

Lancashire in the reign of Edward II

Lancashire Gentry, Thomas of Lancaster and the Crown, 1311-1323

Hovedfagsoppgave

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Autumn 2002

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MAP

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Table of Abbreviations:

<i>BIHR</i>	<i>Bulletin of the Institute of Historical Research</i>
<i>Chetham Soc.:</i>	
- <i>OS</i>	<i>Old Series (1842-1882)</i>
- <i>NS</i>	<i>New Series (1883-1847)</i>
- <i>TS</i>	<i>Third Series (1949-present)</i>
<i>DNB</i>	<i>Dictionary of National Biography</i>
<i>EHR</i>	<i>English Historical Review</i>
<i>H-S</i>	<i>Hornyard-Strickland, Bibl. sketches of Members of Parliament</i>
<i>TLCAS</i>	<i>Transactions of the Lancashire and Cheshire Antiquarian Society</i>
<i>LOS</i>	<i>List of Sheriffs for England and Wales from the Earliest Times to AD 1831</i>
<i>P&P</i>	<i>Past and Present</i>
<i>PRO</i>	<i>Public Record Office</i>
<i>PW</i>	<i>Parliamentary Writs</i>
<i>RMP</i>	<i>Return of the Names of Every Member of Parliament</i>
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
<i>Tupling</i>	<i>Tupling, South Lancashire in the reign of Edward II as illustrated by the pleas at Wigan recorded in Coram Rege roll no. 254</i>
<i>VCH</i>	<i>The Victoria History of the County of Lancaster</i>
<i>RSLC</i>	<i>Record Society of Lancashire and Cheshire</i>

Preface:

A few clarifications of terminology should be made before venturing on the main text. The main source of confusion is likely to be the words 'Lancaster' and 'Lancashire'. The following will apply:

The county of Lancashire will consistently be referred to as such, yet in quotations and book titles, the old custom of using 'Lancaster' for the county may occur. In the main text, 'Lancaster' as a geographical term will be used only for the borough or castle of Lancaster, within the county of Lancashire. When the word occurs as a personal name, it can signify one of several persons: Earl Thomas of Lancaster, or one of at least two inhabitants of Lancashire by the name of John Lancaster. It will in most cases be evident from the context whether we are dealing with a magnate or a gentry member, so first names are not always applied; the main problem is associated with the name John Lancaster. This was a fairly common name in the area around this borough, there was a baronial family by the name of Lancaster, where the head of the family was called John at this time, but there was also at least one member of the gentry who carried the same name, and who was prominent in local affairs. In a society with a narrow range of given names, and some highly frequent surnames, the sources can often be misleading, but this represent the hardest case of identification. This should be kept in mind by the reader whenever the name occurs.

Another confusabilia might be the use of the terms 'sheriff' and 'deputy sheriff'. Where this is not clear from the text, the following applies: Earl Thomas of Lancaster held the shrievalty in his capacity of earl from 29 September 1298 to 05 October 1320. During this period he would appoint a local man deputy, to perform, in his place, the day-to-day functions of the sheriff. Since Lancaster was sheriff only in name, the term has not been used for him; whenever either term occurs – and we are within the given time period – it should be taken to mean 'deputy sheriff', which is the accurate title.

Personal names have been modernized as far as possible. The Anglo-Norman preposition 'de' before a surname and the knightly title 'Sir' have in most cases been applied only when a name is mentioned for the first time. For the complete form of the names of frequently occurring individuals, see the appendix in the back (pp. 88-9).

Introduction

This dissertation is meant to be a study of political and constitutional ideas in early-fourteenth-century England. More specifically, the subject will be the gentry community of the county of Lancashire, and their relations with Earl Thomas of Lancaster – the dominant magnate in the region – and with the crown, in the period 1311 to 1323. Through a careful analysis of these associations, I hope to be able to answer some questions concerning certain commonly held contemporary ideas about society; in particular the expectations men had of what constituted good lordship. When we know more about this, it is possible to look at how these expectations were met by Thomas of Lancaster.

For a study of the gentry of Lancashire in the reign of Edward II, the bibliographical material will have to be approached from three different, yet interconnected, angles: periodically, regionally and topically. What has been written on the reign of Edward II, what has been done specifically on the county of Lancashire, and lastly, what studies do we have covering the gentry of early-fourteenth-century England, and their relationship with the powers of national government, represented by the higher nobility and the crown?

When studying the governing classes of late medieval England, the concept of bastard feudalism cannot be avoided. The term, originally coined by Plummer, was picked up and elaborated on by Bishop Stubbs. To the Victorian historian, the foundations laid by King Edward I and his contemporaries, of a representational government under the leadership of the king, was betrayed by later generations. The selfishness and covetousness of the fourteenth century nobility, combined with weak or indulgent kingship, led to the endemic civil unrest and warfare of the fifteenth century.¹

Although Stubbs's followers were in many ways to extend his line of argument, its weaknesses eventually became apparent. The first scholar to provide a comprehensive and satisfactory alternative approach to the political history of the period was K. B. McFarlane. McFarlane stripped bastard feudalism of its negative connotations and presented it simply as an adaptation to changing circumstances by the ruling classes. McFarlane realised through his research that payment for military service was not the key characteristic of bastard feudalism. Since the sums involved were relatively insignificant, one should turn one's attention towards

¹ Charles Plummer (ed.), 'Introduction', in Sir John Fortescue, *The Governance of England*, (Oxford, 1885), p. 15; William Stubbs, *The Constitutional History of England*, (Oxford, 1875).

such concepts as service in return for good favour.² This has remained the consensus ever since; that as the nobility lost their military pre-eminence they compensated for this by taking up a role as intermediaries between the crown and its local officials. Whereas to some, this process is seen as the nobility imposing themselves as parasites on the relationship between the king and his subjects, the common view today is that these magnates took on an important role in the administration of the kingdom, a role that the medieval king simply did not have the resources to fill by his own means.³

Stubbs's mistake, in McFarlane's view, was too exclusive emphasis on the *constitutional* aspect of government. Stubbs and his students had done some impressive work on the institutions of medieval government, but in the process lost sight of the fact that medieval government – or rather governance – was a largely *personal* affair. Believing it was essential to an understanding of the period to understand better the individuals involved in the political process, McFarlane adopted the prosopographical method of Lewis Namier, a historian of the eighteenth century. Using all available sources, he constructed short biographies of the central actors on the political scene, and used these as a basis for political analysis.⁴

McFarlane's contempt for the work of Stubbs and his followers led the focus of his research towards the personal sphere of government. This was a thread picked up by later historians to the degree that kings, officials, magnates and their retinues became the sole focus of historians of the period for a long time to come. One example of this approach is Storey's *End of the House of Lancaster*, where the entire conflict known by posterity as the Wars of the Roses has been reduced to a result of the quarrels between the northern magnate families of Percy and Nevill.⁵ But with this one-sided focus on people and their relationships, an important aspect was lost. McFarlane's focus on personal government was born mostly from his personal interest, but as he willingly admitted himself, every society has a constitution, even if it is not a written one. This constitution is not necessarily only the Stubbsian one of

² G. L. Harriss 'Introduction', in K. B. McFarlane, *England in the Fifteenth Century* (London, 1981), p. xiii, David Crouch, David A. Carpenter, Peter R. Coss, 'Debate: Bastard Feudalism Revised', *Past and Present*, 131 (1991), pp. ?

³ For the former view: P. R. Coss, 'Bastard Feudalism Revised', *Past and Present* 125 (1989); J.G. Bellamy, *Bastard Feudalism and the Law* (Portland, 1989). For the latter: G. L. Harriss, *King, Parliament and Public Finance in Medieval England to 1369* (Oxford, 1975); Christine Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401-1499* (Cambridge, 1992); S. K. Walker, *The Lancastrian Affinity 1361-99* (Oxford, 1990); John Watts, *Henry VI and the Politics of Kingship*, (Cambridge, 1996); Helen Castor, *The King, the Crown, and the Duchy of Lancaster*, (Oxford, 2000).

⁴ Christine Carpenter, 'Political and Constitutional History: Before and After McFarlane' in R. H. Britnell and A. J. Pollard (eds.), *The McFarlane Legacy, Studies in Late Medieval Politics and Society* (New York, 1995); Harriss 'Introduction'.

⁵ R. L. Storey, *The End of the House of Lancaster* (London, 1966).

laws and institutions, but can be understood in a wider sense as the whole sphere of ideas – written or unwritten, explicit or implicit – held by members of a society, about how that society should be governed.⁶

This new kind of constitutional history can be found in the writings of Harriss, C. Carpenter, Powell, Watts, Castor and others.⁷ When we expand our understanding of what is ‘constitutional’, we also get a better understanding of how bastard feudal society worked. As power was delegated to private agents, a shared understanding of how that power should be applied put restrictions on the actions of these agents. One example of this can be seen in John Watts’s *Henry VI*. Watts shows how the nullity of Henry VI was not taken as an excuse by rapacious magnates to advance their own interests. Rather, the greater men of the country reacted with confusion as leadership was no longer emanating from the crown as it should, and only when the situation seems utterly beyond any amelioration, did they resort to violence and usurpation.⁸ Other works, such as Carpenter’s *Locality and Polity*, has used local studies to illuminate ‘constitutional’ issues. By describing how the crown dealt with local society, and the local gentry’s expectation of the central administration, these works have given us a better impression of the prevalent ideas of government.⁹

How does all this relate to the reign of Edward II? Unfortunately, modern scholarship on this reign is scarce, and restricts itself mostly to two surges of publication in the 1910s and the 1970s. Yet the period is a vastly important one. Even though the origin of bastard feudalism cannot be pinpointed exactly – its roots can be traced back as far as the twelfth century – there is no doubt that the period of the late thirteenth to early fourteenth century was important in the process. This period was also a watershed in matters of justice, politics and administration, as well as local affairs.¹⁰ More specifically, the years from about 1310 to 1322 were marked by the conflict between Edward II and his mightiest subject, Earl Thomas of Lancaster. This conflict, caused by a combination of conflicting personalities, inflated egos and incompatible ideas of government, has been the subject of much historical debate.

To Stubbs it was in the struggle between the incompetent King Edward and the selfish Thomas of Lancaster that the descent from the glorious days of Edward’s father, Edward I,

⁶C. Carpenter, *Locality and Polity*, pp. 5-6; McFarlane, *England*, p. 232.

⁷G. L. Harriss ‘The Dimensions of Politics’, pp. 1-20, in *McFarlane Legacy; Henry V*; C. Carpenter, ‘Political and Constitutional History’, in *McFarlane Legacy*; ‘Conclusion’ in *The Wars of the Roses* (Cambridge, 1997), pp. 252-68; *Locality and Polity*; ‘The Beauchamp Affinity: A Study of Bastard Feudalism at Work’, *EHR*, Vol. 95 (1980); Edward Powell, *Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989); Watts, *Henry VI*; Helen Castor, *King*, etc.

⁸Watts, *Henry VI*.

⁹Carpenter, *Locality and Polity*.

¹⁰Coss ‘Bastard Feudalism Revisited’; Carpenter, Coss and Crouch: ‘Debate’, pp. 165-303.

started. It took the extensive work of Stubbs's descendants to qualify this view. Tout published his findings in 1913, while his colleague Conway Davies was unfortunate in releasing a work with largely similar conclusions only five years later. In Tout's view, Edward I was leading the country towards despotism, but his 'weak and feckless son' avoided this.¹¹ Instead, the Despensers' reorganisation of the household secured the continuation of the process towards constitutional government started under the last king. Conway Davies, using somewhat different sources and taking a more radical approach than his colleague, reached much of the same conclusions. Neither one found much to commend in the political leaders of the period (one exception was the Earl of Pembroke),¹² yet both agreed that it was in the reign of Edward II that the central administration – particularly the part of it centred around the person of the king – reached such a level of sophistication that not even the struggles between the king and the magnates could seriously interrupt its work, and therefore the barons failed in their attempt to take control of it.¹³

And this is indeed the underlying assumption behind both of these works; that there existed a consistent baronial opposition trying to wrest control of government from the king, and in this they are still within the Stubbs tradition. This position became untenable after McFarlane had demonstrated the essential concurrence of interest between king and nobility, yet a major revision long remained unwritten (though the new scholarship was reflected in more comprehensive works such as McKisack's contribution to the Oxford English History).¹⁴ Then, in the years between 1970 and 1979, three monographs emerged on different public figures of the reign; Maddicott's on Thomas, earl of Lancaster, Phillips's on Aymer de Valence, earl of Pembroke, and Fryde's on the king under the Despenser ascendancy.¹⁵ Differences apart, these three works all make the same basic point: the 'baronial opposition' was nothing but a modern, anachronistic construct. Yet what these books all have in common is a typical 'post-McFarlane' approach: a too one-sided focus on personalities, to the detriment of structural, or 'constitutional' issues. A work that combines biographical material of the main personalities of the reign with a deeper understanding of the prevalent ideas of government has yet to be written.

¹¹ T.F. Tout, *The Place of the Reign of Edward II in English History*, (1913), p. 30.

¹² 'The one person in the reign of Edward II who has any claim to attractive features was Aymer de Valence, earl of Pembroke, the king's cousin.' James Conway Davies, *The Baronial Opposition to Edward II: Its Character and Policy: A Study in Administrative History* (London, 1918), p. 110.

¹³ Tout, *Place*; Conway Davies, *Baronial Opposition*.

¹⁴ May McKisack, *The Fourteenth Century: 1307-1399*, (Oxford, 1959).

¹⁵ John Robert Maddicott, *Thomas of Lancaster, 1307-1322, A Study in the Reign of Edward II* (Oxford, 1970); J. R. S. Phillips, *Aymer de Valence, Earl of Pembroke, 1307-1324*, (Oxford: Clarendon Press, 1972); Natalie Fryde, *The Tyranny and Fall of Edward II, 1321-1326*, (Cambridge, 1979).

An important factor in control of society was control of the judicial system. The thirteenth century had seen the breakdown of the itinerant eyre under an unbearable caseload. Different methods of maintaining order in the localities were devised, primarily different sorts of commissions, in the reigns of the first three Edwards, but a satisfactory system was not found until the Keepers of the Peace were transformed into Justices of the Peace during the reign of Edward III. The JPs were of the gentry, and came from the locality rather than the central courts.¹⁶

The pioneering work on this subject was written by Bertha H. Putnam in the 1920s and 30s.¹⁷ Putnam saw this devolution of control as the result of a struggle for power between the crown and the gentry. This is a view that has later been somewhat revised, and later historians have argued that this devolution was not absolute, and that it was rather one of experimentation than a deliberate action. Still, it remains undisputed that local government was going through a turbulent period of transition in the reign of Edward II.¹⁸

If research on this period and subject is inadequate, it is even more so when one limits oneself to the study of one particular county. The documentary material for the county of Lancashire is rich, even before the creation of the palatinate or the duchy, and the Lancashire and Cheshire region has a wealth of historical publishing societies. Yet for the reign of Edward II, there are few valuable analytical works. Of special value to the proposed thesis, are the nineteenth-century antiquarian history by Edward Baines, a complete set of the *Victoria County History* and Hornyold-Strickland's biographical sketches on the members of parliament in the years 1290 to 1550. There is also a recent case study in *Northern History*, by Anthony Musson, on the evolution of justice in Lancashire in the early fourteenth century. Maddicott's *Thomas of Lancaster* (along with his *EHR* article on Lancaster and Robert Holland), and Somerville's *History of the Duchy of Lancaster* are of course also valuable.¹⁹

Still, the most indispensable work by far was done by the Manchester historian G. H. Tupling around mid-century. Tupling made two contributions to the Chetham Society

¹⁶ A. Musson, W. A. Omrod, *The Evolution of English Justice* (Basingstoke: Macmillan, 1999), A. Harding, 'The origins and early history of the Keepers of the Peace', *TRHS*, 5th ser., 10, pp. 85-109; Edward Powell, *Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989).

¹⁷ B. H. Putnam, 'The Transformation of the Keepers of the Peace into the Justices of the Peace, 1327-1380', *Transactions of the Royal Historical Society*, 4th Series, xii (1929).

¹⁸ The most recent revision can be found in Musson and Ormrod, *Evolution*.

¹⁹ Edward Baines, *History of the county palatine and duchy of Lancaster* (London, Paris, New York, 1836); William Farrer, J. Brownbill, (eds.), *The Victoria History of the county of Lancashire*, vol. I-VIII (London, 1906-14); Henry Hornyold-Strickland, *Bibliographical Sketches of the Members of Parliament of Lancashire, 1290-1550* (Chetham Society, NS 93, 1935); A. Musson, 'Peacekeeping in Early-fourteenth century Lancashire', *Northern History*, xxxiv (1998), pp. 41-50; Maddicott, *Thomas of Lancaster*; 'Thomas of Lancaster and Sir Robert Holland: a study in noble patronage', *EHR*, vol. 86 (1971), 449-472; Somerville, R., *History of the Duchy of Lancaster, vol. I, 1285-1603*, (London, 1953).

publications on the subject, one on the royal and seigniorial bailiffs, and one entitled *South Lancashire in the reign of Edward II*.²⁰ This work is primarily a printed source: the *Coram Rege* roll no. 254 originated from the royal inquisition at Wigan in 1323.²¹ Held in the wake of Lancasters' defeat to the king's forces at Boroughbridge in 1322, the inquisition was a response to the constant complaints made to the crown of lawlessness and abuse of power. The main focus of the court was the great rebellion of 1315, where Adam Banaster and his associates rose up against Lancaster and his protégé, Robert Holland. It also deals with the ensuing feud, and with those involved in the treason of the Earl of Carlisle, Andrew de Harclay, who negotiated a separate truce with the Scots early in 1323. In addition to the document itself, Tupling's introduction gives a thorough analysis of the source, setting it in the context of the events of the preceding years. In its treatment of the conflicts of the period and the people involved in them, the book is a virtual *Who's Who* of early-fourteenth-century Lancashire. Yet it must be used with caution, for as a legal document it deals most extensively with those most frequently involved in legal or criminal conflicts.

Even the impressive work of Tupling far from exhausted the subject, and a comprehensive study of the gentry community of Lancashire in the early fourteenth century remains unwritten. But, apart from complementing the existing library of local history, what are the possible fruits of a study of this kind? For different reasons, a study of Lancashire might serve well to enhance our general understanding of the period in general. As already mentioned, the source material for this county is rich. Furthermore, Lancashire enjoys a special position among the English counties in many ways. The period in question encompasses both royal and noble control, peace and foreign invasion, relative harmony and internal conflict. First and foremost, however, the dominant position of earl Thomas makes Lancashire interesting. How did he use his position, and how did he influence local society?

For a certain unity, it will be convenient to limit the time frame to the period between the drafting of the Ordinances and the fall of Lancaster.²² The years of Edward's reign preceding this were dominated by relative consensus, while after Boroughbridge we enter into the Despenser supremacy.

The main historical document for this project will be the *Coram Rege* roll 254. Tupling's treatment of this source was both thorough and scholarly, but on a few points there

²⁰ G. H. Tupling, *South Lancashire in the reign of Edward II as illustrated by the pleas at Wigan recorded in Coram Rege roll no. 254*, (Chetham Society, TS 1, 1949); 'The royal and seigniorial bailiffs of Lancashire in the thirteenth and fourteenth centuries', in *Chetham Miscellanies* (Chetham Society, NS 109, 1945).

²¹ The *Coram Rege* Rolls are now classified in the PRO as KB 27.

²² For a short chronology of Lancasters career during this period, see pp. 58-9.

is a need for a revision of his interpretations. First of all, his reading of the sources is somewhat literal. Recent history of medieval justice has focused on the high amount of legal fiction and fabrication.²³ Litigants and juries could have several reasons to present events different than how they had occurred, in some cases we are dealing with formulaic phrases developed through custom and precedent, other cases can be pure fabrications produced to achieve political, economic or other goals. This is a subject to which I will return later on, but it must be kept in mind throughout whenever legal sources are referred to.

Secondly, Tupling's understanding of magnate-gentry relationships belongs to a pre-McFarlane school of thought. In Tupling's view, Lancashire's troubles in the reign of Edward II stem from what he terms 'The Weakness of the Normal County Organization for the Maintenance of Order'.²⁴ By this he intends the dual loyalty between earl and king, experienced by local officers, in particular the sheriff. It is my contention that this dual allegiance was not inherently a source of strife; only under the extraordinary conditions of Edward II's reign did it cause problems.

Lastly, Tupling's *South Lancashire* is primarily a local study. I will attempt to explain events on a local scale based on what was going on in national politics. Since Thomas of Lancaster was central to both, it is only natural to expect that these two spheres would influence each other.

It has been claimed that the fourteenth century was as important as the fifteenth in the development called 'the rise of the gentry', yet we know little of this process in the early part of the century.²⁵ The years 1311-1323 are probably the least understood of the reign, as recent scholarship has been mostly on the Despenser years, Edward II's deposition and the Mortimer regime, yet these years are of vital importance to an understanding of the reign, and the entire period.²⁶ The middle years of Edward II's reign were among the most tumultuous in English history; in addition to the ongoing struggle between the king and some of the country's greatest magnates, England experienced major defeats at the hands of the Scots, as well as a disastrous famine in the years 1315 to 1317. Parallel with this, great changes – changes that had already been under way for a while – were taking place in law, military affairs and the administration of the realm. Under circumstances like these, the gentry class underwent great changes, affecting the power structures of 'bastard feudal' society.

²³ See, for instance, B. W. McLane, 'Changes in the court of King's Bench, 1291-1340: the preliminary view from Lincolnshire', in W. M. Ormrod (ed.), *England in the Fourteenth Century* (Bury St. Edmunds, 1986).

²⁴ Tupling, p. lii.

²⁵ Nigel Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century*, (Oxford, 1981).

²⁶ Fryde, *Edward II*; Claire Valente, 'The deposition and abdication of Edward II' *EHR*, vol. 113 (1998).

This is the process that I hope to be able to shed some light on, by using the methods of local study applied so successfully to the fifteenth century. For sources, in addition to Tupling's printed document I have studied other, unprinted, court rolls from the period, primarily King's Bench and Assizes. I have also looked at the printed calendars of chancery rolls for information on royal appointments, charters etc. As for local sources, the *Lancashire Fines*, edited by William Farrer and printed by the Record Society of Lancashire and Cheshire, have been particularly useful for information on kinship and possession of land, as has of course also the *Victoria County History* for Lancashire.²⁷

Yet, before entering into the main discussion, some general outlines must be made. The following chapter is meant first to give a brief introduction to the county of Lancashire in the early fourteenth century, and secondly to describe the social stratification of the society that existed there, as a background for the selection of subjects I have chosen for my study.

²⁷ PRO, KB 27; PRO, JUST 1; *Calendar of the Charter Rolls Preserved in the Public Record Office [1226-1516]* (1903-1927); *Calendar of the Close Rolls Preserved in the Public Record Office [1272-1399]* (1892-1927); *Calendar of the Fine Rolls Preserved in the Public Record Office [1226-1509]* (1911-1962); *Calendar of the Patent Rolls Preserved in the Public Record Office [1216-1399]* (1891-1916); *VCH*; W. Farrer (ed.), *Lancashire Fines, part II, 1308 to 1377* (RSLC, 41, 1902).

Topography, economy and social structure

The county of Lancashire today suffers from a kind of post-industrial malaise, caused by the loss of its richest and most populous parts. One or two centuries ago, this was the workshop of England – and the world. Going back another few centuries though, to the late middle ages, the situation was very different. According to estimates, Lancashire was the poorest of England's counties in the fourteenth century and, even combined with Cheshire, did not contribute more than about three percent of the country's population.¹

The county of Lancashire in its historic extent contained modern-day Merseyside and Greater Manchester, as well as the northern part of what is now Cheshire, and Furness in the southern Lake District, now part of Cumbria. The county was then divided into six wapentakes (the term wapentakes in place of hundreds shows the Scandinavian influence on the region): West Derby and Salford in the south, covering roughly the area of modern-day Merseyside and Greater Manchester respectively; Leyland, wedged in between those two to the north, Blackburn to the east; Amounderness north of Preston and the Ribble; and Layland in the far north, where the natural centre was the castle and borough of Lancaster.

Lancashire (any reference to Lancashire from this point on will be to the county within its historic boundaries) is roughly speaking divided into three parts: the southern part between the Mersey and the Ribble, from the Ribble to Morecambe bay, and the part beyond Morecambe bay. Southern Lancashire descends from the heathers of the tall Pennine mountains, through the coalfields of the Manchester area, to the western plains. Mining has been going on in these mountains and plains since ancient times, yet the real wealth of southern Lancashire in medieval times, was in its agriculture.² The western plains area, much of it peat bogs that have been drained through the centuries, has some of the best soil in the county. North of the Ribble we find the plain called the Fylde. The mosses here were not reclaimed until modern times, and the inland is dominated by the forest of Bowland. North of Morecambe bay are the peninsulas of Cartmel and Furness. Low Furness is characterised by rich arable land, much of which was held by the wealthy Abbey of Furness. High Furness is better suited as pasture land, and had some of the country's great vaccaries.³

¹ Michael J. Bennett, *Community, Class and Careerism: Cheshire and Lancashire Society in the Age of Sir Gawain and the Green Knight* (Cambridge, 1982), pp. 53-66.

² Maddicott, *Thomas of Lancaster*, pp. 28-9.

³ *ibid.* pp. 29-30; Roy Millward, *Lancashire: An Illustrated Essay on the History of the Landscape* (London, 1955); *VCH*, v. II, pp. 175-260, 351-466; *Encyclopædia Britannica*, vol 13 (Chicago, 1966), pp. 634-7.

This rather lengthy digression into the realm of topography is not completely unwarranted; it can give us some important information about the social structure of the county. First of all, Lancashire was blessed with more natural borders than most English counties. This is the case primarily with the Irish Sea to the west and the Pennines to the east. The Mersey in the south was less insurmountable, and in the north, Morecambe Bay would have been a much more natural boundary than the hills of the Lake District. Yet Lancashire did constitute more or less a geographical unity, which was an enormous advantage for those who aspired to control the whole county.⁴

Secondly, within this unity, there were also natural divides between north and south. The Furness area was relatively isolated from the southern part, with the Fylde in a middle position. The natural divides between these parts would of course have an impact on social relations among the inhabitants. And, lastly, these communities differed in some important aspects. Whereas the southern plains could support a great number of relatively wealthy landowners, the northern parts were more scarcely inhabited, and held fewer landlords. These latter, on the other hand, were all the more powerful, since their properties would extend far into the neighbouring counties of Cumberland and Westmorland, and since they would be strategically important to the crown in their capacities of marcher lords in the fight against the Scots.

Before looking at these landowners, we need to clarify some terms relating to social stratification. The historian of early-fourteenth-century England is faced with great difficulties when dealing with this issue. Had there ever been a tidy feudal hierarchy created by the early Normans, it was certainly gone by the reign of Edward II. Tenure of land as an element of social cohesion was more and more being replaced by service.⁵ The possession of a baronial estate was no longer enough to distinguish its owner from his neighbours, as properties were split up and disintegrated while others accumulated greater wealth. The clear-cut definition of barons and those above them as synonymous with parliamentary peerage did not apply until much later in the century.⁶ Lower down the scale the size of the knightly class was being reduced for a variety of reasons.⁷ Between and below these ranks there was no official social stratification at all. Just as Saul tells us that ‘There was no stratification of landed society

⁴ Bennett, *Community*, pp. 7-12.

⁵ For a discussion of the origin of service-based retinues see Coss ‘Bastard Feudalism Revisited’; Carpenter, Cuss and Crouch ‘Debate’.

⁶ McFarlane, *Nobility*, pp. 123-4.

⁷ D. A. Carpenter, ‘Was there a crisis of the knightly class in the thirteenth century: the Oxfordshire evidence’, *EHR*, 95, pp. 721-52

below the rank of knight in 1300'⁸, McFarlane states that 'In 1300 there was only one heritable *rank* in England, that of earl'.⁹ Though this is undoubtedly true, it is not the whole truth. It would be absurd to claim that a much more diversified hierarchy than this did not exist among the nobility and gentry. Furthermore, this hierarchy, though a source of frustration to the historian, was unambiguous to contemporaries.¹⁰

Below the king, the nobility of early-fourteenth-century England, insofar as they can be identified, consisted of a group of earls, a group that remained stable at about a dozen throughout the reign of Edward II.¹¹ Foremost among these was undoubtedly Thomas, earl of Lancaster. Lancaster was not only by far the richest magnate in England; he was also the king's cousin for Thomas's father, Edmund Crouchback, was Edward I's brother. Kinship with the crown gave precedence also before the creation of the rank of duke. He had connections with the French crown as well; his half-sister was married to the king of France. Another factor that gave Lancaster a special role among the peers of the realm was the distribution of his estates. His lands constituted a belt right across the English Midlands, an almost continuous estate from the Irish Sea to the North Sea with a concentration in the counties of Lancashire, Yorkshire, Derbyshire, Nottinghamshire and Lincolnshire.¹² This favourable distribution gave him a position as the supreme lord of regions and entire counties, which in turn allowed him to build up solid retinues of the great men of these areas.¹³

Nowhere was this more true than in Lancashire, where favourable circumstances had left Thomas the only magnate of national importance with a landed interest in the county. Edmund, in addition to lands he had received from his brother, had benefited from Robert de Ferrers, the earl of Derby's forfeiture, to become the greatest lord of Lancashire next to Henry de Lacy, earl of Lincoln. Lacy died without male issue, and his lands went to Thomas, his son-in-law.¹⁴

Who then, in this society, were directly below the earls? Although the group is not clear-cut, there is no doubt that there existed a class of men considered socially superior to the regular knights. Among these were the ones to whom the king would turn to for counsel. Termed *barones* or *magnates*, these would be called upon personally for military aid. There is

⁸ Saul, *Knights and Esquires*, p. 16.

⁹ McFarlane, *Nobility*, p. 123

¹⁰ Carpenter, *Locality and Polity*, pp. 39-49; Saul, *Knights and Esquires*, p. 14 et passim.; McFarlane, *Nobility*, pp. 122-5 etc.

¹¹ Phillipps, *Pembroke*, pp. 9-12; McKisack, *Fourteenth Century*, pp. 1-2.

¹² Maddicott, *Thomas of Lancaster*, pp. 9-11; *Thomas of Lancaster, 1307-1322* (Oxford University, D.Phil.); Somerville, *Duchy*, pp. 17-23.

¹³ Maddicott, *Thomas of Lancaster*, pp. 40-66; *VCH*, II, pp. 197-8.

¹⁴ Maddicott, *Thomas of Lancaster*, pp. 9-10.

no single criterion for deciding who these barons were; rather we should look at several different indicators. Tenure of a barony, personal summons to great councils, military campaigns and Parliaments must all be brought into the equation.¹⁵ This gives us for Lancashire a list roughly like this: Robert de Holland, John de Harrington, William de Dacre, John Lancaster, Ingelram de Gynes, John de Langton and William le Botiller. This list does not include not the non-residential family of Grelly (and later la Warre) of Manchester, but does include some northern lords not necessarily based in Lancashire, but with properties covering the area of Cumberland and/or Westmoreland as well as northern Lancashire, who were therefore deeply involved in the affairs of Lancashire.

Turning our attention to the group directly below the knights, we encounter difficulties again. Some might have been termed *homines ad arma*, *scutifer*, *armiger* or *valletus*, but these were terms describing military, not social ranks. A separate class of esquires was well into the future, gentlemen even further.¹⁶ Yet, below the knights there was a group of men who held a central position in the localities because of their ownership of land and entire manors. Some of them owned land to a value exceeding £20, or even £40, but chose not to take up knighthood because of the costs involved, or simply for a lack of interest in martial affairs.¹⁷ Taking up knighthood was a duty for those who held land to support it, but distraint of knighthood could be avoided, as in the case of Robert de Shireburn, who in 1326 was ‘Excused, by special favour, from taking knighthood until Whitsuntide the next’.¹⁸ It was to these men the king increasingly had to entrust royal affairs in the localities, as the numbers of the knightly class dwindled inversely proportional with the increase in the crown’s local administration. The result was the emergence in the later fourteenth and fifteenth centuries of a gentry class, esquires and eventually gentlemen whose defining characteristic, in one respect, was service to the crown. The gentry, however, played a central part in local administration even before they existed as a separate class. Wealth capabilities and interest in

¹⁵ R. J. Wells, ‘Recruitment and Extinction among the English Nobility from 1216 to 1300’ (St. Andrews, M. Litt., 1984); referred to in Chris Given-Wilson, *The English Nobility of the Late Middle Ages* (London, 1996), pp. 56-9; J. Horace Round, ‘“Barons” and “Peers”’, *EHR*, 33 (1918).

¹⁶ Saul, *Knights and Esquires*, p. 225; *Parliamentary Writs*, F. Palgrave (ed.), 2 vols. in 4 (London, 1827-1834), II, ii, 638-9; Carpenter, *Locality and Polity*, pp. 35-49; Given-Wilson, *English Nobility*, pp. 69-73.

¹⁷ These sums are those normally given for the later fourteenth century as the minimum landed wealth for belonging to the squirearchy and knighthood respectively: Given-Wilson, *English Nobility*, p. 18; Brown, *Governance*, p. 149. In a summons to attend great council at Westminster in 1324, however, a number of *hominum ad arma* were invited. Below their names a postscript reads: ‘Omnes isti supradicti istius Comitatus Lancastrie habent *quindecim* libratas terre, exceptis aliis qui minus habent (my italics).’ It appears that these limits changed over time: *PW* II, i, 638-9.

¹⁸ *PW* II, i, 741.

administration could recommend a non-knight for local administrative functions, just as the lack of those qualities could prevent a knight from being appointed to office.

It follows then that, even though the inclusion in this study of men of baronial rank should be almost automatic, the same cannot be the case with the knights. This study, to remain both relevant and manageable, will have to include several factors besides official rank when deciding the cut-off point of inclusion; some of knightly rank must be excluded, at the same time as others belonging to the gentry should be included.

It is always a good indicator of a man's importance in his locality whether he was chosen to sit on royally appointed commissions.¹⁹ In order to fill this position a man had to be both qualified and acceptable to his peers.²⁰ Some commissions were more important than others, and this would be reflected in the commissioners selected. Judicial commissions (commissions of the peace, commissions of oyer and terminer, commissions of gaol delivery), and military commissions (commissions of array) were more prestigious and more demanding than fiscal commissions (commissions of prises, commissions of a fifteenth and tenth etc.), though these could be profitable to an unscrupled collector.

Two members of the Lancashire gentry must be mentioned separately, as they reached high positions in the central administration, but remained involved in the affairs of their home county. One of them, John Travers, who reached the position of justice of the King's Bench in 1329, is dealt with below, p. ?. The other, Robert de Clitheroe, before retiring to the rectory of Wigan served a term as the escheator of all land north of Trent, one of the major offices in the country.²¹ On the subject of the escheator, each county would have had a sub-escheator, probably a man of a certain standing in the community, but as these local officials only rarely reported directly to the Exchequer, and therefore left little documentary evidence, we may never know who they were.²²

¹⁹ The information is gathered from several sources, primarily the Calendars of Chancery Rolls: Sir John de Byron, Robert de Clitheroe, Sir William de Dacre, Sir Edmund de Dacre, William Gentil, Sir Richard de Hoghton, Sir Robert de Holland, Sir Richard de Huddleston, Sir John de Lancaster, Lathom, Sir Robert de Leyburn, Sir Nicholas de Leyburn, Henry de Malton, Sir Edmund de Nevill, Sir Richard de Pilkington, Sir Gilbert de Singleton, Sir Henry de Trafford and Sir Thomas Travers.

²⁰ Carpenter, *Locality and Polity*, p. 263; Saul, *Knights and Esquires*, p. 125.

²¹ Public Record Office (List and index Series, vol. 72), *List of Escheators for England and Wales*, Wood, A. C. (ed.) (New York (reprint), 1972), p. 6.

²² E. R. Stevenson, 'The Escheator', pp. 109-167, in William A. Morris and Joseph R. Strayer (eds.), *The English Government at Work, 1327-1336* (Cambridge, Mass., 1947-1950). The view that the sub-escheators were substantial men has been challenged by Saul in *Knights and Esquires*, pp. 139-41.

Another position held by the elite of the county, achieved not by royal appointment but solely by local reputation, was that of knight of the shire.²³ As a consequence of the poverty of the county, or at least that was the official justification, Lancashire rarely sent borough representatives in the early years of Parliament's regular assembling, and later on ceased completely until well into the sixteenth century.²⁴ Representing the borough was in any case a job more suited for a rich merchant or manufacturer. The county representative had to be of a certain standing; the community did not approve of representatives who did not have sufficient wealth to support the venture themselves²⁵

Service in the fourteenth century was far from synonymous with service to the crown. Several of the Lancashire gentry had close ties with the earl and benefited from his patronage.²⁶ Some were – temporarily or permanently – retained for military service; others held different positions in the administration of the earl's estates. One of the greatest favours one could achieve, however, was being appointed to the highest local office of them all – the shrievalty. Up until 1320 the earl held the shrievalty of the county, and a deputy sheriff was selected directly by him.²⁷ Another group of men worthy of inclusion are those not necessarily deeply involved in the day-to-day administration of the county, but who still – some perhaps as a result of this – played some part or other in the 1315 rebellion, the county feuds or in Harclay's treason, events to which we will return in more detail later.²⁸

An assessment of these factors leaves us with the list found in the appendix.²⁹ This list includes more than one member from certain families (the head of the family – father and/or older brother – has been placed first), and that fact warrants a brief discussion of the nature of

²³ E. Fox, 'The parliamentary representation of the county of Lancaster in the reign of Edward II' (Manchester Univ. M.A. thesis, 1956), referred to in Maddicott, pp. 51-3. The following is an incomplete list, and not strictly limited to the period in question: Sir Thomas Banaster, Sir William Banaster, Sir William de Bradshaw, Sir William de Clifton, Sir Edmund de Dacre, Gentil, Sir Michael de Harrington, Sir Richard de Hoghton, John de Lancaster, Richard le Molineux of Crosby, Sir Edmund de Nevill, Sir Roger de Pilkington, Sir Gilbert de Singleton, Sir Henry de Trafford, Sir Thomas Travers, Sir John Travers.

²⁴ *VCH*, II, p. 197; *RMP*. There were in fact no borough representatives between the years 1331 and 1529: *H-S*, pp. 109-18.

²⁵ Tupling, p. 117.

²⁶ Clitheroe, both Dacres, both Harringtons, Sir Robert de Holland and his nephew Sir Richard de Holland, Sir Adam de Huddleston, Lancaster, Nevill, Thurstan de Norley, Sir Roger de Pilkington and Sir John Travers.

²⁷ Chronologically from 1298 to 1326: Hoghton, Sir Thomas Travers, Gentil, Sir Ralph de Bickerstaff, Nevill, Malton, Gentil again (Gentil accounts directly to the exchequer from 23. Oct. 1320), Leyburn, John Darcy (Darcy has not been included in the study as he occurs infrequently in the records, and is not from the county) and Sir Gilbert de Southworth.

²⁸ On one side of the conflict, the main antagonists were Sir Adam Banaster, his brothers Thomas and William, Bickerstaff, Bradshaw, Sir Henry de Lea and Nicholas de Singleton. The other side centred around Sir Robert de Holland, his brother William and William's son Richard, and involved men such as Sir Robert de Dalton and Norley. Harclay's treason: Clifton, Sir Baldwin de Gynes, Sir John de Harrington, Sir Robert de Leyburn and Nevill.

²⁹ See pp. 88-89.

family ties in early-fourteenth-century Lancashire. The laws of primogeniture could be circumvented, yet even for those willing to split up the family inheritance, financial restraints put a limit on how many brothers could take a substantial share in the family fortune, without it becoming excessively diluted.³⁰ This was particularly the case in a relatively poor county like Lancashire. Only the richest families could afford to establish younger sons as landowners, the others had to look for alternative ways of sustenance.³¹

One such way was the law.³² Several members of important Lancashire families seem to have been employed as attorneys in the central courts, and were also frequently employed by their neighbours. When Adam Clitheroe, in the Michaelmas term of 1321, brought a case against John de Pokeling and others, he did so through his attorney by the name of John Clitheroe, possibly a relative, certainly from Lancashire.³³ Other attorneys carry names such as John Dalton, and Robert Clifton, both with a distinctly local flavour.

The law represented not only a job but for many also a career. Talent was rewarded with promotion, and the legal profession was one of the best ways the age knew for advancement in society. The most conspicuous example of this would be the case of John Travers. Travers was a younger son of the Lancashire knight Sir Thomas Travers. After work on commissions of different sorts for several years, he became a judge of the Common Pleas in 1329, and was sent on a diplomatic mission by Edward II in 1331.³⁴ Obviously John must have had superior talents to those of his older brother Lawrence, who in 1323 was appointed sub-keeper of the peace for the hundred of Amounderness, a position well below his station.³⁵ It is also telling that Thomas Travers was more than ordinarily active in redistributing land between his sons, as can be seen in the feet of fines.³⁶

Another possibility was employment within the church. Some families contributed more than others to the clergy, one example is the Traffords. Sir Henry Trafford's brother was Richard Trafford, the parson of Cheadle. A younger brother, John, is also referred to as 'a priest', as is an uncle of the same name. Adam Radcliff, a member of the great Radcliff

³⁰ McFarlane, *Nobility*, pp. 61-82.

³¹ Carpenter, *Locality and Polity*, p. 259; Simon Payling, 'The politics of family: late medieval marriage contracts', *McFarlane Legacy*, pp. 21-47.

³² Carpenter, *Locality and Polity*, pp. 73-4, 81-2, 123-4; Musson and Ormrod, *Evolution*, pp. 54-74.

³³ KB 27/246, m. 50d.

³⁴ Edward Foss, *A Biographical Dictionary of the Judges of England, 1066-1870*, (1870, London), p. 669; Tout, *Place*, pp. 310-311.

³⁵ CPR 1321 - 1324, p. 382.

³⁶ RSLC, v. 46, p. 3, 8 et passim.

family, was rector of Bury in the early years of Edward III.³⁷ The rector of Preston, and a member of the confederacy of Richard Holland, was named Thurstan de Holland.³⁸

The church could also be used as a tool to promote one's social standing; within the church hierarchy, but also within royal and seignorial administration, in a time where clerks were largely clerks in the word's original, clerical meaning. The man from Lancashire to achieve the highest position within royal administration in this period, was without a doubt the already mentioned Robert de Clitheroe. Clitheroe was a minor gentry member from the area around Clitheroe in the hundred of Blackburn, and held the manor of Bayley. After serving thirty years as a clerk of the chancery, he was promoted to the high office of escheator for the land north of the Trent. After that, as a kind of retirement, he became the rector of Wigan. Still having a taste for the machinations of national power, Clitheroe was a staunch supporter of Thomas of Lancaster in his struggles against the king, for which he was heavily fined after Lancaster's fall at Boroughbridge.³⁹

Some families did, however, have the wealth and influence to endow younger sons or brothers with land, and even knighthood. Cases in point are the Hollands, the Harringtons, the Dacres, the Huddlestons and also the Banasters. Younger brothers were frequently called upon to do work for the crown, of both civil and military nature.⁴⁰ They could also play an important role for their older brothers, often performing tasks that were considered inappropriate for these latter. One case in point is Robert Holland's younger brother William, himself a knight. In the great inquisition of 1323, the jurors claim 'that Robert de Holand sent his letter to William de Holand telling him to kill Roger de Cliderhou as soon as he came into the county of Lancaster,' a task which William and his men willingly performed.⁴¹

There are indeed surprisingly few signs of any antagonism between family members over inheritance; cooperation seems to be the norm. Local feuds should have been the perfect opportunity for disgruntled relatives to take out their frustration on the better-offs of the family, but there is little evidence that this happened.

We have now a list of forty-four men who must be said to constitute the elite of Lancashire landed society. They make up a good cross-section of the county's aristocracy; there are barons, knights and gentry, laywers, soldiers and priests, northerners and

³⁷ Baine, *Lancaster*.

³⁸ Tupling, *South Lancashire*, pp. 96-7.

³⁹ *ibid.*, pp. 71-2, *The Concise Dictionary of National Biography*, (Oxford: Oxford University Press, 1992), XI, pp. 54-5.

⁴⁰ E.g. Edmund Dacre as commissioner of array: *CFR* 1307 – 1319, p. 296; Baldwin de Gynes as keeper of the peace: *CPR* 1321 - 1324, p. 382.

⁴¹ Tupling, *South Lancashire*, pp. 37-8 (it must be said, in all fairness, that since William was dead by the time of the inquisition (p. 79) we have no conviction in this case.)

southerners. What they all have in common is an amount of landed wealth within the county of Lancashire, and a certain involvement in local affairs. In the next chapter we will look at some aspects of the interaction between these men, and between them and the different forces of national politics.

Local Solidarities

In this chapter I will attempt to describe Lancashire society on three levels: horizontally between gentry members, and vertically, both between gentry and magnate, and between gentry and crown. Different parts of gentry life can serve to illustrate these three levels of association, but there is a fine line between what constitutes separate kinds of relationships. Work on a royal commission could be an opportunity to build networks with one's peers, but it could also be an opportunity to gain favour with the crown. Likewise, a royal appointment to office can be taken as a sign of the king's approval, but it could just as easily have been obtained through the intervention of a magnate. The dichotomy of horizontal and vertical ties, or magnate and royal patronage, can at times be somewhat artificial, or at least unclear, but I still believe it can be a useful framework for a study of this kind.¹

Much of the lives of the early fourteenth century aristocracy is lost to posterity. What we have documenting social gatherings and private correspondence is sketchy even in the case of the nobility, much more so for the gentry. For a more thorough analysis of the life of the gentry, it is therefore more convenient to concentrate on subjects on which we have a certain amount of documentary evidence: who did they marry, what work did they perform, where did they live and what land did they own?

The first section will be on intra-gentry relationships. I will look primarily at three aspects of life: marriage, neighbourhood and litigation. Marriage, in this age, served to create or solidify relationships, as well as expanding one's estates. Neighbourhood was immensely important in a time, and in a region, where travel was slow, unsafe and arduous. Neighbourhood was also the source of much dispute; litigation over land was common in the courts.

Secondly I will look at the relationship between the gentry and the magnates. In the case of Lancashire, the only nationally significant magnate with a landed interest in the county was Earl Thomas of Lancaster. The gentry's relationship with Lancaster can be traced in a number of different sources, from lists of actual retainers, through offices held for him or achieved by him, to accounts of direct hostility against him, as in the case of the 1315 rebellion.

Lastly, there is the gentry's relationship with the crown to consider. For this I have chosen to focus on official work performed for the king, primarily on different local

¹ Carpenter, *Locality and Polity*, pp. 289-90.

commissions. In this section I will also touch on other official work, such as the shrievalty and parliamentary representation, even though neither of these were centrally appointed positions. I have found that consistency was best preserved by treating all these subjects under one, as they all represent work that needed a certain amount of administrative skills, as well as a certain standing with Lancaster, the king, and/or the local community.

Connection through marriage usually secured at least a certain degree of social interaction between the two families that had been thus connected, on a permanent, rather than a temporary basis. Moreover, marriage was a financial act. The economic advantages of a good match did not restrict themselves to the regular dowry and inheritance, but failure of heirs on the part of the spouse's family could bring gains not accounted for in the original settlement. It is impossible to state with any certainty to which degree this kind of speculation occurred, but considering the importance of landed wealth as a means of social advancement, and how scarce available land had become at this time, it would not be to daring an assumption to guess that it did.²

Thomas of Lancaster himself would have known the importance of a good match better than anyone, owing both a great part of his property, and his connections with the royal family of France, to favourable marriages. It was only natural for him to use his connections to secure good matches for his closest followers, as he did for Robert Holland. Holland's marriage to Maud, daughter of Alan la Zouche, and the favourable settlement that followed her father's death, contributed greatly to enhancing Holland's wealth and status.³

Apart from Holland, however, few of the Lancashire gentry had the possibility of marrying outside the county, much less into a family of great national importance like the Zouches. Marriage, therefore, remained a local affair for most in Lancashire, partners being sought mostly inside the county boundaries. Marriage would in most cases serve to enhance existing friendships between the gentry. When rebellion broke out in 1315, two of the main rebels, Adam Banaster and Henry Lea, must already have been well acquainted through family connections. William de Lea's grandfather on his mother's side was Robert Banaster, the baron of Newton.⁴ The Newton Banasters belonged to another branch of what was undoubtedly the same family as Adam Banaster's. The connection between the two branches though, is hard to establish, so the importance of this relationship is uncertain. Lea and

² Carpenter, *Locality and Polity*, pp. 114-6, et passim. For a discussion of the same subject among the higher nobility, see Given-Wilson, *Nobility*, pp. 40-44.

³ Maddicott 'Lancaster and Holland', pp. 457-61.

⁴ W.A. Holton (ed.), *The Coucher Book or Chartulary for Whalley Abbey* (Chetham Society, 1847-9), p. 115.

Banaster were connected in another way also, as Lea's wife Agnes was the daughter of Margaret Holland (Robert Holland's sister) by Margaret's first husband John de Blackburn. Margarete was Banaster's wife, which made Lea Banaster's stepson-in-law.⁵

How much did these connections mean? Could they be helpful in a time of crisis? We get a partial answer to this in the case of Robert Leyburn's part in Harclay's treason. Leyburn, sheriff at the time,⁶ stood accused in 1323 of recruiting support for Harclay's enterprises. An interesting passage reads: 'The jury say that it was because Robert had married the earl's sister that he made them take this oath unlawfully and seditiously against the king's estate and to the king's injury.'⁷ Was this meant as an explanation or an excuse? Did the jury mean to say that Leyburn was guiltless of the crime he had committed because he had done it as a favour to his brother-in-law, a brother-in-law of significantly higher social standing than himself, at that? We do not know; since there is no verdict in the case, we can only surmise. In a similar case involving John Harrington, the crime is defined as a felony rather than trespass, and indeed Harclay himself is executed.⁸ Harrington, however, receives a royal pardon. Unless Leyburn did also, he must have been both acquitted and exonerated, because in 1326 he returned to the office of sheriff.⁹

If marriage served to consolidate friendship, it could also have a diplomatic function in settling disputes between hostile families. The Banaster and Holland families had a long history of dispute at the point when they must have decided to settle their difficulties by the marriage between Adam Banaster and Robert Holland's sister Margaret.¹⁰ As we shall see, the effort did not succeed, but at least it is a sign of intention on behalf of two of the most powerful families in the region to bury a dispute that was threatening to become destructive. In that sense the marriage might also bear witness to an unwillingness to resort to force as anything but the last option.

Still, marriage remained primarily a financial arrangement, and the possibilities for social advancement were great. The best known example of a Lancashire family rising from obscurity to national prominence almost solely through marriage would be the Stanleys in the

⁵ Tupling *South Lancashire*, p. xliii.

⁶ *List of Sheriffs for England and Wales, From the Earliest Times to A.D. 1831* (New York, 1963) p. 72.

⁷ Tupling *South Lancashire*, pp. 15,17. Leyburn is another example of a Lancashire knight to procure a good marriage outside the county's boundaries. It must be mentioned, however, firstly that Leyburn was only partly a Lancashire man in spite of serving as the county's sheriff. In a royal writ of 1326 he is listed both under the knights of Lancaster and those of Cumberland. Also, although it can appear Leyburn married above his station, it must be said that Harclay's rise to the rank of earl was meteoritic, owing to his effort both in the Scottish wars and at Boroughbridge, *PW* II, i, 638-9; McKisack, *Fourteenth Century*, p. 66-7, 87.

⁸ Tupling *South Lancashire*, pp. 18-9.

⁹ *LOS* p. 72.

¹⁰ Perhaps the same idea was behind the marriage of Henry de Lea's with Margaret's daughter Agnes.

later fourteenth century.¹¹ Earlier periods offer examples of the same though, if less spectacular. The barony of Manchester, held by the Grelley family, was made up of some of the richest land in Lancashire. Robert Grelley died around 1283 or 84, leaving son and heir Thomas, and a daughter, Joan, married to John de la Warre. When Thomas died in 1310 or 11 without issue, the barony passed to the de la Warre family.¹²

Neither the Grelley, nor the de la Warre family was resident in Lancashire, however, nor very active in its politics. Perhaps a better example of social mobility through marriage in the county would be the case of the barony of Newton, one of the few remaining baronies in the county with a resident owner. James Banaster, the heir of the barony married off his only daughter and child, Alice, to John de Langton. James died before his father, Robert Banaster, and at the death of Robert in 1276 or 77, the Newton barony passed to the Langton family. In this case, however, the transition of the family estate must have been clear at the time of the marriage, and Langton must have been fortunate in securing the hand of a very attractive bride. Yet the Langton family was obviously not randomly picked. John Langton was the son of Robert de Langton of West Langton in the county of Leicester, and his brother was John Langton, bishop of Chichester and chancellor.¹³ No doubt having a brother in court was a great advantage to the new baron, as can be seen when a request to hold markets and fairs on his land was granted 'at the instance of his brother, John de Langeton, the chancellor.'¹⁴ John de Langton, the baron, may have been from Leicester originally, but there are signs that he was absorbed at least partially into Lancashire society after obtaining a landed interest in the county. He was involved in the inquisition of 1323 as a juror, and in 1325 he was summoned from the county of Lancashire to pass into Guyenne under the command of the earl of Warenne.¹⁵

Finally, it must not be forgotten that the ultimate objective of any marriage was procreation. The high infant mortality rate of the fourteenth century made for frequent extinctions of aristocratic families, and the only guarantee against this was a large family. Though this is difficult to establish, it is more than likely that the children of families with a reputation for fertility would be popular on the marriage market.

¹¹ Bennet, *Community*, 215-23.

¹² *Whalley Coucher*.

¹³ Baine, *Lancashire*; *DNB*, vol. 32, p. 120.

¹⁴ *CChR* 1300 - 1326, p. 2; Tout, *Place*, p. 313.

¹⁵ Tupling, p. 42, *PW* II, i, 700. There is no apparent connection between this Langton family and Stephen Langton, the Archbishop of Canterbury, or Walter Langton, the treasurer, *DNB*, vol. 32, p. 120.

All members of the gentry had a network of important association with other gentry members. With these they shared economic interest as well as social norms and pastimes. Relationships between the gentry members were nurtured in different ways on a number of different occasions; official ones like the county court, unofficial ones like banquets or the hunt. Some associations were stronger and more permanent than others, however. Next to kinship, the most important of these associations was probably neighbourhood. It was with one's neighbours one would have most frequent intercourse, and it was with these one had to cooperate to solve everyday problems. Geographical proximity was all the more important in social relations in a society where travel was both cumbersome and dangerous, and this was the case with medieval England in general, but with medieval Lancashire in particular, because of the difficult terrain and periodic lawlessness. To the gentry – at least to the richer gentry - as opposed to the peasantry, neighbourhood meant two different things. With properties spread out over great parts of Lancashire and in some cases over neighbouring counties, one would have proximity of land with a great number of people. Foremost of these would of course be the ones with residences bordering on one's own permanent residence.¹⁶

Neighbourhood could be a source of cooperation, as well as a source of strife. The four main rebels of 1315, Adam Banaster, Ralph Bickerstaffe, William Bradshaw and Henry Lea, all had their origin within an area of approximately ten by seventeen miles (the county of Lancashire is about seventy-five miles from south to north, and forty-five miles on the widest point.) The land of the rebels was concentrated in or around the hundred of Leyland. Adam Banaster's land in Adlington, for instance, would have been contingent on Bradshaw's manor of Blackrod, whereas his land in Broughton was close to the manor of Lea, near Preston.¹⁷ It is reasonable to believe that this geographical closeness secured a strong familiarity between the rebels and their families long before the events of 1315. This was also the core area from which the rebellion emanated, and from where it never strayed far.

Also those who took part in suppressing the rebellion held land in the same core area. Most of the knights who fought the rebels in 1315 had properties in the area around Lancaster and the Heysham peninsula: John Harrington in Overton,¹⁸ William Dacre and Edmund Nevill in Middleton,¹⁹ Edmund Dacre in Heysham,²⁰ to mention only a few examples. Most of these men's property was situated further north; especially the Harringtons and the Dacres were

¹⁶ Carpenter, *Locality and Polity*, pp. 290-1.

¹⁷ Porteus, p. 10; H-S, p. 6-7, 10, 53; *KEI*, i., p. 39-40.

¹⁸ Maddicott, *Thomas of Lancaster*, D Phil, p. 546

¹⁹ *KEI*, i., p. 260; *CChR* 1300 - 1326, p. 391.

²⁰ *CChR* 1300 - 1326, p. 126.

deeply involved in the border counties, yet this Lancashire land was probably of great importance, close to the borough and castle of Lancaster as it was. We can assume that the great northern lords of Lancashire on occasion gathered in or around the castle from which the earl had his family name, though they had little chance of encountering the earl himself, who can only be confirmed to have visited the castle once.²¹

Proximity of land became a source of strife when the division of that land was a matter of less than total agreement between the owners. In 1312, Gilbert Southworth and Adam his brother were arrested at Newton in Makerfield. On 2 August 1307, they were supposed to have taken deer there, to the value of £20.²² The arrest must have been done on the behest of John Langton, who earlier that year had brought a case against the two – and Laurence Travers – with unspecified charges.²³ The brothers declared themselves not guilty, and the case was postponed. After this, the case became a regular occurrence at the sittings of the King's Bench, but in May of 1313, Gilbert Southworth appeared at court to explain himself. This time the charge was another, including the act of cutting down Langton's trees to the value of 100s on 22 October 1309.²⁴ Southworth was himself a respected member of the landed community, who was in fact later to serve a period as sheriff for the county, from 1323 – 26,²⁵ and it is unlikely that he should have been involved in acts of theft and pure vandalism such as this. When he got the chance to tell his side of the story, Southworth insisted that he had done nothing wrong, but that he held pasture from his own manor of Southworth to the church and market at Newton. The whole conflict, it appears then, was simply a property dispute. The case reappeared, and was still not settled by the Michaelmas term of 1316.²⁶

A question we might ask is why it took until 1312 for the sheriff to make the arrest. The sheriff at the time the second crime was committed, was William Gentil, and it is a quite conspicuous fact that Gentil and Travers were close neighbours in the area around Lancaster, where Gentil held the manor of Poulton,²⁷ and Travers (along with his other son John) owned land in nearby Bare, Torrisholme, Hest, Slyne and Skerton.²⁸ This association might have

²¹ Maddicott, pp. 341-7.

²² KB 27/210, m. 18d.

²³ KB 27/207, m. 32d. this is probably not the first time the case appears.

²⁴ KB 27/212, m. 96d.

²⁵ *LOS*, p. 72.

²⁶ KB 27/226, m. 54.

²⁷ H-S, p. 36

²⁸ *KEI*, v., p. 41, *RSLC*, 46, p. 3. An assize of novel disseisin from 1309 (JUST1/423, m. 2) connects Thomas Travers to the manor of 'Hesham'. This is a spelling of Heysham in Morecambe Bay that appears first in 1208, and is common from then on: *VCH*, vol. VIII, p. 110. This means that Gentil's manor was in fact more or less encircled by the land of the Travers family.

secured Gentil the shrievalty in the first place, and later caused him to delay the Langton case. This brings us on to the subject of law and local litigation

The Langton v Southworth case is an interesting one, as it involves two of the most prominent members of the Lancashire gentry community. As we have seen, Gentil might have delayed the process against Southworth for personal reasons. Yet, if the first crime was committed as early as 1307, why did not the then sheriff act? One has to keep in mind the endemic sluggishness of the mesne process, yet politics of personality cannot be ruled out either. J. H. Baker writes that:

The sheriff could return to a *distringas* [seizure of property] that he could find nothing to distrain, or to a *capias* [arrest order] that the defendant was ill or not to be found. Whether he had looked was a question one was not allowed to ask, and so these returns became common fictions for use by sheriffs who could not be persuaded to take positive action.²⁹

It follows, then, that the sheriff could chose to ignore writs to avoid the work or expenses involved in pursuing them, but he could also do so as a favour to acquaintances.³⁰

On 2 August 1307, the deputy sheriff for the county of Lancashire was Thomas Travers, the father of Lawrence Travers who stood accused of aiding and abetting Southworth.³¹ Only five days after the crime, on 7 August, William Gentil replaced Travers as sheriff, a position he held until 26 September 1309.³² The deputy sheriff who then followed Gentil – and the man who must have conducted the arrests in 1312 – was Ralph Bickerstaffe, one of the main rebels of 1315.³³ There is no sign of any close connections between Langton and Bickerstaffe – Langton was in fact one of the victims of the rebellion.³⁴ Nevertheless it was only at this point that the legal process picked up pace.

The second question arising from this court case is: why did it have to become a legal conflict at all? In the early fourteenth century the case load of the central courts was in rapid expansion, yet legal remedies was not the first recourse for an disgruntled landowner. If one could arrive at a settlement – ideally through the arbitration of a greater lord – this was to be

²⁹ J. H. Baker, *An Introduction to English Legal History* (London, 1979), p. 52-3. See also Musson and Ormrod, *Evolution* p. 15.

³⁰ Carpenter, *Locality and Polity*, pp. 263-4.

³¹ *LOS*, p. 72.

³² *ibid.*

³³ *ibid.*

³⁴ Tupling p. 45.

preferred over a long and costly legal process.³⁵ That two men such as Southworth – a knight, a sheriff and a retainer of Thomas of Lancaster³⁶ – and Langton – a baron, and an officer of the crown³⁷ – should need to litigate over a small portion of land is, if not unprecedented, perhaps a sign of a failure in leadership within the county. Lancaster had chosen to rule the county of Lancashire through Holland, involving himself as little as possible. This may have caused problems when conflicts arose, and there was no one to turn to for arbitration. Lancaster himself was a distant figure, while Holland was merely a knight himself, an equal of Southworth and Langton, if anything, and besides too focused on his own aggrandizement to be concerned about maintaining the peace among his neighbours. It is easy to imagine how unnecessary conflicts might arise under these circumstances.

The *Langton v Southworth* case is among very few involving prominent Lancashire landowners in the period 1311 – 23, and this in itself is conspicuous. Why are there no cases related to the great rebellion or, rather, why did not the rebels seek legal remedies before resorting to the dramatic step of armed rebellion? The answer is probably the same as in the *Langton v Southworth* case: it was simply not considered an option. It might seem strange that failure in leadership could serve to explain both a court case and the lack of one, but we need to keep in mind that these were two widely different cases. Whereas the *Langton v Southworth* case was between two neutral parties in the greater county feuds, any disputes with Robert Holland involved as a party the man who was the source of the problems himself.

We should also look at what exactly the problems involving Robert Holland were. The fact that Lancaster created mesne lordships for Holland was of course an enormous provocation to original tenants, as in the case of Bradshaw's manor of Haigh.³⁸ There was, however, nothing illegal about this process, and it is understandable that the rebels sought extra-legal remedies if this was their only grievance. Yet if it is true that Holland 'entered into certain possessions of his master in the southern part of the county' for which 'he had shown no charter or other authorization from the earl, nor had any of the free tenants of the wapentakes recognized the transfer by attournment [sic]',³⁹ then it would have seemed a safer option to bring a case against him, than to risk one's life and properties in an uprising.

We do not know the exact details of Holland's entry onto these lands, since no records of grants by Lancaster are preserved. Neither do we know if the entry took place before or

³⁵ Musson and Ormrod, *Evolution*, p. 143; Carpenter, *Locality and Polity*, pp. 2, 364, 624.

³⁶ Later, if not at the time: *PW* II, i, 638-9; *CPR* 1317 - 1321, p. 227.

³⁷ See above, p. 33; *PW* II, i, 700.

³⁸ Porteus, 'Mab's cross', pp. 9-10; Maddicott, 'Lancaster and Holland', pp. 452-3.

³⁹ Tupling, pp. xlii-xliii; *VCH* II, 198; *Lancs. Fines*, II, 222.

after the rising, and consequently whether one caused the other.⁴⁰ We do, however, have one clear example of Holland's rapaciousness in the case of Bradshaw's manors, and events taking place after, not before the great rebellion. After Bradshaw was forced into exile he was declared an outlaw, and his lands were taken into the king's hands. William himself was apparently presumed dead at this point, but his wife Mabel (now termed simply Mabel de Haigh) seems to have remained in possession of the lands according to an inquiry held at Haigh 26 June 1318. On 3 July, however, both Haigh and the adjacent manor of Blackrod were given to Holland, because 'it appears by inquisition that William de Bradeshagh who was outlawed for felony held them of Robert.'⁴¹ A second inquiry reached the same conclusion.⁴² At this point, then, there seems to be no doubt of Holland's mesne lordship.

This transfer of land is highly questionable, first of all since the land was Mabel's patrimony, so forfeiture on her husband's part should not necessarily lead to her dispossession.⁴³ Furthermore, William had already at this point received the king's pardon for his participation in the rebellion, a fact that does not seem to have influenced the proceedings.⁴⁴ This case shows clearly the divisive rather than unifying effect Holland had on Lancashire society, and it was to play a great part in the continuation of the county feuds after Bradshaw's return from exile.⁴⁵

We may now look at some general trends in litigation among the inhabitants of Lancashire in the early fourteenth century. This period, especially the years 1317 – 1323, offers a good opportunity to examine the influence of the geographical situation of the court on the number of cases brought by the inhabitants of Lancashire, as this was a period of frequent relocation for the King's Bench. The King's Bench (also known as the *coram rege* – 'in the presence of the king') was intended to be with the king at any given time. In 1318 it had been settled almost permanently at Westminster since 1305, only three times (Michaelmas 1307, Hilary 1311, Hilary 1316) residing elsewhere. This seems to be partly because of the reduced military activity of Edward II's reign, but partly it could also be a tendency towards a more permanent basis for the court in Westminster for a few years; conspicuously, the court did not move north for Bannockburn campaign of 1314. In 1318, however, with the renewal of the Scottish campaigns, the court started moving with the king again, residing in York from the Michaelmas term of 1318 to the Hilary term of 1320. Then

⁴⁰ Tupling, p. xliii.

⁴¹ Porteus, 'Mab's cross', p. 18.

⁴² *ibid.* p. 19.

⁴³ H-S, p. 10.

⁴⁴ Porteus, 'Mab's cross', pp. 18-9.

⁴⁵ See pp. 77-8.

the court returned to the south, only to start another tour of the north, as civil unrest broke out in 1322, lasting from the Hilary term of that year, to Hilary 1324. As a basis for comparison, it would be convenient to go back at least to the year 1313 and look at the development to 1323. Using the data from the Michaelmas terms exclusively (the Michaelmas term was the one with the heaviest caseload, as the court would sit from 9/10 October till 28/29 November as opposed to three or four weeks for Hilary, Easter and Trinity terms), then comparing with cases originating in the county of Lancashire, we get the following results:⁴⁶

Year	Membranes	Cases	Average
1313	114	17	0,15
1314	126	19	0,15
1315	151	21	0,14
1316	150	16	0,11
1317	159	15	0,09
1318	137	20	0,15
1319	135	26	0,19
1320	184	19	0,10
1321	179	17	0,09
1322	124	17	0,14
1323	254	39	0,15

Following the date in the first column, the second column shows numbers of membranes in the entire roll from that particular session, with the underlying presumption that the number of cases per membrane is, on average, relatively stable. The third column shows the number of cases originating in the county of Lancashire. Lastly, the column headed ‘Average’ shows the number of cases divided by number of membranes, to give an indication of the relative prevalence of people from Lancashire in court.⁴⁷

We should be careful not to read too much into these numbers, as the records of the court were not meant to give an exact representation of all the cases heard before it.⁴⁸

Nevertheless, we can get an indication of certain general trends. The first thing to notice is an almost consistent increase in cases from 1313 to 1323, with a dip in the years the court sat in

⁴⁶ KB 27/214-254.

⁴⁷ Note that this is not meant to illustrate the litigiousness of the inhabitants of Lancashire compared to the inhabitants of other counties, in which case we would need to know the exact number of cases before each session, and the percentage of the total population made up by the inhabitants of Lancashire. These numbers merely show changes over time.

⁴⁸ Musson and Ormrod, *Evolution*, p. 118-9; A. Musson, ‘Attitudes to royal justice in fourteenth century Yorkshire’, *Northern History*, vol. 39 (2002).

York (in bold type). The obvious exception is 1323, but this was the year of the great inquisition, where the court sat at five different northern locations.⁴⁹ Which brings us to a second point: the number of cases from Lancashire. Also here 1323 is exceptional, which is not surprising as the court also visited Wigan in Lancashire. It would be natural to presume that the inhabitants of Lancashire found it more convenient to present their cases at the court when it presided in York than in Westminster – the distance from for instance Wigan to York is just over eighty miles, compared to a journey of more than 200 miles to Westminster. Still, this does not seem to be the case; the increase in cases from this particular county is only a very slight one. Again, we should be careful not to take the numbers at face value; the possibility of being represented by an attorney reduced the significance of the geographical distance. Yet this does not seem to be a decisive factor, twenty cases were listed as represented by attorney at York in 1322, compared to only six at Westminster the year before. Neither is the evidence regarding the relative prevalence of Lancashire litigants conclusive, with only a slight increase at the York sessions.

No certain conclusions can be drawn from the mere numbers of the central court cases. The nature of the cases, however, shows a stark contrast between the rather mundane cases leading up to the great inquisition of 1323, and those involved in those proceedings.

Lancashire in the early fourteenth century was in the rather peculiar situation of having only one magnate of national consequence with a substantial landed interest in the county: Earl Thomas of Lancaster. This situation had come about through historical coincidences (see above, p. 23), and was to remain the case at least until the end of the century.⁵⁰ It was only natural then, that the greater landowners of the county should end up within the retinue of Earl Thomas, the greatest retinue in the country.

Maddicott has tried to give an overview of Lancaster's main retainers. Out of a total of approximately sixty men identified as belonging to the earl's retinue, he has chosen thirty for closer analysis, of whom three can be clearly identified as having their main landed interest within the county of Lancashire (John de Harrington, Edmund Nevill and Adam Huddleston).⁵¹ Another account of the retinue of earl Thomas can be found in Holmes's *Estates of the Landed Nobility of Fourteenth Century England*. Here he prints three original documents found in the Duchy of Lancaster records, each listing a number of Lancaster's

⁴⁹ See below, p. 49.

⁵⁰ Bennett, *Community*, pp. 70-1; Walker, *Lancastrian*, pp. 141-3; VCH, v. II, pp. 206-11; Tupling, lix-lxi.

⁵¹ Maddicott, pp. 53-5. For short biographies of the three, see Maddicott, *Thomas of Lancaster*, D. Phil., pp. 546, 549-50.

retainers. Two of these lists – containing respectively one hundred and seven and eighteen names of men and women – are expenses in the form of land, or rent from land, granted to retainers. Many of these retainers are of the earl’s internal household, servants such as ‘John Byng son Barber’, or ‘Eynon Traux son Palfreour’ (the man responsible for Thomas’s palfrey, or riding-horse). The first of these lists contains the names of seven men from Lancashire (Richard and William Holland, Adam Hudleston, John Travers, Edmund Nevill, and John and Michael Harrington), the shorter one only two (Nevill and Michael Harrington). The third document lists the earl’s military retainers, along with the number of men they each were expected to contribute in a campaign. Here, three Lancashire men are mentioned (Michael Harrington, Henry Lea and Nicholas Leyburn, with thirteen men each).⁵²

This does not, however, make up the entire retinue of Thomas of Lancaster. A royal pardon of 1313 – procured by Lancaster for himself and his retainers for any involvement in the death of Piers Gaveston the year before – gives us a list of approximately 600 men who all belonged to Lancaster’s retinue, even the most humble ones. Out of these, I have been able to identify thirty-one Lancashire names.⁵³ Another pardon from 1318 gives the name of seventeen men from Lancashire, thirteen of whom are not mentioned in the 1313 pardon.⁵⁴ Looking at these two lists combined, few of the greater Lancashire families are left out. The low level of overlap between them also shows that their compilation must have been somewhat random, and that neither one can be considered complete. There is for instance no mention of John Lancaster in the first list, while none of the Dacres figure in the second one.

Apart from the military retainers, a great portion of the Lancashire gentry were tenants of the earl. The Lacy inheritance had brought him not only the barony of Lacy of Clitheroe (covering all of Blackburn Wapentake and parts of Amounderness) but also the barony of the Constable of Chester within the Lyme (a number of manors, mostly within West Derby) and the barony of Penwortham (including the greater part of Leyland and other, scattered manors). This was in addition to Lancaster’s patrimony of the lands belonging to the county, the Ferrers forfeiture and land he, one way or another, acquired himself.⁵⁵ This brought a great number of Lancashire’s landed gentry under the control of the earl; for example Robert Lathom, holding a knight’s fee of the manors of Knowlesey, Huyton and Tarbock in the barony of the Constable of Chester, in West Derby, or Adam Banaster, holding the manors of

⁵² G. Holmes, *Estates*, pp. 134-9; DL 41/1/35, 37.

⁵³ *CPR* 1313 - 1317, p. 21, Maddicott, *Thomas of Lancaster*, pp. 40-1. I have not successfully identified all of these men, some have been included based on their surnames.

⁵⁴ *CPR* 1317 - 1321, p. 227.

⁵⁵ Maddicott, *Thomas of Lancaster*, p. 9; Maddicott, ‘Lancaster and Holland’, p. 450; *VCH*, v. I, pp. 291-375; *Lacs. Fines*, pp. xiii-xiv.

Shevington, Charnok Richard and Welch Whittle as the fourth part of a knight's fee in the barony of Penwortham.⁵⁶ Indeed, very few held their land in chief by the crown, as can be seen by a quick look at the inquisitions post mortem for the reign of Edward II, where hardly any inquisitions were made for the county of Lancashire until after the forfeiture of earl Thomas in 1322, when the lands escheated to the crown.⁵⁷

In addition to military retainers and tenants, the earl also employed a great number of men for the administration of his estates. Foremost among these was of course Robert de Holland. Holland's origins were not quite as humble as Packington's Chronicle suggests, that Lancaster should have taken him 'oute of his Botery and preferid him to the yerley lyving of 2 M [2000] Markes'.⁵⁸ The Holland family of Upholland in West Derby was an established knightly family in the county. Yet Holland prospered enormously under Lancaster's protection. Although the office of steward as it existed under John of Gaunt was not yet created, Holland seems to have filled many of the stewardship's functions. Lancaster also obtained for Holland extensive liberties from the crown over his lands, liberties the earl himself had originally obtained. Among these liberties was the homage and service of William de Walton, hereditary bailiff of West Derby, and the manor of Nether Kellet which carried with it the serjeantries of Lonsdale and Salford.⁵⁹

Others benefited from the earl's patronage in the form of offices as well, including the deputy sheriffs who have already been briefly discussed.⁶⁰ Somerville has identified Thomas Waleys, a clerk, as receiver for the honor of Lancaster in 1313-14, William de Hornby as keeper of Lonsdale and Amounderness forests in 1313-15, Gilbert de Billyng and William Gentil mentioned as late bailiffs in Lancashire in 1322, and Simon de Balderson as steward for Lancaster honor in 1309. To this Maddicott has added the dates of Billyng's receivership as 1318-19, and John de Leeke as bailiff of fees in Lancashire in 1319.⁶¹ As we will see later, Edmund Nevill was bailiff of Lonsdale through his lease of two parts of Nether Kellet, a liberty passed on to him through Holland.⁶² Apart from Gentil and Nevill, these were not prominent men in Lancashire society, and neither are the offices very prestigious. The list still serves to show the far-reaching grasp of Lancaster's power within the county.

⁵⁶ *VCR*, v. I, pp. 303, 335-6, v. II, p. 198, v. VI, pp. 199-200; Porteus, 'Mab's cross', p. 10

⁵⁷ *Calendar of the Inquisitions Post Mortem Preserved in the Public Record Office [1261-]* (1904-).

⁵⁸ *VCH*, v. II, p. 198, from Leland, *Collectanea*, ii, 464.

⁵⁹ Maddicott, *Thomas of Lancaster*, pp. 21, 48; Maddicott, 'Lancaster and Holland', p. 456; Somerville, *Duchy*, p. 21; Tupling, p. xxx-xxxii.

⁶⁰ See above p. 26.

⁶¹ Somerville, *Duchy*, p. 350; Maddicott, *Thomas of Lancaster*, p. 340.

⁶² See below pp. 47-8.

Lancaster's control of the county of Lancashire was indeed almost complete. It is interesting then, that he should hardly have spent any time in the county himself. Lancaster visited Penwortham in 26 August 1311. One year later, on 19 August 1312, he was in Blackburn. In October 1315 he must have spent at least a week in the county, since he was in Wigan on 7 November, and in Lancaster the 14th. His last documented visit to the county was on 25 July 1316, when he stayed at Whalley. Apart from these four occasions, the last of them six years before the earl's death, Lancaster has left no trace of visiting the county of Lancashire at all. The itinerary in Maddicott's *Thomas of Lancaster* may be incomplete, but it also shows much more activity on his estates in the other counties he held land in.⁶³

Thomas's infrequent visits to the county from which his family took its name can be explained by a variety of factors. The earl's earlier years were marked by deep involvement in national affairs, keeping him in London, Westminster and York for long periods at a time. As he grew older, he developed a growing preference for the castle of Pontefract, perhaps because of ill health.⁶⁴ There is also the relative inaccessibility of the county from beyond the Pennines, and its lack of appeal because of its relative poverty. Still, it seems clear that Lancaster chose to rule the county through Holland, involving himself directly as little as possible in its affairs. Holland was 'more a junior partner of the Earl than a retainer',⁶⁵ according to Maddicott. Holland's power did not extend to the northernmost part of the county, but here Earl Thomas's landed interest was also less, and here he had his powerful retainer John Harrington to rely on, along with William Dacre and John Lancaster.⁶⁶

The gentry of Lancashire had strong connections to the crown as well as to Thomas of Lancaster, so did this create a conflict of interest? In principle, there was no reason why it should. As Phillips writes: 'there was no inherent and inevitable division between the monarchy and the baronage.'⁶⁷ Both had an interest in keeping maintaining a certain minimum of peace and tranquillity in the localities, securing revenues from agriculture and from other sources. This meant cooperation on preventing both internal unrest and foreign invasion, as well as providing justice for subjects on an everyday basis. In addition to this, there was the holiness of the king's person, and the sacrilege involved in disloyalty, a factor that ought to be a strong deterrent against rebellion. When this was not the case for the years 1311-1322, the cause must be sought not in constitutional weaknesses inherent in the structure

⁶³ Maddicott, *Thomas of Lancaster*, pp. 341-7.

⁶⁴ *ibid.*, p. 341-7.

⁶⁵ *ibid.*, p. 48.

⁶⁶ *ibid.*, pp. 331-2; Maddicott, 'Lancaster and Holland', Tupling, pp. xxix-xxxv; Somerville, *Duchy*, p. 21, *VCH*, v. ii, p. 198.

⁶⁷ Phillips, *Pembroke*, p. 288.

of government, but rather in the unique situation created by the, largely personal, struggle between King Edward II on one hand, and his most powerful subject Earl Thomas of Lancaster on the other.⁶⁸

Even the overt enmity between Earl Thomas and the king was neither immediate at the king's accession, nor constant throughout his reign.⁶⁹ Lancaster's influence at court could be a benefit for ambitious Lancashire men, as for instance Robert Holland experienced. Holland obtained the royal office of Justice of Chester on three occasions: from August 1307 to October 1309, December 1311 to November 1312, and February 1319 to January 1322. The earldom of Chester had a special position within the kingdom, with its own chancery, exchequer and judicature, virtually independent of those in Westminster. The justiciarship was a highly profitable office, rendering as much as £600 – £700 annually.⁷⁰ It would be natural to presume that this was a favour gained for Holland by his patron Lancaster, reflecting the quite natural, functional and symbiotic relationship between king and magnate, where the king benefited from the earl's local knowledge and influence in selecting officers, while the earl on his part was allowed to bolster his local prestige by securing royal patronage for his retainers.

When the relationship between king and magnate turned into hostility, however, this could cause problems for the local gentry as well as for the greater nobility, and we might speak of a genuine conflict of interests. One example of this we shall return to later, is the case of Edmund Nevill as deputy sheriff for Lancaster, who proclaimed 'fear and apprehension of death' if he should disobey the earl's orders.⁷¹ Another instance is the case of Robert Clitheroe, who, as rector of Wigan, had been an active supporter of the earl.⁷² In 1323, Clitheroe stood accused of sending 'two men-at-arms with good mounts', including his own son, Adam 'to the said earl of Lancastre to assist that earl against the lord king' for the Bannockburn campaign of 1322. Not content with this, Robert had also, from his pulpit at Wigan

told his parishioners and the others there present that they were the liege men of that earl and were bound by their allegiance to give aid to the same earl in the enterprise which he had undertaken against the king, asserting and swearing at his peril that the undertaking of that earl was lawful

⁶⁸ Carpenter, *Wars of the Roses*, pp. 28, 255-6; Maddicott, pp. 67-70, 321-2; Phillips, *Pembroke*, pp. 9-13, 282-90.

⁶⁹ Maddicott, *Thomas of Lancaster*, p. 6-7, 71, 74-6, 84, 87.

⁷⁰ Ibid, p. 63; Maddicott, 'Lancaster and Holland', pp. 465-6; Tout, *Place*, p. 337; *PW* II, ii, 6, 375, 385 et passim, Tupling, p. xxxi; Bennett, *Community*, p. 36; Castor, *King*, p. 11-15, 23, 79.

⁷¹ See above, p. 48.

⁷² See above, p. 28.

[iusta] and that of the lord king was unlawful [iniusta], and saying that he would absolve from all their sins all who were willing to go in aid of that earl;

allegedly with some success. Clitheroe himself claimed that he had told his parishioners nothing but to ‘pray for the lord king, for the peace and good estate of the realm, and for the earls and barons of the realm, and to pray that God would so order and dispose between them that the peace and tranquillity of the realm might be preserved in all things’.⁷³ Clitheroe was not believed, and the jury fined him £200. On the jury, the most prominent member was Baldwin de Gynes, brother of the Westmorland baron Ingelram de Gynes. Baldwin was newly appointed keeper of the peace, a favour probably owing to the fact that the de Gynes had never been strongly associated with Lancaster.⁷⁴ After the accession of Edward III, Clitheroe tried to take advantage of the regime change to have his case tried again, presenting a petition for redress of his grievances. Here he admitted that had indeed provided military aid to the earl, but only out of duty to his feudal lord.⁷⁵ As for the alleged exhortations to join the earl in his rebellion, Clitheroe said he had only prayed for a blessing of the earls and other barons of the kingdom, and that the king should be delivered from ‘poisonous counsel’. Claiming economic hardship, he still received no leniency, on the grounds that he had voluntarily agreed to the fine (‘fit fin de gre’), and therefore nothing could be done.⁷⁶

The case of Robert Clitheroe shows how balancing loyalty to the king and Earl Thomas could be both difficult and calamitous for those in official positions, especially during and after the period of open rebellion. As we shall see later, the consequences could be even graver for those who had to choose side in military conflicts, whether in local rebellion or in civil war on a national scale. Yet most of the Lancashire gentry managed to maintain equilibrium; the main figures in the gentry community before the fall of Lancaster were largely the same after Boroughbridge. Was this the result of government policy, an attempt to pacify Lancaster’s adherents to avoid further unrest? Or did the majority of the landed aristocracy of Lancashire indeed maintain a degree of independence in the absence of a great, resident magnate?

These are questions to which we will return, but before that we should take a look at the gentry’s relations to the crown, through official work.

⁷³ Tupling, p. 72.

⁷⁴ *KEI*, p. 164-5. Ingelram de Gynes was in 1314 summoned to Parliament, and received several personal writs of a military order, *PW* II, i, 126, 494-5, 621.

⁷⁵ Clitheroe’s manor of Bayley was within Lancaster’s barony of Lacy of Clitheroe. The Barony was named for its main castle, and roughly identical with the wapentake of Blackburn, see above, p. 45; *VCH*, vol. VII, p. 16.

⁷⁶ *DNB*, v. xi, pp. 54-5.

Thomas of Lancaster did not have the same sovereignty in his county as his successors would have under the palatinate and later duchy of Lancaster. For the local gentry there were still plenty of royal appointments to strive for. The benefits of official work for the crown were many. Obviously, given a position of power, there was always a possibility to enrich oneself or in other ways obtain benefits for oneself or one's friends, and many succumbed to this temptation. The records from the legal proceedings are full of accusations against corrupt officers; many of these must have been brought by envious peers, yet many also reflected the actual situation.⁷⁷ One way of avoiding widespread corruption was by stipulating minimum property limits, as was done in the case of jurors in the Statute of Westminster in 1285.⁷⁸ These measures seemed to do little to help, as many of those accused were men of great standing. On 15 August 1323 for instance, such men as William Gentil, Henry de Malton, John Travers and Thurstan de Norley stood accused of exploiting their position as tax collectors, and these were all men of property.⁷⁹ What is more, avoiding partiality on the part of jurors, was apparently not such a great concern in their selection. In the assize of 1323, Thurstan de Norley was selected to sit on a jury in a case where several members of the Bickerstaffe and Banaster families stood accused of poaching.⁸⁰ Norley was one of the main protagonists on the side of the Hollands in the county feuds, and could hardly have been expected to be impartial. Even more striking is the trial of the rebels of 1315, where John de Langton, himself one of the victims of the rebellion, was chosen to sit on the jury.⁸¹ These cases do not represent the norm, but they are evidence that this kind of selections could indeed happen.

Yet this sort of abuse of office had its disadvantages. The official inclined to venality and corruption ran the risk of being punished. There were periodic government purges, such as the dismissal of the sheriffs at the York parliament in 1318, yet these were mostly politically motivated; directed just as much at political opponents as against the sheriffs themselves.⁸² When the King's Bench visited the county, however, as it did in 1323,

⁷⁷ Tupling, pp. 117, 121-2 125 et passim., (William Gentil, Henry Malton, Henry Trafford, John Travers et al.); JUST 1/425 m. 7, 8, 13 et passim. (Thurstan de Norley, William Gentil, Robert de Leyburn et al.)

⁷⁸ Statute of Westminster II, c. 38, reference in Tupling, p. lvi.

⁷⁹ JUST1/425 m. 13d. See below p. 53 for Gentil and Travers.

⁸⁰ *ibid.*

⁸¹ Tupling pp. 42-6.

⁸² On this occasion, all sheriffs were changed, except for the ones residing in the northern border counties. Tupling sees the survival in office of Henry Malton as a result of the special liberties enjoyed by earl Thomas in Lancashire, but rather this was a general exception made for the northern counties as a defence measure. Tupling, p. liv; Maddicott, p. 230; Tout, *Place*, p. 116; *CFR*, 1307-1319, pp. 380-3.

grievances against the sheriffs could be vented; and the crown would take this as a welcome opportunity to show their concern for impartial peacekeeping in the localities.

Also, and perhaps even more seriously, the corrupt officer might also lose the esteem of his peers, and his standing in local society.⁸³ A greater benefit from the official work was exactly this: the status it earned for those performing it. In and of itself, an appointment to office reflected a man's material possession – his landed wealth – as well as his capabilities, and his favour with the powers that be. Furthermore, it allowed the officer to nurture his relations to other, significant members of the local gentry. Let us take an exceptionally active officer, such as Edmund Nevill, as an example. Edmund Nevill was the fourth son of Sir Geoffrey de Nevill, a justice itinerant.⁸⁴ He owned the manor of Lyversege in York, as well as the manor of Middleton, and land in Ulverston, Nether Kellet and Worthington in different parts of Lancashire.⁸⁵ In the period from 1317 to 1323 alone he sat on three different commissions of array with such men as William Gentil and Michael Harrington, four commissions of oyer and terminer with, among others, John Lancaster, Gilbert de Singleton, Robert Lathom and Robert Clitheroe, served as commissioner of gaol delivery with Gentil and Henry Malton, and was returned to parliament three times, along with Malton, John Lancaster and others.⁸⁶ In addition to this he had also served two terms as Lancaster's deputy sheriff, from 1315 to 1317.⁸⁷ Only with William Gentil, another frequent office holder and his neighbour in the north, he served on two commissions of the array and one commission of gaol delivery.

It goes without saying that this kind of activity would help Nevill create an invaluable net of connections spanning the entire county, and these connections he had the opportunity to nurture at regular intervals. Not only did this network have an enormous value of its own, but Nevill's position as a hub in the wheel of county affairs would have made his friendship and good will valuable to others. It is more than likely that he was a man many would turn to for arbitration, advice or support in disputes.

The foundation for his position was as Lancaster's deputy sheriff, so a few words about that office might be in place. Strangely enough, Edmund seems to have held no position of note before being appointed deputy sheriff, apart from being bailiff of the hundred of

⁸³ Carpenter, *Locality and Polity*, p. 263.

⁸⁴ H-S, p. 72. This is a different Nevill family from the powerful Nevills of Raby: George Edward Cokayne, *The Complete Peerage*, (Gloucester, 1982), v. IV, pp. 497-9.

⁸⁵ *CChR* 1300 - 1326, p. 391; Maddicott, *Thomas of Lancaster*, (D.Phil.), p. 550; Tupling, 63; H-S, p. 72.

⁸⁶ *PW* II, i, 518, 543, 574; *CPR* 1317 - 1321, pp. 87, 176, 184 and 542; *CPR* 1321 - 1324, p. 162; *RMP*, pp. 55, 65 and 69.

⁸⁷ *LOS*, p. 72. Sheriffs were normally appointed annually on Michaelmas – 29 September.

Lonsdale by virtue of possessions in Nether Kellet (the bailiwick was appurtenant to two parts of the manor, granted to Nevill by Robert Holland for the life of Nevill's wife Eufemia).⁸⁸ It is therefore not unlikely that he, as a younger son, was educated in the law. At the same time, we cannot exclude the possibility that he simply gained his position through the influence of friends – his neighbour, the once and future sheriff William Gentil, or the lord from whom he rented his land at Nether Kellet, Lancaster's confidant Robert Holland – or simply through loyalty to Lancaster himself from when he served him as bailiff.⁸⁹ In 1323, Nevill stood accused of receiving money 'from divers men lately chosen to set out with the lord king to the parts of Scotland to permit them to stay in the country and chose others in their place'. Although no date is given for this event, it is natural to presume we are dealing with the array led by Nevill and Thomas Lathom in May of 1322, as this seems to be the only commission of the array on which the two served together.⁹⁰ It is not unlikely, though, that Edmund had offered similar services to the earl in capacity of bailiff before the Bannockburn campaign of 1314, a campaign Lancaster was eager to obstruct in order to undermine the king's authority, and thereby earned the earl's trust.⁹¹ He also stood accused of aiding Lancaster in his rebellion against the king. Nevill claimed that he 'belonged to the household of the said earl while the same earl was in friendship with the king. And he says that when the same earl was (afterwards) hostile to the lord king, [Edmund] accepted [a commission from the earl] through fear and apprehension of death'.⁹² The jury, however, saw Nevill's loyalty to the earl as somewhat less wavering than this, and fined him.⁹³

No matter how Nevill reached the summit of county administration, the appointment was a vital step in his career. The sheriff presided over the county courts, as well making the semi-annual tourn – or circuit – of the hundred courts. It was his responsibility to apprehend those accused before the court at Westminster, or itinerant courts or judicial commissions, and to raise the *posse comitatus* of able-bodied men to suppress rebellions – as Edmund was to experience shortly after taking over office.⁹⁴ His period as sheriff opened many doors for him, in the form of opportunities to serve the crown. This was also the case for the other sheriffs of

⁸⁸ Tupling, p. 63 n.

⁸⁹ The bailiff, like the sheriff, though ultimately answering to the crown, was a deputy of the earl.

⁹⁰ *PW* II, i, 574.

⁹¹ Maddicott, *Thomas of Lancaster*, pp. 157-9; McKisack, *Fourteenth Century*, p. 39.

⁹² Tupling, p. 64.

⁹³ Tupling, p. 62-6.

⁹⁴ See below, p. 71; Tupling, p. lii-liii; Morris, William A., 'The Sheriff', in W. A. Morris, and J. R. Strayer (eds.), *The English Government at Work, 1327-1336* (Cambridge, Mass, 1947), p. 53-73; H. Jewel, *English Local Administration in the Middle Ages* (Newton Abbot, 1972), pp. 182-90.

the period: Thomas Travers (Michaelmas 1302 – 8 September 1307)⁹⁵, William Gentil (7 August 1307 – 29 June 1309)⁹⁶ and Henry Malton (Michaelmas 1317 – 10 May 1320)⁹⁷ were all frequent office holders after their turn as deputy sheriffs. Richard Hoghton (1298 – 1302) seems to have disappeared more or less from public life after being replaced, possibly from old age and infirmity, but his son (illegitimate: Hoghton was a clerk) by the same name sat on a number of different commissions, as well as representing the county in parliament twice.⁹⁸ Ralph Bickerstaffe (1309 – 1315) died in the rebellion of 1315 shortly after being replaced.⁹⁹

There is no doubt about the prestige associated to the office of sheriff, but what about the various commissions; what were their significance to local society, and their relative value?

We have earlier touched on the issue of different sorts of commissions, who were appointed to them, and what their significance was.¹⁰⁰ Let us now take a closer look at this very important aspect of medieval English administration. It is natural to start with a commission of military nature: the commission of array. The commissioner of array was ordered to gather a specific number of men – often specified in numbers of foot soldiers and archers – within one or several counties, and muster at a pre-arranged place. If the planned military campaign was for Scotland, as it often was in this period, the muster was likely to be for York, Carlisle or Newcastle.¹⁰¹ If the campaign was for France, the muster would be at Portsmouth or another southern town.¹⁰² Often the commissioners were men of great military importance themselves, in the sense of being able to raise a certain retinue of their own. This was not always the case though: William Gentil and Nicholas Leyburn had five and three commissions each, without even being knighted.¹⁰³ The essential thing seems to have been that those selected were well connected within the county.

That the commissions of array were of enormous importance and prestige to the crown can be seen in the great number of exhortations and specifications issued by chancery to the commissioners. On 26 March 1316 a commission to muster the forces of Lancashire was issued to Edmund Dacre, Roger Pilkington and Nicholas Leyburn, ‘for the war against the

⁹⁵ *CPR* 1313 - 1317, pp. 53, 241, 461; *CFR* 1307 - 1319, p. 216, 218; *RMP*, p. 14.

⁹⁶ See above, p. 47.

⁹⁷ *CPR* 1307 - 1313, p. 521; *CPR* 1313 - 1317, pp. 685, 688; *CPR* 1317 - 1321, pp. 465, 542; *CFR* 1307 - 1319, p. 222; *PW* II, ii, 33, 14 et passim.; *RMP*, pp. 33, 51, 62, 65 and 67.

⁹⁸ *LOS*, p. 72, Lancashire; *VCH*, v. vi. p. 38; *PW* II, i, 559, 107 et passim; *RMP*, pp. 53 and 62; H-S, p. 53.

⁹⁹ Tupling, p. 46.

¹⁰⁰ See pp. 25.

¹⁰¹ *PW* II, i, 379, 489, and 506.

¹⁰² *PW* II, i, 700.

¹⁰³ For Gentil, see above p. 47, for Leyburn: *CFR* 1307 - 1319, p. 296, *CPR* 1313 - 1317, p. 460, *PW* II, ii, 468, 474-5.

Scots'. On 27 May the same year, commands were issued to proceed with the aforesaid levy. Then again, on 26 May and 5 August, further instructions went out to the same commissioners.¹⁰⁴ Later the same year, on 20 August, Robert Holland was issued instructions to raise and arm the inhabitants of the north, with special powers to appoint deputies. On 3 September, a new writ states that proclamations were to be made, 'desiring the people to obey the commissioners commands in relation to the general armament.' Then, on the very next day, Holland was issued with a third writ; an 'order to superintend the equipment of the levies.'¹⁰⁵ It must be mentioned here that the planned Scottish campaign of 1316 was never followed through.¹⁰⁶

In addition to the activities of the central law court in the localities – the by now obsolete eyre, the assizes – the crown had the possibility of appointing local men justices of legal commissions of different sorts. It should be pointed out right away that the distinction between central and local justices was not that clear-cut.¹⁰⁷ The different commissions were manned both with central justices and with members of the local gentry, some of whom had legal training, other who did not. Still, it is my distinct impression that the men selected to sit on legal commissions in the county of Lancashire in the reign of Edward II were primarily local men, something that might not have been the case had the area of study been a county closer to Westminster.¹⁰⁸

The most important local commission was that of oyer and terminer. A commission like this was created to hear and determine (*oyer* and *terminer*) cases of civil or criminal nature. It could be of a general or special nature. A general commission could be for one or a single or group, of counties, such as the one Robert Barton and Henry Malton were appointed to in December of 1310 for the county of Westmorland.¹⁰⁹ These were normally initiated by the crown, to ameliorate real or perceived lawlessness in the counties. One important type of oyer and terminer commission was the trailbaston commission, named after the bludgeons reputedly used by criminal gangs, and meant to deal with just these men.¹¹⁰

A special commission of oyer and terminer could be bought by those wanting their case tried before it. In 1322, Richard de Hulton brought a complaint of forced entry on his manors of Overdeshale, Hulton and Flixton by members of the Radcliffe family and others,

¹⁰⁴ See p. 49 on Leyburn.

¹⁰⁵ *PW* II, i, 479-81.

¹⁰⁶ Maddicott, *Thomas of Lancaster*, pp. 187-8.

¹⁰⁷ Musson and Ormrod, *Evolution*, pp. 72-3.

¹⁰⁸ *ibid.*, pp. 62-8, 72-3

¹⁰⁹ *PW* II, ii, 33.

¹¹⁰ Musson and Ormrod, *Evolution*, pp. 48-50, 72-3.

and obtained an oyer and terminer commission led by John Lancaster, Gilbert Singleton and Edmund Nevill.¹¹¹ Likewise, in 1318, Alice, the widow of Gilbert de Asshton accused John Trafford of the murder of her husband, and was given a commission led by Matthew Haydock, Edmund Nevill and Robert Lathom. These judges were all inhabitants of Lancashire, and as already mentioned, there is reason to believe that at least Nevill was ‘a man of law’,¹¹² and perhaps also some of the others.

Another important legal appointment was that of keepers of the peace. The keepers of the peace have received much attention from historians, because of their development in the reign of Edward III into the justices of the peace, an office that was to take on much of the responsibilities earlier held by the itinerant judges.¹¹³ In the reign of Edward II, however, the keepers of the peace did not have the power to determine cases, and were therefore of inferior importance to the later JPs. The keepers of the peace were supposed to assist the sheriff in maintaining order in the localities; their responsibility was to receive indictments and apprehending suspects, as well as upholding statutes (the 1285 statute of Winchester in particular), assizes of measures and so on.¹¹⁴

In 1318 Robert Lathom and John Byron had been the keepers of the peace for Lancashire since December 1307. Byron died before Easter 1318, and in the following May Robert Shireburne and Simon Holland were commissioned for the county. In June 1320, the group of commissioners was expanded to three, as Robert Lathom, Thomas Travers and William Gentil were appointed. Then, in 1323, a concerted effort was made by the crown to restore order in the localities after the civil war and the Scottish raids, by commissioning four chief keepers of the peace for the county and four to six sub-keepers for each wapentake. The four chief keepers were Baldwin de Gynes, William Butler, Richard Hoghton and Thomas Lathom.¹¹⁵

Like the commissioners of array, the keepers of the peace also had to be induced by the crown to perform their duties to the best of their abilities. In April 1310, Byron and Lathom received a royal writ ordering them ‘to proceed with greater activity in executing the commissions for the concervancy of the peace’.¹¹⁶ Four years later, in June 1314, William Dacre, Thomas Fisseburn and Thomas Louthier were appointed to a commission of oyer and

¹¹¹ *CPR* 1321 - 1324, p. 162.

¹¹² See above p. ?.

¹¹³ Putnam, ‘Transformation’; Musson and Ormrod, *Evolution*.

¹¹⁴ Musson and Ormrod, *Evolution*, pp. 50-3; J. H. Baker, *Introduction*, pp. 23-4.

¹¹⁵ Tupling, pp. lvi-lxi, 108; *CPR* 1307-1313, p. 30, 1317 - 1321, p. 176, *CPR* 1317 - 1321, p. 461, *CPR* 1321 - 1324, p. 382.

¹¹⁶ Tupling, p. lvii; *CCR* 1307 - 1313, p. 204

terminer to ‘enquire into the dilligence’ of the sheriff and the newly appointed commissioners.¹¹⁷ Chancery seems here deliberately to have selected men from other counties (Fisheburne, Louther and, partly, Dacre) in order to avoid partiality. Obviously there must have been a certain amount of discontent with the work of the commissioners for this kind of admonitions to be issued. This could be simply a result of the crown’s constant frustration with the effectiveness of its control of the localities, a frustration that was especially strong at a time like this when Edward II’s authority was being constantly challenged. Yet it could also reflect a genuine unwillingness or lack of interest on the part of the officials to seriously involve themselves in peacekeeping, perhaps as a result of the limited powers invested in the office.

The final category of commissions with which we will deal, is that of fiscal commissions. When a tax was granted by Parliament, commissioners were appointed in each county to levy the amount. A tenth of all moveable property in towns and a fifteenth for the rest of the country became the standard, but there were constant variations.¹¹⁸ Other sorts of fiscal or financial commissions were commissions to levy scutage (a tax, or fine, paid in lieu of military service)¹¹⁹ and commissions of enquiry into measures (to ensure adherence to the national standards of measures, in part then a legal commission).¹²⁰ Naturally, a commission of this kind could be an opportunity for the officer to enrich himself, as was often done. One of the most frequent accusations in the inquisition of 1323 was what was stated in the articles of enquiry to be ‘sheriffs, constables, bailiffs and other ministers who have taken anything in derogation of the king’s profit’.¹²¹ One membrane reads:

The jurors present that when Henry de Trafford, knight, and John de Chisenhale were assessors of the sixteenth penny,¹²² they permitted their clerks to take by extortion, etc. from the townships of that county a large sum of money to the use of those assessors, up to the amount of ten marks from the wapentake of [West] Derbyshire; to wit, from the township of Accon [Aughton] 4s., and so [more or less] from other towns according as to whether they were larger or smaller.¹²³

¹¹⁷ *CPR* 1313 - 1317, p. 130.

¹¹⁸ Brown, *Governance*, p. 70-7; *CPR* 1307 - 1313, p. 521: Robert Barton and Henry Malton, December 1312.

¹¹⁹ *CFR* 1307 - 1319, p. 218: Robert Lathom and Thomas Travers, November 1314.

¹²⁰ *CPR* 1313 - 1317, p. 688: Adam de Skelton and Henry de Malton, March 1317.

¹²¹ Tupling, p. 5.

¹²² A writ of 5 August 1316 commissioned Trafford and Chisenhale (along with Richard le Molineux of Crosby, who was not accused) to assess the sixteenth for the county of Lancashire. The tax was ‘Granted at the Parliament of Lincoln to purchase exoneration from the aid of foot soldiers for the war in Scotland, and to obtain a confirmation of the perambulations of the forest.’ *CPR* 1313 - 1317, p. 530.

¹²³ Tupling, p. 121.

The document goes on to name other assessors, such as William Gentil¹²⁴ and John Travers¹²⁵, bringing similar accusations. The accused admitted to the charges, and were fined.¹²⁶

These last commissions could obviously be profitable, but in terms of status they were probably of less value than the military and legal ones. If we were to make a division of the Lancashire landowners into two groups, as delineated above, into baronial and non-baronial individuals and families, we can use this as a basis for an assessment of the different types of commissions.¹²⁷ Excluding those not active on commission work at all, we end up with eleven belonging to the baronial group (including earl Thomas), and twenty-one below that rank. By dividing the number of commissions by individuals within each group, we get an average of 1,45 military commissions, 1,27 legal and 0,27 fiscal for the higher baronial group, and 1,29; 1,81 and 1,10 respectively for the rest. Calculated as percentages the numbers would be 48, 42 and 9% for the baronage, and 30, 43 and 26% for the gentry. This shows a preference for the military commissions among the barons, a dislike for the fiscal commissions, and an equal partition of legal ones between them and the gentry.

There are, however, great variations within the latter group. As already mentioned, some gentry members were exceptionally active on commissions.¹²⁸ This goes in particular for William Gentil, Edmund Nevill and Richard Hoghton, all former sheriffs (or, in Hoghton's case, probably the son of one). Were we to exclude these three from the equation, the numbers would look like this for the gentry: 0,72 military commissions, 1,56 legal ones, and 1 fiscal commission each. In percentage, respectively: 22, 47 and 31%. The tendency is now even clearer: the barons were more than twice as likely as the gentry to end up on a military commission, while the gentry outdid the baronage three to one on the fiscal ones. We can see also that the gentry were more frequent office holders than the baronage, with an average of 4,2 commissions each (3,28 even without Gentil, Nevill and Malton), as compared to the barons' 2,99.¹²⁹

There are some simple explanations for these tendencies. The predominance of the baronial families on the commissions of array is quite natural, many of these being major

¹²⁴ Assessor, with Trafford, of the eighteenth and twelfth (i.e. a twelfth for towns and an eighteenth for the rest) 'Granted to the king by the Parliament at York for the war in Scotland.' On 30 May 1319, *CPR* 1317 - 1321, p. 347.

¹²⁵ Assessor, with Thurstan de Norley, of the tenth and sixth, commissioned on 2 September 1322, *PW* II, i, 278.

¹²⁶ See below, p. 46 for further discussion of this case.

¹²⁷ See pp. 22-25.

¹²⁸ See p. 47.

¹²⁹ This information is collected from a number of sources, primarily the *Calendars of Chancery Rolls*, *Parliamentary Writs* and H-S, and is mostly from the period 1311-23.

landowners, with great retinues of their own. They would then also have the necessary experience of martial affairs needed to make the proper preparations. Their frequent involvement in military matters might also have made them less available for service on the lesser commissions, and help explain their lower average in total. Part of the explanation may also be found in geography. Many of the baronial families – the Dacres, the Gynes, the Harringtons, the Huddlestons and John Lancaster – had the majority of their Lancashire property in the northern part of the county, along with land in Cumberland and Westmorland.¹³⁰ They would therefore be less available for involvement in affairs south of the Ribble, yet of course, at the same time partly involved in the affairs of these northern counties.¹³¹ As for the prolific activity of some of the gentry (primarily Gentil, Hoghton and Nevill, but also John Byron, Robert Lathom and Henry Malton¹³²), not all of them even knighted, it would be natural to presume that these were men educated at least to some level in the law.¹³³ As we know little of these men's educational background, though, this will remain largely speculation.

If work on commissions was a source of prestige and an opportunity for building networks, it was also very time-consuming. Also, apart from parliamentary representation, work for the crown was not paid, so for commissioners and other officials great personal expenses were often involved. For a landowner deeply involved in the administration of his estates, or without sufficient financial resources, an appointment to a commission could have been more of a nuisance than an advantage. After the 1315 rebellion, for instance, a commission of oyer and terminer was given to Thomas of Lancaster, Edmund, Earl of Arundel and Fulk l'Estrange. When Lancaster and Fulk l'Estrange were unable to attend, John Lancaster, Henry Trafford and Henry de Hambury were appointed in their place. Another interesting case comes from the appointments of keepers of the peace in 1323. We have a reference to these appointments from the King's Bench's proceedings in Lancashire that year, probably based on the nominations, as well as the actual appointments. If we compare the

¹³⁰ *CChR* 1300 - 1326, pp. 23, 42, 126, 240, 482; *KEI*, i., pp. 164-5, 249, 259-60; Maddicott, *Thomas of Lancaster*, D.Phil., p. 546; Holmes, *Estates*, pp. 134-40; H-S, p. 63; DL 25/289, 384, 565; KB 27/254/10. Again, John Lancaster presents a problem, see preface

¹³¹ As in the case of John Lancaster's appointment to keeper of the peace for Westmorland in April 1314; *CPR* 1313 - 1317, p. 108, or William Dacre and John Harrington's appointment as commissioners of array for the same county in August 1316; *PW* II, i, 479, 17.

¹³² Byron, for instance, sat on four commissions of oyer and terminer; *CPR* 1307 - 1313, pp. 328, 542, *CPR* 1313 - 1317, pp. 53, 241. Malton, besides once being commissioned to supervise the array, and sitting on four fiscal commissions, was twice commissioner of oyer and terminer, once commissioner of gaol delivery and once commissioned to enquire 'into offences by royal ministers', *CPR* 1313 - 1317, p. 685, *CPR* 1317 - 1321, pp. 465, 542; *PW* II, ii, 33, 14,

¹³³ Musson and Ormrod, *Evolution*, pp. 54-74.

two, we find that Baldwin de Gynes was substituted for John de Harrington as chief keeper of Lancashire, but several changes were also made in the personnel of the sub-keepers.¹³⁴

In Lancaster's case, it is not surprising that he should excuse himself from direct involvement in the commission. At the time he was deeply involved in other tasks, primarily in preparations for a Scottish campaign.¹³⁵ As mentioned above, he might also have nurtured a certain dislike or inability for the minutiae of administrative work. Lancaster at least was in a position to say no to an appointment like this, but what about the others? Harrington was, like Lancaster, a man with great estates and frequent military engagements, but as we shall see later his replacement might have been the work of the crown, for political motives.¹³⁶ As for the rest, these are lesser men, of whom we know less. It is hard to say whether these changes were made by the crown, or on their own request. Still, turning down a royal appointment was probably something one could do only with by presenting a good excuse.¹³⁷

We have in this chapter looked at connections between the members of the gentry, their relations to Thomas of Lancaster, and the official work they performed for the crown. I wish to conclude this chapter with some thoughts on the nature of these relations, before moving on to a more thorough chronological analysis.

There is a possibility to consider that the gentry of early fourteenth-century Lancashire preferred autonomy to the leadership of a magnate. The county community's growing involvement in administrative affairs, picking up pace in the first half of the fourteenth century, – the keepers of the peace transformed into justices of the peace, the expansion of the escheatorship from a national to a county office¹³⁸ – combined with economic developments, made them better educated, more affluent, better connected, and thereby more capable of protecting their own interests on a national level. The absence of a strong, influential magnate as an adhesive agent on local associations could be compensated for by the creation of independent institutions, creating channels through which the gentry could conduct their own affairs.¹³⁹

These independent associations could take different forms; we have already dealt with some informal ones, such as marriage and kinship, neighbourhood, the nurture of

¹³⁴ CPR 1321 - 1324, p. 382; Tupling, p. 108.

¹³⁵ Maddicott, *Thomas of Lancaster*, p. 174.

¹³⁶ See below, p. 75.

¹³⁷ Saul, *Knights and Esquires*, p. 106.

¹³⁸ Putnam, 'Transformation'; Baker, *Introduction*, pp. 23-4; Musson and Ormrod, *Evolution*, pp. 50-4; Stephenson 'Escheator', pp. 113-20; Saul, *Knights and Esquires*, pp. 135-41.

¹³⁹ Saul, *Scenes from Provincial Life* (Oxford, 1986), pp. 72, 191-2 et passim.; Saul, *Knights and Esquires*, ff.

acquaintances through collaboration on official tasks. Membership in guilds was another way for the gentry to fortify their sense of community, yet of this we can know only little.¹⁴⁰

One form of union we do have a certain knowledge of, is confederations between likeminded landowners, along with their tenants and followers, to secure their interest, if necessary by force, against their enemies. Still, the fact remains that the majority of the gentry community never took part in any of these confederacies, and stayed out of the county feuds as far as possible. Did this in any way reflect their attitude to Thomas of Lancaster? Were these gentry members favourably inclined towards the Earl, or were they simply content with running their own affairs in his absence? Lancaster might in many ways have been considered an outsider, both in the sense that he was non-resident, and in the sense that he had only been the county's dominant magnate since the death of Henry de Lacy in 1311. Yet apart from the rebels of 1315, there is little sign that the men of Lancashire harboured any ill-will for him, or tried to circumvent his commands. Adam Huddleston, for instance, witnessed a charter of the Earl in 1311, and Lancaster's wardrobe accounts show that Huddleston, John Harrington and Edmund Nevill all received letters from the Earl in the years 1318-19. These are examples of the normal relationship seemingly existing between the Earl and his main retainers in Lancashire.¹⁴¹

A county such as Lancashire, with its relatively poor soil and few other sources of revenues, had a tradition of contributing more than its share of soldiers to the nation's wars.¹⁴² Even a man such as Edmund Nevill, with his many administrative commitments, served the Earl on his Berwick campaign in 1318-19.¹⁴³ Indeed, this can partly explain why many of the men of Lancashire remained loyal to the earl, their loyalty was perhaps mostly on a military basis. The Earl's main military retainers, however, were from the northern part of the county, and – through their possessions in Cumberland and Westmorland – marcher lords. The situation was at least somewhat different in southern Lancashire, where there were a certain number of great men – with or without strong ties to the earl – who were less active in martial affairs.

We have now looked at the structures of Lancashire society in the reign of Edward II; how the gentry built up their networks, and how they rose through service to Lancaster and to the king. In the next chapter I wish to make a more thorough chronological analysis of the

¹⁴⁰ Carpenter, p. 229, 238-9, 338-9; Bennett, *Community*, 21-40; McFarlane, 'An Indenture of Agreement between Two English Knights for Mutual Aid and Council in Peace and War', in *England*, pp. 45-56.

¹⁴¹ Maddicott, *Thomas of Lancaster*, D.Phil., pp. 546, 549.

¹⁴² Bennett, *Community*, pp. 162-91.

¹⁴³ Maddicott, *Thomas of Lancaster*, D Phil, p. 549.

turbulent period of English history 1311 to 1323, and explore more carefully how the interplay between these two main forces of national government affected the situation of the Lancashire gentry, and how the gentry reacted. This way we might get a better impression of the relationship between gentry, earl and crown.

Chronology, 1311-1323

The years 1311 to 1323 were highly eventful to Lancashire, as they were to all of England. The period witnessed the death of a leading magnate followed by the succession of another, the humiliating defeat to the Scottish army at Bannockburn, which would lead to the county being raided by the Scots twice in the following 8 years, a great famine, a rebellion followed by an enduring feud, Lancaster's final defeat at Boroughbridge, and finally a visitation of the king's justices in an attempt to restore a certain degree of order to the region. Events on a national and local level during this period influenced and shaped each other, and this is a process that needs to be analysed.¹ In this chapter I will deal with the events of the years 1311 to 1323, the most turbulent years in the reign of Edward II, in four periods: the years leading up to the rebellion of 1315, the rebellion itself, the years between 1315 and the great royal inquisition of 1323, marked by ongoing local feuds, and finally I will take a look at the 1323 proceedings, and what they can tell us. My aim is to put the events in Lancashire in national context, and try to show how local events were shaped by national politics.

Before venturing on an analysis of local events, however, it is important that we have a basic understanding of events on a national level, first and foremost Lancaster's relations with the king, and his position at court. Only with this in mind can we understand how national events affected local ones, to cause a breach in the county society. We should therefore now take a quick look at the main events of the period 1311-23, focusing on the ups and downs of Lancaster's career, and providing a few, central dates. Then, before turning to the actual chronology, I wish to look take a closer look at the appointment of officers. We have already studied offices in a structural framework; now we may look at development over time.

Had Earl Thomas and the king been on good terms at the time of Edward's accession, those feelings were all in the past by 1311. When Lancaster as leader of the Ordainers made the final document public 16 August 1311, he was firmly established as one of the king's opponents. The source of Lancaster's – and most of the nobles' – discontent was the upstart Piers Gaveston, and the favouritism the king was showing him. Gaveston had been exiled as one of the conditions of the Ordinances, so when Lancaster orchestrated his execution upon his return to England, he had a certain legal basis for this. The execution had a negative effect on the anti-royal coalition, however; on one hand its pure brutality alienated many of

¹ McKisack, *Fourteenth Century*; *VCH*; Tupling.

Lancaster's former allies, on the other hand the execution of Gaveston eliminated one of the main causes of their opposition. There was after this an immediate breach between the king and Lancaster, on 27 August, the Earl was summoned to London, but failed to appear. A partial reconciliation took place in 1313, but Lancaster's alienation continued until the battle of Bannockburn 24 June 1314.²

After Bannockburn, Lancaster took advantage of the king's defeat to move back into the centre of power, and in September of that year, at the York parliament, he carried out an extensive replacement of central and local government officials. This was to be the start of what Maddicott has termed 'the Lancaster administration'. On 8 August 1315, Thomas was appointed *superior capitaneus* of the north, 17 February 1316 he became a member of the royal council. Yet this situation was not to last, the death of his main supporter, the Earl of Warwick, in August 1315, the rebellion in Lancashire later that year, combined, perhaps, with personality flaws on Lancaster's part, made life at court more and more difficult for him. Sometime around April 1316 he left for the north, starting a period of increasing isolation that was to last until 1321.³

The treaty of Leake 9 August 1318, and later the Parliament of York in October of that year, established what posterity more or less accurately has termed 'the Middle Party': a group of nobles and prelates supportive of the king, who managed to create a *modus vivendi* between Edward and Thomas. Yet Thomas's isolation continued, and his situation did not improve by him leaving the siege of the Scottish castle of Berwick 16 September 1319; rumours of conspiratory activities with the Scots would follow him from that day on. Lancaster's isolation was only broken when the king's new favourite Hugh Despenser started a project of aggrandizement in the Welsh marches that was to alienate the marcher lords and allow the Earl to build a new coalition against the king. This last stand was short-lived, however, ending in the battle of Boroughbridge 16 March 1322, followed by Lancaster's execution on the 22nd.⁴

What we see here is Lancaster's influence in court at a peak in 1311, falling the next year, only to rise again in 1314; reaching a summit where it remained until 1316. After this point it steadily declined, and although he was to reappear on the political scene in 1321, he never again enjoyed great influence over the personnel and instruments of national power.

² Maddicott, *Thomas of Lancaster*, pp. 116, 119, 127, 133; McKisack, *Fourteenth Century*, pp. 12, 27-8, 38; Phillips, *Pembroke*, pp. 31, 35, 73-4; Tout, *Place*, pp. 79, 89 et passim.

³ Maddicott, *Thomas of Lancaster*, pp. 164-5, 170, 181, 187, 190; McKisack, *Fourteenth Century*, pp. 46, 48; Phillips, *Pembroke*, pp. 76-7, 95; Tout, *Place*, pp. 90-3, 95, 100-5 et passim.

⁴ Maddicott, *Thomas of Lancaster*, pp. 226, 229, 249, 256-7, 311-2; McKisack, *Fourteenth Century*, pp. 54-7, 67; Phillips, *Pembroke*, pp. 170-1, 173, 184-5, 197, 224-5; Tout, *Place*, pp. 109, 120, 134 et passim.

On a local level, a place where we might expect to see the result of this ongoing struggle for power was in the appointments of local officers. This was an area of conflict between the king and the earl, as there were great benefits involved for whoever controlled the appointments.⁵ In Lancashire, William Gentil had been appointed deputy sheriff on 5 October 1320, but from 23 October, Gentil accounts directly to the Exchequer.⁶ It can be no coincident that this change took place during the nadir of Lancaster's influence on national politics. How did these changes affect the appointments of local officers? If we were to return to Gentil's changing status from deputy sheriff to sheriff in October 1320, it now becomes quite clear what was happening. The king must have taken advantage of Lancaster's weak position to deprive him of one of his greatest privileges; that of return of writs, a privilege his father had held before him.⁷ Other offices show a similar pattern. Maddicott has studied Holland's tenure as justice of Chester, and found a clear correlation between his three appointments and Lancaster's position at court. The first appointment came in August 1307 when the Earl was still among the king's supporters, and lasted until October 1309, when Lancaster had started to move into opposition. Then a new appointment was made in December 1311, a few months after the publication of the Ordinances, this one lasting until November 1312, when the king and Earl were at odds over Gaveston's execution. The last appointment came in February 1319, perhaps as an attempt at conciliation after the Parliament of York, only to end in January 1322.⁸

Turning our attention to other offices, it is natural to return to the sheriff, to see if we can find political changes not only in the status of the office, as in Gentil's case, but also in the personnel. There were at least three wholesale purges of the office during the years from 1311 to 1323, one after the publication of the Ordinances in October 1311, one after the York Parliament of September 1314, and one after the York parliament of October 1318.⁹ None of these occasions coincide with replacements in Lancashire.¹⁰ The only clearly politically motivated replacement in this period was when Gentil was replaced by Robert Leyburn 13 October 1322, and exactly six months later ordered to deliver all records in his possessions to the escheator.¹¹ That the sheriff of Lancashire before this time was more or less immune to

⁵ Carpenter, *Locality and Polity*, 354-6.

⁶ *LOS*, p. 72.

⁷ *LOS*, p. 72.

⁸ Maddicott, 'Lancaster and Holland', p. 465.

⁹ Tupling, pp. xlv, liv; Maddicott, *Thomas of Lancaster*, pp. 181, 230; Phillips, *Pembroke*, pp. 32, 76-7; McKisack, *Fourteenth Century*, p. 46; Tout, *Place*, p. 91 and n., 92, 116.

¹⁰ Unless we presume that Ralph de Bickerstaffe was replaced in 1314, in which case we do not know who served as sheriff until Edmund Nevill's appointment Michaelmas 1315. See below, p. 66.

¹¹ *LOS*, p. 72; Somerville, *Duchy*, pp. 28-9.

government interference, was due to a combination of the special privileges enjoyed by Lancaster in this county, and the general tendency of the crown to interfere less in the affairs of the northern counties.¹²

An office over which the crown had more direct power was that of the keeper of the peace. Surprisingly enough then, the same two knights, Robert de Lathom and John de Byron, were allowed to remain in office for the entirety of the period 1307 to 1318, this in spite of the fact that the crown was apparently not entirely pleased with their performance.¹³ Tupling also sees the relationship between the two as somewhat unequal, ‘Lathom...was a military tenant of the earl of Lancaster, and had family connections with the Hollands, and by virtue of his territorial possessions, was probably the most influential of the two’. It must be said that Byron’s landed wealth was not insignificant, but he was a tenant of the baron of Manchester, and much of his land was located in Yorkshire, Northamptonshire and Lincolnshire.¹⁴ In any case, the two remained in office for ten and a half years, and were only replaced upon the death of Byron. The new commissioners were Simon Holland and Robert Shireburne, a retainer of Lancaster.¹⁵ This was hardly an unfortunate appointment for Lancaster, but this was also done at a time of relatively peaceful co-existence between king and Earl. In 1320 though, one would have expected appointments to reflect the impotence of Lancaster at the time, yet at this point Latham is reinstated, in company with Thomas Travers and William Gentil, both former deputy sheriffs for Lancaster.¹⁶ They also both held land at Slyne, near Lancaster.¹⁷ Not even the appointments for 1323 stray far from the circle of Lancaster’s adherents. Unbeknownst for what reason, John Harrington, who was originally designated for the post, was replaced by Baldwin de Gynes, perhaps as a reproof for Harrington’s adherence to the Earl; Gynes at least seems to be a more neutral choice (although, as Holmes put it: ‘it is scarcely ever possible to say with certainty that a man was *not* retained’).¹⁸ Yet the others selected were William Butler, a retainer of the earl, Richard Hoghton, another former deputy sheriff, and Robert Lathom’s son, Thomas.¹⁹

¹² See above, p. 46 n.

¹³ See above, pp. 51-2.

¹⁴ Tupling, pp. lvii-lviii; *KEI*, i., p. 172; iii, p. 18; *VCH*, v. IV, pp. 273, 283; v. V, pp. 213-4, 220, 250 et passim.; *H-S*, p. 64; *CPR* 1307-1313, p. 30.

¹⁵ *CPR* 1313 - 1317, p. 21; 1317-1321, p. 176; Tupling, p. lviii.

¹⁶ *CPR* 1317 - 1321, p. 461; *LOS*, p. 72. Thomas’ sons, Lawrence and John, were on the list of Lancaster’s retainers pardoned in 1318: *CPR* 1317 - 1321, p. 227.

¹⁷ *VCH*, vol. VIII, p. 137.

¹⁸ Holmes, *Estates*, p. 78.

¹⁹ Tupling, pp. lvi-lxi, 108; *LOS*, p. 72; *CPR* 1321-1324, p. 382; 1313-1317, p. 21.

One obvious reason why so little politics can be discerned from the appointments of the keepers of the peace, is the limited options the crown was faced with when making its appointments. As mentioned earlier, there were few able and affluent members of Lancashire's landed society who were completely outside the Earl's control.²⁰ Particularly in the years after the great rebellion, with Lancaster's power on the wane, this was the case, as Holland and his supporters obtained almost complete control of the southern part of the county. It must be kept in mind though, that even before the rebellion Lancaster was supreme in the county, as even the rebels were part of Lancaster's retinue up until the rebellion.

Another factor could be the limited powers the keepers of the peace held; the king was apparently not interested in risking any prestige on their replacement. In this respect, the sheriffs were of much greater importance, these were also on several occasions subject to nationwide replacements. Here, however, the Earl's power was absolute, and it was not until after his death that the crown was able to exert any real influence over the appointments. As mentioned above, this is when Gentil is replaced by Robert Leyburn. Leyburn, however, was also a retainer of Lancaster, and what is more, he himself was replaced after only four months by John Darcy.²¹ The year 1323 was a turbulent one when it came to appointments of sheriffs, it was not before 13 July that a suitable candidate was found in Gilbert Southworth (from the *Langton v Southworth* dispute, see above, pp. 35-7), who remained in office until Leyburn was reinstated in 1326. It must be mentioned that Southworth – it should be no surprise by now – was a retainer of Lancaster.²²

Let us now return to the chronology. The rebellion of 1315 did not grow out of nowhere; it is likely that some events must have taken place in the years immediately before the rebellion to precipitate it. Central to an understanding of this, is a thorough knowledge of the four most central leaders of the rebellion: Adam Banaster, Ralph Bickerstaffe, Henry Lea and William Bradshaw.

Adam Banaster belonged to the Banasters of Bretherton. The origin of the name Banaster is uncertain, but it is not a toponym, like most gentry surnames in fourteenth-century Lancashire. The name might be derived from French *banaste*, a basket or creel, or the Latin *ballista*, a medieval siege engine, so that the original Banaster could have been a man who

²⁰ See above, p. 40.

²¹ *LOS*, p. 72.

²² *ibid.*; *CPR* 1317-1321, p. 227.

operated this machine.²³ The name was fairly common in Lancashire, and the Bretherton Banasters were probably related to the Banasters of Newton in Makerfield who held that barony from the age of Henry II until it passed to the Langtons by failure of heir in 1291. Adam Banaster was the son of Thomas Banaster, who died in or before 1303. Adam had a brother William, who became the head of the family after Adam's death, and a third called Thomas. Both served as knights of the shire, and both were later active in Bradshaw's struggle against Richard Holland. The family estates were held as a knight's fee of Thomas of Lancaster, in the barony of Penwortham.²⁴

Ralph Bickerstaffe was the lord of the manor of Bickerstaffe in West Derby, which he held as thegnland. Ralph had succeeded his father Adam in or around 1292, and had since then been active in county affairs, representing the county in Parliament in 1313 and sitting as sheriff from 1309-1315. In 1309, Bickerstaffe received, along with Adam and William Banaster, a royal writ commanding him to repair to his demesnes in the Marches, to defend them against the Scots. His son and heir, Adam, was later to take part in the confederacy of William Bradshaw. Like Banaster, Bickerstaffe was also a tenant of Lancaster, and one of those pardoned for the death of Gaveston in 1313.²⁵

Henry Lea was the lord of Charnock Richard in Leyland, Ravensmeoles in West Derby, and Lea near Preston in Amounderness. His grandfather, by the same name, had been sheriff in 1283. His father, William de Lea, married Clemence, daughter of Robert Banaster, the last baron of the Banaster line of Newton. When Henry died without issue, the family estates passed on to his brother-in-law, married to his sister Sibilla, Richard Hoghton. As already mentioned, Lea was Banaster's stepson-in-law. Also Lea was on Lancaster's list of pardons in 1313.²⁶

William Bradshaw must have had his origin in Bradshaw in Salford, but was lord of the adjacent manors of Haigh in West Derby and Blackrod in Salford. William had married into his lands; his wife was Mabel, daughter of Hugh le Norreys (meaning 'the northerner', or

²³ Contemporary sources are not always consistent in their use of the word *ballista*, but it usually denotes a machine resembling a giant crossbow. The root is a Greek word meaning to throw (Jim Bradbury, *The Medieval Siege* (Woodbridge, 1992), pp. 251-2).

²⁴ *RMP*, p. 46; *VCH*, v. I, pp. 366-75, v. VI, pp. 103-4; Tupling, p. xliii, xlvi; *Whalley Coucher*, pp. 113-4; Porteus, p. 10; *KEI*, i., p. 39-40; *CPR* 1313 - 1317, p. 21. Thomas sn. is styled 'late sheriff' of Lancashire in the Close Rolls, 21 May 1300. This seems unlikely, as he does not turn up in other records as sheriff, H-S, p. 6.

²⁵ *VCH*, v. VI, pp. 276-7; Tupling, p. xlv, 85; *LOS*, p. 72, Lancashire; *PW* II, i, 392; H-S, p. 10. Tupling is wrong in identifying Adam Banaster as partaking in the 1313 pardon. There is a *Robert* Banaster on the list: *CPR*, 1313-1317, p. 21.

²⁶ For Lea and Banaster, see above pp. 31-2, for Hoghton, p. 49; Tupling, p. xliii, *VCH*, v. II, p. 198; v. VI, p. 204-5; *Whalley Coucher*, pp. 497-8; *CPR* 1313 - 1317, p. 21.

even ‘the Norwegian’)²⁷ who in 1282 was in possession of the manors. Hugh must have given the wardship of his daughter to Richard Bradshaw, who subsequently married her to his son William. William was a prominent member of the county community, who was returned to parliament several times both before and after the rebellion. Bradshaw was another retainer of the Earl, and among those pardoned in 1313.²⁸

The rebels were numerous, according to the monk of Malmesbury 800 men, fifty-four of whom are mentioned by name in the 1323 proceedings, but these four were the protagonists.²⁹ We have seen ample evidence of the relationships between these four, through marriage, neighbourhood, military obligations and activities and so on. There are also signs of association between them in the years immediately preceding the rebellion. At an assize of novel disseisin in August of 1313, Ralph Bickerstaffe and William Bradshaw stood accused together, along with several others, of depriving Robert, son of Simon de Bickerstaffe of his right of common of pasture at Bickerstaffe (the similarity of surnames does not necessarily denote kinship in this case, simply common origin). Bradshaw apparently had some sort of interest in Bickerstaffe’s manor; exactly what it was, is not quite clear. Bradshaw was not present at the assize, but we can still assume from this document that the relationship between the two was being maintained on a regular basis in the years leading up to the great rebellion.³⁰

Another case from the same assize should be mentioned as well, even though the evidence here is somewhat more tenuous. In this case Henry de Lea was accused of disseising Adam son of John de Clayton of his free tenement in Clayton-le-Woods [Clayton iuxta Laylond], and among Lea’s co-defendants were a Robert son of Adam Banaster and William son of Richard Banaster. The dispute was over whether Adam held the land in return for a yearly rent of 18*d* as he claimed himself, or as 1/8 of a knight’s fee, as Lea maintained (the assize found in favour of Lea). The Banasters cannot be identified with anyone belonging to the Bretherton branch of the family, Adam had no sons that we know of, and William’s father was Thomas. There was a ‘Robert Banaster’ mentioned in the pardon of 1313, and a ‘Richard Banaster’ returned to Parliament from the borough of Preston both in 1306 and in 1307, perhaps those are the ones appearing in this case.³¹ In any case, the manor of Clayton is not

²⁷ George Ormerod, *Genealogical Essays Illustrative of Cheshire and Lancashire Families, and a Memoir on the Cheshire Domesday Roll* (London, 1851), p. 6.

²⁸ *VCH*, v. IV, p. 114-5; v. V, 270-1; Tupling, p. xliii; Porteus, 4, 8, et passim.; H-S, p. 10; *RMP*, p. 39, 49 et passim.

²⁹ Tupling, pp. 42-3.

³⁰ JUST1/424/m. 6.

³¹ *CPR* 1313 - 1317, p. 21; *RMP*, pp. 21, 27.

far at all from Bretherton, or the Bretherton Banasters' land in Welsh Whittle or Heath Charnock. We can presume that these Banasters, with whom Lea stood accused, were a part of *our* Adam Banaster's extended family.³²

The affinity between these four knights is quite obvious, even from the scant evidence that we have. What about their standing in the local community, among their peers? A good indication of this can be found in the returns to Parliament, a selection over which the gentry community had more say than in most cases. Maddicott, basing himself on a study by E. Fox, concluded that Thomas of Lancaster had little interest in packing Parliament with his own retainers; Parliament was still primarily a baronial gathering, both to him and his peers. This absence of magnate interference allows us to see some of the internal politics going on in the county. The presence of the party around Banaster in the returns from the Parliaments immediately preceding the great rebellion is quite conspicuous.³³ William Banaster had been a knight of the shire in 1304. Then, in March 1313, William Bradshaw was returned, July the same year Ralph Bickerstaffe, none of the rebels in September of that year, but then in 1314 Thomas Banaster, and January 1315 William Bradshaw. Parliament as a regular, relatively representative institution was at this point only twenty years old, but it seems as if though the Lancashire gentry had already learned to use it for political means. This frequent representation seems a strong indication that this group of disgruntled men were trying to get consent for their discontent. Not only that, but the county community seems to have been sympathetic. The Parliament to meet at Lincoln in January 1316 had of course none of the rebels present. The selections for the parliament, however, were done at an earlier point. If indeed the group around the 1315 rebels were set aside on this occasion, this might have been an affront grave enough to help trigger the rebellion.³⁴

Thomas of Lancaster might not have been able, or willing, to influence much on the selection of the knights of the shire, but the appointments of deputy sheriffs was entirely up to

³² JUST1/424/m. 7d.

³³ I use the word 'party' here in a figurative sense. For the anachronism involved in the use of the term for early political groups, see Phillips, p. 140.

³⁴ *RMP*, pp. 19, 39, 41, 44, 46, 49, 51; E. Fox, *The Parliamentary Representation of the County of Lancaster in the Reign of Edward II* (Manchester Univ. M.A. thesis, 1956), cited in Maddicott, pp. 51-3; Walker, 237-241; McFarlane, 'Parliament and Bastard Feudalism', in *England*, pp. 1-22. According to Maddicott Fox argues that the frequent returns of the 1315 rebels shows how even 'the Earl's opponents' got a chance to sit (Maddicott, p. 52). This seems not quite accurate, as there is no overt opposition against Lancaster before the rebellion. Quite the opposite, as the rebels (allegedly) helped in the capture of Gaveston in 1312, and received a pardon for it the next year. Rather we should think in terms of different fractions within the county community. Maddicott also mentions the October 1320 Parliament as 'the only known case of the deliberate management of a Lancashire election', when indeed the accusation against William Gentil for the 1320 Parliament was mirrored by that against Henry Malton for the Parliament of 1319, Maddicott, *Thomas of Lancaster*, p. 52; Tupling, p. 119.

him. Quite possibly he took the advice of Robert Holland in these decisions, as he probably did not have the local knowledge himself to consider the candidates, and make the appointment. If so, the fact that Ralph Bickerstaffe in 1315 had acted as sheriff since 1309 might be seen as an act of diplomacy. Six years was an unusually long tenure of the office, neither Bickerstaffe's predecessor, William Gentil, or his successor, Edmund Nevill, were appointed for more than two one-year terms. Yet Bickerstaffe might have clung on to the post as a last bulwark against Holland's growing influence. Again, the dismissal could have been taken as a provocation, and combined with the parliamentary disappointment might have appeared like a small political revolution. If Bradshaw really was replaced only on Michelsmas 1315, as the PRO *List of Sheriffs* claims, the rebellion started only nine days later than that (8 October). A reservation must be made here, though: a reference from 24 October 1314 referring to Bickerstaffe as 'late sheriff of the county of Lancaster' argues against this, if accurate, it changes the picture somewhat. On the other hand, if Bickerstaffe was indeed replaced sometime in the late summer or autumn of 1314, this coincides with the purge of the sheriffs Lancaster conducted as his position was strengthened after Bannockburn. This again could be taken as an indication that Bickerstaffe's tenure was in fact undesirable to the Earl. Be that as it may, it was no wonder if the rebel leaders felt like political outsiders by the autumn of 1315.³⁵

So the conflict had been building up for a while by October 1315, but why did this divide exist in the first place?

The conflict between the Banasters and the Hollands went far back. In 1268 Robert Banaster of Newton sued Richard de Holland and others for destroying Banaster's fishpond, and for abducting his wife and sons. In 1279, Matthew Holland charged Henry Banaster with diverse trespasses. Matthew had just married Henry's mother, and the trespasses were probably just the result of Henry not wishing to quitclaim his mother's land to his new father-in-law.³⁶ But as for more contemporary proof of any antagonism between Holland and Banaster, or indeed any of the rebels, we again come up against the somewhat unsubstantiated claims that Holland should have presumed on his position.³⁷

At the same time, we should not be too quick to disparage the rebel's own justification for their actions. They had said that they 'had a commission from the lord king to do what

³⁵ McKisack, *Fourteenth Century*, p. 46; *LOS*, p. 72; Tupling, p. xlv; *CPR*, 1313-1317, p. 419.

³⁶ Tupling, p. xliii n.; *Calendar of Inquisitions Miscellaneous Preserved in the Public Record Office [1219-1422]* (1916-1968), p. 595.

³⁷ See above, p. 37-8.

they had done'.³⁸ There was of course no such commission, but the rebels had chosen to let the focus of their revolt be the national struggle between king and earl. Lancaster had, as we have seen, largely ignored the county, and showed gross favouritism towards Holland. He was also, through his passivity, largely responsible for the calamitous defeat by the Scots at Bannockburn, and subsequently for the consequences the resultant Scottish raids would have for Lancashire. As Phillips has shown, there was never any consistent 'baronial opposition' to Edward II; the norm among the peerage was in fact loyalty, even to a king as flawed as Edward. There is no reason why this should not have been the case also on a gentry level, the gentry of Lancashire must have had enough contact with London and York to have a certain idea of what was going on in national politics. The rebels were most likely unhappy with a magnate who, by association, made them into traitors, while the rewards largely fell on one man.³⁹

There might not even be any reason to decide whether the rebellion was directed at Holland or Lancaster. Maddicott has shown how the two were partners in crime when it came to acquisition of property. On several occasions Lancaster arranged transfers to his favourite of land to which he had doubtful claim. This was done in an effort to prevent or obstruct suits to be brought against him. Ploys like this might have been used in Lancashire as well. The lord and his associate seem to have had in common a character of covetousness and avarice.⁴⁰

The steps leading up to the great rebellion are obscure, but we can make out the contours of a conflict building up gradually through the negligence of a great lord, the selfishness of his favourite subject, and the envy of a great part of the community. Yet if the build-up is unclear, the following events are very well documented, as they were to make an impact on the entire nation.

It was clearly a 'community of like minds' that gathered in October 1315 to revolt against those they perceived as their oppressors, now we should look at the forms the rebellion took, and the consequences it had. A closer examination of the progress of the rebellion might give us some insight into the motives of the rebels, and maybe also a better understanding of power structures on a local and national level.

We have no certain knowledge of the rebels' exact causes. The court proceedings tell us that they claimed royal support for their actions, but nothing about what they were trying to

³⁸ Tupling, p. 44.

³⁹ Phillips, *Pembroke*, pp. 280-6; McKisack, *Fourteenth Century*, pp. 39-41; Tupling, pp. xxii, xxxv-xxxix.

⁴⁰ Maddicott 'Lancaster and Holland', p. 457; Maddicott, *Thomas of Lancaster*, p. 33-4, 177.

obtain. The narrative sources of the age are more helpful here. Banaster's revolt was an event that most of the great chronicles dealt with, perhaps because it highlighted the current conflict between Thomas of Lancaster and Edward II. After Edward's defeat at Bannockburn in June 1314, Thomas had practically taken over control of royal government. By October 1315 though, Lancaster's position was weakening. In August that year the Earl of Warwick had died, leaving Lancaster virtually alone with the administration of the realm. This is a situation he seems to have been not at all satisfied with, unskilled in, or uncomfortable with, administrative matters as he was. His plans for a Scottish campaign were constantly frustrated, much due to the severe famine ravaging the country. In this situation Banaster's rebellion must have seemed more like the symptom than the disease to contemporary commentators.⁴¹

According to the *Vita Edwardi Secundi*, Banaster 'perpetrasset homicidium, et de venia desperans ac peccatum suum augmentans, insurgere cepit contra dominum suum'⁴² but there is no independent evidence of any such crime having been committed. The *Annales Paulini* is probably closer to the mark when it claims that 'orta est discordia, et maxima pugna, inter dominum Robertum de Holonde et Adam Banastre milites'.⁴³ That the conflict was in reality between Banaster and Holland agrees better with later evidence, but this is an angle not chosen by other writers, who portrayed the event as a subject rising against his lord.⁴⁴

We should not underestimate the influence of external factors on the state of unrest in Lancashire in this period. The Scots, in the wake of England's defeat at the battle of Bannockburn, were allowed to raid the north of England in 1315, 1316, 1319 and 1322, on the last occasion reaching as far south as Leyland hundred. The devastations of the Scots were aggravated by natural disaster; torrential rains in 1315 destroyed the harvests of Europe, and the famine that followed lasted at least until 1317.⁴⁵ The combined effect of war famine on the general population – along with both human and animal epidemics – can hardly be exaggerated. The clergy of the northern part of the county was unable to pay the tenth demanded by the pope based on an evaluation of their incomes in 1292, and received a so-

⁴¹ McKisack, *Fourteenth Century*, p. 50-1; Maddicott, *Thomas of Lancaster*, p. 331.

⁴² W. Stubbs (ed.), 'Vita Edwardi Secundi', from *Chronicles of the reigns of Edward I and Edward II*, vol. II (London, 1882), p. 214.

⁴³ Stubbs, 'Annales Paulini', *Chronicles*, vol. I, p. 279.

⁴⁴ Stubbs, *Chronicles*, vol. I, p. 236, vol. II, p. 48.

⁴⁵ McKisack, *Fourteenth Century*, pp 49-50; Sandra Raban, *England under Edward I and Edward II* (Oxford, 2000), pp. 18-9.

called ‘Nova Taxatio’, reducing the evaluation to one third of the original.⁴⁶ Under such circumstances, even the wealthier gentry must have suffered, which helps explain the level of unrest in this particular period.

Even if the chroniclers differ on the motivation behind the rebellion, they all seem to agree on one thing: that Adam Banaster was the leader of the rebellion; in fact, he is the only one of the rebels ever mentioned by name. This is the convention that has been accepted ever since, but there are some questions that can be raised to it. First of all, Adam Banaster does not seem to be a very prominent member of the Lancashire community at the time of the rebellion. He was knighted, he came from a relatively prominent family, and he was a retainer of the Earl, but he had never been elected knight of the shire, never sat on a commission or held any other significant office. This might have been due to youth, but in that case Adam must have been very young at his father’s death about 1303, which is unlikely, as he had at least two younger brothers, of which the elder (presuming William was indeed younger, and that we are not dealing with another William Banaster) had been returned to Parliament as early as 1304. Meanwhile, Bickerstaffe had recently been both knight of the shire and deputy sheriff, while Bradshaw had been returned to Parliament twice, as well as being commissioned to collect taxes, all in the course of the last two years.⁴⁷

Certainly, the fact that Banaster was not active in official work could be a result of his own choice, indeed, the fact that both his brothers sat in parliament shows that his family was prominent enough. He could of course be considered a military leader without having administrative interests or abilities. But there are other reasons to question Banaster’s prominence in the rebellion. The confederacy was struck, according to the jurors of 1323, ‘at Wyndyates in the town of Haulton, near Blakerode’. The place in question was Wingates in Westhoughton. Westhoughton manor belonged to the abbey of Cockersand, which must have maintained a chapel there, and this would have been a natural place to meet for the confederates wishing to make an oath. It is the location of Westhoughton that is interesting, though. The manor is right next to Bradshaw’s manors of Blackrod and Haigh, but some twelve miles removed from Banaster’s Bretherton. Banaster would in fact have to ride through Bradshaw’s properties to get to Westhoughton.⁴⁸

Lastly, the legal sources do not state with the same unambiguity as do the chronicles that Banaster was the leader of the rebels, the wording is simply: ‘Adam Banastre, Henry de

⁴⁶ *VCH*, v. II, pp. 23-4, 200.

⁴⁷ For Bickerstaffe and Bradshaw, see above, pp. 63-4. *VCH*, v. VI, p. 104; *PW* II, i, 117; Tupling, p. xliii.

⁴⁸ Tupling, p. 42; *RMP*, p. 46; *VCH*, v. V, pp. 20-5.

Legh, and William de Bradeshawe [with others]...made a confederacy'. There is no mention of 'Banaster's rebellion', though there is a reference to the rebels flying his banner, and another one to an order from 'the earl of Lancaster and Robert Holand...to capture Adam Banastre'.⁴⁹ The chronicles were apparently wrong in their explanation of the cause of the revolt, perhaps they were also wrong in their one-sided focus on Banaster. It could be argued that Bradshaw would have been a more natural leader of the rebellion. Bradshaw, we must remember, was also the only one of the four to escape after the rebellion had been quenched; perhaps he was rescued from the field of battle much in the way Edward II was rescued from capture by the Scots at Bannockburn.⁵⁰ Then again, a confederacy is by definition a democratic institution; the idea that there should have been a leader at all is in itself somewhat paradoxical. Bradshaw was to come back and regain his position in the community, perhaps he and his associates preferred Banaster as a scapegoat for the failed rebellion, accepting and perpetuating the idea of 'Banaster's rebellion'.

More clues about the rebels' motives and goals might be garnered from the actual events of the rebellion. One question to ask is whether the criminal activities of the rebels were targeted at specific persons. The answer to this would be both yes and no. Their actions can be divided into two categories: robbery and extortion of private persons or towns, and capturing of the Earl's castles. The siege and capture of a major castle was a major undertaking in the fourteenth century, even for a large, organized army. All the more impressive is it that this quickly assembled group of men managed to take both Clitheroe and Halton castle, even though they had to give up at Liverpool. When it comes to the robberies, some of the acts can be seen as simple provisioning, as needs be done when a large army is on the march over a long period of time; Ellen de Torbock and Gilbert de Culchit, who claimed to have been robbed for 100*m* and 100*s* respectively, were landowners of little consequence. Other acts can hardly be interpreted as anything but attempts to weaken adversaries. William Holland (Robert's brother) and Thurstan de Norley each had property to the value of £40 stolen from them; they were both part of the circle around Robert Holland, and would also later become central in the persecution of the rebels and their associates.⁵¹ Neither Holland nor Norley were home when the rebels arrived, probably they had received news of the rebellion, and fled in the face of such a superior force. Other cases are not so clear-cut; Henry Trafford, for instance, must have been favoured by Lancaster, since he was allowed to replace

⁴⁹ Tupling, pp. 39, 42, 44.

⁵⁰ McKisack, *Fourteenth Century*, p. 39

⁵¹ See below, pp. 73-4. Strangely enough, the rebels did not attack Holland's manor of Upholland, even though they passed, nearby (see map, p. 7).

the Earl on a commission of oyer and terminer appointed in the wake of the rebellion. John Langton, as we have seen, owed his fortune largely to his family's connection with Lancaster.⁵² Whether this was enough for these men to be targeted, or whether their property was simply chosen for its wealth, is hard to say. Adam Radcliffe was captured as the rebel's first act, Henry de Bury was killed, and Sir Adam de Whalton was forced to ride with the group. These men may or may not have had disputes with one or more of the rebels, disputes of which we might never know.⁵³

After about a month, the rebellion was nearing an end. Lancaster must have had news of it, and commanded his deputy sheriff, Edmund Nevill, to take action in order to suppress it. The sources state that Nevill gathered the *posse comitatus*, but the common denominator of these men was rather their adherence to Lancaster, than their geographical origin. The earl's men came in two groups: first the rebels encountered Adam de Hudleston, Walter le Vavasour and Richard le Waleys, and defeated them, but soon afterwards there was a clash with the main contingent, consisting of Nevill, John and Michael Harrington, William Dacre and others, and the rebels were routed. Bradshaw got away, and managed to flee the country. Bickerstaffe fled as well, but made it only to the church at Croston, where he died of his wounds. As for Banaster and Lea, they made it to a Chernock Richard, where they were betrayed by a Henry de Eufurlong, probably a tenant of Banaster. They were captured by William Holland and Thurstan de Norley, led away to Leyland moor, and beheaded.⁵⁴

This summary execution of the rebels is an event that would later receive the attention of the king's justices. At the time, the urgent situation in combination with Lancaster's strong position at court left the crown unable to react, but in 1323 the case came up for the King's Bench. It was stated that 'by the order of Thomas earl of Lancaster and Robert de Holand' they were beheaded 'feloniously and against the lord king's peace'⁵⁵ Lancaster had in this situation committed an offence not only towards the king, by circumventing his authority, but also against his own retainers, by denying them any clemency, or even due process of law. The situation also reflects Lancaster's treatment of Gaveston, whose execution had caused outrage, and turned many of Thomas's supporters away from him.⁵⁶ Perhaps the execution of

⁵² *CPR* 1313 - 1317, p. 421; *VCH*, v. IV, pp. 330-1; For Langton, see above p. 33.

⁵³ Adam de Radcliffe was on the list of pardons for Lancaster's followers in 1318: *CPR* 1317 - 1321, p. 227; Henry de Bury's son Henry was married to Margery, daughter of Richard de Radcliffe, Adam's brother, whom the rebels were really after when they abducted Adam; *VCH*, v. V, pp. 58-9, 129-30; *RSLC*, v. 46, p. 29; Tupling, pp. xlii-xlvi, 27-8, 38-9, 40-6, 84-5 et passim.

⁵⁴ Tupling, pp. xlvi-xlvi, 37-8; *VCH*, v. II, pp. 198-9.

⁵⁵ Tupling, p. 38.

⁵⁶ Tout, *Place*, pp. 89-90; McKisack, *Fourteenth Century*, pp. 26-31; Phillips, *Pembroke*, 35-9.

Banaster and Lea provoked similar feelings on a local level, and led to the widespread desertion that was to be Lancaster's doom seven years later.

The so-called *posse comitatus* consisted of a great number of northern knights, like the Dacre and the Harringtons, and others with very little connection to the county at all, such as Sir Walter de Strickland.⁵⁷ It is significant that Lancaster should have chosen to use his retainers for the suppression of the rebellion. On one hand, a *posse* made up of local men might not have had force enough to fight the rebels, after all, a great portion of the county's armed forces were in the confederacy. It could also be that Lancaster in this case showed a certain lapse in judgement in leaving out the local men from the peacekeeping process. We do not know the exact composition of the force Nevill gathered, but most likely it consisted mostly of Lancaster's main retainer's men. The *posse* played an important part in uniting local community in medieval England, and Lancaster's ignoring it might be taken as a sign of his lacking sensibility for local management.

It must be said that even though the rebels were largely from south Lancashire and the *posse* consisting predominantly of northerners, the rebellion should not be seen in terms of a north-south conflict. Circumstances had it that the discontent had its root in the area around Robert Holland and his land in the south, while Lancaster's main military retainers were mostly residing in the north. This is again proof of the clear north-south division of the county, but there is no evidence of any enduring hostility between the two parts.

To sum up, what could the rebels' motives have been? The *Vita* claims that Banaster, in his desperation to get a royal pardon for his murder, 'Credidit enim regi placere si comitem infestaret, qui totiens regi resistaret, qui totiens regem initum coegerat mutare consilium.'⁵⁸ There is a certain appeal to this explanation, yet even if it were the case, this does not explain why the others agreed to take part. Bickerstaffe might have taken insult from losing his office as sheriff, Bradshaw suddenly had to relate to Holland as a mesne lord, and although there is no apparent motive why Lea should have taken part, he might very well have had his reasons that were just as strong. What they all had in common was that they perceived a challenge to their position in the community in the shape of Robert Holland, a challenge so strong that they were willing to risk their lives to fight it.

No less significant is the fact that they were all part of the earl's affinity. This is ample proof of Lancaster's lacking ability to understand the needs and wishes of his retainers, and to respond accordingly. Whether it was due to a lack of insight into local affairs, or simply pure

⁵⁷ Tupling, p. 39; *KEI*, iv., p. 287.

⁵⁸ Stubbs, 'Vita', p. 214.

obstinacy, Lancaster had driven his retainers to a point where they felt their lord could give them no redress for their complaints, and the only solution was rebellion.

As for the king and his courtiers, perhaps had the rebellion happened at another time, they might have taken advantage of it to get rid of Lancaster. Most likely the undertaking was doomed from the start, as such an act on the king's behalf would have undermined the system of magnate dominance upon which the kingdom was built, and have been in conflict with the ideas of government men of the age – including the king himself – held. In any case, Lancaster's position was far too strong to be challenged at this point, and the king could do nothing but offer his support. Still, Thomas's attention had been diverted at an unfortunate time, obstructing his plans for a Scottish campaign, and, subsequently, also damaged his reputation.⁵⁹ As for Lancashire, all the rebels had achieved was making life even more miserable for those who survived.

The period from November 1315 to the time around Lancaster's – and subsequently also Holland's – fall in March 1322 is marked by the almost complete dominance of Holland's faction over the Lancashire community. Immediately after Banaster had been put to death, Robert Holland (who had not taken part in the actual fighting) and his men started taking ransoms for the Earl from those suspected of being Banaster's supporters. Holland, for instance, took 260 marks from Adam de Bickerstaffe, and goods belonging to William de Bradshaw at Haigh and Blackrod worth £40, but the victims were not limited to those who had taken part in the rebellion. The sum of the extortions under Holland was estimated at £5000.⁶⁰ Others, such as Henry Nightingale and Roger de Lever were summarily executed.⁶¹

After this followed what seems like several years of mob rule in the county. A quote from Tupling will serve to illustrate the situation:

In 1316 one of the Tetlows, kinsmen of Sir Robert, killed a chaplain of Manchester in the churchyard. When the juries of West Derby and Salford brought the homicide to the notice of the King's Bench in 1323, they asserted that the murderer had obtained letters of pardon from Sir Robert and the earl of Lancaster 'so that no one should sue against him on the king's behalf', and that he was still at large under the protection of those letters. In 1317 Hugh de Tyldesley and his five sons burned down the house of Margaret de Worsley, killed her servant and threw his body

⁵⁹ Maddicott, *Thomas of Lancaster*, p. 174-6.

⁶⁰ Tupling, p. xlvi, 79; Maddicott, *Thomas of Lancaster*, p. 177.

⁶¹ Tupling, p. xlvi-xlviii, 39.

into the flames; and it was alleged by the same juries that Sir Robert afterwards paid Margaret a fine of £10 to induce her not to take legal proceedings against them.⁶²

And these are not the only examples one could present from the proceedings. Robert de Tyldesley stood accused of killing Adam Scot, a servant of William le Botiller, in 1317, and Robert Holland, Tyldesley's kinsman, harboured the murderer, even though he knew about the crime that had been committed. Richard Holland even had the audacity to take £10 by extortion from Henry Trafford, himself one of the victims of the rebellion, and later one of the commissioners of oyer and terminer to look into it.⁶³

By the look of it then, the conditions in Lancashire between late 1315 and 1321-22 were quite terrible, especially for those associated with the rebels, but also for the population in general. There are some issues to be raised, however, before we wholeheartedly accept this picture of reality. It must be taken into account that the indictments very well could have been fabricated, in order to harm an enemy, to please the authorities, or both. There are some examples of false accusations being made, or at least allegations of this. On a commission of oyer and terminer issued on 16 October 1315 to Robert Lathom and others, John de Walton, Stephen Shaw and Adam, son of Adam de Freckleton stood accused of the murder of Henry de Bury. John and Stephen were convicted, while Adam failed to appear and was outlawed, but he was later pardoned, and the reason given for the pardon was that his indictment had been procured by his enemies.⁶⁴ In the trials of 1323, John le Norreys had been on a jury against Gilbert de Bickerstaffe and, after giving the verdict, had overheard Adam de Bickerstaffe complain that the jury 'had declared their verdict falsely and untruthfully in contempt of the lord king's court'. Adam denied guilt, but was imprisoned and released on paying a fine, under the condition 'that for the future he would conduct himself properly both towards the lord king and towards others'.⁶⁵

Of course we have no guarantee that these accusations, regarding perjury, were true either, but at least they provide evidence that false indictments were quite commonplace, and occupied a central position in the consciousness both of justices and of ordinary people. It is also quite conspicuous how many of the indictments centre around Robert Holland, as the instigator of criminal activity, or protector of criminals. The inquisition of 1323 was to a large degree intended to root up any last Lancastrian resistance, and in that respect Holland, as one

⁶² *ibid.* p. xlviiii.

⁶³ See above, pp. 70-1, Tupling, p. 42.

⁶⁴ Tupling, p. xlv; *CPR*, 1317-1321, p. 32.

⁶⁵ Tupling, pp. 105-6.

of Lancaster's main allies, was a natural target, both as a genuine threat and as a symbol. Holland was in fact one of the few persons mentioned by name in the articles of inquiry of the trial.⁶⁶ Holland, though hardly guiltless, seems to have been singled out by the crown as a scapegoat. To take the records of the proceedings as proof of a general, and exceptional, situation of lawlessness haunting Lancashire in this period, as Tupling has done, is perhaps too literal an interpretation of the sources. One could just as easily interpret the crime as manifestations of northern violence, perhaps intensified by the great famine of 1315-17 and the Scottish incursions.⁶⁷ To really make an assessment of the levels of crime in Lancashire in this period, one would have to make a statistical analysis of the available documents and compare them to similar sources from other counties in the same period, all the while keeping in mind that a trial of this kind quite naturally will drive up the level of reported cases.⁶⁸

Holland and his adherents enjoyed virtual supremacy for a few years, at least in Lancashire south of the Ribble. Their position, however, rested largely on the support of Earl Thomas, and it was clear that sooner or later his destructive policy would force those around him to make a choice. That moment came in March 1322, when the struggle between king and Earl finally came to armed conflict, but even before the battle of Bannockburn Lancaster had openly defied the king by holding large assemblies of his retainers in the north, contrary to Edward's command, one in Sherburn on 28 June 1321, and another at Doncaster in November. We know of the activities of at least three major Lancashire lords, in association with these assemblies, from royal writs and other sources. Robert Holland, John Harrington and Adam Huddleston all seem to have attended the Sherburn assembly. Harrington then, upon receiving a royal writ forbidding him to attend the Doncaster meeting, abstained, while the other two ignored their commands. A last warning was then issued as the king was moving his forces north to face Lancaster. Twelve days before the final battle, on 4 March, Holland was commanded to proceed to the King with horses and arms as speedily as he possibly could, and this time he complied. Huddleston, on the other hand, fought at Boroughbridge, and as he is reported dead by April, he must either have died in battle, or been

⁶⁶ *ibid.* p. 7.

⁶⁷ Yet, for a discussion of the concept of 'northern violence', and its reality, see: A. J. Pollard, 'The characteristics of the fifteenth-century north', in J. C. Appleby and P. Dalston (eds.), *Government, Religion and Society in Northern England, 1000-1700* (Stroud, 1997).

⁶⁸ For external influence on crime levels, see B. Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge, Mass, 1979).

executed shortly afterwards. Other men of Lancashire captured at Boroughbridge were Richard Holland, Roger Pilkington and Robert Dalton.⁶⁹

Harrington had a much more independent power basis than that of Holland, and was therefore better able to resist the Earl's order. It is also possible that he, as a northern lord, had grown suspicious of Lancaster's more and more obvious dealings with the Scots.⁷⁰ All in all, though, it must be said that few of the Earl's retainers from Lancashire took part in his last stand; apart from the Harringtons, Nevill was not there, the Dacres were not there, and most importantly: Holland was not there.⁷¹ It is no exaggeration to say that Lancaster was deserted in his hour of need. Probably it was bad lordship, in combination with the more and more desperate and unrealistic nature of his political schemes, which sealed his fate.

It is of course Holland's desertion that is of greatest interest here, and deserves special notice. The northerners had a certain autonomy through their own retinues, but Holland owed everything to the earl. He was not only Lancaster's most trusted servant, but probably also a close personal friend.⁷² By turning the forces he had gathered for Lancaster over to the king, he probably determined the outcome of the battle.⁷³ Both contemporary chroniclers and modern historians have condemned this desertion on Holland's part, but of course it was not a desertion in strict terms. No man could be bound to serve his lord against the king, and the clause exempting the retainer from taking up arms against his sovereign was a common staple of late fourteenth and fifteenth century indentures of retainer.⁷⁴ If the fight was indeed directed at the king, and not his 'evil and deceptive' councillors, as it was often claimed, then Holland's actions were just.⁷⁵ Yet, it was probably not loyalty to King Edward that drove Holland away from Lancaster, there is certainly no indication of this before the battle.⁷⁶ Rather it was a careful risk analysis that led him to the conclusion that the long-term battle was lost at this point. Lancaster might have won at Boroughbridge, but his ideas of government were simply not concurrent with those of the nation at large. His insistence on a strict interpretation of the Ordinances after most had realised their impracticability, his unprecedented reading of the extents of the powers of the stewardship, his direct affronts to

⁶⁹ Michael Harrington and Edmund Nevill were also present at Sherburn: Maddicott, *Thomas of Lancaster*, p. 274. *ibid.* pp. 268-312; 'Lancaster and Holland', p. 467; *Thomas of Lancaster*, D.Phil, p. 546; Tupling, pp. xxvi-xxx; *DNB*, v. II, pp. 314-5, 528-31; McKisack, *Fourteenth Century*, pp. 61-7; *PW II*, i, 556; ii, 181.

⁷⁰ McKisack, *Fourteenth Century*, p. 63.

⁷¹ *PW II*, ii, 201.

⁷² Maddicott, 'Lancaster and Holland', pp. 462-3.

⁷³ *ibid.* p. 467-8.

⁷⁴ Michael Jones and Simon Walker (eds.), 'Private Indentures for Life Service in Peace and War 1278-1476', *Camden Miscellany* 32, ser. 5, v. 3 (London, 1994), pp. 21, et passim.

⁷⁵ *English Historical Documents III, 1189-1327*, Harry Rothwell (ed.) (London, 1975), p. 527.

⁷⁶ Maddicott, 'Lancaster and Holland', pp. 467.

the authority of the king through his mock trials and counter-parliaments, all these things contributed to the image of a magnate who was severely out of touch with his contemporaries in his ideas of government.⁷⁷ This might have contributed to his downfall in 1322, just as much as any treason on Holland's part.

Before commencing our study of the inquest itself, it is necessary to warn against the doubtful historical accuracy of the sources at hand, One useful example of this we get from looking at the alleged confederacies, so prevalent across the county in this period.

The proceedings of 1323 mention three such confederacies; the first one was that of Adam Banaster, created specifically for the rebellion of 1315. William Bradshaw initiated his own confederacy after his return from exile in or around 1322. Bradshaw's return presented a threat to the Hollands – with Robert Holland in prison and their guardian Lancaster dead – so Robert Holland's nephew Richard was forced to create a confederacy of his own. The jurors presented lively accounts of the creation of the confederacies. Banaster and his associates 'made a confederacy by oath to live and die together and to support and maintain one another'. Bradshaw's fellow confederates 'were all leagued with him by a mutual oath to live and die together and to support and maintain one another in every kind of suit. Richard Holland and his friends 'were, with the support [per adossamentum] of Robert de Holand...bound together by mutual oaths so that each of them should maintain the others'. Likewise, there are descriptions of their activities: Bradshaw 'rode armed with his company through the country...against the king's peace and to the terror of the people', while Holland's men 'are common evildoers, riding and going armed, sometimes to the county court and sometime to market towns and elsewhere in the aforesaid county, to the terror of the people and against the peace etc.'⁷⁸

There is a certain formulaic nature to these indictments, and if we look at the articles of inquiry the king sent his justices before the inquisition, there are some similarities also here. Article seven reads: 'Likewise concerning conspirators who are such as bind themselves by oath, covenant or other compact that each will aid and maintain the enterprises of the others', article twelve is directed at those who 'make confederacies, oaths and covenants to do wrong...and agree that none will fail the others in their enterprises of whatever nature they may be.' Further down, article nineteen is 'concerning such as

⁷⁷ Maddicott, *Thomas of Lancaster*, 241-3, 277; Phillips, *Pembroke*, pp. 166-7; Tout, *Place*, 96-7, 113-6.

⁷⁸ Tupling, pp. xliv, xlix-li, 42, 47, 70, 75-6, 85, 92-7.

commonly go armed through the country to the terror of the people'.⁷⁹ It seems here that the articles of inquiry have very much shaped the indictments presented by the juries; the crown got what it asked for. Furthermore, these articles are in turn shaped by the Ordinance of Trailbaston of 1305, created by Edward I and set into life the following year through commissions in most English counties. Trailbaston legislation had proved an efficient way of dealing with crime in the locality, at the same time as it showed the crown's commitment to peacekeeping, and served to bring in revenues.⁸⁰ It can therefore not be taken for certain that the presentments concerning the confederacies present the exact truth about the nature of the different parties involved in the county feuds. It is beyond dispute that some sort of confederacy must have been created before the rebellion of 1315, and also later feuds must have been based on some more or less formal association. Yet of the nature and permanence of these associations we cannot be absolutely sure.

Let us now return to the historic narrative. Even taking into account the uncertain nature of the legal sources, there can be no doubt that the years immediately following the great rebellion were marked by a dramatic shift in local power structures, to the advantage of Holland's supporters. This imbalance lasted until Thomas of Lancaster was defeated in the battle of Boroughbridge on 16 March 1322, and Holland, who had in fact defected to the king immediately before the battle, was imprisoned.⁸¹ About this time, William Bradshaw returned from exile, and whatever grievances he might have had with the Hollands must have been intensified by Robert's usurpation of his estates.⁸² It was ascertained in the autumn of 1323 that Bradshaw had been riding armed through the country 'for a year and more',⁸³ so it follows that he must have returned not long after the fall of Lancaster. With Robert Holland in prison, and his brother William dead, leadership fell on William's son, Richard. Richard Holland had also been imprisoned for adherence to Lancaster, but was released early in 1323.⁸⁴ On 30 January that year, Richard Holland came with a large number of men to Blackrod, which apparently must have been repossessed by Bradshaw at this point, and tried to take the manor house by force. The attempt was thwarted, and two men died in the skirmish. This struggle continued between the two and their confederates, on one occasion the two met by chance at Warrington. Richard must have felt at a disadvantage this time, and he

⁷⁹ *ibid.* pp. 13-5.

⁸⁰ Musson and Ormrod, *Evolution*, 48-9.

⁸¹ Maddicott, *Thomas of Lancaster*, p. 295, 309-10; Maddicott, 'Lancaster and Holland', p. 467-8.

⁸² See above, p. 37.

⁸³ Tupling, p. 57; Porteus, 'Mab's cross', pp. 20-1.

⁸⁴ Tupling, p. 75-6; Porteus, 'Mab's cross', p. 22.

fled leaving two horses behind that were promptly stolen by Bradshaw's servants, with his blessing.⁸⁵

This was the situation in Lancashire in 1323. Further north, the Earl of Carlisle was creating another difficult situation for the crown. Andrew Harclay had been created earl after his contribution to the Boroughbridge campaign, and made captain and warden of the six northern counties. On 3 January, exasperated by the inactivity and incompetence of the king, he concluded, on his own initiative, a truce with Robert Bruce at Lochmaben. When the king found out about this treason, an order went out immediately for Harclay's arrest, and he was executed on 3 March. The event had seriously undermined the king's authority though, and raised questions about his ability to deal with the Scottish problem.⁸⁶ Other events served to enforce the general impression of lawlessness in the north; at Lancaster's now forfeited castle of Pontefract, two officials guarding the earl's tomb were killed by a rampaging mob the same summer.⁸⁷

It was under these circumstances that the crown finally decided to take action. Tupling speaks of 'a display of energy which [Edward II] seldom showed in matters of state'.⁸⁸ Just as likely it is that what we here see is the growing influence of the Despensers on royal decision-making; the fall of Lancaster had brought the Despensers into an almost unchallenged position of influence over Edward at court.⁸⁹ In any case, judicial inquiries were now launched in the northern counties. The process was twofold: a commission in July to take the assizes in Yorkshire, Northumberland, Cumberland, Westmorland, Nottinghamshire, and Derbyshire, and later, in October, the King's Bench was sent on a tour to York, Wigan, Nottingham, Derby and Tutbury (Staffordshire).⁹⁰

The dispatching of the King's Bench into the localities in this way can be seen as a response to a specific situation, but it can also be viewed in a larger context, as part of the development of royal justice in this period. In the ongoing effort to find a viable alternative to the itinerant eyre, the King's Bench was several times sent into the localities in the period from 1323 to 1341. The 1323 proceedings are especially interesting in this sense, as they were the first in what was to be a temporary trend.⁹¹

⁸⁵ Tupling, p. 12.

⁸⁶ McKisack, *Fourteenth Century*, pp. 75; Phillips, *Pembroke*, pp. 229-30; Maddicott, *Thomas of Lancaster*, p. 323; Tout, *Place*, p. 135; Tupling, p. xxxviii-xxxix; *VCH*, v. II, pp. 201-2.

⁸⁷ Musson, 'Peacekeeping', p. 44.

⁸⁸ Tupling, p. xxxix.

⁸⁹ Fryde, *Edward II*, pp. 58-86.

⁹⁰ Tupling, pp. xxxix-xlii.

⁹¹ B. W. McLane, 'Changes', p. 154; Musson and Ormrod, *Evolution*, pp. 194-205; Sayles, *Select Cases*, pp. xcvi-cv.

The assize can easily be dismissed as little more than a supplementation to the King's Bench's proceeding; the cases are mostly the less important ones, and there is much overlap, with references to be found in the Coram Rege roll. The membranes of the central courts' proceedings, on the other hand, are of enormous value to an understanding of the period; they give detailed accounts of the 1315 rebellion and of lesser local feuds, as well as important contributions to events of national importance, such as the Boroughbridge campaign and its aftermath, or Harclay's treason. There are, however, reasons to take these records with a grain of salt. Once more there is reason to remember the factors of external influence, and private agendas on the presentments. First of all, the entire proceedings were started on the king's initiative, the king was even present himself on the opening of the sessions.⁹² This must have made it clear to everyone present that the crown had an agenda to pursue, and that it was looking for specific results in its prosecution of certain of its enemies. Secondly, this might have been an opportunity for private persons as well to settle some scores. There has in recent years been a greater focus on the use of the King's Bench – and other courts – to defeat one's enemies, rather than to obtain justice, by, for instance, forcing a settlement.⁹³ The years immediately preceding the royal inquest – with Holland's pretension, Lancaster's struggle with the king, the rebellion and the following feud – should have provided fertile ground for this kind of vindictive behaviour on the part of the Lancashire gentry.

It is therefore with enormous caution we must approach a document such as the Coram Rege roll no. 254, but that does in no way mean that the document is historically worthless. As well as giving us useful information about actual events – as undoubtedly it does – it is also a valuable source to the relationship between the local inhabitants: their alliances, their animosity, their relative worth.

The first thing we should look at would be who the accused were. Of the forty-four men I have chosen for my study, nineteen stood accused before the King's Bench in 1323. Of the remaining, ten were certainly dead, three were mentioned in the assize,⁹⁴ one was captured at Boroughbridge,⁹⁵ and had probably received his punishment. This gives us a total of thirty-three, leaving only eleven, exactly a quarter, clear of the prosecution. Even allowing for the fact that the selection has been partly guided by the legal sources, these numbers are quite overwhelming; they can be taken as evidence of the pervading lawlessness of the county, but

⁹² C. H. Hartshorne, 'An itinerary of Edward the Second', *Collectanea Archaeologica*, vol. I (1862), p. 140.

⁹³ McLane, 'Changes', pp. 159-60.

⁹⁴ William le Butler, of Warrington (JUST 1/425/m. 2); John Lancaster (JUST 1/425/m. 13d); Richard le Molineux, of Crosby (JUST 1/425/m. 2).

⁹⁵ Roger Pilkington (*PW* ii, 2, ii, 201).

they tell us also that the arrival of the King's Bench was considered a good opportunity to settle scores with one's neighbour. The crown had only sent out order for the arrest of Bradshaw and Richard Holland, most likely they had little concern for the lesser criminals, and this gave the local gentry a freer hand in pursuing their own goals.⁹⁶

The fact that the court travelled to the locality secured the presence of a greater part of the accused than what was normal, yet there are still a number of non-appearances, as well as unsettled cases. From the complete cases we have, we can see the different ways of responding to a charge. One such way was by producing a royal pardon, like Adam de Clitheroe (probably Robert de Clitheroe's son, see pp. 44-5) did when accused of the murder of Edmund Talbot. It was then left to the jury to decide whether the murder was committed before the pardon was issued. They found that it was, and Adam was acquitted.⁹⁷

Another way out of a conviction was to claim benefit of clergy. Since clergymen were exempt from temporal punishment, those who could prove to be clergy received their judgement and were then handed over to the church. Benefit of clergy had by this time developed into a legal fiction, available also for non-clergy upon a test of literacy, and since the ecclesiastical courts did not practice death penalty, this had become a popular plea in cases of felony, such as murder or grand larceny, where conviction equalled execution.⁹⁸ In order to take advantage of this benefit, one had to be claimed by a priest. Henry le Waleys, rector of Standish, and Robert de Clitheroe, rector of Wigan, were frequent visitors of the court on behalf of Roger Northburgh, bishop of Coventry and Lichfield, under whose diocese they were.⁹⁹ The status of those they claimed is hard to establish, but it is highly unlikely that they were all genuine members of the clergy.

A rather original variety was attempted by Robert son of Henry de Par. Being asked how he wished to clear himself, he made no reply and pretended to be dumb. The jury, however, did not believe him, 'because he spoke (while in gaol¹) and could speak if he wished'. Robert was sent back to prison.¹⁰⁰

For most, however, the safest way out was simply to make a plea of 'not guilty' and put oneself on the mercy of the court, or 'on the country', as it was called. If the case was one of felony, one could usually trust the clemency of the jury, the composition of which would probably give one an indication of the verdict. In cases of trespass, one still had the possibility

⁹⁶ *CPR*, 1321-1324, p. 343.

⁹⁷ Tupling, pp. 19-20.

⁹⁸ Baker, *Introduction*, pp. 422-4; Tupling, pp. 11, 14, 16, 22-6, 28, 31, 37, 54, 92.

⁹⁹ Tupling, pp. 22-3; *VCH*, v. II, pp. 8-9 (Lancashire was split, along the Ribble, between the dioceses of York and Cheshire.)

¹⁰⁰ Tupling, p. 23.

of acquittal, but in case of conviction, a fine was normally bearable. In a few cases a plea of ‘guilty’ was also made. These were often cases of abuse of office, such as Henry Trafford and William Gentil performing extortion when assessors of the eighteenth. The two could not deny their guilt, and were fined 100*m* (£66, 13*s*, 4*d*) and 50*m* (£33, 6*s*, 8*d*) respectively.¹⁰¹ These, of course, were substantial sums in an age where a man was considered wealthy if he held land to the value of £15.¹⁰² Perhaps the two considered this their best option to avoid further prosecution from the crown.

The records from the royal inquest in Lancashire allow us also to take the personal alliances into closer scrutiny. The dividing line between the Banaster/Bradshaw faction and that of Holland/Lancaster seems to be not as solid as we might first be led to think. The juries’ narratives of events give us an impression of a long and bitter fight between the two groups, but this might not necessarily be the case. We will remember Robert de Clitheroe as a staunch supporter of Lancaster, to the degree of even actively procuring military support for him. Yet when claiming clergymen from the court he makes no distinction between those loyal to Lancaster and former rebels. Clitheroe on one occasion claimed both Henry and Gilbert de Bickerstaff, Richard son of John de Bradshaw and Warin Banaster as clergymen. Whether they were in fact clerics is uncertain.¹⁰³ Likewise, Robert Dalton, a member of the group that suppressed the rebellion in 1315, acted as mainpernor for Thurstan de Norley, a central member of Richard Holland’s confederacy. Yet elsewhere Dalton appears as surety for William du Lee, for his participation in Bradshaw’s confederacy.¹⁰⁴ It could be that the situation in the county by late 1323 was already so normalised that the local gentry were starting to rebuild the broken bonds between them.

If so, we could argue that the county feuds were caused not by ancient hostilities within the county, but by external factors, primarily Thomas of Lancaster himself. It was the responsibility of a great lord to provide both security and patronage, but Lancaster was incapable of providing either. We have already seen the treatment the rebels received, and the parallel between that event and Gaveston’s execution. This volatility on the earl’s part was a bad signal for those who came within his sphere of dominance, his conduct revealed the character of a man who could not be trusted. At the same time, whatever patronage he had to offer from his own position he dispersed unevenly, and patronage from the crown he could only procure periodically. This complete failure to provide good lordship could be at the root,

¹⁰¹ *ibid.*, pp. 121-2; see above, p. 52.

¹⁰² *PW* II, i, 638-9.

¹⁰³ Tupling, pp. 27-8.

¹⁰⁴ *ibid.*, pp. 58-9, 67-9.

not only of Lancaster's final defeat at Boroughbridge, but of the rebellion seven years earlier, and the constant feuds taking place in between.

Conclusion

Edward II managed to ride off the storm of Lancastrian opposition, only to encounter a new challenge to his authority a few years later. No wiser from his experiences with Gaveston, the king raised his favourites the Despensers to prominence, much to the dismay of his subjects. In 1327, Edward's wife Isabella and her lover Roger Mortimer orchestrated the executions of the Despensers, and the deposition and murder of Edward II. Three years later, the new king, Edward III, initiated his personal rule by a *coup d'état* against his guardians Isabella and Mortimer.

Upon Edward's deposition, Thomas of Lancaster's brother, Henry, was elevated to the title of earl of Lancaster, and was reinstated to a great part of the Lancastrian inheritance. Henry of Lancaster was in 1345 followed by his son Henry 'of Grosmont', who was created duke in 1351. At this point, Lancashire became a palatinate, with liberties similar to those of Chester, including having its own chancellor, justices and other officials. Henry died without male heir in 1361, and his dukedom became extinct. It was restored, however, the next year for Edward III's son John of Gaunt, who had married Henry's elder daughter Blanche. In 1377, John managed also to obtain for himself the palatine rights enjoyed by his father-in-law. In 1399, Gaunt's son Henry Bolingbroke usurped the throne from his cousin Richard II. As Henry IV, he expanded the duchy to include all the estates of his patrimony, but kept them separate from the royal administration.¹

Meanwhile in Lancashire, Robert Holland had his lands restored to him as late as 1327, only to be captured and beheaded the following year. The men responsible for this deed were the retainers of Thomas's brother Henry, to whom Holland's head was brought after the act.² Also Bradshaw came to a violent death. After returning to prominence in the county and representing Lancashire in parliament on several occasions, he was slain by a group of men, Radcliffes and Hollands among them, at Newton-in-Makerfield in 1333.³ Both Holland and Bradshaw, however, left their mark on society as founders of long-lasting Lancaster dynasties; Holland a baronial one, Bradshaw's knightly. As certain families and individuals faded into oblivion, others came to greater prominence, principal among these the Stanleys.

¹ *VCH*, v. II, 202-11; McKisack, *Fourteenth Century*, pp. 254-5, 258-9, 262; Walker, *Lancastrian*; Bennett, *Community*; Castor, *King*; E. H. Kantorowicz, *The King's Two Bodies; A Study in Mediaeval Political Theology* (Princeton, 1957).

² *DNB*, v. II, p. 530; Maddicott, 'Lancaster and Holland', pp. 469-70.

³ Porteus, 'Mab's cross', pp. 34-5.

Lancashire is not necessarily a typical medieval English county. It was sparsely populated and relatively poor, it enjoyed certain administrative liberties, making it somewhat isolated and independent from the rest of the country. It was situated far enough north to experience the Scottish lootings, yet it was not a typical border county. Furthermore, it had rather clear geographical boundaries, which was an anomaly among English counties, yet within these boundaries there was a dividing line between the land north and south of the river Ribble, and another one where Morecambe Bay cut the county in two. In spite of all these particularities, Lancashire had much in common with the rest of the country. The social structure was as in many other English counties: a substantial group of landed gentry, holding as much as two-thirds of the county's manors, a dominant magnate with influence on national politics, who might have enjoyed extended liberties, but still had to leave many administrative tasks to the officials of the crown.⁴ The magnate in this case, Earl Thomas of Lancaster, was more than usually involved in the affairs of the crown. This, combined with the turbulent state of local affairs in the years around 1315, and, as a result of this, the excellent sources available to the historians, makes Lancashire a suitable county for a study of gentry-magnate-crown relationships in the reign of Edward II.

A major historiographical issue among the historians of late medieval England today is whether the gentry of this period preferred the independence of dealing directly with the crown, or if they preferred magnate intermediaries. How does this apply to the gentry of Lancashire under Earl Thomas of Lancaster? Did the gentry of this particular county enjoy virtual self-government under the king, or did they take advantage of the patronage of the most powerful magnate in the realm? The answer seems to be neither. Lancaster was too aloof, too involved elsewhere to maintain anything but the most superficial relationship with anyone but his most powerful, or most trusted Lancashire retainers, yet his avarice and jealousy did not allow him to leave the county to its own devices.⁵ What the men of Lancashire got instead was Robert Holland installed as a second-in-command, receiving powers and gifts unmatched by any other of Lancaster's retainers. The problem with Holland was not necessarily one of personality; his acquisitiveness was simply a result of the land-hunger shared by all of his class, in an age where landed wealth was the measure of a man's worth. Rather, the problem was that the powers he received far exceeded his rank. His powers might have been those of an earl, but his beginnings were those of a simple knight, and his acquisitions were perceived by his neighbours as little more than simple theft. In return for

⁴ Bennett, *Community*, p. 68.

⁵ Maddicott, *Thomas of Lancaster*, pp. 33-4, 177.

this, Holland could offer little in ways of royal favour, even when Lancaster was in favour with the king, as Holland's powers were only indirect.

Yet, the question remains: were the remaining gentry craving the attention of their earl, or did they wish for nothing more to be left alone? We have very little evidence of how these men thought, the ideas they held on lordship and government. We do have the chronicles' claim that the rebels of 1315 were primarily carrying out a fight against the earl, but even if we were to take this at face value, it can still not be interpreted as a principal stand on the rebels' side, a general dislike for magnate lordship. The administrative records give quite the opposite impression, the gentry of Lancashire seem to have been more than willing to accept offices from Lancaster, be it his own, or those procured from the crown. Even Bickerstaffe served him as deputy sheriff for several years. The gentry of Lancashire would probably have been good retainers, had the earl only let them.

Lancashire's problem under Earl Thomas of Lancaster was not so much bad leadership as no leadership at all. The county's position as part of the greatest patrimony of England, combined with its relative poverty, relegated it to a second-class position within the Lancastrian inheritance; it became the stepchild of the Lancastrian counties. This problem was somewhat ameliorated by the coming of the Hundred Years' War, where Lancashire's martial traditions came into their right, and gave many of the county's inhabitants a chance at social advancement through military service.⁶ What the county really needed though, was an intermediary between its inhabitants and its leading magnate, be that magnate an earl, a duke or a king. This intermediary was to be found in the Stanleys of Lathom. Sir John Stanley owed his good fortune to service in war and at court. Obtaining the manors of Lathom and Knowsley in West Derby through marriage, he became the leading landowner in that hundred. Further acquisitions, and a marriage with a daughter of the Harrington lineage, made his son, Sir John Stanley, the dominant landowner in the region, a position he tended well.⁷ Bennett writes of late-fourteenth and early-fifteenth Lancashire in his *Community, Class and Careerism*:

Unfortunately there were no resident noblemen to act as brokers between crown and community, to offer uncontested leadership in local life, and to ensure that the flow of royal patronage

⁶ Bennet, *Community*; Walker, *Lancastrian*.

⁷ Bennett, *Community*, pp. 215-23.

underpinned, rather than undermined the social order. It was this fragile link in the chain of 'good lordship' that the Stanleys of Lathom came to exploit so effectively.⁸

If this 'uncontested leadership' was lacking then, it was certainly so about a century earlier, and it was this 'fragile link' that Holland exploited all too effectively.

⁸ *ibid.*, p. 215.

Appendix:

List of central members of the Lancashire gentry in the period 1311-1323, for further comment, see above, pp. 25-6:

Banaster, Adam, Sir

- Banaster, Thomas, Sir
- Banaster, William, Sir

Bickerstaffe, Ralph de

Bradshaw, William de, Sir

Butler, William le, of Warrington

Byron, John, Sir

Clifton, William de, Sir

Clitheroe, Robert de

Clitheroe, Adam de

Dacre, William de, Sir

- Dacre, Edmund de, Sir

Dalton, Robert de, Sir

Gentil, William

Gynes, Ingelram de, Sir

- Gynes, Baldwin de, Sir

Harrington, John de, Sir

- Harrington, Michael de, Sir

Hoghton, Richard de, Sir

Holland, Robert de, Sir

- Holland, Richard de, Sir
- Holland, William de, Sir

Huddleston, Adam de, Sir

- Huddleston, Richard de, Sir

Lancaster, John de

Langton, John de, Sir

Lathom, Robert de, Sir

Lea, Henry de, Sir
Leyburn, Robert de, Sir
 - Leyburn, Nicholas de
Malton, Henry de
Molineux, Richard le, of Crosby
Nevill, Edmund de, Sir
Norley, Thurstan de
Pilkington, Roger de, Sir
Singleton, Gilbert de, Sir
 - Singleton, Nicholas de
Southworth, Gilbert de
 - Southworth, Nicholas de
Thomas, earl of Lancaster
Trafford, Henry de, Sir
Travers, Thomas, Sir
 - Travers, John, Sir
 - Travers, Lawrence

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