

# **The Publication and Reception of Local and Parliamentary Legislation in England, 1422–c.1485**

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## **Declaration**

I, Dean Andrew Rowland, declare that this thesis is purely my own work carried out for the degree of Ph.D. at the Institute of Historical Research. I submitted a dissertation for the degree of M.Phil at the University of Cambridge in 2007 that covered a part of the subject matter of the present thesis, in significantly less depth. Only a very small of text (amounting to no more than a few lines and occasional turns of phrase) has been incorporated from that dissertation in the present one. My M.Phil dissertation will be cited, where appropriate, in the present dissertation.

Date:

## **Abstract**

This dissertation examines the means by which the content of legislation made by parliament, and by the authorities in towns, was communicated to the wider populace in fifteenth-century England. It is a study of how legal knowledge could be acquired in the pre-modern world, whilst also using that study as a window through which to explore wider questions about political society and communication within that society.

The central argument is that it is necessary to consider the media used to publicise laws much more broadly than the traditional focus on the 'top-down' process of oral proclamation of new legislation made by the authorities at the political centre and in the localities. Rather, one needs to assess more realistically the limits of proclamations and how often they were performative rather than purely informative acts, that is to say, they were primarily designed to achieve certain instrumental effects. Moreover, much of what was orally declaimed was actually a settled repetition of older material in which national laws were melded with localised applications in a blend in which the join was no longer visible, one in which 'quasi-statutes' were frequently as significant as what was supposedly the real thing. Whilst royal and civic administrations exercised some control over the texts of legislation that were circulated, a great deal of the meaningful communication that took place was instigated by local officers, royal officials, even book-producing entrepreneurs, who all performed vital mediating functions. The actions of these intermediaries need to be seen in conjunction with oath taking, the use of writing, the established use of the English language and strong wider demand for information about new laws.

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## Abbreviations

Add.	Additional MSS
<i>Arnold's Chron.</i>	STC 782, cited here from <i>The Customs of London, otherwise called Arnold's Chronicle</i> , ed. F. Douce (1811)
Austin, <i>Words</i>	J.L. Austin, <i>How To Do Things With Words</i> , ed. J.O. Urmson & M. Sbisà, (2nd ed. Cambridge MA, 1975)
Barron, <i>London in LMA</i>	C.M. Barron, <i>London in the Later Middle Ages: Government and People 1200–1500</i> (Oxford, 2004)
BB	<i>Brevia directa Baronibus</i> section of KR memoranda rolls
BIHR	<i>Bulletin of the Institute of Historical Research</i>
BL	British Library, London
BMC, XI	<i>Catalogue of Books Printed in the XVth Century Now in the British Library, Part XI: England</i> (t'Goy-Houten, 2007)
Bodl.	Bodleian Library, Oxford
BJRL	<i>Bulletin of the John Rylands Library</i>
c.	chapter
<i>Cal. LBA, LBB [etc.]</i>	<i>Calendar of the Letter Books of the City of London A–L</i> , ed. R. Sharpe (11 vols., 1899–1912)
<i>Cal. P&amp;M</i>	<i>Calendar of Plea and Memoranda Rolls of the City of London</i> , ed. A.H. Thomas & P.E. Jones (6 vols., Cambridge, 1924–61)
Cavill, <i>Hen. VII</i>	P.R. Cavill, <i>The English Parliaments of Henry VII 1485–1504</i> (Oxford, 2009)
CCA	Canterbury Cathedral Archives

CChR	<i>Calendar of Charter Rolls</i> (1903–)
CCR	<i>Calendar of Close Rolls</i> (1949–)
CHBB, iii.	L. Hellinga & J.B. Trapp (eds.), <i>The Cambridge History of the Book in Britain</i> , vol. iii (Cambridge, 1999)
Chrimes, <i>Constitutional Ideas</i>	S.B. Chrimes, <i>English Constitutional Ideas in the Fifteenth Century</i> (Cambridge, 1936)
CJ	chief justice
Clanchy, <i>Memory</i>	M.T. Clanchy, <i>From Memory to Written Record: England 1066–1307</i> (3 <sup>rd</sup> ed., Chichester, 2013)
CLB	<i>The Coventry Leet Book</i> , ed. M.D. Harris (EETS, 1907–13)
CPR	<i>Calendar of Patent Rolls</i> (1897–)
CUL	Cambridge University Library
d	dorse
Davies & Denton, <i>Eng. Parl.</i>	R.G. Davies & J.H. Denton (eds.), <i>The English Parliament in the Middle Ages</i> (Manchester, 1981)
Davis, <i>Market Morality</i>	J. Davis, <i>Medieval Market Morality: Life, Law and Ethics in the English Marketplace, 1200–1500</i> (Cambridge, 2012)
<i>Dict. Med. Latin</i>	<i>Dictionary of Medieval Latin from British Sources</i> , ed. R.E. Latham <i>et al.</i> (Oxford, 1975–)
Dodd, <i>Justice and Grace</i>	G. Dodd, <i>Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages</i> (Oxford, 2007)
DRO, ECA	Devon Record Office, Exeter City Archives
<i>Econ. HR</i>	<i>Economic History Review</i>
EETS	Early English Text Society

<i>EF</i>	<i>Exeter Freeman 1266–1967</i> , ed. M.M. Rowe & A.M. Jackson (Devon & Cornwall Rec. Soc., extra ser., 1973)
<i>EHR</i>	<i>English Historical Review</i>
Elton, <i>Studies</i>	G.R. Elton, <i>Studies in Tudor and Stuart Politics and Government</i> (4 vols., Cambridge, 1974–92)
<i>English Gilds</i>	<i>English Guilds</i> , ed. L. Toulmin Smith (EETS, rev. ed., 1892)
ESRO	East Sussex Record Office, Falmer, Brighton
f., ff.	folio, folios
<i>Foedera</i>	<i>Foedera</i> , ed. T. Rymer, rev. G. Holmes (10 vols., 3 <sup>rd</sup> ed., Hague, 1739–45)
GL	Guildhall Library, London
<i>GRB</i>	<i>The Great Red Book of Bristol</i> , ed. E.W.W. Veale (4 vols., Bristol Rec. Soc., 1933–53)
Gray, <i>Influence</i>	H.L. Gray, <i>The Influence of the Commons on Early Legislation</i> (Cambridge MA, 1932)
<i>Great Chron.</i>	<i>The Great Chronicle of London</i> , ed. A.H. Thomas & I.D. Thornley (1938)
Green, <i>Worcester</i> , App.	V. Green, <i>The History and Antiquities of the City and Suburbs of Worcester</i> (2 vols., 1796), ii. Appendix, section XVII, No. XIV
Harg.	Hargrave MSS
Harl.	Harleian MSS
Heinze, <i>Proclamations</i>	R.W. Heinze, <i>The Proclamations of the Tudor Kings</i> (Cambridge, 1976)
Hil.	Hilary term
<i>Hist. Stud.</i>	E.B. Fryde & E. Miller (eds.), <i>Historical Studies of the English Parliament</i> , (2 vols., Cambridge, 1970)
<i>HMC</i>	<i>Historical Manuscripts Commission</i>

Hooker, <i>Description</i>	J. Hooker, <i>The Description of the Citie of Excester</i> , ed. W.J. Harte, J.W. Schoop & H. Tapley-Soper (Exeter, Devon & Cornwall Rec. Soc., 3 vols., 1919–47)
HP, 1386–1421	J.S. Roskell, L. Clark & C. Rawcliffe (eds.), <i>The House of Commons, 1386–1421</i> (4 vols., Stroud, 1992)
HP, 1439–1509	J.C. Wedgwood (ed.), <i>History of Parliament 1439–1509</i> (2 vols., 1936–8) (cited respectively as ‘Register’ or ‘Biographies’ volumes)
HR	<i>Historical Research</i>
IHR	Institute of Historical Research
IT	Inner Temple Library
JBS	<i>Journal of British Studies</i>
Jo.1, Jo.2 [etc.]	LMA, CC/01/01/001–009 ( <i>Journals</i> 1–9)
JP(s)	Justice(s) of the peace
KHLC	Kent History and Library Centre, Maidstone
Kowaleski, <i>Local Markets</i>	M. Kowaleski, <i>Local Markets and Regional Trade in Medieval Exeter</i> (Cambridge, 1995)
KR	King’s Remembrancer, exchequer
l, ll.	line(s)
Lans.	Lansdowne MSS
LBA, LBB [etc.]	LMA, COL/AD/01/001–011 ( <i>Letter Books</i> A–L)
LI	Lincoln’s Inn Library
Lib.A	<i>Munimenta Gildhallae Londoniensis: Volume 1: Liber Albus Compiled A.D. 1419</i> , ed. H.T. Riley (Rolls Series, 1859)
Lib.D	LMA, COL/CS/01/010 ( <i>Liber Dunthorne</i> )
LMA	London Metropolitan Archives

<i>LRB</i>	<i>The Little Red Book of Bristol</i> , ed. F. B. Bickley (2 vols., Bristol, 1900)
LRO	Leicestershire Record Office, Wigston Magna
<i>Lydd Accounts</i>	<i>Lydd Chamberlains' Accounts (1423–85)</i> , ed. A. Finn (Ashford, 1911)
m., mm.	membrane, membranes
Maddicott, 'County Community'	J.R. Maddicott, 'The County Community and the Making of Public Opinion in Fourteenth-century England', <i>TRHS</i> , 5 <sup>th</sup> ser., 28 (1978), 27–43
McKisack, <i>Parl. Rep.</i>	M. McKisack, <i>The Parliamentary Representation of the English Boroughs During the Middle Ages</i> (Oxford, 1932)
MCR	DRO, ECA, Exeter Mayor's Court Rolls
<i>Medieval Chancery</i>	M. Richardson, <i>The Medieval Chancery under Henry V</i> (List & Index Soc., sp. ser., 1999)
Mich.	Michaelmas term
<i>MoC</i>	Sir John Baker, <i>The Men of Court 1440 to 1550</i> (2 vols., Selden Society, Supp. ser., 2012)
MTR	DRO, ECA, Exeter Mayor's Tourn Rolls
NRO(KL)	Norfolk Records Office, King's Lynn
<i>Nor.Recs.</i>	<i>The Records of the City of Norwich</i> ed. W. Hudson & J.C. Tingey (2 vols., Norwich, 1906–10)
<i>North.Recs.</i>	<i>The Records of the Borough of Northampton</i> , ed. C.A. Markham & J. C. Cox (2 vols., Northampton, 1898)
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i> (Oxford, 2004–), Internet version at <a href="http://www.oxforddnb.com">www.oxforddnb.com</a> , accessed on 29 May 2017
<i>OED</i>	<i>Oxford English Dictionary</i> , Internet version at <a href="http://www.oed.com">www.oed.com</a> , accessed on 27 June 2017

OHLE, i.	R.H. Helmholz, <i>The Oxford History of the Laws of England, vol. 1: The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s</i> (Oxford, 2004)
OHLE, vi.	Sir John Baker, <i>The Oxford History of the Laws of England, vol. 6: 1483–1558</i> (Oxford, 2003)
Parl. Texts	<i>Parliamentary Texts of the Later Middle Ages</i> , ed. N. Pronay & J. Taylor (Oxford, 1980)
Pas.	Easter term
PH	<i>Parliamentary History</i>
pl.	Plea
PL	<i>Paston Letters and Papers of the Fifteenth Century</i> , ed. N. Davis (3 vols., EETS, Oxford, 2004–5)
Pollock & Maitland	F.M. Pollock & F.W. Maitland, <i>The History of English Law Before the Time of Edward I</i> (2 vols., 2 <sup>nd</sup> ed., Cambridge, 1968)
P&O	<i>Proceedings and Ordinances of the Privy Council of England</i> , ed. N.H. Nicolas (7 vols., 1834–7)
P&P	<i>Past &amp; Present</i>
PROME	<i>The Parliament Rolls of Medieval England</i> , ed. C. Given-Wilson <i>et al.</i> (16 vols., Woodbridge, 2005) (and CD-ROM version, Leicester, 2005)
Putnam, <i>Early Treatises</i>	B. H. Putnam (ed.), <i>Early Treatises on the Practice of the Justices of the Peace in the Fifteenth and Sixteenth Centuries</i> (Oxford, 1924)
Putnam, <i>Proceedings</i>	B.H. Putnam (ed.), <i>Proceedings Before the Justices of the Peace in the Fourteenth and Fifteenth Centuries, Edward III to Richard III</i> (Ames Foundation, 1938)
RCA	Medway Archives Office, Rochester City Archives, Strood

<i>Rec.</i>	<i>Recorda</i> section of KR memoranda rolls
Rec. Soc.	Record(s) Society
Rep.	LMA, COL/CA/01/02 ( <i>Repertory 2</i> )
Rexroth, <i>Deviance</i>	F. Rexroth, <i>Deviance and Power in Late Medieval London</i> (translated by P.E. Selwyn) (Cambridge, 2007), originally published as <i>Das Milieu der Nacht: Obrigkeit und Randgruppen im Spätmittelalterlichen London</i> (Göttingen, 1999)
<i>Ricart</i>	<i>The Maire of Bristowe Is Kalendar</i> , ed. L. Toulmin Smith (Camden Soc., 1872).
rot.	rotulet
<i>RP</i>	<i>Rotuli Parliamentorum</i> , ed. J. Strachey (6 vols., 1767–77)
sig.	signature
Skinner, <i>Visions</i>	Q. Skinner, <i>Visions of Politics</i> (3 vols., Cambridge 2002)
Soc.	Society
<i>SR</i>	<i>Statutes of the Realm</i> , ed. A. Luders <i>et al.</i> (11 vols., 1810–28)
SRO(I)	Suffolk Record Office, Ipswich Branch
st.	statute
<i>STC</i>	<i>A Short-Title Catalogue of Books Printed in England, Scotland, &amp; Ireland and of English Books Printed Abroad, 1475–1640</i> , ed. W.A. Jackson <i>et al.</i> (3 vols., 2nd ed., 1976–1991)
Steele, <i>Proclamations</i>	R. Steele (ed.), <i>Tudor and Stuart Proclamations 1485–1714</i> (Oxford, 1910)
TCC	Trinity College, Cambridge
TNA	The National Archives, Kew
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
Trin.	Trinity term

v	verso
<i>VCH</i>	<i>The Victoria History of the Counties of England</i>
Winter, 'Portsoken Presentments'	C.L. Winter, 'The Portsoken Presentments: An Analysis of a London Ward in the 15 <sup>th</sup> Century', <i>Transactions of the London and Middlesex Archaeological Soc.</i> 56 (2005), 97–161 [an edition of LMA, COL/AD/05/001]
<i>YB</i>	<i>Year Books</i> , ed. J. Maynard (1679–80) (by term & plea)
<i>York Mem. Bk. A/Y</i>	<i>York Memorandum Book [Memorandum Book A/Y]</i> , ed. M. Sellers (2 vols., Surtees Soc., 1912–15)

## Notes

1. Only the first place of publication of books is given. This is assumed to be London, unless otherwise stated.
2. Manuscript references are assumed to be at TNA, unless otherwise stated. A contrary presumption is applied in certain sections or sub-sections of chapter seven (which is made clear in the footnotes).
3. Un-numbered signatures of early printed books are cited by counting on from the start of the gathering. Thus, if only the first four rectos of quire B are numbered (which would be a common circumstance), the fifth recto is cited here as 'sig. B [v]', and its verso as 'sig. B [v]<sup>v</sup>'.
4. References are given to the recto for folios in manuscripts, rotulets in rolls, or in signatures in early printed books, unless otherwise indicated. This includes situations where the item continues onto the following verso. The verso or dorse is indicated by 'v' for manuscripts or printed books, or by 'd' for rolls.



5. Save where otherwise indicated (or when I am quoting from a previously published transcription or extract), transcriptions of original documents in the text and appendices follow the conventions proposed by R.F. Hunnisett, *Editing Records for Publication* (British Records Assn., 1977), principally, the silent expansion of contractions or suspensions and the rendering of ‘u/v’, ‘i/j’ and ‘c/t’ according to scribal intention rather than literal letter form. The exception is that, for interlineations, I use the form ‘\ ... /’.

6. Translations are mine, unless otherwise stated.

## Acknowledgements

This thesis was commenced as long ago as 2008 and, during this extended time, I have incurred many debts. First of all, I am enormously grateful for the guidance and forbearance of my supervisor, Professor Matthew Davies, and to the Institute of Historical Research, particularly in moments when my studies had to be interrupted, or where the pressure of other commitments meant that my progress must have been undetectable to the human eye. Many others have made helpful suggestions, as have audiences at conferences and seminars, who have heard earlier versions of parts of what follows. I should also single out three other immediate academic debts. First, I cannot thank Professor Christine Carpenter enough for agreeing to read a good part of this dissertation in draft, when, despite her retirement, she has many other more pressing commitments. Secondly, Dr. Hannes Kleineke has been consistently supportive in his comments on my work and has provided me with invaluable information. His unprompted supply of his database of Exeter office-holders has, to my mind at least, greatly improved chapter seven and saved me many days of the tedious exercise of extracting exactly the same information from the Mayor's Court Rolls. Finally, Dr. Linda Clark generously allowed me sight of unpublished draft biographies due for publication by the *History of Parliament Trust*. It goes without saying that I remain responsible for all errors and deficiencies in what follows.

Whilst it might seem strange, presumptuous even, to do so, I also feel compelled to acknowledge the encouragement of Dr. G.L. Harriss and Professor G.R. Elton, both now departed. Rather longer ago than I care to admit, towards the end of my undergraduate days, both gave me the confidence to believe that I was capable of at least attempting a task such as this, even though the plans hatched at that time to do so proved to be abortive.

I should also thank the staff of all the archives and libraries at which I consulted material. I am grateful to the Treasurer and Benchers of the Honourable Society of Lincoln's Inn for permission to cite and to reproduce images from manuscript material held in its library.

On a personal front, I have received constant encouragement and support from my mother and also from my friends, here, quite rightly mixed with a degree of what was once called scolding. I apply this term indiscriminately. I apologise to them all for my undoubted irascibility during the final stretches. I must also thank my employers for their flexibility with my work commitments last year, without which it would have been very difficult to have the space to think, in order to pull together a first complete draft.

July 2017

## Chapter One: Introduction

How does a person know the law? Even in the modern world, this apparently benign question does not have an easy answer. Most citizens are aware that there is a body of law, or laws. But, clearly, no-one, not even the most compulsively erudite of professional lawyers, will have detailed understanding of more than a fraction of the laws that are currently in force. As to the source of such knowledge as there is, that too is not a straightforward matter. It may be acquired through the educational system, discussion with colleagues, or through practical application. Even when modern lawyers read, say, statute law, it is relatively rare from them to do so from an official publication. Often, they will use extracts or digests. When they need complete texts, these are frequently those re-printed by private publishing firms. At best, the ‘pure waters’ of the statute in its official manifestation, issued by the queen’s printer, are normally imbibed only when checking significant details, because procedural rules require it in court, or perhaps because a piece of legislation is too recent to have yet appeared in practitioner tomes.

The most interesting aspect of this is that, to a great extent, it does not matter. It is a truism that ignorance is no defence to criminal sanction.<sup>1</sup> This maxim embodies a fiction, of presumed knowledge, that endures in the English common law system. The citizen will be familiar with this proposition, or perhaps they should be, as much as the lawyer. Legal ignorance, whether almost complete, or only partial, is a social and practical reality, a void around which everyone must negotiate a path. Normally, this gap is filled only where the circumstances require it. Advice is taken from a professional, or an effort is made in the direction of self-education. But this is something very much driven by agency of the person engaging with the law. Whilst a ceremony of promulgation of new statutes still takes place at the close of parliamentary sessions,<sup>2</sup> and all new legislation in the United Kingdom is officially

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<sup>1</sup> Though this is not the case of ignorance of non-criminal law, or more generally in some other legal systems. The principle has recently been discussed and criticised, for example, by: A. Ashworth, ‘Ignorance of the Criminal Law, and Duties to Avoid it’, in *Positive Obligations in Criminal Law* (Oxford, 2013), 81–108; D. Husak, *Ignorance of Law: A Philosophical Inquiry* (Oxford, 2016).

<sup>2</sup> *Erskine May’s Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, ed. M. Jack (24<sup>th</sup> ed., 2011), 644–5.

published,<sup>3</sup> it is relatively rare that such publicity would itself be the stimulus for the assimilation of knowledge of any addition to the panoply of laws in force. Whatever the state is doing by putting legislation on a public website, it is not filling the gap left by a state of legal ignorance in a straightforwardly informative way. It is making it possible for a person to make themselves better informed, though it can rarely be said that this is done more than passively— it is there to consult if the reader wishes. Yet, as it was when legislation was published solely in printed form, is the state not also shoring its position up, by demonstrating that there is, in fact a duly enacted and promulgated law on this topic? The citizen is left impotent when he or she tries to claim otherwise, whether or not the printed book is readily accessible, or what they find on a public website remotely comprehensible to them.

This thesis attempts to tackle similar questions about fifteenth-century England. Particularly, how were laymen able to learn about the laws made by parliament and urban authorities? Legislation then was also promulgated and published. Men and women were, to a greater or lesser degree, forced to engage with it and to negotiate their way around what they did not know. Indeed, as early as the *Bishop of Chichester's* case of 1365, Thorpe CJ stated that

le ley entende qe chescun person ad conusance de ce; car le Parliament represent le corps de tout le Royalme; et parce il nest requisite aver *proclamatio* ou le statute prist son effect adevant.<sup>4</sup>

The body of the realm, its people, were represented in parliament and, as such, they were assenters to whatever laws it passed.<sup>5</sup> It followed from this that they were deemed to *know* those measures. After it was first established, the premise of the *Bishop of Chichester's* case does not appear to have been seriously challenged,

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<sup>3</sup> [www.legislation.gov.uk/aboutus](http://www.legislation.gov.uk/aboutus) a successor to the Statute Law Database: [www.opsi.gov.uk/psi](http://www.opsi.gov.uk/psi), both accessed 21 Jun. 2017. These points about the contemporary position are intended to be illustrative and I do not pretend to have given exhaustive references.

<sup>4</sup> [‘The law apprehends that every person has knowledge [of an act of parliament]; because the parliament represents the body of the realm, and because it is not necessary to have a proclamation made where the statute takes its effect beforehand.’] Chrimes, *Constitutional Ideas*, 351–2, quotation at 352.

<sup>5</sup> In 1237 it was still, in contrast, considered arguable that absence from a proclamation might be a defence to a breach of its terms: *Select Cases in The Court of King's Bench Under Edward I*, vol. III, ed. G.O. Sayles (Selden Soc., 1939), p. xvii.

certainly for those counties and boroughs that were represented in the English parliament.<sup>6</sup> Therefore, whilst my opening may not immediately seem a promising start, this thesis is not a work of legal history. I shall return in the next chapter to the ideological underpinnings of the principle of presumed legal knowledge, already to be found in civil and canon law,<sup>7</sup> to exceptions to this concept, and, indeed, to wider contemporary comment about legal ignorance. In the same way, I also intend largely to leave professional common lawyers out of the equation, save where they performed a mediating role, as a conduit for the legal learning of others.<sup>8</sup> My primary focus will instead be on the kinds of questions about politics and society raised by my analogies with the present day, namely, historical questions about how the royal government and the king's subjects interacted and communicated. In particular, I aim to use the reception of the legislation made in parliament, and of local legislation, as a window through which to explore political communication in late-medieval society, seeing communication as a social construct in which various forms of exchange might take place.<sup>9</sup> What means were available to ordinary late-medieval people know the enacted law? What strategies were adopted by the crown, its officials, or by the ruling bodies in towns and cities, to make subjects aware of the legislation that applied to them, and what were these governing bodies doing, or intending, by taking the steps that they did? What measures did the king's subjects take to make themselves aware of the law? Did laws made at the centre permeate into those made in the localities, or vice versa, and did this improve cognition of either system? Finally, it is worth asking whether laypersons could enhance their legal knowledge by the practical application of legislation as local officials or as jurors sitting in court.

The fifteenth century is a particularly appropriate period to choose for attempting to answer such questions, principally because of interest in the way that centre and

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<sup>6</sup> *Woodlac v Sewer* (1463), *Lord Say v Borough of Nottingham* (1473), *Kedwelly v an Abbot* (1475): Chrimes, *Constitutional Ideas*, 365, 371, 373; *YB*, 21 Ed IV, Mich., pl. 6.

<sup>7</sup> T.F.T. Plucknett, *Statutes & Their Interpretation in the First Half of the Fourteenth Century* (Cambridge, 1922), 103.

<sup>8</sup> Thus, *professional* learning, through practice and at the Inns of Court and of Chancery, is outside the scope of this thesis. For a summary of such learning, see *OHLE*, vi. 445–472. Who was, or was not, a lawyer in the 15th century is not always straightforward: *ibid.*, 437–444; *MoC*, i. 12–33. I interpret it broadly enough to include some local officials or members of government departments.

<sup>9</sup> J.-Ph. Genet, 'Histoire et Système de Communication au Moyen Age', in *L'Histoire et les Nouveaux Publics dans l'Europe Médiévale (XIII<sup>e</sup>–XV<sup>e</sup> siècles)*, ed. Genet (Paris, 1997), 11–29, esp. 13; A. Mairey, 'Les Langages Politiques, XII<sup>e</sup>–XV<sup>e</sup> siècles', *Médiévales*, 57 (2009), 5–14, at 7.

locality worked together in the period between the fourteenth century and the reign of Henry VIII. G.L. Harriss famously said that late-medieval government

was moulded more by pressures from within political society than by the efforts of kings or officials to direct it from above. It was these pressures which shaped the institutions of government, the conventions of governing, and the capacity of kings to govern effectively.<sup>10</sup>

In this light, he called for the ‘coalescing’ of centre and locality to be explored in a parliamentary context.<sup>11</sup> He also objected to seeing any polarity, or opposition, between governors and the governed.<sup>12</sup> Instead, the gentry, the upper ranks of the peasantry, leading townsmen, bureaucrats, officials, lawyers and other men of affairs, took the most important roles in making political society and government function.<sup>13</sup> One important aspect of this, at a more local level, was the agency of village elites and of juries in local courts and of such groups in holding local offices.<sup>14</sup> As others have said, juries were essential for the government of localities and as a point of ‘articulation’ between centre and periphery.<sup>15</sup> Through such institutions as sessions of peace, which mixed royal justice with locally based lawyers and elites, there was much ‘devolution’ to the regions,<sup>16</sup> what Christine Carpenter has called a ‘meshing of the private power of landowners ... and the king’s public authority and governmental structure’.<sup>17</sup> Such work builds very much on the pioneering work of McFarlane in looking to the more constructive aspects of social relations, clientage and lordship in late-medieval political society.<sup>18</sup> Following a period in which historians have examined such ideas closely through

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<sup>10</sup> ‘Political Society and the Growth of Government in Late Medieval England’, *P&P*, 138 (1993), 28–57, at 33.

<sup>11</sup> G.L. Harriss, ‘The Medieval Parliaments’, *PH*, 13 (1994), 206–226, at 208.

<sup>12</sup> Harriss, ‘Political Society’.

<sup>13</sup> *Ibid.*, 33–4; G.L. Harriss, *Shaping the Nation: England 1360–1461* (Oxford, 2005), 651.

<sup>14</sup> R.B. Goheen, ‘Peasant Politics? Village Community and Crown in Fifteenth-Century England’, *The American Historical Review*, 96 (1991), 42–62; C. Dyer, ‘The Political Life of the Fifteenth-Century English Village’, in *The Fifteenth Century IV: Political Culture in Late-Medieval Britain*, ed. C. Carpenter & L. Clark (Woodbridge, 2004), 135–157.

<sup>15</sup> J. Masschaele, *Jury, State and Society in Medieval England* (New York, 2008), 6.

<sup>16</sup> M. Bubenicek & R. Partington, ‘Justice, Law and Lawyers’, in *Government and Political Life in England and France, c. 1300–c. 1500*, ed. C. Fletcher *et al.* (Cambridge, 2015), 150–182, at 166.

<sup>17</sup> C. Carpenter, *Bastard Feudalism in Fourteenth-Century Warwickshire* (Dugdale Soc., 2016), 3–4, quotation at 3.

<sup>18</sup> K.B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973); *idem*, *England in the Fifteenth Century* (1981).

detailed county or regional studies,<sup>19</sup> more recently, greater weight and, indeed, agency, has been accorded to ideas and values in late-medieval society than McFarlane allowed.<sup>20</sup> Further, historians have extended their reach back to the origins of the structures McFarlane described, to the fourteenth century,<sup>21</sup> and earlier still, to a period when nobility, gentry and urban elites had been more detached from the business of national government and royal government sought to exercise notably more centralised control.<sup>22</sup>

Parts two and three of this thesis, dealing primarily with the reception of legislation in the localities, will concentrate on evidence from towns and cities. In the late middle ages, these have often still been seen from the perspective of A.B. White's well-worn coinage of 'self government at the king's command', in fact, used by him to describe the interactions of the crown with rural localities in the early thirteenth century.<sup>23</sup> Many urban historians, including some recent ones, have been content to embrace this paradigm, to see the late-medieval liberties of towns, which ordinarily included the right to legislate, as parasitic on the jurisdictional reach of the crown.<sup>24</sup> Whilst obviously true in a strictly constitutional sense, in a political system ultimately centred on the king, it will be argued in this thesis that this way of conceiving crown-town relations portrays the urban sphere as if it only possessed a kind of negative liberty, enjoyed only at the king's sufferance, and, in so doing, rather short-changes it.<sup>25</sup> One of the subsidiary aims of this thesis is to propose a modest re-formulation of White's adage, to integrate it more adequately with the

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<sup>19</sup> For example: S.M. Wright, *The Derbyshire Gentry in the Fifteenth Century* (Derbyshire Rec. Soc., 1983); S.J. Payling, *Political Society in Lancastrian England: The Greater Gentry of Nottinghamshire* (Oxford, 1991); C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society 1401–99* (Cambridge, 1992).

<sup>20</sup> See particularly: C. Carpenter, 'Political and Constitutional History: Before and After McFarlane', in *The McFarlane Legacy: Studies in Late-Medieval Politics and Society*, ed. R.H. Britnell & A.J. Pollard (Stroud, 1995), 175–206; J.L. Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), esp. 1–9.

<sup>21</sup> C. Carpenter, 'Bastard Feudalism in England in the Fourteenth Century', in *Kings, Lords and Men in Scotland and Britain, 1300–1625: Essays in Honour of Jenny Wormald*, ed. S. Boardman & J. Goodare (Edinburgh, 2014), 59–92.

<sup>22</sup> A.M. Spencer, *Nobility and Kingship in Medieval England: The Earls and Edward I, 1272–1307* (Cambridge, 2014), esp. 100–113, 136–152 and the literature cited. Some would have these structures even earlier, an idea rejected by Spencer; Carpenter, *Bastard Feudalism in Warwickshire*, 23, 27–8.

<sup>23</sup> A.B. White, *Self Government at the King's Command: A Study in the Beginnings of English Democracy* (Minneapolis, 1933), 1–5, 124–5.

<sup>24</sup> A point developed in chapter 6, with references.

<sup>25</sup> A phrase borrowed from Skinner, *Visions*, ii. 186–7.



conceptualisation of late-medieval political society as centred on the co-operation between centre and locality that I have just described. The lessons of McFarlane and his followers have, nonetheless, penetrated the literature on English towns, notably in Liddy's book on late fourteenth century York and Bristol,<sup>26</sup> and in published articles from Rosemary Horrox and Christine Carpenter. Towns and townsmen are seen here as interacting in partnership, and in combination, with outside lordship, though it could be said that towns are rarely as dominated by such lordship as could be the case in rural counties.<sup>27</sup> Townspeople and merchants in fifteenth-century England have also been described in horizontal terms, as a distinct group within political society, representing a 'system', an actor within that society.<sup>28</sup>

There are other reasons why the fifteenth century is a suitable period for the present study, relating to two important transitions. The first is the shift to the use of English from both the Latin normally used in formal records, and from the insular variant of French employed in the legal profession, for petitions and many proclamations, and for statutes until the 1480s. In this thesis I shall, for simplicity, call this language 'French' throughout.<sup>29</sup> Recent work, principally by Ormrod and Dodd, has questioned earlier interpretations that attributed this 'triumph' of English to the influence of the chancery, London's Guildhall, or even to Henry V

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<sup>26</sup> C.D. Liddy, *War, Politics and Finance in Later Medieval Towns: Bristol, York, and the Crown, 1350–1400* (Woodbridge, 2005).

<sup>27</sup> R. Horrox, 'Urban Patronage and Patrons in the Fifteenth Century', in *Patronage, the Crown and the Provinces*, ed. R.A Griffiths (Gloucester, 1981), 145–166; *eadem*, 'The Urban Gentry in the Fifteenth Century', in *Towns and Townspeople in the Fifteenth Century*, ed. J.A.F. Thompson (Gloucester, 1988), 22–44; C. Carpenter, 'Town and 'Country': the Stratford Guild and Political Networks of Fifteenth-century Warwickshire', in *The History of an English Borough: Stratford-upon-Avon 1196–1996*, ed. R. Bearman (Gloucester, 1997), 62–79, 185–194.

<sup>28</sup> E. Hartrich, 'Town, Crown, and Urban System: The Position of Towns in the English Polity, 1413–71' (unpub. D.Phil thesis, Oxford Univ., 2014), esp. 313–4. She sees towns as less engaged in politics for most of the 1450s.

<sup>29</sup> For the antecedent use of French see: J. Wogan-Browne *et al.* (eds.), *Language and Culture in Medieval Britain: The French of England c.1100–c.1500* (York, 2009); R. Ingham (ed.), *The Anglo-Norman Language and its Contexts* (York, 2010); H. Suggett, 'The Use Of French in England in the Later Middle Ages', *TRHS*, 4<sup>th</sup> ser., 28 (1946), 61–83. For the use of French (and possibly, English) for business, government mandates and pleading before the early 15th century, see: W. Rothwell, 'Language and Government in Medieval England', *Zeitschrift für Französische Sprache und Literatur*, 93 (1983), 258–270; at court: W.M. Ormrod, *Edward III* (New Haven, 2011), 455–461; in the law: P. Brand, 'The Languages of the Law in Later Medieval England', in *Multilingualism in Later Medieval Britain*, ed. D.A. Trotter (Cambridge, 2000), 63–76; *idem*, 'The Language of the English Legal Profession: The Emergence of a Distinctive Legal Lexicon in Insular French', in *Anglo-Norman Language*, ed. Ingham, 94–101; in towns: R.H. Britnell, 'Uses of French Language in Medieval English Towns', in *Language and Culture*, ed. Wogan-Browne, 81–9.

personally.<sup>30</sup> The earlier narrative has also been challenged by a number of historical linguists.<sup>31</sup> Dodd has looked widely at the conversion of a number of categories of government or parliamentary documentation from French or Latin to English in the period after 1422. In this, the context in which the document was produced was often likely to be determinative of language choice.<sup>32</sup> In looking at (mostly) legal sources in a similarly sociologically informed manner, I also hope, in this context, to build upon the pioneering work of Michael Clanchy on the development of written records in the period to 1307 and to engage with other more recent work on pragmatic forms of literacy in late-medieval Europe.<sup>33</sup> The second main reason for looking at this time period is to consider the consequences of the arrival of print technology in England with William Caxton in 1476 and how this affected the distribution of legislative texts. Paul Cavill has comprehensively considered the reception of the business of the parliaments of Henry VII in a way that emphasises the continuing dynamism of parliament in that reign, both as an institution and an occasion, and I have no wish to duplicate his work here.<sup>34</sup> Nevertheless, points about the arrival of print, in particular, require some expansion of the temporal limits of this thesis beyond 1485 in order to give a rounded picture that is properly integrated with how the process of reception of legislation worked

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<sup>30</sup> For the earlier position: J.H. Fisher, *The Emergence of Standard English* (Kentucky, 1996), 1–12, 16–64; M. Richardson, ‘Henry V, the English Chancery, and Chancery English’, *Speculum*, 55 (1980), 726–750; S.E. Hughes, ‘Guildhall and Chancery English 1377–1422’, *Guildhall Studies in London History*, 4 (1980), 53–62. But see now: W.M. Ormrod, ‘The Use of English: Language, Law, and Political Culture in Fourteenth-Century England’, *Speculum*, 78 (2003), 750–787; G. Dodd, ‘The Spread of English in the Records of the Central Government, 1400–1430’, in *Vernacularity in England and Wales, c. 1300–1550*, ed. E. Salter & H. Wicker (Turnhout, 2011), 225–266; *idem*, ‘The Rise of English, the Decline of French: Supplications to the English Crown, c.1420–1450’, *Speculum*, 86 (2011), 117–150.

<sup>31</sup> L. Wright, ‘On the Writing of the History of Standard English’, in *English Historical Linguistics 1992: Papers From the 7<sup>th</sup> International Conference on English Historical Linguistics*, ed. F. Fernandez *et al.* (Amsterdam, 1994), 105–115; *eadem*, ‘About the Evolution of Standard English’, in *Studies in English Language and Literature: ‘Doubt wisely’, Papers in Honour of E.G. Stanley*, ed. M.J. Toswell and E.M. Tyler (1996), 99–115; *eadem*, ‘Introduction’, in *The Development of Standard English: Theories, Descriptions, Conflicts*, ed. Wright (Cambridge, 2000), 1–8; M. Benskin, ‘Chancery Standard’, in *New Perspectives in English Historical Linguistics: Selected Papers from the 12<sup>th</sup> ICEHL, Glasgow 21–6 August 2002: Vol. ii: Lexis and Transmission*, ed. C. Kay *et al.* (Amsterdam, 2004), 1–39. But see now M.G.A. Vale, *Henry V: The Conscience of a King* (New Haven, 2016), 88–125, re-asserting Henry’s agency in matters of language choice.

<sup>32</sup> G. Dodd, ‘Trilingualism in the Medieval English Bureaucracy: the Use- and Disuse- of Languages in the Fifteenth-century Privy Seal Office’, *JBS*, 51 (2012), 253–283; Clanchy, *Memory*.

<sup>33</sup> R.H. Britnell (ed.), *Pragmatic Literacy East and West, 1200–1330* (Woodbridge, 1997). See further, chapter 5.

<sup>34</sup> Cavill, *Hen. VII*. For continuity between manuscript and print, where the latter is seen as the pinnacle of the achievement of the former: M.T. Clanchy, ‘Looking Back from the Invention of Printing’, in *Literacy in Historical Perspective*, ed. D.P. Resnick (Washington DC, 1983), 7–22.

before print. The start date of 1422, whilst arbitrary, will be adhered to reasonably strictly in respect of primary source material, though it will be necessary to make frequent forays into the secondary literature on the preceding period in order to give my conclusions proper context and to mitigate so far as possible the danger of seeing practices or developments after 1422 as novelties, or atypical, when they were not.

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The overarching aim of this thesis is, then, to use the ways that laymen could acquire knowledge about enacted laws, and whether these methods were effective at doing so at all, as a means of shining a light on the workings of late-medieval political society. Before introducing the source materials I shall be considering in this dissertation, and the more specific questions I intend to ask of them in order to address my wider concerns, something more should be said of the previous literature bearing more directly on the reception of national and local legislation in fifteenth-century England, at a general and then at a more applied level. Thereafter, more briefly, I shall introduce some of the theoretical bases for the approach I intend to take to the sources. First, several historians have directly addressed the acquisition of legal knowledge by the non-specialist lawyer, that is to say, how they got what Paul Hymans has called a ‘sense’ of the law.<sup>35</sup> Phillip Schofield has described how local, mostly rural, juries must have learned of frankpledge articles and of the (policing) statute of Winchester.<sup>36</sup> Rexroth has said much the same of regular participants in the London wardmotes.<sup>37</sup> Musson describes pragmatic legal knowledge obtained through jury service in his pioneering account of the rise of legal consciousness in the period to 1381.<sup>38</sup> His focus is psychological, to find the germs of an idea of the law in the minds of the inhabitants of fourteenth-century England by looking at how they may have acquired a greater or lesser sense of it

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<sup>35</sup> P.R. Hyams, ‘What did Edwardian Villagers Understand by ‘Law’?’ in *Medieval Society and the Manor Court*, ed. Z. Razi & R. Smith (Oxford, 1996), 69–102, at 92.

<sup>36</sup> P.R. Schofield, *Peasant and Community in Medieval England, 1200–1500* (Basingstoke, 2003), 176.

<sup>37</sup> Rexroth, *Deviance*, 221.

<sup>38</sup> A. Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt* (Manchester, 2001), 109–114; *idem*, ‘Criminal Legislation and the Common Law in Late Medieval England’, in *From the Judge’s Arbitrum to the Legality Principle: Legislation as a Source of Law in Criminal Trials*, ed. G. Martyn *et al.* (Berlin, 2013), 33–47.

though life experiences, such as buying and selling, attending meetings and church, participation in communal activities, witnessing punishments and office-holding, together with other interactions with the law, such as receiving advice, book learning or, indeed, attending courts.<sup>39</sup> Whilst such observations about the experiences of ordinary men and, importantly, also women, are tremendously valuable, they inevitably remain somewhat speculative because of a lack of direct evidence. Moreover, these experiences were not always limited to legislated law, and might include customary or common law. My focus is the slightly different one of observing how ‘consciousness’ or a ‘sense’ could be achieved of enacted law. In particular, I shall look at reception of this part of the law as a *process*, a form of activity within the kind of political society I have already described. Thus, I aim to draw conclusions at a structural level, in the broad sense in which that term is used by John Watts— as ‘frames and forms and patterns’ in which communication occurred, looking to social and political structures but also to institutions, networks and to ideas.<sup>40</sup> These forms of agency might explain, condition or cause political action. Lawyers, their written precedents and their books, can clearly be seen as one set of these instrumental forces.

More specifically, whilst there has been some prior consideration of the specific question of how parliamentary legislation was publicised in medieval England, there has been little treatment of related questions concerning the promulgation or reception of local legislation. In this respect, this thesis aims to mark out some uncharted ground.<sup>41</sup> For the national position, the approach taken has been solidly empirical, determined and delimited by the ‘paper-trail’ left in the royal archive.<sup>42</sup> To take the period before the advent of print first, copies of important charters and legislation were deposited in cathedrals and, into the thirteenth century, the circulation of copies seems to have remained a significant part of the

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<sup>39</sup> *Medieval Law in Context*, 4–5, 84–134.

<sup>40</sup> *The Making of Polities: Europe, 1300–1500* (Cambridge, 2009), 34–42, quotation at 35.

<sup>41</sup> Since this thesis was submitted, C.D. Liddy, *Contesting the City: The Politics of Citizenship in English Towns, 1250–1530* (Oxford, 2017) has appeared, which does consider these matters; see esp. 25–30 & cap. 5.

<sup>42</sup> W.M. Ormrod, ‘Murmur, Clamour and Noise: Voicing Complaint and Remedy in Petitions to the English Crown, c. 1300– c. 1460’, in *Medieval Petitions: Grace and Grievance*, ed. Ormrod *et al.* (York, 2009), 135–155, this phrase is at 135.

communicative framework.<sup>43</sup> To Maddicott, taking up the earlier work of Cam, proclamations announcing the terms of new legislation, taking place in the county court, were integral to the development of the community of the realm.<sup>44</sup> As he said in his 1978 paper:

... the government made its will known. It did so in the fourteenth century, as it had done since the tenth, through proclamations. By tradition, the county court was the place for the publication of charters of liberties, new statutes and ordinances, routine administrative decrees, and many *ad hoc* announcements which often had a bearing on national politics. It was by proclamations that men became aware of events at Westminster and that public opinion could be most effectively shaped in response to the government's needs.<sup>45</sup>

This does not render the county community an entirely passive participant in proceedings by any means; Maddicott insists that responses to the content of proclamations were formulated in the county courts.<sup>46</sup> These become a fulcrum of debate, a place for both propaganda and enforcement, a hub of the political system.<sup>47</sup> To Maddicott, in the period from 1300 to the Black Death, the people were 'no longer' simply 'the recipients and executors of assembly decisions'. There was a 'two-way channel of communication between Westminster and provincial England', though this dried up in the later fourteenth century, as the parliamentary commons became more associated with the governing elite than with those below

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<sup>43</sup> R.L. Poole, 'The Publication of Great Charters by the English Kings', *EHR*, 28 (1913), 444–453; J.R. Maddicott, 'Magna Carta and the Local Community 1215–1259', *P&P*, 102 (1984), 25–65; *idem*, 'Edward I and the Lessons of Baronial Reform: Local Government, 1256–80', in *Thirteenth Century England: I*, ed. P. Coss & S.D. Lloyd (Woodbridge, 1986), 1–30, esp. 15–16; *idem*, 'Politics and the People in Thirteenth-Century England', in *Thirteenth Century England: XIV*, ed. J. Burton *et al.* (Woodbridge, 2013), 1–13; F.G. Hill, 'Magna Carta, Canon Law and Pastoral Care: Excommunication and the Church's Publication of the Charter', *HR*, 89 (2016), 636–650.

<sup>44</sup> J.R. Maddicott, *The Origins of the English Parliament, 924–1327* (Oxford, 2010), 29–30; *idem*, 'County Community'; H.M. Cam, 'From Witness of the Shire to Full Parliament', in *Law Finders and Law Makers* (1962), 106–131, esp. 120–1; *eadem*, 'The Relation of English Members of Parliament to their Constituencies in the Fourteenth Century: A Neglected Text', and 'The Community of the Shire and the Payment of its Representatives in Parliament', both in *Liberties and Communities in Medieval England: Collected Studies in Local Administration and Topography* (Cambridge, 1944), 223–250.

<sup>45</sup> Maddicott, 'County Community', 33–4; *idem*, 'Parliament and the Constituencies' in Davies & Denton, *Eng. Parl.*, 61–87, at 82.

<sup>46</sup> It is contentious whether there was such a 'community' at all: C. Carpenter, 'Gentry and Community in Medieval England', *JBS*, 33 (1994), 340–380, esp. 377–8, cf. R. Virgoe, 'Aspects of the County Community in the Fifteenth Century', in *Profit, Piety and the Professions in Later Medieval England*, ed. M.A. Hicks (Gloucester, 1990), 1–13.

<sup>47</sup> Maddicott, *Origins*, 284, 293–4.

them in society.<sup>48</sup> But in this model, the process of informing subjects is still one essentially initiated by the crown and was conducted or conditioned in an essentially royal institutional environment. It is also perhaps surprising that the principle of presumed knowledge of the law does not feature in Maddicott's argument; nor is the broad coincidence of timing between its crystallisation in the common law in 1365 and the emerge of a 'gap' between parliamentary commons and the people observed. Nonetheless, working along similar lines to Maddicott, Ross, Allan and, particularly James Doig have emphasised the attractions of royal proclamations for the purposes of propaganda, something particularly favoured by Edward IV, who made increasing use of the vernacular.<sup>49</sup> Doig, like Ormrod, considers that translations were made or provided when a proclamation text was not originally made available in English.<sup>50</sup> This usefully reminds us to distinguish between the proclamation as actually delivered, and its written record, a distinction I shall return to in later chapters.

A discordant note was, however, struck long ago by R.L. Poole, echoed in the accounts of both J.C. Holt and David Carpenter about the promulgation of *Magna Carta* or its confirmations.<sup>51</sup> Each questions the effectiveness of the communication of the detail of these texts, if not their gist or the fact of their issue, noting that in the unique political conditions of June 1215 the means of publication adopted were not official at all, because the crown's curial bureaucracy was by-passed. Carpenter, in particular, points to the rebarbative length of the 1225 charter text, doubting whether an oral performance of it would have left much with its audience. To Poole, the proclamations of 1215 were more likely to have been a device 'to enjoin obedience to the 25 guardians of the charter and to provide for the election of

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<sup>48</sup> J.R. Maddicott, 'Parliament and the People in Medieval England', *PH*, 35 (2016), 336–351, quotations at 342.

<sup>49</sup> A. Allan, 'Royal Propaganda and Proclamations of Edward IV', *BIHR*, 59 (1986), 146–154; C. Ross, 'Rumour, Propaganda and Public Opinion in the Wars of the Roses', in *Patronage, the Crown and the Provinces in Later Medieval England*, ed. R.A. Griffiths (Gloucester, 1981), 15–32; J.A. Doig, 'Political Propaganda and Royal Proclamations in the Late Middle Ages', *HR*, 71 (1998), 253–280.

<sup>50</sup> Doig, 'Political Propaganda', 264–5. See also W.M. Ormrod, 'The Use of English'; Clanchy, *Memory*, 222, suggests that 13th-century sheriffs knew that Latin was the proper language for recording a text, but not for its delivery.

<sup>51</sup> J.C. Holt, *Magna Carta* (3rd ed., Cambridge, 2015), 295–7, 399–401 (Holt seems to have become more circumspect over time about how well the *content* of the Charter was known about the realm, cf. 'A Vernacular-French Text of Magna Carta, 1215', *EHR*, 89 (1974), 346–364, at 346); D.A. Carpenter, *Magna Carta* (2015), 430–5.

persons to inquire into and to abolish the evil customs practised by the royal officers'.<sup>52</sup> Ormrod has, indeed, advocated a 'critical, even cynical, approach' to the effectiveness of royal proclamations generally in the late middle ages.<sup>53</sup> This kind of assessment will be developed further in this thesis. Whilst Maddicott himself recognises that there was a move away from the county court as the principal venue for royal proclamations by the end of the fourteenth century,<sup>54</sup> at root, most medievalists portray the oral proclamation as remaining essentially unchanged as the primary means by which the content of national legislation was communicated from centre to periphery from the pre-conquest period to the early sixteenth century. This is an immense period, one said by a number of historians to include the transformation of England into a recognisable polity, or state.<sup>55</sup> I shall return to Maddicott's emphasis on the public proclamation of parliamentary legislation in chapter two.

Perhaps demonstrating the gulf that may exist between the conceptualisation of the later middle ages and the early-modern period, Elton believed that genuine efforts by royal governments to publish parliamentary legislation *began* with print, thinking that, before 1541–3, proclamation was normally 'confined to matters of high political interest'.<sup>56</sup> This was plainly not the case, as will be clear from chapter two of this thesis, but most scholars of early printed materials have asserted, or possibly assumed, that printed editions of statutes were government-sponsored, even from an early stage, and that these editions became the primary means by which legislation became known to the wider populace.<sup>57</sup> At a number of points in this thesis I shall take Derek Keene's lead in questioning positivistic assumptions of

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<sup>52</sup> 'Publication', 450.

<sup>53</sup> W.M. Ormrod, 'The Domestic Response to the Hundred Years War', in *Arms, Armies and Fortifications in the Hundred Years War*, ed. A. Curry & M. Hughes (Woodbridge, 1994), 83–101, at 97.

<sup>54</sup> 'County Community', 41–2.

<sup>55</sup> On this see, as a bare minimum: Harriss, 'Political Society'; *idem*, *Shaping the Nation*; Watts, *Making of Polities*; J.-Ph. Genet, 'Which State Rises?', *HR*, 65 (1992), 119–133; *idem*, *La Genèse de L'État Moderne: Culture et Société Politique en Angleterre* (Paris, 2003).

<sup>56</sup> G.R. Elton, 'The Sessional Printing of Statutes, 1484–1547', in *Studies*, iii. 92–109, at 102.

<sup>57</sup> H.J. Graham, "'Our Tong Maternall Marvellously Amendyd & Augmentyd": The First Englishing and Printing of the Medieval Statutes at Large, 1530–1533', *UCLA Law Review*, 13 (1965), 58–98; P.C. Ingham, 'Losing French: Vernacularity, Nation, and Caxton's English Statutes', in *Caxton's Trace: Studies in the History of English Printing*, ed. W. Kuskin (Notre Dame Ind., 2006), 275–298.

this kind about law texts,<sup>58</sup> whether they be about the approaches taken to the text of statutes in manuscript or in print, or whether (or not) the City of London's Guildhall archive was made freely available to outside copyists. The view that early editions of printed statutes must have been of official origin may also derive from the somewhat deterministic conception of print as something that was inherently a cause of change, rather than something that may simply have enabled it.<sup>59</sup>

Historians have, of course, been aware of ways in which new laws might be received other than proclamation or official publication. Maddicott, indeed, has mentioned the 'gossip' of a parliamentary burgess returning to Leicester in 1332 who was wine and dined whilst he gave his account of proceedings.<sup>60</sup> May McKisack devoted part of the final chapter of her book on parliamentary burgesses to the way that borough MPs, and those of Bishop's Lynn in particular, acted to defend the interests of their town in parliament, to promote its non-parliamentary causes whilst present at parliament, and to obtain copies of material and to report back on proceedings on their return.<sup>61</sup> Other historians have given similar examples,<sup>62</sup> and one may confidently expect more of this rich type of material to emerge on the imminent publication of the *History of Parliament* volumes for 1422 to 1461.

Yet, what does not emerge clearly from all of this work is a relational sense of these means of communication. To develop one is a fundamental aim of this thesis. What weight should be applied to proclamations in contrast to, say, reports of returning members, and was the position in the fifteenth century the same as it had been in preceding centuries? Were there connections between these channels of communication? Who made them happen? Can we confidently describe actions in this field as official or unofficial— if the distinction is valid at all? The little that has been said about such questions has generally been said in passing and without

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<sup>58</sup> 'Text, Visualisation and Politics: London, 1150–1250', *TRHS*, 6th series, 18 (2008), 69–99, at 98–9.

<sup>59</sup> E.L. Eisenstein, *The Printing Press as an Agent of Change: Communications and Cultural Transformation in Early-Modern Europe* (Cambridge, 1979). Cf. A. Pettegree, 'Centre and Periphery in the European Book World', *TRHS*, 6th series, 18 (2008), 101–128.

<sup>60</sup> Maddicott, 'Parliament and the Constituencies', 84; *idem*, *Origins*, 370, 374.

<sup>61</sup> McKisack, *Parl. Rep.*, 133–145; Hartrich, 'Town, Crown', 43–4, 60–2, 116, 176–9, 255–8.

<sup>62</sup> C.M. Barron, 'London and Parliament in the Lancastrian Period', *PH*, 9 (1990), 343–367; Cavill, *Hen. VII*, 142–3, 176–180; L.S. Woodger, in *HP*, 1386–1421, i. 517, 527 (Lynn and Norwich).



exploring in any depth the circumstances behind the use of any one method. Cavill has said that proclamations were the ‘principal means’ by which the crown sought to publicise parliamentary legislation, which leaves open the prospect of outside initiatives taken to self-inform.<sup>63</sup> Genet’s detailed study of statute books in private hands claims that ‘à coté de la diffusion administrative et officielle, il y a ... un circuit de diffusion commercial, qui répond aux besoins d’un marché’.<sup>64</sup> In her discussion of political poetry in the period of civil conflict of the mid-century, Aude Mairey briefly considers this genre in the context of a bundle of other mechanisms of political communication, only some of which had an official face.<sup>65</sup> These remarks represent at least a start towards looking at political communication in a more integrated and dynamic way.

Indeed, both for the broader treatment of political communication and for a close examination of proclamations themselves as political events, one is heavily indebted to the work of Francophone historians. Taking up from initial work by Michel Hébert, and empirical studies based on excellent archives in certain French towns and in the Burgundian Netherlands,<sup>66</sup> Nicolas Offenstadt has published extensively on cries, from a multitude of angles.<sup>67</sup> In particular, he has produced a micro-history of the civic career of one obscure man, Jean de Gascogne, town crier in the northern French town of Laon for around 45 years during the fifteenth century.<sup>68</sup> Here, Offenstadt steers towards the space and sounds of the crier, to see him as a pivot of political communication between authority and the wider populace.<sup>69</sup> Such an approach is clearly much informed by theory, of necessity in

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<sup>63</sup> *Hen. VII*, 175

<sup>64</sup> [‘Beside administrative and official distribution, there is ... a circuit of commercial distribution, which responds to the needs of a market.’] J.-Ph. Genet, ‘Droit et Histoire en Angleterre: la Préhistoire de la “Révolution Historique”’, *Annales de Bretagne et des Pays de l’Ouest*, 87 (1980), 319–366, at 339.

<sup>65</sup> A. Mairey, ‘La Poésie, un Mode de Communication Politique durant la Guerre des Deux Roses’, in *The Languages of Political Society: Western Europe, 14<sup>th</sup>–17<sup>th</sup> Centuries*, ed. A. Gamberini et al. (Rome, 2011), 189–207, esp. 197.

<sup>66</sup> M. Hébert, ‘Voce Preconia: Note sur les Crieées Publiques en Provence à la fin du Moyen Âge’, in *Milieux Naturels, Espaces Sociaux: Études offertes à Robert Delort*, ed. E. Mornet & F. Morenzoni (Paris, 1997), 689–701; J.-M. Cauchies, *La Législation Princièrè pour le Comté de Hainaut. Ducs de Bourgogne et Premiers Habsbourg (1427–1506)* (Brussels, 1982). See too: P. Godding, *La Législation Ducale en Brabant sous le Règne de Philippe le Bon (1430–1467)* (Brussels, 2006).

<sup>67</sup> ‘Les Crieurs Publics au Moyen Âge’, *L’Histoire*, 362 (2011), 76–9 and further citations in what follows.

<sup>68</sup> *En Place Publique: Jean de Gascogne, Crieur au XV<sup>e</sup> siècle* (Paris, 2013).

<sup>69</sup> *Ibid.*, esp. 12–13.

this instance, given the paucity of actual evidence of Jean's activities in Laon. Another joint publication by Offenstadt deploys Habermas' distinction between the representation of royal governments before the people in the medieval period and the active engagement of the people in a public sphere (*Öffentlichkeit*) of political debate in early modern times.<sup>70</sup> By his own admission, Habermas undertook almost no serious reading in putting forward his ruminations about the medieval past, and it is entirely legitimate to dismiss them as an exercise in interpretative history.<sup>71</sup> Yet, like all such views, if treated as an explicative tool that may or may not assist our understanding, Habermas' use of the concept of representation,<sup>72</sup> as well his emphasis on 'space' in a non-literal sense, has its place when not taken as a kind of rule. An analogy with how one might apply theory in this way, so that it allows the sources to speak more freely for themselves, rather than impose a straitjacket upon them, might be the ideal type of Max Weber— the identification of frameworks and forms as a guide, rather than a prescription, as to how, say, bureaucratic systems may function.<sup>73</sup>

This thesis will rely on other theoretical work from socio-linguists in chapter two, but it will be more heavily influenced overall by another way of thinking, specifically, the theory of speech acts, primarily ascribed to the philosopher of language, J.L. Austin.<sup>74</sup> I have already adopted this methodology at the start of this chapter in asking what a modern government is *doing* by publishing a new statute. Austin's point is that utterances are often deeds, rather than simply statements that may be true or false; 'by saying or *in* saying something we are doing something'.<sup>75</sup> When this is the case, such speech acts are *performative*, in that they may be persuading, apologising or, more pertinently for our purposes, ordering, deciding,

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<sup>70</sup> P. Boucheron & Offenstadt, 'Introduction Générale: une Histoire de l'Échange Politique au Moyen Âge', in *L'Éspace Public au Moyen Âge: Débats autour Jürgen Habermas*, ed. Boucheron & Offenstadt (Paris, 2011), 1–21; J. Habermas, *The Structural Transformation of the Public Sphere*, trans. T. Burger (Cambridge, 1989), 7–12.

<sup>71</sup> Habermas, 'Further Reflections on the Public Sphere', in *Habermas and the Public Sphere*, ed. C. Calhoun (Cambridge MA, 1989), 421–61, at 423.

<sup>72</sup> But not original to him, see: P. Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton, 2001), 231–3.

<sup>73</sup> D. D'Avray, *Rationalities in History* (Cambridge, 2010), 3–4; On bureaucracy: M. Weber, *Economy and Society*, ed. G. Roth & C. Wittich (2 vols., Berkeley CA, 1978), ii. 956–1069.

<sup>74</sup> Austin, *Words*; *idem*, 'Performative Utterances', in *Philosophical Papers*, ed. J.O. Urmson & G.J. Warnock (3<sup>rd</sup> ed., Oxford, 1979), 233–252. See too: Skinner, *Visions*, i. 91–3, 98–107, 113–114.

<sup>75</sup> Austin, *Words*, 12.

possibly in a combination of those impulses.<sup>76</sup> An analogy Austin offers himself is with a legal document.<sup>77</sup> This may, possibly in separate sections within a single instrument, define terms, recite why the instrument is needed, contain operative provisions that cause some effect to happen, and others that formalise the document in accordance with a convention, perhaps by signature or a seal. Such distinctions will be familiar to scholars parsing the elements of the diplomatic of a charter, royal letter or writ.<sup>78</sup> In Austin's speech acts, context is everything, 'the occasion of an utterance matters seriously'. Thus, the 'total situation' of the speech act will include various ingredients,<sup>79</sup> including applicable social, legal or normative conventions (as with the attestation of a document, as we have just seen),<sup>80</sup> and, indeed, incidents of ritual, which we might momentarily step outside Austin's work to define as a set of actions or signs that are predictable, formalised and usually repetitive.<sup>81</sup> Further, forces are at work in the speech act, the things that cause it to be a command, decision and so on. When these elements operate *in* the course of saying something, Austin calls them *illocutionary* forces. These forces can be expressed purely verbally, but not necessarily. Austin's example of the performative label 'proclamation' is of course highly germane here, though even this term has to be used carefully.<sup>82</sup> As Searle has said, verbs, such as 'to announce' or, one must add here, 'to proclaim', and the nouns derived from them, do not describe the illocutionary force or forces at work in whatever is announced or proclaimed.<sup>83</sup> Instead, they identify the ostensible method used to achieve acts of asserting, persuading, commanding, whether singly and, often, in combination. Such performative forces may certainly be manifested in physical actions as well as by words: clothing, accompanying music, tone or speed of voice and by such things as the physical location of the utterance. It may even fairly be said that the concept of speech acts, despite its origins in philosophy, is not solely one about language at

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<sup>76</sup> On combined forces of this kind: J.R. Searle, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge, 1969), 69–70.

<sup>77</sup> *Ibid.*, 7.

<sup>78</sup> E.g. P. Chaplais, *English Diplomatic Practice in the Middle Ages* (2003), 102–127.

<sup>79</sup> Austin, *Words*, 52, 100.

<sup>80</sup> Or 'constitutive rules', see: Searle, *Speech Acts*, 33–5, 38.

<sup>81</sup> Drawing on C. Phythian-Adams, 'Ritual Constructions of Society', in *A Social History of England, 1200–1500*, ed. R. Horrox & W.M. Ormrod (Cambridge, 2006), 369–382, esp. 370 & 381; E. Muir, *Ritual in Early Modern Europe* (2<sup>nd</sup> ed., Cambridge, 2005), 2–6.

<sup>82</sup> Austin, *Words*, 75.

<sup>83</sup> J.R. Searle, 'A Taxonomy of Illocutionary Acts', in *Expression and Meaning: Studies in the Theory Of Speech Acts* (Cambridge, 1979), 1–29, esp. 9.

all. Rather, it is bound up with any possible means of communication, and not only that between humans.<sup>84</sup> Correspondingly, it would be wrong to equate performativity precisely with ritual, as some have done;<sup>85</sup> to abandon ritualised behaviours entirely is to risk the expulsion of the infant along with the bath water. Used wisely, the ‘speech act’ is of considerable value to scholars in a number of disciplines, particularly those studying authority or power relations,<sup>86</sup> and a number of historians have used the expression, without, it might be argued, exhausting its methodological potential.<sup>87</sup>

The conception of the speech act, grounded in the sociological context in which the act of communication occurs, has the great value of opening up medieval sources for exegesis from multiple perspectives. One can interrogate what an authority was doing *in* making a proclamation, printing a statute, or even in a charge administered to jurors in peace sessions, to ask whether it was intended solely to inform or, rather, whether it was also (or instead) to admonish, or to create an instrumental effect, such as to mark out jurisdiction when that was under contest, or to enable a legal sanction to be taken against a person in their absence.<sup>88</sup> Moreover, this form of analysis allows the historian to engage fully with the idea of ceremony or ritual as an ingredient of the context of the speech act, not in a potentially reductive sense,<sup>89</sup>

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<sup>84</sup> If one removes the circular requirement that speech acts must be philosophically meaningful because they must involve human language (locutions), it becomes obvious that animals use illocutionary communicative devices to warn, request, exert authority over a pack etc. Some of this is grudgingly accepted by Searle, *Speech Acts*, 39.

<sup>85</sup> E.g. M. Mostert, ‘Introduction’, in *Medieval Legal Process: Physical, Spoken and Written Performance in the Middle Ages*, ed. Mostert & P.S. Barnwell (Turnhout, 2011), 1–10, at 4–5.

<sup>86</sup> J. Hornsby, ‘Speech Acts and Performatives’, in *The Oxford Handbook of Philosophy of Language*, ed. E. Lepore & B.C. Smith (Oxford, 2006), 893–909, at 905–6. This chapter is also a valuable guide to philosophical work on speech acts since Austin.

<sup>87</sup> Rexroth, *Deviance*, 312; D. Lett & N. Offenstadt, ‘Les Pratiques du Cri au Moyen Âge’, in *Haro! Noel! Oye! Pratiques du Cri au Moyen Âge*, ed. Lett & Offenstadt (Paris, 2003), 5–41, at 6; Muir, *Ritual*, 272.

<sup>88</sup> There is a debate to be had as to whether language philosophers would regard deeming effects as incidents of illocutions, or ‘as perlocutionary’ effects on the hearer of the utterance, caused by the utterance; the boundary between illocution and perlocution is accepted to be unsatisfactory, see W. Cerf, ‘Critical Review of *How to Do Things With Words*’, in *Symposium on J.L. Austin*, ed. K.T. Fann (1969), 351–379, at 354. I find Searle unclear on this point. It seems unnecessary to attempt to resolve it here.

<sup>89</sup> J. Goody, ‘Against “Ritual”: Loosely Structured Thoughts on a Loosely Defined Topic’, in *Secular Ritual*, ed. S.F. Moore & B.G. Myerhoff (Assen, 1977), 25–35. For examples of this (understandable) anxiety: Mostert, ‘Introduction’; Skinner, *Visions*, i. 140–3; C. Geertz, ‘The State of the Art’, in *Available Light: Anthropological Reflections on Philosophical Topics* (Princeton, 2000), 89–142, at 98–107.

or ahistorically,<sup>90</sup> but in a structured way. Repeated formalised actions, even what might appear as, and may actually be, banal,<sup>91</sup> or simply administrative rote, can be shown by the historian to have carried rational meaning, whether that be for instrumental (to achieve a consequential goal) or value-based reasons (because a way of acting is equitable or ‘right’), or a combination of the two.<sup>92</sup> Even the apparent emptiness of repetitive actions, or of outward display, could be both saying and doing something. The significance of these points may hopefully become clearer when confronted by concrete examples of kinds of speech acts, because the idea of performativity is thoroughly situated in the nature of the act itself and in its context, as I have said. I shall touch on this approach at the end of chapter two, and again more fully at the end of chapter five, when it will be possible to review together the evidence for the publication of both national and local legislation.

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A project of this nature, without an obvious boundary around its subject matter, such as a region or an institution, has to be kept within a sensible scope. Besides the temporal limits explained above, a number of decisions have also been required as to what kinds of potentially relevant evidence must be excluded. Two such categories are the records of the church authorities and of the countryside. Whilst I have not considered the reception of papal canons or provincial legislation at all, the church might well have yielded pertinent evidence on the promulgation of secular legislation. When necessity required it, the defence of the realm entitled the crown to ask for announcements to be made in and around church services.<sup>93</sup> But, from the briefest of surveys, it seems plain that, at any time, bishops’ registers only rarely included material relating to the promulgation of national legislation.<sup>94</sup> As for rural

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<sup>90</sup> Buc, *Dangers of Ritual*.

<sup>91</sup> Goody, ‘Against “Ritual”’, usefully explores the emptiness of ritual.

<sup>92</sup> D’Avray, *Rationalities in History*, esp. 21–4. See also: *idem*, *Medieval Religious Rationalities* (Cambridge, 2010), esp. 21–3.

<sup>93</sup> W.R. Jones, ‘The English Church and Royal Propaganda During the Hundred Years War’, *JBS*, 19 (1979), 18–30; A.K. McHardy, ‘Liturgy and Propaganda in the Diocese of Lincoln During the Hundred Years War’, in *Religion and National Identity*, ed. S. Mews, *Studies in Church History*, 18 (Oxford, 1982), 215–227.

<sup>94</sup> A.K. McHardy, ‘Bishop’s Registers and Political History: A Neglected Resource’, in *The Foundations of Medieval English Ecclesiastical History: Studies Presented to David Smith*, ed. P.

England, almost no shrieval or county records survive.<sup>95</sup> What we have of county administration is therefore the imprint that remains of it at the centre, with the inherent danger of distortion that may follow, the overplaying of the crown's hand in the overall picture. A study of the reception of local legislation through rural leet or manorial courts would have been a more feasible undertaking, though material directly relevant to the research questions asked by this thesis is likely to be considerably more thinly spread than it would be in the abundant archives of a number of English towns and cities. Nevertheless, some comment will be made in what follows on the rural localities, drawn chiefly from secondary literature. A third omission, in this instance enforced by considerations of space, is a detailed assessment of the reception of London's written legislation held at its Guildhall outside the confines of its civic bureaucracy, that is, the reception of its ordinances in books in private hands.<sup>96</sup>

The first observation to make about the scope of the source material considered in this dissertation, however, is the balance drawn between breadth and depth in the evidence considered from urban sources. There is, simply, a great deal of it. Ideally, one would wish to look at all available material closely and in comparison. I take the view that the substantive questions posed by this thesis can only be satisfactorily answered by looking back at the political centre from outside it, and, after the first three substantive chapters, relatively little of the material drawn upon will come from the governmental archive. I have surveyed the manuscript records in a number of local archives quite intensively, and what is in print widely. Ideally, I would also have wished to treat the reception of the legislation of craft organisations within English cities and towns more fully than space has allowed. Nonetheless, I have

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Hoskin *et al.* (Woodbridge, 2005), 173–193; *eadem*, 'Notes on a Neglected Source: A Register of Royal Writs in the Lincoln Diocesan Archives', *Lincolnshire History and Archaeology*, 16 (1981), 25–7; *Royal Writs Addressed to John Buckingham, Bishop of Lincoln 1363–1398*, ed. A.K. McHardy (Canterbury & York Soc. & Lincoln Record Soc., 1997), pp. xiii–xv; *Register of Roger Martival, Bishop of Salisbury 1315–30*, vol. III, ed. S. Reynolds (Canterbury & York Soc., 1965), p. vii. These works suggest that enrolment of royal writs, of any kind, dried up in the 15th century, though the lists in D.M. Smith, *Guide to Bishop's Registers of England and Wales* (1981) suggest that there remained pockets of persistence, notably in London or Winchester. The registers that do include sections of royal writs, at any time, do not appear to include many, if any, *proclamations* of legislation.

<sup>95</sup> An exception being 'A Wiltshire Sheriff's Notebook' ed. M.M. Condon, in *Medieval Legal Records*, ed. R.F. Hunnisett & J.B. Post (1978), 409–428. There is also an incomplete sheriffs' register for London: LMA, COL/SF/04/046. Secondary copies exist of documents of shrieval origin in the royal archive, though it has been impractical to review them for this thesis.

<sup>96</sup> Although I have set out examples in appendix 8.

sampled this material quite extensively, mostly in London. My ultimate aim is, however, to seek to explain or to analyse. There is considerable risk of merely describing events or processes by giving examples of acts of promulgation when a wider range of localities is considered more superficially. Close focus on selected urban centres has allowed me to undertake quite detailed analyses and comparisons that might not otherwise have been possible. The appurtenant risk of this approach is that what I describe of one location may not be typical of the generality. Perhaps, indeed, there is no single set of generalisations that can be made at all? I have tried to mitigate this difficulty, as far as possible, in the geographical range of the towns I have chosen to study in detail.<sup>97</sup>

My concentration on urban sources when assessing the reception of legislation away from the centre can also be the cause of a second potential area of distortion. Are conclusions drawn from the archives of towns or cities likely also to be representative for smaller settlements, perhaps those under seignorial control, or of the counties of England more generally? It is clear that county sheriffs and the officers serving peace sessions did maintain records, now mostly lost.<sup>98</sup> It is equally plain that vills and manors enacted and enrolled local ‘bye-laws’,<sup>99</sup> though it was rare for whole counties to do so.<sup>100</sup> However, in speculating as to the probable differences, the institutional focus of the countryside was considerably more diffuse than it was in, often, highly organised, and franchised urban settlements. Leets, vills and even counties lacked the same intensity of development of political structures—the chartered liberties, mayors, aldermen or urban councils.<sup>101</sup> Whilst copies of parliamentary legislation must have circulated outside towns— and I discuss monastic chronicles, and private copies of statutes (which could have been owned and used anywhere) in chapter four, and the royal proclamations I survey in chapter two were plainly not only directed towards towns— we need to be wary of assuming

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<sup>97</sup> Explained at the start of chapter 5.

<sup>98</sup> R.C. Palmer, *The County Courts of Medieval England 1150–1350* (Princeton, 1982), 38–54; Putnam, *Proceedings*, pp. xciii–xcv.

<sup>99</sup> W.O. Ault, ‘Some Early Village By-Laws’, *EHR*, 45 (1930), 208–231; *idem*, ‘Village By-Laws by Common Consent’, *Speculum*, 29 (1954), 378–394; *idem*, *Open-Field Farming in Medieval England* (1972).

<sup>100</sup> Pollock & Maitland, i. 555.

<sup>101</sup> On towns, of a vast literature, see particularly: S. Reynolds, *An Introduction to the History of English Medieval Towns* (Oxford, 1977). J. Tait, *The Medieval English Borough* (Manchester, 1936) remains highly relevant for the institutional development of towns.

that there was the same level of quality of engagement with legislation outside towns and cities as there was within them. We should note the markedly smaller number of petitions to parliament from counties as opposed to towns in the later middle ages, which Dodd, as here, attributes to the looser institutional frameworks involved.<sup>102</sup> As has already been said, there were, generally speaking, fewer external pressures felt in towns. In the counties, in contrast, political life (which included engagement with parliament) was often dominated by lordship, contested lordship, or even its absence.<sup>103</sup> Such forces may have served to complicate the development or maintenance of effective structures through which the reception of legislation might take place.

Part one of this thesis will start at the centre by looking at the publication of national legislation largely from the perspective of government records. Chapter two will begin by asking what the statutes were in the fifteenth century. It will put the statute rolls that survive to 1468 in the context of other copies of statutes that still exist in the government archive and in outside copies, in order to establish the nature of the texts of statutes used for onward publication. This will lead on to a discussion of royal proclamations, based on the statutory materials identified and other records in the royal archive. The chapter will look at what kinds of parliamentary legislation were proclaimed, how and where. It will also draw upon local sources, principally the excellent accounts and registers of a number of members of the confederation of the Cinque Ports. The section will then move on to questions of the effectiveness of royal proclamations. Chapter three continues with other kinds of publication that might be said to be directed from the centre, such as the use of oaths and of other written forms of publication to other government departments and courts. This will draw on a close examination of the records of the king's remembrancer's department of the exchequer and on a case study extracted from accounting records of the City of Canterbury, illustrating how the town interacted with both chancery and exchequer in this regard. Thus, even the first part of this thesis will present a synthesis of national and local initiatives.

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<sup>102</sup> *Justice and Grace*, 254–278, esp. 254, 271; Cavill, *Hen. VII*, 166. See too Carpenter, 'Gentry and Community' & n45 above.

<sup>103</sup> Harriss, 'Medieval Parliaments', 220, 223–4.



In Part two of this thesis, the focus shifts more fully to the perspective of the wider realm. Chapter four will examine the various ways in which people in the localities made themselves aware of what parliament had enacted. Newsletters, poems and chronicles will be surveyed, together with the ways in which towns and cities obtained copies of parliamentary material and received reports back from returning members, as has already been alluded to. The second body of material considered will be an extensive sample of statute books, taking them as a structural or instrumental element in the process of reception, as explained above. This section will examine how these copies of statutes circulated, who owned them and, importantly, where the texts were obtained and the contexts in which they were used to spread wider legal knowledge. It will also consider the position of statute books made in English. Principally, this section will assess directly the question I have already touched upon of whether the crown was active in sponsorship of manuscript and printed copies of statutes and the relations of private and government interests in this part of the book trade.

Chapter five will carry out a broadly similar exercise to the first four, this time applied to the legislation of English towns and cities. It will draw on a wide selection of material in print from most parts of the realm, and on manuscript material from London, Leicester, Ipswich, Canterbury and the Cinque Ports. As with chapter two, it will focus on the typology and functions of oral proclamations and consider critically their probable effectiveness and the other methodologies that urban authorities may have utilised to mitigate the difficulties of the aural experience. In particular, it will look at the written dissemination of urban legislation. The chapter will end by drawing on the idea of performativity, to illustrate the interpretative problems surrounding proclamations of legislation, both urban and royal, looking at specific examples to assess what function various kinds of cry were attempting to fulfil.

Part three will put local and national legislation together, to consider the degree to which one offered an opportunity to re-publish and to augment the other. To this end, chapter six will adopt two contrasting perspectives. First, the contents of certain kinds of urban proclamation, and some topics frequently addressed by them, will be compared with statutes and other local ordinances. They will then be

assessed in more horizontal terms, drawing comparisons between proclamations in different urban centres, in order to assess the level of mutual influence. Secondly, it will be asked whether the records towns and cities kept of their legislation were accessible to other towns. This will pick up the threads of a discussion touched upon in the previous chapter, chiefly based on consideration of the degree to which the archives held at London's Guildhall were available to be consulted and copied. Whilst London is of course hardly representative of other towns or cities, in terms of its size and prestige, there are contrasts to be drawn here with the way that parliamentary statutes were recorded, cited and disseminated.

The final substantive chapter will also look at local and national legislation in combination, this time by considering how knowledge of these kinds of law will have been obtained or re-enforced through implementation. This is not, then, a consideration of enforcement *per se*, but the discussion will use the experience of local officials and jurors in towns and cities in applying these laws in tourns, courts leet, wardmote and in sessions of the peace, extrapolated from selected records, to consider whether these men could have developed legal understanding in a practically applied way. This chapter will draw heavily on two short case studies, one on the Exeter mayor's tourns and the other on the leets and peace sessions of Ipswich. It will weave the conclusions to be drawn from these studies in with material from London, and the contents of various precedent works on how local courts should be operated, and charges administered to juries in particular, to arrive at broader conclusions about the possibilities of official and jury service as a means of obtaining and reinforcing knowledge of national and local legislation.

## *Part One: The Dissemination of Parliamentary Legislation*

### **Chapter Two: Channels Associated with Government I: Statute Rolls and Royal Proclamations**

#### *2.1. Statutes in the Fifteenth Century: Texts and Sources<sup>1</sup>*

In its widest sense, ‘statute’ meant a body of law, those acts of parliament that extended or modified the common law, which affected persons generally, and not simply particular interests, and that did not require pleading in court.<sup>2</sup> It has been suggested that the effect of statute on the common law had to be permanent, but this is difficult to reconcile with the transient character of some fifteenth-century legislation.<sup>3</sup> The term ‘statute’ often seems to imply no more than a sense of general importance. Only certain acts made by a parliament were included in its statute. Moreover, the term could be employed both to refer to the body of enactments and to any act within that ‘statute’ singly.<sup>4</sup> It was also common still to refer to statutes as acts or ordinances. Indeed, the word ‘statute’ might also be used to refer to local legislation.<sup>5</sup> For present purposes, indeed, it may not even be entirely helpful to try to define it at all. The concept appears to have been somewhat circular: whatever selected after a parliament as worthy of the status.<sup>6</sup>

This section addresses the source of the statutory material that was published or promulgated by proclamations, under oaths and by the various other methods of

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<sup>1</sup> This section is drawn from D.A. Rowland, ‘The End of the Statute Rolls: Manuscript, Print and Language Change in Fifteenth-Century English Statutes’, in *The Fifteenth Century XI: Concerns and Preoccupations*, ed. L. Clark (Woodbridge, 2012), 107–125, slightly revised here.

<sup>2</sup> Chrimes, *Constitutional Ideas*, 192–299, 371; P.R. Cavill, ‘Henry VII and Parliament’ (D.Phil. thesis, Oxford Univ. 2005), cap. 1.

<sup>3</sup> E.g.: 3 Ed. IV c.3 (*SR*, ii. 395–6), to last for 5 years; cf. Gray, *Influence*, 382, who maintains permanence as an attribute of statute.

<sup>4</sup> For example: E159/211, *Rec. Mich. rot. 6d*, the phrase ‘... et alia statuta in eodem statuto specificata.’ [‘... and in other statutes specified in the same statute.’]. For earlier examples: *Select Cases in the Court of King’s Bench Under Edward I*, vol. III, ed. G.O. Sayles (Selden Soc., 1939), pp. xvii–xviii.

<sup>5</sup> The ‘statutes of autumn’: W.O. Ault, ‘Some Early Village By-Laws’, *EHR*, 45 (1930), 208–231; a common proclamation in London including civic *statutes*: BL, Add. MS 38131, f. 119v.

<sup>6</sup> H.G. Richardson & G.O. Sayles, ‘The Early Statutes’, in *The English Parliament in the Middle Ages* (1981), XXV, 1–56, at 3: ‘modern enactments which in a special way represent established law’; Gray, *Influence*, 381–6; Chrimes, *Constitutional Ideas*, 248–9; G.R. Elton, ‘The Sessional Printing of Statutes, 1484–1547’, in *Studies*, iii. 92–109, at 105: a public act was what was (later) chosen for printing.

dissemination that will be considered in the rest of this dissertation. Therefore, the focus will be on ‘statute’ in a pragmatic, textual sense. The present section will limit itself to a discussion of the sources of statute materials, leaving the question of the uses to which these texts were put for the rest of part one of this thesis.

A few introductory remarks about the procedures, records and officials of parliament may be required in this context.<sup>7</sup> Most of parliament’s conclusions were recorded on the parliament roll, but hardly ever how they were arrived at.<sup>8</sup> This roll was certainly selective, reflecting the editorial choices of royal clerks, and, in the fourteenth century at least, it seems that it was not even the only record, or ‘process’ of parliament that they made.<sup>9</sup> The roll almost always records the public business concluded in parliament, and decisions relating to high politics, but it does not always record even the successful outcomes of many private petitions.<sup>10</sup> Another important aspect of parliament, but one that has received less attention, is a ceremony that appears to have taken place at the end of a session or on dissolution. The chancery clerk of the crown read out the bills that had passed both houses in full before the whole parliament, or at least their titles were recited. The clerk of parliament then gave the king’s response to each proposal.<sup>11</sup> As such, this was a moment when the king, usually figuratively, was very obviously *in* parliament.<sup>12</sup> These occasions may have some significance to what follows because it may be said that this stylised process, in itself, was enough to constitute the formal promulgation of enacted legislation— a public declaration that laws had been issued,

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<sup>7</sup> The best short introduction to the late-medieval parliament is probably still Davies & Denton, *Eng. Parl.* Private and common petitioning, and now the continuing presence of clerical proctors, would probably now receive greater emphasis, see: Dodd, *Justice and Grace*; P. Bradford & A.K. McHardy, *Proctors for Parliament: Clergy, Community and Politics c. 1248-1539*, vol. i (Canterbury & York Soc., 2017).

<sup>8</sup> *PROME*, Introductions, *passim*; C. Given-Wilson, ‘The Rolls of Parliament, 1399–1421’; A. Curry, ‘A Game of Two Halves’: Parliament 1422–1454’, *PH*, 23 (2004), 57–72, 73–102.

<sup>9</sup> W.M. Ormrod, ‘On- and Off- the Record: the Rolls of Parliament, 1337–1377’, *PH*, 23 (2004), 39–56; C. Oliver, *Parliament and Political Pamphleteering in Fourteenth-Century England* (York, 2010), 52–4. For the meaning of ‘processus’, see chapter 4, n9.

<sup>10</sup> Cavill, *Hen. VII*, 153. G.R. Elton, ‘The Rolls of Parliament, 1449–1547’, in *Studies*, iii. 110–142, at 116–17 suggests that all business was enrolled after 1471.

<sup>11</sup> *PROME*, xii. 505–6. See too chapter 4, n22. As R. Horrox notes at *PROME*, xiv. 348, dissolutions were rarely recorded. The ends of parliaments are a rather under explored subject. When they came as an afterthought or through force of events, as, say, in 1478 or 1483, it is unclear whether these ceremonies actually took place.

<sup>12</sup> Though the requirements of royal dignity suggested that delegates should speak for him: P. Bradford, ‘A Silent Presence: The English King in Parliament in the Fourteenth Century’, *HR*, 84 (2011), 189–211.

rather like that of the confirmed Charters in 1300 in Westminster Hall.<sup>13</sup> Whilst I do not intend to treat these events as proclamations in themselves, they are related to them, strongly exemplifying many of their performative attributes (or, perhaps, it may be said that proclamations could often resemble these declaratory events).<sup>14</sup> Moreover, as we shall also see in more detail in what follows, whether legislation had been at least nominally promulgated was a matter of some legal and even moral importance.

The parliament roll was prepared under the auspices of the clerk of parliament, aided by a number of more junior clerks, including the clerk of the crown, to whom we shall return in the next chapter. These officials had prior chancery experience before they worked in parliament, save for John Gunthorp, the clerk of parliament appointed in 1471.<sup>15</sup> The clerk of parliament sat in the lords, while the under-clerk, or commons clerk, sat in the lower house. The latter was responsible for the receipt of bills and petitions in the commons, and for their exchange with the lords.<sup>16</sup> Certain petitions that could be portrayed as relating to matters of common concern, whether always justifiably or not, and possibly adopted by the parliamentary commons, were designated ‘common petitions’. In the fourteenth century, these began to be assembled as a discrete schedule, but this practice was later abandoned. By the 1420s, these common petitions were filed and assembled in bundles.<sup>17</sup> The overlap between the contents of the common petition and the statute selected after a

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<sup>13</sup> D.A. Carpenter, *Magna Carta* (2015), 431.

<sup>14</sup> There is an analogy between promulgation in this context and formal announcements of truces or treaties: N. Offenstadt, ‘La Paix Proclamée. Gestes et Réception de la Publication des Accords de Paix Pendant la Guerre de Cent Ans’, in *Prêcher la Paix et Discipliner la Société (XIIIe–XVe siècle)*, ed. R.M. Dessi (Turnhout, 2005), 201–224. *Indicia* of this kind of performative occasion might be that it was done in a formal assembly, such as a parliament (or *parlement*), and possibly in the presence of those who had already participated in the making of the matters declared.

<sup>15</sup> A.F. Pollard, ‘Fifteenth-century Clerks of Parliament’, *BIHR*, 15 (1937–8), 137–161; *idem*, ‘The Clerical Organization of Parliament’, ‘Receivers of Petitions and Clerks of Parliament’, *EHR*, 57 (1942), 31–58, 202–226; *idem*, ‘The Clerk of the Crown’, *EHR*, 57 (1942), 312–333. John Gunthorp, clerk of parliament 1471–83, seems to have been unusual in being brought into the role from other royal duties, especially diplomacy: Pollard, ‘Clerks of Parliament’, 152–4; A.C. Reeves, ‘John Gunthorp, Keeper of Richard III’s Privy Seal: Dean of Wells Cathedral’, *Viator*, 39 (2008), 307–344.

<sup>16</sup> Pollard, ‘The Mediaeval Under-clerks of Parliament’, *BIHR*, 16 (1938–9), 65–87; A.R. Myers, ‘Parliamentary Petitions in the Fifteenth Century’, *EHR*, 52 (1937), 385–404, 590–613; Dodd, *Justice and Grace*, 156–196; none, however, deals to any degree with bills after 1461.

<sup>17</sup> Dodd, *Justice and Grace*, 126–155, 187–196. Dodd re-characterises the term ‘common’ as not so much a genitive noun, or an adjective (which much of the previous literature does), but flexibly, so that it signifies wider influence and a projection of relative importance, rather than whether it was presented or adopted by the parliamentary commons, or concerned common (general) matters.

parliament was far from exact.<sup>18</sup> If passed, the acts that were included in the statute were also separately enrolled, as will be explained in more detail in a moment. This meant that there was often a double enrolment of material from a parliament in the royal chancery, a duplication that did not exist for the otherwise broadly similar parliament that existed for the English parts of Ireland.<sup>19</sup> Further enrolments were made in other government departments, as we shall see in chapter three.

As for the immediate question in hand, statute selection, a council minute of 1423 is the only contemporary source. It suggests that, after the conclusion of a parliament, the royal council, possibly assisted by the judges, would make a choice of acts passed that affected the realm in general. A ‘fair copy’ of this statute was to be sent off for proclamation.<sup>20</sup> A comparison of petitions with statutes shows that the preparation of the statute and of proclamation copies often involved re-drafting from the petition to produce what I refer to throughout this dissertation as a ‘statutory’ version of the text. Over the fifteenth century, more of the rhetorical preamble was dropped. This can be illustrated by a vernacular copy of 1 Ric. III c.8, on the subject of various perceived frauds in cloth manufacture, sent by the chancery to the exchequer in 1484.<sup>21</sup> Here, the amount of text removed when the preamble was deleted was significant.<sup>22</sup> Almost all the more memorable colour of the text, to say nothing of its potentially contentious denunciations of the deceitful practices of clothmakers, dyers and foreign merchants was excised.<sup>23</sup> What was left simply told them, in dry and lengthy terms, what they were required to do. In this and other statutes, the language of request had to be changed to verbal forms of command.<sup>24</sup> Provisos and qualifications contained in the royal assent were

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<sup>18</sup> E.g. *PROME*, xiv. 392–5, which is not in the statute 17 Ed. IV; 1 Hen. VI c.1 is not even on the parliament roll; 2 Hen. VI cc. 2–6, 39 Hen. VI c.2 are apparently based on private petitions: *PROME*, x. 178–184, xii. 542–4; Gray, *Influence*, 201–287.

<sup>19</sup> In which there was, crucially, no separation of a ‘statute’ from the acts passed by each parliament. See: H.G. Richardson & G.O. Sayles, *The Irish Parliament in the Middle Ages* (Philadelphia, 1952), 224–6.

<sup>20</sup> *P&O*, iii. 22. Discussed by Gray, *Influence*, 233, 389; Chrimes, *Constitutional Ideas*, 228–230; Elton, ‘Rolls of Parliament’, 119; A.F. Pollard, ‘Clerical Organization of Parliament’, 44 n2.

<sup>21</sup> E159/261, *Rec. Mich. rot. 30*, cf. *PROME*, xv. 66–71. The collation is reproduced in full in appendix 2. An English statutory version of 31 Hen. VI c.2, E159/230, *Rec. Trin. rot. 18*, is reproduced at appendix 1.

<sup>22</sup> E.g. the omission of the preamble of 1 Ric. III c.8 in section [c] in appendix 2.

<sup>23</sup> Rexroth, *Deviance*, 286 notes the relative absence of metaphor or figures of speech in London proclamations.

<sup>24</sup> E.g. between [d] and [e] in appendix 1; between [e] and [f], [g] and [h], and [i] and [j] in appendix 2. Note, throughout, the change from the second to the third person when alluding to the king.

incorporated into the main body of the text.<sup>25</sup> The 1423 council minute, then, seems a product of the politics of the early minority of Henry VI and of a parliament in which uncompleted parliamentary business was referred to the council, something not often repeated.<sup>26</sup> It is accordingly far from clear that this minute remains a safe guide for the practice followed later, if it did not represent something of an ideal from the start. It certainly appears to hark back to fourteenth-century practice, where successful petitions had originally only been the starting point for formal statutory legislation drafted in council, probably by royal justices.<sup>27</sup> Moreover, it is not even clear that the 1423 minute refers to the official roll for statutes at all, as opposed to the parliament roll, when it alludes to subsequent enrolment of acts in the chancery.<sup>28</sup>

This brings us to the statute roll itself, produced from the early fourteenth century onwards by the chancery as one of its formal record series, but originating in utilitarian collections made by royal clerks made from various sources.<sup>29</sup> These statute rolls survive to 1468, and were perhaps continued to as late as 1487, when the last versions of statutes were produced in French.<sup>30</sup> It might be thought that, by the mid fourteenth century, they had become ‘the final record of the most important measures adopted in a parliament’.<sup>31</sup> But, as will be argued here, this rather misses the point of what the statutes actually were in an experiential sense in the fifteenth century. It is therefore not necessary to dwell on the reasons for their demise. Instead, what follows will demonstrate that chancery officials released texts of statutes to the wider world, whether by formal or informal means, and it was these versions that in this period established a reasonably fixed canon of what the statutes of the period were, and their basic text. But they were autonomous copies not derived from the rolls or from a single original record source. As Hébert has

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<sup>25</sup> E.g. sections [h] to [k] in appendix 1.

<sup>26</sup> *PROME*, x. 9, 22. The expedient was repeated in 1426, 1427, and possibly in 1425 and 1455: *PROME*, x. 267–8, 282, 297, 324, 364; x. 334.

<sup>27</sup> W.M. Ormrod, *Edward III* (2<sup>nd</sup> ed., Stroud, 2005) (orig. publ. as *The Reign of Edward III*), 73–5.

<sup>28</sup> Analysed in Rowland, ‘End of the Statute Rolls’, 113 n46.

<sup>29</sup> Richardson & Sayles, ‘The Early Statutes’; ‘The Exchequer Parliament Rolls and other Documents’, in *The English Parliament in the Middle Ages*, XIX, 130–159, at 143.

<sup>30</sup> *SR*, ii. 523, taken from IT, Petyt MS 511.6. See chapter 4, n146 for MSS of these statutes.

<sup>31</sup> Gray, *Influence*, 380.

recently put it, statutes had become decontextualised from their parliamentary origin.<sup>32</sup>

These observations can first be explored negatively, by looking at the insignificance of the statute rolls themselves, and then through positive evidence, looking more closely at other officially generated copies of statutes, by way of comparison. The aim of this exercise will be to show how copies released by chancery officials, royal officers with specifically parliamentary (and thus, to some extent, public duties), must have been the ultimate source of versions of statutes as they appear in statute books and in other copies in wider circulation in the realm. A key ingredient in this story will be the production of statutes in both French and in English and what that tells us about the production of the texts of fifteenth-century statutes. Some reference will be made to privately made copies of statutes in circulation, generally in the form of *Nova Statuta* collections. This genre will, however, be introduced and discussed in considerably greater depth in its proper place in chapter four.

First of all, there is little evidence that can be derived from a physical examination to suggest that the statute rolls themselves were often used as the exemplars of further copies. After 1422, there is only a single marking that may show signs of collation of the statute roll against a derivative copy, possibly referable to a document sent to prior William Sellyng I of Canterbury in 1475.<sup>33</sup> There are some endorsements in *Nova Statuta* that indicate examination of their content, that is to say, checking. This is sometimes said to be specifically against ‘the roll’ (‘per rotulum’). These notes might therefore suggest the rolls were used for the collation of statute texts in *Nova Statuta*. Indeed, this may well have been true of copies derived directly from an official source, particularly those made in the fourteenth century. However, I have found no such examination markings later than 1436,<sup>34</sup> and even when earlier statutory material asserts that it had been compared with the roll, this is most unlikely to have often been literally true; in some instances the ‘examined’ material was seemingly never enrolled on the statute roll in the first

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<sup>32</sup> M. Hébert, *Parlementer: Assemblées Représentatives et Échange Politique en Europe Occidentale à la fin du Moyen Âge* (Paris, 2014), 502.

<sup>33</sup> C74/8, m. 2, in 7 Ed. IV c.5. This act was distributed, unusually in French for so late a date, in 1475: CCA, ChAnt/C/65.

<sup>34</sup> BL, Lans. MS 470, f. 267. As developed in chapter 4, this conclusion is based on examination of a large sample of around half of the known surviving *Nova Statuta* covering the period.



place.<sup>35</sup> It seems that fifteenth-century scribes primarily made copies from other copies, repeating examination markings like other rubric from their exemplars, such as the warranty notes from writs, which we can find copied out along with the statutory text itself, sometimes in display text.<sup>36</sup> We shall see in chapter four how statute book owners or printers borrowed other statute books in private hands for collation or copying.

The impression that statute rolls were neglected, even shortly after their production, is supported in a second way—by the lack of references to them in other contemporary sources. When the chancery sent statutory material to the exchequer, it sometimes used the terms ‘statutes’ or ‘statutes and ordinances’, but it never gave the statute rolls as a source.<sup>37</sup> Even a roll of two statutes sent by the chancery to the exchequer in 1432 was said to have been drawn simply from ‘chancery rolls’,<sup>38</sup> as was the Canterbury exemplification, already referred to. The exchequer, in a judicial writ addressed to the mayor and sheriffs of London in 1409 for the proclamation of certain older statutes, stated in the warranty note that it was issued ‘per librum de statutes’,<sup>39</sup> in other words, on the authority of its own statute compendium.<sup>40</sup> Such indifference is to be expected; the life of the statute was intended to be lived through its promulgation to the outside world. This was general legislation intended for the realm as a whole, and its text, though generally quite carefully prepared, was independent of any one record source. By the fifteenth century, statute could be relied upon in the courts without having to prove it by production of a sealed copy.<sup>41</sup> Royal judges seldom condescended to look at the text

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<sup>35</sup> The ordinance of labourers of 23 Ed. III is marked as ‘examinatur’ in CUL, Gg 5.7, f. 69. This is not present on C74/1; see also: SR, i. p. viii. D.C. Skemer, ‘Reading the Law: Statute Books and the Private Transmission of Legal Knowledge in Late Medieval England’, in *Learning the Law: Teaching and the Transmission of Law in England 1150–1900*, ed. J.A. Bush and A.A. Wijffels (1999), 113–131, at 121–2, takes these markings more literally; *idem*, ‘From Archives to the Book Trade: Private Statute Rolls in England, 1285–1307’, *Journal of the Society of Archivists*, 16 (1995), 193–206, 199n.

<sup>36</sup> E.g. CUL, Gg 5.7, ff. 92, 97v.

<sup>37</sup> Examples of ‘statute’ are: E175/4/2; E159/202, BB Pas. rot. 17. Examples of ‘statutes and ordinances’ are: E175/3/18; E175/4/20.

<sup>38</sup> E159/208, BB Pas. rot. 5d. This is almost certainly the enrolment of the covering writ for the roll now at E175/11/34.

<sup>39</sup> A warranty note, if included at the foot of a writ described the authority by which it had been issued, e.g. ‘by king and council’ etc.

<sup>40</sup> LBI, f. 78. Possibly a reference to E164/10.

<sup>41</sup> T.F.T. Plucknett, *Statutes & Their Interpretation in the First Half of the Fourteenth Century* (Cambridge, 1922), 104. The commons’ demand for sealing in 1406 described in Chrimes, *Constitutional Ideas*, 25 appears to have been exceptional by that date. See too: *ibid.*, 264.

at all in court; when they did refer to the form in which statutes were recorded, such references were, for example, to ‘les livres del statutes’.<sup>42</sup> Indeed, it was generally considered poor form for an advocate to give a specific citation for a legal reference of any kind, as opposed to pointing to ‘un ancient liver’. This may have been a forensic tactic designed to minimise the risk of contradiction by an opponent, by intentionally leaving the precise reference uncertain.<sup>43</sup>

A third reason to doubt the practical utility of the statute rolls is that there is evidence that their completion may have long post-dated the end of the session from which the statute in them was drawn, by which time their contents had already been communicated to the wider world through proclamations and from the distribution of other written copies. Outsiders in the legal profession and law book business may have made their own arrangements to obtain texts, as we shall see later. Intervals in the production of the statute roll may have still been relatively short up to about 1430. The statutes 1–2, 3–4, 6, and 8 Henry VI appear to have been drawn up separately, and subsequently stitched together to form a single roll.<sup>44</sup> By the 1450s, however, there are signs of change. It appears, for instance, that the statutes of 25–31 Henry VI were written up in the statute roll in one go, and those for 33–39 Henry VI added later.<sup>45</sup> If so, the roll could only have been of much practical use for the purpose of consultation of material already several years old. Moreover, many acts contained in these statutes were of limited duration. 27 Henry VI c.3, for instance, was only in force to the following parliament and would have lapsed about three years before it appears the roll recording it was drawn up.<sup>46</sup> As we shall see in chapter four and elsewhere, when considering charges used in peace sessions, the appearance of statutory material in tranches is mirrored in the production methods of the legal book market.

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<sup>42</sup> *YB*, Pas. 4 Ed. IV, pl. 4.

<sup>43</sup> J.H. Baker, ‘The Books of Common Law’, *CHBB*, iii. 413; J.A. Brundage, *The Medieval Origins of the Legal Profession* (Chicago, 2008), 440.

<sup>44</sup> C74/6: 1–2 Hen. VI, mm. 12–10; 3–4 Hen. VI; mm. 9–8; 6 Hen. VI, m. 7; 8 Hen. VI, mm. 6–1.

<sup>45</sup> C74/7. Note that similar gaps in material, such as 23 Hen. VI, are common in *Nova Statuta*, and in derivative texts. See chapters 4 and 7 below.

<sup>46</sup> 27 Hen. VI c. 2, 28 Hen. VI c. 4, 29 HVI. c. 2, 33 Hen. VI cc. 3–5 were all limited to 5 years; 28 Hen. VI c.1 to 7 years; 27 Hen. VI c. 4 caused 20 Hen. VI c. 3 to lapse at the next parliament; 27 Hen. VI c.5 would lapse in the following parliament, if cause were shown (*SR*, ii. 349, 351–2, 354, 356, 359, 374–5).

It is also instructive to look at certified copies of statutes issued by the chancery other than those enrolled on the statute rolls. For instance, one can compare the statute roll for the statutes from 25–29 Henry VI with an earlier version of the same statutes on two sealed parchment sheets, also produced by the chancery, and in French, in order to see the order in which these documents were produced.<sup>47</sup> This will permit us further to test the hypothesis that the rolls represent a version of the statutes posterior to copies issued by the chancery for proclamations or for other purposes, and thus that the texts that went into circulation in the wider realm differed from those contained in the formal chancery rolls. In 27 Henry VI c. 1, the sheets use the term ‘oiceux’ but the statute roll employs the synonym ‘udife’, over an erasure. Perhaps the latter struck the clerks, on mature reflection, as a better rendering of ‘idle’ in the English of the petitions that led to these acts? In the roll for 4 Edward IV, ‘udife’ was employed instead and it is reasonable to suppose that the clerk of parliament, John Faukes, or a colleague, had decided to re-visit the original translation.<sup>48</sup> More significantly, with a single exception (a duplicate roll in the exchequer dated after 1460 amended in the same way as the chancery roll),<sup>49</sup> all of the other copies of the statutes for these years I have examined in private statute books follow the parchment sheets for 25–29 Henry VI, and not the statute roll or its exchequer duplicate.<sup>50</sup> In the statutes men read and used, the idle thus remained ‘oiceux’. Another duplicate statute roll, for 6–8 Henry VI, was also sent to the exchequer. It may well have reflected an attempt by the royal government to re-issue the statute of 6 Henry VI without the so-called Royal Marriages Act, which was politically sensitive because it curtailed the king’s mother’s freedom to re-marry.<sup>51</sup> Attempts to impose, from above, a modified statute text in this way were a rarity. Such measures may have met with some success in this isolated case, though a substantial minority of the statute books examined for this thesis still include the Royal Marriages Act.<sup>52</sup> Yet the centre appears utterly to have failed to convince the

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<sup>47</sup> C74/7; E175/4/13. The latter appears to have been produced no earlier than 1451. The roll continues to 1460. Discussed by Gray, *Influence*, 392–400.

<sup>48</sup> C74/8, mm. 4, l. 2. See appendix 6, item 1, and, with other minor verbal substitutions, in items 2 and 3.

<sup>49</sup> E175/11/35.

<sup>50</sup> See the list in appendix 3.

<sup>51</sup> Addressed in more detail, Rowland, ‘End of the Statute Rolls’, 116–17. See particularly: R.A. Griffiths, ‘Queen Katherine of Valois and a Missing Statute of the Realm’, in *King and Country: England and Wales in the Fifteenth Century* (1991), 103–113.

<sup>52</sup> Listed in appendix 4, item (3).

makers and buyers of statute books that it really mattered which word was used to describe the idle.

A factor in the dwindling significance of the statute roll, save perhaps in the eyes of its immediate custodians, may have been the decline in French petitioning in parliament, which was effectively over by 1449.<sup>53</sup> English petitioning meant that it was now necessary to translate these documents in order to fashion a statute text, as well as to conduct the textual changes of the kind I have already described.<sup>54</sup> When we look at the versions of the acts resulting from these petitions, as they were published following a parliament, we see that French continued to be used as late as 1446 in texts sent to the exchequer.<sup>55</sup> Correspondingly, from 1434, legislation also began to be distributed by the chancery in English.<sup>56</sup> Often, this was in the form of the petition— there are examples from 1454 and 1474.<sup>57</sup> However, from 1454, at the latest, the chancery also periodically began to send English texts to the exchequer re-cast in statutory form.<sup>58</sup> These steps rendered the finalised French texts of the statute rolls an irrelevance when it came to what was sent out for proclamation.

Nonetheless, there must have remained a continuing demand for French versions of statutes, probably to serve the conservative tastes of lawyers or administrators who expected the material to be in this language. An unexpected consequence of official English versions of statutes must have been to force those who wanted a French text to go directly to the chancery for copy. Chancery clerks appear to have supplemented their incomes with fees for copying or permitting the copying of the French material.<sup>59</sup> Dodd has argued that different materials in government records required a different language and it is possible to develop this further by showing that context, or audience, was so important to language selection that a government

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<sup>53</sup> G. Dodd, 'The Rise of English, the Decline of French: Supplications to the English Crown, c.1420–1450', *Speculum*, 86 (2011), 117–150. The last enrolled French petition is *PROME*, xii. 62–3.

<sup>54</sup> Dodd briefly treats the statute roll in 'The Spread of English in the Records of the Central Government, 1400–1430', in *Vernacularity in England and Wales, c. 1300–1550*, ed. E. Salter & H. Wicker (Turnhout, 2011), 225–266, at 234–5.

<sup>55</sup> E159/223, *BB* Mich. rot. 4, *Rec.* Mich. rot. 34d (23 Hen. VI c.9).

<sup>56</sup> E159/210, *BB* Hil. rot. 19d, *Rec.* Hil. rot. 2 (11 Hen. VI c.9).

<sup>57</sup> E159/231, *Rec.* Mich. rot. 39 (including some petitions that were not included in the finished statute) (*PROME*, xii. 273–4); 31 Hen. VI cc. 3 and 8 (*PROME*, xii. 271); 31 Hen VI c.5 (*PROME*, xii. 264–70); E159/252, *Rec.* Mich. rot. 36; E175/11/51 (12 Ed. IV cc.1, 9 and 7).

<sup>58</sup> E159/230, *Rec.* Trin. rot. 18, writ dated 2 Jul. 1454 (see appendix 1). Discussed further below.

<sup>59</sup> See chapter 4, section 4.3.2 below.

agency could simultaneously produce the same material in the vernacular and in French.<sup>60</sup> In more institutional terms, no meaningful distinction can surely be made between the status of the English versions, sent to government officers under chancery writs, and the versions enrolled in French. If it is valid to talk of an official text at all, it seems to make little sense to say that the French text was such and the other an informal, vernacular copy. To suggest otherwise turns the supposedly superior standing of the French text of the roll into a self-fulfilling prophecy. In this context, the statute rolls were, thus, far from being the sole official manifestation of the statutes by the mid fifteenth century. Accordingly, it may not ultimately be a point of the utmost significance to resolve whether the statute rolls expired in 1487, or before. There is evidence from the 1560s to suggest that chancery material up to the end of Edward IV's reign had been sent to the Tower by 1483.<sup>61</sup> This would have been the most likely terminal date of the roll following the last now to survive, if one were ever produced. It is certainly hard to understand what the function of the rolls was, even by the end of the last surviving one, in 1468, other than to satiate a sense of administrative habit.

To conclude the present discussion, the flaw in the traditional view of the later statutes seems to be that it has been based on an unhelpful preoccupation with the published edition of the chancery statute roll, printed in the early nineteenth century with the trappings of royal authority, in which this roll is seen as the finished embodiment, the reification, of the statutes.<sup>62</sup> An account concentrating on the formal chancery record will inevitably produce a conclusion lacking wider context, biased towards an institutionally top-down explanation of any change discovered. What mattered were the statutes at an earlier stage in the process, as drafted in French, and increasingly also in English over the course of this period. These were used for onward distribution by proclamation and through other governmental channels and, it would seem, as exemplars for the statute book industry. A more developed understanding of the sources of statute texts will emerge when one takes

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<sup>60</sup> 'The Spread of English', 264–6.

<sup>61</sup> For these points, Elton, 'Rolls of Parliament', 110–12; M.F. Bond, 'The Formation of the Archives of Parliament', *Journal of the Society of Archivists*, 1 (1955–9), 151–8.

<sup>62</sup> *SR*, i. & ii., Introductions. For background: P. Walne, 'The Record Commissions, 1800–1837', *Journal of the Soc. of Archivists*, 2 (1960–4), 8–16; M.M. Condon & E. Hallam, 'Government Printing of the Public Records in the Eighteenth Century', *Journal of the Soc. of Archivists*, 7 (1984), 348–388.

the approach of looking primarily at the statutes from the perspective of those who used and read them – of those who owned manuscript and printed statute books, officials in government departments who received copies of statutes issued by the chancery, officials who may have been involved in distributing them, or of those who may have heard statutes proclaimed. This was in many respects the approach Richardson and Sayles were forced to take in order to understand the sources for the early statute rolls,<sup>63</sup> and it is what the remainder of this chapter and those that follow it seek to do.

## *2.2. Royal Proclamations of Parliamentary Legislation*

We have already seen in chapter one that proclamations, and the aural reception of parliamentary legislation through them, seem to be the principal way by which medievalists have perceived that the contents of new laws were communicated by centre to locality. This makes the place of royal proclamations among the congeries of ways by which subjects learned about what parliament had enacted a central question to be addressed in this thesis. In particular, any conceptualisation of political communication in late-medieval England that emphasises the primacy of the proclamation of parliamentary legislation needs to establish that there was a functioning system for making these announcements– an effective, repeatable pattern of administrative behaviour. Moreover, to make such an argument convincing, it seems also to be necessary to make a number of refinements. Even if private acts were often of limited scope, and may not therefore have required widespread publication (a reason why I have concentrated, so far, on statutes in this chapter), a truly effective system of proclamation must surely, as a minimum, have caused oral announcements to be made of all, or nearly all, of newly-enacted statutes, as the public legislation of the realm. Furthermore, such a system would have required this to be done reasonably soon after parliament had ended, and across the realm. Further, those proclamations had to be heard, and to be comprehensible to as wide an audience as possible. These are not exiguous requirements. The remainder of this chapter is devoted to testing these propositions.

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<sup>63</sup> ‘The Early Statutes’.

To make two further introductory points, first, throughout, I shall use the term ‘general proclamation’ to describe proclamations of complete statutes or of substantial bodies of statutory material, in contrast with other kinds of more specific announcement.<sup>64</sup> Secondly, it will periodically be necessary to refer to royal proclamations other than those of parliamentary legislation. As will be made clear, this will be where required for reasons of comparison or, more frequently, because the evidence is not unique to the kinds of royal proclamation I am concerned with.

### *2.2.1. The Typology of Royal Proclamations of Parliamentary Legislation*

Royal proclamations were almost always initiated by a chancery writ, originally addressed to the sheriffs, but, increasingly, also to the JPs or other officials, as we shall see. A writ for a proclamation of legislation usually annexed a copy of the legislative text, either in a schedule sealed patent under the great seal, or a schedule sealed close, with firm instructions to cause that text to be proclaimed in various places. Sometimes, it simply gave a shorter message, extracting an instruction out of the legislation. Such writs frequently remained in Latin. Proclamations were used for a number of other kinds of announcement, but, for those concerning legislation, what we know about most of these comes from the enrolment of proclamation writs to sheriffs on the statute roll up to 1424. General proclamations were very rarely made under writs that the sheriffs had to return to the chancery, and only returned writs now seem to have been preserved in other chancery files.<sup>65</sup> Royal proclamations of any kind are, indeed, a leading instance of where the otherwise plentiful administrative records of late-medieval England are wanting. Thus, it is essential to tread carefully in making any positive argument based on a lack of surviving evidence.<sup>66</sup> A smaller number of outgoing proclamation writs relating to legislation were enrolled elsewhere, usually on the chancery close roll, but not

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<sup>64</sup> This distinction is not apparent in the source material deployed in Maddicott, ‘County Community’.

<sup>65</sup> After 1334, the only returnable general proclamation writ recorded in *SR* is at i. 378, though survivals in class C255 suggest there were others. J.A. Doig, ‘Political Propaganda and Royal Proclamations in the Late Middle Ages’, *HR*, 71 (1998), 253–280, at 255–6. The above account also incorporates generalisations made from C255/3 and the writs in *SR*.

<sup>66</sup> A point developed by Michael Hicks in a paper to the IHR Late-medieval seminar, 8 Mar. 2013.

systematically. Other examples of royal proclamations of legislation can be found in the records of the royal courts, and in borough archives.

With that introduction, it seems appropriate to begin with what kinds of announcements of parliamentary legislation there were, and also to say more about their function. The latter will have some bearing on proclamations as deeds and as statements or commands. No attempt at statistical analysis will be attempted of the proclamations surviving in chancery records, or in local archives, because of arbitrary rates of survival. There is, nonetheless, another valuable source for specifically legislative proclamations: the parliament roll. This can be used to consider what proclamations were *required* to be made by enrolled legislation. Whilst this is a self-selecting class, it can at least be said to be relatively complete. Much as Heinze was able to do for early-Tudor proclamations, proclamations required by enrolled legislation can be broken-down by subject matter and by procedural function.<sup>67</sup> The results are set out in Tables (a) and (b).

*Table (a): Analysis of subject matter of proclamations required to be made by parliamentary act: 1422–85*<sup>68</sup>

No.	Subject matter	Total 1422– 60	Total 1461– 85
1.	Proclamation of earlier statutes	12 <sup>69</sup>	3 <sup>70</sup>
2.	On Irish/Welsh	3	1
3.	Subsidies/ ancillary to tax grants/ crown debt etc.	4	4
4.	Proclamation as part of a summons procedure before the king or a court	17	14
5.	Proclamation required in private judicial business (other than to summon defendant)	4	2
6.	Coinage	2	1
7.	On royal officers	2	0

<sup>67</sup> Heinze, *Proclamations*, 55–64.

<sup>68</sup> Table (a) is based on the enacted legislation recorded in *PROME*, together with additional un-enrolled private petitions.

<sup>69</sup> This total includes 4 proclamations that would otherwise have been categorised as concerning aulnage, cloths or weights and measures, one on general legal procedures, one on trade, one on royal officials and one on servants and labourers. They are not included twice.

<sup>70</sup> Includes 1 item, *PROME*, xiv. 413, where the requirement for proclamation can be inferred from *YB*, 1 Hen. VII, Mich., pl. 3.



8.	General law and order	4	0 <sup>71</sup>
9.	Amendments to legal procedures	2	2
10.	Aulnage/cloths/fairs	1	0
11.	Staple/ trade	6	3
12.	High politics	5	0
13.	Military practices/ truces etc.	4	0
14.	Conduct of elections <sup>72</sup>	2	0
15.	Servants and labourers	0	0
16.	Apparel	0	1
	TOTALS	68	31

*Table (b): Analysis of the procedural functions of proclamations required by parliamentary act: 1422–85*

Sources:

*PROME*

*RP*

*SR*

*C255/3/9–11*

No.	Function or role of proclamation within the act	Total 1422–60	Total 1461–85
1.	Condition of commencement or enforcement	5	2
2.	Suspends and then re-implements earlier legislation	1	1
3.	Establishes a legal procedure which requires proclamation within that process	27	15
4.	Announcement of the terms of the act	17	2
5.	Announcement of earlier legislation or requirement to comply with/ enforce such legislation	9	3
6.	Notification to appear/ comply with an administrative process	9	7
7.	Delegated power to king to modify act	0	1
	TOTALS	68	31

Categorisation by subject is an inexact science. Nonetheless, it is notable how many proclamations were intended as steps in legal proceedings, often in cases between individuals or bodies. Most of these were derived from private petitions, in the form of a summons to an alleged malefactor to appear before the king, or in a specified court. If anything, these proclamations are probably significantly under-recorded, as

<sup>71</sup> The 3 proclamations of earlier statutes in row No. 1 of this table were all primarily directed at disorders, liveries etc.

<sup>72</sup> Proclamations of prorogations of parliament have been omitted.

petitions seeking them were very often un-enrolled.<sup>73</sup> Indeed, one returned writ in the chancery archive evidences a parliamentary petition not apparently previously known.<sup>74</sup> Thorough examination of court records would probably reveal many further examples. Such conclusions also appear to support, and are consistent with, Dodd's view that private petitioning remained a significant ingredient in parliamentary affairs throughout the late-medieval period.<sup>75</sup>

There was a political expectation, a pressure, placed upon royal government to seek to enforce certain existing statutes more effectively, usually those relating to law and order, livery and maintenance, purveyance, sumptuary laws and on weights and measures. This pressure will be referred to again later this chapter because it has a clear connection with complaints that statutes were insufficiently proclaimed.<sup>76</sup> For present purposes, however, it was reflected in the numerous re-statements of earlier statutory legislation shown in tables (a) and (b), and is confirmed by the presence of such proclamation texts in other sources. It does not appear to have been necessary to obtain parliamentary sanction for such action— after all, these statutes remained in force. In 1426, a patent of the tenor of the policing statute of Winchester of 1285 and of 7 Richard II c.7 was sent to sheriffs for them to retain and to pass to the JPs for them to proclaim four times a year.<sup>77</sup> Further examples of similar re-proclamations of earlier statutes could be given from 1441,<sup>78</sup> 1444,<sup>79</sup> and 1457.<sup>80</sup> Often, however, there was an element of parliamentary involvement in the making of such a proclamation. Indeed, a proclamation of earlier legislation on purveyance, made in 1423 or 1424 was specifically directed by statute.<sup>81</sup> Another text of this composite kind from 1434, again mis-described as a statute, is contained in a number of manuscript statute books.<sup>82</sup> There was a similar request to re-proclaim

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<sup>73</sup> E.g. KB145/7/5: petitions to the 1463–5 parliament by, respectively, Robert Rous and others, and by Katherine Bee.

<sup>74</sup> C255/3/9/30: a private petition by William Vernon esq., probably presented to the Leicester session of the 1449–50 parliament.

<sup>75</sup> Dodd, *Justice and Grace*, 194–6, 317.

<sup>76</sup> References will be given then.

<sup>77</sup> *CCR*, 1422–9, pp. 316–7.

<sup>78</sup> *CCR*, 1435–41, pp. 480–1.

<sup>79</sup> *CCR*, 1441–7, p. 224.

<sup>80</sup> *Foedera*, V.i. 71; *CCR*, 1454–61, p. 205.

<sup>81</sup> Required by 1 Hen. VI c.2 (*SR*, ii. 213). The contents of this proclamation are identified and copies of it listed in appendix 4, item (1).

<sup>82</sup> Under *CCR*, 1429–35, p. 315. Its contents are identified and copies listed in appendix 4, item (2). The 1434 text is discussed further in the next chapter.

older statutes in the prorogation speech of George Neville to the 1461 parliament.<sup>83</sup> Finally, by inference from a discussion between royal judges at Blackfriars prior to Henry VII's first parliament, it seems likely that another collection of statutes was assembled and proclaimed during the reign of Edward IV.<sup>84</sup>

Of course, newer legislation was sometimes included in these repeated announcements. Indeed, the 1434 collection included legislation (then) only five years old.<sup>85</sup> Additionally, proclamations were made, as in the fourteenth century, of specific measures shortly after they were enacted. This was sometimes done whether or not the act in question actually required this course to be taken. Thus, a proclamation of 1 March 1432 to enforce the Danish staple was sent to the sheriff of Devon and to thirteen other, mostly coastal, places. This expressly mentioned the act of 8 Henry VI c.2 on this subject.<sup>86</sup> It is plain too that the crown ordered proclamations of specific legislation soon after its enactment and that all trace of these announcements is often lost from the government archive. For instance, we know that the 'Statute of Reteyners', surely the 1468 act on livery, was proclaimed in Nottingham on 8 February 1469 from a record held there.<sup>87</sup> Not all specific proclamations were instigated by the government at all. The Pewterers of London obtained a private proclamation for the powers of search contained in their charter of 14 April 1478.<sup>88</sup>

Certain parliamentary acts required their own proclamation. As table (b) suggests, this was less common after 1461 than previously. What did become more frequent were proclamations performing increasingly sophisticated procedural functions, such as the suspension, commencement, or modification of legislation. These

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<sup>83</sup> *PROME*, xiii. 64–6.

<sup>84</sup> '... bons Statutes moult profitables al Royaume ... ceux Statutes q[e] fuer[ent] compiles en temps E. 4 & mis en chescun County as s[on] Justices de paix a eux proclamer et executer...' ['... good statutes much profitable for the realm... those statutes which were compiled in the time of Ed. IV and sent to every county to its JPs to be proclaimed and executed by them ...'] *YB*, 1 Hen. VII, Mich. pl. 3. I have not translated this entirely literally, to suggest the statutes had to be read *to* the JPs.

<sup>85</sup> Namely, 8 Hen. VI cc. 4–5, 8–9 & 14 found in, for example, BL, Stowe 389, ff. 105v–118.

<sup>86</sup> *Foedera*, IV.ii. 177; *CCR*, 1429–35, p. 180.

<sup>87</sup> *The Records of the Borough of Nottingham*, vol. ii, ed. W.H. Stevenson (1883), 425; M.A. Hicks, 'The 1468 Statute of Livery', *HR*, 64 (1991), 15–28.

<sup>88</sup> C. Welch (ed.), *History of the Worshipful Company of Pewterers of the City of London* (1902), 52.

anticipate the Tudor practices described by Heinze.<sup>89</sup> A good example is the 1478 suspension and re-implementation (and proclamation) of the 1463 act of apparel, done because the earlier legislation was not perceived as being widely known.<sup>90</sup> A further instance came in response to 1 Richard III c.8 on cloths, which we have already mentioned earlier in this chapter when illustrating how a petition might be put into statutory form.<sup>91</sup> Later in 1484, in response to protests, and with no parliament sitting, Richard was compelled to issue a proclamation suspending parts of this act.<sup>92</sup> Sometimes, a proclamation implemented procedural triggers built into the legislation in question. A parliamentary ordinance of October 1473 required certain creditors of the crown under any bill or assignment on assets within the personal patrimony of the king predating 1 December 1470 to attend the barons of the exchequer before 10 April 1475 to prove their debt.<sup>93</sup> The proclamation writ in question was dated 27 February 1474.<sup>94</sup>

So far, most, if not all, of the proclamations I have described were of specific measures. There is more limited direct evidence of general proclamations being made in the period in question.<sup>95</sup> In the first statute roll of the period, the statute of 2 Henry VI starts with a writ to the sheriff of Middlesex dated 1 July 1424 attaching a schedule sealed patent ordering him to proclaim the statute in various places within his bailiwick.<sup>96</sup> The next writ of a similar nature to survive is in the English printing of the 1504 statute by William Facques.<sup>97</sup> In considering whether this apparent lapse is real, or merely reflects an absence of surviving source material, it is striking that local copies of statutes, almost certainly derived from generally proclaimed material, do not appear to survive in numbers from after the 1420s. London had been particularly assiduous in entering statutes into its *Letter Books*, but the practice

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<sup>89</sup> Heinze, *Proclamations*, 44–5. These functions resemble those of some modern secondary legislation.

<sup>90</sup> *PROME*, xiv. 392–5.

<sup>91</sup> 1 Ric. III, c. 8 (*SR*, ii. 484–9).

<sup>92</sup> Steele, *Proclamations*, pp. clxxx–clxxxi; *CPR*, 1476–85, p. 494. For context, see: A.F. Sutton, *The Mercery of London: Trade, Goods and People, 1130–1578* (Aldershot, 2005), 289; *Acts of Court of the Mercers Company, 1453–1527*, ed. L. Lyell & F. Watney (Cambridge 1936), 159–160.

<sup>93</sup> *PROME*, xiv. 144–6.

<sup>94</sup> C255/3/11/3–30; *CCR*, 1468–76, p. 333.

<sup>95</sup> Richardson & Sayles, ‘The Early Statutes’, 23–5; M.C. Hill, *The King’s Messengers 1199–1377* (1961), 90–1 provides evidence of payments to royal messengers for their delivery and *passim* on the service generally. See too: P. Chaplais, *English Diplomatic Practice in the Middle Ages* (2003), 135–6.

<sup>96</sup> *SR*, ii. 216; C74/6, m. 12.

<sup>97</sup> STC 9357.

ended in 1430; a similar convention lapsed at York in the early 1420s.<sup>98</sup> Sampling of payments to royal messengers for delivering statutes recorded in the exchequer issue rolls suggests, however, that the practice of sending statutes out for general proclamation continued until at least the 1440s,<sup>99</sup> and the uncertainties of record keeping are such that it is unwise to conclude the practice did not continue thereafter.<sup>100</sup> Nonetheless, after 1442, there is no clear evidence that the king's senior, retained messengers were specifically paid to take general proclamations around the realm, as had once been frequently the case. If the task was left to more junior cursors, and their expenses subsumed into ordinary salaries, or to messengers from the royal chamber, this suggests that taking general proclamations of statutes around the realm was accorded a notably lower priority than announcements of truces or numerous other royal writs and letters under the various seals, the distribution of which was often meticulously recorded.<sup>101</sup>

Considerable numbers of parchment sheets, apparently identical to those that would have been annexed to general proclamation writs, survive for statutes between 1431 and 1445.<sup>102</sup> This suggests that it was normal to produce multiple statute copies after every parliament. Similar sheets were sent to the exchequer, such as two large patents in a chancery hand containing the complete statutes of 25–29 Henry VI. These have already been discussed in conjunction with the statute roll.<sup>103</sup> It is possible that schedules of this kind, intended for proclamation, were still created in French after 1451, but this is rendered distinctly unlikely by the appearance of statutes given in English from 1454 onwards, as has already been alluded to in the previous section. That earliest example is of an act concerning compliance with

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<sup>98</sup> *York Mem. Bk. A/Y*, i. 207, 214–16, 221, 235; ii. 99, 100, 129–131 (c. 1424); *Lib. A*, 543–9 for the LB refs. up to 3 Hen. V; then, LBI, ff. 265, 270v–2v; LBK, ff. 23v–5v, 32v, 35v, 40, 79–83v.

<sup>99</sup> E403/664, m. 12 (2 Hen. VI); E403/675, m. 12 (4 Hen. VI); E403/694, m. 15 (8 Hen. VI); possibly E403/721, m. 15 (14 Hen. VI); E403/736, m. 17 (18 Hen. VI), done notably soon after parliament ended); E403/745, m. 11 (20 Hen. VI).

<sup>100</sup> The picture is complicated by several interconnected factors: royal insolvency, leading to increased use of assignment and related difficulties in paying the messengers; the move from the late 1450s to the chamber as a centre of government; the incomplete survival of issue rolls from the same time.

<sup>101</sup> A generalisation made from perusal of E403/824–6, 827A, 828, 830, 832, 839–40, 845, 848, 851 (all post-1461): messengers paid for delivery of numerous letters, writs, proclamations of truces etc., but no proclamations of statutes. The country was divided into circuits of 4 to 5 counties: Hill, *King's Messengers*, 90.

<sup>102</sup> C49/11/2–28; C49/20/22.

<sup>103</sup> E175/4/4, a patent of 15 Hen. VI, without c.4; E175/4/6, a patent of 18 Hen. VI; E175/4/11, a schedule of 23 Hen. VI to c.16; E175/4/13, a patent of 25–9 Hen. VI.

royal summonses.<sup>104</sup> This was directed at the Percy – Neville disorders in the North, and was intended for proclamation, as its terms required. It would appear that the Yorkist council of the first protectorate, under Salisbury as chancellor, wanted an English text, much as the Yorkists are said to have later used English proclamations.<sup>105</sup> Though a desire for speed, to avoid the stage of translation back into French is a possible explanation, it seems more likely that this change of practice was motivated by a genuine desire to improve communication with the intended audience for the legislation. The Neville or Yorkist council may have been similarly responding to an increasing public desire for English to be employed in promulgations made by the administrative side of chancery. This instance was not a one-off. A statutory English version of the important act of 1461 curtailing the jurisdiction of the sheriff's tourn was probably widely circulated.<sup>106</sup> Substantial collections of part, but not all, of the statutes of 1463, 1464 and 1484 were also sent in statutory form to the exchequer, and very probably elsewhere.<sup>107</sup> Furthermore, by the Yorkist period, bills were increasingly prepared in the form of the intended act, that is to say, in statutory form. These too were distributed in English by chancery to the exchequer, for instance, in 1475.<sup>108</sup> The context of these innovations strongly suggests the texts in question were produced for urgent proclamation, without forcing the sheriff's official to translate them himself when he received his instructions. It seems wholly implausible to think that proclamations perversely resisted the shift to English in statutory texts and that there is a further class of French proclamation text, now wholly lost, ignored by the chancery when communicating with the exchequer and other government officials, but nonetheless sent out to inform the public. Moreover, Yorkist political proclamations of other

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<sup>104</sup> For the background, see R.A. Griffiths, 'Local Rivalries and National Politics: The Percies, the Nevilles and the Duke of Exeter, 1452–4', in Griffiths, *King and Country*, 321–364; *idem*, *The Reign of King Henry VI: The Exercise of Royal Authority, 1422–61* (Berkeley CA, 1981), 736–8; B. Wolffe, *Henry VI* (1981), 280–2. A great seal writ made in this parliament (possibly this act) was sent for proclamation: E403/799, m. 1.

<sup>105</sup> C. Ross, 'Rumour, Propaganda and Public Opinion in the Wars of the Roses', in *Patronage, the Crown and the Provinces in Later Medieval England*, ed. R.A. Griffiths (Gloucester, 1981), 15–32; A. Allan, 'Royal Propaganda and Proclamations of Edward IV', *BIHR*, 59 (1986), 146–154.

<sup>106</sup> BL, Harl. MS 5233, ff. 1v–3v (1 Ed. IV c.2).

<sup>107</sup> E159/240, *Rec. Hil. rot. 24*, E175/4/20 (3 Ed. IV c.4); E159/242, *Rec. Trin. rot. 37*, E175/11/44 (3 Ed. IV cc. 1, 2 and 4 (less a proviso)); 4 Ed. IV cc. 1–9 (less provisos to cc. 5 & 7); E159/261, *Rec. Mich. rot. 30* (1 Ric. III cc. 8, 9, 10 & 12).

<sup>108</sup> E159/252, *Rec. Trin. rot. 23* (*PROME*, xiv. 335–340). These are versions of 14 Ed. IV cc. 1–3. For the practice of preparing bills in the form of acts, see A.R. Myers, 'Parliament, 1422–1509', in Davies & Denton, *Eng. Parl.*, 141–184, at 179–80; *OHLE*, vi. 76–7.

kinds are known to have marked a consolidation in the use of English.<sup>109</sup> The very suitability of the vernacular statute texts surveyed above for general proclamation, together with the strong physical similarities between the schedules that survive for these texts to those pre-dating 1424, suggests that the practice of making general proclamations of statutes continued to some extent, at least, throughout our period.

### 2.2.2. *The Location and Making of Royal Proclamations of Parliamentary Legislation*

Royal writs often stipulated where proclamations of legislation should be made. Sometimes this was the county court, though less frequently for fourteenth-century general proclamations than might be imagined.<sup>110</sup> More often, a wider range of venues was specified,<sup>111</sup> or this was left to the recipient's discretion.<sup>112</sup> By the fifteenth century, sessions of the peace or the assizes became increasingly common venues, perhaps coming to eclipse the county courts.<sup>113</sup> As has been seen, JPs were already required to announce the policing statute of Winchester and related legislation quarterly at their sessions.<sup>114</sup> Individual acts of parliament were certainly also directed to be proclaimed in the quarterly peace sessions; what survives may represent the tip of the iceberg.<sup>115</sup> Indeed, it is possible that much or all of the first day of peace sessions was devoted to formal business, including royal proclamations of all kinds.<sup>116</sup> The town square or marketplace was certainly another pivotal venue for proclamations and, indeed, the spatial aspects of such locations are important.<sup>117</sup> Markets were a confluence, at which outsiders and visitors as well as the residents (male and female) and the freemen of towns are likely to have been present. Conversely, there may have been considerable difficulties with audibility in large outside spaces, besides the counter-attractions of commerce, taverns, the

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<sup>109</sup> Allan, 'Royal Propaganda', 146–154; Ross, 'Rumour, Propaganda'.

<sup>110</sup> I assess that only 7 statutes were required to be proclaimed there by writ in the reign of Edward III, cf. Maddicott, 'County Community': *SR*, i. 261, 278–9, 281, 324, 353, 377. In several of these instances, discretion was also conferred to proclaim elsewhere.

<sup>111</sup> J. Masschaele, 'The Public Space of the Market Place in Medieval England', *Speculum*, 77 (2002), 383–421; Doig, 'Political Propaganda', 258–260.

<sup>112</sup> E.g. *SR*, i. 308 (the ordinance of labourers); ii. 11, 15, 23, 216 (of 2 Hen. VI).

<sup>113</sup> Maddicott, 'County Community', 41–2.

<sup>114</sup> By 7 Ric. II c.6 (*SR*, ii. 33, 36). Or in 1426: *CCR*, 1422–1429, pp. 316–17; *LBK*, ff. 42, 44v–5.

<sup>115</sup> *BL*, Harley MS 5233, ff. 1v–3v.

<sup>116</sup> Putnam, *Proceedings*, p. xcix.

<sup>117</sup> Masschaele, 'Public Space', 390–9.

presence of livestock and so on. Moreover, the rural population will still have had to travel into the local town, and on the right day, to have been able to hear such a performance. It does not appear to have been normal in England, unlike in the Low Countries or France, for cries to be made from the balconies (*bretèches*) of civic buildings.<sup>118</sup> In court sessions, the pressure of suitors, or the fact that witnesses, local officials and jurors had been summoned, may have made them appropriate occasions for an audience to be present to hear a proclamation, but these circumstances may equally also have generated an impatience to get through the formal business of crown administration as quickly as possible. Analogous evidence from towns relating to proclamations of their own ordinances shows that many had accustomed places for cries to be made.<sup>119</sup> Sandwich's customal refers to fourteen usual places.<sup>120</sup> An ordinance at Canterbury in 1473 required its proclamation at St Andrew's Corner.<sup>121</sup> The constable of Lydd favoured the church stile.<sup>122</sup> Proclamations on market matters would be made, naturally enough, in places of commerce, for instance, in Norwich and Rye.<sup>123</sup> In Ipswich, specific trading measures were to be proclaimed at the Cornhill and the Fish Market.<sup>124</sup> In 1437–8, the authorities of Lydd wanted to fix outside fishermen with knowledge of their local rules. Officials therefore crossed the Ness to do so.<sup>125</sup>

Who made royal proclamations of parliamentary legislation? Whilst the evidence is lacking, it seems that, generally, the county sheriffs used bailiffs or criers to make proclamations; most royal courts had nominated criers.<sup>126</sup> Similarly, it appears that towns used their own officers.<sup>127</sup> There is much better evidence of their activities, though it again requires us to stray outside the confines of proclamations of national laws, there being no real reason to think that this particular kind of announcement

<sup>118</sup> N. Offenstadt, *En Place Publique: Jean de Gascogne, Crieur au XV<sup>e</sup> Siècle* (Paris, 2013), 132.

<sup>119</sup> *The York House Books 1461–1490*, ed. L.C. Attreed (2 vols., Stroud, 1991), i. 315 (1484): 'iiij generall placez of the citie'.

<sup>120</sup> W. Boys, *Collections for a History of Sandwich in Kent, with Notices of the other Cinque Ports* (Canterbury, 1792), 498.

<sup>121</sup> CCA-CA-OA2, f. 11v.

<sup>122</sup> KHLC, Ly/2/1/1/1, ff. 57, 147, 149; *Lydd Accounts*, 302.

<sup>123</sup> ESRO, RYE/6/33/2/7, f. 41; *Nor.Recs.*, ii. 103.

<sup>124</sup> SROI, C/4/1/4, f. 207.

<sup>125</sup> KHLC, Ly/2/1/1/1, f. 22v.

<sup>126</sup> Palmer, *County Courts*, 28–55 does not mention a crier, probably through lack of evidence. For the crier of the court of the marshalsea of the household: J.H. Johnson, 'The King's Wardrobe and Household', in *The English Government at Work, 1327–1336*, ed. J.F. Willard & W.A. Morris (3 vols., Cambridge MA, 1940–7), i. 206–249, at 247–8.

<sup>127</sup> Doig, 'Political Propaganda', 257.



was exceptional. Lydd and other Cinque Ports were scrupulous to record that an incoming messenger was only the *bearer* of a document. Lydd, on occasions, paid a man separately for proclaiming what the messenger had brought.<sup>128</sup> At Lynn in 1411, the royal messenger John Sewale brought a copy of a proclamation of a truce, but the town's clerk seems to have been the one to declaim it.<sup>129</sup> Only where an outside agency held jurisdiction does it appear that its officials were permitted to make cries, such as for those made at Lydd on admiralty matters.<sup>130</sup> As for those appointed to make proclamations in towns, Coventry's mayor or leet appear to have nominated or elected a crier annually,<sup>131</sup> and London's common sergeant-at-arms doubled-up as common crier, receiving a salary of 60s. a year, and 12d. for each proclamation.<sup>132</sup> The bailiffs of the Cinque Ports made proclamations during the Yarmouth herring fair through mounted officials who played musical instruments.<sup>133</sup> Dover employed an officer, variously a piper, wait or crier (*fistulator*) at 20s. per year, plus small fees for each cry.<sup>134</sup> The most senior visiting royal or other officials, such as harbingers or pursuivants did periodically make proclamations themselves. But this seems to have been done only in moments of urgency. As exceptional events, these are not often likely to have concerned proclamations of legislation.<sup>135</sup>

Assuming that these visiting officials had visible trappings of their office, or perhaps displayed the royal seal on their instructions,<sup>136</sup> it would have been obvious to the audience that a distinctly *royal* proclamation (or perhaps one authorised by a senior member of the nobility) was being made. Otherwise, at least in towns, where

<sup>128</sup> KHLC, Ly/2/1/1/1, f. 51v.

<sup>129</sup> 'William Asshebourne's Book, King's Lynn Corporation Archives 10/2', ed. D.M. Owens (Norfolk Record Soc., 1981), 76. It would seem odd for a writ to order the recipient to proclaim, but then for the carrier of the writ to do it instead. Further, it stands to reason that the king's messengers were not left to kick their heels, waiting for the next market or court day to make the cry.

<sup>130</sup> KHLC, Ly/2/1/1/1, f. 51v (man of lieutenant of the warden paid).

<sup>131</sup> *CLB*, 503, 521–2, 528–9, 533–4, 540 etc. (references to the annual election or choice of a crier).

<sup>132</sup> *Lib.A*, i. 49; Barron, *London in LMA*, 190–1.

<sup>133</sup> 'The Cinque Ports and Great Yarmouth. Bailiffs' Report, 1588', ed. W.L. Rutton, *Archaeologia Cantiana*, 23 (1898), 161–183, at 175.

<sup>134</sup> 'Fistulator': BL, Add. MSS 29615–17, 29810; BL, Egerton MSS 2090, 2105, 2107, *passim*; 'pypere': BL, Add. MS 29616, ff. 193v, 209; 'wayte': *ibid.*, f. 193.

<sup>135</sup> *Lydd Accounts*, 57: 4s. to a king's harbinger (1435–6); Ly/2/1/1/1, f. 21v: 6s. 8d. to a harbinger of the earl of Warwick (1437–8). The king's (exchequer) messengers are not often named in local accounts, though John Sewale was by Lynn.

<sup>136</sup> In illustrated continental MSS, the crier is usually depicted holding a *sealed* document: C. Bellanger, 'Cri et Crieurs dans l'image', in 'Haro! Noel! Oye!' *Pratiques du Cri au Moyen Âge*, ed. D. Lett & N. Offenstadt (Paris, 2003), 69–91, at 70.

the local crier was used, the sense of authority conveyed may have been more mixed. It must have been patent from the text that a general proclamation of a new statute had been sent by the king, but this was perhaps less immediately apparent where the text was either a re-proclamation of older legislation, possibly mediated through local implementation and refinement (as we shall encounter in chapters five and six), or a specific announcement targeted at the locality in question. Evidently, there were ritualised aspects to the making of proclamations. One that is relevant in this context is the use of opening annunciatory words, a performative label. In Sandwich, as early as 1301, these are stated in the vernacular: ‘Pees a godys half, pees’, repeated two or three times.<sup>137</sup> But ‘oyez’ was already in wider use. It seems an inevitable inference to draw from procedural tracts that, if ‘oyez’ was repeated three times, this signified that the town court or court leet in question held delegated royal authority by grant or prescription; in contrast, in an entirely private court baron, ‘oyez’ was only used once before a proclamation was made.<sup>138</sup> The trappings of royal authority were occasionally borrowed by rival groups acting in the course of urban conflicts, for instance at York in 1380–1,<sup>139</sup> and the improper invocation of royal authority for making a cry was regarded as a serious matter.<sup>140</sup> But the fact that this could conceivably have been done merely by uttering a duosyllable three times shows how easy it was for the initiatives behind proclamations to become obscured.

The use of ‘oyez’ is perhaps of more immediate value in assessing *how* proclamations were made by a crier. Principally, its use appears to have no bearing on the language used in the oral proclamation it preceded, a point on which I am

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<sup>137</sup> KHLC, Sa/LC1, f. 4. Also: Sa/LC2, f. 3; BL, Cotton Julius B iv, f. 75v; BL, Cotton Julius B v, f. 40.

<sup>138</sup> STC 7705 (a tract on procedure in courts baron and view of frankpledge), sig. a[i]: ‘fuerit senescallum fac[ere] ... proclamare alta voce: ‘Oyes’. Si sit dies lete trina vice, et si sit cur[jiam] nisi unica vice &c. Et tunc dicat: ‘all moner of men ...’’. [The steward [shall cause the beadle or bailiff who serves the court] to proclaim with a low voice ‘oyez’. If it be the leet day, 3 times, and if it be a court without [leet jurisdiction] once etc. And then he says ...]; BL, Harl. MS 773, f. 39; BL, Harl. MS 1777, f. 7. F.J.C. Hearnshaw, *Leet Jurisdiction in England: Especially as Illustrated by the Records of the Court Leet of Southampton* (Southampton, 1908), 81 says that 3-fold repetition of ‘oyez’ ‘marks the court as the king’s’. This appears to be based on the same sources. On private or borough criminal jurisdiction: Pollock & Maitland, i. 531–2.

<sup>139</sup> C.D. Liddy, *War Politics and Finance in Late Medieval English Towns* (Woodbridge, 2005), 90.

<sup>140</sup> *PROME*, vii. 96–7 (accreaching royal authority by making proclamations).

unable to agree with Britnell.<sup>141</sup> Transcripts of proclamations from York and Rochester, along with the earliest printed treatise on holding courts leet all suggest that these repeated words were employed, and in French, even when the text confirms that the proclamation was to be made in English.<sup>142</sup> Another conventional trope was the use of a ‘lowe’ voice (*alta voce*) for the announcement.<sup>143</sup> A male voice exaggeratedly used in a low register is likely to speak relatively slowly. This shows a concern for audibility and perhaps for clarity of diction.<sup>144</sup> Equally, specification of any register at all demonstrates an awareness that audibility may not have been assured.

### 2.2.3. *The Reception of Royal Proclamations of Parliamentary Legislation*

The preceding discussion leads to the question of what response, if any, royal proclamations encountered, what contemporaries said about the announcements they heard, and the surprising amount they said about what they were not hearing. The royal proclamations based on parliamentary legislation that are recorded in government sources were, as we have already seen, often short, and dependent on immediate context. Specific proclamations of this kind may have been felt to be more worthy of record than general proclamations of statutes. It is these non-routine texts that also seem to have registered in listeners’ minds, to judge from the little direct evidence we have of the reception of proclamations. In keeping with the predilection of London chroniclers of the period for the unusual, moralising or salacious, two texts refer to attempts in the 1460s to restrict the length of pikes in

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<sup>141</sup> R.H. Britnell, ‘Uses of French Language in Medieval English Towns’, in *Language and Culture in Medieval Britain: The French of England c.1100–c.1500*, ed. J. Wogan-Browne et al. (York, 2009), 81–9, at 88.

<sup>142</sup> RCA-C2 01, ff. 16v–17 (Rochester customal, s. xvi, but probably from a s. xv source); STC 7705, sig. [a i], as n138 above; *York Mem. Bk. A/Y*, i. 223 (‘Oiez etc.’, in an otherwise vernacular proclamation, prob. 1390x1430s, on the sale of poultry).

<sup>143</sup> ‘Alta’ can also mean ‘high’, but I follow the sense here as (apparently) translated in Hooker, *Description*, iii. 846, when he refers to the Exeter sergeant using ‘a lowe voyce’. One presumes Hooker would have known. I also find it unlikely that the crier was asked to adopt a falsetto (if this is meant rather than simply ‘loud’) rather than speak more deliberately. A.R. Myers (ed.), *English Historical Documents: 1327–1485*, vol. iv (1969), 548 translates ‘alta’ as ‘high’ in his edition of BL, MS Harl. 773, f. 39. Either way, this would be a stylised speaking voice. I have not been able to discover anything in the literature to assist specifically with this point.

<sup>144</sup> N. Offenstadt, ‘Les Crieurs Publics au Moyen Âge’, *L’Histoire*, 362 (2011), 76–9, at 77, suggests that the crier’s tone might vary, including a ‘high’ voice, depending on the type of announcement.

shoes, without giving any of the actual text.<sup>145</sup> Accounts of two oral events in 1483, both associated with the usurpation of the throne by Richard III, are not accounts of the proclamations of legislation, but are nonetheless notable for concentrating markedly on audience reaction.<sup>146</sup> They may in consequence be derived from the experience of someone present in the crowd. Several chronicles mention the proclamation of the parliamentary affirmation of the loyalty of the deceased Humphrey duke of Gloucester in 1455;<sup>147</sup> the St Albans author reproduces the text of the writ.<sup>148</sup> A chronicler in the same institution of earlier in Henry VI's reign contented himself with the more pragmatic news that proclamation had been made of the new standard weights and measures, ordered by statute, in 1430.<sup>149</sup>

Another approach to an assessment of the imprint of royal proclamations is to look for them in urban account books and registers. This will be done here by means of a case study of the Cinque Ports. This confederation of seven head ports and towns, with their associated limbs or members, had an unusual relationship with the crown. The king's writ did not ordinarily directly run within them.<sup>150</sup> They also had common structures, most notably a regular assembly, known as the brodhull. The ports were thus a kind of hybrid of franchised town and royal palatinate. These features make the process of mediation between crown and locality more indirect, and complex, than would be the case between crown and shire. The picture is thus not wholly typical of the English experience. Nonetheless, the abundant surviving records of the ports allow us to see something of the proclamation system in operation. It is clear that, ordinarily, royal writs ordered the warden of the Ports at Dover Castle, or his lieutenant, to cause a proclamation to be made in the head

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<sup>145</sup> 4 Ed. IV, c. 7 (SR, ii. 414–15); 'Gregory's Chronicle', in *The Historical Collections of a Citizen of London in the Fifteenth Century*, ed. J. Gairdner (Camden 2<sup>nd</sup> ser., 1876), 238. This entry is dated 1468–9. *Great Chron.*, 203 places it, more plausibly, in the mayoral year 1464–5.

<sup>146</sup> *Great Chron.*, 231–2.

<sup>147</sup> Bale's Chronicle, in *Six Town Chronicles*, ed. R. Flenley (Oxford, 1911), 142–3; Rawlinson B.335, in *ibid.*, 103.

<sup>148</sup> J. Whetamstede, *Registrum*, ed. H.T. Riley, in *Registra Quorundam Abbatum Monasterii Sancti Albani* (2 vols. Rolls Soc., 1872–3), i. 180–1. For context: J.G. Clark, 'Whetamstede [Bostock], John (c. 1392–1465)', *ODNB*.

<sup>149</sup> Amundesham, *Annales Monasterii Sancti Albani ...*, ed. H.T. Riley, (2 vols., Rolls Soc., 1870–1), i. 153.

<sup>150</sup> See primarily K.M.E. Murray, *Constitutional History of the Cinque Ports* (Manchester, 1935). The most recent overall survey of Kent, much of which is applicable to the ports, is S. Sweetinburgh (ed.), *Later Medieval Kent, 1220–1540* (Woodbridge, 2010). See also: L. Woodger (Clark), 'the Cinque Ports', *HP*, 1386–1421, i. 750–2.

ports, as minimum.<sup>151</sup> The writ was then usually forwarded on from Dover Castle under cover of a further mandate referred to as a letter of attendance. I have examined accounts from eight of the ports or their members for 1422 until 1485.<sup>152</sup> There is not a single year within this span where there are no accounts at all and, over the period, we have material from an average more than three different ports in each year, coverage being slightly better after 1461.

It is impossible to pretend that the resulting picture is perfect. It is often impractical to analyse the material statistically in any meaningful way across the whole period and cross-comparison with proclamations that we know from other sources were sent to Dover Castle reveals proclamations that are not mentioned in the ports' accounts.<sup>153</sup> But, at least in several ports, we have identifiable payments, linked to proclamations, which are at least briefly described. Bodars (messengers) from Dover Castle, royal messengers and courtiers are shown receiving payments for bringing these announcements. There are also frequent payments to the wait in Dover, or the constable at Lydd, to make royal and local proclamations. These were paid in addition to their salary, allowing many proclamations to be individually identified. There are particularly good runs of material giving this kind of detail at Lydd from 1455 to the end of the 1460s and from 1465 onwards at Dover. 126 proclamations are noted in Lydd's records over 31 years of accounting entries, an average of over four a year. Moreover, it appears to have been common for the ports to copy out proclamation writs and texts.<sup>154</sup> The original was apparently passed on with the messenger carrying it. This appears also to have been normal practice for letters of summons to the ports' brodhull assembly.<sup>155</sup>

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<sup>151</sup> Examples include: ESRO, RYE/24/146/4 (part of text of writ missing); KHLC, Sa/AC1, f. 263v, 264, 266.

<sup>152</sup> Dover: BL, Add. MSS 29615–17, 29810; Egerton MSS 2090, 2105, 2107; Lydd: KHLC, Ly/2/1/1/1– printed in translation: *Lydd Accounts*; Romney: KHLC, NR/Fac/2–5; Rye: RYE/11/60/2–3, *HMC*, 5<sup>th</sup> Rep., App. (1876), 493–6; Sandwich: KHLC, Sa/FAt/2–8, BL, Add. MS 33511, ff. 4–13. I not looked at the accounts for Hythe, 1483–1509. From here on, specific references are not given for general statements derived from these sources.

<sup>153</sup> For instance: a proclamation against seizure of friendly vessels, known to have been sent to the warden of the Cinque Ports 30 May 1484: *CCR*, 1476–85, p. 367. Nor do we always find what we expect between ports: there were royal proclamations of legislation from 1495 at Rye and Romney, see below, but there is no clear reference them at Dover (BL, Egerton MS 2107; Add. MS 29617).

<sup>154</sup> E.g. manuscript proclamations at Romney, KHLC, NR/Zpr/1, 2, 7, 8.

<sup>155</sup> Murray, *Cinque Ports*, 164–5

Taking those proclamations across all of the ports for which at least the broad subject matter of the cry can be established, some conclusions can be drawn about the proportion of all royal proclamations that related to parliamentary legislation and, thus, their relative importance in numerical terms. Between 1422 and 1461, there were 29 identifiable royal proclamations. Only four expressly related to parliamentary legislation and none was of a complete statute.<sup>156</sup> Two of these announcements were of pre-1422 legislation. Two others had statutory roots: injunctions to shun tennis, dice or other games in favour of archery, all made at Lydd.<sup>157</sup> The greater number of these proclamations concerned the maritime situation; safe conducts, and truces with foreign rulers. The picture from 1461 to 1485 is similar. Of 52 proclamations made where the subject-matter is stated, no fewer than 24 related to truces and alliances, four to coinage, eight on rebels or on keeping the peace, including three more at Lydd on unlawful games.<sup>158</sup> There is, however, a greater sign of proclamation of material of parliamentary origin. In 1462–3, Rye paid a certain man, possibly bearing a proclamation, 22d. for bringing the acts of parliament, which the port had copied.<sup>159</sup> Lydd received a warrant (probably another order for proclamation) in 1476–7, relating to exports of wool and cloths.<sup>160</sup> In 1478, Lydd received a letter with all the acts of the most recent parliament, which John Wulfyn was paid to cry.<sup>161</sup> But, even after 1485, with print now available, the ports' accounts still do not clearly evidence the regular receipt of officially promulgated copies of parliamentary material via Dover Castle. Indeed, the only printed proclamation that it is tentatively possible to identify was made in 1504, but this related to the coinage, not to the statutes of that year.<sup>162</sup>

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<sup>156</sup> BL, Egerton MS 2105, ff. 32v–3 (relating to the oath to be sworn following the 1433 parliament), f. 23 (of 9 Ed. III st. 2 cc.9 (part) –11), f. 25v (18 Hen. VI c.8); *Lydd Accounts*, 142 (poss. under 2 Hen. V st.1 c.6). There was also a great proclamation at Rye in 1460, possibly the parliamentary attainder of the Yorkists at the Coventry parliament: ESRO, RYE/11/60/2, f. 74v.

<sup>157</sup> 12 Ric. II c.6 (*SR*, ii. 57); 11 Hen. IV c.4 (*SR*, ii. 163). All proclamations at Lydd on this subject pre-date 17 Ed. IV c.3 (*SR*, ii. 462). Gaming legislation is examined more closely in chapter 6, below.

<sup>158</sup> KHLC, Ly/2/1/1/1, ff. 68, 119, 154v. For context: C.F. Richmond, 'Fauconberg's Kentish rising of May 1471', *EHR*, 85 (1970), 673–692.

<sup>159</sup> ESRO, RYE/11/60/2, f. 104.

<sup>160</sup> KHLC, Ly/2/1/1/1, f. 154v (possibly related to 14 Ed. IV c.3 (*SR*, ii. 449–451)).

<sup>161</sup> KHLC, Ly/2/1/1/1, f. 156v. Wulfyn was probably Lydd's constable.

<sup>162</sup> ESRO, RYE/11/60/4, f. 153v; P.L. Hughes & J.F. Larkin (eds.), *Tudor Royal Proclamations* (3 vols., New Haven, 1964–9), i. 60–1. Even here, the Rye account does not expressly mention its being printed.

This evidence does not, overall, suggest that proclamations of national legislation formed a significant proportion of the totality of all royal proclamations sent out to the localities. A related point is what the records of the Cinque Ports show about the *perceived* importance of proclamations of parliamentary legislation from the recipients' perspective. Whilst it is possible that royal proclamations of statutes, even printed ones, may appear numerically fewer than they actually were, because they are lost amongst un-particularised money allowances included in urban accounts, the clerks compiling these figures still frequently thought that it mattered to record payments as small as 1d. to a local official to cry what was of practical importance to these sea-faring and trading centres, very much at the front line between England, Calais and the continent. What we see in the Cinque Ports' accounts and registers are chiefly these specific announcements, or even local civic proclamations, not readings of single parliamentary acts or groups of statutes. This is not to say that the portsmen were uninterested in parliament. We shall see in chapter four that this was not the case. Rather, their considerable and often sophisticated concern for what parliament had enacted was evinced in other ways. But the low level of emphasis given by the Cinque Ports to proclaimed statutes and other acts is entirely in keeping with the greater weight accorded to individual messages, announcements of truces, trade restrictions and so on that we also see in the exchequer issue rolls and in narrative sources.

The strongest imprint of royal proclamations outside the formal records of royal government is actually a persistent thread of complaint that proclamations of parliamentary legislation were *not* being made, itself derived from anxieties about the enforcement of these laws, as has already been said. The corollary of this angst over the failure to proclaim was that ignorance of such laws would be claimed unless such announcements were made, and repeated. The belief was often expressed that laws were unknown, most strikingly in the accusation after 1509 that Henry VII that had enforced 'many unlefull & forgottyn statutis & actis made hunderyth of yeris passid',<sup>163</sup> though, here, the underlying concern is of *over*-implementation of these laws. In 1472, the speaker, William Allington made a declaration on behalf of the parliamentary commons emphasising the importance of

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<sup>163</sup> *Great Chron.*, 334. Echoed by Thomas More, *Utopia*, ed. & trans. G.M. Logan & R.M. Adams (2<sup>nd</sup> ed., Cambridge, 2002), esp. 31, 82–3.

the proper execution of laws, referring to numerous murders, robberies and other delicts. The king was asked to send proclamation writs for these laws ‘that we come fore may have verray knowlege of youre moost blessed entent’.<sup>164</sup> The pattern of this request continued in a similar request to the 1483 parliament, again from the commons’ speaker.<sup>165</sup> This pressure for re-proclamation was continued in the 1485 parliament.<sup>166</sup> Indeed, part of a proclamation of 1496 shows Henry VII still responding to this traditional demand for the re-statement of older laws.<sup>167</sup>

The fear behind these statements was that men would plead ignorance in defence if legislation were not known. As we have seen in chapter one, the principle that parliament’s laws were binding on the realm whether proclaimed or not, strictly speaking, rendered this concern otiose.<sup>168</sup> Indeed, by the fifteenth century, Fortescue, and before him, Bishop Pecock, thought that this requirement for publicity was met through popular assent in the law-making process, which, in England, was manifested through parliament.<sup>169</sup> But, nonetheless, there is ample contemporary evidence of genuine anxiety over the lack of legal knowledge. This may reflect natural law ideas pre-dating common law developments, perhaps filtered through Thomist writings, but more plainly, these concerns were a manifestation of Roman-canonical influence upon the common law in the late thirteenth century and the first half of the fourteenth.<sup>170</sup> Under Roman law, even the most extreme proponents of imperial legislative authority appear to have anticipated that, when the emperor willed that there should be a new law, this fact should be *communicated*, perhaps by signed writing.<sup>171</sup> A secret law, even of an unchallenged

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<sup>164</sup> *PROME*, xiv. 22.

<sup>165</sup> *PROME*, xv. 413.

<sup>166</sup> LRO, BR II/1/1, pp. 211–216. The legislation included the policing statute of Winchester and various other acts on retaining and law and order.

<sup>167</sup> P.R. Cavill, ‘The Enforcement of the Penal Statutes’, *HR*, 82 (2009), 489–490.

<sup>168</sup> Chrimes, *Constitutional Ideas*, 212–13, 351–2; N. Doe, *Fundamental Authority in Late Medieval English Law* (Cambridge, 1990), 14–16, 55.

<sup>169</sup> Doe, *Fundamental Authority*, 12–14, 38–9; J. Fortescue, *De Laudibus Regum Anglie*, ed. S.B. Chrimes (Cambridge, 1942), 40.

<sup>170</sup> K. Pennington, ‘Law, Legislative Authority, and Theories of Government, 1150–1300’, in *The Cambridge History of Medieval Political Thought c. 350–c. 1450*, ed. J.H. Burns (Cambridge, 1988), 424–453; G. Post, ‘Plena Potestas and Consent in Medieval Assemblies’, & ‘A Romano-Canonical Maxim, *Quod Omnes Tangit*, in Bracton and in Early Parliaments’, in *Studies in Medieval Legal Thought: Public Law and the State, 1100–1322* (Princeton, 1964), 91–238. For both of these principles, concerning representative authority and consent respectively, it is plain from Post that those represented in parliament needed to be (at least fictively) *informed*.

<sup>171</sup> Justinian, *Digest*, ed. T. Mommsen & P. Krueger (4 vols., Philadelphia, 1985), Book 1.4.1 (p. 14); *Institutes*, ed. J.A.C. Thomas (Amsterdam, 1975), Book. I Title II. 6 (pp. 5–6).



supreme ruler, was no law at all. Canon law specified that laws were established when they were promulgated and confirmed by popular acceptance.<sup>172</sup> Aquinas noted and followed this approach, ascribing it to the law of nature. Even if a person was absent when a proclamation was made, they could still be bound by its content insofar as that content was, or could be, brought to their attention by others. He was also of the view that laws should be preserved for the future in written form. Overall, Aquinas appears to have contemplated that promulgation should not be simply declaratory of the fact that a law had been enacted; there also had to be an iterative aspect, the communication of its substance. Consequently, promulgation of legislation was tantamount to a pre-condition of its enforcement.<sup>173</sup> Such norms do much to explain the significance of the formal declaratory process of promulgation at the end of a parliament outlined at the start of this chapter. Even when representative institutions were available to perform this assenting function, however, it was seen as at least a good that an attempt should also be made to publish legislation beyond those bodies; a lack of knowledge of laws in the wider populace was to be deprecated.<sup>174</sup> The anxiety behind such attitudes frequently seeps through into the phraseology of legislation itself. The statute 7 Richard II c.6 ordered the regular proclamation of the policing statute of Winchester, which had itself addressed matters of law and order ‘qe homme ne se purra desore excuser per ignorance de mesme lestatut’.<sup>175</sup> Both were re-proclaimed in October 1426.<sup>176</sup> The question of notice, or lack of it, was again raised in a proclamation of August 1433, requiring re-proclamation of legislation on the staple by the sheriffs of London and eleven other places, mostly coastal, the point being that no one should incur the penalties of that act for lack of notice of its terms.<sup>177</sup> Very similar phrases can be found in England by 1237,<sup>178</sup> early fourteenth-century Scotland,<sup>179</sup> France,<sup>180</sup> and

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<sup>172</sup> *Corpus Iuris Canonici* ed. E.A. Friedberg & A.L. Richter (2 vols., Leipzig, 1879–81), i. Pt. I Dist. IV. c. 3 (p. 6).

<sup>173</sup> T. Aquinas, *Summa Theologica*, 1a2ae.90 art. 4; 1a2ae.91 art. 1 (*Selected Philosophical Writings*, ed. & trans. T. McDermott (Oxford, 1993), 415–17); Offenstadt, ‘Crieurs Publics’, 77.

<sup>174</sup> Fortescue, *De Laudibus*, 14–17.

<sup>175</sup> SR, ii. 33 [‘that a man will not be able to excuse himself by ignorance of the same statute [of Winchester]’].

<sup>176</sup> CCR, 1422–9, pp. 316–17.

<sup>177</sup> CCR, 1429–35, p. 246.

<sup>178</sup> SR, i. 4 (Statute of Merton).

<sup>179</sup> I.E. O’Brien, ‘The Scottish Parliament in the 15<sup>th</sup> and 16<sup>th</sup> Centuries’ (PhD thesis, Univ. of Glasgow, 1980), 5–7 (1318 & 1426).

<sup>180</sup> M. Hébert, ‘Voce Preconia: Note sur les Criées Publiques en Provence à la fin du Moyen Âge’, in *Milieux Naturels, Espaces Sociaux: Études offertes à Robert Delort*, ed. E. Mornet & F. Morenzoni

probably across Christendom. We find the identical sentiment too in the church, for example when drumming up support for crusading action against the Hussites in 1429.<sup>181</sup> We shall encounter it once more in towns in chapter five.

Given such commonplaces, many of the claims made of ignorance of specific laws have to be treated sceptically, even as cant. The London goldsmith Hugh Bryce, evidently a busy man, pleaded for more time in the 1467 parliament because a proclamation on the coinage was ‘long, and [he] must have leyser and tyme, in case the trouth shuld be proved.’<sup>182</sup> In 1473, the implementation of measures in 12 Edward IV c.3 on unsealed cloths was delayed from 24 June to 11 November because the merchants likely to be affected were overseas or away at fairs or for ‘lack of knowledge of the said act’ had not yet had their cloths sealed.<sup>183</sup> Even when a proclamation writ is known to have gone out, and to have been proclaimed quite widely in at least some counties,<sup>184</sup> parliamentary complaint was made that:

The which forseid proclamations conteyned in the said ordenaunce have not be duely made accordyng to the same ordenaunce, in dyvers parties of this your roialme, so that dyvers your lieges, to whome such dettes been due in that partie, have in no wise notise of the said ordenaunce, to come into your said eschequer afore your said barons there, to make their prove accordyng to the said ordenaunce....<sup>185</sup>

The proclamation in question required certain crown creditors to attend in the exchequer by the following Easter. This complaint, along with another that the barons of the exchequer lacked time to deal with this matter, succeeded in delaying the appearance of creditors to 26 May 1475.<sup>186</sup>

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(Paris, 1997), 689–701, at 701; J.-M. Cauchies, *La Législation Princièere pour le Comté de Hainaut. Ducs de Bourgogne et Premiers Habsbourg (1427–1506)* (Brussels, 1982), 237.

<sup>181</sup> G.A. Holmes, ‘Cardinal Beaufort and the Crusade against The Hussites’, *EHR*, 88 (1973), 721–750, at 740.

<sup>182</sup> *PROME*, xiii. 388–9. Bryce was a well-connected man of business: T.F. Reddaway & L.E.M. Walker, *The Early History of the Goldsmiths’ Company 1327–1509* (1975), 285–7. He was sufficiently culturally aware, or connected, to commission Caxton’s translation of the *Mirroure of the World* in manuscript c. 1481 for presentation to William, Lord Hastings, *BMC*, XI.1, 57–8, 171.

<sup>183</sup> *CCR*, 1468–76, pp. 316–17.

<sup>184</sup> Evidence survives of efforts to make proclamations under at least 27 of the 37 known writs: C255/3/11/3–30; *CCR*, 1468–76, p. 333.

<sup>185</sup> *PROME*, xiv. 334.

<sup>186</sup> R. Horrox, *PROME*, xiv. 7 remarks on the probable unpopularity of the 1473 act.

Even if it was a well-worn adage, a proxy for anxieties about a more general state of disobedience of the law, and certainly a position that it was convenient for those personally disadvantaged by new measures to adopt, the complaint that people were not hearing proclamations, or that they were not being made, was capable of being taken seriously. So far as we can tell, it was not met with the dismissive reply that the ordinary subject would have heard these laws proclaimed countless times. Further proclamations were, indeed, still widely accepted as the answer to the problem. But this was not exclusively the case. The royal judges in 1485, indeed, seem to have thought otherwise.<sup>187</sup> In 1519, the printer John Rastell chose in his *Prohemium* to an English abridgement of statutes to ignore proclamations entirely in extolling the virtues of printed English copies as a way of cementing knowledge of these laws and of allowing subjects to avoid suffering the penalties they all too often contained.<sup>188</sup> Indeed, there was the obvious contradiction inherent in demands for re-proclamation, especially of older laws: if public recitation was an effective way of communicating their terms, why did the process have to be repeated so often? Nor does it follow that, because parliament frequently asked for further proclamations, this fact confirms that a system based on oral announcements was actually effective. It is also entirely plausible that those who sought more time to prove their debts in 1474 could have been genuinely unaware of proclamations made of that measure, even if that administrative exercise had been carried out with reasonable efficiency, as it appears it was.

#### *2.2.4. The Effectiveness of Royal Proclamations of Parliamentary Legislation*

There is little doubt that issuing a proclamation, especially a general proclamation of a complete statute, was a substantial undertaking. There were in the region of 40 shrievalties in the realm, and sometimes proclamations were also addressed to the authorities of towns or ports lacking shire status. 30 sets of statutes had to be

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<sup>187</sup> *YB*, 1 Hen. VII, Mich., pl. 3.

<sup>188</sup> STC 9515; H.J. Graham, “‘Our Tong Maternall Marvellously Amendyd & Augmentyd’: The First Englishing and Printing of the Medieval Statutes at Large, 1530–1533”, *UCLA Law Review*, 13 (1965), 58–98.

produced for the proclamation of the statute of Marlborough in 1267.<sup>189</sup> In around 1478, the proclamation made for the London pewterers by the ‘kings officers thurgh England’ cost them 36s. 8d.<sup>190</sup> Indeed, it is possible to see that the logistics of the exercise must have had an effect on how promptly proclamations could be made. We know that the 1424 statute was to be proclaimed following a writ dated 1 July 1424, announcing legislation that would ordinarily have come into force on the first day of the corresponding parliament, 20 October 1423.<sup>191</sup> Such delays must have had important implications for the meaningfulness of any such announcement. Similar questions as to the utility of announcements arise even after the material seems to have passed into English. A 1465 text of 3–4 Edward IV sent to the exchequer omits controversial sumptuary legislation.<sup>192</sup> This act was later suspended and re-enacted precisely because of supposed widespread ignorance of its terms.<sup>193</sup> Yet there is also compelling evidence that the administration could act with real despatch when really needed, even sending out writs whilst parliament was still sitting.<sup>194</sup> Nonetheless, unless royal messengers used multiple horses, or a relay system, which possibly happened with two messages sent to Sandwich in 1481 (such methods were used at this time of military emergency),<sup>195</sup> progress between sealing the writ in the chancery and its arrival for proclamation could be painfully slow. A selection of statutes of the 1495 parliament was sent to Dover Castle under a royal writ of 16 December 1495, yet the letter of attendance addressed to Rye was not dated until 16 April 1496.<sup>196</sup>

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<sup>189</sup> G.O. Sayles (ed.), *Select Cases in The Court of King’s Bench Under Edward I, vol. III* (Selden Soc., 1939), p. xvi n3. By the 15th century, the 4 king’s messengers were paid between around £4 & £6 20d. to take proclamation writs or parliamentary summonses throughout England, E403 rolls *passim*. This was in addition to their annuities and numerous payments for one-off errands.

<sup>190</sup> Welch, *Pewterers*, 52.

<sup>191</sup> *SR*, ii. 216. The doctrine was that commencement related back to the first day of the parliament, see the evidence of John Faukes, clerk of parliament: *YB*, 33 Hen. VI, Pas. pl. 8.

<sup>192</sup> E175/11/44. The sumptuary act was 3 Ed. IV c. 5 (*SR* ii. 399–402).

<sup>193</sup> *PROME*, xiv. 392–5.

<sup>194</sup> E.g. E159/237, *Rec. Mich. rot. 3*: a copy of 39 Hen. VI c.1, sent to the exchequer whilst parliament was still sitting; E 403/736, m. 17: payment for delivery of a general proclamation of the statute 18 Hen. VI, dated just after parliament’s conclusion (26 Feb. 1440).

<sup>195</sup> KHLIC, Sa/AC/1, f. 264: writ 25 May 1481, letter of attendance 11 Jun. 1481; f. 266: writ of 30 Oct. 1481 and letter of attendance 5 Nov. 1481. C.A.J. Armstrong, ‘Some Examples of the Distribution and Speed of News in England at the Time of the Wars of the Roses’, in *Studies in History Presented to F.M. Powicke*, ed. R.W. Hunt *et al.* (Oxford, 1948), 429–454, at 439, 449; M. Ray, ‘Administrative Efficiency in Fourteenth-century England: the Delivery of Writs Based on Evidence from the Register of Bishop Martival’, *HR*, 84 (2011), 14–27. Royal messengers otherwise travelled by foot or used a single horse, Hill, *King’s Messengers*, 104–5, 108–9. Doig, ‘Political Propaganda’, 255–6, esp. nn21–2, 262–3.

<sup>196</sup> ESRO, RYE/24/146/4.

The second aspect of the effectiveness of proclamations of legislation is the question of how well understood they were, or were capable of being. We have already considered the direct evidence of chroniclers and of those complaining that proclamations were not made. We have noted too the difficulties of hearing the human voice across potentially large open spaces, such as market places, full of more beguiling attractions. On the question of whether much of the legislation of the fifteenth century could meaningfully be proclaimed at all, an analysis of its content is the only possible way forward. In so doing, theoretical scholarship and work on literary practice can usefully be taken into consideration. Some scholars, such as Walter Ong, are of the view that there is a causal relationship between the technologies of communication and the development of human understanding;<sup>197</sup> purely oral communication is folkloric and even normative systems will be characterised by ‘formulaic sayings, proverbs, which are not just jurisprudential decorations, but themselves constitute the law’.<sup>198</sup> Cognition and levels of analytical penetration are only developed by the successive ‘technologies’ of writing and print. Others regard this approach as deterministic, because it implies an inevitable progress from the crude products of an illiterate society to the sophistications of one based on the written word. Literate people in late-medieval England, France and Burgundy were well able to read written material privately, but were also ‘audiate’, accustomed to listening to romances and other literary works, even those of Chaucerian complexity, read aloud.<sup>199</sup> Indeed, the case for the continued role of oral communication in medieval England is strong. Clanchy has demonstrated that progress towards the written word was not ineluctable,<sup>200</sup> and there is evidence of oral requests in parliament as late as the early fifteenth century.<sup>201</sup> Ruth Finnegan posits a theory of ‘weak’ orality in two forms, either that writing or printing enable opportunities that may or may not be taken up, or that those technologies may cause some things to change in a society, but not others.<sup>202</sup> A further refinement may be to suggest that, whether a text of increased technical complexity came about because

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<sup>197</sup> W.R. Ong, *Orality and Literacy: the Technologizing of the Word* (1982).

<sup>198</sup> Ong, *Orality and Literacy*, 35.

<sup>199</sup> J. Coleman, *Public Reading and the Reading Public in Late Medieval England and France* (Cambridge, 1996), 30–1; caps. III to VI, *passim*; Clanchy, *Memory*, 7–11.

<sup>200</sup> Clanchy, *Memory*, 295–328.

<sup>201</sup> Given-Wilson, ‘Rolls of Parliament’, 65–70.

<sup>202</sup> Finnegan, *Literacy and Orality*, 15 and cap. 2, *passim*.

of increased literacy, or not, some materials may have required closer attention from an audience than others. Receiving a text is not necessarily an inert activity. A complex statute is simply a text of a different kind to a poem, a chronicle or even an ancient law-code; it lacks a memorable or involving narrative, mnemonics, *leitmotifs* or similar devices to assist understanding. Indeed, any repetitions within it may serve to confuse rather than elucidate. Moreover, as Susan Reynolds has argued, medieval people must have had the same ‘basic mental equipment’ as their successors in conducting thought processes;<sup>203</sup> where we might struggle to grasp an intricate set of verbal instructions, in a situation that would require what one may term pragmatic memory or comprehension, so might they. This would be particularly true of non-scholarly men and women without developed mnemonic systems.

The pertinence of this to the effectiveness of royal proclamations becomes clear when one begins to think what it was that the sheriff’s officer or crier was supposedly proclaiming to the audience, particularly with longer or technical announcements, such as those ostensibly required by general proclamation writs. It is worth returning here, once more, to 1 Richard III c.8 on cloths.<sup>204</sup> Here is a text that needs to be pored over, read and re-read to make sense beyond the odd self-contained statement that might register with the listener. The one part of the act that contained narrative or more rhetorical language, and which might therefore might have been more suitable for oral delivery, the opening preamble, is the main element deleted from the statutory version.<sup>205</sup> Further, this lengthy act, if it were proclaimed in full at all, would have been accompanied by fourteen others, many of similar scale. These characteristics seem to render it inherently unsuitable for aural comprehension. To take another example, reference has been made earlier to the proclamation of the English text of the statute of 1504, printed by Facques.<sup>206</sup> This printed volume is 45 pages in length. If it were read aloud, the performance must

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<sup>203</sup> ‘Social Mentalities and the case of Medieval Scepticism’, *TRHS*, 6<sup>th</sup> ser., 1 (1991), 21–41, at 22. But note the importance in pre-modern times of constructed memory (at least in scholarship or art): F.A. Yates, *The Art of Memory* (Harmondsworth, 1966); M. Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture* (2<sup>nd</sup> ed., Cambridge, 2008).

<sup>204</sup> Appendix 2. Similar points could be made of, say, 17 Ed. IV c.1 (SR, ii. 452–461).

<sup>205</sup> Cf. the reliance upon such literary devices in petitions by W.M. Ormrod, ‘Murmur, Clamour and Noise: Voicing Complaint and Remedy in Petitions to the English Crown, c. 1300–c. 1460’, in *Medieval Petitions: Grace and Grievance*, ed. Ormrod *et al.* (York, 2009), 135–155.

<sup>206</sup> STC 9357.

have taken at least two hours.<sup>207</sup> If this was undertaken at the county court, this is likely to have taken up a significant proportion of the time available in the first (and, possibly, only) day of the full county, where there was the highest attendance.<sup>208</sup> There will very possibly have been considerable pressure of other business from suitors expecting to have their cases heard. It seems unlikely that there will have been much tolerance of the complete announcement being made, particularly if time had also to be found to make lengthy re-proclamations of earlier legislation, and, at peace sessions, also the commission and the jury's charge. Occasionally, like Hugh Bryce, the sources comment on the sheer length of parliamentary texts. In 1495, William Austyn, town clerk of Rye, spent two and a half *days* at Dover Castle copying out the statute of that year.<sup>209</sup> The clerk of the crown, Geoffrey Martin, took two hours to read out the appeal against royal adherents in public in the Merciless Parliament of 1388, speaking rapidly. As this was a text of about 7,240 words, we must wonder whether it was read twice.<sup>210</sup>

Whilst it is hard to do more than generalise, statutory texts seem have become longer and more involved between the fourteenth century and Facques' printed edition. The problem with the form may have become more acute with time. Philippe Godding has studied the ordinances issued by the urban authorities in the Low Countries in the late-medieval period. He demonstrates a shift by the fourteenth century from relatively succinct homogeneous texts codifying orally generated normative requirements, to more dense texts, with less sense of logical structure, often based on requests from local trade interests.<sup>211</sup> If one equates trade

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<sup>207</sup> K.F. Pantzer, 'Printing the English Statutes, 1484–1640: Some Historical Implications', in *Books and Society in History*, ed. K.E. Carpenter (New York, 1983), 69–114, at 87, thinks this proclamation might have taken 'a good hour or more'.

<sup>208</sup> R.C. Palmer, *The County Courts of Medieval England 1150–1350* (Princeton, 1982), 16–19, speculating that many counties may had a second 'full' day. But he is describing these courts to 1350, after which they lost a good deal of their jurisdiction, especially in crime. Proclamation writs of statutes specified the *full* county when the court was mentioned, e.g. *SR*, ii. 37, 82. For the 'full' and 'rere' county, at which administrative matters were addressed, see also H.M. Cam, 'From Witness of the Shire to Full Parliament', in *Law Finders and Law Makers* (1962), 106–131.

<sup>209</sup> ESRO, RYE/11/60/4, f. 33.

<sup>210</sup> 'Historia Mirabilis Parliamenti (1386)', ed. M. McKisack (Camden Third Ser. Misc., 27, 1926), i–viii, 1–27, at 15; cf. *PROME*, vii. 84–98. I have assumed that Martin read out the questions to, and the replies of, the judges in art. 25, but not the introductory material to the appeals. Even so, if this was considered rapid, a normal reading speed must have been very deliberate. If the text was read twice, this was possibly in the original French and in translation.

<sup>211</sup> P. Godding, 'Les Ordonnances des Autorités Urbaines au Moyen Âge: Leur Apport à la Technique Législative', in *Peasants and Townsmen in Medieval Europe: Studia in honorem Adriaan Verhulst*, ed. J.-M. Duvosquel & E. Thoen (Ghent, 1995), 185–201, esp. 188–194.

requests to petitions in the English parliament, this appears to be rather close to at least some of the English experience. For instance, the policing statute of Winchester, often re-proclaimed in the fifteenth century, consists of relatively short paragraphs; it also largely adheres to the single overall subject of the maintenance of law and order;<sup>212</sup> it must have been to some extent memorable. Similarly, parts of the statute of the Cambridge parliament of 1388 represented a practical code regulating the wages and behaviour of servants and labourers.<sup>213</sup> Without wishing to endorse the inevitability implicit in Ong's thinking, it is tempting to see this as 'residue' of earlier oral law-giving systems. By the later fourteenth century, however, English statutes based on petitions were becoming longer and more disparate, reaching an apogee in some of the mercantile legislation of the Yorkist kings, of which Richard III's act on cloths is a good example—elaborate drafting, replete with a panoply of provisos and exceptions, unable to resist the temptation to try to traverse every conceivable outcome.<sup>214</sup> This complexity may in part be attributable to increased literacy and the use of the written word. It may be relevant too that by 1423 the process of preparing the common petition had changed; it was now compiled from individual petitions, some brought by or to the commons, or in their names, and, as the century progressed, many were prepared in the form of the eventual act.<sup>215</sup> In conjunction with this, it is now well established that increasing numbers of lawyers sat in the commons likely to influence the drafting of legislation.<sup>216</sup> As Genet has observed, French and English kings increasingly relied upon councillors and private petitioning in making legislation in their name.<sup>217</sup> Political society and the government bureaucracy thus had become increasingly professionalised and legalistic.

It can therefore be suggested that the intricacy of much fifteenth-century legislation, which was originally conceived as written text, was inimical to successful oral transmission. If there were such difficulties with the making of a proclamation of

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<sup>212</sup> 13 Ed I (*SR*, i. 96–8). This generalisation is not universally true of legislation before 1327. For instance: the long and technical statutes of Marlborough or Westminster II (*SR*, i. 19–25, 71–95).

<sup>213</sup> 12 Ric. II cc. 3–9. Note their re-proclamation as a block in 1434, appendix 2, item (2).

<sup>214</sup> Appendix 2; see too: 31 Hen. VI c.2 (appendix 1). Note particularly the illogically structured mix of clauses addressing provisos, duration, commencement and proclamation, from [f] onwards.

<sup>215</sup> Dodd, *Justice and Grace*, 187–191; A.R. Myers, 'Parliamentary Petitions'; Gray, *Influence*, 229–235.

<sup>216</sup> S. Payling, 'The Rise of Lawyers in the Lower House, 1395–1536', *PH*, 23 (2004), 103–120.

<sup>217</sup> J.-Ph. Genet, 'Which State Rises?', *HR*, 65 (1992), 119–133, at 130.



new legislation, were any attempts made to mitigate them? We have already seen that there were requests to repeat proclamations, despite the limitations of the form. However, there are reasons to suggest that other steps were or could be taken to circumvent the cognitive difficulties that may have arisen. The separate proclamation of individual acts of parliament had become common under Richard II, and continued to be so throughout the fifteenth century. These announcements were almost always drafted in Latin, certainly before 1461, but, assuming accurate translation, that probably did not much matter, because these were normally short messages. For private acts relating to summonses in judicial proceedings, the message was stereotypical. The previously mentioned 1474 proclamation on crown debt did little more than identify a class of persons who might be affected and, rather similarly, require them to attend the exchequer after Easter 1475. Indeed, an example relied heavily upon by Maddicott from 1388 is of just such a proclamation— a short message telling guilds and fraternities to produce copies of their ordinances in accordance with a relatively straightforward procedure.<sup>218</sup> Whilst there is no conclusive evidence of royal proclamations of, or pursuant to, legislation made in English before 1440, it seems likely that Doig is right to speculate that brief messages of this kind were translated into English locally, certainly from the fourteenth century onwards.<sup>219</sup> We appear to have an example of William Asshebourne, common clerk of Lynn, doing exactly this for a royal proclamation of a truce in 1411.<sup>220</sup> The ease and flexibility of such a process might readily explain why these kinds of specific proclamations were relatively common, and were even made in advance of, and duplicated, material also contained in general proclamations. All of this is entirely consistent with what has been said about the increased use by the Yorkists, and even rebels, of proclamations as political propaganda. Even a cursory examination of the articles of Cade, of Richard duke of York in 1450 or proclamations made by or against Edward IV suggests that these messages tended to consist of relatively short, memorable points around a

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<sup>218</sup> Maddicott, 'County Community', 35; *PROME*, vii. 124.

<sup>219</sup> Doig, 'Political Propaganda', 264–5. See also W.M. Ormrod, 'The Use of English: Language, Law, and Political Culture in Fourteenth-Century England', *Speculum*, 78 (2003). LBI, ff. 292–4 is possibly an example of a locally made English script for a proclamation.

<sup>220</sup> *The Making of King's Lynn: A Documentary Survey*, ed. D.M. Owens (London, 1984), 457: 'interpretorio [by Asshebourne] clerico'. 'Interpret' could just mean 'relate', but, in this context, 'translate' is probably intended.

common theme.<sup>221</sup> In this respect, the function of specific legislative proclamations, where confined to such short announcements or instructions, may have been very similar.

It is more difficult to have confidence that there were effective ways of making general proclamations of complete statutes digestible for aural comprehension. One way that understanding could have been improved is suggested by the reasonably strong evidence that governments from the 1430s onwards sought to provide sheriffs with written texts of acts, if not whole statutes, in English rather than French, as we have seen. Before that period, it is overwhelmingly probable that sheriffs caused translations to be made themselves or, more probably, brief summaries or glosses were produced in the vernacular.<sup>222</sup> The alternative would be, taking the terms of proclamation writs literally, is that the sheriffs or, more probably, criers simply read increasingly lengthy and complex legislation out to a doubtless bemused public, in French, a language which few would have understood.<sup>223</sup> This takes a rather formalistic approach to the sources and gives little credit to the practical sense of late medieval officials or administrators. Indeed, a Lollard text included in a fifteenth-century manuscript uses the practice of translation of royal proclamations as the starting point for its argument that the sect ought to be allowed to do likewise:

3if þe kyng of Englonde sente to cuntrees and citees his patente on Latyn or Frensche and [h]ot[e] to do crie his lawes, his statutes, and his wille to þe people, and it were cried oonly on Latyn or Frensche and not on Englisch, it were no worschip to þe kyng ne warnyng to þe people, but a greet desseyt.<sup>224</sup>

Certainly, the shift to providing English texts *ab initio* must have assisted cognition. The audience would now have had some understanding of what was being said. However, there must remain considerable doubts as to how effective such

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<sup>221</sup> Examples of many of these are conveniently set out in M. Kekewich *et al.* (eds.), *The Politics of Fifteenth Century England: John Vale's Book* (Stroud, 1995), 180–3, 185–202, 204–6, 208–215, 218–225.

<sup>222</sup> As contended by Doig, 'Political Propaganda', 264.

<sup>223</sup> For local evidence of the use of criers, see Doig, 'Political Propaganda', 257–8 nn30–4.

<sup>224</sup> Quoted by N. Watson, 'Lollardy: The Anglo-Norman Heresy?', in *Language and Culture*, ed. Wogan-Browne, 334–346, at 344 (from CUL, Dd.vi. 26). Note the implication of reading in more than one language by 'oonly'. This would have at least doubled the length any proclamation.

innovations may have been in addressing the communicative challenges presented by the technical nature of the material proclaimed.

A final suggestion on the question of effectiveness relates to the question of technologies. At the very end of the period in question, and certainly thereafter, printing may have assisted in being able to mass-produce identical proclamation texts swiftly.<sup>225</sup> Before it, the available technology was writing. The work of medieval historians on proclamations seems to assume that the process was undertaken without recourse to written material, but there seems to be no safe reason to think this was necessarily the case. Indeed, as surveyed above, bureaucratic needs and the increased demand for writing seem to have played a part in developing parliamentary legislation. It is worth noting that even the First Statute of Westminster was transmitted, in part, in written form following its initial promulgation.<sup>226</sup> In 1472, the commons specifically raised the advantages of writing over oral recollection in the very context of a request for the re-proclamation of certain unobserved laws

forasmoch as writynges were ordeyned to kepe in remembrance, to the laude and renomye of prynces passed, their noble actes, pryncipally in execution of justice, ayenst novercant oblivion, ennemy to memorye.<sup>227</sup>

Literacy, especially in English, seems to have been increasing markedly in the fifteenth century. It has been estimated that, by 1467–76, 40% of witnesses in the London consistory court were literate, in Latin; the figure for English literacy must have been significantly higher in the light of rising demand for and access to education among laymen in the capital.<sup>228</sup> Perhaps such figures would have been lower elsewhere, yet it is clear that writing featured ever more strongly in the dissemination of political and propaganda ideas. Wendy Scase has stressed the

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<sup>225</sup> In January 1542, the government was able to mass-produce 600 copies of a proclamation on the royal style. In April 1542, 1200 copies were produced in 3 batches of a proclamation on hawking. It seems that as many as 300 copies of a 1534 proclamation could have been produced virtually overnight: Heinze, *Proclamations*, 22–4.

<sup>226</sup> J.R. Maddicott, 'Edward I and the Lessons of Baronial Reform: Local Government, 1256–80', in *Thirteenth Century England: I*, ed. P. Coss & S.D. Lloyd (Woodbridge, 1986), 1–30, at 15–16.

<sup>227</sup> *PROME*, xiv. 23. Novercant: harsh, cruel: *OED*.

<sup>228</sup> C.M. Barron, 'The Expansion of Education in Fifteenth Century London', in *The Cloister and the World: Essays on Medieval History in Honour of Barbara Harvey*, ed. J. Blair & B. Golding (Oxford, 1996), 219–245, esp. 244.

importance of written bills of complaint.<sup>229</sup> By bills, she means written documents posted in market places or church doorways, themselves likely to be ephemeral copies, but circulated and preserved by copyists.<sup>230</sup> She mentions numerous well-known instances of government proclamations against seditious material and chronicle evidence of such activity.<sup>231</sup> What is noticeable about these clampdowns is how many were directed against both written *and* oral communications; to bills posted as well as to slanderous words. There is also evidence from the Burgundian Netherlands of the use of written copies in conjunction with oral proclamation to announce new ducal legislation from the mid-fifteenth century.<sup>232</sup> Returning to England, the general pardon on Henry VIII's accession was swiftly printed for widespread distribution.<sup>233</sup> The 1539 statute of proclamations specifically required not only oral delivery of royal proclamations, but that thereafter the sheriff and his officers should 'cause the said proclamacions to be fixed and sett upp openly upon places convenient' in market towns or comparably-sized towns or villages.<sup>234</sup> Certainly, in the early Tudor period, when a proclamation was printed, a combined oral and written process was probably the norm.<sup>235</sup> Besides these points, we are in the realm of speculation. There is, however, rather more concrete evidence of the use both of writing and of other strategies to mitigate communicative difficulties, particularly the use of selection in what was read out by the crier, that will emerge when we consider the publication of urban legislation in chapter five. If a guess had to be made as to how the sheriff of Essex dealt with the 1504 general proclamation in the county court, it might be that he or his crier simply read out the English titles to the acts, or extracts from them, and then allowed suitors to peruse the printed text thereafter if they wished. He then got on as soon as he reasonably could with the court's usual business.

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<sup>229</sup> W. Scase, *Literature and Complaint in England 1272–1513* (Oxford, 2007), 110 and *passim*.

<sup>230</sup> *Ibid.*, 143–149.

<sup>231</sup> *Ibid.*, 109, 120–1, 139, 142; *Foedera*, V.i. 24–5.

<sup>232</sup> P. Godding, *La Législation Ducale en Brabant sous le Règne de Philippe le Bon (1430–1467)* (Brussels, 2006), 52–5; Godding, 'Ordonnances des Autorités Urbaines', 195; Cauchies, *Législation Princièrè*, 226–9.

<sup>233</sup> *Great Chron.*, 337: 'whereof the tenour was put In prynt that every man mygth thereof have knowlage'.

<sup>234</sup> *SR*, iii. 726–8 (31 Hen. VIII c. 8, s. 3); Masschaele, 'Market-place', 392.

<sup>235</sup> Examples from Exeter and York are given in chapter 5, n109.

The concepts of speech acts and of performativity were introduced in chapter one of this thesis. The publication and communication of legislation involved complex deeds, not simply informative statements. Each proclamation, as a speech act, might reflect one or more illocutionary force and its success or failure should be judged in relation to each of those. So far, this section has chiefly addressed, and doubted, the effectiveness of proclamations of parliamentary legislation as informative acts—telling the populace that there was an enactment, and its content. But, as has already been apparent at several points in the course of this chapter, many such proclamations were more complex deeds: suspending, commencing or amending other legislation, setting up the prospect of a deemed conviction of an offence, or creating some other instrumental effect. To avoid conducting a very similar exercise twice, more detailed consideration of these performative attributes will be deferred to the close of chapter five, when it will be possible to look more closely at particular case studies, drawing on examples drawn from the more diverse range of proclamations made in towns and cities alongside the proclamations surveyed in this chapter. For present purposes, it should be said that when looking at the more instrumental ingredients of so many royal proclamations of parliamentary legislation, particularly those relating to specific measures, the success of the intended effect was often certain, provided the process of making the proclamation was properly carried out. This may have been effective government, but it had little to do with active political communication, an engagement between centre and locality.

### *2.3. Conclusions on the Statute Rolls and Royal Proclamations*

This chapter has endorsed the doubts first expressed by Poole about *Magna Carta* mentioned in the introduction to this thesis, namely, his scepticism that an audience could fully comprehend complex or lengthy legislation communicated to them solely through oral announcement. Efforts were made in the fifteenth century to use oral proclamations to disseminate new statutes, despite the indigestible nature of many of those enacted at the time. It appears that the royal chancery continued to produce statute texts for circulation after parliament had ended and that these were likely to be the basis for proclamations, even if the record evidence for the practice

of making general proclamations of complete statutes dries up in the 1440s. Certainly, the statute roll was a purely formal record of little or no importance to this process well before its demise. Whilst government officials continued to produce statutes in French for a conservative legal market that still wanted them in that form, in issuing statutes in English occasionally from the 1430s, and more definitively from the 1450s, it appears that effort was being made to bridge the cognitive gap with the intended audience. Other devices to do so may have been made at local level, probably including the use of writing as an adjunct to orality. The concerns behind these steps reflected the contemporary commonplace that laws should be known and that ignorance of them was inherently undesirable, part of a wider political narrative about the quality of the government's enforcement of these laws. Whether always said entirely in good faith, there is a strikingly recurrent refrain of complaint, that proclamations were not being made or heard. It has been argued here that the general proclamation of statutes has to be seen as the litmus test of the efficacy of the royal proclamation as a system of political communication. After the 1440s, the evidence that the practice was systematically carried out is patchy and a matter of inference. In terms of their overall impact, these general proclamations have to be judged substantially a failure.

Yet, it also seems clear that it is insufficient to judge the success or failure of proclamations solely in informative terms, because that is not always a sufficiently accurate characterisation of what they were trying to be. Much of the force behind them was performative, imbued with ritualised incidents, designed (whether or not always consciously) to assert a sense of authority, to fix the putative audience with notice of an intended state of affairs, to suspend or commence the effect of an act or to deem a person convicted. What often mattered most, and is likely to have been more significant to the king's subjects, were shorter messages of this kind, often with a clear, instrumental purpose, specifically targeted by subject or by locality. These may have conveyed information, in a form that was more readily capable of assimilation, but such messages were often also much more obviously doing something. It is these that seem to have left the sharpest imprint on those hearing such announcements although, as we have seen, even this reception was relatively shallow. The men of the Cinque Ports, for instance, do not seem to have treated royal proclamations as their chief source of information about what parliament had

decided. The alternative sources they did have recourse to will be the subject of chapter four. Before then, however, it is necessary to complete the exercise begun by this chapter by considering other means by which the centre sought to communicate the terms of parliamentary legislation to the localities.

## Chapter Three: Channels Associated with Government II: Other Forms of Government Promulgation

### 3.1. Introduction: Official and Hybrid Forms of Publication

The preceding chapter has discussed the use of records of statutes, and of royal proclamations in particular, by the king's government in order to notify, if not exactly always to inform, the populace of what parliament had brought to life. The central importance of proclamations in the generally received view of how this was achieved, and the intricacy of the question of their effectiveness has necessitated a long chapter that opens up many of the themes that will be pursued for the rest of this thesis. This makes it possible to address the remaining methods by which the centre sought to inform the localities of parliamentary legislation in a shorter and more miscellaneous chapter treating two principal topics. First, it will consider the use of oaths as a way of cementing knowledge of parliamentary legislation and of securing compliance with them. Secondly, it will look at how the government disseminated copies of private acts, provisos and occasionally statutes internally to administrative departments and to royal courts.

This second area of discussion will develop a point, touched upon at the end of the preceding chapter, which requires further introduction. We have already seen in chapter two how chancery clerks continued to supply lawyers and statute book makers with French texts of statutes up to the 1480s. Such behaviour fits well with recent heightened scholarly interest in the connections between clerks, lawyers, administrators and the makers of books, especially within London and in its precincts, such as in the government administration or in the Inns of Court.<sup>1</sup> These relations, both personal and economic, are important in understanding how knowledge, including legal knowledge, was passed by exchanging and copying

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<sup>1</sup> M.P. Davies, "'Monuments of Honour': Clerks, Histories and Heroes in the London Livery Companies", in *The Fifteenth Century X: Parliament, Personalities and Power*, ed. H. Kleineke (Woodbridge, 2011), 43–165, at 148–9; N.R. Ramsay, 'Scriveners and Notaries as Legal Intermediaries in Late-Medieval England', in *Enterprise and Individuals in Fifteenth-Century England*, ed. J.I. Kermod (Gloucester, 1991), 118–131; *OHLE*, vi. 442–4; L.R. Mooney, 'Locating Scribal Activity in Late-Medieval London', in *Design and Distribution of Late-Medieval Manuscripts in England*, ed. M. Connolly & Mooney (Woodbridge, 2002), 183–204; *eadem*, 'Vernacular Literary Manuscripts and their Scribes', in *The Production of Books in England 1350–1500*, ed. A. Gillespie & D. Wakelin (Cambridge, 2011), 192–211.



texts. It is important to attempt not just to describe the structures and modes by which activity of this kind took place, but also to try to populate the stage by identifying the individuals who made it possible and to undertake the prosopography on them. From this chapter onwards, the names of those involved in such activities will start to appear more frequently. A closely related feature of late-medieval administration relates to the mentalities at work within it. Its systems were frequently borrowed to serve private interests, for instance, in permitting the dorse of the close roll to record the private transactions of clerks, often, nominal gifts of chattels.<sup>2</sup> It has been suggested that, as office holding became increasingly laicised in the fifteenth century, officials were less often rewarded through benefices. Accordingly, they increasingly took to undertaking private ventures in conjunction with their official duties.<sup>3</sup> Exchequer officials, principally William Essex, king's remembrancer from 1450 to 1480, were particularly noted for this.<sup>4</sup> Such activities highlight an ambiguity of initiatives and roles; what appear to be firmly official government systems may not straightforwardly be so at all. Administrators were, in all probability, doing something that happened to be useful to the king whilst also making money on the side. Indeed, when we reach the bureaucratic industry that grew up around disseminating copies of provisos to acts of resumption, we shall see even more clearly these tendencies towards a hybridisation of the private and professional interests of royal officials.

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<sup>2</sup> N. Pronay, 'The Chancellor, the Chancery, and the Council at the End of the Fifteenth Century', in *British Government and Administration: Studies presented to S.B. Chrimes*, ed. H. Hearder & H.R. Loyn (Cardiff, 1974), 87–103.

<sup>3</sup> D. Grummitt, 'Public Service, Private Interest and Patronage in Fifteenth-century England', in *The Fifteenth Century III: Authority and Subversion*, ed. L. Clark (Woodbridge, 2003), 149–162; A.L. Brown, 'The Privy Seal Clerks in the Early Fifteenth Century', in *The Study of Medieval Records: Essays in Honour of Kathleen Major*, ed. D.A. Bullough & R.L. Storey (Oxford, 1971), 260–281, at 265; R.L. Storey, 'Gentleman-Bureaucrats', in *Profession, Vocation, and Culture in Later Medieval England*, ed. C.H. Clough (Liverpool, 1982), 97–107; C. Carpenter, 'Henry VI and the Deskillling of the Royal Bureaucracy,' in *The Fifteenth Century IX: English and Continental Perspectives*, ed. L. Clark (Woodbridge, 2010), 1–37, at 17–19; C.W. Smith, 'A Conflict of Interest? Chancery Clerks in Private Service', in *People, Politics and Community in the Later Middle Ages*, ed. J. Rosenthal & C. Richmond (Gloucester, 1977), 176–191. For the 14th century: B. Wilkinson, 'The Chancery', in *The English Government at Work 1327–1336*, ed. J.F. Willard & W.A. Morris (3 vols., Cambridge MA, 1940–7), i. 162–205, at 201–2; S.J. Gunn, *Henry VII's New Men and the Making of Tudor England* (Oxford, 2016), 134–152.

<sup>4</sup> Grummitt, 'Public Service', 150–2, 157. See also more generally: R.A. Griffiths, 'Public and Private Bureaucracies in England and Wales in the Fifteenth Century', in *King and Country: England and Wales in the Fifteenth Century* (1991), 137–159; R.L. Poole & M.D. George, 'Verses on the Exchequer in the Fifteenth Century', *EHR*, 36 (1921), 58–67; J.L. Kirby, 'The Rise of the Under-Treasurer of the Exchequer', *EHR*, 72 (1957), 666–677.

### 3.2. Parliamentary Oaths

A technique periodically utilised in periods of high political tension or lawlessness in the realm was the parliamentary oath. We shall see in chapter five that the oath was commonplace as a form of assurance that laws would be both applied by civic officials and complied with by residents in towns and in local courts. This was also true in other courts, including in those of the church.<sup>5</sup> Yet, in a parliamentary context, the oath never seems to have become settled practice. Occasionally, they were made in opposition to the court, such as the communal (and thus, horizontal) oath of the commons at the Good Parliament of 1376.<sup>6</sup> More normally, oaths of groupings within parliament were made vertically, as a mark of loyalty to the king, or at least in token obeisance to his authority.<sup>7</sup> Beyond this, the way these oaths were structured seems to have varied. Their extension beyond the confines of parliament itself was relatively rare. This suggests that no consensus ever developed within the political nation as to how these processes should be used and, indeed, whether they should be employed at all. Naturally, this section will only be concerned with parliamentary oaths in the wider realm, as a communicative tool, but it is important to recall that their starting point was within parliament and their context in events. The following section will describe the occasions on which oaths were used, going back to the fourteenth century to give necessary background, whilst concentrating on the oaths of 1433–4. It will then draw out various ingredients for more detailed examination.

In March 1315, Edward II agreed to a writ that gave his approval to the use of excommunication by the church authorities as a sanction for dishonest jurors, those bringing false suits and disturbing the peace more generally.<sup>8</sup> But the parliamentary oath came into its own as a device under Richard II, for perhaps the only time, when it was used frequently both by the king and his opponents.<sup>9</sup> In 1429, fifteen

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<sup>5</sup> R.H. Helmholz, *The Ius Commune in England: Four Studies* (Oxford, 2001), 82–134.

<sup>6</sup> *The Anonimale Chronicle 1333 to 1381*, ed. V.H. Galbraith (Manchester, 1927), 80–1.

<sup>7</sup> C.M. Barron, 'Richard II and London', in *Richard II, The Art of Kingship* ed. A. Goodman & J.L. Gillespie (Oxford, 1999), 129–154, at 149.

<sup>8</sup> *PROME*, xi. 79–80.

<sup>9</sup> C.M. Barron, 'The Tyranny of Richard II', *BIHR*, 41 (1968), 1–18; *eadem*, 'Richard II and London', 148–9.

lay and ecclesiastical members of the king's council swore in parliament to certain conciliar articles restricting the use of livery and maintenance.<sup>10</sup> In the assembly of 1433, this expedient was repeated in the lords. Thereafter, the parliamentary commons also swore to these articles, enrolled in English. The 1315 writ was prayed in aid and also enrolled. The commons also sought wider dissemination of the articles and a complex process was designed, apparently derived from that used in 1398–9.<sup>11</sup> The knights of the shire would return indentures to the chancery with the names 'de tieux persones des countees pur queux ils veignent' who would then, in turn, swear to the articles locally at a subsequent time.<sup>12</sup> Slightly different strategies were to be employed for London, the Cinque Ports and in other liberties. Penalties applied to those refusing to swear these oaths. Rather later, on the prorogation at the first session of the 1461 parliament, Edward IV issued a vernacular set of articles, somewhat longer than that of 1434, but partly lifted from that earlier version, relating to livery and maintenance and the hosting of unlawful games. The lords promised to uphold these articles in parliament, but the commons were not required to swear to them. Instead, they were to be proclaimed and the parliamentary commons were to pass on the message that those complaining of breaches of law and order should prepare bills for the king as he itinerated during the forthcoming prorogation.<sup>13</sup> In fact, the second session of this parliament was cancelled, and it is unclear whether anything came of this initiative.

The key question to be asked of this is to what degree did these oaths provide an additional conduit for communicating the terms of parliament's will, or to augment existing channels for doing so. In the case of 1461, when the political circumstances remained somewhat unstable following a dynastic change, we seem to be dealing with what was, from the perspective of those outside parliament, simply another proclamation, albeit one of the shorter, targeted kind, pre-prepared in the vernacular, described in the previous chapter, a type that may have been more

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<sup>10</sup> *PROME*, x. 394; *P&O*, iv. 64–6. These articles were modified from an earlier conciliar ordinance of Nov. 1426, addressed to the nobility generally, in favour of those below that status (*P&O*, iii. 217–8).

<sup>11</sup> R.A. Griffiths, *The Reign of Henry VI: The Exercise of Royal Authority, 1422–61* (Berkeley CA, 1981), 144–6.

<sup>12</sup> ['of such persons of the counties for whom they come'] (the ambiguity as to whether the MPs come for the electors or for their county is in the original): *PROME*, xi. 149.

<sup>13</sup> *PROME*, xiii. 64–6.

frequently issued that surviving records suggest. The oath tied to it, however, stayed within parliament. The events of 1433–4 are less straightforward to interpret. Though the writ sent to the authorities of London to enforce the version of the oath intended for the mayor, sheriffs, aldermen, and thence the inhabitants of London, did not annex the articles to be sworn to, it seems clear that copies were available there,<sup>14</sup> and nationally.<sup>15</sup> However, the emphasis, as portrayed on the face of the parliament roll and the process issued in consequence by the chancery was on identifying and penalising those who refused to swear. Once more, on its face, there was therefore a performative edge to the strategy as a whole. Its purpose was to put the commons and then, effectively, their constituents in a position where they had no choice. The approach taken was formally coercive, though it appears that the commons in parliament were themselves behind it, and the oaths clearly had a horizontal element, the parliamentary commons and their electors binding themselves together. As has been said of religious oaths in the early-modern period, oaths were intended to ‘flush out’ the ‘disloyal and dissident’; individual conscience could be instructed or directed.<sup>16</sup> There were thus complementary vertical aspects to the process— a superior authority seeking assurance from each man singly. The oath-helpers themselves also assumed risk of public shame in unsuccessfully supporting a disreputable person, a situation akin to that in the procedure of wager of law or compurgation.<sup>17</sup> Similarly, there was a bear trap sprung for the unwary in the way the oath was constructed— the threat of public exposure in front of one’s peers should one shrink from the requirement to swear, in addition to a financial penalty.

In practice, there may nevertheless have been at least an attempt to inform those swearing, as well as to cajole them. Steps were taken to provide background

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<sup>14</sup> L BK, f. 138. That text must have been available, however. See the copy in *Arnold’s Chron.*, 138–9.

<sup>15</sup> The articles were not included in writs of Feb. 1434 to the knights of the shires, some of which survive with returns at C255/20/2/1–18, but they were in later writs in May to commissioners appointed to administer the oaths in places not represented in parliament: C255/20/2/19–23. See too: letters of attendance from Dover Castle: BL, Cotton Julius B iv, ff. 56v–7 (Winchelsea); BL, Egerton MS 2105, ff. 32v–3 (Dover & Faversham).

<sup>16</sup> J. Spurr, “‘The Strongest bond of conscience’: Oaths and the Limits of Tolerance in Early Modern England”, in *Contexts of Conscience in Early Modern Europe, 1500–1700*, ed. H. Braun & E. Vallance (Basingstoke, 2004), 151–165.

<sup>17</sup> Helmholz, *Ius Commune*, 82–134; *OHLE*, i. 614–17; *OHLE*, vi. 308, 316, 836–7; J.S. Beckerman, ‘Procedural Innovation and Institutional Change in Medieval English Manorial Courts’, *Law & History Review*, 10 (1992), 197–252, at 202–212.

information to the oaths to the wider realm. On 4 January 1434, very shortly after parliament had been dissolved on around 18 December, writs were sent out attaching schedules of a group of statutes on the subjects of purveyance, weights and measures, riots, labourers and, importantly for present purposes, livery and maintenance, many of which were originally enacted after 1377.<sup>18</sup> In other words, a proclamation was widely made that included the key statutes that underpinned the articles the men of the counties and towns were soon to be sworn to. It must, however, be recognised that this collection was copied in the original languages of French and Latin and it was of very considerable length. Therefore, whilst it might initially appear to have been a helpful move by the royal administration, the issue of this text might also be seen as bolstering the instrumental purposes of the forthcoming oaths rather than anything likely to have assisted men in understanding them. As before, there is a strong suggestion that the distribution of this material was to put men on notice, to make it impossible for them to claim that they did not know what they were committing themselves to. The proclamation appears to have been more useful in the longer term to those compiling statute books, in several of which it appears as an additional statute from Henry VI's reign.<sup>19</sup> The vernacular articles themselves, however, seem altogether more promising in communicative terms, monothematic and about 250 words in length.

It is certainly possible that in 1434, with minds concentrated by a combination of the authority of king and parliament, the risk of financial penalties, excommunication for perjury, or simply public shame, the combination of articles and oath may have succeeded to some degree in getting parliament's relatively simple message across. Nor should it be doubted that the vast majority of those listed would have taken the oaths perfectly willingly. But the oath was a cumbersome way of achieving its goal and, if taken without flinching, it seems difficult to see what added benefit it conferred. Its effectiveness was in reality measured by the conscience of the person taking it. Many of the criticisms made at the time of the use of compurgation in court, and by historians since (Maitland, for instance, considered it a 'farce'),<sup>20</sup> would seem to be equally applicable here.

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<sup>18</sup> See chapter 2, n82, appendix 4, item (2).

<sup>19</sup> Also in appendix 4, item (2).

<sup>20</sup> Pollock & Maitland, ii. 636.

Moreover, the objective of the oath was, naturally, to clamp down on breaches of law and order, not simply to communicate what parliament had done about it. Nor does examination of selected parts of the names returned to chancery of those intended to take the oaths suggest that the process was carried out with comprehensiveness or efficiency. Christine Carpenter has commented on the ‘incomplete’ oath list for Warwickshire.<sup>21</sup> The Surrey list shows a lack of organised system, in contrast to Saul’s extrapolation of an order to the Sussex returns for the June 1388 oath.<sup>22</sup> It even appears that, in 1434, the returning Bedfordshire MPs worked separately to compile their own lists of oath takers, duplicating many names in process.<sup>23</sup> There is some contrast here with Cheshire, where the usual county administration was used to compile a more orderly list, arranged by hundred.<sup>24</sup> But, for places that were represented in parliament, it also seems unlikely that the returned lists represent the final word on who took the oaths. Some names, such as the royal officers Henry Somer and the chancery clerk of the crown Thomas Haseley appear under more than one county.<sup>25</sup> Assuming that they sought removal or to be excused for not swearing one of these oaths, then the prospect is opened of other unrecorded attempts to plead unavoidable absence. The fact that the experiment was not repeated suggests that, overall, the 1434 oaths were not considered to be an effective answer to the recurrent problem of lawlessness, or to the other commonplace that men were ignorant of the law. As we have already seen in chapter two, the received wisdom on that was usually that better enforcement was needed and, to that end, the government should issue more proclamations.

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<sup>21</sup> C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society 1401–99* (Cambridge, 1992), 50 (quotation), 51, 75.

<sup>22</sup> *CPR*, 1429–36, pp. 379–381. Note, for example, the appearance of men from Southwark, or from the Brixton hundred generally, throughout the list. N. Saul, ‘The Sussex Gentry and the Oath to Uphold the Acts of the Merciless Parliament’, *Sussex Archaeological Collections*, 135 (1997), 221–239, at 226: sworn in the Sussex rapes, from east to west. For the hundreds of Surrey: see *VCH, Surrey*, i. (map facing 444).

<sup>23</sup> *C255/20/2/1* (2 separate returns). The duplication can also be seen in the enrolled versions: *CPR*, 1429–36, p. 374.

<sup>24</sup> *C255/20/2/20*.

<sup>25</sup> *CPR*, 1429–36, pp. 380, 385, 408. Somer in Middlesex and Cambridgeshire, Haseley in Middlesex and Surrey. This reflects their landholdings, see: *HP*, 1386–1421, iii. 307–310; iv. 400–4.

### 3.3. *The Promulgation of Parliamentary Legislation within government*

#### 3.3.1 *The writ of Mittimus and the Techniques of Internal Promulgation in Government*

In September 1448, Thomas Sharpe, a yeoman of the crown to Henry VI, was granted a daily fee of 6d. from Michaelmas in that year, payable directly out of the fee farm of the borough of Nottingham.<sup>26</sup> The act of June 1450 resumed all such grants, but Sharpe obtained a proviso in order to save his grant.<sup>27</sup> News of this exemption from the resumption was sent to the borough sheriffs by ‘oure writte of Mittimus’.<sup>28</sup> Nonetheless, the borough subsequently found the £9 2s. 6d. it had paid to Sharpe for the year 1448-9 disallowed at the exchequer and it had to seek pardon.<sup>29</sup> Whilst the error here may actually lie with the exchequer, the incident shows that the texts of the act and its provisos could not be left to speak for themselves. It was also necessary to communicate the fact and terms of Sharpe’s exemption by sending a transcript to Nottingham by writ, and to inform the exchequer about it. Taken at face value, a *mittimus* writ would appear to constitute a very inert kind of reception, the sending of a copy of an enactment through an administrative channel both formal and mundane, telling its recipient to take heed, but not necessarily even to retain it thereafter in their records. But this incident shows, rather, that as form of reception of legislation, the process was more dynamic than this might suggest. In particular, it was not enough for Sharpe that he laboured the king, royal officials and parliament to get the proviso in the first place. After that, he had to ensure it was acted upon. Otherwise, the urban authorities at Nottingham, or the exchequer, would make assumptions detrimental to his interests. As Dodd has said, the worth of a private petition, which Sharpe’s clause would have been, ‘lay not in its contents but in the action that it stimulated within

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<sup>26</sup> *CPR*, 1446-52, p. 247.

<sup>27</sup> *PROME*, xii. 128. As to the act: B.P. Wolffe, *The Royal Demesne in English History: The Crown Estate in the Governance of the Realm from the Conquest to 1509* (1971), 124–130.

<sup>28</sup> E159/227, *BB Pas. rot. 12*. The writ to Nottingham does not survive. Importantly, there is no record of a separate writ to the exchequer either covering this proviso (though it was included in a complete copy of the act: E159/227, *Rec. Mich. rot. 23*). This was possibly a misjudgement on Sharpe’s part.

<sup>29</sup> E159/227, *BB Pas. rot. 12*.

government'.<sup>30</sup> It should be borne in mind that, by the 1420s, it was apparently no longer standard practice for private petitions to be passed to committees of auditors or triers, or to the council, who would then refer them directly to government departments or courts for further action.<sup>31</sup> It seems that labouring the late-medieval English parliament did not therefore end once a measure had received parliamentary and royal assent.<sup>32</sup> The petitioner had to see the process through to the bitter end. We shall see further evidence to support this modest re-conceptualisation of the boundaries of 'lobbying' in the course of this section.

Of course, in this instance, the labouring process followed by Sharpe had gone wrong. Nonetheless, the episode introduces the potentially unexpected ways in which governmental channels could be used to communicate with local royal officials in furtherance of personal interests. This is not a topic that has been much considered by historians, though it has been recognised that the memoranda rolls of the exchequer contain copies of legislation not always found (at least in full) elsewhere,<sup>33</sup> and Hicks has offered a brief explanation of the way that *mittimus* writs were used to convey such material to the exchequer, on the basis of a group of signet letters addressed to Edward IV.<sup>34</sup> Otherwise, this relative lack of interest reflects the modest coverage of the administrative history of the fifteenth century,<sup>35</sup>

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<sup>30</sup> G. Dodd, 'Parliamentary Petitions? The Origins and Provenance of the 'Ancient Petitions' (SC8) in the National Archives', in *Medieval Petitions: Grace and Grievance*, ed. W.M. Ormrod *et al.* (York, 2009), 12–46, at 46.

<sup>31</sup> Dodd, *Justice and Grace*, 166–196.

<sup>32</sup> On 'lobbying' parliament: C.M. Barron, 'London and Parliament in the Lancastrian Period', *PH*, 9 (1990), 343–367; M.P. Davies, 'Lobbying Parliament: The London Companies in the Fifteenth Century', *PH*, 23 (2004), 136–148; H. Kleineke, 'Lobbying and Access: The Canons of Windsor and the Matter of the Poor Knights in the Parliament of 1485', *PH*, 25 (2006), 145–159; Dodd, *Justice and Grace*, 254–278; M.A. Hicks, 'King in Lords and Commons: Three Insights into Late Fifteenth Parliaments, 1461–1485', in *People, Places and Perspectives: Essays in Late Medieval and Tudor History*, ed. K. Dockray & P. Fleming (Stroud, 2005), 131–153; C.R. Kyle & J. Peacy, "'Under Cover of so Much Coming and Going": Public Access to Parliament and the Political Process in Early Modern England', in *Parliament at Work: Parliamentary Committees, Political Power and Public Access in Early Modern England*, ed. Kyle & Peacy (Woodbridge, 2002), 1–23; Cavill, *Hen. VII*, 153–160.

<sup>33</sup> M.A. Hicks, 'The Forfeiture of Barnard Castle to the Bishop of Durham in 1459', *Northern History*, 37 (1997), 228–231; *idem*, 'Edward IV, the Duke of Somerset and Lancastrian Loyalty in the North', in *Richard III and his Rivals: Magnates and their Motives in the Wars of the Roses* (1999), 149–163.

<sup>34</sup> M.A. Hicks, 'Attainder, Resumption and Coercion, 1461–1529', in *Richard III and his Rivals*, 61–77, at 71. I have not, however, followed Hicks' interpretation of the process.

<sup>35</sup> A.J. Otway-Ruthven, *The King's Secretary and the Signet Office in the XVth Century* (Cambridge, 1939); A. Steele, *The Receipt of the Exchequer 1377–1485* (Cambridge, 1954); A.L. Brown, 'The Authorization of Letters under the Great Seal', *BIHR*, 37 (1964), 125–156; *idem*, 'The Privy Seal Clerks in the Early Fifteenth Century'; *idem*, *The Governance of Late Medieval England 1272–1461*



though, as the recent work mentioned at the start of this chapter has shown, clerks and royal officers have recently begun to be considered from new perspectives. This section intends to supplement such lines of inquiry by looking more closely at why copies of parliamentary acts were sent to royal officials, departments and courts and, particularly, at who made this happen. Whilst the various processes by which this was made possible will be considered, as will the various destinations to which the writs and transcripts went, the focus here will be placed on the humble writ of *mittimus*, sent by the chancery to the royal exchequer, normally to the king's remembrancer. This reflects the extensive series of surviving king's remembrancer rolls in which most, but probably not quite all, copies of parliamentary legislation sent to the exchequer were enrolled, in either the *Brevia Directa Baronibus* (writs directed to the barons [of the exchequer]) or *Adhuc Recorda (Communia)* (miscellaneous records, common, or day-to-day matters) sections, or both.<sup>36</sup> These records can be combined with original writs and supporting schedules and transcripts themselves, which survive in some numbers and which were filed and placed in the custody of the exchequer marshal.<sup>37</sup> After discussing these sources, the section will look at how *mittimus* writs were sought after the 1449–50 parliament, and following other acts of resumption, by a large number of interests. The second part is a case study based on accounting records of the City of Canterbury, showing how it secured a writ of *mittimus* and transmitted it to the exchequer in 1473–4.

As in the case of Thomas Sharpe, copies of legislation were sent to sheriffs in towns and counties and to other local officials, such as customers.<sup>38</sup> Sheriffs kept files of

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(1989); N. Pronay, 'The Hanaper under the Lancastrian Kings', *Proceedings of the Leeds Historical & Literary Soc.*, 12 (part 3), (1967), 73–86; *idem*, 'The Chancellor'. Some of the (richer) literature on the 14th century is cited below. See also n3 above.

<sup>36</sup> E159/199–261. There is nothing dealing with these rolls for the 15th century, but see: *The Red Book of the Exchequer*, ed. H. Hall (3 vols., Rolls Soc., 1896), iii. 848–907; J. Conway-Davies, 'The Memoranda Rolls of the Exchequer to 1307', in *Studies presented to Sir Hilary Jenkinson*, ed. Conway-Davies (Oxford, 1957), 97–154; D. Crook, 'The Early Remembrancers of the Exchequer', *BIHR*, 53 (1980), 11–23; J.F. Willard, 'The Memoranda Rolls and the Remembrancers, 1282–1350', in *Essays presented to T.F. Tout*, ed. A.G. Little & F.M. Powicke (Manchester, 1925), 215–229.

<sup>37</sup> E208/12–17; E175/3–5, 11. The post existed as early as 1179, appointed by the marshal of England: *Dialogus de Scaccario*, ed. E. Amt & S.D. Church (Oxford, 2007), 24–5, 30–1; *Red Book*, iii, 862–3; Conway-Davies, 'Memoranda Rolls', 108. J.C. Sainty, *Officers of the Exchequer* (Lists & Index Soc. Sp. ser., 1983), 150–1, 154–5 (list of 15th-century holders of the position).

<sup>38</sup> CUL, Ff 4.14, f. 118v: a copy of 2 Hen. VII c. 9 (*SR*, ii. 517–8), addressed to the customers and collectors of the port of London.

incoming royal writs.<sup>39</sup> Sampling of records of the court of king's bench reveals that it too retained files of royal writs and schedules (in a reversal of exchequer nomenclature, called *Recorda*), which were cross-referred to the formal record in the plea rolls themselves, in which the writ and supporting legislative text would be copied out. There are occasional instances of private acts that only appear in these sources.<sup>40</sup> As for the exchequer, three methods were used to transmit a transcript of parliamentary legislation to it, though these techniques were not unique to this type of material. They were also employed for many other documents drawn from royal records, including inquisitions, letters patent, records of court process, even extracts from Domesday Book.<sup>41</sup> The first method was the delivery of a copy in person by a chancery clerk to the exchequer barons.<sup>42</sup> The second was a formal exemplification or *inspeximus* copy made under the great seal. These were expensive to obtain and seem primarily to have been the preserve of suitors of higher status, such as members of the nobility or the elites of cities such as London.<sup>43</sup> Thirdly, and by a distance the most common approach, was the writ of *mittimus*.<sup>44</sup> On occasion, this writ was issued in response to a direction to do so by chancery writ of *certiorari*. There was clearly a correspondence between these writs— the latter requiring the recipient to send a record pursuant to the former— but it does not appear that this had to be the case for copies of legislation, it seems, because these were already held in the chancery.<sup>45</sup> The writ of *mittimus* was used for statutes, sometimes before the parliament roll seems to have been drawn up and, increasingly, it would seem, often many years before the statute roll was finalised. It was also heavily employed for transcripts of private acts and provisos.

Importantly for present purposes, however, both writs of *mittimus* and exemplifications often indicate who requested the issue of the document, either

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<sup>39</sup> R.C. Palmer, *The County Courts of Medieval England 1150–1350* (Princeton, 1982), 44.

<sup>40</sup> For 1464–6: KB 145/7/4–5.

<sup>41</sup> E208/16/misc. file marked '11H6' (letters patent from Bruges); E159/232, *Rec.* Hil. rot. 2 (an extract from Domesday Book).

<sup>42</sup> E159/203, *Rec.* Hil. rot. 25; E159/240, *Rec.* Trin. rot. 31, Mich. rot. 33.

<sup>43</sup> E.g. from 1461–70, the exchequer received *inspeximus* copies relating to the affairs of: Richard earl of Warwick, Anne duchess of Exeter, the Abbot and Convent of Evesham and the Calais Staple: E159/239, *Rec.* Trin. rot. 13; E159/243, *Rec.* Trin. rot. 2; E208/17; E159/245, *Rec.* Mich. rot. 3. The little sealing fee of 6s. 4d. was paid, besides other fees and rewards to the clerks.

<sup>44</sup> J. Rastell, *Les Termes de la ley* (1642), 221.

<sup>45</sup> Strongly suggested by A. Fitzherbert, *La Novel Natura Brevium* (1534) (STC 109581), sig. 273–9v; Rastell, *Termes*, 45 & 221; Putnam, *Proceedings*, p. lxiv.

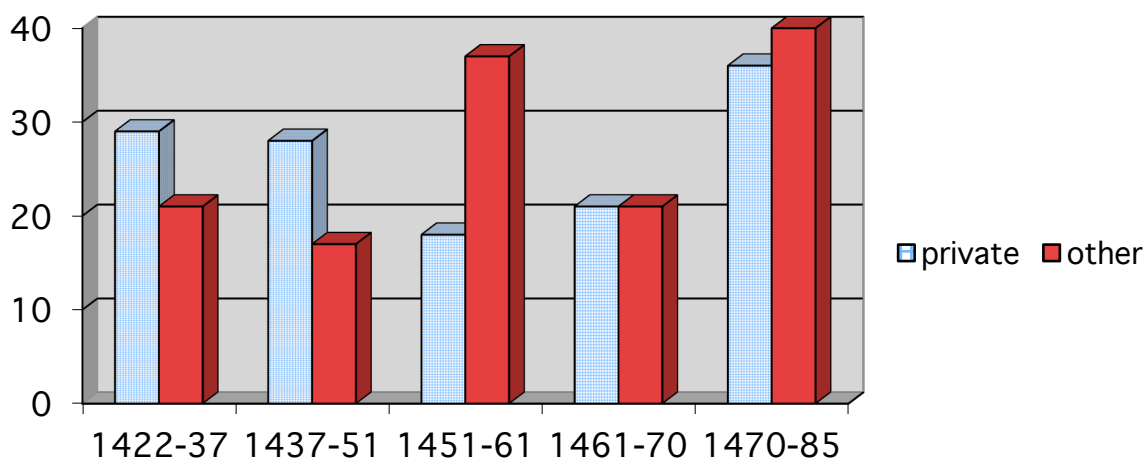
referring to the request, requisition or prosecution of a named suitor in the clause formally conveying the text to its recipient,<sup>46</sup> or in marginal annotations. This has made it possible to analyse the king’s remembrancer’s records of copies of legislation for the period 1422–85 to look for the proportion of these documents sought by someone other than the crown. The results can be set out as follows:

*Table (a): Total numbers of recorded transmitted copies of acts to the exchequer 1422–85*

Sources: E159/199–261

E208/12–17

E175/3–5, 11



Period	Informal copy delivered or unknown	<i>Inspeximus</i> or exemplification	<i>Mittimus writ</i>	Numbers of items expressly sought solely by private interests <sup>47</sup>	Total
1422–37	2	0	50	29	52
1437–51	0	2	43	28	45
1451–61	0	2	53	18	55

<sup>46</sup> *Registrum omnium breuium tam originalium quam iudicialium* (STC 20836), sig. 170, 217, for examples of early-modern *mittimus* forms, including this kind of wording.

<sup>47</sup> The figures in this column have been calculated from writs expressly mentioning a private party seeking the writ or where the *BB* section of the roll states that the measure is ‘pro’ a given private person. Only requests mentioned after the word ‘vobis’ in the text of the writ are included.

1461–70	2	4	38	21 <sup>48</sup>	42
1470–85	0	7	69	36 <sup>49</sup>	76
Total	4	15	253	132	270

We might sensibly allow here for understatement of genuinely private interests when the material is silent on initiative, particularly in the decade from 1451, when provisos to acts of resumption were numerous. Equally, sponsors may sometimes have been acting in their official capacity.<sup>50</sup> A writ could be simultaneously sponsored by the crown and in a personal interest.<sup>51</sup> Nonetheless, it is possible that over half of the parliamentary material transmitted to the exchequer between 1422 and 1485 was sent to preserve or protect the rights of individuals, or of other bodies such as towns. This seems to provide another instance of the ways in which the royal administration was borrowed for the furtherance of private interests.

The procedures for obtaining a *mittimus* writ did not ordinarily require the direct application of royal grace. It appears, for instance, that the signet instructions that Hicks has used to suggest otherwise amount to no more than evidence that suitors *could* approach the king to chase the process up in the ferment of an on-going resumption.<sup>52</sup> At least one of the writs followed up in this fashion had, in fact, already been sealed and dated in the chancery,<sup>53</sup> and another left it to George duke of Clarence to have exemplifications, but only if he requested them.<sup>54</sup> In fact, the *mittimus* writ was not in a fixed form in the register of writs. It was available by

<sup>48</sup> Plus 3 other writs jointly requested with the crown.

<sup>49</sup> Plus 3 writs jointly requested with the crown.

<sup>50</sup> E.g. E159/216, *BB* Trin. rot. 29, *Rec.* Trin. rot. 11, said to be at the presentation of the treasurer of the royal household, but marked ‘pro Rege’ in the margin of the *BB* enrolment. I have taken it as official business. But most officials were protecting royal grants to *themselves*, in roles such as customers or farmers. I have included these.

<sup>51</sup> E159/242, *Rec.* Pas. rot. 31: ‘Ex parte noster quam aliorum ligeorum nosterum in hac parte prosequencionem’ [‘Prosecuted on our part and as well for our other lieges in this cause’].

<sup>52</sup> Hicks, ‘Attainder, Resumption and Coercion, 1461–1529’, 71; C81/1380/5, 7–10, 12–14, C81/1381/1–16, 19–20 (26 signet letters relating to provisos under the 1467 resumption act).

<sup>53</sup> C81/1380/8: a signet of 22 Mar. 1468 encouraging the issue of writs for Robert Brigges. E159/245, *Rec.* Pas. rot. 1 is the exchequer enrolment, dated 14 Mar. 1468. Similarly with C81/1380/14 (25 Apr. 1468), apparently chasing E159/245, *Rec.* Pas. rot. 5 (already issued on 26 Jan. 1468). It is notable from the signets that the king is not in London on these occasions.

<sup>54</sup> C81/1380/5.

direct application to chancery masters of the first form (*de precepto*).<sup>55</sup> In *Pilkington's case* of 1455, the writ was referred to as 'fait forsque par un Clerk del Chancery'.<sup>56</sup> Besides the 6d. writ fee to the hanaper, it seems probable that some measure of access or influence would also have been helpful, particularly as the writ would still have had to be individually drafted and approved within the chancery, though this was not a difficult task. These points will be illustrated shortly by the Canterbury case study.

The *Modus Tenendi Parliamentum* was by the fifteenth century not simply the representation of an ideal, but was drawn upon as a guide to practice.<sup>57</sup> Chapter 25 stated that the clerk of parliament was obliged to provide a transcript of parliamentary process to anyone who asked, at a fee of 1d. for ten lines.<sup>58</sup> By 1531, his oath required not only discretion on the disclosure of parliamentary business before it was published, but also a corresponding obligation to provide copies to those 'as it oweth'.<sup>59</sup> Such specialisation of roles within chancery is well known.<sup>60</sup> To judge from the names of the authorising clerk, which are given on about a third of the surviving *mittimus* writs for the period,<sup>61</sup> almost all writs sending legislation to the exchequer after 1447 were approved in the name of the clerk of parliament.<sup>62</sup>

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<sup>55</sup> *Early Registers of Writs*, ed. E. de Haas & G.D.G. Hall (Selden Soc., 1970), pp. xix–xx; lxiv–lxv. B. Wilkinson, 'The Chancery', in *English Government at Work*, i. 183–4; *idem*, *The Chancery under Edward III* (Manchester, 1929), 74–83; *OHLE*, vi. 324–6.

<sup>56</sup> ['made merely by a clerk of chancery'] [*YB*, 33 Hen. VI, Pas., pl. 8].

<sup>57</sup> To shorten a distended bibliography on this tract: *Parl. Texts*, esp. 47–9 (noting that copies were in the possession of parliamentary officials); W.C. Weber, 'The Purpose of the English *Modus Tenendi Parliamentum*', *PH*, 17 (1998), 149–177, esp. 160.

<sup>58</sup> ['The clerks of parliament will not refuse anyone a transcript of his process, but will give it to anyone who asks, and they will always receive a penny for ten lines, unless a good cause is made of inability to pay, in which event they will take nothing.'] trans. by Pronay & Taylor, *Parl. Texts*, 78, 91, 114. Supported by John Hooker: *Parl. Texts*, 53; V.F. Snow, *Parliament in Elizabethan England: John Hooker's Order and Usage* (New Haven, 1977), 125, 143–4, 159–162.

<sup>59</sup> H. Kleineke, 'Some Parliamentary Material in the Early Records of the Clerk of the Crown in Chancery', in *Institutional Practice and Memory: Parliamentary People, Records and Histories. Essays in Honour of Sir John Sainty*, ed. C. Jones (Chichester, 2013), 212–228, at 220.

<sup>60</sup> *Medieval Chancery*, 20–1.

<sup>61</sup> This name could sometimes be that of the scribe/author but was more generally of the clerk who authorised the writ: B. Wilkinson, 'The Authorisation of Chancery Writs under Edward III', *BJRL*, 8 (1924), 107–139. The clerk's name (always the same as on the face of the writ) is sometimes also written across the stitching of the writ to its schedule, presumably to prevent tampering.

<sup>62</sup> Using the same sources as table (a) above (names of clerks of parliament in brackets): 0 cases out of 5 copies transmitted in the period 1422–3 (Frank), 5/28 (1423–36, Prestwich), 0/4 (1436–8, Bate), 11/15 (1438–1447, Kirkby), 18/60 (1447–61, Faukes, but this is all 18 writs for which we have a name), 18/42 (1461–71, Faukes again, but again this is all 18 writs for which we have a name), 22/71 (1471–83, Gunthorp, 22/28 writs for which we have a name and some of the exceptions are where the parliament roll was amended on the authority of the keeper of the rolls). The sample is too small before 1447 to be certain whether there was an increasing trend to defer to the clerk of

However, it seems that the office of the chancery clerk of the crown undertook the actual work of preparing official transcripts, usually by its secondary.<sup>63</sup> Indeed, the holder of this post in the 1480s or 1490s, probably Richard Ive, Gilbert Bacheler or both, kept a precedent book that includes three forms of *mittimus* writs directing copies of parliamentary acts elsewhere in royal government,<sup>64</sup> including at least one that can be correlated with a writ produced in 1482.<sup>65</sup> Analysis of surviving exemplifications of parliamentary acts in royal and local archives confirms that these more formal certificates were often issued in the name either of the clerk of parliament or of the chancery clerk of the crown.<sup>66</sup> Such transcripts were frequently ostensibly examined, formally checked, by the notoriously indolent Thomas Haseley, secondary clerk of the crown 1414–c.1449 (or more probably by his own clerk, John Dale), and by the clerk of parliament.<sup>67</sup> The relatively open public right to a *mittimus* writ from chancery officials is also confirmed in relation to the exchequer by a council direction of 1456 that fees to exchequer officials were permitted for the enrolment of writs under the great and privy seals, ‘except *mittimus* and other writtys wh[ich] have ben vused of olde tyme to be entred amonge recordes ...’.<sup>68</sup> We shall come shortly to whether exchequer officials succeeded in living up to this ideal.

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parliament. For the 14th century: T.F. Tout, *Charters in the Administrative History of Medieval England* (6 vols., Manchester, 1920–33), iii. 488–9.

<sup>63</sup> On this post: A.F. Pollard, ‘The Clerk of the Crown’, *EHR*, 57 (1942), 312–333; *Medieval Chancery*, 24–5.

<sup>64</sup> Kleineke, ‘Some Parliamentary Material’, drawing on C193/1. There is a 3<sup>rd</sup> parliamentary *mittimus* writ at f. 127v, not printed by Kleineke— for an unidentifiable resumption proviso of 1465.

<sup>65</sup> Kleineke, ‘Some Parliamentary Material’, 217, 226; cf. E159/259, *Rec. Pas. rot.* 20, a copy of *PROME*, viii. 533–4 (Nov. 1411), with minor changes. ‘WA’ is revealed to be William Lasynby.

<sup>66</sup> E.g. BL, Add. MS 34308, ff. 18–19: exemplified paving act for Northampton dated 18 Mar. 1431, authorised by Prestwich (clerk of parliament) and examined by him and by Thomas Haseley; similarly, *Bristol Charters*, vol. ii., ed. H.A. Cronne (Bristol Rec. Soc., 1946), 118–121 (1426). For a later period: KHL, Do/Cp17: exemplification of petitionary version of 4 Ed. IV c.10 at Dover, dated 26 Jan. 1467, authorised by Faukes (clerk of parliament) and examined by Faukes and Thomas Ive (primary clerk of the crown); likewise, GL, MS 7366, a copy of a petitionary version of 4 Ed. IV c.7 for the London cordwainers; or, E175/4/15 (1468). There are, however, also many instances of other chancery clerks performing these roles for exemplifications; unlike *mittimus* writs to the exchequer from 1447 onwards, it is not so clear that roles were fixed.

<sup>67</sup> On Haseley: *HP*, 1386–1421, iii. 307–310; *Medieval Chancery*, 100–1; A.F. Pollard, ‘The Mediaeval Under-clerks of Parliament’, *BIHR*, 16 (1938–9), 65–87. Also (with caution): *MoC*, i. 832. In 1437–8, Haseley (who was also under-clerk of parliament to 1440) admitted that he had not been present in parliament since being taken ill at the 1425 assembly: S. Bentley (ed.), *Excerpta Historica* (1883), 147. This absence could, however, have impinged more on his duties as under-clerk, which involved the carrying of bills between the houses or reading out their titles at the end of parliament, than it could have on any subsequent administrative work on transcripts. He probably fulfilled both posts through Dale as deputy.

<sup>68</sup> E159/234, *Rec. Mich. rot.* 56. Printed, with omissions, c. 1533 (misdated 26 Hen. VI): STC 7696, sig. Aii. Made under 33 Hen. VI c.3 (*SR*, ii. 372–4).

A good illustration of the industry accompanying acts of resumption is provided by the 1449–1450 act. This has not been reputed a great success because the king was able to grant 186 specific provisos.<sup>69</sup> It is possible to chart the progress of these into the exchequer after parliament ended on 7 June 1450 in the face of the news of Cade’s revolt. Household courtiers and others swiftly moved into action. Between 24 June and 15 October, when a virtually complete text of the act was sent to the exchequer,<sup>70</sup> twelve individual provisos were also sent individually to the exchequer by *mittimus* writ: two for judges, one for an Oxford college, one for the king’s French secretary and seven for royal courtiers.<sup>71</sup> Writs for individuals associated with the king continued after October; that for Thomas Thorpe was dated as late 12 November 1451, clearly indicating that, whatever the resumption act said, the crown was accepting additional exceptions well after the parliament was over.<sup>72</sup> Nor should it be assumed that all the individuals obtaining a *mittimus* writ or exemplification were the original petitioners for the act or proviso in question. For instance, exemplifications or *mittimus* writs were sought of the act implementing the compromise between the crown and the Hanse merchants by the Hanse themselves, the City of London, the Augustinian foundation of Elsyngspital (affected by a connected land transaction) and unnamed others.<sup>73</sup> The interest of the party seeking the writ might even be hostile to the measure in issue. Copies of the proviso for King’s College, Cambridge to the 1450–1 resumption act were sent to the exchequer at the request of Merton College, Oxford and also the burgesses and

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<sup>69</sup> *PROME*, xii. 106–145; B.P. Wolffe, ‘Acts of Resumption in the Lancastrian Parliaments, 1399–1456’, in *Hist. Stud.* ii. 61–91, esp. 76–81; *idem*, *Royal Demesne*, 117–123, 124–130.

<sup>70</sup> E159/227, *Rec. Mich.* rot. 23; E175/11/37.

<sup>71</sup> E159/226, *BB Trin.* rot. 3–4, *Rec. Trin.* rot. 1d; E159/227, *BB Mich.* rot. 2, 22d, *Hil.* rot. 1, 3d, *Trin.* rot. 2d, 3d, *Rec. Mich.* rot. 1.

<sup>72</sup> E159/228, *BB Mich.* rot. 8d, *Rec. Mich.*, rot. 35d. For context: J.S. Roskell, ‘Thomas Thorpe, speaker in the parliament of 1453–4’, in *Parliament and Politics in Late Medieval England* (3 vols., 1981), ii. 201–227, at 209–210. A new and more rounded biography of Thorpe has been prepared by Simon Payling for the forthcoming *History of Parliament Trust* volumes. I am grateful to Linda Clark for sight of a draft.

<sup>73</sup> *PROME*, xiv. 254–7; E175/4/27 (*mittimus*, for Hanse); E159/252, *Rec. Mich.* rot. 27, E175/4/29 (*mittimus*, for the Prior and convent of Elsyng Spital (on which: Barron, *London in LMA*, 300)); *CPR*, 1467–77, p. 510 (2 copies), *CPR*, 1476–85, p. 26 (exemplifications for mayor and commonalty of London, monastery of St Saviour and to all those concerned). 3 payments of the little fee into the hanaper were made for this legislation: E101/217/9 (1475–6).

leading men of the town of Windsor, both of whom seem to have had an adverse interest.<sup>74</sup>

### 3.3.2. Case Study: Labouring for a *Mittimus writ: the City of Canterbury*

It is rarely feasible to examine these processes from the perspective of the outside supplicant. This is however possible in view of the survival of two copies in the civic records of the City of Canterbury of detailed accounts relating how the City secured a *mittimus* writ for a proviso clause in 1474, besides getting that writ enrolled in the exchequer.<sup>75</sup> As before, the proviso was to an act of resumption. In this instance, the City was seeking to protect a grant made remitting part of its fee farm obligation. The City's farm was set at £60 per annum by its charter of 1234, which allowed it to elect bailiffs.<sup>76</sup> These elected officers had been replaced by a single mayor by letters patent of 1448, confirmed by further charter in 1453.<sup>77</sup> The latter was sought in order to confirm, for the avoidance of doubt, that the 1448 patent had not been resumed by intervening acts and any such resumption was to be expressly overridden. However, on the accession of Edward IV, the City sought further aid on the conventional, but possibly at least partly truthful, grounds of impoverishment. This was secured by a further charter granted on 2 August 1461, which pardoned £16 13s. 4d. of the farm with effect from Michaelmas 1460.<sup>78</sup> Most of the labouring to achieve this appears to have been undertaken by the local lawyer and man of affairs Roger Brent.<sup>79</sup> There is evidence that the City may have taken some steps to protect this grant during the readeption parliament of Henry VI; certainly a copy of the charter was taken to London at this time.<sup>80</sup> Evidence that the town of Dover secured a proviso clause 'out of þe Comen house' and a writ to the exchequer in 1470–1 (which may relate to its proviso) suggests that there may have

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<sup>74</sup> E159/228, *BB Mich. rot. 4d*; E159/230, *Rec. Pas. rot. 4*. Merton had alienated lands to facilitate the foundation at Cambridge, and they were probably concerned to retain lands granted to them by the crown in compensation (see *PROME*, xii. 112). Windsor probably had concerns about the fortunes of the royal foundation at Eton.

<sup>75</sup> CCA, CC- FA/2, ff. 163, 168. Repeated, almost identically: CCA, CC- FA/5, ff. 158, 171. The enrolled writ is E159/251, *Rec. Mich. rot. 1*. The proviso is at *PROME*, xiv. 200.

<sup>76</sup> W. Urry, *Canterbury under the Angevin Kings* (1967), 87.

<sup>77</sup> *A Translation of the Several Charters, &c. granted by Edward IV, Henry VII, James I, and Charles II to the Citizens of Canterbury* (Canterbury, 1791), 19–47.

<sup>78</sup> *Ibid.*, 47–70, esp. 56–7. A summary is at *CCChR*, vi. 138–141. Noted at CC- CCA- FA/4, f. 10v.

<sup>79</sup> For Brent, a lawyer: *MoC*, i. 348; *HP*, 1439–1509, *Biographies*, 107–8.

<sup>80</sup> CC- CCA- FA/2, f. 145.



been a reversal of Yorkist grants, whether on the attainder of Edward IV's supporters or by resumption, in that parliament.<sup>81</sup> Canterbury appears to have felt a similar need to protect its position, though no evidence of any concrete achievement from this activity survives.

The City's records amply document the further efforts taken to protect the remission from its fee farm, this time against the resumption act of the parliament of 1472–5, which came into effect on 21 December 1473.<sup>82</sup> These efforts were successful in obtaining the protection required for any grants, pardons, demises and so forth made to them at any time. In 1473, William Bele, William Sellow and John Bygge were all active in London in the Canterbury's interests to explore a renewal of the existing charter. Before the autumn of 1473, 8d. was spent for Roger Brent, then mayor, other aldermen and honest men to hold a breakfast for the king's chamberlain. It is not clear whether these actions were taken with the resumption in mind, but it seems probable. At Michaelmas 1473, John Bygge was elected mayor in place of Brent. He and Nicholas Sheldewych are recorded as expending a total of £46 13s. 4d. during a sojourn in London, undertaken to secure the resumption proviso. It seems that the City's MPs Brent and John Rotherham in the 1472–5 parliament would also have been present in London, at least during parliamentary sessions.<sup>83</sup> First, payments were made to Robert Brent (one suspects, a relative), valet of the crown, and to other men of the king's household.<sup>84</sup> Next, a feast was given to Sir John Scott and to Thomas Bayon, under-clerk of parliament and intimately connected with Rye and the affairs of the Cinque Ports more generally.<sup>85</sup> Bayon was then paid 10s. to obtain the king's endorsement on the bill of proviso.<sup>86</sup> Thereafter, the City paid 3s. 4d. to the clerk of parliament, John Gunthorp, for securing the seal for a chancery bill (writ) to the exchequer. This appears to have been payment to have his authorisation of the issue of the writ of *mittimus*. This

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<sup>81</sup> BL, Egerton MS 2090, f. 122v; BL, Add. MS 29616, f. 67 (quotation). The context is confirmed by chronicle evidence, see chapter 4, n37 and by reference (albeit generic) to 'resumpcion, restitution, revocacion or adnullacion' acts made or planned in this parliament at *RP*, v. 456.

<sup>82</sup> Wolffe, *Royal Desmesne*, 152–3, 154–8. Wolffe discusses the process of obtaining a proviso at 156–7.

<sup>83</sup> There were 4 sessions of parliament in the 1473–4 mayoral year, the last ending 18 Jul. 1474: *PROME*, xiv. 6–8.

<sup>84</sup> Identified as one of the yeomen of the king's chamber in a grant of 17 Jul. 1461: *CPR*, 1461–7, p. 23. I have not been able to confirm the familial connection.

<sup>85</sup> Those connections are discussed more fully below in chapter 6, section 6.3.

<sup>86</sup> This bill does not appear to survive.

writ was dated 1 August 1474. It was stated to have been issued at the instance of the mayor and commonalty of Canterbury. At this stage, the original charter (presumably, that of 1461) was brought up to Roger Brent in London. A further 6s. 8d. was paid, it is unclear to whom, for composing and writing the *mittimus* writ— a substantial fee, undoubtedly charged at a premium, for a straightforward document. This entry may relate to the work of the office of the chancery clerk of the crown. The standard 6d. fee was paid to seal the writ and 8d. for a copy of the proviso (possibly appended to the original writ— the original does not appear to survive). Gunthorp was paid a further 2s. for his diligence at this stage. Roger Brent was also procured a fish at a cost of 2s., apparently for him to deploy in order to obtain support over the resumption proviso in parliament, but perhaps in pursuit of favours elsewhere on Canterbury's behalf. In the following mayoral year, Richard Welles travelled to London to speak to William Essex, king's remembrancer, and to deliver the *mittimus* writ to him, at a cost of 6s. 8d.<sup>87</sup> The same sum was expended again in order to secure Essex's friendship over the matter. His clerk was paid 20d. to enrol the proviso. This, presumably, is the entry we have now on the remembrancer's roll. A copy of the proviso and a note recording the fact that it had been sent to the barons of the exchequer was made in a register kept by the City chamber clerk.<sup>88</sup> It is relatively rare for a civic register to include a parliamentary measure confirmed by *mittimus* writ.<sup>89</sup>

These details assist with a number of points already made in the preceding section. First, they demonstrate the extent to which a town, or any other person or body other than the crown, had to take the initiative in protecting its interests and to be proactive when those interests were threatened in parliament. Not only were parliamentary sanction (apparently) and royal grace essential to obtain a proviso from a resumption act, it is clear that a great deal more labouring of the parliamentary and royal bureaucracy was thereafter required to put the aspirations manifested by such a proviso into practice; it seems that Canterbury itself even had to serve the *mittimus* writ on William Essex. Secondly, we see the centrality to the

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<sup>87</sup> *HMC*, 9<sup>th</sup> Rep., App. (1883), i. 143 appears to confuse William (as 'Lord') Essex, KR, ('Magistri' and 'M') at CC-CCA-FA2, f. 168) with the earl of Essex, then Treasurer, who is separately referred to as 'comiti Essex Thesaurario', *ibid.*

<sup>88</sup> CCA-CC- OA2, f. 12.

<sup>89</sup> For other examples: LRO, BR IV/8/25, f. 7; *The Book of Remembrance of Southampton*, ed. H.W. Gidden (Southampton Record Soc., 1928), 67–9.

process of men with legal or administrative abilities, but also with firm roots in their locality or region, such as Roger Brent and Thomas Bayon. They worked in tandem with leading officials without such connections. One of the latter was the clerk of parliament, whose authority was evidently central to obtaining transcripts of parliamentary material. Equally crucial was the king's remembrancer at the receiving end. Finally, the case study confirms matters of procedure: there is no indication that royal sanction was required for the *mittimus* writ, as opposed to the proviso bill itself. Gunthorp clearly was able to authorise sealing of the former. Nor is there any sign that any of the lesser seals was required as a precursor to this; the request could be dealt within the chancery alone. Whatever the content of the exchequer regulations of 1456,<sup>90</sup> it seems that it had to be made worthwhile for both Essex and his clerk to enrol the proviso in the exchequer in turn. The fees paid at this stage, in particular, raise the possibility that a private party who was unwilling pay for this stage might yet stumble at this final hurdle, leaving their proviso unrecorded. Whilst the original writ could presumably still have been found in the files kept by the exchequer marshal, this was surely leaving too much to chance. It was more effective to direct the barons to consult the exchequer's own rolls should proof be needed. The informal, mediating roles of courtiers, local men and royal officials culminated in something very formal indeed.

### 3.4. Conclusions

The first section of this chapter has been a suffix to the preceding one, finishing the account of proclamations to show how, on rare occasions, the wider political nation was also required to swear to uphold the terms of what parliament had enacted. In 1433–4, an elaborate edifice of oath taking was created, possibly based on initiatives first taken under Richard II. Perhaps wisely, such methods never fully took hold. It seems clear that the risk of public shame was real, if the oath were refused, but nonetheless there is also evidence of administrative confusion and that some of those listed to take the oath may have escaped doing so. These oaths were, however, probably not taken blindly. Wider and longer proclamations were made to support these oaths, but such announcements seem to have been designed more for

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<sup>90</sup> E159/234, *Rec. Mich.* rot. 56.

instrumental purposes than to inform. Yet, the use of short, vernacular articles decided upon by the council and used in the administration of the oaths themselves may have caused at least some of parliament's message to get through.

Imposing an oath on political society by government order may have achieved few tangible results, though one has to note even here the mediating roles played in the process by returning MPs, and by the leadership in towns and cities. In chapter two, we saw signs that demand from below for vernacular statutes, summaries and written copies seems to have shaped the reception of legislation, even through the most formal of administrative channels. The second part of the present chapter has retreated further into the bowels of royal government, principally the chancery and the exchequer. Naturally, we have seen the administration talking to itself here, sending parliamentary material from one department to another. But we have also seen a great deal more. Particularly in the case of provisos to acts of resumption, there was a rush of labouring around and beyond parliament, in which outside parties, such as the civic authorities of Canterbury, laboured the clerk of parliament and chancery officials to get legislation sent to other departments and to royal officers. They also laboured bureaucrats in the destination department to seek enrolments to further their ultimate purposes. This evidence strongly emphasises the mixed nature of the activities of many fifteenth-century royal officials. What might be seen as official activity was frequently turned to personal purposes and that is where much of the dynamism in the process of the reception of these laws in the exchequer appears to have lain. It is necessary, therefore, now to follow this observation beyond the records and processes of royal government out into the wider nation, to look back at the political centre from the perspective of the wider realm.

## Chapter Four: The Reception of Parliamentary Legislation outside Royal Administration: Local Sources and *Nova Statuta*

### 4.1. Introduction: Interest in Parliament

On 28 March 1478, just over a month after the conclusion of the 1478 parliament on 26 February, the London mercers were admonished via the mayor, on the king's behalf, for

diuers Comunicaacion & langage spronge in the Citie upon thactes of parlement made nowe of late at Westminster &c. With the whiche langage grete grudge & displeasur taken by grete estates and specially with the felishipp of the Mercery.<sup>1</sup>

It appears that the root of their unhappiness was the recently introduced stipulation that alien merchants obtain evidence that they had used money received for their imports to purchase domestic merchandise for export, a process that required the domestic merchant selling the goods to the alien to provide proof to the customer or comptroller of the port in question.<sup>2</sup> Significantly, two of London's four members in the 1478 assembly were probably mercers.<sup>3</sup> They could thus have been the source of the mercers' information. As a second instance of such engagement with parliament, on 4 April 1486, it was agreed by the Cinque Ports' brodhull that returning barons should ensure that copies of parliament's acts should be brought back to Romney at the common cost and entered in the register book kept there as part of a rationalisation of the Ports' records.<sup>4</sup>

These examples demonstrate the widespread and relatively deep engagement of the significant men in towns and in craft organisations, not just with actions taken in parliament, but also the effects of the legislation made there. We have already seen outside involvement with the legislative actions of parliament in the previous

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<sup>1</sup> *Acts of Court of the Mercers Company, 1453–1527*, ed. L. Lyell & F. Watney (Cambridge 1936), 106.

<sup>2</sup> *Acts of Mercers*, 117; 17 Ed. IV, c.1 (*SR*, ii. 452–61).

<sup>3</sup> Richard Gardyner (mercero), William Brasebrigge (draper and Calais stapler), Sir William Hampton (fishmonger & customer) and John Warde; *HP*, 1439–1509, *Register*, 439. There are 2 possible John Wardes active in London at this time; one a mercero, the other a grocer. Wedgwood calls the MP here a mercero, but it is uncertain: Barron, *London in LMA*, 345–6.

<sup>4</sup> KHLC, CP/B1, f. 91v (4 Apr. 1486). The Ports' MPs were referred to as 'barons'.

chapter, when looking at the actions taken in Canterbury in getting provisos to adverse resumption measures approved by the king and in having them effectively acted upon by the exchequer or other government departments. What follows on this subject in this chapter does not pretend to be exhaustive, or seek to duplicate the work of others, which has been summarised in chapter one of this thesis. Rather, the intention is to offer an account of how localities received parliamentary legislation that goes beyond giving examples from local sources, by attempting to explain the forms of reception that took place and how they related to one another.

As has also been said in chapter one, and in chapter two, the conventional approach of historians has been to look at the county court, urban market places and other public spaces as the principal location in which parliamentary legislation was announced, orally, to a wider public. A rather different approach has been taken to certain literary sources, mostly chronicles and tracts produced during periods of political instability between 1376 and 1399.<sup>5</sup> Here, great weight has been placed on ‘textual’ communication, a written response to parliament in the forms of tracts, if not political pamphlets.<sup>6</sup> The authors of accounts of the Good Parliament of 1376, the Wonderful Parliament of 1386, the Merciless Parliament of 1388 and the Revenge Parliament of 1399 are said either to have been royal clerks, very probably in the parliamentary bureaucracy, or to have been supplied with documents of an ‘official’ or ‘semi-official’ character by those clerks.<sup>7</sup> The Westminster author, aided by impeccable connections with the chancery, actively commented on the

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<sup>5</sup> A. Gransden, *Historical Writing in England: [vol.] ii. c. 1307 to the Early Sixteenth Century* (1982), esp. 185–9; J. Taylor, *English Historical Literature in the Fourteenth Century* (Oxford, 1987), esp. 195–216; C. Given-Wilson, *Chronicles: The Writing of History in Medieval England* (2004), 174–9; T.F. Tout, ‘The English Parliament and Public Opinion 1376–88’, in *Hist. Studies*, i, 299–317.

<sup>6</sup> C. Oliver, *Parliament and Political Pamphleteering in Fourteenth-Century England* (York, 2010), 33 and *passim*. But see G. Dodd, ‘Was Thomas Favent a Political Pamphleteer? Faction and Politics in Later Fourteenth-century London’, *Journal of Medieval History*, 37 (2011), 397–418.

<sup>7</sup> *The Westminster Chronicle 1381–1394*, ed. L.C. Hector & B. Harvey (Oxford, 1982), pp. xlvi–l, liv; *Knighton’s Chronicle 1337–1396*, ed. & trans. G.H. Martin (Oxford, 1995), p. xl, 363 n4; ‘Historia Mirabilis Parliamenti (1386)’, ed. M. McKisack (*Camden Third Ser. Misc.* xxxvii, 1926), 1–27 (trans. A. Galloway, in *The Letter of the Law: Legal Practice and Literary Production in Medieval England*, ed. E. Steiner & C. Barrington (Ithaca, 2002), 231–252); Given-Wilson, *Chronicles*, 207; *idem*, ‘Adam Usk, the Monk of Evesham and the Parliament of 1397–8’, *HR*, 66 (1993), 329–335; A.K. McHardy, ‘John Scarle: Ambition and Politics in the Late Medieval Church’, in *Image Text and Church, 1380–1600. Essays for Margaret Aston*, ed. L. Clark *et al.* (Toronto, 2009), 68–93, at 90–4.

process of the production of statutes, or deplored its delay.<sup>8</sup> Authors such as he, Thomas Favent, or Henry Knighton were well informed about parliament, or their sources were. Many of these texts draw upon, or incorporate verbatim, parliamentary material, including statutes, petitions and narrative accounts of proceedings that give details not included on the parliament roll, particularly narrative accounts of sessions called ‘processes’.<sup>9</sup> Literate clerks appear to have been associated with vernacular literary production. Works such as *Piers Plowman* commented on parliamentary procedure and on parliament as a political institution.<sup>10</sup> However, as Matthew Giancarlo has recently said, this was a ‘moment’ that was largely over by about 1414. He also disputes any causal relationship between the formative parliamentary activity of this period and literary development.<sup>11</sup> The two sit at a *conjoncture*.

We have already questioned in chapter two how effective proclamations were as a way of getting news of parliament’s concluded business across, particularly for general announcements of complete, or mostly complete, statutes. The depth of reception on these occasions appears to have been shallow. Yet, if we accept that interest in parliamentary legislation was nonetheless high, how do we move on from the extended level of interest shown in it in the later fourteenth century into the apparently less vibrant period following the death of Henry V? How was demand for such news and information met, by what means, and by the intervention of whom? Indeed, how should we relate the obviously official channel of sending a text for proclamation with methodologies that were obviously less official, such as a parliamentary clerk providing a transcript of a text for a fee received personally or,

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<sup>8</sup> *Westminster Chronicle*, 368–9: commenting on a roll of common petitions from the Cambridge parliament of 1388: ‘Ista postmodum et alia plura hiis adjuncta fuerunt in statutum redacta London que ac aliis plerisque locis eciam proclamata’ [‘These provisions, and a number of others in addition, were later drawn up into a statute and proclaimed in London and several other places’]; *ibid.*, 482–3 (in 1392): 482–3. ‘Plura alia fuerunt ordinata in isto parlamento que in aperto nondum cercius venerunt’ [‘Several other ordinances were made in this parliament which have not yet been authoritatively disclosed’] (both quotations, trans. Hector & Havey); McHardy, ‘Scarle’. See too: Taylor, *English Historical Literature*, 198–209; Oliver, *Pamphleteering*, 33–5, 53.

<sup>9</sup> Besides those already cited, see: *The Chronicle of Adam Usk 1377–1421*, ed. C. Given-Wilson (Oxford, 1997); *The St Albans Chronicle: The Chronica Maiora of Thomas Walsingham*, ed. & trans. J. Taylor *et al.* (2 vols., Oxford, 2003–11). *Dict. Med. Latin, sub nom.* ‘processus’: sense 7c– a written record of legal proceedings; 8– written discourse on a particular theme, a tract.

<sup>10</sup> K. Kerby-Fulton & S. Justice, ‘Langlandian Reading Circles and the Civil Service in London and Dublin, 1380–1427’, in *New Medieval Literatures, I*, ed. W. Scase *et al.* (Oxford, 1997), 59–83.

<sup>11</sup> *Parliament and Literature in Late Medieval England* (Cambridge, 2007), esp. pp. ix–x, 255–6.

indeed, activity that was wholly entrepreneurially driven? In seeking to address these points, this chapter will be divided into two main sections. The first will look at various non-parliamentary sources in order to examine how parliamentary laws were received. The rather threadbare literary material of the period will be considered first, followed by chronicle and narrative literary prose writing. The section will next move on to discuss reportage more broadly. The final part of the first section will set out how towns, in particular, obtained copies of legislation, and how they obtained reports about enactments and other events in parliament. My narrowing of focus here to urban settlements is necessitated by the survival of evidence; the resultant risk of distortion, already discussed in chapter one, needs to be borne in mind here. The second main part of the chapter will look at another construct of non-parliamentary origin widely used for the reception of statutory law: statute books and other publications of the legislation of individual parliaments. A particular point of attention here will be how independent of official direction the development of these books was in terms of language selection and textual content.

In what follows, it will not be pretended that interest in parliament was all of one degree or type. Indeed, it might fairly be said that outside engagement with the assembly operated on a spectrum between two extremes. At one end, there was interest in news or events. A lot of this was to do with politics in a wider sense. Politics is not, in itself, relevant to the overall subject matter of this thesis. Nonetheless, one cannot sensibly ignore that there were ‘happenings’ in parliament and that contemporaries may not have drawn a sharp delineation between events, debate and the legislation that may have resulted from these things. Indeed, legislation was only one aspect of parliament, and not always a particularly important one, bearing in mind the modest ambitions of most fifteenth-century statutes. The other extremity was what might be termed a more applied register of engagement with parliament, marked by a desire for precise information on what parliament had enacted in order to respond, administer these laws, or even, as with the London mercers in response to what is a particularly dense, legalistic example of a statute of the Yorkist period, to evince opposition.<sup>12</sup>

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<sup>12</sup> See n1 above.



## 4.2. *The Local Reception of Parliamentary Legislation*

### 4.2.1. *Literary Sources: Poetry and Prose Literature*

The political poetry of the fifteenth century fails to compare with that of the immediately earlier period either in quality or in the closeness of its engagement with parliament.<sup>13</sup> The focus of its politics appears to have been on practical matters, rarely on parliament's legislative product. As poetry of a more popular kind, it sits mostly within the more general of our two proposed registers of interest in parliament, on the rare occasions it comments on it at all.<sup>14</sup> Thus, there are works addressing maritime and commercial strategy, and expressions of derision towards unpopular courtiers and royal counsellors, principally in the period around Cade's revolt of 1450. There is none of the proselytising for parliament of the kind ascribed to some fourteenth-century royal officials of literary bent. However, one work bemoaned the contemporary ills of

Many lawys, and lyttle ryght;  
Many actes of parlament,  
And few kept wyth tru entent:<sup>15</sup>

a poetic expression of the concerns about the non-enforcement of laws discussed in chapter two. Nonetheless, as Scase has demonstrated, written bills and petitions had become very much part of the 'frame of reference' for the construction of literary forms.<sup>16</sup> The literature of the period has many examples of this kind of language, including a poem offering warning to Henry VI. Much as a bill of information verified by a presenting jury (a subject to be discussed much more fully in chapter

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<sup>13</sup> A. Mairey, 'La Poésie, un Mode de Communication Politique Durant la Guerre des Deux Roses', in *The Languages of Political Society: Western Europe, 14<sup>th</sup>–17<sup>th</sup> Centuries*, ed. A. Gamberini *et al.* (Rome, 2011), 189–207, esp. 191–2.

<sup>14</sup> V.J. Scattergood, *Politics and Poetry in the Fifteenth Century* (1971), 13–14; R.H. Robbins (ed.), *Historical Poems of the XIV<sup>th</sup> and XV<sup>th</sup> Centuries* (New York, 1959), pp. xxxvi–xxxvii. I have also used T. Wright (ed.), *Political Poems and Songs*, vol. ii. (Rolls Soc., 1861).

<sup>15</sup> Wright, *Political Poems*, ii. 252–3, ll. 4–6.

<sup>16</sup> W. Scase, "'Strange and Wonderful bills": Bill-Casting and Political Discourse in Late Medieval England', in *New Medieval Literatures, II*, ed. R. Copeland *et al.* (Oxford, 1998), 225–247, at 226; *eadem*, *Literature and Complaint in England 1272–1553* (Oxford, 2007).

seven), the poet asserted that his ‘bille is trewe’.<sup>17</sup> Whilst one cannot trace direct responses to parliamentary legislation, even in political poetry, one can see the residue of legislative forms in a work, probably of the very early 1460s, which advocates similar trade policies to the earlier *Libelle of Englyshe Polycye*<sup>18</sup>

Ther ys noothir pope, emperowre, nor kyng,  
Bysschop, cardynal, or any man levyng,  
*Of what condition or what maner degree,*  
During theyre levyng ... [emphasis added]<sup>19</sup>

This, at least, shows how embedded these idioms were in literate society.

There is rather more to say of prose responses to parliamentary legislation in narrative sources. The monastic chronicle had greatly declined by the 1430s, but it was not entirely defunct.<sup>20</sup> As we have already seen, in the reign of Richard II, chroniclers had been engaged with parliament. The rich tradition of chronicle making at St Albans Abbey continued and, whilst the authors of these texts did not have the cachet of Thomas Walsingham, their methods remained similar.<sup>21</sup>

Specifically, St Albans chronicles continued to use and to include verbatim texts in their accounts, including of parliamentary material. Some of this, relating to the resumption legislation of 1455, clearly reflected the Abbey’s local interests.<sup>22</sup> A clear moral tone intrudes in the account of the 1459 Coventry parliament in its (probably imaginary) musings on the arguments for mercy or for asperity towards the Yorkist rebels, but also with its account of how Henry VI required the clerk of

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<sup>17</sup> Wright, *Political Poems*, ii. 229–231, l. 55. Cited by Scase, ““Strange and Wonderful bills””, 232.

<sup>18</sup> *The Libelle of Englyshe Polycye: A Poem on the Use of Sea-Power, 1436*, ed. G. Warner (Oxford, 1926) alludes at ll. 240–5 to earlier commercial hosting legislation in order to (successfully) advocate its reintroduction,

<sup>19</sup> Wright, *Political Poems*, ii. 282–7, ll. 13–16. For this poem and its probable context in labouring for the measures secured in Edward IV’s second parliament: Robbins, *Historical Poems*, pp. xliii–xliv. For examples of this expression: 3 Hen. VI c. 2 (SR, ii. 227–8), ‘qe null’ maner de persone de quele estate ou condicion ...’; 8 Ed. IV c.2 (SR, ii. 426), ‘qe nulle persone de quelle estate degre ou condicion...’.

<sup>20</sup> Given-Wilson, *Chronicles*, 1–2; C.L. Kingsford, *English Historical Literature in the Fifteenth Century* (Oxford, 1913), 37.

<sup>21</sup> Taylor, *English Historical Literature*, 50–1; Given-Wilson, *Chronicles*, 14–20. *The Crowland Chronicle Continuations*, ed. N. Pronay & J. Cox (1986), only offer an overall commentary on certain parliamentary events, integrated into the overall narrative.

<sup>22</sup> J. Whetamstede, *Registrum*, ed. H.T. Riley, in *Registra Quorundam Abbatum Monasterii Sancti Albani* (2 vols. Rolls Soc., 1872–3), i. 250–265. This is an incomplete Latin version of *PROME*, xii. 381–428.

parliament to include a proviso in the attainder of those lords when reading out royal responses at the close of the parliament.<sup>23</sup> This allowed the king to make future exemptions from the effects of the act of attainder at his will. This is apparently eyewitness reportage, possibly from the abbot himself or a clerical proxy present in the lords, and also shows awareness of the procedures at the ‘die decisionis’ at the end of this session. The chronicler seems to ‘weave’ as Given-Wilson would have it,<sup>24</sup> reportage with administrative records of attendance with copies of writs and other royal documents sent to the abbey or which it was able to copy in London or from an intermediary, perhaps *en passant* through St Albans, further north.<sup>25</sup>

The wider circulation of monastic material is uncertain, though Kingsford thought it continued.<sup>26</sup> However, historians of the fourteenth century doubt the influence of what we now regard as the major texts of Knighton, Adam of Usk or Walsingham (and that they were much copied) and it seems more likely that the main body of circulation was of more generic works, principally the *Polychronicon* and the *Brut*, certainly for the history of the period before 1422.<sup>27</sup> The main narrative vehicle thereafter was the town chronicle, principally, but not exclusively, produced in London. These city chronicles, made in a complex non-linear way, came to dominate the narrative prose literature of the period. They were made for a bourgeois urban audience and this material was freely copied and re-copied.<sup>28</sup> Several historians have closely studied the genre.<sup>29</sup> For present purposes, the key observation to be made is that there is not a strong sense that the daily proceedings of parliament are being followed by these writers, unlike the annalistic structure of events followed say by the *Anonimale Chronicle* or the *Historia* of the Merciless

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<sup>23</sup> *Whetamstede*, i. 345–356. Note that the parliament roll also, and unusually, briefly records this dissolution: *PROME*, xii. 505–6.

<sup>24</sup> *Chronicles*, 14–20.

<sup>25</sup> The abbey had connections in the royal administration and council, described in a rather coy way at *Whetamstede*, i. 265.

<sup>26</sup> Kingsford, *English Historical Literature*, 43.

<sup>27</sup> Taylor, *English Historical Literature*, 54–6.

<sup>28</sup> D. Hay, ‘History and Historians in France and England during the Fifteenth Century’, *BIHR*, 35 (1962), 111–127, at 122–3.

<sup>29</sup> Kingsford, *English Historical Literature*, 70–106; Gransden, *Historical Writing*, ii. 227–244; *Great Chron.*, pp. xv–lxxvi; M.R. McLaren, *The London Chronicles of the Fifteenth Century: A Revolution in English Writing* (Cambridge, 2002).

Parliament of Thomas Favent.<sup>30</sup> Instead, the chroniclers are interested in events and concrete achievements. Their accounts usually sit firmly at the ‘news’-orientated end of the suggested spectrum of types of engagement with parliament. Thus, chronicles include matters not in the parliament roll, such as the appearances in parliament of the infant Henry VI with his mother,<sup>31</sup> or described the Leicester parliament of ‘bats’ in 1426.<sup>32</sup> Prior to 1426, one group of related manuscripts includes a number of parliamentary texts, summaries or partial copies of subsidy grants, a speaker’s protestation of 1423,<sup>33</sup> and many documents relating to the dispute between Humphrey duke of Gloucester and Cardinal Beaufort at the Leicester parliament.<sup>34</sup> Again, not all of these items were enrolled on the parliament roll, which strongly suggests an alternative ultimate source. After 1431, however, verbatim texts disappear more generally from the chronicles until the 1490s, though of course the texts already copied by the earlier of those dates were still re-copied.<sup>35</sup> No chronicler cites any London ordinance directly until 1491, and comparison of accounts of proclamations on the sexually incontinent of c. 1440 demonstrates that they appear to have been taken from the audience, rather than from the text preserved at the Guildhall.<sup>36</sup> What we are left with in the narratives of the intervening period are infrequent and often quite bald statements about laws passed, not all of them correct, such as the claim of 1465 that ‘In thys yere ... began a parlyament holdyn at London where among many othir notabyll actis there enactid, The kyng cawsid a newe coyne to be coynyd of gold ...’, when this was in fact done as a prerogative act.<sup>37</sup> Accordingly, whilst modern historians gain useful details and some additional texts from these chronicles, a contemporary reader of these volumes would have learnt very little from them about what parliament had enacted

<sup>30</sup> *The Anonimale Chronicle 1333 to 1381*, ed. V.H. Galbraith (Manchester, 1927); ‘Historia’, ed. McKisack.

<sup>31</sup> *Great Chron.*, 28.

<sup>32</sup> *Great Chron.*, 138, 149; ‘Gregory’s Chronicle’, in *Historical Collections of a Citizen of London*, ed. J. Gairdner (Camden Soc., 1876), 160.

<sup>33</sup> *Great Chron.*, 128–9; ‘Cotton Julius Bi.’, in *The Chronicles of London*, ed. C.L. Kingsford (Oxford, 1905), 280–1

<sup>34</sup> *Great Chron.*, 138–149; mostly also in ‘Cotton Julius Bii’, in *Chronicles of London*, ed. Kingsford, 76–94; *Arnold’s Chron.*, 279–300. The final paragraph at *Great Chron.*, 149 is reportage, not the verbatim text, cf. *PROME*, x. 292.

<sup>35</sup> This is the impression given by the lists in Gransden, *Hist. Writing*, ii. 231–7, McLaren, *London Chronicles*, 40–6, confirmed by review of a selection of London chronicles in print.

<sup>36</sup> In 1440: Cf. ‘Gregory’s Chronicle’, 182, with LBL, f. 179 (which is more colourful & detailed than Gregory’s account). In 1491, *Great Chron.* 245 is in English and still rather freer than the functional Latin recorded by LBL, f. 285v, though it reads like a direct quotation.

<sup>37</sup> *Great Chron.*, 203; Steele, *Proclamations*, p. clxxv. A point made by R. Horrox, *PROME*, xiii. 90.

in the years after 1422, in an ‘applied’ way, without separate recourse to the statutes or to other sources of information.

There is ‘weaving’ of different sources in the three chronicler accounts we have of the readeption parliament of 1470–1 from which we can extract session dates and a venue; namely, that part of the first session in November and December 1470 was held at St Paul’s, not at Westminster, along with the gist of the main business done: the attainders of Edward IV and Richard duke of Gloucester and the corresponding reversal of attainders of Lancastrians.<sup>38</sup> The dates may well come from local records made to calculate salaries of sitting members (or perhaps, of clerical proxies), the costs of which were frequently set out in surviving accounts and collected much as with any other royal tax.<sup>39</sup> Those details may therefore have been derived from public materials and may represent a modest injection of more precise information than is normally deployed in these sources. The other details given seem however to have been reportage and this leads the discussion onto the remaining class of literature available: letters and reports, which can be sub-divided into the general and the individualised, or bespoke. It is important to recognise that both are categories of writing that have almost entirely been lost. Survival rates are likely to be so low that firm conclusions are particularly treacherous in this field. General newsletters are almost entirely wanting though their existence can tentatively be inferred from other material. For instance, what purports to be a letter to the prior of Durham cathedral reporting on the 1404 parliament ceases to be at all personalised after a brief introduction, which is immediately followed by an account of ‘Le primere iour’ of this assembly. It follows this annalistic form to 28 January, after which, with an abrupt ‘Austres etc. Escript a lounders’ and so on, our correspondent departs.<sup>40</sup>

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<sup>38</sup> *Great Chron.*, 213; ‘Cotton Vitellius A xvi’, in *Chronicles of London*, ed. Kingsford, 183–5; *A Chronicle of the First Thirteen Years of the Reign of King Edward the Fourth*, ed. J.O. Halliwell (Camden Soc., 1839), 12–13. The St. Paul’s location is corroborated by CCA- CC-FA/5, f. 113v.

<sup>39</sup> Accounts at Romney, Canterbury and elsewhere carefully record their members’ dates of attendance. St Albans chroniclers also sometimes give similar information, e.g. Amundesham, *Annales Monasterii Sancti Albani ...* ed. H.T. Riley (2 vols., Rolls Soc., 1870–1), i. 9–10, 18, 20, 42–4.

<sup>40</sup> C.M. Fraser, ‘Some Durham Documents Relating to the Hilary Parliament of 1404’, *BIHR*, 34 (1961), 192–200, at 197–9.

The daily account is the basic narrative device employed in reports on later fourteenth century parliaments. But this annalistic approach seems to be lacking from fifteenth century texts, certainly before the Colchester member's diary of 1485, referred to in the next section.<sup>41</sup> This state of affairs makes one wonder whether reports continued to use this technique at all during the fifteenth century. Instead, the London chronicles suggest that newsletters took the more broad-brush approach of the 'news' register, concentrating more on what was interesting or important. Such newsletters may have covered parliament as a whole, and its legislation particularly, but only in a wider national and local political context. It may be something of a misnomer to consider individual letter writing as literature at all though it can be most conveniently touched on here. Surviving collections do include occasional news about parliament, such as the letters of the priest Thomas Betanson to Sir Robert Plumpton concerning the 1485 parliament, apparently written to keep Sir Robert informed of attainders or resumptions that might affect his personal interests.<sup>42</sup> Letters were also sent from towns to their members in parliament or vice versa and these, in the absence of similar letters from knights of the shire to their county electorates, lead us to the reception of parliamentary legislation by towns and cities.

#### 4.2.2: *The Urban Reception of Parliamentary Legislation*

Towns and cities interacted with parliament in many ways and it is important to recognise that, in looking here solely at the receipt of its enactments, these interactions were not clearly distinct from labouring for or against legislation in parliament or getting the town's other business done whilst parliament was in session.<sup>43</sup> Towns conceived of their members as attorneys or proctors. We need to be wary of making anachronistic assumptions based on the distinctly more autonomous status of the modern MP as representative.<sup>44</sup> Proctorial arrangements

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<sup>41</sup> *Parl. Texts*, 185–9.

<sup>42</sup> *The Plumpton Letters and Papers*, ed. J. Kirby, (Camden Soc. 5<sup>th</sup> series, 1996), 63–5.

<sup>43</sup> McKisack, *Parl. Rep.*, 120; G. Lapsley, 'Editorial Note' to 'Introduction to *Memorando de Parlamento* A.D. 1305', in F.W. Maitland, *Selected Essays*, ed. H.D. Hazeltine *et al.* (Cambridge, 1936), 1–12.

<sup>44</sup> See principally: G. Post, 'Plena Potestas and Consent in Medieval Assemblies', & 'A Romano-Canonical Maxim, *Quod Omnes Tangit*, in Bracton and in Early Parliaments' in *Studies in Medieval*

suiting towns. They allowed them a measure of control on what was done in their name. But they also suited the crown, which had some corresponding comfort that members would not have to refer back to their constituencies for instructions before a measure took binding effect through the *plena potestas* required by election writs,<sup>45</sup> though this is not to say that there was not, in practice, frequent dialogue between member and constituency. London often operated a committee system, a group set up to liaise with its four MPs up to the conclusion of the parliamentary session.<sup>46</sup> Lynn was far from unusual in giving its members express contractual plenipotentiary authority to act for and bind the town in accordance with a letter patent sealed and sent off with their elected burgesses to parliament.<sup>47</sup> Sandwich and, it appears, other towns, did likewise.<sup>48</sup> However, whatever the legal forms the principle of *plena potestas* required of elected resident burgesses, towns were rarely impervious to outside political interests and,<sup>49</sup> by the early fifteenth century, it was common for many, usually lesser, boroughs to elect lawyers, courtiers and royal officials with a degree of local connection, or sometimes none at all.<sup>50</sup> In those situations, the relationship was different; the town could be notably more subservient. This is the context of the rather austere letter sent by the lawyer John Saynton, probably in 1468, ‘praying’ the authorities at Grimsby

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*Legal Thought: Public Law and the State, 1100–1322* (Princeton, 1964), 91–162, 163–238; J.G. Edwards, ‘The *Plena Potestas* of English Parliamentary Representatives’, in *Hist. Stud.* i. 136–149; McKisack, *Parl. Rep.*, 120. For clerical proctors, see primarily: J.H. Denton & J.P. Dooley, *Representatives of the Lower Clergy in Parliament 1295–1340* (Woodbridge, 1987).

<sup>45</sup> C. Fletcher, ‘Political Representation’, in *Government and Political Life in England and France, c. 1300–c. 1500* ed. Fletcher, J.-Ph.Genet & J. Watts (Cambridge, 2015), 217–239. It is not practical to discuss this complex subject more fully here.

<sup>46</sup> McKisack, *Parl. Rep.*, 137; C.M. Barron, ‘London and Parliament in the Lancastrian Period’, *PH*, 9 (1990), 343–367, at 356–8.

<sup>47</sup> For example: H. Gurney (ed.), ‘Extracts from a Manuscript Containing Portions of the Proceedings of the Corporation of Lynn Regis...’, *Archaeologia*, 24 (1832), 319–21, 324; NRO(KL), KL/C7/4, pp. 168, 382; ‘William Asshebourne’s Book, King’s Lynn Corporation Archives 10/2’, ed. D.M. Owens (Norfolk Record Soc., 1981), 69.

<sup>48</sup> KHLc, Sa/AC1, f. 57 (1445). See too: W. Prynne, *Brevia Parliamentaria Rediviva* [*Parliamentary Writs*, vol. iii] (1662), 359–60 (Bristol). Indentures recording the election could also recite the *plena potestas* of those elected, e.g. *ibid.*, 264 (Cambridge), 270 (Guildford).

<sup>49</sup> R. Horrox, ‘Urban Patronage and Patrons in the Fifteenth Century’, *Patronage, the Crown and the Provinces*, ed. R.A. Griffiths (Gloucester, 1981), 145–166; *eadem*, ‘The Urban Gentry in the Fifteenth Century’, in *Towns and Townspeople in the Fifteenth Century*, ed. J.A.F. Thompson (Gloucester, 1988), 22–44.

<sup>50</sup> McKisack, *Parl. Rep.*, 100–18; J.S. Roskell, *The Commons in the Parliament of 1422* (Manchester, 1954), 125–144; P. Jalland, ‘The “Revolution” in Northern Borough Representation in Mid-fifteenth Century England’, *Northern History*, 11 (1975), 27–51; S. Payling, ‘The Rise of Lawyers in the Lower House, 1395–1536’, *PH*, 23 (2004), 103–120; H. Kleineke, ‘The Widening Gap: the Practice of Parliamentary Borough Elections in Devon and Cornwall in the Fifteenth Century’, *PH*, 23 (2004), 121–135; E. Hartrich, ‘Town, Crown, and Urban System: The Position of Towns in the English Polity, 1413–71’ (unpub. D.Phil thesis, Oxford Univ., 2014), 41–2.

to gyfff faithfull credence to my fellow and frend Thomas Broghton, youre neghpur, the brynger heroff, in all suche thynges as he will say to you on my behalff, as touching such . . . passid in the Parlement, and for the worship and wele off yo<sup>r</sup> toune for yo<sup>r</sup> franchise.<sup>51</sup>

Having grasped the socio-legal context, we can move onto the reports towns received back from parliament, most of which were of the more ‘applied’ kind of reception already outlined, though there was certainly news and gossip too. A lack of like for like evidence—town registers and accounts do not always concentrate on the same matters in the same way—makes it hard to say whether the practice in any one place, or at any one time, was the norm. Almost certainly, there was no standard approach. Towns often had their own procedures for welcoming members back and for extracting information from them. Celebratory meals were probably occasions at which this might take place. We can see examples paid for from town funds in the accounts of Dover in 1473–4, 1482–3, 1487–8, and 1489–90.<sup>52</sup> These occasions may have been rather more formal than bare allocations for the food and drink consumed at them might imply. Two of Sandwich’s customals include formal written reports on the parliaments, respectively, of May–June 1413 and at Leicester in April–May 1414.<sup>53</sup> Whether these were produced just for the town or were more widely circulated is unclear, though the first includes a specific reference to Kent.<sup>54</sup> They may be adapted from reports in somewhat wider circulation. Neither organises its content with any sense of chronological order. The earlier report relates some, but not all, of the concluded legislation of the session, mostly in reduced summary, including such matters as the grant of subsidies, a note of the amercement of non-attendees, and various enactments that either were or were not included in the issued statute.<sup>55</sup> The report was probably made before that statute was concluded.

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<sup>51</sup> *HMC*, 14<sup>th</sup> Rep. App., Part VIII (1895), 251. This letter is there, and elsewhere: e.g. McKisack, *Rep.*, 144, n3, dated 1487; cf. P.R. Cavill, ‘Henry VII and Parliament’ (unpub. D.Phil thesis, Oxford Univ. 2005), 257–8, who suggests the same alternative date. On Saynton: *MoC*, ii. 1370–1.

<sup>52</sup> BL, Add. MS 29616, ff. 116, 239v; Add. MS 29617, ff. 31v, 46v.

<sup>53</sup> *KHLC*, Sa/LC/1, ff. 137–9v; Sa/LC/2, ff. 67–70. These are discussed by J.P. Croft, ‘The Customals of the Cinque Ports c. 1290–c. 1500: Studies in the Cultural Production of the Urban Record’ (unpub. PhD thesis, Univ. of Kent 1997), 140–1, 149–156. I have compared both texts with *SR* and *PROME*. Discussed by Hartrich, ‘Town, Crown’, 43–4. For a report of the Martinmas 1414 parliament: ‘Asshebourne’s Book’, ed. Owens, 101–2.

<sup>54</sup> Sa/LC/1, f. 139.

<sup>55</sup> Sa/LC/1, ff. 137–9v. All private business and cc. 5–9 of 1 Hen. V are omitted. The report includes a penalty of imprisonment in c.3 (included in the petition, but rejected: *PROME*, ix. 19–20) & an extra proviso in c. 10.



The 1414 document includes material in Latin, French and English. It also does not always include the finally concluded version of legislation, confirming in the process that the crown seems to have intervened quite radically in adding substantially to a statute on labourers through the royal assent.<sup>56</sup> Likewise, Henry V appears to have ignored a request by the commons to temper the anti-Lollard legislation of this parliament.<sup>57</sup> As the report also includes the full text of the well-known common petition that the king should not revise statutes without their assent,<sup>58</sup> historians should perhaps consider events in the Leicester parliament of 1414 as well as those in its predecessor to explain what had irked the commons on this score.<sup>59</sup> At the end of the first session of the 1489–90 assembly, Sandwich’s returning members informed the mayor, jurats and commons of the progress of the town’s proposals and showed them the diverse acts in parliament.<sup>60</sup> Norwich appears to have held a similar meeting in 1421, and probably on other occasions.<sup>61</sup> Lynn, notably of course in the same county, seems to have constructed its own ceremonial procedures, not without their ritualised aspects, in which one or both of the returning members formally related the business of a parliament, particularly its acts.<sup>62</sup> These events are often described as declarations, accompanied by adverbs describing the discretion, seriousness or ingenuity of the relation. In 1425, for instance, Thomas Burgh read acts aloud from a roll and John Copnote offered a verbal explanation of them.<sup>63</sup> This mixture of orality and writing may have remained the pattern for the rest of the century. The written element at Lynn seems to have been a report of business, much like those at Sandwich. This does not therefore perfectly match the format of the Colchester members’ report of 1485.

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<sup>56</sup> Sa/LC/2, f. 68, a short summary of the common petition, omitting the king’s additions to 2 Hen. V st. 1 c.4, see: *PROME*, ix. 48.

<sup>57</sup> Quoted by Croft, ‘Customals’, 151 n245, from Sa/LC/2, f. 69.

<sup>58</sup> Sa/LC/2, f. 67.

<sup>59</sup> Gray, *Influence*, 261–277, making the important point (at 263) that 6 or 7 of 10 petitions were amended in the statute 1 Hen. V, resulting from the 1413 parliament. He notes that 4 acts of the statute of 1414 lack petitions, 260 & n128a, 278–280, which might have been a pointer towards what is said here; Chrimes, *Constitutional Ideas*, 159–164, 236, 246.

<sup>60</sup> Cavill, *Hen. VII*, 177. Dover winned its MPs returning from the same assembly: BL, Add. MS, 29617, f. 46v.

<sup>61</sup> *Nor.Recs.*, i. 276.

<sup>62</sup> *HP*, 1386–1421, i. 517; McKisack, *Parl. Rep.*, 142–3; *HMC*, 11th Rep., App. Part III (1887), 160–1, 168–9, 171; *Archaeologia*, 24 (1832), 319, 321, 323–4; NRO(KL), KL/C7/2, pp. 17, 48, 57, 117, 167 (a letter report), 170, 181, 282, 284; KL/C7/4, pp. 131, 144, 169, 218, 242, 308, 383, 618; ‘Asshebourne’s Book’, ed. Owens, 291, 326. I am grateful to Hannes Kleineke for a number of the MS references.

<sup>63</sup> NRO(KL), KL/C7/2, p. 48.

Whilst, here, there is undoubtedly also an element of performance at the start of the report, addressed to ‘Maister Baillies, and all my masters’,<sup>64</sup> it is actually more of a ‘process’, an account of the daily events in parliament, marking a return to earlier annalistic models. Its clear chronological focus concentrates reasonably tightly on the progress of legislation rather than on wider national affairs in parliament.<sup>65</sup>

These differences of approach may reflect the heterogeneous documentary practices of regional centres, and also, more probably, fluctuations in taste over time. On the continent, by analogy with another field notably also involving a relationship between a principal authority and an attorney or agent, diplomatic reports at the conclusion of embassies had become more diaristic and discursive by the end of the fifteenth century.<sup>66</sup> Reverting momentarily to the Cinque Ports to emphasise the broader nature of the change, it may also be helpful in this context to contrast the formal Latin report of the Ports’ bailiffs to the brodhull on their return from the Yarmouth herring fair in December 1401 or 1402 with an anecdotal, garrulous, even, diary report made by their bailiffs in 1588 on the same event.<sup>67</sup>

Returning members were also often a source of copies of legislation made in the parliament they had just attended, but they were only one source, among others. William Waren of Dover and John Tudor of Romney appear to have been particularly active in this regard from the 1470s onwards.<sup>68</sup> James Lowys had performed the same service for Romney in 1432–3.<sup>69</sup> The lawyer and sitting Exeter MP Richard Clerk brought diverse copies of acts of parliament back to that town in 1472–3.<sup>70</sup> The extent of this kind of activity is probably understated in the sources,

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<sup>64</sup> *Parl. Texts*, 185.

<sup>65</sup> *Ibid.*, 178–180 for notable omissions from the report.

<sup>66</sup> I. Lazzarini, *Communication and Conflict: Italian Diplomacy in the Early Renaissance, 1350–1520* (Oxford, 2015), esp. 53–6, noting the combination of written and oral reporting back. Note the origins of *plena potestas* in these other kinds of agency relationship: Post, ‘*Plena Potestas*’.

<sup>67</sup> ESRO, RYE/9/57/4, ff. 152v–3v; KHLC, Sa/LC/2, ff. 1–2v; ‘The Cinque Ports and Great Yarmouth. Bailiffs’ Report, 1588’, ed. W.L. Rutton, *Archaeologia Cantiana*, 23 (1898), 161–183. The proclamation also appears, differently, at KHLC, CP/B1, f. 70v.

<sup>68</sup> BL, Add. MS 29617, ff. 47v, 143; ESRO, RYE/11/60/4, f. 33v; KHLC, NR/Fac3, ff. 76v, 100. Poss. also: BL, Egerton MS 2107, f. 19. On Waren, as often with the Dover elite, involved in shipping: *HP*, 1439–1509, *Biographies*, 923. On Tudor: *ibid.*, 881.

<sup>69</sup> KHLC, NR/Fac/2, f. 118v. Lowys was apparently a well-connected local landowner: *HP*, 1386–1421, i. 767; iii. 643–5; *HP*, 1439–1509, *Biographies*, 538–9.

<sup>70</sup> DRO, ECA, Receiver’s Account, 12–13 Ed. IV; *HP*, 1439–1509, *Biographies*, 191–2. Such copying is discussed generally by Hartrich, ‘Town, Crown’, 40–5, 60–3, 116, 176–9, 255–8, giving further examples. I place greater emphasis on the variety of reports and modes of obtaining copies of legislation.

should it be that the salary and expenses payments made to members were in truth allocations rather than genuine reimbursements. They may, in consequence, sometimes conceal expenditure incurred in getting material copied. Often, the source of these copies was the chancery officials working in and around parliament. Thomas Bayon seems to have been particularly industrious in this respect. He was, for instance, paid 20s. by the Cinque Ports in July 1474 for writing ‘actes of the parlyament’, and for advice.<sup>71</sup> In about 1489, Romney paid 5s. 6d. expenses to John Castelake, its member, for acts probably obtained at Bayon’s London home.<sup>72</sup> Indeed, Bayon is recorded as writing out acts by his own hand as late as 1503.<sup>73</sup> But copies could also be secured from members of the legal profession or from scribes. In 1433–4, York paid 10s. to the lawyer John Stafford for writing statutes at London and, in 1454–5, they appear to have gone through the lawyers Thomas Urswyk and John Smyth for copies of various acts of the 1453–4 parliament.<sup>74</sup> Nor should we assume that towns or other interested parties only acquired copies of parliamentary acts through their MPs. It was not necessary, indeed, for a person or group to be represented in parliament at all to get hold of such materials.<sup>75</sup> Neighbouring towns were another source of copies of legislation. We have already mentioned the visit of Rye’s clerk William Austyn to Dover Castle in 1496, in which he took two and a half days to copy out the statute of 11 Henry VII.<sup>76</sup> Indeed, as the decision made by the brodhull in 1486 to keep a register of parliamentary acts with which we began this chapter implies, the Ports shared the financial burden of copying statutes and the resultant texts.

The varied origins of copies of legislation obtained by such routes are similarly reflected in their content. It was not uncommon for the copy made to be of the

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<sup>71</sup> KHLC, CP/B1, f. 45v.

<sup>72</sup> KHLC, NR/FAc/3, f. 101.

<sup>73</sup> A.F. Pollard, ‘The Mediaeval Under-clerks of Parliament’, *BIHR*, 16 (1938–9), 65–87, at 86. For an example of Bayon being paid by the crown for extra work of this kind: E403/845, m. 5.

<sup>74</sup> *York City Chamberlains’ Account Rolls 1396–1500*, ed. R.B. Dobson (Surtees Soc., 192, 1980), 17, 96 (the MPs were Thomas Danby & Thomas Nelson). For Stafford (retained by the City of York): *MoC*, ii. 1446. For Urswick (likewise, & recorder of London): *MoC*, ii. 1583–4. Smyth is, for obvious reasons, more difficult to identify. John Stodeley, scrivener, copied a subsidy act for the London mercers in 1455–6: *The Medieval Account Books of the Mercers of London: An Edition and Translation*, ed. L. Jefferson (2 vols., Farnham, 2009), ii. 786.

<sup>75</sup> The (Italian) Borromei Bank had, for example, an exemplification of the staple legislation of 1429 in its records: J.L. Bolton, *Money in the Medieval English Economy: 973–1489* (Manchester, 2012), 246.

<sup>76</sup> ESRO, RYE/11/60/4, f. 33. See chapter 2, n209. Or Romney paying John Crouch of Dover (Castle?) for ‘articles’, probably of the 1430 parliament: KHLC, NR/FAc2, f. 112v.

petition not the statute, a distinction made when discussing the statute rolls in chapter two.<sup>77</sup> Moreover, much like the contents of the reports on the 1413 and Leicester 1414 parliaments already mentioned, not all of these petitions appear to be in final form, and thus to agree with what was finally enrolled. Dover, for example, recorded 8 Henry VI c.5 on weights and measures as a petition, complete with its schedule, now lost from the petition.<sup>78</sup> It is possible that these were working copies, originally made in and around parliament, perhaps to aid debate during the course of sessions and copies were made of whatever was to hand. Nor did towns always simply procure paper or parchment—physical objects could also be commissioned. In 1429–30, William Hamon and John Sherman of Dover purchased weights and measures according to the new statute, at London.<sup>79</sup> Coventry took similar steps in 1430 to obtain brass weights as used in the exchequer.<sup>80</sup> In 1495, Rye obtained sample measures from Dover under the terms of 11 Henry VII c. 4.<sup>81</sup> Messengers could also bring physical objects with them, such as a pair of scales brought to Norwich in 1421–2 along with a writ of parliament.<sup>82</sup>

Where royal messengers, or the bodar of Dover Castle in the case of the Cinque Ports, visited towns with proclamations, this also presented an occasion for towns to copy out material, such as at Rye in 1496.<sup>83</sup> Proclamations might indeed have acted as a prompt to towns to obtain their own copies of what sounded important.<sup>84</sup> Certainly, copies of royal proclamations were entered into urban registers, though this tends to be more common earlier in our period.<sup>85</sup> We have already mentioned in chapter two the regular recording of complete statutes in urban records in London and elsewhere up to 1430. London had so many that the *Liber Albus* even contains a

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<sup>77</sup> E.g.: *The Red Paper Book of Colchester*, ed. W.G. Benham (Colchester, 1902), 115–17, similar to *PROME*, xiv. 327–330.

<sup>78</sup> BL, Egerton MS 2105, ff. 2v–3, cf. SC8/48/7383.

<sup>79</sup> BL, Add. MS 29615, f. 159. They were not Dover’s MPs in this parliament.

<sup>80</sup> *CLB*, 133–4.

<sup>81</sup> ESRO, RYE/11/60/4, f. 31v.

<sup>82</sup> *Nor.Recs.*, ii. 64. Probably in connection with the re-coinage: Steele, *Proclamations*, p. clxxvi.

<sup>83</sup> ESRO, RYE/11/60/4, f. 32, noting further payments for copying acts of the same parliament at f. 33.

<sup>84</sup> N. Offenstadt, ‘La Paix Proclamée. Gestes et Réception de la Publication des Accords de Paix Pendant la Guerre de Cent Ans’, in *Prêcher la Paix et Discipliner la Société (XIII<sup>e</sup>–XV<sup>e</sup> siècle)*, ed. R.M. Dessi (Turnhout, 2005), 201–224, at 218.

<sup>85</sup> E.g. BL, Egerton MS 2105, f. 25v, a copy of 18 Hen. VI c.2; *The First General Entry Book of the City of Salisbury 1387–1452*, ed. D.R. Carr (Wilts. Rec. Soc, 2001), 236 (an act appropriating £8,000 of Genoese alum to the crown: *PROME*, xii. 183–4).

cross-referenced index to these entries in the *Letter Books*.<sup>86</sup> Those transcripts of legislation were most probably taken from schedules or parchment sheets provided for the purpose of proclamation; the transcription of covering writs addressed to the sheriffs of London and/or Middlesex confirms this.<sup>87</sup> Yet, as we also saw in chapter two, we only have sporadic evidence of the practice of locally enrolling royal proclamation writs after 1430. This is in marked contrast with a great deal of evidence, surveyed above, of towns obtaining reports on, and copies of, legislation by their own initiative.

This brings this discussion to its central point—how should we relate these initiatives in towns and cities and, indeed, letters, news reports and other literature in circulation, to the official process of the royal proclamation of parliamentary legislation? As has already been said, we can contrast the shallow impression left by royal proclamations of parliamentary legislation, noting for instance their near complete absence from London chronicles or the evident lack of interest in them in some of the financial accounts of the Cinque Ports, as seen in chapter two, with all the activity surveyed so far in this chapter. I have already argued that the most effective proclamations were those that carried out a very specific function. More routine general proclamation of complete statutes was much less effective, and, often, simply undertaken as a matter of form. This left a gap that urban centres went to considerable lengths to fill. In these endeavours, whilst making positive use of material sent out for proclamation on occasions, they or their members were primarily assisted by outside interests, lawyers, and particularly by crown and parliamentary officials. Thomas Bayon may have simultaneously been cementing and fulfilling his local connections in Kent whilst assisting the king by his indulgence in being so ready to provide transcripts and advice. But he was of course also feathering his own nest. This seems to accord with what historians of the fourteenth-century narrative sources have called ‘semi-official’ activity by royal officials.<sup>88</sup> The prosecution of personal interests whilst in office seems to have been an important enabling factor in how these exchanges came to happen. Such interests were, of course, an omnipresent feature of fifteenth-century administration, much as

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<sup>86</sup> *Lib.A*, i, 543–9. See too chapter 2, n98.

<sup>87</sup> E.g. LBI, ff. 68v–9v, for 9 Hen. IV. Also: LBI, ff. 186, 264v, 265, 270–2, 292–4; LBK, ff. 12, 21v.

<sup>88</sup> See n7 above.

we have also already seen in obtaining *mittimus* writs sending provisos and other material from chancery to the exchequer.

There is also a more empirical route for confirming the hypothesis that towns did not wait for the crown to proclaim national legislation or indeed assume that it was going to do so at all. There are cases where legislation *was* proclaimed by the crown, where we can see how urban centres responded to this situation. Well before our period, the statute of the Cambridge Parliament of 1388 was proclaimed nationally, but Lynn nonetheless purchased a copy.<sup>89</sup> Perhaps this was because the sheriff of Norfolk, or his crier, would only have visited the county town of Norwich in order to make the proclamation. It seems, however, that the crown did require some or all of the 1478 statute to be proclaimed throughout the Cinque Ports, and it duly was at Lydd.<sup>90</sup> But Romney, the chief port of Lydd, and surely therefore also certain to be visited by the bodar from Dover Castle with the same instruction from the crown, still paid one of its MPs John Chenew 4d. to copy out this very statute.<sup>91</sup> Proclamations arrived only slowly; perhaps Romney could not wait? Following the 1495 parliament, at a time where print was now also potentially available to the crown, we can very clearly see evidence of both the proclamation of some of the statute of that year and of numerous efforts made by individual Ports to obtain copies of the same material through other channels.<sup>92</sup> Townspeople got news of parliament from open and private letters, chronicles and informal reports and more applied information about its legislation, very often through their own contacts in parliament and with lawyers and other men of affairs. The thought that towns, and indeed, others in political society had simply become accustomed to look beyond royal proclamations for their statutes can be pursued further by looking another important way in which these texts were recorded and distributed, statute books and derivative forms of publication.

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<sup>89</sup> McKisack, *Parl. Rep.*, 145.

<sup>90</sup> KHLC, Ly/2/1/1/1, f. 156v.

<sup>91</sup> KHLC, NR/FAc/3, f. 90v. For Chenew: *HP*, 1439–1509, *Biographies*, 177–8.

<sup>92</sup> ESRO, RYE/11/60/4, ff. 30, 32–3v; KHLC, NR/FAc5, f. 69; BL, Egerton MS 2107, f. 50.

#### 4.3.1: Nova Statuta: Types, Owners and Users

Legislation was widely available in fifteenth-century England in the form of statute books and in derivative forms, such as abridgements of statutes.<sup>93</sup> All of these genres appeared in print soon after the first introduction of that new technology.

Manuscript statute collections came in two principal forms, always as a codex. The first was the *Vetera Statuta* containing statutes and pseudo-statutes up to the deposition of Edward II, often starting with *Magna Carta*. The second was the *Nova Statuta*, starting with the statute of 1 Edward III and the words ‘Come hugh le despenser ...’,<sup>94</sup> and proceeding to give the statutes by regnal year thereafter up to the terminal point of the volume.<sup>95</sup> These two texts could be combined with each other and with other legal tracts. The new statutes were often preceded by a useful thematic index or calendar, itself not unlike a shorter version of an abridgement.<sup>96</sup> Preservation rates for statute books appear to be reasonably high. I have identified at least 78 containing some or all of the statutes made between 1422 and 1489. These are listed in appendix three. I have examined a sample of 47 of these and have used bibliographical information for others. I have also considered other miscellaneous copies of individual acts found in these volumes and in certain other legal manuscripts. The *Nova Statuta* were printed between 1483 and 1485 by John Lettou and William de Machlinia, or Ravenswald, both of Northern European origin,<sup>97</sup> and again by the Norman-born resident of London Richard Pynson c.

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<sup>93</sup> J.H. Baker, ‘The Books of the Common Law 1400–1557’, in *CHBB*, iii. 411–432.

<sup>94</sup> D.C. Skemer, ‘Reading the Law: Statute Books and the Private Transmission of Legal Knowledge in Late Medieval England’, in *Learning the Law: Teaching and the Transmission of Law in England 1150–1900*, ed. J.A. Bush & A.A. Wijffels (1999), 113–131.

<sup>95</sup> But the chapter numbers *within* statutes vary considerably in the MSS. There was no received ‘canon’ at this level of detail, explaining why citations of statutes were rarely expressed more specifically than by regnal year: *Select Cases in The Court of King’s Bench Under Edward I, vol. III*, ed. G.O. Sayles (Selden Soc., 1939), p. xviii.

<sup>96</sup> Skemer, ‘Reading the Law’, 122–8; Putnam, *Early Treatises*, 49–50, on abridgements.

<sup>97</sup> STC 9264. *BMC*, XI.1, 16–17, 251 (Hellinga); P. Needham, ‘The Paper of English Incunabula’, *BMC*, XI.2, 311–334, at 324–5; A.F. Sutton, ‘Caxton was a Mercer: His Social Milieu and Friends’, in *England in the Fifteenth Century: Proceedings of the 1992 Harlaxton Symposium*, ed. N. Rogers (Stamford, 1994), 118–148, at 134–6; P.C. Christianson, ‘The Rise of London’s Book Trade’, in *CHBB*, iii. 128–147, at 138–9; J.L. Bolton (ed.), *The Alien Communities of London in the Fifteenth Century: The Subsidy Rolls of 1440 & 1483–4* (Stamford, 1998), 29–30, 57–8; L. Hellinga, *William Caxton and Early Printing in England* (2010), 83–6, 88. For Lettou’s wife’s surname and probable nationality: E.G. Duff, ‘Early Chancery Proceedings Concerning Members of the Book Trade’, *The Library*, 8 (1907), 408–420.

1500–1.<sup>98</sup> Printers also produced ‘sessional’ editions of individual statutes from Richard III’s parliament onwards and these are an important element in the final section of the following discussion.<sup>99</sup>

*Nova Statuta* have been considered previously by book historians, specifically for their illustrations and their palaeography.<sup>100</sup> They have also been considered in the context of the prosopography of the legal profession and as legal literature more generally,<sup>101</sup> in the context of the development of a sense of history,<sup>102</sup> and even as didactic literature akin to a mirror of princes.<sup>103</sup> But, unlike early printed books, where there has been discussion of the possibilities printed statutes opened up for the crown by the new technology,<sup>104</sup> rather less has been said about manuscript *Nova Statuta*, particularly as texts, and as a form of communication.<sup>105</sup> The principal focus of this section will be to redress this balance. This will require a closer examination of how some of these texts were made, and by whom. Before doing so, however, it is necessary to introduce further their owners and users.

The question of ownership cannot be entirely dissociated from the grades of manuscripts that were made. Busy lawyer’s clerks might transcribe, scribble even, a copy of a statute on loose sheets of parchment or paper, possibly like a ‘bondell de

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<sup>98</sup> STC 9265. *BMC* XI.1, 299–300; P.A. Neville, ‘Richard Pynson, king’s printer (1506–1529): printing and propaganda in early Tudor England’ (unpub. PhD thesis, Warburg Instit., Univ. of London, 1990).

<sup>99</sup> STC 9347, 9348, 9357 and others cited below; G.R. Elton, ‘The Sessional Printing of Statutes, 1484–1547’, in *Studies*, iii. 92–109.

<sup>100</sup> K.L. Scott, ‘A Mid-fifteenth-century English Illuminating Shop and its Customers’, *Journal of the Warburg & Courtauld Institute*, 31 (1968), 170–196; *eadem*, ‘A Late Fifteenth-century Group of *Nova Statuta* Manuscripts’, in *Manuscripts at Oxford: R.W. Hunt Memorial Exhibition*, ed. A.C. de la Mare & B.C. Barker-Benfield (Oxford, 1980), 103–5; *eadem*, *Later Gothic Manuscripts, 1390–1490* (2 vols., 1996).

<sup>101</sup> *OHLE*, vi. 505–6; Baker, ‘The Books of Common Law’.

<sup>102</sup> J.-Ph. Genet, ‘Droit et Histoire en Angleterre: la Préhistoire de la “Révolution Historique”’, *Annales de Bretagne et des Pays de l’Ouest*, 87 (1980), 319–366, esp. 325–331.

<sup>103</sup> R. McGerr, *A Lancastrian Mirror for Princes: The Yale Law School New Statutes of England* (Bloomington IN, 2011).

<sup>104</sup> K.F. Pantzer, ‘Printing the English Statutes, 1484–1640: some Historical Implications’, in *Books and Society in History*, ed. K.E. Carpenter (New York, 1983), 69–114; H.J. Graham, “‘Our Tong Maternall Marvellously Amendyd & Augmentyd’”: The First Englishing and Printing of the Medieval Statutes at Large, 1530–1533’, *UCLA Law Review*, 13 (1965), 58–98; P.C. Ingham, ‘Losing French: Vernacularity, Nation, and Caxton’s English Statutes’, in *Caxton’s Trace: Studies in the History of English Printing*, ed. W. Kuskin (Notre Dame IN, 2006), 275–298.

<sup>105</sup> Discussed by A. Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants’ Revolt* (Manchester, 2001), 122–3; *idem*, ‘Law and Text: Legal Authority and Judicial Accessibility in the Late Middle Ages’, in *The Uses of Script and Print, 1300–1700*, ed. J. Crick & A. Walsham (Cambridge, 2004), 95–115, esp. 99.



actis parlamenti' in a deeds list of the Paston family of 1471.<sup>106</sup> Or such copies might be written in miscellanea or the flyleaves of otherwise more professionally made statute books.<sup>107</sup> Some of those books may indeed have been amateur productions and lent, borrowed, or even purloined, within the legal profession.<sup>108</sup> But all but one book surveyed for this thesis was made on parchment,<sup>109</sup> and it was usual for at least some of the text to have been rubricated in coloured ink, even if that exercise was often left incomplete. Even basic decoration was expensive. One quite plain statute book seems to have cost 3s. 6½ d. to illuminate with painted capitals, flourishes and to rubricate.<sup>110</sup> Copies of Lettou and Machlinia's printed *Nova Statuta* often include hand drawn and coloured initials to particular statutes in a uniform house style.<sup>111</sup> Many statute books were probably compiled to order, by stationers or booksellers. They could also, most probably, be purchased second-hand from booksellers. One group of statute manuscripts has previously been described on the basis of a common style of decoration and hand, and almost certainly commercially produced in London.<sup>112</sup> The genre can perhaps be dated from around 1470, but production may have continued to the late 1480s. A number of the examples of kinds of choices described later in this chapter will come from this briefly fashionable style of manuscript.

It is important to bear in mind, however, that the survival rates of manuscripts of the highest grades are likely to be greatest and, as valuable items, they are also more likely to be referred to in wills and inventories.<sup>113</sup> These points may thereby distort any analysis of the owners of surviving *Nova Statuta* manuscripts in favour of those who could afford the better kind. Indeed, the armorial bearings in *de luxe* manuscripts are an invaluable guide not available for manuscripts of lesser status, where more information has doubtless been lost in trimming and the loss of

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<sup>106</sup> *PL*, i. 444. The family also possessed 'a Boke off nyw Statuts ffrom Edward the iiiij' (more probably from Edward III): *PL*, i. 518.

<sup>107</sup> E.g. copies of parts of 23 Hen. VI, found in BL, Harl. MS 773, ff. 77–8v; BL, Harl. MS 6873, ff. 43–5v (in petitionary form); 12 Ed. IV c.3 in CUL, Ff 4.14, ff. 116v–18; petitions apparently of 3 Ed. IV in BL, Harl. MS 450, ff. 81–9v.

<sup>108</sup> *OHLE*, vi. 491–3.

<sup>109</sup> BL, Harl. MS 4999, discussed below.

<sup>110</sup> IT, Petyt MS 511.8, f. 247.

<sup>111</sup> For instance, in the copy at BL, IB 55443.

<sup>112</sup> Scott, 'A Late Fifteenth-Century Group', 103.

<sup>113</sup> E.g. C.E. Moreton, 'The 'Library' of a Late-Fifteenth-Century Lawyer', *The Library*, 6<sup>th</sup> ser. 13 (1991), 338–346. See too *MoC*, ii. 'Index of Books Owned', *sub nom.* 'statutes' and related expressions.

flyleaves in subsequent re-bindings. But we do have some inscriptions of ownership or possession which, used cautiously in conjunction with other information, can allow some kind of assessment of the owners of these volumes. Such results as are possible are given in full in appendix three and analysed here in table (a).

*Table (a): identifiable associations of Nova Statuta manuscripts<sup>114</sup>*

Manuscripts with associations with the nobility or royalty	Manuscripts with senior members of the legal profession e.g. judges, serjeants-at-law	Manuscripts associated with lesser member of the legal profession or the localities	Manuscripts associated with institutions
3 or 4	12	7	2–4

Needless to say, these results show a high proportion of ownership in the senior echelons of the legal profession, those active at Westminster Hall. This is to be expected of busy lawyers, who were so often also important men of business.<sup>115</sup> More pertinent in considering the reception of statute more broadly, and thus seeing lawyers primarily as agents in the process of dissemination of these texts, is the number of books associated with lesser lawyers, more regularly active in the localities. Some of their manuscripts will be described in more detail below and it will be worth bearing in mind the probability that busy working JPs, clerks of the peace, town common clerks and franchisal bailiffs may well have had access to *Nova Statuta* when we come on to the reception of legislation through its enforcement in local courts in chapter seven. Institutional ownership is also noteworthy. Two volumes were owned by the City of London in this period.<sup>116</sup> The London mercers acquired a statute book of twenty quires in the 1450s.<sup>117</sup> When one thinks back to the apparent lack of interest of town authorities in royal proclamations of statutes, and particularly that even London ceased to retain copies of this material sent to it after 1430, this starts to make sense if one sees how readily available this material was in book form. Even the king's law courts were

<sup>114</sup> References for this table are given in appendix 3.

<sup>115</sup> E. W. Ives, 'Andrew Dymmock and the Papers of Antony, Earl Rivers, 1482–3', *BIHR*, 41 (1968), 216–229; *idem*, *The Common Lawyers of Pre-Reformation England: Thomas Kebell: A Case Study* (Cambridge, 1983).

<sup>116</sup> LMA, COL/CS/001/007–8. Possibly owned by Leicester: LRO, BR II/3/3.

<sup>117</sup> *The Medieval Account Books of the Mercers of London: An Edition and Translation*, ed. L. Jefferson (2 vols., Farnham, 2009), ii. 812.

owners,<sup>118</sup> or assembled their own collections.<sup>119</sup> We have already noted in chapter two that the exchequer cited a statute *book* as the source of legislation it sent to London in 1409.<sup>120</sup> The probability is that it later also acquired a new volume of statutes after the 1470s in *de luxe* style.<sup>121</sup>

A notable user, if not owner, of a *Nova Statuta* was the first commons speaker, Peter de la Mare, who appears to have brandished one of these volumes in the Good Parliament of 1376, in the course of trying to make the point that the king could not alter the staple by fiat, when it had previously been established by statute.<sup>122</sup> For the most part, whilst we lack an example from the fifteenth century of the deployment of a *Nova Statuta* in parliament itself, these volumes were certainly in active demand for everyday use as up-to-date compendia. Many volumes contain abundant marginalia. Some give cross-references, or a useful abridgement of the main text. As Bertha Putnam suggested, statutes concerning the powers of JP, and the statutes they were required to enforce were often of interest to owners and users.<sup>123</sup> This was particularly required after around 1414, after which date the peace commissions no longer recited the more recent statutes the JPs needed.<sup>124</sup> Indeed, as we shall see in chapter seven, even the precedent charges to be administered to presenting juries in peace sessions had become ossified by the early fifteenth century. William Cote, a relatively minor Lincolnshire lawyer and JP, inscribed his ownership of a volume at three points, two of which are immediately adjacent to contents potentially relevant to his work.<sup>125</sup> This book is in English, as is much of a volume apparently owned by James Hobart, a lawyer and highly active JP in East Anglia, and later attorney general.<sup>126</sup> There is a possible correlation here with the

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<sup>118</sup> E164/10–11 (the exchequer); St. John's College, Oxford MS 257 (possibly the court of common pleas).

<sup>119</sup> E.g. in DL42/236 ('Little Cowcher' of the duchy of Lancaster).

<sup>120</sup> Chapter 2, n39.

<sup>121</sup> E164/11. In 1403, the clerk of parliament, John Scarle, left a statute book to the chancery of the duchy of Lancaster: *Hospitals, Towns, and the Professions: Corpus of British Medieval Library Catalogues*, 14, ed. N.R. Ramsay & J.M.W. Willoughby (2009), 203–4.

<sup>122</sup> *Anonimale Chronicle*, ed. Galbraith, 86. Discussed by K. Kerby-Fulton & S. Justice, 'Reformist Intellectual Culture in the English and Irish Civil Service: The *Modus Tenendi Parliamentum* and its Literary Relations', *Traditio*, 53 (1998), 149–202, at 155–6.

<sup>123</sup> E.g. BL, Cotton Appendix xvi, f. 317v.

<sup>124</sup> Putnam, *Proceedings*, pp. xxx–xxxii; Putnam, *Early Treatises*, esp. 43–59; *OHLE*, vi. 504.

<sup>125</sup> BL, Add. MS 81292, ff. 101v (heading of ordinance of labourers 23 Ed. III), 275v (twice, at the end of 4 Hen. IV, cc. 8, 14). For Cote: *MoC*, i. 516, omitting his office as attorney general to Margaret of Anjou: *CPR*, 1452–61, p. 507.

<sup>126</sup> CUL, Ff3.1, signed 'Jamys Hobart', f. 105; E.W. Ives, 'Hobart, Sir James (d. 1517)', *ODNB*.

fact that the business of local courts, including peace sessions, was almost certainly conducted in English.<sup>127</sup> Smaller volumes were doubtless more portable and could be taken to a local court. But, perhaps more surprisingly, even volumes of the *de luxe* group are often heavily annotated despite their bulk and their opulent production. Thus, Sir Thomas Frowyk, a Middlesex JP from 1493, appears to have marked up a measure restricting quarter sessions in Middlesex to twice a year.<sup>128</sup> As Paul Cavill has noted, the *de luxe* volume owned by the City of London is rather substantially annotated in a number of hands, many of which appear to be prior to the early sixteenth century, particularly on commercial and mercantile matters.<sup>129</sup> Otherwise, the marginalia also address the preservation of the City's liberties, particularly the intersection of civic and royal justice.<sup>130</sup>

#### 4.3.2: *Production Models in Manuscript Nova Statuta*

So far, we have described in general terms how statute books were available as a resource to lawyers and others, including to town authorities. Clearly, even in this sense, these volumes provided a record of what parliament had legislated in the past, and also more recently. Thus, when a copy of a new act was added to an existing volume, this served as a supplement to the more immediate ways that new laws were published by royal proclamation, including the circulation of news, and the applied efforts of townsmen to self-inform. But it is possible now to look at the textual and language choices of, and the editorial judgements manifested in, statute books rather more closely to try to gauge the extent to which the circulation of these volumes was driven by demand outside royal administration, and also the degree to which this may have been conditioned or abetted from within it. Perhaps the clearest evidence for these questions will come from the period when print became available, but it seems most natural to start with the manuscript material. In chapter two, we saw that the statutes existed almost entirely separately from the formal record of them contained in the statute roll. The canon of what was regarded as statute and its text core were established by the centre, most probably in the royal

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<sup>127</sup> W.M. Ormrod, 'The Use of English: Language, Law, and Political Culture in Fourteenth-Century England', *Speculum*, 78 (2003), 750–787, at 770–1.

<sup>128</sup> BL, Cotton Nero C i., f. 194; Ives, *Common Lawyers*, 463–4; *OHLE*, vi. 493; 14 Hen. VI c.4 (*SR*, ii. 291).

<sup>129</sup> Cavill, *Hen. VII*, 178.

<sup>130</sup> LMA, COL/CS/001/007, ff. 160, 230v, 285.

chancery, even if, as we have seen, this statute text came to be bifurcated between English and French language versions of equivalent status.<sup>131</sup>

The best explanation to offer is that the text of the statutes came in the form of copy provided by chancery clerks, either through semi-official activity or from proclamation sheets issued by the chancery, vetted by its clerks (particularly by the secondary clerk of the crown, under the aegis of the clerk of parliament, as we have seen in chapter three), and distributed to the localities. Material derived from one route or the other was then carried over from one unofficial *Nova Statuta* manuscript to another, without reference back to an original. There is evidence for both official and more informal channels in operation within this distribution system. As an instance of semi-official activity, nine quires of one manuscript were delivered for copying by Thomas Shipton, a chancery clerk, later a master.<sup>132</sup> A note made on another volume credits Richard de Southworth, another chancery clerk, for information on the date of the death of Edward III.<sup>133</sup> Correspondingly, a number of volumes contain the collection of additional statutes on purveyance called ‘2 Henry VI’,<sup>134</sup> made pursuant to 1 Henry VI c.2. We have already encountered this in chapter two. Similarly, many include the statute termed ‘10’ or ‘12’ Henry VI, being the long text probably associated with the 1434 parliamentary oaths also discussed, in chapter three. These particular texts are clearly in one sense apocrypha, being recapitulations of earlier legislation, not new statutes, but they can nonetheless be traced to specific royal proclamation writs of 1424 and 1434.<sup>135</sup> Moreover, before 1422, there are numerous examples of *Nova Statuta* manuscripts that include royal writs at the head of a particular statute. These often differ as to the sheriff to whom they were destined.<sup>136</sup> None of these exemplars appear to have been derived from the statute roll even though they had their ultimate origin in royal government.

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<sup>131</sup> Discussed in section 2.2.1.

<sup>132</sup> IT, Petyt 511.8, f. 129v. These quires can be counted out, to the end of 8 Hen. VI at f. 195v. It is not made entirely clear if Shipton was their supplier or recipient. Shipton was a junior clerk in chancery by 1421 and a Master in 1460: *Medieval Chancery*, 124.

<sup>133</sup> BL, Cotton Appendix xvi, f. 204: an alternative reading may be that he was the scribe himself; *Medieval Chancery*, 125: Southworth was active in chancery 1409–c.1418.

<sup>134</sup> See chapter 2, n81 & appendix 4, item (1).

<sup>135</sup> See chapter 2, n82 & appendix 4, item (2).

<sup>136</sup> E.g. 7 Ric. II, addressed respectively to these sheriffs: SR, ii. 32 (Kent); LBH, f. 170 (London & Middlesex); BL, Cotton Nero C i, f. 101 (Derbyshire); STC 9264, sig. m viii (Yorkshire). Some volumes just use letters, the sheriff of ‘N’ etc.

This was, however, the high point of such official control as there was. The balance of the evidence shows that private initiatives often had a key part to play in the editorial decisions that were made. A few statute books include further additional statute texts. Some may have briefly been a genuine part of the statutory canon, produced in the same way as copies of the Royal Marriages Act of 1428 and originating from the royal chancery, though their rarity casts some doubt on this.<sup>137</sup> Another variant is a single example of a confirmation of the charters, ascribed to the 1450–1 parliament.<sup>138</sup> The same volume contains a statutory version, in French, of the later attainder of Sir William Oldhall.<sup>139</sup> It is difficult, therefore, to see the latter, in particular, as anything more than an instance of a single book producer or owner taking it upon themselves to fashion the text of what they imagined, or expected, would be a statute from a copy of a parliamentary petition in their possession. Whilst there are no changes to the underlying substance, the authorities in London appear to have carried out precisely this task in making a statutory version of a petition for the London silkwomen in 1456.<sup>140</sup> Statute book makers also exercised editorial choice, though in an often rather random fashion.<sup>141</sup> A common approach was to suppress legislation of temporary effect. Thus, one scribe explicitly omitted 9 Henry V statute 2, stating that ‘... autres ordinances furent fait mesme lan adveres tanqal parlement lors proschein ensuant, tantsoulment les quex pur celle cause cy omysez’.<sup>142</sup> But this kind of stricture was not applied consistently, either within the *de luxe* group of manuscripts or even within individual manuscripts.<sup>143</sup>

<sup>137</sup> As ‘4 Hen. VI cc.1, 3’ & as ‘6 Hen. VI c.2’. For the text and other details of these, and for MSS including the Royal Marriages Act, see appendix 4, items (3) to (6).

<sup>138</sup> BL, Harg. MS 335, f. 274, transcribed in appendix 4, item (7).

<sup>139</sup> BL, Harg. MS 335, ff. 276–7, as 31 Hen. VI c.2 (adapted from *PROME*, xii. 307–9). Transcribed in appendix 4, item (8). This volume also includes other material of Yorkist persuasion: Richard duke of York’s 1455 declaration and his 1460 agreement with Hen. VI (ff. 283–6, 287–8v).

<sup>140</sup> LBK, ff. 290v–1. cf. *PROME*, xii. 438–9; *SR*, ii. 374–5 (in Latin).

<sup>141</sup> The numerous inconsistencies imply that exemplars of statutes were *not* retained by book producers, following the discussion in L.R. Mooney, ‘Vernacular Literary Manuscripts and their Scribes’, in *The Production of Books in England 1350-1500*, ed. A. Gillespie & D. Wakelin (Cambridge, 2011), 192–211, at 201.

<sup>142</sup> [‘... other ordinances were made the same year to endure until the next following parliament only, which are here omitted for this reason.’] BL, Harg. MS 335, f. 205v. Similarly at BL, Harl. MS 666, f. 316.

<sup>143</sup> Including all temporary acts of 9 Hen. V st. 1 & 2 & 1–2 Hen. VI: BL, Cotton Nero C i; BL, Lans. MS 522; Bodl., MS Hatton 10. Omitting all temporary Hen. V material, but including some from Hen. VI’s reign: BL, Add. MS 15728; LI, Hale MS 194. 2 versions of 9 Hen. V st. 2: LMA, COL/CS/001/007.

Another important choice to make when commissioning or producing a statute book was language. The vast majority of *Nova Statuta* manuscripts were entirely in French, at least to about 1485 or even 1487.<sup>144</sup> Only three surveyed for this thesis were made in English and one of these, from the 1480s, appears on internal evidence to be an incomplete translation made *from* Machlinia and Lettou's first printed statutes.<sup>145</sup> The other two give different English translations of much the same material, almost certainly made independently of one another, from copies of the statutes circulating in French.<sup>146</sup> It is worth noting, however, that the volume owned by James Hobart, whilst largely in English, also contains a considerable proportion of material in French.<sup>147</sup> Given that he later rose to attorney general, it seems unlikely that at any point of Hobart's career he was unable to cope with the statutes in the conventional language of the law. One is left to wonder whether he really saw the French material as the deviation from the norm, the English, or neither. Nonetheless, there are other examples of legal literature being translated into English at this time, such as readings or precedent entries,<sup>148</sup> so there must have been a demand, if a small one, even within the legal profession for English statutes. Outside the law, that sentiment is likely to have been considerably stronger, as linguistic competence in French declined from the late fourteenth century across the wider realm.<sup>149</sup> But most lawyers, judges and, perhaps, many royal administrators, still wanted and expected this material to be in French. In the earlier part of the period under discussion, this presented no great difficulty for the makers of statute books. As we have already seen in chapter two, the statute was decided upon and

<sup>144</sup> 1 Ric. III, included as the printed version (STC 9347): BL, Add. MS 15728; BL, Lans. MS 522; IT, Petyt MS 511.6. The same statute, but from another exemplar: BL, Cotton Nero C i; BL, Harg. MS 274; COL/CS/001/007; LI, Hale MS 71; LI, Hale MS 183; E164/11; Bodl., MS Hatton 10; St. John's College, Oxford, MS 257. For 1–3 Hen. VII, in English: BL, Add. MS 15728; E164/11. The same, in French: BL, Harg. MS 274; LMA, COL/CS/001/007; IT, Petyt 511.6; LI, Hale MS 71; LI, Hale MS 183; Bodl., MS Hatton 10; St. John's College, Oxford MS 257.

<sup>145</sup> CUL, Ff 3.1; BL, Add. MS 81292; BL, Harl. MS 4999. The latter is I believe translated from STC 9264. The key elements are the inclusion of verbal additions found only in the print, and disorder of the MS text at ff. 198–203v, which appears to follow the order of a mis-bound quire 'bb' in a copy of STC 9264, a procedure tabulated in appendix 6, item 4.

<sup>146</sup> See the comparison between the English petition, CUL, Ff3.1, BL, Add. MS 81292 and BL, Harl. MS 4999 in the start of 11 Hen. VI c.9, at appendix 5.

<sup>147</sup> Material in French: index, ff. 1–26v, 107–14v (the subsequent English recto leaf reverts to the start of the clause left incomplete in the French), 198v–207. This suggests the English material may have 'filled in' the lack of an available French text.

<sup>148</sup> G.O. Sayles, 'A Fifteenth-Century Law Reading in English', in *Scripta Diversa* (1982), 301–312; TCC, O.3.1, ff. 100–122 (Ordinance of Labourers (23 Ed. III) and specimen entries).

<sup>149</sup> S. Lusignan, 'Communication in the Later Plantagenet Empire: Latin and Anglo-Norman as Regal Languages' in *The Plantagenet Empire, 1259–1453*, ed. P. Crooks, D. Green & W.M. Ormrod, (Donington, 2016), 273–289.

then drawn up in French after a parliament from a petition cast in that language. These were then copied and widely re-copied between manuscripts. But the chancery began to issue English versions of petitions for proclamations by the 1430s, and by the 1450s it was issuing statutory versions in English. From that time onward, statute book producers must have paid chancery clerks or other royal officials to provide French texts of the statutes for them to include in *Nova Statuta*. Thus, we have the curiosity of the chancery being at the vanguard of producing English statute texts, whilst simultaneously satisfying the continuing, conservative, demands of much of the manuscript law book business.

#### 4.3.3: *Production Models in Printed Statutes*

Printers began to produce books for the legal profession of various kinds soon after the introduction of the new technology. *Nova Statuta*, or at least the material within them dating from prior to 1484, continued to be produced in French until the 1530s.<sup>150</sup> Yet, after Machlinia's edition of Richard III's statute, all separate sessional editions of statutes were produced in English. In contrast to the preceding discussion of manuscript statutes, this section will consider both statute books and sessional printings of individual statutes.

To deal with *Nova Statuta* first, from the outset, printers, or their text editors and compositors, took a rather different approach to their manuscript forebears. The degree of departure from the French texts in circulation in manuscript appears to have significantly increased. Of course, some of these were simply errors, often egregious ones. It seems that a misprinting of 'ix' for 'xi' in the hour of day by Machlinia and Lettou in 23 Henry VI c. 14 led to the perpetuation of an error in statutory election times that continued to confuse readers up to the era of Edward Coke.<sup>151</sup> Similarly, the statute of the September 1388 parliament was portrayed as if it had been made at Canterbury, not Cambridge.<sup>152</sup> Yet, many of the variations

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<sup>150</sup> Graham, "Our Tong". *SR*, i. p. xxii has the first as Berthelet's of 1543.

<sup>151</sup> T.E. Hartley, 'The Statute 23 Henry VI c.14; the Problem of the Texts', *EHR*, 82 (1967), 544–8.

<sup>152</sup> STC 9264, sig. o iiiiv. Even more oddly, l. 2 of the preamble correctly refers to 'Cantebr'. The error was repeated in Fitzherbert's treatise of 1538: Putnam, *Early Treatises*, 108.



appear to have been intentional, and in two, sometimes combined, ways.<sup>153</sup> First, the editor or compositors occasionally made additions for which there appears to be an overarching rationale, principally legalistic clarifications or status enhancements. Such editorial fussiness can also be found in Machlinia's edition of 1 Richard III.<sup>154</sup> These texts frequently added 'Dengleterre' after 'roialme' or 'tresoverayn' or 'treredoute' to the king's title, consistently with the late-medieval tendency to augment the royal style, particularly its majesty.<sup>155</sup> Likewise, they make clearer that damages should be split between an informant and 'al oepe' of the king or his household;<sup>156</sup> 'loss' acquires its bedfellow 'damage', a form of lexical doubling common in legal texts.<sup>157</sup> Moments where the join with the existing material is imperfect suggest that Machlinia and Lettou's edition adds to a base text, not that they were just copying the foibles of another; for instance, we see a nonsensical reference to the chapel 'du roy nostre tresredoute seignour le roy'.<sup>158</sup> But in other places these and other changes were motivated by the print technology and the need to expand or contract the amount of text on the printed page. This was necessary because, after around 1480, two non-consecutive printed pages were set up together on the fourme.<sup>159</sup> To demonstrate this, if one were to imagine a quire or booklet of eight modern paginated leaves (and thus of sixteen pages), the compositor would have to set up pages one and sixteen together, two and fifteen on the reverse of the same leaf, and so on, though the actual order of the procedure varied. The process therefore produced situations where text had to be set up out of order and estimates made as to the length of the intervening text. Conversely, other junctions between

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<sup>153</sup> For instance, in 8 Hen. VI, cc. 3 & 4 appear almost exactly as the text on the statute roll, but cc. 5–9 are heavily altered, at least to the foot of sig. a[v]<sup>v</sup>: STC 9264, sig., aa iii–vii.

<sup>154</sup> E.g. 'nostre seignour' in c. 7 at STC 9347, sig. a v<sup>v</sup>. This overall tendency is particularly true of cc. 6, 8 and 13, cf. *SR*, ii. 480–1, 484, 496. Close comparison of the *SR* text of c.6 with sig. a iii<sup>v</sup>–a v<sup>v</sup>, shows innumerable differences

<sup>155</sup> Appendix 6, item 2 for examples of the points made here. N. Saul, 'Richard II and the vocabulary of kingship', *EHR*, 110 (1995), 854–877; modified by C. Fletcher, *Richard II: Manhood, Youth and Politics, 1377–1397* (Oxford, 2007), 204–213.

<sup>156</sup> STC 9264, sig. ll iiiii (3 Ed. IV, c.1). For the development of informant clauses, see J.G. Bellamy, *Criminal Law and Society in Late Medieval and Tudor England* (Gloucester, 1984), 99–100.

<sup>157</sup> E.g. in 9 Hen. VI c.2: STC 9264, sig. bb viii; 10 Hen. VI c.7: sig. cc vii. See *OHLE*, vi. 753–5. For lexical doubling in legal texts: D. Mellinkoff, *The Language of the Law* (Boston MA, 1963), 121–2.

<sup>158</sup> STC 9264, sig. ll vi (3 Ed. IV c.4).

<sup>159</sup> L. Hellinga, in *BMC*, XI.1, 20–4; N.F. Blake, 'Manuscript to Print', in *Book Production in Britain 1375–1475*, ed. J. Griffiths & D. Pearsall (Cambridge, 1989), 403–432, Fig. 3 at 408; *idem*, *Caxton: England's First Publisher* (1976), 57–8; L. Hellinga, 'Notes on the Order of Setting a Fifteenth-century Book', *Quaerendo*, 4 (1974), 64–9; *eadem*, 'Manuscripts in the Hands of Printers', in *Manuscripts in the Fifty Years after the Invention of Printing*, ed. J.B. Trapp (1983), 3–11.

pages did not need to be mapped out in advance, most obviously between pages eight and nine, across the central fold in our hypothetical eight-leaf quire. Often, however, when the length of intervening text did require to be calculated, Machlinia and Lettou's compositors bungled the exercise. An example of the effect just described appears in 6 Henry VI c.3, where a *recto* side includes numerous, often wholly pointless, verbal additions in order to pad out a text that was short, followed immediately in the opening lines of the following *verso* by a number of contractions to squeeze in extra words, apparently for opposite reasons.<sup>160</sup> In other parts of the book, the number of lines on the page is suitably expanded or reduced.<sup>161</sup>

None of this suggests much concern in printed *Nova Statuta* for the sanctity of the original text produced by the royal chancery. A similar conclusion can be drawn from Richard Pynson's *Nova Statuta* of 1500–1 and the way in which it sought to address defects in its exemplar. Its base text was the earlier Machilina and Lettou edition. But in quire 'oo' of the latter, things had gone badly wrong.<sup>162</sup> The material was disordered and mis-bound, and it appears that leaves had to be added and the text of the final leaf spread out. The chapter numbering (in 12 Edward IV) jumps from c. 3 to c. 6, with cc. 8 and 9 reverting to being cc. 4 and 5, placed at the end. Nevertheless, the text itself is in fact all there. However, when confronted with this confusion, Pynson's compositor seems to have looked elsewhere for remedy. A manuscript *Nova Statuta*, which from the arms it contains can reasonably confidently be said to have been the property of the lawyer Gregory Adgore at the time,<sup>163</sup> was procured and quire 'oo' and, as it happens, 'pp' too, were re-set from the manuscript material, incorporating some fresh errors in the process.<sup>164</sup> Adgore's manuscript contains markings and marginal numberings that precisely correspond

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<sup>160</sup> Sig. D viii, demonstrated in appendix 6, item 3.

<sup>161</sup> E.g. sig. cc v<sup>v</sup>: subtracted lines in 14 Ed. IV, un-numbered recto immediately before sig. oo vii.

<sup>162</sup> *BMC*, XI.1, 251. I have examined 4 original copies of STC 9264: BL, c.11 c.13 (IB 55445); BL, IB 55443; CUL, Inc. 3.J.3.4; IT, Petyt 511.15.

<sup>163</sup> LI, Hale MS 71. Arms at ff. 64, 269, identified as such: *OHLE*, vi. 505, n83. On Adgore: S.E. Thorne & J.H. Baker (eds.), *Readings and Moots at the Inns of Court in the Fifteenth Century vol. II* (Selden Soc., 1990), p. cxxii; Ives, *Common Lawyers*, 452; *MoC*, i. 202–3.

<sup>164</sup> E.g. a missing line in the preamble of 14 Ed. IV and the duplicated line 'de la dit terre ... & gistez' STC 9265, sig. B[vii], ll. 10–1. The passage reads correctly at STC 9264, sig. pp iv<sup>v</sup>, ll. 1–2 from the foot.

in location to the changes of signatures (pagination) in Pynson's edition.<sup>165</sup> This appears to have been normal practice for non-legal books, to judge from the small number of other examples we have of the actual manuscripts used by Pynson as copy.<sup>166</sup> So too was the lack of concern to collate an accurate text.<sup>167</sup> Even at the turn of the sixteenth century, then, there remained a vestige of the same mentality that caused thirteenth-century scribes to relay the gist of Magna Carta rather than always to transcribe it absolutely accurately.<sup>168</sup>

There is evidence from early chancery proceedings that members of the legal profession may have commissioned the first two *Nova Statuta* or, at the least, they may have provided capital to allow books such as this to be made, which typically had print runs of about 600.<sup>169</sup> In this way, lawyers were not just consumers of these volumes or those using them to transmit legal knowledge in local or other courts, but commercial sponsors of their wider propagation. The lawyer John Chamberleyn of Melbourn, Cambridgeshire and William Came, Hugh Personne and another acted as lenders or sureties for Machlina and Lettou's edition.<sup>170</sup> Indeed, in theory at least, they may also have edited such texts. This was the intention, at least, of an agreement between Pynson and a number of 'gentylnen' of Middle Temple in relation to an abridgement of statutes. Pynson was to print, bind and deliver over 400 copies of this volume and, in return, they were to pay him £20 and 'gyve attendaunce in correctyng [and] examenyng ev[er]y lefe, after the prynting of the seid bokes'. Pynson later alleged that they did not, in fact, do so.<sup>171</sup> Assuming a

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<sup>165</sup> LI Hale 71, ff. 369v–386, corresponding closely to STC 9265, sig. A & B. This is something that is also too complex to explain in detail here. Images of 'casting-off' markings are at appendix 6, item 5.

<sup>166</sup> I believe that this is the first early printed law book for which the actual MS exemplar has been identified. For non-legal books where the MS exemplar is known: *BMC*, XI.1, 22, 272–5; M.M. Morgan, 'Pynson's Manuscript of *Dives and Pauper*', *The Library*, 5<sup>th</sup> ser., 8 (1953), 217–228; *eadem*, 'A Specimen of Early Printer's Copy', *BJRL*, 33 (1950–1), 194–6; J. Boffey, *Manuscript and Print in London c. 1475–1530* (2012), 186–192. I am grateful to Prof. Boffey for discussion of this and related points.

<sup>167</sup> Hellinga, 'Manuscripts in the Hands of Printers'.

<sup>168</sup> S. Reynolds, 'Magna Carta 1297 and the Legal Use of Literacy', *HR*, 62 (1989), 233–244.

<sup>169</sup> *BMC*, XI.1, 34.

<sup>170</sup> Duff, 'Early Chancery Proceedings', 413. For Chamberleyn, see *MoC*, i. 454 as 'Chamberlain, John II'.

<sup>171</sup> H.R. Plomer, 'Two Lawsuits of Richard Pynson', *The Library*, new ser., 10 (1909), 115–133, printing Pynson's chancery petition of Mich. 1506 at 131–3, quotation at 132. Those named were Christopher St. German, Robert Bouryng & Robert Fermour. There is a slip in D.A. Rowland, 'The End of the Statute Rolls: Manuscript, Print and Language Change in Fifteenth-Century English Statutes', in *The Fifteenth Century XI: Concerns and Preoccupations*, ed. L. Clark (Woodbridge,

more harmonious process for his *Nova Statuta*, at best, Pynson's editors or backers may have borrowed the manuscript from Gregory Adgore. After that, it seems that Pynson's print staff were on their own. Errors and embellishments of the kind that appear in these *Nova Statuta* are important, and not just because the effect of print was to freeze these readings in aspic for centuries. These books were produced for lawyers, and possibly, in part, by them, and they were manufactured by immigrant printers.<sup>172</sup> They were evidently ventures of a wholly commercial kind.

The position with sessional editions of individual statutes is a little different because, as has already been said, only the first of these, Machlinia's edition of 1 Richard III, was in French at all. Thereafter, all were in English. But this change of language matters less in this context than the question of the initiative behind them. The possibilities of print for the crown seem obvious now: the easy mass-production of texts to inform, persuade or cajole that were identical and, potentially at least, accurate. There is tentative contemporary evidence that some of this was appreciated. Edward IV may well have had the texts of the Treaties of Picquigny and Arras printed for the 1483 parliament as the 'Promisse of Matrimonie' by Machlinia and Lettou.<sup>173</sup> Machlinia may also have printed a translation of the papal bull permitting Henry VII's marriage to Elizabeth of York,<sup>174</sup> and Pynson printed statutes of war in 1492 for Henry VII, a fact referred to by a correspondent of the Pastons.<sup>175</sup> By 1504, William Facques identified himself as the king's printer.<sup>176</sup> By 1506, Pynson held this post, which he held until his death in 1529, during which time he acquired important monopolies over this class of material.<sup>177</sup> By the Reformation Parliament, the government had become well acquainted with mass-

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2012), 107–125, at 120: Pynson's *Nova Statuta* is referred to in error for his abridgement of statutes. The position is correctly stated in n90.

<sup>172</sup> See n97 above. P.W. Blayney, *The Stationers' Company and the Printers of London, 1501–1557* (2 vols., Cambridge, 2013), i. 50–1 disposes of the idea that Pynson was a glover.

<sup>173</sup> STC 9176; P.A. Neville-Sington, 'Press, Politics and Religion,' *CHBB*, iii. 576–607, at 577. Note that in 1482–3, Romney paid 16d. 'pro scriptur Compositio[n]is factum inter dominum Regem nostrum & Regem Francie', KHLC, NR/Fac/3, f. 95v, which seems to describe the first item in the print rather well.

<sup>174</sup> Neville-Sington, 'Press, Politics', 577.

<sup>175</sup> *PL*, iii. 22–3; R. Beadle & L. Hellinga, 'William Paston II and Pynson's Statutes of War (1492)', *The Library*, 7<sup>th</sup> series, 2 (2001), 107–119; STC 9332. Whilst it is clear that Henry VII must have seen some possibilities of print, I now think that I somewhat overestimate how much he chose to take those opportunities in 'The End of the Statute Rolls'.

<sup>176</sup> STC 9357. The position was not granted by royal patent until 1547: Blayney, *Stationers*, i. 112.

<sup>177</sup> Neville, 'Richard Pynson', 34. In 1510, the chancellor Warham commanded that a copy of the first statute of Henry VIII's reign be supplied to Pynson for printing, Elton, 'Sessional Printing', 94.

producing broadside prints of acts of parliament. Indeed, Anne Sutton has recently given fresh emphasis to the description of William Caxton as the king's printer ('Regis Impressore') by his fellow London mercer William Purde as early as 1482.<sup>178</sup> In consequence, she argues that it was Caxton who was driving the production of statutes as early as the 1483 parliament. She sees Caxton's hand at the tiller, reducing Machlinia and Lettou to jobbing printers working at his, and hence the crown's, behest.<sup>179</sup> Other print historians have similarly argued that, by their nature, sessional editions were made at the instance of the crown well before the Facques edition of 1504.<sup>180</sup>

This is, of course, a very different conclusion from that already drawn here about *Nova Statuta* in print, or, indeed, in manuscript. The difficulty with it is that it seems to rest on two premises, both questionable. The first is that statute texts possessed an inviolable status that meant that they could be printed only at the instance of the crown. We have already demonstrated that this was far from being the case for printed *Nova Statuta*. The second is the danger of determinism, of arguing that print necessarily brought about a seismic change in the way that statute texts were published, as opposed to it *enabling* such change to happen. This is a point of some debate among print historians.<sup>181</sup> Moreover, to be correct, Sutton's argument appears to require that the role of king's printer emerged, fully-grown, within no more than six years of Caxton's arrival at Westminster, already in much the guise it had in the 1530s and beyond. Otherwise, how could Purde have known what the expression he used actually meant? In fact, as has been said before, it seems far more likely that this was just a reference to the fact that Caxton had undertaken one or more specific printing tasks for the king.<sup>182</sup> Not all historians, indeed, are persuaded that the English crown did grasp the potential of the new technology particularly early or enthusiastically. Tim Thornton does not think that it

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<sup>178</sup> 'William Caxton, King's Printer c. 1480–85: A Plea for History and Chronology in a Merchant's Career', in *The Medieval Merchant*, ed. C.M. Barron & A.F. Sutton (Donington, 2014), 259–283, esp. 259. This claim is not new: Blayney, *Stationers*, i. 110, citing G.D. Painter, *William Caxton: A Quincentenary Biography of England's First Printer* (1976), 116, from a s. xviii sale catalogue.

<sup>179</sup> A.F. Sutton, 'Merchants', in *A Companion to the Early Printed Book in Britain 1476–1558*, ed. V. Gillespie & S. Powell (Cambridge, 2014), 127–133, at 129. Nothing I say here should diminish the value of Sutton's work on mercantile connections with early printing.

<sup>180</sup> J.-Ph. Genet, *La Genèse de L'Etat Moderne: Culture et Société Politique en Angleterre* (Paris, 2003), 213–220; Graham, "'Our Tong'"; Ingham, 'Losing French'.

<sup>181</sup> See chapter 1, n58–9.

<sup>182</sup> Blayney, *Stationers*, i. 110–1.

was much used before the 1530s, in contrast to the position in certain German territories.<sup>183</sup> Blayney's comprehensive survey of early printing reaches much the same conclusion.<sup>184</sup> Moreover, local archives do not seem to contain any printed royal proclamations before that period.<sup>185</sup> Hughes and Larkin's collection of Tudor proclamations contains comparatively little printed material from the reign of Henry VII.<sup>186</sup>

Such points, though suggestive, are, however, very much made from silence. A better way forward is to look more closely at three of the earlier sessional editions, and to say a little about a fourth. Machlinia's edition of 1 Richard III was in French, a strikingly odd choice unless the crown was interested only in communicating with the legal profession. Moreover, as has been touched upon already, its text frequently departs very substantially from that found in manuscripts, making it less likely that its copy came directly from the chancery. A third difficulty, and surely an insuperable one for convincingly seeing the print as royal propaganda, is that the chancery produced English versions of some, and very possibly all, of this very statute.<sup>187</sup> It seems highly implausible that the government should nonetheless return to French, not English, to print an individual sessional statute, possibly for the first time. Machlinia and Lettou's *Nova Statuta* ended with Edward IV's last statute and by far the more probable explanation is that the printed edition of Richard III's statute was intended as a supplement to this larger volume.<sup>188</sup> The next printed edition to consider is that of 1–4 Henry VII, first produced in 1489 or 1490 by William Caxton.<sup>189</sup> Strikingly, this is Caxton's only acknowledged publication of a law text, itself suggesting that he was not a specialist. He seems to have been

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<sup>183</sup> T. Thornton, 'Propaganda, Political Communication and the Problem of England: Responses to the Introduction of Printing', in *Propaganda: Political Rhetoric and Identity, 1300–2000*, ed. B. Taithe & Thornton (Stroud, 1999), 41–60, particularly on how infrequently Pynson is recorded as being paid by the crown, even as king's printer.

<sup>184</sup> Blayney, *Stationers*, i. 45–7, 99–100, 110–120. Cf. the examples of early printing of legislation (mostly Iberian) in M. Hébert, *Parlementer: Assemblées Représentatives et Échange Politique en Europe Occidentale à la fin du Moyen Âge* (Paris, 2014), 510 & n252, though it is not made entirely clear whether these were 'state-sponsored'.

<sup>185</sup> See chapter 2, n162. As stated there, even the isolated example found at Rye is uncertain.

<sup>186</sup> Of 62 proclamations under Hen. VII, only 4 were printed and only 3 of these patently crown-sponsored (Hughes & Larkin, *Proclamations*, i. 6–7, 60–1, 70–4).

<sup>187</sup> E159/261, *Rec. Mich. rot. 30* (1 Ric. III cc. 8–10, 12); CUL, Ee 5.22, f. 376 (1 Ric. III cc. 1, 3, 4 (part)); GL, MS 5535, pp. 51–2 (1 Ric. III c. 9 (part)).

<sup>188</sup> There is the further difficulty with the idea that these statutes were printed for Caxton that an explanation then needs to be found for the *other* legal printing by Machlinia & Lettou.

<sup>189</sup> STC 9348.

the only printer active in England in these years. This edition differs markedly from its predecessor in layout, particularly the use of short titles for each act, an unusually clear aspect to the page, and in that it is in English, even though French texts were still available for parts of the material printed. It should be noted too that this edition was by no means published with celerity. Its earliest material was almost four years old when it first appeared. It is possible that Caxton was asked to print this material by the royal administration, or that it was at least the source of his copy (which would not necessarily mean that the edition was crown-sponsored), but this would be speculation. It could equally have been a case of Caxton seeing that no statutes had appeared since 1484 and, with no rival working as a printer in England at the time, that he seized the moment, or that he was persuaded to do so by members of the legal profession.

The next edition to consider is of 11 Henry VII, issued by both Wynkyn de Worde and by Pynson, probably in 1496.<sup>190</sup> Fortunately, the records of Rye include a copy of a manuscript proclamation writ sent via Dover Castle that attached a number of acts from the same statute that can be compared with the print.<sup>191</sup> Both these texts and the print are in English. The printed versions include acts in the form of petitions, but in the manuscript proclamation, several of these acts have been converted into statutes.<sup>192</sup> It is possible that, in haste, the chancery decided to issue both versions in parallel. But it seems more likely that the manuscript proclamations are the final, official text. Moreover, those versions are in all probability earlier in date. In other words, the printers were not using the statutes that the chancery itself was producing for formal promulgation; this suggests that they were using other sources and not working to official government order. Even if this reconstruction of events was to be reversed, and the printed edition was earlier, and thus supposedly official, it does not appear that chancery clerks thought that it was appropriate that its text should be followed. One might end this discussion by briefly noting also that, even in Facques' edition of 19 Henry VII, there is the curiosity that he prints

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<sup>190</sup> STC 9352 (de Worde); STC 9355 (Pynson).

<sup>191</sup> ESRO, RYE/24/146/4 (11 Hen. VII cc. 10, 25, 7, 8, 17, 24, 19, 18, 15, in that order).

<sup>192</sup> Cf. cc. 7–8 on mm. 3–5, & more generally with STC 9352 (sig. A [vii]<sup>v</sup>–Bi<sup>v</sup>), which shows that the print follows the petitionary versions of a number of acts, including these 2; the MS converts them to statutory, enacted form. The MSS are authorised by the chancery clerk Richard Skypton (receiver & trier in the 1497 parliament: *PROME*, xvi. 284).

the proclamation writ to the sheriff of Essex as well as his statute text.<sup>193</sup> Tudor evidence suggests that such writs were normally made in manuscript and attached to a printed broadside.<sup>194</sup> Indeed, to pre-print a writ directed to a particular recipient is perhaps unexpected if the print was to be used for a proclamation to be sent to all sheriffs and perhaps others around the realm. Thus, it may be that Facques' appointment, and perhaps his title too, were afterthoughts— the edition was worked up after proclamations had already been sent out in manuscript, and he simply printed from them. Blayney has indeed suggested that Facques only printed on a 'part-time' basis.<sup>195</sup> Overall, whilst it is not easy to be certain about the provenance of these sessional editions in this formative period, and some may have represented official printing done to order, the evidence suggests we should be wary of making unwarranted assumptions about the degree of royal direction involved in them. It seems safer to read the early history of the king's printer without hindsight, to see it as emerging out of a picture dominated by entrepreneurial production of the kind responsible for other kinds of early law book, such as for Year Books of case reports,<sup>196</sup> itself following, working with and beside continued manuscript production, where the crown tentatively began to buy into established commercial models.<sup>197</sup>

#### *4.4: Conclusions*

This chapter has surveyed the reception of parliamentary legislation, mostly of statutes, adopting the perspective of the localities. It is clear that there was a great deal of interest in events in parliament and in its legislation, to have access to, and to read, more general reports on it at one end of the scale, and to get copies of its legislation for more practical reasons, at the other. These copies were obtained by a multitude of methods. MPs had copies made during a parliament itself, or obtained transcripts from royal clerks or from lawyers. Towns do not seem to have expected to receive a proclamation writ, or to hear one read out, with any great speed or efficiency. Even when such announcements were made, the evidence surveyed

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<sup>193</sup> STC 9357, sig. A ii.

<sup>194</sup> Heinze, *Proclamations*, 20, 24–5.

<sup>195</sup> Blayney, *Stationers*, i. 99–100.

<sup>196</sup> *OHLE*, vi. 494–5, 499–500.

<sup>197</sup> A similar view to that of S. Gunn, *Early Tudor Government 1485–1558* (Basingstoke, 1995), 188.



shows that continuing efforts were made in parallel to obtain statutes and reports through other conduits. At a greater distance in time from parliament were chronicle accounts, though mostly denuded of verbatim texts after about 1430. But narrative writers still showed a close interest in dates of assemblies and other key events. More importantly, it is clear that there was a significant industry in producing *Nova Statuta*, and, later, sessional prints of individual statutes. Whether in English or in French, these provided ready access to the laws that lawyers, the ruling authorities in towns, and the officers running local courts and peace sessions, required.

How does the governmental centre fit into this picture? Was the royal administration simply a passenger, watching this maelstrom of activity from afar? It is certainly the argument of this thesis that the importance and effectiveness of routine general proclamations of complete statutes, in particular, has been greatly overstated. Whether the weakness, or even the absence, of a centralising voice was the cause or an effect of the burgeoning industry going on outside or around it may be beside the point. We have seen in this chapter that royal administrators and offices, if not often by way of officially authorised action, did play a role in facilitating and assisting the dissemination of information about statutes. Towns did not object to proclamations when they were made and, indeed, if a visit from a messenger provided an opportunity to make a copy of a new act, so much the better. More importantly, the statute book industry needed exemplars, or at least the producers of the first copies of each new statute or tranche of statutes required them. Before the 1450s, these may have come from authenticated sheets formally issued in the chancery, though we have seen anecdotal evidence to suggest that moonlighting by chancery officials may have played a considerable role even at this time. The shift of petition and then statute into English by the 1440s and 1450s respectively moved things forward to the extent that the production of French statutes in the chancery had in all probability become a truly demand-led process by the 1460s, probably fuelled by the legal book market. Following the advent of print, concern for the original text of the statute was breaking down as busy printers worked their copy to satisfy the market and their private sponsors, often lawyers. Likewise, early sessional editions of statutes were, in all probability, made by printers for profit. Once a statutory text had entered into this diffusional loop, private influences seem to have taken charge of the process. The crown only fitfully

sought to seize back some measure of control of these complex modes of exchange before the death of Henry VII.

But publication by proclamation was not the only way the crown could get its message across. The measures in the statutes produced by parliament also needed to be applied and policed. Apart from cases of direct action in the central or prerogative courts, or perhaps when special commissions were appointed, this chiefly happened at local level. Chapter six will explore the ways that knowledge of statutes could be transmitted through their reflection in urban ordinances. Chapter seven will look at how legal knowledge could be obtained through the practice of applying legislation in local courts, including sessions of the peace. For both of these chapters, knowledge of the legislation made at local level is required and, for present purposes, this was in towns and cities. This brings us to the second element of this thesis, the publication and reception of civic legislation, which needs to be considered in isolation before it can be combined with the remaining aspects of the reception of national statute.

## *Part Two: The Publication and Reception of Local Legislation*

### **Chapter Five: The Publication of Local Legislation**

#### *5.1: Introduction. Urban Legislation: Sources and Methodological Points*

This chapter moves on to the towns and cities of fifteenth-century England, to the means by which their governing bodies and craft associations promulgated their own ordinances and how those present in those locations received these laws. The following discussion will be based on an extensive survey of primary materials available in print, intended to be wide-ranging, if not wholly exhaustive, in combination with a closer study of the manuscript materials of a smaller number of selected locations. The aim is to convey a sense of both breadth and depth. This exercise is not a substitute for individual detailed local studies. Nor is it intended to arrive at a work of purely urban history. Rather, it is intended to lead to a synthesis of how both national and urban legislation were published and received, to be developed further in succeeding chapters. The localities selected here will largely be familiar from preceding discussion of the reception of parliamentary legislation. London will be included, though examples from elsewhere will be deployed as far as possible, in order to minimise the potentially distorting impression given by what was much England's largest population centre, at about 40,000 inhabitants in 1400.<sup>1</sup> This can be contrasted with Exeter, Bristol and, to a lesser extent, Salisbury, Winchester and Southampton in the south and southwest.<sup>2</sup> These will be considered, in conjunction with the Cinque Ports, keeping the narrow sea along the southern coast of England, and with Canterbury and Rochester, more closely connected to the capital along trading routes.<sup>3</sup> The north will not be neglected, meaning

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<sup>1</sup> Barron, *London in LMA*, 45. P. Tucker, *Law Courts and Lawyers in the City of London, 1300–1550* (Cambridge, 2007), 22 gives a higher range of 40–45,000 in 1377. No more than 12% were citizens: *ibid.*, 24.

<sup>2</sup> Exeter, to give an impression of relative size, had a population of c. 3,000 in 1377, rising to c. 7,000 in 1520s. The latter made Exeter by then the 4th largest provincial town in England: Kowaleski, *Local Markets*, 88. York was the second largest urban centre after London, at c. 13–14,000 in 1377, rising somewhat thereafter: D.M. Palliser, *Medieval York, 600–1540* (Oxford, 2014), 221.

<sup>3</sup> For a regional perspective: D. Keene, 'Medieval London and Its Region', *The London Journal*, 14 (1989), 99–111; *idem*, 'The South-East of England', in *The Cambridge Urban History of Britain, vol. I, 600–1540*, ed. D.M. Palliser (Cambridge, 2000), 545–582.

principally here, York. Leicester will be a focus of attention in the Midlands, along with Northampton and Coventry. Finally, Ipswich in East Anglia will be discussed, supplemented by materials from Lynn, Norwich and Yarmouth. The framework for this chapter, and the questions to be asked, will be familiar from the first part of this dissertation. First, having introduced the sources and some of the problems they present, I shall consider the methods used by towns and their crafts to announce and re-announce the terms of local laws in an attempt to draw out general similarities and contrasts. Next, this chapter will consider problems with the effectiveness of these techniques in achieving cognition of their content. Again, the discussion will centre particularly on the dangers of real or assumed ignorance of these laws. Finally, it will look more closely at the performative functions of proclamations, including national ones. What were these announcements trying to *do* as utterances, by which their value should be judged?

One important argument of this thesis that will, however, emerge fully in this Part for the first time is the artificiality of seeing national and local legislation as intrinsically autonomous of one another. This point has already been suggested by questioning in chapter two whether proclamations made in the king's name were always actually government initiatives. This argument can now be developed further in asking more directly whether it should be surprising, for instance, that by the mid-fifteenth century the town clerks at Colchester did not concern themselves to keep records of parliamentary statutes and local ordinances apart, something that perplexed Richard Britnell during his comprehensive study of the town's records.<sup>4</sup> It will be seen that, rather than 'slip-shod' clerical practice, much of what was promulgated and regularly re-promulgated in towns and cities was an admixture of the local and the national.

A second preliminary observation to make is methodological. Mark Ormrod's warning to be wary of the 'paper-trail' warrants reiteration in this specifically urban context.<sup>5</sup> Written records may bear false witness. They are more likely either expressly to refer to oral events, to proclamations or to texts being read out, or to the officials responsible for making them, than they are to a law being consulted or

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<sup>4</sup> R.H. Britnell, *Growth and Decline in Colchester, 1300–1525* (Cambridge, 1986), 238.

<sup>5</sup> Chapter 1, n42 above.

re-read privately. Alternatively, they may be silent altogether on the method of promulgation employed. Moreover, much as for the discussion in chapter two, in few, if any, instances has it been possible to consult the text as actually declaimed. Usually, the sources merely provide secondary copies of original texts. Whilst the London crier received precepts in the name of the mayor to make a proclamation, usually beginning with ‘soit fait proclamacion qe ....’, or its English equivalent,<sup>6</sup> more commonly, the texts we have are evidence of what he was ordered to announce. In assuming that a record of a proclamation necessarily accords precisely with what was cried out, there are further dangers of the same kind of unconscious (and potentially anachronistic) positivism that assumes that law texts, by their nature, must have possessed an official, immutable manifestation. I have already argued that this was not entirely true of fifteenth-century statutes and of the statute roll itself,<sup>7</sup> and a similar criticism could be made of assumptions that early printed editions of statute texts had royal backing, unless this can be shown to be the case.<sup>8</sup>

These observations are particularly important to the question of language selection. This requires closer consideration at this stage in order to explain why I intend to place less emphasis on language change in this chapter than might be expected for this period.<sup>9</sup> Familiar edited collections of London sources may mislead by concentrating on English texts.<sup>10</sup> A wide range of records was, in fact, still made in French or Latin in the early part of this period. A.H. Thomas commented on this phenomenon in London,<sup>11</sup> and this is also the conclusion of Britnell’s more recent survey of English towns as a whole.<sup>12</sup> French was also used in Scotland, the Irish Pale and to a significant degree in the further-flung regions of England.<sup>13</sup> We see

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<sup>6</sup> E.g. LBK, f. 10v.

<sup>7</sup> Section 2.1, above.

<sup>8</sup> Section 4.3.3.

<sup>9</sup> Chapter 1, n29-32.

<sup>10</sup> Particularly, *A Book of London English 1384–1425*, ed. R.W. Chambers & M. Daunt (Oxford, 1931). H.T. Riley translates all LB material from French and Latin into English in his *Memorials of London and London Life* (1868). Sharpe is reluctant to quote more than a few words, usually nouns, from those languages in *Cal. LBA-LBL*.

<sup>11</sup> A.H. Thomas in *Cal. P&M*, 1413–1437, pp. vii–xix, esp. p. xi, noting particularly the continuing use of French in wardmote presentments of 1422–3.

<sup>12</sup> R.H. Britnell, ‘Uses of French Language in Medieval English Towns’, in *Language and Culture in Medieval Britain: The French of England c.1100–c.1500*, ed. J. Wogan-Browne *et al.* (York, 2009), 81–9.

<sup>13</sup> S. Lusignan, ‘Communication in the Later Plantagenet Empire: Latin and Anglo-Norman as Regal Languages’ in *The Plantagenet Empire, 1259–1453*, ed. P. Crooks, D. Green & W.M. Ormrod, (Donington, 2016), 273–289; A. Bliss & J. Long, ‘Literature in Norman French and English to

French material at Winchelsea up to 1427,<sup>14</sup> and in the brodhull of the Cinque Ports to 1438.<sup>15</sup> Analysis of London's *Letter Books* shows more regular use of French than English for entry of civic proclamations under Henry V and, indeed, a continued preference for recording certain repeated types of announcement in French up to 1437.<sup>16</sup> When the change to English came, there was often a self-consciousness about the move, such as with the well-known statement by the London brewers' clerk William Porland in 1422,<sup>17</sup> or the decision of the goldsmiths in 1417 to make a register of Deeds, the prologue of which was 'wrtyn in englysshe to euery mannys undirstondyng'.<sup>18</sup> Reference to a maternal tongue was a cliché, even when expressed in Latin.<sup>19</sup> By 1520, Richard Percyvale's translation of the Ipswich Domesday began with a preamble stating how many of the laws were in French. The bailiffs and governors of Ipswich

... nowe beyng, or peradventure here after that shalbe, hath not the perfyte understanding of the Frenche tonge, lyke as they have had in olde tyme past, be cause the said Frenche tong ys not now so comonly usyd in this realme as it hath ben here before syn the Conqueste. I ... as nere as I cowde have trewly translated them owte of my Frenche copyes in to oure maternall englysshe tonge ...<sup>20</sup>

The collapse in linguistic competence in French seems to have been almost complete amongst the urban leadership in most centres by this time. Given that this is unlikely to have been a sudden transformation, Percyvale's description of the reasons why documentary change was required appears to recognise that there was a period before the composition of his preface in which the practice of record keeping in French (or at least the consultation of existing records in that tongue)

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1534', in *A New History of Ireland: Medieval Ireland 1169–1534*, ed. A. Cosgrove, (2<sup>nd</sup> ed., Oxford, 1993), 708–736, at 714–5.

<sup>14</sup> BL, Cotton Julius B iv, ff. 24v–5v.

<sup>15</sup> KHLC, CP/B1, f. 11.

<sup>16</sup> Analysis of civic proclamations in LBI from 1413–1421 shows that only in 1419 were proclamations recorded in English more numerous than those in French. From 1421–37, proclamations on hokkyng and the opening hours of taverns are always recorded in French, see n46–7 below.

<sup>17</sup> GL, MS 5440, f. 69v; *Book of London English*, frontispiece.

<sup>18</sup> L. Jefferson, 'The Language and Vocabulary of the Fourteenth- and early Fifteenth-century Records of the Goldsmiths' Company', in *Multilingualism in Later Medieval Britain*, ed. D.A. Trotter (Cambridge, 2000), 175–211, at 177.

<sup>19</sup> *The Red Paper Book*, ed. W.G. Benham (Colchester, 1902), 5 (1373); *North.Recs.*, i. 300, 308, 310, 313 (1463, 1467, 1490).

<sup>20</sup> SROI, C/4/1/4, f. 2.

had continued, but had become an artificial practice. Indeed, there is even an unrelated earlier translation of Ipswich's *Domesday*, made c. 1440, of which he may have been unaware.<sup>21</sup> Translations of existing French or Latin urban customs became widespread from the 1460s as the ability to read the earlier versions evaporated.<sup>22</sup>

We have already seen, in previous chapters, local translations of statutes made at source and how the chancery had begun to meet this demand itself from the 1430s. It is worth remembering, particularly, in this context, the Lollard tract writer's assertion that royal proclamations were translated and the evidence that this was indeed what happened.<sup>23</sup> There are similarly strong grounds to believe that, even by 1400, most, if not all, urban proclamations were made in English, and that the written records that suggest otherwise may be misleading.<sup>24</sup> Moreover, for announcements directed to the more modest inhabitants of towns or cities, one must doubt if French or Latin were ever used as oral languages. We have already noted in chapter two that the 1301 Latin version of the Sandwich customal records that a proclamation should start with the words 'Pees a godys half, pees'.<sup>25</sup> The Sandwich proclamation as a whole was to be made 'anglice'. Hanna has convincingly argued for a strong vernacular culture in London prior to Chaucer.<sup>26</sup> By 1335, many London craft organisations had begun to record their internal ordinances in the mother tongue, as demonstrated by the 1388–9 returns to the inquiry into guilds and fraternities.<sup>27</sup> A surviving copy of what appears to be the *Jubile Book*, made in London in the period of John of Northampton's ascendancy after 1376 and later ordered to be burnt, required the wardmote clerk 'openly to rede in Inglissh' points

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<sup>21</sup> BL, Add. MS 25011, ff. 2–23v.

<sup>22</sup> Lincoln: *HMC*, 14<sup>th</sup> Rep., App. Pt. VIII (1895), 22–3 (1480); Hereford: R. Johnson, *The Ancient Customs of the City of Hereford* (2<sup>nd</sup> ed, 1882), 10; *The Oak Book of Southampton*, ed. P. Studer (2 vols., Southampton Record Soc., 1910–11), i. 85–6 (1467x73); *North.Recs.*, i. 208–236 (1460); 'Medieval Towns', under 'Yarmouth By-laws', [users.trytel.com](http://users.trytel.com), accessed 30 Apr. 2017 (1491).

<sup>23</sup> Chapter 2, n224.

<sup>24</sup> M.G.A Vale, *Henry V: The Conscience of a King* (New Haven, 2016), at 105–6 accepts that London proclamations must have been made orally in English, noting, rightly, how the English texts recorded often seem to be translations of French idioms.

<sup>25</sup> Chapter 2, n137.

<sup>26</sup> R. Hanna, *London Literature, 1300–1380* (Cambridge, 2005).

<sup>27</sup> C.M. Barron & L. Wright, 'The London Middle English Guild Certificates of 1388–9', *Nottingham Medieval Studies*, 39 (1995), 108–145, at 113–4.

or articles to those in attendance.<sup>28</sup> A City charter may have been proclaimed in English in December 1383, to judge from the survival of a vernacular version.<sup>29</sup> Collections of London records have given emphasis to three written precepts to make proclamations in the London *Letter Books* of 1383–4, where their text is given in English.<sup>30</sup> But their subject matter does not markedly differ from surrounding texts in French.<sup>31</sup> There seems to be no clear correlation between language choice and the degree of political sensitivity of the content. Curfews and measures against conventicles, for example, appear in both languages, and there are no detectable changes of scribal hand in the record, regardless of language choice.<sup>32</sup> Similarly, an English proclamation precept of 1416 in aid of Henry V's passage to Harfleur is surrounded by six other contemporaneous precepts in French, all of which are likewise cast as orders to the common crier.<sup>33</sup> Viewing the English proclamations in the context of the body of similar documents in any language, they appear as islands set in a sea of French and Latin. The fact that they were preserved in English appears more an act of omission than commission; for speed, or through absent-mindedness, the clerk neglected to follow the accustomed convention of translating them from the language actually used into French for the oral announcement for entry in the *Letter Book*.<sup>34</sup> The recorded texts, whether in a language of practical communication or a conventional record language, remain significant for those kinds of publication or reception of urban legislation that involved the use of written material. But I do not intend to place significant weight on the fact that many are in French and some in Latin when considering *oral* forms of communication.

Another important aspect of urban proclamations is how they were made. Given the almost complete absence of evidence of how this happened for royal proclamations,

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<sup>28</sup> TCC, O.3.11, f. 145, followed by the points themselves. For this MS, see: C.M. Barron, 'The Political Culture of Medieval London', in *The Fifteenth Century IV: Political Culture in Late-Medieval Britain*, ed. C. Carpenter & L. Clark (Woodbridge, 2004), 111–132.

<sup>29</sup> BL, Egerton MS 2885, f. 50: extracts from a charter of 7 Ric. II, in English.

<sup>30</sup> *Memorials*, ed. Riley, 480–2 (as if there were only 2 proclamations); *Book of London English*, 31–3; LBH, f. 172.

<sup>31</sup> See for example the Latin material at LBH, f. 171v, and generally back to c. 1379.

<sup>32</sup> In French: LBH, ff. 180 (15. Aug. 1384, 2 proclamations), 180v (28 Sep. 1384, conventicles).

<sup>33</sup> LBI, ff. 177v–8v; *Memorials*, ed. Riley, 628.

<sup>34</sup> For similar conclusions: M. Hébert, 'Voce Preconia: Note sur les Criées Publiques en Provence à la fin du Moyen Âge', in *Milieux Naturels, Espaces Sociaux: Études offertes à Robert Delort*, ed. E. Mornet & F. Morenzoni (Paris, 1997), 689–701, esp. 698.



I have already taken the liberty of discussing much of the local evidence in chapter two. There is, however, one other context that not does clearly overlap with cries made at the instance of the king that requires brief introduction— readings made in craft assemblies. Crafts bodies conducted regular readings of internal ordinances. These performances were essentially proclamations, but without the trappings of royal or civic authority. Such events took place at the end of quarter days or similar meetings.<sup>35</sup> There is some reason for scepticism as to the usefulness of the content of many of the ordinances read on such occasions as historical sources, in view of their tendency to project an idealised vision of good trading practice or occupational structure.<sup>36</sup> Keene has proposed, in turn, that the ceremony of reading them became a somewhat empty gesture.<sup>37</sup> Nonetheless, in the fifteenth century, there remained a reasonably close connection between membership of a craft and at least the broad priorities of a person's principal occupation,<sup>38</sup> and it is not until the following century, or later, that real difficulties arose in communicating with greatly expanded memberships. As Archer has suggested, 'intense' communication was perhaps still possible with a group of fewer than one hundred.<sup>39</sup> The total numbers involved in fifteenth-century gatherings were not generally large. The London grocers, a large organisation by any standard, had 61 men in livery plus 21 in receipt of hoods in 1434.<sup>40</sup> By 1448–50, it had only 25 in livery together, with hoods or gowns given to

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<sup>35</sup> The London bakers had done so since the 13th century: S. Thrupp, *A Short History of the Worshipful Company of Bakers* (1933), 3. For a 15th-century London example: the turners in 1478, LBL, f. 150. Outside, see the Exeter tailors: *English Guilds*, 315. For an account of a London grocers' quarter day in 1574: J.P. Ward, *Metropolitan Communities. Trade Guilds, Identity, and Change in Early Modern London* (Stanford, CA, 1997), 99.

<sup>36</sup> M. Prak, 'Painters, Guilds, and the Art Market during the Dutch Golden Age', in *Guilds, Innovation, and the European Economy, 1400–1800*, ed. S.R. Epstein & Prak (Cambridge, 2008), 143–171, at 143; H. Swanson, 'The Illusion of Economic Structure: Craft Guilds in Late Medieval English Towns', *P&P*, 121 (1988), 29–48; *eadem*, *Medieval Artisans: An Urban Class in Late Medieval England* (Oxford, 1989), 107–126; M.P. Davies, 'Governors and Governed: The Practice of Power in the Merchant Taylors' Company in the Fifteenth Century', in *Guilds, Society & Economy in London 1450–1800*, ed. I.A. Gadd & P. Wallis (2002), 67–83, esp. 67–8; G. Rosser, 'Crafts, Guilds and the Negotiation of Work in the Medieval Town', *P&P*, 154 (1997), 3–31. These are essentially arguments, however, about the *content* of the legislation, which does not necessarily bear on how vigorously or effectively it was publicised.

<sup>37</sup> D. Keene, 'Livery Companies: What, When and Why?', in *Guilds, Society*, ed. Gadd & Wallis, 171–4, at 173.

<sup>38</sup> Barron, *London in LMA*, 230–1.

<sup>39</sup> I.W. Archer, *The Pursuit of Stability. Social Relations in Elizabethan London*, (Cambridge, 1991), 114. Ward, *Metropolitan Communities*, 95 notes that these meetings could be inquorate by the early 17th century.

<sup>40</sup> P. Nightingale, *A Medieval Mercantile Community: The Grocers' Company and the Politics and Trade of London 1000–1485* (New Haven, 1995), 433.

craft officials and, mostly, to outsiders.<sup>41</sup> In 1455, the carpenters had a brotherhood of about 72,<sup>42</sup> though it is worth bearing in mind that none of these figures appears to include journeymen or apprentices of the craft. Even before the sixteenth century, some scepticism may be necessary as to whether all those required to attend actually did so. Such assemblies were, nonetheless, likely to be considerably smaller and thus more manageable than groups spread around market places, or possibly present at county courts and local courts where proclamations may have been heard. Indoor, more intimate, surroundings may have contributed to greater levels of audience engagement with these occasions than may have been possible by the early-modern period. There were also possibly fewer distractions for listeners in the immediate environment, junior members, indeed, being more visible to their masters or betters. Peer pressure may have therefore been of greater significance in ensuring continued attentiveness. Space precludes more detailed discussion of readings of urban craft ordinances, but the similarities and contrasts with the forms of proclamations made by the civic authorities in towns more broadly touched upon here can usefully be borne in mind in the following discussion. Moreover, as we shall see, the diverse records of London crafts may be useful pointers to other less well-documented civic practices.

## *5.2. The Typology of Forms of Publication of Urban Legislation*

### *5.2.1. Proclamations and Readings*

The first and most obvious type of proclamation was of single local ordinances, made in specific temporal and, sometimes, locative contexts. These were in many respects not unlike other pragmatic, often non-legislative, announcements, such as individual judgments given at the pillory,<sup>43</sup> or in respect of the recovery of lost or stolen goods, known as waif and stray.<sup>44</sup> Other cries were also routine, such as one

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<sup>41</sup> J.A. Kingdon (ed.), *Facsimile of First Volume of MS. Archives of the Worshipful Company of Grocers of the City of London A.D.1345–1463* (2 vols., 1886), ii. 303: 10 hoods and 6 gowns, but these include those given to priests and at least one probable lawyer etc.

<sup>42</sup> *Records of the Carpenters' Company vol. II: Warden's Accounts 1438–1516*, ed. B. Marsh (Oxford, 1914), 18: 6s., at 1d. per member. For attendance at the courts of assistants of the London tailors, see M.P. Davies, 'The Tailors of London and their Guild, c. 1300–1500' (unpub. D.Phil thesis, Oxford Univ. 1994), 156–160.

<sup>43</sup> Rexroth, *Deviance*, 110–122.

<sup>44</sup> M. Bateson (ed.), *Borough Customs* (2 vols., Selden Soc., 1904–6), i. 163–4.

in Norwich in 1437 giving 14 days' notice of the removal of ducks and sows found wandering the streets.<sup>45</sup> Many such quotidian announcements could have a set form; it is important to note the great significance attached to the repetition of established law. This indeed seems to have been far more significant to the rhythm of urban life than the promulgation of what was new. For instance, two specifically-targeted London proclamations were recorded, always in French, well into *Letter Book K*: on the evils of 'hokkyng',<sup>46</sup> and on the closure of taverns and other drinking places before and after feasts.<sup>47</sup>

Indeed, it seems to have been commonplace for towns to make proclamations of a particular type at conventional points of the year in addition to *ad hoc* announcements. Sixteenth-century evidence from Barnstaple shows that proclamations were made on the election of a new mayor each year— on the first Friday after that election, and by the mayor and other legal officers of the town on law days, after dinner and in places around the town.<sup>48</sup> As elsewhere, it is probable also that proclamations were made at certain market days, particularly to give notice of local practice to outsiders. Ricart's *Kalendar* describes how the incoming mayor was to make a proclamation concerning victuals in the City on the Saturday after his swearing in.<sup>49</sup> The proclamation of established local ordinances at lawdays appears also to have been conventional. In towns with biannual leets or tourns, the practice of reading out local legislation is recorded, for example, at Hereford and at Yarmouth.<sup>50</sup>

We have, then, strong evidence of an annual cycle of the reiteration of local laws at different times, in differing contexts, adjusted to the appropriate audience, whether that was a local jury, or visiting victuallers. This was a cycle that appears to offer

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<sup>45</sup> *Nor.Recs.*, ii. 88.

<sup>46</sup> LBI, f. 49v (1406), 77v, 94, 132v, 178, 224v; *Lib.A.*, 681 (noting the 1406 proclamation); LBK, ff. 19, 36v, 45, 51, 64, 106v, 144, 169v. This proclamation may have been new in 1406. 'Hokkyng' refers to the playing of boisterous games on the third Monday and Tuesday after Easter: *Cal. LBH*, 145 n1; R. Hutton, *The Rise and Fall of Merry England* (Oxford, 1994), 26.

<sup>47</sup> LBI, ff. 95, 97v, 104, 112v, 124v, 133v, 147v, 166, 210; LBK, ff. 10v, 19, 38v, 85, 107.

<sup>48</sup> *Reprint of Barnstaple Records vol. i.*, ed. J.R. Chanter & T. Wainwright (Barnstaple, 1900), 172–3, 178–180.

<sup>49</sup> Ricart, 78.

<sup>50</sup> Johnson, *Hereford*, 18; 'Yarmouth by-laws', from NRO (Norwich), Y/C18/1.

much more to civic practicalities than to lay or religious symbolism.<sup>51</sup> Towns or cities had, by custom, their own traditional days for holding courts with leet jurisdiction or for the election of mayors, bailiffs or other civic officials. Proclamations appear to have been particularly closely connected with mayor-making, or with the choice of their equivalents, such as bailiffs. This tendency can also be found in continental sources, even in Buda, for instance, where following civic elections, oaths and urban privileges were read.<sup>52</sup> Closer to hand, in London as elsewhere, by far the most frequently known repeated annual proclamation was variously known as the ‘common’, ‘great’, mayor’s or ‘general’ proclamation.<sup>53</sup> The latter term was used in the Elizabethan period by John Hooker to describe the announcement made by Exeter’s mayor.<sup>54</sup> Any of these epithets would do, and ‘general’ may indeed be preferable, but for convenience, I shall employ ‘common’ to avoid confusion with the general proclamation of statutes discussed in chapter two. Relatively little has been said by historians about these common proclamations and almost all of the little that has been said has been about London,<sup>55</sup> though similar examples also survive from Bristol, Coventry, Leicester and Worcester.<sup>56</sup> As we shall see in chapters six and seven, presentments in local courts frequently refer to these proclamations. Only in London, however, can one observe both the development of this type of announcement in multiple recensions over time, and trace much of the source material for its content. It was regularly enrolled in the *Letter Books* up to 1420, and twice thereafter, and other precedents for it survive.<sup>57</sup> Williams has outlined the context for the emergence this type of announcement in the period of Gregory de Rokesle’s mayoralty in 1276–7, when certain assizes were

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<sup>51</sup> The idea of a civic year divided in symbolic terms was first put forward by C. Phythian-Adams, ‘Ceremony and the Citizen: the Communal Year at Coventry, 1450–1550’, in *The Medieval Town: A Reader in English Urban History*, ed. R. Holt & G. Rosser (1990), 239–264. For some restrained criticism: E. Muir, *Ritual in Early Modern Europe* (2<sup>nd</sup> ed., Cambridge, 2005), 62–88, esp. 87.

<sup>52</sup> D. Zupka, ‘Communication in a Town: Urban Rituals and Literacy in the Medieval Kingdom of Hungary’, in *Uses of the Written World in Medieval Towns: Medieval Urban Literacy II*, ed. M. Mostert & A. Adamska (Turnhout, 2014), 341–373, at 361.

<sup>53</sup> ‘Comunis proclamacio’: LBG, ff. 71v, 107, 176v, 295; ‘Proclamacio generalis’: LBH, f. 237, LBI, f. 99v; ‘Proclamacio Maioris’: LBH, ff. 257, 285, 298; ‘Magna proclamacio [...] Maioris’: LBI, ff. 42, 45, 54, 107v, 255; ‘Magna Proclamacio’ (or vice versa): LBI, f. 65, LBL, ff. 34v, 47v; ‘Proclamacion faite pur la peas nostre seignour le Roy garder’: LBI, f. 183.

<sup>54</sup> Hooker, *Description*, iii. 846.

<sup>55</sup> *Cal. P&M*, 1413–37, pp. xxvi–xxvii. *Cal. LBs and Memorials*, ed. Riley report only extracts, if at all.

<sup>56</sup> *LRB* ii. 224–232, *GRB*, i. 138–146 (for Bristol); *CLB*, 23–33 (Coventry); LRO, BR11/1/1, ff. 229–238 (Leicester); *English Guilds*, 370–409, Green, *Worcester*, App. (both for Worcester), pp. xlix–lxx.

<sup>57</sup> From 1399: LBI, ff. 33v–5v, 42–3v, 45–7, 54–6, 65, 99v–101v, 107v, 183–5v, 255–6; LBL, ff. 34v–5, 47v–8v. For references in other registers, see appendix 8.

promulgated, and its appearance in the form of a London wide ordinance or statute issued in June 1285 when Edward I's officials assumed direct control over the City.<sup>58</sup> It is worth noting that this was a matter of months before the policing statute of Winchester was issued by the king, in September or October.<sup>59</sup> Rexroth, perhaps somewhat underplaying continuity with its earlier origins, traces the development of the common proclamation from 1340–1, transformed into a mechanism of autonomous local power directed against various evils that preoccupied a number of reformist mayors.<sup>60</sup> Common proclamations covered a range of subject matter: the preservation of public order and the king's peace, ensuring public hygiene, the maintenance of approved weights and measures, the requirement that reasonable prices be charged for victuals (including under the assizes of bread, wine and ale), the prevention of forestalling and regrating of goods, and other more general matters of civic and trading life. These areas of concern, sitting at the interstices between crime, nuisances and what would now be termed the anti-social, are reflected throughout the long history of the common proclamation in London and elsewhere.<sup>61</sup> Ordinarily, these proclamations were jointly made in the name of the king and of the authorities of the town or city in question. Their content will be considered more closely in chapter six.

As for other verbal forms of publication of local legislation, ordinances were read out at assemblies of wider and narrower groups of citizens, in town councils and other meetings, often in conjunction with a process of appraisal, modification and confirmation of existing rules.<sup>62</sup> The collective assembly of the Cinque Ports, the brodhull, was also the forum for regular readings of ordinances, as were the assemblies of constituent ports.<sup>63</sup> Rather like craft quarter days, such occasions may have differed somewhat from public proclamations in their relative lack of

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<sup>58</sup> G.A. Williams, *Medieval London: From Commune to Capital* (1963), 76–80, 85, 243–263. Compare the so-called statute of London (*SR*, i. 102) or the proclamation at *Lib.A*, i. 260–280 with *LBA*, ff. 129v–30v.

<sup>59</sup> *Cal. P&M*, 1323–64, p. xx.

<sup>60</sup> Rexroth, *Deviance*, 122–5.

<sup>61</sup> Criminal law and justice seem rather poorly served for late-medieval London. For what there is: *OHLE*, vi. 285–7; *Calendar of Early Mayor's Court Rolls, 1298–1307*, ed. A.H. Thomas (Cambridge, 1924), pp. x–xi; *Cal. P&M*, 1323–1364, pp. x–xxxiii. See more generally: E.G. Kimball, 'Commissions of the Peace for Urban Jurisdictions in England, 1327–1485', *Proceedings of the American Philosophical Soc.*, 121 (1977), 448–474.

<sup>62</sup> See Leicester or Worcester, discussed below. Or Bristol in 1344.

<sup>63</sup> *KHLC*, CP/B1, ff. 3v, 91 (1485).

ceremony. But such events may equally have served the function of creating a sense of wider community participation in law making. In this way, there may have been a declaratory aspect to public readings of ordinances during assemblies, much like the formal promulgation of new legislation at the end of a parliamentary session, or the reading of a peace or a truce back to those who had just negotiated it at the location where it had been agreed.<sup>64</sup> In Norwich, even questions of the regulation of public order were delegated from the ruling civic authorities to craft bodies when, in 1449, craft wardens were enjoined not only to uphold internal craft matters, but also to exercise wider civic authority, when they were charged to supervise their members' victualling activities.<sup>65</sup> Another form of delegated control was through the hosting of aliens, or non-residents. Ordinances at Winchelsea required hosts to inform the masters of vessels and strangers of the contents of those laws.<sup>66</sup> Similar regulations were made in London in around 1440 in relating to advising those hosted (probably under the new statutory regime) of curfew arrangements.<sup>67</sup> We shall return to the host in the next chapter as a pivotal figure in many aspects of urban regulation, particularly of victuals, trade, morality and public order.

### 5.2.2. Oaths

After readings, proclamations and the delegated forms of control derived from them, the next main form of promulgation to consider is the civic oath.<sup>68</sup> These were of two kinds. The first was sworn by the elected and salaried officers of the town. Here, it was relatively rare for the content of the laws in question to be spelled out, though they were for the mayors of Norwich and Northampton.<sup>69</sup> More typical would be that of the mayor of Bristol, to 'holde, kepe, and meyntene all

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<sup>64</sup> See chapter 2, n14.

<sup>65</sup> *Nor.Recs.*, ii. 295, 315. Norwich appears to be unique in having a unitary structure for craft regulation.

<sup>66</sup> BL, Cotton Julius B iv, f. 49v.

<sup>67</sup> LBK, f. 188v (1440), presumably in the light of 18 Hen. VI c.4 (*SR*, ii. 303–5). Similarly: *Lib.A*, 388 (1363). On hosting in taverns: B.A. Hanawalt, 'The Host, the Law, and the Ambiguous Space of Medieval London Taverns', in *"Of Good and Ill Repute", Gender and Social Control on Medieval England* (Oxford, 1998), 104–123, at 115; for a related sense of hosting, as a system of mercantile control, when enacted in 1439: H. Bradley (ed.), *The Views of Hosts of Alien Merchants 1440–1444* (London Record Soc., 2012).

<sup>68</sup> J. Lee, "'Ye shall disturbe noe mans right': Oath-taking and Oath-breaking in Late Medieval and Early Modern Bristol", *Urban History*, 34 (2007), 27–38; D.J.S. O'Brien, "'The Veray Registre of All Trouthe"; the Content, Function and Character of the Civic Registers of London and York c.1274–c. 1482' (unpub. D.Phil thesis, Univ. of York, 1999), 201–2.

<sup>69</sup> *North.Recs.*, i. 373–8; *Nor.Recs.*, ii. 316–7.

laudable ordinaucez, whiche hath be made and used afore this tyme be [his] predecessours'.<sup>70</sup> A second group of civic oaths comprises those sworn by a wider group, usually still of citizenry. Entry to the freedom of a town or city was an important stage, often marked by an oath, such as at Canterbury.<sup>71</sup> Such measures, however, constitute an indirect means of reception and, in discussing them here, the assumption has to be made that those swearing these oaths actually did attend readings and proclamations or consult written copies of the laws they promised to keep. Would men have sworn to something without troubling to acquaint themselves with the details of what they were committing themselves to do? Given the strong sense of routine that must have applied in the annual cycle of the town's business, however, it seems not unlikely that those of more modest standing were going through the motions. In 1371, the authorities at York appear to have been resisting this prospect, by insisting on the swearing of an oath from concern as to ignorance of civic laws.<sup>72</sup> At Grimsby, the mayor and burgesses were required to fortify their obligation in swearing an oath of 1491 by a bond of £40.<sup>73</sup> At Maidstone, the citizens swearing to uphold laws, including to the archbishop of Canterbury as their mesne lord, applied their personal seals to a copy of those regulations.<sup>74</sup> Elsewhere, it seems that actions was occasionally taken against those breaching civic oaths through an action of *laesio fidei* in the spiritual courts. The extent of this practice would require further research, but it was frowned upon by the later fifteenth century.<sup>75</sup> Masters were expressly prohibited from pursuing oath-breakers within their crafts in spiritual courts by an ordinance made at Coventry in 1457.<sup>76</sup> Overall, the most that can possibly be said is that oaths are rarely in themselves meaningful unless they worked in conjunction with some other medium of communication.

What is clear, however, is that oaths were frequently taken by reference to writing, specifically to written copies of urban laws. At Leicester, an oath of occupations

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<sup>70</sup> *Ricart*, 73–4; *LRB*, i. 140. Other versions at *LRB*, i. 46, 103.

<sup>71</sup> *CCA-CA-OA/1*, f. 58v; *CCA-CA-FA/1*, f. 312.

<sup>72</sup> *York Mem. Book A/Y*, i. 14.

<sup>73</sup> *HMC*, 14<sup>th</sup> Rep., App. Pt. VIII, 241–2.

<sup>74</sup> *Maidstone Records* (Maidstone, 1926), 6–7.

<sup>75</sup> *OHLE*, i. 358–368; S.E. Brigden, 'Religion and Social Obligation in Early Sixteenth-Century London', *P&P*, 103 (1984), 67–112, at 86–92.

<sup>76</sup> *CLB*, 302–3.

was taken by reference to an ‘ordynall’.<sup>77</sup> Bristol’s clerk Robert Ricart’s description of oath taking by the incoming mayor is also illustrated in the volume in the style of familiar fifteenth-century images of proceedings in the royal courts.<sup>78</sup> The new mayor stands before his predecessor, his right hand placed on a closed bible, whilst the common clerk reads the oath from an open book, probably the *Little Red Book*.<sup>79</sup> Indeed, many urban and craft registers are known as Oath Books, though this is rarely all they contain.<sup>80</sup> Ordinarily, they include sections of oaths, often written into opening flyleaves inserted for administrative convenience near the start of the volume, or in discrete sections.<sup>81</sup> There is clear evidence that several of these were the working books on which the oaths were actually taken. References to kings are often updated,<sup>82</sup> changes in the nomenclature of urban officials are reflected and,<sup>83</sup> increasingly, English versions were produced where the oaths were previously recorded in French, more rarely, in Latin.<sup>84</sup> They may, however, have been administered in English earlier than written records of them suggest if the clerk were capable of *extempore* verbal translation.

### 5.2.3. *Written Forms: Exemplifications and Formal Consultation*

Some reference to writing has already been unavoidable in discussing proclamations, readings and oaths. It is perhaps necessary to begin with the rather obvious point that it would not have been possible to sustain a system that perpetuated knowledge of local laws through so much oral repetition without maintaining a record of what it was that had to be repeated. Genuine anxieties existed that a loss of records would lead to a loss of corporate memory of customs and laws. This was expressed in Bristol in around 1344 and in Ipswich at about the

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<sup>77</sup> LRO, BR11/1/1, f. 43.

<sup>78</sup> P. Fleming, ‘Making History: Culture and *The Maire of Bristowe Is Kalendar*’, in *Reputation and Representation in Fifteenth-century Europe*, ed. D.L. Biggs *et al.* (Leiden, 2004), 289–316, at 304–6.

<sup>79</sup> *The Maire of Bristowe Is Kalendar*, ed. P. Fleming (Bristol Record Soc., 2015), illustrated at 60 and discussed, 61–4. This image is contemporary: K.L. Scott, *Later Gothic Manuscripts, 1390–1490* (2 vols., 1996), ii. 350.

<sup>80</sup> For a craft example: GL, MS 7114, f. 9v (pewterers).

<sup>81</sup> E.g. London LBD, still in use in the 15th century.

<sup>82</sup> CCA-CA-OA/1, f. 58 (oath of the 24, successively to Ed. IV to Ed. VI).

<sup>83</sup> CCA-CA-FA/1, f. 312, references to bailiffs corrected to a mayor.

<sup>84</sup> The *LRB* contains both French & English versions of certain oaths, as does London LBD. Cf. *Lib.A*, i. 312–5 and *Lib.D*, f. 290.



same time.<sup>85</sup> The argument for the primacy of oral communication can be put with rather more confidence of urban legislation than it can be for parliamentary laws, but there remains a strong case for the vital supplementary role of the written word even for the more straightforward, pragmatic codes of ordinances used in towns. What is particularly striking is the importance of reference back to books, even in smaller centres or in craft bodies. One element that does not appear to be significant in this period, however, is printing. It does not appear that even the authorities in London made use of the press before 1513, when it was used for subsidy collection. Print was only seriously taken up in the City after the 1530s.<sup>86</sup>

The secondary literature on urban archives in the period necessary for an appreciation of the subject is not particularly extensive. Much of it is specific to particular centres. G.H. Martin has set out the pattern of the development of urban record-making more broadly, concentrating on the earlier period, and upon Ipswich in detail.<sup>87</sup> It has been noted that regional centres often possessed strong cultures of civic literacy.<sup>88</sup> The recent overview of Rees Jones is invaluable in this respect, pointing to the growth of urban writing and the corresponding expansion of urban government.<sup>89</sup> This draws on the pioneering assessment of Clanchy,<sup>90</sup> and also on a rich vein of research into pragmatic literacy of this and other kinds that covers the rest of medieval Europe and beyond.<sup>91</sup> A particular feature to emphasise both in

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<sup>85</sup> *LRB*, i. 39–40; SROI, C/4/1/2, ff. 21v–2 (c. 1338).

<sup>86</sup> P.A. Neville, 'Richard Pynson, King's Printer (1506–1529): Printing and Propaganda in Early Tudor England' (Ph.D. thesis, Warburg Institute, London Univ. 1990), 84–5; P.W. Blayney, *The Stationers' Company and the Printers of London, 1501–1557* (2 vols., Cambridge, 2013), i. 287, 398. This chronology is consistent with the argument in chapter 4, that the crown did not make significant use of print for statutes before the 1530s. In 1517, Richard Pynson was paid 54s. 'for Prynting of Bokes for the Citie': J. Boffey, *Manuscript and Print in London c. 1475–1530* (2012), 91. I do not consider *Arnold's Chron.* to have been sponsored by the London authorities.

<sup>87</sup> G.H. Martin, 'The Origins of Borough Records', *Journal of Soc. of Archivists*, 2 (1961), 147–153; 'The English Borough in the Thirteenth Century', in *English Medieval Town*, ed. Holt & Rosser (1990), 29–48; *idem*, 'English Town Records, 1200–1350', in *Pragmatic Literacy East and West, 1200–1330*, ed. R.H. Britnell (Woodbridge, 1997), 119–130; *idem*, 'The Governance of Ipswich. 1: From its Origins to 1550', in *Ipswich Borough Archives, 1255–1835*, ed. D. Allen (Woodbridge, 2000), pp. xvii–xxix.

<sup>88</sup> S. Rees Jones, 'Civic Literacy in Later Medieval England', in *Writing and the Administration of Medieval Towns: Medieval Urban Literacy I*, ed. M. Mostert & A. Adamska (Turnhout, 2014), 219–230, at 222–3; *eadem*, 'York's Civic Administration, 1354–1464', in *The Government of Medieval York: Essays in Commemoration of the 1396 Royal Charter*, ed. Rees Jones (York, 1997), 108–140.

<sup>89</sup> Rees Jones, 'Civic Literacy'.

<sup>90</sup> Clanchy, *Memory*, esp. 329–335.

<sup>91</sup> Britnell (ed.), *Pragmatic Literacy*; various volumes associated with the Utrecht project on pragmatic literacy principally those edited by M. Mostert & A. Adamska, as *Medieval Urban*

England and elsewhere is a repeated pattern of rationalisation, required when the bulk of urban records threatened to become unmanageable. This happened in London as early as Andrew Horn's chamberlainship,<sup>92</sup> under the mayoralty of Henry Darcy in 1337–8, in 1419 under the common clerk John Carpenter, and, once more, in 1473, under the direction of a later common clerk, William Dunthorne.<sup>93</sup> The urban register has received close attention in the research by O'Brien,<sup>94</sup> and Croft has closely examined the regional genre of the custumal as it existed in the Cinque Ports, flourishing in the last decades of the fifteenth century and beyond.<sup>95</sup>

The first form of written dissemination of urban legislation may seem the least important— the production of sealed or exemplified copies. In Canterbury, the mayor in 1473, John Bygge, authorised an *inspeximi* copy of important ordinances of general civic application.<sup>96</sup> In its adjustment to the first person singular, this seems to be conscious emulation of royal chancery practice. More common was for petitioners, usually craft bodies to seek civic approval of their internal ordinances. In London and Bristol, it was, accordingly, conventional for the petition seeking such ordinances to request their formal enrolment in the *Letter Books* or one of the *Red Books* respectively.<sup>97</sup> Such practices resemble the way that petitioners used the royal administration to record and to distribute parliamentary legislation for their own ends, as seen in chapter three. Simultaneously, these crafts would frequently secure a sealed copy of those ordinances. In London, these exemplified copies appear to have been authorised by the common clerk, and were signed in his

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*Literacy I & II: Writing and the Administration of Medieval Towns & Uses of the Written World in Medieval Towns* (Turnhout, 2014).

<sup>92</sup> J.I. Catto, 'Andrew Horn: Law and History in Fourteenth-century England', in *The Writing of History in the Middle Ages: Essays Presented to Richard William Southern*, ed. R.H.C. Davis & J.M. Wallace-Hadrill (Oxford, 1981), 367–391.

<sup>93</sup> B.R. Masters, 'The Town Clerk', *The Guildhall Miscellany*, 3 (1969), 55–74; P. Tucker, 'Dunthorn, William (d. 1490)', *ODNB*; W. Kellaway, 'John Carpenter's *Liber Albus*', *Guildhall Studies in London History*, 3 (1978), 67–84. Little is known about Darcy's involvement with the text associated with him. See also the literature in n94 below.

<sup>94</sup> D. Cannon (née O'Brien), "'London Pride": Citizenship and the Fourteenth-century Custumals of the City of London', in *Learning and Literacy in Medieval England and Abroad*, ed. S. Rees Jones (Turnhout, 2003), 179–198; *eadem*, "'The Veray Registre'"; Barron, 'Political Culture', 122–9.

<sup>95</sup> J.P. Croft, 'The Custumals of the Cinque Ports c. 1290–c. 1500: Studies in the Cultural Production of the Urban Record' (unpub. PhD thesis, Univ. of Kent 1997).

<sup>96</sup> CCA-CA- A/C/1/10.

<sup>97</sup> E.g. LBK, ff. 106v (fletchers), 182 (scriveners); *LRB*, ii. 94, 100 (both, skimmers), 109 (cordwainers) etc.

name.<sup>98</sup> Crafts incurred fees in obtaining such copies.<sup>99</sup> Nor do these seem to have been empty actions; the Bristol barbers expressed concern that ‘diuers trespassoures’ dared to breach their ordinances because they were not confirmed by a sealed copy.<sup>100</sup> A primary function of the London *Letter Books* appears to have been to act as formal validation of what was law in the City. After about 1461, London’s *Journals* began to carefully note when material was formally enrolled in the *Letter Books*, and, occasionally, in other such records.<sup>101</sup> Where crafts were in competition over rights or their powers to regulate, that record could be a cause of contention. The London drapers’ ordinances of 1447 were cut out of *Letter Book K* by a person unknown and had to be reinserted in 1510 by reference to the craft’s own records.<sup>102</sup> Crafts also made copies in their private records of their own ordinances as they were entered on the civic record, giving references to the book and folio on which their entry appeared.<sup>103</sup> By such reflexive acts, crafts sought a sense of enhanced authority for their *own* normative material through citation and copying back from an official, civic source. Formalised actions of this kind seem broadly analogous to the ceremonialised aspects of the reporting back of MPs at Lynn seen in the previous chapter.

Town records were made available for public consultation, particularly when the legislation in question was of general application. The citizens of Worcester were permitted to consult written copies, for better information, of the acts of the local gild.<sup>104</sup> In 1312, copies of London ordinances, read aloud once or twice a year, were also to be made available in writing to those who wanted them, though this may have been an unusual development, a manifestation of troubled times.<sup>105</sup> The wider importance of written memorialisation is shown at Exeter in 1489, when the mayor

<sup>98</sup> E.g. W.A.D. Englefield, *The History of the Painter-Stainers Company of London* (1923), 36–9, *inspeximus* of 4 Jul. 1466. This does not necessarily mean that these documents were signed by the clerk.

<sup>99</sup> E.g. *The Pinners’ and Wiresellers’ Book 1462–1511*, ed. B. Megson (London Record Soc., 2009), 30 (1495–7).

<sup>100</sup> *LRB*, ii. 152 (1439); earlier barbers’ ordinances had, in fact, been confirmed of record: *ibid.*, ii. 69–71, 135–141.

<sup>101</sup> Usually in the form ‘Intratur’.

<sup>102</sup> *LBK*, f. 237; A.H. Johnson, *The History of The Worshipful Company of the Drapers of London*, vol. i (Oxford, 1914), 233–5.

<sup>103</sup> E.g. *GL*, MS 7114, ff. 27–31v: pewterers’ ordinances, cross-referred to: *LBF*, f. 155; *LBK*, ff. 174, 176v.

<sup>104</sup> *English Gilds*, 379–381; Green, *Worcester*, App. p. lv.

<sup>105</sup> *Lib.A.*, i. 657, citing *LBE*, f. 4. This was during the period of the conflict between the Ordainers and Edward II.

and lawyer Richard Clerk (previously encountered) was apparently behind ordinances that connect an attempt to reinstate the annual mayoral tourn with the retention of written civic records, including those for regulation of victualling trades. His purpose was to ensure that these passed annually from the mayor to his successor.<sup>106</sup> When civic ordinances, such as those in London in 1452, 1464 and 1466, ordered material to be ‘published & proclaimed’, it is possible that written copies may have been made available, at least in part.<sup>107</sup> The preamble to the 1466 common proclamation (and that of 1464), indeed, refers to its text as ‘underwritten’, and uses the same word again later in connection with provisions on poultry prices, a subject that may have involved details that would have been hard to recall after the oral cry was made.<sup>108</sup> These factors suggest that a bill or poster was produced. By the Tudor period, whether in conjunction with print, or not, it was commonplace to make written copies available. For instance, at Exeter, these were to be erected on the gates and other accustomed places.<sup>109</sup> Bill posting was not uncommon in Brabant, Hainaut or Ghent, even before print.<sup>110</sup> We certainly cannot exclude the possibility that, in England too, once underhand methods, such as posting written messages, sometimes scurrilous, on doorways and in other places, were adapted and deployed by the authorities for their own purposes.

#### 5.2.4. *Access to Archives*

In his *Kalendar*, Robert Ricart stated his aim of allowing anyone with a ‘wete fynger’ to navigate their way through Bristol’s already voluminous documentary records. This might seem an openhearted gesture, but the better interpretation is that he only intended to offer his guide to Bristol’s civic officials, himself included.<sup>111</sup> An important qualification must be expressed about the utility of writing as a form of reception of urban laws— the written word was a fundamental aspect of the

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<sup>106</sup> DRO, ECA, Book 55, f. 58v.

<sup>107</sup> LBL, ff. 34v, 47v.

<sup>108</sup> LBL, ff. 34v, 47v, 48v. C.D. Liddy, *Contesting the City: The Politics of Citizenship in English Towns, 1250–1530* (Oxford, 2017), 160, gives evidence of written Tables displaying poultry prices in London in 1507, supporting the supposition made here.

<sup>109</sup> Hooker, *Description*, iii. 846; See too: D.M. Palliser, ‘Civic Mentality and the Environment in Tudor York’, *Northern History*, 18 (1982), 78–115, at 102.

<sup>110</sup> See chapter 2, n232.

<sup>111</sup> *Ricart*, 5 (quote), 69.

promulgation of urban laws, but, through decisions as to what to proclaim, or what copies to provide, to whom, and for what reason, access to urban legislation was tightly controlled through an administrative elite. The present section will explore the forms this control of access to written material took. A following one will return to the control of oral means of publication.

Rules were set for those responsible for records, often implemented through oaths of office. In London, by about 1376, access to civic records was secured through the chamberlain or the common clerk.<sup>112</sup> This system continued in the *Liber Albus* of c.1419, where good reason had to be given to either officer before a record could be shown to them, namely, a personal interest in the material requested.<sup>113</sup>

Correspondingly, as a *prid pro quo*, the chamberlain was not to conceal any document affecting such an interest.<sup>114</sup> Restrictions were increased during the fifteenth century, particularly in the period after the appointment of William Dunthorne as common clerk in 1461 and the cessation of the chamberlain's responsibilities in this area in 1462.<sup>115</sup> At Canterbury, the chamber clerk swore that

ye shall not wryte, nor cause to be wreten, eny copyes owte of eny recordes, chartrez, rolles or other what so ever wrytynges .... withoute the concent and knowlege of master mayer or the chamberleyn of the seid Cite<sup>116</sup>

and at York, the common clerks were denied the power to deliver 'no maner of copiez ney evidence' without mayoral sanction.<sup>117</sup> Physical or spatial arrangements also provided an important measure of control. A continental example would be at Lucerne, where urban records were housed in a tower situated on an island in the

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<sup>112</sup> TCC, O.3.11, ff. 140, 141v.

<sup>113</sup> *Lib.A*, i. 48, 310–11; Jo.5, f. 135.

<sup>114</sup> LBD, f. 86v.

<sup>115</sup> See also: *Lib.A*, i. 309–312; LBD, ff. B, C; LBL, ff. 8v, 9; Jo.7, f. 85; Rep. 2, f. 56v, 59; Barron, *London in LMA*, 181; P.E. Jones & R. Smith, *A Guide to the Records in the Corporation of London Records Office and The Guildhall Library Muniment Room* (1950), 15–16. M.R. Horowitz, "Contrary to the Liberties of this City": Henry VII, English Towns and the Economics of Law and Order', *HR*, 85 (2012), 32–56, understates how much regulation there already was concerning access to civic records.

<sup>116</sup> CCA-CA-OA/1, f. 57; also in BL, Stowe MS 850, f. 121v.

<sup>117</sup> O'Brien, 'Veray Registre', 246–8.

river Reuss.<sup>118</sup> Less radically, the main records of London were kept by the common clerk and his staff in a locked chest in the inner or council chamber, north of, and away from, the main hall in the Guildhall complex, an area known as the ‘book howse’.<sup>119</sup> The geography of the Guildhall thus acted as a physical impediment to unauthorised access to the City’s records.<sup>120</sup>

London’s crafts operated similar systems as tightly controlled as those at the Guildhall. In 1407–8, the mercers’ ordinances required members not to ‘diskover or enforme any other man of other craft ... of any ordinaunces, statutes or appoyntementis be twen us mad’.<sup>121</sup> By 1527, their clerk William Newbold was required to swear in much stricter and more specific terms, requiring sanction from the rulers of the craft for any disclosure.<sup>122</sup> These requirements were expressed in more precise legal language by the early sixteenth century but the thinking behind them had probably existed earlier. Indeed, by 1420, the drapers required that their wardens should not ‘bere out nor Delyuere no bookes of ordynances’.<sup>123</sup> Practical measures to preserve secrecy were also adopted by crafts. In their 1378–9 ordinances, the weavers established a system whereby three wardens were to hold certain keys to company property and a fourth was to have the key to the common chest of records and the book of statutes (craft ordinances).<sup>124</sup> It is nonetheless important not to place too much weight on the requirements of such rules, oaths and physical barriers to access to records;<sup>125</sup> the former, in particular, evince intentions, not reality. Doubtless, rules were not always closely followed. With persuasion, book houses could be opened. It was certainly possible for a London craft to obtain

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<sup>118</sup> M. Jucker, ‘Urban Literacy and Urban Secrecy? Some New Approaches to an Old Problem’, in *Writing and the Administration: Medieval Urban Literacy I*, ed. Mostert & Adamska, 231–241, at 236–7.

<sup>119</sup> Rep. 2, ff. 58v–9r: in 1509, this area was to be locked to prevent access other than through the courtroom, whilst it was in session.

<sup>120</sup> D. Bowsher, *et al.*, *The London Guildhall: An Archaeological History of a Neighbourhood from Early Medieval to Modern Times* (2 vols., 2007), i. 206–7, 214–15; C.M. Barron, *The Medieval Guildhall* (1974), 31. See also Barron, *London in LMA*, 155; P. Tucker, *Law Courts*, 133–5. J. Stow, *A Survey of London*, ed. C.L. Kingsford (2 vols., Oxford, 1908), i. 272 refers to a mayor’s court and a ‘counsell chamber with other roomes about the staires’.

<sup>121</sup> A.F. Sutton, *The Mercery of London: Trade, Goods and People, 1130–1578* (Aldershot, 2005), 519.

<sup>122</sup> *Acts of Mercers*, ed. Lyell & Watney, 3.

<sup>123</sup> Johnson, *Drapers*, i. 273. The consent of the council of the fellowship was required to do so.

<sup>124</sup> F. Consitt, *The London Weavers’ Company, Vol. i, from the Twelfth Century to the Close of the Sixteenth Century* (Oxford, 1933), 193.

<sup>125</sup> See n36–7 above in relation to craft ordinances.

further copies of its own ordinances from the Guildhall– the right to do so here seems relatively plain.<sup>126</sup>

Space precludes a closer examination of the written reception of Guildhall’s formal records in the wider City,<sup>127</sup> suffice it to say here that this reception appears to have been shallow, and rather effectively controlled by the City’s administrators, as its oaths and rules required. Thus, whilst it was certainly possible to obtain copies of Guildhall material, there is no evidence of organised or substantial outside collections of it from the fifteenth century.<sup>128</sup> Apart from the materials that crafts obtained from the civic archive, which were chiefly about themselves, as we have seen, what remain are primarily stray copies of wardmote documents, probably obtained from ward officials or individual aldermen.<sup>129</sup> We also find a very small number of copies of a limited group of London ordinances, often the repeated same items, such those on tenants’ fixtures and fittings of c. 1365 and c. 1445,<sup>130</sup> or a 1364-5 order requiring craftsmen to obey their masters.<sup>131</sup> Whilst the folios of the City’s *Letter Books* are often expressly cited in copies of City ordinances,<sup>132</sup> the evidence suggests that these copies were made at various degrees of removal from the original; rather like the statutes copied by the law book industry, they were usually made from other transcripts already in wider circulation.

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<sup>126</sup> E.g. the tailors: GL, MS 34048/2, f. 177v (1458–9).

<sup>127</sup> Details of the material located are given in appendix 8. I regard *Lib.A*, *Lib.D* and Bodl., MS Gough London 10 as compilations originally used or held at the Guildhall.

<sup>128</sup> The absence of any such material in the lawyers’ book holdings listed in *MoC*, ii. 1759–1766 is striking.

<sup>129</sup> BL Add. MS 38131, ff. 120–6, 131-2; BL, Cotton Nero A vi, ff. 183v–6v, 187; TCC, O.3.11, ff. 82v–5, 145–6v; *Ricart*, 94–5; *Arnold’s Chron.*, 90–3.

<sup>130</sup> LBG, f. 174; LBK, f. 221. Found in: BL Cotton Nero A vi, ff. 116v–7; TCC, O.3.11, f. 63; *Arnold’s Chron.*, 137–8; *The Medieval Account Books of the Mercers of London: An Edition and Translation*, ed. L. Jefferson (2 vols., Farnham, 2009), ii. 1025. The mercers’ translation of the c. 1445 ordinance is clearly different from that in *Arnold’s Chron.*

<sup>131</sup> LBG, f. 135v. Found in: *Ricart*, 95; GL, MS 5535, ff. 17, 21 (blacksmiths’ book); GL, MS 5370, f. 1 (scriveners common paper); T.F. Reddaway & L.E.M. Walker, *The Early History of the Goldsmiths’ Company 1327–1509* (1975), 269; Sutton, *Mercery*, 517; Englefield, *Painter-Stainers*, 30–2.

<sup>132</sup> E.g. *Arnold’s Chron.*, 137 cites LBG, f. 174; TCC O.3.11, f. 63 cites LBK, ff. 221–2, GL, MS 5370 cites LBG f. 135; but Sutton, *Mercery*, 517 includes additional text and cites simply ‘the ordinance of the Guildhall’.

### 5.3. Ignorance of Urban Legislation and Mitigation Strategies

We have already seen in chapter two how widespread commonplaces were that ignorance of laws might undermine compliance. Perhaps inevitably, these attitudes were also prevalent in relation to the legislation of English towns. The enacting clause of the 1466 London common proclamation stated that

... the maire and aldremen of this Citee, havynge special zele and tendernesse to the common wele therof, and of the inhabitauntes of the same Citee, and other estraungers repairyng ther unto, *willyng that noo man shuld excuse hym by ignoraunce*, hath commaunded the saide articules to be publissed and proclamed ... [emphasis added]<sup>133</sup>

Similarly, in 1473 a royal signet letter addressed to Coventry was retained for later re-proclamation ‘so þat þe people be ignorans her-of have not excuse in þat behalffe’.<sup>134</sup> On occasions, the concern was apparently more benevolent. Thus, in 1456 it was ordered, also in Coventry, that ‘because no persones shuld be greued by these ordenaunces vnwarned, we ordeyn þat þes ordenaunces be radde to euery of þe seid officers’ (the sheriffs, in this context).<sup>135</sup>

As with royal proclamations, it clearly was not in the common interest for there to be ignorance of urban laws and, hence, non-compliance with them. Moreover, in a specifically local context, there also appears to have been greater reason for concern that laws might not be binding on those who had no notice of them. This is not to argue that fifteenth-century townsmen were automata enslaved by a scheme of rigid legal order. Nonetheless, for towns, there was no internal equivalent to a king with absolute sovereignty and, crucially, no representative parliament or *plena potestas*. The common sense principle in the *Bishop of Chichester’s* case, quoted in chapter one, could not directly apply in a purely urban context.<sup>136</sup> The *ius commune* recognised local customary laws, which could encompass urban ordinances, but on conditions: that they must be in accordance with divine or natural law, and not be

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<sup>133</sup> LBL, f. 47v, or similarly at f. 34. Or the 1371 oath at York, see n72 above.

<sup>134</sup> CLB, 384.

<sup>135</sup> CLB, 295 (1456). Similarly for the merchant adventurers in 1467: *Acts of Mercers*, ed. Lyell & Watney (Cambridge 1936), 165–6, 284–5.

<sup>136</sup> Whether statutes bound those not represented in the English parliament is discussed briefly in D.A. Rowland, ‘The Publication and Reception of Parliamentary Business, 1461 to c.1485’, (M.Phil dissertation, Cambridge Univ., 2007), 63–4.



unreasonable or likely to promote sin.<sup>137</sup> Whatever cynicism might sometimes seem appropriate, there is evidence that ignorance could be regarded as a genuine excuse for non-compliance. A particular difficulty was with laws that purported to bind a person who was not a citizen of a town, or not even resident there. How could the latter, in particular, be said to have assented to such a law when it was made, even by implication?<sup>138</sup> Long-established ordinances in Ipswich recognised the problem by exonerating outside butchers ignorant of ‘the usage of þe toun nor of the cry’, but only at the first time of asking.<sup>139</sup> In Beverley in 1410, the accused was excused an offence of selling corn after noon, because ‘juravit quod ignoravit constitutionem’.<sup>140</sup> Closer still to the civilian ideal, and remembering the value placed on the writing down of positive laws,<sup>141</sup> in 1473 Canterbury ordered that ordinances approved by the common council must both be registered and (apparently) proclaimed within a certain period of time before they could come into force.<sup>142</sup>

These are considerations that are at, or near, the surface. At a greater level of detail, there are questions to ask about the effectiveness of the methods used to promulgate urban legislation. Insofar as written copies of local or craft ordinances were made in French or Latin, this trusted the abilities of those reviewing the material to understand it. Further, we have already traced the physical and normative barriers put in the way of such copying in the first place. Yet, naturally, the question of effectiveness stands primarily to be tested in relation to proclamations. It is worth noting here the distancing effect of orality, how little the language of the chronicle accounts matches the text intended to be spoken.<sup>143</sup> More important still, many of the common proclamation texts were long, some inordinately so. The version of the London proclamation of c. 1285 entered in the *Liber Albus* and elsewhere is of

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<sup>137</sup> *OHLE*, i. 170–1; K. Pennington, ‘Law, Legislative Authority, and Theories of Government, 1150–1300’, in *The Cambridge History of Medieval Political Thought c. 350–c. 1450*, ed. J.H. Burns (Cambridge, 1988), 424–453, at 425–6; N. Doe, *Fundamental Authority in Late Medieval English Law* (Cambridge, 1990), 79.

<sup>138</sup> But the widest possible consent to law-making, even if often fictional in towns run by oligarchies or elites, was frequently put forward by towns in the enacting clauses of ordinances, see Doe, *Authority*, 20–2.

<sup>139</sup> SROI, C/4/1/4, f. 70v.

<sup>140</sup> *Beverley Town Documents*, ed. A.F. Leach (Selden Soc., 1900), 30 [‘he swore that he was ignorant of the constitution [in question]’].

<sup>141</sup> See chapter 2, n173.

<sup>142</sup> CCA- CC- OA2, f. 11v. Also at CCA- CC- A/C/1/9.

<sup>143</sup> See chapter 4, n36.

about 6,500 words.<sup>144</sup> That of mayor Henry Barton in 1416 is about 3,000 words in length.<sup>145</sup> Those of 1464 and 1464 are barely a quarter of the size of the thirteenth-century precedent.<sup>146</sup> The 1466 version of Worcester ordinances is around 12,000 words.<sup>147</sup> By the distended 1496 re-issue, it had swelled to around 18,000.<sup>148</sup>

It is hard to believe that the crier at Worcester actually read out the 1466 version of a clause on retaining in full, which was obviously lifted from an incoming royal writ. The 1496 version, at least, dropped the formal rubric and preamble of this section.<sup>149</sup> Indeed, these ordinances themselves required that parts should be read ‘yf it be desired’.<sup>150</sup> Evidence from the smaller spaces of craft assemblies can assist here because these bodies too may have struggled to achieve cognition, as their ordinances became longer and more technical. Thrupp thought that, by the fifteenth century, readings of the London bakers had become a ‘mere formality’.<sup>151</sup> This may be to go somewhat too far, but we do know from the ordinances of London crafts that, often, only those ordinances that were ‘most needful’ were actually read.<sup>152</sup> The ordinance book of the drapers of London shows ‘lege’ appearing in the margin beside only selected ordinances.<sup>153</sup> By 1514, the clerk of the wax-chandlers was required to read out all the ordinances at least twice a year, but only ‘the most mete’ at quarter days.<sup>154</sup> This may have complemented a flexible approach to the enforcement of craft rules in which not all ordinances were necessarily enforced, where circumstances made it unsuitable to do so.<sup>155</sup> Similarly, the surviving records of annual proclamations at Faversham and those to be made by incoming bailiffs at Ipswich show this process of selection for reading.<sup>156</sup> It is also clear that the version

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<sup>144</sup> *Lib.A*, i. 260–280.

<sup>145</sup> LBI, ff. 183–5v.

<sup>146</sup> LBL, ff. 34v–5, 47v–8v.

<sup>147</sup> *English Gilds*, 376–409 (1466).

<sup>148</sup> Green, *Worcester*, App. pp. xlix–lxx (1496).

<sup>149</sup> *English Gilds*, 388–9; Green, *Worcester*, App. pp. lv–lvi.

<sup>150</sup> *English Gilds*, 376; also: Green, *Worcester*, App. p. xlix.

<sup>151</sup> Thrupp, *Bakers*, 44.

<sup>152</sup> Reddaway & Walker, *Goldsmiths*, 235.

<sup>153</sup> Johnson, *Drapers*, i. 262–4, 270–4, 281.

<sup>154</sup> J. Dummelow, *The Wax Chandlers of London: A Short History of the Worshipful Company of Wax Chandlers, London* (Chichester, 1973), 138.

<sup>155</sup> P. Wallis, ‘Controlling Commodities: Search and Reconciliation in the Early Modern Livery Companies’, in *Guilds, Society*, ed. Gadd & Wallis, 85–100, at 96.

<sup>156</sup> *The Early Town Books of Faversham c. 1251–1581*, ed. D. Harrington & P. Hyde (2 vols., no pl., 2008), i. 84–5; SROI, C/4/1/4, ff. 207–11 (my inference from the numberings that appear alongside entries, in the form ‘1.2.3’ etc.)

of the 1466 common proclamation at Leicester in the first *Hall Book* was made in around 1488–9 and was apparently used for a period as the basis of the text read by the crier. It shows not only at least two further subsequent re-workings but also, in many instances, whether or not a provision was proclaimed. Some are marked ‘proclamatur’ or ‘pro’, some twice or even three times. One is recorded as both proclaimed and not proclaimed. Presumably, a different choice was made to suit the occasion.<sup>157</sup>

It is probably best, therefore, to see these longer common proclamation texts, or bodies of craft ordinances, as a resource, not so different from a custumal–‘confections’ of local laws on which the urban authorities could draw at mayor-making, quarter days, at other conventional times of the year, and on other *ad hoc* occasions.<sup>158</sup> There is further support for the conjecture that what was read out was often heavily abridged, in that some surviving copies of civic proclamations of the common type are very much shorter than those hitherto described. The *Great Red Book* of Bristol contains a very brief vernacular proclamation of 1472–3 that deals only with three immediate main areas of concern.<sup>159</sup> A mayoral proclamation from Norwich is given in a pithy version of only around 650 words.<sup>160</sup> If such a process of distillation occurred, it becomes easier to understand why the recorded versions of the London common proclamation seem to vary from year to year around fixed themes. In 1420, the message focussed more on internal order and curfews.<sup>161</sup> In 1464 and 1466, it was possible to concentrate on market practices and trade. By précis and through selection according to immediate need, we can therefore see how these proclamations and readings could be targeted more effectively. There was also the possibility, as above, of consulting written copies or of supplementing oral techniques with bills or placards.

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<sup>157</sup> LRO, BR II/1/1, pp. 229–238.

<sup>158</sup> BL, Add. MS 38131, f. 119v introduces a common proclamation as ‘proclamacio confecta secundum tenoris statutorum et consuetudinum civitatis Londonari’ [‘proclamation put together according to the terms of statutes and customs of the City of London’].

<sup>159</sup> *GRB*, iii. 96–8. Cf. the version from the 1450s at *ibid.*, i. 138–146, of about 3,400 words.

<sup>160</sup> *Nor. Recs.*, ii. 316–7 (prob. after 1447).

<sup>161</sup> The emphasis of the version of 1420: LBI, ff. 255–6.

#### 5.4. *The Performativity of Proclamations*

So far, the question of effectiveness of urban proclamations has been assessed chiefly by reference to their value as informative acts, what might be termed their ‘public legibility’.<sup>162</sup> Yet, communication of the content of a proclamation, that legislation existed in certain terms, was only one of the forces at work in this complex kind of speech act. Each of these elements has to be evaluated in the context of the ‘total situation’ in which the speech act was made,<sup>163</sup> and a balance drawn between their relative degrees of importance. In this section I shall take as short case studies proclamations of progressive degrees of complexity in order to examine these features more closely. In what follows, I shall incorporate references to royal proclamation of parliamentary legislation considered in chapter two.

My first example is of the short London announcement regularly made at hock-tide that residents were not to indulge in boisterous activities during that festival, on pain of imprisonment or a fine at the discretion of the mayor and aldermen.<sup>164</sup> In 1424, this is recorded as a precept to the crier, in French. The authority for the cry is omitted, but this must have been significant here both in the narrower sense of the responsibility of the mayor and aldermen to keep the peace on behalf of the king, and also in the more general sense of projecting the authority of the mayor and alderman to rule the City— that by virtue of its franchises and liberties, the City could rule itself. These forces could have been effectively conveyed by starting with suitable annunciatory words, most probably a three-fold repetition of ‘oyez’. Coupled with this would be naming the mayor, and possibly aldermen, and the other attributes of the crier, perhaps the use of a horn or musical instrument before speaking, his robes, that he may have been raised to a height above the audience if on horseback, or his use of a deliberate, perhaps ‘lowe’, speaking voice.<sup>165</sup> It is unlikely that there would be any danger of these conventional acts not being recognised as such by the hearers; indeed, these elements acted as signifiers that

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<sup>162</sup> Skinner, *Visions*, i. 120: ‘the intentions with which anyone performs a successful act of communication must, *ex hypothesi*, be publicly legible’.

<sup>163</sup> Austin, *Words*, 52, 100.

<sup>164</sup> LBK, f. 19. I shall not repeat references here for matters cited earlier in this chapter.

<sup>165</sup> See chapter 2, n143.

this was an official proclamation, made under the City's imprimatur, and possibly by delegation for the crown. Next, the message served to warn. It had the value of giving those who heard it the chance to avoid punishment through compliance with its terms. The success of this perhaps depended on whether it was heard, because the tenor itself was straightforward enough, and well known from being repeated in most, if not all, years. We might also see the message as serving an instrumental purpose, to create the circumstances in which it was both considered proper and legally effective for the mayor and aldermen to punish those who were, despite these efforts, still over-enthusiastic at this festive season. Indeed, this effect might cause these perils to fall on someone who was neither a citizen nor resident. Put against these entirely rational considerations, the purely informative aspects of the proclamation, to see it as political communication, as information of the *fact* that there was such an ordinance and of its terms, seem relatively minor considerations; indeed, this appears to be a distinctly artificial way of looking at the forces within the proclamation as a performative utterance. This is not to say that this cry could not potentially have been highly effective as a brief message widely cried out around the City. But this seems to miss the point about what it was primarily trying to *be*.

Another example that may bring this point out even more strongly is of a London proclamation made in February 1476, that citizens should return to reside in the City by Michaelmas if they lived within 20 miles of London, or by Christmas if further afield, on pain of loss of the freedom. The proclamation was to be made weekly for the eight weeks before Easter.<sup>166</sup> Many of the attributes of this announcement are similar to the previous one. Again, we should presume the projection of the City's authority, but it may be less safe, in this instance, to presume that these proclamations were also made in the name of the king. The emphasis on repetition suggests that a different assessment is also required of the balance of the effects and forces in play. Indeed, this announcement seems more plainly instrumental, designed to act as legal cover to allow the City authorities to expel from the freedom if required, a device much like the 1474 proclamation we have seen in chapter two to bring royal debts to the exchequer by Easter 1475, or in

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<sup>166</sup> LBL, f. 116.

many cases ancillary to judicial proceedings, where a conviction was treated as taking place if the proclamation were ignored.<sup>167</sup> There are two audiences in mind in the London cry, as in that on crown debts: first, those actually hearing the announcement on one or more occasion, and, secondly, a fictive one— those who did not hear it, but were affected by its terms. The authorities expected its intentions to be recognised by the first, but this seems to have been immaterial for the second.<sup>168</sup> We have also seen in chapter two royal proclamations acting as condition precedents to statutes coming into force.<sup>169</sup> Much the same could be said of the Norwich proclamation on wandering sows and ducks mentioned earlier in this chapter. In these circumstances, it really did not matter, first and foremost, whether the cry was heard at all. Once more, there were two audiences. Here, we should place the illocutionary forces of seeking to warn those affected before they suffered adverse consequences, or of simply informing them that such an announcement had been made (not in itself news, because similar announcements had been made in the past),<sup>170</sup> well down the list.

How, then, should one approach a longer, more complex message such as a complete London common proclamation or, indeed, the general proclamation of a statute? The common proclamation clearly, indeed, expressly, invoked the authority of the king and that of mayor and aldermen. It seems probable that they were cried with some pomp. Similar to the proclamation on the freedom is the aspect of repetition. As Rexroth has suggested, with variations, the common proclamation was a kind of institution.<sup>171</sup> By the later fifteenth century it had been a constant ingredient of civic government for two centuries and, as we shall see in the next chapter, its content (certainly in its written form) varied only incrementally over time. It is certainly probable that, in combination with summary and selection, a good deal of its content will have rubbed off on the populace. In this respect, it had

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<sup>167</sup> Examples were given in section 2.2.1.

<sup>168</sup> On recognition in speech acts, see: J. Searle, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge, 1969), 43–50, 60–1. The idea that recognition of speech acts might be material in an outward-facing sense, not just between speaker and hearer, appears as the ‘archetypal performative’ in M. Furberg, ‘Meaning and Illocutionary Force’, in *Symposium on J.L. Austin*, ed. K.T. Fann (1969), 445–467, at 454. Recognition of a marriage ceremony is not simply expected of those who attend it.

<sup>169</sup> E.g. in table (b).

<sup>170</sup> See, for example, the more developed ordinances on the freedom in 1433: LBK, ff. 125–6v.

<sup>171</sup> *Deviance*, 73.

distinct advantages over one-off announcements of royal statutes. Rather, the common proclamation has shared strengths with the royal proclamations repeating groups of important statutes, such as those to be repeated and implemented at peace sessions.<sup>172</sup> Moreover, it can be said that a common proclamation was more obviously trying to *inform* its audience of something than the above cries on hocking or the London freedom. Its purpose does appear, in part, to have been to advise and to remind its listeners that these legal rules were in force and what they said, very occasionally with additions or changes. This was not therefore just a warning of potential adverse consequences. The London common proclamation was intimately connected to its role as the first stage in a larger annual cycle, that of presentments in the December wardmotes, themselves put to the mayor and aldermen at the Epiphany general court. The proclamation was a staging post towards this, frequently identified in presentments as the legal authority behind the accusations put forward in the ward courts.<sup>173</sup> Its contents were digested and augmented in the articles used in those courts and in the charges to which wardmote jurors were worn. We shall consider those documents, which had their performative aspects too, further in chapter seven. But it would be a mistake to think that common proclamations lacked other strong illocutionary forces. First, like our previous examples, one has to question whether the City authorities were primarily concerned by how widely the proclamations were known or heard. Much as with the recalcitrant at hock-tide, the City wanted to ensure that the necessary legal framework was in place against which miscreants could be judged. It was for instance an infringement to sell ale by faulty measure, to keep common inns, or for ‘alle pulters þat regraton þe market ayenst þe maires crye’.<sup>174</sup> Indeed, the very ritualised incidents of these cries and, particularly their repetition, strongly points towards instrumental effects being of considerable importance. The very fact that they were being made simply made it harder, as was said in the common proclamation of 1466, to pretend ignorance.

The projection of authority was also highly significant. When a proclamation was made of a statute, in the king’s name, there is perhaps little more to be said. In

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<sup>172</sup> Chapter 2, n77–83.

<sup>173</sup> LMA, CLA/024/01/02/51, mm. 4d, 5–6d, 7; CLA/024/01/02/52, mm. 2, 4v; Jo.1, ff. 2v, 3v (1416).

<sup>174</sup> LMA, CLA/024/01/02/51, mm. 4v, 5, 6v, 7 (quotation).

towns, however, control over victuals, law and order, or over mercantile trade, was akin to a possession. Like any medieval jurisdiction, and as Maitland said, it was a form of property right that had to be defined, exercised and defended.<sup>175</sup> Market regulations, including over weights and measures, were often hard-won rights to exercise the jurisdiction of the clerk of the market of the royal household, whose own practice had been to proclaim through a crier the assizes and relevant legislation on his arrival in a particular locality.<sup>176</sup> Many towns and cities expended considerable sums in charters to exclude the clerk from their jurisdiction, though often continuing to act in his name.<sup>177</sup> Commonly, the power to regulate market practices was vested in the mayor or bailiff.<sup>178</sup> This responsibility appears frequently in their civic oaths, such as that of the mayor of Canterbury to order the market for victuals, set reasonable prices and profits and to exercise the responsibilities of the clerk of the market more generally.<sup>179</sup> In practice, this mayoral authority was delegated to officials such as the sergeants of the mayor of Norwich.<sup>180</sup> In the fifteenth century, the masters of crafts played an increasingly important role, though usually under the ultimate suzerainty of the chief elected officer of the town.<sup>181</sup> Elsewhere, these powers were shared. London's aldermen co-authored mayoral proclamations on these and other subjects by 1464, when they had not in 1420.<sup>182</sup> The scale of these responsibilities is reflected in the frequent appearance in urban registers of material relating to the clerk of the market and the assizes, particularly of bread and ale. An important feature of this appears to be a document, supposedly of conciliar origin, confusingly called the 'statute of Winchester', said at Ipswich to derive from Magna Carta, but usually appearing in an English version apparently issued during the reign of Edward IV. It is possible to add here to the list of examples of this text identified by James Davis.<sup>183</sup>

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<sup>175</sup> Pollock & Maitland, i. 527.

<sup>176</sup> J. Davis, 'Market Regulation in Fifteenth-century England', in *Commercial Activity, Markets and Entrepreneurs in the Middle Ages*, ed. B. Dodds & C.D. Liddy (Woodbridge, 2011), 81–105; J. H. Johnson, 'The King's Wardrobe and Household', in *The English Government at Work 1327–1336*, ed. J.F. Willard & W.A. Morris (eds.) (3 vols., Cambridge MA, 1940), i. 206–249, at 245–8.

<sup>177</sup> Davis, 'Market Regulation', 94, n56. E.g.: *York Mem. Bk. A/Y*, i. 160 (1396 charter).

<sup>178</sup> For London: Barron, *London in the LMA*, 58; *eadem*, 'The Government of London and its Relations with the Crown 1400–1450' (PhD thesis, Univ. of London, 1970), 239–257.

<sup>179</sup> CCA-CA- OA1, f. 56v.

<sup>180</sup> *Nor.Recs.*, i. 123–4.

<sup>181</sup> *Nor.Recs.*, ii. 315–16.

<sup>182</sup> LBI, f. 255; LBL, f. 34v.

<sup>183</sup> In addition, therefore, to versions at Coventry, Northampton, Colchester, Cambridge and BL, Lans. MS 796: RCA-C2-01, ff. 50v–3 (s. xvi copy); at Lydd, KHLC, Ly/7/1/1, ff. 29–34 (s. xvi).



The ability to make proclamations on these subjects, as well as on crown pleas, was significant, both as an outward gesture that the town possessed some or all of these jurisdictions, and also as a means of preserving them. This was not always a matter free from ambiguity. The authority to make proclamations might not go unchallenged.<sup>184</sup> In 1366, the Cinque Ports' jurisdiction during the Yarmouth fair was contested on the grounds that the portsmen had failed to proclaim its commencement.<sup>185</sup> They evaded this challenge, but it is clear that their jurisdiction remained threatened thereafter by the rival bailiffs of Yarmouth. In 1588, it appears that the authorities at Yarmouth would not accept that the Ports had any jurisdiction at all in the town until they had proclaimed that this was so or they had taken an appropriate act in court.<sup>186</sup> The bailiffs appear to have taken copies of standard proclamations and jury articles to the fair each autumn. Examples survive from 1401x2 and the Tudor period.<sup>187</sup> These texts, made in the name of both the Ports and the provost of Yarmouth, addressed not just the regulation of herring sales, but also more general market matters, and the pleas of the crown. The bailiffs of Yarmouth did not lie still in the face of this. In 1433 they issued their own proclamation on butchers and restricted the hosting of aliens. This was at the time of disturbances the Ports' bailiffs were struggling to control, following the arrest of a (presumed) local prostitute for nightwalking 'agaynst the proclamcion & ordynaunce by the Baylyffes & the provost therof'.<sup>188</sup> The cry made was made by the Yarmouth bailiffs and was likely to have been a claim to jurisdiction, a challenge, as much as it was an act of formal announcement of the law to inform onlookers and to secure their compliance. Conversely, we see cooperation in making ordinances on victuals between bishop and townsmen in Salisbury in 1464,

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Texts at Ipswich are said to be the statute: SROI, C/4/1/4, ff. 110v–17. Assizes per the statute of Winchester, inquests of the clerk of the market and the king's marshal: CCA-CC/A/B/1, ff. 127v–9.

<sup>184</sup> Proclamations as a cause, or site, of disputes are explored in N. Offenstadt, 'De Quelques Cris Publics qui ont Mal Tourné. La Proclamation comme Épreuve de Réalité', in *Violences Souveraines au Moyen Âge*, ed. P. Foronda *et al.* (Paris, 2010), 153–163.

<sup>185</sup> K.M.E. Murray, *Constitutional History of the Cinque Ports* (Manchester, 1935), 153.

<sup>186</sup> 'The Cinque Ports and Great Yarmouth. Bailiffs' Report, 1588', ed. W.L. Rutton, *Archaeologia Cantiana*, 23 (1898), 161–183, 166.

<sup>187</sup> ESRO, RYE/9/57/4 ff. 152v–3v; KHLC, Sa/LC/2, ff. 1–2v; KHLC, CP/B1, f. 70v.

<sup>188</sup> KHLC, CP/B1, ff. 6v–7.

though this immediately preceded a period of conflict between them.<sup>189</sup> In contrast, it was a grievance of the rulers of Exeter that the dean and chapter of the cathedral purported to exercise a leet jurisdiction in the cathedral fee, which implied the right to hear crown pleas. The City referred to its own mayoral cry on these matters (almost certainly a common proclamation of some kind) in its, ultimately unsuccessful, articles of complaint.<sup>190</sup>

### 5.5. *Conclusions*

Towns had their own institutional frameworks and documentary cultures, with which those affected by, or interested in, urban laws might interact. But, only in London do we see anything like the kind of unofficial or semi-official activity in or around the personnel and offices of the ruling authorities, or the kind of wider reception of legislation that we encounter around parliament. But, even in London, there was less proliferation of writing. What copying there was both more limited, and much more tightly controlled by the clerical apparatus of the City, than the royal government was ever able, or sought, to achieve in and around parliament. There is a greater emphasis on orality in towns, principally on repeated, institutionalised readings and proclamations. Oaths and communication via hosts to strangers were methods also employed. But orality was constantly backed-up by the written record.

Proclamations, as of national legislation, came in various sizes and were made in widely divergent situations, though probably always in English, whatever their recorded documentary language. An assessment of their likely effectiveness very much depends on the character of the proclamation as a speech act. The common proclamation could usefully inform those present of a relatively fixed corpus of law, particularly by virtue of its annual repetition, but also through summary and selective reading, much as we have seen in readings in craft assemblies. But these announcements still often appear forbiddingly long, giving rise to the same kinds of

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<sup>189</sup> *HMC, Report on MSS in Various Collections, vol. IV* (1907), 204–5; F. Street, ‘The Relations of the Bishops and Citizens of Salisbury (New Sarum)’, *The Wiltshire Archaeological & Natural History Magazine*, 39 (1915–17), 185–257, 319–367.

<sup>190</sup> *Letters and Papers of John Shillingford, Mayor of Exeter 1447–50*, ed. S.A. Moore (Camden Soc., 1871), 91. For further evidence of an Exeter common proclamation, see section 7.3 below.

doubt about their effectiveness as communicative statements that we have already expressed about announcements made of parliamentary statute. Shorter, periodic announcements again seem more promising in this respect. Yet we have had to ask whether, all too often, proclamations of any kind were primarily seeking to inform an audience of the existence and content of laws. Rather, they frequently served to project or to protect jurisdiction or authority. Whilst it was seen as a public good to warn the unwary, the chief motivation behind announcements was all too often functional, to set in play the machinery that would allow the absent freemen of London to be expelled, or poulterers selling their wares to be punished in the wardmotes. As such, the goal was indeed to create circumstances where it would be hard for anyone to successfully use ignorance as an excuse for non-compliance.

Indeed, it is potentially misleading to look at proclamations, or other kinds of announcements of urban legislation, in isolation from what happened after them. What further knowledge did those accused of wrongdoing and, more particularly, those serving in lesser offices or as jurors, acquire of the subjects dealt with in proclamations by virtue of carrying out those roles? Putting it in documentary terms, it is necessary to consider not only the common proclamation of London, how it was made and what it was trying to achieve, but also the articles and charges of the wardmote inquests and the framing of the presentments derived from them. Similar questions arise about the way that knowledge of parliamentary legislation may have been created or augmented through office holding or jury service, through the application of those laws. Consequently, the implementation of both sources of laws will be treated together in chapter seven. There is first, however, another aspect of urban legislation, and of common proclamations particularly, that needs to be considered so that their implementation can be properly understood. This is the extent to which these announcements drew upon or incorporated national provisions, or an urban centre drew upon the legislation of another town. This entails, for the first time, looking at local and national laws in combination, to consider how one might operate as a field for the reception of the other.

## *Part Three: Parliamentary and Urban Legislation in Combination*

### **Chapter Six: The dialogue of local and national legislation**

#### *6.1. Introduction*

It has already been suggested in this thesis that it is misplaced to look at the practices of recording and publishing the legislation of parliament, on the one hand, and that of urban centres, on the other, as discrete exercises. Rather, these sources of law were highly interconnected. This amalgam of laws sheds light on the wider co-operation between the crown and the various voices outside it in politics and society, accepting that such interplay may have been more apparent in the strongly institutionalised environment of towns than it may have been beyond them. A central argument of this thesis is that due emphasis should be given to this sense of dialogue. The purpose of this chapter is to explore this more fully, by examining the mechanisms by which this legislative exchange took place.

A number of points relevant to this area of enquiry can usefully be developed further from previous literature. The first is to observe that towns and cities often had a relatively free hand in the ways they worked with the political centre. Seabourne has described the way that political relations in the fourteenth century operated at a strong level of ‘subsidiarity’, with ‘interplay, overlap and cross-fertilisation’ between regulation made by the crown and parliament and in towns and cities.<sup>1</sup> A very similar conclusion emerges from Davis’ intensive study of late-medieval market regulation.<sup>2</sup> Whilst there appears to have been a considerable amount of direction by the crown between the 1270s and the early decades of the following century, something that may be under-emphasised in some of the literature and which will be discussed further below, such centralising tendencies

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<sup>1</sup> G. Seabourne, *Royal Regulation of Loans and Sales in Medieval England: ‘Monkish Superstition and Civil Tyranny’* (Woodbridge, 2003), 166–7, and, generally. For interplay between London customs and the common law, in which the former influence the latter, see P. Tucker, *Law Courts and Lawyers in the City of London, 1300–1550* (Cambridge, 2007), 6, 41–3, 363–7; *eadem*, ‘London and “The Making of the Common law”’, in *London and the Kingdom: Essays in Honour of Caroline Barron*, ed. M. Davies & A. Prescott (Donington, 2008), 305–315.

<sup>2</sup> Davis, *Market Morality*, 140–4, 154–5.

began to tail off considerably by the start of the Hundred Years' War.<sup>3</sup> Nonetheless, even under Edward I, there is a mixed quality to some of this royal initiative. Assizes and other documents relating to bread, ale, or the wine and victualling trades, and to disturbing trading practices such as forestalling were issued through the king's clerk of the market. These may texts well have been strongly influenced by local practice, long before these measures started to be regarded as statutes.<sup>4</sup> As will be seen below, important London proclamations of c.1285 repeated many existing local ordinances in a new guise.<sup>5</sup>

One area that has received particular attention from historians concerned with the period before about 1390 is economic regulation, including the control of victual prices, and labouring laws. In each case, the statutory legislation brought in, particularly after the Black Death, was heavily influenced by existing local legislation.<sup>6</sup> An important aspect to this was the requirement that artisans should adhere to a single craft, a statutory requirement implemented by much local regulation.<sup>7</sup> London ordinances addressed wage rates for the building trades,<sup>8</sup> and,

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<sup>3</sup> Rexroth, *Deviance*, 27–125. Note too the cessation of regular crown commissions to London to the keep the peace: E.G. Kimball, 'Commissions of the Peace for Urban Jurisdictions in England, 1327–1485', *Proceedings of the American Philosophical Soc.*, 121 (1977), 448–474.

<sup>4</sup> R.H. Britnell, 'Forstal, Forestalling and the Statute of Forestallers', *EHR*, 102 (1987), 89–102; *idem*, *The Commercialisation of English Society, 1000–1500* (2<sup>nd</sup> ed., Manchester, 1996), 175; J. Davis, 'Baking for the Common Good: A Reassessment of the Assize of Bread in Medieval England', *Econ. HR*, 57 (2004), 465–502; *idem*, 'Market Regulation in Fifteenth-century England', in *Commercial Activity, Markets and Entrepreneurs in the Middle Ages*, ed. B. Dodds & C.D. Liddy (Woodbridge, 2011), 81–105.

<sup>5</sup> For context: G.A. Williams, *Medieval London: From Commune to Capital* (1963), 37–40, 76–9, 85, 243–263.

<sup>6</sup> A. Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt* (Manchester, 2001), 208–9; Britnell, *Commercialisation*, 90–7, 174–5. See too: S. Rees Jones, 'York's Civic Administration, 1354–1464', in *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter*, ed. Rees Jones (York, 1997), 108–140, at 120, 125–6; C. Given-Wilson, 'The Problem of Labour in the Context of English Government', in *The Problem of Labour in Fourteenth-Century England*, ed. J. Bothwell *et al.* (York, 2000), 85–100; B.H. Putnam, *The Enforcement of the Statutes of Labourers During the First Decade after the Black Death 1349–1359* (New York, 1908), 155–6.

<sup>7</sup> 25 Ed. III st. 2 c. 4 (*SR*, i. 312); 37 Ed. III c.6 (*SR*, i. 379–380); H. Swanson, 'The Illusion of Economic Structure: Craft Guilds in Late Medieval English Towns', *P&P*, 121 (1988), 29–48; *eadem*, *Medieval Artisans: An Urban Class in Late Medieval England* (Oxford, 1989), 114.

<sup>8</sup> R. Braid, 'Behind the Ordinance of Labourers: Economic Regulation and Market Control in London before the Black Death', *Journal of Legal History*, 34 (2013), 3–30; A. Musson, 'New Labour Laws, New Remedies? Legal Reaction to the Black Death Crisis', in *Fourteenth Century England I*, ed. N. Saul (Woodbridge, 2000), 73–88, at 75–9; *idem*, 'Reconstructing English Labor Laws: A Medieval Perspective', in *The Middle Ages At Work: Practising Labor in Late Medieval England*, ed. K. Robertson & M. Uebel (New York, 2004), 113–132; cf. R.C. Palmer, *English Law in the Age of the Black Death, 1348–1381: A Transformation of Governance and Law* (Chapel Hill, NC, 1993).

in a more indirect way, village by-laws on reaping and gleaning at harvest at least anticipated the concerns behind national labouring legislation enacted following the Black Death.<sup>9</sup> Often, statutes provided a template, a loosely defined platform, upon which more locally specific requirements would be built. Thus, London augmented the existing, quasi-statutory, assizes of bread to produce a more rigorous procedure.<sup>10</sup> Similarly, between 1388 and 1445, JPs and urban magistrates were left free to decide on suitable local maximum rates for labourers to enjoy.<sup>11</sup> On the rather different topic of public disorder and misconduct, as McIntosh has argued, statute provided ‘models’ for local regulation. National laws, when cast in more precise terms, often followed local precedents.<sup>12</sup> Her account suggests that national legislation, and the doctrine of the king’s peace in particular, offered widely framed forms of interdict through which more specific forms of aberrant misbehaviour, such as nightwalking, could be proscribed locally. Nor did royal governments of the later fourteenth century, or later, object to local jurisdictions operating in parallel to the royal courts, or to those of the church. London was enjoined in 1363 to inquire into usurious loans and brokerage practices. These were to be regulated in ecclesiastical courts, the London wardmotes and by commission under the auspices of the mayor.<sup>13</sup> Anticipations of royal legislation by local actions have also been observed in such areas as pleading in court in the vernacular, the control of games and even in the Edwardian statute *Quia Emptores*.<sup>14</sup> Looking at the position in the context of the 1495 labouring legislation, Cavill has pointed to the way that towns such as Worcester, Rye, Lyme Regis or Chichester drew on national regulation; the local or national anxieties behind those laws were mutually reinforcing.<sup>15</sup> One might say the same of much of the legislation of the period as a whole. As such,

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<sup>9</sup> W.O. Ault, ‘Some Early Village By-Laws’, *EHR*, 45 (1930), 208–231; *idem*, ‘Village By-Laws by Common Consent’, *Speculum*, 29 (1954), 378–394; *idem*, *Open-Field Farming in Medieval England* (1972).

<sup>10</sup> G. Seabourne, ‘Assize Matters: Regulation of the price of Bread in Medieval London’, *Journal of Legal History*, 27 (2006), 29–52. Though some economic regulations, the assizes of bread and ale, and on forestalling, were promulgated in the mid 13th century, reflecting previous local versions: Davis, ‘Baking’; Britnell, ‘Forstall’.

<sup>11</sup> Given-Wilson, ‘Problem of Labour’.

<sup>12</sup> M.K. McIntosh, *Controlling Misbehavior in England, 1370–1600* (Cambridge, 1998), 39–40 (quotation).

<sup>13</sup> G. Seabourne, ‘Controlling Commercial Morality in Late Medieval London: The Usury Trials of 1421’, *Journal of Legal History*, 19 (1998), 116–142.

<sup>14</sup> Musson, *Medieval Law in Context*, 13, 208.

<sup>15</sup> P.R. Cavill, ‘The Problem of Labour and the Parliament of 1495’, in *The Fifteenth Century V: Of Mice and Men: Image, Belief and Regulation in Late Medieval England*, ed. L. Clark (Woodbridge, 2005), 143–155.

there appear to be parallels with the French Midi, that the towns of that region shaped the processes of royal legislation, and its content.<sup>16</sup> As suggested in chapter one of this thesis, it would seem preferable to conceive of late-medieval English towns as sites of cooperation and shared interest.<sup>17</sup>

Nor were towns and cities monolithic bodies. The various interests within them did not always speak with a single voice.<sup>18</sup> When one sees urban centres as polycentric in this way, we can observe craft organisations in direct contact with the crown, as they often were to secure charters or enhanced liberties, frequently acting with commercial and other potentially mutually beneficial interests in mind.<sup>19</sup> In London, these craft interests overlapped with the institutions of the City, and were also intertwined with other frames of activity, such as wards and parishes. Members of London crafts, particularly the liverymen of the leading companies, were the same people as those who ran the City as whole. They might act through their craft organisation, those of the City, or both. This can plainly be seen, for example, in the complex interactions between London and its crafts with parliament.<sup>20</sup> It should also be recognised that in many towns there was still an intermediate lay or ecclesiastical mesne lordship between the king and the urban populace. As we have seen in the preceding chapter, secular jurisdiction could periodically be contested between urban and ecclesiastical authorities, such as in Exeter or Beverley, or between rival urban authorities, such as at the Yarmouth herring fair.<sup>21</sup>

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<sup>16</sup> A. Rigaudière, 'Réglementation Urbaine et "Législation d'État" dans les Villes du Midi Français aux XIV<sup>e</sup> et XV<sup>e</sup> siècles', in *Gouverner La Ville Au Moyen Âge* (Paris, 1993), 113–166, at 124–5, 153, 158–9. The south may not have been entirely typical of the rest of France in its particularly strong Romanist legal culture.

<sup>17</sup> Urban historians have shown a marked reluctance to let go of the axiom 'self-government at the king's command' (see chapter 1, n23), see: Braid, 'Behind the Ordinance', 29; Seabourne, 'Assize Matters', 51 n180; Barron, *London in LMA*, 1, but possibly moderated at 34 for the period after 1399.

<sup>18</sup> A point made by Barron, *London in LMA*, 10; P. Lantschner, *The Logic of Political Conflict in Medieval Cities* (Oxford, 2015).

<sup>19</sup> M.P Davies, 'Crown, City and Guild in Late Medieval London' in *London and Beyond: Essays in honour of Derek Keene*, ed. Davies & J.A. Galloway (2012), 247–268; D. Keene, 'Livery Companies: What, When and Why?', in *Guilds, Society & Economy in London 1450–1800*, ed. I.A. Gadd & P. Wallis (2002), 171–4.

<sup>20</sup> M.P Davies, 'Lobbying parliament: The London Companies in the Fifteenth Century', *PH*, 23 (2004), 136–148; C.M. Barron, 'London and Parliament in the Lancastrian Period', *PH*, 9 (1990), 343–367; Cavill, *Hen. VII*, 153–160; H. Miller, 'London and Parliament in the Reign of Henry VIII', in *Hist. Stud.* ii. 125–146.

<sup>21</sup> H. Carrel, 'Disputing Legal Privilege: Civic Relations with the Church in Late Medieval England', *Journal of Medieval History*, 35 (2009), 279–296.

Another introductory question to raise is the influence of towns or cities upon others, that is to say, horizontal interaction between them. Again, previous work demonstrates strong collaborative tendencies. Gross considered long ago the way that towns and cities borrowed the customs and liberties of others in seeking grants from the crown, mostly in the twelfth and thirteenth centuries.<sup>22</sup> Particularly important here is his assessment of the regional spread of such influences. London's customs were adopted widely across the realm, but those of Bristol, Hereford or Winchester were reproduced within a tighter regional focus, in the South West and Ireland, Wales and its border counties, and the southern counties of England, respectively. A recent re-assessment of Gross's findings clearly shows the Cinque Ports of Kent and Sussex in a private dialogue over their urban customs, disconnected from any other part of the region.<sup>23</sup> Gross saw borrowings, such as those of the customs of Hereford by smaller towns in its region, as conscious acts of emulation. Not infrequently, smaller towns had to seek copies of, or clarification from, the parent town of what their local customary law had become.<sup>24</sup> Bailey's recent survey of small towns suggests that seignorial boroughs still aped the practices of larger towns in their region.<sup>25</sup> But by the fifteenth century, regional influences were often less important, certainly in the larger centres. Town charters were frequently drawn from any available or useful precedent, borrowing and adapting the most effectively drafted modern forms. This process of adoption became professionalised, undertaken under the tutelage of royal administrators and on the advice of practising lawyers.<sup>26</sup> Taking another perspective, Bateson put the customs of towns against one another, noting the relative lack of direct copying, though her aim was to arrive at a specimen urban customary law, rather than the

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<sup>22</sup> C. Gross, *The Gild Merchant* (2 vols., Oxford, 1890), i. 244–265, esp. 254–7; D. Keene, 'The South-East of England', in *The Cambridge Urban History of Britain, vol. I, 600–1540*, ed. D.M. Palliser (Cambridge, 2000), 545–582, at 565.

<sup>23</sup> D. Keene, 'The South-East', Map. 22.3, at 566.

<sup>24</sup> Gross, *Gild Merchant*, i. 259, 263–4; R. Johnson, *The Ancient Customs of the City of Hereford* (2<sup>nd</sup> ed., 1882), 9, 31.

<sup>25</sup> M. Bailey, 'Self-Government in the Small Towns of Late Medieval England', in *Commercial Activity, Markets and Entrepreneurs in the Middle Ages*, ed. B. Dodds and C.D. Liddy (Woodbridge, 2011), 107–128, at 111; Davis, *Market Morality*, 368.

<sup>26</sup> For instance: the copy held at Leicester of a charter of 1463 purportedly granted to Winchelsea, but actually to Grantham: LRO, BR IV/8/25, ff. 17–19; cf. *The Royal Charters of Grantham, 1463–1688*, ed. G.H. Martin (Leicester, 1963), 28–47. See generally for the importance of legal professionalism: S. Reynolds, 'The History of the Idea of Incorporation of Legal Personality: a Case of Fallacious Teleology', in *Ideas and Solidarities of the Medieval Laity: England and Western Europe* (Aldershot, 1995), VI. 1–20.



multi-vocal reality.<sup>27</sup> She also omits local customs on the very subjects, such trade, victuals and public order, that best illustrate the reception of national laws in local material, or vice versa.<sup>28</sup> More recent writing has shown some revival of interest in consideration of the transmission of ideas about and the materials of urban government. Keene has looked at London's connections as a metropolis with its region, including in matters of civic administration.<sup>29</sup> McIntosh, in her extensive sample of local court records revealed 'clusters' of increased action against social misdemeanours along coasts, trade routes by land and water and in proximity to London.<sup>30</sup> Incomers from London may also have influenced similar developments at Havering, about 14 miles to the east, after about 1460.<sup>31</sup> In relation to documentary transmission, Fleming has considered the influences of London, chroniclers, illuminators and administrators, besides more local archives, on Robert Ricart's *Kalendar* of 1478–9.<sup>32</sup>

This chapter intends to build on the above from two contrasting vantage points. It will focus, respectively, on reception at a relatively generic and then at a much more specific level. The first main section will take the text of urban proclamations, chiefly those of the common type described in some detail in the previous chapter, to assess the extent to which their content both anticipated and reflected parliamentary statute. These might be termed vertical points of connection. I shall also look more briefly at the horizontal links between towns and cities by considering the similarities and dissimilarities of their common proclamations. The second main section of this chapter will deliberately take a restrictive approach— to examine situations where the ordinances or customs of one town or city were directly copied from those of another. A key element to this section will be the role of intermediaries, in some cases identifiable, involved in these exchanges.

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<sup>27</sup> M. Bateson (ed.), *Borough Customs* (2 vols., Selden Soc., 1904–6).

<sup>28</sup> *Ibid.*, i. pp. ix, xvii.

<sup>29</sup> D. Keene, 'Medieval London and Its Region', *The London Journal*, 14 (1989), 99–111, at 105; *idem*, 'Metropolitan Comparisons: London as a City-state', *HR*, 77 (2004), 459–480, at 474.

<sup>30</sup> McIntosh, *Controlling Misbehavior*, 170–185.

<sup>31</sup> M.K. McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200–1500* (Cambridge, 1986).

<sup>32</sup> P. Fleming, 'Making History: Culture and *The Maire of Bristowe Is Kalendar*', in *Reputation and Representation in Fifteenth-century Europe*, ed. D.L. Biggs *et al.* (Leiden, 2004), 289–316.

## 6.2. *The Dialogue of Legislation in Common Proclamations*

### 6.2.1. *Tracing the Interplay of legislation Over Time: The Content of Common Proclamations*

The influence of statute on the London common proclamation is rather limited, as an examination of three versions of it from 1420, 1464 and 1466 will show.<sup>33</sup> Indeed, no national legislation is expressly cited in them at all; instead, the connections are usually with earlier civic ordinances. In 1420, the mayor William Cauntbrigge ordered a common proclamation.<sup>34</sup> After a brief invocation of the king's peace, the preserved text deals with matters of public order and the conduct of innkeepers. Almost every word used can be traced back to preceding versions of the common proclamation and often to the probable first use of the actual text. Identical words on the hosting of strangers for more than a day and a night appear in assizes of 1276–7,<sup>35</sup> and the whole clause seems to have been almost fully formed by 1343. Nightwalking was similarly prohibited by 1285 and, indeed, it seems that, in this area, local laws may have anticipated national regulation, though it also has to be recognised that Edward I's officials did much to rationalise London's laws and procedures whilst its liberties were in royal hands between 1285 and 1297–8.<sup>36</sup> The next section of the common proclamation of 1420 concerned public nuisances. This was also familiar from much earlier local material, but the precise wording here was mostly more recent, linked to a rationalisation of the elected office of ward raker in November 1414.<sup>37</sup> Trade was also addressed. One clause, on forestalling in the Pool of the Thames, strongly echoed the so-called statute of forestalling disseminated by the marshalsea of the king's household.<sup>38</sup>

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<sup>33</sup> The full texts of the first 2 proclamations, and any changes in the 3rd are given in appendix 7.

<sup>34</sup> LBI, ff. 255–6, transcribed in full, appendix 7, 2nd column.

<sup>35</sup> Appendix 7, item B5. For context: Williams, *Commune to Capital*, 248.

<sup>36</sup> The subject of the following section, horsebread, is considered in one of the following case studies. The resumption of London's liberties was protracted: Williams, *Commune to Capital*, 260–1.

<sup>37</sup> LBI, f. 143.

<sup>38</sup> Britnell, 'Forstal'. On the clerk of the market, see chapter 5, n183; M.K. McIntosh, 'Immediate Royal Justice: The Marshalsea Court in Havering, 1358', *Speculum*, 54 (1979), 727–733; *Select*

The final main section of the 1420 announcement comprised several clauses on the sale of poultry, but on no other victual.<sup>39</sup> The text concluded with an evidently incomplete list of maximum prices for poultry of various kinds. The proclamation disappears after 1420 as a regular item in the *Letter Books*, but most probably not from actual practice. We know, for instance, that mayoral proclamations of this kind were made in 1422 and 1423 from references to them in wardmote presentments.<sup>40</sup>

In 1464, the common proclamation reappears in a broadly similar form as before, but now recorded in English.<sup>41</sup> Indeed, many parts are a literal translation of the 1420 version. The principal difference in the 1464 version is the abandonment of articles on the peace and public order. It is possible that these areas of responsibility had been assumed more directly by the mayor and aldermen as a kind of standing policing executive, outside of the wardmote system, perhaps in their capacities as JPs.<sup>42</sup> One new measure in the 1464 proclamation text, however, on the size of barrels for wine and other commodities, was inspired by a statute, of 1424. But the text was instead clearly taken directly from an intervening City proclamation from 1456.<sup>43</sup> The changes made in the subsequent version of the common proclamation of 1466 are relatively few.<sup>44</sup> Thereafter, references elsewhere to the mayor's proclamation suggests that the annual practice of making one continued.<sup>45</sup> Overall, far from containing any reference to parliamentary statute, though some clauses can be shown to have built upon it, these texts instead set out a practical, localised code based on a framework first set up in the 1270s and 1280s, recognised as statutory

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*Cases in the Court of King's Bench under Edward I, vol. III*, ed. G.O. Sayles (Selden Soc., 1939), pp. lxxxiii–lxxxviii.

<sup>39</sup> For context: P.E. Jones, *The Worshipful Company of Poulterers of the City of London* (2nd ed., Oxford, 1961), esp. 81–2, 114, 130–4.

<sup>40</sup> See chapter 5, n173–4. There are no full wardmote records between 1423 and the 1460s.

<sup>41</sup> LBL, ff. 34v–5, transcribed in full in appendix 7, 4th column.

<sup>42</sup> London's mayor, recorder and aldermen kept the peace *ex officio*, but these arrangements were formalised by charter in 1444 and again in 1462: *CChR*, vi. 41, 188; see chapter 5, n61. Further, from c. 1446, 2 aldermen were appointed annually to oversee and to assess penalties on brewers, cooks, innkeepers and others, apparently outwith the system of wardmote presentments; see: C.M. Barron, 'The Government of London and its Relations with the Crown 1400–1450' (PhD thesis, Univ. of London, 1970), 256.

<sup>43</sup> From LBL, f. 301, rather than 2 Hen. VI c. 14 (*SR*, ii. 222–3).

<sup>44</sup> LBL, ff. 47v–8v. Only the changes from 1464 are noted in appendix 7, 5th column.

<sup>45</sup> In wardmote charges of Dec. 1472: TCC, O.3.11, ff. 83–4v. Similar references also appear in a version of c. 1473, *Lib.D.*, f. 125 and in a late 15th-century version in *Arnold's Chron.*, 90–3.

not long afterwards, but with most of the details hollowed out over time, and replaced.

Elsewhere, only Bristol's records allow comparison between common proclamations within a single location. A Latin text, probably of the late fourteenth century, was clearly the model of a vernacular announcement of c. 1451–2.<sup>46</sup> Indeed, much of the later version is, once again, a direct translation of the earlier into English. As in London, there are many differences of detail between the two versions, but the overall themes covered in both are the same. We encounter more explicit statutory influence in other regional centres, particularly in the later fifteenth century. This is most manifest in those zones of social control in which Marjorie McIntosh detected significant change by the end of this period, notably in the regulation of unlawful games,<sup>47</sup> a point developed further below.

As for horizontal influences between the laws of urban centres as manifested in their proclamations, several large regional centres had copies of London laws and customs. This will be considered in more detail in the final section of this chapter. But there is not much sign of direct influence of London's common proclamations upon those found in provincial centres. As Mary Bateson remarked, no more than broad thematic similarities can be seen between the proclamations of regional towns and cities; hardly a word is precisely the same.<sup>48</sup> This reflects the roots of common proclamations in later thirteenth-century royal regulation. Exeter's may, for instance, have started in conjunction with its tourn, itself thought to be an initiative associated with a visitation of the royal eyre in the 1280s.<sup>49</sup> It can thus tentatively be placed in the same decade as the reforms made to internal regulation in London. Such innovations were followed chiefly by a long period of local adaptation and evolution. In other respects, many of the bread and butter aspects of the proclamations may reflect no more than the similarity of the kinds of mischiefs that habitually took place in urban settlements and markets, where victuals were

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<sup>46</sup> *LRB*, ii. 224–232; *GRB*, i. 138–146.

<sup>47</sup> McIntosh, *Controlling Misbehavior*, 96–107.

<sup>48</sup> *Records of the Borough of Leicester*, vol. ii, ed. M. Bateson (1901), pp. xxxiii–xxxix, esp. xxxiii–xxxiv.

<sup>49</sup> *EF*, p. xiii. Note too the inception of references to royal proclamations etc. in Norwich leets from the 1280s: *Leet Jurisdiction in the City of Norwich in the XIIIth and XIVth Centuries*, ed. W.H. Hudson (Selden Soc., 1892), 31, 54–5, 57, 61.

forestalled, pigs roamed and shoddily-manufactured goods were put before the buying public.

### *6.2.2. Analysis of the Influences in Common Proclamations by Subject Matter*

In the remainder of this section, I attempt to describe the similarities and the differences in the treatment of certain selected subjects in proclamations, and in ordinances probably intended for proclamation, in various towns and cities, not just in London. As before, what was proclaimed was an amalgam of local provision and national regulation. By use of case studies, the aim is to further illustrate how proclamations drew on national legislation, absorbed directly or more indirectly via intermediate sources, and how these proclamations differed from those in London, and from one another. One category of intermediate material, articles or charges for peace sessions, relates to the implementation of laws and will be considered in the next chapter. Another was the victualling ‘statute of Winchester’, a clear example of a ‘quasi-statutory’ text. Whilst there was a recognisable canon of statutes, for practical purposes exemplified in the contents of *Nova Statuta* compiled for statutory legislation made from 1327 onwards, we have also already seen some departures from this positivistic ideal even in those books, for instance, the inclusion of proclamations repeating older statutes in 1424 and 1434 and of additional statute texts in certain volumes. At a local level, even in the later fifteenth century, we shall see even more strongly a climate of healthy indifference towards to the niceties of what was or was not formally statute law.

#### *6.2.2.1. Unlawful Games*

12 Richard II c.6 prohibited servants of husbandry and other menials from carrying offensive weapons, save where required for defensive reasons. This was broadly consistent with the array provisions of the policing statute of Winchester of 1285 and the crackdown on the labouring classes that had begun with the ordinance of labourers of 1349. What was really new in 1388, however, was the further restriction placed on menials playing certain indoor and outdoor games. Instead,

they were to practise archery on Sundays and on holidays.<sup>50</sup> This statute was confirmed in 1410, with increased penalties, including on urban officials who failed to enforce it, and it was included in the 1434 proclamation associated with parliamentary oaths.<sup>51</sup> In 1461, members of the commons were sent back on prorogation with various articles to be enforced. These have also already been mentioned in chapter three in the context of parliamentary oaths. The articles include the earliest indication I have traced of the imposition of sanctions on those hosting, as well as participating, in games.<sup>52</sup> In 1478, a further statute widened controls to ‘novelx ymaginez’ games such as closh and kayles, increased penalties, and imposed new sanctions on those who hosted these new-fangled distractions on their premises.<sup>53</sup> Further regulation followed under Henry VII, in 1496 and 1504.<sup>54</sup>

Unlawful games were prohibited by urban proclamations and ordinances, but not widely until after the middle of the fifteenth century. One possible explanation for the initial rarity of local implementation of such restrictions after the 1388 statute is their apparent absence from contemporary charges to juries prepared for peace sessions, to judge from surviving examples from 1403x4 and c. 1440x61.<sup>55</sup> Another may have been a lack of re-proclamation of the 1388 act by the government, to keep it in current memory. Whatever the case, the situation appears to have changed by the late 1450s, when repeated proclamations at Lydd proscribed tennis and other games, probably because the locals should more profitably have been guarding the sea-coast now that England’s military position was less propitious.<sup>56</sup> A version of the peace charge printed c. 1506, but based on statutes up to 1445, now did include the Ricardian statute in full.<sup>57</sup> From the 1460s, anxieties about games were increasingly reflected in local legislation. Some of these provisions anticipated later statute, probably drawing on the 1461 articles. By the 1460s, the Portsoken

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<sup>50</sup> 12 Ric. II c. 6 (SR, ii. 57); McIntosh, *Controlling Misbehavior*, 96–107.

<sup>51</sup> 11 Hen. IV c.4 (SR, ii. 163); appendix 4, item (2).

<sup>52</sup> *PROME*, xiii. 64–6. See chapter 3.

<sup>53</sup> 17 Ed. IV c.3 (SR, ii. 462–3). Kayles are in fact mentioned in the 1388 act. McIntosh, *Controlling Misbehavior*, 98–9 appears to misinterpret this act as repealing 12 Ric. II on outdoor games.

<sup>54</sup> 11 Hen. VII c.2 (SR, ii. 569); 19 Hen. VII c. 12 (SR, ii. 657).

<sup>55</sup> Putnam, *Proceedings*, 10–20; RCA-C2 01, ff. 17–21v.

<sup>56</sup> KHLIC, Ly/2/1/1/1, ff. 51v, 68, 154v (also for dice and bowls). See too KHLIC, NR FAc/4, f. 228 (Romney, c.1483x4). Tennis, as here, or the ‘pame’ (palm) at Worcester (*English Gilds*, 387), suggests a form of handball played without racquets: McIntosh, *Controlling Misbehavior*, 101 & n141.

<sup>57</sup> STC 14863, sig. B ii<sup>v</sup>–iii; Putnam, *Early Treatises*, 51.

wardmote in London was regularly presenting the proprietors of closh-lanes, effectively, skittle alleys, but not, it seems, persons for partaking in these recreations.<sup>58</sup> In its common proclamation of 1466, Leicester duly acted against hosts as well as those playing games on their premises, and added some local pastimes to those prohibited by statute (thereby also illustrating a localised, bespoke approach to the application of statute).<sup>59</sup> London proscribed closh and coyles in 1476, two years before parliament definitively acted on them.<sup>60</sup> Once parliament had extended its own list of prohibited games in 1478, Leicester augmented its regulation in 1488.<sup>61</sup> Unlawful games do not appear on either of the London common proclamation texts enrolled in 1464 and 1466. But the subject was added to the wardmote commissions in 1484, which may be a sign that it was also added to the common proclamation and, in turn to wardmote articles or the charge to its jury.<sup>62</sup> The overall position appears to be one of limited implementation of measures on this subject, picked up not unenthusiastically after 1461, probably in response to increased royal or public anxiety over the idle poor. This complements McIntosh's view that gaming legislation was more stringently enforced by local courts in this period.<sup>63</sup> Whilst statutory authority is sometimes embraced in the local ordinances she considered, it still appears that the primary force often came from the local stipulation. The reference to national law gave the provision added weight, though it was seemingly often used as much as added colour, or as a label, to what in truth was more a local ordinance. London apparently did not see the need to employ such devices at all and was content not to cite national statute, even where it could have.<sup>64</sup> This was seemingly a sign of its autonomous self-confidence and its desire to protect and maintain its jurisdiction, hence its liberties, by maintaining that it could legislate for itself.

#### 6.2.2.2. *Provender and Horsebread*

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<sup>58</sup> Winter, 'Portsoken Presentments', at 110–142. There are no presentments for gaming offences in the 1422–3 wardmote records.

<sup>59</sup> LRO, BR II/1/1, p. 232.

<sup>60</sup> LBL, f. 118v. Huxsters were precluded from hosting card games in Sep. 1473: *Lib.D*, f. 465v.

<sup>61</sup> LRO, BR II/3/5, p. 27.

<sup>62</sup> LBL, f. 202v.

<sup>63</sup> McIntosh, *Controlling Misbehavior*, esp. 106.

<sup>64</sup> See Rexroth, *Deviance*, 75, 78 for other examples.

My second case study illustrates a victualling trade, but it also crosses into the familiar area of the behaviour of hosts, taverners and innkeepers. Hosts acted, in a sense, as a fulcrum of the legislative framework, with responsibilities for maintaining the peace, victuals and for the trading activities of their guests. As we have seen in the previous chapter, they were sometimes also employed as a conduit for passing on civic rules to their visitors.<sup>65</sup> The roots of statutory control over innkeepers lay in the Ordinance of Labourers of 1349, and its requirements that urban magistracies should prevent unreasonable gains on the sale of victuals.<sup>66</sup> In 1390, parliament specifically ordered that no host was to make horsebread in their inn, or outside it; this task was to be entrusted to bakers.<sup>67</sup> Horsebread was manufactured from beans or peas. It was only ostensibly intended for equine use; in reality, it was usually destined for the human poor.<sup>68</sup> The statute was apparently intended to broaden the scope of the conventional assize of bread, itself already augmented in London.<sup>69</sup> This was to be enforced by urban authorities with jurisdiction over victuals. The act was confirmed in 1410, with increased penalties.<sup>70</sup> A similar measure also appears in the victualling ‘statute of Winchester’. In the version of this text found at Coventry and elsewhere, the innholders’ assize required them to bake ‘no maner brede within hym to sell’; they were to sell provender and hay at specified gain over the market price.<sup>71</sup> This goes further than parliament had required by prohibiting hosts from carrying out *any* kind of baking.<sup>72</sup> The 1390 statute also swiftly found its way into the charge to jurors at peace sessions.<sup>73</sup>

These statutory requirements are foreshadowed in the legislation of both large cities and in smaller urban centres. Northampton and London, in 1363 and 1364

<sup>65</sup> B.A. Hanawalt, ‘The Host, the Law, and the Ambiguous Space of Medieval London Taverns’, in *Of Good and Ill Repute*. *Gender and Social Control on Medieval England* (Oxford, 1998), 104–123.

<sup>66</sup> 23 Ed. III c.6 (SR, i. 308); 25 Ed. III st. 2 c.5 (SR, i. 313).

<sup>67</sup> 13 Ric. II st. 1 c.8 (SR, ii. 63).

<sup>68</sup> J. Davis, ‘Baking’, Tab. 1 at 471, esp. n7; Rexroth, *Deviance*, 160.

<sup>69</sup> Seabourne, ‘Assize Matters’; A.S.C. Ross, ‘The Assize of Bread’, *Econ. HR*, 2<sup>nd</sup> ser., 9 (1956), 332–342.

<sup>70</sup> 4 Hen. IV c. 25, (SR, ii. 140).

<sup>71</sup> *CLB*, 399; *North.Rec.*, i. 346; cf. *North.Rec.*, i. 374 (part of a mayor’s oath as clerk of the market), where the restriction is only on horsebread.

<sup>72</sup> This may explain the shift to this position in York over the century, see Swanson, *Medieval Artisans*, 13.

<sup>73</sup> Putnam, *Proceedings*, 16 (c. 1403x4); STC 14863, sig. B[v] (after 1445); RCA-C2 01, f. 18v (probably by 1461).



respectively, required that no host should bake any bread for sale within his inn, namely, some years before the 1390 act.<sup>74</sup> The London ordinance also controlled the price of hay and oats for horses.<sup>75</sup> The London measure became a constant element in its common proclamations up to 1420, and it may well have continued to be included thereafter.<sup>76</sup> The prohibition on hosts baking any type of bread can also be found in versions of the charge to the London wardmote inquest from the 1380s, 1472 and thereafter.<sup>77</sup> The mayoral proclamation recorded at Coventry cites both statute and ‘the kynges marchallsy’ in its consideration of bakers.<sup>78</sup> Whilst the London ordinance may be the origin of this Coventry version, it seems more likely here that the intended reference was once again to the (victualling) ‘statute of Winchester’. This pseudo-statute was also reflected in proclamations at Bristol and in a petition made by the bakers to the civic authorities in 1474–5.<sup>79</sup> It seems highly likely that the source of stipulations on victuals, measures and on trades in regional proclamations was actually this ‘statute of Winchester’. I would suggest that James Davis is right in one of his speculations about the name of these provisions in thinking that it frequently operated in tandem with its namesake on the keeping of the peace, and had become conflated with it.<sup>80</sup> Certainly, it is striking how often the core of common proclamations coincides with the central preoccupations of these twin texts, both much re-issued. We might even legitimately think of the *two* statutes of Winchester in this context, or of them as two parts of the same text. But there may also have been a return of sorts after the mid-century to the formal statutory roots of the regulation of baking in inns. Proclamations at Bristol in c. 1451–5, Worcester in 1496, and at Canterbury by the 1520s (but very possibly rather earlier) all adhere more closely to the letter of the 1390 act in prohibiting the baking of horsebread alone.<sup>81</sup> Certainly, the crown was interested in the enforcement of the parliamentary statutes in this area. In 1443, the sheriffs of the City of York were sent a royal writ requiring them to proclaim and enforce them.<sup>82</sup>

<sup>74</sup> *North.Recs.*, i. 402 (poss. as late as Hen. VII).

<sup>75</sup> *North.Recs.*, i. 249; LBG, f. 135. Prices in London were set centrally, see Barron, ‘The Government of London’, 257.

<sup>76</sup> LBI, f. 255.

<sup>77</sup> TCC, O.3.11, ff. 84, 145v; *Lib.D.*, f. 125v (1472).

<sup>78</sup> *CLB*, 24.

<sup>79</sup> *GRB*, iii. 102–3.

<sup>80</sup> ‘Market Regulation’, 88–9.

<sup>81</sup> *GRB*, i. 144; Green, *Worcester*, App. p. lxii; BL, Stowe MS 850, f. 17.

<sup>82</sup> C/255/3/9/(probably)13.

But there is evidence of regulation on this subject in York in around 1390, and the statute was noted in the City's *Memorandum Book*.<sup>83</sup> It was therefore not, it seems, being ignored. Baking was squarely within the jurisdiction and responsibility of urban elites who, as Davis has suggested, acted as 'proxy' for the king's clerk of the market in relation to victuals in such circumstances.<sup>84</sup> This appears to be the chief point of difference with the regulation of trading occupations.

### 6.2.2.3. *The Manufacture of Leather Goods*

The behaviour of the labouring classes, and of hosts, remained within the jurisdiction of urban elites, including in London throughout our period. This was less widely the case for artificers, and, specifically, for those producing leather goods, principally, cobblers, cordwainers, curriers and tanners. As with games, the leather trades were regulated by statute, for the first time, under Richard II.<sup>85</sup> Specifically, in 1390, it was stipulated that no cordwainer or shoemaker should practise as a tanner, or vice versa.<sup>86</sup> A measure addressing quality of leather goods was first promulgated after the Cambridge parliament of 1388, but this measure was, for some reason, omitted from the subsequent statute.<sup>87</sup> The 1390 act was challenged in 1395 and 1402, probably by cordwainers, but to no lasting effect.<sup>88</sup> The Ricardian statute was confirmed with additions in 1423, primarily to confer supervisory functions on mayor or other officials in towns if they held peace powers.<sup>89</sup> Tanners were to be fined if cordwainers found defects in leather. Presumably, cordwainers were to sue before the justices in such circumstances. This remained the position until 1485.<sup>90</sup>

These measures were not reflected in London common proclamations.<sup>91</sup> There, the trades associated with the production of leather were of significantly lesser standing

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<sup>83</sup> *York Memo. Bk A/Y*, i. 43.

<sup>84</sup> Davis, *Market Morality*, 251.

<sup>85</sup> 25 Ed. III st. 2 c. 4 (*SR*, i. 312).

<sup>86</sup> 13 Ric. II st. 1 c. 12 (*SR*, ii. 65).

<sup>87</sup> *The Westminster Chronicle 1381–1394*, ed. L.C. Hector & B. Harvey (Oxford, 1982), 366–7.

<sup>88</sup> *PROME*, vii. 289; viii. 180–1; 4 Hen. IV c. 35 (*SR*, ii. 142–3).

<sup>89</sup> 2 Hen. VI c. 7 (*SR*, ii. 220).

<sup>90</sup> 1 Hen. VII c. 5 (*SR*, ii. 502–3); 19 Hen. VII c. 19 (*SR*, ii. 663–4).

<sup>91</sup> Tanners and fullers were however presented for nuisances caused by their trades in wardmotes in 1422 and 1423: *Cal. P&M Rolls*, 1413–37, 115, 156.

than those involved in fashioning it into finished products, such as gloves, purses or shoes. Having been geographically excluded from the City by the early fourteenth century, the tanners were ranked last in a list of 41 London crafts by 1372.<sup>92</sup> They effectively disappeared during the following century. The whitetawyers also declined.<sup>93</sup> Leather may often have reached larger urban centres after it had been tanned or other similarly anti-social treatment processes had already been applied to it. The absence of provisions about leather from London common proclamations appears to arise because those bringing defective leather for sale in the City seem to have been presented directly to the Guildhall by the crafts and not, it would appear, through the wardmote system. Regulation of the quality of leather rested with a group of searchers from various crafts. By no later than 1411, the quality of leathers was supervised by a body of eight men, including cordwainers, a currier and a girdler.<sup>94</sup> From 1440, the leathersellers had their own search of rough or tawed leather hides at the Guildhall (the venue later moved to Leadenhall).<sup>95</sup> Both these regulations, and those of 1411, were publicly proclaimed, but not, it would seem, as part of the annual common proclamation cycle.<sup>96</sup> Similar arrangements were introduced in Coventry and York.<sup>97</sup> It seems likely that the lack of concern shown on leather products in repeated proclamations was because here too craft organisations were well established. They were ordinarily self-regulating.<sup>98</sup>

The leather trades feature more commonly in the proclamations of smaller urban centres, though the primary concern of repeated ordinances tends to be the quality of the product rather than the separation of different trade disciplines, though the

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<sup>92</sup> Keene, 'The South East', 580–1 for tanning work being undertaken in Maidstone and elsewhere on behalf of Londoners.

<sup>93</sup> W.H. Black, *History and Antiquities of the Worshipful Company of Leathersellers of the City of London* (1871), 15–16; for the leather trades in London, see Barron, *London in LMA*, 68–9, 199, 218–221, 229–230, 264. For elsewhere, see: C. Phythian-Adams, *Desolation of a City: Coventry and the Urban Crisis of the Late Middle Ages* (Cambridge, 1979), 161, 216; Kowaleski, *Local Markets*, 156–161; Swanson, *Medieval Artisans*, 53–65.

<sup>94</sup> Black, *Leathersellers*, 23.

<sup>95</sup> LBK, f. 191v–2; Black, *Leathersellers*, 24–5, 41.

<sup>96</sup> These proclamations may have been performative as much as informative; intended to give political and legal legitimacy to the controls of the craft searchers, including over non-members of those crafts.

<sup>97</sup> Swanson, *Medieval Artisans*, 55–6.

<sup>98</sup> C.H. Waterland Mander, *A Descriptive and Historical Account of the Guild of Cordwainers of the City of London* (no pl., 1931), 28–31, 33–4, 58–62; Black, *Leathersellers*, 19–21, 24.

latter point appears at Beverley as early as 1375.<sup>99</sup> It appears that these trades were within the purview of local leets or law days, though often as a kind of licensing of these occupations, rather than signifying the commission of a genuine offence. This situation appears to reflect a greater civic profile for the trades associated with the raw production of leather than we see in larger urban centres. Thus, in Colchester, the law-day jury was charged that leather was not to be sold unless well and sufficiently tanned, though there are signs of a rudimentary system of search and presentment for the cordwainers and by supervisors of poorly tanned leather by the middle of the fifteenth century.<sup>100</sup> The clearest picture can be drawn from mayoral proclamations at Ipswich from about 1520, probably influenced by increased statutory regulation in the previous reign.<sup>101</sup> Unlike Colchester, Ipswich did not have fully institutionalised craft organisations, or not, at least in the leather trades.<sup>102</sup> Here, the bailiffs did continue to exercise control, including through their common proclamation. Barkers (tanners) were to hold the accustomed market place and to tan the leather sufficiently under the pain of forfeiture set out in the statute. All leathers were to be brought to the Moothall, searched and marked. Curriers and shoemakers were similarly regulated. In a reversal of the fortunes of their equivalents in London, the Ipswich tanners had by the fifteenth century secured a strong hold over the leather trades, including over the manufacturing industries and some were even involved with exports.<sup>103</sup> As for the source of the material proclaimed on the leather trades in these smaller urban centres, whilst early printed articles for use in peace sessions cite the 1390 statute,<sup>104</sup> the material found in local ordinances does not marry particularly closely with this or with later statutes, despite the invocation of the authority of those statutes at Ipswich and elsewhere. Rather, the authorities in Ipswich appear, once more, to have drawn upon the assizes of the various leather trades set out in the so-called ‘statute of Winchester’. A version of this text is indeed included in the same Ipswich custumal as the 1520

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<sup>99</sup> *Beverley Town Documents*, ed. A.F. Leach (Selden Soc., 1900), 31. This focus of attention is also apparent from presentments in local courts, see chapter 7.

<sup>100</sup> *The Oath Book, or Red Parchment Book of Colchester*, ed. W.G. Benham (Colchester, 1907), 3; R.H. Britnell, *Growth and Decline in Colchester, 1300–1525* (Cambridge, 1986), 138 (wardens for the leather trade answerable in 1336 to the town, not to their craft), 243–5.

<sup>101</sup> SROI, C/4/1/4, f. 210.

<sup>102</sup> Britnell, *Colchester*, 242–5; Davis, *Market Morality*, 387. But see chapter 7, n42.

<sup>103</sup> N. Amor, *Late Medieval Ipswich: Trade and Industry* (Woodbridge, 2011), 43, 171–2, 218–220, particularly biographies of William Keche I & II at 255.

<sup>104</sup> STC 14863, sig. B [iv]<sup>v</sup>.

common proclamation text.<sup>105</sup> All of the trades are addressed, not just cordwainers and tanners; the emphasis is again on quality, in each case ‘according to the forme of the Statute’.<sup>106</sup> Material derived from the king’s clerk of the market can also be found at Colchester. It appears that this quasi-statutory regulation was the bedrock of its internal rules.<sup>107</sup> These smaller towns appear not to have relinquished day-to-day supervision to craft organisations in all areas of victualling or manufacturing trade. This state of affairs required them to make proclamations addressed to practitioners of those trades. As such, they seem to have approached the royal clerk of the material for a copy of his regulations, or to have copied this material from someone else who had done so, in order to construct the normative framework they sought to impose.<sup>108</sup>

### *6.3. The Copying of Local Ordinances in London and Beyond*

This chapter has so far taken a broad, comparative approach to the ways in which towns, cities and interests within them interacted among themselves and with the crown as seen through legislation. The following section takes the opposite approach, by looking at direct influences: clear-cut situations where the ordinances of one urban locality were unambiguously copied in another. This approach is intended to avoid loose or unhelpful generalisations about the similarities of many urban ordinances. These can easily be made, but may explain very little; resemblances may be explicable in other ways, perhaps by use of an intermediate text, such as a version of the victualling ‘statute of Winchester’, or simply because there was a fairly predictable range of challenges that could arise in the urban environment. I shall start with London material. This is primarily because of the richness of its sources. Nonetheless, an attempt is also made here to put the largest urban centre in England out of mind, by considering connections solely between regional centres.

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<sup>105</sup> *CLB*, 400–1; *North.Recs.*, i. 348–9; a variant text at SROI, C/4/1/4, ff. 110v–11.

<sup>106</sup> *CLB*, 401.

<sup>107</sup> Cf. Britnell, *Growth and Decline*, 240, doubting the influence of the clerk of the market; *The Red Paper Book*, ed. W. G. Benham (Colchester, 1902), 18–20.

<sup>108</sup> *CLB*, 24 (refers to king’s marshalsea); Ly/7/1/1, f. 25 (Lydd customal: bailiff to have powers of the clerk of the market); CCA-CC OA1, f. 56v (Canterbury, mayor’s oath to exercise market controls touching the office of clerk of the market).

For the copying of London records outside the City, it is necessary first to turn to the tract ‘Darcy’, associated with Henry Darcy, mayor in 1337-8. His account of the London sheriff’s court was copied at York by (or at the instance of) its common clerk Roger Burton (1415x36).<sup>109</sup> The book ‘sometyme belonginge’ to Darcy also appears in its entirety in the *Kalendar* assembled by the common clerk of Bristol, Robert Ricart, in c.1478,<sup>110</sup> but it may have been obtained by Bristol considerably earlier, most probably after 1364, because Ricart also included the important ordinance of that date on the disobedience of members of crafts. This edict was quite frequently copied within London, already mentioned in chapter five.<sup>111</sup> Whilst ‘Darcy’ may never have been a document kept under lock and key within the inner chamber of the Guildhall, it seems clear that outside access to the records held there was possible, at least where the authorities of other towns could demonstrate that they had a legitimate interest in them. Indeed, records held by the Cinque Ports’ brodhull at Romney, and also at Faversham, Ipswich and Northampton all observe the diplomatic of citing London material by folio by reference to a specific *Letter Book*.<sup>112</sup> As we saw in chapter four, York’s MPs in the February-April 1454 session of parliament obtained a copy of wardmote ordinances for the use of their City, perhaps from Thomas Urswick junior, recorder of London, but at least as probably through a less official source, such as the ward records held by a London alderman, or by his staff.<sup>113</sup>

More specific examples of derivate material from London can be given from Norwich and Northampton, both illustrating the personal agency of London’s common clerk, sometime secretary, John Carpenter. Indeed, in this period, London had significant influence on Norwich’s laws and civic constitution. In 1380,

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<sup>109</sup> *York Mem. Bk. A/Y*, ii. 143–55 & appendix 8, item 11(10) below. For Burton’s consolidation of civic records, see: D.J.S. O’Brien, “‘The Veray Registre of All Trouthe’: The Content, Function and Character of the Civic Registers of London and York c.1274–c. 1482” (unpub. D.Phil thesis, Univ. of York, 1999), 151, 164; D.M. Palliser, *Medieval York 600–1540* (Oxford, 2014), 201–2.

<sup>110</sup> *Ricart*, 6–7.

<sup>111</sup> *Ricart*, 94–5. Tucker, “Making of the Common law”, at 308, suggests that Bristol obtained this copy in the 1330s–40s. The 1364 ordinance is at LBG, f. 135v; *Lib.A*, i. 494. Other copies are noted in appendix 8.

<sup>112</sup> *A Calendar of the White and Black Books of the Cinque Ports*, ed. F. Hull (Kent Archaeological Soc., 1966), 123; *The Early Town Books of Faversham c. 1251–1581*, ed. D. Harrington & P. Hyde (2 vols., no pl., 2008), i. 201–4; SROI, C/4/1/4, f. 167v; *North.Recs.*, i. 402; *The Black Book of Winchester*, ed. W.H.B. Bird (Winchester, 1925), 10.

<sup>113</sup> *York City Chamberlains’ Account Rolls 1396–1500*, ed. R.B. Dobson (Surtees Soc., 192, 1980), 96. See chapter 4, n74.

Norwich obtained a charter from the crown that closely resembled those of London's of 1341 and 1377 and Bristol's of 1373 in giving the bailiffs and the council of 24 the express right to legislate for the City in the common good.<sup>114</sup> In the Norwich charter, the failure to ensure that the resultant laws would also have the assent of the commonalty was to be a point of controversy in the factional disputes leading up to the Composition of 1415, which required the town's rulers to add such a requirement for assent to any subsequent charter.<sup>115</sup> The Composition is also significant in its own right in that its complex arrangements for the election of the mayor closely resemble those of London. Any variance was to be addressed under the same form and usage of London.<sup>116</sup> London practice had probably already shifted by 1406, when there is reference to an unsuccessful mayoral candidate,<sup>117</sup> but the first full record of its new procedures is not found until Book I of the London *Liber Albus*, the only substantive part of the volume that is an original composition of Carpenter.<sup>118</sup> Whilst this volume is dated 1419, there is the prospect that an earlier draft existed of this text by 1415. This may have influenced the (vernacular) Norwich document. Moreover, two oaths recorded in the Norwich *Liber Albus* (commenced in 1426)<sup>119</sup> appear to be vernacular versions of those in the London *Liber Albus*: the mayor's as royal escheator and that of common councillors.<sup>120</sup> The latter is, significantly, included in the Book I of the London volume, the only part thought to be an original composition. Whilst his prior involvement with Norwich is conjectural at this early stage, Carpenter certainly had associations with Norwich by the 1430s. He knew John Welles, the London mayor and grocer, of Norwich origin, who acted for the crown as warden of Norwich when

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<sup>114</sup> J. Tait, *The Medieval English Borough* (Manchester, 1936), 317–18; W. Birch (ed.), *The Historical Charters and Constitutional Documents of the City of London* (rev. ed., 1887), 70; *Bristol Charters*, vol. i, ed. N.D. Harding (Bristol Rec. Soc., 1930), 118–141; *Nor.Recs.*, i. 29–30.

<sup>115</sup> *Nor.Recs.*, i. 103.

<sup>116</sup> *Nor.Recs.*, i. 94–6. It is worth comparing the passage with the rather more popular procedure, also taken from a London source (but from the earlier tract known as 'Darcy'), included in *Ricart*, 107–8.

<sup>117</sup> Barron, *London in the LMA*, 150–1; H.T. Riley, *Memorials of London and London Life* (1868), 565–6.

<sup>118</sup> *Lib.A.*, i. 20–3.

<sup>119</sup> Though the name of the London volume is later and nothing should be made of the coincidence. Carpenter called his volume a 'Repertorium', see *Lib.A.*, i. 3; *LBK*, f. 60v. On the Norwich volume, *Nor.Recs.*, i., pp. cvi–cix.

<sup>120</sup> *Nor.Recs.*, i. 122–3; *Lib.A.*, i. 41, 306. The mayor's oath has immaterial consequential changes. The London version is prob. early s. xiv, so another source is possible.

it resumed its liberties in 1437.<sup>121</sup> Furthermore, whilst Welles was still in office, and quite possibly at his instance, the Norwich authorities sought Carpenter's intercession with the royal council.<sup>122</sup> Minutes, probably from November 1437, show Carpenter being appointed to draft the City's settlement with the crown so that its liberties could be restored.<sup>123</sup> He was also appointed a JP and a commissioner of *oyer et terminer* in Norwich, whilst its liberties were suspended.<sup>124</sup> It seems entirely probable that, in this work, Carpenter drew on his London experience, and the *Liber Albus*. London influence can also be seen after Carpenter's death in 1442, possibly through the period of office of Thomas Catworth as royal *custos* of Norwich in the 1440s,<sup>125</sup> primarily in the change between 1447 and 1452, in which for the first time the alderman, a position introduced in Norwich in 1415, ceased to be merely an intimate councillor of the mayor (albeit elected by ward) and became a fully-fledged magistrate, on the London model.<sup>126</sup>

There are also traces of the influence of London in Northampton's records. First, the rights granted to it by the crown in 1189 were modelled of those in London. Northampton is said in this respect to be in a group also containing Norwich, Lincoln and Oxford.<sup>127</sup> The continuation of the Northampton customal cites the London custom of ringing Bowbell at 9pm.<sup>128</sup> One item from London's *Letter Books* is also found in Northampton's surviving archive and has already been mentioned: an English translation of an ordinance of 1364 on baking and brewing by innkeepers.<sup>129</sup> Whilst copies of this have not been traced in London private registers or craft records, it complements the ordinance of the same mayoral year dealing with disobedient members of crafts, which is, of course, one of the

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<sup>121</sup> C. Rawcliffe, 'Welles, John III d. 1442', *HP*, 1386–1421, iv. 802–5. For other connections, including suggested deployment of *Lib.A*: E. Hartrich, 'Town, Crown, and Urban System: The Position of Towns in the English Polity, 1413–71' (unpub. D.Phil thesis, Oxford Univ., 2014), 88–9.

<sup>122</sup> *Nor.Recs.*, i. 283.

<sup>123</sup> *P&O*, v. 45, 76–9.

<sup>124</sup> *CPR*, 1436–41, p. 89.

<sup>125</sup> For Catworth, *HP*, 1439–1509, *Biographies*, 165–6.

<sup>126</sup> *Nor.Recs.*, i. p. ii, 119–122. For London-Norwich commerce: P. Dunn, 'Trade', in *Medieval Norwich*, ed. C. Rawcliffe & R. Wilson (2004), 213–234, 386–394.

<sup>127</sup> H.M. Cam, 'Northampton Borough', in *VCH, Northamptonshire*, iii. 4, n65.

<sup>128</sup> *North.Recs.*, i. 252–3.

<sup>129</sup> *North.Recs.*, i. 402, from LBG, f. 135 (not f. 130 as stated). The measure is only listed in Book IV of *Lib.A*, i. 721.



relatively few civic ordinances regularly copied outside the Guildhall.<sup>130</sup> Another London connection is that Northampton's records include the product of the labours of John Carpenter in checking the *Red Book* of the Exchequer for confirmation of the liberty of London and of other towns (such as Northampton itself) that serfs would obtain their freedom (in the sense of personal freedom, not of being a citizen of a town) if they resided there undisturbed by their lords for a year and a day.<sup>131</sup>

Evidence of the transmission of ordinances directly between towns other than London remains more elusive. The interplay between the Cinque Ports is clear from their respective customals. This exchange took place in an unusually highly bureaucratized environment for what were relatively small urban centres. The Ports had their own common clerks. There was also a common administration at Romney, and another maintained by officials of the warden of the ports at Dover Castle.<sup>132</sup> Whilst there is no evidence of any formal relations between the Ports and the City of London, there were strong trading links between London, Rye and with other Cinque Ports.<sup>133</sup> There is also evidence of strong personal connections with the royal administration, particularly with Thomas Bayon, possibly first established through Bayon's presence at royal secular colleges close to Rye and Hastings.<sup>134</sup> Specifically, it seems likely that the Cinque Ports' charter of 23 March 1465 led to, or was prepared in tandem with, modified translations of the existing customals of individual ports. The charter confirmed or extended the Ports' powers to legislate for themselves and also permitted them to opt out of using the common law, instead of their own customs, besides the right to use the gallows for executions.<sup>135</sup> These points are reflected in the revised customals compiled for Hastings in Edward IV's

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<sup>130</sup> See chapter 5, n131 and appendix 8.

<sup>131</sup> BL, Add. MS 34308, f. 23v: a writ of *certiorari* from chancery requiring the exchequer to certify the custom, which Carpenter had found in the *Red Book* of the Exchequer (*Foedera*, I.i. 1–2). The custom was standard in English towns: Bateson, *Borough Customs*, ii. 88–90. Carpenter was already interested in the point, see *Lib.A.*, i. 33–4. For context: S. Thrupp, *The Merchant Class of Medieval London* (Michigan IL, 1948), 215–17, esp. 216 n36.

<sup>132</sup> For background: K.M.E. Murray, *Constitutional History of the Cinque Ports* (Manchester, 1935), 77–95, 139–189.

<sup>133</sup> Keene, 'The South East', 580.

<sup>134</sup> H. Kleineke & E.C. Roger, 'Baldwin Hyde, Clerk of the Parliaments in the Readeption Parliament of 1470–1', *PH*, 33 (2014), 501–510. On Bayon: A.F. Pollard, 'The Mediaeval Under-clerks of Parliament', *BIHR*, 16 (1938–9), 65–87; L.S. Clark, 'Introduction: Parchment and People in Medieval politics', *PH*, 23 (2004), 1–13, at 10.

<sup>135</sup> S. Jeake (ed.), *Charters of the Cinque Ports, Two Ancient Towns, and their Members* (1737), 51–87, from a later *inspeximus*.

reign,<sup>136</sup> for Lydd in 1465–6,<sup>137</sup> and for Romney, possibly in 1475–6.<sup>138</sup> We can ascribe the vernacular customs of Lydd to the collective labours of Thomas Thunder of Winchelsea,<sup>139</sup> the lawyer and steward of Dover Castle, John Grenford, Bayon, and to diverse jurats.<sup>140</sup> The copy that survives appears to have been made in 1476–7, the original Lydd custumal being retained at Romney.<sup>141</sup>

Few concrete examples have been identified of transmission between localities without such obviously vigorous cultures of pragmatic literacy. One is of sealed Latin ordinances made by the mayor and common council of Salisbury in 1421, which were entered into the *Black Book* of Winchester.<sup>142</sup> Even in small towns, or villages, however, there could be a process of textual exchange with regional bureaucratic centres, and also the copying of quasi-statutory material in wider circulation. We see this in the commonplace book of Robert Reynes of Acle, Norfolk. This was the work of a trader and, possibly, reeve, in a settlement of only 72 to 150 inhabitants, located between Norwich and Yarmouth. It contains extracts from the assizes of bread and ale, vernacular parts of the victualling ‘statute of Winchester’ of about the 1470s, and also a slightly shortened version of the standard charge to the wardens of crafts imposed by the civic authorities of Norwich.<sup>143</sup> This latter transcript was, one would presume, made for the purposes of interaction with the crafts in that regional centre, rather than a suggestion that

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<sup>136</sup> BL, Add. MS 28530, f. 7 (apparently referring to the 1465 charter).

<sup>137</sup> KHLC, Ly/7/1/1. Evidence for its date is cited below.

<sup>138</sup> On self-government: KHLC, NR/LC1, f. 13v; Ly/7/1/1, f. 26. On the use of common law: NR/LC1, ff. 5, 16 (to apply when custumal is silent); ESRO, RYE/9/57/4, f. 160; for the gallows (under common law): BL, Add. MS 28530, f. 8. Cf. the s. xiv version printed by W. Durrant & T. Ross, ‘Notices of Hastings and its Municipal Rights’, *Sussex Archaeological Collections*, 14 (1862), 65–118, at 73. For the costs of the Romney custumal: KHLC, NR/FAc3, f. 77v.

<sup>139</sup> *MoC*, ii., 1531, apparently confusing the father of the same name, d. c. 1448 with his son, with whom we are concerned; see A.P.M. Wright, ‘Thunder, Thomas’, *HP*, 1386–1421, iv. 610–11 (on TT, sen); *HP*, 1422–1509, *Biographies*, 853. The son was probably a lawyer, admitted to Lincoln’s Inn in 1442, and a merchant.

<sup>140</sup> KHLC, Ly/2/1/1/1, f. 78. Grenford (possibly conflated with a prior relative of same name) was steward of Dover Castle by 1434–5 (BL, Add. MS 29615, f. 201v) to at least Sep. 1464 (CP/B1, f. 35v). Retained by Lydd, initially as JG junior: *Lydd Accounts*, 76, 78–9. All 3 men, among others, had advised on or laboured for the charter or a precursor of it: CP/B1, ff. 28v–9, 32v, 33v–6v; Ly/2/1/1/1, ff. 73v; NR/FAc3, ff. 44v, 50v, 56, 63v, 66; ESRO, RYE/11/60/2, f. 87v.

<sup>141</sup> KHLC, Ly/2/1/1/1, f. 155.

<sup>142</sup> *Black Book*, ed. Bird, 26–7; *The First General Entry Book of the City of Salisbury 1387–1452*, ed. D.R. Carr (Wilts. Rec. Soc, Trowbridge, 2001), 99, 103.

<sup>143</sup> *The Common Place Book of Robert Reynes of Acle: An Edition of Tanner MS 407*, ed. C. Louis (New York, 1980), 25–36, 121–140, 318–319. Cf. *ibid.* 136–8, 315–18 with *CLB*, 395–8; also, cf. the charge in *Reynes’ Book*, 318–320 with *Nor. Recs.*, ii. 317–318.

Reynes thought that such structures could be imitated in such a minor population centre as Acle.

#### *6.4. Conclusions*

This thesis has sought to reveal the importance of repetition of laws, but also that much of this reiteration was manifested by formalised, regular promulgation at a local level. Much of what had to be repeated to the populace in this way was relatively settled by the fifteenth century. Building on texts first formulated by the later thirteenth century, in the genesis of which Edward I's government had most probably played a significant hand, the common proclamations and ordinances of towns and cities from around the 1330s or 1340s modified and augmented this corpus of material, largely locally, and for the most part reasonably independently of the political centre. By 1420, there was no need for the common proclamation in London to be written out each year because it was established enough not to be. Nor was there was an obvious requirement for it to address more recent statutory legislation or matters concerning manufacturing trades, now firmly under the oversight of craft wardens and searchers, or for it to expressly invoke national legislation. Indeed, these announcements might be said to have become a settled instrument of urban government, proceeding obliviously to the requirements of national statutes. Outside England's largest city, national influence on common proclamations appears to have been somewhat more marked, particularly in legislative codes promulgated from the 1460s, when we start to see a significant increase in the imprint of parliamentary statute on these regional texts. But the conclusions to be drawn, in all centres, strongly suggest that the pattern of interplay of national and local regulation found by historians in the fourteenth century in much economic and other legislation broadly continued throughout the following century. There is relatively little sign that the political centre was directing the localities.

A complementary perspective has emerged from considering the direct or verbatim copying of local ordinances. It is clear that this was not prohibited where a

sufficient interest in the content could be shown. Where records were derived from a source such as London's *Letter Books*, it was conventional to give a precise citation. But this is not to say that it was found necessary to copy a great deal of this material. Pockets of vigorous civic literacy did exist elsewhere, often stimulated by the activities of local officials and administrators, such as in the rationalisations carried out after the Cinque Ports obtained a new charter in 1465. Moreover, personal relationships, such as those of John Carpenter with Norwich or Northampton, were of central importance in the dissemination of London legislation to the wider realm. For national legislation, tracts of semi-official status, particularly the trading and victualling 'statute of Winchester', or the contents of articles and charges used in local courts, such as the London wardmote, and in peace sessions, were important at refracting and repeating general rules at a devolved level. Indeed, it is to the recapitulation of national and local legislation through the processes of such courts and others that we should next turn.

## Chapter Seven: The Reception of Legislation through its Implementation

### 7.1. Introduction: Implementation and Local Courts

This thesis has already addressed the proclamation or recitation of legislation in full or in summary at courts, markets, and in public and more private spaces. Musson has emphasised the importance of the reading aloud of commissions and charges to juries in royal courts.<sup>1</sup> Performances of this kind (and jury charges and articles will be explained further in what follows) made the peace sessions, in particular, an important forum for hearing about enacted law. The charges given to juries gave summaries of legislation important to everyday lives, and their reading was undoubtedly of significance as a supplemental occasion for the aural reception of statutory legislation, in addition to more formal proclamations. But, without seeking to diminish the significance of this, or claiming that hearing legislation aloud and deploying it in practice could not be connected activities, readings of legislation or charges are in substance speech acts of the same kind as those surveyed in previous chapters of this thesis. As such, these are not demonstrations of the active engagement of those present in court, and of jurors in particular, in *applying* the terms of the laws in a practical way, by making substantive decisions using that knowledge. Such decisions would, for instance, constitute judgements as sophisticated as whether the fact that a person had committed certain acts, or omissions, was an infringement of a particular enacted law.

The final component of this thesis is therefore an examination of how local courts acted as an arena in which knowledge of national and local legislation could be obtained and cemented through practical application by those without, or without much, formal legal training, principally by juries and officials. It should be made clear from the outset that, by implementation, I do not mean the enforcement of legislation in its strict sense. Action taken to pursue infringements of laws will not be considered here as an end in itself. Likewise, besides occasional fiscal innovations, tax collection was ordinarily more an exercise in the interaction of local and national administrations than the promulgation of the terms of new or

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<sup>1</sup> A. Musson, *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt* (Manchester, 2001), 149–154.

established law and will not be discussed further here.<sup>2</sup> The enforcement of a statute by an action in the central courts will have required some level of awareness of that legislation on the part of all of those involved in the process, whether it be of the litigants themselves, their attorneys, clerks, lawyers or judges. Indeed, Paul Brand has fruitfully identified how and how soon new statutory remedies were deployed in the thirteenth-century in the royal courts by the adoption of new writs and processes.<sup>3</sup> An analogous exercise could be undertaken for the fifteenth century, but the register of original writs was essentially closed to new entrants,<sup>4</sup> and the analysis that has hitherto been carried out in print on the enforcement of statute in the central law courts unpromisingly suggests that a great deal of research might be required for meagre return. Only 45 out of 4,000 cases in common pleas in the Easter term of 1470 were brought under statutory causes of action and no case on the plea rolls of 1469–70 was brought under a statute made later than 1429.<sup>5</sup> It seems that few recent statutes were regularly applied. When they were, this was most commonly in two circumstances: when complaints were advanced by an informant, often in the exchequer,<sup>6</sup> or in the course of campaigns by the centre to address particular wrongs, such as the increased zeal in the enforcement of labour legislation in the 1490s, of statutes on livery and maintenance through special commissions, or in seeking to raise additional revenue through the revival of little-used legislation on credit.<sup>7</sup> Whilst these might all be interesting theatres in which

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<sup>2</sup> G. Dodd, 'The Spread of English in the Records of the Central Government, 1400–1430', in *Vernacularity in England and Wales, c. 1300–1550*, ed. E. Salter & H. Wicker (Turnhout, 2011), 225–266, at 257–9; W.M. Ormrod, 'Henry V and the English Taxpayer', in *Henry V: New Interpretations*, ed. G. Dodd (York, 2013), 187–216, esp. 193–5; Cavill, *Hen. VII*, 187–194.

<sup>3</sup> P. Brand, *Kings, Barons and Justices: The Making and Enforcement of Legislation in Thirteenth-century England* (Cambridge, 2003).

<sup>4</sup> *OHLE*, vi, 324, 503. Original writs initiated an action in the royal courts, see *Early Registers of Writs*, ed. E. de Haas & G.D.G. Hall (Selden Soc., 1970), p. lxiv. This is, however, a proposition that time has not permitted me to test.

<sup>5</sup> *Year Books of Edward IV. 10 Edward IV and 49 Henry VI. AD. 1470*, ed. N. Neilson (Selden Soc., 1931), pp. xvii–xxviii. Similarly in P.C. Maddern, *Violence and Social Order in East Anglia 1422–1442* (Oxford, 1992), esp. 31: of actions commenced in the plea side of KB relating to her area and period, nearly 95% were for common law trespass with *vi et armis*. Actions for forcible removal under 8 Hen. VI c.9 were only 'scattered thinly'.

<sup>6</sup> G.R. Elton, 'Informing for Profit: a Sidelight on Tudor Methods of Law Enforcement', *Cambridge Historical Journal*, 11 (1954), 149–167; D.J. Guth, 'Enforcing Late-Medieval Law: Patterns in Litigation During Henry VII's Reign', in *Legal Records and the Historian*, ed. J.H. Baker (1978), 80–96, at 84–6.

<sup>7</sup> P.R. Cavill, 'The Problem of Labour and the Parliament of 1495', in *The Fifteenth Century V: Of Mice and Men: Image, Belief and Regulation in Late Medieval England*, ed. L. Clark (Woodbridge, 2005), 143–155; G. McKelvie, 'The Livery Act of 1429', in *The Fifteenth Century XIV: Essays Presented to Michael Hicks*, ed. L. Clark (Woodbridge, 2015), 55–65; W. Childs, "'To Oure Losse

legal knowledge was obtained, they seem nonetheless to have been exceptional situations. In private actions brought by writ, the process remained very much in the hands of the legal elite in and around Westminster Hall, working within established forms. None of this is particularly fertile ground in which to find signs of genuine interaction between the wider political nation and national legislation (accepting, of course, that local legislation rarely found its way into the central law courts at all).<sup>8</sup>

There are other paths towards making an assessment of the cognitive impact of the process of implementation of local ordinances and national statute. Local by-laws concerning the operation of the village field system and the reaping and gleaning of the harvest, widely known as the ‘statutes of autumn’, were widely interpreted and enforced in local manorial courts.<sup>9</sup> Another instance would be the rather similar use of wardens or searchers in craft and trade guilds and other organisations after 1364 to oversee questions of quality or price of manufactured goods and victuals.<sup>10</sup> We have encountered this system in London and in regional towns. In the interests of keeping research within reasonable bounds I have, however, decided in this chapter to concentrate on two particular arenas. The first is the urban court leet, tourn, or wardmote, namely, courts in the hands of civic authorities, exercising public jurisdiction over minor crimes, including crown pleas, misdemeanours and nuisances. The second area of study is the urban session of the peace, also held under the auspices of the authorities of towns or cities.

In order to swear to the truth of many kinds of allegations, which in some cases required relatively complex evaluative judgements to be made, it seems clear that officials and jurors in local courts needed to apply legal rules.<sup>11</sup> Indeed, on the face of the records of many local courts, the common proclamations made in towns

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and Hindrance”: English Credit to Alien Merchants in the Mid-fifteenth Century’, in *Enterprise and Individuals in Fifteenth-Century England*, ed. J. Kermode (Gloucester, 1991), 68–98.

<sup>8</sup> P. Brand, ‘Local Custom in the Early Common Law’, in *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds*, ed. P. Stafford *et al.* (Manchester, 2001), 150–9, for a discussion of the occasions in which local custom was considered by the central courts.

<sup>9</sup> W.O. Ault, *Open-Field Farming in Medieval England* (1972).

<sup>10</sup> Under 37 Ed. III c. 6 (SR, i. 379–380) and, in London, LBG, f. 135v. See more generally: S. Rees Jones, ‘Household, Work and the Problem of Mobile Labour: The Regulation of Labour in Medieval English Towns’, in *The Problem of Labour in Fourteenth-Century England*, ed. J. Bothwell, P.J.P. Goldberg & W.M. Ormrod (York, 2000), 133–153, at 147–150; *eadem*, ‘York’s Civic Administration, 1354–1464’, *The Government of Medieval York: Essays in Commemoration of the 1396 Royal Charter*, ed. Rees Jones (York, 1997), 108–140, esp. 117–118.

<sup>11</sup> See also examples in Cavill, *Hen. VII*, 180–7.

manifestly had considerable impact. Whilst we have touched on this before in showing the imprint of the London common proclamation in its wardmotes, a few further examples of presentments or indictments may serve to illustrate this point, keeping, for simplicity, to the subject matter of horsebread, as discussed in chapter six. In 1438, in the Canterbury ward of Redyngate, a group of inhabitants was presented as hosts for selling horsebread, hay and oats for excessive lucre contrary to the proclamation, not, one might add, on the basis that this was contrary to statute, though it was.<sup>12</sup> Virtually the identical offence was presented in most surviving Ipswich leets between 1423 and 1485, citing an unspecified statute until 1438, and thereafter simply that such sales were for excessive lucre.<sup>13</sup> In 1440 a peace session in Ipswich indicted a host for baking white and horse bread,<sup>14</sup> and in the following year a person was indicted for baking ½ d. white bread contrary to, and as assessed by, statute.<sup>15</sup> In such citations, the combining and reiteration of local ordinances and proclamations with statute and, indeed, quasi-statutory material such as the assizes of bread and ale and the victualling ‘statute of Winchester’, should be familiar from the previous chapter.

How reference points to local and national legislation (and indeed also situations when statute was *not* cited) should be interpreted will be discussed at greater length in this chapter. However, at first glance, positive statements of this type suggests that jurors may have needed to possess at least a ‘sense’ of the law to perform their duties.<sup>16</sup> As mentioned in chapter one, historians have considered at some length the way that juries functioned in national and local courts, and indeed the significance of the jury both in the government of localities and as a link between centre and locality. An important aspect of this is a divide, which may be a matter of evidence, or sometimes a question of its interpretation, between historians who see local juries as representatives of their localities, or instead as a semi-permanent professional

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<sup>12</sup> CCA-CC-J/Q/237. The proclamation referred to seems to pre-date a 1448 text which continued to be the basis of proclamations into the following century, CCA-CC-OA2, ff. 36–9; BL, Stowe MS 850, ff. 15–18v.

<sup>13</sup> SROI, C/2/8/1/6–20 (leet rolls); C/2/8/2–4 (estreats); C/2/10/2–7 (composite, or ‘Dogget’ rolls). For both Exeter and Ipswich, I shall cite leets/tourns in the form ‘1423W’ [i.e. 1423, west ward]. MS references relating to Ipswich in the remainder of this chapter are at SROI, unless otherwise stated.

<sup>14</sup> C/2/9/1/1/1/1, m.1.

<sup>15</sup> C/2/9/1/1/1/1, m. 6.

<sup>16</sup> P.R. Hyams, ‘What did Edwardian Villagers Understand by ‘Law’?’, 69–102, in *Medieval Society and the Manor Court*, ed. Z. Razi & R. Smith (Oxford, 1996), 92. See also *ibid.*, 70, 88; Musson, *Medieval Law in Context*, 95–101.



elite, aloof from ordinary villagers.<sup>17</sup> The case studies that follow will confirm that it could matter who the jurors were in a local court and that it always mattered what role they were performing in the legal process they were engaged with. Recent work has also looked at the importance of local officials, whether they be rural constables or sub-keepers of the peace in the fourteenth century,<sup>18</sup> or urban constables and other officers in fifteenth-century Norwich, though relatively little is known about such minor officials, particularly outside towns.<sup>19</sup> Legal historians have concentrated on how jurors obtained knowledge of the facts of offences, and, particularly, whether this was always by self-information,<sup>20</sup> or whether the prevalence of the general issue (in which a trial jury was required to give a verdict in a 'guilty'/'not guilty' form, not broken down into its component questions of fact or law) meant that juries ordinarily acted as directed by the justices on the law, certainly in personal actions.<sup>21</sup> As Arnold has said, at trial, the charge given to the petty (trial) jury was 'not a means of apprising the jury of the law applicable to its case', but simply 'an admonition to them to speak the truth of the issue reached in the record, to answer the question in dispute'.<sup>22</sup> I shall return to the wider implications of this observation later. What has been rather less explored, amidst this emphasis on the development of the law and procedure as illustrated by *Year Book* cases and the plea rolls of the central courts, is the level of legal knowledge jurors and local officers required and applied in carrying out their responsibilities in indicting offenders prior to trial in royal courts or in presenting them in local ones.

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<sup>17</sup> P.L. Larson, 'Village Voice or Village Oligarchy? The Jurors of the Durham Halmote Court, 1349 to 1424', *Law and History Review*, 28 (2010), 675–709. An example of the opposite stance would be S. Olson, *A Chronicle of All That Happens: Voices from the Village Court in Medieval England* (Toronto, 1996).

<sup>18</sup> A.J. Musson, 'Sub-keepers and Constables: the Role of Local Officials in Keeping the Peace in Fourteenth-century England', *EHR*, 117 (2002), 1–24.

<sup>19</sup> S. Sagui, 'Mid-level Officials in Fifteenth-century Norwich', in *The Fifteenth Century XII: Society in an Age of Plague*, ed. L. Clark & C. Rawcliffe (Woodbridge, 2013), 101–121.

<sup>20</sup> See particularly (omitting some of the literature on the 14th century or earlier): J.B. Post, 'Jury Lists and Juries in the Late Fourteenth Century', in *Twelve Good Men and True: The Criminal Trial Jury in England, 1200–1800*, ed. J.S. Cockburn & T.A. Green (Princeton, 1988), 65–77; E. Powell, 'Jury Trial at Gaol Delivery in the Late Middle Ages: The Midland Circuit, 1400–1429', *ibid.*, 78–116; T.A. Green, 'A Retrospective on the Criminal Trial Jury, 1200–1800', *ibid.*, 358–400; A. Musson, 'Twelve Good Men and True? The Character of Early Fourteenth-Century Juries', *Law & History Review*, 15 (1997), 115–144; D. Klerman, 'Was the Jury ever Self-informing?', in *Judicial Tribunals in England and Europe, 1200–1700: the Trial in History, vol. I*, ed. M. Mulholland & B. Pullan (Manchester, 2003), 58–80.

<sup>21</sup> M. S. Arnold, 'Law and Fact in the Medieval Jury Trial: Out of Sight, Out of Mind', *American Journal Legal of History*, 18 (1974), 267–80; P. Brand, 'Judges and Juries in Civil Litigation in Later Medieval England: The Millon Thesis Reconsidered', *Journal of Legal History*, 37 (2016), 1–40.

<sup>22</sup> Arnold, 'Law and Fact', 276.

It is worth keeping in mind too what may have been learned by those who were witnesses, litigants and even just spectators in local courts, categories that will also have included women (though men clearly monopolised service as judges, officials or jurors). Arnold has also ventured the more general thought that litigation on crime and nuisance in the later middle ages might have shown more active signs of jury engagement with the law than much civil litigation, concentrating particularly on the possibility that juries might seek to exercise a kind of ‘equity’ of their own, taking into account exacerbating or mitigating circumstances as they saw fit.<sup>23</sup> Correspondingly, even an advocate of the view that manorial courts applied customary law relatively independently of the common law has accepted that when it came to crime and its enforcement, ‘there was indeed a variety of mechanisms and institutions in the fray, many largely those of central government’.<sup>24</sup>

This chapter, then, seeks to explore these ideas in more detail. It will concentrate on two principal case studies. First, it will focus on the offences presented by the leets and urban sessions of the peace in Ipswich to look at the legislative sources of offences presented and to compare the proceedings in these two kinds of court. The emphasis here will be on what the juries and officials were implementing, and where that legal material came from. Next, it will use the Exeter mayor’s tourn to look more closely at who urban jurors were, paying particular attention to the presence of local office-holders in those juries. This will assist with the identification of those involved in the implementation of legislation in local courts. Finally, this chapter will bring together points from both case studies in considering the procedural aspects of these courts, and look at contemporary precedent and other material for leets and peace sessions, in order to ask wider questions about how actively engaged with the terms of national and local laws these juries and officers are likely to have been. Whilst the focus here will be on Exeter and Ipswich, examples from beyond will also be drawn upon in the course of the discussion, notably from London’s wardmotes. Specifically, there are good records of the presentments made by the wards to the Epiphany General Courts of 1423 and

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<sup>23</sup> Arnold, ‘Law and Fact’, 278–280. On jury equity: R.D. Groot, ‘Petit Larceny, Jury Lenity and Parliament’, *The Dearest Birth Right of the People of England: The Jury in the History of the Common Law*, ed. J.W. Cairns & G. McLeod (Oxford, 2002), 47–61.

<sup>24</sup> L. Bonfield, ‘What did English Villagers Mean by ‘Customary Law’?’, in *Manor Court*, ed. Razi & Smith, 103–116, at 109–110, a response to Hyams in the same volume.

1424 and also a selection of presentments of the extramural Portsoken ward between 1465 and 1482.<sup>25</sup> These are well known, but they have not hitherto been looked at in relation to records of London's common proclamations or with fifteenth-century versions of the articles and charges put to wardmote juries.<sup>26</sup> Moreover, I have identified extracts of further wardmote jury returns from 1446, 1457 and 1473 in the *London Journals*,<sup>27</sup> which offer some new insight into the procedural aspects of the wardmotes that are the central focus here. Once again, the difficulties of concentrating on town records in this chapter have to be recognised. Whilst Ipswich had a peace jurisdiction over its rural *contado*, and I shall take account of a peace roll from Hampshire, urban peace sessions, in particular, may not be representative of the principal county sessions. It may well have been easier for the urban elite to control or direct jurors in a more institutionally concentrated environment.

### 7.2.1 Case Study I: Ipswich Leets and Peace Sessions

#### 7.2.1.1. Ipswich and its Records

Ipswich was to the east of the country, and faced further east still, to the fish stocks of the North Sea and to the Low Countries. As the largest town in Suffolk, sitting at the confluence of fresh and salt water, it had enjoyed extensive borough privileges since 1200.<sup>28</sup> Its civic courts and institutions were well developed, under the tutelage of two bailiffs and twelve portmen. Whilst records of its freemen are poorer than those of Exeter, making prosopography considerably more challenging, its leets are fairly well recorded throughout the period. Amor has used them to shine light on its economy and trade, and Davis has compared them with similar records from Clare and Newmarket to demonstrate how victualling and market practices were regulated.<sup>29</sup> Besides the different research questions put in this chapter, I shall

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<sup>25</sup> LMA, CLA/024/01/02/051–2; Winter 'Portsoken Presentments'.

<sup>26</sup> Though the link has been made by A.H. Thomas, see *Cal. P&M*, 1413–37, pp. xxvi–xxvii.

<sup>27</sup> Jo.4, f. 141v; Jo.6, f. 122v; Jo.8, ff. 46v–50v (some of this material also appears in *Lib.D*).

<sup>28</sup> See primarily: N.R. Amor, *Late Medieval Ipswich: Trade and Industry* (Woodbridge 2011); Davis, *Market Morality*, 382–408; G.H. Martin, 'The Governance of Ipswich. 1. From its Origins to c. 1550', in *Ipswich Borough Archives*, ed. D. Allen (Suff. Rec. Soc., 2000), pp. xvii–xxix; *HMC* 9<sup>th</sup> Rep., App. (1883), 222–262.

<sup>29</sup> Amor, *Ipswich*, 150–162, 191–226; Davis, *Market Morality*, 289–380, 388–408.

use a wider range of sources than Davis to identify the sources of Ipswich's laws. Specifically, besides the various recensions of a fourteenth-century *Domesday* used by Davis, Ipswich has abundant records of local ordinances, customs and, indeed, a bailiffs' common proclamation transcribed c. 1520, but much of the content of which was clearly considerably earlier.<sup>30</sup> Moreover, it also has an excellent set of records of indictments, jury lists, process and other materials for peace sessions held by the bailiffs and selected portmen from 1440 for the town and four surrounding hamlets.<sup>31</sup> These sessions were initially held under specific commission but, after 1446, the right to hold urban sessions was conferred by charter.<sup>32</sup> Besides individual or groups of indictments transmitted to king's bench, there are relatively few other peace records surviving after 1422, whether from counties or from franchised towns or cities.<sup>33</sup> The Ipswich material can therefore be considered in its own right. It is also possible to draw some comparisons with its leets.

#### 7.2.1.2. *The Offences Presented in Ipswich's Court Leet*

Ipswich's leets continued over the entire period under discussion, held for all four of the town's wards on the first Tuesday after Whitsun. Records survive of the proceedings of 72 individual wards conducted in 22 years between 1423 and 1484. At least nominally, and as a way of confirming who was in residence in the town, Ipswich continued to operate a vestigial frankpledge system, despite its national and regional decline.<sup>34</sup> Before 1434, the individual ward courts were held before the bailiffs, on the oath of three heads of tithing (capital pledges) and of nine or ten named tithingmen, along with others un-named. Thereafter, the ward presentments only record a jury of three capital pledges sitting with anonymous others. However, the record of the south leet of 1471 lists twelve pledges across all wards, showing

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<sup>30</sup> E.g. C/4/1/2, C/4/1/4, BL, Add. MS 25011 contain additions to the s. xiv *Domesday*; N. Bacon, *Annals of Ipswich*, ed. W.H. Richardson (Ipswich, 1884), 92–151.

<sup>31</sup> C/2/9/1/1/1–13; Allen explains the divided peace jurisdiction of town and hamlets, *Ipswich Borough Records*, 92.

<sup>32</sup> *CPR*, 1437–41, p. 591; *CChR*, vi. 54–5; renewed in 1463: *ibid.*, 197–9.

<sup>33</sup> Putnam, *Proceedings*, 237–274, 424–434; *Durham Quarter Sessions Rolls, 1471–1625*, ed. C.M. Fraser (Surtees Soc., 1991), 39–65.

<sup>34</sup> D.A. Crowley, 'The Later History of Frankpledge', *BIHR*, 48 (1975), 1–15; P.R. Schofield, 'The Late Medieval View of Frankpledge and the Tithing System: An Essex Case Study', in *Manor Court*, ed. Razi & Smith, 408–449. On the institution generally: W.A. Morris, *The Frankpledge System* (New York, 1910), esp. 156–7 for the point about the registration of inhabitants.

that the capital pledges had, as a body, become a form of standing jury of the whole leet, three pledges per ward.<sup>35</sup> This inference is strongly supported by a civic ordinance of 1484, which declared the twelve pledges to be constables of the town, forever.<sup>36</sup> By 1520, now also known as head borrows, they were sworn to make true presentments of all things presentable in the leets during their terms of office.<sup>37</sup> That this reflected earlier reality, as so often with late-medieval legislation, is revealed by the large fine of 6s. 8d. imposed on the pledge John Bolton in 1465 for failure to present as he should.<sup>38</sup> In 1447, the London court of aldermen had similarly directed that a ward jury should stay in office for a full year.<sup>39</sup> Subsequent examples of precepts to hold wardmotes charged London's aldermen

that the seid enquest have power and auctoritee and stonde in effect by an hole yeer, to enquere and presente all suche defaultes as shall be founde withyn your warde, as often tymes as shall be thought to you expedient and nedefull.<sup>40</sup>

The importance of such consolidating developments, which must also have conferred considerable local power and influence on these standing jurors, for the dissemination of legal knowledge will be explored in more detail in the final section of this chapter.

From what source or sources, then, did such jurors obtain knowledge of the laws that they were required to enforce? The starting point for this endeavour is to summarise the offences presented, before looking at their stated sources, drawing suitable inferences where necessary. The first category of presentments unsurprisingly related to victualling, principally to baking and the sale or regrating of bread, the brewing of ale and beer and its sale or (as locally expressed) its gannocking, breaches of the assizes of millers or of wine and, finally, baking by innkeepers. Fines imposed for these offences were routinely imposed as part of a licensing arrangement.<sup>41</sup> The second category of offence related to the quality and price of other victuals, regrating and forestalling. Particularly notable for present

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<sup>35</sup> C/2/8/1/13, m. 2.

<sup>36</sup> Bacon, *Annals*, 151.

<sup>37</sup> C/4/1/4, f. 204.

<sup>38</sup> 1465E.

<sup>39</sup> Jo.4, f. 180.

<sup>40</sup> *Lib.D.*, f. 124 (12 Dec. 1461). Almost identically: TCC, O.3.11, ff. 82v–3 (12 Dec. 1465).

<sup>41</sup> Davis, *Market Morality*, 392.

purposes were offences relating to the inadequate watering of salted fish, apparently a danger to human health, and the failure to bait cattle with dogs prior to slaughter, together with a second butchery offence of not bringing the carcass to market. A third category was manufacturing offences but, in this case, nearly all the offenders were leatherworkers, usually tanners. The absence of any offences related to cloth, weaving, metal work and other such trades causes one to suspect that these crafts were already supervised elsewhere, perhaps by wardens or searchers, even though it seems that Ipswich (unlike Colchester or Norwich) still lacked organised corporate craft structures.<sup>42</sup> The leets finally also dealt with numerous matters of public order and nuisance. It is less clear that offences in this last group actually represented the licensing of certain kinds of trading activity and, in contrast to those, what we have in this final category are almost certainly assertions based on real facts that were individually considered by the jury.

Clerical decisions as to what legislative source, if any, to cite to support any given presentment were extremely inconsistent. Their focus was to record the outcome, often seemingly as briefly as possible whilst saying just enough to withstand subsequent legal challenge. Sometimes, perhaps falling below even this minimum, we just see that a group kept inns and nothing more.<sup>43</sup> Indeed, where we have both leet rolls and estreat rolls for the same sessions, references differ between the two and are, oddly, occasionally more detailed in the estreats.<sup>44</sup> The two types of record may be translations into Latin made at separate times from a common vernacular draft.<sup>45</sup> Elsewhere, the same clerk might oscillate between referring to the bailiffs' proclamation, to a precept of the bailiffs, or to an ordinance or custom, or combinations of these terms. These were all for identical offences. At times, as at Exeter, the description of the offence appears to be standard form, added after the

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<sup>42</sup> Davis, *Market Morality*, 387. Note that in 1472 groups of *individuals* were fined as fullers and furrriers respectively by the leet for failing to produce a taper at the Corpus Christi pageant, 1472W. There is a list of 11 crafts, and 3 fraternities, participating in pageants, c.1450x70 at C/4/1/2, f. 72.

<sup>43</sup> 1437E & S.

<sup>44</sup> E.g. the estreats for 1472W, which clarify that *white* bread was baked contrary to the assize.

<sup>45</sup> M. Bateson, 'The English and the Latin Versions of a Peterborough Court Leet, 1461', *EHR*, 19 (1904), 526–8, showing a rough vernacular draft of presentments and a very different Latin perfected version.

list of names of those to be presented for its infringement.<sup>46</sup> London Portsoken ward records from the 1460s to the 1480s, and those from other years found in the *Journals*, omit citations of external legal sources entirely, but there is actually often a close correspondence with the terms of articles and charges to wardmote juries surviving from the time.<sup>47</sup>

Of course, there is rote involved in this. Do these citations tell us very much of use at all? Whilst this is certainly a reasonable concern to have, nonetheless, it does seem that even routine licensing of victuallers had to be conducted against a legal framework. There had to be a reason why it was appropriate to present an innkeeper. Similarly, it was insufficient for the clerk simply to say that someone had brewed by dishes and cups or by unjust measure; good practice suggested this also had to be said to be contrary to the assize. This was an instrumental requirement of legal form because leets were courts of record under which royal jurisdiction was exercised by local franchise and the record was therefore removable to the king's courts by writ of error.<sup>48</sup> Moreover, such references were also meaningful in a more developed sense, in that they evinced an affirmation or validation of the laws that a town was applying when exercising a leet or tourn franchise.<sup>49</sup> Furthermore, these citations are not likely to be false statements as to the laws applied by the jury. They are often vague or inconsistent, but they are not arbitrary. As a minimum, as they do at Exeter, they provide a level of secondary evidence of the laws that were being applied by local juries, probably significantly understating how many local ordinances and proclamations there actually were for juries to apply. Citations can accordingly assist as tools to illuminate the way back to the source material that was the basis of the experiential 'sense' of the law obtained through sitting in juries and working in local courts.

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<sup>46</sup> C/2/8/1/8, rot. 1 (1434S): 2 names, to which the fact that they baked against the assize seems an afterthought; similarly, Exeter MTR13 (1440N). One might also add a tendency for clerks only to give a full citation in the first ward and to assume it for the others, e.g. C/2/8/10.

<sup>47</sup> Particularly on obstructions, purprestures and breaches of fire precautions: cf. the text printed by Rexroth, *Deviance*, 350–5 with: TCC, O.3.11, ff. 83–4v, 145–6v; *Lib.D*, f. 125; *Arnold's Chron.*, 90–3.

<sup>48</sup> *Selected Readings and Commentaries on Magna Carta 1400–1604*, ed. Sir John Baker (Selden Soc., 2015), 126.

<sup>49</sup> The importance of proclamations and leets as defensive gestures, to protect contested jurisdiction is explored in chapter 5.

Davis found close correspondence between the offences presented in the Ipswich leets and customs in the town *Domesday*, and it is true that certain common offences can be connected to those found in this fourteenth-century text.<sup>50</sup> But, as mentioned at the start of this section, it is possible to expand on this by looking more widely at fifteenth-century ordinances and other contemporaneous documentation to look at the sources for the laws cited in leet presentments. First, one finds explicit references to statute in the leets. As we have already seen, the sale of victuals in inns was frequently presented on the basis that it was for excess lucre and contrary to statute. Later, it appears that it was enough simply to pray in aid the undue profit motive.<sup>51</sup> The presentments do not suggest that any systematic use was made of statutory legislation at all, or that they were drawn directly from the contents of contemporary statute books or abridgements made from them. Rather, when the term ‘statute’ is used, or and sometimes even when it is not, the more immediate influence appears to have been a text such as the now familiar, pseudonymous, ‘statute of Winchester’. Ipswich has copies of some of this material in a later *Domesday*.<sup>52</sup> The correspondence between many of the victualling and trading leet offences and this quasi-statute is close. Indeed, almost all of the offences can be identified in versions of the ‘statute’ dating from the 1470s.<sup>53</sup> These include the conventional assizes and their extension to preclude any baking by innkeepers.<sup>54</sup> Similarly, we find a provision in the ‘statute’ analogous to that commonly applied in Ipswich, that no-one is to ‘water no maner of fysshe twyes’. We also see butchery and leatherworking offences, and a regulation requiring innkeepers not to keep a disorderly house.<sup>55</sup> The latter was even presented in Ipswich peace sessions as a *statutory* offence.<sup>56</sup> Many of these concerns also found their way into local ordinances, often proclaimed at a minimum annually by the bailiffs at Michaelmas. Accordingly, under this normative system, rules of national origin, in some cases ultimately drawn from parliamentary statute, were refracted through the lens of these intermediate texts in their localised form.

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<sup>50</sup> *Market Morality*, 389.

<sup>51</sup> Cf. 1424 W, N & E with 1465 N, E & S, or 1483 (all wards).

<sup>52</sup> C/4/1/4, ff. 110v–17v.

<sup>53</sup> Most conveniently in: *CLB*, 395–401; *North.Recs.*, i. 344–9.

<sup>54</sup> *CLB*, 397–9.

<sup>55</sup> *CLB*, 398–400.

<sup>56</sup> C/2/9/1/1/10 mm. 49, 52.



### 7.2.1.3. *The Offences Indicted in Peace Sessions in Ipswich*

The procedures adopted in Ipswich's peace sessions do not seem to have greatly changed between 1440 and 1485. Courts were held approximately quarterly. Separate panels of jurors were selected for the town and for its four surrounding hamlets. There is a notable parallel here with the peace sessions held in Nottingham, in which juries were sworn in from the eastern and western parts of the town and of urban constables from all of it.<sup>57</sup> The non-urban context of the hamlets of Ipswich is reflected in some of the indictments, particularly in the presentment of hunters.<sup>58</sup> We also have some jury selection material, from which it is clear that these panels of presenting jurors were only summoned shortly before the session was due to be held.<sup>59</sup> It also seems to have been rare for local officials to sit on the juries. For the eight sessions for which we have sufficient data, the only instance of this happening is the bailiff of the hamlet of Brooks, John Fer, who sat on juries in December 1475 and March 1476.<sup>60</sup> Indeed, even the attendance of some officers could be perfunctory, despite the fact that they were summoned to attend in their official capacity. Robert Barker, bailiff of the hamlet of Stoke, was amerced in September 1476 for missing four sessions.<sup>61</sup> There is no evidence in the session records of pre-selection or of juries or of standing bodies, though the town bailiffs and their four colleagues themselves will have continued in their office as keepers and justices during the intervening period. We have, therefore, what is more obviously a royal court operating *in* Ipswich and rather less strongly a court *of* the town.

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<sup>57</sup> *The Records of the Borough of Nottingham, vol. ii*, ed. W.H. Stevenson (1883), 214–9 (1453), 261–5 (1467).

<sup>58</sup> C/2/9/1/1/1/2, m.2; C/2/9/1/1/1/3, mm. 1, 5; C/2/9/1/1/1/7 m.1. Some of these indictments appear to derive from complaints made by the officials of large local landowners. 13 Ric. II st. 1 c.13 (SR, ii. 65) was included in precedent charges, e.g. Putnam, *Proceedings*, 19.

<sup>59</sup> In 1455, juries for sessions on 19 Dec. were summoned on 11 Dec: C/2/9/1/1/1/4.

<sup>60</sup> C/2/9/1/1/1/10, mm. 26, 29, 33–4.

<sup>61</sup> C/2/9/1/1/1/10, m. 6.

The surviving session indictments appear to be local copies preserved to mark administrative progress, so that the clerks could monitor fines and the course of legal process issued against the accused and to ensure juries attended court. Almost all of the records relate to presenting rather than trial juries. The General Court of the town annually elected a clerk of the peace from at least 1455, and most, if not all, of these men were (modestly) legally qualified.<sup>62</sup> The indictments they prepared are notably more elaborate than those of the leets. Indeed, they are probably the perfected versions of informations, or bills of indictment, a point of some importance discussed further in the final section of this chapter. It is unlikely that these indictments contain much, if any, licensing of a particular trade, except in certain matters of victualling or manufacture, such as the sale of horsebread or of un-tanned leather (as in the leets). Explicit or implicit references to parliamentary statute are much more common than they are in leet presentments. Occasionally, these cite an extract, or give its regnal year,<sup>63</sup> but the same offences could be framed in very different language at different times, suggesting that divergent precedents were used by the clerks. As with the leets, such variations in these references suggests that little direct use was made of statute books or abridgements of them. The session records also include statutory indictments of points that were only, in fact, covered by quasi-statutory material, principally the victualling ‘statute of Winchester’. Examples of this are the holding of disorderly taverns and the frequent indictments relating to the leather trades,<sup>64</sup> forestalling,<sup>65</sup> or, again, the inadequate watering of salted fish.<sup>66</sup> Offences were put forward applying the same, or very similar, legal rules as in the leets, even if the individual offences themselves were not the same. However, comparison in years when records are available for both leets and sessions does not suggest that the leets acted in any way as a feeder system for what went up to the bailiffs as justices.<sup>67</sup> A few offences were also

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<sup>62</sup> John Creyk (1455–68), borough court attorney and later a JP himself. Amor, *Ipswich*, 243–4; *MoC*, i. 540; Bacon, *Annals*, 129. John Balhed (1467, 1478–85), member of Thavies Inn and common clerk 1478–96: *MoC*, i. 260. Benedict Caldewell (1470–3), member of Lincoln’s Inn and under-sheriff of Suffolk 1463–4: Amor, *Ipswich*, 241–2; *MoC*, i. 420 (without christian name).

<sup>63</sup> E.g. forestalling: C/2/9/1/1/1/10, m. 4; or on hunting: C/2/1/1/1/2, m. 2.

<sup>64</sup> C/2/9/1/1/1/10 m. 7, C/2/9/1/1/1/11, m. 3.

<sup>65</sup> C/2/9/1/1/1/11 m. 3, C/2/9/1/1/1/12, m. 2.

<sup>66</sup> E.g. C/2/9/1/1/1/2, m. 10.

<sup>67</sup> Cf. C/2/8/1/19 (leet, 20 May 1483) & C/2/9/1/1/1/13, m. 5 (session, 10 Jun. 1483); or, C/2/8/1/20 with C/2/9/1/1/1/13, m. 2.

presented in sessions as being contrary to local ordinances.<sup>68</sup> Certain recent statutes appear to have been in play, for instance, for the traitorous burning of a house in 1449 and the illegal export of skins to Zeeland in 1454.<sup>69</sup> Similarly, there are numerous indictments for forestalling grain and victuals after 1479 and these, in particular, appear to coincide with a number of royal proclamations on this subject in the early 1480s.<sup>70</sup> Presentments for gaming offences increase too at around the time of 1478 statute on this subject.<sup>71</sup>

### 7.3. Case Study II: Exeter Tourn Juries and Local Officials

Exeter was, of course, an important trading centre to the opposite side of the country. Excellent studies exist of its society and economy.<sup>72</sup> We have records of presentments in its mayoral tourn for 27 years out of a possible 48 between 1423 and 1459 (about 100 individual tourns held in Exeter's four quarters), after which the institution appears to have lapsed. As Kowaleski has said, the tourn was evidently in decline after the 1430s, if not before.<sup>73</sup> An attempt to revive it in 1488–9 by the reformist mayor and lawyer Richard Clerk seems to have failed.<sup>74</sup> Allowing for some losses, problems of legibility and uncertainties of identification, the material produces a data set of around 371 jurors. The patchiness of the surviving material makes it harder to draw firm conclusions than for the previous century, notably in assessing levels of repeated jury service.<sup>75</sup> Presentments also came in strikingly lower numbers. Nonetheless, rather than seeing these aspects, or the relative senility of the institution in general, as a disadvantage in the present exercise, it seems particularly opportune to look at a system under strain when considering the application of local and national regulation in practice in an urban

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<sup>68</sup> For forestalling: C/2/9/1/1/1/5, m. 2, prohibited under the town *Domesday*: C/4/1/4, ff. 61v–2v, 208 (common proclamation).

<sup>69</sup> On burning: C/2/9/1/1/1/2, m. 10, relating to 8 Hen. VI c.6 (*SR*, ii. 242–3); On skins: C/2/9/1/1/1/3 m. 7 (citing 27 Ed. III st. 2 (*SR*, i. 332–343)), probably also 27 Hen. VI c.2 (*SR*, ii. 347–9).

<sup>70</sup> C/2/9/1/1/1/11 m. 3; *CPR*, 1476–85, pp. 264, 320; Steele, *Proclamations*, pp. clxxvi–clxxviii; LBL, ff. 181v–2v.

<sup>71</sup> E.g. C/2/9/1/1/1/10, m. 1 (nocturnally frequenting dice); C/2/9/1/1/1/13, m. 4.

<sup>72</sup> See particularly: Kowaleski, *Local Markets*; E.M. Carus-Wilson, *The Expansion of Exeter at the Close of the Middle Ages* (Exeter, 1963).

<sup>73</sup> Kowaleski, *Local Markets*, 92, 132–174, 338–9.

<sup>74</sup> ECA, Book 55, f. 58v. A formulaic allocation of fines *attributable* to the tourn continued in Exeter Receivers' Accounts after 1460.

<sup>75</sup> It is still possible to form an *impression* of those who served repeatedly on tourn juries, and some examples of this are given below.

court towards the end of the middle ages. The primary disadvantage of Exeter's sources is actually the lack of a surviving contemporary example of the common proclamation itself, though it is possible to reconstruct some of its content from references to it in tourn presentments. There is also valuable contextual material available for Exeter, notably the reasonably, though not always reliably, full records for admissions to the freedom of the town and its excellent records of local office-holding at senior and at more modest levels.<sup>76</sup>

The earliest Exeter tourn of 1296–7 concentrated on market offences. Originally, the business of the tourn was enrolled on the mayor's court roll, and the practice of using the dorses of those rolls, and not a separate series, persisted to around 1368.<sup>77</sup> Until 1430, it was customary to hold the four tourns in around November (sometimes later), therefore, not long after the new mayor took office at Michaelmas. Thereafter, the sessions shifted to a date towards the end of the mayoral year. The reasons for this change are unclear. The best explanation may be fiscal pressure on the town's receiver to get the standard and other fines in before he left office at Michaelmas.<sup>78</sup> The postponement of the tourn to the end of the mayoral year may, however, have weakened its link with the mayor's annual proclamation at Michaelmas;<sup>79</sup> the delay allowed many months for memories to fade. Kowaleski has discussed the content of the tourn records in some detail, concentrating on the previous century.<sup>80</sup> For the most part, the tourns were used as a system of market control over outsiders and for the licensing of residents conducting brewing and similar victualling activities. Presentments were once made in huge numbers, for such matters as brewing and selling ale against the assize (but not saying how it had been broken), selling ale, cider, mead, wine and other liquors

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<sup>76</sup> I have assembled a database of jurors from MTR5–15 (1422x59) read in conjunction with: *EF*; a database compiled from MCR (1422–83) by Hannes Kleineke (which he has generously made available to me); H. Kleineke (ed.), *The Chancery Case Between Nicholas Radford and Thomas Tremayne: the Exeter Depositions of 1439* (Devon & Cornwall Rec. Soc., New ser., 2013). For context on the council of Exeter, in particular: B. Wilkinson, *The Mediaeval Council of Exeter* (Manchester, 1931). All general assertions that follow in this section are derived from analysis of this corpus of material.

<sup>77</sup> Kowaleski, *Local Markets*, 339.

<sup>78</sup> As Kowaleski speculates, *Local Markets*, 187, these were probably more simply applied standard fines on shopholders, of which there is ample evidence in MTR15.

<sup>79</sup> The timing is apparently confirmed by Hooker, *Description*, iii. 804, 806.

<sup>80</sup> *Local Markets*, 92, 120–192. The proclamation may have been, in part, originally inspired by customs of London: ECA, Book 55, f. 58v.

by false measures, and (from the 1360s)<sup>81</sup> selling oats in hostels in false measures. These standard allegations continued to be put after 1423, though the measures directed towards outsiders disappear from view. It can be seen that there was external authority for some of these presentments— royal assize regulation issued in the thirteenth century and thereafter re-issued and refined locally and by statute. Other recurring offences, however, confirm the existence of an annual mayoral common proclamation at Exeter at this time.<sup>82</sup> One offence, found particularly in the south and east quarters before 1447 or 1448, was that named persons had animals, usually sheep, pigs or fowl, wandering in the street contrary to the common proclamation of the mayor.<sup>83</sup> Another cites a local statute on the sale of rushes, made of old.<sup>84</sup> Others address a case of brothel keeping against the common ordinances or the working of sheep hides within houses.<sup>85</sup> A fishmonger was presented in 1444 for being leprous or infirm in the town, contrary to the ordinance and proclamation of the mayor.<sup>86</sup> Indeed, in their dispute with the authorities of the dean and chapter of the cathedral in the 1440s, Exeter cited the ‘ordinance of the saide Citie and the Kynges cry by the Maier therof’ in relation to the sale of bread, ale and wine sold at retail at a greater price than established. As has been said in chapter five, this was an assertion of the town’s jurisdiction in these matters, in disputed conditions.<sup>87</sup> The mayor, John Shillingford, was, instrumental in these ultimately unsuccessful manoeuvres. He was also possibly behind at least one of a number of occasions when the tourn presented a number of specific charges to address particular mischiefs. In the north and west quarters in 1436 and in the north and south in 1448, there was a particular push on disrepairs, under what would be called the building assizes in London, purprestures and other nuisances, including a pig sty annoying Shillingford himself.<sup>88</sup>

Who, then, were the jurors entrusted to get to grips with these matters? The corpus of 371 men can be analysed by trade, occupation or addition; when they were

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<sup>81</sup> And, note, therefore prior to 13 Ric. II c.8, as in London and Northampton.

<sup>82</sup> Hooker, *Description*, iii. 804, 846.

<sup>83</sup> 1423N, S, E, 1428E, 1430E, 1432S, E, 1433E, 1447S.

<sup>84</sup> 1454N.

<sup>85</sup> 1423S, 1449N.

<sup>86</sup> 1444N. See also 1445S on wools.

<sup>87</sup> See chapter 5, n190.

<sup>88</sup> There are no jury lists for 1448.

elevated to the freedom; by rank, indicated by office-holding; and by looking at the relationship between certain offices and jury service. First, there seems to have been little or no correlation between the composition of tourn juries and either the presentment of offences said to be contrary to mayoral proclamations or with occasions in which there were campaigns directed against certain kinds of mischief. In neither case is there a notable influx of a number of jurors of higher civic status, of Rank A (mayors, stewards, receivers or inner councillors) or B (outer councillors or electors) according to Kowaleski's scheme.<sup>89</sup> Nor do we see a significant rise in the number of newcomers in these instances; there is little evidence of pressure being applied on the process in jury selection, either from the civic elite or from ward residents. Rather, there seems to have been a quiet confidence on the part of the ruling elite that when they wanted a jury to consider particular matters, they could be trusted to do so. If there was any sense of flux, this appears instead to have been part of a process of consolidation precipitated by commercial or political pressures on getting freemen to serve in juries.<sup>90</sup> In 1440, a combined tourn jury sat, for the first time, something that became normal practice from 1452 to 1459, though there is no clear trace of a standing body as had emerged in London or Ipswich. In 1450 and 1451 we first encounter jurors sitting in more than one quarter simultaneously,<sup>91</sup> and, from the late 1440s, we see the inclusion a small number of merchants or wholesale traders, four mercers after 1444 and a draper in 1458. Robert Smyth, mayor in 1469–70, sat in the north quarter in 1446, three years before he took the freedom, but his ultimate success may not have been assured so early.<sup>92</sup> By 1453, we see clear evidence of shopholders electing to pay a small fine rather than the £1 required on admission to the freedom. Such admission may have

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<sup>89</sup> M. Kowaleski, 'The Commercial Dominance of a Medieval Provincial Oligarchy: Exeter in the Late Fourteenth Century', in *The English Medieval Town: A Reader in English Urban History 1200–1540*, ed. R. Holt & G. Rosser (Harlow, 1990), 184–215, esp. 191–3. It is arguable that the standing of the 3 stewards (or bailiffs) is over-valued as 'Rank A'; many did not progress to receiver, the 4th steward, clearly an office of higher standing.

<sup>90</sup> For regional political tensions in the 1440s and 1450s, see H. Kleineke, 'þe kynges Cite: Exeter in the Wars of the Roses' in *The Fifteenth Century VII: Conflict, Consequences and the Crown in the Late Middle Ages*, ed. L. Clark (Woodbridge, 2007), 137–156, at 141; R.L. Storey, *The End of the House of Lancaster* (2<sup>nd</sup> ed., Stroud, 1986), 84–92.

<sup>91</sup> John Hakewerthy, 1451 S & W; Thomas Yonge, 1450 E & W.

<sup>92</sup> Juror, 1446N; admitted to freedom 23 Sep. 1448, elector from 1451–2; councillor from 1450–1; steward 1453–4, 1456–7; receiver, 1458–9; mayor, 1469–70: MCR; *EF*, 51, 54–6 (as mercer, or merchant).

acted as a trigger for the duty of jury service.<sup>93</sup> On 4 September 1458, Richard Poleman was admitted. He sat on the tourn jury the following day.<sup>94</sup>

Manufacturing artisans made up the core of these somewhat docile groups of men. Of 115 jurors whose principal occupations can be reasonably safely gauged from express occupational additions to their names or from apprenticeships,<sup>95</sup> 75 were in manual trades, 47 of them leatherworkers. Butchers were much the most common victuallers to sit, doubtless because they usually served as warden of the Fleshfold or Shambles, an institution first established by the town in 1380–1.<sup>96</sup> Of these identifiable jurors, probably about 70% attained the freedom at some point, a proportion that declined from the 1440s, in circumstances we have just described. Up to 60% of our group of 371 jurors never held any civic office at all, but, conversely, as with Robert Smyth, around 10% eventually achieved the highest positions. A significant proportion of jurors held the minor appointments of alderman, porter (or gate-keeper), bridge-warden or sergeant at some point in their lives.<sup>97</sup> Around 58% of aldermen allocated to each of Exeter's quarters sat on tourns between 1423 and 1459, about 66% of its porters, and 53% of bridge-wardens. In contrast, only around a third of sergeants sat as jurors at any time, probably because, by 1436 at the latest, the office had become professionalised and each holder had specific responsibility for the conduct of the tourn of a stated quarter, which may have made jury service inappropriate.<sup>98</sup> We have jury lists for 26 years, and for each year there were eighteen documented holders of these four minor civic offices to fill, a total of 468 possible positions. Yet we only find 35 occasions in which the appointed officer was a juror at the same time, only 7.5% of the maximum. Minor officials were thus perceived to be the right kind of man for jury service, but it appears they were not selected because they were *in* office at the time. Overall, these conclusions are compatible with those drawn by Kimball of jury composition in peace sessions in Coventry in the 1380s and 1390s— the civic

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<sup>93</sup> John Wykham, juror 1450N, but still an un-free shop-holder in 1453: MTR 15, m. 10d.

<sup>94</sup> MTR15; *EF*, 53.

<sup>95</sup> For the complications caused by multiple occupations, see Kowaleski, *Local Markets*, 123–6.

<sup>96</sup> Kowaleski, *Local Markets*, 89, 182–3.

<sup>97</sup> For the aldermen & porters, the holders of which are her 'Rank C', see Kowaleski, *Local Markets*, 103. On this point and those that follows, the number of office-holders on juries early in the period may be understated because time has not permitted a search of the MCR *before* 1422.

<sup>98</sup> In 1436 W, E & S, the names of the allotted sergeant appear in the record for each quarter.

elite was largely absent, but the rest of the resident population was fairly well represented.<sup>99</sup>

#### *7.4. Procedural Aspects of Leets and Peace Sessions*

In the preceding case studies, whilst staying within the interpretative framework of this chapter, I have, as far as possible, tried to allow the material from Exeter and Ipswich to speak for itself. It is now time to draw these strands together, and to combine them with other evidence, chiefly drawn from precedent books for use in courts leet and peace sessions, to consider in a more analytical way how juries and officials in these courts engaged with the law. A few starting propositions for this exercise have already emerged from the previous two sections. The first is that juries in Exeter were of modest standing, contained many men likely to be the sort of person who held minor local office at some point, but were not normally in office at that time. They were probably summoned to appear on the day of the tourn, or dragooned into service on it because they were physically present. Ipswich's leet juries were rather different. After 1434, they comprised a standing body of capital pledges who were, or were well on course to become, constables, that is to say, part-time local officials. The same can also be said of London wardmote juries. The Ipswich pledges applied a varied diet of statute, quasi-statute and local ordinances and proclamations in the town leets. Ipswich peace sessions, in contrast, seem to have been more regimented affairs, in which juries were summoned, again, shortly before the court day, to endorse formal legal denunciations drafted for them in advance.

A critical point that can be extracted from the records from Ipswich is how much business was conducted out of leet or peace sessions.<sup>100</sup> The volume of leet business conducted by the standing jury often seems unrealistic for a single day across all four wards. On 19 May 1467, the pledges raised 81 heads of offence, involving 309 individual offenders.<sup>101</sup> On 4 June 1471, they are recorded as working through 82

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<sup>99</sup> E.G. Kimball (ed.), *Rolls of the Warwickshire and Coventry Sessions of the Peace 1377–1397* (Dugdale Soc., 1939), pp. lii–liii.

<sup>100</sup> For the work of a county JP, see: M.A. Hicks, 'Out of Session: Edward Guildford of Halden, Justice of the Peace for Kent, 1436–43', *Southern History*, 28 (2006), 24–45.

<sup>101</sup> C/2/10/1/4, mm. 1–4.



matters and 338 offenders.<sup>102</sup> It seems more likely that the business was, in fact, pre-prepared and only formally sworn to in court. A similar conclusion must also be drawn for the proceedings of London wardmotes in 1473, though it should be acknowledged that these appear to have been held in atypical circumstances, to meet a perceived crisis of public morality.<sup>103</sup> Here, ward juries, probably the standing ones first established in 1447, for Portsoken, Vintry, Tower and Farringdon Without were charged by reference to a specifically-prepared set of enquiries. For two other wards, a special inquest jury was sworn at Guildhall. Closer examination, however, suggests that these juries may well have been justifying prior official action. First, the Portsoken jury was asked not only to present malefactors in their own ward, but also those ‘taken’ in Middlesex.<sup>104</sup> Secondly, the jury for the Tower ward presented Elizabeth Kirkeby ‘for a comen bawde taken at the galey key in þe said warde & she dwellyng by seint mary spitell’.<sup>105</sup> The arrest, in other words, had already taken place.

A second point of significance to draw from the Ipswich material, already alluded to, is that two of the items contained in the peace session records, otherwise of mostly completed indictments, are bills of information, both including the required imprimatur of the jury of ‘billa vera’. One also began in the form ‘Inquiratur pro Domino Rege si ...’ as the precedent books recommended.<sup>106</sup> Information procedure had become commonplace in the later fourteenth century, and may well have become ubiquitous by the fifteenth.<sup>107</sup> Under it, informants and local officials put forward complaints orally or in writing which were affirmed, or not, by juries of triers, a prototype of the grand jury.<sup>108</sup> The session jury’s oath in a peace precedent book contains a requirement that they should not receive bills other than from the justices.<sup>109</sup> This shows the jury ordinarily received bills to approve through the

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<sup>102</sup> C/2/8/1/13.

<sup>103</sup> Jo.8, ff. 46v–50v. The charge is at f. 49; *Lib.D*, f. 127.

<sup>104</sup> Jo.8, f. 47.

<sup>105</sup> Jo.8, f. 48.

<sup>106</sup> C/2/9/1/1/10, m. 38; C/2/9/1/1/13, m. 6[a]. For precedent informations for murder and for the statutory trespass of forcible entry: BL, Harl. MS 1777, ff. 38v–9.

<sup>107</sup> A. Harding, ‘Plaints and Bills in the History of English Law, Mainly in the Period 1250–1350’, in *Legal History Studies 1972: Papers Presented to the Legal History Conference, Aberystwyth, 18–21 July 1972*, ed. D. Jenkins (Cardiff, 1975), 65–86, esp. 77, describes how bills could often be more detailed than subsequent indictments.

<sup>108</sup> J.H. Baker, *An Introduction to English Legal History* (4<sup>th</sup> ed., 2002), 505–6.

<sup>109</sup> BL, Harl. MS 773, f. 65v.

court. The compiler of the indictments in the final section of the printed *Boke of the Justice of the Peace* does not seem to have appreciated that there was a difference between a jury considering a bill and producing its own presentment, featuring specimen informations or indictments interchangeably.<sup>110</sup> In a drafting sense this was wholly understandable. Shorn of the different opening words, the remaining text could be to all intents identical, as comparison between six raw bills and finalised indictments drawn from them in the Hampshire peace roll of 1474–5 shows.<sup>111</sup> Indeed, notwithstanding the methodological reservations expressed earlier, there is little to suggest that procedures followed at county level in Hampshire differed greatly from those in Ipswich.

Another sign that the records may obscure as much as they illuminate is the prevalence of different juries presenting the same offender or offence, as if each presentment reflected their own original thought. Examples of this can be given from Ipswich's peace sessions, where juries of both town and hamlet quite frequently presented the same incident in near identical language.<sup>112</sup> The same phenomenon appears in the fourteenth-century leet records of Norwich.<sup>113</sup> Different juries in Hampshire in 1474–5 also put forward identical, or near identical, bills.<sup>114</sup> Indeed, it is known that certain bodies of Hampshire juries in 1474–5 had their own clerks, appointed by the justices.<sup>115</sup> It seems probable that these duplicated bills were the product of coordination by the justices and perhaps by the chief constables of hundreds and private franchises below them in the system of the keeping of the peace.<sup>116</sup> Putnam describes some of the Hampshire informations as being made by

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<sup>110</sup> There are informations on high treason at cc. 1 & 2 and on felonies at cc. 23 & 25: STC 14863, sigs. f [iii]<sup>v</sup>–[iv], G [vi]<sup>v</sup>–[vii].

<sup>111</sup> *Proceedings*, 243–4, 246, 248–250, 263. Putnam does not print the indictments in full; I have checked the 6 bills against the indictments at KB9/110, mm. 49d–50 and found only very minor changes.

<sup>112</sup> Harding, 'Bills', at 68, interprets a case of this in 1274–5 as evidence of different juries acting independently. One might think the opposite.

<sup>113</sup> *Leet Jurisdiction in the City of Norwich During the XIIIth and XIVth Centuries*, ed. W. Hudson (Selden. Soc., 1892): the same accusation of poulterers and fishmongers made in different sub-leets and wards at 10–11, 15, 18. Similarly, Stevenson, *Records of Nottingham*, ii. 216–18, 260 n4, 262 n2, 263 nn3–4, 348 n1.

<sup>114</sup> Putnam, *Proceedings*, 241–2, 247, 251.

<sup>115</sup> *Ibid.*, 255. KB 9/110, mm. 40, 42 suggests that 5 jury lists may originally included names of clerks.

<sup>116</sup> For a precedent of a petty session heard by the chief constables of the hundred of Stowmarket: BL, Harl. MS 1777, f. 73. See too: Musson, 'Sub-Keepers'.

hundred juries.<sup>117</sup> Though, due to the lack of evidence, the origin of bills of information in counties is uncertain, we should not discount the possibility that bills were prepared or proposed by individuals, informants perhaps, and by groups in hundreds and in franchised jurisdictions armed with some legal knowledge or professionally assisted at local level. After all, as Harding puts it, presentments ‘must always have been based on the complaints of individuals’.<sup>118</sup> Within a town, it seems highly likely that the opportunities for central direction were greater. Standing juries of officials, principally constables, or juries containing men who were accustomed to give official service were apposite for the exercise of compiling and drafting bills. Finally, another sign of direction given to juries in peace sessions is the way that individual sessions very notably concentrate on particular categories of offences, on campaigns rather than on a set range of offences repeated in each court session.<sup>119</sup>

This, then, leaves us with something of a quandary, because a number of these findings are not readily reconcilable with what we know of the supposed form in which these local courts were to be held. A key ingredient of that form was that juries were sworn to sets of articles and charges that they were intended to apply in their deliberations. This implies that they were supposed to make their own inquiries, framed by written abbreviated codes of substantive legal provisions; this would be a process that would have required judgements to be made on the application of those provisions. The charge was a long-established procedural mechanism that probably pre-dated its formulation in the Assize of Clarendon of 1176. It was much used by the general eyre and in other royal, shire, manorial and borough courts thereafter.<sup>120</sup> A number of precedents for charges in leets survive, primarily from a manorial context.<sup>121</sup> Whilst different in order and detail, they are

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<sup>117</sup> Putnam, *Proceedings*, 271.

<sup>118</sup> ‘Bills’, 66.

<sup>119</sup> For instance: a focus on labouring offences in Ipswich peace sessions in Dec. 1440 and Apr. 1441, SROI, C/2/9/1/1/1/1-2, 6.

<sup>120</sup> N.D. Hurnard, ‘The Jury of Presentment and the Assize of Clarendon’, *EHR*, 56 (1941), 374–410; F.J.C. Hearnshaw, *Leet Jurisdiction in England: Especially as Illustrated by the Records of the Court Leet of Southampton* (Southampton, 1908).

<sup>121</sup> Hearnshaw, *Leet Jurisdiction*, 43–64, cites a wide range of sources up to the late 14th century. I have used (besides the London versions cited separately): BL, Harl. MS 1777, ff. 9–11; BL, Add. MS 48022, f. 14v; BL, Harl. MS 773, f. 39–40v; BL, Lans. MS 474, ff. 3–4v; RCA-C2 01, ff. 12v–16v (charges to lawday & great inquests); *The Oath Book, or Red Parchment Book of Colchester*, ed. W.G. Benham (Colchester, 1907), 2–4, 221–3.

not particularly strongly localised.<sup>122</sup> The charge also found its way into print at a relatively early stage.<sup>123</sup> We also have both articles and charges, or inquisitions, from London, including several precedent charges seemingly deployed by London aldermen later in the fifteenth century.<sup>124</sup> The articles resemble a reduced summary of the common proclamation, with a few other important elements thrown in too, notably the building assizes. The charges are yet further attenuated, sometimes to a single sentence, and are framed as questions derived from the points of the articles. There has been some confusion about these two types of text. Various London texts suggest the whole *ward* was sworn to the *charge*.<sup>125</sup> John Carpenter's account in the *Liber Albus* has the ward jury, which was restricted to the better sort, swearing to the *articles*.<sup>126</sup> But another copy of the charge in the *Liber Dunthorne* of c. 1473 is very clear that the questions set out in the charge were for the jury alone and, intuitively, this seems the better interpretation.<sup>127</sup> Therefore, what in theory happened was that the whole of the ward, householders, their servants and employees, was checked off, ensuring that all males of suitable age were in frankpledge. They swore an oath to the articles. The jury was then sworn in, and sent to away by the alderman and officials to apply the charge they were given. The charge, very possibly copied out for them, acted as a kind of checklist. On their return, their findings were drawn up in the form of indentures, one being submitted to the mayoral General Court. The jury continued to use a form of this charge throughout the rest of their year of service.

A number of fifteenth-century precedents for the charges to be sworn to by juries in peace sessions also exist, usually in manuscripts that also contain leet material, though the two types of text were, from the first, printed separately.<sup>128</sup> Indeed, a charge found in a sixteenth-century custumal at Rochester is essentially a version of a charge for peace sessions with an interpolated section containing clauses clearly

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<sup>122</sup> London's texts, below, being an exception to this.

<sup>123</sup> STC 7708, sig. a [iii]<sup>v</sup>–b i (Pynson).

<sup>124</sup> *Lib.A*, i. 332–6; BL, Add. MS 38131, ff. 131–2; TCC, O.3.11, ff. 83–4v, 145–6v; *Lib.D*, f. 125; *Arnold's Chron.*, 90–3. On the procedure generally: Rexroth, *Deviance*, 191–8; C.M. Barron, 'Lay Solidarities: the Wards of Medieval London', in *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds* ed. P. Stafford *et al.* (Manchester, 2001), 218–233, esp. 222–4.

<sup>125</sup> TCC, O.3.11, f. 83; *Arnold's Chron.*, 90. The whole ward: TCC, O.3.11, f. 145.

<sup>126</sup> *Lib.A*, i. 37.

<sup>127</sup> *Lib.D*, f. 125.

<sup>128</sup> BL, Harl. MSS 773 & 1777 and RCA-C2 01 contain both.

intended for use at the local lawday (leet) instead.<sup>129</sup> It is notable that this was not modified for urban use. This precedent was purchased by the town from John Ryplingham, a member of a clerical dynasty of Lincolnshire origin, active in the London Guildhall by this time, 1460 or 1461.<sup>130</sup> The family appears to have been very active in the circulation of precedent materials and books, perhaps providing a kind of law stationery service.<sup>131</sup> The vernacular peace element of the Rochester charge closely resembles the French text in a surviving manuscript clearly associated with the Ryplinghams.<sup>132</sup> This French version of the charge was apparently completed in about 1404 (I shall call this group of texts ‘Type ‘A’).<sup>133</sup> A second stemma of precedent charges of the peace (‘Type ‘B’) comprises the text of the first printed *Boke*, where it is in English and accompanied by statutory references of varying degrees of accuracy, and a very similar text in manuscript, where the charge is followed by extracts or full texts of the supposed source statute for each proposition, in French or in Latin. As Putnam observed, apart from minor updating in the reign of Henry VII, the text of this ‘Type B’ was probably complete by 1445.<sup>134</sup> Like statute books, abridgements and tables of statutes, precedent material for peace sessions seems to bring in the statutes in tranches, with very clear caesuras in the material at clearly recognised temporal points, 23 Henry VI, being a particularly prominent one. There is relatively little further to add to Putnam’s conclusion that these peace charges were compiled by lawyers and clerks of the peace from statute books and material derived from them, such as abridgements.<sup>135</sup>

The question, therefore, remains how one squares these charges and the procedure in courts leet and peace sessions, which appear to require the jury to consider how they should apply the law to the facts they had discovered, with the evidence of the

<sup>129</sup> Cf. RCA-C2 01, ff. 17–21v with the charge at BL, Harl. 773, ff. 39–40v.

<sup>130</sup> J. Phippen, *Descriptive Sketches of Rochester, Chatham, and their Vicinities* (Rochester, 1862), 35: ‘He [Wyngham, i.e. Rochester’s first mayor] payde to John Ryponden of the Seyllde [i.e. Seld] hall yn London for hys labore to make us a boke owte of frensch yn to latyne and owte of latyne yn to hyngglysch for yn query of all manner of thynggys thatt longere on to the justyse of pese, for to yn query upon’. N.R. Ramsay, ‘Scriveners and Notaries as Legal Intermediaries in Late-medieval England’, in *Enterprise and Individuals in Fifteenth-Century England*, ed. J.I. Kermode (Gloucester, 1991), 118–131, at 122 has this as the Guildhall. Rochester obtained peace jurisdiction as well as a mayor by charter of 1461, *CChR* vi. 176–180. Jo.7 f. 201 suggests that Ryplingham was admitted to the Guildhall courts in 1452–3.

<sup>131</sup> *MoC*, ii. 1307: *sub nom.* ‘Rippingale, ?Robert’ & ‘Riplingham, Thomas’.

<sup>132</sup> BL, Harl. MS 773, material signed ‘Repyngham’ or ‘R’ at ff. 40v, 51v.

<sup>133</sup> Putnam, *Proceedings*, 10–25; *Early Treatises*, 57–8, 102–4.

<sup>134</sup> BL, Harl. MS 1777, ff. 84–110v; STC 14863, sigs. A[v]–Ci<sup>v</sup>.

<sup>135</sup> Putnam, *Early Treatises*, 43–59.

pre-preparation of business out of court? I think Arnold has already suggested the answer, in saying that, in the central courts, the charge to a trial jury simply meant that it was charged to tell the truth. When a presenting jury was confronted by a bill, effectively a draft indictment, it could potentially amend it. The Hampshire peace material of 1474–5 shows some evidence of deletions from bills presented before juries swore to their truth.<sup>136</sup> More normally, however, the role of the jury was simply to certify the bill as true or not. Ordinarily, therefore it seems difficult to see how the jury could learn very much, if anything, about the legislation cited in a bill. The fact that to do one thing was an infringement of a stated law was put forward as a general assertion, in closed form, often simply that it was ‘contrary to the form of the statute’. The formal requirements of an indictment did not require precise identification of which statute was involved or the specific terms of it breached.<sup>137</sup> Jurors were thus required to apply themselves to what was in effect analogous to a general issue. What they were doing was therefore not so different from jurors at trial. Given that a juror would have surely been highly presumptuous to declare that to do something was *not* a breach of statute as was asserted in a bill, in the presence of trained lawyers and judges, it seems likely that, in the overwhelming majority of cases, presenting juries in sessions were reduced to deciding a point of fact– did the events described happen as set out in the indictment? In this fashion, the charge has to be primarily understood as a device to establish a general responsibility on the jurors, not as a set of individual instructions, each of which had to be individually considered or applied. Presenting juries appear to have served a supervisory function, a check on the propriety of proceedings– was there any malpractice or perjury involved in the making of the bill? Was it more equitable, in rare cases, for them to say the bill was not true (‘ignoramus’)?<sup>138</sup> The charge was therefore part of a procedure designed to shore up the solidity of the jurors’ oath against subsequent challenge, a mechanism to get the session’s business achieved. A manuscript precedent of the charge, of ‘Type B’, offers some support for these conjectures because not all of the text appears to have been solely directed towards the jury at all. Whilst its English text purports to be, and often is, a pithy set of instructions to the jury, though of considerable and probably un-manageable overall length, in

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<sup>136</sup> E.g. KB 9/110, m. 21.

<sup>137</sup> Thomas Marowe’s reading: Putnam, *Early Treatises*, 393.

<sup>138</sup> E.g. that constables had properly discharged their duties under 12 Ric. II c.5: STC 14863, sig. B ii<sup>v</sup>. Note that the jurors’ response was to assert ignorance, not contradiction.

places it departs from this, giving explanations of certain common law offences such as manslaughter, murder, theft or rape.<sup>139</sup> Indeed, much as Thomas Marowe's reading on the peace of Lent 1503, it also defines the commercial market offences of forestalling and regrating.<sup>140</sup> Elsewhere, the charge gives a learned reference to the *Liber Assisarum*.<sup>141</sup> That a lawyer giving a reading in the Inns should grapple with the same intricacies of the criminal law as a vernacular charge supposedly intended for lay jurors suggests that the text of the charge actually contained a good deal of common learning, the general opinion of the profession. As such, the charge can be seen as an explicatory tool of the working clerk or lawyer in busy session courts. This information was only required in the, probably, rare event of a courtroom discussion of the legal precepts that a presenting jury needed to understand in order to say whether a set of facts infringed the law.

If we take the precedent material and the peace records of Ipswich and Hampshire as indicative of wider practice, the procedure in peace sessions needs to be considered in a performative sense, much as with the oral proclamations discussed earlier in this thesis. The charge, in particular, was conventional in intent, having been expected legal procedure for many centuries. It was no longer so meaningful once juries were sworn to try bills already prepared for them. In charging the jury, the court was *doing* something, not simply preserving the charge as a relic of earlier jury systems. It was constructing for instrumental purposes the impression, which may or may not have been true, that the jurors were sufficiently informed to be able to evaluate the adequacy of the indictments. Simultaneously, by at least ostensibly adhering to the ancient forms governing the conduct of juries, the charge endorsed a value system that saw it as a public good that the law should be communicated to juries; representatives of the local community should swear that they had applied the law in carrying out their responsibilities. Whilst prosecution by bill without sworn indictment was briefly permitted for non-capital statutory offences in 1494, this liberalisation was swiftly repealed.<sup>142</sup> Similarly, in 1414, the commons expressed anxiety that Lollards handed over to the secular authorities should be

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<sup>139</sup> BL, Harl. MS 1777, ff. 86v–7v.

<sup>140</sup> Putnam, *Early Treatises*, 369–371; BL, Harl. MS 1777, f. 101.

<sup>141</sup> BL, Harl. MS 1777, f. 87v.

<sup>142</sup> *OHLE*, vi. 522; Cavill, *Hen. VII*, 96.

formally indicted on oath.<sup>143</sup> Both instances suggest that received wisdom was that an unsworn bill, produced in informal circumstances or in the humblest courts, was insufficiently authoritative to initiate a prosecution, precisely because it lacked the performative attributes of the sworn indictment. It could be said that this conclusion should re-direct the focus of enquiry to courts below the peace sessions, where such petty sessions or hundred courts existed. If so, the lack of available evidence would present a very real challenge to further understanding. Nonetheless, there do appear to be two crucial differences between the sessions and institutions below them. First, there appears to have been no requirement or expectation that the bills produced in lower courts should be sworn. Without this, the performative and normative attributes of the charge could have no relevance. Secondly, the little we do know of the feeder system for bills suggests that the mediating influence of local officers was strong. We may therefore have come full circle, back to semi-professional standing bodies of constables and pledges such as those at Ipswich, or to London wardmote juries.

In some leets and tourns, the conclusions to be drawn as to the cognitive potential of jury service as a means of learning the law need not be so stark as they are for the peace sessions. Even here, however, there are moments when juries may have been simply ratifying actions already taken by their betters, most notably, as we have seen, in London in 1473. Here, when a charge was specifically produced for these inquiries, it is hard to take it wholly at face value. It seems to have been performative in the same sense as those for peace sessions. But, on more humdrum occasions, it seems probable that the wardmote juries and the twelve capital pledges of Ipswich were applying a code containing both national and local provisions, often a hybrid of the two, perhaps mediated through the victualling ‘statute of Winchester’, and doing so of their own initiative. An oath of tithingmen from Northampton might indeed be an example of this kind of condensed working text.<sup>144</sup> Juries would have consulted or had available copies of articles and charges in the course of their duties. They would have remembered and learned at least the central tenets of this material from their repeated service, perhaps very much more than this. The procedure in the Exeter tourns, with their lowlier juries, is more

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<sup>143</sup> See chapter 4, n57.

<sup>144</sup> *North.Recs.*, i. 393–4, citing the ‘mayors crye’.



obscure. The finding that juries did not seem to vary much depending of the type of business addresses suggests a more directed procedure, where the jurors were given a pre-prepared list of offences to ratify, in which campaigns against current nuisances were an important element. This hypothesis is supported by the highly stereotyped nature of the majority of the offences put forward and, indeed, by the demise of the institution as a whole. Nonetheless, even here, regular attendees of the tourn, including repeat offenders, and particularly repeated jurors, will doubtless have picked up at least a general understanding of the principal rules the tourn was there to apply, including the somewhat less common rules relating to the building assizes and other nuisances. In such an environment, there remained at least an echo of the mayor's cry.

### *7.5. Conclusion*

The opportunities for local juries to apply legislation in a dynamic way were more limited at peace sessions than has previously been suggested. Whilst there were prescribed oaths, articles and charges, the assessment of, primarily, urban sources undertaken in this chapter suggests that these devices played second fiddle to the endorsement of pre-prepared bills of information that gave juries limited scope for discretion, beyond the binary course of either approving or not approving what was put to them. Juries were often asked to rubber stamp action already taken by local officials or by the civic elite; the bills they ordinarily assented to were little more than a formal draft indictment prepared by a clerk. The law was thus in large measure what was prescribed for them by constables, or the clerks of minor local officers, and vetted by the justices and clerks of the peace. Even away from the fully professionalised central courts, therefore, the reception of legislation once more often appears quite shallow, and passive in nature. It seems to have been under-estimated how much the charge to a presenting jury was 'representational', or performative, in the senses that it has been argued in this thesis that proclamations so often were. There was, however, undoubtedly some level of engagement with the law in local courts, particularly as a further opportunity to hear it read out and digested during the course of court business.

Despite, or perhaps because, of their often more modest concerns, there was potentially greater active engagement with the law as it was applied in leets and tounns; this is especially true of courts in which a standing group of jurors or chief pledges sat, probably pre-selecting offences. Here, these jurors or officials must have used charges and articles as a kind of checklist to inform their policing activities during the course of the year. Indeed, there may have been cross-fertilisation from such processes back into the bills of information we have just described. However, the Exeter juries were composed of mostly more moderate tradesmen and victuallers who probably enjoyed significantly less autonomy from the local elite. There was a significant element in these juries of men who at some time held low-ranking local office. It must be recognised as a reservation about all of this that, if other courts had been studied, different conclusions might have been reached. However, given the prevalence of the general issue and the greater involvement of judges and lawyers, it seems unlikely in central court business either that juries could have engaged with the law any more actively than it has been suggested here was the case in local courts. In all probability, their role was even more passive. In all of this, what stands out is the central importance of mediating influences, the indirect transmission of statutory texts through precedents, charges, articles and quasi-statutory material such as the so-called ‘statute of Winchester’, all of it tightly under the control of clerks and local elites and civic officials, particularly by standing juries. Constant repetition of common proclamations and their offshoots in articles and charges, amalgams of local and national legislative provisions, often of some antiquity, must have made some impression. But it is hard to ignore that there was a great deal of routine involved in these forms and actions, with the lack of active engagement by ordinary townsmen, the disinterest, even, that must inevitably have followed.

## *Chapter Eight: Conclusions*

Up to about the early fourteenth century, the gentry, urban elites and even, to some degree, the nobility, had been considerably less engaged in public life than was later to be the case.<sup>1</sup> In this world, national legislation was still primarily as it was conceived by the crown. Statutes and other edicts were formally promulgated by writs that required them to be read, often, in county courts. Sometimes, similar work was done through churches and other related channels. Moreover, it seems plain that the crown was also often instrumental in rationalising and re-issuing urban law codes in this formative period. This happened most prominently in London in the development of its common proclamation whilst its liberties were suspended between 1285 and 1297–8. Similar innovations may have been made in regional centres, such as Norwich or Exeter. It was in this earlier period too that the bulk of the legal regulation that operated on a day-to-day basis in late-medieval England was created and embedded into the fabric of law and society. The assizes and other market and trading laws, associated with the victualling ‘statute of Winchester’ were one element of this. Possibly more significant still were laws concerning nuisances and crown pleas, in which the officially recognised policing statute of Winchester of 1285 played such a major role. In all this, the influence of Edward I and his advisers is apparent, though we should not see urban leaders as necessarily opposed to these developments. To this end, the so-called ‘statutes of London’, also probably of 1285, drew heavily on existing London custom, as did later parliamentary legislation in trade and economic affairs. Indeed, common proclamations, from the start, were ‘confections’ of national and local provisions; the latter frequently inspired the former. There were thus, within the innovations under Edward I, the germs of the later system by which the legislation of parliament and of towns would be received by the populace. These forms and structures represented a kind of foundational sedimentary bed, still obtruding two centuries later through succeeding layers of legislation.

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<sup>1</sup> These points are influenced by recent explorations of the roots of late-medieval political society, particularly: A.M. Spencer, *Nobility and Kingship in Medieval England: The Earls and Edward I, 1272–1307* (Cambridge, 2014), 136–152. References are only given in this conclusion to points that are new or that are developed beyond discussion in previous chapters.

Those later realities are epitomised by a letter from Margaret Beaufort, the king's mother, in 1503 to the authorities at Leicester in which she admonished them, not for their failure to uphold national laws on the peace, crime or public order, but for their perceived lack of application of the town's *own* 'laudable custumes' on these matters.<sup>2</sup> This exemplifies the inter-penetration of local and national law, how the leadership in towns and in the political centre so often worked in partnership and how the urban elite was pivotal to the processes of government. This is not to say that there were never top-down initiatives by the crown, particularly at moments of war or immediate crisis, even very occasionally by re-issuing statutes with modifications, such as the apparent suppression of the Royal Marriages Act. Indeed, it is fair to say that national concerns about lawlessness, and particularly over retaining or such matters as the playing of unlawful games increased after 1461. More informally expressed royal concerns may also have been conveyed verbally or by letters now lost throughout our period. Yet, we should not put such moments out of proportion with the whole. Indeed, the evidence surveyed across this thesis seems, overall, still to point strongly towards the reinforcement of a conception of late-medieval society as essentially cooperative, with a centre working largely harmoniously with those outside it, and in which there was a strong sense of devolution to those localities, mediated through institutional and personal agencies, such as the peace sessions, local courts, the statute book industry, lawyers and royal officials, whether the latter had strong local connections, or not. Moreover, I have argued throughout that this socio-political model also applied to towns. To say that, by the fifteenth century, urban centres operated relatively freely, but only at royal sufferance, 'self government at the king's command', seems to seriously understate the extent to which they were emancipated to implement, shape and augment the workings of the law in much their own way.<sup>3</sup>

Even in this more rounded conception of political exchange in late-medieval England, however, little has previously been said to displace the oral proclamation as the primary means by which an authority got its message heard, whether this was

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<sup>2</sup> LRO, BR II/1/1, p. 221.

<sup>3</sup> For a similar conclusions about a later period: M.J. Braddick, *State Formation in Early Modern England c. 1550–1700* (Cambridge, 2000), esp. 12–18, 92.

the crown seeking to communicate the terms of parliamentary legislation, or the elites of towns doing so for their own ordinances. There seem to be five principal ways in which the material considered in this dissertation has, one would hope, developed and refined both how we should view late-medieval society and more specific assumptions about the means by which this kind of political communication was effected within that society. To take the question of technique first, there are reasons for real doubt as to the effectiveness of general proclamations of statutes. The material was long, technical and frequently indigestible. Nor were there many significant landmarks among those statutes themselves to compare, say, with the impact on ordinary lives made by either statute of Winchester, or the important economic legislation of the fourteenth century. There is little evidence that proclamations of fifteenth-century statutes made much impression on an audience, and plenty that they did not. Whilst recognising the dangers of arguments from silence, and of taking conventional protestations of ignorance at face value, the evidence shows that oral proclamations were most effective when they were short and targeted. Long documents, such as common proclamations in towns and craft ordinances, would be summarised or only selected passages read. Written copies could be used to supplement the process, along with other techniques such as the confirmatory oath, or the conveyance of the gist to a visitor through a host. Oral proclamation was more important, and probably more effective, in an urban environment. Yet, even here, writing remained significant, not to say the bedrock of the whole process. Another important point to appreciate is that proclamations, and even exercises derived from them, such as the reading out of charges to peace jurors, were also performative enterprises. Though shorter, bespoke proclamations could effectively convey a short, targeted message, the conveying of knowledge of their content was not always the sole, or even their principal, aim. Much of the material surveyed in this thesis appears to have had other intentions behind it: the general assertion of authority (whether it be of the crown, a town, or the presenting jury), the marking out of jurisdiction, defending rights against rivals, or, indeed, ensuring that absent citizens could be excluded from the London freedom, if needs be.

The second principal conclusion to draw is that it is clear that the historian's focus should be less on new statutes or in novelties in urban regulation than on the

repetition of a canon of national and local legislation that, for the most part, developed with almost glacial slowness and in which, at local level (which was where it most mattered) these two kinds of enacted law were inextricably mixed. At every level, we have seen how important the repetition of existing legal codes was. This is especially true of the common proclamations habitual in many, if not all, towns and cities, combining a great deal of statutory, quasi-statutory and local regulation, which explains why so many correspond in theme, if not in wording. These were subsequently augmented by further summarisation and recapitulation in articles put to local courts and charges administered to, and by, juries. But we also see repetition elsewhere in the localities, in the ordinances of craft organisations read in whole or in part at quarter days and also, it seems, in such texts as the ‘statutes of autumn’ issued annually at harvest time. Indeed, at national level too, what often seems to have been considered important was the repetition of groups of statutes, often on familiar subjects such law and order, livery and maintenance or purveyance. The short English ordinance on maintenance issued for the parliamentary oaths of 1434, which backed up an earlier extended proclamation of background statute texts, illustrates this well. Such performances were, of course, also the traditional response to the familiar complaint that these statutes were not sufficiently known and ought to be proclaimed again.

That proclamations had to be repeated at all raises significant doubts about their inherent effectiveness, or, at least, this should lead to the realisation that to be effective at all they had to be repeated at local level. This leads to the third overall conclusion, which is that the role of the king’s government in making parliamentary legislation better known has been given too much emphasis. The evidence surveyed in this thesis belies any suggestion that regular royal proclamations caused the county court to remain a fulcrum of political dialogue between crown and county community in the fifteenth century. Not only does the stage seem to shift to the peace sessions, but also we simply see few, if any, signs that general proclamations of complete statutes were made promptly after parliaments, from the 1440s, if not before. Moreover, it is particularly striking that, at Lydd, the town’s accounts note trivial payments of 1d. to a man making a cry about wandering pigs, but hardly ever payment for the proclamation of a new statute. There seems to have been no sense that such a performance would have been an occasion. The political centre certainly

did play some role, however, there being no parliamentary archive or control over autonomous statutory texts *per se*.<sup>4</sup> Royal chancery staff prepared official versions of statutes and to have distributed them, establishing an almost fixed canon of what was or was not ‘statute’ in the process. Very probably, Lynn’s MPs obtained written material from these royal clerks in order to deploy on their return. But, besides this, the royal administration seems to have sat back, seeking to exercise little or no control over the proliferation of copies around the realm, allowing manuscript book-makers and printers unfettered editorial licence.

Evidently, the shallowness of official channels of publication had its counterweight. As we have seen in chapter four, townsmen were often highly interested in what went on parliament, whether it be for general news or gossip or, very frequently, for highly specific reports on its legislation. Towns secured complete copies, or even physical objects determined by reference to new laws. Moreover, localities such as Lynn often created their own formalities for extracting information from their returning representatives. As we have also seen, there were different genres or registers of newsletter and more formal reportage on the events of assemblies. Thus, the dynamism of such local initiatives is the fourth overall theme to emerge from this thesis. Indeed, such forces often seem to have come close to eclipsing anything done at the political centre entirely. A particularly striking example would be the use of the writ of *mittimus* for the prosecution and protection of private interests at the exchequer, with the small industry of labouring chancery officials and those in the exchequer itself that this entailed, particularly at times of resumption of royal grants after 1450. It must be conceded, however, that in towns, and between them, the balance was somewhat different. There, it appears that there was rather less dissemination of material outside the confines of the ruling administrations. Whilst there was some copying of a few ordinances of interest, and London aldermen, for instance, needed copies of their mandates and of articles and charges to be used in wardmotes, what we have is largely contained in official registers, centrally maintained.

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<sup>4</sup> M. Hébert, *Parlementer: Assemblées Représentatives et Échange Politique en Europe Occidentale à la fin du Moyen Âge* (Paris, 2014), 502–516. He rightly stresses the paradox that strong parliaments in England and Catalonia, in particular, should produce legislative texts decontextualised from those parliamentary institutions.

The fifth observation to make is that, when material was copied from urban registers, we have seen the importance of an intermediate force, whether it be personal or institutional. For Norwich, this was, for example, a combination of the royal resumption of its liberties and the work of London's common clerk, John Carpenter. We have been able to name a number of men engaged in similar work to communicate the terms of parliamentary or local legislation. Thomas Bayon, has, for example cropped up whilst mentioning a writ of *mittimus* secured by the town of Canterbury, in connection with various Cinque Ports securing copies of national legislation, in re-formulating some of the Ports' internal customals, and, of course, as under-clerk of parliament. Importantly, he had strong personal connections with his region of origin. It is clear that it was equally important for a suitor to obtain the favour of office-holders such as the clerk of parliament, or the chancery clerk of the crown to get a transcript of a petition or proviso. Other personal activity was more commercial. Rochester simply purchased its copy of peace articles and other materials from John Ryplingham. Men such as he straddled the porous boundaries between legal and official work and book production. As we have also seen, early printers were not simply making volumes they thought would sell, but they were in commercial trysts with lawyers as financial backers and, supposedly at least, as editors of the text. Lawyers also acted as important agents in the way they used statute copies or specimen charges referring to and relying on statutes in everyday practice. We can see too that the process of publishing laws relied heavily on institutions, including perhaps the charge to indicting juries in peace sessions, though we have cast considerable doubt on how meaningful that was to their task in reviewing draft bills of information in chapter seven. But, certainly, the standing jury in London or Ipswich, or the twin 'statutes of Winchester', were institutional frames at the core of the implementation of common proclamations in towns and cities and in the articles and charges put to jurors in their courts.

Clearly, the way that parliamentary and local legislation was disseminated was only one aspect of political society as a whole. Can we speak, however, of a single 'system' of communication in returning to the further question put at the outset, namely, how did one know the law, or at least the enacted law? These related points may serve here as a useful way of bringing the threads of this thesis together. Genet has seen political communication as a single organism, albeit with interconnected



sub-systems working relatively independently within it.<sup>5</sup> It would be, of course, in the present context, simplistic to draw a straightforward dichotomy between centre and locality in addressing whether this was so for the reception of legislation. Where, then, would we place Thomas Bayon or John Carpenter? Certainly, statutes were largely as originally determined by the centre, as were most of the laws to be applied by presenting juries in peace sessions. There was statute, even if often the pseudonymous victualling ‘statute of Winchester’, embedded in all common proclamations. However, it may be equally misleading to see royal and local governmental structures as indistinguishable, as part of a unified system. Indeed, when printers published copies of recent statutes for profit, or members for the Cinque Ports returned with copies of acts they had obtained in London, seemingly doing so regardless of whether the crown would send a messenger to Dover Castle with the self-same material, it seems hard to see the political centre as effectively driving the process at all. At times, royal government seems purely reactive– it decided to follow local practice by providing English texts of statutes from the 1450s, if not earlier, and it seems to have bought into the entrepreneurial efforts of early printers when Facques first published the statute of 1504. Here, something like a private agent has started to become what Braddick would consider an agent of the state.<sup>6</sup> We also need to bear in mind here what has been said of the ineffectiveness of many royal proclamations in creating legal knowledge, in filling the cognitive void. Thus, if we conceive of centre and locality as overlapping circles, and they clearly did intersect to a very considerable degree, the latter often seems the larger of the two, and by some margin. Only with officially-produced printed statute broadsides, such as those we start to find regularly at Romney from the late 1520s, did a single, formalised system of dissemination of legislation, more recognisable as that of the early-modern state, start to emerge, where printed copies could be rapidly issued, posted up, read out and purchased by those interested in their content.

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<sup>5</sup> J.-Ph. Genet, ‘Histoire et Système de Communication au Moyen Âge’, in *L’Histoire et les Nouveaux Publics dans l’Europe Médiévale (XIII<sup>e</sup>–XV<sup>e</sup> siècles)*, ed. Genet (Paris, 1997), 11–29, at 15.

<sup>6</sup> Braddick, *State Formation*, 14: the early-modern state as a ‘network of agents’. Though Facques probably had other royal duties as royal librarian: P.W. Blayney, *The Stationers’ Company and the Printers of London, 1501–1557* (2 vols., Cambridge, 2013), i. 115.

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Harley MS 450	Abridgement of statutes etc.
Harley MS 644	<i>Nova Statuta</i>
Harley MS 666	<i>Nova Statuta</i>
Harley MS 668	<i>Nova Statuta</i>
Harley MS 773	Legal miscellany
Harley MS 1127	<i>Nova Statuta</i>
Harley MS 1335	<i>Nova Statuta</i>
Harley MS 1777	Legal miscellany
Harley MS 4565	<i>Nova Statuta</i>
Harley MS 4871	<i>Nova Statuta</i>
Harley MS 4999	<i>Nova Statuta</i>
Harley MS 5233	<i>Nova Statuta</i>
Harley MS 6873	Legal miscellany
Lansdowne MS 464	<i>Nova Statuta</i>
Lansdowne MS 468	<i>Nova Statuta</i>
Lansdowne MS 470	<i>Nova Statuta</i>
Lansdowne MS 474	<i>Nova Statuta</i> & miscellany
Lansdowne MS 522	<i>Nova Statuta</i>
Royal MS A xiv	<i>Nova Statuta</i>
Stowe MS 387	<i>Nova Statuta</i>
Stowe MS 388	<i>Nova Statuta</i>
Stowe MS 389	<i>Nova Statuta</i>
Stowe MS 850	Canterbury miscellany etc.
Yates Thompson MS 48	<i>Nova Statuta</i>

London, Guildhall Library

MS 5370	Scriveners, common paper
MS 5535	Blacksmiths' Memorandum Book
MS 5440	Brewers' Book
MS 7114	Pewterers, Ordinance Book
MS 7366	Cordwainers, exemplification
MS 34048	Tailors, Accounts

London, Inner Temple Library

Petyt MS 505	<i>Nova Statuta</i>
Petyt MS 506	<i>Nova Statuta</i>
Petyt MS 511.6	<i>Nova Statuta</i>
Petyt MS 511.8	<i>Nova Statuta</i>

London, Lincoln's Inn Library

Hale MS 71	<i>Nova Statuta</i>
Hale MS 179	<i>Nova Statuta</i>
Hale MS 183	<i>Nova Statuta</i>
Hale MS 194	<i>Nova Statuta</i>

London Metropolitan Archives

COL/AD/01/001-011	<i>Letter Books A-L</i>
COL/AD/05/001	Portsoken Ward Presentments
COL/CA/01/01/002	<i>Repertory 2</i>
COL/CC/01/01/001-009	<i>Journals 1-9</i>
COL/CS/001/007-8	<i>Nova Statuta</i>
COL/CS/01/010	<i>Liber Dunthorne</i>
COL/SF/04/046	Sheriffs' Register, 36-7 Hen. VI
CLA/024/01/02/51-2	Wardmote Presentments, 1422-3

Maidstone, Kent History & Library Centre

CP/B1	Cinque Ports, <i>White Book</i>
Do/Cpi7	Dover, exemplification
Ly/2/1/1/1	Lydd, Chamberlains' Accounts
Ly/7/1/1	Lydd, Customal
NR/FAc/2-5	New Romney, Accounts
NR/Zpr	New Romney, royal proclamations
Sa/AC1	Sandwich, <i>Old Black Book</i>
Sa/FAt/2-8	Sandwich, Treasurers' account rolls
Sa/LC1-2	Sandwich, customals

The National Archives, Kew

C49	Chancery & Exchequer, Parliamentary & Council Proceedings
C74	Chancery, Statute Rolls
C81	Chancery, Warrants for the Great Seal
C193/1	Chancery, Clerk of the Crown, Precedent Book
C255/3/9	Chancery, Warrants for Proclamations
C255/20	Chancery, Oaths
DL42/236	Duchy of Lancaster, 'Little Cowcher'
E101	Exchequer, King's Remembrancer, Various accounts
E159	Exchequer, King's Remembrancer, Memoranda Rolls
E164/11	Exchequer, <i>Nova Statuta</i>

E175 Exchequer, King's Remembrancer, Parliament & Council Proceedings  
 E208 Exchequer, King's Remembrancer, *Brevia Directa Baronibus* files  
 E403 Exchequer, Exchequer of Receipt, Issue Rolls  
 KB9 King's Bench, Indictments  
 KB145 King's Bench, *Recorda* files  
 SC8 Special Collections, Ancient Petitions

Oxford, Bodleian Library

MS Douce 312 *Nova Statuta*  
 MS Gough London 10 London miscellany  
 MS Hatton 10 *Nova Statuta*  
 MS Fr. c. 50 *Nova Statuta*

Oxford, Merton College Library

MS 297B *Nova Statuta*

Oxford, St. John's College Library

MS 257 *Nova Statuta*

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## Appendix One: Versions of Statutes in English (I): the ‘Statute of Riots’ of 1454 (31 Hen. VI c.2)

Notes:

1. Collated with *PROME*, xii. 309–311.
2. The divisions by letters within square brackets and in bold are editorial— to illustrate the ingredients of the text.

Source: E159/230, *Rec. Trin. rot.* 18

[rot. 18]

[a] [*Margined*: Anglia. Tenore cuiusdam actus in ultimo parlamento Regis, de avisamento et assensu domino[rum] spritualium et temporalium etc., pro diversis riotis, extorsionibus et oppressionibus infra regum Anglie factis etc. Irrotulatur]

[b] Dominus Rex mandavit hic breve suum de magno sigillo suo Thesaurario et Baronibus huius Scaccarii directum, quod est inter communia de hoc termino cuius tenor sequitur in hec verba: Henricus, Dei gracia, Rex Anglie et Francie et Dominus Hibernie, Thesaurario et Baronibus suis de Scaccario, salutem. Tenorem cuiusdam actus per nos in ultimo parlamento nostro de avisamento et assensu dominorum spiritualium et temporalium ac communitatis regni nostri Anglie in eodem parlamento existente necnon auctoritate euisdem parlamenti facti, vobis mittimus presentibus interclusum, mandantes ut inspecto tenore predicto ulterius inde, fieri faciatis prout juxta vim, formam et effectum euisdem fuerit faciendum. Teste me ipso apud Westm’ secundo die Julii anno regni nostri tricesimo secundo [2 Jul. 1454]. Et tenor actus de quo superius in brevi fit mentio, sequitur in hec verba:

[c] For asmoche as *the kyng oure* [ye] soverain lord afore this tyme, upon certein suggestiouns and compleyntes, made aswell to *hym* [youre highnesse] as to the lordes of *his* [youre] counseill, upon diverse persones of this *his* [youre] noble reame, for grete riottes, extortiouns, oppressions, and grevouse offenses by theym doon ayenst *his* [youre] peas and lawes, to diverse of *his* [youre] liege people, hath yeven in commaundement, aswell by *his* [youre] writtes under *his* [youre] grete seale, as by *his* [youre] lettres of prive seall, to appere before *hym* [you] in *his* [youre] chauncerie, or to fore *hym* [youre highnesse] and *in/ his* [youre] said counsell, at certein dayes in the same writtes or lettres conteyned, to answeere of the

premisses, the whiche commaundementes ar [sic] and ofte tyme have been disobeyed, in contempt of *the kyng oure* [you] souverain lorde, and to the grete hurte and delay of *his* [youre] seid compleynautes in that partie. [d] Wherefore, *the kyng consideryng* [please it youre highnesse,] the premisses [considred,] by thadvys of *his* [youre] lordes spirituell and temporell, and *his* [youre] commons<sup>1</sup> in this present parlement assembled, and auctorite of the same, [to] *hath ordeigned, enacted and establisshed*, that [e] yif any such writte or lettres of prive seall, hereafter be directid to any persone to appere before *hym* [you], or *his* [youre] seid counseill, as is aforesaid, there to answeere to any of the premisses, and than the same persone refuse to resceyve suche writte or lettres, or thayme dispise, or absente hym or withdrawe hym for that cause, and come not and kepe the day of apparance yeven to him by the seid writte or lettres of prive seall, and that duely certified and understoud to *his* [youre] counseill, that than the chaunceller of Englund for the tyme beyng, have power by the seid auctorite, to doo make writte or writtes of proclamacion to be directed to the shirref of the shire where the persone so refusing to receyve such writtes or lettres, or theym despisyng, or absenting or withdrawyng hym for that cause, is dwellyng or conversant, or in the shire next adjoynyng, and to the shirrefs of London for the tyme beyng, yeving the said shirrefs severally in commaundement by the same, that they upon peyne of forfeiture of CC li. make open proclamacioun in the shire towne of the same shire, and in the said citee, by iij severall dayes, immediatly after the seid writte or writtes be to theym delyvered, that such persone to whom such writte or lettres of prive seall shall be directed as is before reherced, appere to fore *the kynges* [youre said] counseill, or afore the chaunceller of Englund for the tyme beyng, within a moneth next after the seid last day of proclamacioun, and retourne the seid writte or writtes of proclamacioun before *the kyng* [you] in *his* [youre] chauncerie, within *vij* [.vii.]<sup>2</sup> dayes next after the seid iij<sup>3</sup> day of proclamacioun, under the seid peyne of CC li., and yif he make *defaute* and appere not within the seid moneth, the seid writte or writtes duely proclaimed in the seid shire, towne and citee, and *the kynges* [youre said] counseill verily lerned and certified the seid proclamacioun in such fourme executed, that than yef such persone be of the estate of a lord, as duc, marques, erle, viscount or

<sup>1</sup> *comouns* may be intended. MS stained over the end of this word.

<sup>2</sup> The MS here appears to be correct: *SR*, ii. 361, reads 'sept'.

<sup>3</sup> An ordinal presumably intended here, and *passim*.

baron, leese and forfaité all offices, fees, annuytees and other possessions, that he or any man to his use hath of the yifte or graunte of *the kyng oure* [you] souverain lord, or of any of *his* [youre] progenitours, made to hym or any of his auncestres. And that than the seid chaunceller for the tyme beyng, doo make an other writte or writtes of proclamacioun to be directed unto the said shirrefs of the seid shires and citee for the tyme beyng, to make open proclamacioun and retourne of the same writte or writtes, and upon the same peyne, like as is specified and ordeigned, upon the seid first writte of proclamacioun. And yif he make defaute, and appere not atte the day to hym lymyted by the seid last writte or writtes of proclamacioun, that than he leese and forfaité his estate, name of lord, and place in parlement. [f] Provided that the forfaiture of the offices, fees, annuytees and other possessiouns, and also of the seid state, name of lord and place, stretch oonly but for *the* terme of lif of hym or theym that by auctorite of this acte shall forfaité the seid offices, fees, annuytees, possessiouns, state, name and place, or any of theym, in fourme abovesaid. And yif any lord of eny of the seid estates of duc, marques, erle, viscount or baron, not havynge any thyng of the kynges graunte or of eny of his seid progenitours, disobeye as a bove, after the seid proclamacioun in maner and fourme abovesaid made, returned and certified, forfaité terme of his lif to *the kyng our* [you,] souveraine lord, his name and state of lorde, and place in parlement, and also all the londes and tenementes that he hath, or any other to his use hath. And that every \other/ persone under thestate of a lord, havynge livelode or to whoos use eny other persone or persones hath or have any lyvelode, yif he appere not within a moneth after the proclamacioun made by vertue of the first writte or writtes, make fyne after the discrecioun of *the*

[*Subscribed:* plus in dorso]

[rot. 18d]

*kynges* [youre] ij chief juges of *his* [youre] benche, and of *his* [youre] comen benche for the tyme beyng, and that everyche other persone havynge noo lyvelode, nor noon other persone to his use, soo makynge defaute, stond and be put oute of *the kynges* [your] protectioun. [g] Provided alway, that yif any of *the kynges* [youre] liege

people named in the seid writtes or lettres, be not within this *his* [youre said] reame atte the tyme of any of the seid writtes delyvered and retourned, nor absente hym withyn the seid realm, and also that any persone or persones hereafter, ayenst whom such writtes of proclamacioun shall be awarded, be soo greuously vexed or diseased by infirmittee or sikenesse, or elles such persones be emprisoned, withoute fraude or male engyne, or that they be so enfebled for age that they may not labour in theyre own persone, soo that suche beyng oute of this reame, feblenesse or sikenesse, emprisonyng or feblenesse of age, be sufficiently and duely proved by juste and indifferente examinacioun before the lordes of *the kynges* [your] counsaill, be not hurte by this acte. [h] And this acte to endure for terme of vij yeres. [i] Provided also, that noo matere determinable by the lawe of this land, be by *the seid* [this] acte determined in other fourme, than after the cours of the same lawe in the kynges courtes, havyng determinacioun of the same lawe. [j] This acte to be gynne and take effecte the first day of May, the xxxij yere of *the kynges* [youre noble] reigne, of all disobeissaunce to be doon after the same first day, and of noo disobeissaunce afore that day doon. [k] And that this present acte be proclaymed by the shirref of every shire of this land, in every market towne within the same shire, on this side the fest of the Nativite of Seint John [the] Baptiste, in the seid xxxij yere.

## Appendix Two: Versions of Statutes in English (II): Richard III's Statute on cloths (1 Ric. III c. 8)

Notes:

1. Collated with *PROME*, xv. 66–71.
2. The divisions by letters within square brackets and in bold are editorial– to illustrate the ingredients of the text.

Source: E159/261, *Rec. Mich.* rot. 30

[rot. 30]

[a] [*Marginated*: Anglia. Tenore quorundam statutorum in parlamento domini Regis anno regni sui primo tento inter cetera edita etc.]

[b] Dominus Rex mandavit hic breve suum sub magno sigillo suo Thesaurario et Baronibus huius Scaccarii directum, cuius tenor sequitur in hec verba: Ricardus Dei gratia Rex Anglie et Francie et Dominus Hibernie, Thesaurario et Baronibus suis de scaccario, salutem. Tenores quorundam statutorum et ordinacionum in parlamento nostro apud Westm' vicesimo tercio die Januarii anno regni nostri primo tento inter cetera editorum, vobis mittimus sub pede sigilli nostri, mandantes ut inspectis tenoribus predictis ulterius inde fieri faciatis, prout in hac parte fore videritis faciendum. Teste me ipso apud Westm' duodecimo die Octobris anno regni nostri secundo [12 Oct. 1484]. Et tenores statutorum et ordinacionum predictorum de quibus in brevi predicto fit mentio sequuntur in hec verba:

[c]<sup>1</sup> [To the king our soveraigne lord; praien unto youre highnesse youre true subgiettes and commens in this present parliament assembled: that where in tyme passed this your realme of Englund hath greatly be encreased and riched by the meane of true makyng and drapyng and also of true dying of wollen cloth, wherby a greate substaunce of the people of youre seid realme have ben set on werk and not fallen to idelnesse as dailly nowe they doo, but therby truly have gotene their levying; it is so nowe most gracious soveraigne lorde that the wollen clothes which in late daies have be made and yet dailly ben made within this youre realme ben unperfite and deceyvably made and wrought, kepyng nother resonable lengh nor brede; and the same clothes so, as it is aforeseid,

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<sup>1</sup> The following lengthy recital, quoted here from *PROME*, xv. 66–7, is omitted in the MS.



unperfytly made and deceyvably \wrought/ afterward be put to be shorne and afore be not fully wette, and many of the seid clothes, after they ben fully wette and shorne, ben sett upon tayntours and drawen out in leyngh and brede, that is to say, somme of the same clothes beyng but of the lenght of .xxiiij. yerdys ben drawene out in to lenght of .xxx.<sup>ii</sup> yerdys, and in brede from .vij. quarters unto the brede of .ij. yerdys, the whiche clothes so shorne or they be wett or elles drawen in leyngh or in brede as it is aforeseid, after that they receyve any wette they most of werrey necessite shrynk. And also the clothmakers and other of \your seid/ realme oftyntymes when they make any course clothes, and also the sellers of suche course clothes beyng bare of threde, usen for to powder and caste flokkys of fynner cloth upon the same course clothes to thentent to make the same clothe to appere fyne and good. And also the seid clothmakers and other put and caste chalke uppoun white clothes to thentent to make the same clothes to appere bettur then they ben. And moreover, greate quantite of wolles ben hadd out of this youre seid roialme by straungiers and other in carakes, galeis and shippes which ben sorted the bettur from the worse barbed and clakked, and therof is made moche lokkys and refuse of the which the refuse in substaunce is lefte within this ywre seid roialme and thereof moche course cloth is made within the same realme, and so the fyne wolles ben hadd out of this your seid realme by the said strayngiers and the course wolles and refuse here lefte by reason wherof there canne be no substaunce of fyne drapery made within this your seid roialme to the greate losse of youre said highness in youre custume in payng lesse custume for the lokkys than for the hole wollyn flese, and also to the greate hurt and deokay of all your seid realme in enpayryng of the seid drapery. Also, most gracious sovereigne lorde, diers within mony citeys, burghes and townes of this your seid realme of Englund usen to dye greate quantite, aswell of fyne clothes as of course clothes, with orchell and corke brought from beyonde the see called jarecork, the colours made with the whiche orchell and corke ben so diseyvable that the same colours may in no wise abyde but fadene away, to the great hurt of all theym that were or occupye any suche cloth so \deceyvably/ died. Also, the seid diers usen to dye many clothes of dyvers colours, and uppoun the lystes of the same clothes festene and sowe greate rissches called bull rissches, to thentent to make the same clothes to appere of one colowre and the listes of an other coloure, wherthurgh the byers of the \seid/ clothes can ne may unneth understond but that the same clothes ben died out of wolle, to the greate hurt of your, moost drad soveraigne lorde, and of all youre true subgiettes which shall were or occupie the same clothes and by occasion of the which inperfite and untrewre makyng, dying and deceyvable delyng merchauntes of strange contrez which hath used to bye clothes made and died in this your seid realme unneth derr by eny of the seid clothes, to the greate rebuke and dishonoure of the same realme and hurte of your highnes and of all youre seid realme. Wheruppon but \if/ the rather a remedy be purveid by youre most noble grace of werrey likelihode consequently shall ensue the destruccion of drapery of all this your seid realme, which God defend.]

[d]<sup>2</sup> *Item, forasmoche as in the seid<sup>3</sup> parlement there were shewed manyfold inconvetises, deceytes and untrouthes had doon and used in makyng of cloth, in avoydyng and removyng, [e] wherof the kyng oure seid soueraign lord [Please it therfore your highness, of youre moost habundaunt grace,] by thassent of the lordes spirituelx and temporelx [in this present parliament assembled,] and at the request of the comens in his seid parlement assembled and by auctorite of the same, [to] hath ordeigneth and enacted, that [f] no parson, clothmaker nor other, selle nor put to sale, after the fest of Seint Michell the Archaungell next commyng, any wollen cloth called brode clothe, but if afore the same cloth be fully wette, and that every hoole wollen cloth called brode cloth which shalbe made after the seid fest, after that it be full wette, redy to the sale, holde and conteyn in leynght xxiiij yerdes, and to every yerde an ynche conteignyng the brede of amannys thomme, to be measured by the crest of the same cloth, and in brede ij yerdes within the listes by all the lenght of the same. Also that every half cloth of the seid hole clothes to be made after the seid fest, after his full wetyng redy to the sale, hold and conteyne xij yerdes in lenght atte the lest, with *the* ynches abovesaid to be mesured by the creste, and ij yerdis in brede within the lystes, so alwey that the same half cloth excede not the lenght of xvi yerdes upon payne of cuttyng of the hole cloth in iij peces and of cuttyng of the half cloth in ij peces, and also to lese *of* [for] every hole clothe vi s. viij d., and for every half cloth iij s. iiij d. after the seid fest made, sold or put to sale not fully wette, or made after the seid fest not keping their mesure above ordeigned. And if the seid hole cloth be lenger *in mesure* then *the seid* xxiiij yerdes *and the* [with] ynches abovesaid, and the [seid] half cloth [of the same] be lenger than xij yerdes with ynches abovesaid, that then the byer of the same hoole cloth to pay for somoche as it exceedith in the mesure of xxiiij yerdes, and the byer of the seid half cloth to pay *for* somoche as it exceedith xij yerdes, so alway that the seid half clothe passe not the lenght of xvi yerdes as it is abovesaid. Also, that all maner clothes called streites to be made aftur the seid fest, after their full wetyng redy to [be] put to sale, holde and conteyne in lenght xij yerdes and the ynches aftur the mesure aforeseid, and in brede a yerd within the listes by all the lenght of the same uppon peyne of cuttyng of the seid streite in ij pecis, and also to lese for the same streite xx d. Also, that every cloth callid karsey to be made and put to sale after the seid*

<sup>2</sup> Section [d] indicates the much-abbreviated replacement for the recital in the MS.

<sup>3</sup> Presumably intended to agree with the rubric in the covering writ.

fest, after the full wetyng redy to the sale, holde and conteyne in lenght xviiij yerdes and the ynches as *it is abovesaid* [aforeseid], and in brede a yerde and the naile at the lest within the listes, uppon payne of cutting of the seid karsey in ij peces and to lese for the same karsey iij s. iiij d., all the *forsaid* forfeitures, peynes and losses to renne on the sellers of the seid clothes which shalbe made contrary to this acte. And that every of the seid clothes, [and] half clothes, streites and karseis be parfety and directly made throughly from that oone ende to that other. Also, that afore the seid fest by *the* [youre] tresourer of Englonde be provided and ordeyned, seales to be ympressed in lede, havynge [youre] *the kyngis* armes of Englonde on the oon side and on the other syde the armes, signe or tokyn of every citee, burgh or towne within this reallme wher cloth is made, havynge any such armes, signe or tokyn for a merk and evident tokyn and knowlage of cloth made withyn every such citte, burgh and *in* towne of this realme, and over that, seales for every shire of this reame for the sealyng of all maner cloth made withyn every shire out of the seid cetees, burghes or townes of the same shire, havynge, on the oon side *the kyngis* [your] seid armes, and on the other side, the name of the shire theryn ymprynted. And that the tresorer of Englonde for the tyme beyng depute nor make from the seid fest eny persone or persones to be aulner, sealer or keper of seale withyn any parte of this reame, but such as be experte in cloth makynge and to be of the sufficiaunt of an c. li. at the lest tyme of the seid deputacion, [*marginated: nota*] and that no aulner, sealer or keper of any seale to be provided as is afore seid, aftur the seid fest, seale eny of the said hoole clothes, half clothes, streites or karseis, but such as shalbe only made aftur the same fest withyn the shire, citee, burgh or towne wherof he shalbe deputed aulner, sealer or keper, uppon payn to forfeit to *the kyng* [your highnesse] for every hoole cloth contrary sealed v marke, for every half cloth xxxiiij s. .iiij. d., for every streite .xx. s., and for every karsey .x. s. Also, that no maner persone, what so ever he be, after the said fest, sett nor drawe nor cause to be sett or drawn in lenght or brede, withyn this [youre] said reame of Englonde, any maner of wollen cloth after it be fully wette by the meane of teynteryng or other wyse, uppon payn of forfaitur of the same cloth. Also, that no man, *of* what condicion so ever he be, withyn the seid reame, after the seid fest, sette, cast or put uppon any maner cloth any flokkes or eny other like deceyvable thyngis, uppon payn of .xl. s. for every cloth wheruppon any such persone shall caste any flokkes or other thyng. Also, that no clothmaker nor other persone, whatsoever he be, after the seid fest, put or ley uppon any white

cloth or karsey any chalk, uppon the same payne. Also, that no sherman nor other persone, whatsoever he be, after the seid fest, shere nor cancell any cloth withyn this [youre] seid reame, but if the same cloth be afore fully wett, uppon payn of forfacture of .xl. s. for every cloth as oft as he so doth. Also, that no maner persone, strangier nor other,

[*Subscription*: plus in dorso; ‘Thomas’?]

[rot. 30d]

sende nor conveye any wollen cloth over the see after the seid fest, but if the *seid* [same] cloth be afore fully wett. And after the same cloth so be fully wette that then in no maner wise be sette *nor* drawn in lenght nor brede, uppon payn of .xl. s. for every cloth contrary to this acte conveyed or sent over the see. Also that no maner persone withyn *this* [youre] said reame, aftur the seid fest, retaile any wollen cloth or clothes, lynyng [n]or other, but if it be afore fully wette, and after it be fully wette in no wise be sette nor drawn in lenght or brede, uppon payne of forfeiture of the same cloth or the value therof, the same peyn to renne uppon the seller of all such clothes. [g] [Please it also your noble grace,] *Also, the kyng oure said soueraign lord* in escheuyng of the greate untrought and deceyte the which [dailly] *hath growe[th]n and dayly groweth* by the meane of teyntours, *hath* by thassent and auctorite abovesaid, [to] ordeigned and enacted that [h] no persone, whatsoever he be, kepe, have or occupye any teyntour or any other thyng in his owne house or dwellyng place wherby wollen cloth may in any wyse be drawn out in lenght or brede, uppon peyn of .xx.li. as oft as he so doth contrary to this acte, but that all teyntours which hereafter shalbe used or occupied for evenyng of cloth oonly aftur it cometh from the mille and before it be roughed, and for none other cause, aswell withyn the citee of London as in other citees, burghes and townes of this [youre] reame, be sett in open places. And that [the] mair of London for the tyme beyng, and [all] other maires and bailliefs and other governours of citees, burghes, townes and villages of *this* [youre] seid reame, diligently oversee that all clothes that shall be sett *uppon* teyntours be not drawyn out in lenght nor brede other wise than is afore reherced. Also, that aftur the seid feste, noo straunger by any wolle the which

shall be sent or passe thurgh the streites of Marrok by carrakes, galeis or shippis or other vesell sorted, clakked or barbed, nor any woll wherof lokkys or refuse shall be made, but that the same woll be as it is shorn and clene wonde without diceite, and merchandizable after the countrey growyng withoute any sortyng, berdyng, clakkyng or lokkes or refuse therof to be made as it is afore seid, uppon payne of forfaiture of the same woll and the double value therof. [i] Forthermore, [pleas it your noble grace] *the kynge oure seid soveraign lorde* [to] hath ordeigned and enacted by [th]auctorite a boveseid that [j] no dier nor other persone die or cause to be died withyn this [yours] *seid* reame of Englund, after the seid feste, any wollen cloth with orchell or cork called jarecork, uppon payne of forfaiture and lesyng of .xl. s. for every cloth that he or any other, for hym or to his use, so shall dye or cause to be died, nor no maner persone, whatsoever he be, after the seid fest, sell or put to sale withyn this seid reame of Englund any suche cloth the whiche after the same feste shall be died with orchell or corke called jarecork, uppon payne of forfaiture of þe same cloþe so died or put to sale contrary to this acte, the payne and losse therof alwey to renne uppon the seller, except that corke made [in this your] *withyn this* reame of Englund may be usid in dying uppon wolle woded, and also *in* dying of all such cloth as is made only of wolle woded, so that the same wolle and cloth be perfitly boiled and madered, except also that corke made *withyn the* [in your] *seid* realme may be put uppon cloth that is parfitly boiled and madered. Also, that no dier dye any cloth within *the* [yours] *seid* reame aftur the seid fest, but that the seid dyer dye the same cloth and list therof with on colowre without festuyng or sowyng of any bulle russhes or like thyng upon the listes of the same, uppon peyn of forfaiture of .xl. s. for every cloth that he [so] shall dye contrary to this acte. And that no maner persone, whatsoever he be, put to sale within the said reame, after the seid feste, any maner cloth which after the same feste shall be so deceyvably dyed, uppon peyn of forfaiture of the same cloth of the value therof, the same forfaiture and payne alwey to renne uppon the seller. Also, that yf any of [yours] *the kyngis* *seid* subjettis or other hereaftur shall hapne to sease any wollen cloth otherwise made or died than is abovesaid, that then the same [yours] subgeit or other bryng all the same cloth or clothes so by hym seased afore the maire, baillief or other governowre, *of the citees, burghs, townes or villages where it shall hapne any such*

*seaser to be made of the same cloth or clothes there to be jugged by the discrecioun of the same maire, baillief or other governowre,*<sup>4</sup> callyng unto hym or them such persones as by his or their discrecion shalbe thought convenient whether the same cloth be otherwise made, wrought, or died, than is accordyng with thactes abovereherced. And if it be demed by the seid maire, baillief or other governowre and other persones to theym or to any of theym as [it] is aforeseid called, the same clothe to be made or died and put to sale contrary to the actes a boveseid, that then the same cloth so seased, and by theym jugged, as is a bovesaid, egally to be cutt in iij peces in the presence of the seid maire, baillief or governowre, wherof oon part to be delyvered in to theschequer by hym or them that so shall sease the same clothe or clothes, *to thuse of the kynge, and the secunde part therof to be delyvered to the seasour of the seid cloth or clothes,*<sup>5</sup> and the third parte therof to be delyvered to the seid maire, baillief or other governoure to thuse of the commonialte where they or any of them be maire,<sup>6</sup> baillief or governoure, that oon half of all [the] other fynes, forfaiturs and penaltees aforeseid, and [of] everyche of theym, to be unto [youre said highnesse] *the kyng oure seid soueraign lorde,* and that other be to hym or theym of [youre] *the kyngis* subgjettes, the whiche shall sease the same or sue for the same by actioun of dette by wrytt att *the* comen lawe by bill or pleynt after the custume of the citee, town or port where it shall hapne hereafter any such fynes, forfaitures or penalteis to fall or be. And that the defendaunt in any suche actioun be not admitted to wage or do his lawe, nor that any protectioun [n]or esson de service le roy for eny suche defendaunt be allowed in the same. [j] Provided alwey, that this acte, or any thyng therin conteyned, extende not or be prejudiciall of or to the makyng of any wollen clothe called ray, nor of or to any cloth made in Wynchestre or Salisbury used to be sett and joyned with ray, a clothe therof comenly used to be sold at .xl. s. or within, nor of or to the makyng of eny clothe called verwise otherwyse called ploukettis, turkyngs or celestrines with brode listes, nor to any clothes called pakkyng whites, nor of or to the makyng of any clothes called vessees, cogware or worstedes, nor to or of the making of any clothes called florences with cremyll lystys nor of or to the makyng of any wolen cloth called sayilyng ware with

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<sup>4</sup> A line may have been missed here by the scribe copying out the parliament roll.

<sup>5</sup> Another line apparently missed in the parliament roll; required by the sense.

<sup>6</sup> *or*, cancelled.

[un-numbered recto]

cremyll listes, brode listes or small listes, nor of or to the makyng of any wollen clothe called bastardes, nor of any wollen clothes called kendales, nor of any cloth called frizeware, nor to any of them, nor to the maker or utterar of eny of theym, so that the same clothes and every of theym, for the kyngis honoure and profite of this reame, be truly, duely and parfitly made accordyng to the nature and makyng of every of the said cloth.

[Royal assent and succeeding transcriptions of 1 Ric. III cc. 9, 10 & 12 are omitted.]

## Appendix Three: List of *Nova Statuta* considered

NB.

1. It is anticipated that further MSS, especially those still in private hands may come to light. The numbering system system adopted here, e.g. ‘BL1’ etc., allows for these to be added.
2. The names to the right are those that appear in the volume, usually as owners. Names that are clearly sixteenth-century or later are omitted.
3. MSS listed in italics have not been consulted either in original or copy, but bibliographical and secondary material has been used..
4. ‘G’ signifies number in appendices to J.-Ph. Genet, ‘Droit et Histoire en Angleterre: la Préhistoire de la “Révolution Historique”’, *Annales de Bretagne et des Pays de l’Ouest*, 87, (1980), 36–56, if given.
5. \* signifies a MS in the later *de luxe* style, see section 4.3.1 above.
6. All volumes are *Nova Statuta* starting with 1 Ed. III, unless otherwise stated. Other contents of volumes are omitted, to save space.
7. Square brackets denotes unidentified, or that family name is only identifiable in general terms.
8. The footnotes relating to book owners are only intended for identification, rather than serving as fully-referenced short biographies.

London: British Library<sup>1</sup>

<b>BL1.</b> Add. MS 4904: to 14 Hen. VI c.2. <b>G54.</b>	-
<b>BL2.</b> Add. MS 15728*: to 4 Hen. VII. <b>G84.</b>	[‘Bejoys’]
<b>BL3.</b> Add. MS 63055: to 14 Hen. VI c.5.	-
<b>BL4.</b> Cotton Nero C i*: to 1 Ric. III. <b>G81.</b> William Calow <sup>2</sup> /Thomas Frowyk <sup>3</sup> /Thomas Jakes <sup>4</sup>	
<b>BL5.</b> Cotton Appendix xvi: to 20 Hen. VI. <b>G58.</b>	[H(M)anwood? <sup>5</sup> /Humphreyof ‘lesto’]
<b>BL6.</b> Harg. MS 274*: to 3 Hen. VII. <b>G83.</b>	-
<b>BL7.</b> Harg. MS 335: to 31 Hen. VI etc. <b>G73.</b>	-
<b>BL8.</b> Harl. MS 644: to 23 Hen. VI. <b>G61.</b>	-
<b>BL9.</b> Harl. MS 666: to 6 Hen. VI. <b>G48.</b>	-
<b>BL10.</b> Harl. MS 668: 22 EIII c.11-4 Ed. IV c.5 (incompl.). <b>G80.</b>	-
<b>BL11.</b> Harl. MS 1335: to 3 Ed. IV. <b>G76.</b>	Henry Brugge <sup>6</sup> /‘Bolton’ <sup>7</sup>
<b>BL12.</b> Harl. MS 4565: to 23 Hen. VI. <b>G62.</b>	[William Boshyer] <sup>8</sup>
<b>BL13.</b> Harl. MS 4999: to 18 Hen. VI (in Eng.). <b>G57.</b>	-
<b>BL14.</b> Harl. MS 5233: to 15 Hen. VI. <b>G56.</b>	Richard Clerk of Exeter
<b>BL15.</b> Lans. MS 464. to 15 Hen. VI c.3 (incompl.).	Nicholas Hawnby <sup>9</sup> /[Stephen Clerke <sup>10</sup> ]

<sup>1</sup> Genet also catalogues BL, Harl. MS 1487, but this seems to be an incorrect reference. He attributes the book to Sir Thomas Fitzwilliam, so he may be thinking of UK 7.

<sup>2</sup> *MoC*, i. 420–1: Middle Temple (‘MT’), sergeant in 1478, judge in common pleas in 1487.

<sup>3</sup> *MoC*, i. 714–15: Inner Temple (‘IT’), common sergeant of London 1486–92, JP, sergeant 1495, CJ in common pleas 1502.

<sup>4</sup> *MoC*, i. 936–7: IT, of Leics. & Middx.; JP in both counties; recorder of Leicester 1502; clerk in co. pleas.

<sup>5</sup> Possibly, Roger Manwood, *MoC*, i. 1057, a sixteenth-century lawyer.

<sup>6</sup> Though there were numerous lawyers with this surname, Henry is not listed in *MoC*. Henry stated in MS to be son of Giles Brygges (adm., LI 1512, *MoC*, i. 390–1), so prob. sixteenth century.

<sup>7</sup> Uncertain; several lawyers with this surname: *MoC*, i. 334–5.

<sup>8</sup> Possibly of Petworth, Sussex, clerk of peace in Sussex, 1497–1521: *MoC*, i. 345.

<sup>9</sup> Said at f. 2 to be rector of Glinesk?, Suffolk.

<sup>10</sup> Said at f. 2 to be of Hadley, Suffolk. Possible that ‘clerk’ was his vocation, not his name.



<b>BL16.</b> Lans. MS 468: to 14 Hen. VI. <b>G53.</b>	[Henry or Edward ‘Powle’]
<b>BL17.</b> Lans. MS 470: to 23 Hen. VI. <b>G65.</b>	[William Vavell]
<b>BL18.</b> Lans. MS 522*: to 1 Ric. III. <b>G82.</b>	[William Aylesbury] <sup>11</sup> /Sir John Elryngton <sup>12</sup>
<b>BL19.</b> Royal MS A xiv: to ‘10’ Hen. VI. <b>G49.</b>	-
<b>BL20.</b> Stowe MS 387: to 14 Hen. VI. <b>G52.</b>	-
<b>BL21.</b> Stowe MS 388: to 20 Hen. VI. <b>G59.</b> Dorset]	[George Bagotte of Burporte, <sup>13</sup>
<b>BL22.</b> Stowe MS 389: to ‘12’ Hen. VI. <b>G51.</b>	-
<b>BL23.</b> Harley 1127*: Table of statutes to 23 Hen VI. <b>G72.</b>	[Nicholas Younge]
<b>BL24.</b> Add. MS 81292 <sup>14</sup> : to 20 Hen VI (in Eng.).	William Coote of Lincs. <sup>15</sup>
<b>BL25.</b> Yates Thompson MS 48*: to 29 Hen. VI.	-
<b>BL26.</b> Harl. MS 4871: to 20 Hen. VI.	-

London: other

*LMA*<sup>16</sup>

<b>L1.</b> COL/CS/01/007*: <i>Cartae Antiquae</i> , to 11 Hen. VII.	City of London
<b>L1A.</b> COL/CS/01/008: to 8 Hen VI c.31 (incompl.)	City of London

*Inner Temple Library*<sup>17</sup>

<b>L2.</b> MSS Petyt 505: to 29 Hen. VI. <b>G71.</b>	[William Massy/Richard Birkheud/ <sup>18</sup>
<b>L3.</b> MSS Petyt 506: to 23 Hen. VI. <b>G67.</b>	-
<b>L4.</b> MSS Petyt 511.6: to 3 Hen. VII.	Robert (& Richard?) Fullwood <sup>19</sup>
<b>L5.</b> MSS Petyt 511.8. to 29 Hen. VI.	[John Croxton <sup>20</sup> ]

*Lincoln’s Inn Library*<sup>21</sup>

<sup>11</sup> Named at f. 278v. Not in *MoC*; possibly an owner after 1550.

<sup>12</sup> *MoC*, i. 632–3, as JE, I, not II. Household officer under Ed. IV (inc. treasurer of household), JP in Middx., MP for Middx.; clerk of the hanaper, 1473–81.

<sup>13</sup> i.e. Bridport, Dorset. Not otherwise identified.

<sup>14</sup> Formerly Nott. Univ. Lib. MS Middleton L/2b(2), per *MoC*, i. 516. Apparently double-counted by R. McGerr, *A Lancastrian Mirror for Princes: The Yale Law School New Statutes of England* (Bloomington IN, 2011) as if two different MSS (a considerable hazard with migrations of MSS taking place mid-research), 194–5.

<sup>15</sup> *MoC*, i. 516: a lawyer of Lincs. associations; JP, Lincs., 1448–73; in the service of Margaret of Anjou by 1453.

<sup>16</sup> *An Introductory Guide to the Corporation of London Records Office*, ed. H. Deadman & E. Scudder, (1994), 10; *A Guide to the Records in the Corporation of London and Guildhall Library Muniments Room*, ed. P.E. Jones & R. Smith, (1951), pl. I.

<sup>17</sup> As to which, see J. Conway-Davies, *Catalogue of Manuscripts of the Honourable Society of the Inner Temple, vol. i: the Petyt Collection MSS 502–533* (Oxford, 1972), 176–180, 217–220; N.R. Ker, *Medieval Manuscripts in British Libraries* (5 vols., Oxford, 1969–2002), i. 87–88.

<sup>18</sup> *MoC*, i. 314–5, as ‘Birkhened, Richard I’, a lawyer active of the 2<sup>nd</sup> half of the 15<sup>th</sup> century in the service of the county palatine of Lancashire & of Cheshire.

<sup>19</sup> *MoC*, i. 718–9. Robert F of Tanworth, Warwickshire, IT, JP 1499–1531. Richard F was his son, admitted to Clement’s Inn, but he did not necessarily further pursue the law.

<sup>20</sup> *MoC*, i. 548: clerk of common pleas by 1463.

<sup>21</sup> Ker, *Medieval Manuscripts*, i. 126, 137–8, 140.

<b>L6.</b> Hale MS 71: to 3 Hen. VII.	Gregory Adgore <sup>22</sup> / [Richard Fulbroke <sup>23</sup> ]
<b>L7.</b> Hale MS 179: 21 Ric II–23 Hen. VI (incompl.).	-
<b>L8.</b> Hale MS 183*: to 19 Hen. VII.	-
<b>L9.</b> Hale MS 194*: to 29 Hen. VI.	John Nevill <sup>24</sup> /Palmer <sup>25</sup> /Thomas Lucas <sup>26</sup>

*TNA, Kew*

<b>L10.</b> E164/10: to 39 Hen. VI.	<i>exchequer</i>
<b>L11.</b> E164/11*: 1 Ed. IV-temp. Hen. VIII.	<i>exchequer</i>

### Oxford

*Bodleian Library*

<b>O1.</b> Douce 312: to 23 Hen. VI. <b>G64.</b>	-
<b>O2.</b> Hatton 10*: to 11 Hen. VII. <b>G85.</b>	Thomas Pigott of Whaddon <sup>27</sup>
<b>O3.</b> <i>Hatton 81:1 Hen. IV–4Hen. VI. G47.</i>	-
<b>O4.</b> Ms. Fr. c.50: 9 Hen. V st.2 & 1 Hen VI (incompl.).	-

*Merton College Library*<sup>28</sup>

<b>O5.</b> MS 297B: to 23 Hen. VI.	John Pirye/Christ Church, Canterbury <sup>29</sup>
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*St. John's College Library*<sup>30</sup>

<b>O6.</b> MS 257*: 25 HVI to 7 Hen. VII.	court of common pleas?
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*Exeter College*<sup>31</sup>

<b>O7.</b> <i>MS 153: 1–15 Hen. VI, 18 &amp; 20 Hen. VI. G55.</i>	-
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### Cambridge

<sup>22</sup> *MoC*, i. 202-3: of Brantham, Suff. & IT; reader c. 1489; JP. Suff. 1499–; sergeant 1503.

<sup>23</sup> Not in *MoC*, but possibly as *John Fulbrok*, i. 716: prob. Thavies Inn & an attorney in common pleas.

<sup>24</sup> Marquis of Montagu, k. 1471.

<sup>25</sup> Either Brian I or II, or Guy, Palmer, *MoC*, ii. 1192–3. All were lawyers; Brian I and Guy of some eminence.

<sup>26</sup> Probably TL I, *MoC*, ii. 1036: solicitor general 1497–1509.

<sup>27</sup> *MoC*, ii. 1278–9: of Whaddon, Bucks. & IT; JP, sergeant 1510 etc.

<sup>28</sup> R.M. Thomson, *The Medieval Manuscripts of Merton College, Oxford* (Cambridge, 2009), 231–2.

<sup>29</sup> John Pirye was a Kent lawyer, special commissioner and MP (but not JP), possibly the son of a man of the same name who was employed by Christ Church Canterbury. The younger Pirye is described as 'jurista' at ff. 9v, 106v, 211v, 296v in a note recording his bequest of this book to Christ Church in 1435. For him see: *HP*, 1386-1421, iv. 85. There are also references to Pirye in accounts at Dover, Canterbury and of the London grocers. I am most grateful to Linda Clark for sight of David Grummitt's draft biography of Pirye, to appear in *The Commons 1422–61*.

<sup>30</sup> R. Hanna, *A Descriptive Catalogue of the Western Medieval Manuscripts of St. John's College, Oxford* (Oxford, 2002), 325–7, pl. 18.

<sup>31</sup> A.G. Watson, *A Descriptive Catalogue of the Medieval Manuscripts of Exeter College, Oxford* (Oxford, 2000), 116–7.

University Library

- C1.** Dd 3.87 (21): 1 Hen. V–23 Hen VI c.14 (incompl.). **G68.** -  
**C2.** Ff 3.1: 1 Ric. II–23 Hen. VI (mostly Eng.). **G74.** Sir James Hobart<sup>32</sup>  
**C3.** Gg 5.7: to 8 Ed. IV. **G77.** -

Trinity College<sup>33</sup>

- C4.** MS 928: to 23 Hen. VI. **G 70.** -

Trinity Hall<sup>34</sup>

- C5.** MS 19: to 23 Hen. VI. **G69.** -

Fitzwilliam Museum

- C6.** MS McLean<sup>35</sup> 140: 1 Hen. IV to 23 Hen. VI. -  
**C7.** MS<sup>36</sup> 186: 1 Ed II (sic) –23 Hen VI. -

UK & Ireland: other

- UK1.** *Holkham Hall, Norfolk*,<sup>37</sup> MS 232\*: to 11 Hen. VII. [Woodville]/Latimer<sup>38</sup>/Walter Blount<sup>39</sup>/Pelham<sup>40</sup>  
**UK2.** *Holkham Hall, Norfolk*, MS 233. -  
**UK3.** *Holkham Hall, Norfolk*, MS 244. -  
**UK4.** LRO, BR II/3/3<sup>41</sup> to 8 Hen. VI. -  
**UK5.** *Norwich, Castle Museum*, 158. 926.4g.1:<sup>42</sup> to 31 Hen. VI. John Fyncham<sup>43</sup>  
**UK6.** *Trinity Coll. Dublin*, MS 610:<sup>44</sup> to 23 Hen. VI. -  
**UK7.** *Presently unknown, private sale in 1958*.<sup>45</sup> ?**G63.**\*? Sir Thomas Fitzwilliam<sup>46</sup>  
**UK8.** *Oslo & London. Martin Schøyen Collection MS 1355? (Eng.) to 23 HVI.*

*unknown 1. Reg. in French of acts Hen IV–VI*<sup>47</sup>

<sup>32</sup> *MoC*, i. 877–8. Discussed in chapter 4, with more references.

<sup>33</sup> M.R. James, *The Western Manuscripts in the Library of Trinity College Cambridge*, vol. II (Cambridge, 1907), 342.

<sup>34</sup> M.R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Trinity Hall* (Cambridge, 1907), 36.

<sup>35</sup> M.R. James, *A Descriptive Catalogue of the McClean Manuscripts in the Fitzwilliam Museum* (Cambridge, 1912), 288.

<sup>36</sup> M.R. James, *A Descriptive Catalogue of the Manuscripts in the Fitzwilliam Museum* (Cambridge, 1895), 394.

<sup>37</sup> For the 3 MSS at this location: W.O. Hassall, *The Holkham Library: Illuminations and Illustrations in the manuscript library of the earl of Leicester* (Roxburghe Club, Oxford, 1970), 36, 232, pl. 20.

<sup>38</sup> Three of this surname listed at *MoC*, ii. 997.

<sup>39</sup> Poss. *MoC*, i. 327: a sixteenth-century lawyer.

<sup>40</sup> Poss. Thomas Pelham, *MoC*, ii. 1216: a lawyer active from 1511, or William, *ibid.*

<sup>41</sup> Ker, *Medieval Manuscripts*, iii. 81–2.

<sup>42</sup> Ker, *Medieval Manuscripts*, iii. 519–20.

<sup>43</sup> *MoC*, i. 721–2: of MT & Norfolk; active as lawyer & arbitrator; JP Norf. 1453–96.

<sup>44</sup> D.C. Skemer, 'Reading the Law: Statute Books and the Private Transmission of Legal Knowledge in Late Medieval England', in *Learning the Law: Teaching and the Transmission of Law in England 1150–1900*, ed. J.A. Bush & A.A. Wijffels (1999), 113–131, at 129 & n56.

<sup>45</sup> *OHLE*, vi. 505, n. 83.

<sup>46</sup> *MoC*, i. 683: of Grays Inn & Lincs.; JP in Yorks. & Lincs.; recorder of London 1483–95; an MP.

unknown 2. *Ed IV [sic] to Hen VI plus reading*?<sup>48</sup>  
 unknown 3. *old statutes with collection of Hen VI*.<sup>49</sup>

USA<sup>50</sup>

<b>US1.</b> Prof. Morris S. Arnold: to 9 Hen. VI.	Richard Palmers <sup>51</sup>
<b>US2.</b> Columbia Univ. Lib., Plimpton MS 273: to 6 Hen. VI.	-
<b>US3.</b> Harvard Law School, MS. 10*: S. Vetera & to 7 Ed IV.	-
<b>US4.</b> Harvard Law School, MS. 20: 8 Ed III–11 Hen. VI (imperfect). <b>G50.</b>	-
<b>US5.</b> Harvard Law School, MS. 21: to 23 Hen. VI. <b>G66.</b>	Beauchamp <sup>52</sup>
<b>US6.</b> Harvard Law School, MSS. 29–30: to 8 Ed. IV. <b>G78-9.</b>	Richard Pigot <sup>53</sup>
<b>US7.</b> Harvard Law School, MS. 40: to 23 Hen. VI. <b>G60.</b>	['Prestun']
<b>US8.</b> Harvard Law School, MS. 163: to 23 Hen. VI.	'Turpyn' <sup>54</sup>
<b>US9.</b> Houghton Library, Harvard Univ., MS. Richardson 40*: S. Vetera & to 8 Ed. IV.	-
<b>US10.</b> H.E. Huntingdon Library, MS. EL 9 H.10*: to 8 Ed. IV.	-
<b>US11.</b> H.E. Huntingdon Library, MS. HM 47619: to 23 Hen. VI.	-
<b>US12.</b> H.E. Huntingdon Library, MS. HM 930: to 15 Hen. VI.	-
<b>US13.</b> Philadelphia Free Library MS. LC 14.5: to 11 Hen. VI.	-
<b>US14.</b> Philadelphia Free Library MS. LC 14.9 (5)*: to 8 Ed. IV.	Sir Richard Molyneux <sup>55</sup>
<b>US15.</b> Philadelphia Free Library MS. LC 14.10*: to 3 Hen. VII.	-
<b>US16.</b> Philadelphia Free Library MS. LC 14.26: to 23 Hen. VI.	-
<b>US17.</b> Princeton Univ. MS. Garrett 148: S. Vetera & to 15 Hen. VI.	-
<b>US18.</b> Yale University, Law MS. G st. 11/1* <sup>56</sup> : to 1 Ric. III.	Richard Elyot <sup>57</sup> /Margaret of Anjou
<b>US19.</b> Harvard Law School, MS. 42. <sup>58</sup>	

<sup>47</sup> J.H. Baker, *English Legal Manuscripts Formerly in the Collection of Sir Thomas Phillips* (Selden Soc. Supp., 2008), no. 200, Phillips No. 9326.

<sup>48</sup> Baker, *Coll. of Phillips*, no. 214, Thorpe cat. 30 46.

<sup>49</sup> Baker, *Coll. of Phillips*, no. 243, Phillips MS 9595.

<sup>50</sup> J.H. Baker, *English Legal Manuscripts in the United States of America, Part 1* (Selden Soc., London, 1985).

<sup>51</sup> Baker, *Legal MSS in USA*, 1. Either Richard Palmer or Palmes (of whom there are 8 possibilities): *MoC*, ii. 1198–90, 1193.

<sup>52</sup> Baker, *Legal MSS in USA*, 18, speculates that this may be the final Beauchamp earl of Warwick, d. 1445.

<sup>53</sup> *MoC*, ii. 1276–7: of MT & Yorks; sergeant 1463.

<sup>54</sup> Poss. John T, *MoC*, ii. 1566–7: of LI & Leics.

<sup>55</sup> Baker, *Legal MSS in USA*, 59–60; *MoC*, ii. 1106, in the entry for 'Molyneux, Thomas I', not the following one for TM 'II', as the entry in *Legal MSS* might have suggested.

<sup>56</sup> McGerr, *Lancastrian Mirror*, described in detail at 145–159 & *passim*. It has been possible to draw some conclusions about this volume from the plates in McGerr.

<sup>57</sup> *MoC*, i. 636, as 'RE, III': of MT & Wilts.; JP Wilts 1494–1522; MP; sergeant, 1503.

<sup>58</sup> McGerr, *Lancastrian Mirror*, 20.

## **Appendix Four: Statute Texts not included in *Statutes of the Realm*: 1422–85**

NB. The lists below of MSS are not intended to be exhaustive; they identify copies of material that has been located in the course of research for this dissertation that is not included in *SR*.

### **(1). ‘2’ Henry VI (on purveyance, as ordered by 1 Hen. VI c. 2).**

*Distributed*: writs dated 20 Feb. 1424

- to sheriff of Warwickshire & Leicestershire (BL, Cotton Nero Ci; BL, Stowe MS 389 (only to Warwickshire))
- to sheriffs of London & Middlesex (LBI, f. 294)

*Content*:

- 4 Ed. III c.3 (*SR*, i. 262).
- 5 Ed. III c.2 (*SR*, i. 299) (in part).
- 10 Ed. III st. 2 cc. 2–3 (*SR*, i. 277).
- 14 Ed. III st. 1 c.19 (*SR*, i. 288).
- 14 Ed. III st. 4 c.1 (*SR*, i. 292–3) (in part).
- 25 Ed. III st. 5 c.1 (*SR*, i. 319).
- 25 Ed. III st. 5 c.15 (*SR*, i. 322).
- 28 Ed. III c.12 (*SR*, i. 347–8).
- 36 Ed. III st. 1 cc. 2–6 (*SR*, i. 371–3).
- 1 Ric. II c.3 (*SR*, ii. 1–2).
- 7 Ric. II c.8 (*SR*, ii. 33).
- 2 Hen. IV c.14 (*SR*, ii. 125).
- 1 Hen. VI c.2 (*SR*, ii. 213).

*Copies*:

(in Latin):

- BL, Cotton Nero C i, ff. 168v–171.
- BL, Harl. MS 668, ff. 246v–252v.
- BL, Lans. MS 522, ff. 183v–5v.
- BL, Stowe MS 389, ff. 67–70v.
- LMA, COL/CS/001/007, ff. 180–2v.
- Bodl., MS Hatton 10, ff. 230v–3.
- CUL, Gg 5.7, 195–8.

(in English translation):

- LBI, ff. 292–4 (and printed: *Cal. LBL*, 288–298).

### **(2). ‘10’ or ‘12’ Henry VI (miscellaneous earlier statutes).**

*Distributed*: writs dated 4 Jan. 1434 (C255/3/9/7; *CCR*, 1429–35, p. 315).

*Content*:

(on purveyance)

36 Ed. III st. 1 c.2–6 (*SR*, i. 371–3).<sup>1</sup>  
2 Hen. IV c.14 (*SR*, ii. 125).

(all on weights and measures)

13 Ric. II st. 1 c.9 (*SR*, ii. 63–4).  
15 Ric. II c.4 (*SR*, ii. 79).  
1 Hen. V c.10 (*SR*, ii. 174).  
2 Hen. VI c.14 (*SR*, ii. 222–3).  
8 Hen. VI c.5 (*SR*, ii. 241–2).

(on riots)

2 Hen. V st.1 c.8 (*SR*, ii. 184–6).

(on forcible entries/*capias* procedure)

8 Hen. VI cc. 9 & 14 (*SR*, ii. 244–6, 250–2).

(on liveries)

2 Hen. IV c.21 (*SR*, ii. 129–130).  
13 Hen. IV c.3 (*SR*, ii. 167).  
8 Hen. VI c.4 (*SR*, ii. 240–1).

(on labourers, vagrants, games, hunting etc.)

23 Ed. III cc. 1–2 (*SR*, i. 307).  
23 Ed. III cc. 6–7 (*SR*, i. 308).  
7 Ric. II c.5 (*SR*, ii. 32–3).  
12 Ric. II cc. 3–9 (*SR*, ii. 56–8).  
4 Hen. IV c.14 (*SR*, ii. 137).  
11 Hen. IV c.4 (*SR*, ii. 163).  
2 Hen. V st. 1 c.4 (*SR*, ii. 176–7).  
6 Hen. VI c.3 (*SR*, ii. 233–5).  
8 Hen. VI c.8 (*SR*, ii. 244).

*Copies*:

(in Latin & French):

BL, Royal MS A xiv, ff. 252–9v (incomplete).  
BL, Stowe MS 389, ff. 105v–118.  
LI, Hale MS 183, ff. 226v–241.  
Exeter Coll., Oxford, MS 153, ff. 35–47v.<sup>2</sup>  
LRO, BR II/3/4.

<sup>1</sup> Note here the duplication with the contents of item (1).

<sup>2</sup> A.G. Watson, *A Descriptive Catalogue of the Medieval Manuscripts of Exeter College, Oxford* (Oxford, 2000), 116–7.

(in English translation):

BL, Add. MS 81292, ff. 398-418v.  
CUL, Ff 3.1, 166–179.

### **(3). Royal Marriages Act 1428.**

*Distributed*: unknown, but possibly included in proclamation or other copies distributed shortly after parliament, but not in re-issued versions.<sup>3</sup>

*Content*: printed by R.A. Griffiths, ‘Queen Katherine of Valois and a Missing Statute of the Realm’, in *King and Country: England and Wales in the Fifteenth Century* (1991), 103–113, at 112–13, from LRO, BR II/3/3.

*Copies*:

BL, Add MS 63055, f. 322.  
BL, Cotton Nero C i, f. 175.  
BL, Harg. MS 335, f. 215.  
BL, Harl. MS 644, f. 236v.  
BL, Harl. MS 666, ff. 336.  
BL, Harl. MS 668, f. 262v.  
BL, Harl. MS 1335, f. 220.  
BL, Harl. MS 5233, f. 303.  
BL, Lans. MS 470, f. 235.  
BL, Lans. MS 522, f. 189v.  
BL, Royal MS A xiv, f. 235.  
BL, Stowe MS 389, f. 79.  
IT, Petyt MS 511.6, ff. 267v–8.  
LI, Hale MS 71, f. 273v.  
LI, Hale MS 179, f. 123v.  
LI, Hale MS 183, f. 211v.  
Bodl., Hatton MS 10, ff. 236v–7.  
CUL, Gg 5.7, f. 203.  
LRO, BR II/3/3, f. 257.

### **(4). ‘4 Hen. VI c.1’, on subsidies (known in petitionary form (in English): *PROME*, x. 302-4.)**

*Distribution*: unknown.

*Content*: (from BL, Stowe MS 389)

[f. 72]

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<sup>3</sup> D.A. Rowland, ‘The End of the Statute Rolls: Manuscript, Print and Language Change in Fifteenth-Century English Statutes’, in *The Fifteenth Century XI: Concerns and Preoccupations*, ed. L. Clark (Woodbridge, 2012), 107–125, at 116–17.

En primes, come les comens de roialme en le parlement tenuz a Westm' le lundy devaunt le feste de Seynt Martyn lan de reigne nostre seignour le Roi primer esteantz, de lassent des seignours espirituelx et temporelx, graunteront a nostre dit seigneur le Roi un subsidie de xxxiii s. iiii d. des marchauntz englois de chescun sak de lain et de chescun CCxl pealx lanutz per les ditz marchauntz englois, del primer iour de Septembre le dit an primer eskippez, et del dit lundy tanqe al fyn de ii ans lors per chevis ensuantz et eskippiers a paier le moite al fyn de vi moys lors procheins ensuantz, purveu toutz foitz qe de toutz les sakkis de layn ou

[f. 72v]

de pealx lanutz eskippes per les ditz marchantes englois duissent estre discharges del subsidie de ceo issint perys et perduz oue peris ycell duement prove, et en cas qe illez ditz marchauntz avoient payes lour subsidies dez leniez oue pealx lanutz issint perys, perduz oue peris, qeadonqs mesmez le marchauntz duissent eskipper atauntz des lains oue pealx lanutz sauns ascun subsidie paier pur icell la qil graunte fuist, proroges au parlement tenuz lan ii<sup>o</sup> nostre dit seigneur le Roy pur autre deux anez en maner et fourme desuisdit. Et pur au darrain parlement tenuz a Westm' lan iii<sup>o</sup> mesme nostre seignour le Roi mes le graunt fuist semblablement prorogez del feste de Seint Martyn proschen avener tanqe al fyn de iii ans de leurs prochement ensuantz en mesme la fourme come devaunt. Et pur ceo qe en le dit graunte il ne fuist determinez ne specifiez coment ne desoutz qil fourme les dit marchauntz duissent prover lour perdez desuisditz, ordeigne est assentuz qe si ensy soyt qe ascuns ad perduz ascuns lains oue pealx lanutz puis le temps en le dit graunte oue pur dur, per Dieu defende, durant mesme le graunte per infortune autrement come desuis apport sez prouez tielx, et atauntz come ils savent devaunt le counseill du Roy, et eit mesme le counsell poiard per autorite de parlement de luy faire allowance datteint come il semblera a mesme le counsell per lour discrecions pur estre allouable solonc bon foy et consience, en oustre le dit consell luy eiora,<sup>4</sup> exploitera et respondera en tout bon hast.

*Copies:*

BL, Add. MS 15728, ff. 167v–8.

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<sup>4</sup> *PROME*, x. 304: 'shall here hym'.



BL, Cotton Nero C i, ff. 171v–2.

BL, Harl. MS 4565, ff. 301v–2v.

BL, Lans. MS 522, f. 186v.

BL, Stowe MS 389, f. 72.

**(5). ‘4 Hen. VI. c.3’, on Bretons in the queen’s household (confirms 4 Hen. V c.3 (SR, ii. 193), see: *PROME*, x. 308.<sup>5</sup>)**

*Distribution*: unknown.

*Content*: (from BL, Stowe MS 389)

[f. 73]

Item, come en le parlement tenuz a Westm’, le vi jour de March lan de reigne le Roi Henri peres a nostre seignour le Roy qorest le iii<sup>o</sup>, ordeins fuit que [sic] toutz les Bretons demurauntz en lostiel de Roynge Johane, et autre que demurgent pres mesme le ostell, et aillours nient faitz deinzains, seroient voides hors de roialme, et que proclamacion serroit fait que les ditz Bretons se voideront per un certain jour en le dit ordinaunce especifiez, et sur peine de vie et de membre. Le Roi, nostre tressouveraign seignour, a le grevous

[f. 73v]

compleint de sa comunes<sup>6</sup>, considerauntz les graundes meschiefs et prejudiez que aveinount<sup>7</sup> de jour en autre a luy et son people, per les estraunges en engleterre demurauntz oue la dit Roigne, que escoveroit<sup>8</sup> le counsell le Roi a cez enemiez et mandount, et lempourtout grande tresour dor et dargent hors du roialme, encountre les bone ordinauncez devaunt cez heures estre faitz, et especialment en countre la ordinaunce desuisdit ad ordeigne et estable, de lavys et assent suisdit, que les estatutz et ordinaunces faitz en ce cas soient tenuz et gardez et mys en due execucion en toutz pointz tout temps a venir.

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<sup>5</sup> It is worth noting that there are several copies of this putative statute. This may suggest that it is too sweeping to dismiss it as apocryphal, a creation of the scribal industry, not of the royal chancery; note that this is one of two additional statute texts cited in this appendix that concern the king’s mother.

<sup>6</sup> MS: *coe*’.

<sup>7</sup> Future tense, third person plural of ‘avenir’ is probably intended.

<sup>8</sup> 4 Hen. V c.3 refers to Bretons in the Queen’s household hearing secrets, ‘et les *discoverer*’. *PROME*, x. 308: ‘discoverent’.

*Copies:*

BL, Add. MS 15728, f. 169.

BL, Cotton Nero C i, f. 172.

BL, Harl. MS 4565, f. 303.

BL, Lans. MS 522, f. 187.

BL, Stowe MS 389, f. 73.

**(6). ‘6 Hen. VI c.2’, on the wool subsidy etc. (known in petitionary form at: *PROME*, x. 350-1.)**

*Distribution:* unknown.

*Content:* (from BL, Harl. MS 5233)

[f. 300v]

Item, come divers fraunchisez, jurisdiccions, privilegges \et/ libertees per estatuit ount este grauntez a lez mairs, constables et marchauntz de lestaple des lains, pealx lanutz, quirs, plumbe et estain, et dez autres marchaundisez appurtenauntz a lestaple, forprisez bure et fromage, per lez noblez progenitours nostre seignour le Roy, pur la sustenance et bon governaunce dicelle, ordinez est et establiez qe lez fraunchisez, jurisdiccions, privilegges et liberteez issint per estatuit grauntez et nient repellez ne determinez, soient tenuz et gardez et mys en due execucioun.

*Copy:* BL, Harl. MS 5233, f. 300v.

**(7). ‘29 Hen. VI c.1’, confirmation of the charters.**

*Distribution:* unknown.

*Content:* (from BL, Harg. MS 335)<sup>9</sup>

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<sup>9</sup> Collated against the confirmation in the 1406 parliament, which this text closely resembles. It is not possible to satisfactorily resolve here whether this text: (a) implies that parliamentary confirmations of this kind remained routine, but they were no longer routinely recorded; (b) this was so, but the choice of a version resembling that of 1406 was nonetheless significant, bearing in mind the controversies about royal power expressed both in that parliament and in the first session of the 1450–1 assembly; (c) confirmation of the charters was no longer a normal occurrence and its appearance here, and its suppression elsewhere, reflects the weakness of royal power in the first session of the 1450–1 assembly, and its recovery in the following two (the confirmation perhaps being repealed); or, (d) that this text was a projection of someone of anti-court sympathies— the kind of measure they *wanted* to be enacted— note the presence of various Yorkist materials at the end of the MS, and the interest in

Que seint eglise eit toutz ses libertees et fraunchises, et que toutz les seignours espirituelx et temporelx et toutes lez citees, burghs et villes en fraunchises aient et enjoient toutz les libertees et fraunchises quez ils ont du graunte des progenitours nostre dit seignour le Roy, et de la confirmacioun et du graunte mesme nostre<sup>10</sup> seignour le Roy.<sup>11</sup> Et que la graunte chartre et chartre de la forest et toutz les ordenaunces et estatutz faitz en temps nostre dit seignour le Roy et en temps de sez ditz progenitours nient repelles, ne per la ley repelablez, soient fermement tenuz, gardez et duement executz en toutz pointz. Et que la paix deinz le roialme soit tenuz et gardez, issint, que toutz lez loialx lieges et subgittez mesme nostre seignour le Roy purront desore enavant,<sup>12</sup> sauvement et paisiblement aler, venir et demurrer solonc lez leies et usages de mesme le roialme. Et que bone justice et ouel droit soit fait a chescunny, savaunt a mesme nostre seignour le Roy sez regalie et prorogative.

*Copy:*

BL, Harg. MS 335, f. 274.

**(8). ‘31 Hen. VI c.2’, statutory version of act of attainder of Sir William Oldhall (known in petitionary form: *PROME*, xii. 307–9.)**

*Distribution:* unknown, but probably translated and adapted from the parliamentary petition.

*Content:* (from BL, Harg. MS 335)

[276r]

Item, nostre seignour le Roy, per lauctorite desuisdite, en consideracioun de faulx mavailx et traiteours desposicioun du William Oldhall, chivalier, le qi ennaturalment, et encountre soun duete et foy de sa liegeaunce, ad du long temps laboure per subtielx faulx et desloialx imagenous [sic] et traiteours moieans encountre la persone du Roy et estate le bien de luy, et de son roialme, en toutz qi en soy fuist, et per son faulx disloiall counseill et aide done, sibien a lez persones en le champ a Dertford en le

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Oldhall’s attainder. A combination of hypotheses (b) and/or (c) perhaps seems most likely. These points can only be fully developed elsewhere, with references.

<sup>10</sup> 7 Hen. IV c.1 (*SR*, ii. 150) adds: ‘dit’ at this point.

<sup>11</sup> 7 Hen. IV c.1 adds: ‘& de la confirmacion & du graunte mesme nostre seignour le Roy’ at this point.

<sup>12</sup> This word is omitted in 7 Hen. IV c.1.

countee du Kent encountre, la persone du Roy jadis assemblez come as severallx temps as grandes traitours John Cade, John Wylkyns et oretard ung John Halton, et issint, de jour en autre, continue en soun malvayx et traiteours purpose, que Dieu defende, sil serroient acunement accomplysse, et coment qe il dez diversez treasons soit endite et attainte per utlagerie solonc le cours de ley du dit Roy, pur le quell sez biens et chateulx, terres et tenementz devoient estre au Roy forfaites et seisez, ad ordeigne et estable qe le dit William Oldhall per quelconqe nune ou nouns il soit appelez, nommez, ou cognuz en <sup>13</sup> aucuns tielx enditementz soit pris adjugez, reputez et ewez come traitour et persone atteinte del hault treason faite et commis encountre la roiall persone du dit Roy, et oultre ceo, per la dit auctorite ad ordeigne et estable qe toutz maners des biens, chatelx, terres, tenements, rentes, reversiones, fees, advousons, franchises, libertees et toutz autres enheritaunces et possessions quelconques ils soient, les quex fuerent le dit William Oldhall al temps dascuns treasons per luy en ascun enditement supposez estre faitz, ou a ascun temps de puis, ou qe ascune autre persone ou persones de quelconqe estate degre ou condition ils soient feussent al temps dascun treason per as.<sup>14</sup> de lez ditz enditementz per le dit William Oldhall suppose destre faites, ou de puis a son use ou proufit en aucune manere

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seisez ou possessez soient forfaites au Roy. Et qe le Roy, per lauctorite desuisdite, eiet la forfeiture de toutz lez premisses, aucune graunte ou grauntes faitz per luy, ou per le dit William Oldhall, ou per ascun autre de lez ditz biens, chatelx, terres, tenementz, ou possessions, ou dascune parcell deceux, a ascun homme faitz ou euez, nient obstant. Purveu toutz foitz, qe les heires du dit William, enclamiantz per force dascune taille commence, et preignaunt effect devaunt ascun treson suppose per luy estre faite, ou aucune persone ou personnes enclamantz per vertue dascune reversion ou remaindre de lez premisses per force dascune graunte faite per le dit William ou per ascun autre seisez a son use, devaunt aucune treason suppose per luy estre faite, issint qe lez donnez et grauntes ne furent al use ou proufit du dit William Oldhall, ne soient apres la mort du dit William endamagez ou prejudisez per cest present act ou

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<sup>13</sup> The vertical mark to separate these words is probably a later addition.

<sup>14</sup> Not completely legible. *PROME*, xii. 308 reads 'by eny', suggesting 'ascun(s)' here.

ordenaunce. Purveu auxi, qe cest present act ne soit prejudiciall a ascun seignour ou seignours dascuns fraunchises loialment entitlez, davoit et enjoier, ascuns de les ditz terres et tenementz, biens et chatelx per voie de forfaiture per reasoun de leur fraunchise. Et qe cest present act ou ordenaunce nextende pas per voie de forfeiture as ascuns terres ou tenementz, biens ou chatelx en lez quex le dit William fuist enfeoffe ou possesse jointement ou severalment al use dascun autre homme. Et enoultre, qe lez persones ou persone eiantz ascun title, droit ou possession en ascuns de lez ditz terres, tenementz, biens ou chatelx devant ascun title, droit ou possession crevez pris ou ewez a le dit seignour William, nient al use de luy per cest act, ne soient endamages, prejudisez, ne barrez de leur loiall accioun, clayme, title ou entre. Purveu auxi, qe cest present act ou ordenaunce, ou ascun autre en cest present parlement fait, ne soit prejudiciall ou damageous a Edmond counte de Richemond, ne a Jasper counte de Pembroch', de a ou touchant ascune chose donne, grauntee, creve ou conferme ou a doner, graunter ou confermer a lez ditz Edmond et Jasper, ou a lautre de eux, devant le fest del Nativite de nostre seignour proschein venant, per quel noune ou nouns lez ditz Edmond et Jasper, ou aultre de de eux, sont nomez ou appelez ou serront nomes ou appelez en ascuns de lez ditz douns, grauntez ou confirmacions. Et auxi, purveu qe cest present act ou ordenaunce ne soit prejudiciall al priour de Walsyngham, ne a sez successours, dascune graunte faite a eux de lez premissez, ou ascune parcell eut. Purveu auxi, qe cest present act ou ordenaunce ne soit prejudiciall a Edmond duk de Somerset, ne a sez heires dascune graunte faite a luy ou a eux del Manere a<sup>15</sup> seignurie de Honesdon' oue lez appurtenaunces. Purveu auxi, qe cest present acte du parlement \ne/ extende pas ne soit prejudiciall a seignour Thomas Tyrell,

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chivaller, maister Thomas Grene, clerk, Robert Tanfeld et John Hewett, esquiers, ne a lour heires ne assignees dascune, droit, title, claime, possession ou enteresse qe lez ditz Thomas, Thomas, Robert et John ount en, et de trois tenementz en Mugwelstrete en Loundres, oue leur appurtenauncez, ne en aucune parcell de eux en lez queux trois tenementz John Fastalf, chivaller, Henry Inglosse, chivaller, Richard Waller, esquier, et Robert Norwyche jadis furent enfeoffez al use et profit du dit William Oldhall, chivaller. Purveu toutz foitz, qe cest present act ou ordenaunce ne soit prejudiciall as

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<sup>15</sup> This word is unclear.

priour et convent del monasterre de nostre dame de Walsyngham, ne a lour successours, dascune graunte faite a eux dascunz de lez premissez ou aucune parcell eut devaunte cest xxii<sup>e</sup> jour du June, lan du reigne du dit Roy xxxi<sup>e</sup>. Purveu toutz foitz, qe cest ordenaunce et act ne soit prejudiciall as priour et covent [sic] du Moynes de nostre dame de Thetford, ne a lour successours, de \et/ pur le maner de Bodeney, et C acres de terre oue lappurtenaunces en Bodeney, ne de null partie eut, dez queux le dit William Oldhall long temps devaunt lez ditz treasons sount supposez estre faitz enfeoffe Richard Waller, esquier, Robert Borlee, esquier, John Bartram, gentilman, et William Norwyche le pune,<sup>16</sup> juniour, el lez queux manere et terre oue lappurtenaunce le Roy ad licencez per sez lettres patentz lez ditz priour et covent a purchaser et a tenir a eux, et a lour successours, perpetualment come en mesmes les lettres patentz pluis pleinement soit contenuz. Auxi purveu, qe cest dit act extende pas, ne soit en aucune maner prejudiciall ou damageous, a ascun graunte faite per nostre dit sovereigne seignour le Roy per ascuns sez lettres patentes a Waltier Bourgh, esquier, dascuns biens, chatelx ou dettes quex jadis furent appurtenauncez au dit William Oldhall per quelconque noute le dit Waltier soit nomme en lez ditz lettres patentz.

*Copy:*

BL, Harg. MS 335, ff. 276–7.

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<sup>16</sup> Apparently meaning ‘puisne’: the younger/youngest.

## Appendix Five: A Brief Comparison of Translated Statutes

Note: All texts are of the start of 11 Henry VI c.9. It will hopefully be seen that none of the English translated Texts **C**, **D** or **E** appear to have been taken from one another, or from the original petition **A**, which was enrolled in English on the parliament roll. In accordance with normal procedure, chancery clerks will have then translated Text **A** into French, to produce something like Text **B**, taken by the editors of *SR* from a contemporary transcript made in the chancery (in the absence of a statute roll for this parliament). Text **B** closely resembles the French text appearing in most *Nova Statuta* MSS and, in this instance, also of STC 9264, Machlinia & Lettou's printed *Nova Statuta*. It seems that **C**, **D**, and **E** were separately translated back into English via French copies of the statute, on different dates, probably from various copies circulating in MS *Nova Statuta*. As argued in chapter four, Text **E** may even have been translated *from* STC 9264 itself.

<p><b>A.</b> <i>PROME</i>, xi. 139-140. [c. 1433, enrolled petition]</p> <p>Besechen mekely all the communes of this reame: that howe by a statuit made in the parlement of Kyng Richard the .ij.<sup>de</sup>, the yere of his reigne .xviij. it was ordined þat every man of his reame myght make as wele clothes of kerseys, as other clothes, of soche length and brede as it liked hem, and the same clothes selle, paying the awnage and subsidie, and opere duetes after the rate, that is to seme, of every clothe and ych pece of cloth after the rate, ony estatuit,</p>	<p><b>B.</b> <i>SR</i>, ii. 284<sup>1</sup> [prob. from C49/11/6]</p> <p>Item, come en lestatuit fait lan .xviij. de Roi Richard le secunde puis le conquest, ordene soit qe chescune home du Roialme purra faire et mettre a vende et vendre drapes, sibien dez kerseyes come autres, dez tiels longure et lateure come luy plerra, paiant launage et subsidie et tous autres devoirs, cestassavoir, de chescune pees de drape solonqe laferant, nient countresteant ascune statuit, ordonaunce, proclamacion, restraint ou defence fait a contrarie; et qe null vende ou</p>	<p><b>C.</b> <i>CUL</i>, Ff 3.1 [prob. before 1445] [f. 163]</p> <p>Item, as in astatute made þe xvij yere of Ric<sup>7</sup> ij<sup>de</sup> after þe conquest, it is ordeinde þat euery man of Engelonde may do and put unto sell ony clothis, as will karsees as other of what brede ande lenghe as he wille, paynge þe lawnage and subsidies and opere devoirs .s.<sup>2</sup> of euery pece of cloth after þe afferaunt, notwithstandinge ony statute ordinaunce, proclamacion, restraint or defence made unto þe contrarie, and þat none sell, ne put unto sell, ony cloth afore þat þei be allowed</p>	<p><b>D.</b> <i>BL</i>, Add. MS 81292 [prob. also before 1445] [f. 394]</p> <p>Item, as estatutis made the .xviij. yere of Richarde seconde, it was ordeyned that every man of the realme may make and put to selle some clothe, as karseies and othre clothes of suche lengthe and brede as hem lyken, payng the alnage and subsidies and othre devours, that is for to wite, of every pece of clothe afre the afferaunt, notwithstandinge eny estatutis ordinauncis, proclamacions, restreintis or defence made unto the contrarie, and that noman selle, ne put to sale, eny clothe</p>	<p><b>E.</b> <i>BL</i>, Harley MS 4999 [post-1482] [f. 213]</p> <p>Item, as in thestatute made the .xviij. yeer of kyng Richard the secunde after the conquest, ordeigned was that everi man of the realme may make and sette to saale and selle clothis, aswel of kerseys as other [f. 213v] of suche length and breede as hym pleasith, paieng the awnage, subsidie and other money, that is to wite, of everi pece of cloth after thafferaunt, natwithstandyng any estatute, ordynaunce, proclamacioun, restreynt or defence made to the contrarie. And that no saale ne sette to saale,</p>
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<sup>1</sup> The French text printed in STC 9264, sig. dd ii<sup>v</sup>-iii, differs in only minor ways from this version and is not also reproduced.

<sup>2</sup> *scilicet*.

<p>ordenaunce, proclamation or defence to the contrarie made natwithstandyng; and þat the saide clothes shold be measured by the awnours, as in the same statuit plainly it appereth. And after þat, in the parlement of Kyng Henry the .iiij.<sup>te</sup> at Westmynstre þe first day of Marche the yeere of his reigne þe .vij. hit was ordeigned and stabled, that clothe of colour shold conteigne in lenght .xxviij. yerdes, mette by the crest, and in brede .vi. quarters di' ...</p>	<p>mette a vendre ascuns drapes avaunt qils soient aunez per lalnour du Roi et ensealez de seal a ceo ordeigne, sur le peine contenue en lestauts ent fait: et puis en lestatuit ent fait lan septisme le Roi Henry quart, aiel nostre seignour le Roi quorest, ordeine fuist auxi qe le drape de colour contene en longure .xxviij. aulnes mesurez per le dorce et laure vi quarters et demy ...</p>	<p>by þe allowour of þe kyng and ensealed with asele þerto, ordeinde uppon peyne conte in<sup>3</sup> þe statute therof made. And after, in þe statute made the .vij. yere of kyng henry þe .iiij.<sup>th</sup> the graundfader of our sovereyn þat now is, it hath ben ordeind also, þat þe cloth of coloure conteigne in longure xxviij alnes measured by the doce and in brede .vi. quarter and di. ...</p>	<p>afire it be alned by the alneour of the king and ensealed with the seale therto ordeyned, upon peine conteyned in an estatute therof [f. 394v] made and provided. And after, in an estatute made the .vij. yere of king Henri the .iiij., it was ordeyned also that the clothe of colour shulde conteyne in lengthe .xxviij. alnes, measured by the dorce, and in brede .v.i quarters and do' ...</p>	<p>aforn that thei bien met bi the awnour and meater of the kyng and ensealed with the seale to this ordeigned, vpon peyne conteigned in estatutes þerof made. And after, in thestatute made the .vij. yeer of kyng henry the .iiii., aiel to our lord the kyng that now is, also that the cloth of colour conteigne in length .xxviij. yeerdis of mesure bi the back and .vi. quarters in breede and anhalf ....</p>
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<sup>3</sup> The scribe seems to have failed to appreciate that the sense requires 'in' twice in succession here.



## Appendix Six: Miscellaneous Comparisons of Statute Texts

### Item 1. 27–28 Hen. VI: Comparison of readings in *SR* with E175/4/13.

[Collated against E175/4/13: wording found on the statute roll, but omitted from E175/4/13, is placed between square brackets. Additional text found in E175/4/13 is indicated in italics.]

(1) 27 Hen. VI c.1 (*SR*, ii. 345).

[ll. 21–3]

....les occupacions, et tielx deulx qe ne sceuent a faire null' autres occupacions devienent come [udife] *oicieux*<sup>1</sup> people, le quel les provoque a peccherie et mavais vie:  
....

(2) 27 Hen. VI c.4 (*SR*, ii. 351).

[ll. 6–10]

.....estoit ordeigne per auctorite du dit parlement qe si ascune people de lez ditz countees lour biens ou chateux [atort] *enjuriousment*<sup>2</sup> furent prises en ascune des ditz countees, per ascunes hommez de Gales et hors de lez ditz countees en Gales ...

[ll. 33–36]

... en le dit parlement tenuz a Westm' lan de son dit reigne vintisme pur tielx [torciousez] *enjuriousez* prisez, dendurer pur vi ans, preigne effect et soit en sa force jusques a proscheyn parlement et adonques dexpirer.

(3) 28 Hen. VI c.4 (*SR*, ii. 356).

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<sup>1</sup> *oicieux*, STC 9264, sig. hh i.

<sup>2</sup> *enjuriousement*, STC 9264, sig. hh iiiii.

[ll. 35–39]

... Purveu toutz foitz qe null persone pur [preigner] *preignaunce*<sup>3</sup> destresse dedeins son fee, ou pur ascun manere cause pur quoy destresse ou [prise] *preignaunce* est loiall per la comune ley Dengleterre, per cest ordinaunce soit endamage ou greve; cest ordenaunce dendurer pur cynke ans.

**Item 2. Extracts from Machlinia Nova Statuta (c.1482–3) STC 9264, sig. ll vi, compared with SR, ii. 398–9 (from C74/8), in 3 Ed. IV cc. 4 & 5.**

[Wording found on statute roll, but omitted from Machlinia’s edition, is placed between square brackets; additional text only found in Machlinia is indicated in italics.]

(1) [c.4.] ... lun moite *de celle forfaiture ent estre paiez al oeys nostre dit seignour le* [au] Roy [dapperteigner] et lautre moite ent au tielx maistres ou gardeyns qui issint ferront serche et ceo troveront.<sup>4</sup> Et que cest present ordinaunce *ou estauit* les dites artificers ... [should not] soit en ascune maner prejudiciall ou damageous a Robert Styllington, clerk, dean del frank Chappell du roy *nostre tresredoute seignour le Roy* de Seynt Martyn graunt de Loundres ...

(2) [c.5] Item, prierent lez Comens en le dit parlement assembles au nostre dit soverayn seignour le Roy de reducer a sa *gracouse* remembrance, que en les jours de ses nobles progenitours fuissent faites diverses ordeynaunces et estatutes en cest roialme *Dengleterre* pur lapparail et arraie des Comens dicelle *roialme*, sibien des hommes come de femmes, issint, que null deux duissent user ne were null inordinate et *excessive* arraie ....

**Item 3. STC 9264: The expansion and contraction of the text**

NB.

1. Contraction and suspension markings have *not* been expanded in these sample passages, in order to illustrate their frequency; all such markings are indicated with an apostrophe. Punctuation is omitted.
2. Additions to the text printed in *SR* are marked in italics.
3. Text found in *SR*, but omitted here, is added between square brackets.

<sup>3</sup> *preignance*, here, and below: STC 9264, sig. hh vii.

<sup>4</sup> The same passage reads in E159/240 Rec. Hil. rot. 24: ‘... the oon half therof to belonge to the kyng *our said soverayne lord*, and the other half therof to such maistres or wardeyns that soo shall serche and fynde it.’

(1) the expansion of the text: sig.  $\supset$  viii (recto) in 6 Hen. VI c.3

... ne pur *lez demy iours pur [les] viegles dez tielx festes* Et que chescune [tiel] p'clamcion issint affaire soit tenu come choce [per estatut] Et si ascune s'uaunt artificer ou oruerour<sup>5</sup> face le contrarie de tiell' p'clamcion issint affaire & de c' soit atteynt al suite de Roy que il forface al Roy chescune temps le value de soun lower & sil nad' dount faire gree au Roy que il *leit lemprisoneme't* de xl iours sauns estre lesser a baille ou a mainpris en ascune manere. Et que les iustices du peas Mairs & Baillifs auaunt dites *adonques* pur le temps esteautes eient poair & auctorite doier & terminer tielx offenses sibien a la suite du roy *nostre seignour* per suggestion [&] surmys come *a la suite* de partie qui soit en tiell' cas greue & sur ceo de faire & [a]garder briefs de Capias a tauntz des foitz que leur semblera bien affaire enu's tielx seruautes artificers & ouerours a la suite de chescuny *persone* qui soy sente en tiell' cas greue *ou moleste* retournable deuaunt eux mesmes ou *deuaunt ascunes* autres Justices de la peas Mairs & Baillifs pur le temps esteantes a certeyn iour en leur sessions a quele iour si *ascune* tiell' seruant artificer ou ouerour vigne deuant lez dites Justices *de la peas ou deuaunt* Mairs ou Baillifs per force des tielx briefs ou en *ascune* manere que *adonques* m'z les Justices *du peas* Mairs ou Bailiffs *pur le temps esteautes* eient pleyn poair & auctorite pur examiner per leur discrecion & *conisaunce aux* bien tielx seruautes

(2) STC 9264: the contraction of the text: sig.  $\supset$  viii<sup>v</sup> in 6 Hen. VI c.3

artificers & ouero's coe' lo' meistes coe' bie' tielx s'uauntz artificers & ouerours p'igne[nt] per lan per le iour & per la semaine & sils trouent per tiel examinacion ou per plee perentre mesmez les seruautes artificers ouerours & leur meisters le contrarie estre fait dez tielx p'clamacions issint affairs qui lez ditz seruantz Artificers & ouerours & laborers soient puniz en la fourme suisdit ...

**Item 4. Correspondence of quire 'bb' in STC 9264 with BL, Harley MS 4999, ff. 198–203v**

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<sup>5</sup> Sic.

Order of quires in correct order if text reads correctly in STC 9264 [not necessarily as bound or printed]	Start of Sig. in STC 9264	Equivalent folio in MS to start of Sig. (Discontinuities in the text are marked with an asterisk.)
A1	bbi 'brief garaunt' c.12	197v (last line)
A2	bbi v 'ditz comens' c.14	198 (penult. line)
B1	bbii 'al fyn' c.14	198v
B2	bbii v 'disheriteson' c.16	199
C1	bb vi <sup>6</sup> 'eux prises'	absent
C2	bb vi v 'presente au'	absent
D1	bb iiiii '[mer]- chaunt null' '	*200v [there is a gap 3 lines from the end of c.20 at: 'touchyng but that the same money...'] <sup>7</sup>
D2	bb iiiii v 'desore enauaunt'	201 [5 lines from end of c xxii]-201v
D3	bb vi 'draps ensy'	*199v [marked in margin: 'nota ii']
D4	bb vi v 'Mairs Ballifs'	200 [7 lines into c. xix]-200v
C3	bb iiiii '-ses lettres'	absent
C4	bb iiiii v 'deinz .xv. iours'	absent
B3	bb vii 'dascune singular'	*201v [5 lines from foot: 'everi singulie persone', preceded by 'and thereof maken goode', which is start of page facing bb vi r[D2]]
B4	bb vii v 'en les ditez'	202 7 lines from foot
A3	bb viii [Incipit 9 HVI]	202v
A4	bb viii v 'auoir en ez' c.2	203 7 lines from foot

**Item 5. Images of castings off in LI, Hale MS 71 (against STC 9265: Pynson's *Nova Statuta*)**

(1) f. 369v

<sup>6</sup> This signature number is clearly wrong, and this may be significant. If leaf C were present at all, it may be that the copyist ignored it, wrongly thinking it was misplaced.

<sup>7</sup> Where the translator/scribe has guessed, incorrectly, that the word was 'touchaunt', as opposed to 'merchaunt'.





			tenderness to the common wele therof, and of thenhabitantz of the same Citee and other repairyng therunto, willyng that no man shuld excuse him by ignorance, hath commaunded the saide articles to be publissed and proclaymed, and upon the peyne comprised in the same, straitely fromhensfourth to be observed and kepte.	
	<b>[B. Public order]</b>	LBK, f. 10v (1422–3), f. 188 (1440), f. 233r (1446); LBL, ff. 6v–7 (1461). The first and last instances coincide with parliaments at Westminster.	[Not included.]	[Not included]
The chapter existed in overall terms by 11 Nov. 1367: LBG, f. 196v. Not found in <i>Lib.A</i> version or earlier versions in LBF or LBG. The subject matter is, however, addressed in a royal writ to the city of 12 June 1363: <i>Lib.A</i> i. 389; LBG, f. 111, though the curfew at that time is rung at St Mary at Bow. The first version to include the same, longer, list of churches as B2 is apparently that of 11 Nov. 1367: LBG, f. 196v.	<b>[B1.]</b> Qil qe ferte oue sa mayne ou poigne paiera al oepe de la Cite dymy marc, et qi qe treit custell paiera di. marc, et qi qe sanc paiera .xx. s., et outre ceo, avera sa penaunce solonc les discrecions des mair, viscountz et audermans.			
This clause was, to all intents,	<b>[B2.]</b> Item qe <u>null</u> soit sy <u>hardy</u>			

<p>identical to the 1420 version by 11 Nov. 1367: LBG, f. 196v. The light is mentioned at <i>Cal. LBC</i>, 16.</p> <p>See: <i>SR</i>, i. 102 (statutes of London, 1285), where the underlined words, only, are identical. Also note the statutes on nightwalkers: <i>SR</i>, i. 97 (Winchester, 1285), 102, 268 (5 Ed. III c.14). But proscribed by ‘statutes’ (and in some cases, also ‘the ordinance’) of the city before then, certainly by 1281, when 4 sets of jury inquests determined a series of allegations put by reference to the peace and/or such statutes between Sep. &amp; Dec., see: <i>Cal. LBB</i>, 2, 6–7, 10–12.</p> <p>The penalty in B2 is specified by ?Nov. 1366, LBG f. 176v. <i>Lib.A</i>, i. 275–6, <i>SR</i>, i. 102 also have a penalty clause, but in different terms. <i>Lib.A</i>, i. 387 (1363), but, again, with a different penalty: imprisonment at Newgate until the</p>	<p><u>daler wakeraunt</u> deins la Cite de Loundres, ne lez suburbes dicelle, apres coverfiewes, persones a les eglises nostre dame att Bowe, Berkyngchirch en la garde de Toure, Seynt Bryde et Seynt Gyles hors Crepilgate, sil ne soit home de bone fame ou servaunt per verroy cause, et ceo ovesqe lumer. Et si ascun soit trove vakerant encountre cest ordeignaunce neynt enavant soit pris et mande al prison, illeoques a demurrer tanqe il ad fait fyn a la dite Cite pur le contempt et trove bon suerte de son bon porte.</p>			
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fine is paid				
<p>In substantially this form by at least 1410: LBI, f. 99v.</p> <p>Again, the underlined words only are used at <i>SR</i>, i. 102. Note also the various obligations on hosts to sell at a reasonable price: <i>SR</i>, i. 308 (23 Ed. III c.6); <i>SR</i>, i. 313 (25 Ed. III, st. 2, c.5), 330 (both on enquiries by judges into innkeepers). The amercement of the initial offence is as <i>Lib.A</i>, i. 276; the outline of this clause is as that source &amp; <i>SR</i>, i. 102. The 1352–3 version has the preceding words, but retains the sliding scale of the <i>Lib.A/SR</i> versions, up to the fifth offence, showing continuity between the early texts and those in the LBs</p>	<p><b>[B3.]</b><sup>2</sup> Item, qe null taverner, brasiour,<sup>3</sup> kewe, pyebaker ne huckester <u>teigne son</u> hays de <u>taverne ouert</u> <u>apres coverfiewes</u> persones a les eglises suisditz, sur peyne de perdre xl. d. al oepe de la comunalte al chescun defaute trovee. Et qe nul coverfiewe soit sone a nul eglise apres coverfiewes suisditz, sur mesme la peyne. Et qe chescun qi sache enfourmer le chamberleyn de tiel defaute avera la quarte partie del fyn faite pur son travaille.</p>			
<p>Much of this is present by 1343: LBF, f. 70v. Again the penalty is different. That version refers to ‘le dite crye’. Note a similar clause in 1366,</p>	<p><b>[B4.]</b> Item, qe chescun hostiller qi teigne herberge garnys les gentz qi sount herberges ovesqe luy qils veignent per covenable temps a lour</p>			

<sup>2</sup> B2 and B3 probably belong together, by inference from internal cross-references. Probable that B2–7, as a whole, is a group.

<sup>3</sup> These two terms by 1343: LBF, f. 70. Still only those two words are used in 1366: LBG, f. 176v; in 1367: f. 196v; or 1370: f. 259v; or LBH, f. 298 (1394). But a larger set of terms was in use by LBI, f. 33v (1403–4).

<p>requiring a host to 'garaunte les gentz': LBG, f. 176v. LBG f. 135v (1364) relates the responsibilities of hosts for the behaviour of guests to the statute of Winchester.</p>	<p>hostelles. Issint, qils ne soient en damagez per la dite ordeignauce pur defaute de garnishment, sur perille qappent.</p>			
<p>Words underlined relate to the Latin text of 1276–7: LBA, f. 129v. Reflected at <i>Cal. LBC</i>, 16: that taverners must answer for those in their houses. Overall, B5 is reflected in LBs by 1343, see: LBF, f. 70v. In similar terms to LBs in <i>Lib.A</i>, i. 476. But see <i>Cal. L/B A</i>, 216 (1276–7): no-one to take another into his house for more than a night, unless he hold him to right if he makes default and his host is to answer for him if he departs.</p>	<p><b>[B5.]</b> Item, <u>qe null' hostiller</u> ne herberge nulle persone <u>outr</u> <u>une noet</u> sil ne soit bone et loiall et <u>unille, respoudre</u> pur luy si riens face encountre la peas.</p>			
<p>Clearly new on 9 Dec. 1364, LBG, f. 135: an ordinance that expresses concern that hosts who bake, it seems, including these items, are outside the conventional assize. No specific statutory control on horse bread, hay and oats existed until</p>	<p><b>[B6.]</b> Item, qe nul hostiller dedeins la fraunchise du dite Citee preigne de nully pur feyne<sup>4</sup> du chivall pur un jour et une noet plus qe ii. d., et <u>pur un busseill daveyns qe vi. d., et ceo pur mesure en sealle</u><sup>5</sup> bussell et <u>pek sur peyne ent ordeigne</u>. Et qe nulle hostiller</p>			

<sup>4</sup> LBG, f. 10v: 'et litter'.

<sup>5</sup> Version at LBG, f.10v simply has 'sur peine avaunt dite' after these words.

<p>13 Ric. II st. 1 c.8. The prohibition on baking by hosts is also at LBG, f. 135, though not in these precise words. The clause is omitted in the 1370 common proclamation: LBG, f. 259v. The words underlined appear to be new in 5 Nov. 1372: LBG f. 295.</p>	<p>pesche deins son hostill nulle manere payn a vendre, sur peyne de forfaiture.</p>			
<p>Identical to the 1410 version, apart from orthography. The stock phrases underlined appear in several ordinances esp. <i>Memorials of London and London Life</i>, ed. H.T. Riley (1868), 480-1 (1383), LBH, f. 180 (Aug. 1384), f. 180v (Sep. 1384). There is no statute corresponding to this.</p>	<p>[B7.] Item qe nulle face <u>congregacion</u> ne <u>assembles</u> deins la Cite ne la fraunchise dicelle, ou dehors, <u>per covyn</u>, confideracie, ne per nulle autre maner. Et qe nuls reitours [riotours] soient suffertz deins la dite Citee, <u>enpryve</u>, <u>nappert</u>, mes ou qils soient trove, eient peyne denprisonement<sup>6</sup>, et outre ceo remitz al volunte du mair. Et qe chescun home dastate a la dite Cite, auderman et commoner, en<sup>7</sup> absens des ministres du dite Cite eit poiar darrester riotours et malfaisours, sy ascuns y soient trovez, et eux amesner a les countours des viscountez,</p>			

<sup>6</sup> A significant part of the text to this point is per LBG. f. 10, probably dated 1 Aug, 1353. It is therefore prior to the legislation of Ric. II.

<sup>7</sup> The text reads as this version from this point to the end of the chapter by 1366, LBG, f. 176v.

	illeoqs a demurrer tanqe de eux soit fait due punissement per discrecioun des maire et audermans de la dite Cite.			
	<b>[C. Public Health]</b>		<b>C. Public Health<sup>8</sup></b>	
	[Omitted]	The source for this is not clear. Though the proclamation under 12 Ric. II c.3 ( <i>SR</i> , ii. 59-60) was also to relate to lesser watercourses, this may follow that royal order.	<b>[C1.]</b> Also, that no man take upon him to cast any dunge, filthe, rubissh, ordoure, or any other thing noisaunt in to the water of Thamyse, upon payne of imprisonment.	<b>[C1.]</b> <b>[included]</b>
Traceable back to at least 1375, <i>Memorials</i> , ed. Riley, 388-390; LBH, f.15v, i.e. pre- 11 Ric. II c.3. Also in slightly more basic terms, without a reference to liquor, but with imprisonment as well as a 2s. fine: LBH, f. 180. (Aug. 1384); precept to constables & beadles to advise of this provision in 1414, LBI, f. 143. Words underlined largely as LBG, f. 295 (1372).  In similar, but not identical, terms in 1410: LBI, f. 100v– the only chapter in that	<b>[C2.]</b> . Item, qe nulle persone demurraunt dedeins la Cite de Loundres mette ou face mettre, gette, <u>ou face gettre</u> , <u>per noet ne per jour hors de lour fenestres</u> , <u>eawe</u> ou aultre licour ou chose noesaunt, <u>forsqe soulement</u> , <u>de les amesner bas a terre</u> sur peyne de deux souldz appaiers al chambre de Guyhalde a chescun foitz, saunz redempcioun.	A translation of C8 from the 1420 version. <sup>9</sup>	<b>[C2.]</b> And also, that no persone dwellyng within the Citee of London cast, or doo to be cast, by nyght nor by day oute of there wyndowes water or other licoure or <u>thing noisaunt</u> , but bere it downe to the grounde. And there cast it a way upon payne of .ii s. to be paied to the cambre of the yeldehall at every tyme withoute redempcion, accordyng to the olde Custumne.	<b>[C2.]</b> <b>[included]</b>  .. other filthe ...  .... every tyme <u>that he shalbe founde defectif</u> ...

<sup>8</sup> Divided into two sections in the 1464 version.

<sup>9</sup> Or from a similar exemplar. This caveat is not repeated in the other instances given below.

<p>common proclamation about hygiene/cleaning in common with the present text.</p>				
<p>C3-8 appear as the bulk of a self-contained proclamation of 7 Nov. 1414 at LBI, f. 143. This was probably connected to the first appearance of an obligation in wardmote precepts to <u>elect</u> a raker in 1414, see Barron, <i>London in LMA</i>, 126; (though such an official was not <i>per se</i> new, and is referred to in earlier wardmote articles.). These clauses are marked ‘Nota’ in the margin in the 1416 general proclamation at LBI, ff. 183v-4. This is perhaps a sign that a clerk detected them as new, to be copied into a later version. The election of a raker appears in precepts of: 1437, 12 Dec. 1461, 12 Dec. 1465: LBK, f.168; <i>Lib.D</i>, f. 124; TCC, O.3.11, f. 83.</p>	<p>[C3.] Item, qe nulle gette, ou metter face gettre ou mettre, devaunt huys per noet ne per jour, nulles fimes, ordures, robouses, ou aultres choses noesaunt, sur mesme la peyne appaier, come devaunt est dit.</p>	<p>Modified translation from 1420, with added noxious substances in 1464 and 1466. Note: the unidiomatic word ‘robouses’, improved to ‘rubbish’ 2 years later, as if the clerk did not immediately grasp how best to translate the French. Given that there had been 44 intervening years in which to wrestle with this small problem, this may be a clue that, whatever oral language was used in the interim, the English <i>written</i> copy of the common proclamation was a novelty in 1464.</p>	<p>[C3.] Also, that no maner of person by nyght, not by day, caste or ley before there houses donge, ordure, robouses, <u>russhes</u> or other thing noisaunt, but kepe them stille in there houses unto comyng of the cartes, and so cary theym away, upon payne aforesaide.</p>	<p>[C3.][Included]</p> <p>... donge, ordure, <u>rubbish</u>, <u>risshes</u>, <u>shelles</u> ...</p>
	<p>[C4.] Item, qe nulle face, ou faire face, deins la dite Cite en temps de pluie, nulles dammes, ne gette es ditz dames ou chanelx, robouse ou aultre chose</p>	<p>Translation from 1420 version.</p>	<p>[C4.] Also, that no man make, nor do to be made, dammes in the tyme of rayne, nor cast in the saide dammes or chanelx robouse. or other thing noisaunt to</p>	<p>[C4.][included]</p> <p>.... channels of <u>the streetis</u> <u>rubbish</u> or.... ...Thamyse <u>or</u> <u>the towne diches</u> ...</p>

	noesaunt pur noier a Thamise, [255v] sur mesme la peyne appaier, come devaunt est dit.		swymme unto Thamyse, upon the same payne as is aforesaide.	
	<b>[C5].</b> Item, qe null apprentys, servaunt, ou depute dascuny persons deins la dite Citee ne face en temps du pluie nulles tielx dammes, ne gette es ditz dammes ou chanelx per baston, ou autrement, nulle robouse ou aultre chose noesaunt, sur la peyne denprisonement al discrecion des mair et aldermans, et jademains paiera le maistre de tiel apprentis, servaunt ou depute a chescun foitz qent serra convict, deux soldz etc.	Translation from 1420 version.	<b>[C5.]</b> Also that noon apprentice, servaunt. or depute of any persone within the saide Citee make in the tyme of rayne any suche dammes, nor caste in the saide dammes or chanelx by basket or otherwise, any robouse, or other thing noisaunt, upon payn of imprisonment by the discrecion of the maire and aldermen, and neverthesse, the maister of the same apprentice, servaunt or depute to pay .ii. s. at every tyme when he therof shalbe convicte.	<b>[C5.][included]</b>  ...any rubbish ...nor swepe in to the chanell any thing noyaunt ...
	<b>[C6.]</b> Item, qe nulle hostiller, nautre persone qiconqe, teignaunt chivalx, mette en riewe hors de son maison, carie ou face carier, mette, ou face mettre, per noet ne per jour, sur le cost del eawe de Thamise nulles fimes de chivalx si ne lez voyde deins deux jours proscheins, sur peyne de deux souldz appaiers, come est dit.		[not included]	[not included]
	<b>[C7.]</b> Item, qe	Translation of	<b>[C7.]</b> Also, that	<b>[C7.][Included]</b>

	<p>null persone mette, ou gette face mettre ou gestre, devaunt aucy huys nulles tielx fumes, ordures, robouses ou aultre chose noesaunt sur peyne de iiii s. appaiera a chescun foitz, come devaunt est dit, saunz ascun relesse.</p>	<p>1420 version, improved again in 1466.</p>	<p>no maner of persone lay, or cast or do to be cast, afore the house of any other persone any donge ordure. robouse. russhes or other thing noisaunt vpon payne of iiii s. to be paied at euery tyme, as is aforesaide, withoute any relesse.</p>	<p>...ordure, rubbish, risshes or....</p>
	<p><b>[C8.]</b> Et, si ascun persone sache enfourmer le chamberleyn du dicte Citee pur le temps esteant dascuny persone faisaut encountre les ditz ordeignaunces, ou ascun dicelle, et ent soit convict, avera tiel enfourment a chescun foitz de ii s. quatre deniers, [et] de chescun fyn de iiii s., douze deniers pur soun travail. Purveux toutfoitz, qe nulle des ditz fins serra relesse au praier de nully, synon qil qeucy pria voet paier a taunt come le trespassour paieroit al oepe avaunt dit.</p>	<p>Translation of 1420 version, without proviso.</p>	<p><b>[C8.]</b> And, if any persone can enfourme the chamberleyn of the saide Citee, for the tyme beyng, of any persone doyng the contrary to the saide ordenaunces or any of them, and therof be convicte shal have at euery tyme of ii s. iiii d. And, of euery fyne of .iiii s., xii d. for his travail.</p>	<p><b>[C8. Included]</b></p>
	<p><b><u>[D. Trade, measures etc.]</u></b></p>		<p><b><u>[D: Trade, measures etc.]</u></b></p>	
<p>D1 appears to have been new in 5 Nov. 1372: LBG, f. 295. But that requires imprisonment and fine at the</p>	<p><b>[D1].</b> Item, qe null Careitier se medle dedeins la dite Citee, ne la fraunchise dicelle, de null manere careitage,</p>		<p>[not included]</p>	<p>[not included]</p>

<p>discretion of the mayor and aldermen. Presumably, this proclamation is an exercise of that discretion. NB. variations do appear in penalty provisions—apparently, this was a purpose of the proclamation. Both the prescribed fine and the discretionary power are included in 1410, LBI, f. 100v.</p>	<p>bargayne, chevaunce, ne vente perentre null vendour et achatour, tanqe il soit acceptee per les mair et audermans, et al dite office jurre et trovee suffisauntz plegges defair bien et loialment, qanqe appertient au dite office, sur peyne \de/ x. li., appaiers a la chambre de Guyhall a chescun foitz qil soit atteint qil ad faite careitage encountre cest proclamacion.</p>			
<p>In not dissimilar terms at <i>Lib.A</i>, i. 263–4. See also in 11 Dec. 1357: LBG, f. 72. Also, limited to wine in 1370, <i>ibid.</i>, f. 259v. The language is close to 25 Ed. III st. 3 c.3 (<i>SR</i>, i. 315), 2 Ric. II st. 1 c.2 (<i>SR</i>, ii. 8). However, its origins probably go back to marshalsea material at <i>SR</i>, i. 202–4: the <i>Composicio</i>, of 1274–5, enforced in London by 1283, in ordinances at York by 1301, and recognised as a statute by 1307.<sup>10</sup></p>	<p><b>[D2.]</b> Item, qe null home voise en la Pooll, nayllours pur encoutrer les vyns chargez, nautres vitailles ne merchandises qiconqs venantz vers la Citee pur les achatre ne bargayn, tanqe qils soient venuz as kaies apres lour primer descharge et mys a terre, sur peyne denprisement et forfaiture de mesmes les vyns, issint qe la forfaiture encourage sur le achatour.</p>	<p>From LBI, f. 11r (1423?), with minor omissions, as marked in square brackets. See too the charter of 1377: in Eng. at BL, Egerton MS 2885, ff. 50–1: ‘Also, þat no marchant no other go out of þe cite to mete marchauntz comynge to þe forseide cite bi lande no by water where here marchaundise or vitailles to buyye, no to selle hem, til þei ben ycome to þe forseide Cite, and þere have put to sale here marchaundise, upon paine of forfaiture of þat þinges, þat is so boght, and eke of peyne of prisonement, of þe whiche he shal</p>	<p><b>[D2.]</b> And also, that no [manere] man go by lande or by water to mete with any [maner] merchauntis or vitailers comyng toward this Citee with [her] merchandise or vitail for to selle vnto [þe] tyme that suche merchandises and [or] vitail be brought to the Citee, and there be put and leide to sale in open market, upon payne of grevous imprisonment of his body and forfaiture of al suche merchandises or vitail that he so bieth.</p>	<p><b>[D2.]</b> And also, that no man goo by lande nor by water to forstall any maner of merchaundise or vitailles comyng toward this Citee for to be solde ageynse the lawes and ordenaunces therfore made, but that the same merchaundises or vitailles be suffred frely withoute lettynge to be brought to this Citee, and there be put and leyde to sell in places of olde tyme used and accustomed, upon payne of grevous imprisonment of his body and forfaiture of al suche merchaundises or vitailles that he soo bieth and</p>

<sup>10</sup> R.H. Britnell, ‘*Forstal*, Forestalling and the Statute of Forestallers’, *EHR*, 102 (1987), 89–102.



		nogth of skape with oute grevous chastisyng <sup>7</sup> .		forstalleth, and to make fyne after the discrecioun of the maire and aldermen.
	[Not included]	As marginal notes to this ordinance at LBL, f. 47v suggest, the principal source must be LBK, f. 301 (24 Nov. 1457), though this is updated/modified here on the 36-gallon measure.	<b>[D3.]</b> First, that no maner persone within the libertee of the said Citee fromhenssefourth take upon hym to make, ne do make or use, any vessell, as barrell, kilderkyns and virkyns for swete wyne, <sup>11</sup> ale, bere, fissh, sape, or any other thing that is used to be measured by the barrell, kylderkyn or virkyn, but they conteyne juste measure accordyng to thordenauncis therof made, that is to say, every barell for ale, fissh or sape of .xxx. galons, every kilderkyne, .xv. galons, euery virkyn, .vii. galons and halff, and euery swete wyne barell, .xviii. galons and halff, and every bere barell, .xxxvi. galons, the kilderkyn and the virkin <sup>12</sup> after the same rate upon payne of forfeiture of al suche vessell made to the contrary in whos handys it shalbe founde. And be side that, to make	<b>[D3.]</b> [included]

<sup>11</sup> General powers to regulate wine vessels: 4 Ric. II c.1 (SR, ii. 16).

<sup>12</sup> The reference to beer barrels and, more specifically than here, to the other measures, derives from LBL, f. 30 (May 1464), ordinances petitioned for by the brewers, citing an act of common council, presumably, LBK, f. 301.

			fyne and raumsome after the discrecioun of the maire and aldermen for the tyme beyng.	
	[not included]	Language closely derived from second cap., in Eng., of LBK, f. 11 (Nov. 1422—Nov. 1423). Ends with excuse by ignorance clause. Note the shortening, cross-referring to the penalties in B2. Given in a <i>fuller</i> version: A.H Johnson, <i>The History of The Worshipful Company of the Drapers of London, vol. i</i> (Oxford, 1914), 261, at the time of Ralph Josselyn, mayor, with a full penalty clause as follows: ‘... be put to sale upon payn of grevous imprisonment of his body, and forfeitour of all suche merchandises or vitale that he soo byeth etc.’	<b>[D4.]</b> And also that no man’ goo in to nygh [nyght] placis of the fraunchise of this Citee, þat is to say, in to Suthwerk, <sup>13</sup> Westm’, Seint Johnes’ strete, and other placis nere ajounant to the saide Citee, to mete with foreins and strangers, the which if they were not countred wolde bryng clothe, woll, wyne, hides, oxon, kyne, shippe, and other merchandises and vitail to this Citee for to sell þe saide merchandises and vitail to bye and forstall as they com to the saide Citee, and there in placis therfore assigned be put to sale, upon payne a bovesaide.	[Omitted]
	[not included]	Not specifically traced. But there were regulations, and prosecutions on this subject, see C.M. Barron, ‘The Government of London and its Relations with the Crown 1400-1450’ (PhD thesis, Univ. of London, 1970),	<b>[D5.]</b> And also, that no man bryng colees unto the Citee of London by londe or by water for to sell theym within the saide Citee, but every sakke conteyne þe juste measure, that is to say, viii busshell, upon payne of	<b>[D5.] [included]</b>  [at the end]... and that in every

<sup>13</sup> *Cal. LBA*, 218 (1276–7): no-one of the City is to go to Southwark to buy corn, cattle or other merchandise, or to create a market there, on pain of forfeiture of the thing purchased.

		225, and refs. there. LBL, f. 91v (4 Dec. 1472) cites the measure being set by an order of common council of 12 Ed. III. The measure was 8 bushels by 1377 at the latest, LBH, f. 72v, see <i>Cal. LBH</i> , 71 n4.	forfaiture of the same colees. and brennyng of the same sakkess under the pilory in Cornhill, and him silf that so dothe standyng upon the same pilory.	warde of the saide Citee shalbe measures ordeyned for the same.
		Not in 1420, but with a more complex penalty clause, providing for 3 offences in, for example, 1410: LBI, f. 101. Apparently a revival of a clause first found at LBH, f. 237v (12 Ric. II). Thus, the compiler of this text did look back beyond the most recent version in LBI.	<b>[D6.]</b> And also, that no man take upon him to fissh in the saide water of Thamyse with any purse nettis called castyng nettis, upon payne of forfaiture of the same nettis, and to make fyne and raumsome after the discrecion of the maire and aldermen. <sup>14</sup>	<b>[D6.]</b> And also, that no man take upon him to fissh in the saide water of Thamyse with any purse nettis, otherwise called castyng nettis, <i>nor no man drawe any grete nettys at a lowe water in the same water of Thamyse betwix Rederhith' and London Brigge, nor betwix London Brigge and Westm'</i> , <sup>15</sup> upon payne of forfaiture of the same nettis, and to make fyne and raumsome after the discrecion of the maire and aldermen.
		See the 1356 ordinance: LBG, f. 56. <sup>16</sup>	<b>[D.]</b> Also, that no maner of persone, free nor foreyn, sell nor bye in grose, corne. malt, salt, nor any other maner vitail, colys, wodde or oþer like thing comyng	<b>[D7.]</b> <b>[Included]</b>

<sup>14</sup> Nets specifically raised: 13 Ric. II st. 1 c.19 (*SR*, ii. 67); 17 Ric. II c.9 (*SR*, ii. 90). These gave the mayor of London jurisdiction over the Thames from Staines Bridge to the Medway. 2 Hen. VI c.19 (*SR*, ii. 225–6) addresses nets of all kinds, but liberalises the position by allowing seasonal hand casting. The specific prohibition on purse-nets appears to be from 1388: LBH, f. 237v.

<sup>15</sup> This may be the reinstatement of a line of text previously omitted in copying, rather than a genuine addition.

<sup>16</sup> Barron, 'Government', 245: 'since the time of Edward I it had been established that grain could only be sold at Newgate or Grace Church Markets, or at Billingsgate and Queenhythe if it came by water'.

			by the water to the Citee, unto they so comyng by water have a boden openly at Billyngesgate or Quenehith', in pleyne market, withoute fraude or male engyne, by .iii. market dayes, or otherwys have licence of the maire for the tyme beyng, upon payne of forfeiture of al suche goodis solde to the contrary. And the siller therof to be imprisoned after the discrecion of the maier and Aldermen.	
The mayor and aldermen were given power to remedy the defaults of fishmongers, butchers and poulterers, in addition to the existing assizes of bread, wine & ale by 31 Ed. III st. 1 c.10 ( <i>SR</i> , i. 351). This relates to <i>SR</i> , i. 346–7 (28 Ed. III c.10) and the requirement for the mayor and aldermen to redress errors, misprisions. For the regulation of	<b><u>[E. Poultry]</u></b>		<b><u>[E. Poultry]</u></b>	<b><u>[E. Poultry]</u></b>

poultry, see: Barron, <i>London in LMA</i> , 55; <i>eadem</i> , 'Government', 253–4				
Apparently this chapter and E2 were new in the common proclamation of 1375: <i>Memorials</i> , ed. Riley, 388–390; LBH f. 15. These replaced the 1357 ordinance, below, which required foreign poulterers to stand at Carfax of Leadenhall and denizens at their own houses or wall at the west side of St. Martins, Cornhill. Map at Barron, <i>London in LMA</i> , 422, suggest there was a well at Leadenhall. The change to western locations was possibly made in 1370: LBG, f. 259v.	[E1.] <sup>17</sup> Item, qe les foreins Pulthers qi entrent per Neugate et Aldrichesgate <sup>18</sup> vendent lour Pulletrie sur la payment devaunt les Freres Menours <sup>19</sup> joust le founteigne, et nullement aillours, sur peyne de forfaiture dicell.	Translated from the 1420 version.	[E1.] Also, that al the foreyn pulthers that entre by Newgate and Aldrichesgate sell theire pultrye upon the paiement a fore the Freres Menours nye the well, and \in/ noon other places, upon payne of forfaiture of the same.	[Omitted] <sup>20</sup>
Not a separate chapter at <i>Lib.A</i> , i. 465, which does not include the text of E1 after 'a fontaigne illeoques'. The	[E2.] Item, qe les pulthers denzseins estoient ove lour pulletrie desouz le mure <sup>21</sup> del eglise du Seynt Nicholas	Translated from 1420 version.	[E2.] Also, that the pulthers denzeines be with there pultrie under the wall of the chirche of Seint Nicholas	[Omitted]

<sup>17</sup> This version omits the opening chapter of this section found at *Lib.A*, i. 465, and elsewhere, on the free poulterers not interfering with foreign ones at the Carfax of Leadenhall, at least until prime (1357). That is included in the common proclamation of 1410: LBI, f. 99v. Either this was considered obvious, or the omission was a mistake. The regime may not make total sense here without it.

<sup>18</sup> Worth noting that this covers only foreign poulterers entering via two westerly gates. The position for those entering city elsewhere is unstated; possibly they were always required to go to Leadenhall? The 1345 arrangements may to that extent still be assumed.

<sup>19</sup> Presumably, Greyfriars, barely yards to the north west of the Shambles.

<sup>20</sup> Possibly reflecting the re-establishment of Leadenhall Market in 1455, see: Barron, *London in LMA*, 55.

<sup>21</sup> 'Le Mur' is missing in 1357.

<p>1357 ordinances allow denizens to use houses or the wall towards west of St. Michael on Cornhill.</p>	<p>Flesshammes,<sup>22</sup> et illeques vendent lour pulletrie, issint qils ne se medlent ove les foreins en vente, nen achate, sur peyne de forfaiture de pulletrie entre eux venduz et son corps al prison al volunte du mair.<sup>23</sup></p>		<p>Flesshamnos, and there selle theire pultrie, so that they medell not with the foreyns in beyng nor sellyng, upon payne of forfaiture of the pultrie be twene theym solde, and theire bodyes to prysone at the will of the maire.</p>	
<p>E3, 5-6 are essentially taken from the 1357 ordinances: <i>Memorials</i>, ed. Riley, 299-300; LBG f. 72; LBF, f. 102. <i>Memorials</i>, 220–1(1345) institute the Leadenhall for foreign poulterers, who can sell only to cooks, regraters etc. after prime &amp; not to denizen poulterers at all. The latter are to occupy the accustomed stalls.</p>	<p>[E3.] Item, qe les pulters deinzseins per eux, ne per lour fem[m]es, ne per nulle autre depar eux, veignent pur achatre nulle manere du pulletrie de nulls dez pulters foreins, en prive nappert, per eux ne per autry devaunt<sup>24</sup> dys de la klok sone, perentre le fest de toutz Seyntz, tanqe al fest de Chaundulere. Et per entre le \ditz/ fest de chaundulere, tanqe al fest de toutz Seintz, tanqe al nief de la klok,<sup>25</sup> qe les graundez et autres de le comune poeple averount achatez ceo qe lour bosoigne pur lour despences,<sup>26</sup> sur peyne de forfaiture dicelle.</p>	<p>Translated from the 1420 version.</p>	<p>[E3.] Also, that no pulter denzein, by theym nor by theire wiffes, nor by any other persone for theym, bye any maner pultrye of any pulters foreyns pryvy nor appert a fore. x. of the clocke, betwene the Fest of <u>Alhalowen</u>, unto the Fest of Candelmasse. And betwene the Fest of Candelmasse unto the Fest of <u>Alhalowen</u> afore ix of the clokk, that the <b>states</b> and the common people have bought that belongeth unto theym for theire dispences, upon payne of forfaiture of the same.</p>	<p>[E3.][Included]</p> <p>....Al Seyntes....</p> <p>....Al seyntes....</p> <p>[upon payne etc. omitted.]</p>

<sup>22</sup> i.e. the Shambles, near Newgate. This was location of the butchers' market: Barron, *London in LMA*, 263. This is clearly at the opposite end of the city to Leadenhall/Cornhill.

<sup>23</sup> At *Lib.A*, i. 465, the penalty is just 'susdit'. The location is slightly differently described.

<sup>24</sup> The words in this chapter to this point are per LBG, f. 72, 11 Dec. 1357.

<sup>25</sup> In 1357, before singing of prime.

<sup>26</sup> This further group of words is per LBG, f. 72.

	[Not included]		[Not included]	<b>[E4.]</b> And that the same pulters denzeyns sell their pultrye in places to þem of olde tyme assigned, and in no wise medell with foreyn pulters in biyng and sellyng, upon payne of forfeiture of the same.
	<b>[E5.]</b> Et qe null, de quelle condicioun qil soit, napporte ne mette a vente null manere de pulletrie nautre vitaille, qiconqe qe soit purrez ou puaunt, ou none sayn pur corps de home, sur forfeiture de mesme le pulletrie et sur la juyssse del pyllorye. <sup>27</sup>	Translated from 1420 version.	<b>[E5.]</b> And that no maner of persone put to sale any maner of pultrye or other vitaille not sesonable, or unholosome for mannys body, upon payne of forfeiture of the same. And his body to stande upon the pilory.	
Virtually identical to <i>Lib.A.</i> , i. 465-6, but again the penalty differs. LBG f. 72v, has no penalty at all, but is otherwise largely as this version.	<b>[E6.]</b> Item, qe nulle forein qe amesne pulletrie al Citee, ne se herberge, napporte sa pulletrie al hostell de nulle pulter deinzsein, sur forfeiture de mesme la pulletrie et enprisonement de son corps, si bien al chatour et receytour de mesme la pulletrie, come al vendour. Mes enportent lour pulletrie en plein marche a vendre et nemye en autre lieu, sur peyne de	Translated from 1420 version.	<b>[E6.]</b> Also that no foreyn that bringeth pultry to the citee logge hym nor bryng his pultrye to the howses of any pulter denzeyn, upon the payne of forfeiture of the same pultrye and imprisonment of his body, aswele of the bier as of the receyvour therof, but that they bryng their pultrie in to th[e] playne market, to selle and not in any other place. <u>And piche not in any ynne.</u>	<b>[E6.]</b> <b>[Included.]</b>

<sup>27</sup> Similar but not identical in most of the language to *Lib.A.*, i. 465 & LBG, f. 72v, but that also provides for bodily imprisonment.

	forfaiture.			
Not in <i>Lib.A.</i> , i. 465-6. But that includes: ‘mays apportent lour pulletrie en plein marche, sanz ascun pulletrie vendre hors de marche ...’. This is the only cap. that fits the 1345 arrangements, to any degree.	[E7.] Item, qe chescun pulter forein qe amesne pulletrie a la Citee, a vendre les metter a vente publisement en les comunes marches tout lours pulletrie entierment, saunz lesser en lour hostielx, sur peyne de forfaiture de tout la pulletrie trove en son hostell aderer luy pur vendre.		[E7.] And that every pulter foreyn, that bringeth pultrie to the Citee to sell, bryng openly in to the common marketes al their pultrie holy, withoute any reteyndre in their hostes and ynnes, upon payne of forfaiture of al their pultrie lefte in there hostes to be sold. <sup>28</sup>	[E7.] ... common marketes <u>and places therfore assigned</u> ...
Part of c.6 of the ordinance of labourers, the just price: <i>SR</i> , i 378-9 (37 Ed. III c.3) specifically regulated poultry prices: young capons 3d., old 4d., hens 2d., pullets 1d., geese 4d. As the penultimate cap. and in different language at <i>Lib.A.</i> , i. 466. Not at LBG, f. 260 (4 Dec. 1370), which is otherwise identical to E18–21.	[E8.] Item, qe nulle pulter forein, ne denizsein, passe le pris envente de lour pulletrie de la reule qe la Mair lour ad done endurra, sur forfayture de mesme la pulletrie.		[Not included]	[Not included]
Cf. P.E. Jones, <i>The Worshipful Company of Poulterers of the City Of London</i> (2nd ed., Oxford,	[E9.] le meillour signe soit vendu pur .xl. d. le meillour		[Not included, copy possibly incomplete.]	[E9.] Also, forasmoche <sup>29</sup> as the price of the pultrie underwritten is by the pulters

<sup>28</sup> Note the rather similar proclamation post-23 Sep. 1440 at L/B K, f. 191v, possibly based on a petition by the mistery of poulterers, who share half the fines with the chamber for breach of several of these ordinances. But those penalty provisions e.g. at E 14, are different from those here and E15 refers to accustomed places, rather than setting them out, as if deferring to the common proclamation wording.

<sup>29</sup> The repetition of this word usually indicates a set of new articles, an impression confirmed by the language of the 1466 version.



<p>1961), 130–4, for comparison lists. Note 37 Ed. III c.3 (<i>SR</i>, i. 378–9) (1363): certain poultry prices prescribed by statute, not corresponding to these.</p> <p>These comparisons make it clear that this list is incomplete.</p>	<p>porcell pur .vi. d.</p> <p>le meillour owe pur .vi. d.</p> <p>le meillour chaperon pur .vi. d.</p> <p>le meillour gelyne pur .iii. d.</p> <p>le meillour pullette .ii. d.</p> <p>le meillour conyng ove le peall pur .iiii. d.</p> <p>Et saunz le peall pur .iii. d.</p> <p>et qe null forein vende conyng saunz le peall</p> <p>le meillour malard del ryvere pur .iii. d.</p>			<p>denzeyns and foreyns more thanne it whas of olde tyme used, enhaunced and oftentymes unresonable, therfore it is [ordained]<sup>30</sup> that the maire and aldermen will that it be proclamed that no pulter, denzeyn, nor foreyn, sille any such pultrie underwriten<sup>31</sup> a bove the price theruppon lymyted and assigned accordyng to the olde ordenaunces,<sup>32</sup> that is to sey, a fatte gose – .vi. d. The best crane not a bove- .xx. d. The best fesaunt not a bove .xii. d. The best cony .iiii. d. The best partriche . .iiii. d. The best wodecok . .iii. d. The best plover . .ii. d. The best suyte .i. d. ob. A dozeyn larkys not above .iiii. d. A dozeyn smale birdys . .i. d. And al other vitaill at resonable price, upon payne that may fall therof.</p>
	[Not included]	Derives from a petition to the common council of 22 Jul. 1444: <i>LBK</i> , f. 215.	<b>[E10.]</b> And also, that no pulter denzein kepe in his howse where that he dwelleth	<b>[E10.]</b>

<sup>30</sup> Missing, but required by the sense.

<sup>31</sup> Cf. *LBH*, f. 16: ‘southescripte’, for the list of poultry prices.

<sup>32</sup> This appears to imply that the old list was assumed/known. I think it highly likely that this list, often at the very end of the proclamation, was proclaimed separately at the appointed places, as the 1345 ordinances, and very possibly posted up in written form in that vicinity.

		Apparently, a petition directed <i>against</i> certain poulterers, though it is not clear that it is against those in the craft in the City.	any swannes, gese, herynshewes, or other pultrye, whereof the standyng and ordure is of grete <u>stynche</u> , but that he kepe the saide pultrye by London Wall, or ells where soo that the people be not noyed by þe saide ordure and stynche. Savyng, they may kepe their capons, hennes and chikyns in þeire dwellyng placis, so that they doo to be caried away the ordure of the saide capons, hennes and chikyns .ii. tymes in the wyke, at the leste.	... is of <u>il eyre and noyous</u> ...  ... ordure and <u>ill eyre</u> ....
				<b>[F. Fishmongers]</b>
	[Not included]		[Not included]	<b>[F1.]</b> And <sup>33</sup> also, that noo fisshmonger in the saide Citee, nor noon other inhabited within the same Citee occupyng, byyng or sillyng of fish, nor noon other in their name, receyve for to be oste, or be oste, of any straungers of foreyns bryngyng any maner fissh bi water unto the saide Citee to be solde, withoute special licence of the maire for the tyme beyng have sette and lymyted a price of the same,

<sup>33</sup> Marginated, towards end of this article: ‘the lorde maior to sett price of fyshe’.

				upon payne of makyng fyne after the discrecioun of the maire and aldermen. <sup>34</sup>
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<sup>34</sup> And this is the last sign of the common proclamation in LBL. Note, however; ff. 63v–4 (an ordinance on paving and cellars), f. 91v (on coals), f. 127 & *passim*: a considerable amount of legislation on street cleaning and ordure, which might well have precipitated changes to the standard clauses on those subjects f. 202 (15 Dec. 1484: expressly stated to be inserting new clauses into wardmote commissions, excluding foreign huxsters, on unlawful games, shutting doors at night between Mich. & Easter, on guests after those hours & eating & drinking in houses on Sundays). The provision on huxsters may take its origin in an ordinance of 24 Sep. 1473 in common council: *Lib.D.*, f. 465. But ‘statutes’ of London proscribing games were not new, see *Cal. LBB*, 2 (dice), 6, 7 (dice in taverns).

## Appendix Eight: Working List of London Legislative Texts Found Outside Records Held in the Inner Chamber of The Guildhall in the Fifteenth Century

Notes:

- (1) This includes only the more common texts- I have not dealt with various customary texts such as those of the bakers' hallmote, of certain markets etc.
- (2) Material that would have been at the Guildhall chamber (not the separate library founded by John Carpenter)<sup>1</sup> between 1419 and the early sixteenth century is shown in italics.
- (3) I have not consulted all MSS when those show the copying of pre-1422 material, when that copying was also undertaken before that date.
- (4) What follows does not pretend to be completely exhaustive. This is a working list— a start towards a fuller understanding of the MS reception of London legislation.

### 1. Versions of the London common proclamation

*Cal. LBA, 215–9 (Fr.) to LBL, ff. 34v–5, 47v–8v (in Eng. 1464 & 1466). A text of this type is, specifically, LBD, ff. 155v–9v<sup>2</sup>.*

*SR, ii. 102–4 (1285) (Fr.).*

*Liber Custumarum, ff. 201–6v.<sup>3</sup>*

*Lib.A, i. 228–243(Fr.): note its similarity to a royal writ of 12 Jun., 37 Ed. III: ibid., 334–7.*

*Liber Horn, 237v–249v.<sup>4</sup>*

*Lib. Ordinationum, ff. 174v–180.<sup>5</sup>*

*Lib.D has extracts from the peace articles of the standard proclamations.<sup>6</sup>*

BL Add. MS 38131, ff. 120–6 (Fr.) (late 1380s).<sup>7</sup>

'Darcy': *Ricart's Kalendar*, ff. 304–11v.<sup>8</sup>

### 2. Warrant to alderman to hold wardmote

*Lib.D, f. 122v: 5 Aug. 1364. Fr. From LBG, f. 124 (prob. a special warrant to address riots).*

*LBs from c. 1385, almost annually, 1410–1437.<sup>9</sup>*

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<sup>1</sup> For this distinction, see particularly: *Hospitals, Towns, and the Professions: Corpus of British Medieval Library Catalogues*, 14, ed. N. Ramsay & J.M.W. Willoughby (2009), pp. xxxvii, 156. The point being that the library founded by Carpenter is likely to have been more publicly accessible.

<sup>2</sup> See: W. Kellaway, 'John Carpenter's *Liber Albus*', *Guildhall Studies in London History*, 3 (1978), 67–84, at 78.

<sup>3</sup> *Ibid.* Other parts of *Liber Custumarum* (the relevant part for the common proclamation is labelled 'C' by Ker) were in the library established by John Carpenter: N.R. Ker, '*Liber Custumarum*, and other Manuscripts Formerly at the Guildhall', *Guildhall Miscellany*, 3 (1954), 37–46; C.M. Barron, *The Medieval Guildhall of London* (1974), 34–5.

<sup>4</sup> Kellaway, '*Liber Albus*', 73, 78.

<sup>5</sup> *Ibid.*

<sup>6</sup> At f. 296: LBG, f. 2 on nightwalking; LBG, f. 176 on the curfew (40 Ed. III- from a common proclamation): LBH, f. 116 (2 Ric. II), and more broadly on vagrants, hosts etc. These show changes in the churches that ring curfew, extend it to the suburbs and provide imprisonment as a penalty. *Lib.D.*, ff. 298–9 is the writ and proclamation of 12 Jun. 1363. *Lib.D.*, ff. 300v–1 is a writ of 6 Apr. 1319, taken from LBF, f. 13, relying on the statute of Winchester.

<sup>7</sup> As to this MS: H. Kleineke, 'Carleton's Book: William FitzStephen's 'Description of London' in a Late Fourteenth-century Common-place book', *HR*, 74 (2001), 117–126.

<sup>8</sup> *Ricart*, 94–5.

<sup>9</sup> C.M. Barron, 'The Government of London and its Relations with the Crown 1400-1450' (PhD thesis, Univ. of London, 1970), 122 n7. Note that c. 1437 is also the last appearance of other

*LBK, f. 168: 10 Dec. 1437, Eng., the enrolment of a blank form said in the margin to have been sent to all aldermen.*

*Lib.D, f. 124, Eng.: 10 Dec. 1461.*

TCC, O.3.11, ff. 82v–3, Eng.: 12 Dec. 1465, to Sir Thomas Cook as alderman of Bread St. ward.<sup>10</sup>

### 3. Oath of frankpledge

*Lib.A, i. 315, Fr. (?temp. Hen. V).*

*Lib.D, ff. 125v–6, Eng. ?temp. Ed. IV. No source legible. Includes an additional short clause to the Lib.A version.*

*LBD, flyleaf D<sup>r</sup> (Fr.), early s. xv (as Lib.A version).*

BL, Add. MS 38131, f. 131. French.

BL, Cotton Nero A vi, f. 187. French. Substantially as *Lib.A*.

TCC, O.3.11, ff. 84v–5. Eng. 1473.<sup>11</sup>

### 4. Articles of inquest of the wardmote<sup>12</sup>

*Liber Horn, ff. 232–3v.<sup>13</sup>*

*Lib.A, i. 287–290 [Fr., ?temp. Ed. II].*

*Lib.D, ff. 122v–3v [Fr., said to be from Liber Horn, f. 232. Different from Lib.A. version]*

BL, Cotton Nero A vi, ff. 183v–5v (by c. 1384, Fr.— close to *Lib.A* version).

‘Darcy’, *Ricart’s Kalendar*, ff. 301v–3.<sup>14</sup>

Possibly copied as ‘Ordinacionis Wardmotis London’, during Feb.-Apr. 1454 parliament in London by York MPs, Thomas Danby and Thomas Nelson, poss. from Thomas Urswick jun.<sup>15</sup> & John Smith: *York City Chamberlains’ Account Rolls 1396–1500*, ed. R.B. Dobson (Surtees Soc., 192, 1980), 96.

### 5. Inquisitions to wardmote jurors

*Lib.A, i. 290–2, Fr.. Temp. Ed. II.*

*Liber Horn, ff. 232–3v.*

*Lib.D, f. 125. Framed as questions to be answered by the jury on oath. Described as of ‘of modern time’ (cf. an earlier oath, also in Lib.D). Said to be from LBL, but the reference is blank and this does not appear to be the case.*

BL, Cotton Nero A vi, ff. 185v–6v. Fr., written 1380s; some differences from *Lib.A* version).

BL, Add. MS 38131, ff. 131–2 (late 1380s, but possibly earlier).

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standard proclamation material, in French, in the LBs— when Carpenter ceases to be common clerk. Note too the coincidence of developments in the form of precept, or the form of its recording, in 1437, 1446 and 1461, with changes of common clerk at about the same time.

<sup>10</sup> This version contains two additions to the 1437 material (which is otherwise repeated almost verbatim): (1) provisions for maintaining and authorising the inquest to remain in office to make enquiries & present defaults for an entire year, and for replacing jurors who die or depart; (2) to appoint two ale-conners for the ward.

<sup>11</sup> Compare the oath of tithing-men at Northampton: *North.Recs.*, i. 393–4. This is possibly a similar kind of text.

<sup>12</sup> Kellaway, ‘*Liber Albus*’, 78 lumps the articles and the charge together.

<sup>13</sup> *Ibid.* But, as marked ‘cf’ by Kellaway, probably in a different form.

<sup>14</sup> *Ibid.*; *Ricart*, 94–5.

<sup>15</sup> *MoC*, ii. 1583–4; Smith not traced.

TCC, O.3.11, ff. 145–6v, Eng., written c. 1473–85, but apparently a copy of material temp. 1377–80s).<sup>16</sup>

TCC, O.3.11, ff. 83–4, Eng., 1465 or 1472.

*Arnold's Chron.*, 90–3, Eng., by 1502 (similar, but not identical to, the 1465/1472 version).

'Darcy': *Ricart's Kalendar*, ff. 301v–4.<sup>17</sup>

#### 6. 'Ordinance of disobedience'<sup>18</sup> [1364–5]

*LBG, f. 135v (Fr.)*.

*Lib.A, i. 424–5 (Fr.)*

'Darcy', *Ricart's Kalendar*, f. 312.<sup>19</sup>

Blacksmiths: GL, MS 5535, ff. 17 (Fr.), 21 (Eng. trans.).

Goldsmiths: T.F. Reddaway & L.E.M. Walker, *The Early History of the Goldsmiths' Company 1327-1509* (1975), 269 (Eng. trans.).

Mercers: A.F. Sutton, *The Mercery of London: Trade, Goods and People, 1130–1578* (Aldershot, 2005), 517 (with additions and cited as 'The copy of the ordinance of the Guildhall', and no more precisely).

Painters: W.A.D. Englefield, *The History of the Painter-Stainers Company of London* (1923), 30–2.  
Scrivener's, common paper: GL, MS 5370, f. 1, Fr. (late s. xiv).

#### 7. Ordinance that no host etc. is to bake bread [16 Dec. 1364]

*LBG, f. 135, Fr.*<sup>20</sup>

*Lib.A, i. 694 (only listed in Book IV, without full text).*

*North.Rec.* i. 402, Eng. translation in the Northampton *Liber Custumarum*, citing LBG f. 130.

#### 8. Ordinance on tenants' fixtures (1) [prob. 1365]

*LBG, f. 174, Latin.*

*Lib.D, f. 47, Latin.*

BL, Cotton A vi, f. 117, Latin (s. xv, later than most of vol.).

TCC, O.3.11, f. 63, with reference to LBG f. 173, Eng., (1472–84).

*Arnold's Chron.*, 137, Latin, with ref. to LBG, f. 174.

#### 9. Ordinance on tenants' fixtures (2) [c. 1445]

*LBK, f. 221 (Latin).*

*Lib.D, f. 47 (Latin).*

BL, Cotton A vi, ff. 116v–17, Latin, (s. xv, later than most of volume).

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<sup>16</sup> On this MS, and the s. xiv material in it: C.M. Barron, 'The Political Culture of Medieval London', in *The Fifteenth Century IV: Political Culture in Late-Medieval Britain*, ed. C. Carpenter & L. Clark (Woodbridge, 2004), 111–132. An edition of these texts is, I gather, in the course of preparation.

<sup>17</sup> Kellaway, '*Liber Albus*', 78.

<sup>18</sup> Which established/codified a system whereby recalcitrant craft members could be brought by their wardens or masters before the mayor and aldermen, for punishment.

<sup>19</sup> Thereby giving a possible earliest date for the Bristol copy of Dec. 1364. This raises doubts about the discussion of the date of copying by P. Tucker, 'London and "The Making of the Common law"', in *London and the Kingdom: Essays in Honour of Caroline Barron*, ed. M.P. Davies & A. Prescott (Donington, 2008), 305–315, at 308.

<sup>20</sup> Note the similar ordinance (at least as to the prohibition on innkeepers baking horsebread and other bread): 4 Oct. 1383, *North.Rec.*, i. 249.

Trin. Coll. C., O.3.11, f. 63, Latin heading & Eng. text only (?1472–84). With reference to LBK, ff. 221–2.

*Arnold's Chron.*, 137–8 (Eng.).

Mercers: *The Medieval Account Books of the Mercers of London: An Edition and Translation*, ed. L. Jefferson (2 vols., Farnham, 2009), ii. 1025, Eng. (but not the same translation as in *Arnold's Chron.*).

10. Other miscellaneous ordinances from LBs (not including London crafts copying their own ordinances)

16 Apr. 1369 [*LBG*, f. 224]: on winedrawers: TCC, O.3.11, ff. 73v–4, Eng. trans, (copied, ?1472–4).

Untraced date, temp. Ed. III [*LBG*]: on carts and carriage: TCC, O.3.11, f. 81, Eng. (?trans, copied ?1472–84).

20 Nov. 1421 [*LBI*, ff. 275–6v]: on brokers etc.: TCC, O.3.11, ff. 80–1, reference given to LBI f. 276, Eng., (copied, ?1472–84).

*Arnold's Chron.*, 73–5, Eng., brokerage rates only. Starts similarly albeit, with differences and probably a different trans.

6 Jun. 1463 [*LBL*, f. 14, Latin]: on London Bridge: TCC, O.3.11, f. 65, reference to LBL, f. 44 [sic], Eng. trans (copied, ?1472–84).

21 Jul. 1472 [*LBL*, f. 86v, Eng.]: on woollen cloth within London: *Arnold's Chron.*, 78–9, Eng., no source stated, c. 1502.

27 Aug. 1484 [*LBL*, f. 199, Latin]: on translation between crafts: TCC, O.3.11, f. 45, Eng. translation only (copied, c. 1484?).

Untraced date., on strangers buying woollen cloth in London: TCC, O.3.11 f. 77, Eng. translation? (copied, 1472–84).

11 Jan. & 8 Sep. 1473: two short notices of ordinances concerning the Leadenhall market: *Bodl.*, *MS Gough London 10*, f. 10 (copied c. 1481).<sup>21</sup> These ordinances are not included in *LBL*.<sup>22</sup>

11. Other London 'tracts':

(a). 'Modus tenendi Wardemot' moderno tempore usitat'

*Lib.D*, ff. 124v–5 from *Lib.A*, i. 37–8 only, with internal cross-references only suitable for *Lib.A* removed, Latin.

(b). 'Darcy'

Bristol: *Ricart*, 94–5.

Lincoln: M. Bateson (ed.), *Borough Customs* (2 vols., Selden Soc., 1904–6), i. p. xiv.

(1) Modus Procendendi in Placitis Terrae in Hustengo Londonii.

*Lib.A*, i. 181–4.

*Lib.D*, f. 19 (then specimen entries etc.).

(2) De Hustingis Tenendi de Communibus Placitis in Londonio.

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<sup>21</sup> On this volume, see: *Six Town Chronicles*, ed. R. Flenley (Oxford, 1911), 74–81; C.L. Kingsford, *English Historical Literature in the Fifteenth Century* (Oxford, 1913), 103; M.R. McLaren, *The London Chronicles of the Fifteenth Century: A Revolution in English Writing* (Cambridge, 2002), 40–1; C.M. Barron, 'What did Medieval London Merchants Read?', in *Medieval Merchants and Money: Essays in Honour of James L. Bolton*, ed. M. Allen & M.P. Davies (2016), 43–70, at 53–4.

<sup>22</sup> I have not located these items in the appropriate places in Jo.8.

*Lib.A, i. 184–190.*

*Lib.D, f. 23, on writ of dower, per Lib.A, 185.*

*Lib.D, f. 23v on 'De Gavelet', per Lib.A, i. 186; on waste per ibid., i. 186–7.*

(3) De Assisis Mortis Antecessonis in Londonio.

*Lib.A, i. 197–8.*

(4) De Assisis Novae Disseisinae Vocatis Freshforce in Londonio.

*Lib.A, i. 195–6.*

*Lib.D, f. 26.*

(5) De Curia Maioris Londonii et custumis civitatis ejusdem et diversis casibus terminabilis in eadem curia. [printed in full, *Ricart*, 95–113, Fr.]

[Not in *Lib.A*, etc.]

(6) Fitz Alwyn's Building Assize.

*Lib.A, i. 319–322.*

*Liber de Antiquis Legibus (Camden. Soc., 1846), 206–211.*

(7) Articuli Inquirendi in curia vocata wardemota in Londonis [supra]

(8) Presentaciones de Wardemotis [supra]

(9) Ceux sont les Articles ....estre proclamez et creez en le Citee [Ie. the common proclamation, *supra*.]

(10) De curia vicecomitis.

*Ricart*, 95:

*York Mem. Bk. A/Y*, ii. 143–155 (Fr.) per *Lib.A*, i. 199–223 in a different order and a folio is now missing at the start, so the text begins at *Lib.A*, i 202; signed at end 'Burton, R.'

TCC, O.3.11, ff. 87–96 (Eng.) (incompl.).

BL, Harg. MS 37, ff. 220–2v (s. xvi).

And then in the early-modern printed literature.<sup>23</sup>

## 12. List of London ordinances, post-*Lib.A*

*Bodl., MS Gough London 10, ff. 5–8*: 2 ordinances from LBH, 2 from LBI, 61 from LBK, 43 from LBL (latest item 5 Jun. 1481)<sup>24</sup> and 1 from Jo.8<sup>25</sup> (Sep. 1473, on the haberdashers & hurers).<sup>26</sup>

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<sup>23</sup> Kellaway, '*Liber Albus*', 73 & n28, in relation to printed court tracts generally.

<sup>24</sup> Dated from LBL, f. 160.

<sup>25</sup> Probably not included from LBL because this and other acts of common council of this date were not there. The compiler did not, instead, consult *Lib.D*, where he could have found them at ff. 463–7. *Lib.D* seems briefly to have been intended as a replacement for LBL as part of a rationalisation of City records in 1473– a number of items from Apr.- Sep. 1473 found in *Lib.D* are referred to in Jo.8 as entered in 'Novo Libro'. One guesses that, even by c. 1481 it had been forgotten what this meant. MS Gough London 10 seems to be unique among surviving s. xv MSS in taking account of the *London Journals*.

<sup>26</sup> The emphasis of this list on ordinances in LBK and LBL suggests that it was possibly intended as a *supplement* to the extensive thematic lists of c. 1419 included in Book IV of *Lib.A*. This suggests that this MS was prepared at the Guildhall, and from its records, and that it was initially intended to be used there; it is not therefore clearly an 'outside' volume. This conjecture is consistent with the evidence that this MS was associated with the goldsmith and City chamberlain (1479–84), Miles Adys, and prepared during his period of civic office; see the material cited in n21 above. For Adys, see: Reddaway & Walker, *Goldsmiths*, 275–6.