

The Earldom Endowments of 1337: Political Thought and the Practice of Kingship in Late Medieval England*

At the end of the March Parliament of 1337, Edward III elevated six of his former household bannerets to the rank of earl. Hugh Audley became earl of Gloucester; Robert Ufford, earl of Suffolk; William Montagu, earl of Salisbury; William Clinton, earl of Huntingdon; William Bohun, brother of the earl of Hereford and Essex, earl of Northampton; and Henry of Grosmont, son and heir of the earl of Lancaster, earl of Derby.¹ Comital rank simultaneously ceased to be the highest dignity under the king, since Edward III's eldest son, Prince Edward, became duke of Cornwall, but the creation of six new earls on the eve of the Hundred Years War was nonetheless an act of great importance. Edward III was restocking his higher nobility with men who were able to use their comital power and status to help him fulfil his royal obligations. Demographically, these promotions were certainly necessary: a combination of natural extinction, political turmoil and general misfortune had resulted in an alarming decline in the number of earls who could be expected to fulfil their role at home and abroad. It is difficult to overstate the critical situation with regard to the higher nobility in which Edward found himself by March 1337—before this parliament, only the earls of Arundel, Oxford and Warwick remained as fully active comital figures who could be expected to serve ‘*hard and faithfully ... until they died*’.²

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¹ Their creation patents are printed in *Reports from the Lords' Committees Touching the Dignity of a Peer of the Realm: With Appendixes* (5 vols, London, 1829), v. 27–34. There is no surviving parliament roll for this parliament but the elevations were widely noted: ‘Gesta Edwardi Terti auctore canonico Bridlingtonensi’, in *Chronicles of Edward I and Edward II*, ed. William Stubbs, Rolls Series, lxxvi (2 vols, London, 1882–83), i. 129; *The Anonimale Chronicle, 1333–1381*, ed. V.H. Galbraith (Manchester, 1927), p. 9; *Chronicon Galfridi le Baker de Swynebroke*, ed. Edward Maunde Thompson (Oxford, 1889), pp. 58–9; *The Brut*, ed. F.W.D. Brie, Early English Text Society, original ser., cxxxi, cxxxvi (2 vols, London, 1906–8), ii. 292–3. The standard modern account is K.B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973), pp. 158–60.

² See C. Given-Wilson, *The English Nobility in the Late Middle Ages: The Fourteenth–Century Political Community* (London, 1987), pp. 32–5, and A. Ayton, ‘Edward III and the English Aristocracy at the Beginning

The need for a powerful group of nobles resonated through the sources of the time. The author of the *Vita Edwardi Secundi*, writing amid the turbulent circumstances of Edward II's reign, had already compared the character and fate of Edward II's favoured Gascon courtier Piers Gaveston with the role of the realm's native barons, 'who are the king's chief member, and without them the king cannot attempt or accomplish anything of importance'.³ Soon after the parliament of March 1337, John de Grandisson, bishop of Exeter and himself noble, declared that 'the substance of the nature of the crown is principally in the person of the king as head and in the peers of the realm as limbs'.⁴ The need for an effective nobility was specifically stated in the lengthy and revealing preambles to the patents of creation issued to the new earls:

Among the signs of royalty we consider it to be the most important that, through a suitable distribution of ranks, dignities and offices, its position is sustained by the wise counsels and protected by the many powers of formidable men. Yet, the hereditary ranks in our kingdom, both through descent to coheirs and coparceners according to the law of the kingdom and a failure of issue and other events, having returned into the hand of the king, this realm has experienced for a long time a substantial loss in the names, honours and ranks of dignity.⁵

On a more practical level, the elevations of March 1337 enabled Edward III to revive several important noble recruitment networks just as he was about to embark on a major military conflict.⁶ Furthermore, the 'new' earls had all gained the trust of their king through periods of service in the royal household. Montagu, Clinton and Ufford had been involved in the coup at Nottingham Castle on the night of 19 October 1330 which ushered in Edward's personal rule, and all six men were

of the Hundred Years War', in M. Strickland, ed., *Armies, Chivalry and Warfare in Medieval Britain and France* (Stamford, 1998), pp. 173–206, at 188. Quotation: McFarlane, *Nobility*, p. 160 (italics original).

³ *Vita Edwardi Secundi: The Life of Edward the Second*, ed. and tr. W.R. Childs (Oxford, 2005), pp. 48–9. The *Vita* appears to have been composed at intervals through the 1310s and 1320s and finished c.1326: C. Given-Wilson, 'Vita Edwardi Secundi: Memoir or Journal?', in M. Prestwich, R. Britnell and R. Frame, eds., *Thirteenth Century England VI* (Woodbridge, 2003), pp. 165–76; *Vita Edwardi Secundi*, ed. Childs, pp. xix–xxxiii.

⁴ *The Register of John de Grandisson, Bishop of Exeter*, ed. F.C. Hingeston-Randolph (3 vols, London, 1894–99), ii. 840.

⁵ *Reports from the Lords' Committees*, v. 29 (quoted in J. Bothwell, *Edward III and the English Peerage: Royal Patronage, Social Mobility and Political Control in Fourteenth-Century England* [Woodbridge, 2004], p. 15). Identical introductions were repeated in the creation charters of the earls of Northampton and Suffolk; see *Reports from the Lords' Committees*, v. 30, 31. Cf. the similarities of this statement to the effects of inheritance by co-heirs portrayed in *Bracton de Legibus et Consuetudinibus Angliae*, ed. and tr. S.E. Thorne (4 vols, Cambridge, MA, 1968–77), ii. 222.

⁶ Ayton, 'Edward III and the English Aristocracy', pp. 173–206.

prominent figures in the ceremonial, military, diplomatic and recreational activity of the royal household in the early to mid-1330s.⁷ The king seems to have understood the position of, and need for, an active group of earls in both political thought and political practice; in 1337 this need was met by the elevation of a group whose abilities had already placed them firmly in the inner circle of Edward III's advisors, friends and companions. Further elevations took place when the number of earls fell again in the early 1350s and a similar policy was pursued in favour of Edward's family in the 1360s.⁸ Indeed, Edward III's elevations provide a significant example of a wider pattern in which rulers across Europe attempted to synthesise a Crown-focused nobility with local power structures.⁹ Edward I had also followed this path, although outside of the borders of England itself, by granting extensive lands to favoured English magnates in the marches of Wales after the conquest of 1282–3 and in Scotland between 1298 and 1306.¹⁰

Formidable supporting grants were given to all of Edward III's new earls, with the exception of Gloucester, for comital status was correlated to a minimum income of £1,000 *per annum* and many

⁷ C. Shenton, 'Edward III and the Coup of 1330', in J. Bothwell, ed., *The Age of Edward III* (Woodbridge, 2001), pp. 13–34, esp. 18–21; Bothwell, *Edward III and the English Peerage*, pp. 22–6; C.A. Candy, 'A Growing Trust: Edward III and his Household Knights, 1330–1340', in L.J. Villalon and D.J. Kagay, eds., *The Hundred Years War: Further Considerations* (Leiden, 2013), pp. 49–62; R. Barber, *Edward III and the Triumph of England: The Battle of Crécy and the Company of the Garter* (London, 2013), pp. 44–122. William Bohun was named in *The Brut*, ed. Brie, ii. 269 as a participant at Nottingham but the compiler was probably mistaken: cf. Shenton, 'Edward III', p. 20, and Barber, *Edward III and the Triumph of England*, p. 63 n. 64.

⁸ W.M. Ormrod, *Edward III* (New Haven, CT, 2011), p. 363; W.M. Ormrod, 'Edward III and his Family', *Journal of British Studies*, xxvi (1987), pp. 398–422; D. Green, 'Lordship and Principality: Colonial Policy in Ireland and Aquitaine in the 1360s', *Journal of British Studies*, xlvii (2008), pp. 3–29.

⁹ See, for example, J. Watts, *The Making of Polities: Europe, 1300–1500* (Cambridge, 2009), pp. 250–52; T.F. Ruiz, 'Expansion et changement: La Conquête de Séville et la société castillane (1248–1350)', *Annales: Histoire, Sciences Sociales*, xxxiv (1979), pp. 548–65, at 554–7; M. Rady, *Nobility, Land and Service in Medieval Hungary* (Basingstoke, 2000), pp. 32–3, 60–61, 85–95, 133–43; H. Zmora, 'Princely State-Making and the "Crisis of the Aristocracy" in Late Medieval Germany', *Past and Present*, no. 153 (1996), pp. 37–63; R. Frost, *The Oxford History of Poland–Lithuania, I: The Making of the Polish–Lithuanian Union, 1385–1569* (Oxford, 2015), pp. 61–70, 267–76; J. Dumolyn, 'Nobles, Patricians and Officers: The Making of a Regional Political Elite in Late Medieval Flanders', *Journal of Social History*, xl (2006), pp. 431–52; R. Stein, *Magnanimous Dukes and Rising States: The Unification of the Burgundian Netherlands, 1380–1480* (Oxford, 2017), pp. 127–46; I. Grohse, *Frontiers for Peace in the Medieval North: The Norwegian–Scottish Frontier, c.1260–1470* (Leiden, 2017), pp. 83–112. As noted by Watts, *Making of Polities*, p. 440, 'there is no general/comparative treatment of royal and princely granting practices in this period ... but we could certainly do with one'.

¹⁰ R.R. Davies, *Lordship and Society in the March of Wales, 1282–1400* (Oxford, 1978), pp. 26–8, 32–3, 37–8, 258–9; M. Prestwich, 'Colonial Scotland: The English in Scotland under Edward I', in R. Mason, ed., *Scotland and England, 1286–1815* (Edinburgh, 1987), pp. 6–17, at 8–11. For the limitations of Edward I's policies in the latter case, see now M. Brown, 'Hearts and Bodies: Edward I and the Scottish Magnates, 1296–1307', in A. King and A.M. Spencer, eds., *Edward I: New Interpretations* (Woodbridge, 2020), pp. 105–24.

of the established comital houses could draw on landed estates worth far more than this.¹¹ These supporting grants were of the utmost importance if the new earls were to have the levels of income required to maintain the power in lordship over land and people that would allow them to function as the king and political community expected. Land and wealth thus underpinned the ties binding political society together by enabling such assumptions to be met. David Crouch has accordingly and pithily concluded that ‘the most sustainable definition of a medieval nobleman is of a man who acted in a noble manner and was not laughed at by his neighbours’.¹² An appropriate amount of landed power was needed for status to be effectively assumed; to ignore such considerations was to risk allegations of men ‘raised from the dust’ as under Henry I, a nickname such as the ‘Lackland’ attached to John because of his still landless status following Henry II’s settlement of his domains in 1169, or the scorn later piled on the ‘duketti’ (‘little dukes’) of Richard II.¹³ Edward III was determined to avoid such a fate for the men he elevated to the forefront of political life in March 1337.

It is, however, immediately apparent that the king did not have enough land to give, leaving aside the traditional Crown lands. While the spate of forfeitures suffered by the nobility in the turmoil and strife of the years 1322–30 had brought substantial landed patrimonies under royal control, these had already been used to reward service, or had been restored once more to the heirs of the downfallen.¹⁴ The new earls could not immediately receive adequate landed estates in support of their new dignities and this directly presented problems for Edward III’s policy of creating a nobility powerful enough to execute his designs.

¹¹ Given-Wilson, *English Nobility*, p. 37. For some comparative figures, see M. Morris, *The Bigod Earls of Norfolk in the Thirteenth Century* (Woodbridge, 2005), p. 70; A.M. Spencer, *Nobility and Kingship: The Earls and Edward I, 1272–1307* (Cambridge, 2014), pp. 13–28. For the incomes generated by some of the great Marcher lordships alone, see Davies, *Lordship and Society*, pp. 176–97.

¹² D. Crouch, *The English Aristocracy, 1072–1272: A Social Transformation* (New Haven, CT, 2011), p. 193.

¹³ J. Green, *The Government of England under Henry I* (Cambridge, 1986), pp. 139–41; K. Norgate, *John Lackland* (London, 1902), p. 2 and n. 2; W.L. Warren, *Henry II* (London, 1973), p. 594; N. Saul, *Richard II* (New Haven, CT, 1997), pp. 381–2. John’s nickname was widely disseminated; see, for example, *The Latin Chronicle of the Kings of Castile*, ed. and tr. J.F. O’Callaghan (Tempe, AZ, 2002), p. 34.

¹⁴ B.P. Wolffe, *The Royal Demesne in English History: The Crown Estate in the Governance of the Realm from the Conquest to 1509* (London, 1971), p. 60; J. Bothwell, ‘Edward III, the English Peerage and the 1337 Earls: Estate Redistribution in Fourteenth-Century England’, in Bothwell, ed., *Age of Edward III*, pp. 35–52.

The shortage of available land is painfully obvious in the grants given in support of the earls of Northampton, Salisbury, Huntingdon, Suffolk and Derby. Northampton was promised land to the value of £1,000, to be held in tail male, but, until the promised estates fell in on the deaths of those currently occupying them, he had to be satisfied with a series of assignments on customs ports and shrievalties.¹⁵ With the exception of Gloucester, the other new earls were promised grants worth 1,000 marks (£666 13s 4d) of land and rent, but they too had to be provided for with remainders and annuities.¹⁶ Gloucester provides a marked contrast. He and the male heirs of his body were granted a mere £100 to be received yearly at the exchequer, since a combination of his marriage to Margaret de Clare, a co-heir of Gilbert de Clare, earl of Gloucester (d. 1314), and his patrimonial inheritance already brought him a gross income of well over £2,000, far surpassing the other new earls.¹⁷ Accordingly, Gloucester did not need Edward to endow him to support his elevation: his new title was an acknowledgement of his *de facto* status and did not require an accompanying grant of lands.

The elevations and the shape of the grants supporting them have attracted a substantial amount of scholarly attention. They have frequently been noted as a dramatic precursor to the onset of war with France, and the inability of the king to provide immediate lands for his earls has drawn comment from Jennifer M. Parker, Chris Given-Wilson, Scott Waugh, Michael Prestwich and Mark

¹⁵ *Calendar of the Charter Rolls Preserved in the Public Record Office* (6 vols, 1903–27) [hereafter *CChR*], 1327–1341, p. 401; *Calendar of the Patent Rolls Preserved in the Public Record Office: Edward III* (16 vols, 1891–1916) [hereafter *CPR*], 1334–1338, pp. 416–17. The original is held at Kew, The National Archives, DL 10/279. Unless otherwise stated, all unpublished documents cited are held by The National Archives. These grants comprised the manors of Stamford and Grantham held by John Warenne, earl of Surrey; the castle of Fotheringhay held by Marie de Saint-Pol, countess of Pembroke; and the manor of Oakham held by Hugh Audley, earl of Gloucester, and Margaret his wife. Northampton's annuities comprised £400 from the customs of London, £150 from the ports of Boston and Hull respectively, £200 from the issues of the city of London, and £100 from the issues of the county of Essex, along with the traditional £20 third penny of Northamptonshire. Northampton's creation patent specified that if the Bohun family earldom of Hereford and Essex fell to him, £500 of his £1,000 endowment was to revert to the Crown on his death, and this surrender was to take place immediately if his male heirs succeeded to the earldom of Hereford. It seems probable that these conditions were designed to free any excess lands for distribution elsewhere once Northampton had received enough to enable him to perform adequate service and, as such, the detailed endowment strategy implemented for the new earl of Northampton illustrates the scarcity of resources at Edward III's disposal.

¹⁶ *CPR*, 1334–1338, pp. 415, 418, 426–7; E 328/108, m. 2. Salisbury received 800 marks of reversions, held for life by the earl of Surrey and Countess Joan his wife, in tail male, with the remaining 200 marks left unfulfilled 'until the promised rent of that amount be granted'. Until these lands became available, Salisbury was assigned 1,000 marks p.a. from the coinage of tin in Cornwall. Half of the 1,000 marks due to Huntingdon was made up of the manor of Kirton, Lincolnshire, with the remaining 500 marks either assigned on a miscellany of sources or granted in reversion. Suffolk received lands in Suffolk, the reversion of the manor of Benhall in Suffolk, held for life by Eleanor, wife of Guy Ferre, and an annuity of £120 to be received at the exchequer. Derby received assignments of 400 marks from London and 300 marks from the ports of Boston and Hull respectively.

¹⁷ *CPR*, 1334–1338, pp. 414–15; Given-Wilson, *English Nobility*, p. 37.

Ormrod.¹⁸ However, these grants and the difficulties they posed for the new earls, and thus also for the execution of the king's fundamental obligations, have not yet been placed into their full context. The wider significance of how the king tried to make these grants work during a period of great economic and financial pressure has yet to be explored. More significantly still with regard to the current historiographical landscape, James Bothwell has argued that the earldom creations of 1337 formed the centrepiece of Edward III's policy of limiting the powers of his nobility by supplying them with conditional and limited-term grants. Generally, in Bothwell's view, a constant stream of patronage was required to secure harmonious relations between the king and his nobles; this patronage provides an index of the relationship between Edward III and an individual magnate, with the absence of such grants seen as signifying royal disfavour.¹⁹ According to this interpretation, the grants of 1337 were designed not just to enable the recipients' service and uphold their newly gained rank, but also to protect the interests of the Crown from the dangers of a parliamentary peerage 'obviously bound sooner or later to compete with the monarch for political and social power as, the more stratified it became, and the more hereditary, the further outside of the ambit of the king's personal control it moved'.²⁰ The endowments of the new earls offered a vehicle for monarchical control of the peerage and formed part of Edward III's wider attempt 'to weaken the often problematic title of earl'.²¹ The limited nature of the raft of grants supporting the comital titles was conditioned by the threat posed to the monarchy by the new earls, since—as they were being made into great nobles themselves and noble interests were at heart inimical to the king—their patronage risked 'a return to a domination by "over-mighty" subjects similar to that of his father's [Edward II's]

¹⁸ J.M. Parker, 'Patronage and Service: The Careers of William Montague, Earl of Salisbury, William Clinton, Earl of Huntingdon, Robert Ufford, Earl of Suffolk and William Bohun, Earl of Northampton' (Durham Univ. M.A. thesis, 1985), pp. 222–58; Given-Wilson, *English Nobility*, pp. 37–40; S.L. Waugh, *England in the Reign of Edward III* (Cambridge, 1991), p. 122; M. Prestwich, *Plantagenet England, 1225–1360* (Oxford, 2005), p. 267; Ormrod, *Edward III*, pp. 137–8.

¹⁹ For example, J. Bothwell, 'Internal Exiles: Exclusion from the Fourteenth-Century English Court and Kingdom', in F. Lachaud and M. Penman, eds., *Absentee Authority across Medieval Europe* (Woodbridge, 2017), pp. 132–52, at 143–4, discussing the earls of Huntingdon, Arundel and Surrey.

²⁰ Quotation: Bothwell, *Edward III and the English Peerage*, p. 144. More generally, see J. Bothwell, 'Edward III and the "New Nobility": Largesse and Limitation in Fourteenth-Century England', *English Historical Review*, cxii (1997), pp. 1,111–140; Bothwell, *Edward III and the English Peerage*, esp. pp. 5–8, 53, 140–56; J. Bothwell, *Falling from Grace: Reversal of Fortune and the English Nobility, 1075–1455* (Manchester, 2008), p. 185.

²¹ J. Bothwell, 'What's in a Title? Comital Development, Political Pressures and Questions of Purpose in Fourteenth-Century England', in R. Ambühl, J. Bothwell and L. Tompkins, eds., *Ruling Fourteenth-Century England: Essays in Honour of Christopher Given-Wilson* (Woodbridge, 2019), pp. 163–84, at 181–2.

reign and the Minority, individuals bloated with lands and income via royal favour who threatened not only to incite civil war by their presence, but also to damage the power and prestige of the crown itself'.²² These grants are therefore seen as forming an important part of a policy, founded on the pillars of generous but limited patronage, an emphasis on courtly display and a shared interest in warfare, by which Edward III 'recovered' royal authority after the degradations of his father's reign. This assumption is one which underlies much writing on the subject.²³ Recently, however, Richard Partington has sounded something of a dissenting voice, noting that Edward's patronage was 'designed to facilitate the delivery of his rule'.²⁴

This article re-examines the grants of March 1337 and the assignments and reversions supporting them, and suggests that the governmental processes these grants initiated are best seen in a context that has hitherto been underplayed: that of political thinking on the inalienability of royal rights and lands and the limitations this placed on what the king had to give. The use of the limited grants outlined above—and, indeed, royal granting practices more broadly—can best be understood as part of a wider intellectual and cultural constellation revolving around notions of, and arguments for, inalienability. These ideas both formed a backdrop to the elevations of 1337 and were in turn reinforced by their application in practice. The king was forced to provide for his new earls through reversions and annuities because the assumptions of political society by 1337 made it extremely unwise to attempt large alienations of the Crown lands, which were thought to pertain to and support the body politic. In the specific context of Edwardian England, this necessitated a complicated and troublesome juggling act by which the king and his government tried to provide the new earls with the

²² Bothwell, *Edward III and the English Peerage*, p. 140.

²³ J. Vale, *Edward III and Chivalry: Chivalric Society and its Contexts, 1270–1350* (Woodbridge, 1982), esp. p. 87; W.M. Ormrod, 'Edward III and the Recovery of Royal Authority in England, 1340–60', *History*, lxxii (1987), pp. 4–19; R.W. Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages* (Oxford, 1988), pp. 31–2; Prestwich, *Plantagenet England*, pp. 266–9, 281–3, 290; Ormrod, *Edward III*, pp. 104–5, 134–8, 145–6, 303–4, 363–7, 534–7, 595–600; Barber, *Edward III and the Triumph of England*, pp. 95–6; J. Sumption, *Edward III* (London, 2016), pp. 52–3; P. Dryburgh, 'Living in the Shadows: John of Eltham, Earl of Cornwall (1316–1336)', in G. Dodd and J. Bothwell, eds., *Fourteenth Century England IX* (Woodbridge, 2016), pp. 23–47, at 23–4; N. Gribit, *Henry of Lancaster's Expedition to Aquitaine, 1345–1346* (Woodbridge, 2016), pp. 11–12; R.W. Kaeuper, *Medieval Chivalry* (Cambridge, 2016), pp. 225–6, 235; D. Green, 'Imperial Policy and Military Practice in the Plantagenet Dominions, c.1337–c.1453', *Journal of Medieval Military History*, xiv (2016), pp. 33–56, at 45.

²⁴ R. Partington, 'The Nature of Noble Service to Edward III', in B. Thompson and J. Watts, eds., *Political Society in Later Medieval England: A Festschrift for Christine Carpenter* (Woodbridge, 2015), pp. 74–92, at 76.

resources they needed to fulfil the expectations laid on them by their status. The actions of the king show how Edward III struggled with the limitations imposed upon him by the assumptions of the wider community and highlight how he tried to create an aristocracy strong enough to support him within these limitations.

This emphasis on how the earldom creations of 1337 shaped and were shaped by notions of inalienability provides both a supplement and a challenge to the existing historiography, which focuses first and foremost on personal and top-down political processes, and which rests on a binary of opposition between the interests of the Crown and those of the magnates it endowed with rank, status and landed power. Furthermore, by integrating this grand act of royal largesse into its intellectual and governmental surroundings, this study of the 1337 earls explores how ideas related to the immediate political and economic contexts in which they were applied, and how ideas grew from political practice itself. In order to demonstrate the intimate symbiosis of principle and action, the opening section of this article provides some vital context, outlining the late medieval ideas about alienability in England, as well as further afield, which informed the earldom elevations. Subsequent sections show how Edward III and his government tried to negotiate the practical implications of these ideas and provide the earls with the resources they needed to support their king effectively. The article concludes by considering the ways in which Edward III's astute management of royal resources in accordance with the political expectations of the wider polity set the standard for the distribution of royal patronage until deep into the fifteenth century, and, just as importantly, established criteria by which such distribution could be assessed as legitimate or subject to criticism. In the process, the language and politics of inalienability became an integral part of the ongoing dialogue between the king and wider political society, particularly at points when it appeared necessary to restrain the will of the Crown or desirable to annul the distribution of landed power made by the preceding monarch.

The concept of inalienability was one of great political importance in late medieval England, as it was elsewhere in Europe.²⁵ In essence, the principle maintained that any rights or resources thought to pertain to the realm rather than to any particular individual should remain undiminished. Gradually, and not without substantial difficulty, the concept had become integrated into particular political environments across much of Europe by the fourteenth century.²⁶ During the reign of Andrew II of Hungary (1205–35), alienations from the royal lands were placed under intense scrutiny as his so-called ‘new customs’ (*novae institutiones*) distributed substantial tracts of land in perpetuity: indeed, Article 16 of the famous Golden Bull conceded by Andrew in 1222 specifically prohibited the alienation of whole counties by the king.²⁷ In fourteenth-century Hungary, the use of the Crown as an abstract noun in political discourse (the ‘Holy Crown of Hungary’) to signify something separable from the king’s own person became increasingly important after the death of Louis of Anjou in 1382; and this reflected the primacy of royal patronage as a subject of political negotiation.²⁸ In Poland, the very term for the baronial ‘community of the realm’ (*corona regni*), which became an integral part of political vocabulary during and after the short-lived union with Hungary (1370–82), was drawn from an intense debate over royal patronage; and in 1374 it was affirmed that the territory of the *corona regni* could not be divided or permanently alienated.²⁹ Such theoretical prohibitions on alienation were addressed in Castile from 1325 by Alfonso XI, whose efforts to re-establish royal authority after

²⁵ G.L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford, 1975), pp. 128–59; P.N. Riesenbergh, *Inalienability of Sovereignty in Medieval Political Thought* (New York, 1956); Watts, *Making of Politics*, pp. 74–6.

²⁶ H. Hoffmann, ‘Die Unveräußerlichkeit der Kronrechte im Mittelalter’, *Archiv für Erforschung des Mittelalters*, xx (1964), pp. 389–474; M. Hellmann, ed., *Corona Regni: Studien über die Krone als Symbol des Staates im späteren Mittelalter* (Weimar, 1961); P. Classen, ‘Corona Imperii: Die Krone als Inbegriff des Römisch-Deutschen Reiches im 12. Jahrhundert’, repr. in P. Classen, *Ausgewählte Aufsätze von Peter Classen*, ed. J. Fleckenstein (Sigmaringen, 1983), pp. 503–514. This concept is particularly visible by the second half of the century in France, although the language of ‘the Crown’ began to be used frequently well before this: G. Leyte, *Domaine et domanialité publique dans la France médiévale (XII^e–XV^e s.)* (Strasbourg, 1996); A. Gouron, ‘L’Inaliénabilité du domaine public: à l’origine du principe’, *Comptes rendus des séances de l’Académie des Inscriptions et Belles-Lettres*, cxlv (2001), pp. 817–25; Y. Sassier, ‘La Corona regni: Émergence d’une persona ficta dans la France du XII^e siècle’, in C. Schwentzel and E. Santinelli-Foltz, eds., *La Puissance royale: Image et pouvoir de l’Antiquité au Moyen Âge* (Rennes, 2012), pp. 99–110.

²⁷ *Online Decreta Regni Mediaevalis Hungariae: The Laws of the Medieval Kingdom of Hungary*, ed. J.M. Bak et al. (Utah State University Libraries, 2019), available at https://digitalcommons.usu.edu/lib_mono/4, pp. 158–71. See also M. Rady, ‘Hungary and the Golden Bull of 1222’, *Banatica*, xxiv (2014), pp. 87–108, at 96–9.

²⁸ J.M. Bak, *Königtum und Stände in Ungarn im 14.–16. Jahrhundert* (Wiesbaden, 1973), pp. 22–33; and, more broadly, L. Péter, ‘The Holy Crown of Hungary, Visible and Invisible’, *Slavonic and East European Review*, lxxxi (2003), pp. 421–510.

²⁹ S. Gawlas, ‘Möglichkeiten und Methoden herrschaftlicher Politik im östlichen Europa im 14. Jahrhundert’, in M. Löwener, ed., *Die “Blüte” der Staaten des östlichen Europa im 14. Jahrhundert* (Wiesbaden, 2004), pp. 257–84, at 263–4; Frost, *Oxford History of Poland–Lithuania*, I, pp. 11, 51–2, 65.

his minority centred around the recovery of the royal fisc granted away in perpetuity in previous years.³⁰ In the neighbouring constellation of realms known to historians as the Crown of Aragon, a similar process of alienation occurred through the fourteenth century until it was addressed by Martin I (d. 1410), who complained that he had found ‘all our revenues and royal rights, through no action or fault of our own, alienated and dissipated’.³¹

In England, the concept of inalienable Crown lands seems to have been present before the Conquest but faded after 1066 until the second half of the twelfth century, when Henry II consolidated a distinct Crown demesne.³² The idea then became increasingly prominent from the mid-thirteenth century, and notions of some royal resources as inalienable appurtenances seem to have accompanied and intertwined with the emergence of a sense of national identity under the Plantagenets that had hardened by the mid-fourteenth century.³³ Lords themselves, and their administrators, shared a concern to maintain the integrity of the patrimonial core of the inheritance, as evidenced in a cluster of mid-thirteenth century treatises on estate management.³⁴ Bishop Grosseteste’s *Rules* (1245 x 53) suggested that Margaret de Lacy, countess of Lincoln, should command her steward to keep her estates ‘whole and unblemished’.³⁵ Meanwhile, *Seneschaucy* (c.1260) identified making inquiries into unwarranted alienations of manorial estates and appurtenances as one of the steward’s most important

³⁰ P. Linehan, ‘Castile, Navarre and Portugal’, in M. Jones, ed., *The New Cambridge Medieval History*, VI: c.1300–c.1415 (Cambridge, 2000), pp. 619–51, at 629; J.F. O’Callaghan, *The Cortes of Castile–Léon, 1188–1350* (Philadelphia, PA, 1989), pp. 166–8.

³¹ T. Bisson, *The Medieval Crown of Aragon: A Short History* (Oxford, 1991), p. 128. Martin I is quoted in M.T. Ferrer i Mallol, ‘El patrimoni reial i la recuperació dels senyorijs jurisdiccionals en els estats catalano-aragonesos a la fi del segle XIV’, *Anuario de Estudios Medievales*, vii (1970–71), pp. 351–491, at 355.

³² J.E.A. Jolliffe, *The Constitutional History of Medieval England from the Settlement to 1485* (2nd edn, London, 1947), pp. 127–8; S. Baxter and J. Blair, ‘Land Tenure and Royal Patronage in the Early English Kingdom: A Model and a Case Study’, *Anglo-Norman Studies*, xxviii (2006), pp. 19–46; R.S. Hoyt, *The Royal Demesne in English Constitutional History, 1066–1272* (New York, 1950), pp. 85–124; E.H. Kantorowicz, *The King’s Two Bodies: A Study in Mediaeval Political Theology* (Princeton, NJ, 1957), pp. 165–7, 347–58; S. Reynolds, *Kingdoms and Communities in Western Europe, 900–1300* (2nd edn, Oxford, 1997), pp. 325–6.

³³ T. Turville-Petre, *England the Nation: Language, Literature, and National Identity, 1290–1340* (Oxford, 1996); R.R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093–1343* (Oxford, 2000), pp. 142–71; D. Green, ‘National Identities and the Hundred Years War’, in C. Given-Wilson, ed., *Fourteenth Century England VI* (Woodbridge, 2010), pp. 115–30; A. Ruddick, *English Identity and Political Culture in the Fourteenth Century* (Cambridge, 2013).

³⁴ Their dates of composition are reviewed in J. Sabapathy, *Officers and Accountability in Medieval England, 1170–1300* (Oxford, 2014), pp. 53–5.

³⁵ *Walter of Henley and Other Treatises on Estate Management and Accounting*, ed. D. Oschinsky (Oxford, 1971), p. 390. Discussed in Sabapathy, *Officers and Accountability*, pp. 79–80.

duties.³⁶ Around the same time, *Urbain le Courtois*, a popular piece of conduct literature addressed to the adolescent nobleman, taught that the aristocratic virtue of generosity should be tempered with prudence and exercised through the distribution of wardships and escheats, rather than of the patrimonial inheritance.³⁷ The great nobles were acutely aware of the implications and potential dangers of excessive alienation and they, along with the wider polity, expected the king to show a similar level of concern for his own estate.³⁸

Accordingly, the Crown became a key regnal symbol—the perpetual embodiment of the public powers and resources committed to the custody of the king and fused with his person, which needed to be preserved in order for the king to meet his basic obligation of ensuring the earthly and spiritual well-being of his people.³⁹ This is clearly seen in councillors’ oaths and the new coronation oath of 1308. One clause of the councillors’ oath of 1257 reads: ‘Also, they [the king’s councillors] would not consent to the alienation of those things pertaining to the ancient demesne of the crown’.⁴⁰ The next extant councillors’ oath—of c.1294—expanded such a duty into four clauses.⁴¹ Alongside Magna Carta, the royal coronation oath was becoming a cornerstone of political and constitutional discourse. The research of H.G. Richardson revealed that a promise to preserve the rights of the Crown unimpaired was contained within the reference to the widely circulated *Leges Edwardi*

³⁶ *Walter of Henley and Other Treatises*, ed. Oschinsky, p. 264.

³⁷ H.R. Parsons, ed., ‘Anglo-Norman Books of Courtesy and Nurture’, *Proceedings of the Modern Language Association of America*, xlv (1929), pp. 383–455, at 415 (lines 175–6). More broadly, see D. Crouch, *The Chivalric Turn: Conduct and Hegemony in Europe before 1300* (Oxford, 2019), pp. 76–8.

³⁸ For late medieval examples, see McFarlane, *Nobility*, pp. 70–73; C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401–1499* (Cambridge, 1992), pp. 211–22, 245; P. Coss, *The Foundations of Gentry Life: The Multons of Frampton and their World, 1270–1370* (Oxford, 2010), pp. 190–204.

³⁹ Harriss, *King, Parliament, and Public Finance*, pp. 128–31. See also G. Garnett, ‘The Origins of the Crown’, in J. Hudson, ed., *The History of English Law: Centenary Essays on ‘Pollock and Maitland’* (London, 1996), pp. 171–214; F. Hartung, ‘Die Krone als Symbol der monarchischen Herrschaft in ausgehenden Mittelalter’, repr. in Hellmann, ed., *Corona Regni*, pp. 1–69, at 6–26; J. Karpat, ‘Zur Geschichte des Begriffes Corona Regni in Frankreich und England’, repr. *ibid.*, pp. 70–155, at 108–55; H. Hoffmann, ‘Die Krone im hochmittelalterlichen Staatsdenken’, in H.M. von Erffa and E. Herget, eds., *Festschrift für Harald Keller* (Darmstadt, 1963), pp. 71–85, at 71–80.

⁴⁰ ‘Item quod nihil consentient alienari de his quae ad antiquum dominium coronae pertinent’: printed in J.F. Baldwin, *The King’s Council in England during the Middle Ages* (Oxford, 1913), pp. 346–7; and discussed recently in D. Carpenter, *Henry III: The Rise to Power and Personal Rule, 1207–1258* (New Haven, CT, 2020), pp. 669–72.

⁴¹ Items 4–7, printed in Baldwin, *King’s Council*, pp. 347–8, with the dating revised from 1307 to 1294 in M. Prestwich, *Edward I* (Yale English Monarchs; New Haven, CT, 1997), p. 438 n. 9.

Confessoris that featured in the first clause of the 1308 coronation oath.⁴² Through this reference, the most basic obligations to preserve the estate of the realm were used as part of a broader ‘politicisation’ of the coronation oath throughout the period, as the language of inalienability reflected the pressures placed on the Crown by political society.⁴³ This shift towards the establishment of inalienability as an applicable political idea was reflected in the coronation regalia itself: rather than being buried with his coronation crown, Henry III left the crown of Saint Edward the Confessor for his successors to use in their own ceremonies, in part to remind them of the inalienable rights they inherited and which they ought to preserve.⁴⁴

These ideas were entrenched by the time of the parliament of March 1337. By the beginning of Edward III’s personal rule, the liberality of his father, Edward II, and of Queen Isabella and Roger Mortimer had forced the question of inalienable patrimonies to the forefront of political discussion. Through the thirteenth century into the fourteenth, successive crises over patronage, where kings were perceived as alienating public resources to the unduly favoured, together with the increased burden of public taxation, had made a growing political community more aware of the concept of inalienability, its limits and its application to politics.⁴⁵ In the legal treatises *Fleta* and *Britton*, compiled towards the end of the thirteenth century, the fisc—the inviolable property of the Crown—was held to include the king’s ancient manors, homages and tenements, and a distinction was made between the Crown lands

⁴² The oath is extant in both Latin and French (*The Statutes of the Realm*, ed. Alexander Luders et al. [11 vols., London, 1810–28], i. 168). See H.G. Richardson, ‘The English Coronation Oath’, *Speculum*, xxiv (1949), pp. 44–75, at 62–3; H.G. Richardson, ‘The Coronation Oath in Medieval England: The Evolution of the Office and the Oath’, *Traditio*, xvi (1960), pp. 111–202, at 151–61; Riesenbergh, *Inalienability of Sovereignty*, pp. 119–23; E.H. Kantorowicz, ‘Inalienability: A Note on Canonical Practice and the English Coronation Oath in the Thirteenth Century’, *Speculum*, xxix (1954), pp. 488–502; G. Post, ‘The Roman Law and the “Inalienability Clause” in the English Coronation Oath’, in G. Post, *Studies in Medieval Legal Thought: Public Law and the State, 1100–1322* (Princeton, NJ, 1964), pp. 415–33.

⁴³ A.M. Spencer, ‘The Coronation Oath in English Politics, 1272–1399’, in B. Thompson and J. Watts, eds., *Political Society in Later Medieval England: A Festschrift for Christine Carpenter* (Woodbridge, 2015), pp. 38–54.

⁴⁴ D.A. Carpenter, ‘The Burial of King Henry III, the “Regalia” and Royal Ideology’, in D.A. Carpenter, *The Reign of Henry III* (London, 1996), pp. 426–61, at 446–54.

⁴⁵ See Harriss, *King, Parliament, and Public Finance*, for a magisterial discussion of the growth of taxation. For Henry III’s reign, see H.W. Ridgeway, ‘Foreign Favourites and Henry III’s Problems of Patronage, 1247–1258’, *English Historical Review*, civ (1989), pp. 590–610; S.T. Ambler, *Bishops in the Political Community of England, 1213–1272* (Oxford, 2017), pp. 27–8, 154–8; Carpenter, *Henry III*, pp. 66–7, 111, 133, 192, 417, 496, 541, 667.

and manors accruing from escheat or another acquisition of lordship.⁴⁶ Such distinctions permeated the protests of Edward II's reign and the subsequent demands for resumption, which often used the language of the Crown and its degradation.⁴⁷ The magnates opposing the king frequently appealed for legitimacy by alleging that Edward II had provided for his favourites out of the resources that were supposed to support the estate of the realm. The articles drawn up by the barons at Pontefract in April 1308 and presented to parliament justified the demand for Gaveston's removal by claiming that 'he disherits the crown and, as far as he is able, impoverishes it'.⁴⁸ Even though the earldom of Cornwall given to Gaveston by Edward II's first grant as king had actually escheated into royal control after the death of Edmund, earl of Cornwall, in 1300, Edward II reluctantly agreed to banish Gaveston and restore the lands of the earldom of Cornwall to the Crown on 24 June 1308.⁴⁹ The Ordinances of 1311, which began with a preamble claiming that 'his [Edward II's] crown in many ways has been debased and ruined', set out that no alienations should be made without the counsel and consent of the Ordainers and stated that 'since the crown had been so abased and ruined by numerous grants' an annulment of harmful grants should be undertaken.⁵⁰ In 1318, an order for a general resumption of royal alienations was sent to the exchequer with the explanation that they had been made to the king's damage and the diminution of his Crown.⁵¹ The chroniclers employed the same rhetoric: the French Chronicle of London recorded that Gaveston was given 'the treasure of the land'; the prose Brut that the earldoms created by Edward II in 1322 were 'in prejudice and harming of his crown'.⁵²

⁴⁶ *Fleta*, ed. H.G. Richardson and G.O. Sayles, Selden Society, lxxii, lxxxiv, xcix (3 vols, London, 1953–83), ii. 12; *Britton*, ed. Francis Morgan Nichols (2 vols, Oxford, 1865), i. 221–3. This bears obvious similarities with the earlier distinction between acquisition and inheritance drawn on in *The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanvill*, ed. G.D.G. Hall (London, 1965), pp. 70–71. See J.C. Holt, 'Politics and Property in Early Medieval England', *Past and Present*, no. 57 (1972), pp. 3–52, at 12–13, 41–3; J. Hudson, *Land, Law, and Lordship in Anglo-Norman England* (Oxford, 1994), pp. 60, 182–3, 206–10, 224–5.

⁴⁷ Harriss, *King, Parliament, and Public Finance*, pp. 160–85.

⁴⁸ Second Article: *English Historical Documents*, III: 1189–1327, ed. H. Rothwell (London, 1975), pp. 529–30. There is no 'official' record of the articles: J.R.S. Phillips, *Edward II* (New Haven, CT, 2010), p. 148 n. 126.

⁴⁹ Phillips, *Edward II*, p. 149.

⁵⁰ *Statutes of the Realm*, ed. Luders et al., i. 157–67 (see esp. caps. 3 and 7). See also the draft of the Ordinances printed in M. Prestwich, 'A New Version of the Ordinances of 1311', *Historical Research*, lvii (1984), pp. 189–203.

⁵¹ E 159/91, rot. 64d; E 368/88, rot. 92 (J.R. Maddicott, *Thomas of Lancaster, 1307–1322* [Oxford, 1970], Appendix 1, no. V).

⁵² *Croniques de London, depuis l'an 44 Hen., III jusqu'à l'an 17 Edw. III*, ed. George James Aungier, Camden Society, original ser., xxviii (1844), p. 36; *Brut*, ed. Brie, ii. 224.

The political and constitutional legacy of the previous century, and especially the period 1311–30, shaped Edward III's reign. This is clearly illustrated in the Milemete treatise, a work in the 'mirrors for princes' tradition compiled at the end of Edward II's reign and intended for Edward III, which pointedly encouraged liberality but not profligate giving in a prince, since a 'lord of illustrious liberality maintains a middle position ... and gives those of his goods that should be given and retains those that should be retained' and a prudent ruler 'does not give everything, but only what should be given; and he retains what of his should be maintained'.⁵³ Similarly, the pseudo-Aristotelian *Secretum Secretorum* balanced the emphasis on liberality common to the mirrors with the realities of fourteenth-century politics: good service should be rewarded but 'any king who makes gifts beyond the capacity of the kingdom surely will be destroyed'.⁵⁴ The minority regime of Queen Isabella and Roger Mortimer was condemned and remembered in similar terms. The proceedings against Mortimer accused him of having enriched himself 'to the disinheritance of our lord the king and his crown' and of causing 'the king to give to him and to his children and to his allies, castles, towns, manors and franchises in England, Ireland and Wales, to the detriment of his crown'.⁵⁵ By 1330, the abuse of the inalienable Crown was one of the most powerful accusatory tools available to Edward III and his government because it plugged into widely held convictions about the nature of the polity.

The rhetoric of inalienability also permeated the language of the governed. One of the two petitions presented to the parliament of January 1327 by the community of London, which played a crucial role in the overthrow and deposition of Edward II, shows how those who wished to have a say

⁵³ *Political Thought in Early Fourteenth-Century England: Treatises by Walter of Milemete, William of Pagula and William of Ockham*, ed. and tr. C.J. Nederman (Tempe, AZ, 2002), pp. 53–4.

⁵⁴ '[...firmiter dico tibi quod] quisquis regum superflue continuat donaciones ultra quam regnum suum possit sustinere, talis rex proculdubio destruitur, et destruit': Roger Bacon, *Opera Hactenus Inedita Rogeri Baconi*, fasc. V, ed. R. Steele (Oxford, 1920), p. 44. Edward III was presented with a copy of the Milemete treatise and a *Secretum Secretorum* in c.1327; see M. Michael, 'The Iconography of Kingship in the Walter of Milemete Treatise', *Journal of the Warburg and Courtauld Institutes*, lvii (1994), pp. 35–47; L.K. Escobedo, *The Milemete Treatise and Companion Secretum Secretorum: Iconography, Audience, and Patronage in Fourteenth-Century England* (New York, 2011). The relevant passages in the *Secretum* presented to Edward III are London, British Library, Add. MS 47680, fos. 13r–14r (available online at http://www.bl.uk/manuscripts/FullDisplay.aspx?ref=Add_MS_47680).

⁵⁵ *The Parliament Rolls of Medieval England, 1275–1504*, ed. and tr. C. Given-Wilson, P. Brand, J.R.S. Phillips, W.M. Ormrod, G. Martin, A. Curry and R. Horrox (16 vols, Woodbridge, 2005) [hereafter *PROME*], iv. 104.

in political life promoted these ideas.⁵⁶ It asked that ‘the rights of the crown of old and of new should be preserved and maintained for him [Edward III] until he comes of age ... for the maintenance of the realm’ and requested good counsel for the maintenance of the king’s estate ‘since the community of the realm well understand that a master will not have full charge’.⁵⁷ Similarly, the community of the realm prayed that John of Eltham, the king’s brother, be endowed ‘from the escheats which ought to come within reason to the king, without taking anything from the realm, except for his money’.⁵⁸ The endowment of Eltham and the fate of the constituent lands of the earldom of Cornwall after his premature death aged 20 in September 1336 clearly illustrate the pressures of inalienability confronted by Edward III, which must have been especially intense after Edward II’s use of that earldom to endow Piers Gaveston.⁵⁹ Eltham was at first given escheated land, followed by the grant of the Cornish core of the earldom. It was acceptable to give this to the king’s only brother but, as its distribution after his death shows, unacceptable for it to be given to almost anyone else. After Eltham’s death, a receiver’s roll was compiled which enrolled accounts for both the earldom of Cornwall proper and the lands the earl held outside the traditional earldom.⁶⁰ Marginal annotations in the manuscript make clear the distinctions in contemporary thinking on the matter: those manors outside the core earldom were given to those outside the immediate royal family whom the king wanted to reward or endow, including the new earls of Huntingdon and Suffolk. Those lands and rights traditionally belonging to the earldom itself have no annotations. They were given to Prince Edward on his creation as duke of Cornwall and so were kept within the immediate royal family. In March 1337, the old earldom of Cornwall was entailed in the same way as the county of Chester, with the duke’s appanage descending to the eldest sons of the duke’s heirs—‘such heirs being kings of

⁵⁶ The key work on the deposition process is C. Valente, ‘The Deposition and Abdication of Edward II’, *English Historical Review*, cxiii (1998), pp. 852–81. See also C. Barron, *London in the Later Middle Ages: Government and People, 1200–1500* (Oxford, 2004), pp. 26–7. An important contribution by E. Hartrich, ‘Urban Identity and Political Rebellion: London and Henry of Lancaster’s Revolt, 1328–29’, in W.M. Ormrod, ed., *Fourteenth Century England VII* (Woodbridge, 2012), pp. 89–105, has revealed how ‘The city believed itself to be a peer of the realm possessing the right and duty to counsel the king on matters of state’.

⁵⁷ *PROME*, iv. 71. Note Hartrich, ‘Urban Identity’, p. 97: ‘What both petitions clearly demonstrate is that London thought that it had a vested interest in the ordering of the king’s minority government’.

⁵⁸ *PROME*, iv. 18.

⁵⁹ See P. Chaplais, *Piers Gaveston: Edward II’s Adoptive Brother* (Oxford, 1994), pp. 30–31 and n. 49.

⁶⁰ SC 6/1095/1.

England’—so that the duchy was in effect annexed permanently to the Crown.⁶¹ This example illustrates the division which could be made between the lands pertaining to the Crown and the royal family and those escheats, forfeitures and wardships which were generally considered alienable. The auditor of the royal chamber from 1346 until the dissolution of the chamber estate in 1355–6, Henry Greystock, acted within these boundaries when he divided the revenues he received into those held of the realm and those ‘of the king’s own right’.⁶²

The huge pressures of public taxation that accompanied the onset of war in 1337 created an environment in which the king’s use of resources and granting practices were under particular scrutiny. The first stages of the Hundred Years War saw taxation on a scale that was rarely surpassed in real terms until the seventeenth century.⁶³ The costs of war were approaching £500,000 by 1341.⁶⁴ Even before the beginning of war with France, the realm had been subject to a fifteenth and tenth granted in March 1336 and another the following September.⁶⁵ A great council granted three consecutive fifteenths in September 1337 and a clerical convocation followed suit with a parallel grant of tenths. Through 1338–40, the Crown experimented with burdensome direct taxation in wool and produce, which directly contributed to the crisis of 1340–41.⁶⁶ The parliament of June 1344 granted two consecutive fifteenths and tenths, as did that of September–October 1346. This was followed by the grant of three fifteenths and tenths by the parliaments of March 1348 and January 1352. This was all to go alongside indirect taxation on the customs, an aid on the occasion of the

⁶¹ See J.E. Powell and K. Wallis, *The House of Lords in the Middle Ages: A History of the House of Lords to 1540* (London, 1968), p. 327; C. Given-Wilson, ‘Rank and Status among the English Nobility, c.1300–1500’, in T. Huthwelker, J. Peltzer and M. Wemhöner, eds., *Princely Rank in Late Medieval Europe: Trodden Paths and Promising Avenues* (Ostfildern, 2011), pp. 97–118, at 98–9.

⁶² ‘de iure suo proprio’: E 101/392/15. For the chamber estate, see T.F. Tout, *Chapters in the Administrative History of Medieval England* (6 vols, Manchester, 1920–33), iv. 238–311.

⁶³ P.K. O’Brien and P.A. Hunt, ‘England, 1485–1815’, in R. Bonney, ed., *The Rise of the Fiscal State in Europe, c.1200–1815* (Oxford, 1999), pp. 53–100, at 58.

⁶⁴ W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England, 1327–1377* (London, 1990), p. 11.

⁶⁵ For the frequency of taxation, see M. Jurkowski, C.L. Smith and D. Crook, eds., *Lay Taxes in England and Wales, 1188–1688* (Public Record Office Handbooks, 31; London, 1998).

⁶⁶ Ormrod, *Edward III*, pp. 194–8, 225–8, 257, 287; E.B. Fryde, ‘Edward III’s Wool Monopoly of 1337: A Fourteenth-Century Royal Trading Venture’, repr. in E.B. Fryde, *Studies in Medieval Trade and Finance* (London, 1983), no. VI; E.B. Fryde, ‘Financial Resources of Edward III in the Netherlands, 1337–1340’, repr. *ibid.*, no. VII.

knighting of the king's eldest son in 1346, and the recurrent enforcement of purveyance.⁶⁷ This extraordinary bout of taxation coincided with the period in which means to support the new earls had to be found, and this might have made it possible for those wishing to lessen the fiscal burden to allege that royal granting practices had impoverished the Crown, a rhetorical device which would echo the theme of the Ordinances of 1311.⁶⁸ And indeed in 1340, the commons' petition preserved in the Winchester Cartulary unsuccessfully requested an inquiry into all alienations of royal lands other than escheats or purchases back to the time of Edward I, with the intention of having unworthy grants resumed by the authority of parliament.⁶⁹

The inalienable appurtenances ensuring the continuity of the realm included a bundle of lands, rights and privileges that needed to be protected. By the mid-fourteenth century, a confluence of ideas on office-holding and accountability had combined with the profligacy of Edward II and the onset of heavy public taxation to push ideas of inalienability to the forefront of political life.⁷⁰ The rights of the Crown as a key symbol of the realm, encompassing the king and all his subjects, were to be preserved; by the reign of Edward III these prerogatives included the lands thought to pertain to the estate of the king. Generally, it was believed that patronage should be sourced from the transient and shifting body of escheats, wardships and forfeitures that the king received as a consequence of his personal lordship, rather than from the body of lands and rights thought to uphold the state of the realm. The perception that lands were given in degradation of these principles could provide

⁶⁷ For these, M. Powicke, *Military Obligation in Medieval England* (Oxford, 1962), pp. 194–203; Harriss, *King, Parliament, and Public Finance*, pp. 410–65; W.M. Ormrod, 'The Crown and the English Economy, 1290–1348', in B.M.S. Campbell, ed., *Before the Black Death: Studies in the 'Crisis' of the Early Fourteenth Century* (Manchester, 1991), pp. 149–83, at 168–74; W.M. Ormrod, 'The English Crown and the Customs, 1349–1363', *Economic History Review*, xl (1987), pp. 27–40; W.M. Ormrod, 'England in the Middle Ages', in Bonney, ed., *Rise of the Fiscal State*, pp. 19–52, at 31–3.

⁶⁸ For the burdens of the war effort, see E. Miller, 'War, Taxation and the English Economy in the Late Thirteenth and Early Fourteenth Centuries', in J.M. Winter, ed., *War and Economic Development* (Cambridge, 1975), pp. 11–31; Harriss, *King, Parliament, and Public Finance*, pp. 231–355; W.M. Ormrod, 'The Domestic Response to the Hundred Years War', in A. Curry and M. Hughes, eds., *Arms, Armies and Fortifications in the Hundred Years War* (Woodbridge, 1994), pp. 83–101; B.M.S. Campbell, *The Great Transition: Climate, Disease and Society in the Late Medieval World* (Cambridge, 2016), pp. 268–71; I. Krug, 'Feeding Mars: Military Purveyance in the Long Fourteenth Century', in G. Dodd, ed., *Fourteenth Century England X* (Woodbridge, 2018), pp. 67–88, at 79–88.

⁶⁹ The Commons' Petition of 1340 is translated in *PROME*, iv. 275. See also G.L. Harriss, 'The Commons' Petitions of 1340', *English Historical Review*, lxxviii (1963), pp. 625–54, at 647–8; Wolffe, *Royal Demesne*, p. 74.

⁷⁰ On office and accountability generally, see Kantorowicz, *King's Two Bodies*; F. Lachaud, *L'Éthique du pouvoir au Moyen Âge: L'Office dans la culture politique (Angleterre, vers 1150–vers 1330)* (Paris, 2010); Sabapathy, *Officers and Accountability*.

opponents of royal policy, or those burdened by taxation, with the language to frame their complaint in legitimate and powerful terms. Such ideas permeated thought from *Fleta* to the petitions of the king's subjects and conditioned the expectations held by political society.

The prevalence of these ideas shaped the initial grants given by Edward III in support of his new earls. They could not be given adequate lands, since that would be sure to resurrect the cries of impoverishment and degradation of the Crown's resources that had resounded under Edward II.⁷¹ Instead, they were provided for only with difficulty—a difficulty not solved by the simple calculations of annuities, reversions and remainders specified in the chancery rolls. The financial conditions of the mid-fourteenth century meant that the active support of the monarch and his administration was required if the earls were to have any chance of getting the huge sums due to them in full.⁷² The supporting grants made in March 1337 represented only the start of the elevation process. The ways in which the king and his officials worked through governmental institutions and processes to provide for the new earls reveal the importance attached to these grants by Edward III. Furthermore, they show how the king and his government tried to circumvent the obstacles presented to royal patronage by notions of inalienability—reinforcing the validity of the concept in the process.

II

The need to support the new earls had to be balanced against political concerns about the wanton alienation of lands and revenues during a period of crushing taxation. Recognising the importance of these processes and the ways in which they were achieved shows the extent of the king's support for the new earls and suggests that Edward III strove, while operating within the bounds of contemporary thinking on inalienability, to give his earls what he could. More broadly, the king's actions correlated with and reinforced the relationship between political thinking on royal patronage and the nature of the polity and actual processes of governance and administration in the fourteenth century.

⁷¹ The only time that Edward III alienated a substantial part of the royal patrimony in this period was in 1338, when royal manors held of Burstwick were sold to William de la Pole, who paid over £22,000 for them. See TNA, C 49/7/8; Harriss, *King, Parliament, and Public Finance*, p. 157; E.B. Fryde, *William de la Pole: Merchant and King's Banker* (London, 1988), pp. 108–10 and Appendix C. Harriss suggests that it was the source of these lands, as much as their value, that explains the king's pursuit of Pole's ruin in 1340.

⁷² G.L. Harriss, 'Preference at the Medieval Exchequer', *Bulletin of the Institute of Historical Research*, xxx (1957), pp. 17–40.

One way in which the king could try to navigate through the problems he faced in endowing his new earls was to supply them with temporary grants or special privileges to be held while the earl in question was suffering the long, uncertain wait for a reversion to come in. The earl of Huntingdon secured a concession from the king that, even if he should die without male heirs, his executors would keep all the issues of his valuable new manor of Kirton (Lincolnshire) for one year, despite the manor being held by tail male tenure.⁷³ Wardships or lands confiscated by alien lords or priories were transient perquisites accruing to the Crown, which were eminently suitable as valuable but temporary landed grants, and which were administered by the royal wardrobe or, more often, the chamber as a sign of the king's close control.⁷⁴ Only very occasionally, as a desperate measure in a period of great pressure, did the parliamentary commons demand that wardships and escheats be directly used to subsidise the costs of the household administration and the king's wars.⁷⁵ The opportunities presented by the king's rights of prerogative wardship and the relatively unquestionable personal control he wielded over their distribution were immediately taken up by Edward III. The earl of Salisbury died in January 1344, having failed to achieve seisin of the reversions he was promised in March 1337, for John Warenne, earl of Surrey, lived until 1347 and Queen Isabella until 1358, while his mother Elizabeth held her dower for another decade. This was offset, however, by a number of wardships and custodies given during Salisbury's lifetime. Mere days after gaining his new title, the earl received custody of the English and Irish lands late of John de Erlegh, tenant-in-chief, who had died early in

⁷³ CPR, 1334–1338, p. 564.

⁷⁴ Tout, *Chapters*, iv. 120–22, 238–311; Bothwell, *Edward III and the English Peerage*, pp. 67–76; S.F.C. Milsom, 'The Origin of Prerogative Wardship', in G. Garnett and J. Hudson, eds., *Law and Government in Medieval England and Normandy* (Cambridge, 1994), pp. 223–44; S.L. Waugh, *The Lordship of England: Royal Wardships and Marriages in English Society, 1217–1327* (Princeton, NJ, 1988). For alien priories, see A.K. McHardy, 'The Effects of War on the Church: The Case of Alien Priories in the Fourteenth Century', in M. Jones and M. Vale, eds., *England and her Neighbours, 1066–1453: Essays in Honour of Pierre Chaplais* (London, 1989), pp. 277–95; Bothwell, *Edward III and the English Peerage*, pp. 85–6. The status of aliens through the later Middle Ages has been explored recently in three interlocking articles: B. Lambert and W.M. Ormrod, 'Friendly Foreigners: International Warfare, Resident Aliens and the Early History of Denization in England, c.1250–c.1400', *English Historical Review*, cxxx (2015), pp. 1–24; B. Lambert and W.M. Ormrod, 'A Matter of Trust: The Royal Regulation of England's French Residents during Wartime, 1294–1377', *Historical Research*, lxxxix (2016), pp. 208–26; W.M. Ormrod, 'Enmity or Amity? The Status of French Immigrants to England during an Age of War, c.1290–c.1540', *History*, cv (2020), pp. 28–59.

⁷⁵ The Commons asked for this in 1340, and again in 1343, but the king asserted that any such revenue was disposable at his will: *PROME*, iv. 342. This request was repeated in the Bill of the 1385 Parliament and the ensuing Lords' Advice: *The Reign of Richard II: From Minority to Tyranny, 1377–97*, ed. and tr. A.K. McHardy (Manchester, 2012), nos. 62c, 75b, 76.

1337 seized of a clutch of manors in Somerset.⁷⁶ This grant was reduced by the dower of John's wife, Elizabeth, but since the heir was young it represented an increase in the landed power Salisbury could wield in the south-west, an area in which his interests were already concentrated.⁷⁷ In September 1337, Salisbury was also the beneficiary of the forfeiture of John de Fienes, 'who is by birth of the lordship and power of the king of France and stays in those parts', whose Somerset manor of Martok went to the earl, and in January 1338 Salisbury was granted a messuage and other lands and rents forfeited by Phillip de Oo in Oxford.⁷⁸ In 1340, he received three manors from the lands of the inheritance of Thomas de Monte Hermy, again concentrated in the south-west of England, to hold during the minority of the 10-year-old heir, along with the custody of the alien priory of Montacute.⁷⁹

Wardships and other temporary grants were an expedient way for the king to provide for the other new earls too, since several of the reversions promised in 1337 remained outstanding. The earl of Derby had the shortest time to wait, although his relief at the termination of his immensely troublesome annuities was doubtless marred by the personal sadness of succeeding his father as earl of Lancaster upon his death in 1345.⁸⁰ Before this, Derby was leased the castle, town and county of Carmarthen and the lordship of Cantref Mawr for a decade for a render of £190 12s p.a. in order to supplement his power.⁸¹ The bulk of the lands held in remainder by the earl of Suffolk did not escheat until 1349, with the death of Eleanor Ferre.⁸² Accordingly, he was granted John Bernak's valuable inheritance in Norfolk in 1346, complete with marriage of the heir, for annual payments of £120 into

⁷⁶ *CPR, 1334–1338*, p. 419; *Calendar of Inquisitions Post Mortem* [hereafter *CIPM*], VIII: *Edward III* (1913), no. 97.

⁷⁷ *Calendar of the Close Rolls Preserved in the Public Record Office: Edward III* (14 vols, 1896–1913) [hereafter *CCR*], 1339–1341, p. 32.

⁷⁸ *CChR, 1327–1341*, p. 465; *Calendar of the Fine Rolls Preserved in the Public Record Office* (22 vols, 1911–62) [hereafter *CFR*], 1337–1347, p. 43; *CPR, 1338–1340*, p. 434; *CPR, 1334–1338*, p. 573; Bothwell, *Edward III and the English Peerage*, Appendix 3, p. 179.

⁷⁹ Two further manors from the Monte Hermy estate were assigned as a dower portion: *CCR, 1346–1349*, pp. 228–9; *CIPM*, VIII, no. 280; *CPR, 1338–1340*, p. 435. The keeping of the priory was valued at £120 in 1344: *CIPM*, VIII, no. 532.

⁸⁰ *CPR, 1343–1345*, p. 552; *CCR, 1343–1346*, p. 617; K. Fowler, *The King's Lieutenant: Henry of Grosmont, First Duke of Lancaster, 1310–1361* (London, 1969), pp. 172–3.

⁸¹ *CFR, 1337–1347*, pp. 263–4, 335. See also J.G. Edwards, ed., *Calendar of Ancient Correspondence Concerning Wales* (Cardiff, 1935), p. 191. Derby was also granted the lease of the honour of Pontefract by his father in this year: R. Somerville, *History of the Duchy of Lancaster* (2 vols, London, 1953–70), i. 35.

⁸² *CIPM*, IX: *Edward III* (1916), no. 380. Suffolk did, however, receive several small increments shortly after his elevation, for which he received subsequent quittance and discharge: *CPR, 1334–1338*, p. 479; *CPR, 1338–1340*, p. 14; E 159/114, rots. 14, 80; E 372/183, rots. 1, 5; *CCR, 1337–1339*, pp. 305–6.

the royal chamber.⁸³ The amount owed to the earl of Northampton in support of his elevation actually increased in 1340, since extents inquiring into the reversions he was given in March 1337 returned that they were short of the required value, so another reversion on property held by Queen Philippa, worth £80 13s 10d, and an exchequer annuity worth £179 9s 2 ¾d had to be added.⁸⁴ For Northampton, a windfall of reversions only came after the deaths of the earls of Gloucester and Surrey in 1347.⁸⁵ Since he died in 1360, Northampton never obtained the dower portion of Stamford and Grantham from Joan de Bar, countess of Surrey, who died in 1361, or the reversion of Fotheringhay, since Marie de Saint-Pol, countess of Pembroke, lived until 1377. Like Northampton, the earl of Huntingdon died before his reversions on lands held for life by Marie de Saint-Pol and Queen Isabella escheated. The costs of their long lives were partially made up to the earl by the grant of the custody of the lands of Thomas de Furniville in 1339, which were extended at £203 0s 19d yearly to be paid into the exchequer.⁸⁶ In 1351, Huntingdon received two further wardships in his tenurial stronghold of Kent, along with the keeping of Rochester castle after it had escheated following the death of John Cobham.⁸⁷

Royal agency was especially prominent in two of the most important instances of landed patrimonies being provided through methods which circumvented the pressures imposed by taxation and notions of inalienability. In 1337, the earl of Salisbury was given reversions to manors held by Queen Isabella, which were worth the substantial sum of 600 marks.⁸⁸ In 1338, the earl and the queen agreed a transfer by which Isabella immediately surrendered these manors in exchange for 600 marks out of the 1,000 marks the earl had been assigned on the coinage of tin in Cornwall in March 1337.⁸⁹ This assignment had proved highly troublesome to collect: as often happened in late medieval

⁸³ *CPR, 1345–1348*, pp. 136, 144; *C 81/1337*, no. 40; *CCR, 1346–1349*, pp. 93–4, 105, 171.

⁸⁴ *Calendar of Inquisitions Miscellaneous, Chancery, Preserved in the Public Record Office* (8 vols, 1916–2003), ii. 418–20; *CChR, 1327–1341*, pp. 484–5.

⁸⁵ *CCR, 1346–1349*, pp. 313, 342; *CIPM*, IX, no. 56. The £150 yearly assignment on the customs of Hull was no longer needed and the £150 from the port of Boston was reduced to £74 14s yearly (*CCR, 1346–1349*, p. 326).

⁸⁶ *CFR, 1337–1347*, pp. 149, 188–9; *CCR, 1339–1341*, p. 304; *CPR, 1338–1340*, p. 418; *E 403/322*, m. 7. The earl definitely had custody by mid-1340: *SC 8/245/12236*; *CPR, 1340–1343*, p. 92. The heir, Thomas, came of age on 18 July 1343 and Huntingdon was found to owe £193 13s 2½d for his custody: *E 159/120*, rot. 16; *E 372/188*, rot. 12.

⁸⁷ *CPR, 1350–1354*, p. 21; *CFR, 1347–1356*, pp. 294, 303.

⁸⁸ *CChR, 1327–1341*, pp. 432–3.

⁸⁹ *CPR, 1338–1340*, pp. 114–15.

England, the simple and precise grants of the chancery rolls bore little relation to the amount of revenue available in the localities, since the exchequer lacked methods which could estimate receipts and income in advance with a high degree of precision. The difficulties the earl might experience in collecting his assignment had been acknowledged in his original patents and unsurprisingly such problems did indeed occur. The revenues of the Cornish tin mines fell in the later 1330s and they could not support Salisbury's assignment, let alone the additional 5,000-mark payment to the earl imposed on the same source in 1337 in recompense for diplomatic expenses.⁹⁰ In October 1339, the keeper of the coinage acknowledged a retrospective debt of £1,600 to Salisbury, representing the arrears of his annuity.⁹¹ By transferring much of this assignment to Queen Isabella, the earl exchanged an unrealisable assignment for a substantial landed patrimony. Furthermore, the dating of the agreement is highly significant: it was concluded at Walton (Suffolk) on 12 July 1338, where Edward III had been staying since 1 July, and was endorsed by the privy seal, which accompanied Edward's person at that time as the sole means of authentication for royal grants according to the administrative provisions laid out in the Walton Ordinances.⁹² Using chancery warrants, Shenton notes that writs dated 12 July were sealed under the privy seal at both Walton and Orwell, so it seems probable that Edward left Walton at some point that day.⁹³ The transfer of Queen Isabella's manors to the earl, then, was almost certainly made with the acceptance and endorsement of the king and may have been made in his presence. A similar arrangement was made between the earl of Huntingdon and Queen Philippa in March 1345, when an indenture was sealed whereby the queen leased her Kent manor of Middleton to the earl for a ten-year term for £220 yearly to her exchequer.⁹⁴ In 1351, this lease was extended to the duration of the earl's life and the king's assent was specified.⁹⁵ It is no coincidence that the value given for this landed lordship equalled the amount Huntingdon was supposed to receive in annuities

⁹⁰ *CPR, 1334–1338*, pp. 433–4; *CCR, 1337–1339*, p. 440. Campbell, *Great Transition*, p. 180, tabulates tin output. See also L.F. Salzman, 'Mines and Stannaries', in J.F. Willard, W.A. Morris, J.R. Strayer and W.H. Dunham, eds., *The English Government at Work, 1327–1336* (3 vols, Cambridge, MA, 1940–50), iii. 67–104.

⁹¹ *CCR, 1339–1341*, p. 272; Salzman, 'Mines and Stannaries', pp. 98–9.

⁹² The Walton Ordinances are printed in Tout, *Chapters*, iii. 144–50.

⁹³ *The Itinerary of Edward III and His Household, 1327–1345*, ed. C. Shenton, List and Index Society, cccxviii (2007), p. 179.

⁹⁴ *CPR, 1343–1345*, p. 442. For the queen's household and administration, see H. Johnstone, 'The Queen's Household', in Tout, *Chapters*, v. 250–59; C. Given-Wilson, 'The Merger of Edward III's and Queen Philippa's Households, 1360–9', *Bulletin of the Institute of Historical Research*, li (1978), pp. 183–7.

⁹⁵ *CPR, 1350–1354*, p. 175.

from various sources in Kent.⁹⁶ Philippa's grant therefore had the effect—so important if the aims of Edward's endowments were to be realised—of transmuting Huntingdon's annuities in Kent into tangible, landed power.

III

The use of wardships and other grants of grace from the late 1330s to the 1350s enabled Edward III to supplement the landed power of his new earls using politically acceptable mechanisms. Wardships, forfeitures and territorial exchanges provided a means of endowment that circumvented the problems of permanent alienation and supplemented the supply of large escheats, which had been reduced in the years preceding 1337 and exhausted by the grants supporting the earldom elevations. The value of these wardships and other temporary and transient perquisites did not, however, wholly compensate for the value of the lands the earls of 1337 had been promised. In order to provide for the new earls, a series of very substantial annuities had been assigned on a number of shrievalties and customs ports, along with ancillary annuities to be received directly at the exchequer.⁹⁷ All of these sources and the harried officials that staffed them were heavily burdened by the difficulty of getting enough cash to meet these large assignments. These pressures were particularly acute during the period under discussion, as the level of taxation began to exhaust the realm's fiscal base and the volume of coin in circulation fell.⁹⁸ James Bothwell has suggested that these annuities formed part of a policy of control imposed by the king on the recipients: instead of granting permanent endowments, Edward III preferred annuities that kept the recipient dependant on royal favour.⁹⁹ In the following section, a somewhat different argument is made, which interprets annuities in the light of contemporary thinking on inalienability and in a political context of war and taxation. The king's efforts to get these annuities

⁹⁶ £160 from the farms of the county; £50 from the farm of Sandwich; and £10 from the seven hundreds.

⁹⁷ For discussion of different types of annuity, see Bothwell, *Edward III and the English Peerage*, pp. 79–86.

⁹⁸ Harriss, 'Preference', pp. 24–36. Campbell, *Great Transition*, pp. 267–72, provides an up-to-date summary of the economic conditions. On the coinage, see N.J. Mayhew, 'Numismatic Evidence and Falling Prices in the Fourteenth Century', *Economic History Review*, xxvii (1974), pp. 1–15, at 7–15; M. Prestwich, 'The Crown and the Currency: The Circulation of Money in Late Thirteenth and Early Fourteenth Century England', *Numismatic Chronicle*, cxlii (1982), pp. 51–65; M. Allen, *Mints and Money in Medieval England* (Cambridge, 2012), pp. 325–31, 345, and Appendix 3, table C.2; N. Palma, 'Reconstruction of Money Supply over the Long Run: The Case of England, 1270–1870', *Economic History Review*, lxxi (2018), pp. 373–92, at 377, 380, 387.

⁹⁹ Bothwell, *Edward III and the English Peerage*, pp. 78–91, 138–53.

paid to his earls illustrate how the symbiosis of royal and magnate power projected in the earls' creation patents was enabled in practice.

The first few years of the supporting assignments granted to the 1337 earls saw an unprecedented bout of direct taxation, the manipulation of the wool market and the imposition of taxation on agricultural produce. These burdens were immediately reflected in the collection of the earls' assignments. Even the most reliable method of payment, that of small sums received directly from the exchequer, proved problematic: after an initial payment in 1337, the earl of Gloucester received £90 of his £100 endowment from the forfeited lands of John de Stuteville, a Norman, but the remaining £10 to be received in cash at the exchequer was in arrears through the late 1330s, although it was paid promptly from 1341 as the financial environment began slowly to stabilise.¹⁰⁰ The earl of Suffolk was assigned a total of £253 6s 5d to be received at the exchequer.¹⁰¹ He received the first year of his dues swiftly but by 1338 the pressure on the system began to blight payments to the earl.¹⁰² Suffolk appears to have experienced a year of non-payment, after which the sheriff of Norfolk and Suffolk was ordered to pay his arrears.¹⁰³ Importantly, in June 1339 the king responded favourably to the earl's petition and changed his annuity from the exchequer to a permanent assignment on the sheriff of Norfolk and Suffolk.¹⁰⁴ But the king was not able to overcome completely the pressure placed on such sources of revenue at this time: in May 1341, the sheriff was ordered to deliver arrears owed from 1339.¹⁰⁵

In addition to assignments on the shrievalties, customs receipts formed a major source of revenue for the new earls. The earls of Derby and Northampton were both assigned huge sums to be

¹⁰⁰ C 62/114, m. 3; E 403/297, m. 3. *CPR, 1334–1338*, p. 522; E 404/3/19, 26 Mar. 11 Edw. III; C 62/118, mm. 7, 1; E 403/318, m. 17; C 62/119, m. 7; E 404/5/29, 15 May 16 Edw. III; C 62/120, mm. 5, 2. Cf. Bothwell, *Edward III and the English Peerage*, p. 81. For the earlier fortunes of the Stuteville family, see C. Veach, 'King John and Royal Control in Ireland: Why William de Briouze had to be Destroyed', *English Historical Review*, cxxix (2014), pp. 1051–78, at 1071 n. 110, and J.C. Holt, *Magna Carta* (3rd edn, Cambridge, 2015), pp. 145, 148–9, 260–61, 303–4.

¹⁰¹ E 404/3/20.

¹⁰² E 404/3/19, 6 May 11 Edw. III; E 403/294, m. 5; C 62/114, m. 2; E 403/297, m. 27.

¹⁰³ C 62/115, mm. 7, 2; *CCR, 1337–1339*, p. 458; TNA, E 404/502/199, 200; *CCR, 1339–1341*, p. 9; E 159/115, rot. 89; Harriss, 'Preference', pp. 33–4; Bothwell, *Edward III and the English Peerage*, p. 89.

¹⁰⁴ *CPR, 1338–1340*, p. 265; E 159/116, rot. 66d; *CCR, 1339–1341*, p. 498; E 159/117, rots. 10, 72d; E 372/185, rot. 18; Harriss, 'Preference', p. 35; Bothwell, *Edward III and the English Peerage*, p. 89.

¹⁰⁵ *CCR, 1341–1343*, p. 69.

received from customs revenues every Easter and Michaelmas.¹⁰⁶ The customs system was placed under great strain during the early stages of the Hundred Years War: wool exports were cut off completely for almost a year from August 1336 for diplomatic reasons and the system of collection and dispersal remained slow after they resumed, while extraordinary taxes on wool and produce levied through 1338–41 further increased the pressure.¹⁰⁷ There was a serious drop in the number of sacks exported, from a pre-war average of 33,000 sacks per year to an average of just 20,000 by mid-1343, which resulted in a decline in income.¹⁰⁸ The sums Derby and Northampton needed to collect were, in short, assigned on an overworked and under-resourced set of revenues, which malfunctioned enough to be the subject of serious inquiries in 1341.¹⁰⁹ The earl of Northampton's first payment was immediately disrupted by the wool embargo and the king was forced to order the merchants William de la Pole and John Pulteney to make up £350 to him.¹¹⁰ The majority of this sum was eventually met in cash at the exchequer more than a year later; this type of cash payment was a rare sign of favour and direct royal intervention, as James Bothwell has shown.¹¹¹ Derby's assignments for 1337 were delayed by the credit finance policy the king employed with respect to William de la Pole and the London merchant Reginald Conduit: the collectors of the London customs returned that they had no money, for all issues were in the hands of these merchants.¹¹² This type of predictable difficulty reoccurred with depressing frequency in the following years. While Northampton's dues from Hull for Easter term 1338 were quickly paid to his attorney, both the sheriffs of London and the collectors of the London customs reported that they were unable to pay the earl for this term since they had no money.¹¹³ In November 1338, Northampton was issued with a one-time reassignment of £510 of the £1,020 which the king had granted to him in support of his estate.¹¹⁴ In 1339, he was satisfied to a

¹⁰⁶ See above, nn. 15, 16.

¹⁰⁷ For the embargo, see *CCR, 1333–1337*, p. 700. In addition to the work cited above at nn. 67, 69, see also T.H. Lloyd, *The English Wool Trade in the Middle Ages* (Cambridge, 1977), pp. 144–92; R.L. Baker, 'The English Customs Service, 1307–1343: A Study of Medieval Administration', *Transactions of the American Philosophical Society*, new ser., li (1961), pp. 3–76, at 34–50.

¹⁰⁸ Baker, 'English Customs Service', p. 48.

¹⁰⁹ E.B. Fryde, 'Materials for the Study of Edward III's Credit Operations, 1327–48', *Bulletin of the Institute of Historical Research*, xxiii (1950), pp. 1–30, at 7–10; Baker, 'English Customs Service', pp. 41–3.

¹¹⁰ *CCR, 1337–1339*, pp. 49, 81–2; E 159/113, rots. 92, 93; E 404/502/296.

¹¹¹ E 403/302, m. 26; Bothwell, *Edward III and the English Peerage*, p. 79 n. 11.

¹¹² *CCR, 1337–1339*, pp. 173, 321, 324–5.

¹¹³ E 404/502/297, 298, 299, 300; *CCR, 1337–1339*, pp. 355–7; E 159/115, rot. 33; E 356/8, rot. 3d.

¹¹⁴ E 403/302, m. 10.

greater extent, although his £20 third penny from the sheriff of Northampton had yet to be paid and remained in arrears until 1341.¹¹⁵ The earl of Derby was owed arrears of 837 marks by mid-1339, and the king issued writs warranted by the privy seal to the customs collectors of London, Hull and Boston ordering these arrears to be paid, with the telling proviso that if they had no money the earl was to be allowed to export 1,000 sacks of wool to Antwerp and take the amount owed to him from the profits of the custom and subsidy to make up his dues.¹¹⁶ These orders were given notwithstanding recent grants assigning first the northern customs revenues and then the customs revenues of the whole realm to William de la Pole.¹¹⁷ Later that year, the king and the earl attempted to smooth the collection of Derby's assignment by surrendering the original letters patent detailing the grant and shifting the assignment to the petty custom, of which the earl was then granted custody.¹¹⁸ Effectively, the earl worked directly with the king to have his assignment moved to a source which he himself controlled. This rather neat piece of administrative juggling was of no avail and a number of privy seal orders show that the earl failed to receive payment for arrears through 1340–41.¹¹⁹

Unsurprisingly, the crisis of 1340–41 resulted in serious delays in payment for both Northampton and Derby: the collectors simply did not have adequate revenues with which to pay the earls, and they complained in those terms.¹²⁰ Northampton had his elevation patent enrolled in full on the king's remembrancer memoranda rolls in an effort to force the issue but significant arrears were inevitable.¹²¹ In December 1341, the exchequer was ordered to search their records to ascertain Northampton's debts, and returned that they could only find evidence for £425 of customs payments in his favour.¹²² In 1342, the earl appointed attorneys in the court of exchequer to pursue the debts due to him, and the sheriffs of London were ordered to appear before the court under fine of 10 marks.¹²³

¹¹⁵ *CCR, 1339–1341*, pp. 63, 153; E 159/115, rots. 190d, 191d; E 159/116, rots. 24d, 115, 131; E 159/117, rot. 118; E 372/185, rots. 7, 20d.

¹¹⁶ *CCR, 1339–1341*, p. 136; E 159/116, rot. 97d.

¹¹⁷ E 159/117, rot. 185; *CPR, 1338–1340*, p. 408; *CCR, 1339–1341*, p. 41; Fryde, *William de la Pole*, 91–3, 98–101, 124 n. 40 (correcting the dating of the *Calendar of Patent Rolls*).

¹¹⁸ *CPR, 1338–1340*, p. 319.

¹¹⁹ *CCR, 1339–1341*, pp. 351, 362–3, 375, 580, 583; E 159/117, rot. 107.

¹²⁰ *CCR, 1339–1341*, p. 580.

¹²¹ E 159/117, rot. 54, 54d.

¹²² E 159/117, rot. 127d; E 159/118, rot. 41.

¹²³ E 13/68, rot. 31d; E 5/318, unnumbered bundle, no. 10,195 (this writ is not endorsed but does not correlate to an entry in the exchequer plea rolls, which suggests that the sheriffs did not appear as instructed).

That year, the exchequer was once more ordered to ascertain the extent of Northampton's debts and found he was owed £1,740, which was not paid until at least 1348.¹²⁴ The collectors of the customs of London were even called before the king in response to a complaint of the earl, and the earl was subsequently paid for the term in question.¹²⁵ Derby, meanwhile, was frequently reassigned by the king's order on the wool custom of London, since the petty custom often lacked enough money to satisfy him.¹²⁶ It was during this time that one of the most striking instances of royal support in favour of the new earls occurred: at the instance of Northampton and Derby, Thomas Botiller and Roger Heir were appointed to collect the wool custom in Hull.¹²⁷ The king in effect appointed men favoured by the earls as officials, who worked to secure the earls the sums they needed at a time of crippling fiscal pressure.¹²⁸ The revenues due from Hull during the tenure of these men were promptly paid and some arrears were even made up.¹²⁹

The payments due to earls from the customs assignments were received with greater regularity in the mid-1340s.¹³⁰ The problems which had bedevilled the king and his earls were far from over, however: the earl of Huntingdon's annuity of £50 yearly from the port of Sandwich, for instance, was in arrears of almost £150 by December 1345.¹³¹ In September 1345, Henry, earl of Lancaster, died and the assignments the earl of Derby had needed to support his position were cancelled as he gained his vast inheritance (although the customs collectors did not have their obligations lightened accordingly, because the value of Derby's grant was immediately assigned to Queen Philippa).¹³² In 1353, the king ordered an enquiry into the assignments granted to Derby in 1337 which found that 1,441 marks 8s was still owed.¹³³ The scale of these debts is symptomatic of the difficulties the king and his government experienced with the assignments granted to the earls,

¹²⁴ E 159/118, rots. 147, 161; C 62/119, m. 8; E 159/124, rot. 148d.

¹²⁵ E 159/118, rot. 165d; E 159/119, rot. 98; E 356/8, rot. 6d.

¹²⁶ CCR, 1341–1343, pp. 74, 290, 298, 373, 453–4, 600, 607; E 159/118, rot. 139; E 159/119, rot. 99d; CCR, 1343–1346, pp. 48–9, 60, 189; E 159/120, rot. 74d; E 356/8, rot. 39.

¹²⁷ CFR, 1327–1337, pp. 227, 264.

¹²⁸ See Lloyd, *English Wool Trade*, pp. 144–200, for wool exports and policy, 1340–44.

¹²⁹ E 356/8, rot. 32, 32d.

¹³⁰ E 356/8, rot. 39; E 159/120, rots. 27d, 59.

¹³¹ CCR, 1343–1346, p. 204; E 159/120, rot. 47, 47d; E 159/122, rot. 36d; E 403/336, m. 25.

¹³² CPR, 1343–1345, p. 552; CCR, 1343–1346, pp. 609, 617.

¹³³ CPR, 1350–1354, pp. 524–5; E 159/130, *brevia directa baronibus*, Michaelmas term, rot. 25. The payment of his third penny was likewise investigated: E 159/131, *brevia directa baronibus*, Michaelmas term, rot. 27.

especially in the years 1337–45. From 1343, the customs were under the control of syndicates of appointed merchants.¹³⁴ John Watenhull and his fellow merchants subsequently aroused the wrath of the king when they failed to pay Northampton's assignments: they were summoned to the exchequer, repeatedly ordered to pay the earl, berated for their failure, and summoned once again to answer for their contempt of the king and the damage done to the earl.¹³⁵ In 1347, Northampton's assignments were reduced as some of the reversions he had been promised a decade earlier finally fell in. Nonetheless, despite this reduction, the syndicate was once again unable to pay the earl for Easter term 1348 and in response to the earl's bill they were again summoned to the exchequer by the king to answer for the delay.¹³⁶ In 1349, a combination of plague and the interlinked collapse of the customs syndicate prompted a short-lived return to the financial doldrums of the late 1330s, and Huntingdon and Northampton's assignments in this period were both affected.¹³⁷ It was not until the 1350s, when the burden of taxation was lessened and the pressure on the customs system eased, that the financial environment became more congenial to the method of assignment Edward III used to support his new earls.¹³⁸

Recognising and contextualising the assignment processes initiated in March 1337 reveals how the limitations imposed by the pressure of political negotiation at a time of financial strain interacted with ideas of inalienability to shape Edward III's patronage. Edward III was forced to use annuities and reversions because of the lack of acceptable landed resources at his disposal. The fulfilment of these annuities was an exceedingly difficult and complex task and the king was required to show a constant level of active support to achieve it.¹³⁹ A stream of letters, orders and threats—often under the privy seal, signifying the direct involvement of the monarch—were sent to the officials in charge of the revenues the king wished his earls to receive. Edward III tried to give his

¹³⁴ G.O. Sayles, 'The English Company of 1343', repr. in G.O. Sayles, *Scripta Diversa* (London, 1982), pp. 27–55; E.B. Fryde, 'The English Farmers of the Customs, 1343–51', repr. in Fryde, *Studies*, no. X; Lloyd, *English Wool Trade*, pp. 193–205; Ormrod, 'English Crown and the Customs'.

¹³⁵ E 159/122, rot. 41d; *CCR, 1346–1349*, pp. 13, 20–21, 112; E 159/123, rots. 17, 23, 34.

¹³⁶ *CCR, 1346–1349*, pp. 453–4; E 159/124, rot. 127.

¹³⁷ Fryde, 'English Farmers of the Customs', pp. 3–4, 14–16; Ormrod, 'English Crown and the Customs', p. 27; E 159/126, rot. 33; *CCR, 1346–1349*, p. 484; E 159/128, *brevia directa baronibus*, Michaelmas term, rots. 19, 20.

¹³⁸ Ormrod, 'English Crown and the Customs', pp. 35–7.

¹³⁹ Bothwell, *Edward III and the English Peerage*, Appendix 6b, provides payment rates of annuities. The earls of 1337 did relatively well in this regard.

new earls as much as was politically viable in these years. By looking at the shape and workings of the king's grants to his new earls, and by relating this to the ideas guiding the royal will in a time of intense fiscal and political pressure, we can see how inalienability moulded royal patronage in the mid-fourteenth century.¹⁴⁰

IV

The soldier-chronicler Thomas Gray, writing in the 1350s, took a dim view of Edward III's endowments: 'So generously did the king distribute his estates to these earls and to his other favourites, that he scarcely retained for himself any of the lands pertaining to the crown, and was obliged to live off windfalls and subsidies at great cost to his people'.¹⁴¹ The challenges faced by the king as he tried to reshape and renew the ranks of the higher nobility were, indeed, formidable. By 1337 the ideas of inalienability that had been pushed to the forefront of political thinking by the events of Edward II's reign generally differentiated between the lands at the disposal of the king and the inalienable collection of lands and rights supporting the estate of the Crown.¹⁴² The heavy taxation levied through the first decades of the reign made providing for the new earls especially difficult. England during this time was a political environment in which the king's use of his resources could come under particular scrutiny. But Gray was unusual in his damning assessment, although he provides a useful indication of how sensitive members of political society at this time could be regarding the king's stewardship of the realm. As a matter of politique rule, Edward was forced to rely on lands forfeited or escheated to the Crown to endow the new earls who needed support, backed up by annuities on the customs of a port or the issues of a county. These were supplemented when necessary by wardships and exchanges. By juggling his limited resources in such a way, Edward was largely able to provide a level of patronage to the new earls substantial enough to support their dignities. The assistance of the king in navigating the difficulties of these arrangements was integral at almost every stage. The endowments of the new earls were not generally held to have diminished the estate of the Crown: this provides the key to explaining why these grants were widely accepted by the

¹⁴⁰ Cf. Bothwell, *Edward III and the English Peerage*, p. 142 for a different view.

¹⁴¹ Thomas Gray, *Scalacronica*, ed. and tr. A. King, Surtees Society, ccix (2005), pp. 122–3.

¹⁴² Cf. Bothwell, *Edward III and the English Peerage*, pp. 129–30.

political community, which has been regarded as ‘something of a wonder’.¹⁴³ It also provides a useful supplement to the existing historiographical focus on the personal relationships of the new earls with members of the established aristocracy as the reason for their relatively seamless transition into the ranks of the higher nobility.

Indeed, placing the elevations of the new earls and the endowments they received in a wider intellectual, political and economic context enables historians to question the current tendency to see relations between the king and his nobility in terms of conflict, appeasement and control and rather to view this relationship in light of contemporary views on the mutuality of magnate and royal power and on the nature of the polity more broadly. Such views were expressed in the patents of creation received by the earls themselves and there is no need to disregard such projections of intent: as S.F.C. Milsom remarked (of a different group of records), ‘such documents do not reach for pie in the sky but for accepted standards’.¹⁴⁴ The power of the Crown in both thought and practice rested on the strength of the nobility, and the number of earls who could be expected to serve had dwindled by March 1337. The ranks of *comites* needed bolstering if noble power was to form the crucial adjunct to royal authority that was required by political thinking, by the necessity of magnate involvement in military recruitment and leadership, and by the processes of peace-keeping and the maintenance of law and order in the shires. The earldom elevations of 1337 gave Edward III a group of earls powerful enough to help him fulfil the obligations of his kingship. The endowment programme was the means to achieve this end, in addition to allowing the king to reward a group with whom he shared close personal ties and a history of comradeship. The need for a strong collective group of earls within the polity had to be balanced with the need to observe the principles of inalienability. Edward III was both expected to endow nobles in order to ensure effective magnate service domestically and in war and to limit his alienations in order to preserve the Crown. Edward’s ability to combine the management of the reversions, annuities and assignments necessitated by this need for prudence with

¹⁴³ Quotation: Bothwell, *Edward III and the English Peerage*, p. 136. See Given-Wilson, *English Nobility*, p. 36; Ormrod, *Edward III*, pp. 145–6; Bothwell, *Edward III and the English Peerage*, pp. 113–37.

¹⁴⁴ Milsom, ‘Origin of Prerogative Wardship’, p. 234. See now the use of these patents and others as sources of political thinking by J. Peltzer, *Fürst werden. Rangerhöhungen im 14. Jahrhundert: Das römisch-deutsche Reich und England im Vergleich* (Berlin, 2019), pp. 37–82. Cf. Bothwell, ‘What’s in a Title?’, p. 183, also discussing these patents.

his negotiation of the complex patterns of association and friendship connecting him with the higher ranks of the aristocracy contributed in no small way to the success of his kingship. The middle years of the fourteenth century saw the politics of royal favour and the personal attributes of kingship (discussed with such frequency in modern scholarship) play out in a way which conformed to and strengthened common political ideas on the place of landed power in the fourteenth-century polity, rather than cutting across them.

Ultimately, Edward III's earldom endowments show how the patronage of late medieval rulers needs to be viewed in a dynamic intellectual context, recoverable both from the rhetoric and language of political thought and the actions of political life. The English Crown lands and their constitution featured prominently in this context throughout the long fourteenth century, which began with an intense and fractious debate over Edward I's use of his realm's resources prompted—as in the late 1330s—by an expensive military strategy and a resultingly massive fiscal burden.¹⁴⁵ To justify such burdens on his subjects, Edward I argued in 1297 that he could not finance his war in defence of the common profit of the realm from his own resources.¹⁴⁶ In this heated environment, Edward I displayed an 'almost obsessive' concern to safeguard the rights of the Crown.¹⁴⁷ He was determined not to diminish the English Crown lands and, if possible, to enlarge them.¹⁴⁸ Edward I's attitude to the Crown lands set a precedent, and the ideas and practices of inalienability were applied in, and reinforced on an unprecedented scale by, the shape of the 1337 earldom endowments. For much of his reign, Edward III emulated his grandfather, not his father, in his attitude to the Crown estates, as

¹⁴⁵ Nearly £200,000 in direct taxation had been raised from the laity through levies in 1294, 1295, 1296 and 1297, and around £130,000 had been raised from the clergy: Ormrod, 'Crown and the English Economy', 153, 161.

¹⁴⁶ *Documents Illustrating the Crisis of 1294–98 in England*, ed. M. Prestwich, Camden Society, 4th ser., xxiv (London, 1980), pp. 125–9; Harriss, *King, Parliament, and Public Finance*, pp. 59–64, 144–5; Prestwich, *Edward I*, pp. 424–5; C. Burt, *Edward I and the Governance of England, 1272–1307* (Cambridge, 2013), pp. 183–6, 189–92.

¹⁴⁷ J.R. Maddicott, "'1258" and "1297": Some Comparisons and Contrasts', in M. Prestwich, R. Britnell and R. Frame, eds., *Thirteenth Century England IX* (Woodbridge, 2003), pp. 1–14, at 14. On the tension in the late 1290s over contrasting views of royal responsibility to the realm and Edward I's own assumption that the state was his estate: Maddicott, "'1258" and "1297"', pp. 12–14; Sabapathy, *Officers and Accountability*, pp. 78 n. 283, 100–103, 240–41 (usefully positioning thought on royal duties and rights in a wider context).

¹⁴⁸ A.M. Spencer, 'Royal Patronage and the Earls in the Reign of Edward I', *History*, xciii (2008), pp. 20–46, at 32–4. See also Spencer, *Nobility and Kingship*, 88–91.

indeed he did in other areas of his life.¹⁴⁹ And, like Edward I, Edward III ‘knew how to use his baronage’, as Powicke put it long ago.¹⁵⁰ The main difference in the shape of their patronage stemmed from the simple fact that by 1337 Edward III needed—within the limits of acceptable alienation—to grant out enough English lands to create a powerful nobility of service, whereas Edward I never faced such a challenge. Edward I had an adequately powerful group of English earls at his disposal throughout his reign; Edward III did not at the beginning of his.¹⁵¹

In turn, Edward III’s judicious management of practice as measured against contemporary fourteenth-century ideas of inalienability, generosity and prudence provided the benchmark against which he and future monarchs were measured. The plot of the Middle English poem *Wynnere and Wastoure* (c.1352–70) revolves around Edward III’s attempt to mediate between the arguments of avarice (Wynnere) and wanton generosity (Wastoure). Although somewhat critical of the expenditure of the royal household, the poem tellingly concludes with the king managing to reach a balanced and judicious equilibrium between Wynnere and Wastoure.¹⁵² In Edward III’s twilight years, however, as the endowment programme the king set out for his children faltered and the aristocracy of his youth withered, the direction and nature of his patronage failed to live up to the expectations that had been established and strengthened earlier in his reign.¹⁵³ The king’s mistress Alice Perrers, the royal chamberlain William Latimer and the financier Richard Lyons were accused of profiting from their manipulation of the king’s counsels to such an extent that his own resources were insufficient to maintain either his household or his war, which forced the burden of taxation onto the community.¹⁵⁴

¹⁴⁹ As suggested by Spencer, ‘Royal Patronage’, pp. 23, 41–3, looking forward from the earlier period. For Edward III’s affinity to his grandfather more generally, see Ormrod, *Edward III*, pp. 101–2.

¹⁵⁰ F.M. Powicke, *King Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century* (2 vols, Oxford, 1947), ii. 701.

¹⁵¹ For Edward I’s English earls, see Spencer, *Nobility and Kingship*, pp. 13–31, 61–3, 265. Cf. Powicke, *King Henry III and the Lord Edward*, ii. 702–3.

¹⁵² *Wynnere and Wastoure*, ed. S. Trigg, Early English Text Society, original ser., ccxcvii (Oxford, 1990), pp. 15–16 (ll. 456–95); W.M. Ormrod, *Winner and Waster and its Contexts: Chivalry, Law and Economics in Fourteenth-Century England* (Woodbridge, 2021), pp. 98–102 (a modern translation of the poem is provided at pp. 139–55). For the contemporary sense of balance and its centrality in political and economic thinking, see J. Kaye, *A History of Balance, 1250–1375: The Emergence of a New Model of Equilibrium and its Impact on Thought* (Cambridge, 2014).

¹⁵³ Ormrod, ‘Edward III and his Family’, pp. 411–21; C. Given-Wilson, *The Royal Household and the King’s Affinity: Service, Politics, and Finance in England, 1360–1413* (New Haven, CT, 1986), pp. 154–5.

¹⁵⁴ Contemporary perceptions of Perrers impoverishing the king far outstripped the facts but were, of course, still hugely significant as tools of argument. The Commons’ Speaker, Sir Peter de la Mare, for instance, accused Perrers of taking ‘two to three thousand pounds’ from the treasury each year. See *The St Albans Chronicle: The*

The commons of the Good Parliament of 1376 requested that the perquisites of the king's lordship should not be given without 'good and just cause' and that all the aforesaid profits should be reserved for the maintenance of his honour and his wars.¹⁵⁵ After 1377, the example Edward III set in his early endowments provided a stark contrast to the elevations of Richard II, which were portrayed as being made to the diminution of the Crown.¹⁵⁶ The language of inalienability was highly prominent in the mid-thirteen-eighties as a rhetorical device used by Richard II's adversaries to appeal for support. The proposals for financial reform put forward in the Westminster Parliament of 1385 stated that the king should receive more advice on his granting practices, since the revenues accountable at the exchequer by right of his crown 'could be improved by a great amount if it please him to be advised about his gifts from these in future because they belong to his crown'.¹⁵⁷ This plea was repeated with regard to wardships and alien priories. The Lords' Advice in this parliament was that the king should refrain from granting lands of any type so that they were reserved for royal use.¹⁵⁸ The terms of the governmental commission enacted in the Wonderful Parliament of 1386 are saturated with the language of inalienability as a justification for its appropriation of royal power:

Whereas our sovereign lord king perceives, by the serious complaint of the lords and commons of his realm assembled in the present parliament, that his profits, rents and revenues of the realm are—by wilful and insufficient counsel and evil governance, both by some of his recent great officers and by various other people around him—so greatly withdrawn, wasted, removed, given away, granted, alienated, destroyed and badly spent, that he is so greatly impoverished and lacks treasure and goods; and the substance of the crown is much diminished and destroyed that his status, and that of his household, cannot be honourably maintained as it ought, nor the wars which daily abound and beset his

'*Chronica Maiora*' of Thomas Walsingham, ed. and tr. J. Taylor, W.R. Childs and L. Watkiss (2 vols, Oxford, 2003–11), i. 169–71, 975–7, 987; *Anonimale Chronicle*, ed. Galbraith, pp. 82–94; J. Bothwell, 'The Management of Position: Alice Perrers, Edward III, and the Creation of a Landed Estate, 1362–1377', *Journal of Medieval History*, xxiv (1998), pp. 31–51; Ormrod, *Edward III*, pp. 464–5, 487–9, 535–7; L. Tompkins, 'Alice Perrers and the Goldsmiths' Mistery: New Evidence Concerning the Identity of the Mistress of Edward III', *English Historical Review*, cxxx (2015), pp. 1,361–91, at 1,382–90.

¹⁵⁵ *PROME*, v. 374–5.

¹⁵⁶ For context, see Saul, *Richard II*, pp. 108–34, 157–66, 172–96.

¹⁵⁷ British Library, Harley Roll K.28, printed by J.J.N. Palmer, 'The Impeachment of Michael de la Pole in 1386', *Bulletin of the Institute of Historical Research*, xlii (1969), pp. 96–101, at 100–101, and translated in *Reign of Richard II*, ed. McHardy, no. 75b. See also J.J.N. Palmer, 'The Parliament of 1385 and the Constitutional Crisis of 1386', *Speculum*, xlii (1971), pp. 477–90.

¹⁵⁸ *Proceedings and Ordinances of the Privy Council of England*, ed. N. Harris Nicolas (7 vols, London, 1834–7), i. 84–6 (*Reign of Richard II*, ed. McHardy, no. 76).

realm be maintained nor provided for without great and outrageous oppression and unbearable cost to his people...¹⁵⁹

The efforts of this commission were ultimately in vain: in 1399, the allegation that Richard II had given ‘his goods and possessions pertaining to his crown to unworthy persons, and otherwise dissipate[ed] them carelessly’, thereby imposing needless taxation and burden on his subjects, was the first made in the ‘Record and Process’ used by the Lancastrian regime to justify removing him.¹⁶⁰ The policies of Edward III in the mid-fourteenth century had set a standard, and when the resumption of Crown grants reoccurred as a highly politicised issue in the early fifteenth century, it was to the demesne of Edward III that the parliamentary commons wanted to return.¹⁶¹ Henry V, on the other hand, matched Edward III’s example and his judicious sourcing of patronage and lack of alienation from the Crown lands formed an important factor in Henry’s successful relations with his magnates and the wider polity.¹⁶² Recently, a prominent tendency in late medieval English politics for ‘a complicated malfunction of the political system’ to be ‘transmuted into the crimes of a small number of individuals’ has been perceptively noted.¹⁶³ The structures and constitution of state finance in the late Middle Ages and the political acumen required of rulers in their disposition of lands, rights and wealth to those they wished to favour and endow made the politics of alienability a prime area for such tendencies to be played out. As with (often concurrent) accusations of ‘evil counsel’, the political community came increasingly to use the trope of inalienability to engage in dialogue with the king and to justify restraints placed upon the royal will when necessary.¹⁶⁴ Kings, meanwhile, also used the

¹⁵⁹ *Statutes of the Realm*, ed. Luders et al., ii. 39–43; McHardy, ed., *Reign of Richard II*, ed. McHardy, no. 83a.

¹⁶⁰ *Chronicles of the Revolution, 1397–1400: The Reign of Richard II*, ed. and tr. C. Given-Wilson (Manchester, 1993), no. 17 (p. 172). See also the accusation made in 1388 that Richard II had planned to make his favourite, Robert de Vere, king of Ireland ‘in open disinheritance of his crown of the realm of England’, as discussed in P. Crooks, ‘The Structure of Politics in Theory and Practice: The Lordship of Ireland, 1210–1541’, in B. Smith, ed., *The Cambridge History of Ireland, I: 600–1550* (Cambridge, 2018), pp. 441–68, at 447–8.

¹⁶¹ B.P. Wolffe, ‘Acts of Resumption in the Lancastrian Parliaments, 1399–1456’, *English Historical Review*, lxxiii (1958), pp. 583–613, at 587–8. For Edward III’s posthumous reputation more generally, see D.A.L. Morgan, ‘The Political After-Life of Edward III: The Apotheosis of a Warmonger’, *English Historical Review*, cxii (1997), pp. 856–81.

¹⁶² G.L. Harriss, ‘The King and his Magnates’, in G.L. Harriss, ed., *Henry V: The Practice of Kingship* (Oxford, 1985), pp. 31–51, at 47–8.

¹⁶³ J. Watts, ‘The Problem of the Personal: Tackling Corruption in Later Medieval England, 1250–1550’, in R. Kroeze, A. Vitória and G. Geltner, eds., *Anticorruption in History: From Antiquity to the Modern Era* (Oxford, 2017), pp. 91–102, at 100.

¹⁶⁴ For the fifteenth, sixteenth and seventeenth centuries, see Wolffe, *Royal Demesne*, pp. 97–142; G.L. Harriss, ‘Medieval Doctrines in the Debates on Supply, 1610–1629’, in K. Sharpe, ed., *Faction and Parliament: Essays*

same malleable political concept to their advantage, as Edward IV did when revoking grants made by Henry VI, and Henry VII when revoking grants made by Edward IV and Richard III.¹⁶⁵ The ideas and practices of inalienability became increasingly embedded in political life and the elevations of 1337 played a vital role in this process, as academic and political thinking became integrated into a tradition of political practice which retained a great deal of importance for the rest of the Middle Ages and the following centuries. So, in a parliamentary debate on supply in 1625 Sir Edward Coke could ask ‘Cannot the King as well live off his revenue as his ancestors? King Edward the Third maintained wars in France fourteen years before he had supply’, before lamenting that in his own day royal pensions had been distributed to the undeserving and the ‘ancient crown land granted away to gratify men in this kind’.¹⁶⁶

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on *Early Stuart History* (Oxford, 1978), pp. 73–103; S.J. Gunn, ‘The Act of Resumption of 1515’, in D.T. Williams, ed., *Early Tudor England* (Woodbridge, 1989), pp. 87–106; R.W. Hoyle, ‘Introduction: Aspects of the Crown’s Estate, c.1558–1640’, in R.W. Hoyle, ed., *The Estates of the English Crown, 1558–1640* (Cambridge, 1992), pp. 1–57, at 21–2; K. Sharpe, *The Personal Rule of Charles I* (New Haven, CT, 1992), pp. 106–7; D.W. Hollis III, ‘The Crown Lands and the Financial Dilemma in Stuart England’, *Albion*, xxvi (1994), pp. 419–42, at 432–5; J.D. Sargeant, ‘Parliament and the Crown Jewels in the English Revolution, 1641–1644’, *Historical Journal*, lxiii (2020), pp. 811–35. On counsel, see J. Rose, ‘The Problem of Political Counsel in Medieval and Early Modern England and Scotland’, in J. Rose, ed., *The Politics of Counsel in England and Scotland, 1287–1707* (Oxford, 2016), pp. 1–43.

¹⁶⁵ Wolffe, *Royal Demesne*, pp. 142–58; M. Hicks, ‘Attainder, Resumption and Coercion, 1461–1529’, *Parliamentary History*, iii (1984), pp. 15–31; P.R. Cavill, *The English Parliaments of Henry VII, 1485–1504* (Oxford, 2009), pp. 46–56.

¹⁶⁶ *The Selected Writings and Speeches of Sir Edward Coke*, ed. S. Sheppard (3 vols, Indianapolis, IN, 2003), iii. 1221.