability into the ranks of earls: as well as providing comital retinues, these men could fulfil the expectations of personal prowess in military service laid upon the earls.

That the earls did not campaign *en masse* in the North again does not, of course, mean that they disengaged completely from the Scottish war. In the spring of 1337, Thomas Beauchamp, earl of Warwick, captained a painstakingly-recruited contract army, to which he contributed nearly 30% of the men-at-arms, and eventually mounted a putative raid in territory that was ostensibly English in September.³⁶ The Lanercost chronicle records that Warwick was tasked with ‘representing in all aspects the person of the king of England and maintaining his state’.³⁷ Warwick’s captaincy was not one shrouded in glory judged by these standards but his importance as both leader and recruiter again highlights the integral role played by comital power.

³⁵ A. Ayton, ‘Edward III and the English Aristocracy at the Beginning of the Hundred Years War’, in M. Strickland (ed.), *Armies, Chivalry and Warfare in Medieval Britain and France* (Stamford, 1998), esp. 187-90.

³⁶ *Rotuli Scotiae*, I, 488; appendix 2, table 2.4; N.B. Lewis, ‘The Recruitment and Organisation of a Contract Army, May-November 1337’, *BIHR*, 37 (1964), 9-13; Ayton, *Knights and Warhorses*, 176 and n. 198; A. King, ‘A Good Chance for the Scots? The Recruitment of English Armies for Scotland and the Marches, 1337-1347’, in A. King and D. Simpkin (eds), *England and Scotland at War, c. 1296-c. 1513* (Leiden, 2012), 197-9; MacInnes, *Scotland’s Second War of Independence*, 32-3.

³⁷ *Lanercost*, 203.

The winter of 1337-38 saw another campaign in Scotland headed by comital figures acting on the king's behalf, during which Dunbar Castle was unsuccessfully besieged. The driving force behind this campaign was the newly elevated William Montagu, earl of Salisbury, who, having been heavily involved in the Grand Alliance strategy, began to disagree with the king about this continental scheme.³⁸ The earls of Salisbury and Arundel were appointed captains and leaders in the March in October 1337, although, due to inadequate preparations, they did not cross the border until 13 January, accompanied by Hugh Audley, earl of Gloucester, and the rest of their army.³⁹ After months of waiting the siege was lifted in mid-June 1338 and Salisbury rushed south to join the king as he crossed to the Low Countries, while Arundel assumed sole command of the northern forces.⁴⁰ Gloucester also returned to England (but not to join the king). The miserable end to the Dunbar campaign was, as Henry Knighton put it, 'to their no small discredit'.⁴¹ Nonetheless, the abstraction of comital power and leadership in the military sphere once again found some basis in reality: nearly 4,000 troops served in the Dunbar campaign and roughly 450 of them were provided by the earls of Salisbury, Gloucester and Arundel.⁴² Of the c. 1,060 men-at-arms, over 300 (c. 30%) were provided by the earls. Dunbar was an ignominious failure but there are glimpses of the impact of Edward's recent elevations. As earls, Montagu and Audley filled leadership roles and used their formidable landed resources to recruit comital retinues for an expedition portrayed as being for the defence of the realm.

The role of the earls was even more striking in the Low Countries from July 1338. The king was accompanied by some of the new earls created in March 1337: Grosmont as earl of Derby, Northampton, Salisbury and Suffolk.⁴³ The earls of Arundel, Oxford, Huntingdon, Gloucester and

³⁸ *Scalacronica*, 125.

³⁹ A.E. Prince, 'The Payment of Army Wages in Edward III's Reign', *Speculum*, 19 (1944), 142-6; A.E. Prince, 'The Strength of English Armies in the Reign of Edward III', *EHR*, 46 (1931), 359-60; King, 'A Good Chance for the Scots?', 121-8.

⁴⁰ *Rotuli Scotiae*, I, 524-5; *Foedera*, II, Part II, 1,031; C 47/2/31/7; Sumption, *The Hundred Years War*, I, 234, 237; Ormrod, *Edward III*, 176.

⁴¹ Knighton, 5.

⁴² Appendix 2, table 2.5.

⁴³ Appendix 1, table 1.2.

Warwick all remained in England, where they participated in the work of the domestic council and in maritime defence, although Warwick joined the king in late summer 1339.⁴⁴ The elderly earls of Devon, Surrey and Lancaster also stayed in England, along with Hereford. The earl of Norfolk, who had been ill for at least six months, died shortly after the king landed at Antwerp and William Montagu, earl of Salisbury, swiftly received the now-vacant office of marshal of England.⁴⁵ There was, therefore, a split in the participation of the active earls for the first time: the royal campaign was accompanied by fewer than half the earls capable of fighting. It is possible to read a serious political divide into the absences of Huntingdon, Arundel, Oxford, Gloucester and Warwick and therefore to anticipate the crisis of 1340-41 by dividing the earls into domestic and continental camps.⁴⁶ This may, however, underestimate the importance of the tasks trusted to those earls that stayed at home in the mind of the king and, while significant divisions did emerge between the king and his domestic advisors in 1339-40, to attribute the participation or otherwise of the earls in the Tournai campaign to those differences may antedate them. The most serious problems between king and earls came from mid-1340 due to a combination of capture, imprisonment and domestic considerations.⁴⁷ In mid-1338, as Andrew Ayton has noted, the king had little choice but to rely on his household and his new earls.⁴⁸

One of the foremost considerations behind the elevations of March 1337 was to stimulate comital recruitment networks. The earl of Northampton immediately capitalised on the expanded recruiting reach afforded by his new status and endowments and took a greatly expanded retinue across the sea.⁴⁹ The earls of Suffolk, Derby and Salisbury experienced no such immediate expansion but, at least in the case of Salisbury and Derby, this was more an effect of their pre-comital positions than

⁴⁴ See below, 212-15.

⁴⁵ *CPR 1338-1340*, 168, 190. Norfolk made his will on 4 August: BL Cotton MS Julius CVII, fol. 174r. Although note the inquiry ordered by privy seal writ on 22 September into the rights of Salisbury's younger brother Edward to the hereditary marshalcy: Ormrod, *Edward III*, 198 n. 87 (dating and seal from E 159/115, rot. 32d).

⁴⁶ Ormrod, *Edward III*, 197-8.

⁴⁷ See above, 93-9.

⁴⁸ Ayton, 'Edward III and the English Aristocracy', 184-93.

⁴⁹ Appendix 2, table 2.6; Ayton, 'Edward III and the English Aristocracy', 189-90.

an indictment of their recruitment efficiency. Grosmont, as has been repeatedly noted, brought huge retinues to the Scottish campaigns of 1334-36 as the proxy of the earldom of Lancaster, while Salisbury, who had already received a landed patrimony of comital proportions in 1331, brought similarly substantial retinues to Scotland, including the largest retinue to the flagship campaign of summer 1335.⁵⁰ The personal retinues of the four earls who landed with Edward III provided a peak of around 12% of the entire army, including 25% of the men-at-arms.⁵¹

After the deteriorating domestic situation forced the king's return to England in February 1340, Edward's forces regrouped around the war at sea. The dangers posed by the French fleet to the coastal settlements of southern England had been hammered home by devastating raids on the south coast in 1338 and 1339.⁵² By June 1340, the king decided to engage the French at sea (despite plenty of advice to the contrary): the resulting battle of Sluys on 24 June 1340 devastated the French fleet and imposed a terrible casualty rate on their forces.⁵³ The earls were well-represented: Derby, Huntingdon, Arundel, Gloucester, Northampton and Warwick were all present; and bearing in mind that Salisbury and Suffolk had been languishing in captivity since April, this roll call includes all the able-bodied earls.⁵⁴ Even while physically absent, Salisbury contributed four of his own ships, including what may have been the largest vessel, *La Cogge Montagu*.⁵⁵ Derby, Northampton, Huntingdon and Gloucester, along with Walter Mauny, were picked out for special praise for their roles in the battle in Laurence Minot's celebratory poem.⁵⁶ The personal role of this group of comital figures in the widely-publicised triumph at Sluys marked the moment when the individual military actions of Edward III's earls began to match their collective contribution to recruitment and

⁵⁰ Appendix 2, tables 2.2, 2.5, 2.6.

⁵¹ Appendix 2, table 2.6; Chapman, *Welsh Soldiers*, table 5; Ayton, 'Edward III and the English Aristocracy', 187.

⁵² See below, 213.

⁵³ C. Lambert, *Shipping the Medieval Military: English Maritime Logistics in the Fourteenth Century* (Woodbridge, 2011), 119-127; G. Cushway, *Edward III and the War at Sea: The English Navy, 1327-1377* (Woodbridge, 2011), 90-100; Ormrod, *Edward III*, 221-5.

⁵⁴ Appendix 1, table 1.2.

⁵⁵ Lambert, *Shipping the Medieval Military*, 123-4.

⁵⁶ *Political Poems*, I, 70-71.

leadership since 1333.⁵⁷ Comital prowess and comital power were both being projected to the king and to the political society he ruled.

Arundel and Huntingdon returned to England after Sluys but the other earls accompanied their king to the indecisive siege of Tournai from 1 August until 25 September, when the Treaty of Esplechin brought a nine-month truce.⁵⁸ There, the earls contributed a peak total of around 550 men to the besieging forces, including nearly 400 men-at-arms (around 30% of the total number).⁵⁹

Interestingly, after his service with the earl of Surrey in 1335, the earl of Oxford once again found himself subsumed into another earl's retinue. Oxford maintained his own retinue on the Hainault march (which was significantly smaller than the other comital retinues) until 10 July, when it merged with that of his friend and brother-in-law, William Bohun, earl of Northampton.⁶⁰ Any potential indignity arising out of this subordination of rank to reality may have been smoothed over by the close personal ties between Oxford and Northampton.

During the campaigns of 1338-40, a group of earls maintained an extremely prominent role in recruitment, even when some (Arundel, Huntingdon, Gloucester, Warwick and Oxford) stayed in England during 1338-39. Once again, the sinews of lordship were harmonised with the obligation to serve the realm in the military sphere. Through the Scottish campaigns of the mid-1330s, Warwick's Captaincy of the North in 1337, the Dunbar campaigns of 1337-8 and the continental expeditions which opened the Hundred Years' War, the earls had provided a continuous and crucial level of support for their king through leadership roles and the exploitation of recruitment networks. While the actual number of armigerous retainers they brought varied with the size of each army, they constantly provided around one-third of an army's men-at-arms. Almost without fail, absence from campaign was a consequence of age, illness, disability or domestic service and, even then, the

⁵⁷ See K. DeVries, 'God, Leadership, Flemings, and Archery: Contemporary Perceptions of Victory and Defeat at the Battle of Sluys, 1340', *American Neptune*, 55 (1995), 223-42.

⁵⁸ Appendix 1, table 1.2.

⁵⁹ Appendix 2, table 2.7; Ayton, 'Edward III and the English Aristocracy', 189.

⁶⁰ Appendix 2, table 2.7.

impact of absence was often partially negated by proxies. This was the standard of service demanded by the political thinking revolving around comital power and by the expectations of their king, and the earls of Edward III had risen to the challenge in the 1330s.

1341-42: Brittany and Scotland

The duchy of Brittany provided the theatre for a series of English expeditions in 1342, since Duke John III died in April 1341 and a disputed succession saw the Valois monarchy support the claim of Charles of Blois and the Plantagenet king side with John Montfort.⁶¹ In August 1342, an expeditionary force under the command of the earl of Northampton landed in the Duchy, armed with a commission of appointment framed in the language of Bartolous of Saxoferrato: ‘conceding and committing [to the earl] *imperium* simple and mixed, the power of the sword, and jurisdiction of every kind higher and lower’.⁶² Northampton defeated Charles of Blois at Morlaix on 30 September, and captured Geoffroi de Charny in the process.⁶³ Northampton probably commanded around 1,100 English troops at Morlaix and almost half of these were provided by the earl’s massively expanded personal retinue, which included 200 men-at-arms.⁶⁴ The earl of Devon accompanied Northampton in a rare personal appearance on campaign and contributed over a hundred men, including fifty-six men-at-arms.⁶⁵

The influence of Edward’s earls in Brittany in 1342 was increased by the arrival of the king’s expedition in the Duchy in October 1342. The earls of Derby, Salisbury, Suffolk, Pembroke, Gloucester and Warwick all brought substantial retinues, while Oxford seems to have brought a

⁶¹ Sumption, *The Hundred Years War*, I, 370-407; Ormrod, *Edward III*, 247-53.

⁶² *Foedera*, II, Part II, 1,204: ‘Concedentes et committentes vobis merum et mixtum imperium, gladii potestatem, ac iurisdictionem omnimodam altam et bassam...’. For the origins and later uses of these terms, see J.S. Richardson, ‘Imperium Romanum: Empire and the Language of Power’, *Journal of Roman Studies*, 81 (1991), 1-9; F. Maiolo, *Medieval Sovereignty: Marsilius of Padua and Bartolus of Saxoferrato* (Delft, 2007), 153-5. Their use was thus slightly less exceptional than implied in P. Crooks, D. Green and W.M. Ormrod, ‘The Plantagenets and Empire in the Later Middle Ages’, in *The Plantagenet Empire*, 22 when discussing Robert de Vere and the lordship of Ireland in 1385.

⁶³ Knighton, 41-3; Murimuth, 128-9; M. Jones, ‘Edward III’s Captains in Brittany’, in W.M. Ormrod (ed.), *England in the Fourteenth Century* (Woodbridge, 1986), 106-7.

⁶⁴ Appendix 2, table 2.9; Ayton, ‘Edward III and the English Aristocracy’, 181.

⁶⁵ Appendix 2, table 2.9.

smaller retinue across to Brittany with the king and merged with Northampton's retinue after the battle of Morlaix: of the c. 2,000 men-at-arms Ayton estimates to have served in Brittany by the end of 1342, the earls provided around 850 or c. 42%.⁶⁶ The quality of their service was as noteworthy as the quantity of men they provided.⁶⁷ Their success was expressed by their contemporaries in personal terms: the earl of Northampton, for example, was singled out by Murimuth for leading the victory at Morlaix over the 'more noble knights of France' and was complimented for his boldness by Henry Knighton.⁶⁸ Such statements contributed to and reflected a discourse of comital service to the Crown that was being performed by Edward III's earls. All-in-all, the Breton campaigns of 1342 demonstrated both the raw power in recruitment terms wielded by the collective earls and the individual ability of the more outstanding leaders amongst them. And, while the chroniclers focused on the exploits of the king and his commanders in Brittany, the earls of Arundel and Huntingdon were instrumental in the defence of the realm in a more literal sense. They indented for service as the king's captains in Scotland and received pay from July until October for substantial retinues.⁶⁹ This rolling service in the North meant that all the active earls campaigned in 1342.⁷⁰ Only Lancaster, Surrey and Hereford were absent. The campaigns in Brittany and Scotland in 1342 witnessed the most successful harnessing of comital power in the king's military efforts thus far, both in terms of raising men and in leadership prowess.

1345-47: Aquitaine, Brittany, Crécy, and the Siege of Calais

The mid-1340s saw some of the most important military campaigns of the later medieval period. The *chevauchée* ravaged swathes of France. Edward III finally forced to Philip VI to battle at Crécy, and the siege of Calais resulted in a crucial strategic victory and the English occupation of the town. The

⁶⁶ Appendix 1, table 1.3; appendix 2, table 2.10; Ayton, *Knights and Warhorses*, appendix 2; Ayton, 'Edward III and the English Aristocracy', 181-2.

⁶⁷ Froissart, III, 15-21; Avesbury, 342-4.

⁶⁸ 'de nobilioribus militibus Franciae': Murimuth, 128-9; Knighton, 45. Murimuth is comparing the French knights at Morlaix to French chivalry more generally, not to the English army.

⁶⁹ E 101/68/3/57; Knighton, 41; King, 'A Good Chance for the Scots?', 138-40; appendix 2, table 2.11; E 36/204, fol. 101v.

⁷⁰ Appendix 1, table 1.3.

role of Edward III's earls in this period came close to matching the ideal of the earl at war prevalent in notions of the aristocrat as an adjunct to the common good, whose personal prowess enabled peace through war.

Service by indenture enabled the military role of the earls to be diffused over a wider geographical spread during one round of campaigning. In March 1345, Henry of Grosmont indented to lead an army of 2,000 men in Aquitaine as the King's Lieutenant there.⁷¹ The following month, the earl of Pembroke sealed his own indenture with the king, which stipulated he was to accompany Grosmont to the Duchy with a retinue including twenty-four men-at-arms.⁷² The same month, the earl of Northampton was once again entrusted with the lieutenancy of the Duchy of Brittany.⁷³ Northampton arrived at his destination first, as the succession dispute to the Duchy of Brittany remained subsumed into the more general contours of the conflict between the houses of Valois and Plantagenet.⁷⁴ Northampton was accompanied by the earl of Oxford and – supposedly – the earl of Devon. Indeed, financial arrangements made during the campaign record sums to be received by Devon with no hint that he was not actually there in person.⁷⁵ Later evidence, however, makes it clear that Devon did not himself go to Brittany in 1345: instead, his retinue was led by his banneret John Cheverston, who enjoyed strong links with the earl of Oxford.⁷⁶

The Breton campaign was outshone by the exploits of Grosmont, who arrived in Aquitaine in July.⁷⁷ Grosmont's campaign has recently been subject to minute investigation and it is unnecessary to recite Grosmont's exploits in detail: what is important for this study is the brilliant leadership shown by Grosmont and the sheer size of the forces he and Pembroke brought.⁷⁸ Grosmont supplied a

⁷¹ Printed in Fowler, *King's Lieutenant*, 230-32; Gribit, *Henry of Lancaster's Expedition*, appendix A.

⁷² E 101/68/3/60.

⁷³ *Foedera*, III, Part I, 36. See also M. Jones, 'Sir John de Hardreshull, King's Lieutenant in Brittany, 1343-5', *NMS*, 31 (1987), 84.

⁷⁴ Murimuth, 189. See Sumption, *The Hundred Years War*, I, 431-6, 471-2; Ormrod, *Edward III*, 266.

⁷⁵ E 101/167/5 (9 December 1345).

⁷⁶ E 101/312/13; Burls, 'Society, Economy and Lordship', 169, 182-3.

⁷⁷ Gribit, *Henry of Lancaster's Expedition*, 68.

⁷⁸ Gribit, *Henry of Lancaster's Expedition*. See also Fowler, *King's Lieutenant*, 39-74.

personal retinue of well over 600 men, including nearly 350 men-at-arms, and Pembroke (aided by an unusually generous rate of *regard*) provided 160 men, half of whom were men-at-arms.⁷⁹

Between them, they probably supplied around 30% of the combined Anglo-Gascon army's men-at-arms.⁸⁰ Geoffrey Baker recorded that 'these nobles conquered walled towns and castles, and bravely won many glorious victories'.⁸¹ Jean le Bel was even more effusive with his praise and declared that 'no greater or finer campaign was ever heard of'.⁸²

A third English army, led by the king and including the earls of Warwick, Arundel, Huntingdon and Suffolk, finally sailed for northern France in July 1346.⁸³ After this fleet left Portsmouth, only the older earls of Gloucester (d. 1347) and Surrey (d. 1347), the ill earl of Devon, and the disabled earl of Hereford remained in England. Salisbury had died in 1344 but his heir, William, accompanied the king to Normandy and was dubbed after the landing at La Hogue. There was no delay in the commencement of hostilities; the day after the landing, the earl of Warwick was attacked as he made his way to his lodgings but managed to repulse the enemy, despite being mounted on an inferior horse.⁸⁴ As marshals of the host, the earls of Northampton and Warwick were singled out for their heroics at the sack of Caen on 26 July.⁸⁵ By 26 August 1346, both sides had manoeuvred into position for a pitched battle at Crécy. Precisely what happened during the following English victory is a much-disputed subject.⁸⁶ Nor have the original army payrolls survived. However, by conducting a painstaking reconstruction of the remaining evidence, Ayton has recreated the retinues of the English army in July/August 1346.⁸⁷ The importance of the earls immediately stands out: around

⁷⁹ Appendix 2, table 2.12.

⁸⁰ See Gribit, *Henry of Lancaster's Expedition*, 61 for an estimate of the composite Anglo-Gascon army.

⁸¹ Baker, 68.

⁸² Bel, 158-67 (quotation from 159).

⁸³ Appendix 1, table 1.4. For this campaign, Sumption, *The Hundred Years War*, I, 489-586; Rogers, *War Cruel and Sharp*, 238-85; Ayton, 'The Crécy Campaign', 35-107; Ormrod, *Edward III*, 271-98.

⁸⁴ 'Acta Bellicosa', in *LCBP*, 28.

⁸⁵ 'Acta Bellicosa', 32-3.

⁸⁶ A. Ayton, 'The Battle of Crécy: Context and Significance', in *The Battle of Crécy*, 1-34; M. Prestwich, 'The Battle of Crécy', in *The Battle of Crécy*, 139-157.

⁸⁷ A. Ayton, 'The English Army at Crécy', in *The Battle of Crécy*, 159-251, esp. appendices 1, 2.

1,500 men served in comital retinues and the majority of these were men-at-arms.⁸⁸ And, furthermore, although the earls of Surrey, Devon and Gloucester remained in England, each of them was effectively represented by proxy, if only by a fraction of the men they could have commanded personally: Surrey by his illegitimate sons, William and Edward, with forty men-at-arms and forty archers; Devon by his son, Hugh, with a retinue of nine men-at-arms and eight mounted archers; Gloucester by his son-in-law Ralph, baron Stafford, who campaigned with Grosmont in 1345-46 as Seneschal of Gascony and seems to have brought a large retinue to the siege of Calais in 1347.⁸⁹ Overall, the campaigns of 1345-46 were characterised by a remarkable show of strength by the earls.

The leadership exercised by the earls in these campaigns, allied with their recruiting strength, was integral to the military successes of those years. The victory at Crécy opened up the opportunity to take Calais and Edward's host arrived there on 3 September 1346 and, fortified by a timely grant of two further fifteenths and tenths from Parliament, besieged the town.⁹⁰ The sheer duration of the siege, the relative ease of the crossing, and the loss of the original payrolls makes establishing a precise chronology of comital presence and any quantification of retinues difficult. The overall size of the army has been the subject of various amendments: while it is clear that a huge number of men – maybe as many as 32,000 – took part in the siege at some point, there was a great deal of fluctuation and a recent estimate revised the number present over the winter of 1346 to 5-6,000 men, with the army swelling substantially in the spring and summer of 1347.⁹¹ It is, nevertheless, abundantly clear that the earls of Edward III were prominent figures during the siege, since a stationary focal point for their service allowed most of them to join their king outside the walls of Calais. Northampton, Warwick, Suffolk and Arundel seem to have stayed in the vicinity throughout

⁸⁸ Appendix 2, table 2.14, drawing on Ayton, 'The English Army at Crécy', appendix 2.

⁸⁹ Ayton, 'The English Army at Crécy', 169 n. 46. The extract of retinues at the siege of Calais contained in *The Brut*, II, 538-9 records Stafford's retinue at 2 bannerets, 20 knights, 92 esquires and 95 mounted archers.

⁹⁰ Rogers, *War Cruel and Sharp*, 273-85; Ormrod, *Edward III*, 285-92.

⁹¹ Rogers, *War Cruel and Sharp*, 423-6; Ayton, 'The English Army at Crécy', 240-41; C. Lambert, 'Edward III's Siege of Calais: A Reappraisal', *JMH*, 37 (2011), 245-56. The higher figure is used in Chapman, *Welsh Soldiers*, table 5.

the siege; Huntingdon had returned home after the sack of Caen but joined the king at Calais in April 1347; Lancaster and Pembroke, having returned to England late in 1346 after their heroics in Aquitaine, joined the king in early June 1347.⁹² Lancaster personally announced the verdict of the disputed arms case between Robert, lord Morley, and the Burnell family in the crowded St Peter's Church outside Calais.⁹³ John, earl of Oxford, remained at Calais until at least the end of November 1346, before he returned to England and re-joined the king in late May or early June 1347.⁹⁴ As Ormrod has noted, '[a]mong the earls, only the elderly and infirm – Surrey, Gloucester, Hereford and Devon – were denied the chance to join in the anticipated celebration of English arms'.⁹⁵ And even they still managed to send men over in their stead. Hereford, Gloucester and Devon were ordered in December 1346 to send retinues to the king, and Hereford at least did so.⁹⁶ Similarly, they and the earl of Surrey were ordered to send men in May 1347 (having been excused attendance in person) and Gloucester sent thirty men-at-arms and thirty archers to serve with Grosmont.⁹⁷ The siege of Calais certainly provided a fine stage for a celebration of comital participation in the triumph of Edward III over his Valois rival.

The pride fostered by the military successes of these years found visual representation in the flourishing military symbolism found on church monuments, such as the brass of Sir Hugh Hastings (d. 1347) at Elsing, Norfolk, which features the arms of a carefully selected band of military companions – including the earls of Lancaster, Warwick and Pembroke – for whom Sir Hugh fought, alongside the arms of Edward III himself.⁹⁸ Even more notably, the prowess shown in the service of the state by Edward III's earls through the years 1345-47 was crystallised in the early membership of the Order of the Garter, founded in 1348: the founding companions – including the earl of Warwick

⁹² *Foedera*, III, Part I, 115, 120-21; C 76/24, m. 16; *CPR 1345-1348*, 526; Fowler, *King's Lieutenant*, 70.

⁹³ Ayton, 'Knights, Esquires and Military Service', 89-90.

⁹⁴ *Foedera*, III, Part I, 120-21; Knighton, 79.

⁹⁵ Ormrod, *Edward III*, 290.

⁹⁶ *Foedera*, III, Part I, 96; E 159/124, rot. 84d; E 372/192, rot. 37d. 10 men-at-arms and 20 archers probably served with William Bohun, earl of Northampton, who testified to their presence.

⁹⁷ *Foedera*, III, Part I, 120; E 159/129, *Brevia Directa Baronibus*, Trinity term, rot. 3.

⁹⁸ Saul, *English Church Monuments*, 210-31.

– were generally a group whose prowess had been displayed at the battle of Crécy.⁹⁹ They also included Henry of Grosmont who, despite being absent from Crécy, could hardly be omitted from a roll call of military distinction, William Montagu, heir to the earldom of Salisbury, Ralph Stafford (earl from 1351), and Roger Mortimer (earl from 1354). This select group was soon joined by the earls of Northampton and Suffolk, who took up the first two vacant places in the Order in 1349. There can be no clearer sign than this prominence in the highly select group of Garter companions that the campaigning earls active during the mid-1340s were shouldering the expectations of comital prowess in defence of the realm laid upon the earls as a corporate group.

1355-56: Aquitaine, Northern France, and Brittany

The next great round of campaigning came in the mid-1350s, when the Black Prince and his army immortalised themselves by capturing Jean II at Poitiers, and when Edward III used Calais as a springboard from which to launch a destructive *chevauchée* through northern France. In the intervening gap between Calais and Poitiers, however, some of the earls had continued their military service and the simple diversity of these campaigns illustrates how keenly they felt the pressure to serve in war, and how strongly they embraced the ideal of aristocratic service.

In the second half of 1349, Henry of Grosmont, earl of Lancaster, returned to Aquitaine as King's Lieutenant.¹⁰⁰ Lancaster's commission gave him extensive military and judicial powers in the Duchy – like Northampton in Brittany in 1345 he had power of *imperium* higher and lower and was 'in our name to defend, rule, govern and fully survey the said Duchy and our lands and regions'.¹⁰¹ Lancaster took a personal retinue of 167 men, of whom just under half were men-at-arms.¹⁰² The size of his recruiting reach, however, is only fully placed in focus by the fact that 118 men-at-arms and well

⁹⁹ See Barber, *Edward III and the Triumph of England*, 293-339. See also C. Berard, 'Edward III's Abandoned Order of the Round Table', *Arthurian Literature*, 29 (2012), 1-40 for symbolic meanings used around this time.

¹⁰⁰ Fowler, *King's Lieutenant*, 84-92.

¹⁰¹ C 61/61, m. 3.

¹⁰² Appendix 2, table 2.15.

over 200 archers missed his departure date and so missed the campaign.¹⁰³ Shortly after Lancaster's return, the attentions of the king and his earls were drawn to the looming threat of a Castilian fleet, which had recently confirmed its alliance to the Valois cause after years of relative inactivity.¹⁰⁴ The earls of Edward III met this threat: Lancaster, Huntingdon, Warwick, Arundel and Lancaster took to the sea on 28 August and helped defeat the Castilian fleet off Winchelsea the following day.¹⁰⁵ Lancaster was singled out for special praise, having saved the Black Prince and the young John of Gaunt from their sinking vessel.¹⁰⁶

1352 saw another diverse geographical spread of military service. Ralph, earl of Stafford, raised to comital status on 6 March 1351, served in Aquitaine.¹⁰⁷ Stafford had over fifteen years of distinguished military service: the Lanercost Chronicle, for instance, twice remarks on his personal prowess.¹⁰⁸ Stafford indented with the king on 3 March 1352 for service with 3,560 men, including a personal retinue of 500 men-at-arms and 500 archers.¹⁰⁹ On 8 March, he was made King's Lieutenant with the increasingly standard array of deputised princely power: of *imperium* in matters of higher and lower justice and the burden to defend and govern the duchy and restore its state and condition.¹¹⁰ Stafford received pay from 10 April – 1 December 1352, although he only arrived in the Duchy in July, for a personal retinue of 134 men-at-arms and 234 archers (thus, significantly lower than the retinue stipulated by his indenture). On this occasion there was no dazzling display of leadership from the earl of Stafford: in the words of Kenneth Fowler, 'one cannot escape the conclusion that Stafford accomplished very little in Aquitaine'.¹¹¹ It is nonetheless important to note

¹⁰³ Appendix 2, table 2.15.

¹⁰⁴ Fowler, *King's Lieutenant*, 92-3.

¹⁰⁵ Appendix 1, table 1.4. See Cushway, *Edward III and the War at Sea*, 136-45 for the battle.

¹⁰⁶ Fowler, *King's Lieutenant*, 94.

¹⁰⁷ *CChR 1341-1417*, 124; E 101/508/14; E 372/212, rot. 36.

¹⁰⁸ *Lanercost*, 270-71, 300.

¹⁰⁹ BL Stowe MS 440, fol. 9r.

¹¹⁰ C 61/64, m. 7.

¹¹¹ K. Fowler, 'Henry of Grosmont, First Duke of Lancaster, 1310-1361' (University of Leeds unpublished PhD thesis, 1961), 611.

that, from the mid-1340s, earls as Lieutenants of the Duchy had been vital to the defence of the remaining English possessions in France and Stafford continued this recent tradition.

Aquitaine was the scene of the Black Prince's expeditions of 1355-56. The Prince was accompanied by William Montagu II, earl of Salisbury, John de Vere, earl of Oxford, Robert Ufford, earl of Suffolk, and Thomas Beauchamp, earl of Warwick.¹¹² This gave the prince a formidable supporting cast: Warwick was one of the reign's outstanding military figures, while Suffolk and Oxford were highly experienced, having campaigned since the early 1330s. And Salisbury, while the least experienced earl, had been on the Crécy-Calais campaign. Sadly, there are no extant payrolls, so the strength of these comital retinues cannot convincingly be reconstructed. Judging by the size of the respective *regard* payments issued before the campaign, the earl of Warwick took a very substantial retinue (perhaps 120 men-at-arms), while the earls of Suffolk, Salisbury and Oxford had about half of that number.¹¹³ Working on this basis, Prince estimated that the army included around 1,000 men-at-arms, which puts the comital contribution at just under 30%.

Ultimately, such calculations include a substantial measure of speculation. It is, however, clear that the earls who accompanied the prince on his *chevauchée* in October 1355 were highly active through the winter.¹¹⁴ In August 1356, the prince and about 6,000 men began their next great *chevauchée* and met Jean II at Poitiers.¹¹⁵ After some manoeuvring and fruitless negotiations, battle was joined on 19 September. The somewhat confusing accounts of this engagement do not require repetition here: it should, however, be noted that the earls again occupied important command positions, with Warwick and Oxford commanding the vanguard and Salisbury and Suffolk in charge of the rear-guard, and that all these earls were heavily involved in the fighting and emerged with enhanced reputations of personal prowess.¹¹⁶ The *Life of the Black Prince* tells that Salisbury,

¹¹² Appendix 1, table 1.5.

¹¹³ E 403/387, m. 29; Prince, 'Strength', 366-7.

¹¹⁴ For this campaign, see the newsletter of John Wingfield printed in Avesbury, 445-7; Froissart, IV, 173; Rogers, *War Cruel and Sharp*, 304-29.

¹¹⁵ See Rogers, *War Cruel and Sharp*, map 15-1.

¹¹⁶ Rogers, *War Cruel and Sharp*, 372-84 for the battle.

attacked first, urged his company to accomplish honourable deeds.¹¹⁷ Baker states that Salisbury and Warwick competed to see ‘which could make the land of Poitou drink the most French blood and each gloried in staining his own weapon with warm blood’ and describes Suffolk as ‘an exceptional repository of martial wisdom, and a man who from youth to old age was honoured for his bold exploits’, whose words inspired those around him.¹¹⁸ In monetary terms, Warwick and Suffolk took lucrative prisoners; in a broader sense, all the earls had earned the right to feel that they had matched the expectations of military service, manly prowess and courage placed upon them by the wider polity.¹¹⁹

While the Black Prince conducted his destructive raids in south-western France in the latter months of 1355, the king led a simultaneous campaign in northern France, accompanied by Henry of Grosmont, now duke of Lancaster, William Bohun, earl of Northampton, Roger Mortimer, earl of March, and Ralph, earl of Stafford.¹²⁰ This left only the earls of Hereford, Devon and Arundel at home, since the earl of Huntingdon died the previous year. Edward III and his army arrived back in England in November and, according to Robert Avesbury, were ‘much praised’ for their exploits.¹²¹ Lancaster, March, Northampton and Stafford went north with the king and all were present when Edward Balliol ceded his claim to Scotland to Edward III at Roxburgh on 20 January, before a horrifically destructive raid in early 1356 impressed the need for peace on the Scots and a truce was agreed on 18 May.¹²² For Northampton, Stafford and March, the war was over for that year. For Lancaster, duty still called. As a result of swiftly-changing diplomatic processes, Lancaster departed for Normandy with a small force of about 2,300 men and arrived at St-Vaast-La-Hogue on 18 June

¹¹⁷ ‘The Life of the Black Prince’, in *LCBP*, 99-100.

¹¹⁸ Baker, 127-8.

¹¹⁹ Suffolk took the Count of Auxerre prisoner and made £563; Warwick took the Archbishop of Sens prisoner and ransomed him for £8,000, of which £2,000 went to the king: C. Given-Wilson and F. Bériac, ‘Edward III’s Prisoners of War: The Battle of Poitiers and its Context’, *EHR*, 116 (2001), 817, 831.

¹²⁰ Rogers, *War Cruel and Sharp*, 297-304; appendix 1, table 1.4.

¹²¹ Avesbury, 431.

¹²² *Rotuli Scotiae*, I, 787-8, 791; *Foedera*, III, Part I, 327; Rogers, *War Cruel and Sharp*, 335-8; MacInnes, *Scotland’s Second War of Independence*, 56-9.

1356.¹²³ After this, Lancaster was re-appointed as Lieutenant of Brittany on 8 August (and again on 25 July 1357), with a set of responsibilities framed in the language of dealing justice and defending the Duchy and its people.¹²⁴ Lancaster besieged the city of Rennes from 2 October 1356 until late July 1357, when he rather reluctantly acquiesced to the terms of the truce agreed by the Black Prince in the wake of Poitiers.¹²⁵

The years 1349-57 saw a widening of the scope of comital service. Earls were given responsibilities of command in Aquitaine and Brittany, and served in Scotland, the south-west of France, the duchies of Brittany and Normandy, the north of France, and the naval battle of Winchester. The 1350s saw a remarkable confluence of thought and action: the realities of comital leadership and their contributions to campaign came close to matching the skein of expectations pushed upwards by the wider political community and downwards by the king and by the earls themselves. Almost without exception,¹²⁶ in the early-mid 1350s those earls who could serve abroad in the king's wars did so, and they often served ably. And even when, as for Stafford in Aquitaine in 1352, great victories were not won, the earls still acted in line with political thinking by using the authority and status inherent in their social position to take on the responsibilities of warfare in the defence of the realm.

The Reims Campaign, 1359-60

Edward III's last campaign in person came in 1359-60. This was also the final campaign for a number of his earls, some of whom had fought alongside their king since Halidon Hill in 1333: Lancaster, Northampton, March and Oxford all died during the campaign or shortly after the Treaty of Brétigny, which was sealed on 8 May 1360 and confirmed in negotiations through late summer-autumn.¹²⁷

These losses dealt a blow to the very heart of the military community. Lancaster was feted by Jean le

¹²³ Fowler, *King's Lieutenant*, 151; Rogers, *War Cruel and Sharp*, 341 and n. 70.

¹²⁴ *Foedera*, III, Part I, 335-6, 361-2.

¹²⁵ Fowler, *King's Lieutenant*, 161-4.

¹²⁶ Arundel in 1355-56 provides a notable exception to the rule.

¹²⁷ For this campaign, see Sumption, *The Hundred Years War*, II, 405-54; Rogers, *War Cruel and Sharp*, 385-422; Ormrod, *Edward III*, 389-413. For the negotiations at Calais: E 403/401, m. 26; E 101/314/4; Froissart, VI, 2-6; Fowler, *King's Lieutenant*, 211-13; Sumption, *The Hundred Years War*, II, 450-54.

Bel as having performed ‘so many feats of prowess in so many places that he deserved to be deemed exceedingly valiant’, ‘the worthiest knight in the world’, ‘whose prowess was already renowned in every land’; Knighton thought he ‘bore himself in all humane works so graciously that all who heard of him accorded him honour and glory’; and for Thomas Gray, Lancaster was ‘intent on honour and arms in his youth, and very much the good Christian before his death’.¹²⁸ The young Roger Mortimer, earl of March, was lauded by one of his family’s chronicles as ‘stout and strenuous in war’.¹²⁹ Northampton was ‘throughout his life a famous hammer of the Scots’, who had captured Geoffroi de Charny in 1342 and showed his personal martial abilities at Caen in 1346.¹³⁰ Northampton could have looked back on his martial career and felt he had echoed some of the chivalric conduct conveyed in the pages of his brother Earl Humphrey’s translation of *William of Palerne*.¹³¹ The loss of these three figures, in particular, was keenly felt.

Oxford was absent at the beginning of the Reims campaign, since he had been left in England to oversee the governance of the realm along with the earls of Arundel and Devon, but Warwick, Northampton, Suffolk, Salisbury, and Stafford all crossed with the king, where they joined Lancaster and March, who had already carried out notable *chevauchées* of their own.¹³² The extant payrolls allow the reconstruction of their retinues.¹³³ Unsurprisingly, the duke of Lancaster’s personal retinue dwarfed those of all except the royal household and the Black Prince. Lancaster brought over 1,000 men with him from England, which provides a striking testament to Lancastrian power under Duke Henry. The retinues of the earls seem almost modest by comparison, although taken on their own terms they were formidable. Roger Mortimer, earl of March and the beneficiary of the king’s favour in the mid-1350s, brought 600 men; the veteran William Bohun, earl of Northampton, brought over 350 and the equally experienced Thomas, earl of Warwick, brought nearly 250 troops, as did Ralph,

¹²⁸ Bel, 78, 88, 157; Knighton, 39; *Scalacronica*, 197.

¹²⁹ *Monasticon*, VI, Part I, 352-3.

¹³⁰ Baker, 106.

¹³¹ Above, 69-70.

¹³² Appendix 1, table 1.5; *Scalacronica*, 171.

¹³³ Appendix 2, table 2.18.

earl of Stafford. Robert Ufford, earl of Suffolk, who had been with his king as household banneret and then as earl since the beginning of the personal rule, brought 120 men. William Montagu, earl of Salisbury, was the primary victim of the rise of the earl of March and this was reflected in the size of his retinue: Salisbury brought only fifty men-at-arms, including himself. Overall, the earls contributed c. 1,600 men, of whom around half were men-at-arms, or around 16% of the English army.¹³⁴ Allied with Duke Henry's retinue, comprising another 10% of the army by itself, and the super-retinue of the Black Prince, their contributions explain why the household division only comprised a sixth of all the men-at-arms serving on the campaign.¹³⁵

The treaty of Brétigny marked the end of an era for the earls of Edward III. Since Halidon Hill in 1333, a shifting group of earls had provided a constant level of support on campaigns in Scotland, the Low Countries and France. The raw potential inherent in their massive landholdings was used time and time again to increasingly notable effect, as the earls contributed large retinues to Edward III's armies. Their collective contributions rose from a notable average of around 30% of an army's men-at-arms in the first phase of war to the staggering recruitment of the Reims campaign, a rise which was enabled by the earldom creations of 1337 and the true harnessing of the power of Lancaster and the earldom of March in the 1350s. The frequent use of proxies enabled even those earls too old or sick to campaign in person to mobilise some of their comital recruiting reach despite their physical absence. A number of earls had taken on the responsibilities of command, which enabled the Hundred Years' War to be fought on several fronts simultaneously. Several – Northampton, Warwick, Stafford and, especially, Grosmont – proved able and inspired commanders. Pervasive assumptions on the role of both royal and noble power, the nature of nobility, and the role of chivalric virtues pushed comital service in warfare to the forefront of public life. Edward III was both fortunate in, and integral to, the remarkable level and quality of service his earls actually delivered

¹³⁴ Ayton, 'English Armies', 31, accepted in Rogers, *War Cruel and Sharp*, 396 n. 56 and Chapman, *Welsh Soldiers*, table 5.

¹³⁵ Ayton, 'Edward III and the English Aristocracy', 186.

on his campaigns to 1360, which came as close to realising this paradigm of expectation as did the military service of any group of English nobles in the later middle ages.

Retinue Analysis

The strength of a retinue comprised more than an aggregate total of men-at-arms and archers. Experience and cohesion counted for much. In a series of recent publications, historians have argued that a model of 'dynamic stability' characterised the English armies of the mid-fourteenth century and that this stability played a notable part in the success these armies experienced.¹³⁶ The essence of the dynamics of recruitment in mid-fourteenth century England was the exploitation of the social networks underpinning the Edwardian military community, based both on landholding patterns and tenurial structures and on dynamic links of friendship and personal connection which could correlate to, or cut across, those structures of landholding. Ideally, the sources for the reconstruction of comital retinues would reveal the vast majority of the men serving in those retinues, in the manner of the muster rolls increasingly common later in the century.¹³⁷ Unfortunately, the extant sources disappoint: the evidence of protection warrants, enrolled protections, rolls of arms, pardons, horse inventories, compensation for horses lost, and exonerations from military assessments yields only a fragmentary picture of retinue membership. Those comital retinues which can be satisfactorily recreated – the earl of Northampton's force until Crécy, the earl of Warwick's retinue, and the army led by Henry of Lancaster to Aquitaine in 1345 (covered by a muster roll found by Andrew Ayton) –

¹³⁶ Most importantly, Ayton, 'The English Army', esp. 169-72, 179-80, 204-10 (earl of Northampton), 211-15; Ayton, 'Armies and Military Communities in Fourteenth-Century England'; Ayton, 'Military Service and the Dynamics of Recruitment' (Warwick); Gribit, *Henry of Lancaster's Expedition*, 155-217; A. Ayton, 'From Brittany to the Black Sea: Nicholas Sabraham and English Military Experience in the Fourteenth Century', in A. Musson and N. Ramsay (eds), *The Courts of Chivalry and Admiralty in Late Medieval Europe* (Woodbridge, 2018), 95-120. See also A.R. Bell, *War and the Soldier in the Fourteenth Century* (Woodbridge, 2004), 83-114; D. Simpkin, *The English Aristocracy at War: From the Welsh Wars of Edward I to the Battle of Bannockburn* (Woodbridge, 2008); A.M. Spencer, 'The Comital Military Retinue in the Reign of Edward I', *HR*, 83 (2010), 46-59; Bell, Curry, King and Simpkin, *The Soldier in Later Medieval England*, 54-138; Guard, *Chivalry, Kingship and Crusade*, 123-43; Franke, 'Beyond the Medieval Military Revolution', 91-127.

¹³⁷ Bell, Curry, King and Simpkin, *The Soldier in Later Medieval England*, 4-12.

form the bedrock of the existing literature. It is not possible to conduct a similar analysis of the repeat service offered to one captain to see whether the high rates of re-service which seem to characterise Edwardian armies can be found in the earls' retinues. It is, however, possible to note some features of interest in the mechanics of comital retinues which illustrate the nature of the dynamics of recruitment and the equilibrium of dynamic stability thought to have provided the cohesion binding the military community together at this time.

The Retinue of John de Vere, earl of Oxford

The military power of John de Vere, earl of Oxford, paled in comparison to the other earls.¹³⁸ His comital title was insufficient in itself to overcome his relative lack of landed income and the connections inherent in this distribution of land and, accordingly, he was subsumed three times into the retinues of other earls. Nonetheless, analysis of his retinue illustrates the recruitment processes Oxford put into motion. Essex was the region in which Oxford's interests were concentrated and, unsurprisingly, Essex gentry figures formed a notable part of his retinues.¹³⁹ William Crocheman, an Essex knight, served with Oxford in 1336 and (probably) 1342, and on the latter occasion brought his family member Nicholas, who served with the earl again in 1345.¹⁴⁰ John Fermer, an important Essex knight who also served as Oxford's steward, served with the earl at the siege of Calais, as did the prominent Essex knight John Goldingham.¹⁴¹ John Argentam, another Essex knight, served with Oxford in 1346-47 and again in 1355-56; William Chamberlain, whose primary interests seem to have been in Essex, served with Oxford on the same campaigns and brought his brother Ralph and, presumably the head of the family, Sir Thomas Chamberlain to Poitiers.¹⁴² Baldwin Botecourt, who served with Oxford in 1342 and 1345-47, died in 1360 holding the Essex manor of Dunham and the

¹³⁸ See appendix 2.

¹³⁹ Compare 239-40.

¹⁴⁰ BL Cotton MS Nero C VIII, fol. 281r; C 81/1735, nos. 55, 57, 60, 61, 63; C 76/20, m. 22.

¹⁴¹ C 81/1735, no. 61; E 159/126, rot. 93.

¹⁴² Argentam: C 76/24, m. 8; C 81/1735, no. 68. Chamberlain family: C 76/20, m. 22; C 81/1735, nos. 63, 64, 74; E 159/132, *Brevia Directa Baronibus*, Michaelmas term, rot. 16; C 61/67, mm. 9, 10.

office of forester of Essex from the earl.¹⁴³ William de la More of Essex served with the earl three times.¹⁴⁴ Crocheman, Goldingham and Argentam all had ties of tenure as well as locality linking them to Oxford, since Argentam held a knight's fee in Norfolk of the earl and Goldingham and Crocheman both held moieties of Essex fees of the earl.¹⁴⁵

Sometimes, however, connections based on ties of tenure and/or locality do not seem to have linked Oxford and his military retainers. The interests of Sir Thomas Bernardeston, who twice accompanied Oxford, were focused in Lincolnshire, which he represented as an MP in 1358.¹⁴⁶ Sir Alan Buxhull, later knight of the Chamber and constable of the Tower of London, held lands in Dorset and Sussex, not areas where Oxford held many interests, but served with the earl from 1345 through the siege of Calais.¹⁴⁷ The same can be said for Sir John Tibetot, whose interests in Essex were minor, but who served Oxford as a banneret on two occasions.¹⁴⁸ Sir John Freville, a Staffordshire knight, fits the same pattern.¹⁴⁹ In Buxhull's case, it may be that his link with Oxford was provided by Robert Wauton, who was granted wardship of some of Buxhull's lands in 1327 for the latter's minority, and who served with Oxford in 1342.¹⁵⁰ This partial reconstruction of Oxford's retinue, then, illustrates how the bonds of lordship and locality combined with less tangible connections.

That Oxford drew on the services of the Essex gentry is only to be expected. More notable is the degree to which the upper echelons of Oxford's retinues combined with the retinues of William Bohun, earl of Northampton, a major recruitment figure in Essex and Oxford's friend and brother-in-law. A large proportion of Oxford's armigerous followers also served with Northampton either

¹⁴³ C 81/1735, nos. 55, 57, 63, 71; C 76/20, m. 19; C 76/22, m. 33; *CIPM*, X, no. 586. Not the Midlands landowner of the same name.

¹⁴⁴ C 81/1735, nos. 57, 63, 73; E 159/131, *Brevia Directa Baronibus*, Easter term, rot. 1; C 76/17, m. 19; C 76/20, m. 22; C 76/24, m. 20.

¹⁴⁵ *CIPM*, X, no. 368.

¹⁴⁶ C 81/1735, nos. 51, 56, 63; C 76/20, m. 22; C 76/22, m. 30; C 61/67, m. 10; *List of MPs*, 150.

¹⁴⁷ C 81/1735, nos. 63, 71; C 76/20, mm. 19, 22; C 76/22, mm. 30, 33; *CIPM*, XV, nos. 459-61.

¹⁴⁸ C 81/1735, nos. 57, 63; C 76/17, m. 19; C 76/20, m. 22; *CIPM*, XII, no. 171. Tibetot led his own retinue in 1340: Ayton, 'Edward III and the English Aristocracy', 195.

¹⁴⁹ C 81/1735, nos. 63, 67; C 76/20, m. 22; C 61/67, m. 7; C 76/24, m. 8.

¹⁵⁰ Wardship: E 372/195, rot. 5. 1342: C 81/1735, nos. 59, 60; C 76/17, m. 19.

before or after their service with Oxford.¹⁵¹ Three members of the Wauton family of Essex, for example, accompanied Northampton in 1338-40 and then served with Oxford in 1342, and two of the three served with Oxford again in 1345.¹⁵² To judge from the protections and exonerations enrolled for Sir Richard Stapleton between 1345 and 1347, he seems to have started the campaign in Brittany in Northampton's personal retinue, switched to Oxford's service in 1346, and then returned to Northampton's retinue in 1347, perhaps when Oxford left the siege of Calais for a period.¹⁵³ The striking levels of cross-over between these two retinues illustrates how intertwined recruiting processes could be, despite the clear delineation of separate retinue captains on payrolls and protection warrants. Although the earls of Northampton and Oxford generally led separate retinues, the rate of cross-over between them was high enough to promote its own kind of stability for the military community of Essex.

The Retinues of Hugh Audley, earl of Gloucester, and Ralph Stafford

The connection between Hugh Audley, earl of Gloucester and Ralph, baron and then earl of Stafford, has already been noted as containing an element of proxy. Gloucester was the oldest earl created in 1337 and, while he served notably and brought substantial retinues to campaigns between 1335-42, he retired from campaigning in the mid-1340s. It was during this time that Ralph Stafford fulfilled some of Gloucester's comital roles as his son-in-law and, after Gloucester's death in 1347, the heir to most of his lands.

Gloucester's retinue was built around the repeat service of a number of prominent knights and bannerets, some of whom held lands in Gloucester's tenurial strongholds of Essex and Kent.¹⁵⁴ A

¹⁵¹ In addition to those mentioned in the following sentences, Sir Hugh Badewe, Sir John Fitz Ralph, Sir Hugh Fitz Simon, Sir Robert Geddyng, Sir John Havering, Nicholas Inkpenne, Sir Thomas Passelewe (if the same man), Sir Guy de St. Clare, Sir John Sutton, Sir William Tendring.

¹⁵² With Northampton: C 76/15, m. 19; C 81/1735, no. 15. With Oxford: C 81/1735, nos. 57, 59, 60; C 76/17, mm. 19, 26; C 76/20, mm. 19, 22; E 159/124, rot. 132.

¹⁵³ C 76/20, m. 18; C 76/22, m. 30; *Crecy and Calais from the Public Records*, ed. G. Wrottesley (London, 1898), 126, 132.

¹⁵⁴ E.g. Robert Bouchier (Essex) and Nicholas Leybourn (Kent).

connection also existed between the earl and knightly figures in the East and north Midlands: Sir Edmund Appleby senior, a Leicestershire knight, served with Audley on three occasions between 1337-42; Sir Adam Everingham, son of the baron of Laxton, Nottinghamshire, served with Audley four times; Peter Lymmesey, another prominent military retainer, came from an East Midlands family, as did Edmund and Thomas Swynford, men-at-arms, and Sir William Thorpe, all of whom served Gloucester repeatedly through 1337-42.¹⁵⁵ The greatest of Audley's Midlands connections was, of course, Ralph, baron Stafford, who appears in Audley's service on various occasions between 1332 and 1342.¹⁵⁶ It is possible that Audley, Appleby and the Kent family of Culpepper, who provided Audley with three men-at-arms, encountered each other in Lancastrian service early in the reign.¹⁵⁷ In any case, Audley's landed interests were not formidable in these Midland regions and the prominence of these men in his retinues depended on personal connections between a number of leading figures, particularly Edmund Appleby, Adam Everingham and Stafford.

What, then, happened to these men after Gloucester's retirement from military service in 1342? Gloucester's absence paralleled the increasing military importance of Stafford, as Seneschal of Gascony from 1345-47 and earl from 1351. Anthony Gross has stressed the familial links binding the core of Stafford's retinues and highlighted the prominence of Staffordshire families in the earl's service.¹⁵⁸ In the context of the models now informing current understanding of the recruitment

¹⁵⁵ Appleby: C 81/1719, nos. 63, 69, 72; *CPR 1330-1334*, 276; E 101/388/5, m. 20; E 101/20/25, m. 3; C 76/15, m. 6; C 76/16, m. 26; C 76/17, m. 25; C 81/1727, no. 19; G. Astill, 'An Early Inventory of a Leicestershire Knight', *MH*, 2 (1973-4), 274-83; Ayton, *Knights and Warhorses*, 44-5. Everingham: C 81/1719, nos. 63, 66, 68, 69; *CPR 1330-1334*, 276; C 76/15, m. 6; C 76/16, m. 26; C 76/17, mm. 22, 25; C 81/1727, no. 19; *CIPM*, XVI, nos. 541-3. Lymmesey: C 81/1719, nos. 68, 69; C 81/1727, no. 19; C 76/15, m. 6; C 76/17, m. 25. Swynfords: C 76/15, mm. 6, 19, 26; C 76/17, m. 17; C 81/1727, no. 19; C 81/1719, nos. 66, 68, 69; SC 8/226/11278-79; *CIPM*, X, no. 211. Thorpe: *CPR 1330-1334*, 276; E 101/20/25, m. 3; E 101/388/5, m. 20; C 76/15, m. 6; C 76/16, m. 26; C 76/17, m. 25; C 81/1727, no. 19; C 81/1719, nos. 68, 69; C 143/300/8; SC 8/75/3741.

¹⁵⁶ *CPR 1330-1334*, 276; E 101/20/25, m. 3; C 81/1719, nos. 63, 69; C 81/1727, no. 19.

¹⁵⁷ Members of the Culpepper family were sheriffs of Kent for periods in the 1360s, 1370s, 1380s and 1390s: *List of Sheriffs*, 68. They had lands forfeited in 1332 and petitioned for redress against the Despensers with, among others, Edmund Appleby senior in 1331: SC 8/341/16078. See J. Burke and J.B. Burke, *A Genealogical and Heraldic History of the Extinct and Dormant Baronetcies of England, Ireland and Scotland* (London, 1838), 143-4 for the family. By 1347, Walter Culpepper held a quarter knight's fee in Kent of Audley: *CIPM*, IX, 56. In the fifteenth century, the Culpepper family held Warwickshire lands, although these were secondary to their Kent patrimony: Carpenter, *Locality and Polity*, 138, 298.

¹⁵⁸ A.J. Gross, 'Adam Peshale: A Study in the Gentry of Fourteenth-Century Staffordshire' (University of London unpublished PhD thesis, 1989), 98-9 and table VIII.

process, it is important to note the continuities which characterised the respective retinues of Gloucester and Stafford, as was doubtless intended by Gloucester and the king, who accepted Stafford's marriage to Gloucester's only daughter, Margaret. Edmund Appleby, the son of Audley's stalwart retainer, migrated to Stafford's service in 1352; William Corbet and John Doddingfeles served with Gloucester, then Stafford; members of the Culpepper family served Stafford and doubtless extended his recruiting reach into Kent; and Peter Lymesey and Thomas Passele, who both served with Gloucester more than once, accompanied Stafford (twice, in Passele's case).¹⁵⁹ Taken with the insights into the dynamics of military service provided by the Oxford-Northampton connection, this Audley-Stafford case shows how continuity, experience and cohesion were maintained across retinues in the mid-fourteenth century by the migration of clusters of men from one captain to another as circumstance dictated.

The Retinues of the Earls of Salisbury and the Earl of Pembroke

William Montagu, first earl of Salisbury, was a powerful figure in the south-western counties of England prior to his sudden death in 1344. His son and heir of the same name succeeded to this inheritance as a young man and, in the 1350s, suffered the loss of much of what his father had gained. In 1339, Laurence Hastings became earl of Pembroke and recovered a significant part of this earldom. Pembroke's rise, around the time of the first earl of Salisbury's death, provides an insight into how the Wheel of Fortune affected the recruiting process and the military power an earl could summon on campaign.¹⁶⁰

The first earl drew many of his most important military retainers from south-western families: Sir John Wingfield, Sir Thomas West, Sir John Mere and Sir Ralph Middelneye were all local men, while

¹⁵⁹ C 81/1739, nos. 14, 15, 25, 27; C 76/15, m. 8; C 76/17, m. 40; C 61/57, m. 5; C 61/64, m. 6; C 76/33, mm. 4, 10; C 76/38, m. 14. When Stafford in turn retired, Appleby served with John of Gaunt: Walker, *The Lancastrian Affinity*, 262.

¹⁶⁰ Compare earlier retinue fluctuation and recruitment for the colonisation of Ireland: D. Crouch, 'The Transformation of Medieval Gwent', in R.A. Griffiths, T. Hopkins and R. Howell (eds), *The Gwent County History, Volume 2: The Age of the Marcher Lords, c.1070 - 1536* (Cardiff, 2008), 29-30; Veach, *Lordship in Four Realms*, 62-3.

Giles Daubeney and Giles Badlesmere were related to the earl by marriage.¹⁶¹ The top ranks of this cohesive retinue never fully transferred into the service of Earl William II. One major reason for this was the rise of Pembroke, despite his lack of great estates in the regions heavily used by the first earl of Salisbury as recruiting grounds. Pembroke's IPM records one manor in Somerset, and one-eighth of another, and reveals no manors in Wiltshire, Hampshire, Devon, or Cornwall.¹⁶² In 1339, shortly after he received livery of his inheritance, Pembroke enfeoffed Thomas West with his manors of Compton Valence in Dorset and Newton Valence in Hampshire, his most substantial possessions in the region.¹⁶³ Perhaps because of this connection with West, there was a substantial south-western influence in his retinues. William Botereaux, a prominent landowner in Devon, served with Pembroke, as did John Malet, lord of the Somerset manor of Enmore, Thomas Courtenay, son of the earl of Devon, and Sir Thomas Fitchet, head of a local knightly family and later MP for Somerset.¹⁶⁴ Most directly, some of the first earl of Salisbury's most important retainers from the region, including West, John Cherleton, Henry Peverel and William Molyns, migrated to Pembroke's service.¹⁶⁵ John Multon of Frampton, Lincolnshire, did likewise.¹⁶⁶ The earl of Pembroke, whose retinue needed to undergo a massive expansion in tandem with his newfound comital status, took advantage of Salisbury's unexpected death and attracted the service of a large number of men whose natural lord – at least in terms of tenurial geography – was suddenly absent: Pembroke succeeded in fast-tracking the recruitment process and raising a retinue of adequate size by using these 'off-the-peg' companies.

¹⁶¹ Warner, 'The Montagu Earls', 37-54; *English Mediaeval Rolls of Arms*, no. 197; C 81/1738, no. 33.

¹⁶² *CIPM*, IX, no. 118.

¹⁶³ *CPR 1338-1340*, 395.

¹⁶⁴ Botereaux: C 76/17, m. 27; *Foedera*, III, Part I, 42; C 81/1728, no. 28; C 76/20, m. 16; *CIPM*, IX, nos. 164, 165. Malet: *Foedera*, III, Part I, 42; C 76/20, m. 16; C 76/24, m. 18; *VCH Somerset: Volume VI*, ed. A.P. Baggs, M.C. Siraut, R.W. Dunning and C.R. Elrington (London, 1992), 37. Courtenay: C 76/20, m. 16; *Foedera*, III, Part I, 42. Fichet: C 76/20, m. 16; *Foedera*, III, Part I, 42; E 159/123, rot. 115; *CIPM*, XVI, nos. 997, 998; J. Collinson, *The History and Antiquities of the County of Somerset*, 3 vols., (Bath, 1791), I, 243-4, 262.

¹⁶⁵ C 81/1736, nos. 12, 15, 45, 52; C 76/17, mm. 26, 27; C 76/18, m. 3; C 76/20, m. 16; E 159/124, rot. 31.

¹⁶⁶ C 81/1736, no. 58. See also Coss, *The Foundations of Gentry Life*, 272.

Although Pembroke himself died early in 1348, the second earl of Salisbury struggled to provide a focal point for the gentry of the south-west, as his father had. This was a product of the flexibility inherent in the dynamics of recruitment, allied with his own political struggles in the 1350s. To assert that the second earl totally failed to regroup the Salisbury retinues would be false: even with the fragmentary sources, seventeen men can be shown to have served under both the first and second earls and these included several high-status figures.¹⁶⁷ It is certainly notable, however, that some of the first earl's most important military retainers did not return to the service of his son and instead served with other lords. These included Sir John Wingfield, who became a councillor to the Black Prince, Sir Thomas West, who served with Pembroke and then Arundel, Sir Baldwin Freville and Sir John Murdak.¹⁶⁸ Only Sir Nicholas Poyntz and (if it is the same man) Richard Talbot served with the first earl of Salisbury, migrated to Pembroke's retinue until 1348, and then returned back to Montagu service with the second earl in the 1350s.¹⁶⁹ One family whose service the second earl would doubtless have wanted to attract in the mid-1340s was that of Despenser, since Hugh Despenser III (d. 1349) married Montagu's sister Elizabeth. Despenser, however, formed his own retinue and in the 1370s Edward Despenser (Hugh III's nephew) was himself retaining West Country figures whose service the second earl of Salisbury may have coveted for the war at sea.¹⁷⁰ The early death of the first earl of Salisbury, then, caused a period of substantial flux, with Pembroke the biggest immediate beneficiary, and the second earl of Salisbury was only partially able to recover the regional basis of his retinue in the latter 1340s and 1350s, since a number of important figures permanently migrated to other captains. This shows dynamic stability at work: the pool of soldiers

¹⁶⁷ Robert Barton; Sir John Beauchamp of Lillesdon; Sir John Blackminster; Daubeney family (Giles with Montagu I, Edgar with Montagu II); Nicholas Goushill; Grandisson family (Otto with Montagu I, Thomas with Montagu II); John Chidiok; John Camel; Henry Lucy; John Meret; Ralph Middleneye; John Montagu, Edward Montagu; Sir Nicholas Poyntz; Sir Brian Stapleton; Richard Talbot; Sir John Tryvet; Sir Geoffrey Walsh.

¹⁶⁸ Warner, 'The Montagu Earls', 50; C 81/1736, no. 15; C 76/17, mm. 26, 27; C 76/18, m. 3; C 76/20, m. 18; C 76/22, mm. 11, 12; C 61/67, m. 10; *Crecy and Calais*, 83, 91, 140. The others are: Sir John Avenel (earl of Northampton); John Dauny (Gloucester, then Devon); John Burton (if the same man) (Arundel); Robert Littlebury (Northampton); Thomas Pecche (Stafford); Almaric Sancto Almand (Warwick).

¹⁶⁹ C 81/1738, no. 42; C 61/67, m. 7; C 76/38, m. 10; *Foedera*, III, Part I, 447; *CPR 1340-1343*, 179.

¹⁷⁰ M.J. Lawrence, 'Power, Ambition and Political Rehabilitation: The Despensers, c. 1281-1400' (University of York unpublished PhD thesis, 2005), 207. For Salisbury's later military career, see Bell, Curry, King and Simpkin, *The Soldier in Later Medieval England*, 32-3.

was relatively stable but their service under individual captains could be as much a matter of personal relationships as geographical loyalties.

The retinues discussed above are merely those for which the best materials have survived. The dynamics of retaining they reveal are doubtless the tip of the iceberg. What does seem clear, however, is that the model of dynamic stability seems prevalent in retinues less well documented than those of Northampton, Warwick and Lancaster, at least for combatants of relatively high social status. It was these mechanics of retinue formation, as well as the sheer size of comital retinues, that allowed the earls to contribute so meaningfully to the wars of Edward III.

The Home Front: Array, Maritime Defence, and the War at Sea

Thus far, this chapter has focused on the more active earls, who played such a conspicuous part in campaigning and whose exploits have echoed down the ages in the pages of the chronicles. When the focus is on campaigning, the earls of Devon, Hereford, Surrey, Norfolk, the first earl of Lancaster and, to an extent, the earls of Arundel, Huntingdon and Gloucester pale into the shadows. But the obligation to defend the realm was not limited to those earls who happened to excel at displays of martial prowess. It was an obligation assumed towards comital status and, by looking in greater detail at the organisation of warfare within and around England itself, it becomes clear that even those earls who could not or did not stand out on *chevauchée* played a crucial role in defending the realm.

Array and the Earls

The fourteenth century witnessed an acceleration of the slow death of compulsory, levied military service in the royal host.¹⁷¹ Paid forces and those raised at their own expense on various terms had

¹⁷¹ N.B. Lewis, 'The Last Medieval Summons of the English Feudal Levy, 13 June 1385', *EHR*, 73 (1958), 1-3; Powicke, *Military Obligation*, 166-210; Prestwich, *Armies and Warfare*, 57-81.

co-existed for centuries and, under the pressures imposed by the Hundred Years' War, the importance of paid troops serving in retinues continued to increase. The reign of Edward III, as has been stressed in both classic and recent accounts, was a period of transition in which columns of foot soldiers raised by compulsion were supplanted by mixed retinues of mounted archers and men-at-arms, paid for their service.¹⁷² It is important to draw a distinction here between English troops arrayed for service within England and troops levied for service beyond England's borders: while the latter declined, the former remained an important method by which the king fulfilled his obligation to defend his subjects. Thus far, the role of comital retinues in the campaigns of Edward III – fought on what contemporaries had long considered (and increasingly so) foreign territories – has been analysed.¹⁷³ This is with good reason, since the unit of raising arrayed troops for service whether domestic or foreign was the county (and the liberty), rather than the contours of magnate lordship which bound together the dynamics of recruitment.¹⁷⁴ However, the role of the earls' lands in the Marcher lordships of Wales in recruitment for service overseas deserves analysis, as do the highly prominent roles of the earls in commissions of array and maritime defence, since these aspects illustrate the variety and extent of the uses of comital power in fourteenth-century warfare.

Recruitment from Comital Marcher Lordships

For many earls – John Warenne, earl of Surrey, Richard, earl of Arundel, the earls of Lancaster, Hugh Audley, earl of Gloucester, William Montagu, earl of Salisbury, Laurence Hastings, earl of Pembroke, John and Humphrey Bohun, earls of Hereford, Thomas Beauchamp, earl of Warwick, and Roger Mortimer, the well-named earl of March – the Marcher lordships were a lucrative source of revenue. Similarly, the king and his government looked to the Welsh Marches to meet some of the incessant demand for manpower created by the king's military designs.¹⁷⁵ This demand was mediated through

¹⁷² Powicke, *Military Obligation*, chapter X: 'The Failure of Compulsion'; Chapman, *Welsh Soldiers*, 57.

¹⁷³ Ruddick, *English Identity and Political Culture*, 51-99, 183-216.

¹⁷⁴ On liberties, see M. Prestwich, "'Tam infra Libertates quam extra": Liberties and Military Recruitment', in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), 111-19.

¹⁷⁵ Generally, see Chapman, *Welsh Soldiers*, esp. 57-77, 171-93 and Davies, *Lordship and Society*, 67-85.

the unit of Marcher lordship. These Welshmen were paid but raised *en masse* from specific lordships and are thus very different from the retinues becoming increasingly dominant after the Halidon Hill campaign of 1333. The earls of Edward III received a stream of writs to cause set numbers of men to be raised, equipped and sent to the muster point.

The sights of these quotas were set high. For the Halidon Hill campaign, 300 men were ordered from the earl of Hereford's lordship of Brecon and 200 from Arundel's lordships of Chirk and Oswestry.¹⁷⁶

In March 1337, a total of 2,640 Welshmen were ordered arrayed from comital Marcher lordships in South Wales and 200 from the North Wales lordships of the earls of Surrey, Arundel and Salisbury.¹⁷⁷

Through the opening stages of the war, the need for Welsh manpower remained high and Marcher earls received frequent demands, often for hundreds of men to be raised from a single lordship.¹⁷⁸

The justifications for these demands left little room for manoeuvre to those who may have wished to negate the constant demands on their lordship – the arrays were for the defence of the realm, 'for our war in parts beyond the sea, for the defence and salvation of our kingdom and the other rights of our Crown'.¹⁷⁹ Such reasoning reinforced the powerful case of necessity underlying each array, in – for example – each order sent to the earls of Northampton, Lancaster, Hereford, Pembroke, Gloucester, Warwick, Arundel and the young Roger Mortimer (lord of Wigmore but not yet earl of March), for 1,400 men from ten different Marcher lordships for service on the Crécy campaign.¹⁸⁰

As Rees Davies noted, when it comes to the military contribution of the Marcher lordships the number of those who actually served in response to this onslaught of parchment is more instructive than totalling the massive but unrealistic quotas contained in the writs.¹⁸¹ Although it is far easier to

¹⁷⁶ *CCR 1333-1337*, 26-7.

¹⁷⁷ C 61/49, mm. 33, 34d.

¹⁷⁸ *Foedera*, II, Part II, 1,017, 1,216-17; *Treaty Rolls, 1337-1339*, nos. 214, 508, 900-3; C 76/15, mm. 28d, 29; C 76/16, mm. 14d, 17-18; C 76/17, m. 15.

¹⁷⁹ 'Quia pro expeditione guerre nostre in partibus transmarinis defensionem et salvacionem regni nostri ac aliorum jurium corone nostre' (*Treaty Rolls, 1337-1339*, no. 902).

¹⁸⁰ *Foedera*, III, Part I, 67-8.

¹⁸¹ Davies, *Lordship and Society*, 82.

recover the demands for Welsh service than it is the reactions to these demands, these responses do 'show military lordship in action, persistently' and the details and scope of this action have recently been illustrated further by Adam Chapman.¹⁸² In the great Scottish campaign of 1335, 214 Welshmen led by two constables were raised from the earl of Surrey's lordship of Bromfield and Yale and 120 Welshmen raised from the earl of Arundel's lordship of Chirk and led by one *ductor* and one constable served from July-September.¹⁸³ In 1342, when Arundel travelled north to the Scottish March, he was accompanied by fifty-two Welsh archers; in 1344, when he went with Grosmont to Aquitaine for diplomatic negotiations, one hundred Welsh archers went with him; and over one hundred of his Welsh tenants went with him to the siege of Calais in 1347.¹⁸⁴ After the lordships of South Wales were ordered to mobilise men 'for the necessary defence of our realm of England' in 1359, the arrayer Hugh Yonge raised one hundred men from the earl of March's lordship of Denbigh and fifteen from the earl of Stafford's lordships of Newport and Netherwent.¹⁸⁵

When the Welsh contingents who served are compared in size to those ordered to serve, it is clear that the recruitment targets were wildly optimistic. The fifty-two archers who accompanied Arundel to Scotland in 1342 may be compared to the 150 men ordered that October; the 101 Welshmen with him at the siege of Calais probably followed an order for 240 men; and the fifteen raised from the lands of the earl of Stafford in 1359 fell well short of the hoped-for one hundred. Nonetheless, as a source of soldiers the Marcher lordships provided a notable contribution to the prosecution of the Hundred Years' War and this drew most heavily on the earls, who held many of the greatest lordships. That the earls were not indifferent to these processes is readily apparent. John Warenne, earl of Surrey, refused to let men of Bromfield and Yale be arrayed in 1337, since the writ had not

¹⁸² Davies, *Lordship and Society*, 82-3; Chapman, *Welsh Soldiers*, 57-77.

¹⁸³ BL Cotton MS Nero C VIII, fol. 258v.

¹⁸⁴ National Library of Wales, Chirk Castle Collection, D.9-14; *CPR 1343-1345*, 223; C 61/56, m. 9; Murimuth, 156, 158; Davies, *Lordship and Society*, 82. The grant discussed in A. Breeze, 'A Grant of 1345 by the Earl of Arundel to the London Cell of Roncesvalles', *NMS*, 39 (1995), 106-7 should be dated to September 1344, as part of this diplomatic expedition, not to September 1345.

¹⁸⁵ *Foedera*, III, Part I, 416; E 404/495/90, 91.

been sent to him as he demanded.¹⁸⁶ In 1342, Humphrey Bohun, earl of Hereford, insisted that the recruitment process in his lordships of Pencelli and Cantrefsellyf be conducted by his own officials, in order to assert his own authority over Sir Philip ap Rees, his great vassal.¹⁸⁷ For those earls – such as the earl of Surrey after his retirement from physical campaigning from 1335, the disabled Humphrey Bohun, lord of Brecon and earl of Hereford, Hugh Audley, lord of Newport and earl of Gloucester, and the blind earl of Lancaster, lord of Kidwelly – who could not go abroad on campaign, the mobilisation of their Marcher lordships enabled them to contribute meaningfully to the king's armies even when physically absent. In this way, for them, as for all the lords of the March, the power inherent in the bonds of Marcher lordship was integrated into the defence of the realm.

The Earls in Domestic Array and Maritime Defence

Away from the March, a group of earls provided a consistent and important supply of local influence and authority to the commissions of array and maritime lands issued frequently in response to the threat of raiding or invasion.¹⁸⁸ For the defence of coastal areas, levies of adult males were raised by royal commissioners along a coastal zone extending from six to twelve leagues inland. The Keepers of the Maritime Lands were responsible for the commissions of array within the se coastal areas, while the regions inland of the coastal strip were arrayed by the commissions of array in their own right. Participation in the work of these commissions formed the primary experience of martial activity for many, particularly the lower gradations of the aristocracy.¹⁸⁹ This was, then, military service in the defence of the realm in the most literal sense and, indeed, the response of local communities suggests that the ideas of defending the realm so common in political thinking were

¹⁸⁶ C 61/49, m. 34d.

¹⁸⁷ *Foedera*, II, Part II, 1,192; Chapman, *Welsh Soldiers*, 176.

¹⁸⁸ See H.J. Hewitt, *The Organisation of War under Edward III, 1338-1362* (Manchester, 1966), 1-27; J.R. Alban, 'English Coastal Defence: Some Fourteenth-Century Modifications within the System', in R. Griffiths (ed.), *Patronage, the Crown and the Provinces in Later Medieval England* (Gloucester, 1981), 57-78.

¹⁸⁹ Ayton, 'Edward III and the English Aristocracy', 197-200; P. Coss, 'Andrew Ayton, the Military Community and the Evolution of the Gentry in Fourteenth-Century England', in G. Baker, C. Lambert and D. Simpkin (eds), *Military Communities in Later Medieval England: Essays in Honour of Andrew Ayton* (Woodbridge, 2018), 105-24.

most effective in stimulating actual service when defence was, in a modern territorially-bounded way, truly defensive.¹⁹⁰

Throughout the initial phase of the Hundred Years' War, a number of earls were highly prominent as commissioners of array and Keepers of the Maritime Land. Since many of the more able-bodied earls gave their military service on campaigns, those earls who stayed at home for a number of reasons regularly added their local authority to the processes of mobilisation in defence of the realm. In the summer of 1335, the southern counties of England were ordered arrayed. Thomas, earl of Norfolk and earl marshal, was captain of array for Norfolk, Suffolk, Essex, Hertford, Cambridge, Huntingdon and Middlesex and Hugh Courtenay, recently made earl of Devon, was responsible for the arrays in Devon, Cornwall, Somerset and Dorset.¹⁹¹ In response to the threat of invasion in 1336, a larger group of earls staying in England – Arundel, Surrey and Hereford, in addition to Norfolk and Devon – were charged with arraying men and defending the coasts and maritime lands.¹⁹² Without fail, the geographical spread of an earl's commission corresponded roughly with the region in which the majority of his landholdings lay: on this occasion, Norfolk, Suffolk, Cambridgeshire, Huntingdon, Hertfordshire, Essex and Middlesex for the earl of Norfolk; Devon, Somerset, Cornwall and Dorset for Devon; Surrey, Sussex and Southants for Surrey; Bramber rape, Sussex and Southants for Arundel. As part of the defensive measures these earls supervised, the king sent his household knight Roger Swynnerton to Arundel and Surrey with instructions.¹⁹³ These appointments were not sinecures.

This use of the earls who stayed in England remained regular after the opening of the war with France. In June 1337, Hugh Audley, earl of Gloucester, who had just left the siege of Dunbar for England, was appointed at the head of the commission to keep the maritime lands in Essex,

¹⁹⁰ See the comments of King, 'A Good Chance for the Scots?', 149 and A. King, "'Pur Salvation du Roiaume": Military Service and Obligation in Fourteenth-Century Northumberland', in C. Given-Wilson (ed.), *FCE II* (Woodbridge, 2002), 13-32.

¹⁹¹ *Rotuli Scotiae*, I, 372-4.

¹⁹² *Rotuli Scotiae*, I, 446-7.

¹⁹³ *CCR 1333-1337*, 701.

Hertfordshire and Middlesex, while the Courtenay earl of Devon was made responsible for the coastal defence of the county.¹⁹⁴ In 1338, Portsmouth was attacked in March, Southampton was burned in October, further attacks on coastal towns and the Isle of Wight were made, and the Channel Islands were occupied.¹⁹⁵ In July 1338, the Crown responded to the attack on Portsmouth by arranging the English counties into seven large groups, with overseers appointed within each group to supervise the array.¹⁹⁶ This system was further modified in August.¹⁹⁷ The earls left in England were integral to these modifications. The August arrays used the authority of every living earl left in the country: Warwick, Oxford, Arundel, Huntingdon, Surrey, Norfolk, Devon, Hereford and even Lancaster were all given responsibilities as commissioners of array and of the peace. Some of them may have taken an active part in the work of these commissions, as the earl of Surrey seems to have done.¹⁹⁸

One of the foremost defensive strategies adopted by the council during this period was the installation of garrisons at key points. The fear of attack prompted extensive comital involvement in these garrisons. In May 1338, William Clinton, earl of Huntingdon and Constable of Dover Castle, spent over £100 on repairing Dover Castle and undertook to maintain a garrison of twenty men-at-arms, forty armed men and forty archers in the castle.¹⁹⁹ From October 1338, the earl of Arundel garrisoned Portchester Castle with ten men-at-arms and forty archers, and remained in charge of the castle and its garrison into the mid-1340s.²⁰⁰ Perhaps most importantly, Thomas Beauchamp, the dynamic earl of Warwick, was appointed guardian of Southampton in 1339 after the town had been

¹⁹⁴ C 61/49, m. 26. These appointments were renewed in March 1338: C 61/50, m. 11.

¹⁹⁵ Sumption, *The Hundred Years War*, I, 226-7, 246-51; Ormrod, *Edward III*, 204.

¹⁹⁶ *CPR 1338-1340*, 134; Alban, 'English Coastal Defence', 64.

¹⁹⁷ *CPR 1338-1340*, 141-2.

¹⁹⁸ *CCR 1337-1339*, 537.

¹⁹⁹ E 159/114, rots. 110d, 111d; E 159/115, rot. 172; E 159/116, rot. 39; E 372/185, rot. 42; *CCR 1337-1339*, 557; *CCR 1339-1341*, 69, 150, 174, 285, 368. Huntingdon's garrison actually fluctuated considerably: from October-November 1339, he retained just 6 archers in the castle and from March-August 1340, he retained 6 men-at-arms and 10 archers: E 159/117, rot. 44; E 372/185, rot. 42.

²⁰⁰ *Treaty Rolls, 1337-1339*, no. 861; *CCR 1337-1339*, 564; *CCR 1339-1341*, 65; *CCR 1341-1343*, 454; E 159/115, rots. 94, 99d; E 159/119, rots. 125d, 131d; E 159/122, rot. 19; E 159/123, rot. 18; E 159/124, rot. 26; E 403/307, mm. 1, 9; E 401/375, 28 February.

attacked, with a force of fifty men-at-arms and forty archers.²⁰¹ The earl fortified the town through August and repaired its defences.²⁰² Warwick held various interests in Southampton and his appointment illuminates the council's use of their own networks of power in fulfilling its duties.²⁰³ The group of stay-at-home earls continued to be appointed 'for the defence and salvation of our realm, against the invasions of aliens' on commissions of array and maritime lands through 1339-40.²⁰⁴ John Warenne, earl of Surrey, and Richard, earl of Arundel, were both highly active in this role: Surrey was in dialogue with William Trussell, admiral of the Southern Fleet, over the possibility of attack and Arundel testified before the council (of which he was an important part) on the need to defend Portsmouth over Southampton.²⁰⁵ Adam Murimuth records that Hugh, earl of Devon, then in his eighties, defeated French pirates preying on the Devon coast.²⁰⁶ In February 1340, the earls of Huntingdon and Arundel appointed themselves admirals of the Western Fleet and the fleet at Portsmouth respectively 'for the defence of our [the king's] realm'.²⁰⁷ Earls served as admirals on a number of occasions, for it was a role that depended on authoritative stature, with the day-to-day tasks usually undertaken by deputy.²⁰⁸ A rare set of surviving council minutes from 1340 throws light onto the reasoning behind these comital appointments: Arundel was chosen 'for no one can chastise or rule them unless he be a great man'.²⁰⁹ Here, social status is thought intrinsic to the prosecution of warfare and the realisation of the defence of the realm. In 1340, Huntingdon actually

²⁰¹ *CCR 1339-1341*, 161; C 62/116, m. 4; E 159/116, rot. 86d; SC 1/41/171; Ayton, 'Edward III and the English Aristocracy', 194 n. 115. See also C. Pratt, *Medieval Southampton: The Port and Trading Community, A.D. 1000-1600* (London, 1973), 113-15; R. Moffett, 'Defense Schemes of Southampton in the Late Medieval Period, 1300-1500', *JMMH*, 11 (2013), 245-6.

²⁰² E 101/22/7, m. 1.

²⁰³ *CIPM*, XII, no. 303; BL Add. MS 28,024, fols. 90r-92v.

²⁰⁴ *Foedera*, II, Part II, 1,070-72: '...pro defensione et salvatione regni nostri contra hostiles alienagorum invasiones'.

²⁰⁵ SC 8/148/7378; *CCR 1339-1341*, 19, 122, 218, 302.

²⁰⁶ Murimuth, 90.

²⁰⁷ C 76/15, m. 32.

²⁰⁸ Cushway, *Edward III and the War at Sea*, 31-2, 104; Lambert, *Shipping the Medieval Military*, 29 n. 98.

²⁰⁹ C 47/2/31/1: 'qar nul ne le pourrait chastier ne mesner sil ne soit un graunt'. N.H. Nicolas, *A History of the Royal Navy* (London, 1847), II, 189-92 dated these to 1345, Arundel's second appointment as admiral. However, a reference to consult the king and the earl of Salisbury almost certainly dates the minutes to 1340, Arundel's first appointment, before the death of the first earl of Salisbury in 1344.

implemented comital leadership in the war at sea and sailed to Boulogne with the fleet of the Cinque Ports, after four captured burghers of the city had been interrogated at Sandwich.²¹⁰

Complete surprise was achieved and around twenty galleys and a number of other vessels were burned.²¹¹

Comital involvement in array and the defence of the maritime lands did not cease after the naval victory at Sluys brought a measure of security to the south coast from 1340. In 1344, a number of commissions of array were headed by earls, including some of those whose normal duties lay on campaign.²¹² In 1350, William Clinton, earl of Huntingdon, and Bartholomew Burghersh, Warden of the Cinque Ports and Constable of Dover, were appointed to take into their protection the lands at the mouth of the Thames for their defence and salvation in response to the threat of piracy.²¹³ The following year, the earls of Suffolk, Northampton, Oxford, Devon, Arundel, Lancaster and Huntingdon were all charged with keeping the maritime regions and the earl of Devon – at least – put this order into practice and arrayed archers for the keeping of the coasts.²¹⁴ The use of the earls in array and maritime lands continued into 1352, when all the counties of England were ordered arrayed and the duke of Lancaster and the earls of Huntingdon, Arundel, Devon, Northampton, Oxford, Suffolk, Warwick and Hereford were appointed at the head of commissions.²¹⁵ In 1359, the earls of Arundel, Devon and Oxford, staying in England while most other earls left for France, were entrusted once more with the business of defence, while Roger Mortimer, earl of March and Warden of the Cinque Ports, organised the defence of Dover Castle as its constable.²¹⁶

²¹⁰ *Chronica Monasterii de Melsa*, ed. E.A. Bond, 3 vols., (London, Rolls Series, 1866-68), III, 43-4; Murimuth, 103-4.

²¹¹ Accounts of the number of ships damaged varied (*pace* Sumption, *The Hundred Years War*, I, 321).

²¹² The earls of Suffolk, Huntingdon, Warwick, Devon, Stafford and Northampton: C 76/19, m. 8. See also SC 8/207/10318.

²¹³ *Foedera*, III, Part I, 201.

²¹⁴ *Foedera*, III, Part I, 217-19; C 47/2/41/14, 15.

²¹⁵ C 76/30, m. 4.

²¹⁶ C 76/34, m. 9; *CPR 1358-1361*, 324; *Foedera*, III, Part I, 456; *CCR 1360-1364*, 84-5, 98-9.

In the fourteenth century, the composition of English armies changed. The continuing rise of pay, contract service and mixed retinues centred on the ability of the campaigning earls to act as fulcrums in the recruitment process and leaders of the king's armies. But although the 'failure of compulsion' for service abroad continued, commissions of array and maritime lands and the appointments of earls to admiralties continued to secure domestic defence. The array of 1352 provides an insight into how Humphrey, the disabled earl of Hereford and Essex, was able to act in the defence of the realm despite his physical limitations. His comital power was used to aid the array, since the earl was to send a powerful figure of his household to Essex to supervise the array in his stead.²¹⁷ Earl Humphrey was hardly new to acting in defence of Essex: in 1339, although he was going 'to the parts of Wales to stay there, for the safekeeping of those parts' (in itself instructive), his men were appointed to array the tenants of his Essex manors since the earl desired them to be defended during his absence.²¹⁸ Through such involvement with the processes of array, garrisoning and maritime defence, a group of earls – the elderly, the ill and those left to govern England – contrasting those who campaigned so regularly abroad executed an important military role and used the power inherent in their landholdings and their social position in the defence of the realm.

Conclusion

The earls of Edward III were integral to his prosecution of the Hundred Years' War. The period from Halidon Hill to the Treaty of Brétigny saw a remarkable intensity, frequency and standard of comital service in theatres of war ranging from Northern Scotland to the Iberian Peninsula.²¹⁹ Earls participated in every major campaign through this period and, with the exception of John de Vere, earl of Oxford, brought retinues of comital standing with them, which formed the backbone of English chivalry along with the royal household and the retinue of the Black Prince. Combining work

²¹⁷ C 76/30, m. 4.

²¹⁸ *CPR 1338-1340*, 356-7.

²¹⁹ Appendix 1.

on magnate retinues with the analysis of the retinues examined above, it seems these retinues were characterised by the 'dynamic stability' which allowed repeat service to become a crucial hallmark of the Edwardian military community. The leadership shown by the most able of these earls allowed the war to unfold as it did, with several armies deployed on different fronts simultaneously. Even when this leadership failed to result in notable victories – as on the Dunbar campaign of 1337-38, the capture of Salisbury and Suffolk at Lille in 1340, and the earl of Stafford's 1352 expedition – it was still the perceived place of the earl at the side of the king that enabled the conflict of Valois and Plantagenet to proceed across 'different vistas'.²²⁰ When noble leadership did work well – as in Brittany under Northampton in 1342 and 1345, in Aquitaine under Grosmont in 1345, and on the Black Prince's expeditions in 1355-56 – a combination of recruiting strength and personal ability made it decisive in Edward III's successes.

Chivalric practice and the common good could become conflicting principles, as Geoffroi de Charny acknowledged in his *Book of Chivalry*.²²¹ The salvation of personal honour and the display of personal prowess might not align with principles of public order. By the mid-fourteenth century, these potentially conflicting ideals had been intertwined by the direction of prowess towards the enemies of king, realm and people.²²² Edward III had the good fortune to rule a comital group of exceptional personal ability, who were only too happy to rub along with the grain of political thinking and direct their efforts in fulfilling expectations of noble conduct towards the king's enemies. Thomas Beauchamp, earl of Warwick, was eulogised as 'the noblest fighter amongst all the most vigorous of England' and such was his martial ability the Chandos Herald thought he deserved a poem all to himself.²²³ Warwick took his legendary ancestor Guy as an exemplar, naming two of his sons Guy and Reinbroun, investing heavily in rebuilding Warwick Castle, and probably founding a

²²⁰ L.J.A. Villalon and D.J. Kagay (eds), *The Hundred Years War (Part II): Different Vistas* (Leiden, 2008).

²²¹ *The Book of Chivalry of Geoffroi de Charny: Text, Context, and Translation*, trans. E. Kennedy with an Introduction by R.W. Kaeuper (Philadelphia, 1996), 87-91.

²²² Kaeuper, *Medieval Chivalry*, 121-54, 239-63 for a recent perspective. See also M. Keen, 'Chivalry and English Kingship in the Later Middle Ages', in C. Given-Wilson (ed.), *War, Government and the Aristocracy in the British Isles, c. 1150-1500: Essays in Honour of Michael Prestwich* (Woodbridge, 2008), 250-66.

²²³ *Wigmore Chronicle*, 89-90; 'The Life of the Black Prince', in *LCBP*, 86.

shrine for Guy's cult at Guy's Cliffe.²²⁴ Warwick combined his desire to emulate Guy of Warwick with the expectations rising from below and assumed by Edward III that noble service should be in the interests of the common good. The image of the earl as warrior was pervasive, and routinely adopted by the earls themselves – on Warwick's seal, for example.²²⁵ Through their military service, Warwick and Edward's other earls combined this imagery and the martial action it projected with their role as pillars of the body politic.

Of course, not all Edward III's earls could lay personal claim to chivalric reputations won on the battlefield. Contrasting, and paralleling, the service of those highly active on campaign was the service of a group of earls who remained in England. It is important to recognise that the military role of these earls – although largely confined to the domestic sphere – remained crucial. Array for both overseas and domestic service drew extensively on their networks of landholding and influence, as did the defence of the maritime lands. They staffed key garrisons on the south coast. They provided a focal point for domestic defence through their comital status and, by doing so, complemented the actions of the campaigning earls by extending comital influence into the Home Front.

All this service was projected as being undertaken for the defence of the realm, whether in Scotland, the Low Countries, or France, in battle or in array. The complex of ideal-type abstractions concerning the public uses of martial power found in advice literature, poems, chronicles and the parchment dialogue produced by the processes of fourteenth-century government surrounded the military service of Edward III's earls and pushed that service as an integral duty of comital status.²²⁶ From 1330-60, the earls of Edward III came unusually close to matching these ideals. Through the range of

²²⁴ D. Griffith, 'The Visual History of Guy of Warwick', in A. Wiggins and R. Field (eds), *Guy of Warwick: Icon and Ancestor* (Woodbridge, 2007), 120-21; R. Morris, 'The Architecture of the Earls of Warwick in the Fourteenth Century', in W.M. Ormrod (ed.), *England in the Fourteenth Century: Proceedings of the 1985 Harlaxton Symposium* (Woodbridge, 1986), 161-74.

²²⁵ Reproduced in Sinclair, 'The Beauchamp Earls', plate 1.

²²⁶ Compare J. Watts, 'The Plantagenet Empire and the Continent: Retrospect and Prospect', in *The Plantagenet Empire*, 410.

their service on campaign, their roles in recruitment and leadership, and the efforts of those earls left at home in securing the defence of the realm in its most direct sense, the comital group as a whole – although its composition shifted and changed – combined the individual qualities of nobility with the realities of warfare.

As was alluded to in the introduction to this chapter, the service of the aristocracy should remain integral to the study of warfare in the fourteenth-century. The Hundred Years' War saw great military change and dynamism. It may be that the outlines of modern, professional armies (or, at least, early modern armies) can be discerned in this conflict. But alongside the professionalism, the garrisons, the creation of mixed retinues and the adoption of new forms of technology remained the service of the aristocracy, and none more so than those right at the top of the social hierarchy. They were true socio-professionals.²²⁷ The developments of fourteenth-century warfare were integrated with traditions of magnate service, for common thought on the nature of nobility and duty forced that service to the forefront of military life. As the landscape of war changed and expanded, the earls of Edward III provided an exemplar of aristocratic service that corresponded with, and reinforced, ideas on their duty to defend the realm, derived from distillations of just war theory and the nature of royal and noble power in medieval England.

²²⁷ Ayton, 'Military Careerist', 6-8. Compare the sophistication of this model to the methodology of judging professionalism by frequency of service: Gribit, *Henry of Lancaster's Expedition*, 232; Bell, *War and the Soldier*, 221.

The Earls of Edward III in the Localities: Two Case Studies

On 6 November 1329, Chief Justice Geoffrey Scrope opened the Northamptonshire eyre. Foremost among the reasons he gave for imposing the full weight of royal justice on the county was the issue of aristocratic maintenance, which had transported the poisonous politics of Edward II's reign into the localities.¹ Some magnates, at least, were using the local influence their landed power brought them to a considerable and apparently disruptive extent and were causing serious problems. This chapter examines the retinues of two magnates and their followers in the decades following Scrope's speech to shed further light on the nature and depth of comital influence in localities. Was this seemingly significant role maintained through the mid-fourteenth century? In addition to providing insight into the workings of local society, these processes say much about the relationship between the Crown, the nobility and the emergent gentry in the fourteenth century.

Each comital retinue ideally warrants its own full-length study, and nothing short of a comprehensive survey can hope to reflect the full range of experience across England, let alone Britain. However, the case studies chosen – the followers of William Bohun, earl of Northampton, in Essex and the men associated with Richard FitzAlan, earl of Arundel, in Sussex – do have merit. Both earls were active through 1330-60, which allows an element of chronological change and continuity to be noted. However, they are in some senses dissimilar: Northampton was a younger son, albeit one belonging to family of the earls of Hereford and Essex, who was plucked from the ranks of the bannerets of the royal household and elevated to the rank of earl in March 1337; Arundel was the heir of one of the great aristocratic houses, who succeeded to his vast inheritance in 1331 when the forfeiture of his father Edmund was overturned. Northampton was one of Edward's great military commanders and fought in the Scottish Campaigns of 1333-36 as a banneret and in the continental campaigns of 1338-40, 1342, 1345-47, 1355-56 and 1359-60 as earl. Arundel was more conspicuous

¹ *The Eyre of Northamptonshire, 3-4 Edward III, A.D. 1329-1330*, ed. and trans. D. Sutherland, 2 vols., (Selden Society, 1981-82), I, 5-6. A common complaint in this period: see e.g. *Early Common Petitions in the English Parliament*, nos. 5, 109, 114, 117, 124; Ormrod, 'Agenda for Legislation', 19-24.

in his domestic service and, while he served in Scotland during the campaigns of 1333-36 and again in 1342 and took part on the Crécy-Calais expedition of 1346-47, he remained in England as part of the royal council in 1338-40, 1355-56 and 1359-60. An analysis and comparison of their experiences should come as close to a representative picture of comital influence in local society as time and space allow.

Before plunging into fourteenth-century Essex and Sussex, some context is necessary. Local studies based around the administrative unit of the county were pioneered by historians of the seventeenth century: seeing how revolutionary these were, medievalists promptly applied this model to the later middle ages.² The fifteenth century was brought to life and rescued from the doldrums of Stubbs's *Constitutional History* by intensive research into local life and the ways in which power was exercised in the localities.³ This work showed how central magnate influence *could* be with the gentry and within landed society. Magnates formed affinities and these affinities exercised their power through informal networks and through local office-holding. The most important offices were the Justices of the Peace (JPs) and the shrievalty, both of which could be overtly political appointments. Somewhat oddly, this work has not been paralleled by historians of the mid-fourteenth century to any great extent, and this has obscured the differences between earlier and later periods. There have been several studies of magnates and localities under Edward II and several on the reign of Richard II, including Simon Walker's revealing monograph on the affinity of John of Gaunt.⁴ However, in the intervening gap the work of Nigel Saul on the gentry of

² C. Carpenter, 'Gentry and Community in Medieval England', *JBS*, 33 (1994), 340-43. Compare S. Walker, 'Communities of the County in Later Medieval England', in M. Braddick (ed.), *Political Culture in Later Medieval England: Essays by Simon Walker* (Manchester, 2006), 68-80; S. Drake, 'Since the Time of King Arthur: Gentry Identity and the Commonalty of Cornwall c.1300-c.1420', *HR*, 91 (2018), 236-54.

³ See Carpenter, 'Gentry and Community', 340-80.

⁴ Maddicott, *Thomas of Lancaster*; Phillips, *Aymer de Valence*, esp. 253-67; Lawrence, 'Power, Ambition and Political Rehabilitation', esp. 92-117; S.L. Waugh, 'For King, Country, and Patron: The Despensers and Local Administration, 1321-1322', *JBS*, 22 (1983), 23-58; N. Saul, 'The Despensers and the Downfall of Edward II', *EHR*, 99 (1984), 1-33; Simpkin, *The English Aristocracy at War*, 112-85; A. Goodman, *The Loyal Conspiracy: The Lords Appellant under Richard II* (London, 1971); Walker, *The Lancastrian Affinity*; M. Arvanigian, 'The Durham Gentry and the Scottish March, 1370-1400: County Service in Late Medieval England', *NH*, 42 (2005), 259-75; M. Arvanigian, 'A County Community or the Politics of the Nation? Border Service and Baronial Influence in the

Gloucestershire and Sussex stands almost alone.⁵ Writing in 1957, George Holmes began his chapter on retinue and indenture by stating that ‘it seems best to proceed from the known to the unknown, which in this case means from the end of the century towards the beginning’.⁶ Historiographically, this statement still holds good.⁷

In part, this may stem from the relative uncongeniality of the sources, compared to later periods. As is often laboured, the fourteenth century lacks the gentry letter collections that illuminate the lives of the Pastons and the Stonors.⁸ Furthermore, the sources which best reveal retainers, annuitants and those who received aristocratic livery are the household accounts and livery rolls of the nobility and these are sadly lacking for the mid-fourteenth century.⁹ The exception belongs to that most exceptional comital house of Lancaster, for which *valors* recording what seem to be fairly complete lists of retainers and officials exist for the years 1330-32.¹⁰ Nor are there many extant indentures for life service: as Bean noted nearly 30 years ago, those dating from 1330-60 are dominated by Henry,

Palatinate of Durham, 1377-1413’, *HR*, 82 (2009), 41-61; A. Gundy, *Richard II and the Rebel Earl* (Cambridge, 2013).

⁵ N. Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century* (Oxford, 1981); N. Saul, *Scenes from Provincial Life: Knightly Families in Sussex, 1280-1400* (Oxford, 1986). However, there are two good theses on the subject: P.D. Russell, ‘Politics and Society in Nottinghamshire, 1327-1360’ (University of Nottingham unpublished PhD thesis, 2007); Burls, ‘Society, Economy and Lordship’.

⁶ Holmes, *Estates*, 60.

⁷ For example, see the comments of A.M. Spencer, reply to Dr James Bothwell, review of A.M. Spencer, *Nobility and Kingship in Medieval England: The Earls and Edward I, 1272-1307* (review no. 1638). Accessible at <http://www.history.ac.uk/reviews/review/1638>.

⁸ Most notably, C. Richmond, *The Paston Family in the Fifteenth Century: The First Phase* (Cambridge, 1990); C. Richmond, *The Paston Family in the Fifteenth Century: Fastolf’s Will* (Cambridge, 1996); C. Richmond, *The Paston Family in the Fifteenth Century: Endings* (Manchester, 2000); H. Castor, *Blood and Roses: The Paston Family in the Fifteenth Century* (London, 2004); C. Carpenter, ‘The Stonor Circle in the Fifteenth Century’, in R. Archer and S. Walker (eds), *Rulers and Ruled in Late Medieval England: Essays Presented to Gerald Harriss* (London, 1995), 175-200; E. Noble, *The World of the Stonors: A Gentry Society* (Woodbridge, 2009).

⁹ McFarlane, *Nobility*, 210-11; M. Cherry, ‘The Courtenay Earls of Devon: The Formation and Disintegration of a Late-Medieval Aristocratic Affinity’, *Southern History*, 1 (1979), 72-3; W.H. Dunham, *Lord Hastings’ Indentured Retainers, 1461-1483* (Transactions of the Connecticut Academy of Arts and Sciences, 39, 1955) (based on 69 surviving indentures); C.D. Ross and T.B. Pugh, ‘Materials for the Study of Baronial Incomes in Fifteenth-Century England’, *ECHR*, 6 (1953), 190-94; R.R. Davies, ‘Baronial Accounts, Incomes, and Arrears in the Later Middle Ages’, *ECHR*, 21 (1968), 211-29; *Household Accounts from Medieval England*, ed. C. Woolgar, 2 vols., (Oxford, 1992-93), I, 18-65, II, 691-726.

¹⁰ DL 41/1/11, fols. 48r, 55. Compare this scarcity to the abundant and vastly more helpful records used by Maddicott, *Thomas of Lancaster*, esp. 40-66 and Walker, *The Lancastrian Affinity*, esp. 8-38. The estate surveys of 1350 compiled for Arundel (Shropshire Record Office MS 552/1A/1 and Arundel Castle MS A.431) record estate officials but not retainers or annuitants.

Lord Percy (with three) and the much larger group who served the Black Prince.¹¹ There are just four others that concern the earls under study in this thesis: one made by Henry, earl of Lancaster (d. 1345); one by his son, Henry of Grosmont; one by the earl of Warwick; and one by the earl of Northampton. With the exception of the indenture sealed in 1340 between Northampton and William Talmache, then, the retinues of the earls of Northampton and Arundel cannot be recreated using household accounts or indentures for life service. Instead, they have been reconstructed – as far as possible – from the recipients of life grants, from those named and trusted as feoffees, from the witness lists to the earls’ charters and deeds, and from those frequently named by the earls on commissioners of oyer and terminer.

It has usually been assumed that magnate power in the localities in the mid-fourteenth century worked in much the same way as it did in the fifteenth, with the magnates firmly embedded in both local and central structures and acting as powerbrokers between the Crown and the shires, facing both ways. Very recently, however, Christine Carpenter has studied Warwickshire from 1307-77 and has suggested that for most of this period a ‘bastard feudal’ society did not exist in the county, as it did in the fifteenth century: the landed classes looked directly and primarily to the king for justice, and the increasing dominance of the earl of Warwick through the 1350s and 1360s formed but another strand of Edward III’s direct ‘centrist’ and ‘top-down’ solutions to the problems of law and order in the county.¹² The earl of Warwick acted more like a personification of the king’s will than as a later medieval magnate ruling his country.

These conclusions in some senses recall work on earlier centuries. The historiography of magnate power in the localities in the eleventh, twelfth and thirteenth centuries has highlighted a type of

¹¹ J.M.W. Bean, *From Lord to Patron: Lordship in Late Medieval England* (Manchester, 1989), 56. See C. Carpenter, ‘Bastard Feudalism in England in the Fourteenth Century’, in S. Boardman and J. Goodare (eds), *Kings, Lords and Men in Scotland and Britain, 1300-1625: Essays in Honour of Jenny Wormald* (Edinburgh, 2014), 71-5 for the possible significance of the spread of extant indentures.

¹² C. Carpenter, *Bastard Feudalism in Fourteenth-Century Warwickshire* (Dugdale Society Occasional Papers, 52, 2016). See also Carpenter, ‘Bastard Feudalism in England’, 59-92.

magnate influence which differs from that of later centuries in some important ways.¹³ Magnates influenced regions through territorial domination and a focus on imposing magnate hegemony over the exercise of lordship. This lordship was exercised as socio-political power which worked primarily through the local exercise of violence, control of marriages and wardships, and influence over social networks and occasions. In contrast to the exercise of local power in the later fourteenth and fifteenth centuries, magnates and their followings in earlier centuries did not need to exercise their power through and alongside the governmental processes of the Crown, since royal government was not yet integral to everyday political life in the shires. When Earl Henry II of Warwick sought to control Warwickshire in the first part of the thirteenth century, he did so by concentrating his attentions on the county court, not by monopolising royal office-holding in the region, unlike the retinue of Richard Beauchamp, earl of Warwick in the first part of the fifteenth century, which exercised power through appointments to the shrievalty and panels of JPs.¹⁴ Similarly, recent work by Andrew Spencer and Caroline Burt has suggested that Edward I's magnates were not integrated into local society at the beginning of the fourteenth century in the same way that they would be in the fifteenth.¹⁵ The followers of Edward I's earls did not need to be ingrained into royal systems of governance in the localities: '[u]ntil royal government became more pervasive it was possible for the great nobles of the thirteenth century to protect their own interests by ignoring royal authority...'.¹⁶ Furthermore, work on the Despensers has shown that they did not ground their power in local office and influence in the way that they might have in later periods either.¹⁷ The reign of Edward III is thus something of a blank canvas, falling between two historiographies of magnate power in the localities which, while ostensibly treating the same subject, are divided by the nature of the magnate retinues

¹³ See Crouch, *The English Aristocracy*, 99-159, esp. 137-59; Crouch, 'The Warenne Family', 295-303. See also n. 24.

¹⁴ Crouch, 'The Local Influence of the Earls of Warwick', 1-22; Carpenter, *Locality and Polity*, 281-398.

¹⁵ Spencer, *Nobility and Kingship*, 97-175; Burt, 'A 'Bastard Feudal' Affinity in the Making?', 156-80; C. Burt, *Edward I and the Governance of England, 1272-1307* (Cambridge, 2013), esp. 31-4, 228-35, 240-41. See also Valente, *The Theory and Practice of Revolt*, 103-5.

¹⁶ Spencer, *Nobility and Kingship*, 170.

¹⁷ Saul, 'The Despensers'; Lawrence, 'Power, Ambition and Political Rehabilitation', esp. 109-10.

they illustrate: the socio-political power of earlier magnate followings, and the retinues of the later fourteenth and fifteenth centuries, which were integrated into the processes of local government and office-holding.

But while historians of the magnate retinue have not tended to focus their attentions on the fourteenth century, the same cannot be said of historians of the legal system and of local government. Important research has emerged into the nature of peacekeeping and law enforcement. The great historian of the JPs, Bertha Putnam, saw their rise in the second half of the fourteenth century as signifying the victory of the gentry and the Commons in a battle for control over law enforcement.¹⁸ This was devolution on a significant scale, as the heavily centralised system of general eyres, trailbastons and commissions of oyer and terminer favoured by the royal government gave way to the world of the JP. More recently, work by Anthony Musson, Mark Ormrod, Anthony Verduyn and Ted Powell has significantly modified our understanding of this process: experimentation, not competition, provided the essential dynamic for change as the demand for justice increased and the Crown had to find a way to meet this demand while prosecuting large-scale warfare.¹⁹ Furthermore, the position of the JPs carried on developing until the end of the century, the size of these commissions continued to vary, and their role was regulated by the professional Justices of Assize, who usually had to be present for felonies to be determined. What has remained, however, is a sense of devolution from centre to locality across the fourteenth

¹⁸ B.H. Putnam, 'The Transformation of the Keepers of the Peace into the Justices of the Peace, 1327-1380', *TRHS*, 12 (1929), 19-48; *PJPs*, xiii-cxxxii.

¹⁹ A. Musson, *Public Order and Law Enforcement: The Local Administration of Criminal Justice, 1294-1350* (Woodbridge, 1996), esp. 11-82; Musson and Ormrod, *The Evolution of English Justice*, 50-54; E. Powell, 'The Administration of Criminal Justice in Late-Medieval England: Peace Sessions and Assizes', in R. Eales and D. Sullivan (eds), *The Political Context of the Law: Proceedings of the Seventh British Legal History Conference, Canterbury 1985* (London, 1987), 49-59; Verduyn, 'The Attitude of the Parliamentary Commons'; Verduyn, 'The Politics of Law and Order', 842-67.

century.²⁰ One commonly-assumed point of divergence is the general commissions of 1341.²¹ After this date – the story goes – the king, prompted by the commons, realised that it was more effective to entrust a greater share in local peacekeeping to the gentry. It is the place of the earls of Northampton and Arundel within this changing world that forms the subject of this chapter.

Given the long-standing focus of the historiography, it is important to illustrate not only what this chapter does but what it does not attempt to do. The appealingly vague phrase ‘bastard feudalism’ has (at least) two meanings, one technical and one societal.²² The technical meaning derives from the work of K.B. McFarlane, who posited an evolutionary model of aristocratic society where bonds based on land tenure (feudalism) gave way from the reign of Edward I to a more dynamic system based on money fees and indentures of retainer (bastard feudalism).²³ A great deal of ink has been spilled on recreating magnate retinues to see what proportion of these retinues can be linked tenurially to the lord; in other words, on investigating the technical meaning of ‘bastard feudalism’. This chapter does not investigate this theme, since work on the eleventh, twelfth and thirteenth centuries has demonstrated that the honour and the affinity had coexisted long before the fourteenth century.²⁴ As such, given the doubt these conclusions thrust upon the evolutionary model

²⁰ E.g. ‘devolution’ in P. Coss, ‘Hilton, Lordship and the Culture of the Gentry’, in C. Dyer, P. Coss and C. Wickham (eds), *Rodney Hilton’s Middle Ages: An Exploration of Historical Themes*, Past & Present Supplement 2 (2007), 48 and C.D. Liddy, *The Bishopric of Durham in the Late Middle Ages: Lordship, Community and the Cult of St Cuthbert* (Woodbridge, 2008), 140. ‘Devolved’ in Carpenter, *Bastard Feudalism*, 6.

²¹ E.g. W.R. Jones, ‘Keeping the Peace: English Society, Local Government, and the Commissions of 1341-44’, *American Journal of Legal History*, 18 (1974), 307-20.

²² Indeed, M. Hicks, *Bastard Feudalism* (London, 1995), 1 has defined the term as ‘the set of relationships with their social inferiors that provided the English aristocracy with the manpower they required’. This definition is almost infinitely elastic and thus essentially useless.

²³ K.B. McFarlane, ‘Bastard Feudalism’, reprinted in *England in the Fifteenth Century*, 23-43 provided the groundwork.

²⁴ See P. Coss, ‘Bastard Feudalism Revised’, *P&P*, 125 (1989), 27-64; D. Crouch and D.A. Carpenter, ‘Bastard Feudalism Revised’, *P&P*, 131 (1991), 165-89; P. Coss, ‘Bastard Feudalism Revised: Reply’, *P&P*, 131 (1991), 190-203; Holt, *The Northerners*, 35-60; D. Crouch, ‘From Stenton to McFarlane: Models of Societies of the Twelfth and Thirteenth Centuries’, *TRHS*, 5 (1995), 179-200; Crouch, ‘The Local Influence of the Earls of Warwick’, 1-22; Crouch, *Birth of Nobility*, 279-96; Crouch, *The English Aristocracy*, 133-59; D. Crouch, *William Marshal*, Third Edition (London, 2016), 209-26; S.L. Waugh, ‘Tenure to Contract: Lordship and Clientage in Thirteenth-Century England’, *EHR*, 101 (1986), 811-39; Hicks, *Bastard Feudalism*, 19-27; D.A. Carpenter, ‘Simon de Montfort: The First Leader of a Political Movement in English History’, *History*, 76 (1991), 10-13; G. Simpson, ‘The Familia of Roger de Quincy, Earl of Winchester and Constable of Scotland’, in K. Stringer (ed.), *Essays on the Nobility of Medieval Scotland* (Edinburgh, 1985), esp. 120-21; N. Vincent, ‘Sources and Methods: Some Anglo-German Comparisons’, in T. Huthwelker, J. Peltzer and M. Wemhöner (eds), *Princely Rank in Late*

postulated by McFarlane, testing a shift from land-based ties to cash annuities is less important than investigating the nature of magnate influence and how embedded within the fabric of local society they and their men were.

The Earl of Northampton in Essex

Essex and the Bohun manors

Essex was part of a densely populated south-eastern grouping of counties including Kent, Middlesex, Surrey and Hertfordshire.²⁵ Geologically, Essex can be split into three principal areas: a boulder clay plateau in the central, northern and north-western regions; poor London clay to the south; and richer loam to the south-east and east.²⁶ Its fields were characterised by an enclosed system, rather than the common-field systems characteristic of most of the country.²⁷ The central and northern area had higher population density than the other parts of Essex, a highly active land market and the economic weight to match the population and land quality, and housed the productive Essex cloth industry.²⁸ Unsurprisingly, it was in this region that a large number of magnate and knightly residences clustered. Both this distinct area and the county as a whole were characterised by an unusually large number of resident gentry and noble figures, who were supported by the wealth and population density of the region.²⁹

Medieval Europe: Trodden Paths and Promising Avenues (Stuttgart, 2012), 125; R. Mortimer, 'Land and Service: The Tenants of the Honour of Clare', in R. Allen Brown (ed.), *Anglo-Norman Studies*, 8 (1986), 177-97; H.M. Thomas, *Vassals, Heiresses, Crusaders, and Thugs: The Gentry of Angevin Yorkshire, 1154-1216* (Pennsylvania, 1993), 14-48; J.O. Prestwich, 'The Military Household of the Norman Kings', *EHR*, 96 (1981), 1-35; P. Dalton, *Conquest, Anarchy and Lordship: Yorkshire, 1066-1154* (Cambridge, 1994), 249-61; Hudson, *Land, Law, and Lordship*, 48-51, 208-29, 275-80; Morris, *The Bigod Earls*, 59-69, 141-53, 187-8; Bean, *From Lord to Patron*, esp. 146-8.

²⁵ L.R. Poos, *A Rural Society after the Black Death: Essex, 1350-1525* (Cambridge, 1991), 4-5, 32 and fig. 2.1; C. Starr, 'The Essex Gentry, 1381-1450' (University of Leicester unpublished PhD thesis, 1999), 5. See also C. Thornton and J.C. Ward, 'Introduction: Crown, County and Locality', in *Fighting Essex Soldier*, 1-26.

²⁶ Starr, 'The Essex Gentry', 14-15.

²⁷ Poos, *A Rural Society*, 31.

²⁸ Poos, *A Rural Society*, 5-34, 51-62, 106-7; Starr, 'The Essex Gentry', 42-6 and fig. 1.6.

²⁹ See the maps in Thornton and Ward, 'Introduction', 3 and Starr, 'The Essex Gentry', figs. 1.1, 2.1.

The Bohun earls of Hereford and Essex formed a central facet of this clustering and held substantial lands in the central area. The earl of Northampton consolidated some of this Bohun central geographical focus and also bought or received a number of manors in the southern and south-eastern areas of Essex. Northampton's landholding in Essex can be partially reconstructed from his Inquisition Post Mortem of 1360.³⁰ This shows that the earl held ten manors in Essex, along with the honour of Raleigh, the marsh of Barnmarsh, two parts of the manor of Great Wakering and three parts of the manor of Thaxted. Northampton had acquired two of these manors by purchasing them from John Neville of Essex in 1356. A subsequent purchase from Neville in 1357 brought the earl nine more Essex manors, omitted from his IPM.³¹ Finally, the earl had held the manor of Beredon until 1342, when he alienated it to Walden Abbey, and granted the manors of Mashbury and Lashley Hall to his retainers for life terms.³² All this made Essex a primary area of landholding for the earl and, accordingly, when his landholdings were assessed on a county basis in 1346 his largest figure was the Essex assessment.³³ Furthermore, Northampton was the brother of Humphrey, earl of Hereford and Essex from 1336-61, and enjoyed a close relationship with him. Humphrey's double-barrelled comital style was apt: along with their Marcher lands, Humphrey held the castle and manor of Pleshy along with eleven other manors in Essex, and the honour court of High Easter.³⁴ The Bohun family had long been a notable feature of aristocratic society within the county and together William and Humphrey Bohun continued this tradition, although as will be shown their lordship was far from all-embracing.

The Earl of Northampton's Retinue

³⁰ *CIPM*, X, no. 639.

³¹ DL 36/3/30, 38; CP 40/387, Charters, rot. 2; DL 25/1741; *CCR 1354-1360*, 475; *CPR 1354-1358*, 607; Holmes, *Estates*, 23.

³² Beredon: *CPR 1340-1343*, 390; *CPR 1343-1345*, 62; DL 36/1/181; *Essex Fines*, no. 657. Mashbury: DL 25/1526; DL 36/3/209; *Essex Fines*, no. 387; *CCR 1343-1346*, 487-8. Lashley Hall: DL 36/3/195; *Essex Fines*, no. 748.

³³ C 47/2/58/1.

³⁴ *CIPM*, X, nos. 485, 367.

We are fortunate to have a surviving indenture for life service between Northampton and William Talmache, an Essex knight.³⁵ This was sealed at Ipswich on 20 June 1340 and specified rather vague service in peace and war. This chance survival is unique: the rest of Northampton's affiliates can be linked to him by life grants given by the earl, by appointments to commissions called on his behalf, by being named as his feoffees, and by the witness lists to his charters.

One long-standing servant of the earl was William Dersham, who probably began his career in the service of the ill-fated earl of Kent, murdered by Mortimer in 1330.³⁶ Before long, Dersham was linked to William Bohun and frequently acted as the earl's attorney, collected assignments due to him, witnessed the earl's charters and deeds, and acted as the earl's feoffee in 1346.³⁷ Dersham was dead by 1354 and a rare glimpse of the personal bond between him and his lord emerges in 1359, when a licence was obtained at Northampton's request for an alienation in mortmain to Prittlewell Priory in Essex in order to celebrate an annual memorial for the soul of William Dersham, 'late servant of the earl'.³⁸ Aside from Dersham, a group of men can be linked with Northampton over the course of his comital career. These men formed a nucleus who appear around the earl again and again through the late 1330s until his death in 1360.

³⁵ 'Private Indentures', no. 38.

³⁶ SC 8/165/8213; SC 8/42/2088; Murimuth, 255-7; K. Warner, 'The Adherents of Edmund of Woodstock, Earl of Kent, in March 1330', *EHR*, 126 (2011), 782.

³⁷ Attorney: e.g. E 159/119, rot. 56; E 159/120, rot. 78d; DL 27/161; *CPR 1345-1348*, 369; E 403/347, m. 23. Witness: DL 36/1/256; KB 27/342, rot. 51. Feoffee: DL 25/1960, 1961; *Essex Fines*, no. 382.

³⁸ *CPR 1354-1358*, 101; KB 27/381, rots. 38d, 58d; *CPR 1358-1361*, 256.

Table 2: *The Earl of Northampton's Main Associates*

<i>Name</i>
Sir William Talmache
William Dersham
John Berland
Sir Oliver Bohun
John Botiller
Adam Eirdale
Sir John Engayne
Peter Favelore
Richard Knyvet
John Knyvet
Sir John Neville of Essex
William Penbridge
Robert Teye
Sir Humphrey Walden

Sources: DL 36/1/256; DL 25/34, 1466, 1636, 1840, 1872, 1898, 1899, 1960, 1961; *Essex Fines*, no. 382; KB 27/342, rot. 51; DL 36/3/38, 202, 209; *Full Abstracts of the Feet of Fines Relating to the County of Dorset, 1327-1485*, ed. E.A. Fry and G.S. Fry (Dorset Record Society, 1910), 81; *Treaty Rolls, 1337-1339*, nos. 373, 707; E 404/493/120, 123; DL 27/161, 173; 'Private Indentures', no. 38; *CCR 1343-1346*, 487-8; *CPR 1345-1348*, 369; *CPR 1354-1358*, 104, 255; C 76/17, m. 11; CP 25/1/190/20/43; CP 25/1/221/88/27; E 151/1/18.

There were, of course, various levels of social status and association between these men and the earl. Northampton's connection with Humphrey Walden can be dated back to 1327, when he and the young William Bohun, simply a younger son, witnessed a charter of John, earl of Hereford and

Essex, at Pleshy.³⁹ Walden was a knight, who unsurprisingly appeared less frequently in routine transactions than some of the earl's clerks. Similarly, John Neville of Essex (as we have seen) possessed a substantial landed patrimony in Essex and was a local lord in his own right. Such a figure did not depend on the earl for his livelihood. Nonetheless, Neville's executors were John Botiller and Adam Eirdale – Bohun men – and Neville was to some extent enmeshed into the earl's followers.⁴⁰ Some of these men were named on special commissions called on Northampton's behalf, or on behalf of the earl of Hereford and Essex. Robert Teye – a royal justice who acted as an executor for Humphrey (V), earl of Hereford and Essex (d. 1373), and whose family had strong Essex roots – was especially prominent in this regard, doubtless because of his legal knowledge.⁴¹ A strong Essex connection linked all these figures. They frequently acted together through the period. They witnessed each other's charters, litigated together and, when Northampton frequently left the realm on military service, acted as attorneys for each other.⁴² They formed a small but recognisable core of followers that were trusted by the earl and that were centred around service to him. Taken as a group, these men were – generally – distinct from the massive military retinues raised by the earl. Although some of those who featured regularly as witnesses, feoffees and attorneys – Oliver Bohun, William Talmache, John Neville, John Penbridge – served the earl regularly in war, it is notable that most of the earl's domestic retinue did not serve Northampton overseas frequently. There is a noticeable gap between the domestic and the military retinues of the earl and this is instructive in itself.

The Earl of Northampton's Retinue in Local Government

³⁹ BL Add. Charter 28,574.

⁴⁰ DL 25/1872.

⁴¹ *CPR 1340-1343*, 95, 319, 324, 446; *CPR 1343-1345*, 181; *CPR 1345-1348*, 310; *CPR 1358-1361*, 215, 218. For the Teye family in the Essex land market at this time: *Essex Fines*, nos. 400, 427, 446, 515; BL Cotton Charter XXIX.11; BL Harley Charter 45.B.35, 56.A.7, 68.A.7; Essex Record Office, D/DFa T69. For Teye as an Assize Justice in 1346, see *CPR 1345-1348*, 155.

⁴² E.g. *CPR 1334-1338*, 529; *CCR 1339-1341*, 331; *CCR 1341-1343*, 274; KB 27/342, rot. 51; BL Add. Charter 10,004; BL Harley Charter 48.D.9; DL 25/1872; JUST 1/1454, rot. 7.

Did this body of men centred around the earl of Northampton influence the local government of the wider Essex region through office-holding and appointment on commissions, in the way that might be expected from the affinity of a great magnate in the later fourteenth and fifteenth centuries?

Sir Humphrey Walden was an MP for Essex in 1348 and briefly held the joint escheatorship and shrievalty from Easter 1349 to December of that year.⁴³ The other appointee to the Essex shrievalty linked to the Bohuns in this period was Thomas Chabham, who held the joint escheatorship and shrievalty from November 1356 to November 1358.⁴⁴ Chabham was named as the earl of Hereford's steward for a short period in 1338 but, other than this, there does not seem to be a sustained connection between Chabham and either the earl of Hereford or the earl of Northampton.⁴⁵ Other than these two instances, connections between the earl's men and the shrievalty are notable by their absence. John Engayne was a sheriff between November 1345-47 but of Cambridgeshire and Huntingdonshire.⁴⁶ Engayne and Northampton can be strongly linked but it does not seem that his appointment to this joint shrievalty provided a vehicle for comital influence.⁴⁷ Northampton had no substantial holdings in these counties and, in his position of sheriff, Engayne was probably a Crown official first and foremost and an associate of the earl a distant second.⁴⁸

Shifting the focus from the shrievalty to appointments on Essex commissions, the earl's men played some part in the 'explosion of commissions' through the period.⁴⁹ Along with the shrievalty,

⁴³ *List of MPs*, 125; *List of Sheriffs*, 44. For his accounting process and final account, see E 159/126, rots. 2, 227d, 236-236d; E 372/196, rot. 6d.

⁴⁴ *List of Escheators*, 40; *List of Sheriffs*, 44. For his final accounts, see E 372/202, rots. 6-6d, 7-7d; E 372/203, rots. 6-6d, 7-7d.

⁴⁵ JUST 1/258, rot. 4. Chabham appears not to have been a knight, judging from the witness list to an Essex charter in 1354: Canterbury Cathedral Archives, CCA-DCC-ChAnt/S/325; enrolled in Canterbury Cathedral Archives Register CCA-DCC-Register/B, fols. 164r-164v. In 1351, Chabham was the earl of Oxford's steward: M. Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Woodbridge, 2014), 136 n. 7.

⁴⁶ *List of Sheriffs*, 12; E 159/123, rot. 57d; KB 27/346, Fines.

⁴⁷ Engayne received an exoneration from the military assessment of 1345 by the earl's favour, acted as the earl's attorney and feoffee, and was named by the earl on a special commission of oyer and terminer in 1348. E 101/19/36, m. 5; C 81/1734, no. 24; *CPR 1345-1348*, 202, 369; *CPR 1348-1350*, 171, 172, 173; E 159/115, rot. 191d; *CCR 1354-1360*, 212.

⁴⁸ See M.M. Taylor, 'Parliamentary Elections in Cambridgeshire, 1332-8', *BIHR*, 18 (1940), 23 n. 3 for a summary of his appointments.

⁴⁹ See the title of chapter 7 in P. Coss, *The Origins of the English Gentry* (Cambridge, 2003).

appointments to the peace commissions are the most obvious place to look for an indication of influence. Robert Teye was appointed to a large peace commission issued in March 1351; Adam Eirdale and John Berland both joined that same commission in 1352; and Teye was named on peace commissions again in 1353 and 1356.⁵⁰ More broadly, the earl and his followers also featured on some of the other commissions which the Westminster government sent through Essex. The earl was named as a supervisor of the commissions enquiring into the value of the ninth of wool and fleeces in 1340.⁵¹ When the second year of this heavy and controversial tax was switched to a loan of 20,000 sacks of wool, his men Peter Favelore and Oliver Bohun were appointed as the Essex receivers.⁵²

But it is noticeable that the earl and his men were not named on the great oyer and terminer commission touching oppressions by the king's ministers sent into Essex in 1341.⁵³ The earl was named at the head of the commission investigating Oxfordshire, Berkshire, Bedfordshire and Buckinghamshire, while Thomas Wake of Liddell, a northern baron, headed the Essex commission.⁵⁴ Furthermore, it appears that the earl of Northampton may actually have sat on the 1341 commissions, since he was named not only in the letters patent of appointment but also in the corresponding judicial proceedings themselves, as the justices toured and sat.⁵⁵ The earl's influence was exercised through his direct presence, as might have happened in the thirteenth century and in contrast to the usual situation in the fifteenth, when magnates were frequently named on commissions but rarely sat, since their influence was exercised through their followers and did not

⁵⁰ *CPR 1350-1354*, 86, 285, 450; *CPR 1354-1358*, 388.

⁵¹ *CPR 1338-1340*, 500; J.C. Ward, *The Essex Gentry and the County Community in the Fourteenth Century* (Essex Record Office, 1991), 7.

⁵² C 76/15, m. 2.

⁵³ *CPR 1340-1343*, 111.

⁵⁴ *CPR 1340-1343*, 106, 108, 111; *CCR 1341-1343*, 2-3.

⁵⁵ E.g. JUST 1/715, rot. 3; JUST 1/716, rot. 4. See also *CPR 1340-1343*, 106; *SCCKB*, VI, 27; E 159/117, rot. 402; E 159/119, rot. 108. For cases heard by Bohun and his fellows, see JUST 1/715; JUST 1/716; KB 27/326, rot. 114d; KB 27/330, Rex side, rots. 2d, 47d, 51; *CCR 1343-1346*, 503 (the earl and Richard Kellishull named 'justices of gaol delivery at Oxford').

require their physical presence as the commissions slogged through judicial work.⁵⁶ Later that year, the earl was named on a general commission of oyer and terminer in Essex, but this investigated Rochford hundred only, which the earl held in reversion.⁵⁷

As J.C. Ward has noted, a relatively small number of Essex men were appointed to local offices at regular intervals.⁵⁸ Aside from what appear to be essentially military links with John Wauton and Robert Bousser, Northampton seems to have had dealings with very few of these men.⁵⁹ The case of the greatest Essex office-holder through the period, John Coggeshale, is more complicated.⁶⁰ Coggeshale acted as an auditor for William's brother, the earl of Hereford, in his Marcher lordship of Brecon in 1339 and witnessed several of Northampton's charters.⁶¹ Like the Bohun family, his main estates were clustered in central Essex (around Braintree).⁶² Coggeshale seems to have enjoyed occasional links with the Bohun earls that doubtless augmented his own status in the region but he cannot be said to be the earl's man. It does not seem that his position in local government owed itself to Northampton's patronage and Coggeshale's influence does not seem to have been exercised for the benefit of the earl: if Coggeshale owed allegiance to anyone, it appears to have been to John

⁵⁶ Compare, for example, Ross, *John de Vere*, 153; P. Maddern, *Violence and Social Order: East Anglia, 1422-1442* (Oxford, 1992), 60-63. See also Musson, *Medieval Law in Context*, 200.

⁵⁷ Subsequently commuted for a general fine of £180: *CPR 1340-1343*, 363-4; KB 27/365, rots. 53-4, 53d-4d; S.L. Waugh, 'Success and Failure of the Medieval Constitution in 1341', in R.W. Kaeuper (ed.), *Law, Governance, and Justice: New Views on Medieval Constitutionalism* (Leiden, 2013), 140. £150 of this fine was assigned to the earl for his wages in 1343: E 159/119, rot. 94d. In 1353 the earl leased the hundred to William Reynold of Shopland for 13 years for £20 yearly: DL 25/33.

⁵⁸ Ward, *Essex Gentry*, 5-6; J.C. Ward, 'Essex and the Hundred Years War: Taxation, Justice and County Families', in *Fighting Essex Soldier*, 31-4, 38-9. See *List of MPs*, *List of Escheators*, *List of Sheriffs* and appointments to peace commissions in *CPR 1330-60*.

⁵⁹ Wauton: C 81/1734, no. 40; *CPR 1334-1338*, 530; C 81/1750, no. 12; *Treaty Rolls, 1337-1339*, nos. 291, 733; Norwell, 309-10; E 101/311/31, fol. 3r; Ward, *Essex Gentry*, 17. Bousser: *Treaty Rolls, 1337-1339*, no. 559; C 76/17, m. 39; C 81/1735, no. 2.

⁶⁰ For Coggeshale, see J.C. Ward, 'Sir John de Coggeshale: An Essex Knight of the Fourteenth Century', *EAH*, 22 (1992), 61-6. Coggeshale was sheriff in 1334-39, 1340-41, 1343-8 and 1352; escheator of Essex, Hertfordshire and Middlesex from 1343-48; escheator of Essex-Hertfordshire from 1351-4; MP in 1334, 1335, 1336, 1339, 1343 and 1358; commissioner of the peace in 1351 and 1356.

⁶¹ DL 29/671/10810, mm. 4, 5; DL 25/34, 1636, 1899, 1960; DL 36/3/30; CP 40/387, Charters, rot. 2; DL 36/1/31.

⁶² Ward, 'Sir John de Coggeshale', 61.

FitzWalter, Robert Bousser and Bartholomew Burghersh, other Essex knights who stood mainprise for Coggeshale after he had been indicted for an impressively varied list of crimes in 1341.⁶³

In sum, the earl appears to have exercised only infrequent influence on the local office-holding of Essex, or on the make-up of commissions. The most notable men in this regard were not strongly linked to him. Indeed, the local office-holding of the Northampton retinue appears rather pitiful: William Talmache, Northampton's knightly retainer in peace and war, had a short-lived period as an escheator in 1341 and Adam Eirdale appears as a mere bailiff of two Essex hundreds.⁶⁴ This is hardly the stuff of a magnate affinity exercising its power in the county through a concerted effort to monopolise local office-holding in the later medieval manner. Instead, Northampton's retinue looks more to an older tradition of magnate following assembled for purposes other than overlapping with governmental structures.

Some Aspects of Political Society in Essex

This raises questions. If the earl of Northampton was not regularly influencing public affairs in Essex, what was going on in the county? The answer appears complicated. Essex contained a large number of resident lords and appears to have been on the brink of disorder for much of the time. The social structure and wealth of the county, particularly the populous central and northern zones in which most lords held lands, formed formidable obstacles to the imposition of a dominant strand of lordship, and this situation only intensified with the loosening of seigneurial authority experienced in the wake of the Black Death.⁶⁵ When viewed through the eyes of kings and lords, Essex was a

⁶³ JUST 1/258, rots. 3(1), 3(2), 3(3); R. Partington and M. Bubenicek, 'Justice, Law and Lawyers', in C. Fletcher, J. P. Genet and J. Watts (eds), *Government and Political Life in England and France, c.1300 -c.1500* (Cambridge, 2015), 165; Ward, 'Sir John de Coggeshale', 64.

⁶⁴ *List of Escheators*, 85; E 401/363, 11 May; *CPR 1340-1343*, 160, 179, 287, 288, 348, 356-7, 392; KB 27/365, rot. 9d; KB 27/366, Rex side, rot. 33.

⁶⁵ J. Hatcher, 'England in the Aftermath of the Black Death', *P&P*, 144 (1994), 3-35; W.M. Ormrod, 'The Politics of Pestilence: Government in England after the Black Death', in W.M. Ormrod and P.G. Lindley (eds), *The Black Death in England* (Stamford, 1996), 147-81; M. Bailey, 'The Myth of the "Seigniorial Reaction" in England, c.1350 to c.1380', in M. Kowaleski, J. Langdon and P.R. Schofield (eds), *Peasants and Lords in the Medieval English Economy: Essays in Honour of Bruce M.S. Campbell* (Turnhout, 2015), 147-72.

difficult county to rule; not for nothing were the rebels of Essex so prominent in the Great Revolt of 1381.⁶⁶

One happy consequence of this for the historian is a relative abundance of records, since the royal government repeatedly turned its attention to the county. This is not, of course, the place for an attempt to recreate the experience of the Essex magnates and gentry across a thirty-year period but these records do enable some interesting insights into Essex and allow some thoughts on comital influence in the mid-fourteenth century to be formed.

The figures who rise to the forefront are the knights and gentry, not the great magnates. From the beginning of the reign, men such as John Dyn, Thomas Gobion and Robert Jedworth were prominent in the efforts to stem the legacy of disorder Edward II bequeathed to his son and sat on a multitude of commissions through the 1330s.⁶⁷ From the mid-1330s, John Coggeshale became increasingly prominent and prosecuted numerous pleas in the court of King's Bench.⁶⁸ The King's Bench sat at Colchester during Easter and Trinity terms 1338 and delivered Colchester gaol in June 1339.⁶⁹ The prominent Essex knight John Fermer, sometime steward of the earl of Oxford, was named during the course of the 1338 session as coroner of Essex, one of many positions he held, but his abuses and the activities of the local gentry were not yet brought before the justices.⁷⁰

In September 1340, a special commission of oyer and terminer was called by John Segrave and this constitutes the only incidence of the earl of Northampton's men acting in what appears at first sight to be a classic incident of local power politics.⁷¹ Segrave alleged that his park at Great Chesterford had been broken by a number of Essex men, headed by the earl of Oxford and including several men

⁶⁶ Poos, *A Rural Society*, 231-40; H. Eiden, 'Joint Action against "Bad" Lordship: The Peasants' Revolt in Essex and Norfolk', *History*, 83 (1998), 5-30.

⁶⁷ Ward, 'Essex Gentry', 5-7, 11-13; *CPR 1330-1334*, 57-8, 286, 495-6. For rates of special commissions of oyer and terminer, see R.W. Kaeuper, 'Law and Order in Fourteenth-Century England: The Evidence of Special Commissions of Oyer and Terminer', *Speculum*, 54 (1979), 741.

⁶⁸ KB 27/306, rot. 74d; KB 27/310, rot. 81.

⁶⁹ KB 27/312, rot. 1; KB 27/313, rot. 1; KB 27/317, rot. 86.

⁷⁰ KB 27/312, Rex side, rot. 11-11d.

⁷¹ *CPR 1340-1343*, 96-7; G. Harris, 'Organised Crime in Fourteenth-Century Essex: Hugh de Badewe, Essex Soldier and Gang Member', in *Fighting Essex Soldier*, 68-73.

strongly linked to the earl of Northampton (Oxford's friend and brother-in-law). The earl of Northampton provided a common connection for many of the men named by Segrave. Clearly, Oxford decided to strike against Segrave and several of Northampton's men appear to have helped him do it. Great Chesterford is only fifteen miles from Castle Hedingham, the seat of the earls of Oxford. Furthermore, Segrave had recently inherited the nearby Essex manor of Heydon through his marriage to Margaret, daughter of Thomas, earl of Norfolk.⁷² What is going on here may be a reaction by established Essex figures against a newcomer; as such, it bears resemblance both to the extra-legal violence which formed a vital part of magnate dominance in previous centuries and to events in the 1380s revealed by Simon Walker, when a local notable took offence at the attempts of John of Gaunt to establish himself in Sussex.⁷³ The story is complicated, however, by events in 1342. Several of the men named with the earl of Oxford, including Sir Robert Marny and Sir Hugh Badewe, were involved in another act of park breaking in Essex, this time against Humphrey Bohun, earl of Hereford and Essex.⁷⁴ Clearly, at least some of the men who accompanied the earl of Oxford to Great Chesterford were not averse to turning their attentions toward the Bohuns if they so wished. It is men such as Marny and Badewe, rather than the resident earls, who stand out from the bulky records left by the inquisition of 1341. Magnate retaining and influence was not the primary target of this commission. Many indictments focused on the activities of local officials. A whole range of ministers from the Chief Justice of the King's Bench downwards were targeted.⁷⁵ Eventually, this inquisition was bought off by a common fine of £2,000, which fell very unevenly on a select group of ministers, with 8% of them paying 76% of the fine.⁷⁶ The case of John Coggeshale, then sheriff, illustrates the nature of these inquiries. He was accused of myriad crimes ranging from unjust

⁷² *CMMBC*, II, 647, 711, 830. For the Segrave inheritance see *ibid*, 707-713, 828-34; BL Add. MS 37,671.

⁷³ Walker, *The Lancastrian Affinity*, 127-41.

⁷⁴ *CPR 1340-1343*, 446; Harris, 'Organised Crime', 68, 71-2. Badewe witnessed two of Robert Marny's deeds in 1350 and 1351: C 146/1250, 1255.

⁷⁵ JUST 1/258; Fryde, 'Edward III's Removal of his Ministers', 149-61; D. Crook, 'The Disgrace of Sir Richard de Willoughby, Chief Justice of King's Bench', *NMS*, 48 (2004), 15-36. The King's Bench sat in Chelmsford for part of Michaelmas term 1341 and heard similar complaints, including some brought by bill: see KB 27/326, rots. 107d, 109, 109d, 113, 113d, 136, 140.

⁷⁶ Waugh, 'Success and Failure', 143-4, table 1.1.

seizures to extortion by misuse of his office.⁷⁷ Essex networks of influence were mobilised in his favour: the justices were ordered to release John, since Bartholomew Burghersh, John FitzWalter and John Neville stood surety for his good conduct.⁷⁸ His case was to be heard in London by the king's council, not by the justices. These favours were down to the influence of his Essex friends; but they were more equals than lords. In the 'convenient if inelegant' terms of vertical and horizontal bonds, the affinity of which Coggeshale was a part was formed through the horizontal bonds of the gentry, rather than the vertical ties of magnate lordship.⁷⁹

The stakes seem to have been raised in the early 1350s. The Essex knight Lionel of Bradenham besieged Colchester for thirteen weeks in 1350, probably as a result of a fishing dispute with the town, and refused to lift the siege until he was paid £20.⁸⁰ This may have helped prompt a visitation by the itinerant King's Bench in 1351, which arrived after a large peace commission began to tour the county.⁸¹ The draft roll of this peace commission has survived and reveals two groups were especially targeted: firstly, there were those charged with breaking the recent labour legislation enacted to regulate the lower orders in the wake of the Black Death; secondly, there were the activities of the local Essex lords and knights.⁸² Famously, John, Lord FitzWalter was indicted by the commissioners of the peace and accused of various extortions and oppressions.⁸³ He was then hauled in front of the King's Bench and given such a heavy fine that one farthing was still owed when he died in 1361.⁸⁴ The justices seem to have been especially concerned with three men (FitzWalter

⁷⁷ JUST 1/258, rots. 3-3d, 4-4d; Ward, 'Sir John de Coggeshale', 63-4.

⁷⁸ JUST 1/258, rots. 3(1), 3(2), 3(3); C 49/46/13; Partington and Bubenicek, 'Justice, Law and Lawyers', 165; Ward, 'Sir John de Coggeshale', 64.

⁷⁹ Quotation from Carpenter, *Locality and Polity*, 289. It should be noted that 'vertical' and 'horizontal' relationships need not be diametrically opposed: Liddy, *The Bishopric of Durham*, 77.

⁸⁰ W.R. Powell, 'Lionel de Bradenham and his Siege of Colchester in 1350', *EAH*, 22 (1992), 67-75.

⁸¹ For the peace commission, *CPR 1350-1354*, 86.

⁸² *ESP*. Indictments for breaking the labour laws can be found in JUST 1/267 and E 101/110/16 (extracts in B.H. Putnam, *The Enforcement of the Statute of Labourers during the First Decade after the Black Death* (New York, 1908), appendix, 338-40, 401-6).

⁸³ *ESP*, 61-5 (editor's introduction), A5-22 (indictments); JUST 1/267, rots. 50-52; KB 27/365, rot. 101; KB 27/365, Rex side, rot. 38; KB 29/11, rot. 45-45d; KB 27/366, Rex side, rots. 28, 30-31; KB 27/369, rots. 65, 78, 81d; KB 27/373, rot. 51; KB 27/377, rot. 16. Note that FitzWalter had been ordered to appear before the King's Bench as early as 1346: KB 27/346, Rex side, rot. 15d.

⁸⁴ *ESP*, 64-5; Verduyn, 'The Attitude of the Parliamentary Commons', 114.

being one).⁸⁵ The others were Sir Robert Marny, who had attacked the earl of Hereford's parks in 1342, and Sir John Fermer. They were all indicted before the King's Bench; their lands were confiscated and administered together and inquisitions of their goods were jointly made.⁸⁶ They appear to have been acting for themselves. For instance, Fermer had been the earl of Oxford's steward and was one of the earl's trustees in a series of conveyances in 1341-42 but none of his crimes were carried out on the earl's behalf or to his benefit.⁸⁷ Whatever his link to Oxford, Fermer had his own interests and was not afraid of pursuing them.

Indeed, what emerges more generally is the inability of the magnates to regulate local affairs and to control men such as FitzWalter, Fermer and Marny. Among the allegations faced by Fermer were charges that he damaged Bartholomew Burghersh by being retained by him and then forcing Burghersh's receiver to give him more than he was due.⁸⁸ Nor were FitzWalter, Marny and Fermer the only local men apparently out of control: John Bennington, steward of the earl of Hereford, Robert, one of the earl's bailiffs, and John Bampton, steward of the earl of Stafford in Essex, were all indicted for oppressions, sometimes to the harm of their own lords.⁸⁹ Bennington used Hereford's courts and rents, and his position as steward, to engage in numerous conspiracies and maintained bailiffs to export people at markets and fairs for his own profit.⁹⁰ The earl of Northampton features here only in relation to his military service: FitzWalter and Bennington were both pardoned at his request in return for military service and FitzWalter served with the earl in 1353, not long after royal justice had finally caught up with him.⁹¹

⁸⁵ KB 27/365, Rex side, rot. 19d.

⁸⁶ KB 27/367, rots. 35-37, 35d-37d; E 199/10/15; E 163/3/37, 38; J. Rose, *Maintenance in Medieval England* (Cambridge, 2017), 118-19, 127, 134.

⁸⁷ *CPR 1334-1338*, 233; *CPR 1340-1343*, 254-5; CP 25/1/220/80/30, 34; Bodleian MS Rawlinson B 248, fols. 20r-22v.

⁸⁸ KB 27/367, Rex side, rot. 35, 35d.

⁸⁹ JUST 1/267, rots. 40, 54, 61d; KB 27/365, Fines, rot. 2; KB 27/366, Rex side, rots. 18-18d, 19-19d; KB 27/369, Rex side, rots. 14, 37d; KB 27/373, Rex side, rot. 20d; KB 27/377, Rex side, rot. 18d.

⁹⁰ KB 27/366, Rex side, rot. 19; Rose, *Maintenance*, 117-18, 122, 132 n. 108.

⁹¹ KB 27/366, Rex side, rots. 18-18d, 19-19d; KB 27/373, rot. 45d; C 76/33, m. 5.

Some of Northampton's main adherents – Talmache, Favelore, Engayne, John Knyvet and, especially, Robert Teye – were named on the frequent special commissions of oyer and terminer (ten in all between 1340-59) called by the earl of Northampton, or the earl or countess of Hereford, in response to park-breaking and other abuses on their lands.⁹² These commissions were essentially reactive, as the Bohuns struggled against the whims of lesser men. Like the retinues of Edward I's earls, Northampton's followers were at least as prominent in attempting to counteract this vulnerability as they were in the general governance of the region.⁹³

Overall, it is the military connections between the earl of Northampton and the Essex gentry that stand out. As Andrew Ayton has shown, Essex was his most important recruiting ground and many Essex notables served in his military retinue at some point.⁹⁴ Northampton's interest in the region was focused on exploiting the connections his landed base gave him for military recruitment. The Essex gentry provided a notable contribution to the Hundred Years' War as a military community of knightly and genteel retainers and Northampton provided this military community with a focal point as a recruiter and leader.⁹⁵ But when it came to exercising a sustained influence on internal events within the county, the earl of Northampton and the men who witnessed his charters and were trusted with the custody of his estates were conspicuous by their absence. They were occasionally used to staff commissions but this appears to have been more because the earl was a local landowner trusted by the king than because he regularly dictated county affairs. The discernible group of men whose service focused around the earl were not often integrated into county government, nor do they emerge as a true affinity in the sense used by historians of the later fourteenth and fifteenth centuries. Instead, it appears that their primary function was to provide the

⁹² *CPR 1340-1343*, 95, 209, 319, 324; *CPR 1343-1345*, 408, 502; *CPR 1345-1348*, 310; *CPR 1348-1350*, 171; *CPR 1358-1361*, 215, 218. For further park-breaking in the park of Margaret, Countess of Hereford, at Writtle, see KB 27/330, Rex side, rots. 44, 47; KB 27/334, Rex side, rot. 14d; KB 27/338, Rex side, rot. 28d.

⁹³ Spencer, *Nobility and Kingship*, 170-73.

⁹⁴ A. Ayton, 'The English Army at Crécy', in *The Battle of Crécy*, 205-11. See also the earl of Oxford's military connections with the Essex gentry: above, 199-202.

⁹⁵ See the recent thoughts of Coss, 'Andrew Ayton, the Military Community and the Evolution of the Gentry', 105-24.

core of the earl's military retinue or to regulate his affairs during his frequent absences overseas. As such, Northampton's retinue bears resemblance to those of William Valence, lord of Pembroke (d. 1296), whose retinue was assembled for tourneying and courtly purposes, not regional domination, and Henry Beaumont (d. 1340), whose retinue was similarly focused on war rather than local influence.⁹⁶ Northampton himself appears to have shown relatively little interest in trying to dominate local politics in the region. Along with his own military focus, the expectations laid on him by the local knights and members of the lesser aristocracy surely reflected his own relatively new-found status and the tenurial and political nature of the region. Northampton was a mere younger son until his elevation to an earldom in March 1337. His new-found status and wealth enabled the revival of recruitment networks and processes but it did not create a tradition of long-standing comital pre-eminence which might draw to it the service of the local aristocracy more generally as a natural, established expression of local life. On a wider level, Essex society was highly varied and lacked any singular focus of resident lordship. The minor lords and the greater gentry enjoyed high levels of independence from comital lordship, even when they occupied positions as magnate stewards. It is these figures who emerge as those influencing local politics in Essex. This is, of course, reminiscent of the work of Simon Walker, who showed that John of Gaunt himself was at times unable to control his own affinity, even when their interests damaged him directly.⁹⁷

Examining how some aspects of Essex society worked also shows how important centralised commissions remained to 1360. General inquiries into the king's ministers did not relent after 1341, since the itinerant King's Bench worked alongside the peace commissions through the 1350s. The nature and preoccupations of these centralised judicial enquiries continued a long tradition which

⁹⁶ H. Ridgeway, 'William de Valence and his *Familiares*, 1247-1272', *HR*, 65 (1992), 239-57; A. King, 'Sir Henry de Beaumont and his Retainers: The Dynamics of a Lord's Military Retinues and Affinity in Early Fourteenth-Century England', in G. Baker, C. Lambert and D. Simpkin (eds), *Military Communities in Later Medieval England: Essays in Honour of Andrew Ayton* (Woodbridge, 2018), 77-104.

⁹⁷ Walker, *The Lancastrian Affinity*, 117-261. Cf. M.J. Bennett, *Community, Class and Careerism: Cheshire and Lancashire Society in the Age of Sir Gawain and the Green Knight* (Cambridge, 1982), 21-40; H. Kleineke, 'The Dinham Family in the Later Middle Ages' (University of London unpublished PhD thesis, 1998), 164-200; T.S. Purser, 'The County Community of Hampshire, c. 1300-c. 1530' (King Alfred's College, Winchester, unpublished PhD thesis, 2001), 57-8, 215-58.

focused on the oppressions of royal officials against the general population, rather than the influence of magnates in local politics.⁹⁸ Special commissions of oyer and terminer remained frequent. The nature of the peace commissions in mid-fourteenth century Essex differed to later decades and centuries: they were smaller, less likely to be stacked with greater gentry figures, and more concerned with cracking down on the lower orders than with providing a focal point for local politics. The peace commissions of the mid-fourteenth century were in some ways more akin to those of earlier centuries, which developed with a primarily military purpose, and the Irish keepers of the peace.⁹⁹ Aside from the unusually large commission of 1351, commissions of the peace and separate commissions of labourers numbered between six and nine members. It was only from 1361 that a magnate was routinely named at the head of the commissions, and the number of men named increased considerably under Richard II.¹⁰⁰ Perhaps then Essex became dominated to a greater extent by the magnates, as opposed to the gentry to whom they were supposedly superior but in practice often unable to control.

The Earl of Arundel in Sussex

Sussex and the Arundel manors

⁹⁸ Compare, for example, *The Roll and Writ File of the Berkshire Eyre of 1248*, ed. and trans. M.T. Clanchy (Selden Society, London, 1973), xxviii-xxix, no. 756; *The Shropshire Eyre Roll of 1256*, ed. and trans. A. Harding (Selden Society, London, 1980), xviii, xix, xxii; *Crown Pleas of the Wiltshire Eyre, 1249*, ed. and trans. C.A.F. Meekings (Wiltshire Record Society, 1961), 104-6; *The 1258-9 Special Eyre of Surrey and Kent*, ed. and trans. A.H. Hershey (Surrey Record Society, 2004), xlvi, l-lviii; *The 1263 Surrey Eyre*, ed. and trans. S. Stewart (Surrey Record Society, 2006), xxxii, nos. 589, 632, 660, 685; Harding, 'Plaints and Bills', 66-8; P. Brand, 'Edward I and the Judges: The "State Trials" of 1289-93', reprinted in P. Brand, *The Making of the Common Law* (London, 1992), 103-12. For an example of the 1341 commissions, see *The 1341 Royal Inquest in Lincolnshire*, ed. and trans. B.W. McLane (Lincoln Record Society, 1988).

⁹⁹ A. Harding, 'The Origins and Early History of the Keeper of the Peace: The Alexander Prize Essay', *TRHS*, 10 (1960), 85-109; R. Frame, 'The Judicial Powers of the Medieval Irish Keepers of the Peace', *Irish Jurist*, 2 (1967), 308-26.

¹⁰⁰ Ward, *The Essex Gentry*, 8-13. Compare Carpenter, *Bastard Feudalism*, 41, who found that the size and importance of the Warwickshire peace commissions increased in the 1350s.

Like Essex, Sussex contained disparate regions of wealth. Although ranking slightly below average in taxable wealth to the other English counties in 1334, some parts of Sussex were probably second in affluence only to areas of Kent and East Anglia.¹⁰¹ Administratively, Sussex was divided into rapes, the boundaries of which stretched from north to south.¹⁰² This was complete by the mid-thirteenth century, and the earl of Arundel and his main associates were especially prominent in the western rapes of Chichester, Arundel (of which the earl had custody) and Bramber.¹⁰³ The division into rapes was significant enough that commissions sometimes adhered to their boundaries, rather than the county.¹⁰⁴ Cutting across these administrative divides were distinct geographical regions running from east to west: a downland coastal plain running through southern Sussex and the Weald area of northern Sussex.¹⁰⁵ Sussex's wealth was spread largely along the southern coast and the interconnectivity of this coastal region was aided by the great road from Southampton to Canterbury, which ran through Sussex from Chichester to Lewes via Arundel.¹⁰⁶ The downland region was highly suitable for sheep farming and had easy access to markets, both domestic and continental, and the earl of Arundel exploited this to the full, having over 8,500 sheep on his Sussex estates in Michaelmas 1349.¹⁰⁷ The nature of these transport links, the wealth of the southern

¹⁰¹ R.A. Pelham, 'Studies in the Historical Geography of Medieval Sussex', *SAC*, 72 (1931), 157-67; W. Hudson, 'The Assessment of the Hundreds of Sussex to the King's Tax in 1334', *SAC*, 50 (1907), 153-75; R.S. Schofield, 'The Geographical Distribution of Wealth in England, 1334-1649', *ECHR*, 18 (1965), 504; R.E. Glasscock, 'The Distribution of Lay Wealth in Kent, Surrey, and Sussex in the Early 14th Century', *Archaeologia Cantiana*, 80 (1965), 67-8 and fig. 2; P.F. Brandon, 'Demesne Arable Farming in Coastal Sussex during the Later Middle Ages', *Agricultural History Review*, 19 (1971), 113.

¹⁰² L.F. Salzman, 'The Rapes of Sussex', *SAC*, 72 (1931), 20-29.

¹⁰³ Saul, *Scenes from Provincial Life*, 36; *VCH Sussex: Volume IV*, ed. L.F. Salzman (London, 1953), *passim*; *VCH Sussex: Volume V, Part 1*, ed. A.P. Baggs, H.M. Warne and T.P. Hudson (London, 1997), esp. 1-6; *VCH Sussex: Volume VI, Part 1*, ed. A.P. Baggs, C.R.J. Currie, C.R. Elrington, S.M. Keeling, A.M. Rowland and T.P. Hudson (London, 1980), *passim*.

¹⁰⁴ E.g. Keepers of the Maritime Lands in 1346 and 1347: C 76/23, m. 20; C 76/24, m. 34. See also Saul, *Scenes from Provincial Life*, 60 n. 142.

¹⁰⁵ Pelham, 'Studies in the Historical Geography', 157-67; A. Fletcher, *A County Community in Peace and War: Sussex 1600-1660* (London, 1975), 3-7.

¹⁰⁶ *VCH Sussex: Volume V, Part 1*, 8-9; Saul, *Scenes from Provincial Life*, 58-9. See the map in P. Hindle, 'Sources for the English Medieval Road System', in V. Allen and R. Evans (eds), *Roadworks: Medieval Britain, Medieval Roads* (Manchester, 2016), fig. 2.1.

¹⁰⁷ R.A. Pelham, 'The Exportation of Wool from Sussex in the Late-Thirteenth Century', *SAC*, 74 (1933), 131-9; R.A. Pelham, 'The Distribution of Sheep in Sussex in the Early-Fourteenth Century', *SAC*, 75 (1934), 128-35; Brandon, 'Demesne Arable Farming', 113-34; Arundel Castle MS A.431; Given-Wilson, 'Wealth and Credit', 18-19.

downlands, and the division into rapes helped promote a strong regional, rather than county, focus. In the west of the county, Arundel Castle dominated the physical landscape and provided a physical embodiment of the power of the earl in the region.

Unfortunately, Arundel's IPM is not extant. However, we can be sure that his landholding in the Sussex region was formidable and that it grew over the period. The roll drawn up in 1326 detailing the forfeited lands of his father, Edmund, named the FitzAlan family as possessing Arundel Castle and six other manors in the county, along with ten Sussex hundreds.¹⁰⁸ When Arundel carried out a mass enfeoffment of his lands in 1354, he enfeoffed Arundel Castle, these ten hundreds and twenty Sussex manors, largely located in the western rapes.¹⁰⁹ By 1360, he had added even more lands and manors to his Sussex holdings: his power in the region had the potential to be truly formidable and Arundel's Sussex properties and jurisdictions were a primary focus for one of the richest and most prominent comital families of the fourteenth century.¹¹⁰

The Earl of Arundel's Retinue

A number of Sussex figures were strongly connected with Richard FitzAlan, earl of Arundel. The men clustered around Arundel included several important knightly figures in the county. Several close associates were especially important. Edward Saint John, both 'le Uncle' and 'le Neveu', were conspicuous in Arundel's service. The St Johns were connected with Arundel by marriage, since the earl's sister Eleanor had married William Saint John, the presumptive heir of the family who had died before 1329.¹¹¹ The uncle held land of the earl in Sussex and both the uncle and the nephew witnessed numerous Arundel grants through the period, while the nephew acted as a feoffee in 1345, 1353 and 1354. In Arundel's will of May 1375, Edward Saint John (the nephew) was named as

¹⁰⁸ E 142/33; E 142/58, nos. 1, 2; E 142/62, no. 18.

¹⁰⁹ *CPR 1354-1358*, 131; *Abstracts of Feet of Fines Relating to Wiltshire for the Reign of Edward III*, ed. C.R. Elrington (Wiltshire Record Society, 1974), no. 421; *Sussex Fines*, no. 2,147.

¹¹⁰ *Sussex Fines*, nos. 2,176, 2,189, 2,191, 2,195, 2,197, 2,215, 2,224, 2,233. A convenient map of these holdings can be found in Given-Wilson, *The English Nobility*, map 4.

¹¹¹ *CMMBC*, II, 707. For the uncle and his brother, John, in 1326, see Saul, 'The Despensers', 30.

one of his executors.¹¹² Another important Sussex figure who fell well within the orbit of the earl during this time was John Bohun of Midhurst (d. 1367), who held at least four manors in the county, bought and litigated for land in the 1330s, and was summoned to Parliament as Lord of Midhurst from 1363.¹¹³ Roger Bavent was a Sussex knight who possessed at least fourteen manors in Sussex, Surrey, Wiltshire, Dorset and Kent.¹¹⁴ Thomas Brewosa (d. 1361) was another formidable figure, who held the manor of Maningford Brewes in Wiltshire, four Sussex manors, and two manors in Surrey.¹¹⁵ Andrew Sackville, a knight with holdings in central Sussex, Suffolk, Essex and Oxfordshire worth c. £200, was associated with Arundel from the mid-1340s, although this seems to have been compatible with strong connections with the first earl of Salisbury and then the second earl of March.¹¹⁶ Compared to the men who can be firmly placed around the earl of Northampton across the same period, the men who made up the earl of Arundel's Sussex affinity were generally wealthier and possessed of a somewhat higher local standing in their own right.

¹¹² *Testamenta Vetusta*, I, 94-6.

¹¹³ W.D. Cooper, 'Midhurst: Its Lords and Inhabitants', *SAC*, 20 (1868), 1-33; *VCH Sussex: Volume IV*, 74-80; *Sussex Fines*, nos. 1,797, 1,836; CP 40/304, rots. 16, 271; JUST 1/1400, rot. 27; West Sussex Record Office, Cowdray MSS, Cowdray MS 2; East Sussex Record Office, BH/P/WS/DY/25. The Sussex return of his IPM is, unfortunately, mutilated: *CIPM*, XI, no. 127.

¹¹⁴ *CPR 1345-1348*, 125; Saul, *Scenes from Provincial Life*, 181.

¹¹⁵ *CIPM*, XI, no. 38.

¹¹⁶ Saul, *Scenes from Provincial Life*, 9-10, 49-51.

Table 3: The Earl of Arundel's Main Associates

<i>Name</i>
Sir Edward Saint John, 'the uncle'
Sir Edward Saint John, 'the nephew'
Sir John Bohun of Midhurst
Sir Thomas Brewosa
Sir Andrew Sackville
John Alresford ¹¹⁷
Robert Elnestede
William Fifhyd
Robert Halsham
Sir Andrew Peverel ¹¹⁸
Sir Roger Dallingridge ¹¹⁹

Sources: *Sussex Fines*, no. 1,864; *CPR 1334-1338*, 418; *CPR 1343-1345*, 281, 487-8; *CPR 1348-1350*, 450; *CPR 1354-1358*, 131, 335, 387, 549; *CCR 1343-1346*, 112; *CCR 1346-1349*, 243-4; *The Chartulary of the High Church of Chichester*, ed. W.D. Peckham (Sussex Record Society, 1946), nos. 814, 815; E 326/8858; West Sussex Record Office, Cap/1/17/46; L.B. Smith, 'The Arundel Charters to the Lordship of Chirk in the Fourteenth Century', *BBCS*, 23 (1968-70), 162; N. Saul, 'The Rise of the Dallingridge Family', *SAC*, 136 (1998), 123-32; N. Saul, 'The Cuckoo in the Nest: A Dallingridge Tomb in the Fitzalan Chapel at Arundel', *SAC*, 147 (2009), 130.

¹¹⁷ Named as the steward of the earl's liberty of Arundel in 1341 and 1353: West Sussex Record Office, Chichester City Archives, ChiCity/AY/143; KB 27/373, Rex side, rot. 53.

¹¹⁸ From c. 1360 only.

¹¹⁹ From c. 1360 only.

The Earl of Arundel's Retinue in Local Government

Turning to the elision between these men and county office-holding, it quickly becomes apparent that the earl of Arundel's associates did occupy positions of local office. One of the most prominent office-holders was William Northo, appointed escheator in 1332, 1342 and 1355 and sheriff in 1339, 1342 and 1355.¹²⁰ Saul has cautiously posited that he could be connected to the earl of Surrey, since he witnessed some of the earl's charters.¹²¹ It seems that he was connected to Arundel and his men at least as much. He was named on a commission issued for Arundel in 1331, on three commissions of oyer and terminer issued on Arundel's behalf in the 1330s, litigated with some other Arundel associates, and was appointed as Arundel's deputy as Justice of North Wales in 1341.¹²² In 1339, Northo was elected sheriff in the county court under the short-lived scheme proposed in the Walton Ordinances and his electors can all be linked with Arundel.¹²³

Arundel can also be linked to another sheriff, Hugh Bouscy, who occupied the shrievalty through 1341, although the evidence here is more fleeting.¹²⁴ In 1341, Hugh was ordered to give Robert Stratford, bishop of Chichester, a writ summoning him to a council at Westminster.¹²⁵ This Hugh failed to do and Edward III proffered his habitual response to those officials who had disappointed him by having Bouscy thrown in the Tower of London. It was at Arundel's request that Hugh was pardoned. There are fewer connections with the other sheriffs of the period, which may in part be explained by the nature of the shrievalty.¹²⁶ It was twinned with that of Surrey and thus one of ten

¹²⁰ *List of Escheators*, 159; *List of Sheriffs*, 136. For his final accounts, see E 372/185, rots. 25d, 26; E 372/188, rots. 32d, 33; E 372/189, rots. 30d, 31; E 372/210, rots. 24d, 25.

¹²¹ Saul, *Scenes from Provincial Life*, 34.

¹²² *CPR 1330-1334*, 143; *CPR 1334-1338*, 140, 141 (the enrolled pleadings of these commissions are JUST 1/939, rots. 12-13d); KB 27/286, rot. 47d; KB 27/290, rots. 25, 70d; KB 27/298, rot. 62; KB 27/302, rot. 69d; *CPR 1340-1343*, 313.

¹²³ C 267/10/7b. For this scheme, see R. Gorski, *The Fourteenth-Century Sheriff: English Local Administration in the Late Middle Ages* (Woodbridge, 2003), 35-6. The electors were Henry Hussee, Thomas Brewosa, John Bohun of Midhurst and Edward Saint John, the nephew. The Hussee family held the hundred of Dumpford of the earls of Arundel: *VCH Sussex: Volume IV*, 3.

¹²⁴ *List of Sheriffs*, 136. For his final account, see E 372/186, rots. 32d, 33.

¹²⁵ *CPR 1340-1343*, 223.

¹²⁶ See *List of Sheriffs*, 135-6.

joint shrievalties.¹²⁷ The royal castle and gaol were at Guildford and this predisposed the office to be appointed to Surrey men. That Sir Andrew Peverel was somewhat within the orbit of the earl is a possibility, since he was involved in a West Sussex land transaction with Robert Halsham in 1345 and was Henry Hussee's executor from 1353 but, until the 1360s, he seems to be associated more strongly with a group of East Sussex notables clustered first around the earl of Surrey and then around the lords Poynings.¹²⁸

As Saul has noted, the cross-over between the earl's men and the representation of the county of Sussex in Parliament is more marked.¹²⁹ Edward Saint John 'le uncle' represented the county in 1330, 1332 (twice), 1336, 1339 and 1340; 'le nephew' in 1339 and 1340; William Northo in 1331, 1334, 1336, 1337, 1341 and 1348; Robert Elneste in 1337, 1341 and 1346; Hugh Boucy in 1338 and 1344; Henry Hussee, connected to the earl by familial military service and landholding in West Sussex, in 1338, 1339 and 1340; Robert Halsham twice in 1352 and again in 1355 and 1357; and John Bohun of Midhurst and Roger Dallingridge in 1360.¹³⁰

In the absence of anything like the records of later periods, it is impossible to detail exactly what these men may have done for the earl as representatives.¹³¹ The correlation between retainers and MPs seems to have varied significantly, depending on the magnate, the place of his retainers in local

¹²⁷ Gorski, *The Fourteenth-Century Sheriff*, 34 n. 2.

¹²⁸ BL Add. Charter 8,826; KB 27/373, rot. 40d; CP 40/376, rot. 19; CP 40/395, rot. 76; CP 40/412, rot. 210; BL Add. MS 39,374, fols. 148r, 172r, 193r; Saul, 'The Rise of the Dallingridge Family', 125-6; J.H. Round, 'The Lords Poynings and St. John', *SAC*, 62 (1921), 18-19; C. Given-Wilson, 'The Bishop of Chichester and the Second Statute of Praemunire, 1365', *HR*, 63 (1990), 134. Halsham also witnessed a release of lands made in West Sussex to Peverel in 1357: BL Harley Charter 80.H.8. No Arundel men appear in the witness list to a grant made by Peverel to his son in 1344: East Sussex Record Office SAS/G 47/160. For this group, see Saul, *Scenes from Provincial Life*, 29-35; W.S. Ellis, 'The Origins of the Arms of Some Sussex Families', *SAC*, 6 (1853), 73; *VCH Sussex: Volume VII*, ed. L.F. Salzman (London, 1940), 181-6; *The Chartulary of the Priory of St. Pancras of Lewes: Part I*, ed. L.F. Salzman (Sussex Record Society, 1932), 54-5, 59, 67-71; *CPR 1354-1358*, 391. No Arundel men appear in the 13 surviving deeds of Andrew Medstead, dated between 1330 and 1349: East Sussex Record Office, SAS/G 47/135-7, 142-3, 150, 152, 155, 162, 166, 169, 170-71. No Arundel men appear in the 1339 muster roll for Hastings Rape (the easternmost rape): College of Arms MS L.17, fols. 12r-17v, printed in Nichols, *Collectanea Topographica et Genealogica*, VII, 118-26.

¹²⁹ Saul, 'The Rise of the Dallingridge Family', n. 75.

¹³⁰ Compiled from *List of MPs*.

¹³¹ The classic treatment of this subject is K.B. McFarlane, 'Parliament and 'Bastard Feudalism'', reprinted in his *England in the Fifteenth Century*, 1-21.

society and the place of Parliament in the polity.¹³² The number of men linked to Arundel returned to Parliament as Sussex MPs through 1330-60 makes this group one of the better represented across the century and their frequent appointment across the whole period is striking. Whether this was a result of, and vehicle for, Arundel's influence is far less certain. It is hard to see exactly what these men may have done for the earl that he could not do himself. In his work on the fifteenth century, Simon Payling recognised that many MPs saw election as an expression of their local status and found that, until the 1450s, instances of the insignificant being returned to Parliament on behalf of their lords was rare.¹³³ Perhaps the high rate of returns enjoyed by the West Sussex gentry connected to Arundel similarly reflected the pre-eminent and intrinsically interdependent position of both the earl and his men in Sussex society. Indeed, it may be that their frequent presence in the parliamentary chamber was pushed upwards by interested Sussex parties, as the best way of ensuring that the region was represented by important men with powerful connections, rather than being the result of a conscious policy of 'packing' by the earl and his followers.¹³⁴ In Parliament during the late 1360s, Andrew Sackville and John Waleys, the Sussex MPs, took the opportunity to request that the sheriff's county farm be lessened.¹³⁵ As Sackville may have been the sheriff in question (and if not had occupied the office very recently), their request is hardly an example of selfless county solidarity but it does show how MPs could act as conduits for Sussex interest groups.¹³⁶

¹³² Compare Maddicott, *Thomas of Lancaster*, 51-2; H.G. Richardson, 'John of Gaunt and the Parliamentary Representation of Lancashire', *BJRL*, 22 (1938), 175-222; Maddicott, 'Parliament and the Constituencies', 72-5; Walker, *The Lancastrian Affinity*, 237-40; Saul, *Knights and Esquires*, 119-28; Gorski, *The Fourteenth-Century Sheriff*, 26-7. See also K.L. Wood-Legh, 'Sheriffs, Lawyers, and Belted Knights in the Parliaments of Edward III', *EHR*, 46 (1931), 372-88.

¹³³ S. Payling, 'Identifiable Motives for Election to Parliament in the Reign of Henry VI: The Operation of Public and Private Factors', in L. Clark (ed.), *The Fifteenth Century VI: Identity and Insurgency in the Late Middle Ages* (Woodbridge, 2006), 91-4.

¹³⁴ Compare Saul, *Knights and Esquires*, 123 and Walker, *The Lancastrian Affinity*, 240.

¹³⁵ SC 8/75/3707.

¹³⁶ Sackville was sheriff from 1367-68. The petition may have been presented in either the Parliament of 1368 or that of 1369, since Sackville and Waleys represented Sussex together on both occasions.

Equally striking are the appointments to Sussex commissions. Among those named on the peace commission in 1332 were Edward Saint John the uncle and Roger Bavent and, shortly after their appointment, the earl himself was named as a keeper of the county.¹³⁷ A small peace commission was appointed in 1335: two of the three men – Andrew Medstead and Nicholas Gentil – were linked to the earl of Surrey but the third – Roger Bavent – was again strongly linked to Arundel.¹³⁸ The larger commission of the peace issued across Sussex and Surrey in 1336 featured Edward Saint John, along with William Northo.¹³⁹ The years 1340-41 provide a snapshot of the diversity of Arundel's interests and the scale of his landholding, as much as it does his position in Sussex. He was appointed as a supervisor of the collection of the ninth for Sussex and Surrey.¹⁴⁰ Similarly, he was appointed at the head of the commission later that year to collect the Sussex and Surrey portions of the loan of 20,000 sacks of wool.¹⁴¹ In the oyer and terminer commissions of 1341, however, the king deployed the earl in Shropshire and Staffordshire, another main focus of his landholding.¹⁴² The commission investigating the southern counties, including Sussex, was headed by the earl of Oxford and included none of Arundel's main followers.¹⁴³ Furthermore, we know that commitments in the council kept Arundel from actually sitting on the Shropshire/Staffordshire commission, and perhaps on others around this time, as a number of other earls did.¹⁴⁴

Associates of Arundel reappear on Sussex commissions through the 1340s. Edward Saint John the uncle was appointed to a general commission of oyer and terminer in Sussex in 1344 and, although the earl himself was again told to go to Shropshire when a peace commission was issued later that year, William Northo and Roger Brewosa were named at the head of the Sussex peace

¹³⁷ *CPR 1330-1334*, 285-6, 294 (see KB 27/290, Rex side, rot. 9d for an indictment before the keepers of the peace in 1332). For this period, see Verduyn, 'The Politics of Law and Order', 862-6.

¹³⁸ *CPR 1334-1338*, 209.

¹³⁹ *CPR 1334-1338*, 367-9.

¹⁴⁰ *CPR 1338-1340*, 499; *CPR 1340-1343*, 25.

¹⁴¹ C 76/15, m. 5d. For the account of William Northo and John Alresford, the collectors, see E 159/125, rot. 171.

¹⁴² *CPR 1340-1343*, 112.

¹⁴³ *CPR 1340-1343*, 112.

¹⁴⁴ *CCR 1341-1343*, 256.

commission.¹⁴⁵ As was the case in Essex, the efforts to enforce the newly-enacted labour legislation gave rise to an unusually large peace commission which toured Sussex in 1351-52. The earl headed this and was named alongside the other great Sussex magnate of the 1350s in Michael Poynings.¹⁴⁶ Four other men closely linked to the earl were also named.¹⁴⁷ The earl's influence seems to have proliferated in the 1350s as peace and labour commissions became more frequent: important commissions issued to Sussex in 1354 (peace and labourers), 1356 (labourers), and 1357 (labourers), and to Surrey in 1359 (peace), were all headed by the earl and all contained a similar corpus of names linked to him.¹⁴⁸

During this period, Arundel became increasingly integrated into eastern Sussex society. This is unsurprising: on the death of the earl of Surrey in 1347, Arundel gained a substantial portion of Surrey's inheritance either immediately or in reversion after the death of Joan, countess of Surrey, including the castle of Lewes in East Sussex.¹⁴⁹ This enabled him to foster good relations with men in this region, such as the Lords Poynings, Andrew Medstead and Roger Dallingridge, who do not seem to have resented Arundel's intrusion into local lordship patterns in the same way John de Vere, earl of Oxford, resented the imposition of John Segrave into Essex. This helped extend the earl's position as the undisputed focal point of aristocratic society eastwards, a process which gained pace after the death of Joan, countess of Surrey, in 1361. Through their appointment on commissions, Arundel and his associates were at the forefront of the attempts made to regulate social order in the region in the wake of the Black Death. Some of them fought the same battle as private litigants and prosecuted pleas against workers for withdrawing their labour and refusing to serve without

¹⁴⁵ *CPR 1343-1345*, 281, 394.

¹⁴⁶ *CPR 1350-1354*, 86.

¹⁴⁷ John Bohun of Midhurst, William Fifhide, Robert Elstede and Robert Halsham.

¹⁴⁸ *CPR 1354-1358*, 59, 62, 122, 391, 549-50; *CPR 1358-1361*, 219. 1354: Michael Poynings, John Bohun of Midhurst, William Fifhide, Thomas Wingfield, William Northo, Robert Elnested and Roger Daber. 1356: Andrew Peverel, William Fifhide and Robert Halsham. 1357: Andrew Peverel, William Fifhide and Robert de Halsham. 1359: Roger Hussee, William Thorpe, William Notton, Simon Cudynghon, Nicholas Carrie, William Newgate, Thomas Weston and John Stoket.

¹⁴⁹ See above, 24. Immediate possession of Lewes Castle went to Joan.

reasonable cause.¹⁵⁰ It is clear that the earl and his men provided a reservoir of manpower with which to staff commissions and offices in Sussex, and that the pre-eminence of the earl and his followers showed itself in the return of MPs to Parliament. This situation is in clear contrast to Essex, which lacked such a singular focal point, which was certainly not provided by the earl of Northampton. Can Arundel, then, be said to have been embedded in Sussex society, in the same way as we know magnates were in the fifteenth century and, if so, what conditions made that possible?

Some Aspects of Political Society in Sussex

To try and answer this question, it is helpful to note some events that can give a flavour of political life in the region. At the beginning of Edward III's reign, a wave of disorder prompted worries over peacekeeping and this feeling continued well into the 1330s. In Sussex, there was bound to be some disruption as a result of the forfeiture and execution of Edmund, earl of Arundel, in 1326. Considering this disturbed environment, it is unsurprising to find pleas being prosecuted by prominent Sussex families. The sheriff was ordered to have the bodies of a number of prominent men, including Edward Saint John the uncle and Hugh Bouscy and several men linked with the earl of Surrey, before the King's Bench in Michaelmas term 1331.¹⁵¹ Edward Saint John the nephew and Eve his wife brought several pleas of trespass against various malefactors through the early 1330s, as did the locally prominent families of Tregoz and Bohun of Midhurst.¹⁵² The earl (very unusually) was a plaintiff at the assizes in 1336 and successfully prosecuted a case of novel disseisin.¹⁵³ Most importantly, members of prominent knightly families were engaged in litigation against each other. Thomas, Lord Poynings, brought a writ of novel disseisin against John Bohun of Midhurst at the assizes in 1331 and, that same year, Ralph Camoys pursued several men linked to the earl in a plea of trespass and soon recovered sixty-four marks from them.¹⁵⁴ In 1336, the Hunstane family initiated

¹⁵⁰ Putnam, *Enforcement*, appendix, 453-55 (Andrew Peverel); KB 27/389, rot. 34 (Lucas Poynings).

¹⁵¹ KB 27/282, rot. 34d.

¹⁵² JUST 1/1400, rots. 26, 27, 28d; KB 27/282, rot. 15; KB 27/286, rot. 20d; KB 27/290, rot. 4.

¹⁵³ JUST 1/1420, rot. 9d.

¹⁵⁴ JUST 1/1400, rot. 27; KB 27/286, rot. 47d; KB 27/290, rot. 25, 70d; KB 27/290, Fines, rot. 1; KB 27/290, Rex side, rot. 9d; KB 27/298, rot. 62; KB 27/302, rot. 69d.

a long-running legal dispute with Saint John, during which both sides appealed directly to the king and which eventually resulted in the Hunstane claim being thrown out in 1345.¹⁵⁵ In 1317 and 1320, Edward St John the uncle had carried out attacks on the Sussex properties of John Bohun of Midhurst.¹⁵⁶ There was, in short, some potential for conflict within the upper echelons of Sussex society.

It may have been with this in mind, along with the need to defend the southern coastline, that Edward III consciously enhanced the already formidable power of the earl. In 1337, Arundel received the concession of the return of all the king's writs and summons of the Exchequer in a cluster of his Sussex hundreds and in the borough of Arundel.¹⁵⁷ This grant meant that the earl held the sheriff's tourn there and, to judge from a petition presented after his death, he set up a new court at Arundel.¹⁵⁸ It certainly seems that he was dominant to a far greater extent than any one magnate was in Essex. Unfortunately, the Sussex records of the general trailbaston proceedings carried out by the earl of Oxford and his fellow justices in 1341 have not survived. The Receipt Rolls of the Exchequer, however, show that the earl paid a fine of £11 10s in 1343, which had been imposed by the justices.¹⁵⁹ This fine appears relatively trifling in comparison with those charged on Andrew Peverel and Andrew Medstead, two eminent Sussex figures: Peverel paid in £87, while the Exchequer Plea Rolls record that Medstead was fined a total of 200 marks.¹⁶⁰ Frustratingly, in the absence of the plea rolls recording the 1341 commission it is not possible to ascertain exactly why these fines were levied but it is probable they fit the general pattern of the inquiries: these usually comprised charges of extortion and corruption brought by the less powerful (aided by the acceptance of presentment by bill) against locally prominent officials, who had forfeited the king's

¹⁵⁵ JUST 1/1420, rots. 10, 11d; *CCR 1339-1341*, 486, 487, 590, 641-2; JUST 1/1431, rot. 68-68d; *CCR 1343-1346*, 347-8, 480; JUST 1/1423, rots. 61-63, 77-79; JUST 1/947/4.

¹⁵⁶ Purser, 'The County Community', 133-4.

¹⁵⁷ C 143/241/22; *CChR 1327-1341*, 402; E 159/115, rot. 67.

¹⁵⁸ Goodman, *Loyal Conspiracy*, 110.

¹⁵⁹ E 401/370, 1 March.

¹⁶⁰ E 401/370, 1 March, 4 March; E 13/68, rot. 13.

favour and protection by their inability to fulfil his demands while he had been in the Low Countries.¹⁶¹

Despite the predominance of the earl, justice in Sussex remained strongly centralised. Indeed, the earl and his retinue played no small role in this. They frequently staffed commissions of oyer and terminer called by prominent members of the Sussex locality.¹⁶² In 1352, a large judicial commission began under the auspices of remedying abuses done on Queen Philippa's Sussex estates.¹⁶³

Importantly, the tone of the indictments is reminiscent of the 1341 inquiries: various local officials were accused of abuses and extortions; William Northo, as a tax collector, was among them, as was the sheriff, Thomas Hoo.¹⁶⁴ Accusations of gentry-on-gentry violence, though, do not emerge. In fact, the county only appears to have suffered one serious incident of feuding in the period, and this did not involve Arundel's men. As Saul has shown, this incident was a dispute between Sir John Waleys of Glynde in East Sussex and John Warenne, earl of Surrey, and his followers.¹⁶⁵ And – although this dispute did not involve the earl of Arundel – it is in itself highly instructive, in that it arose from Warenne's role as overseer of the peace commission in Surrey in 1338. The earl, acting on complaints against Waleys, instructed three sheriffs and, later, his son William to arrest Waleys, and the latter did so forcibly. As Verduyn notes, Warenne 'interpreted his role as applying his personal authority and power to maintain law and order, rather than acting through the justices of the peace or as a justice himself'.¹⁶⁶ This is characteristic, and it is crucial to note, since it illustrates a common

¹⁶¹ It would be equally interesting to know why the earl of Oxford and his fellow justices fined John Stratford, archbishop of Canterbury, £219 8s 4d (E 159/120, rot. 65d).

¹⁶² *CPR 1343-1345*, 278, 280, 281, 284.

¹⁶³ JUST 1/941a (extracts in Putnam, *Enforcement*, appendix, 264-5).

¹⁶⁴ See e.g. JUST 1/941a, rots. 2, 2d, 19-20, 25d, 26, 27, 35, 35d, 43, 44, 51.

¹⁶⁵ Saul, *Scenes from Provincial Life*, 73-4. For more detail on this dispute, see KB 27/350, rots. 49d, 124d, 156d; KB 27/354, rots. 7, 14, 14d, 109, 109d; KB 27/357, Rex side, rot. 30; KB 27/365, rots. 26, 37; KB 27/366, rot. 33; KB 27/369, rot. 3d. None of the 25 deeds either of Waleys or relating to Glynde ranging from 1333-57 collected in East Sussex Record Office, GLY 1161-83, 1206-7, 1219, have Arundel men as witnesses. Similarly, none of the Sussex deeds in the Waleys Gaunt Roll (East Sussex Record Office, GLY 1139) feature Arundel men.

¹⁶⁶ Verduyn, 'The Attitude of the Parliamentary Commons', 70. See also A. Verduyn, 'The Selection and Appointment of Justices of the Peace in 1338', *BIHR*, 68 (1995), 11.

dynamic of comital power in the localities in the earlier part of the reign: the earl acted in tandem with royal justice but he did not act through the channels of royal office-holding directly.

There may have been signs of things to come regarding the local influence of the earl of Arundel and his followers: they played a substantial role in the commissions which poured forth to enforce the labour legislation in the 1350s, and this may be a precursor to the more embedded position that the earls of Arundel occupied in western Sussex during the later fourteenth century.¹⁶⁷ Generally, however, the earl and his men seem to have acted as an adjunct to the continued supervision of the Crown. As in Essex, a high degree of centralised justice remained the norm until at least the early 1350s. On a national scale, Queen Philippa's Sussex inquisition of 1352 was far from unique: along with similar inquiries issued in Essex on her behalf, there were also a series of King's Bench itinerations, associated general commissions of oyer and terminer, and the Black Prince's Cheshire eyre of 1353.¹⁶⁸ All this speaks of a heavily regulated and centralised judicial policy in the 1350s, which took place even as the Justices of the Peace became more prominent. Christine Carpenter has shown how local peacekeeping in Warwickshire and Worcestershire remained essentially king-focused during the reign of Edward III, with the earl of Warwick and his men providing a vehicle for this regulation.¹⁶⁹ Russell found a similar situation in his thesis on Nottinghamshire society between 1327-60.¹⁷⁰ This model seems to fit with the experience of Sussex under Arundel, too.

Indeed, it fits with what we know of Arundel's career outside Sussex. Specifically, we need to situate his place in Sussex in the 1340s and 1350s within the context of his earlier involvement in the Welsh

¹⁶⁷ C. Fetherstonhaugh, 'Earls and the Crown in England, 1360-1385' (University of Cambridge unpublished PhD thesis, 2014), 182-207; Goodman, *Loyal Conspiracy*, 114-21.

¹⁶⁸ For Philippa's Essex commission, see M.K. McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200-1500* (Cambridge, 1986), 58-63. For the King's Bench, see Musson and Ormrod, *The Evolution of English Justice*, 19, 200-1; Carpenter, *Bastard Feudalism*, 52-8; *PJPs*, lvii-lxxvi; Putnam, *The Place in Legal History of Sir William Shareshull*, 59-78, 155; *SCCKB*, IV, xxxviii-xlvi; *SCCKB*, VI, ix-xii; *The Eyre of Northamptonshire*, xxii-xxxix. For the Cheshire Eyre, see Knighton, 121; CHES/17/4, rots. 1-6; CHES 29/65; P. Booth, 'Taxation and Public Order: Cheshire in 1353', *NH*, 12 (1976), 16-31; P. Morgan, *War and Society in Medieval Cheshire, 1277-1403* (Manchester, 1987), 73.

¹⁶⁹ Carpenter, *Bastard Feudalism*, 35-61.

¹⁷⁰ Russell, 'Politics and Society in Nottinghamshire', 16-108, 154-204.

Marches.¹⁷¹ As Rees Davies so evocatively showed, Marcher societies were characterised by a swifter resort to violent self-help than was the case in most of England and this was linked in no small way to the level of personal autonomy enjoyed by Marcher lords.¹⁷² Bromfield and Yale suffered under this level of lordship under Edward II, when Thomas of Lancaster feuded with the earl of Surrey: in 1318, the community of Bromfield and Yale requested Surrey's aid against Lancaster since 'they are not able to resist such power but are willing to maintain the earl's honour if he gave them good leadership'.¹⁷³ For good or for ill, it was often personal lordship that mattered most in the Marches. This was why the community of Pembrokeshire petitioned the Chancellor in the early years of the reign requesting a suitable governor, since they had been without governance and at the mercy of malefactors after the death of the first earl of March.¹⁷⁴

Arundel was among the greatest of these Marcher lords, since he held Chirk and Oswestry in the northern March and, from 1347, the great lordship of Bromfield and Yale too. It was this level of influence—of the ability to raise local muscle—that made Arundel an outstanding choice as Edward III looked to enforce a level of order on the Marches early in the reign. There can be little doubt that this attempt was not before time: John Charlton, lord of Powys, caused enough trouble in the region by continuing simmering feuds left over from Edward II's reign to be indicted by the JPs.¹⁷⁵ He promptly ignored them and it may be that his attitude towards royal interference in the region can be gleaned from a petition presented by the commissary of the abbot of Clairvaux and used to besmirch Charlton, which attributed to him the words 'I am pope, I am king and bishop and abbot in my land'.¹⁷⁶ Arundel was no doubt inclined against Charlton, even without the approval of his king,

¹⁷¹ I am indebted to the ideas of Richard Partington, of Churchill College, Cambridge, in the following section.

¹⁷² Davies, *Lordship and Society*, 65-230.

¹⁷³ SC 8/177/8829 (quotation); SC 8/177/8830, 8831. For this feud, see Maddicott, *Thomas of Lancaster*, 190-91, 207-9, 220, 234-7.

¹⁷⁴ SC 8/297/14840.

¹⁷⁵ JUST 1/1432, rots. 81-83, 81d-83d; *Calendar of Ancient Correspondence*, 104, 181; *Calendar of Ancient Petitions Relating to Wales*, ed. W. Rees (Cardiff, 1975), 25-6, 234, 439, 472-3; Davies, *Lordship and Society*, 286-7; G. Dodd, 'Petitions from the King's Dominions: Wales, Ireland and Gascony, c. 1290-c. 1350', in *The Plantagenet Empire*, 197 n. 38; R. Morgan, 'The Barony of Powis, 1275-1360', *Welsh History Review*, 10 (1980), 12-32; Partington and Bubenicek, 'Justice, Law and Lawyers', 165.

¹⁷⁶ *Calendar of Ancient Petitions Relating to Wales*, 411-12; Dodd, 'Petitions from the King's Dominions', 200-1.

since it was Charlton who captured his father before the latter was executed in 1326.¹⁷⁷ It was Arundel's men who arrested Charlton in 1331 and as such it was the power of the earl in the region that enabled royal justice to be enforced.¹⁷⁸ Arundel was frequently present in the Marches through the 1330s and 1340s, and he combined this with the office of Justiciar of North Wales from 1334.¹⁷⁹ We can even see the earl bring some of his most important Sussex men into the Welsh Marches to help him. Northo's appointment as his deputy in 1341 has already been noted.¹⁸⁰ Andrew Sackville accompanied the earl to Shropshire and the Marches in 1340.¹⁸¹ Edward Saint John, the nephew, was granted custody of Conwy Castle in 1337.¹⁸² The earl controlled the shrievalty of Caernarvonshire and Saint John occupied this office from at least 1344-46, when the earl quit his control of the office to the Black Prince.¹⁸³ It is in many ways the emergence of the Prince at this time that holds the key to understanding Arundel's role. Arundel looked after some of the most important northern Marcher regions until the Black Prince was able to take over. From this point, Arundel's stewardship of the Marches on behalf of the king was over and he was then free to concentrate his attentions more on Sussex, and accordingly he resided more frequently at Arundel Castle and less in Chirk in the later 1340s and 1350s.¹⁸⁴

Furthermore, it may be suggested that he presided over parts of West Sussex from around this time in a similar capacity and with no small measure of success, considering the general seeming lack of disorder and gentry feuding. The earl of Arundel did not, of course, exercise full 'control', whatever that may mean, even in the west of Sussex. For instance, in an incident similar to those

¹⁷⁷ Morgan, 'The Barony of Powis', 28. By 1342, this tension appears to have ended with the earl quitclaiming a manor to Charlton: CP 40/340, Charters, rot. 1d.

¹⁷⁸ JUST 1/1432, rot. 83d.

¹⁷⁹ National Library of Wales, Chirk Castle Accounts, D.10-12, 14; L.B. Smith, 'Seignorial Income in the Fourteenth Century: The Arundels in Chirk', *BBCS*, 28 (1978-80), 451-2; Davies, *Lordship and Society*, 59 n. 82.

¹⁸⁰ Above, 247.

¹⁸¹ *CPR 1340-1343*, 336; Saul, *Scenes from Provincial Life*, 49.

¹⁸² For Conwy Castle: *CPR 1334-1338*, 497; *CPR 1338-1340*, 54. St John also appears as a witness to a charter of the earl granted to the inhabitants of Chirk: printed as an appendix to Smith, 'The Arundel Charters', 153-66.

¹⁸³ *BPR*, III, 52-3, 63; Cheshire Archives and Local Studies, ZCH/17; *CPR 1350-1354*, 220-21; *Calendar of Ancient Correspondence*, 248-9.

¹⁸⁴ *List of Ancient Correspondence of the Chancery and Exchequer* (List and Index Society, XV, Revised Ed., New York, 1968), 607, 624, 650, 842-3.

characterising Essex at this time, a substantial number of men committed trespasses on his parks, free chases and warrens in 1355-56.¹⁸⁵ Arundel did, however, successfully prosecute the guilty parties by special commission of oyer and terminer and had the guiltless (or perhaps the favoured) pardoned.¹⁸⁶ But such disorder was rather unusual: the earl may have been *somewhat* vulnerable but he was a focal point and a powerful influence. This contrasts with Essex, since Edward III does not appear to have been able to impose the same kind of magnate lordship on the county, thanks to the lack of any single focal point and the consequent room for manoeuvre afforded to the lesser lords and the Essex gentry. The expectations of lordship and socio-political structures of western Sussex fostered Arundel's position of eminence within regional society, while his relative lack of absences on military campaign (in contrast to Northampton) shaped the nature of the earl's influence with the county, making it more domestic than military. It must be emphasised, though, that Sussex as a whole does not appear to have bent to the will of the earl of Arundel in the same way that fifteenth-century Warwickshire, for example, responded to the earls of Warwick. The significance of Arundel and his men in the west of the county was marked but less intense than it was to become in later decades; meanwhile, in East Sussex the earl must have appeared to be a distant presence in the mid-fourteenth century. Nigel Saul has written that this region 'does not give the impression of a local society organized in or around a magnate affinity' and, at least with regard to how later affinities could operate, it is very hard to disagree.¹⁸⁷

Conclusion

What then is the wider significance of these two case studies, one of fractured Essex and one of more settled Sussex? There are several conclusions that need highlighting. The first is especially

¹⁸⁵ *CPR 1354-1358*, 335, 387.

¹⁸⁶ JUST 1/947/6 (enrolled proceedings of oyer and terminer commissions in aboven.); E 159/135, *Brevia Directa Baronibus*, Michaelmas term, rot. 18; E 159/135, *Brevia Directa Baronibus*, Easter term, rot. 1; E 372/202, rot. 27d.

¹⁸⁷ Saul, *Scenes from Provincial Life*, 56.

prominent in Essex. The place of Northampton in Essex society was, above all, military. While his domestic retinue included local landowners, it did not constitute an Essex affinity and his influence on the politics of the region was lacking. This brief study of Essex life does not correlate to a later medieval world of 'bastard feudal' magnates embedded in gentry networks. Essex was not dominated by any one magnate and the greatest lords were as likely to find themselves the victims as the beneficiaries of the whims of the gentry and the lesser lords. This was doubtless facilitated by the relative wealth of the region, the strength of its ties to urban areas and networks, and the concentrated tenurial geography of the county, particularly the prosperous and populous central and northern zones. The magnates of Essex may have been more vulnerable than most in this regard but they were far from alone. Those earls who spent so much of their time abroad, or at Westminster, seem to have suffered similar experiences. In the early 1350s, for example, Henry, duke of Lancaster, called special oyer and terminer commissions which investigated stolen goods and assaulted servants in Leicester, with the mayor of Leicester and several townsmen named as suspects, and suffered broken parks in Yorkshire at the hands of local knights.¹⁸⁸ In 1335, his father and comital predecessor may have been burgled at Tutbury by John Hambury, one of his own justices.¹⁸⁹

It may be this theme that makes the level of centralised justice in Essex so visible. Through the itineration of the King's Bench and general commissions of oyer and terminer, the Westminster government retained a strong presence. In so far as it was ruled at all, it seems Essex was ruled more by the Crown than by anyone else, as was the case in the latter part of Henry III's reign.¹⁹⁰ Sussex presents something of a different picture. Here, although again magnate influence was not all-embracing, the earl of Arundel provided a natural focus for the greater gentry of West Sussex.

¹⁸⁸ *CPR 1350-1354*, 30, 282.

¹⁸⁹ If this 'John de Hambury' was the same man: *CPR 1334-1338*, 202. John Hambury was named on a commission called by the earl only months previously: *CPR 1334-1338*, 140-41.

¹⁹⁰ T.K. Moore, 'Government and Locality in Essex in the Reign of Henry III, 1216-1272' (University of Cambridge unpublished PhD thesis, 2006).

Arundel's frequent presence in Sussex in the 1340s and 1350s helped to shape his influence in the region towards influencing local political structures, rather than being expressed primarily through his recruitment of the Sussex military community. The earl's influence lay heaviest in the western rapes, particularly along the rich coastal regions, although his standing in the rapes of Lewes and Pevensey grew in the latter half of the period. This influence does not seem to have been used in quite the same way as it might have been in the following century. The plea rolls of the King's Bench do not resonate with gentry networks in the same way and Arundel and his principal followers do not seem to have routinely supported each other through their legal transactions and in the arbitration of disputes. Arundel's position in West Sussex in the 1340s and 1350s was reminiscent of local magnate hegemonies in the twelfth and thirteenth centuries: his power was formidable but for a significant portion of the period Arundel did not need to monopolise local government, and the exercise of that government in the name of the king did not depend squarely on harnessing the local power of the earl. That said, Arundel's dominance increased over time and his men featured regularly on county commissions and as MPs, especially in the 1350s, while Arundel sometimes enjoyed links with sheriffs.

It is probable, though, that Edward III did not view Arundel's position in Sussex as a magnate gaining control of a locality. It was part of the experimentation and expansion of royal justice that occurred as the king and his government were trying to find ways of fulfilling their obligations both in peace and war. Arundel's career and, especially, his position in the Welsh Marches before the Black Prince came of age shows how this system might work, as he was given local responsibilities in certain areas. This model bears significant correlation to recent research on Warwickshire, where the tenurial dominance of the earl of Warwick combined with royal policies, his possession of the hereditary shrievalty of Worcestershire, the grant to him of the life shrievalty of Warwickshire and Leicestershire, and his links with the earls of Huntingdon and Stafford to allow Warwick to become

increasingly dominant.¹⁹¹ Warwick and his men formed one important strand of Edward III's peacekeeping policies in the West Midlands. Devon, too, increasingly came under the influence of the second Courtenay earl in the 1350s and 1360s: he formed a focal point, along with the bishop of Exeter, as an almost continually resident lord and presided in person over all the peace commissions from 1350-77.¹⁹² This system fused local tenurial and social pre-eminence with peacekeeping and judicial mechanisms. While it seems that some nobles – such as Arundel, Warwick and Devon – were integrated more into local structures in the 1350s, a strong and intertwined level of Crown influence remained. These magnates operated alongside, and as part of, processes of royal governance.

Indeed, a separation of power exercised locally into a typology of 'Crown' and 'magnate' is itself far too stark, especially before 1369, when peacekeeping and justice often combined seamlessly with military recruitment and defence.¹⁹³ At a local level, the exercise of power depended on regional networks and figures responding to and stimulating governmental processes, and intervention remained prominent through both judicial structures and personnel linked directly to the king.¹⁹⁴ Comital influence formed one branch of the connections between Edward III and his subjects in the shires and one that complemented and supplemented traditionally conceived 'royal government' in various ways. The Black Prince's Cheshire eyre of 1353 symbolised this: staffed by two important royal justices with close links to the Prince – William Shareshull, Chief Justice of the King's Bench, and Roger Hillary, justice of the Common Bench – the eyre was also accompanied by the duke of Lancaster and the earl of Stafford, 'for fear that the men of that county might attack [the

¹⁹¹ Carpenter, *Bastard Feudalism*, 28-60.

¹⁹² Burls, 'Society, Economy and Lordship in Devon', 166-89, 258.

¹⁹³ For the arraying powers of the peace commissions, see Verduyn, 'The Attitude of the Parliamentary Commons', 137. More generally on this point, cf. Innes, *State and Society*, 259-61; J. Firnhaber-Baker, 'Seigneurial War and Royal Power in Later Medieval Southern France', *P&P*, 208 (2010), 37-43, 68-76; Taylor, *The Shape of the State*, 452-5; M.W. McHaffie, 'Law and Violence in Eleventh-Century France', *P&P*, 238 (2018), 26-30. See also the notion of polycentricity in P. Lantschner, *The Logic of Political Conflict in Medieval Cities: Italy and the Southern Low Countries, 1370-1440* (Oxford, 2015), 1-17, and the analysis of the problems of projecting modern assumptions of 'the state' back in time in T. Lambert, *Law and Order in Anglo-Saxon England* (Oxford, 2017), 1-24.

¹⁹⁴ See the important contribution of R. Partington, 'Edward III's Enforcers: The King's Sergeants-at-Arms in the Localities', in *The Age of Edward III*, 89-106.

justices]'.¹⁹⁵ Generally, while there was an increase in local commissions involving the nobility and the gentry, this need not be counterbalanced by a reduction in the power of 'the centre', as conceived as an academic shorthand for bureaucratic government and royal influence. The medieval English state was growing, in response to the pressures placed on it by the society it served, and part of this process saw the increasing integration of aristocratic retinues into the processes of governance and peacekeeping.

It is in this context that we should view the cluster of life and hereditary shrievalties handed out to selected nobles in the mid-1340s.¹⁹⁶ In addition to those actually given, there is also evidence that Edward considered giving the fee shrievalty of Wiltshire to his great favourite William Montagu, earl of Salisbury, as early as 1341.¹⁹⁷ This was prompted by the then-sheriff's oppressions of the local populace and this reasoning may be applied to the other grants later in the decade.¹⁹⁸ The grant to Grosmont was certainly referred to as being made 'for the confirmation of the peace in the county of Stafford' and, while formulaic, there is no reason to disregard such statements of intent.¹⁹⁹ The effect of this cluster of life shrievalties was surely to increase the local authority of these magnates so that they could help to run these respective regions on the king's behalf. Thus, models of competition between a royal centre and a locality of magnates and gentry fade into meaninglessness. Through this period, we can glimpse how Edward III's greatest nobles were used to supplement the law enforcement policies of the Crown. Grants of office might form part of this: for example, it is notable that the wardenship of the Cinque Ports and the constabulary of Dover Castle, in the perennially turbulent county of Kent, was held in turn by William Clinton, earl of Huntingdon,

¹⁹⁵ Knighton, 121; CHES/17/4, rots. 1-6; CHES 29/65.

¹⁹⁶ Life shrievalties: Warwickshire and Leicestershire (earl of Warwick, 1344); Shropshire (earl of Arundel, 1345); Staffordshire (earl of Derby, 1345). Hereditary shrievalties: Lancashire (earls and then duke of Lancaster); Rutland (earl of Gloucester (d. 1347) and earl of Northampton, 1347-60); Cornwall (Black Prince); Worcestershire (earl of Warwick). John, lord Lisle, received the life shrievalty of Cambridgeshire and Huntingdonshire in 1351.

¹⁹⁷ E 159/117, rot. 108. The shrievalty had previously been held in fee by William, earl of Salisbury (d. 1226) and Ela, countess of Salisbury (d. 1261): *List of Sheriffs*, 152.

¹⁹⁸ SC 1/32/25; *List of Sheriffs*, 152.

¹⁹⁹ E 159/122, rot. 14.

Bartholomew Burghersh and Roger Mortimer, second earl of March.²⁰⁰ William Clinton had a strong presence in the county and was often involved with regulatory efforts there, both as a member of the royal household and as earl of Huntingdon. Both the office of the justiciar of Chester he held early in 1330s and his role as Warden and Constable were serious and time-consuming duties, not just sinecures or bestowals of patronage.²⁰¹ Similarly, the palatinate liberties granted to Henry of Grosmont when he was made duke of Lancaster in 1351 made him responsible for the maintenance of law and order in the palatinate.²⁰² The grant – for a life term – of palatinate liberties in the dukedom could hardly have been made to a more trusted or supportive magnate.

Finally, it remains to take some tentative steps towards fitting these findings on Essex and Sussex in with the development of magnate power in the localities through the fourteenth century and into the fifteenth. Both retinues considered here resemble retinues from earlier, rather than later, centuries. Systems of magnates routinely embedded in local society, exercising power through gentry networks and local officials, do not emerge in the period 1330-60, at least for the two earls focused on in this chapter. There are signs that these systems might intensify, and the example of Arundel in western Sussex in the 1360s and 1370s might be a fruitful place to start looking. But several factors point towards the emergence of a truly ‘bastard feudal’ world, as judged by later standards, sometime *after* 1360. This is not to deny magnates before the later-fourteenth century the ability to form bonds with leading local figures through affinities, or to dominate localities, let alone to resurrect the spectre of feudalism and of an English ‘Feudal Revolution’ transforming or mutating ‘feudalism’ into ‘bastard feudalism’. But it is to suggest on the basis of research into the period 1330-60 that a series of important shifts in the processes of local government and politics may have occurred in the last quarter of the fourteenth century.

²⁰⁰ *CFR 1327-1337*, 204; E 101/23/32; C 81/1334, no. 27; *CFR 1347-1356*, 433.

²⁰¹ Chester: e.g. *SCCKB*, V, 66-9. Kent: e.g. SC 1/41/25.

²⁰² *CPR 1350-1354*, 60.

This would fit the chronology of the emergence of the gentry in the latter half of the fourteenth century as traced by Peter Coss, who argued that this social group emerged in an accelerating process around this time, and Maurice Keen, who argued for a continuing realisation and definition of social gradation among the lesser aristocracy through the later fourteenth and fifteenth centuries.²⁰³ Even in the mid-fourteenth century, office-holding may not have been quite the prize it was to become: it is surely significant that some of the most notable men in both Essex and Sussex, including men connected to the earls under study, secured exemptions from local office-holding and commissions as late as the later 1340s and the early 1350s.²⁰⁴ This chronology also complements the very recent findings of Jonathon Rose on aristocratic maintenance and livery.²⁰⁵ Through an exhaustive investigation of the plea rolls, as well as the statutes and common petitions previously relied on, Rose demonstrates that conspiracy and maintenance were considered serious problems under Edward III and that both statutory and common law measures were taken against these abuses. However, aside from the 1346 Ordinance prohibiting retaining of royal justices, the measures adopted by Parliament were limited.²⁰⁶ Furthermore, most of the petitions which complained of maintenance originated from the latter years of Edward II's reign and its aftermath: over 60% came from 1327-37, with 80% of these dating from 1327-30 and many from 1327, while numerous complaints targeted the Despensers, Roger Mortimer or Walter Stapleton.²⁰⁷ When it comes to actual litigation, the same pattern occurred and most cases clustered around the minority

²⁰³ Coss, *Origins of the English Gentry*; Keen, *Origins of the English Gentleman*, 71-120. I am grateful to Professor Coss for discussing this with me.

²⁰⁴ *CPR 1345-1348*, 526 (Andrew Peverel, 1347); *CPR 1350-1354*, 495, 524 (John Alresford, 1353); *CPR 1340-1343*, 487 (John Sutton, a very frequent appointee to Essex commissions, 1342); *CPR 1345-1348*, 365 (Robert Teye, 1347); *CPR 1350-1354*, 215 (William Talmache, 1352). Compare, for an irrelevant but entertaining example of contrast, the duel fought in 1699 between Lord Wharton and Lord Cheyne following a dispute over which of them should sit on the right-hand side of the chairman of the Buckinghamshire quarter sessions: K. Thomas, *The Ends of Life: Roads to Fulfilment in Early Modern England* (Oxford, 2009), 150. A more relevant comparison is the violent dispute between Sir John Cornwaill and Sir Reginald Grey from 1437-39 over pre-eminence in the Bedfordshire peace sessions: Maddern, *Violence and Social Order*, 206-23.

²⁰⁵ Rose, *Maintenance*, 95-149, 181-315.

²⁰⁶ Rose, *Maintenance*, 99-103.

²⁰⁷ Rose, *Maintenance*, 106-10. See also S. Harris, 'Taking Your Chances: Petitioning in the Last Years of Edward II and the First Years of Edward III', in W.M. Ormrod, G. Dodd and A. Musson (eds), *Medieval Petitions: Grace and Grievance* (Woodbridge, 2009), 173-92.

of 1327-30 and the early 1330s.²⁰⁸ Richard II's reign saw a 'dramatic change in the nature of maintenance litigation in late medieval England', in which maintenance, livery and retaining became far more significant as 'the notions of good lordship *that emerged in this period* likely increased both the frequency of support and assistance and the number of clients'.²⁰⁹ It is surely notable that political thinking on the nature of magnate power emphasised counsel and military service but did not yet dwell to the same extent on magnate hegemony in office-holding, discussed by fifteenth-century commentators who projected the centrality of noble rule in the shires and the language of 'worship' and magnate 'countries'.²¹⁰ Edward III's integration of some magnates into royal law enforcement came as a result of the nature of the exercise of power in late medieval England and from a general conception of magnates as buttresses of royal authority, not from a specific, pervasive train of thought and tradition. The increasing volume of attention paid to magnate influence on local office-holding in particular (as opposed to their traditional, 'unofficial' influence in localities) in the later-fourteenth and fifteenth centuries may have stemmed from an expansion of magnate involvement into the processes of royal governance which dated from the mid-fourteenth century and intensified over time.²¹¹

A shift in the last quarter of the century also fits with the corresponding increase in literary works focusing on the uses and abuses of aristocratic power in this period.²¹² It complements the decline of special commissions of oyer and terminer after 1360 found by Richard Kaeuper, since it was only

²⁰⁸ Rose, *Maintenance*, 111-29.

²⁰⁹ Rose, *Maintenance*, 181-217, 268-315 (quotations from 188, 217, my italics). On livery, see also N. Saul, 'The Commons and the Abolition of Badges', *PH*, 9 (1990), 302-15; F. Lachaud, 'Liveries of Robes in England, c. 1200-c. 1330', *EHR*, 111 (1996), 280-81, 295-8.

²¹⁰ See, for example, Bishop Russell's draft sermon of 1483 (printed in Chrimes, *English Constitutional Ideas*, 172), or the gentry correspondence (quoted throughout Watts, *Henry VI*, 63-71, and see also the work cited in 221, n. 8).

²¹¹ See Ambler, *Bishops*, 147-83 on developments in political thinking reacting to events. On earlier notions of good lordship, see the summary of Rose, *Maintenance*, 13-29. See also P.R. Hyams, 'Warranty and Good Lordship in Twelfth Century England', *LHR*, 5 (1987), 437-503, and note the potentially highly relevant qualification of n. 6: 'The expression 'good lordship' was probably a later medieval coinage. I follow the classic usage of K. B. McFarlane...'

²¹² Rose, *Maintenance*, 150-80; P. Strohm, *Hochon's Arrow: The Social Imagination of Fourteenth-Century Texts* (New Jersey, 1992), 179-85.

from around this time that these commissions were confirmed as too irregular and partisan for common use in gentry disputes.²¹³ Such a shift parallels the increased evidence of lay arbitration in the late fourteenth and fifteenth centuries discussed by Ted Powell and Carole Rawcliffe.²¹⁴ Gwilym Dodd has drawn attention to the development of bill procedure in the King's Bench and the increasing judicial roles both of the Chancellor and the royal council to explain a decline in private petitions submitted to Parliament.²¹⁵ It may be that a rise in the frequency of magnate arbitrations in this period also contributed. A significant change in the nature of local politics after 1360 would help to explain the increasing size and increasing gentry and magnate membership of the peace commissions from the 1360s, when they began to focus less on enforcing the labour legislation, and it should be noted that Alison Gundy has argued that the peace commissions in Warwickshire and Worcestershire only became truly politicised right at the end of the century by the factional politics of Richard II's court.²¹⁶ It would correlate to the findings of Anthony Gross on fourteenth-century Staffordshire since, although he assumes a 'bastard feudal' model of society throughout the period, he actually showed how the influence of the earls of Stafford and the dukes of Lancaster strongly intensified from the 1360s.²¹⁷ It would fit with the increasing activity and importance of the Neville affinity in the north-east from the 1380s, found by Christian Liddy.²¹⁸ It is only in the fifteenth century, especially towards the mid-fifteenth century, that the relatively slight influence aristocratic figures wielded with towns and urban centres becomes more obvious, which marked a change from

²¹³ Kaeuper, 'Law and Order in Fourteenth-Century England', 741.

²¹⁴ E. Powell, 'Arbitration and the Law in England in the Late Middle Ages: The Alexander Prize Essay', *TRHS*, 33 (1983), esp. 54-5; E. Powell, 'Settlement of Disputes by Arbitration in Fifteenth-Century England', *LHR*, 2 (1984), esp. 25-6; C. Rawcliffe, 'The Great Lord as Peacemaker: Arbitration by English Noblemen and their Councils in the Later Middle Ages', in J. Guy and H.G. Beale (eds), *Law and Social Change in British History* (London, 1984), 34-54; C. Rawcliffe, 'Parliament and the Settlement of Disputes by Arbitration in the Later Middle Ages', *PH*, 9 (1990), 316-42. See also I. Rowney, 'Arbitration in Gentry Disputes of the Later Middle Ages', *History*, 67 (1982), 367-76; J. Biancalana, 'The Legal Framework of Arbitration in Fifteenth-Century England', *American Journal of Legal History*, 47 (2005), 347-82; Liddy, *The Bishopric of Durham*, 148-51.

²¹⁵ Dodd, *Justice and Grace*, 119-24.

²¹⁶ Musson and Ormrod, *The Evolution of English Justice*, 70-72; Gundy, *Richard II and the Rebel Earl*, esp. 26-7, 237.

²¹⁷ Gross, 'Adam Peshale', 97-9, 169-71, table XV.

²¹⁸ Liddy, *The Bishopric of Durham*, 81-101.

the earlier period.²¹⁹ Finally, a shift in the last quarter of the fourteenth century may fit with the work of Simon Walker, who found that Gaunt's retinue operated differently from most of its contemporaries, with an emphasis less on local dominance and more on military and ceremonial functions.²²⁰ Doubtless Gaunt is something of a special case but it may be that his retinue was a throwback, characteristic more of the mid-fourteenth century.

It seems that work on the mid-fourteenth century points towards a somewhat different world from the 'bastard feudalism' of the later middle ages, in which aristocratic ties within localities operated at a lower intensity and in different ways. It would be very interesting indeed to see how and why this possible shift in later years came about: the lacuna of authority caused by the lack of an active king in the last years of Edward III's reign and in Richard II's minority might repay intensive study, as might the 1390s, when Richard tried to build up his own affinity. It is, perhaps, toward the end of the century that several seismic shifts in the nature of local life took place. But that, of course, is far beyond the scope of this chapter.

²¹⁹ T. Graham, 'Knights and Merchants: English Cities and the Aristocracy, 1377-1509' (University of Oxford unpublished DPhil thesis, 2017), 97-116, 197-312.

²²⁰ Walker, *The Lancastrian Affinity*, 117-261, esp. 235-61.

Conclusion

This thesis has taken a collective approach to the earls of Edward III in aspects of public life in the mid-fourteenth century and has argued that their careers need to be seen within a dynamic context of political thinking revolving around their place in the polity and within the shifting political and governmental landscape of later medieval England. It has illustrated a paradigm – one of several – of political thinking surrounding the higher nobility which pushed forward idealised expectations of conduct and participation in a number of key areas of public life: warfare in defence of the realm, counsel for the common good, and providing aid to the king as buttresses of regnal authority more generally. The continuation of the realm symbolised by the Crown was to be ensured by the execution of these duties. The earls were thought of as a corporate group whose power, derived from their massive landholdings, was integral to the performance and fulfilment of these obligations, which rested ultimately on the king. These assumptions about the roles of power in later medieval England were subsumed into thinking at numerous levels of abstraction: political thought on these subjects can be found in a wide variety of pragmatic documents which proliferated through the day-to-day lives of aristocratic society, as well as in the literature, didactic texts and works of conscious scholarship usually considered texts of political thought.¹ Essentially, this reconstruction of political thought in fourteenth-century England has argued that charters, letters close, letters of protection and so on need to be seen as the performative acts they were when they were issued and received rather than as the pages of text in modern editions or archives that they are now.

The historiography of Edward III's magnates has, since the work of McKisack and McFarlane, viewed the ties binding the king and his magnates together in predominantly personal terms.² By way of contrast, this thesis has looked at the correlation between an abstraction of idealised thought and the realities and varieties of human experience in order to reintegrate accounts of the mid-

¹ Above, 38-82.

² Above, esp. 9-12.

fourteenth century nobility into a wider context of thought on their place in society: the earls are viewed as suspended in time within this intellectual context, pushed down by the king and projected up by wider political society. The elevated social position of the nobility and the virtuous conduct this position supposedly obliged prompted them to view themselves as the representatives of the realm and the primacy of their counsel was similarly constructed by their social inferiors. In practice, the ideal of a constant stream of counsel advising the king and keeping the royal will aligned with the needs of his subjects had to be mediated through a governmental framework of occasions and institutions.³ This allowed balance to be maintained for the much of the period 1330-60: with the exception of a period from mid-1340 to 1341, a series of points of contact enabled the king and his earls both to undertake the practice of comital counsel and, just as importantly, to perform it, while allowing adequate time for the earls' own concerns, interests and priorities. Similarly, by chance and by design, there were enough highly active earls across the period to perform particularly notable service in counselling the king through informal and ritualistic occasions in his presence, through participation in the growing work of the royal council, and in the increasingly important parliamentary assemblies of the period. A balance of comital participation was also achieved in warfare, which was portrayed in sources as disparate as legal treatises, romantic literature and protection warrants as being undertaken in defence of the realm and thus as a duty of the powerful to the king and his kingdom.⁴ From the outbreak of war with Scotland in 1333 and, even more so, from the start of the Hundred Years' War in 1337, a prominent group of earls – Henry of Grosmont, Cornwall, Surrey, Warwick, Northampton, Suffolk, the first earl of Salisbury, Oxford, Pembroke, March and Stafford in the 1350s – served with remarkable frequency across a wide geographical area, often in leadership roles. Their service was central to the changing nature of warfare across the period: the retinues they raised in return for Crown pay provided an essential component of the military community's men-at-arms, and the indenture system increasingly prominent from the 1340s

³ Above, 83-143.

⁴ Above, 173-219.

enabled some earls to lead armies away from the king's person. The traits of prowess and fortitude displayed by some earls paralleled the conduct taught by the chivalric treatises they owned and heard read out loud. Comital power was not only used in the defence of the realm through raising retinues and performing great feats, however: the sustained service of a group of older or incapacitated earls on commissions of array and maritime lands, and in garrisoning coastal castles, shows how the duty to defend the realm from external attack was extended to all the earls of Edward III and illustrates how powerful such a duty was.

Edward III's use of comital power within the borders of England continued in the realm of peacekeeping and the enforcement of law and order in the shires. Investigating the local place of the earl of Northampton in Essex and Arundel in Sussex has suggested a different model of the earl in local society than the 'bastard feudalism' that has, until recently, been assumed.⁵ The career of the earl of Arundel suggests a more 'top-down' imposition of comital power on a locality, by which Edward III built up the existing power of the earl in specific regions and encouraged his local influence in Sussex office-holding as the structures of local government changed in response to increased demand for royal government from the Commons in Parliament and the continuing crystallisation of the gentry as a social formation. In Essex, however, the tenurial and socio-economic structure of the county prevented the imposition of a dominant strand of lordship and the role of the earl of Northampton in local society appears overwhelmingly military. Taken with other factors, this suggests significant changes in the integration of comital retinues in local governmental office-holding at some point after 1360. To appropriate a phrase of K.B. McFarlane, the local role of the earls of Edward III may have 'belonged less to the future than to the past'.⁶

Research into these areas has laid out a framework for considering the earls of Edward III which supplements much of the historiography and, indeed, challenges it in some respects. The actions of

⁵ Above, 212-67.

⁶ McFarlane, *Nobility*, 267.

the twenty-one earls considered in this thesis can be contextualised only by integrating them into the frameworks of political thought and governmental processes outlined above. This approach supplements and complements the emphasis on the affective bonds of friendship, closeness and reward fostered by the king's personality from his assumption of personal power in 1330 found in much of the historiography by subsuming an account of their collective careers within this structural context into the personal and material relations between sovereign and magnates.⁷ The main conclusion arising out of this framework is the lack of any fundamental breach between the authority of the king and the power of the earls in either political thinking or in political practice in the years 1330-60. Along with the collective approach taken to the subject, this has emphasised the integral role of the earls in supporting the king as he strove to fulfil his obligations of office and has highlighted the duality of comital power and royal authority in both political thought and the actions that correlated to, reinforced, and generated that thought. This thesis has emphasised this correlation and suggested that Edward III's earls were suspended within a complex of interlocking pressures and obligations, of which the personal closeness (or otherwise) of king and earls was but one element. This work seeks to complement far more than disagree; however, most directly, a fundamental difference of opinion between the assumptions arising out of the political thought and practice investigated here and the work of James Bothwell should be addressed, since Bothwell's work is the principal published account of Edward III's nobility.⁸ Bothwell sees a court-focused nobility with a powerbase in a parliament on a collision course with monarchy, which was pacified and controlled by Edward III's patronage policy; this thesis reveals political structures which promoted and emphasised the duality of interest between king and earls in political thought and which, for this thirty year period, were reinforced by the actions of the king and his earls, who worked within this framework of thought and generally met the obligations which the assumptions of political society laid upon them. The patronage dispensed by Edward III to his nobles ran parallel

⁷ Above, 9-12.

⁸ Bothwell, *Edward III and the English Peerage*. See also above, 11-12.

with two strands of thought – endowment in order to serve and reward for outstanding service given – neither of which rested on the need to buy the support of the nobility.⁹ Indeed, when a breach did occur between the king and some of his earls, it was caused either by clashes of personality or disagreements over the direction of royal and comital duty, rather than a fundamental opposition of magnate and royal power.¹⁰

Clearly, in the years 1330-60 there was a remarkable convergence between a paradigm of idealised comital service in the interests of the common good and the actual careers of Edward III's earls, which shows how fruitful it can be to view conduct in a dynamic framework of thought and action and how these two elements could interact and reinforce each other. The necessity of this dynamic had been pushed forward by the failures of John and Henry III and, more positively, by the example of Edward I. Above all, of course, the stage had been set by the public display and consequences of the failures of Edward II and his magnates and the excesses of Roger Mortimer and Queen Isabella. The legacy of these reigns and of the political and constitutional processes arising out of them made it abundantly clear how important it was for a king to have a proper understanding of the place of the magnates in the realm and what the consequences might be for both the wider realm and the king himself if this understanding was not achieved.¹¹ Edward III both happened to rule a remarkable group of nobles and proved able to provide them with the leadership required. The group of earls he inherited contained a mixture of youth and experience, while his periodic creations ensured the comital group both grew in number and contained men hand-picked for their connections and personal ability.

In the Parliament of October 1385, Michael de la Pole was created earl of Suffolk. The projected justification for this elevation built on those incorporated into the earldom grants of 1337: Richard II,

⁹ Above, 144-72.

¹⁰ As with the disgrace of the earl of Devon in 1340, the crisis of counsel in 1340-41, or the territorial losses suffered by the second earl of Salisbury in the 1350s: see above, 31, 93-8, 127, 166-7.

¹¹ Valente, *The Theory and Practice of Revolt*, 122-62; C. Carpenter, 'Resisting and Deposing Kings in the Thirteenth, Fourteenth and Fifteenth Centuries', in R. von Friedeburg (ed.), *Murder and Monarchy: Regicide in European History, 1300-1800* (Basingstoke, 2004), 99-121; Prestwich, *Plantagenet England*, 32-9.

it was claimed, chose to elevate Pole 'to the continuing honour of the royal diadem...to the honour of God, and the adornment of the royal crown, and the strength and protection of his kingdom'.¹² Bishop Russell, in his third draft of a sermon intended for the first Parliament of Edward V in 1483, described the three constituent members of the body politic under the king as head – the lords spiritual, the lords temporal and the commons: these subjects, Russell claimed, were 'to do their trewe labour and occupations whereby hys roialle and necessarye charges may be supported'.¹³ The earls of Edward III between 1330-60 could, as a corporate group, plausibly have claimed to have set such standards concerning the integral role of comital power to the regnal state. This thirty-year period set a remarkably high benchmark against which future kings and groups of magnates were judged: Michael de la Pole was ill-suited to the role, at least in the eyes of his contemporaries, and Edward III himself fell short of his own standards in the last years of the reign as the nobility of his youth withered around him, while Richard II seemingly misunderstood both his own role and that of his nobles for his entire adult reign. Henry V appears to have come closest to the ideal personified by the mid-fourteenth century and may even have surpassed it.¹⁴ Indeed, a great paradox arising out of this study is that the sheer understanding of the place of magnate power within the polity and how to use it shown by Edward III at his best set the bar so high and helped to make good kingship so integral to the relations between king, nobles and the wider polity that several of his successors found matching his example unattainable.¹⁵

Fundamentally, this thesis has sought to overcome a series of assumptions laid upon the period: magnates versus the Crown, 'central' versus 'local' and, ultimately, 'state' versus 'society' by examining the earls of Edward III both in political thinking and political practice. This examination suggests that politics both as conceived and as practiced was not the zero-sum game assumed in

¹² *PROME*, October 1385, item 16.

¹³ Printed in Chrimes, *English Constitutional Ideas*, 187.

¹⁴ See G.L. Harriss, 'The King and his Magnates', in G.L. Harriss (ed.), *Henry V: The Practice of Kingship* (Oxford, 1985), 31-51 for a good introduction.

¹⁵ For some perspectives on Edward III's legacy, see D.A.L. Morgan, 'The Political After-Life of Edward III: The Apotheosis of a Warmonger', *EHR*, 112 (1997), 856-81; S. Gunn, *The English People at War in the Age of Henry VIII* (Oxford, 2018), 121-2.

some of the most relevant historiography, which is in turn based on assumptions about the nature of the state and the inimical nature of magnate power *vis-a-vis* that state. Rather than seeing royal and magnate power as competitors for influence, in which gains by one side diminished the power of the other, this examination of the earls of Edward III in public life, grounded in contemporary political thinking and based on the actions of the earls, puts forward a framework in which governmental growth and processes and structures of power – institutions, ways of thinking about power and its exercise, the practical roles of magnate power – forced a duality between royal and magnate interests in later medieval England. The king and his nobility should be seen in dialogue with these influences – with a whole range of ‘structuring structures’ in both thought and practice, which descended from the thinking, personalities and interests of those at the apex of society and which rose up from wider political society more generally. The pervasive preoccupation with ‘the state’ and England as its most ‘precocious’ exemplar should not relegate the aristocracy into fundamental opposition to the king, who needed to be encouraged or their faith and service promoted by personal bonds, patronage and the embracing of chivalric conduct. The conclusions of this thesis regarding the interlocking and mutually dependant nature of regnal authority and private comital power between 1330-60 tallies with a wider scholarship which has emphasised the duality of elite power in thought and practice in both the British Isles and Europe more generally and, more broadly still, turned away from ‘modern state-centric’ accounts of conflict resolution, the nature and negotiation of legal forms and jurisdictions in later medieval England, the growth of administrative accountability, the place of parliament in the development of political language, and the nature of political life in cities and towns.¹⁶ Elite power groups combined with and promoted structures of

¹⁶ British: e.g. Harriss, ‘Political Society and the Growth of Government’, 28-57; Carpenter, *Wars of the Roses*; Watts, *Henry VI*; Powell, *Kingship, Law, and Society*; Coss, *Origins of the English Gentry*, esp. 165-265; Spencer, *Nobility and Kingship*; Ambler, *Bishops*; P. Crooks, ‘The Structure of Politics in Theory and Practice: The Lordship of Ireland, c. 1210-1541’, in B. Smith (ed.), *The Cambridge History of Ireland, I: 600-1550* (Cambridge, 2017), 441-68; Taylor, *The Shape of the State*, esp. 2-4, 20, 445-55; Braddick, *State Formation in Early Modern England*; Hindle, *The State and Social Change*. European: e.g. M. Rady, *Nobility, Land and Service in Medieval Hungary* (London, 2001), 32-3, 60-61, 85-95, 137-43; A. Holenstein, ‘Introduction: Empowering Interactions: Looking at State Building from Below’, in W. Blockmans, A. Holenstein and J. Mathieu (eds), *Empowering Interactions: Political Cultures and the Emergence of the State in Europe 1300-1900* (London, 2009), 1-31;

regnal authority within the later medieval English state and by necessity those at the apex of aristocratic society came under immense pressure to serve and act in the manner required of them to fulfil the common good represented by this state and the body of the king at its head. The mid-fourteenth century experiences and actions of the earls of Edward III in a number of key areas of political life show how these pressures might be negotiated and even reinforced, as king and nobility performed a highly successful dialogue between thought, events, personalities and institutions to fulfil the duties laid upon them by their elevated positions within political society that was, in itself, a 'process of constitutional thickening'.¹⁷

Watts, *Making of Polities*, esp. 205-86; R. Frost, *The Oxford History of Poland-Lithuania, Volume I: The Making of the Polish-Lithuanian Union, 1385-1569* (Oxford, 2015), 61-70, 267-76; R. Stein, *Magnanimous Dukes and Rising States: The Unification of the Burgundian Netherlands, 1380-1480* (Oxford, 2017), 127-46; M. Hagger, *Norman Rule in Normandy, 911-1144* (Woodbridge, 2017), 250-305, 363-504, 612-685; D. Hardy, 'Tage (Courts, Councils and Diets): Political and Judicial Nodal Points in the Holy Roman Empire, c.1300-1550', *German History*, 36 (2018), 381-400. Conflict resolution: e.g. Powell, 'Arbitration and the Law'; Firnhaber-Baker, 'Seigneurial War and Royal Power', 37-76. Law: G. Dodd, 'Law, Legislation, and Consent in the Plantagenet Empire: Wales and Ireland, 1272-1461', *JBS*, 56 (2017), 225-49; T. Johnson, 'The Tree and the Rod: Jurisdiction in Late-Medieval England', *P&P*, 237 (2017), 1-39. Accountability: Sabapathy, *Officers and Accountability*. Parliament: Ormrod, "'Common Profit'". Cities and towns: Lantschner, *The Logic of Political Conflict*, esp. 1-59; Liddy, *Contesting the City*; E. Hartrich, 'Charters and Inter-Urban Networks: England, 1439-1449', *EHR*, 132 (2017), 219-49.

¹⁷ Watts, *Making of Polities*, 205.

Appendix 1: Comital Presence on Campaigns

The following tables record which earls served on each major campaign from 1332-60. The presence of those who were not earls at the time of a campaign, but who were later elevated to comital status, has been included to enable the duration and range of service over a career to be fully recorded.

Key: ✓ = present as an earl

☑ = present before being elevated to comital status

Table 1.1.

	Dupplin Moor, 1332 (Scotland)	Halidon Hill, 1333 (Scotland)	Winter, 1334- 35 (Scotland)	Summer, 1335 (Scotland)	Summer- Autumn 1336 (Scotland)
Richard, earl of Arundel (d. 1376)		✓ ¹	✓ ²	✓ ³	✓ ⁴
John Bohun, earl of Hereford (d. 1336)				✓ ⁵	
Humphrey Bohun, earl of Hereford (d. 1361)					
William Bohun, earl of Northampton (d. 1360)		☑ ⁶	☑ ⁷	☑ ⁸	☑ ⁹
Henry, earl of Lancaster (d. 1345)					
Henry of Grosmont (d. 1361)	¹⁰	☑ ¹¹	☑ ¹²	☑ ¹³	☑ ¹⁴
John Warenne, earl of Surrey (d. 1347)		✓ ¹⁵	✓ ¹⁶	✓ ¹⁷	
Thomas, earl of Norfolk (d. 1338)		✓ ¹⁸			

John of Eltham, earl of Cornwall (d. 1336)		✓ ¹⁹	✓ ²⁰	✓ ²¹	✓ ²²
Thomas Beauchamp, earl of Warwick (d. 1369)		✓ ²³	✓ ²⁴	✓ ²⁵	✓ ²⁶
Robert Ufford, earl of Suffolk (d. 1369)		☑ ²⁷		☑ ²⁸	☑ ²⁹
William Montagu, earl of Salisbury (d. 1344)	☑ ³⁰	☑ ³¹		☑ ³²	☑ ³³
William Montagu, earl of Salisbury (d. 1397)					
William Clinton, earl of Huntingdon (d. 1354)		☑ ³⁴		☑ ³⁵	
Ralph Stafford, earl of Stafford (d. 1372)	☑ ³⁶			☑ ³⁷	☑ ³⁸
Laurence Hastings, earl of Pembroke (d. 1348)					
Hugh Courtenay, earl of Devon (d. 1340)					
Hugh Courtenay, earl of Devon (d. 1377)				☑ ³⁹	
John de Vere, earl of Oxford (d. 1360)		✓ ⁴⁰	✓ ⁴¹	✓ ⁴²	✓ ⁴³
Roger Mortimer, earl of March (d. 1360)					

Hugh Audley, earl of Gloucester (d. 1347)		<input checked="" type="checkbox"/> 44		<input checked="" type="checkbox"/> 45	
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Table 1.2.

	Spring-Summer 1337, (Scotland)	Dunbar Campaign, Winter 1337-38 (Scotland)	Low Countries, 1338-39	Sluys-Tournai, 1340 (Low Countries)	Winter 1341-42 (Scotland)
Richard, earl of Arundel (d. 1376)		✓ ⁴⁶		✓ ⁴⁷	
John Bohun, earl of Hereford (d. 1336)					
Humphrey Bohun, earl of Hereford (d. 1361)					
William Bohun, earl of Northampton (d. 1360)			✓ ⁴⁸	✓ ⁴⁹	✓ ⁵⁰
Henry, earl of Lancaster (d. 1345)					
Henry of Grosmont (d. 1361)			✓ ⁵¹	✓ ⁵²	✓ ⁵³
John Warenne, earl of Surrey (d. 1347)					
Thomas, earl of Norfolk (d. 1338)					

John of Eltham, earl of Cornwall (d. 1336)					
Thomas Beauchamp, earl of Warwick (d. 1369)	✓ ⁵⁴		55	✓ ⁵⁶	
Robert Ufford, earl of Suffolk (d. 1369)			✓ ⁵⁷		
William Montagu, earl of Salisbury (d. 1344)		✓ ⁵⁸	✓ ⁵⁹		✓ ⁶⁰
William Montagu, earl of Salisbury (d. 1397)					
William Clinton, earl of Huntingdon (d. 1354)				✓ ⁶¹	
Ralph Stafford, earl of Stafford (d. 1372)	✓ ⁶²	✓ ⁶³	✓ ⁶⁴		✓ ⁶⁵
Laurence Hastings, earl of Pembroke (d. 1348)			✓ ⁶⁶		
Hugh Courtenay, earl of Devon (d. 1340)					
Hugh Courtenay, earl of Devon (d. 1377)					

John de Vere, earl of Oxford (d. 1360)				✓ ⁶⁷	
Roger Mortimer, earl of March (d. 1360)					
Hugh Audley, earl of Gloucester (d. 1347)		✓ ⁶⁸	✓ ⁶⁹	✓ ⁷⁰	

Table 1.3.

	Brittany, 1342: Northampton's Expedition	Brittany, 1342: The King's Expedition	Scotland, late 1342	Iberian Peninsula, 1343	Aquitaine, 1345
Richard, earl of Arundel (d. 1376)			✓ ⁷¹		
John Bohun, earl of Hereford (d. 1336)					
Humphrey Bohun, earl of Hereford (d. 1361)					
William Bohun, earl of Northampton (d. 1360)	✓ ⁷²	✓ ⁷³			
Henry, earl of Lancaster (d. 1345)					
Henry of Grosmont (d. 1361)		✓ ⁷⁴		✓ ⁷⁵	✓ ⁷⁶
John Warenne, earl of Surrey (d. 1347)					
Thomas, earl of Norfolk (d. 1338)					

John of Eltham, earl of Cornwall (d. 1336)					
Thomas Beauchamp, earl of Warwick (d. 1369)		✓ ⁷⁷			
Robert Ufford, earl of Suffolk (d. 1369)		✓ ⁷⁸			
William Montagu, earl of Salisbury (d. 1344)		✓ ⁷⁹		✓ ⁸⁰	
William Montagu, earl of Salisbury (d. 1397)					
William Clinton, earl of Huntingdon (d. 1354)			✓ ⁸¹		
Ralph Stafford, earl of Stafford (d. 1372)	✓ ⁸²	✓ ⁸³			✓ ⁸⁴
Laurence Hastings, earl of Pembroke (d. 1348)		✓ ⁸⁵			✓ ⁸⁶
Hugh Courtenay, earl of Devon (d. 1340)					
Hugh Courtenay, earl of Devon (d. 1377)	✓ ⁸⁷	✓ ⁸⁸			

John de Vere, earl of Oxford (d. 1360)		✓ ⁸⁹			
Roger Mortimer, earl of March (d. 1360)					
Hugh Audley, earl of Gloucester (d. 1347)		✓ ⁹⁰			

Table 1.4.

	Brittany, 1345-46	Crécy-Calais, 1346-47	Aquitaine, 1349	Winchelsea Naval Battle, 1350	Aquitaine, 1352
Richard, earl of Arundel (d. 1376)		✓ ⁹¹		✓ ⁹²	
John Bohun, earl of Hereford (d. 1336)					
Humphrey Bohun, earl of Hereford (d. 1361)					
William Bohun, earl of Northampton (d. 1360)	✓ ⁹³	✓ ⁹⁴		✓ ⁹⁵	
Henry, earl of Lancaster (d. 1345)					
Henry of Grosmont (d. 1361)		✓ ⁹⁶	✓ ⁹⁷	✓ ⁹⁸	
John Warenne, earl of Surrey (d. 1347)					
Thomas, earl of Norfolk (d. 1338)					
John of Eltham, earl of Cornwall (d. 1336)					

Thomas Beauchamp, earl of Warwick (d. 1369)		✓ ⁹⁹		✓ ¹⁰⁰	
Robert Ufford, earl of Suffolk (d. 1369)		✓ ¹⁰¹			
William Montagu, earl of Salisbury (d. 1344)					
William Montagu, earl of Salisbury (d. 1397)		<input checked="" type="checkbox"/> ¹⁰²			
William Clinton, earl of Huntingdon (d. 1354)		✓ ¹⁰³		✓ ¹⁰⁴	
Ralph Stafford, earl of Stafford (d. 1372)		<input checked="" type="checkbox"/> ¹⁰⁵		<input checked="" type="checkbox"/> ¹⁰⁶	✓ ¹⁰⁷
Laurence Hastings, earl of Pembroke (d. 1348)		✓ ¹⁰⁸			
Hugh Courtenay, earl of Devon (d. 1340)					
Hugh Courtenay, earl of Devon (d. 1377)	✓ ¹⁰⁹				
John de Vere, earl of Oxford (d. 1360)	✓ ¹¹⁰	✓ ¹¹¹			

Roger Mortimer, earl of March (d. 1360)		<input checked="" type="checkbox"/> ¹¹²			
Hugh Audley, earl of Gloucester (d. 1347)					

Table 1.5.

	Baltic Crusade, 1352	Scotland, late 1353	Poitiers Campaign, 1355-56	Northern France and Scotland, 1355-56	Normandy- Brittany, 1356	Reims Campaign, 1359-60
Richard, earl of Arundel (d. 1376)						
John Bohun, earl of Hereford (d. 1336)						
Humphrey Bohun, earl of Hereford (d. 1361)						
William Bohun, earl of Northampton (d. 1360)		✓ ¹¹³		✓ ¹¹⁴		✓ ¹¹⁵
Henry, earl of Lancaster (d. 1345)						
Henry of Grosmont (d. 1361)	✓ ¹¹⁶			✓ ¹¹⁷	✓ ¹¹⁸	✓ ¹¹⁹
John Warenne, earl of Surrey (d. 1347)						
Thomas, earl of Norfolk (d. 1338)						

John of Eltham, earl of Cornwall (d. 1336)						
Thomas Beauchamp, earl of Warwick (d. 1369)			✓ ¹²⁰			✓ ¹²¹
Robert Ufford, earl of Suffolk (d. 1369)	✓ ¹²²		✓ ¹²³			✓ ¹²⁴
William Montagu, earl of Salisbury (d. 1344)						
William Montagu, earl of Salisbury (d. 1397)	✓ ¹²⁵		✓ ¹²⁶			✓ ¹²⁷
William Clinton, earl of Huntingdon (d. 1354)						
Ralph Stafford, earl of Stafford (d. 1372)				✓ ¹²⁸		✓ ¹²⁹
Laurence Hastings, earl of Pembroke (d. 1348)						
Hugh Courtenay, earl of Devon (d. 1340)						
Hugh Courtenay, earl of Devon (d. 1377)						

John de Vere, earl of Oxford (d. 1360)			✓ ¹³⁰			✓ ¹³¹
Roger Mortimer, earl of March (d. 1360)				✓ ¹³²		✓ ¹³³
Hugh Audley, earl of Gloucester (d. 1347)						

¹ *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253; R. Nicholson, *Edward III and the Scots: The Formative Years of a Military Career, 1327-1335* (Oxford, 1965), 110 n. 4.

² BL Cotton MS Nero C VIII, fols. 181v, 233r, 252v; E 403/279, mm. 18, 23.

³ *Rotuli Scotiae*, I, 332-3; BL Cotton MS Nero C VIII, fols. 182r, 236r, 255r; E 404/492/375; E 403/282, m. 30; *Scalacronica*, 119.

⁴ Muriimuth, 77. Arundel joined the campaign from October: BL Cotton MS Nero C VIII, fols. 243r, 259v.

⁵ BL Cotton MS Nero C VIII, fol. 236r; Nicholson, *Edward III and the Scots*, appendix IV; *English Mediaeval Rolls of Arms, Vol. 1, 1244-1334*, ed. R.W. Mitchell (Peebles, 1983), no. 1.

⁶ A. Ayton, 'The English Army at Crécy', in *The Battle of Crécy*, 201 n. 203.

⁷ BL Cotton MS Nero C VIII, fol. 253r.

⁸ *Rotuli Scotiae*, I, 332-3; BL Cotton MS Nero C VIII, fol. 236r; E 404/492/73; *English Mediaeval Rolls of Arms*, no. 214.

⁹ *Foedera*, II, Part II, 936; *Rotuli Scotiae*, I, 415-16; BL Cotton MS Nero C VIII, fols. 181v, 182r, 182v, 183r, 183v; A. Ayton, *Knights and Warhorses: Military Service and the English Aristocracy under Edward III* (Woodbridge, 1994), appendix 1.

¹⁰ *The Anonimalle Chronicle, 1307-1334*, ed. and trans. W.R. Childs and J. Taylor (Yorkshire Archaeological Records Society, 1991), 155 names 'the earl of Lancaster' as being present, by which the author may have meant Grosmont. However, K. Fowler, *The King's Lieutenant: Henry of Grosmont, First Duke of Lancaster, 1310-1361* (London, 1969), 28 establishes that it does not appear Grosmont went to Scotland. Furthermore, he was not named in the accounts of the campaign in Avesbury or *Lanercost* (see n. 30).

¹¹ *Anonimalle Chronicle, 1307-1334*, 159; *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253; Nicholson, *Edward III and the Scots*, 110 n. 4; Fowler, *King's Lieutenant*, 30.

¹² BL Cotton MS Nero C VIII, fols. 181r, 181v, 233v, 252v.

¹³ *Rotuli Scotiae*, I, 332-3, 337; BL Cotton MS Nero C VIII, fols. 182r, 182v, 236r.

¹⁴ Grosmont was appointed King's Lieutenant until the king arrived in person: *Foedera*, II, Part II, 936; *Rotuli Scotiae*, I, 415; BL Cotton MS Nero C VIII, fols. 240r, 259r; Fowler, *King's Lieutenant*, 32-3; Ayton, *Knights and Warhorses*, 78-9, 107, 167, 173-4.

¹⁵ *Anonimalle Chronicle, 1307-1334*, 159; *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253; Nicholson, *Edward III and the Scots*, 110 n. 4.

¹⁶ BL Cotton MS Nero C VIII, fols. 181v, 234r, 253r; E 403/279, m. 22.

¹⁷ BL Cotton MS Nero C VIII, fols. 182v, 183r, 236r, 255r; E 404/492/429; *Scalacronica*, 119.

¹⁸ *Anonimalle Chronicle, 1307-1334*, 159; *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253; Nicholson, *Edward III and the Scots*, 110 n. 4.

¹⁹ *Anonimalle Chronicle, 1307-1334*, 159; *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253; Nicholson, *Edward III and the Scots*, 110 n. 4.

- ²⁰ BL Cotton MS Nero C VIII, fols. 182r, 233r, 234r, 252v; *Rotuli Scotiae*, I, 318; *Bridlington*, 121; P. Dryburgh, 'Living in the Shadows: John of Eltham, Earl of Cornwall (1316-1336)', in G. Dodd and J. Bothwell (eds), *FCE IX* (Woodbridge, 2016), 39.
- ²¹ E 403/282, m. 10; BL Cotton MS Nero C VIII, fols. 183r, 184r, 236r; *English Mediaeval Rolls of Arms*, no. 35; Ayton, *Knights and Warhorses*, 146 n. 39.
- ²² BL Cotton MS Nero C VIII, fol. 240r. Eltham died on campaign: *Scalacronica*, 123.
- ²³ *Anonimale Chronicle, 1307-1334*, 159; *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253; Nicholson, *Edward III and the Scots*, 110 n. 4.
- ²⁴ BL Cotton MS Nero C VIII, fols. 181r, 233v, 252v; E 404/506/12; *Lanercost*, 289.
- ²⁵ BL Cotton MS Nero C VIII, fols. 182r, 182v, 183r, 183v, 236r, 255r; E 404/492/399; *Scalacronica*, 119.
- ²⁶ BL Cotton MS Nero C VIII, fols. 240r, 259r. Warwick served with Lancaster before the king arrived in Scotland.
- ²⁷ *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253; Nicholson, *Edward III and the Scots*, 108 n. 4.
- ²⁸ BL Cotton MS Nero C VIII, fol. 236v; E 404/492/209; *English Mediaeval Rolls of Arms*, no. 201.
- ²⁹ BL Cotton MS Nero C VIII, fol. 241r.
- ³⁰ *Anonimale Chronicle, 1307-1334*, 155; Avesbury, 296; *Lanercost*, 270-71.
- ³¹ *Bridlington*, 112-13; Bel, 62; Froissart, I, II, 112; Avesbury, 297; *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253.
- ³² *Rotuli Scotiae*, I, 332-3; BL Cotton MS Nero C VIII, fols. 237v, 255v; E 404/492/95; *English Mediaeval Rolls of Arms*, no. 166.
- ³³ BL Cotton MS Nero C VIII, fol. 241r.
- ³⁴ *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253.
- ³⁵ BL Cotton MS Nero C VIII, fols. 237r, 255r; E 404/492/259.
- ³⁶ *Anonimale Chronicle, 1307-1334*, 155; Avesbury, 296; *Lanercost*, 270-71.
- ³⁷ C 71/15, m. 32.
- ³⁸ E 404/492/129; BL Cotton MS Nero C VIII, fol. 191v.
- ³⁹ *English Mediaeval Rolls of Arms*, no. 12.
- ⁴⁰ *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253; Nicholson, *Edward III and the Scots*, 110 n. 4.
- ⁴¹ BL Cotton MS Nero C VIII, fols. 181r, 181v, 233v, 252v; *Lanercost*, 279.
- ⁴² *Scalacronica*, 119. Oxford served in the retinue of the earl of Surrey, having brought an independent retinue to the muster at Carlisle: BL Cotton MS Nero C VIII, fol. 236r.
- ⁴³ BL Cotton MS Nero C VIII, fols. 185v, 240v.
- ⁴⁴ *Foedera*, II, Part II, 864-5; *Rotuli Scotiae*, I, 253.
- ⁴⁵ *Rotuli Scotiae*, I, 332-3; BL Cotton MS Nero C VIII, fol. 236r.
- ⁴⁶ *Scalacronica*, 125; Knighton, 5; AC, 13; *Foedera*, II, Part II, 1,003; *Rotuli Scotiae*, I, 509-10; E 101/20/25, m. 3; E 101/388/5, m. 13. Appointed Keeper of the March of Scotland in April 1338: *Rotuli Scotiae*, I, 524-5; *Foedera*, II, Part II, 1,031; D. Simpkin, *The English Aristocracy at War: From the Welsh Wars of Edward I to the Battle of Bannockburn* (Woodbridge, 2008), 46-7.
- ⁴⁷ AC, 16; Knighton, 29; Bel, 88; Froissart, II, 37-8; A. Ayton, 'Edward III and the English Aristocracy at the Beginning of the Hundred Years War', in M. Strickland (ed.), *Armies, Chivalry and Warfare in Medieval Britain and France* (Stamford, 1998), 180. Returned to England after the battle of Sluys (24 June).
- ⁴⁸ Bel, 78; AC, 12-13; Knighton, 7; E 101/388/5, m. 13; Norwell, 356.
- ⁴⁹ AC, 16; Knighton, 29; Bel, 88; Froissart, II, 37-8; E 101/389/8, mm. 11, 14.
- ⁵⁰ Ordered to join the king in December, and received payments for wages: *Foedera*, II, Part II, 1,183-4; *CCR 1341-1343*, 353; E 403/322, m. 12.
- ⁵¹ Bel, 78; AC, 12-13; Knighton, 7; E 101/388/5, m. 13; Norwell, 326, 356.
- ⁵² AC, 16; Knighton, 29; Bel, 88; Froissart, II, 37-8; E 101/389/8, mm. 11, 14.
- ⁵³ *Rotuli Scotiae*, I, 617-18; *Foedera*, II, Part II, 1,179; E 36/204, fol. 99r; Fowler, *King's Lieutenant*, 37.
- ⁵⁴ *Lanercost*, 203-6; *Rotuli Scotiae*, I, 488, 494; BL Cotton MS Nero C VIII, fols. 245r, 261r, 284v; N.B. Lewis, 'The Recruitment and Organisation of a Contract Army, May-November 1337', *BIHR*, 37 (1964), 1-19; Ayton, *Knights and Warhorses*, 176 and n. 198.
- ⁵⁵ Although Jean le Bel records Warwick as being with the king in the Low Countries in 1339, he seems to have been mistaken: Ayton, 'Edward III and the English Aristocracy', 194 n. 115.
- ⁵⁶ Warwick crossed the Channel in 1340: E 101/388/5, m. 13; Norwell, 24, 274; E 101/389/8, mm. 11, 14.
- ⁵⁷ Bel, 78; AC, 12-13; Knighton, 7; Norwell, 238.
- ⁵⁸ *Scalacronica*, 125; Knighton, 5; AC, 13; E 101/20/25, m. 3.
- ⁵⁹ Bel, 78; AC, 12-13; Knighton, 7; Norwell, 310-12, 356.

- ⁶⁰ Baker, 66.
- ⁶¹ AC, 16; Knighton, 29; Bel, 88; Froissart, II, 37-8; Ayton, 'Edward III and the English Aristocracy', 180. Returned to England after the battle of Sluys (24 June).
- ⁶² C 71/17, m. 20.
- ⁶³ E 101/35/3.
- ⁶⁴ Bel, 78.
- ⁶⁵ E 404/490/552; E 36/204, fol. 2r.
- ⁶⁶ Norwell, 331-2; E 404/493/385. Hastings was made earl on 9 October 1339 but continued to receive a banneret's pay.
- ⁶⁷ Joined the king in 1340: Norwell, 326-7, 362; E 101/389/8, mm. 11, 14. Retinue merged with the earl of Northampton in July 1340: Ayton, 'Edward III and the English Aristocracy', 179 n. 36.
- ⁶⁸ *Scalacronica*, 125; Knighton, 5; AC, 13; E 101/20/25, m. 3; E 101/388/5, m. 13.
- ⁶⁹ May have joined the king in 1339: Bel, 78.
- ⁷⁰ AC, 16; Knighton, 29; Bel, 88; Froissart, II, 37-8; E 101/389/8, mm. 11, 15.
- ⁷¹ E 101/68/3/57; E 36/204, fols. 101v, 102r; Knighton, 41; A. King, 'A Good Chance for the Scots? The Recruitment of English Armies for Scotland and the Marches, 1337-1347', in A. King and D. Simpkin (eds), *England and Scotland at War, c. 1296-c. 1513* (Leiden, 2012), 138-40.
- ⁷² Knighton, 41-5; Murimuth, 128-9; *Foedera*, II, Part II, 1,204; E 36/204, fol. 105v; M. Jones, 'Edward III's Captains in Brittany', in W.M. Ormrod (ed.), *England in the Fourteenth Century* (Woodbridge, 1986), 106-7.
- ⁷³ E 36/204, fol. 105v; Avesbury, 342-4; Jones, 'Edward III's Captains in Brittany', 106-7.
- ⁷⁴ E 36/204, fols. 103r, 105v; Fowler, *King's Lieutenant*, 37-8.
- ⁷⁵ *CCR 1343-1346*, 159, 226; *Foedera*, II, Part II, 1,233; C 76/18, m. 12; Knighton, 47; T. Guard, *Chivalry, Kingship and Crusade: The English Experience in the Fourteenth Century* (Woodbridge, 2013), 53-5.
- ⁷⁶ N. Gribit, *Henry of Lancaster's Expedition to Aquitaine, 1345-1346* (Woodbridge, 2016); Fowler, *King's Lieutenant*, 53-74.
- ⁷⁷ E 36/204, fols. 85r, 103r, 105v; Avesbury, 342-4.
- ⁷⁸ E 36/204, fols. 103r, 105v.
- ⁷⁹ E 36/204, fols. 103r, 105v; Froissart, III, 15-21.
- ⁸⁰ *Foedera*, II, Part II, 1,233; C 76/18, m. 12; Guard, *Chivalry, Kingship and Crusade*, 53-5.
- ⁸¹ E 36/204, fols. 101v, 102r; Knighton, 41; King, 'A Good Chance for the Scots', 138-40.
- ⁸² E 36/204, fols. 103r, 105v.
- ⁸³ E 36/204, fols. 103r, 105v.
- ⁸⁴ *Scalacronica*, 135; Gribit, *Henry of Lancaster's Expedition*, esp. 51; Fowler, *King's Lieutenant*, 53-74.
- ⁸⁵ E 36/204, fols. 103r, 105v.
- ⁸⁶ E 101/68/3/60; Gribit, *Henry of Lancaster's Expedition*, esp. 51; Fowler, *King's Lieutenant*, 53-74.
- ⁸⁷ E 36/204, fols. 84v, 104v.
- ⁸⁸ E 36/204, fols. 84v, 104v.
- ⁸⁹ E 36/204, fol. 102v. This entry is troublesome: it is inserted after the entry for Walter Mauny's advance expedition to Brittany and before the entries relating to the earl of Northampton's expedition, which begin on fol. 103r after an empty space for the bottom half of 102v. However, the dates given for Oxford's period of paid service (2 September-21 November 1342) align neither with Mauny's expedition nor with Northampton's but with the king's expedition. Furthermore – and unusually – the pay calculations for both Oxford's men-at-arms and archers are included in the same entry. On close inspection, Oxford's entry also seems to be in slightly different ink and written by a different hand than that directly preceding it (Mauny's). Considering the small size of Oxford's retinue and his previous assimilation into the earl of Northampton's retinue in 1340, an explanation may be as follows: Oxford arrived in Brittany in October with the king and, in November, his retinue merged with Northampton's, which would have suffered casualties at the battle of Morlaix. This merger was not recorded in the payroll, which is heavily abbreviated. After the campaign, towards the end of the accounting process, it was realised that Oxford needed payment for his retinue's pre-merger period of service, and this entry was written into an empty space on fol. 102v.
- ⁹⁰ E 36/204, fols. 103r, 105v.
- ⁹¹ Ayton, 'The English Army at Crécy', appendix 2.
- ⁹² Baker, 95.
- ⁹³ Knighton, 53; Murimuth, 164, 189; *Foedera*, III, Part I, 36, 38-9; E 101/167/5; M. Jones, 'Les Capitaines Anglo-Bretons et les Marches entre la Bretagne et le Poitou de 1342 à 1373', in *Actes du 3e congrès national des sociétés savantes (Poitiers, 1986): section d'histoire médiévale et de philologie*, 1 (Paris, 1988), 359, 362-3.
- ⁹⁴ Ayton, 'The English Army at Crécy', appendix 2.

- ⁹⁵ Baker, 95; E 372/200, rot. 43d.
- ⁹⁶ Ayton, 'The English Army at Crécy', appendix 2. Joined siege of Calais in June 1347: C. Lambert, 'Edward III's Siege of Calais: A Reappraisal', *JMH*, 37 (2011), 253.
- ⁹⁷ E 372/195, rot. 46; E 159/126, rot. 91; E 404/5/32 12 June 24 Edward III; Fowler, *King's Lieutenant*, 84-95.
- ⁹⁸ Baker, 95.
- ⁹⁹ Ayton, 'The English Army at Crécy', appendix 2.
- ¹⁰⁰ Baker, 95.
- ¹⁰¹ Ayton, 'The English Army at Crécy', appendix 2.
- ¹⁰² Murimuth, 199.
- ¹⁰³ Returned to England after the sack of Caen (26 July 1346): Murimuth, 205; Knighton, 59.
- ¹⁰⁴ Baker, 95; E 404/494/318.
- ¹⁰⁵ *The Brut*, II, 538-9; E 404/496/500 (debenture for wages in Gascony, dated 1 February 1347 at Calais).
- ¹⁰⁶ *CPR 1348-1350*, 577.
- ¹⁰⁷ BL Stowe MS 440, fol. 9; C 61/64, mm. 7-6; E 101/26/25; E 372/197, rot. 41d.
- ¹⁰⁸ Ayton, 'The English Army at Crécy', appendix 2. Joined siege of Calais in June 1347: Lambert, 'Edward III's Siege of Calais', 253.
- ¹⁰⁹ *Foedera*, III, Part I, 35; C 76/20, m. 26; E 101/312/13; R. Burls, 'Society, Economy and Lordship in Devon in the Age of the First Two Courtenay Earls, c. 1297-1377' (University of Oxford unpublished DPhil thesis, 2002), 169, 182-3.
- ¹¹⁰ E 101/167/5; E 101/68/3/62, printed in A.E. Prince, 'The Strength of English Armies in the Reign of Edward III', *EHR*, 46 (1931), 370-71; E 101/68/3/65.
- ¹¹¹ Ayton, 'The English Army at Crécy', appendix 2.
- ¹¹² Ayton, 'The English Army at Crécy', appendix 2.
- ¹¹³ *Scalacronica*, 209; Baker, 106; *Foedera*, III, Part I, 264; *Rotuli Scotiae*, I, 761.
- ¹¹⁴ Avesbury, 427-8; *Rotuli Scotiae*, I, 787-8; *Foedera*, III, Part I, 327.
- ¹¹⁵ E 101/393/11, m. 79v.
- ¹¹⁶ F. Trautz, *Die Könige von England und das Reich, 1272-1377* (Heidelberg, 1961), 356-66; Fowler, *King's Lieutenant*, 103-10; Guard, *Chivalry, Kingship and Crusade*, 75.
- ¹¹⁷ Avesbury, 427-8; *Rotuli Scotiae*, I, 787-8.
- ¹¹⁸ Avesbury, 465-8; *Scalacronica*, 149; Froissart, V, 85-7; Fowler, *King's Lieutenant*, 158-71; *Foedera*, III, Part I, 335-6, 359.
- ¹¹⁹ E 101/393/11, m. 79v; Fowler, *King's Lieutenant*, 197-213.
- ¹²⁰ *Scalacronica*, 140; Avesbury, 424; *The Brut*, II, 305; Baker, 122-8; AC, 36; C 61/67; E 403/387, m. 29.
- ¹²¹ E 101/393/11, fol. 79v. Warwick stayed in France until 29 September: E 101/393/11, fol. 87r.
- ¹²² Trautz, *Die Könige von England und das Reich*, 356-66; Fowler, *King's Lieutenant*, 103-10; Guard, *Chivalry, Kingship and Crusade*, 75.
- ¹²³ *Scalacronica*, 140; Avesbury, 424; *The Brut*, II, 305; Baker, 122-8; AC, 36; C 61/67; E 403/387, m. 29.
- ¹²⁴ E 101/393/11, fol. 80r.
- ¹²⁵ Trautz, *Die Könige von England und das Reich*, 356-66; Fowler, *King's Lieutenant*, 103-10; Guard, *Chivalry, Kingship and Crusade*, 75.
- ¹²⁶ *Scalacronica*, 140; Avesbury, 424; *The Brut*, II, 305; Baker, 122-8; AC, 36; C 61/67; E 403/387, m. 29.
- ¹²⁷ E 101/393/11, fol. 80r.
- ¹²⁸ Avesbury, 427-8; *Rotuli Scotiae*, I, 787-8.
- ¹²⁹ E 101/393/11, fol. 80v.
- ¹³⁰ *Scalacronica*, 140; Avesbury, 424; *The Brut*, II, 305; Baker, 122-8; AC, 36; C 61/67; E 403/387, m. 29.
- ¹³¹ Absent from the payroll but arrived part-way through the campaign.
- ¹³² Avesbury, 427-8; *Rotuli Scotiae*, I, 787-8.
- ¹³³ *Scalacronica*, 171, 175; Froissart, V, 199; E 101/393/11, fol. 79v.

Appendix 2: Comital Retinues, 1334-60

The following tables show peak retinue sizes for earls on campaign, where adequate sources (either payrolls or accounts based on payrolls) have survived. Retinues for bannerets who later became earls are included to enable comparison across their earlier and later careers. It should be emphasised that these tables record *peak* retinues: fluctuation occurred over the course of a campaign, although these fluctuations are often not revealed by the payrolls. Particularly large fluctuations (where recorded) have been noted in the footnotes.

Scotland, Winter Campaign 1334-35

Source: BL Cotton MS Nero C VIII, fols. 234-47r, 252r-63v (Scottish Expeditions, 1334-38).

Captains contracted to serve for a quarter year, usually receiving £100 per 20 men-at-arms.

Table 2.1.

	Men-at-arms	Mounted Archers	Total
Henry of Grosmont ¹	60	100	160
John de Vere, earl of Oxford	28	12	40
John of Eltham, earl of Cornwall	100	40	140
John Warenne, earl of Surrey ²	40	40	80
Richard, earl of Arundel	80	70	150
Thomas Beauchamp, earl of Warwick	40	40	80
William Bohun	?	60	-
Total (comital retinues only: not inc. bannerets)			650

¹ Acting on behalf of the earl of Lancaster and therefore counted as an earl.

² Paid at a lower rate of 100 marks per 20 men-at-arms.

Scotland, Summer Campaign, 1335

Source: BL Cotton MS Nero C VIII, fols. 234-47r, 252r-63v (Scottish Expeditions, 1334-38).

Table 2.2.

	Earls	Bannerets	Knights	Esquires	Mounted Archers	Total
Henry of Grosmont ³	0	2 (including himself)	19	92	⁴	113
John Bohun, earl of Hereford	1	3	21	110	29	164
John of Eltham, earl of Cornwall	1	3	-	131	⁵	135
John Warenne, earl of Surrey	⁶	6	47	187	24	266
Richard, earl of Arundel	1	1	20	84	24	130
Thomas Beauchamp, earl of Warwick	1	2	17	72	24	116
William Bohun	0	1 (himself)	5	37	30	73
Robert Ufford	0	1 (himself)	10	32	-	43
Hugh Audley	0	3 (including himself)	18	89	56	166
William Clinton	0	1 (himself)	4	61	40	106
William Montagu	0	2 (including himself)	24	154	136, plus 60 Welsh foot	376
Total (comital retinues only: not inc. bannerets)						924

³ Acting on behalf of the earl of Lancaster and therefore counted as an earl.

⁴ None recorded but Grosmont may have retained a 'felons company' of archers, as the earl of Cornwall did during this expedition: A. Ayton, *Knights and Warhorses: Military Service and the English Aristocracy* (Woodbridge, 1994), 146 n. 39.

⁵ Ayton, *Knights and Warhorses*, 146 n. 39: it appears that Eltham may have campaigned with a 'felons company' of at least 51 archers, serving at their own expense.

⁶ The earl of Oxford was retained by Warenne: see above, 179.

Scotland, Summer Campaign, 1336

Source: BL Cotton MS Nero C VIII, fols. 234-47r, 252r-63v (Scottish Expeditions, 1334-38).

Table 2.3.

	Earls	Bannerets	Knights	Esquires	Mounted Archers	Total
Henry of Grosmont ⁷	0	2	16	82	70	170
John de Vere, earl of Oxford	1	0	5	14	-	20
John of Eltham, earl of Cornwall	1	2	14	68	-	85
Thomas Beauchamp, earl of Warwick	1	2	9	62	40	114
Richard, earl of Arundel ⁸	1	1	13	35	13	63
William Montagu ⁹	0	1 (himself)	10	47	-	58
Robert Ufford ¹⁰	0	1 (himself)	10	36	-	47
William Bohun	0	1 (himself)	8	34	-	43
Total (comital retinues only: not inc. bannerets)						452 ¹¹

⁷ Acting on behalf of the earl of Lancaster and therefore counted as an earl.

⁸ Arundel's retinue consisted of himself, no bannerets, 3 knights and 6 men-at-arms from 14 October until the last day of the month, when a banneret, 10 knights and 39 men-at-arms joined him.

⁹ Montagu's retinue fluctuated wildly in size, since he accompanied the king on his dash to Perth accompanied by only a handful of men: BL Cotton MS Nero C VIII, fol. 241r.

¹⁰ For the same reason as Montagu's retinue, Ufford's was subject to a great deal of fluctuation in size: see above n. and BL Cotton MS Nero C VIII, fol. 241r.

¹¹ Probably c. 500 if archers had been included for all retinues.

Scotland, Spring-Summer 1337: Warwick's Captaincy

Source: BL Cotton MS Nero C VIII, fol. 245r.

NB: the following table contains information for Warwick's personal retinue only, not the size of his army. This is followed in this appendix when applicable, e.g. Northampton's expedition to Brittany in 1342 and Grosmont's campaign in Aquitaine in 1345.

Table 2.4.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Thomas Beauchamp, earl of Warwick ¹²	1	4	16	96	173	290
Total						290

¹² This table gives Warwick's largest retinue: as was stipulated in the arrangements for the campaign, he bought a smaller retinue (himself, 1 banneret, 7 knights and 54 men-at-arms) for the first month of service (7 May-1 June). On 7 June, he was joined by another 3 bannerets, 9 knights and 42 men-at-arms which, together with his original force, makes up his full retinue. See BL Cotton MS Nero C VIII, fol. 245r and N.B. Lewis, 'The Recruitment and Organisation of a Contract Army, May-November 1337', *BIHR*, 37 (1964), esp. 12 n. 1, appendices I and II.

Dunbar Campaign, Scotland, 1337-38

Source: E 101/20/25; E 101/388/5, mm. 12-17.

Table 2.5.

	Earls	Bannerets	Knights	Esquires	Archers	Total
William Montagu, earl of Salisbury ¹³	1	1	24	119	30, plus 50 Welshmen	225
Richard FitzAlan, earl of Arundel ¹⁴	1	1	14	58	-	74
Hugh Audley, earl of Gloucester ¹⁵	1	2	19	72	-	94
Total						393 ¹⁶

¹³ Salisbury's retinue experienced a degree of fluctuation between 7 December – 23 June but remained relatively stable from shortly before the army crossed in to Scotland (13 January) until June. The given numbers represent his retinue at its largest point (29 January-22 April).

¹⁴ Arundel was not included in Weston's payroll (E 101/20/25, m. 3) but was included in Beche's counter-roll of foreign expenses (E 101/388/5, m. 13).

¹⁵ There is a slight discrepancy concerning Gloucester's retinue between Weston's payroll (E 101/20/25, m. 3) and Beche's counter-roll of foreign expenses (E 101/388/5, m. 13) regarding the rank of two of his men: the former gives a figure of 19 knights and 70 men-at-arms, the latter 17 knights and 72 men-at-arms.

¹⁶ Probably c. 450 if archers had been included.

Low Countries, 1338-39

Source: Norwell, 352-62.

Table 2.6.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Henry of Grosmont, earl of Derby ¹⁷	1	2	23	68	50	144
Robert Ufford, earl of Suffolk	1	1	12	42	¹⁸	56
William Montagu, earl of Salisbury	1	1	21	101	50	174
William Bohun, earl of Northampton ¹⁹	1	1	15	73	50	140
Laurence Hastings	0	1 (himself)	0	3	0	4
Total (comital retinues only: not inc. bannerets)						514

¹⁷ Grosmont's retinue for the majority of this campaign was smaller (himself, 2 bannerets, 16 knights and 52 men-at-arms from 12 July 1338-23 October 1339). The tabulated retinue served with Grosmont from 23 October – 16 November 1339.

¹⁸ Not included in the payroll.

¹⁹ For the majority of this campaign (22 July 1338-28 July 1339), Northampton served with a retinue almost identical to the one tabulated, but which contained one less knight. The retinue given in the table served from 28 July 1339-14 October 1339.

*Sluys-Tournai Campaign, 1340*²⁰

Source: E 101/389/8, mm. 11-16.

Table 2.7.

	Earls	Bannerets	Knights	Esquires	Archers	Total
John de Vere, earl of Oxford ²¹	1	1	10	18	12	42
Thomas Beauchamp, earl of Warwick	1	1	12	36	20	70
Henry of Grosmont, earl of Derby	1	4	28	83	63	179
Hugh Audley, earl of Gloucester	1	3	15	52	50	121
William Bohun, earl of Northampton ²²	2	5	32	87	12	138
Total						550

²⁰ Note that the earls of Arundel and Huntingdon also fought at Sluys but are absent from the payroll, because they returned to England to work on the domestic council rather than continued on with the king to the siege of Tournai.

²¹ The tabulated retinue served from 28 May – 9 July, on which day Oxford's retinue was subsumed into the earl of Northampton's. Before this period, Oxford had served with 0 bannerets, 2 knights, 9 men-at-arms and 12 archers from 29 March – 26 May 1340.

²² The earl of Oxford himself was absent for 33 days, along with 2 bannerets, 12 knights and 39 men-at-arms for 35 days.

Scotland, 1341-42

Source: E 36/204, fols. 102r-110v; Ayton, *Knights and Warhorses*, appendix 2 (Brittany and Scotland, 1341-43).

Table 2.8.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Henry of Grosmont, earl of Derby	1	7	44	144	-	196
William Bohun, earl of Northampton ²³						120?
Ralph, baron Stafford	0	1 (himself)	12	28	-	41
Total (comital retinues only: not inc. bannerets)						316? ²⁴

Brittany, 1342: Northampton's Expedition

Advance force which arrived in the duchy in August, and which joined the king's army in late October.

Source: E 36/204, fols. 102r-110v; Ayton, *Knights and Warhorses*, appendix 2 (Brittany and Scotland, 1341-43).

Table 2.9.

	Earls	Bannerets	Knights	Esquires	Archers	Total
William Bohun, earl of Northampton	1	6	52	141	310	510
Hugh Courtenay, earl of Devon	1	1	10	44	50	106
Ralph, baron Stafford	0	1 (himself)	21	51	76	149
Total (comital retinues only: not inc. bannerets)						616

²³ The earl of Northampton was ordered to come to Scotland in December 1341 with 120 men-at-arms and archers. He received payments for an unspecified retinue: E 403/322, m. 12.

²⁴ Excludes Grosmont's archers, omitted from this payroll, and includes Northampton's hypothetical retinue.

Brittany, 1342: The King's Expedition

Arrived in the Duchy in late October and joined with Northampton's forces (see above).

Source: E 36/204, fols. 102r-110v; Ayton, *Knights and Warhorses*, appendix 2 (Brittany and Scotland, 1341-43).

Table 2.10.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Henry of Grosmont, earl of Derby	1	3	37	142	208	391
Hugh Audley, earl of Gloucester	1	1	8	86	80	176
Laurence Hastings, earl of Pembroke	1	2	12	50	100	165
William Montagu, earl of Salisbury	1	2	17	75	80	175
Robert Ufford, earl of Suffolk	1	1	14	40	47	103
Thomas Beauchamp, earl of Warwick	1	2	20	74	116	213
John de Vere, earl of Oxford	1	0	7	26	24	58
Total						1,281

Scotland, Winter 1342

Source: E 36/204, fols. 102r-110v.

Table 2.11.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Richard, earl of Arundel	1	3	18	82	86	190
William Clinton, earl of Huntingdon	1	2	11	67	42	123
Total						313

Aquitaine: 1345

Source: N. Gribit, *Henry of Lancaster's Expedition to Aquitaine, 1345-1346* (Woodbridge, 2016), 51. Checked vs E 372/191, rot. 54d (accounts for Grosmont and Pembroke). Since there is no enrolled account for Ralph Stafford, Gribit has posited a hypothetical retinue based on the retinue he took to Brittany in 1342 and the protections taken out by his men in 1345.

Table 2.12.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Henry of Grosmont, earl of Derby ²⁵	1	8	106	228	269	612
Laurence, earl of Pembroke	1	2	21	56	80	160
Ralph, baron Stafford	0	1 (himself)	16	33	50	100
Total (comital retinues only: not inc. bannerets)						772

²⁵ Grosmont became earl of Lancaster in September 1345.

Brittany, 1345

Payrolls have not survived for this campaign, although it is possible to calculate the size of Thomas Dagworth's force from the indentures he sealed with the earls of Northampton and Oxford before they left to join the king on the Crécy-Calais campaign: see Ayton, *Knights and Warhorses*, 140-41 and A.E. Prince, 'The Strength of English Armies in the Reign of Edward III', *EHR*, 46 (1931), 363-5. However, since the particulars of account have survived for John Che verston, who led a retinue on behalf of the earl of Devon, it is possible to provide accurate figures for at least one of the retinues which landed in Brittany in 1345.

Source: E 101/312/13.

Table 2.13.

	Earls	Bannerets	Knights	Esquires	Archers	Total
William Bohun, earl of Northampton	-	-	-	-	-	-
John de Vere, earl of Oxford	-	-	-	-	-	-
Hugh Courtenay, earl of Devon	0	1	4	17	20	42
Total						42

Crécy-Calais, 1346-47

The original payrolls of Walter Wetwang have not survived but Andrew Ayton has managed a remarkable reconstruction, based on the evidence of transcripts and copies, of retinues in the English army in July/August 1346: A. Ayton, 'The English Army at Crécy', in *The Battle of Crécy*, appendices I and II.

Table 2.14.

	Earls	Bannerets	Knights	Esquires	Mounted Archers	Foot Archers	Total
William Bohun, earl of Northampton	1	2	46	112	141		302
Thomas Beauchamp, earl of Warwick	1	3	64	131	149		348
John de Vere, earl of Oxford	1	1	22	44	63		131
Richard, earl of Arundel	1	3	41	105	154		304
Robert Ufford, earl of Suffolk	1	1	36	58	63		159
William Clinton, earl of Huntingdon ²⁶	1	2	30	98	93		224
Total							1,468

Grosmont in Aquitaine, 1349-50

Source: E 372/195, rot. 46. In addition to the force tabulated below, which actually sailed with Grosmont to Aquitaine on 5 March 1350 and returned on 10 May, 3 bannerets, 31 knights, 84 men-at-arms and 222 archers arrived in Portsmouth on 7 March and remained there until he returned on 10 May: see E 372/195, rot. 46; E 159/126, rot. 91; E 404/5/32 12 June 24 Edward III; K. Fowler, *The King's Lieutenant: Henry of Grosmont, First Duke of Lancaster, 1310-1361* (London, 1969), 89.

Table 2.15.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Henry of Grosmont	1	2	23	54	87	167
Total						167

²⁶ The earl returned home after the sack of Caen on 26 July 1346.

Winchelsea Naval Campaign, 1350

Again, we lack any comprehensive payroll coverage for this engagement, but we do have the enrolled account of the earl of Northampton for the period 11 August – 2 September 1350, detailing sums due to the earl for the battle and for a subsequent expedition to Calais.

Source: E 372/200, rot. 43d.

Table 2.16.

	Earls	Bannerets	Knights	Esquires	Archers	Total
William Bohun, earl of Northampton	1	0	27	65	67	160
Total						160

Gascony, 1352: The Earl of Stafford

Based on Stafford's particulars of account and subsequent enrolled account.

Source: E 101/26/25; E 372/197, rot. 41d.

Table 2.17.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Ralph, earl of Stafford	1	4	25	114	234	378
Total						378

1355-56: Poitiers and Northern France

We lack payrolls for these expeditions. Prince has attempted to calculate the retinues of the Black Prince and those who fought at Poitiers using the *regard* payments recorded in the issue rolls. These may provide an indication of comparative retinue size.

Source: Prince, 'Strength of English Armies', 366-67.

Earl of Warwick: 120 men-at-arms

Earl of Suffolk: 60 men-at-arms

Earl of Salisbury: about 55 men-at-arms

Earl of Oxford: 'is omitted, but may have had a contingent of 60 men-at-arms'.

Reims Campaign, 1359-60

Source: E 101/393/11, fols. 79r-116v.

Table 2.18.

	Earls	Bannerets	Knights	Esquires	Archers	Total
Henry of Grosmont	1 (duke)	6	90	486	423, plus 91 Welsh foot	1,097 ²⁷
Ralph, earl of Stafford	1	3	30	86	120	240
Robert Ufford, earl of Suffolk	1	1	19	40	60	121
Roger Mortimer, earl of March	1	6	61	232	300	600
Thomas Beauchamp, earl of Warwick	1	1	36	82	120	240
William Bohun, earl of Northampton	1	2	29	128	200	360
William Montagu, earl of Salisbury	1	0	15	34	5 ²⁸	55
Total						2,713

²⁷ Not including foreign troops who also served with the duke.

²⁸ Probably a clerical error for 50.

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