

FOUNDATIONS OF  
MEDIEVAL SCHOLARSHIP:  
records edited in honour of  
David Crook

*Edited by  
Paul Brand, All Souls College, Oxford &  
Sean Cunningham, The National Archives*

**The Borthwick Institute**

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**The National Archives**

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Nicholas Vincent aptly describes David as "the leading archivist historian of his generation" and the essays in this volume illustrate a wide range of interests and scholarly output which will continue unabated for as long as his fingers can unfurl a parchment. Paul Brand, Vanessa Carr, Sean Cunningham, Adrian Jobson, Nick Barratt and Aidan Lawes are all past or present members of staff of the Public Record Office, now The National Archives. Maureen Jurkowski, Jonathan Mackman and Helen Watt are editors who have worked closely with David on major projects to open up records of medieval taxation and parliamentary petitions. David Carpenter and Mark Ormrod were academic partners in major projects to calendar and digitise the Fine Rolls of the reign of Henry III and the Ancient Petitions series respectively, combining traditional standards of scholarship with 21<sup>st</sup> century technology to freely open up these records to all. Scott Waugh, Paul Harvey, Marc Morris and Nicholas Vincent are not only scholars of international repute, but friends of a man whose integrity leaves a lasting impression on all who come into contact with him. Several contributors independently describe him, not only as a scholar, but as a man of honour.

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*February 2008*

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# THE ESCHEATOR'S GENERAL INQUEST: THE ENFORCEMENT OF ROYAL LORDSHIP IN THE LATE FOURTEENTH CENTURY

*Scott Waugh*

The return for the inquest held by William Cheyne on 16 June 1370 at Yeovil in Somerset follows the pattern of the escheator's general inquest in the fourteenth century and provides a window onto the scope and content of their work and responsibility.<sup>1</sup> The inquest can be linked, on the one hand, to the articles of the escheator – the set of questions posed to local jurors noted at the beginning of Cheyne's return – and, on the other, to the escheator's accounts rendered at the exchequer. Yet, the escheator's involvement with a particular issue did not end with the inquest. The full impact of the escheator's work, as well as the complications the government encountered in defending the king's feudal prerogatives, become apparent whenever defendants disputed the findings of the jury and the consequent seizures of their property, as Robert de Sambourne did in this case. The inquest was not always definitive and could lead to additional inquests, all in an effort to get to the bottom of a particular allegation and counter-plea. Altogether, the escheators could be highly energetic in tracking down reputed violations of royal prerogative and as a result must have often been regarded by individuals and local communities as a nuisance. And, as this case vividly illustrates, local politics could play as decisive a role in directing the process as the imperatives of royal authority.

The jurors on 16 June reported four different violations by Sambourne, each of which can be linked to a particular article of the escheator's inquest. The first was that Sambourne had acquired from Thomas West, knight, a messuage and a carucate of land at Houndestone, next to Yeovil, which Thomas held of the king in chief by military service for Robert's life without having obtained the king's licence. The alienation had occurred around 1362, and the holding had an annual value of 100s. All of the surviving copies of the different versions of the articles of the escheator have a clause seeking information about alienations of lands held in chief without licence and those clauses were sometimes amplified with references to life grants or grants for a term of years.<sup>2</sup> Secondly, the jurors stated that Sambourne, also in 1362, created a new market (*levatum et usitatum de novo*) at Yeovil held on Saturday, whose tolls and fines were worth one mark a year. The articles sometimes included an inquiry into castles, crenellated or fortified houses, pillories, markets, and other liberties *levatis et usitatis* without licence.<sup>3</sup> The third finding of the inquest related to a chantry founded by Sambourne. The jury claimed that Sambourne had given £20

to support four chaplains to celebrate mass for souls of the king and his ancestors as well as for Robert and his ancestors in perpetuity, but that Robert had withheld the service for six years. The subtraction or concealing of alms due to the king for whatever purpose was a common feature of the articles of the escheator.<sup>4</sup> Finally, the jurors found that Sambourne had appropriated to himself the goods of a felon, Nicholas Redeheved, worth five marks that should have come to the king, echoing articles that enjoined escheators to ask about the goods of felons that ought to have escheated to the king, but that had been usurped by others.<sup>5</sup> The inquest held on 16 June, therefore, covered a range of issues that lay at the heart of the articles of the escheator and of the crown's concern to defend its rights.

Two features of the document demand comment. In the first place, the return was inexpertly or quickly drafted. The scribe has left out the regnal year, the word *terre* from *libratas terre* and two specifying clauses that had to be inserted after lines had been written down. More importantly, the return is not indented. In 1361, heeding complaints in parliament about escheators and their work, the King decreed that all escheators' inquests of office had to be indented between the escheator and the jurors, to help prevent fraud by escheators.<sup>6</sup>

Thereafter, escheators routinely left one indented copy of their inquests, sealed by him, with the jurors and kept the other copy, sealed by the jurors.<sup>7</sup> At the same time, however, there is evidence from these years in Somerset that escheators may have made not only formal, indented copies of an inquest, but a non-indented copy or copies as well. For example, William Cheyne held another general inquest *super quibusdam articulis officio escaetrie tangentibus* at Bridgwater on 4 April 1370, for which there are two returns, one indented, one not.<sup>8</sup> The jurors said that John Nichol of Stringston, Somerset, who had been indicted for divers felonies, held a messuage and curtilage, fifty acres of land, four acres of meadow, and two shillings yearly rent in Stringston, which holding he conveyed after his arrest to another party. He was outlawed on 25 June 1369 at the suit of the King. The premises were held of James Daudelegh by knight-service and were worth 13s. 4d. The two returns are very similar though not identical. They list the same set of jurors in the same order and spell the names the same way. Indeed, all proper names and place names are spelled the same. Seals are attached by strips of parchment to the non-indented copy but not to the indented copy, which appears to have been cut off at the bottom. The texts are generally the same, though the non-indented copy provides a few details not found in the other copy. While the indented copy states that Nichol demised the holding to William and John Bonevyle, the non-indented copy says that it went to Roger Grey. Similarly, on 2 May 1370, Cheyne presided over an inquisition post mortem at Bridgwater into the holdings of Lucy, the widow of Richard Malet, on a writ issued on 18 March.<sup>9</sup> There are two copies of the return, one indented the other not. Once again, the returns are very similar: they list the same set of jurors in the same order and spell their names the same way. The hands of the two returns are similar and neither of them has seals attached. Once again, there are minor differences in the text of the two returns, the non-indented copy leaving out a few terms found in the indented version.<sup>10</sup> The major difference is that the indented return stated that the inquest was held at Bridgwater, while the other said it was held at

# A WORKING DRAFT OF THE STATUTE OF ACTON BURNELL (1283)

*Paul Brand*

A single parchment membrane in the form of a roll, measuring around 190 mm in width and around 600 mm in length and with 59 lines of text currently forms part of the National Archives class of *Exchequer: King's Remembrancer and Treasury of the Receipt: Parliament and Council Proceedings, Series II* under the reference E 175/11/4. It is hardly an impressive document to look at. The lower half of the membrane has been badly damaged, mainly on the right-hand side, so that significant portions of the writing have been lost from line 29 onwards. The membrane has been torn across the middle and it is likely that it was at one stage in two separate pieces which were subsequently reunited by a diligent, but anonymous, archivist, one of David Crook's unsung predecessors.<sup>1</sup> The surface is much stained with gall, making parts of the document difficult to read. Almost half (28) of its 59 lines of text contain deletions and insertions. It is nonetheless, as I will hope to show in this paper, a document of considerable interest and it is one which deserves more attention than it has hitherto received from historians.

## I

The Statute of Acton Burnell was enacted on 12 October 1283 during the course of the parliament held at Shrewsbury and at nearby Acton Burnell, which began at the end of September and continued until October 1283. There is a contemporary official text of the Statute enrolled on the Close Roll.<sup>2</sup> It introduced a system of local statutory registries for the acknowledgment of debts in a limited number of towns and cities; made provision, if the debt was not paid on time, for the immediate sale for the benefit of the creditor (or, in case of difficulty, delivery to that creditor) of the debtor's chattels and devisable burgages within the town or city where the debt had been registered to the value of the debt; made further provision for the subsequent sale or delivery, if necessary, of the debtor's movables elsewhere, though only after prior chancery authorisation; and finally made ultimate provision, if neither of these succeeded, for the imprisonment of an insolvent or recalcitrant debtor until the registered debt was paid by the debtor or his friends. A comparison of the text on this membrane in its final version (taking full account of all its insertions and deletions) with the official text of the Statute of Acton Burnell shows that, as emended, it is virtually identical in all the part of the surviving text that can still be read, and provided allowances are made for the inconsistent vagaries of French orthography, with the official text apart from omitting the Close Roll version's final dating clause, evidently a late addition.<sup>3</sup>



The real interest of this text, however, lies in the evidence which it provides for the existence of an earlier draft version of the Statute, which can still be read or reconstructed by taking out the inserted passages and reinstating the passages which have been deleted. Many of the additions made to the text are little more than cosmetic,<sup>4</sup> or serve to make explicit what was already implicit in the original draft text.<sup>5</sup> They are tributes to a careful reading of the text and an interest in making relatively small changes, but they do not provide evidence for any major rethinking of the provisions of the original draft. It is the deletions and some other related additions which bear witness to the fact that major changes have been made to the text in the course of revision. The legislation as originally drafted evidently envisaged a much more radical process of execution if the debtor was unable or unwilling to pay his debt on the day agreed than that contained in the final Statute. The scheme laid down by the 1283 Statute authorised the seizure and sale or delivery to the creditor of just two kinds of property: the debtor's movables (his chattels) and his devisable burgage property, meaning such houses and other real property within towns as were at the debtor's free post-mortem disposition by will. The draft scheme had, however, envisaged the forcible sale or delivery not just of this special class of real property, which already shared many of the legal characteristics of chattels, but of *all* the debtor's own real property. This was carefully defined as comprising any property which belonged to him as his inheritance or acquisition, and thus excluded any property held only in right of a spouse or for life only.<sup>6</sup> The two different types of debtor's asset were, moreover, made subject to different regimes. It was only movables (chattels) which were to be subject to immediate seizure and sale or delivery to the creditor. In the case of non-movable property, the debtor was to be allowed forty days to make his own sale.<sup>7</sup> During those forty days the mayor or other local official was to advertise through proclamation a compulsory sale, which was to take place later. This was to proceed only if the debtor failed to conclude a private sale within that period. This public sale was to take place within eight days of the end of that initial forty day period. Failing that, the property was to be delivered to the creditor.<sup>8</sup> Something similar was also envisaged in the case of the debtor's assets outside the town or city where the debt had been acknowledged.<sup>9</sup> This meant that the debtor's rural property, as well as his urban property, was to be treated as a financial asset subject to compulsory sale or delivery to his creditor under the original draft scheme. Sale or delivery to the creditor was to be on condition that the new purchaser or the creditor held the property of the debtor's lords for the services customarily performed.<sup>10</sup> Another possibly significant deletion occurs in that part of the draft legislation which explains the rationale for not giving the debtor any remedy against his property being sold or delivered to the creditor for less than they were worth: that the debtor could have sold his goods himself for what they were worth but had failed to do so. The final text simply referred to the possibility of him selling his property before the date for payment of the debt. The draft text included a deleted passage referring to his power to sell his property within forty days of the date of payment.<sup>11</sup> This may just be careless drafting, the draftsman failing to note that the movables were liable to immediate sale; but it may also perhaps mean that under a still earlier draft of the statute than the one we now have the forty day delay had applied to *all*

# THE STRUGGLE TO CONTROL THE PEAK: AN UNKNOWN LETTER PATENT FROM JANUARY 1217

*David Carpenter*

The county, people and places of Derbyshire have always been a major focus of David Crook's academic work. His article on the establishment of the Derbyshire county court, published in *The Derbyshire Archaeological Journal* for 1983, has been followed by eight other papers related to the county, including an influential piece on Derbyshire and 'the English rising of 1381'.<sup>1</sup> This interest has been encouraged and informed by local roots. David grew up in Mansfield on the Nottinghamshire side of the Nottinghamshire-Derbyshire border, his grandmother lived on a farm which was the first building on the Derbyshire side, and when David worked with Nottinghamshire County Council in 1973-4, and for some years afterwards, he went, as he tells me, 'for a monthly walk in the wild and woolly parts of Derbyshire'.

Against this background, I hope it will seem appropriate as a contribution to a volume of essays in David's honour, to offer a paper very much related to those 'wild and woolly' parts of Derbyshire, related that is to the struggle in the early thirteenth century of William de Ferrers, earl of Derby, to secure control of the castle and castlery of the Peak. The story of this struggle has been well told by Peter Golob in his unpublished thesis on the Ferrers earls of Derby, and has also been commented on by J.C. Holt and myself.<sup>2</sup> The justification for looking at the events again is the discovery of a new document, namely a letter patent of January 1217 in which Henry III ordered the knights and free tenants of the castlery to obey William as their lord. This letter has never been noticed before by historians, let alone printed or discussed. It is interesting politically for it supplies a significant new piece in the story of William's struggle, indeed the last documentary piece in its first phase. The letter is also of diplomatic interest since it seems to be the first known product of Henry III's chancery, apart, that is, from the November 1216 version of Magna Carta and the chancery rolls themselves. The letter itself, however, was never enrolled, which is the reason why it has taken the original's recent surfacing to bring its contents to light. In this paper I will discuss the letter's significance and then explore how and why, in the dispute over the Peak, the king put his orders into writing and why, in addition, orders in writing were sometimes sanctioned and strengthened by orders given by word of mouth. I will also offer some reflections on the political morality of the period.

First then the letter itself. This has, in fact, been in my own possession since 2005 when I bought it from John Wilson Manuscripts Ltd, of Cheltenham, long established dealers in autograph letters, historical documents and textual manu-

scripts.<sup>3</sup> The firm itself acquired it in a mixed lot from a private collection at auction. They have no information about who owned the collection or how the letter became part of it. In the letter's right hand corner there is the penciled note '17 Jan 1 Hen 3 (1217)', the date on which it is witnessed by William Marshal. In the left hand corner, the same hand has written, '17 July 1911', conceivably the date when the letter was acquired or listed. On the dorse, also in pencil and apparently contemporaneous with the writing on the front, is the number '387'. It should be said at once that there is no indication that the letter was ever part of any public archive.

Jocular reactions from friends and colleagues to my purchase ranged from suggestions that the letter was a forgery and I had wasted my money to fears that there might now be a spate of thefts to satisfy my demand for such material. The response of David Crook was wholly positive. He vouched at once for the authenticity of the document (which is indeed obvious to any thirteenth-century specialist), rejected the idea that I should lodge it in some public record office, and was only concerned that it be kept in correct conditions, a subject on which I have now taken advice from The National Archives. Just what the history of the letter was in the nearly 800 years between 1217 and 2005 appears at the moment totally obscure. There were, as we will see, good reasons for the Ferrers family to have kept it, and perhaps the central crease and the small holes (about the diameter of a toothpick) which appear in the same place on either of its sides were created when the letter was folded and tied with other documents on a string in the same way as were writs from an eyre. After the forfeiture of Robert de Ferrers, earl of Derby, and the grant of his lands to Edmund of Lancaster in 1266, some of the Ferrers' muniments certainly passed to Edmund, thus contributing to the great Lancaster collection of documents which now resides in The National Archives. If our letter patent followed this course, and the Peak was certainly part of the Lancaster estate, even if not coming directly from the Ferrers, then clearly at some point it managed to escape. On the other hand, many royal charters granted to the Ferrers by John and Henry III, even when bearing on Lancaster possessions, are not now found in the Lancaster archive, and are known only through charter roll copies. They may never have been part of the collection, although it is also possible that they were destroyed during the sacking of Savoy in 1381.<sup>4</sup>

The text of the letter patent, with abbreviations expanded, and modern punctuation but with original capitalization runs as follows:

'H. dei gratia Rex Anglie, Dominus Hibernie, Dux Normannie et Aquitannie, Comes Andegavie Omnibus militibus, Liberis tenentibus et aliis de Castellaria de Pecco Salutem. Mandamus vobis quod dilecto et fideli nostro Willelmo de Ferrariis Comiti Dereby in omnibus tamquam domino vestro sitis intendentes et respondentes. Et in huius rei testimonium has litteras nostras patentes sigillatas sigillo Dilecti et fidelis nostri Comitis W. Marescalli Rectoris nostri et Regni nostri, quia nondum habuimus sigillum, vobis inde mittimus. Teste Eodem Comite apud Oxon' xvii die Ianuarii anno Regni nostri primo.'

# MAPS OF THE WORLD IN THE MEDIEVAL ENGLISH ROYAL WARDROBE

*P.D.A. Harvey*

The encyclopaedic world map developed as a genre in England and northern France in the twelfth and thirteenth centuries. Within its geographical outlines the map contains a great variety of miscellaneous information: appropriately placed pictures and notes describe strange peoples and customs, exotic animals, birds and plants, events from the Bible and from the Alexander romances and so on. A few of these maps survive as illustrations in books; we may reasonably suppose that these were quite unusual and that those we know are a fair sample of what was produced. Others were much larger maps on sheets of parchment or cloth or painted directly on to a wall. The largest known to us was a mural painting in the church of Chalivoy-Milon, near Bourges, which measured some 6 metres square. These large maps were much more vulnerable than those in books, and only one survives intact, the relatively modest Hereford map of about 1300. Probably, though, a significant number were produced, perhaps many dozens. What we know of their contents points to this, but we have some direct evidence. Besides full details of the Ebstorf map, destroyed in 1943, we have relics of others in the form of a draft or cartoon (the Vercelli map), a miniature picture (the Psalter map), small fragments (the Duchy of Cornwall and Aslake maps) and written descriptions.<sup>1</sup> Of some others we know only that they once existed, like the map that was at Waltham Abbey in the mid-thirteenth century or those painted for King Henry III on the walls of Westminster Palace and Winchester Castle.<sup>2</sup> To these we may add probably two maps – perhaps three, just possibly only one – that were in the English royal Wardrobe and Privy Wardrobe in the first half of the fourteenth century.<sup>3</sup>

The Wardrobe originated as part of the king's ever-itinerant household, a collection of chests that travelled with the king, containing money, jewels, plate and other valuables for everyday use. As the source of the king's ready money it was the financial department of the household and was funded by the Exchequer, which from the twelfth century was permanently based at Westminster; however, the Wardrobe became ever more independent and was more directly under the king's control than the Exchequer was. Its operations became so extended, its responsibilities so great, that by the late thirteenth century it had itself found a fixed home: jewels, plate and other valuables were stored in a crypt below the chapter-house at Westminster Abbey. By the early fourteenth century its functions within the king's household had been taken over by the Chamber. This too acquired a repository for the goods, increasingly military, that were entrusted to its care; this was the Privy Ward-

robe in the Tower of London, where it was, indeed, the origin of the Tower armouries. To make the distinction clear the original Wardrobe was often called the Great Wardrobe.<sup>4</sup> The archives of Great Wardrobe and Privy Wardrobe have become more widely dispersed than those of other departments of English medieval government. Many are in The National Archives at Kew, but the series there are far from complete as many documents passed into private hands. Of these, some important records have found their way into the British Library and the library of the Society of Antiquaries of London.

Between 1296 and 1306 at least ten documents from the Great Wardrobe refer to a world map among its treasures. It was acquired before Walter Langton's period of office as Keeper of the Wardrobe ended on 20 November 1295 but it is first mentioned on 8 February 1296 among items in the chests that were travelling with the king's court, then at Peterborough: 'One cloth (*pannus*) given to the king, painted in the form of a map of the world'.<sup>5</sup> Fifteen months later, on 10 May 1297, the map was still – or again – travelling with the king; it was in a list of treasures delivered by one clerk of the Wardrobe to another while the court was at Chudleigh, in Devonshire.<sup>6</sup> From November 1296 to November 1306 it appears in six annual accounts of the Wardrobe (the series is incomplete) in their lists of jewels, plate and other valuables that included books. Each time it is described exactly as in 1296. On the account for 1296–7 it was in a chest with cloths of gold, but the other lists give no location; the change may reflect its move from the king's itinerant household to the Wardrobe's treasury at Westminster.<sup>7</sup> Certainly it was at Westminster when a list of what was there was drawn up at some point in Edward I's twenty-seventh year (20 November 1298 – 19 November 1299), and it was still there in June 1303, when it was among goods recovered after a daring robbery from the crypt below the chapter-house.<sup>8</sup> After 1306 it disappears from view; it does not appear on the next annual account of the Wardrobe to survive, for July 1316 to July 1317,<sup>9</sup> nor in other Wardrobe records from the intervening years. There is no way of knowing what happened to it.

These jejune references tell us more than might appear at first sight. Who gave the map to the king we cannot guess. The items listed alongside it in the earliest list provide no clue; they are quantities of coin, English and foreign, and ten cloths of gold for the king's offerings. However, it was clearly seen as a gift of some value, stored in a chest with cloths of gold and specially mentioned in lists of jewels, plate and the most precious books. We can be certain that it was made of cloth: *pannus* can mean nothing else. That it travelled with the king's court, at least for a year or so, is of great interest. Like the plate and other valuables it will have been brought out on particular occasions to adorn the king's accommodation, a portable version of the maps that the king's father, Henry III, had had painted on the walls at Westminster and Winchester.

The map in the Privy Wardrobe is known to us only from a single document of 1341. This is the account that John Fleet, Keeper of the Privy Wardrobe since 1324, rendered when he left office, setting out what he had received and what he had given out, in cash and in goods, during the past seventeen years. It is a long,

# EDWARD I AND THE KNIGHTS OF THE ROUND TABLE

*Marc Morris*

For most medieval historians, the round table that hangs in the Great Hall at Winchester requires no introduction. A giant disc of solid oak, eighteen feet in diameter and three-quarters of a ton in weight, it has justly been called 'the grandest piece of moveable furniture to have come down to us from the English Middle Ages'. These are the words of Professor Martin Biddle, who in the late 1970s assembled a team of experts and subjected the table to a sustained examination. Thanks to the research of these scholars, many of the intriguing questions that it had provoked down the centuries have now been definitively answered. Expert analysis has confirmed, for example, that it was indeed built to be used as a table, for it was once supported by twelve legs and a central pillar. Similarly, we now know that it was painted for the first time during the reign of Henry VIII.<sup>1</sup>

Most important of all, scientific investigation was able to establish an approximate date for the table's construction. To the disappointment of Arthurian true-believers, it did not turn out to have been made in the fifth or sixth centuries. Rather, it proved to be a creation of the later Middle Ages, as more sober historians had long supposed. Frustratingly though, not all the scientists' results pointed to quite the same conclusion. Radio-carbon (C14) dating suggested that the table was probably built in the first half of the fourteenth century, whereas tree-ring dating (dendrochronology) pointed to the mid to late thirteenth century. The consensus view, however, is that the latter evidence is to be preferred: tree-ring dating offers more accurate results than radio-carbon analysis. It has been established, for example, that the very earliest felling date for some of the trees used in the table's construction was the late 1230s. The only real question that has troubled (and to some degree divided) expert opinion is how much time elapsed between the trees being felled and the table being made. Timber, of course, needs some time to season, but how much did thirteenth-century craftsmen allow? Some modern experts, partly on the basis of the considerable variety of tree-ring dates found within the round table itself, believe that such high-quality wood might have been kept in store for decades. Others, by contrast, think it more likely that in normal circumstances seasoning would last only one or two years. Hence the dendrochronological conclusion has to be expressed in terms of a range, with the earliest construction date for the table lying somewhere between 1250 and 1280.<sup>2</sup>

At this point the historians have taken up the baton. If the table was made in the second half of the thirteenth century, they have argued, then it was much more likely to have been made during the reign of Edward I (1272–1307) than during the reign of his father, Henry III (1216–72).<sup>3</sup> Edward I, as is widely appreciated, was an

Arthurian enthusiast.<sup>4</sup> As king, he sponsored many high profile tournaments, at least two of which were described by contemporaries as 'round tables'. Henry III, on the other hand, displayed no such enthusiasm. While he ruled England tournaments were typically banned by the Crown, and Henry himself is never known to have taken part in one. His devotions were directed not towards King Arthur but towards the very different role-model of Edward the Confessor, a pious and entirely un-martial monarch. Furthermore, historians have pointed out that the written records relating to building and decoration of royal palaces are much fuller for Henry's reign than they are for that of his son. Had the older king commissioned the construction of a great round table at Winchester, we would most likely have some documentary evidence of the fact.<sup>5</sup>

Taken together, therefore, the scientific and historical evidence strongly suggests that the Winchester round table was constructed during the reign of Edward I. Not surprisingly, historians have gone one step further and tried to determine a more precise date by looking more closely at the events of the king's reign. Was there any particular occasion for which the table might have been made?

As Martin Biddle shows in his book on the round table, Edward I was at Winchester on ten occasions in the course of his thirty-five year reign. Some of these could be ruled out fairly easily. Edward, for example, visited Winchester for three or four days during the summer of 1294, but at that point he was struggling to cope with the great crisis caused by the French seizure of Gascony a few weeks earlier: it was no time for Arthurian festivities. Similarly, the king's very long stay at Winchester during the spring of 1306 seems an unlikely candidate, for it was an involuntary sojourn caused by a sudden decline in his health.<sup>6</sup>

Overall, Biddle considered that the round table was more likely a product of the earlier part of Edward's reign than its more fraught second half. There was, moreover, one date which he believed should be preferred above all others, because the king's visit that year coincided with a suitably Arthurian-looking event. Arnold Taylor, the great historian of Edward I's Welsh castles, had combed through the records of the royal wardrobe and discovered several references to a tournament in Winchester at the time of the king's visit in April 1290. For Biddle, this was a fairly compelling reason for assigning the same date to the round table. It was reinforced by the fact that, in the months prior to the tournament, substantial repairs had been carried out at Winchester castle, and also by the fact that 1290 was a momentous year for Edward I in personal terms.<sup>7</sup> As such, April 1290 has established itself as the orthodox date, albeit still expressed in non-absolute terms. To quote from the guide book to Winchester Great Hall:

'Edward held a tournament at Winchester in April 1290 to celebrate the arrangements made for the marriages of his children. This was the climatic moment of his reign, and it was perhaps for this reason that the round table was made, as the focus for a great dinner held in Arthurian dress to mark the culmination of the occasion'.<sup>8</sup>

## THE ROAD TO BOROUGHBIDGE: THE CIVIL WAR OF 1321–2 IN THE ANCIENT PETITIONS<sup>1</sup>

*W.M. Ormrod*

On 25 November 1321 a gang of seven men attacked John Kygge of Grantham at Kinnard's Ferry in north Lincolnshire. Kygge had loaded his ship with £40 worth of herring and other commodities and was en route, via the Trent, to market at Nottingham.<sup>2</sup> The robbers took all his goods and, as John later put it, 'did as they pleased with them'. The episode is, in many senses, utterly unremarkable – just another example of the hundreds upon thousands of incidents of violent crime and petty theft that litter the history of medieval England. In two respects, however, the record of the incident is deeply resonant. First, Kygge's allegation against his attackers labelled them as the men of John Mowbray, 'the king's enemy', and thus located their otherwise routine violation of the king's peace within the extraordinary context of the civil war of 1321–2 between Edward II and a hostile baronial coalition headed by Thomas of Lancaster. Secondly, these special conditions meant that, once the conflict was over, the rebels had been subdued, and Lancaster and his adherents had been put to death in the spring of 1322, Kygge felt that the best way to prosecute his case was not through a trespass suit in the common law courts but by a direct appeal for royal intervention and grace, expressed in the form of a petition submitted to king and council in parliament.<sup>3</sup>

There were many other people in England in 1322 who believed, as Kygge did, that the only way in which they might get resolution of grievances arising from the period of the civil war was by direct petition to the crown. The archival 'footprint' left by this rush of business is very considerable: there are literally hundreds of petitions in the National Archives series 'Ancient Petitions' (SC 8) that recount the issues faced by subjects of the king caught up in the political conflict of 1321–2 and its fraught aftermath. Yet, although a proportion of these documents have long been available in published form, chiefly in the eighteenth-century edition of *Rotuli Parliamentorum*, they have previously been given very little notice in accounts of the violent conflict that culminated in the defeat of Lancaster at the battle of Boroughbridge and his subsequent execution at Pontefract in March 1322. A recent project directed by the present author at the University of York, and funded by the Arts and Humanities Research Council, has for the first time made available detailed, searchable descriptions of the contents of the entire series SC 8 via the National Archives on-line Catalogue. It was another man of Grantham, David Crook, who was instrumental in setting up this project, and what follows represents testimony to his very special talent for research partnership.



## THE WILLS OF GODFREY AND HENRY OF HELHOUGHTON (1270 AND 1274)

*Nicholas Vincent*

David Crook is famed more for his interest in the north Midlands – his habitual stamping grounds of Nottinghamshire, Derbyshire and Lincolnshire – than for any particular concern with the counties of East Anglia. Nonetheless, he may, I hope, construe the edition of documents presented below, relating to the counties of Norfolk and Suffolk, as fit tribute to the leading archivist historian of his generation. To begin with, David has always been fascinated by those reconstructions of thirteenth-century history that employ the microcosm of family or local evidence to throw light on the macrocosm of the economy, society and the law. Secondly, no one has done more than David to reunite the shattered fragments of the documentary past, by bringing together documents or parts of documents that by accident, misfortune or theft have somehow been separated one from another. Furthermore, and not to be forgotten, through his publication of the rolls of the King's courts and Exchequer, and through his listings of such invaluable sources as the thirteenth-century eyre rolls, David has actually published more evidence for East Anglia than many another supposed specialist in East Anglian history.

My investigation here began with the discovery of a thirteenth-century Norfolk will: part of a miscellaneous collection of charters and manuscripts collected by Thomas Sydney Blakeney (1903–1976), Honorary Secretary of the Friends of the National Libraries, antiquary, traveller and mountaineer, whose collections were bequeathed to the British Library in 1976 and briefly catalogued in the 1980s.<sup>1</sup> The will in question, devised by a man named Godfrey of Helhoughton and dated 29 October 1270, attracted my notice, in part because I had recently published a much more elaborate Norfolk will, of the late 1250s, devised by the royal servant and escheator William of Wendling,<sup>2</sup> in part because Godfrey of Helhoughton was not listed in Michael Sheehan's standard hand-list of thirteenth-century English wills and as such merited further investigation.<sup>3</sup> On the basis of his will, Godfrey himself seemed to be a relatively minor individual, disposing of only £15 in cash, besides stock and household items. His will nonetheless mentioned an unusually large number of kinsmen and women, promising a worthwhile exercise in family reconstruction. In pursuit of this, my enquiries led me next to Oxford. Sheehan's list of wills, whilst recording nothing of Godfrey of Helhoughton, referred to another unpublished will in the Bodleian Library, this time of a reputedly Suffolk man, named by Sheehan and by the Bodleian catalogue as 'Henry de Heleweton', dated 19 June 1274 and perhaps to be associated in some way with the will of Godfrey of

Helhoughton *alias* 'Helyeton' of 1270.<sup>4</sup> Only when I came to transcribe the Oxford will did the full force of serendipity become apparent. Although disposing in part of land in Suffolk, the Bodleian will of 1274 was in fact that of a man named Henry son of Godfrey of Helhoughton, who held land in both Bury St Edmunds and at Helhoughton in Norfolk. Not only was the Bodleian will that of the son of the man whose will survived in London, but clearly that of a landholder and entrepreneur whose interests and wealth were far greater than those of his father. Whereas Godfrey's will disposed of a mere £15 in cash, that of Henry, Godfrey's son, disposed of more than £40 as well as a much richer and more widely dispersed collection of chattels and household goods, suggesting very considerable wealth.

To find the wills of a father and son, even at a much later date when such documents were enrolled or preserved in probate, would be accounted unusual.<sup>5</sup> To find such wills from as early as the 1270s must be accounted extraordinary indeed. Moreover, this was not the end either of the documentary trail or of the train of coincidence. Although Godfrey and Henry are poorly documented in the central records of royal government, so poorly indeed that I began to despair of making much sense of their wider story, a search in the Norfolk Record Office at Norwich brought to light a more extensive cache of documents relating to the Helhoughton family estate, amongst the richly interesting but poorly catalogued collections of Harry Bradfer-Lawrence (1887-1965), antiquary, brewer and man of mystery.<sup>6</sup> Bradfer-Lawrence, possessor of these Helhoughton deeds, had acquired them by purchase from dealers who themselves had benefited from the dispersal at auction in 1911 and 1924 of large parts of the archive of the Townshend family of Raynham Hall in Norfolk.<sup>7</sup> Blakeney, possessor of the will of Godfrey of Helhoughton later bequeathed to the British Library, was honorary archivist to the Marquess Townshend of Raynham Hall and must be assumed to have bought up parts of the dispersed Townshend archive not acquired by Bradfer-Lawrence, almost certainly as an act of charity rather than theft.<sup>8</sup> Here lies the solution to what might otherwise have seemed an unanswerable conundrum of documentary provenance. The Helhoughton deeds now dispersed between London and Norwich were all once part of the Townshend archive, of which a substantial part still remains at Raynham. Thanks to the forbearance of the present Lord Townshend, I have been able to inspect the deeds and charters still at Raynham, of which a good two dozen are directly related to the property transactions of Godfrey and Henry of Helhoughton.

The will of Henry of Helhoughton, located since at least the mid nineteenth century in the Bodleian Library, apparently enjoyed a different archival history to that of Henry's father, Godfrey, having at some point entered the muniments of the Abbey of Bury St Edmunds, from which various deeds were later salvaged for deposit in Bodley.<sup>9</sup> Serendipity nonetheless had one further trick to play. I have recorded that my interest in Godfrey of Helhoughton's will was first excited as a result of the edition of a more lavish Norfolk will: that of William of Wendling, royal escheator during the 1250s and 60s. Bizarrely, Wendling's will also survived amongst the Bradfer-Lawrence collection at Norwich, although acquired from a different source from the Helhoughton deeds dispersed from Raynham Hall.<sup>10</sup> More bizarrely

# PUBLISHING THE PUBLIC RECORDS: 1800–2007

Aidan Lawes

*'Now is the time for the universal diffusion of the blessings of knowledge'*

Dr George Birkbeck

Birkbeck's words from the early nineteenth century seem peculiarly appropriate to the early twenty first century when optimists would have us believe the world-wide web promises the fulfilment of that vision. Two hundred years ago, it was print that seemed to offer the mechanism of universal delivery and that was how the Public Record Office first sought to open up its treasury of historical documents to the world. Publication of the public records has been a core function of the Public Record Office (PRO), now The National Archives (TNA), and its predecessors for over two centuries and was defined as such in the Public Records Act of 1958, which stated that the Keeper of Public Records could 'compile and make available indexes and guides to, and calendars and texts of, the records in the Public Record Office.'<sup>1</sup>

Surveying the office's record of publication in 1961, the historian G D Ramsay made the claim that 'probably no country in the world possesses ... such a magnificent and complete series of records for the elucidation of its history as this small kingdom ... Their significance lies above all in the fact that the community whose activities they chronicle played a foremost part in the growth of western civilisation – not only in its political and commercial expansion but also in its administrative, legal and constitutional practices, in its industrial techniques and in the universal diffusion of its language'.<sup>2</sup>

Government-sponsored record publication predates the PRO's establishment and can be traced back to the early eighteenth century *Foedera*, a compilation of sources of primarily diplomatic interest by Thomas Rymer, grandly named Historiographer Royal. Later in the century 'record-type' editions of the Rolls of Parliament and Domesday Book were published.<sup>3</sup>

Following the recommendation of the first Parliamentary Record Commission in 1800 that 'a most essential measure would be to print some of the principal calendars and indexes and such original unpublished records as are the most important in their Nature and most perfect in their kind',<sup>4</sup> six successive Commissions, with the support of a powerful political advocate in the speaker of the House of Commons, Charles Abbot, published over sixty folio volumes and thirty octavos of record material, including *Statutes of the Realm*, Palgrave's *Parliamentary Writs* and

*Ancient Kalendars, Valor Ecclesiasticus, Proceedings and Ordinances of the Privy Council*, a new edition of *Foedera, Rotuli Scotiae, Rotuli Litterarum Clausarum, Rotuli Litterarum Patentium, Rotuli Chartarum* and indexes to Inquisitions Post Mortem and Chancery Proceedings. Moreover, a State Paper Commission, first appointed in 1825, published *State Papers of the Reign of Henry VIII* as selected transcripts, eventually running to eleven quarto volumes.

Such was the scale of the enterprise that one witness to the Record Commission of 1836 remarked that an unfathomable sea of print was being substituted for an unfathomable sea of manuscript.<sup>5</sup> Nonetheless, reviewing the achievement, the antiquarian Sir Harris Nicolas claimed that 'It will be obvious that the works published by the Record Commission are of great utility both in a Literary and Legal point of view; that Historical writers cannot proceed properly with their labours without consulting these volumes; and that no library of the slightest pretensions can be considered complete unless it contains them: whilst they are of even greater importance for many inquiries of a Legal, and for all investigations of an Antiquarian description.'<sup>6</sup> Yet the bills were enormous – Nicolas noted editorial costs of £30,000 for the revised edition of *Foedera* and £59,392 for the *Statutes of the Realm*, £2.1 million and £4.16 million respectively at 2006 prices – and unsustainable. In 1912, the Royal Commission on Public Records concluded that 'though these Commissions did much useful work some of their publications were badly edited and some badly planned, while many of them were excessively costly to produce.'<sup>7</sup>

Ultimately the establishment of the PRO in 1838 was to be the most enduring legacy of the Record Commission. Its publications were supplemented by those of the Historical Manuscripts Commission (HMC), founded in 1869 and merged with The National Archives in 2003, which was charged with recording the existence and whereabouts of non-public records of value for the study of British history and published reports on the collections of individuals, families, estates, corporations and other bodies as parliamentary papers, supplemented from 1885 by a series of octavo calendars, such as those of the Cecil papers at Hatfield House (brought to the PRO for the purpose and calendared by its clerks working out of office hours). The *Reports* series eventually ran to 240 volumes but was formally ended in 2004 with the publication of volume five of the *Report on the manuscripts of the late Allan George Finch, Esq., of Burley-on-the-Hill, Rutland*.

The legislation failed, however, to provide for an independent body, linked to but not part of the national archive, dedicated to record publication and dissemination, and that was to eventually to generate a conflict of interest within the competing priorities of an evolving PRO. In the United States, the National Historical Publications and Records Commission (NHPRC), a statutory body affiliated with the National Archives and Records Administration, was established by Congress in 1934 and, according to its website, exists to 'preserve, publish, and encourage the use of documentary sources, created in every medium ranging from quill pen to computer, relating to the history of the United States' and currently (2007) it disburses an annual fund of ten million dollars. The Irish Manuscripts Commission, established in 1928, publishes texts, calendars and lists of primary source materials

# THE IMPACT OF THE LOSS OF NORMANDY ON THE ENGLISH EXCHEQUER: THE PIPE ROLL EVIDENCE

*Nick Barratt*

The impact of the loss of Normandy has been picked over by numerous generations of historians, mainly focusing on the political situation that unfolded on both sides of the Channel after 1204 and, in particular, from 1214 onwards when John's ambitious plans for re-conquest ended in defeat, and eventual disaster back home in England. However, this is a critical period from the perspective of an institutional historian too, given that for the first time in its century-long history, the Exchequer was faced with the demands of a permanently resident monarch. Since it was originally set up by Henry I as a machine of audit to account primarily for royal demesne revenue during his absences on the Continent, and gradually evolved simultaneously into a place of receipt, its officials were largely free to run their own affairs, aside from periods when the King visited and took a personal interest in events. Consequently, this aim of this paper is to investigate the English Exchequer's role as an effective organ of royal government largely free from royal interference and how, as an institution, it adapted to the presence of a resident monarch after 1204.

The starting point for this paper was Bob Stacey's introduction to the 1241–2 receipt rolls, where he addresses the origins of the lower Exchequer of receipt and the development of its relationship with the older Exchequer of audit. Stacey suggested that throughout the reign of Henry I, 'the Exchequer remained an occasion rather than an institution. One could present oneself before the court of the exchequer at two specific times of the year, Easter and Michaelmas; but during the rest of the year, the exchequer *per se* did not exist'.<sup>1</sup> The way we define medieval institutions, particularly with the benefit of hindsight, is an important issue when reliant on the documentation they produced to discern how they operated, and totally relevant to John's actions in England after 1204. By way of context to the main purpose of this paper, the following serves as a quick outline to some of the defining moments in the Exchequer's evolution prior to this date.

It is generally agreed amongst historians that the Exchequer was an early import from Normandy, with evidence to support its existence from 1110. Described in the most basic terms, the Exchequer began life as an expedient means of ensuring that annual revenue from the royal demesne was paid to the King. The collection of income from the *terrae Regis* in each shire was entrusted to the relevant county sheriff, and to make the process easy to administer, the revenue expected from the county was commuted to a fixed sum – the county farm. Twice a year, the sheriff would be

summoned to the Exchequer, first at Easter to proffer half the county farm payment, and then again at Michaelmas to settle the outstanding balance. The Barons of the Exchequer would then examine the accounts of each sheriff via a confrontational audit process played out on the chequered cloth, from which the institution derived its name. In essence, the entire system can be described as a simple yet effective way of managing the royal financial administration by remote control, thus allowing the king to spend time attending to affairs overseas.

Of course, royal finance was not solely dependant on revenue generated from the county farms. Evidence from the 1130 pipe roll demonstrates that Henry I was able to draw upon a wide range of other resources, particularly important given the gradual erosion of the *terrae Regis* through successive land grants made since the Conquest. With the resumption of royal authority under Henry II came the gradual expansion of new lines of revenue in England, particularly the profits of justice. Whilst the King was absent, the English Exchequer took responsibility for the summoning and audit of these royal debts, yet whilst on the continent these incidental lines of revenue were the lifeblood of the itinerant Angevin administration, collected by the royal chamber as Henry II progressed his dominions. Therefore within the Angevin financial machinery, the English and Norman Exchequers were primarily responsible for safeguarding permanent or fixed royal or ducal income, whilst the Chamber was the main method of securing ready money from incidental sources. It is perhaps no wonder that Richard Fitz Nigel, a stickler for tradition, makes clear his irritation in the *Dialogue of the Exchequer* for the new-fangled and inconvenient additions to the shrieval audit, with the consequence that the machinery and records of the Exchequer soon became clogged up with the new material.<sup>2</sup>

Fitz Nigel's treatise is a vital document, not just because of the light it sheds on the practices and procedures of the late twelfth century Exchequer, but also because it demonstrates that the process of institutionalisation was largely complete from a very early date. The *Dialogue* was written only 60 years or so after the Exchequer's inception, yet within that timeframe, the way in which business was conducted had become entrenched. The most significant aspect of the audit process was the creation of written records, most notably the pipe rolls. Documents gave permanency to the Exchequer, as the creation of a recorded memory of past events, to which reference could be made, conferred institutional authority; the Exchequer's powers of distraint could only be effective if its claims could be validated by legal proof. Thus the creation of written records was a vital component in transforming an occasion into an institution. Furthermore, the procedures developed by the Exchequer officials allowed self-government. Repetitive practice allowed the Exchequer to develop codified internal rules and regulations – the laws of the Exchequer – lending stability to the institution from an early stage. The business of the Exchequer year could therefore carry on without need for constant intervention by the Crown, and indeed the institution was able to function fully without the royal presence. The Exchequer's semi-autonomous existence was enhanced by the development of a core of officials, each with specific duties to perform during the course of the year. These are all important reasons why the Exchequer, as an institution, emerged from the loss of centralised authority during Stephen's reign and was able to resume its tradi-

tional functions under Henry II.

The prolonged absences of this most itinerant of the Angevin kings resulted in an increased reliance on the Exchequer for financial management of English revenues; in turn, this was an important factor in the gradual incorporation of the entire process of receipt, traditionally enjoyed by the Treasury at Winchester, into the Exchequer's remit. By 1172 the Exchequer had established a fixed regular meeting place was Westminster, giving a geographical identity to the institution. Indeed, buildings to house Exchequer sessions had been erected at some point prior to 1154, and from 1182 the rolls and tallies of receipt were also permanently housed at Westminster. Put another way, Henry II's Exchequer, as described in the *Dialogue* can, be compared to a person; it had a place to live, a functioning memory and a clearly defined sense of self. Does this sound familiar? Fitz Nigel's comments about Henry's new revenue sources even hint at the personality of a sulky teenager, grumbling about the additional chores given by an absent parent.

If this sketch seems overly long, it simply because it is vitally important to stress that the development of the Exchequer into an institution with its own rules and regulations, and more importantly its own records, was the result of a prolonged, natural process largely free from outside interference, precisely because it was adapted to take charge of the royal financial administration without supervision during the King's absence from England. The absorption of the Treasury had linked the hitherto separate processes of audit and receipt, the creation of a body of officials with precise tasks in a fixed location had given an air of permanence, whilst the creation of records and procedures provided the institution with an air of autonomy.

However, 1193 marked an important turning point in the history of the Exchequer, when Richard's return from captivity dramatically altered the situation. His reign up to this point had already produced something of a wake-up call for the institution; large sections of England had been removed from its jurisdiction through grants of entire counties to Prince John, severely weakening its authority and ability to raise revenue; whilst the financial demands for Richard's ransom placed extraordinary demands on its administrative ability. Sudden increases in business had occurred in the past, notably the death of Aaron of Lincoln and the creation of separate machinery to audit his debts, and the levying and collection of the Saladin Tithe. These short-term situations had been dealt with; however, after 1194 the King posed a new challenge. For the first time in its history, external pressure was applied to the Exchequer to produce a steady supply of money, as Richard's urgent need for cash to fund the defence of Normandy led him to directly exploit English royal revenue through the machinery of the Exchequer. Hubert Walter was dispatched to oversee the administration, and from 1194 to the end of the reign, average annual audited revenue from England was just under £25,000, a figure previously seen on rare occasions, and usually linked to the King's personal presence in England.

After John's accession, the sustained pressure for a regular stream of funds did not abate. The Exchequer continued to cope with these demands, even if contemporary chronicles reflect a growing awareness that English resources were being consistently plundered for the first time since the Conquest. With the loss of Nor-

# ST OSWALD'S PRIORY, NOSTELL V STANLEY: THE COMMON PLEAS OF LANCASTER, THE CROWN, AND THE POLITICS OF THE NORTHWEST IN 1506\*

*Sean Cunningham*

This paper investigates how a usurping king developed and applied strategies to impose the authority of the crown upon a region dominated by the entrenched power of a single family. Henry VII's relationship with the Stanley family was complex. It caused great difficulty for a king determined to secure the Tudor crown, but who was initially also wholly dependent upon the resources of such dominant nobles to achieve that security. The policies and techniques employed by Henry VII to attain a level of control over the leading members of the Stanley family provides a useful insight into how close management of regional systems of administration and justice played a key role in stabilising the Tudor dynasty.

## **The Palatinate of Lancaster**

A major aspect of the common law system that remains understudied is the operation of the king's laws in the palatinates and other permanent liberties. The inception of the palatinate of Lancaster can be dated precisely, unlike the origins of the older palatinate liberties of Durham and Chester, which created strong structures of regional government for border defence. On 6 March 1351, Edward III created the county palatine of Lancaster when his cousin Henry of Grosmont, fourth earl of Lancaster, was made first duke of Lancaster.<sup>1</sup>

The rights given to the duke were principally legal. He had power to appoint judges, to hear criminal cases against the king's laws, and all other pleas between subjects at the common law; he also selected the sheriff, coroners and other local officers. He appointed a chancellor and established his own chancery in the county that issued the original legal writs to start court proceedings, and all other documents needed to rule his county effectively. The King's writ no longer ran; royal writs were directed to the duke or his chancellor, and further documents issued from the palatine chancery to effect their execution. The profits of justice belonged to the new duke. The king no longer had a claim on revenues arising from feudal relationships with his leading subjects such as wardship and marriage of the heirs of tenants in chief. The duke appointed his own escheator to manage these feudal relationships, who accounted to the duke at his Exchequer.

Edward III's grant 'gave the highest possible jurisdictional authority' to Henry of Grosmont.<sup>2</sup> Nevertheless, this was precisely considered patronage. Palatinate au-



thority was a personal gift to Grosmont, and was effective only until his death, which occurred in 1362. Although King Edward's son John of Gaunt succeeded Grosmont (his father-in-law) as duke of Lancaster in that year, he had to wait until 1377 to recover full palatinate rights. Nevertheless, Edward III's grants established the precedent of a separate palatinate of Lancaster that was maintained during Richard II's reign: first under Gaunt, and then when his exiled son Henry of Bolingbroke was allowed to become duke of Lancaster after Gaunt's death at the start of 1399.<sup>3</sup> When Bolingbroke seized the crown as Henry IV in September that year, he informed parliament that he intended to keep his personal estates as duke of Lancaster separate from the other crown lands previously in Richard II's hands.<sup>4</sup>

The administrative division, as seen fully in the compilation around 1402 of the Great Cowcher of the rights and privileges of the duchy,<sup>5</sup> was mirrored in the maintenance of the independent legal authority within the palatinate. Although this simplifies what was a complex arrangement, once the jurisdictions of the duchy and palatinate became enshrined as separate administrative and judicial entities from crown authority elsewhere, Henry IV and subsequent kings were faced with a problem. How was the authority of the monarch as duke of Lancaster to be delegated to ensure that the lands of the duchy were managed effectively, and the legal responsibilities of the duke within the county of Lancaster were upheld firmly?

### **Stanley Success in Representing the Crown in the Palatinate**

The solutions sought within the duchy of Lancaster generally have been the subject of many studies, most recently Helen Castor's comprehensive investigation of the duchy lands and regional politics in the north midlands between 1399 and 1460.<sup>6</sup> Robert Somerville's *History of the Duchy of Lancaster* remains the key work on the national administrative machinery of the duchy and the crown's officers who made it tick.<sup>7</sup> Few works have addressed in detail how the management of the duchy lands in Lancashire – the duke's core estates – and the operation of the palatinate's parallel legal jurisdiction, interacted with, and influenced the local gentry networks in the northwest region.<sup>8</sup> It was this group who found this vast range of potential royal patronage available on their doorstep – a set of almost unique circumstances that warrant deeper investigation of this county community.

The most valuable studies of how the northwest was run have focused on the leading gentry and noble families and the strategies they used to acquire the duchy stewardships and constabships that ensured their influential status. By the time the Yorkist period began in 1461, the principal victors in the competition for regional royal patronage were the Stanley family. Their relentless accumulation of private estates alongside a developing monopoly over royal appointments brought dominance over the majority of tenants in the region, and made the family the primary political force between Cheshire and Westmorland.

The carving out of a regional hegemony was a gradual process during the first half of the fifteenth century as Sir Thomas Stanley brought his family closer to the centre of royal power through service in Ireland from 1431, and as controller of the

# THE ACTION OF AIEL AND THE LATER THIRTEENTH CENTURY EYRE ROLLS

*Adrian Jobson*

During the thirteenth century the 'business of county and feudal courts in judging claims to freehold declined almost to the vanishing point, and their work passed over to the king's court.'<sup>1</sup> One of the new forms that contributed to this process was the action of aiel. This writ allowed any heir whose claims were based on the seisin of a deceased grandparent to litigate for the recovery of their inheritance. Considerable research has focused upon land law, its development and the nature of landholding.<sup>2</sup> Somewhat surprisingly, however, the writ of aiel has received little attention from legal historians. F.W. Maitland in his magisterial work, *The History of English Law before the time of Edward I*, only briefly entered into a discussion on the subject.<sup>3</sup> More recently, both S.F.C. Milsom and J. Hudson described how the scope of the assize of mort d'ancestor was expanded by the creation of supplementary actions including aiel.<sup>4</sup> Rather than aim for a complete analysis of this writ's origins and subsequent development, this study will instead focus primarily upon how the action was used in practice in the general eyre in the second half of the thirteenth century. Following a short commentary on aiel's origins, it will consider the action's prevalence in the surviving eyre rolls of a sample collection of seven counties selected from across the country. Using data extracted from the plea rolls themselves, this study will also undertake a statistical analysis of the disputed tenements. Arguing that those tenements claimed in actions of aiel were mainly small in size, there will be a corresponding examination of the social status of those litigants appearing before the itinerant justices.

When the Assize of Northampton was enacted in 1176, amongst its provisions was a confirmation of an heir's right of succession to his inheritance. 'If any free tenant dies', so stated clause 4, 'let his heirs remain in such seisin of his fee as their father had on the day on which he was alive and dead'.<sup>5</sup> Any heir whose rights had been denied by his lord could now enforce them in the royal courts using a new judicial remedy: the assize of mort d'ancestor. Twelve lawful men would then be summoned to answer on oath whether the ancestor had died 'in fee', if this had occurred since the king's coronation or any other arbitrary limitation period and whether the plaintiff was in fact the heir.<sup>6</sup> If the recognitors answered in the plaintiff's favour, then his lands were swiftly recovered. Only close relatives of the deceased were, however, able to pursue their claims using the assize of mort d'ancestor: sons and daughters, brothers and sisters, nephews and nieces.<sup>7</sup> Over the next sixty years, prospective suitors who were unable to bring the assize because their deceased

ancestor had been a more distant relative called for a widening of the range of ancestors from whom descent could be claimed. Reacting to this consumer driven demand, the Chancery began to make available three new judicial remedies to litigants during the 1230s. Heirs alleging that a great grandparent had been in seisin of the disputed tenement could purchase a writ of *besaiel* while *cosinage* allowed for claims based on the seisin of a kinsman.<sup>8</sup> If the suitor claimed descent from a grandparent, they would need to obtain a writ of *aiel*. Unfortunately, it is not known precisely when *aiel* was introduced but the earliest plea noted so far was brought before the Common Bench in 1239.<sup>9</sup> There was initially some resistance to the introduction of the action. Bracton's notebook records a stated defence of the action while in 1239 the defendant alleged that the writ had been 'purchased against the law and custom of England'.<sup>10</sup> Gradually, however, resistance ceased and *aiel* 'became a permanent addition to the standard property actions available in the king's courts'.<sup>11</sup>

Any historian attempting a statistical analysis quickly finds himself faced with a wide range of methodological pitfalls, each of which could easily undermine the accuracy and value of the figures that he has collected. Identifying a structural framework and creating a set of methodological rules which can be consistently applied to the evidence can, nevertheless, reduce the hazards engendered by the adoption of a statistical approach. The evidence underpinning this study has been extracted from the eyre rolls of a sample group of seven geographically diverse counties. Oxfordshire and Berkshire have been chosen for their proximity to London. Shropshire and Derbyshire represent the midlands while Dorset has been selected from the south-west of the country. The final two counties that will be discussed are situated in the far north-west: Cumberland and Northumberland. Often more than one plea roll has survived for a particular county's visitation. To ensure that the most comprehensive list of a county's pleas is available for analysis, the raw data has been extracted only from the chief justice's roll. If there is no surviving roll of the chief justice, however, the data has been drawn from the *rex roll* instead.<sup>12</sup> This information has been tabulated in Table 1 below, the structure and format for which are loosely based on those published by Michael Clanchy in his edition of the 1248 Berkshire Eyre.<sup>14</sup>

The itinerant justices who visited the seven sample counties between 1241 and 1294 heard a total of 153 actions of *aiel*, the earliest of which date from Oxfordshire's visitation in 1261. Five suits or just over 1 percent were pleaded using the writ of *aiel* before Gilbert of Preston and his fellow justices.<sup>15</sup> When the general eyre returned to Oxfordshire in 1285, its justices heard a total of 297 suits. Of these, ten pleas or 3 percent were actions of *aiel*.<sup>16</sup> Over the intervening twenty-four years, therefore, *aiel* had only slightly consolidated its position in the pantheon of judicial remedies available to the county's litigants. This trend was replicated in plea rolls of the neighbouring county of Berkshire. Of the 219 identifiable suits prosecuted at Reading in 1261, only two claims or 1 percent were pursued using the writ of *aiel*.<sup>17</sup> Twenty-three years later, just twelve suits or 5 percent of the 241 pleas heard by the itinerant justices were pleaded using this action.<sup>18</sup> Oxfordshire and Berkshire shared

# ‘FOR WHOM THE BELL TOLLS’: THE BUILDING OF MORLEY CHURCH TOWER\*

*Maureen Jurkowski*

The Stathum family of Morley, Derbyshire, and their rebellious activities were the subject of two of David Crook’s most important articles. At the time of the Peasants’ Revolt in June 1381, the five sons of Ralph Stathum led a local uprising in which they captured the nearby Lancastrian castle of Horston, and raised the flag of St. George in sympathy with the rebels.<sup>1</sup> There was a specifically anti-Lancastrian focus to the Stathums’ actions: a series of lawsuits reveal that they were then in dispute with John of Gaunt, duke of Lancaster, the chief landowner in the area, and his local retainers. This enmity continued to be felt for many years, and, in January 1400, a few months after the Lancastrian usurpation, the Stathum brothers took part in the revolt of the earls which nearly succeeded in removing Henry IV from the throne.<sup>2</sup>

The Stathums are also notable, however, as patrons of the church of St Matthew, Morley, one of the best-preserved medieval parish churches in the midlands. They rebuilt substantial parts of it and filled it with their tombs and monuments to the extent that it could almost be said to constitute a family mausoleum. Their building activities are proudly recorded in a series of monumental brasses, the earliest of which proclaims that Goditha Stathum, widow of the family patriarch Ralph Stathum (d. 1380), and her son Richard built the church tower in 1403. The archetypal medieval dowager, Goditha was a formidable woman, who, supported by several adult sons, reigned supreme as lady of Morley for 38 years. A frequent litigant in the Court of Common Pleas, one of the lawsuits which she brought there – printed here in the Appendix – sheds considerable light on the process and circumstances of the building of the tower and the Stathums’ role in this endeavour. It reveals, moreover, that its completion was not achieved by the Stathums alone and that there is far more to the story of its construction than what is recorded in the brass.

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The Stathums may have been lords of the manor of Morley, but their lordship in practice was restricted. Originally from Cheshire and descended from the tenth-century barons of Cotentin in Normandy,<sup>3</sup> they were newcomers to both Morley and Derbyshire in the fourteenth century. Ralph, son of Hugh de Stathum of Lymme, Cheshire, acquired the manor of Morley and other lands in Derbyshire by his marriage to Goditha, daughter of Roger de Masci (or Massy) of Sale, Cheshire, probably around 1359, when Morley was settled on the couple in tail male.<sup>4</sup> Goditha’s inher-

itance of this estate was as a descendant of Isolde, one of the three daughters and co-heiresses of its twelfth-century lord, Robert, son of Walter. Isolde's share included the manor of Morley (a member of Robert's large lordship of Weston-on-Trent), and lands in Smalley, Kidsley, Aston-on-Trent and Wilne, but not the park of Morley, which went to Alice, Isolde's eldest sister and her husband Sir William de Verdon, together with the manor of Weston-on-Trent, and lands in Aston, Shardlowe and Wilne.<sup>5</sup>

The abbey of St Werburgh, Chester, had previously owned Weston-on-Trent, by gift of the abbey's founder, Hugh, first earl of Chester, in the late eleventh century. Although the abbey subinfeudated this estate in the twelfth century, it re-acquired as much of it as it could in the next century.<sup>6</sup> Sir William de Verdon sold the park at Morley to the abbot for 20 marks, and his gift was subsequently confirmed and quitclaimed by his son and a number of tenants of Morley, including Gilbert de Masci. The abbey was also granted free passage to their coal mines through the lands of Goditha's ancestor Hugh, son of Hugh de Morley, in Morley and Smalley, and Richard de Morley gave the abbot and his tenants licence to dig and take away marl from his marlpits in Morley, Smalley and Kidsley.<sup>7</sup>

Similarly, the original gift of Earl Hugh had probably included the advowsons of Weston-on-Trent, Aston-on-Trent and Morley. These, too, however, were lost and although the abbey recovered their right of patronage at Morley between 1186 and 1194, when Robert, son of Walter, granted the advowson to the abbot of Chester, the abbot found it necessary to have this right confirmed by Hugh de Morley before a king's justice at Repton in 1275.<sup>8</sup> Although it may have hoped to appropriate its rectorial tithes, the abbey never acquired more than the right to present rectors to the church. In 1396 it procured a licence to appropriate its other two Derbyshire churches of Weston and Aston, but the appropriations were revoked in 1403 following an investigation by the archbishop of Canterbury into the financial irregularities of the abbot of Chester, Henry Sutton.<sup>9</sup> Nevertheless, the abbey retained the advowsons of all three churches until its dissolution.

During Goditha Stathum's tenure of the manor of Morley, therefore, the abbey's rights and privileges throughout Morley and the surrounding villages continued to be much felt. An account rendered by the abbot's reeve in 1401–2 and a rental of the same year record that Goditha Stathum paid the abbot an annual rent of 13s. for the manor of Morley. From other tenants the abbot received a free rent of 10s. called 'Abbottesmoole' (perhaps a commutation of the abbot's right to marl), another 10s. for the lease of the pasture and herbage of the lawn in the park, and rents for other pasture lands. The abbey also drew an annual pension of 5s. from the church.<sup>10</sup> It is clear, moreover, that Goditha did not enjoy good relations with Abbot Sutton. In 1397 she sued him in the Common Pleas for a rent of 4s. from her lands in Smalley. The suit continued, unresolved, until at least 1407, and in 1405 she brought a further plea against him for trespass.<sup>11</sup> Another long-running lawsuit was an action for detinue of a box of charters and muniments which Goditha brought against Henry Coton in 1408,<sup>12</sup> who may have been acting as the abbot's agent.<sup>13</sup>

Chester Abbey was not the only religious house, moreover, to hamper the

Stathums' exercise of their lordship at Morley. The Augustinian priory of Breadsall, just a few miles away, also owned land in Morley, and it had been in dispute with the Stathums until the prior gave them a general release in 1393.<sup>14</sup> Moreover, like Chester Abbey, the duchy of Lancaster owned a park at Morley, which became a royal estate in 1399.<sup>15</sup> It may well have been the realities of these limitations on the Stathums' power in Morley that provided the initial impetus for their fervent church-building activities. Certainly their adoption of the arms of the extinct Morley family shows how keen they were to emphasize their lordship.<sup>16</sup>

Probably *c.* 1370, Goditha and her husband Ralph began to build a chapel on the north side of the chancel. It was clearly a private family chapel with its own entrance connected by a raised and enclosed wooden passageway to their manor house.<sup>17</sup> It seems likely that it had been finished by the time that building work on the tower commenced, although Goditha did not procure an episcopal licence for an oratory until 15 September 1405.<sup>18</sup> Two chaplains in Morley were assessed to pay the clerical subsidy on unbeneficed clergy in 1406, one of whom was probably employed by Goditha.<sup>19</sup>

While the Stathums' desire for a private chapel is wholly understandable, the reasons why they built a belfry tower are less evident, although towers and bells seem to have been a particular fascination of the fifteenth-century gentry and can be traced back to the Anglo-Saxon period.<sup>20</sup> As far as we know, towers were not used, as in the Tuscan communes, as lofty perches from which to shower one's enemies with hot oil and missiles, but towers may have had something of a defensive function as strong rooms,<sup>21</sup> and bells played an important role in the religious, social and political life of the English medieval village. In addition to their liturgical and ceremonial uses, the tolling of bells marked out the hours, and discordant bells warned of impending danger, as occurred in Watford in 1419, when Richard Hyde 'pulsavit campanas contrarie' to warn that a neighbour's house was on fire.<sup>22</sup> Bell towers were, moreover, symbols of power and sources of village pride, and would have been a very visible statement of the Stathums' lordship. Added impetus may have been provided by any suspicions that Chester Abbey intended to appropriate the church.<sup>23</sup>

A brass plaque formerly over the south door and main entrance to the church, but now in the floor of the north chancel, states very clearly that Goditha and her son Richard caused it to be built. It bears the date 1403, which has been widely interpreted as the date of both the tower's completion and the brass itself.<sup>24</sup> According to the pedigree drawn up by S.P.H. Stathum, Richard Stathum died *c.* 1403 – ostensibly on the evidence of the brass – although in the text of his article he asserts only that Richard was dead by 1420.<sup>25</sup> Nevertheless, Richard's putative death in 1403 subsequently acquired Pevsner's stamp of authority and has carried the day ever since, leading to the recent suggestion that the tower was constructed as a memorial to him.<sup>26</sup>

In fact, Richard was very much alive in 1403 and for several years after. In 1405 he was left a contingent remainder of his uncle's estate in Cheshire, in 1408 and 1409 he sued debts in the Common Pleas, and in 1413 he was granted a mesuage in Derby, probably as a feoffee.<sup>27</sup> Richard inherited the family's violent pro-

## 'TO THEIRE GRETE HURTE AND FINALL DESTRUCTION': LORD WELLES'S ATTACKS ON SPALDING AND PINCHBECK, 1449–50.

*Jonathan Mackman*

Of all the valuable research and cataloguing projects with which David Crook has been associated during his distinguished career, perhaps the most eagerly awaited by medieval scholars has been that to examine and catalogue the class of Ancient Petitions in series SC 8 at The National Archives. These petitions, presented to the king, his ministers and parliament by people from across the king's dominions, have long been seen as the 'authentic voice' of the king's subjects, giving an insight into the concerns of people from the greatest magnates and churchmen to the lowliest peasants and tradesmen, and containing requests for things as varied as gifts or favours, the restoration of property or compensation for losses, justice or protection from rivals. Each petition, in its own way, tells a story of the lives of the petitioners, providing a window into their world and adding to our understanding of their times in a way unrivalled by other documentary sources. Moreover, where it is possible to place such petitions alongside other surviving documents, such as the records of parliament, chancery, individual manors or the law courts, they also allow us to paint an even more detailed picture, both of specific events and of the people involved.<sup>1</sup>

The petition reproduced here is from the later years of the Ancient Petitions series, and one of the larger and more detailed documents in the class.<sup>2</sup> Written in English, it recounts a series of violent events which occurred in south Lincolnshire during the period between August 1449 and April 1450, clearly as troubled a time in this region as in many other parts of England.<sup>3</sup> Although obviously only giving the story from one point of view, it provides a perfect illustration of the problems of local disorder during the later years of the reign of Henry VI, how minor disputes could escalate in the absence of firm and effective governance from the centre, and the consequences for local people when their lords, rather than keeping such issues in check, instead took an active part in them. In this case, we are extremely fortunate in that the events described in the petition also led to lengthy legal cases in the court of King's Bench, and the plea rolls of that court not only provide valuable context for this petition but also additional details of the events themselves and their aftermath, information lacking for most such petitions. As a result, this case also provides an excellent example of how the common law in this period often signally failed to provide remedy to people troubled by such violence, how the legal system could be manipulated by those with sufficient influence or knowledge to

play the system, and how the inactivity or hostility of local officials could effectively paralyse the administration of justice.

Although not explicitly dated, this petition was evidently presented to the final session of the 1449–50 Parliament, which met in Leicester between April and June 1450, and was addressed to the Commons by four individuals, tenants of the Duchy of Lancaster in the south Lincolnshire villages of Spalding and Pinchbeck; Robert Horner, Thomas Torold, Thomas Sparow, and Alice, the widow of John Ankes.<sup>4</sup> It begins by recounting how, on 12 August 1449, Leo, Lord Welles, together with over 400 people from his lordships of Deeping and Maxey, forcibly entered the bounds of the duchy's lordship and stole goods worth over £20. On 22 November 1449 they returned, entering the fens and destroying the tenants' turves worth £100.<sup>5</sup> The tenants sought redress for these attacks by suing in the duchy bailiff's court, and the bailiff duly attached such goods as were in his jurisdiction. Welles and his associates responded by suing out a writ of replevin to the coroners of Lincolnshire, but since the writ stated that the people of the lordship were in possession of the distrained goods, rather than the bailiff, the coroner was ordered by a writ of *withernam* to distrain further goods from the tenants, this being cloth worth over £20. The tenants were therefore doubly dispossessed, and on the advice of the duchy's counsellors they sued out a writ of *supersedeas*, ordering the Lincolnshire coroners not to make any distraint on Welles's writ and to return any goods taken, and summoning the matter into court in Easter term 1450. According to the petitioners, Welles and his associates refused to obey this, and instead continued their activities in the fens, effectively preventing the duchy tenants from going about their business. Then, on 1 April 1450, Welles again sent over 100 armed men from his castle of Maxey into the duchy's lordship, where they broke down doors, dragged people from their beds and beat them. During this attack, they killed one person, John Ankes, seriously wounded three others, and carried goods worth over 100 marks back to Maxey. With the violence escalating, the duchy tenants complained to the king, and Welles was ordered to appear before the king on 20 April 1450; however, Welles simply ignored this order, and his men continued to harass the tenants. The petitioners ended by requesting that the sheriff of Lincolnshire be instructed to make a proclamation in Deeping ordering twenty-five named people from various places in Lincolnshire and Northamptonshire to appear in King's Bench in Trinity term 1450 to answer their complaints or stand convicted. Procedural notes on the document show that the petition was sent to the lords, where the request was duly granted.

The text of the petition ends at this point, and with many such petitions that would be the end of the story; however, in this case, subsequent events can be followed in the records of King's Bench, where two separate suits appeared over the next three years regarding the death of John Ankes. One was brought in the name of the king following the coroner's inquest into Ankes's death, but this was put in respite pending the outcome of the other suit, an appeal for murder brought by Ankes's widow Alice, one of the original petitioners.<sup>6</sup> In this respect the petition clearly had the desired effect, but subsequent enrolments show that this victory



**WAS WALES ‘A JOY FOR INDIGENT, OR GREEDY,  
ENGLISH KINGS OR LORDS’?  
A RE-EVALUATION OF THE SUBSIDIES GRANTED TO  
RICHARD II IN CARMARTHENSHIRE AND  
CARDIGANSHIRE IN 1393.<sup>1</sup>**

*Helen Watt*

Writing of the decade immediately preceding the rebellion led by Owain Glyn Dwr between 1400 and about 1409, Rees Davies, in his masterly study of that rebellion, gives this striking view of the contribution of Wales to English royal finances. That contribution has also been seen as ‘burdensome and increasingly unpopular’, and judgements such as these appear to mirror the sentiments of a contemporary of the great fourteenth-century Welsh poet, Dafydd ap Gwilym, who claimed that ‘it is avarice to demand taxes’.<sup>2</sup> The implication from these statements is that the financial demands on Wales in the late fourteenth century added to resentment which may have fuelled the fire of the Glyn Dwr rebellion. Prof. Davies identifies the two most important sources of such royal revenue-raising: judicial income and extraordinary subsidies, aids and fines levied on the communities of Wales, both of which saw an increase in the fourteenth century.<sup>3</sup> By re-evaluating the subsidies granted to Richard II in South Wales in 1393, to which the present document relates, it is possible to suggest that the burden of those particular subsidies may have been less severe than previously imagined, and at the same time, to attempt to discover the motives that lay behind their imposition.

The document under consideration is the account of Geoffrey Bluet, under-chamberlain of South Wales, as receiver of subsidies granted to Richard II by the communities of Carmarthenshire and Cardiganshire in 1393.<sup>4</sup> Consisting of a single membrane, the account gives almost as much detail as do particulars of account for fifteenths and tenths of English lay tax collectors in itemising the various communities of taxpayers in the two counties, together with amounts payable both for the entire subsidies (making it possible to calculate the total amount payable by each county) and also for the single collection to which the document relates.<sup>5</sup> This document is just one of the many thousands of records of lay and clerical taxation for England and Wales in The National Archives (TNA) series E 179, long regarded as a rich source for many branches of historical research. Even so, the finding-aids to those records were also known to be neither detailed nor accurate enough to allow users to exploit that source to the full. Therefore, in the early 1990s, former Public

Record Office staff, including David Crook, came together with various academic historians to remedy this problem. The solution was to set up a project to re-examine all the documents in the series and enter thoroughly revised details of each one into a database. Under David's guidance and supervision, this project has succeeded in creating a resource that has revolutionised searching the series, enhanced knowledge of both the documents in particular and taxation in general, and stimulated further research among those records.<sup>6</sup> With David as one of the collaborative authors, the project has also produced the standard guide to lay taxation in England and Wales, and the document under consideration has therefore been chosen to reflect David's deep commitment to and involvement with every aspect of the entire project.<sup>7</sup>

However, the document is not truly representative of that project on two counts; firstly, it was presumably added to series E 179 as E 179/242/61 simply because it refers to 'subsidies', but as the account of a local official, it is now considered to be a stray in that series. It belongs more properly with the Ministers' Accounts in TNA series SC 6, as it appears to have become detached from the account of the chamberlain of South Wales for 1393–4.<sup>8</sup> Secondly, even though it relates to so-called 'subsidies', it is unusual in series E 179 because it was not created for Parliamentary taxation. It is rather the product of the phenomenon described above, that some English monarchs were eager to raise subsidies in parts of their possessions, including Wales, that were not represented in Parliament at the time and therefore not normally included in Parliamentary taxation.<sup>9</sup> Perhaps Strayer and Rudisill, the first to present the document as evidence of subsidies such as these, identified a wider topic for debate. Referring to the document in the context of consent to taxation by communities, they stated: 'It is also interesting to note that the passage of time and the strength of the English example did not bring about greater unity; at the very end of the fourteenth century subsidies in Wales and Ireland were still being granted by local communities'; they thereby highlight royal difficulties in taxing possessions such as parts of Wales simultaneously with England, let alone the marcher lordships which were not under ultimate royal control.<sup>10</sup> Since such levies appear to have been a recurring feature in Wales and the Marches after the Edwardian conquest, it has been suggested that not only were they an addition to the financial burden on the Welsh, but that they also constituted a system of taxation in themselves.<sup>11</sup>

The subsidies in question were payable in equal instalments on 14 September each year between 1393 and 1397 and the document relates specifically to the second instalment due in 1394; perhaps because it has strayed out of context, it has almost always previously been taken in isolation and described as if it related to a subsidy of 1394 or 1394–5, precisely because that is the period covered by the document. It is now possible to put it back into its proper context and although Williams-Jones cites the document as a lay subsidy roll, this is not strictly the case, since it is the account of a local official, subsidiary to one of the Ministers Accounts.<sup>12</sup> By examining other documents among those Ministers' Accounts, it is possible to match the document not only with the chamberlain's account to which it belongs, but also with rolls containing accounts for three of the other four years of the subsidy, prov-

## DAVID CROOK – A MEMOIR

*Vanessa Carr*

Following a degree, masters degree and doctorate from the University of Reading, as well as a diploma in library studies from Queen's University Belfast, David joined the Public Record Office in 1974 as an Assistant Keeper. David then followed the established pattern of progress, and was appointed as Assistant Keeper First Class in 1976, after completion of his training; a process that David himself has described as 'osmosis training'. Throughout his career, he worked mainly in the Medieval Records Department or Team in its various organisational forms, or the Search Department (also later undergoing changes of organisation and title). He was first appointed Head of the Medieval Records Department in 1988, and moved to the Kew office from Chancery Lane only with the closure of the latter in 1996. The result of this career of thirty-three years is one of the finest medieval scholars and archivists of that period, with an encyclopaedic knowledge of the medieval central legal system, its processes and records.

David has been a true successor to the late C. A. F. Meekings, whose mantle he took up in this field; Meekings having retired in 1974. This marks a career devoted to researching and writing material which enhances the knowledge of the record holdings and their administrative background on the one hand; and directly assisting the user of the records to find and interpret relevant material on the other. The National Archives, as the Public Record Office became in 2003, is now the richer because of David's efforts in cataloguing individual records, preparing introductory notes to records series, compiling administrative histories of departments of central government, and the creation of research guides and published handbooks. Often considerable research was required before texts could be prepared. Among other achievements David assessed and analysed all the Plea Rolls prior to 1349 – almost 1000 in number! Particularly notable with regard to cataloguing and introductory notes was his contribution either personally, or as project manager, to the completion of viable catalogue entries and introductory notes to all the series of records held at Chancery Lane, prior to their move to Kew. David managed the legal and financial records team for this project, and a huge amount of work was achieved.

David's contribution to all this knowledge must be viewed alongside his work on sorting and classifying previously unsorted and miscellaneous medieval legal records: a task that often had to precede cataloguing and other editorial and publishing work. Some 850 Court of Common Pleas writ files have been fully catalogued, and 814 further sacks of material decanted, boxed and described. For the Court of King's Bench, 6700 files have now been catalogued. This is an immense achievement by any standard, and demonstrates David's huge capacity for personal

industry. Work on these documents led to an interesting incident on one occasion. Because the writ material is notoriously dirty, it was necessary to work on it fully kitted with brown dustcoat, and facemask with respirator. Seeing David around Chancery Lane, with Mark Norris, an American research student who was assisting him, was something we all got used to. However, the day they both wandered into that seat of serious scholarship, the Round Room, in this gear, created rather a sensation. This apparent invasion from another planet was not what the Round Room reader was generally accustomed to.

No assessment of David's career would be complete without mention of research and publications on the subject of that elusive historical figure, Robin Hood.

What of the individual behind all this? David was a willing sharer of his knowledge with all comers, who quickly learnt to revere this aspect of his character. Unfailingly generous and courteous alike with the newest post-graduate student or the academic of erudition, David dispensed much of his wisdom whilst on duty in the Round Room. Often while colleagues grappled with a tricky enquiry from a reader, the hopeful remark would emerge – "David Crook will know the answer"! Numerous young historians and archivists have reason to be grateful for David's support and guidance: although the initial impression created by both his physical presence and his knowledge could be intimidating. Likewise, he was equally unstinting in his help to colleagues, with advice and support, and praise always eagerly bestowed. He was an invaluable contributor to training programmes, document workshops, and other such initiatives.

David's extensive personal network of academic contacts has always enriched the activities of the Public Record Office and The National Archives. One of the happy results of this has been a number of highly successful academic conferences hosted over the years, many of which he has organised and at which he has often presented papers. He has also been a regular speaker at many prestigious external conferences. Ever a pragmatist, a colleague recalls an occasion when he was required to convey a document urgently to the Tower of London. Having come to work with rolled up sleeves, which he did not feel appropriate to this occasion, he improvised red Treasury tags to do service as cuff links.

In addition, David always showed a real interest in aiding the researches of the genealogist. He has also made a very substantial personal contribution to the local history of the East Midlands generally, and of Derbyshire, his native Nottinghamshire, and his adopted Lincolnshire, in particular. He possesses that happy talent which is an ability to explain clearly at any level, both in written and oral communication, but without 'dumbing down', and in a completely non-elitist manner. His positively evangelising enthusiasm for records, his interest in sharing this passion, and sparking the same enthusiasm in others, led to his involvement in courses teaching palaeography, Latin and diplomatic for the Society of Archivists, and at the University of Keele over a number of years. His patience, kindness, good humour, bolstering of confidence, knowledge and skill at explanation, are remembered with gratitude. Crucially, his perceived mission to open up medieval records to those other than the academic community has been described as 'pioneering social inclusion'.