

## Chapter V

The Gentry and Local Government, 1422-85

Medieval county administration performed four major functions. It provided the central government with some of its finance; it protected the king's feudal rights and revenues within the shire; it was responsible for providing the military support demanded by the crown and, through its judicial activities, it maintained the king's peace. In the generation following the Conquest, the official most responsible for performing these duties was the sheriff who, unlike his Anglo-Saxon forebear, was drawn from the ranks of the regional magnates, the baronage.<sup>1</sup> The baronial sheriffs were powerful men indeed, occasionally holding the office in a number of shires at once, often treating the shrievalty as an hereditary fief and, at times, using their vice-regal authority to launch rebellions against the crown.<sup>2</sup>

Nevertheless, by the fifteenth century two developments had occurred. First, the powers of the sheriff had been trimmed by the appointment of additional, more specialized, officials.<sup>3</sup> Second, the great baronial families had ceased personally to fill the offices of local government. Instead, these offices had passed to lesser men of gentle status, who, for the most part, held lands and lived in the counties where

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<sup>1</sup> W.A. Morris, "The Office of Sheriff in the Early Norman Period", *E.H.R.*, xxxiii, 1918, pp. 145-175; A.L. Poole, *From Domesday Book to Magna Carta 1087-1216*, Oxford, 1951, pp. 387-388.

<sup>2</sup> Morris, *op.cit.*, *passim*; Ch. Petit-Dutaillis, *The Feudal Monarchy in France and England*, London, 1936, p. 70; H.R. Loyn, *The Norman Conquest*, 2nd edn., London, 1967, pp.148-51; H.M. Cam, *The Hundred and the Hundred Rolls*, London, 1930, p. 2.

<sup>3</sup> R.B. Pugh, "The King's Government in the Middle Ages", *V.C.H. Wilts.*, v, p.5ff; M.H. Keen, *England in the Later Middle Ages*, London, 1973, p.6; Sir F. Pollock and F.W. Maitland, *The History of English Law before the time of Edward I*, 2 vols., 2nd edn., London, 1923, vol. 1, pp. 533-535.

they served.<sup>4</sup> During the Angevin and Plantagenet periods, government became not only local rather than regional but it also became self-government.<sup>5</sup>

The first limitation to the powers of the sheriff came at the end of the twelfth century with the arrival of the coroner whose office, from 1246 onwards, was filled by election for life in the county court.<sup>6</sup> Usually, four coroners were elected for each county. In addition, some boroughs were served by their own coroners. This was the case with the borough of Leicester which had two.<sup>7</sup>

The various duties performed by the coroner have been well documented.<sup>8</sup> Attention needs to be drawn only to his principal responsibility which was to act as keeper of the pleas of the crown. Although the coroner did not hear and determine cases, his record of all that transpired in the county court and in the tourn served as a check on the activities of the sheriff.<sup>9</sup>

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<sup>4</sup> R.F. Treharne, "The Knights in the Period of Reform and Rebellion, 1258-67: A Critical Phase in the Rise of a New Class", B.I.H.R., xxi, 1946-48, pp 1-12, esp. pp. 3, 7; H. Cam, "The Legislators of Medieval England", Proc. Brit. Acad., xxxi, 1945, p. 144; P.R. Coss, The Langley Family and its Cartulary. A Study in Late Medieval 'Gentry', Oxford, 1974, p. 5; N. Denholm-Young, History and Heraldry 1254-1310, London, 1965, p. 158; Sir M. Powicke, The Thirteenth Century 1216-1307, 2nd edn., London, 1962, p. 539; A Harding, The Law Courts of Medieval England, London, 1973, p. 92. There were, of course, notable exceptions even as late as the fifteenth century. For example, Richard Beauchamp, earl of Warwick, was hereditary sheriff of Worcestershire from 1403-39 (B.H. Putnam, Early Treatises on the Practice of the Justice of the Peace in the Fifteenth and Sixteenth Centuries, Oxford, 1924, p. 67). However, the earl did not personally perform the shrieval duties.

<sup>5</sup> See A.B. White, Self-Government at the King's Command, Minneapolis, 1933, pp. 1-2. Also see below, p.155.

<sup>6</sup> Ibid., pp. 1, 91; Poole, op.cit., pp. 390-91; Cam, Hundred Rolls, p. 128; R.F. Hunnisett, The Medieval Coroner, Cambridge, 1961, p. 150.

<sup>7</sup> Ibid., pp. 134-137.

<sup>8</sup> Stat. Realm, vol. I, pp. 40-41; H.M. Jewell, English Local Administration in the Middle Ages, Newton Abbot, 1972, pp. 154-155; H.M. Cam, "Shire Officials: Coroners, Constables and Bailiffs", The English Government at Work 1327-1336, 3 vols., ed. J.F. Willard et al., Cambridge, Mass., 1950, vol. III, pp. 143-165; Hunnisett, op.cit., pp. vii-viii.

<sup>9</sup> Pollock and Maitland, op.cit., p. 534; Cam, "Shire Officials ...", pp. 153-154.

Early in the thirteenth century the sheriff and coroner were joined by the escheator who inherited the sheriff's responsibility for assessing, administering and delivering escheats.<sup>10</sup> At first there had been merely two escheatrics for the entire kingdom, one for each side of the Trent. Later, Edward III experimented by establishing eight regional officials who were assigned groups of counties. Finally, from 1341, escheators were appointed to each county, or pair of counties, to coincide with the shrievalties.<sup>11</sup>

Furthermore, the policing and judicial powers attached to the sheriff's office were eroded, first by the keepers and, subsequently, by the justices, of the peace.<sup>12</sup> An act of 1361 recognized the right of justices to hear and determine "all manner of felonies and trespasses" in their sessions.<sup>13</sup> Thereafter, a justice's duties were expanded to include hearing cases involving weights and measures, rates of pay under the Statute of Labourers and Artificers and breaches of the sumptuary laws, thereby assigning to him economic and social, in addition to his well-established criminal, competence.<sup>14</sup> Despite evidence to suggest that sheriffs resented and actively opposed the growing power of the justices, their opposition merely served to draw official attention to their own

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<sup>10</sup> Cam, Hundred Rolls, pp. 199-202; Jewell, op.cit., pp. 99-100.

<sup>11</sup> S.T. Gibson, "The Escheatrics 1327-41", E.H.R., xxxvi, 1921, pp. 218-225; T.F. Tout, The Place of the Reign of Edward II in English History, 2nd. edn., revised H. Johnstone, Manchester, 1936, pp. 321-22; E.R. Stevenson, "The Escheator", The English Government at Work, vol. II, pp. 113-120. As with its sheriff, Leicestershire shared its escheator with Warwickshire.

<sup>12</sup> B.H. Putnam, "The Transformation of the Keepers of the Peace into the Justices of the Peace 1327-1380", T.R.H.S., 4th Series, xii, 1929, pp. 19-48; A. Harding, "The Origins and Early History of the Keepers of the Peace", T.R.H.S., 5th series, 10, 1960, pp. 85-109.

<sup>13</sup> Stat. Realm, vol. I, pp. 364-365, c.1.

<sup>14</sup> Stat. Realm, vol. I, p. 365, c.5; ibid., vol. II, p.63, c.8; ibid., vol. II, p. 402, c.5; B.H. Putnam, ed. Proceedings Before the Justices of the Peace in the Fourteenth and Fifteenth Centuries, London, 1938, pp. xxviii, xlvi, xlviii; B. Osborne, Justices of the Peace, Shaftesbury, 1960, pp. 8-9; Harding, Law Courts, p.95; R. Sillem, "Commissions of the Peace, 1380-1485", B.I.H.R., x, 1932-33, pp. 81-104.

shortcomings and corrupt practices.<sup>15</sup> As a result, from 1461, indictments which had formerly been brought to the sheriff's tourn had to be sent instead to the sessions of the justices of the peace.<sup>16</sup> Thereafter, the sheriff could present indictments but he could no longer hear and determine them.

One historian, Professor Putnam, has claimed that the statute of 1461 completed "the downfall of the sheriff".<sup>17</sup> Indeed, we cannot deny that the fifteenth-century sheriff had become a mere shadow of his Norman counterpart. Not only had the coroners, escheators and justices of the peace assumed many of his police, feudal and judicial functions, but his military duties had also, in part, been superseded by the appointment of commissioners of array.<sup>18</sup>

Yet, the fifteenth-century sheriff was a man of considerable local standing who could still wield great power and influence. No longer to be regarded as "the very pulse of the machine" of local government,<sup>19</sup> as addressee and server of writs he nonetheless did have his fingers on that pulse.<sup>20</sup> As empaneller of juries he could control their composition, thereby affecting the outcome of indictments.<sup>21</sup> As the official responsible for organizing the election of knights of the shire in the county court, he could secure the election of his own friends, or, failing that, return members who had not been elected at all.<sup>22</sup> Coroners were

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<sup>15</sup> For example, the sheriffs of Herefordshire had been illegally hearing cases in their tourn dealing with the Statute of Labourers and Artificers (Stat. Realm, vol. II, p. 266, c.7; ibid., p. 281, c.7). See, too, Putnam, Proceedings, p. xxxvi.

<sup>16</sup> Stat. Realm, vol. II, pp. 389-91, c.2.

<sup>17</sup> Putnam, Proceedings, p. lv.

<sup>18</sup> Cam, "Shire Officials", p. 143.

<sup>19</sup> Cam, Hundred Rolls, p. 59.

<sup>20</sup> For sheriffs' duties, see W.A. Morris, "The Sheriff", The English Government at Work, vol. II, pp. 53-73. For the bureaucratic side of the sheriff's office see M.H. Mills, "The Medieval Shire House", Studies Presented to Sir Hilary Jenkinson, ed. J.C. Conway, London, 1957, pp.254-271.

<sup>21</sup> Morris, op. cit., p.68.

<sup>22</sup> See P.P.C., vi, pp. 183-184; Stat. Realm, vol. II, p. 340, c.14; H.G. Richardson, "The Commons and Medieval Politics", T.R.H.S., 4th series, xxviii, 1946, pp. 39-42.

also chosen in the county court so it seems reasonable to assume that their election, too, could have been the subject of shrieval sharp practice. As late as 1481, John Shynner was urging Sir William Stonor to labour to become sheriff, "for hyt ys a presentabell offise" which appealed to the "worcheppellyst yn ye sher". He further reminded his correspondent that "Hyt ys beter to goveryn then to be goveryed".<sup>23</sup> Shynner's letter indicates that the sheriff was still a force to be reckoned with in local affairs and that, whatever the perception of later historians, his "downfall", to borrow Miss Putnam's word, was not at all apparent to contemporaries.

Although our attention has been focussed on those officials whose business came to circumscribe the work of the sheriff, they by no means constituted the total of shire officers. The central government also relied on local men to assess and collect taxes.<sup>24</sup> Various ad hoc commissions, such as commissions of array or of oyer and terminer, contained a leaven of county residents and landholders.<sup>25</sup> There were, too, the knights of the shires and burgesses who, by a statute of 1413, were expected to be residents of their shires or boroughs.<sup>26</sup> Admittedly, the shire and borough representatives were not directly involved in local government. However, they did act as links between the centre and the localities, carrying to parliament the petitions formulated in the county court, conveying back to their constituencies reports of the assembly's proceedings and binding their communities to provide the taxes which

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<sup>23</sup> The Stonor Letters and Papers 1290-1483, 2 vols., ed. C.L. Kingsford, Royal Historical Society, Camden Third series, vols. XXIX-XXX, London, 1919, vol. XXX, pp. 134-135.

<sup>24</sup> C. Johnson, "The Collectors of Lay Taxes", The English Government at Work, vol. II, pp. 201-226.

<sup>25</sup> Putnam, Proceedings, pp. xlix-l; C.P.R., 1429-36, pp. 126, 424, 520, 529 and passim.

<sup>26</sup> Stat. Realm, vol. II, p.170, c.1.

they had granted.<sup>27</sup> They should therefore be included in our considerations.<sup>28</sup>

But our aim here is not to concentrate on the offices themselves but upon the men who filled them. What was the relationship between the economic and social status of the office holders and the positions they filled? Did those who were appointed or elected satisfy the statutory requirements pertaining to their office? Did local government fall into the hands of a few select families or did most of the shire gentry families play their part? How experienced in local government were those who were selected for, or elected to, positions of authority? To what extent did national politics impinge upon the selection or election of local office-holders? In order to attempt an answer to the last question it will be necessary to keep in mind the background of political upheavals at the centre; the revolt of the Commons in parliament in 1449-50, the dynastic tensions of the mid to late 1450s, the Lancastrian coup and Yorkist counter-coup of 1470-1, the fall of the duke of Clarence in 1478 and the brief minority of Edward V followed by the duke of Gloucester's usurpation of 1483. However, one of our major concerns will be with the dynastic change of 1461 to see if the polity of Yorkist England differed significantly from that of its Lancastrian predecessor. Most importantly of all, we are also in search of evidence which may point to the concept of the shire as a political unit. The information upon which the following

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<sup>27</sup> J.R.Maddicott, "The County Community and the Making of Public Opinion in Fourteenth-Century England", *T.R.H.S.*, 5th series, 28, 1978, p.29; H.M. Cam, "The Relation of English Members of Parliament to their Constituencies in the Fourteenth Century: a neglected text", *Liberties and Communities*, pp. 223-235; Richardson, *op.cit.*, pp. 21-45.

<sup>28</sup> The king also relied on justices of assize and gaol delivery to maintain law and order. However, these men tended to be professional lawyers sent out from the central courts rather than local gentry and therefore must be discounted (M.M. Taylor, "The Justices of Assize", *The English Government at Work*, vol. III, pp. 231-232.).

is based is contained in Appendices V-IX. Nevertheless, some general observations can be made from an initial survey of Appendix II.

First, from Appendix II it can be seen that there was a clear correlation between status and office holding and, second, that the social hierarchy within the county gentry coincides with a hierarchy of offices. Knightly families had a virtual monopoly of the shrievalty within the shire.<sup>29</sup> Only two of the thirteen potential knightly families and a mere five of the forty-six esquire families produced sheriffs. None of the gentlemen became a sheriff. The Leicestershire experience, therefore, shows that the shrievalty had not lost its attraction to members of the upper gentry, despite a reduction of the sheriffs' powers.

Slightly below the sheriffs in status were the knights of the shire. Knightly, and potential knightly families dominated. Only six of the mere esquire families produced knights of the shire, while gentlemen were never elected.

Office holding became more open to the middling gentry, the esquires, with the commission of the peace and the escheatorship. In the case of the former, knights and distrainees were regularly appointed. Nevertheless, as the century progressed and the size of the commissions increased, places were found to accommodate the mere esquires. Close to a third of these families were represented on the commissions of the peace.

The escheatorship, on the other hand, failed to be attractive to knights. The only representative of the Leicestershire knightly families appointed to the escheatorship was William Moton in 1467, although his selection for the office predated his acquisition of knighthood.<sup>30</sup> There was less reticence on the part of distrainee families to accept the

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<sup>29</sup> For the moment our concern is with Leicestershire offices. Those members of the gentry who held offices in neighbouring counties will be dealt with only in passing.

<sup>30</sup> P.R.O. List of Escheators, p. 171.

escheatorship. Six distrainees, representing five families, were appointed escheator on seven occasions.

If we considered the Leicestershire material alone we should discover that while the escheatorship had lost its appeal to knights, it was not yet regarded as an office suitable for mere esquires, only eight of whom were appointed. However, it must be remembered that Leicestershire shared its escheator with Warwickshire and, of the sixty appointments made to the office between 1423 and 1485, only sixteen were of Leicestershire personnel. Given that the sample is so small we need to consider some of the Warwickshire appointees if we are to reach any meaningful conclusions about the status of those appointed. To this end, the period 1441-1452 was selected for closer scrutiny, primarily because it provides a consecutive run of Warwickshire appointments but with the added advantage of falling close to the middle of our period. Of the twelve appointments made between 1441 and 1452, two were categorically designated as 'esquire'.<sup>31</sup> Of the remaining ten, eight are readily identifiable as esquires. Despite the shortage of specifically Leicestershire evidence on this point, therefore, the escheatorship was, in fact, regarded as mainly the preserve of esquires rather than of knights.

Within this hierarchy of offices the commissioners of array fell part-way between the knights of the shire and the justices of the peace. Between 1422 and 1485, ten commissions were appointed in Leicestershire.<sup>32</sup> In each of these commissions, esquire families were represented, but the chances of receiving a commission increased the higher one's status. Preference was given to members of the knightly, and potential knightly, families.

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<sup>31</sup> *Ibid.*, pp. 170-171.

<sup>32</sup> *C.P.R.*, 1429-36, pp. 520, 523; *C.P.R.*, 1452-61, pp. 402, 560; *C.P.R.*, 1467-76, pp. 196, 199, 284, 405; *C.P.R.*, 1476-85, pp. 400, 489.



In contrast to these major offices, the coronership and tax commission attracted men of more lowly status. The early medieval coroner had been a man of high rank, coming from the same social stratum as the sheriff.<sup>33</sup> The First Statute of Westminster stipulated that coroners be chosen from among the "most wise and discreet knights".<sup>34</sup> Nevertheless, the statute also recognized that even at this early date (1275) the election of "mean persons and undiscreet" had been common. Notwithstanding the act's attempt to call a halt to this development, the election of non-knights must have continued because in 1340 the knightly provision was dropped altogether and the coroners' qualifications reduced to having "sufficient" land in fee in the county where they held office.<sup>35</sup> How much land in fee was "sufficient" was not defined, though land worth £20 per annum was probably intended<sup>36</sup>. A further act of 1354 was even more vague, the electors being exhorted to choose "the most meet and most lawful people that shall be found in the said counties".<sup>37</sup> By this date, the government at last recognized and bowed to the reality that the coronorship was no longer attractive to the upper gentry. Perhaps they found the clerical side of the coroner's duties as recorder just too laborious.

The lack of precision evident in the statutory qualifications presents one difficulty, but there are others. For example, the writs de coronatore eligendo which ordered the replacement of insufficiently qualified or incapacitated coroners, fail to say whether the person being removed, though elected, had actually performed the duties of his office.<sup>38</sup>

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<sup>33</sup> Cam, Hundred Rolls, p. 128; Jewell, op.cit., p. 156; Hunnisett, op.cit., p.173.

<sup>34</sup> Stat. Realm, vol. I, p. 29, c.10.

<sup>35</sup> Ibid., p. 283, Stat. 1, c.8.

<sup>36</sup> Cf. Ibid., vol. II, pp.309-10, c.11 where justices were expected to have sufficient land in fee and "sufficient" was defined as land worth £20 a year.

<sup>37</sup> Ibid., vol. I., p.346, c.6; See, too, Hunnisett, op.cit., pp.173-175.

<sup>38</sup> Pugh, op.cit., p. 24; Hunnisett, op. cit., p.156.

Furthermore, the writs fail to specify whether the coroner in question was a county, or a borough, coroner. The major problem, however, is that of discovering who held the office.

For the period 1422-1485, only eight coroners have been identified.<sup>39</sup> Almost certainly, three of these were coroners for the borough of Leicester.<sup>40</sup> Of the remaining five, none was a knight or distrained of knighthood. Two, Richard Acton and John Danet, were members of esquire families. Acton must have been elected in or before 1430 when a writ *de coronatore eligendo* was issued to the sheriff on the grounds that the coroner was insufficiently qualified.<sup>41</sup> The efficacy of such writs may be judged from the fact that another had to be issued ordering Acton's removal in 1433.<sup>42</sup> Nevertheless, he was still performing his coronial duties in May, 1442.<sup>43</sup> Later the same year, two further attempts at his removal were made, one on the grounds that, for certain unspecified reasons, the king wished it, the other using the well-worn excuse that Acton was insufficiently qualified and unable to perform his duties.<sup>44</sup>

No such imputation attached itself to John Danet who was elected coroner in, or sometime before, 1422.<sup>45</sup> Two years later, his removal was ordered because of his recent appointment as under sheriff. The incompatibility of the dual rôle is understandable.<sup>46</sup> But despite the crown's concern on this matter, Danet must have either ignored the

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<sup>39</sup> Richard Acton, John Danet, John Blaby, Nicholas Joye, Henry Othell, John Reynold, Richard Yates and William Hynde [Handel].

<sup>40</sup> John Reynold, Richard Yates and William Hynde. John Reynold and Richard Yates were acting as coroners in 1466 (KB9/313/29) and William Hynde was coroner in 1470 (KB9/327/39, 40). Reynold had been mayor of Leicester in 1459, Yates witnessed a borough lease in 1462, while Hynde acted as witness to a grant of land to the borough in 1452. (*Bateson*, ii, pp. 258, 269, 278).

<sup>41</sup> *C.C.R.*, 1429-35, p.75.

<sup>42</sup> *Ibid.*, p. 216.

<sup>43</sup> KB9/241/84.

<sup>44</sup> *C.C.R.* 1441-47, p.85.

<sup>45</sup> JUST3/31/12, m5; *C.C.R.*, 1422-29, p.165.

<sup>46</sup> See above, p.123

conflict of interests or else managed to get himself re-elected to the coronership after he ceased to be under sheriff. He was certainly acting as coroner as late as 1444.<sup>47</sup>

Of the remaining three coroners, one, John Blaby, was a gentleman, but the other two, Nicholas Joye of Stathern and Henry Othehall of Sutton, were never accorded gentle status.<sup>48</sup> Nicholas Joye may well have come from one of those ambitious families who found the coronership a convenient stepping stone to social advancement.<sup>49</sup> His social interactions were by no means confined to the sub-gentry for he acted as godfather (*sponsalia*) at the baptism of William Villers in 1405.<sup>50</sup> But it is impossible to determine whether fifteenth-century ambition would have brought social reward to this particular family in the sixteenth for early in the century the Joyes died out in the male line. What the limited Leicestershire material does reveal, however, is that the decline of the coronership, which gathered momentum in the fourteenth century, continued throughout the fifteenth.<sup>51</sup>

The tax collector was another county official whose status had declined since the early fourteenth century.<sup>52</sup> Knights were never appointed, and only once, at the very beginning of our period, was a member of a distrainee family appointed.<sup>53</sup> Eight esquires did become tax collectors between 1422 and 1446, but not thereafter. Of these eight, the

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<sup>47</sup> C.P.R., 1441-46, p. 319; KB9/247/44.

<sup>48</sup> C.C.R., 1422-29, pp. 170, 174; Quorndon Records, p. 135.

<sup>49</sup> Hunnisett, op.cit., p. 171.

<sup>50</sup> C139/42/74 ms2.

<sup>51</sup> For the coroner's decline see Cam, Hundred Rolls, p. 128; Cam, "Shire Officials ...", p. 156; Hunnisett, op.cit., pp. 171-174, 197.

<sup>52</sup> See Johnson, op.cit., pp. 201ff; J.R. Strayer, "Introduction", The English Government at Work, vol. II, pp. 17-19. Throughout, I have confined my statements to the collectors, rather than the assessors, of taxation. The latter were drawn from the ranks of the upper and middle gentry families and, as they were always experienced in other local government offices, they can, with justification, be omitted here.

<sup>53</sup> Richard Hotoft, the elder, in 1422. (C.F.R., 1422-30, p.5.)

Walsh family alone stands apart from the general run of collectors. Although Richard Walsh had been collector in 1422, he himself subsequently failed to serve in any other capacity.<sup>54</sup> Nevertheless, his son, Thomas, rose to be sheriff in 1456 and to be appointed to commissions of the peace and of array between 1456 and 1460.<sup>55</sup> The other seven cases reveal that tax collecting was not considered a route to further advancement. The only other office filled by Richard Acton was the coronership, a post he had held since at least 1430. John Danet, tax collector in 1445 and a man of greater substance than Acton, had been appointed escheator in 1438, but otherwise his experiences, too, were limited to the lesser offices.<sup>56</sup> Members of the other five esquire families failed to attain higher office in the county.

By far the greater number of tax collectors were drawn from the mere gentry and sub-gentry families.<sup>57</sup> A few collectors became experienced through repeated appointment. For example, William Weston of Carleton served five times between 1422 and 1432 and John Atte Well of Foxton was appointed four times.<sup>58</sup> However, the vast majority, seventy-four in all, served only once, suggesting not only that there was a large pool of available personnel from which to draw, but also that perhaps the office was unpopular and therefore to be avoided.

This initial analysis of office holders reveals that local government positions can be divided into two groups, the major and the minor. The former group, which includes the sheriff, the knight of the shire, the justice of the peace, the commissioner of array and the escheator, attracted men who were drawn from the ranks of the upper and middle

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<sup>54</sup> C.F.R., 1422-30, p.5.

<sup>55</sup> P.R.O., Lists and Indexes, ix, p. 145; C.P.R., 1452-61, p. 669, ibid., p. 560.

<sup>56</sup> Coroner, 1424 (C.C.R., 1422-29, p. 165); under-sheriff, 1424 (*loc. cit.*) Escheator, 1438. (P.R.O. List of Escheators, p.170); Tax Collector, 1445 (C.F.R., 1437-45, p. 329).

<sup>57</sup> Between 1422 and 1485, a total of ninety families.

<sup>58</sup> C.F.R., 1422-30, pp. 5, 220, 292, 329; C.F.R., 1430-37, pp. 69, 107, 191, 358.

gentry. The minor shire offices, the coronership and the office of tax collector, were filled by men of much lesser status, most of whom were not members of the gentry at all. As non-gentry office holders fall outside the scope of this study, we shall concentrate our attention on the major county offices and on the men who filled them but especially on the offices of sheriff, knight of the shire and justice of the peace.

Chief among these county officials was the sheriff. Although Leicestershire and Warwickshire were linked to form a single shrievalty, no attempt was made to ensure an even-handed division of the office between the two shires. Between 1422 and 1485, sixty-five appointments were made but Leicestershire men were pricked on only twenty-four occasions. This discrepancy cannot be explained in terms of either the county's wealth or population, for on both counts Leicestershire marginally outstripped its western neighbour.<sup>59</sup> The explanation is more likely to be found in Leicestershire's lack, or, more accurately, Warwickshire's surfeit, of powerful magnates, whose contacts with central government could be used to draw the Exchequer's attention to men of their affinity.<sup>60</sup> For example, at least four Warwickshire appointees between 1425 and 1431, Richard Clodesdale, John Harewell, William Peyto and William Mountford, had close links with Richard Beauchamp, earl of Warwick.<sup>61</sup> While it is impossible to prove that the earl's influence secured their appointment, as king's counsellor and, from 1428, governor of the boy-king, he was certainly in a position to do so.<sup>62</sup>

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<sup>59</sup> J.C. Russell, British Medieval Population, Albuquerque, 1948, p. 132; R.S. Schofield, "The Geographical Distribution of Wealth in England, 1334-1649", Econ. Hist. Rev., 2nd series, xviii, 1965, p. 504.

<sup>60</sup> For the importance of the sheriff to magnate control of the shire see E.F. Jacob, The Fifteenth Century 1399-1485, London, 1976, p. 448.

<sup>61</sup> B.L., Egerton Roll, 8773; Dugdale, pp. 476, 809, 1009.

<sup>62</sup> B. Wolffe, Henry VI, London, 1981, pp. 45-46.

Both the Leicestershire and Warwickshire sheriffs satisfied the fourteenth-century statutory provisions which provided for annual appointments.<sup>63</sup> Even in the early 1420s, when the twin pressures of war and pestilence demanded a relaxation of the rule, no Leicestershire or Warwickshire sheriff served for longer than a year at a time.<sup>64</sup> A few Leicestershire gentry did, nevertheless, avail themselves of the regulation which permitted subsequent appointment after a lapse of three years.<sup>65</sup> Sir Richard Hastings was sheriff in 1422, 1426 and again in 1432, and Thomas Erdyngton and Thomas Ferrers served twice, in 1434 and 1445 and in 1460 and 1468 respectively. However, there was a greater propensity towards re-selection among the Warwickshire personnel, with thirty individuals serving on forty-one occasions.<sup>66</sup> In two instances, though, the appointment of Richard Hastings was contrary to the spirit of the law. In the first case he was pricked for Leicestershire in December, 1426, immediately after serving as sheriff in Yorkshire, and he became sheriff of Yorkshire again in 1433, the year after he had been selected as sheriff of Leicestershire.<sup>67</sup>

Further regulations required that sheriffs not only hold sufficient land within their shires but also that they be residents of their bailiwicks.<sup>68</sup> Some of the Leicestershire sheriffs such as Richard, Leonard and William Hastings, Thomas Erdyngton and Thomas Ferrers did, indeed, hold land in both counties but, in practice, it was acceptable if the incumbent held in only one county. For example, Laurence and Thomas

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<sup>63</sup> *Stat. Realm*, vol. 1, p. 283, stat. 1, c.7; *ibid.*, p. 346, c.7.

<sup>64</sup> *Stat. Realm*, vol. II, p. 206, stat. 1, c.5; *P.R.O. Lists and Indexes*, ix, pp. 145-146.

<sup>65</sup> *Stat. Realm*, vol. II, p.4, c.11.

<sup>66</sup> *P.R.O., Lists and Indexes*, ix, pp. 145-6.

<sup>67</sup> *ibid.*, pp. 145, 162.

<sup>68</sup> *Stat. Realm*, vol. I, p.174, Stat.2; *ibid.*, p.283, Stat.1, c.7; *ibid.*, vol. II, p.134, c.5.

Berkeley held lands in Leicestershire and Rutlandshire but not in Warwickshire.<sup>69</sup>

The majority of the twenty Leicestershire sheriffs had previous experience in at least some local government office either in Leicestershire itself or in another county.<sup>70</sup> Four had formerly been elected as knights of the shire and a further five had been commissioners of the peace.<sup>71</sup> Two of these nine, Laurence Berkeley and Robert Moton, had served additional apprenticeships on ad hoc commissions as tax assessors, raising loans or as commissioners of array. Another two, Richard Hastings and Laurence Sherard, had never been knights of the shire or justices of the peace but they had been appointed to ad hoc commissions in Leicestershire. Sherard had also been sheriff of Rutland.

Although the Exchequer displayed a bias in favour of men with experience, this was clearly not the sole criterion it adopted when selecting candidates to be presented for the king's approval. William Moton, the only Leicestershireman who came to the office after serving as escheator, may have owed his selection in November 1471 to the influence of William, lord Hastings. Moton was a feoffee for the manor of Belvoir, acquired by Hastings in 1467, and the association between the two men was later strengthened when Moton entered the Hastings retinue in 1475.<sup>72</sup> But he was probably the same William Moton who was knighted after the battle of Tewkesbury in May, 1471, and therefore received his shrieval office from a grateful king as an additional reward

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<sup>69</sup> See Appendix III.

<sup>70</sup> See Appendix V.

<sup>71</sup> Thomas Assheby, sheriff in 1440, has been omitted from these calculations. The Thomas Assheby who was knight of the shire in 1414 and 1419 and justice of the peace between 1422 and 1431, was probably the father of the sheriff.

<sup>72</sup> H.M.C. Hastings, i, p. 296; C.P.R., 1467-76, p.26; W.H. Dunham, "Lord Hastings' Indentured Retainers 1461-83", Transactions of the Connecticut Academy of Arts and Sciences, vol. 39, 1955, p. 144.

for services rendered directly to the crown.<sup>73</sup> William Trussell was another of Hastings' retainers. In his case, Trussell's appointment as sheriff did follow the sealing of his indenture by a few months.<sup>74</sup>

Of course, Moton and Trussell were both sufficiently qualified to be selected on their own merits and without magnate or crown interference. However, a surprisingly large proportion of the Leicestershire sheriffs, nine in all, were new to local office at the time of their appointment. In these instances, the prime consideration must have been not only demonstrable loyalty to the regime but also, in some cases, the possession of powerful sponsors. It is difficult not to suspect the duke of York's involvement in the employment of the young and inexperienced William Hastings, whose writ of appointment in November 1455, came just ten days after York assumed the Protectorate.<sup>75</sup> Another newcomer to local government, Thomas Entwysell, was, in turn, a Hastings retainer for eight years before being pricked as sheriff in 1482.<sup>76</sup>

Obviously, the crown was also in a position to exert its influence over appointments. For example, Sir William Trussell was a knight of the body in the royal household at least a year before he was pricked as sheriff. Furthermore, in November 1474 he had indented to serve Edward IV both personally and with six spears and sixty archers in the war with France.<sup>77</sup> We have already seen that the king was generous towards those who served him well.<sup>78</sup> One is therefore convinced that

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<sup>73</sup> W.A. Shaw, The Knights of England, 2 vols., London, 1971, vol. II, p. 15; The Paston Letters 1422-1509, ed. J. Gairdner, 6 vols., London, 1904, Ames Press rpt. New York, 1965, vol. V, p. 105 (hereafter, Paston Letters 1422-1509).

<sup>74</sup> Dunham, op. cit., p. 144.

<sup>75</sup> P.R.O. Lists and Indexes, ix, p. 145; J.R. Lander, "Henry VI and the Duke of York's Second Protectorate, 1455 to 1456", B.I.R.L., XLIII, 1960-1, p. 57. The Hastings family had close ties with the House of Mortimer, of which York was the heir, since the days of William's uncle, Sir Ralph, who was executed for his part in the rebellion of 1405 (C.P.R., 1405-8, pp. 69, 88, 177, 478).

<sup>76</sup> Dunham, op. cit., p. 144.

<sup>77</sup> E101/71/6 m 987.

<sup>78</sup> See, for example, references to Sir William Moton above p. 136 and chapter IV.



Trussell's appointment owed more to his household affiliations than either to his earlier experience as knight of the shire or to his indenture with lord Hastings.<sup>79</sup> Similarly, Thomas Everyngham's close court connections probably secured his appointment to the shrievalty in 1446. He is revealed in the wardrobe account books to have been an esquire of the chamber since at least 1442.<sup>80</sup>

Both Trussell and Everyngham's military careers show them to have been men sound in wind and limb, fully capable of performing the onerous duties required of the sheriff.<sup>81</sup> In fact, the Exchequer clearly preferred men such as they, mature enough to demand respect, but sufficiently youthful to withstand the rigours of a position which involved long hours in the saddle. The ages of twelve of the Leicestershire sheriffs are known. Six of these were in their thirties and a further three were in their early-to-mid-forties. But in the unsettled, early 1450s other considerations took priority over age. Leonard Hastings was fifty-seven when he was selected and Robert Moton was seventy-six. The youngest Leicestershire sheriff was the twenty-four year old William Hastings.

The appointment of Sir Leonard and William Hastings closely followed advances in the political career of the duke of York.<sup>82</sup> One

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<sup>79</sup> Professor Dunham's opinion that in the indenture of March 1475 between Hastings and Trussell the chamberlain is cultivating Trussell rather than *vice versa* seems well considered. (Dunham, *op. cit.*, p.35)

<sup>80</sup> E101/409/9 f. 36d. Everyngham was also closely connected with a number of the Lancastrian lords. He had been a feoffee of the Duke of Somerset (Wedgwood, *Biographies*, p.308); later, he was standard bearer for John Talbot, earl of Shrewsbury, at Castillon (Thomas Basin, *Histoire de Charles VII*, ed. Charles Samaran, Vol. II, 1445-50, Paris, 1944, p.195); and both John viscount Beaumont and John lord Lovell thought highly of him. To Beaumont, Everyngham was his "wilbeloved Thomas Everyngham" and Lovell considered him to be "right a good and a feithfull gentilman". (*Paston Letters 1422-1509*, III, p.143, no. 381.) See, too, Griffiths, *op. cit.*, p.341.

<sup>81</sup> For these duties see Morris, "The Sheriff", pp. 105-107; Cam, *Hundred Rolls*, p. 67 ff.

<sup>82</sup> York was summoned to the great council in October 1453 following the onset of the king's mental collapse (*P.P.C.*, vol. VI, p. 163) and appointed to his second Protectorate in November 1455 (Lander, *op.cit.*, p. 57).

therefore suspects not only that York used his influence to secure their selection but also that both men welcomed this opportunity to advance their own careers. For the aged Sir Robert Moton, however, the appointment came as an unwanted honour.<sup>83</sup> He felt himself unequal to the task and, understandably, tried to obtain a discharge on account of his great age and feebleness. Clearly, Moton's previous loyal service to the regime counted for more than any decline in agility; his request was refused. Nevertheless, in deference to his advancing years and to obviate the need for unnecessary travel, he was granted permission to account at the Exchequer by deputy rather than in person. No doubt, most of the burdens of office were performed by deputies, the under sheriffs, too. Unfortunately, these under sheriffs remain rather shadowy figures. Any who have been discovered belonged to the mere gentry.<sup>84</sup>

We have already seen that four of the Leicestershire sheriffs had previously served as knights of the shire in Parliament. But the flow of personnel from office to office was not all one-way. Five of the Leicestershire sheriffs subsequently represented the county in Parliament.<sup>85</sup> These shire representatives were elected in the county court held in the borough of Leicester. Of course, the appointment of the sheriff lay with the central administration and was therefore open to direct magnate interference, but there can be no suggestion that the election of members was a matter entirely in the hands of the local freeholders. As convenor of the county court, the sheriff was in a

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<sup>83</sup> E199/45/10 ms.3.

<sup>84</sup> Thomas Sampson, under-sheriff of Laurence Berkely (C1/9/189), Thomas Herdewyn, under-sheriff to Thomas Erdyngton (C1/12/131) and Thomas Farnham who was probably the son of Robert of Over Hall rather than his more elevated uncle of the same name, (Index of Ancient Petitions of the Chancery and the Exchequer, Lists and Indexes, i, revised edn., P.R.O. London, Kraus rept., 1966, p.122).

<sup>85</sup> Thomas Erdyngton, Thomas Everyngam, Leonard Hastings, William Trussell and Thomas Berkeley. Bartholomew Brokesby, representative in the first parliament of Henry VI, had been sheriff in 1419 and 1410 but he had served as knight of the shire before that, in 1409.

position to meddle in the election process, either on his own account or at the behest of the more powerful. The Paston letters amply reveal that the electors themselves were also not immune from magnate pressure.<sup>86</sup>

The central government was not unmindful of shrieval shortcomings and its response in the fourteenth century had been to forbid the return of active sheriffs.<sup>87</sup> A further act of 1413 insisted that the representatives be residents of their counties on the date of the writ of summons, thereby ensuring some link between electors and elected.<sup>88</sup> In order to avoid the election of men of small substance and, therefore, of little independence, a statute of 1445 required that "the knights of the shire ... shall be notable knights of the same counties for which they shall be chosen or otherwise such notable esquires, gentlemen of birth ... as shall be able to be knights and no man to be such knight which standeth in the degree of a yeoman and under".<sup>89</sup> As can be seen, electors were not expressly forbidden to return representatives drawn from the ranks of the mere esquires or even the mere gentry, although in the latter case they balked at doing so. Nevertheless, they were clearly expected to return members selected from the knightly, or potential knightly, families.

Between 1422 and 1483, writs for thirty-one parliaments were issued.<sup>90</sup> However, for three of these parliaments, those of 1460, 1463 and January, 1483, not only have the Leicestershire returns failed to survive but the names of the county representatives can not be found among the records of payments made to MPs. Another parliament, that of 1469, never met and, for a further two elections, in November 1461, and for the aborted parliament of June 1483, the name of only one county

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<sup>86</sup> Paston Letters, I, pp. 95-6, 284, 577-78; ibid., II, pp. 48, 50, 54, 117.

<sup>87</sup> Stat. Realm, vol. I, p. 394.

<sup>88</sup> Stat. Realm, vol. II, p. 170, c.1.

<sup>89</sup> Ibid., p. 342, c.7.

<sup>90</sup> Return; Wedgwood, Register.

representative can be deduced.<sup>91</sup> These gaps reduce the number of known shire-knights to fifty-two out of a possible total of sixty-two.<sup>92</sup>

As the law required, all of the Leicestershire members were residents of the shire and none of the county's sheriffs was ever elected during his year in office. Thomas Berkeley, though, was in breach of the legislation when he was elected in September 1472 while still serving as sheriff of Rutlandshire.<sup>93</sup> William Fielding was similarly sheriff of Cambridge and Huntingdon when elected to the readeption parliament.<sup>94</sup> Nor was the law of 1445 governing the status of MPs strictly adhered to. Almost a fifth of those returned were drawn from esquire families. In fact, the statute itself appears to have had little effect on electors, for as many mere esquires were elected in the twenty-three years after its enactment as had been in the preceding twenty-three years.

Although about a fifth of MPs were mere esquires, this must be set against an equal proportion who were belted knights at the time of their election. There was, indeed, a notable preference for belted knights during the second reign of Edward IV, when all five members between 1472 and 1483 bore that distinction. This was a presage of the situation in the early sixteenth century when over half of Leicestershire's MPs were belted knights.<sup>95</sup> A further four members were drawn from knightly families, though they themselves were not knights at the time of election, and the remaining twenty-eight belonged to distrainee families. The statute of 1445 was therefore complied with in just over 80% of elections.

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<sup>91</sup> Among the Parliamentary Writs and Returns (C219) the missing Leicestershire returns are for the parliaments of 1439, 1445, 1460, 1461, 1463, 1469 (which never met) 1470 and the January and June parliaments of 1483.

<sup>92</sup> See Appendix VI.

<sup>93</sup> P.R.O. *List and Indexes*, vol. ix, p. 113.

<sup>94</sup> *Ibid.*, p. 13; Wedgwood, *Register*, p. 386.

<sup>95</sup> S.T. Bindoff, *The House of Commons 1509-1558*, 3 vols., London, 1982, vol. 1, p. 128. For the Elizabethan period see J.E. Neale, *The Elizabethan House of Commons*, Harmondsworth, 1963, pp. 289-307.

Despite the fifty-two parliamentary seats available to the Leicestershire gentry between 1422 and 1483, knights of the shire were chosen from a much more exclusive group than this number suggests. Of the seventy-three upper and middle gentry families, only twenty-two provided MPs, involving a total of twenty-four individuals.<sup>96</sup> Twelve of these men represented the county once and another six sat twice. Therefore, over half of Leicestershire's representation (about 54%) was monopolized by six individuals sitting on three or more occasions. Foremost among these six was Thomas Palmer. He was elected to seven parliaments between 1433 and 1467. Bartholomew Brokesby was another experienced shire knight whose parliamentary career began with his election in 1409. He was returned to five of the eight parliaments called between 1422 and 1432. John Boyville was also elected five times, while Richard Hotoft II and John Bellers II were returned four times. William Fielding sat in three parliaments. If we also take into account those who entered parliament before 1422<sup>97</sup> and those who had represented other constituencies before being elected in Leicestershire,<sup>98</sup> then on thirty-four occasions out of fifty-two the shire-knight was a man with previous parliamentary experience.

This high level of re-election indicates that the demand for a place in parliament outstripped the supply of available seats. Some sought to satisfy that demand by securing election in another county, while a few were content to represent a parliamentary borough.<sup>99</sup> In all instances, election in another county merely reflected wider territorial interests and the pattern of landholding as those who were elected in another county

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<sup>96</sup> See Appendix VI.

<sup>97</sup> Bartholomew Brokesby (1409), Laurence Berkeley (1421), John Burgh (1421).

<sup>98</sup> Henry Beaumont, MP Dunwich, 1429, 1432; Thomas Erdyngton MP Warwickshire, 1440; Robert Staunton, MP Grimsby, 1447.

<sup>99</sup> See Appendix VII.

also held land there<sup>100</sup> Election to a borough seat was quite a different matter, however. In each case the individual concerned either personally had close links with the crown or had powerful court friends who could labour the electors on his behalf.<sup>101</sup> If such pressure was also applied to the electors of the borough of Leicester, the sole parliamentary borough in the county, it was never successful in securing the return of a member of the shire gentry. Such political independence suggests that the town enjoyed some economic strength in the fifteenth century.

The majority of Leicestershire's MPs, fifteen out of twenty-four, had previously served in local government office before their first election as shire-knight.<sup>102</sup> Occasionally, that background of service was wide-ranging. Thomas Berkeley had been sheriff, justice of the peace and had been appointed to various commissions in Leicestershire and Rutland, including five commissions of array, before he was first elected to parliament in 1472. William Moton, too, had been justice of the peace, escheator, sheriff and commissioner of array before his election.

Nevertheless, there were others who were much less qualified. Robert Moton had served on a single commission of oyer and terminer sixteen years before his election to parliament and John Whatton's election followed by thirty-seven years his only other appointment as commissioner of weights and measures. Our definition of the term must be exceedingly flexible were we to consider these men as "experienced". Nor must we neglect the ten shire-knights whose first sortie into local

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<sup>100</sup> See Appendices VII and III.

<sup>101</sup> Henry Beaumont: MP Dunwich, 1429, 1432; younger brother of John, lord (later viscount) Beaumont; king's squire. Robert Staunton: MP Grimsby, 1447; deputy of John, lord Beaumont as steward of Castle Donington. Richard Hotoft: MP Warwick, 1453, 1455; feodary and bailiff of Duchy of Lancaster lands in Warwickshire. Thomas Keble: MP Lostwithiel, 1478; member of lord Hastings' affinity (Hastings was receiver-general of the Duchy of Cornwall).

<sup>102</sup> See Appendix VIII

government office came with their election to parliament.<sup>103</sup> What the Leicestershire evidence reveals is that appointment to shire offices was more likely to follow an earlier electoral success at the shire court.<sup>104</sup> Election marked not so much the zenith of a career in local government, but was, instead, an early stepping stone towards further advancement. The demand for seats is therefore understandable.

While personal ambition can explain why members of the gentry should have sought election, it does not account for their success in that quest. The high rate of re-election further indicates that the electors themselves preferred their representatives to be experienced, to be men who would know how best to protect the county's interests as well as their own. When they did elect a novice, that is, a man who had never before served either in parliament or in any other local government office, they usually selected as co-member a man of some experience. The sole exception was in the parliament of 1423 when the two novices, Thomas Fouleshurst and John Boyville, were elected. There was also a propensity on the part of electors to turn to successive generations of certain families. Between 1422 and 1483, two MPs, Robert Moton, and Laurence Berkeley, were succeeded as shire-knights by their respective sons, William Moton and Thomas Berkeley. If we look back beyond 1422 we find earlier generations of Trussells (1421), Hotofts (1421, 1414), Bellerses (1420, 1414, 1413), Berkeleys (1411, 1404, 1402), Brokesbys (1403) and Bugges (1403, 1397) serving as MPs.<sup>105</sup>

Whatever criteria were used by the electors in choosing shire-knights, there is no record to indicate that they were consistently

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<sup>103</sup> Bartholomew Brokesby (1409), Laurence Berkeley (1421), Thomas Fouleshurst (1423), John Boyville (1423), Baldwin Bugge (1425), Everard Dygby (1429), John Bellers II (1432), Thomas Asteley (1436), Richard Neel (1441), William Trussell (1472).

<sup>104</sup> Cf. Columns A and B, Appendix VIII.

<sup>105</sup> *Return*, pp.300, 297, 284, 295, 279, 276, 267, 263, 265, 253.

subjected to magnate or crown pressure. At times, however, national, rather than regional, considerations did dictate that the composition of the Commons could not be left to the whim of the shire electors. On these occasions, circumstantial evidence suggests that the shire court was laboured in order to ensure the return of members sympathetic to the crown. To the parliament of 1447, which was the occasion of the downfall and death of Humphrey, Duke of Gloucester, the Leicestershire electors returned Richard Hotoft and Thomas Staunton. Hotoft had represented the shire on two previous occasions but this was the first time in the fifteenth century that the county had returned two Duchy of Lancaster officials to the one parliament.<sup>106</sup> To the crisis parliament of 1449-50 Hotoft was again returned together with the Lancastrian partisan, William Fielding. The depth of Fielding's pro-Lancastrian sentiments may be gauged by the fact that he was elected again to the Coventry parliament of 1459, called to attain the Yorkist lords, and also, it is argued, to Henry VI's readeption parliament of 1470-71.<sup>107</sup> He was eventually killed fighting for Queen Margaret at the battle of Tewkesbury.<sup>108</sup> Later, when Parliament was called in 1478 to attain the duke of Clarence, Leicestershire returned Sir William Trussell and Sir William Moton, both of whom were, by this stage, indentured retainers of lord Hastings.<sup>109</sup> These examples indicate that electoral freedom could be circumvented when it was thought necessary to do so.<sup>110</sup>

The circumstantial evidence is also supported by referring to the sheriffs' returns for parliamentary elections<sup>111</sup> The elections for both

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<sup>106</sup> Somerville, i, pp. 557, 558, 569, 570, 573.

<sup>107</sup> Wedgwood, Biographies, p. 314.

<sup>108</sup> Paston Letters 1422-1509, V, p.104; John Warkworth, A Chronicle of the first Thirteen Years of the Reign of King Edward the Fourth, ed. J.O. Halliwell, London, 1839, p.18.

<sup>109</sup> Dunham, op.cit., p. 141 and passim.

<sup>110</sup> See J.S. Roskell, The Commons in the Parliament of 1422, Manchester, 1954, p.27.

<sup>111</sup> What follows is based on parliamentary writs and returns C219/13/1 - C219/17/3.



shire knights and burgesses were held in the county court in Leicester. It is clear that sheriffs were allowed, or perhaps arrogated to themselves, a certain amount of latitude when making their returns. Sometimes, a sheriff, such as Thomas Erdyngton in 1435, would make a separate return for elections of knights of the shire and for burgesses, despite the elections having been held in the same place on the same day.<sup>112</sup> Other sheriffs considered a single return to be sufficient but distinguished between shire and borough electors.<sup>113</sup> Some sheriffs, for whom a single return was deemed adequate, failed to make any distinction between shire and borough electors, though the latter do always appear at the end of the list.<sup>114</sup> There are differences, too, in the numbers of electors recorded. William Peyto listed seventy electors as being present at the election of August 1429, such large numbers suggesting that the election may have been contested,<sup>115</sup> while Richard Hastings considered his duty fulfilled by naming merely six electors in September 1423.<sup>116</sup> The usual practice, however, was to record between one and two dozen of the most important electors by name and to allude to anonymous "others" as having been present. Nevertheless, the sheriff's return of February 1449 fails to specify any electors at all by name.<sup>117</sup> The return was therefore in breach of the "majority rule" clause of the act of 1429 which specified that the sheriffs should make their return "by indentures sealed betwixt the said sheriffs and the said choosers ..."<sup>118</sup>

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<sup>112</sup> C219/14/5 pt. 2, docs. 102 and 103.

<sup>113</sup> A practice adopted by, for example, Richard Hastings in 1422 (C219/13/1).

<sup>114</sup> For example, Thomas Everyngham at the 1447 election (C219/15/4 pt 2 doc. 103).

<sup>115</sup> Cf. R. Virgoe, "An Election Dispute of 1483", *B.I.H.R.*, lx, 1987, p.24. For other disputed elections, see R. Virgoe, "The Cambridgeshire Election of 1439", *B.I.H.R.*, xlvi, 1973, pp. 95-101; R. Virgoe, "Three Suffolk Parliamentary Elections of the Mid-fifteenth Century", *B.I.H.R.*, xxxix, 1966, pp. 185-196.

<sup>116</sup> C219/14/1 pt. 2, doc. 102; C219/13/2 pt. 2, doc. 94.

<sup>117</sup> C219/15/6 pt. 2, doc. 106.

<sup>118</sup> *Stat. Realm*, vol. II, p. 243, 8 Hen. VI, c.7.

The February 1449 return provides a possible insight into how lax the electoral system could be. The election, which was held on Thursday 6 February, returned Thomas Everyngham and Thomas Palmer whose names were duly recorded on the sheriff's return. Later in the return, the shire knights are referred to, not as Thomas and Thomas but as Thomas and Richard. The mistake could be dismissed as a slip of the quill by an inattentive clerk but comparison of the Leicestershire return with that for Warwickshire may reveal a more sinister explanation.<sup>119</sup>

The Warwickshire election was held on Monday 10 February, four days after the Leicestershire election.<sup>120</sup> Apart from two scribal errors, the location and date of the election and the names of those elected, the wording of each return is identical, even to the extent of failing to name any electors. The successful candidates for Warwickshire were Thomas Bate and Richard Hotoft. Here, then, is a clue to why the Leicestershire return makes reference to Thomas and Richard instead of Thomas and Thomas. Although the Leicestershire election is reported to have taken place before the Warwickshire, the sheriff's return was, in fact, drawn up some time after the election of Thomas Bate and Richard Hotoft. The supposedly earlier Leicestershire return is a copy of the later Warwickshire return.

In itself, this anomaly may signify nothing more than a clerical convenience. But considered together with the omission of named electors and the fact that one of those elected, Thomas Palmer, by this stage had, in local government, a record second to none of loyal service to the regime and that the other three had strong Lancastrian affiliations, one suspects that both elections were less free than they might have been,

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<sup>119</sup> C219/15/6, pt. 2, doc. 104.

<sup>120</sup> The days have been worked out using *Handbook of Dates*, ed. C.R. Cheney, London, 1978.

if they were held at all.<sup>121</sup> Sheriffs normally named the electors in order to spread the burden of responsibility if the return were called into question at a latter date.<sup>122</sup> The assumption behind the idiosyncratic return of February 1449 must be that it would not be questioned and such an assumption would be warranted only if the crown had meddled in the matter. If this conclusion is accepted then the Leicestershire return of early 1449 provides us with an example of the denial of that democratic principal which was so much in evidence in the Nottinghamshire election of 1460.<sup>123</sup>

Much the same conclusion about crown interference can be drawn from the election of 1459 which returned the staunch Lancastrians, William Fielding and John Whatton, to the Parliament of Devils at Coventry. In his return, the sheriff was at pains to stress that all the electors were residents who held freehold land worth at least 40s. yearly beyond outgoings.<sup>124</sup> This was the only occasion during the period when the sheriff in Leicestershire thought it necessary to be so precise and to publicise his conformity to the proper practices. The reason for his concern becomes apparent when we turn to the list of electors.

The list, providing twelve names in all for both the shire and borough elections, is noteworthy in that not a single member of the upper and middle-ranking gentry is recorded as being present. All of the

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<sup>121</sup> For Thomas Palmer see Appendix VIII. Thomas Everyngham was an enquire of the chamber (E101/409/9 f.36d). Also, see above p.138 n. 80. Richard Hotoft was feodary of Duchy of Lancaster lands in Warwickshire, Leicestershire and Northamptonshire and also bailiff of Warwick and Leicester (*Somerville*, i., pp. 569-71, 589). Thomas Bate had early attracted the notice of the queen to whom he was "oure welbeloved T. Bate". In 1445 Margaret asked the mayor, bailiff and commons of Coventry to reserve the recordership for Bate whom she considered to be "suffisiant of cunning and habilite" (*The Letters of Queen Margaret of Anjou*, ed. C. Monro, Camden Soc., old series, vol. 86, 1863, rpt. 1968, p.140).

<sup>122</sup> See Virgoe, "An Election Dispute of 1483", p. 27.

<sup>123</sup> S.J. Payling, "The Widening Franchise - Parliamentary elections in Lancastrian Nottinghamshire", *England in the Fifteenth Century. Proceedings of the 1986 Harlaxton Symposium*, ed. D. Williams, Woodbridge, Suffolk, 1987, pp. 167-186.

<sup>124</sup> C219/16/5, doc. 62.

electors were lesser folk whose status, in some cases, was probably determined by holdings worth little more than that required for them to exercise the franchise. These were not the sort of men who traditionally took the lead in county politics and one must resist any suggestion that they took the lead on this occasion either. As it is inconceivable that the presence of the shire's natural leaders would have passed unnoted, their absence suggests not only that they considered the "election" to be a mere endorsement of candidates already selected outside the county, an endorsement which could be left to their social inferiors, but also that none wished to be too closely associated with the impending action against the duke of York and his supporters. Furthermore, in the election of 1459 we seem to be witnessing an early manifestation of the disintegration of support for Lancaster within the shire; the gentry were indicating their discontent by boycotting the "election" at the shire court.

Given that membership of parliament was an important route towards furthering one's political career, the successful candidate could only have welcomed magnate or crown interference on his behalf, though the electors themselves probably had a less indulgent attitude towards such meddling. But the number of parliamentary seats was limited and, as we have seen, only an exclusive group was permitted to take that path. Since Warwickshire and Leicestershire shared their sheriff, the shrievalty, too, offered restricted scope to Leicestershire personnel who wished, in the words of John Shynner, "to goveryn [rather] then to be goveryed".<sup>125</sup> A potentially broader avenue leading to political advancement lay with the commission of the peace which, in practice if not in law,<sup>126</sup> could include as many justices as the council wished to appoint.

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<sup>125</sup> Stonor Letters, p. 135.

<sup>126</sup> Stat. Realm, vol. I, p. 364, c.1; ibid., vol. II, p. 58, c.10; ibid., vol. II, p. 77, c.11; Putnam, Proceedings, pp. lxxix-lxxx.

The justices of the peace were to be "the most sufficient knights, esquires and gentlemen of the law" of their counties.<sup>127</sup> Any doubts about the flexibility of this requirement were countered by subsequent legislation which stipulated that justices of the peace who were not also lords or justices of assizes, should be residents of their shires.<sup>128</sup> In 1439, a further Act defined "sufficient" as possession of an income of at least £20 per annum, though this particular regulation could be waived by the Chancellor if the appointee were learned in the law.<sup>129</sup> On the whole, the economic qualification was complied with. Of the Leicestershire justices whose economic status is known, only four had declared incomes below the statutory £20 per annum.<sup>130</sup> Nevertheless, each of these four played an active rôle on the bench and must therefore have been well versed in the law.<sup>131</sup>

Between 1422 and 1485, forty-one commissions were issued for Leicestershire, involving a total of six hundred and forty-three individual appointments.<sup>132</sup> Of course, by no means all of these positions were made available to members of the local gentry. Each commission contained nobles, most of whom had at least some territorial interest in the shire. The practice of commissioning ecclesiastics, too, which began in other counties in 1424,<sup>133</sup> was adopted haltingly in Leicestershire but, from 1456 onwards, it became the rule for either the Bishop of Lincoln or

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<sup>127</sup> Stat. Realm, vol. II, p. 63, stat. 1, c.7.

<sup>128</sup> Ibid., vol. II, p. 187, stat. 2, c.1.

<sup>129</sup> Ibid., vol. II, pp. 309-310, c.11.

<sup>130</sup> John Bellers II, Thomas Whatton, Thomas Walsh and Thomas Farnham.

<sup>131</sup> Bellers: KB9/248/36; /262/87; E101/590/34 ms.10.

Whatton: KB9/229/4/11; /230B/191; /235/11; /253/11; E101/590/34 mss. 6,7,8,9.

Walsh: KB9/284/8; /288/29

Farnham: KB9/237/57; /248/36; /251/14; /253/11; /256/118; /262/87; /269/66; /270A/19; /284/8; 286/25; E101/590/34 mss. 8, 9, 10, 11, 12.

<sup>132</sup> The printed calendars yield only 640 appointments. A further three can be found on the dorse of the original rolls where the names of members of the quorum are recorded. (See Appendix IX).

<sup>133</sup> Putnam, Proceedings, p. lxxxi.

the Master of the Hospital at Burton Lazars, or both of them together, to be included. Two assize judges, usually justices of the Common Pleas, but occasionally a justice of the King's Bench, were also added to each commission and the bench's legal expertise was sometimes further strengthened by the inclusion of a king's serjeant or a king's attorney.<sup>134</sup> Outsiders were, at times, commissioned, most notably in the first decade of our period and again from 1483 to 1485. In the 1420s and early '30s, before the chief stewardships of the Duchy of Lancaster passed into the hands of the nobility, it was customary to appoint the chief steward of the northern parts as a justice of the peace in Leicestershire.<sup>135</sup> Richard III also appointed outsiders who were closely associated with his regime.<sup>136</sup> In the '60s, Edward IV's cousins, Humphrey and John Bouchier, appear in the calendared lists of justices but John Bouchier at least had a territorial interest in the shire in right of his wife, Elizabeth, lady Ferrers of Groby.<sup>137</sup>

These appointments aside, there were still three hundred and thirty-three positions on the bench of JPs made available to members of the shire gentry.<sup>138</sup> In statistical terms, therefore, the chances of securing a seat on the bench were over six times greater than being elected as a knight of the shire and about fourteen times greater than being pricked as

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<sup>134</sup> Common Pleas: James Strangways, William Ascogh, John Portyngton, Robert Danby, Peter Arden, John Nedeham and Thomas Littleton. King's Bench: Guy Fairfax, John Markham, John Nedeham. King's Serjeant: John Vavasour. King's Attorney: William Babthorp. (*Biographia Juridica*, ed. E. Foss, London, 1870, *passim*; *Somerville*, i, *passim*.)

<sup>135</sup> Roger Flore, John Tyrell, John Cokayn, ex chief-steward. (*Somerville*, i., pp. 419-20).

<sup>136</sup> Richard Radcliff, William Catesby, Robert Harington and Gervase Clifton. There was also a Robert Harington of Exton in Rutland who was appointed to commissions of array in Leicestershire in May and December 1484. (Wedgwood, *Biographies*, p. 426) However, in view of the company he kept, the JP was more likely the Sir Robert Harington (Harrington) who held lands in Lancashire and Yorkshire and who played a part in the execution of William Hastings (C. Ross, *Richard III*, London, 1981, pp. 51, 57, 85, 156 and *passim*).

<sup>137</sup> *G.E.C.* iii, pp. 552-554; *ibid.*, v, p. 360.

<sup>138</sup> See Appendix IX.

sheriff. But these figures alone can give an altogether misleading picture. Despite the large number of available places on the bench, the local JPs selected to serve amounted to only thirty-eight individuals drawn from twenty-nine families. Furthermore, not all of those appointed would have actually sat on the bench. From the records of payments made to JPs and of those whose cases were called before the Court of King's Bench, the active justices appear to have numbered no more than twenty-three individuals.<sup>139</sup> The commission of the peace certainly provided an additional outlet for those who wished to play a part in the government of the shire but, as with the shrievalty and membership of parliament, it was an outlet made available to a select few.

This stricture notwithstanding, and despite the fact that the size of commissions and the proportion of local gentry appointed to them fluctuated throughout the century, the general trend was towards larger commissions with greater local involvement. In 1423, the commission contained eleven JPs, only two of whom, or just over 18%, were members of the shire gentry. By 1485, the largest commission in our period boasted twenty-two members, half of whom were local men. In the 1440s and again in the '70s and early '80s, the proportion of local gentry on the commissions regularly reached and often exceeded 60%.<sup>140</sup> Furthermore, the bulk of the work of the bench fell to the gentry members. The only lord for whom there is evidence of his having sat, was William, lord Ferrers of Groby.<sup>141</sup> The ecclesiastics never participated in the work of the bench and the lawyers of the central courts and other outsiders played a very minor role in its deliberations.<sup>142</sup>

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<sup>139</sup> See above n. 131; E101/590/34 mss 1, 3-12; KB9/335/51; 341/8; 345/10; 354/13, 18; 355/41, 57; 358/12; 360/75; 951/52.

<sup>140</sup> See Appendix IX.

<sup>141</sup> KB9/229/4/11; 230B/191.

<sup>142</sup> E101/590/34 mss 1, 3, 4.

Although the work of the bench was left largely in the hands of the local justices we need to consider whether their appointment was politically motivated by external forces. Unfortunately, as with the pricking of sheriffs, there is no body of direct evidence we can turn to. Nevertheless, occasionally, we can discern political pressures playing a part, either in the appointment of individuals to, or their removal from, the commissions of the peace. William Fielding and John Bellers II served as justices throughout the 1450s but were conspicuously absent in the 1460s. During Henry VI's readeption they were again appointed to the bench. Fielding's career was cut short at the battle of Tewkesbury but Bellers was subsequently dropped from the commission when Edward IV returned to power. Sir Ralph Woodford and Richard Perwyche were also appointed to the readeption commissions but neither man had previously served on the Leicestershire bench and, as with John Bellers II, their services were dispensed with on the return of the Yorkists. As it was unusual for commissions to be so short-lived we may assume that the reason for the brevity of their careers in local government was political. In contrast to these Lancastrian sympathisers, William Moton, Robert Staunton and Thomas Palmer were dropped from the readeption commissions but were back on the bench by 1474.

Despite these indications of political influence on the composition of the commissions of the peace, it must be admitted that for most of our period the bench was a remarkably stable institution. The dynastic tensions and conflicts of the 1450s brought little change to its internal structure other than the usual variations brought about by the death or retirement of a JP. Minor modifications were made in 1460 and again at the readeption but the upheavals caused by the attainder of the duke of Clarence and the usurpation of Richard III found little reflection in the Leicestershire personnel appointed.



This analysis of the composition of the commissions of the peace nevertheless confirms what we have already seen as applying in the case of sheriffs and knights of the shire, namely, that in the fifteenth century, local government was the preserve of a select group within the county gentry, Lapsley's buzones.<sup>143</sup> Not only were there individual work-horses such as Bartholomew Brokesby, Thomas Palmer, Robert Staunton John Bellers II and John Boyville but, throughout the period, we find succeeding generations of Berkeleys (Laurence and Thomas), Fieldings (William and Everard), Hastingses (Richard, Leonard and William), Motons (Robert and William), Asshebys (Thomas and William), Pulteneys (John and Thomas) and Hotofts (Richard I and Richard II), seven families in all, being appointed or elected time and again to the major county offices. What is more, all of these men were drawn from the knightly or potential knightly families.

We have seen too, that even in the absence of strong, local magnates during most of our period, the selection or election of officials may occasionally have been the subject of both crown and magnate interference, but especially so after the readeption when lord Hastings' power in the area was supposedly paramount. Yet, even then, in the 1470s, pressure was not consistently applied. There were certainly examples of political careers being advanced or cut short by external manipulation but the general impression is that advancement was as much dictated by an official's standing within his local community, by the limits of his ambition and by his personal aptitude as it was by the result of the workings of good lordship. The career of Thomas Berkeley, who served in local government offices under Henry VI, under Edward IV, under the readeption government as commissioner of array and

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<sup>143</sup> G. Lapsley, "Buzones", *E.H.R.*, xlvi, 1932, pp. 177-193, 545-567; Putnam, *Proceedings*, p. lxxxiii.

again under the restored Yorkist regime, reveals that the Leicestershire gentry could, if they were flexible enough in their allegiances, weather any political storms raging at the centre. The more partisan gentry, such as Sir William Fielding, could be, and were, called upon to pay a heavy price for being steadfast in their support for the losing faction. But the sins of the father were not visited upon succeeding generations; the name of Sir William's son, Everard, appears on the list of JPs by 1477. It seems that the right of the superior local families to govern in their counties could not be denied indefinitely.

Whereas local government was self-government at the king's command, the fifteenth-century evidence further reveals that the king's command had to be responsive to local sensibilities. The king certainly had the final say when it came to appointing sheriffs, justices of the peace, escheators and various ad hoc commissioners. He could also interfere in the electoral process, as Henry VI or one of his agents seems to have done in Leicestershire in the election to the first parliament of 1449. But there were limits to the royal power. In the case of appointments, the choice of local officials was constrained by statute, not only to residents, but to the socially and economically superior, residents of the shire. At election time, too, the county gentry could display their concern about undue interference, as they appear to have done in Leicester in 1459, by boycotting proceedings in the shire court. Even when a family fell from royal favour, the king's grace could rarely be withheld indefinitely. It seems unreasonable to assume that the gentry were any less self-assertive in their own shires than they were, for example, in the second parliament of 1449-50. Here, the Commons foisted a sweeping act of resumption on an unwilling monarch and, in the face of both royal and noble opposition, they also tried to impeach the

king's chief adviser, the duke of Suffolk.<sup>144</sup> Men such as these were unlikely to be overawed on their home territory.

Just as there was a social establishment of superior gentry families in Leicestershire,<sup>145</sup> so, too, there was a political establishment, an oligarchy of family members, who not only governed, but expected to govern, in the county.<sup>146</sup> In selecting officials and electing M.P.s from their number, the king and the local shire community alike, constantly deferred to these men who would therefore feel assured of their own county-wide importance. It was they who welded the county together into a coherent political community. Self-government may have been at the king's command<sup>147</sup> but, in fifteenth-century Leicestershire, the officers in the field, the gentry, wielded a more immediate authority over the governed. Perhaps our earlier simile of a Venn diagram which we used to illustrate the gentry's interlocking social circles, may be equally applicable to their political affiliations.<sup>148</sup> These affiliations were with the king, with local and neighbouring magnates and with other members of the county gentry. While political circles often overlapped, it was the last mentioned, the political community of the shire, which provided the strongest cohesive force in Leicestershire.

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<sup>144</sup> See *Rot. Parl.*, v, pp.176-199, which outlines the Commons' moves against Suffolk, the act of resumption and Henry's liberal list of exemptions from the act.

<sup>145</sup> See above, pp.103-105.

<sup>146</sup> See above, pp.154-155.

<sup>147</sup> Whit, *op.cit.*, p.2.

<sup>148</sup> See above, p.104.