

# ATTITUDES TO ROYAL JUSTICE IN FOURTEENTH-CENTURY YORKSHIRE

ANTHONY MUSSON

*University of Exeter*

According to many of the Anglo-Saxon chroniclers northerners are characterised by their ‘fickleness’. Indeed it appears to have been a standard trait used to describe Northumbrians or Cumbrians, though problems were also blamed on the ‘fickle and treacherous Yorkshireman’.<sup>1</sup> A more discerning feature of the medieval Yorkshireman (one perhaps still recognisable today) was, as one contemporary writer put it, the ‘native ardour of their minds which brooked no master’. The honest, forthright, ‘call a spade a spade’ stereotype was observable even in the Middle Ages. But of what direct relevance to this paper is this somewhat spurious character profiling? The intention here is to focus on regional identity and try to discern both the external and internal views on the operation of the law in Yorkshire in the fourteenth century. Is it possible to detect a specific regional identity, not so much on the basis of prejudiced or stereotyped epithets, but as a reflection of the particular experience of men and women living in late medieval Yorkshire? To what extent can Yorkshire be distinguished from other counties by its experience of law and its attitudes towards royal justice? Was there a special quality or aptitude that Yorkshiremen possessed when it came to carrying out judicial and administrative tasks? Did Yorkshiremen help or hinder the operation of the king’s law in the county?

The minutiae of local judicial administration in the county has already received the attention of historians and that work will not be duplicated here.<sup>2</sup> Rather, this paper will look at the broader picture afforded by the mechanics of legal administration in the fourteenth century, the nature of the county’s experience of royal justice, and the way in which the business of royal justice affected and interacted with local concerns and local people.

One of the main ways in which royal justice impacted on the county was the removal of the offices of government to York for much of the early fourteenth century during the military offensives against Scotland. The Exchequer, which was required for financing and organisation of the war effort, was joined by the other great departments of state: the Court of Common Pleas, Chancery and frequently the Court of King's Bench. Their presence established the county as an administrative and judicial centre both in the minds of the Crown and its subjects. It also gave York itself a significant profile both regionally and nationally. Indeed, York was effectively the capital of the kingdom for sustained periods of time -- at least eighteen years of the forty years from 1298 to 1338.<sup>3</sup>

The impact of the king's (or at least his government's) continued presence in the region both in psychological terms and in terms of the operation of the judicial system was far from slight. The Court of King's Bench resided in York virtually continuously during Edward I's Scottish campaign 1298- 1304. Although it was then based almost exclusively at Westminster for thirteen years, the court maintained a presence at York from Michaelmas 1318 to the end of the Hilary term of 1320 and then (understandably) it was predominantly in the North during the period 1322-23, energetically visiting the shires in the aftermath of the civil war. It was in York again in the years 1327-28 and 1332-37 with brief visits in 1340, 1343-44, 1348-49 and 1362. In the later fourteenth century the court did not return to York until Richard II's temporary relocation of government institutions in 1392.<sup>4</sup>

The court's presence in the region had an effect on the amount of litigation coming before it. For example, the number of people bringing cases in King's Bench when it was stationed at York in 1323, 1343 and 1348 respectively expanded considerably the *rex* section of the plea rolls for those years. Litigants may have been encouraged by the comparative frequency of the court's visits to York (considerably more even than well-visited Lincoln or Norwich) to bring forward suits of trespass. Although a burgeoning area of litigation generally, it is apparent that when sitting at York and Lincoln in 1348-49 the court heard over a

thousand bills of trespass during the course of just three legal terms -- a considerable advance on the number of bills usually delivered at Westminster (an amount reaching only into the hundreds).<sup>5</sup> Whether, as Mark Ormrod has suggested, this points towards Yorkshire men and women as being especially litigious (in this context a term perhaps suitably translated as belligerent or quarrelsome) may be true up to a point.<sup>6</sup> But it may in fact be a reflection of the court's capacity to hear cases at first instance and of growing familiarity with its procedures. There were also various advantages (in terms of the level of damages and its authority as a court of record) to be gained from bringing litigation in King's Bench. In a wider sense, however, the notable increase in suits suggests a definite appreciation of the mechanisms of royal justice, particularly when geographical proximity to people's homes (as opposed to being two hundred miles to the south) made them reasonably accessible.

Did Yorkshire benefit in other ways in judicial terms? Although complaints were sometimes received about the infrequency with which assizes were heard and gaols delivered in the northern counties, particularly in Northumberland,<sup>7</sup> as far as it is possible to gauge from available records, there were few problems in securing hearings in Yorkshire itself. In the early fourteenth century commissions for assizes to be held in the county were usually fulfilled with the result that an average of three (sometimes four) sessions were held at York per year. Pleas were also entertained by the royal justices in liberties such as Scarborough, Knaresborough, Ripon, and Beverley.<sup>8</sup> The shire gaol, situated at York Castle, received regular deliveries during the year, sometimes in excess of the prevailing statutory guidelines.<sup>9</sup> Gaol delivery sessions were also held at the other gaols located in York itself, those belonging to the city, the Minster, St Mary's Abbey, and St Leonard's Hospital. Equally, there were regular royal commissions (certainly in the early fourteenth century) for the trial of prisoners in the franchise gaols of Knaresborough, Byland, Ripon, Beverley, Scarborough, and Hull.<sup>10</sup> The extent to which this level of coverage was a direct consequence of the presence of the royal government in the region, however, is probably quite

minimal. Certainly the frequency of assize and gaol delivery sessions held in Yorkshire was comparable with the number occurring in many other parts of the country, with the exception perhaps of more remote areas such as Cornwall and Northumberland.<sup>11</sup> Moreover, there was no special benefit to be gained from the proximity of the royal government since the assizes and gaol deliveries took place in the central court vacations. Any advantage lay in terms of the personal convenience for the justices assigned in that they did not have so far to travel.

A more distinctive feature of royal justice in Yorkshire, one that takes more account of the idiosyncracies of the county, can be derived from the government's approach towards the county peace commission. The division of the county bench into three separate ones and the substantial number of venues at which peace sessions were held within each of these Ridings may have reflected not only geographical realities, but also demonstrated an appreciation of national and local concerns. From 1314, no doubt dictated by the size of the county and perhaps the threat to the king's peace from Scottish raiders, individual peace commissions were issued for East, West, and North Ridings.<sup>12</sup> This provided increased scope for local involvement in county justice and contributed in some ways to a sense of identity within these areas – a sense of identity also encouraged by the fact that juries from combined wapentakes within a Riding (in effect 'grand juries' for an individual Riding ) presented offences before the King's Bench during a visitation to the county.<sup>13</sup>

The venues for sessions held by the justices of the peace (and thus the availability of justice at the local level) can be gleaned from the surviving proceedings for the North and East Ridings in the 1360s. Unlike most counties where the major towns provided the venue for sessions, the justices of the peace for Yorkshire went on a mini circuit around their designated Riding. In 1361, in the North Riding, for instance, between 14 and 21 June the peace commissioners sat in Northallerton, Easingwold, Helmsley, Scarborough, Whitby and Guisborough and then in early July sat in Richmond, Thirsk, Pickering and Stokesley.<sup>14</sup> The provision of sessions at these locations would be a decision made

by the commissioners themselves (rather than being dictated by the terms of the commission) and implies both a recognition of a need for such provision and a willingness to undertake the circuit. The ease of access was again advantageous for ordinary people (avoiding a lengthy journey to York) and probably encouraged the bringing forward of offences at the peace sessions. Indeed, there is evidence of bills being presented at the Yorkshire peace sessions even though technically the justices of the peace were no longer permitted to entertain suits of the party (except for statutory offences).<sup>15</sup>

Yorkshire could also boast separate peace commissions for a number of franchise areas (including urban centres). Holderness and Scarborough had their own before the Black Death, while from the 1350s Beverley, Hull, York, Knaresborough, and Ripon were regularly accorded the privilege.<sup>16</sup> When special commissions of justices of labourers were appointed to try offences under the Statute of Labourers of 1351 Yorkshire was also favoured: of the twenty-four franchises countrywide that were allowed to have separate sessions, nine were situated in Yorkshire.<sup>17</sup>

The scale of judicial activity in the county and the potentially highly charged nature of at least some of these sessions undoubtedly helped to provide Yorkshire with a peculiar identity. While the incompleteness of the archives prevents us from calculating exactly the extent of judicial activity, the effect on a proportion of its inhabitants can be easily inferred. All judicial sessions required the attendance of native jurors and of the officials who were responsible for the administration of justice at the local level, men whose outlook and attitude was moulded by the system and the events in which they were involved.<sup>18</sup>

Yet, although the Yorkshire experience was distinctive, the features just mentioned were not in themselves unique. Lincolnshire by the 1330s had separate peace commissions for Lindsey, Kesteven, and Holland, and in the later fourteenth century records show that sessions were sometimes held in as many as seven different venues within a Riding.<sup>19</sup> Similarly bills were entertained at certain Lincolnshire sessions in the 1370s.<sup>20</sup> Yorkshire's experience pre-dated that of

Lincolnshire, but taking both counties together, it is possible to say that by the mid fourteenth century the size of a county was coming to influence the extent of judicial devolution, while also reflecting increased provision of and participation in local judicial sessions.<sup>21</sup>

It is not only the institutional experience that was distinctive in certain ways, analysis of the personnel of justice produces an interesting pattern of involvement in local judicial administration. It is now well established that during the early fourteenth century clerks with Yorkshire connections successfully penetrated the royal administrative machine and that a system of recruitment from the county was perpetuated well into Richard II's reign.<sup>22</sup> What is not generally recognised or highlighted is, first, the role some of these clerks played in the administration of justice and, second, extending the idea of bureaucratic dynasties, the remarkable number of senior members of the legal profession (serjeants-at-law and judges) who hailed from the county. The legal competence of Yorkshire clerks was cultivated during Edward II's reign when Chancery clerks such as Robert Bardelby, John Cave and Adam Osgodby were appointed to assize commissions (generally alongside central court personnel). Bardelby served in the south-east, while Cave was active in the Midlands. Significantly, Osgodby operated solely in his home county.<sup>23</sup>

The ranks of the higher judiciary were also filled with Yorkshiremen. In addition to the extremely successful brothers Scrope, Henry and Geoffrey, men such as John Doncaster, Robert Scarborough and Robert Scorburch (their origins apparent from their names alone) were active on the bench in the early fourteenth century. While the presence of government institutions in the county capital may have given some filip to the education and training of Yorkshiremen seeking to become lawyers, significantly the withdrawal of government institutions from the region did not spell the erosion or disappearance of this connection. Indeed members of the higher judiciary continued to be recruited from the county in the later fourteenth century with William Skipwith, Thomas Seton, William Notton, Thomas Ingleby, William Finchdean, and Roger Fulthorpe

achieving prominence in judicial circles during the 1350s and 1360s alone.<sup>24</sup> The implications of the advancement of so many Yorkshiremen are threefold. First, the phalanx of Yorkshiremen (in company with a significant cadre of other lawyers with northern roots) offered a regional self-identity and an opportunity for the articulation of northern values and points of view. Moreover, moving in government circles, they offered useful points of contact for the politically active in the county as well as those seeking judicial intervention. Secondly, these men had served on the northern assize circuit when serjeants-at-law and sat as members of the quorum at peace sessions.<sup>25</sup> Lengthy service in this capacity enabled them to build up and maintain professional and personal connections within county society. Thirdly, an appreciation of local power structures, a knowledge of on-going disputes, and an understanding of various other regional factors (or peculiarities) was likely to be beneficial to the Crown as well as for parties drawn from local society embroiled in litigation.

The connections between provincial and central justice were evidently more profound than this. Looking at the personnel of the peace commissions, and comparing them with those who were justices of the central courts and serjeants-at-law and persons who were known to have served as stewards to the holders of franchises in the county, there is a clear relationship that emerges. The relationship is exemplified, first, in the series of peace commissions issued in the early 1360s, which varied the powers of the justices of the peace and the requirement for the 'quorum', a select group of named men, usually the assize justices of the circuit in which the particular county lay. In 1361 the requirement for the quorum was lifted and justices of the peace were able to try their own indictments without the presence of the assize justices.<sup>26</sup> It is significant, however, that a number of Yorkshire lawyers, including William Finchdean (one of the assize justices) and William Skipwith (who had just been appointed Chief Baron of the Exchequer having served two years as a judge of Common Pleas) were appointed in a private capacity to the Yorkshire peace commissions. In 1364 there was another shift in policy and the justices of assize (in their capacity as gaol

delivery justices) were required to determine felonies but were not formally included in the peace commission. Again the Yorkshire panels of magistrates included central court personnel such as Thomas Ingleby (already a judge in King's Bench), William Fichdean (elevated to the court of Common Pleas in 1365) and Roger Fulthorpe (a serjeant-at-law and future judge).<sup>27</sup>

The significance of these appointments and an insight into the integration of royal and local justice is revealed, secondly, in the overlapping duties carried out by some of these men. William Finchdean, for example, while a serjeant-at-law was steward of the honour of Pontefract,<sup>28</sup> a pivotal post given the importance of this particular territory, which was also held at some time by serjeants John Doncaster and William Skipwith. The number of estates stewards who sat on the various Yorkshire peace commissions was not atypical for the country as a whole, as it was natural for these officials to be so appointed, but it was unusual to have such senior judges on the local bench in a private capacity.

To what extent was this picture of royal justice in the county challenged or compromised in reality either by the nature of the county itself or by maverick indigenous elements in the population? One area in which royal justice may have been compromised was in the mechanics of bringing people for trial. The Crown relied upon the endeavours of local people to apprehend and escort to prison those caught in the act or suspected of offences. In one of the gaol delivery rolls covering the late 1350s and early 1360s there were a surprising number of escapes recorded -- a phenomenon fairly occasional on other rolls. John son of Robert of Sharmeston, arrested by the bailiff of the liberty of Morlay and indicted for the death of Ingram Smith, was being escorted to York Castle by John del Alumshous constable of the vill of Sharmeston and others. They stopped and allowed John son of Robert to eat, but he evaded their custody.<sup>29</sup> When John Benet was in the custody of Thomas Waltman, Thomas son of Nicholas, William Multhorp and others of the vill, one night, just as John Benet was sitting with them in a certain house, he requested that he might go to the out house to relieve



himself (*ad irrigenda*). They took a rope and tied it around John's body and held the rope between them, but when John had come out of the out house he suddenly snapped the rope restraining him and escaped.<sup>30</sup>

Are these examples of negligence, deliberate attempts to subvert royal justice, or just cunning on the part of the prisoners? In some cases it was the former. For instance, William Sergaunt was found to have been negligently allowed to escape after eight days in the prison of York Castle when in the keeping of Nanthird of Rotherham and others who were leading him there for gaol delivery.<sup>31</sup> However, it is not very easy to draw such distinctions without knowing the relationships involved and the precise circumstances. Nevertheless the people nominally responsible were indicted and forced to come to court to answer for the absence of their charge. In the case of the escape of John Benet they were acquitted of any wrongdoing since he was not held for felony at the time. In another instance the constables of the vill of Cranburn were charged because their prisoner had escaped to a church (no doubt to claim sanctuary).<sup>32</sup> Getting an escaped prisoner out of sanctuary in order to fulfil the duties of office could be hazardous to the person as well as difficult to execute because of the immunity the prisoner acquired, as illustrated by a case from Howden in 1386.<sup>33</sup>

The conditions under which local constables operated were not ideal. Given the size of the county and the potential distances involved when taking prisoners to York Castle there were probably many opportunities for escape along the way and someone making his getaway might be difficult to round up again. The sheriff relied on local constables and their posse to bring suspects safely into custody. Escapes seem to have occurred at (or at least were blamed on) the point of handover between officials. In 1361 a group of men from South Cave were charged with permitting John de Driffield of North Cave to escape from their safe custody on the way to York Castle. Driffield had initially been attached by Robert Lilling, bailiff of the wapentake of Harthill and indicted before the then sheriff, Thomas Musgrave, and his body bound as required. The jury concluded that in fact the escape had occurred after Robert Lilling had asked some other men, who

were in the house of John Whitgift (only one of whom, William Ellerker was among those indicted for the escape), to accept the prisoner and hold him while he went into the market place to raise some help. Before the bailiff returned John de Driffield had escaped against their wish.<sup>34</sup> When John Watson of Whorlton and Roger Couton had been handed over to the custody of Thomas Walker of Stokesley and others of Stokesley and were on the way to York Castle in 1362, Roger Couton had escaped from their safe keeping to make sanctuary in the church of the town of Helmsley.<sup>35</sup>

Yorkshire may not have been the only county suffering this problem, but the appearance of such a high proportion of cases on the rolls is itself arresting. The problem of the security of prisoners faced by the sheriff was one equally of concern to the ecclesiastical authorities, especially as the archbishop of York was liable to the Crown for lapses in security when felonious clerks were transferred from prisons within the archdiocese. As Archbishop Romeyn instructed one of his bailiffs in 1286, 'take care that you conduct [the clerk] safe and secure, so that we fall into no peril through negligent custody, because that would be very serious for us at the royal court'.<sup>36</sup> The extent to which the diocesan officials tried to avoid incurring royal censure and the concomitant financial penalties is reflected in the arrangements made in about 1300 for a special guard (including six horsemen, six tough walkers and twelve villagers) led by the Dean of Nottingham himself as a precaution for clerical prisoners (described as *clericos latrones*) travelling from Nottingham to Ripon.<sup>37</sup> A number of factors probably conspired to produce this state of affairs – not least the topography of the county and probably the attitude of some of its inhabitants. That said, on a constructive note, it does indicate the sheriff's endeavour to crack down on escapes and, more generally, a desire to make people answer for their obligations to the king and the community, an intention that was increasingly evident in the new world that emerged after the Black Death.<sup>38</sup>

Royal administration faced another, though more subtle, threat to its operation: the deliberate fomenting of litigation and conspiracies to pervert the

course of justice, which were highlighted during the late thirteenth and early fourteenth centuries as occurring in Yorkshire, even if the county were not the sole location for this menace. In 1292, for instance, a commission of oyer and terminer was issued to Gilbert Thornton and William de St Quentin to investigate William of Kelsey and others in Yorkshire, who it was said, 'induce people without either the right or the will, to go to law; who sometimes with their assent, sometimes without it, sometimes entirely without their knowledge, cause writs to be made out and fines to be made there upon in the Chancery, and obtain other writs under the names of persons in the nature of things not existing, whereby they may cause disherisons, grieve, and disquiet others and extort money'.<sup>39</sup> The implication of this commission is that such 'fraud and malice', the artificial creation of a demand for legal services, was perceived as coming from within the legal profession itself.<sup>40</sup> In 1305, the trailbaston justices operating in Yorkshire notified the King that despite not finding any '*groses choses*' (presumably serious trespasses) presented by the juries appearing before them, they had nevertheless heard privately that these wrongs had occurred and '*par procurement e alliances des genz du pais*' (through the procurement and confederacy of men of the region). The justices went on to urge the King to enhance the powers of their commission.<sup>41</sup>

In spite of government attempts to clamp down on this insidious problem over the course of the fourteenth century, the charge of conspiracy and confederacy to pervert the course of justice was one frequently levelled against officials, jurors and litigants. Although the inquiries rarely uncovered serious instances of wrongdoing (either by design or lack of success) perceptions of impropriety and the undue influence of 'bastard feudalism' (fostered by the close links between lawyers and landowners) led to tensions which were expressed during the Peasants' Revolt and legislated against in the Statute of Liveries.<sup>42</sup>

Gauging attitudes in the county towards aspects of the administration of justice is not easy. Manifestations of discontent and complaint took very different

forms ranging from legitimate or formal methods of complaint such as petitioning and recourse to the processes of the law to less legitimate, informal means such as threatening letters, illicit gatherings or rebellion. Looking at the formal, an individualistic streak is observable in certain petitions submitted to parliament which criticise the work of the sheriff.<sup>43</sup> One dating from around 1322 which begins '*Seigneur, s'il vous plest...*' complains that the sheriff is distraining the lands between the Ouse and the Tees that belonged to the enemies and rebels, demanding debts and fines in the wapentake that were in fact dues of the King and in the seisin of the King.<sup>44</sup> Another, dating to around 1324, purporting to be from the 'common people of the county of Yorkshire' and citing the statute of 1293 concerning the property qualifications necessary to be placed on juries and assizes, complains that the sheriff puts '*poures gentz en enquestes*' with all the ensuing problems and causing disinheritance for those that are not rich enough to labour the jury and 'great damage' to the Crown.<sup>45</sup> In putting forward its views in a petition against prises in 1309 as '*la communitate de Est Riding en le counte de York*' the East Riding appears to have regarded itself as a significant entity in its own right.<sup>46</sup> The confidence of parts of the county was equally reflected in the way that concerns could be expressed in the form of a petition without the petition itself being drawn up in and endorsed by the county court. In about 1390-91, for instance, Simon Elvington petitioned 'for himself and for the profit of the people of Yorkshire'.<sup>47</sup> Given the possibility of self-help or other means of protest, it is significant that there is evidence of the voicing of opinion and concerns through legitimate channels. The petitions also illustrate the sense of community of interest that could be forged through this activity.

With regard to the more informal manifestations of the county's attitude towards justice, the rebellions occurring in York, Beverley, and Scarborough during the years 1381-82 are indicative of the combined effect of disenchantment with existing civic personnel and dissatisfaction with the operation of local urban government in these centres.<sup>48</sup> The details of these particular uprisings need not be repeated here, but the activities of William Beckwith and his followers in the

late 1380s and early 1390s should be highlighted. The events in which Beckwith was involved were taken up by contemporary chroniclers and described as dividing the sympathies of the county, and serve to illustrate further the jealousies and rivalries that could be nurtured amongst local officials. Beckwith's failure to succeed to an office once held by an ancestor (some members of the Beckwith family had been bailiffs in Knaresborough under the Duchy of Lancaster) and that position being taken by someone from Lancashire (in other words from outside the county) sowed the seeds for a campaign of violence against Robert Doufbygging, the appointee, and Sir Robert Rokeley, the local steward and constable of Knaresborough Castle.<sup>49</sup>

We cannot leave the situation there, though. The concern registered about Beckwith's activities appears in the text of a pardon accorded one of his followers in 1395 which records that they had held a 'parliament called "Dodelowe"' where they had 'ordained amongst themselves' to forge alliances and secure 'unlawful appointments'. There are of course a number of problems with this description. We have no real indication as to exactly what this assembly was or where it was held. It is also unclear how much importance we should attach to the description itself. Can we regard it as an example of Yorkshire individualism and political consciousness? Should we be swayed by the rebels' implied appropriation of royal forms of governing? Can we (perhaps fancifully) ascribe the 'pseudo-parliaments' held in the county in Pontefract, Sherburn in Elmet, and Doncaster by Thomas of Lancaster as a potential symbolic model? Looking at it in another light, we may be relying purely on a partisan description deliberately invoking notions of the encroaching of royal power so as to equate Beckwith's actions with treachery. Whatever its nature, the Crown (or the complainants) clearly attached some significance to this assembly in that they noted it had been convened on several occasions 'in subversion of the law, oppression of the people, disinherison of the duke [of Lancaster] and the loss of his ministers' lives'.<sup>50</sup>

The final cameo revealing apparent Yorkshire attitudes towards royal justice again invokes notions of individualism and treasonous behaviour. It

concerns one of the most enigmatic documents to surface during this period: the letter delivered in 1336 to a Master Richard Snowhill, rector of Huntington, near York, purporting to be from Lionel, King of the Rout of Ravensers.<sup>51</sup> The existence of the letter is well known from Sir Lionel Stones' article on the Folville gang.<sup>52</sup> Although its style and content were analysed briefly he was concerned to set the letter in the context of the activities of 'dangerous criminals' and the alleged exacting of payments with menaces through letters *quasi sub stilo regio* (as if in royal style) that was alluded to in the powerful oyer and terminer commission of 1332 in the Midlands. The content of the letter deserves further comment as it is relevant to the issues being discussed here, but it should also be set in its own immediate context, for there is more to the story than the abstract letter.

The letter appears to operate on three levels. At first blush it could be taken as a practical joke, an exercise employing the language of romances interwoven with legalistic formulae that might be appreciated by someone *au fait* with the relevant forms. On another reading it appears to be an attempt to extort money and has treasonous implications in its form and substance. While the author or originator does not intend to subvert the natural hierarchy, nor act in opposition to the King (allegiance he says is owed first to God, the king of heaven, then to the King of England - in this case Edward III - and third in precedence to King Lionel (*a nostre coroune*)), the latter does, however, pose as an alternative or supplement to the existing royal administration. He has his own laws (*nos leys*) and endorses acts of 'popular' justice such as the murder in Edward II's reign of Walter Stapledon, Bishop of Exeter.<sup>53</sup> Lionel implies that the parson might suffer a similar fate unless he has regard to his commands. He also expressly warns that he will order his sheriff of the North to levy on him '*la graunde destresce*', which in legal terms was distraint, the (legitimate) seizure of goods to enforce payment. On a deeper level, though, while the letter adopts the style of a royal writ, the document actually embodies a specific complaint and in substance takes the form of a petition, albeit an indirect one, on behalf of the abbot of St Mary's, York to allow the abbot to have his franchise and exercise his right to appoint the vicar of

Burton Agnes. The author bids the parson 'show the letter to your sovereign' (*mostrez ceste lettre a vostre sovereign*) in the hope 'that he will allow that right be done' (*qil soeffre que droit soit fait*).

The letter was of course shown to the King and his reaction to it is important. He may have read behind the showy style to the perhaps genuine complaint, but at any rate he does not waste any time in investigating its origins, prompted perhaps by the implicit threat to royal jurisdiction and accroachment on royal power that the letter contains (*quod negocium...tangit regiam dignitatem et preiudicium domini regis*). The King's Bench plea roll indicates Edward moved quickly. The recipient told the King's Council on the Wednesday [6 November 1336] that the letter had been released to him at Huntington by his servant, John. The next day, the same John appeared before the King led by the mayor and bailiffs of the city and was questioned as to how he came by the letter and to provide names. The servant gave the name of Robert Latham of Lancashire as the deliverer and said it had come from Geoffrey Eston of York. On the Friday of that week, this same Geoffrey was led before the Council by the sheriff. In response to questions on these matters he replied that on the Tuesday next before the month of Michaelmas [22 October 1336] he was within York Castle on the day of the county court (*die comitatus*) and there a certain Adam of Ravensworth asked him about a servant (*garcione*) who could deliver a letter to the servant of Richard, parson of Huntington or to his housemaid, who would then give it to the parson. He had a parley (*colloquium*) with Robert Latham asking him to take the letter there and gave him a penny for his services and labour. Robert, he said, accepted the letter but did not know anything about what it contained, a fact he was prepared to verify. Adam of Ravensworth was instantly arrested and came before the court. He admitted to handing a letter to the same Robert to take to John le Gras, bailiff of Bulmer, to certify to him and a certain Sir Simon de Beltoft concerning a day and place where they could meet to select men to go to Scotland in the King's service. He said, however, that he sent the suspect letter to the servant without knowing of its contents. The Council then asked Robert Latham if

there were two letters or just the one. He replied that there was only one letter which he had delivered to the servant at Huntington. The matter was submitted to a jury of twenty-four men who had been at the castle on the day of the county court. Summoned to come before the King on the Saturday next following, they exonerated Geoffrey and Robert of any knowledge or blame, but pointed the finger at Adam of Ravensworth, saying on oath that he was guilty of knowingly concocting the letter.<sup>54</sup>

The King's concern at the letter's implications and his swift reaction is clearly an important element here, but further light on the nature and style of the letter can be shed through an examination of the status and position of the recipient. Richard de Snowshill was not an innocuous clergyman, but, an important figure in ecclesiastical circles in the region. He is recorded as being receiver or registrar of the archbishop of York from at least 1318 (and was still so in 1336) and by apostolic and imperial authority notary public and scribe to the archbishop. In addition to holding the rectory of Huntington, he was prebend of the church of Osmotherly (whose patron was the bishop of Durham).<sup>55</sup> Snowshill's position brings the focus right back to the disagreement raised by the abbot of St Mary's, York and the likelihood that an appeal was being made beyond the ecclesiastical jurisdiction of the Archbishop to the King himself.

In conclusion, what points emerge from this superficial survey? It can be said that the regular provision of legal services and the availability of justice at a local level casts royal justice in a beneficial light. Indeed, the institutions or mechanisms of central and local justice overlapped with the formidable Yorkshire private administrative network at times during the fourteenth century. Moreover, the blossoming of administrative and legal talent in the careers of royal clerks and senior lawyers points towards the existence of important personal contacts between central and local government. The royal judges' close links with the exercise of private jurisdiction highlights the integration of royal justice within existing power structures. But there is also an ambivalence to the king's law



exhibited -- the idea of a need to supplement or bypass existing methods (perhaps as ways of getting around private problems not otherwise able to be settled within the system). This can be seen too in the arena of parliamentary petitioning where it is apparent that the county court could be by-passed and criticisms of the sheriff, the president of the court, adopted. The surfacing of allegations of injustice in and near Scarborough during this period also demonstrate how ingrained and important the petitioning process had become to local people.

There are obviously wider questions about the balance of power in the county. The role and influence of the most powerful magnates in the county and the heads of the many ecclesiastical foundations in Yorkshire deserves to be addressed. The lengthy presence of the institutions of royal government in the county may in fact have had a destabilising influence (on account of their overriding jurisdiction), and there may perhaps have been a feeling amongst lords that they were interfering in what were felt to be purely local matters. That said, the proximity of the king's government did bring its advantages in terms of accessibility to royal justice as enumerated above. Even when royal government had relocated in Westminster a strong royal presence remained, albeit in attenuated form, through the judges and lawyers sitting on commissions or living in the county. It was thus possible for the king to maintain a semblance of authority within the county even though various local factors (and personnel) militated against that. The particular experience of law itself thus contributed to the regional identity of Yorkshire.



<sup>1</sup> H. M. Jewell, 'North and South: the Antiquity of the Great Divide', *Northern History*, XXVII (1991), 6, 8, 19.

<sup>2</sup> For example: H. M. Jewell, 'Local administration and administrators in Yorkshire, 1258-1348', *NH*, XVI (1980), 1-19.

<sup>3</sup> W. M. Ormrod, 'York and the Crown under the First Three Edwards', in *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, ed. S. Rees Jones, Borthwick Studies in History, 3 (York, 1997), 15-22.

<sup>4</sup> A. Musson and W. M. Ormrod, *The Evolution of English Justice: Law, Politics and Society in the Fourteenth Century* (Basingstoke, 1998), pp. 194-205. See also *South Lancashire in the Reign of Edward II*, ed. G. H. Tupling, Chetham Society, 3rd series, I (1949).

<sup>5</sup> Musson and Ormrod, *Evolution*, pp. 118-19.

<sup>6</sup> Ormrod, in Rees Jones, *Government of York*, p. 28.

<sup>7</sup> For example: *Rotuli Parliamentorum*, I, 161 (1304); see also *Ancient Petitions Relating to Northumberland*, ed. C. M. Fraser, Surtees Society, CLXXVI (1966), 115-16.

<sup>8</sup> For example: P(ublic) R(ecord) O(ffice), Justices Itinerant, Assize Rolls, JUST 1/1114 (1313-16).

<sup>9</sup> For alterations in statutory guidelines see A. Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt* (Manchester, 2001), pp. 139-40, 142-44.

<sup>10</sup> For example: P(ublic) R(ecord) O(ffice), Justices Itinerant, Gaol Delivery Rolls, JUST 3/77 (1317-27); P(ublic) R(ecord) O(ffice), Chancery, Patent Rolls, C 66/174 m40d (Knaresborough), /175 mm33d (Ripon), 23d (Hull), 20d (Scarborough), /185 mm5d (Ripon, Beverley), 28d (Knaresborough), /186 m31d (Hull).

<sup>11</sup> Musson, *Medieval Law in Context*, pp. 143-44, 146.

<sup>12</sup> *C(alendar of) P(atent) R(olls)*, 1313-1317, pp. 123-24. Compare with *ibid.*, p. 107.

<sup>13</sup> For example: P(ublic) R(ecord) O(ffice), Chancery, Ancient Petitions, SC 8/47/2264 (East Riding); P(ublic) R(ecord) O(ffice), Court of King's Bench, Plea Rolls, KB 27/307 *rex* m7d (West Riding), m15 (North Riding, West Riding, East Riding).

<sup>14</sup> *Yorkshire Sessions of the Peace, 1361-64*, ed. B. H. Putnam, Yorkshire Archaeological Society Record Series, C (1939), 146-47. The surviving records of sessions held in the 1390s suggest there

was a slight reduction in the number of different venues later in the century. *Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries*, ed. B. H. Putnam (1938), pp. 455-57.

<sup>15</sup> Putnam, *Yorks. Sessions*, pp. xxvi-xxviii. The significance of this should not be overdrawn as there is only one case on the surviving rolls from the 1360s, which may relate to a personal action.

<sup>16</sup> *Rolls of the Warwickshire and Coventry Sessions of the Peace, 1377-1397*, ed. E. G. Kimball, Dugdale Society, XVI (1939), lxxxiv-lxxxv, lxxxvii-lxxxviii.

<sup>17</sup> Putnam, *Yorks. Sessions*, p. xxii.

<sup>18</sup> Jewell, *NH*, XVI, 14-16, 18-19.

<sup>19</sup> *Some Sessions of the Peace in Lincolnshire, 1360-75*, ed. R. Sillem, Lincoln Record Society, XXX (1937), xxviii-xxix; *Records of Some Sessions of the Peace in Lincolnshire, 1281-1396*, 2 vols, ed. E. G. Kimball, Lincoln Record Society, XLIX, LVI (1955-62), II, ix-xi, lxiii-lxvi.

<sup>20</sup> P(ublic) R(ecord) O(ffice), Court of King's Bench, Ancient Indictments, KB 9/57 mm2, 10; Sillem, *Lincolnshire Sessions*, pp. 154, 161.

<sup>21</sup> For judicial devolution in Lancashire see A. Musson, 'Peace-keeping in early-fourteenth-century Lancashire', *NH*, XXXIV (1998), 41-50.

<sup>22</sup> J. L. Grassi, 'Royal Clerks from the Archdiocese of York in the Fourteenth Century', *NH*, V (1970), 12-33.

<sup>23</sup> For example: PRO, C 66/144 m25d (Osgodby), m31d (Bardelby), /145 m3d (Cave).

<sup>24</sup> *The Judges of England, 1272-1990*, comp. J. Sainty, Selden Society supplementary series, X (1993), 6-7, 24-25, 46, 60-66.

<sup>25</sup> For example: PRO, JUST 1/1460 (1359), /1464 (1360-5), /1475 (1366), /1137 (1377).

<sup>26</sup> E. Powell, 'The Administration of Criminal Justice in Late Medieval England: Peace Sessions and Assizes', in *The Political Context of Law*, ed. R. Eales and D. Sullivan (1987), pp. 52-54.

<sup>27</sup> *CPR*, 1361-64, pp. 64-66, 530-31.

<sup>28</sup> PRO, JUST 3/145 mm4, 49.

<sup>29</sup> PRO, JUST 3/145 m3.

<sup>30</sup> *ibid.*, m17.

<sup>31</sup> *ibid.*, mm18, 21.

<sup>32</sup> *ibid.*, m13.

<sup>33</sup> *Select Trespasses from the King's Court, 1307-1399*, 2 vols, ed. M. S. Arnold, Selden Society, C, CIII (1985-87), I, 67-68.

<sup>34</sup> PRO, JUST 3/145 m18d.

<sup>35</sup> *ibid.*, m21.

<sup>36</sup> *The Register of John le Romeyn, Lord Archbishop of York 1286-1296*, 2 vols, ed. W. Brown, Surtees Society, CXXIII, CXXVIII (1913-17), II, 45 (no. 1219); A. K. McHardy, 'Church Courts and Criminous Clerks in the Later Middle Ages', in *Medieval Ecclesiastical Studies in Honour of Dorothy M. Owen*, ed. M. J. Franklin and C. Harper-Bill, Studies in the History of Medieval Religion, 7 (Woodbridge, 1995), 170-71.

<sup>37</sup> *The Register of Thomas of Corbridge, Lord Archbishop of York, 1300-1304*, ed. W. Brown, Surtees Society, CXXXVIII (1925) 19 and n.3 (the document is not dated, but is thought to be very early in Corbridge's tenure; McHardy, in Franklin and Harper-Bill, *Ecclesiastical Studies*, pp. 171, 173 and n.52).

<sup>38</sup> R. C. Palmer, *English Law in the Age of the Black Death: A Transformation of Governance and Law, 1348-1381* (Chapel Hill, NC, 1993), pp. 253-67.

<sup>39</sup> CPR 1281-1292, p. 518.

<sup>40</sup> P. Brand, *Origins of the English Legal Profession* (1992), pp. 115-17.

<sup>41</sup> *Select Cases in the Court of King's Bench*, 7 vols, ed. G. O. Sayles, Selden Society, LV, LVII, LVIII, LXXIV, LXXVI, LXXXII, LXXXVIII (1936-71), II, cxlix-cl.

<sup>42</sup> A. Harding, 'The Revolt against the Justices', in *The English Rising of 1381*, ed. R. H. Hilton and T. S. Aston (Cambridge, 1981), pp. 165-93; R. L. Storey, 'Liveries and Commissions of the Peace, 1388-90', in *The Reign of Richard II. Essays in Honour of May McKisack*, ed. F. R. H. du Boulay and C. M. Barron (1971), pp. 131-52.

<sup>43</sup> For other evidence of complaint about how the county was administered see A. Prescott, 'The Judicial Records of the Rising of 1381' (unpub. PhD thesis, London Univ. 1984).

<sup>44</sup> PRO, SC 8/46/2265.

<sup>45</sup> PRO, SC 8/152/7592.

<sup>46</sup> PRO, SC 8/46/2264.

<sup>47</sup> PRO, SC 8/110/5473. I am grateful to Dr Gwilym Dodd for this reference.

<sup>48</sup> R. B. Dobson, 'The Risings in York, Beverley and Scarborough, 1380-1381', in Hilton and Aston, *English Rising*, pp. 112-42.

<sup>49</sup> *Annales Ricardi Secundi*, ed. H. T. Riley, Rolls Series (1866), pp. 160-61; *Polychronicon Ranulphi Higden*, ed. J. R. Lumby, Rolls Series (1886), IX, 239; J. G. Bellamy, 'The northern rebellions in the later years of Richard II', *Bulletin of the John Rylands Library*, XLVII (1964-65), 255-61.

<sup>50</sup> *CPR*, 1391-96, 273, 551.

<sup>51</sup> PRO, KB 27/306 *rex m27* (Michaelmas).

<sup>52</sup> E. L. G. Stones, 'The Folvilles of Ashby Folville, Leicestershire and their Associates in Crime', *Transactions of the Royal Historical Society*, 5th series, VII (1957), 117-36.

<sup>53</sup> In 1326 following Queen Isabella's invasion and a letter purporting to be from her and the Prince Edward which aimed at rallying the citizens of London to oust traitors, Stapledon was spotted by an aroused mob, proclaimed a traitor and intercepted while seeking sanctuary in St Paul's Cathedral. The mob took him to Cheapside where he was beheaded.

<sup>54</sup> Unfortunately, I have not as yet found in any subsequent plea rolls further details relating to this case.

<sup>55</sup> *Register of William Melton, Archbishop of York, 1317-1340*, 4 vols, ed. R. M. T. Hall and M. Brocklesby, Canterbury and York Society, LXX, LXXI, LXXVI, LXXXV (1972-97), I, 4-6, 68, 104, 129; III, 13-14, 47, 129; IV, 107, 185.