CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

CAMBRIDGE LIBRARY COLLECTION

Books of enduring scholarly value

Rolls Series

Rerum Britannicarum Medii Aevi Scriptores, or The Chronicles and Memorials of Great Britain and Ireland during the Middle Ages, usually referred to as the 'Rolls Series', was an ambitious project first proposed to the British Treasury in 1857 by Sir John Romilly, the Master of the Rolls, and quickly approved for public funding. Its purpose was to publish historical source material covering the period from the arrival of the Romans to the reign of Henry VIII, 'without mutilation or abridgement', starting with the 'most scarce and valuable' texts. A 'correct text' of each work would be established by collating 'the best manuscripts', and information was to be included in every case about the manuscripts used, the life and times of the author, and the work's 'historical credibility', but there would be no additional annotation. The first books were published in 1858, and by the time it was completed in 1896 the series contained 99 titles and 255 volumes. Although many of the works have since been re-edited by modern scholars, the enterprise as a whole stands as a testament to the Victorian revival of interest in the middle ages.

Year Books of the Reign of King Edward the Third

The records of the medieval English courts were compiled into manuscript 'year books', organised by regnal year of the monarch, and further subdivided into the four law terms. The year books of the reign of Edward III (1312–77), beginning at the eleventh year (1337) and continuing to the twentieth (1346), were to have been edited for the Rolls Series by Alfred Horwood (1821–81), who had previously edited the year books of Edward I, but he died while the first volume was in proof. The work was taken over by L.O. Pike (1835–1915), the set of fifteen books being published between 1883 and 1911. (Horwood chose his start date because the year books of Edward II and the first part of the reign of Edward III already existed in modern editions.) This volume contains reports from Michaelmas Term, 14 Edward III, to Hilary Term, 15 Edward III.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Cambridge University Press has long been a pioneer in the reissuing of out-of-print titles from its own backlist, producing digital reprints of books that are still sought after by scholars and students but could not be reprinted economically using traditional technology. The Cambridge Library Collection extends this activity to a wider range of books which are still of importance to researchers and professionals, either for the source material they contain, or as landmarks in the history of their academic discipline.

Drawing from the world-renowned collections in the Cambridge University Library and other partner libraries, and guided by the advice of experts in each subject area, Cambridge University Press is using state-of-the-art scanning machines in its own Printing House to capture the content of each book selected for inclusion. The files are processed to give a consistently clear, crisp image, and the books finished to the high quality standard for which the Press is recognised around the world. The latest print-on-demand technology ensures that the books will remain available indefinitely, and that orders for single or multiple copies can quickly be supplied.

The Cambridge Library Collection brings back to life books of enduring scholarly value (including out-of-copyright works originally issued by other publishers) across a wide range of disciplines in the humanities and social sciences and in science and technology.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Year Books of the Reign of King Edward the Third

Years XIV and XV

EDITED AND TRANSLATED BY
LUKE OWEN PIKE

CAMBRIDGE
UNIVERSITY PRESS

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paolo, Delhi, Mexico City

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
Information on this title: www.cambridge.org/9781108047937

© in this compilation Cambridge University Press 2012

This edition first published 1889
This digitally printed version 2012

ISBN 978-1-108-04793-7 Paperback

This book reproduces the text of the original edition. The content and language reflect the beliefs, practices and terminology of their time, and have not been updated.

Cambridge University Press wishes to make clear that the book, unless originally published by Cambridge, is not being republished by, in association or collaboration with, or with the endorsement or approval of, the original publisher or its successors in title.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

RERUM BRITANNICARUM MEDII ÆVI SCRIPTORES

OR

CHRONICLES AND MEMORIALS OF GREAT BRITAIN AND IRELAND

DURING

THE MIDDLE AGES.

U 54050. Wt. 1415. a

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

THE CHRONICLES AND MEMORIALS

OF

GREAT BRITAIN AND IRELAND

DURING THE MIDDLE AGES.

PUBLISHED BY THE AUTHORITY OF HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

On the 26th of January 1857, the Master of the Rolls submitted to the Treasury a proposal for the publication of materials for the History of this Country from the Invasion of the Romans to the reign of Henry VIII.

The Master of the Rolls suggested that these materials should be selected for publication under competent editors without reference to periodical or chronological arrangement, without mutilation or abridgment, preference being given, in the first instance, to such materials as were most scarce and valuable.

He proposed that each chronicle or historical document to be edited should be treated in the same way as if the editor were engaged on an Editio Princeps; and for this purpose the most correct text should be formed from an accurate collation of the best MSS.

To render the work more generally useful, the Master of the Rolls suggested that the editor should give an account of the MSS. employed by him, of their age and their peculiarities; that he should add to the work a brief account of the life and times of the author, and any remarks necessary to explain the chronology; but no other note or comment was to be allowed, except what might be necessary to establish the correctness of the text.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

The works to be published in octavo, separately, as they were finished; the whole responsibility of the task resting upon the editors, who were to be chosen by the Master of the Rolls with the sanction of the Treasury.

The Lords of Her Majesty's Treasury, after a careful consideration of the subject, expressed their opinion in a Treasury Minute, dated February 9, 1857, that the plan recommended by the Master of the Rolls "was well calculated for the accomplishment of this important national object, in an effectual and satisfactory manner, within a reasonable time, and provided proper attention be paid to economy, in making the detailed arrangements, without unnecessary expense."

They expressed their approbation of the proposal that each Chronicle and historical document should be edited in such a manner as to represent with all possible correctness the text of each writer, derived from a collation of the best MSS., and that no notes should be added, except such as were illustrative of the various readings. They suggested, however, that the preface to each work should contain, in addition to the particulars proposed by the Master of the Rolls, a biographical account of the author, so far as authentic materials existed for that purpose, and an estimate of his historical credibility and value.

Rolls House,
December 1857.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Year Books

OF THE REIGN OF

KING EDWARD THE THIRD.

YEARS XIV. AND XV.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Year Books

OF THE REIGN OF

KING EDWARD THE THIRD.

YEARS XIV. AND XV.

EDITED AND TRANSLATED

BY

LUKE OWEN PIKE,

OF BRASENOSE COLLEGE, OXFORD, M.A.,

AND OF LINCOLN'S INN, BARRISTER-AT-LAW;

AUTHOR OF "A HISTORY OF CRIME IN ENGLAND," ETC.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.;
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

1889.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Printed by
EYRE and SPOTTISWOODE, Her Majesty's Printers.
For Her Majesty's Stationery Office.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

CONTENTS.

Page

INTRODUCTION:—

Plan adopted in the three preceding volumes continued - - - - - - xiii
The MSS. used - - - - - - xiii
The Harleian MS. is equivalent to two MSS. during a part of the period - - - - - xiii
Variation of Fitzherbert's Abridgment from the known MSS. - - - - - - xiv
The order of the reports - - - - - xv

A memorable period in English history: Presentment of Englishry abolished - - - xv
The King of England assumes the title of King of France in the same year - - - - xvi
Exhaustion of the Treasury: novel taxes - - xvii
Concessions made by the King in return - - xvii
The abolition of Presentment of Englishry was one of these concessions - - - - xviii
Extortions by the tax-gatherers - - - xix
Complaints by the clergy - - - - xix
Payment of taxes anticipated by a forced loan - xx
Society nearly disorganised - - - - xx
Return of the King to England: Imprisonment of officers, and issue of various Commissions - xxi

---

Arraignment of Willoughby (late Ch. J.) before Justices of Oyer and Terminer - - - xxi
Other judges and high officers accused with him - xxii
Nature of the Commission - - - - xxiii

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Page

Peers apparently sitting as assessors - - xxiii
Their names - - - - - - xxiv
Willoughby arraigned, without indictment, on the "clamour of the people" - - - - xxv
He protested, but afterwards threw himself on the King's mercy - - - - - xxvi
He was accused of taking bribes from persons indicted: his view of the relations of Justices to indictors - - - - - - xxvi
Indictors legally sat on petty jury - - - xxvii

Issue of General Commissions to enquire, hear, and determine - - - - - - xxviii
Every service, military, naval, legal, and fiscal, under suspicion - - - - - xxviii
Enquiry as to maintenance, brigandage, &c. - xxix
And as to clerical officers - - - - xxx

Courts of Oyer and Terminer: General and Special xxx
General and Particular - - - - xxx
Jurisdiction and proceedings on General Commissions of Oyer and Terminer - - - xxxi
The Statutes relating to Particular Writs or Commissions of Oyer and Terminer - - - xxxii
The difference between a Court sitting by virtue of a particular writ of Oyer and Terminer, and one sitting by virtue of a General Commission of Oyer and Terminer or Trailbaston - - - xxxiii
The various forms of Commissions and Writs to enquire, hear, and determine - - - xxxiv

---

Some Commissions of 14 Edward III. described by Coke as Commissions of Trailbaston - - xxxv
Jurisdiction and Proceedings under Commissions of Trailbaston - - - - - - xxxvi
The Statute of Rageman - - - - xxxvi
The Statute of Northampton, c. 7. - - - xxxviii

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Page

Confusion, in Coke's references, between the General Commissions, the Particular Commission to try Willoughby, and a Commission appointing Justices in Eyre - - - - - - - xxxix
The Commissions of Trailbaston identified - - xli
They are Commissions of Oyer and Terminer of the most general kind, otherwise known as Grand Commissions - - - - - xlii

---

An Eyre at the Tower of London - - - xlii
Effect of the Proclamation of an Eyre - - xliii
Reasons for applying the powers of a Court of Eyre rather than of a Court of Trailbaston to London - xliv
Course of Proceedings in an Eyre at the Tower - xlvi
Conclusion of the Eyre after one day's sitting, and grant of the King's pardon to the City - - xlvii

---

Opposition of the clergy to the King's policy: Excommunication of the King's advisers - - xlviii
The Archbishop of Canterbury prays the King to release the imprisoned officers - - - xlix
The King justifies his conduct, and threatens the Archbishop - - - - - - - xlix
The Archbishop holds to the excommunications and declines to be tried by any secular judge - - l
The King commands the withdrawal of the excommunications - - - - - li
And of all measures calculated to frustrate the execution of his Commissions - - - li
Reconciliation of the King with the Archbishop - lii

The innocent confounded with the guilty at this period - - - - - - liii
Probable innocence of Stonore, Ch. J. - - liii
The general corruption not therefore disproved - liv
Unpopularity of the Eyre, Trailbaston, and Oyer and Terminer - - - - - lv

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Page

Complaints regarding them in Parliament - - lv
The complaints tainted with class and local prejudices - - - - - - lvii
Prayer for the repeal of the "Ordinance of Northampton" - - - - - - lvii
The King assents to this and other prayers of Lords and Commons—the Chancellor, Treasurer, and Justices protesting - - - - lviii
The King assumes, in a writ of Proclamation, the right to revoke the Statute thus made - - lix
The writ incorrectly described in the old books as a Statute - - - - - - lxi
The right therein claimed not admitted - - lxi
Formal repeal of the Statute by Parliament - lxi
Recognition of the right of the Justices to pronounce whether a proposed Statute ought to become operative - - - - - - lxii

---

Advice of Lords and Commons touching the Grand Commissions - - - - - lxii
And, in particular, touching the challenge of jurors or indictors - - - - - - lxiii
Trial by jury, in criminal charges had, as yet, made but little progress - - - - - lxiv

---

Numerous cases of importance in the volume - lxiv
The Sheriff in fee and the Under-sheriff of Lancaster - - - - - - lxv
A remarkable case of Trespass - - - lxvi
Brief notices of other cases - - - - lxvii

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Page

TABLE OF CASES IN THE PRESENT VOLUME - - - lxix

TABLE OF REFERENCES TO THE LIBER ASSISARUM - - lxxi

TABLE OF REFERENCES TO FITZHERBERT'S ABRIDGMENT - lxxi

THE CHANCELLORS, JUSTICES OF THE TWO BENCHES, TREASURERS, BARONS OF THE EXCHEQUER, AND JUSTICES IN EYRE, DURING THE PERIOD OF THE REPORTS - - lxxiii

CORRECTIONS - - - - - - - - lxxvi

REPORTS OF CASES IN MICHAELMAS TERM 14 EDWARD III. - 2

REPORTS OF CASES IN HILARY TERM 15 EDWARD III. - 266

APPENDIX - - - - - - - - 373

INDEX OF MATTERS - - - - - - 387

INDEX OF PERSONS AND PLACES - - - - 415

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

INTRODUCTION.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

INTRODUCTION.

Plan adopted in the three preceding volumes continued.

The plan on which the three preceding volumes were edited has been followed in this. Every case which occurs in the *Liber Assisarum* or in Fitzherbert's *Abridgment* has been traced and noted. The rolls have been searched, as before, for the records of the cases reported, and the foot notes and the Index of Persons and Places will show in how many instances the search has been successful, even where the reports are silent as to the names of the parties.

The MSS. used.

The MSS. which have been used for the text of the present volume are the Temple MS., the Lincoln's Inn MS., the Additional MS. in the British Museum numbered 25184, and the Harleian MS. No. 741. They have already been described in preceding volumes, but there are some points in relation to them which may need further notice. The Additional MS. No. 25184 does not contain any reports of the fifteenth year of the reign, and could not therefore be collated for the reports of Hilary Term.

The Harleian MS. is equivalent to two MSS. during a part of the period.

Although one MS. fails during a part of the period, another is, during a part of the period, almost equal to two. The portion of the MS. Harl. 741, which relates to Michaelmas Term, 14 Edward III., contains in many instances two reports or abridgments of the same case. Some of these agree with reports or abridgments in the Temple MS., beginning with No. 5 of the latter MS. They are not, however, in precisely the same order, as several other cases are interposed in the Temple MS. Of most of the cases so interposed there

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

are also different reports or abridgments occurring in a different order in the Harleian MS.; and sometimes the Harleian report appears to be an abridgment from the same source as the reports in the Lincoln's Inn MS. and the Additional MS. No. 25184. Sometimes also, when there is a report or abridgment common to the Harleian and the Temple MSS., there is another report or abridgment in the Harleian, and in that case usually a little fuller and with more frequent mention of names.

In using the Harleian MS. the following plan has been adopted. It has been, throughout the term, collated with the Temple MS. where collation was possible. All the cases which are reported in it, but not elsewhere, have been printed. A few cases which occur in it in two forms, and which occur only in it and in the Temple MS., have been printed in the two forms. It happens, however, most commonly that a form of report occurring only in the Harleian MS. is superior to other forms only in showing the names of the parties, and as those names can be more authoritatively ascertained from the record, the Harleian reports of this class have been omitted where the corresponding records have been found.

There are also in Hilary Term, 15 Edward III., a few cases of which there are two reports or a report and an abridgment in the Harleian MS., but it is needless to make any further general statement on the subject, as the foot notes show the facts in detail, and, where the reports are comparable, show how far the Harleian agrees with or differs from each report found in the Temple or the Lincoln's Inn MS.

Variation of Fitzherbert's *Abridgment* from the known MSS.

Attention has been called, in a preceding volume,[1] to the numerous instances in which there are found in manuscript independent reports of the same case differing *inter se*. As a rule the text of Fitzherbert's

[1] Vol. Y. B., 12 & 13 Edw. III., Introduction, xxiii–xxvii.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Abridgment could be traced to one or other of the MSS. now in existence. Some of the cases, however, which are printed in the present volume appear in Fitzherbert's Abridgment in a form differing considerably from that in which they occur in any of the MSS. above mentioned. This fact is a confirmation of the suggestion previously made that there was not any reporter whose authority was generally recognised, or that, if there was, he had many rivals who were not without patrons in the legal profession. It seems that reporting was an open profession, and that some Judges and Counsel possessed reports in one form, others in other forms.

The order of the reports.

As in previous volumes, the order of the reports in the Temple MS. has been followed in the text, in cases of which reports exist in that MS. To this rule, however, one exception has been made. The case numbered 109 in Michaelmas Term has been placed last in that term, and nineteen cases which do not occur in the Temple MS. have been interposed between it and No. 89. The reason is that in case No. 109 Willoughby appears as an accused person deprived of office, and in some of the intermediate cases as a Judge. To have placed the case anywhere but at the end of the term would therefore have been to suggest the idea that Willoughby was acting as a Judge while a prisoner.

A memorable period in English history: Presentment of Englishry abolished.

The fourteenth and fifteenth years of the reign of Edward III., though they have not attracted the special notice of historians, are in many ways memorable. In the fourteenth year one of the distinctions between the Norman or French ruler and the English subject was abolished by Statute.[1] The Presentment of Englishry, which had long survived the Conquest, upon which Bracton[2] dilated in the reign of Henry III., and which

[1] 14 Edw. III., St. 1, c. 4.

[2] Bract., 134, b.–135, b.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Fleta and Britton described in the middle of the reign of Edward I., had been for generations a degrading mark of servitude. The township or hundred was fined when any person was found slain within its limits, unless it could show that he was of English birth. The original object had been to prevent the murder of Normans or Frenchmen by Englishmen, which was, no doubt, frequent immediately after the Conquest. It served, however, afterwards to mark the difference between conquerors and conquered, a trace of which lingered still longer in the use of the French language in Courts of Justice and on solemn occasions. The inscription on the tomb of the Black Prince in Canterbury Cathedral, made in accordance with his own will, is a lasting monument of the pains with which the French language was cultivated at Court, even at a time when the Court did not despise the English of Chaucer. Perhaps there was never afterwards lavished so much care on a French memorial of anyone born in England. But, even many years after this, French was the language in which a petition was addressed to the Chancellor; and the Act by which an end was put to the Presentment of Englishry was not merely a formal recognition of a condition of society which had long preceded the enactment. It is, no doubt, recited that mischief had happened through ignorance as to Presentment of Englishry in some places, where fines had been inflicted by the Justices in Eyre for omission to make it. This may, however, be explained by the infrequency of the Eyres, by forgetfulness of the manner in which they should be met, and by the fact that the mode of presentment differed in different counties,[1] rather than by the existence of any difficulty in perceiving the difference between a French Prior and an English yeoman.

The King of England assumes

It was no mere coincidence that Presentment of Englishry was abolished in the year in which Edward III.

[1] See Bract., 135, b. The words of the Act are so explained in Staunf., *Cor.*, 18.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

assumed the title of King of France, giving the title a place second to that of King of England. His claim, and the wars connected with it, had no small effect upon English society. He assumed the position of an English King ruling Frenchmen, which was the converse of that of the Conqueror, who had held the position of a French King ruling Englishmen. The pressing need of money for the purposes of the conflicts in which he was engaged prompted measures of conciliation to all classes of Englishmen from whom supplies could be extracted, and the Acts of the period commonly illustrate this policy, which was sometimes pursued in a manner not altogether consistent with dignity.

the title of King of France in the same year.

The Treasury was in a deplorable condition through the exhaustion caused by wars with the Scots as well as with the French. The King's jewels were in pawn;[1] the ordinary modes of taxation had been strained to the utmost; and it became necessary to devise some new expedient in order to carry on the government. Extraordinary taxes were as unpopular in the fourteenth century as they are in the nineteenth, and the manner in which they were imposed partook of the nature of a bargain. The Prelates, Earls, Barons, and Commons granted to the King, for two years, certain ninths—the ninth lamb, the ninth fleece, and the ninth sheaf in agricultural districts—the ninth of the goods and chattels of the inhabitants of cities and towns by assessment;[2] but the grant was not made without something in the nature of an equivalent.

Exhaustion of the Treasury: novel taxes.

Certain concessions, in fact, preceded the grant, taking the form of other Acts,[3] in which it was made to appear that the King, remembering the hardships endured by the people of his realm during the evil years of the wars, had great compassion for them, and was willing to

Concessions made by the King in return.

[1] "*engagez*." 2 *Rot. Parl.*, 121, (14 Edw. III., No. 26).

[2] 14 Edw. III., St. 1, c. 20.

[3] 14 Edw. III., St. 1, c. 2, &c.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

show favour to them, so that they might the better aid him. At their request, therefore, he released and pardoned various arrears due, up to the time at which he had passed to Brabant, in relation to the chattels of felons and fugitives, escapes, fines, issues forfeited, trespasses contrary to the forest laws, reliefs and scutages, amercements for murder, and debts due to himself.

The abolition of Presentment of Englishry was one of these concessions.

The abolition of the Presentment of Englishry was, in fact, another of these concessions, and preceded the Acts in which the ninths and other taxes were imposed. It is recited in the Act in which the ninths were granted to the King that it was in consideration of these precedent Acts that the grant was made. It is plain, therefore, that, when the life of the Englishman ceased to be of inferior value to that of the Frenchman in the eye of the law, it was by special favour under exceptional circumstances, and that a high price was paid for the boon.[1]

[1] There is a well-known passage in the *Dialogus de Scaccario* (Lib. I., c. 10) which may, perhaps, be cited in opposition to the above remarks. It is to the following effect:—"Now "(in the reign of Henry II.), as "the English and Normans dwell "together and intermarry, the two "nations are so intermixed (I "speak of those of free condition) "that Englishmen can hardly be "distinguished from Normans— "except only the *ascriptitii*, who "are called villeins." This statement can be interpreted only in one way. It cannot mean that the Normans had become assimilated to the English, because, if so, they would have become assimilated to the unfree as well as to the free. It can only mean that the free English (differing in that respect from the unfree) had become assimilated to the Normans, sharing their privileges and speaking their language. It was, of course, the fact that the Court, the courtiers, the lawyers, and all holders of important offices (whatever their birth) had to speak French, and it was the fact that some persons of English descent held office and went to Court. These may well have been said to be indistinguishable from Normans. These, however, constituted but a very small portion of the population, and it is incredible that the English tongue had ceased to be spoken except by the bondmen. Had that been so, the language could never have been revived except by a revolution such as never occurred. The text of the *Dialogus*, as printed by Madox from the copies in the Black Book and in the Red Book of the Exchequer

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

Extortions by the tax-gatherers.

Nothing, however, could serve to make the new taxes popular. The tax-gatherer was believed to be and often was an extortioner. The more the taxes the wider was the field for his misdeeds. One of his devices appears to have been to levy the tax twice over. An example of this occurs in the present volume.[1] The collectors having already taken certain wool, as the moiety of wool shorn at a certain time, subsequently took other wool, and justified the taking as that of the same moiety. In this case the person aggrieved, having had a verdict given in his favour, recovered damages, and writs issued for the arrest of the collectors. From the complaints which were rife against all officers at this period, there is reason to believe that this was a typical and not by any means an exceptional instance of official misconduct.

Complaints by the clergy.

There were grievous complaints made in Parliament, on behalf of the clergy, to the effect that the collectors had demanded from them the ninths granted by the recent Act, when in fact they had already paid tenths of the same things, and that they were thus taxed twice over in respect of the same matters. As a temporary measure writs issued to the collectors directing them to stay these proceedings against the clergy.[2] It was afterwards agreed that "the Ninths and the Tenths granted "to the King should be paid in manner as they were "granted, that is to say that those who held of the "King by Barony and ought to come to Parliament, "by summons, should pay the Ninths, and the persons

(of which he pointed out some of the imperfections), must be inaccurate in this as well as in other particulars. It cannot be reconciled either with later records or with the plain words of Bracton (134, b.–135, b.), of Fleta (Lib. I., c. 30), and of Britton (Lib. I., c. 2, § 15, and c. 7), which show the Presentment of Englishry to have continued in full operation, without distinction between free and unfree, at least as late as 1292—less than half a century before its formal abolition.

[1] Hilary, 15 Edw. III., No. 30.

[2] 2 *Rot. Parl.*, 119, 14 Edw. III., No. 14.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

" of Holy Church who held nothing by Barony and " were not accustomed to be summoned to Parliament " should pay the Tenths. If, however, persons of " Religion or others of Holy Church had possessions " purchased and appropriated and not taxed among " their other temporalities, in the usual tax of the " Tenths, (it was agreed) in accordance with equity that " of these temporalities they were to pay the Ninths, so " that in respect of things for which they paid the one " they should not be compelled to pay the other." [1]

Payment of taxes anticipated by a forced loan.

So great were the King's necessities that he could not even wait for the payment of the Ninths according to the terms in which they were granted. Almost immediately after the passing of the Act the Earls of Arundel and Gloucester and "Monsieur" William Trussell came from beyond sea and represented in Parliament the mischiefs and perils with which the King was threatened, through his inability to pay divers large sums to the commonalties of towns in Flanders and Brabant and to individuals who were his allies, unless he should be more quickly aided than he could be by the levy of the Ninths. Parliament accordingly granted 20,000 sacks of wool to be taken proportionally without delay, in every county of England, in the hands of whomsoever the wools might be found, provided always that satisfaction should be made to every one, of whom the wools should be so taken, out of the first money arising from the Ninths of the second year.[2]

Society nearly disorganised.

There was thus a forced loan in addition to heavy and unusual taxes. Notwithstanding all the efforts made, the King was not successful in his foreign enterprise, and the elements of discord were multiplied on every hand. Laity and clergy alike were discontented by reason of the burdens imposed upon them,

[1] *Rot. Parl.*, 15 Edw. III., No. 32.

[2] 2 *Rot. Parl.*, 120 (14 Edw. III., No. 19).

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

and the King was dissatisfied because even these burdens were inadequate to supply him with all that he needed. If the laity complained of the conduct of the King's officers, so also did the clergy; and the laity grudged even the ordinary payments to the clergy for commutation of penance, for probate of wills, and for performance of the marriage ceremony.[1] In short, society, such as it had been, was in danger of becoming completely disorganised, and it cannot be doubted that strong measures were required in order to effect a remedy.

Return of the King to England: Imprisonment of officers and issue of various Commissions.

Unsuccessful in his expedition abroad, and indignant that he had been compelled to abandon it at a moment when, as he believed, he might, if duly supplied with the means, have brought it to a prosperous issue, Edward III. returned unexpectedly to England.[2] He knew that there had been mismanagement in many places, and he suspected maladministration almost everywhere. He caused a number of persons, many of high position, to be imprisoned, and various Commissions to be issued for the purpose of enquiring into the supposed misdeeds of his officers. The enquiries were to extend over almost the whole field of the English body politic and social.

The agitation which was thus caused rises even to the surface of the reports themselves, commonly in some dry detail which would be unintelligible without illustration from other sources, but in one instance in a very striking and picturesque manner.

Arraignment of Willoughby

Willoughby, formerly Chief Justice of the King's Bench (or acting Chief Justice under Scrope), who had also been a Justice of the Common Pleas, and who had

[1] *Rot. Parl.*, 15 Edw. III., No. 24 and No. 33.

[2] On Nov. 30, 1340, as appears on *Rot. Lit. Pat.*, 14 Edw. III., p. 3, m. 11 (front and back), with a reference to the *Rot. Lit. Claus.*

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04793-7 - Year Books of the Reign of King Edward the Third Years XIV and XV
Edited and Translated by Luke Owen Pike
Frontmatter
More information

(late Ch. J.) before Justices of Oyer and Terminer.

previously appeared in the reports as a Judge, appears in a report of Michaelmas Term, 14 Edward III.,[1] as a person accused of very heinous offences. He is brought before Justices of Oyer and Terminer in the custody of mace-bearers. He is reproached with having sold laws like cattle. He is not allowed to find bail, and he is led about from one county to another, a prisoner.

It is, however, necessary to look beyond the report for an explanation of the circumstances. The commission by virtue of which Willoughby was arraigned was a commission of Oyer and Terminer[2] (though not a commission "*ad inquirendum*"), directed to Sir Robert Parning (who had been Chief Justice of the King's Bench and had recently been appointed Treasurer), Sir Robert de Sadington (who was Chief Baron of the Exchequer), and Sir William Scot (who had just been appointed Chief Justice of the King's Bench). These appear to have been men on whose integrity the King supposed that he could in some sort rely, though, as will hereafter appear, not absolutely.

Other judges and high officers accused with him.

The commission was not to try Willoughby alone, but to try also Stonore (late Chief Justice of the Common Pleas), Shardelowe and Sharshulle (late Justices of the Common Pleas), whose names are familiar in the Year Books, Thomas de Ferrars, Nicholas de la Beche, Constable of the Tower, John de Pulteneye, Alderman of London, William de la Pole, late Baron of the Exchequer, John de St. Paul, and Michael de Wath (of whom the two last named had been Masters of the Rolls and joint Keepers of the Great Seal with Thomas de Baumburgh), John de Thorpe (who had been the *locum tenens* of the Treasurer in the twelfth year of

[1] Below, p. 258. Although the report appears as of Michaelmas Term, 14 Edw. III., the Commission of Oyer and Terminer was dated only the 12th of January, 14 Edw. III. (1340–1), less than a fortnight before the beginning of the Hilary Term next following.

[2] This appears on *Rot. Lit. Pat.*, 14 Edw. III., p. 3, m. 2 d.

© in this web service Cambridge University Press www.cambridge.org