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A matter of trust: the royal regulation of England's French residents during wartime, 1294–1377*

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Abstract

This study focuses on how the English crown identified and categorized French-born people in the kingdom during the preliminaries and first stage of the Hundred Years War. Unlike the treatment of alien priories and nobles holding lands on both sides of the Channel, the attitude to laypeople became more positive as the period progressed. In particular, the crown was prepared to grant wartime protections to French-born residents based on evidence of local integration. Analysis of the process reveals the flexibility with which the government considered national status before the emergence of denization at the end of the fourteenth century.

During the last quarter of the fourteenth century the English royal chancery introduced a legal process, known to historians as denization, by which trustworthy aliens resident within the realm could become the sworn lieges of the king of England. Denization was quickly offered to a wide range of high- and relatively high-status individuals – artisans, merchants, clergy, knights and nobles – from many different parts of Europe and was available, without apparent distinction, to those whose former rulers might at the time be allies or enemies of the English monarch.¹ In a recent study, the present authors have demonstrated that the crown's actions against French people resident in England after 1377 inspired it to develop the distinctive process of denization as a solution to the perceived problem of security risks from hostile foreigners in times of war.² Even though denization rapidly developed into a set of rights applied to a wide range of foreigners, then, the *primum mobile* of change was the endemic state of war that existed between England and France in the later middle ages.

The situation before the thirteen-seventies was different. And yet, hostility between England and France, and consequent actions against subjects of the king of France

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¹ C. Parry, *British Nationality Law and the History of Naturalization* (Milan, 1954); K. Kim, *Aliens in Medieval Law: the Origins of Modern Citizenship* (Cambridge, 2000), pp. 52–7; R. Kershaw and M. Pearsall, *Immigrants and Aliens: a Guide to Sources on UK Immigration and Citizenship* (2nd edn., Kew, 2004), pp. 97–111.

² B. Lambert and W. M. Ormrod, 'Friendly foreigners: international warfare, resident aliens and the early history of denization in England, c.1250–c.1400', *Eng. Hist. Rev.*, cxxx (2015), 1–24.

resident within England, had been a regular issue for more than a century. While the debates about the influence of foreigners in the court of Henry III during the mid thirteenth century had wider applications and ramifications, the rights and circumstances of French-born individuals and groups were certainly rendered more vulnerable by them: among the first victims of anti-alien resentment during the baronial reform movement of 1258, for example, were the important money-lenders of Cahors, a city then under Capetian control.³ From at least the beginning of the thirteenth century, the Plantagenets conducted diplomatic and commercial relations with the county of Flanders, one of the great fiefdoms of the crown of France, through actions that regularly required the general arrest of the persons and goods and/or the deportation of all Flemings residing in England.⁴ The associated restrictions on trade frequently impacted more widely on Anglo-French relations. Of the 510 foreign merchants granted exemption from the English embargo with Flanders in 1271–2, for example, 116 were explicitly declared to be ‘of the power of the king of France’, with many others coming from cities and towns under Capetian lordship or influence.⁵ Finally, the general harmony that prevailed between the houses of Plantagenet and Capet after the treaty of Paris of 1259 gave way to a series of significant military conflicts, in 1294–1303, 1324–7 and 1337–60. In each of these cases, and for the first recorded time in the longer history of Anglo-French relations, the preliminaries of war involved the formal announcement of the arrest in England of the persons and goods of all those who by birth were subjects of the king of France.⁶ The question therefore arises as to the ways in which the English crown balanced the rhetoric of national security explicit in these initiatives against the obvious advantages of retaining the loyalty and service of persons who in many cases were long-term residents thoroughly assimilated into their local communities. In other words: how, without the formal allegiance enacted under the process of denization, did the governments of Edward I, II and III negotiate and define the status of foreigners living within their jurisdiction?

The only group to have been comprehensively discussed in the existing scholarship on this subject comprises the so-called alien priories. Since 1066, Norman and French abbeyes had founded dependent daughter houses in England. Having maintained their overseas affiliations in the centuries that followed, many of these monastic communities were still, at the end of the thirteenth century, managed by French heads and populated by French monks. In 1294, 1324 and 1337 (sometimes as part of the wider initiative against laypeople, sometimes in separate administrative measures), the crown ordered the seizure of the estates of the alien priories and placed restrictions on the freedom of movement of their inhabitants. The estates were held only for the duration of war and were returned to the priories on the making of peace. Later, however, after the renewal of Anglo-French hostilities in 1369, serious consideration was given to the eviction of

³ N. Denholm-Young, ‘The merchants of Cahors’, *Medievalia et Humanistica*, iv (1946), 37–44. French rights in the cities and dioceses of Cahors, Limoges and Périgueux would be ceded to the Plantagenets in 1259 following the treaty of Paris (M. G. A. Vale, *The Origins of the Hundred Years War: the Angevin Legacy, 1250–1340* (Oxford, 1996), p. 53). For the general context of the anti-alien hostility, see D. A. Carpenter, ‘King Henry III’s “statute” against aliens: July 1263’, *Eng. Hist. Rev.*, cvii (1992), 925–44; H. Ridgeway, ‘King Henry III and the “aliens”, 1236–72’, in *Thirteenth Century England II: Proceedings of the Newcastle upon Tyne Conference 1987*, ed. P. R. Coss and S. D. Lloyd (Woodbridge, 1988), pp. 81–92.

⁴ T. H. Lloyd, *The English Wool Trade in the Middle Ages* (Cambridge, 1977), pp. 7–37, 75, 107–8, 112–14.

⁵ Lloyd, pp. 28–30; *Calendar of Patent Rolls 1266–72*, pp. 553–7, 558–66, 685–7, 702–4.

⁶ Foedera, *Conventiones, Literae et Cujuscunque Generis Acta Publica*, ed. T. Rymer (3 vols., 1816–30), i. 811, ii. 570, 982.

French monks and to the systematic stripping of their economic assets. Eventually, in 1413, the alien priories and their estates were permanently confiscated. It was always in the interests of the state to regulate ecclesiastical wealth rigorously, and when possible to help itself to church lands and goods. In this respect, the alien priories were particularly easy targets, though the confiscation also gave some glimpse of altogether more radical things to come in the sixteenth century.⁷

The other group that has attracted some interest, though on a less systematic basis, is the members of the French-born aristocracy who maintained interests in England and held land of the Plantagenet monarchy. The exclusiveness that attached by the fourteenth century to the act of feudal homage, and the relative prominence of members of this group in the politics of England and/or France, required that such persons publicly declare themselves for one side during hostilities between the ruling houses and, almost inevitably, bear the consequences. The families of Stoteville (who held estates in Nottinghamshire) and Fienles (with holdings in Buckinghamshire and Somerset) provide good examples of the trend. They were subject to repeated general confiscation in 1294, 1324 and 1337.⁸ Sympathy to the English cause was no guarantee of protection in itself:⁹ the duke of Brittany lost his English possessions in 1294, though both his successors were declared exempt from the confiscations of 1324 and 1337, and the last even managed to retain his position when fighting openly for Edward III's enemy, Philip VI.¹⁰ Both Edward I and Edward III made it their business to intervene personally, as a matter of grace, in such a way as to preserve the rights of certain other French nobles living or with interests in England.¹¹ Nevertheless, the long period of hostilities after 1337 made it virtually impossible for most families to maintain cross-Channel holdings.¹² The fate of the count of Eu, Raoul de Brienne, stands as typical of

⁷ M. M. Morgan, 'The suppression of the alien priories', *History*, xxvi (1941), 204–12; D. Matthew, *The Norman Monasteries and their English Possessions* (Oxford, 1962), pp. 81–107; A. K. McHardy, 'The effects of war on the church: the case of the alien priories in the 14th century', in *England and her Neighbours, 1066–1453: Essays in Honour of Pierre Chaplais*, ed. M. Jones and M. Vale (1989), pp. 277–95; B. J. Thompson, 'The laity, the alien priories and the redistribution of ecclesiastical property', in *England in the 15th Century: Proceedings of the 1992 Harlaxton Symposium*, ed. N. J. Rogers (Stamford, 1994), pp. 19–41.

⁸ The National Archives of the U.K., E 372/144 rot. 32; E 372/145 rot. 27; E 372/146 rots. 27, 32, 39; SC 6/1126/14; SC 8/72/3586. *Calendar of Close Rolls 1327–30*, p. 195; T.N.A., E 372/183 rot. 56; E 372/184 rot. 53. In 1299, Robert Stoteville's lands in England were assigned to the captal de Buch and the lord of Châtillon in recompense for the seizure of their lands in Gascony by Philip IV (*Cal. Pat. Rolls 1292–1301*, pp. 431–2). In 1337 the Stoteville and Fienles estates were similarly used to support the newly promoted earls of Gloucester and Salisbury (*Calendar of Fine Rolls 1337–47*, pp. 43, 76; T.N.A., SC 6/763/9; E 372/182 rot. 38; E 372/183 rot. 56d).

⁹ William Fienles, by acting as a hostage for the truce of 1297, recovered possession of his lands in 1299, and the king intervened in 1301 to ensure that William's heir, John, had seisin (*Cal. Close Rolls 1296–1302*, pp. 254, 259, 261–2, 282; *Cal. Fine Rolls 1272–1307*, p. 463; William Dugdale, *The Baronage of England* (3 vols., 1675–6), ii. 243–4). In 1324 the government confiscated the possessions of John Fienles but allowed his brother, Robert, to retain his interests (*Cal. Close Rolls 1323–7*, pp. 140–1, 249; *Cal. Fine Rolls 1319–27*, pp. 245–6, 249, 319; *Cal. Fine Rolls 1327–37*, p. 52).

¹⁰ T.N.A., E 372/144 rot. 32; C 49/2/25; *The Complete Peerage*, comp. G. E. Cokayne (14 vols., 1910–98), x. 812; J. H. Le Patourel, *Feudal Empires: Norman and Plantagenet* (1984), ch. xii, p. 186.

¹¹ In 1304 Edward I asserted absolute discretion in restoring a parcel of the inheritance of Maud Kyme to her French-born kinsman, Aymer de Archiaco (*Cal. Fine Rolls 1272–1307*, pp. 499–500). See also the unique example of the Daubigny family, who were granted the special privilege, despite birth in Brittany, to be treated as 'pure English' (*The Parliament Rolls of Medieval England*, ed. C. Given-Wilson (16 vols., Woodbridge, 2005) (hereafter *P.R.O.M.E.*), i. 9, v. 5).

¹² A good example of the long-term disablement of French-born landholders is provided by the estates of William de Valle at Clatford (Wiltshire), which remained in the hands of successive sheriffs throughout the 1340s and 1350s (T.N.A., E 372/182 rot. 38; E 372/199 rot. 31).

the trend. He had already had difficulty in reasserting his right to his wife's extensive lands in the East Midlands following the confiscations of 1324–7, and never again occupied them after 1337.¹³ By the time the treaty of Brétigny was drawn up in 1360, virtually the only remaining high-born French aristocrat maintaining independent property rights in England was the long-lived Marie de St.-Pol, dowager countess of Pembroke, a central character in the life of the English royal court.¹⁴ While the legal position remained that lands might revert, on the making of peace, to their original holders, the passage of time alone made this increasingly unlikely; and attempts to wrest back such possessions during the truce of 1360–9 came to nothing in the face of superior claims from the English possessors.¹⁵

The cases of the alien priories and of French-born nobles suggest, then, that the general trend over the period from the twelve-nineties to the thirteen-fifties was for the Plantagenet regime to become increasingly severe in its treatment of those subjects of the king of France who held interests within the realm of England. It is extremely hazardous, however, to develop from this a general model that might also be applied to the more numerous and disparate groups of French laypeople and secular clergy whom we know to have been living in England over this period. The institutional context made it very easy to identify which priories, and which monks within them, should be labelled 'French', and thus be subject to confiscation. Equally, the question of fealty was immediate and acute in the case of nobles who held land in liege homage from one or both of the hostile rulers of France and England, and for whom double allegiance became a virtual impossibility as the fourteenth century progressed. The issues were much less clear-cut when it came to individuals, families and informal groups of foreigners already fully integrated into the host society. The treatment of these groups simply does not conform to the notion of a comparatively 'light-touch' approach giving way to harsher personal penalties and permanent institutional disablement over the course of the fourteenth century. In many ways, in fact, the measures taken against lay persons and secular clergy in 1294, 1324 and 1337 represent the opposite trajectory, with an initially uncompromising process of confiscation yielding to a pattern of protection that acknowledged the positive contributions that French immigrants were seen to make to the English economy and society.

This article therefore attempts to move beyond the examples of the alien priories and the cross-Channel landholders in order to consider the many other men and women born in France and its dependencies who lived in England during the era of war under the three Edwards. We establish how the crown defined the enemy in its midst and how its agents tested those definitions and applied the accompanying penalties. The study tracks the various labels attached to 'French' people and the manner in which the English crown and its local agents understood and differentiated their relationship to persons from the distinct political entities – most notably, Flanders, Brittany and the other great fiefdoms – that existed within the territories of the French crown. We explore the

¹³ *Complete Peerage*, v. 151–75; R. Cazelles, *La Société politique et la crise de la royauté sous Philippe de Valois* (Paris, 1958), p. 138, n. 11.

¹⁴ C. H. Jenkinson, 'Marie de Sancto Paulo, foundress of Pembroke College, Cambridge', *Archaeologia*, lxxi (1915), 401–46. For the countess's general exemptions in 1324 and 1337, see *Cal. Close Rolls 1323–7*, pp. 244–5; *Cal. Close Rolls 1337–9*, p. 169; T.N.A., E 372/184 rot. 53d. One of the other French-born ladies of the court, Isabella de la Mote, retained some of her French husband's English property by effectively divorcing him and declaring herself, independently, for Edward III (W. M. Ormrod, 'The royal nursery: a household for the younger children of Edward III', *Eng. Hist. Rev.*, cxx (2005), 398–415, at pp. 409–10).

¹⁵ *Select Cases before the King's Council, 1243–1482*, ed. I. S. Leadam and J. F. Baldwin (Selden Soc., xxxv, 1918), pp. 48–53.

circumstances in which the English government was prepared to override arrests and confiscations, the rights that it was able to provide for foreigners in an era before the formal process of denization became available, and the relationship with the procedures used by other, most notably urban, authorities to categorize newcomers. We address the manner in and extent to which the crown relied on the proven trustworthiness of resident foreigners rather than on formal processes that changed the legal status of the individuals concerned. In a wider sense, we hope to contribute to the comparative history of those processes, more usually identified in a modern context, by which warring states have set out to define the extent and limits of the nation by categorizing and controlling immigrants from enemy lands.¹⁶ A study of the status of French-born residents in England in the period before denization thus allows us better to understand who was entitled to be part of the medieval English community, and who was not.

To do so is necessarily to explore a wide range of archival sources generated by the English royal chancery and exchequer. While The National Archives series E 106 (whose official title is 'Extents of Alien Priors, Aliens, etc.') provides a significant foundation for the study that follows, especially in regard to its earlier phases, the fate of French-born laypeople resident in England under the three Edwards is only recoverable from a wide range of incidental references in financial accounts, petitions and licences. The point is significant because it demonstrates that alien residents – and even, more specifically, French-born residents – of England were not ultimately considered a distinct category of business in fourteenth-century central government. The subject for investigation here was clearly of key practical importance to those affected by it most: the people who had made their way across the narrow seas in pursuit of personal fulfilment and material benefit. It was also of some interest to the political classes, whose views of what were already becoming the traditional enemies of England – the French and the Scots – developed significant depth and intensity as the fourteenth century progressed.¹⁷ For the crown, the position seems to have been rather different. Edward I's government took a notably firm line, in the face of a national emergency, on the presence of French-born residents. For the governments of Edward II and Edward III, however, the topic seems to have been part of the collateral of war: the kind of business where it was important for the crown to be seen to be doing something, but where it could freely move to ameliorate the effects of its own advertised policies for those foreigners who were welcome, trusted and integrated members of the host community.

The first conflict in which the English crown attempted to make wholesale confiscations not only of the alien priories but also of property held by laypeople with allegiance to hostile foreign powers was the war of 1294–1303. In 1294, Edward I refused to fulfil his feudal obligations as duke of Aquitaine and appear before the French king Philip IV to answer for a recent naval conflict in the Channel between a group of Edward's Gascon subjects and a hostile Norman fleet. As a result, Philip declared Aquitaine confiscate and forced the English king into an extremely expensive series of military engagements.¹⁸

¹⁶ See, e.g., W. Ugolini, *Experiencing War as the 'Enemy Other': Italian Scottish Experience in World War II* (Manchester, 2011); 'Totally Un-English'? Britain's Internment of 'Enemy Aliens' in Two World Wars, ed. R. Dove (Amsterdam, 2005); A. Francis, 'To Be Truly British We Must Be Anti-German': New Zealand, Enemy Aliens and the Great War Experience, 1914–19 (Oxford, 2012).

¹⁷ See, most recently, A. Ruddick, *English Identity and Political Culture in the 14th Century* (Cambridge, 2013).

¹⁸ E. Lalou, 'Les négociations diplomatiques avec l'Angleterre sous le règne de Philippe le Bel', in *La France anglaise au moyen âge* (Paris, 1988), pp. 325–55; Vale, *Origins of the Hundred Years War*, pp. 175–226.

Between July and November 1294, prompted by concerns over national security, the English government ordered the arrest of the belongings of all aliens 'of the power of the king of France and his allies or of his affinity and friendship', including real estate, goods and chattels and (since they formed a potentially important asset) debts due to enemy French from English creditors.¹⁹ A year later, alongside measures for the custody of the alien priories, the confiscations of laypeople were re-affirmed in new instructions to the sheriffs, with the additional stipulation that French-born persons who had chosen to remain within the realm would have to provide surety at the exchequer by the beginning of 1296.²⁰ The confiscations were nullified by a truce in 1297, though some property and goods remained under royal control until the peace of 1303; and under certain exceptional circumstances, confiscations were deemed to have escheated permanently to the English crown.²¹

In terms of the way that the confiscations of 1294 affected ideas about different categories of French people, it is the inquisitions relating to the moveable goods of, and debts due to, French merchants and others that are most illuminating. These survive for a number of counties, cities and towns, of which the documents for Norfolk, Bristol, Beverley and Newcastle upon Tyne are the most detailed.²² In Norfolk, the sheriff confiscated all goods, lands and chattels belonging to the French, whether they were found with Englishmen or aliens, valued them and delivered them to native custodians. Debts owed to Frenchmen were frozen. Those born in France and living in England were a direct target: thus, for example, William of Gunevill lost the £6 os 8d estimated annual revenue from his manor in Shropham, together with £3 9s 4d of goods and chattels. The legality of other confiscations was less straightforward. Nicholas of Dunston was English-born but was deprived of the 4s annual revenue from his messuage in Norwich, and his other property valued at £6, simply because he was married to a Frenchwoman. The commissioners also refused to acknowledge the rights of citizenship that resident foreign merchants had often secured in English self-governing towns. The French-born John of St. Omer had been a burgess of Lynn for many years, but he lost the sixty-six acres of land and animals that he, his wife and son held in and around the village of North Clenchwarton, as well as his house in Lynn and £13 3s 6d of goods and chattels.²³

While Gascons and others from the Plantagenet dominions in France escaped confiscation in 1294, those originating from principalities that owed allegiance to the French king did not. Even though the Flemish count Guy of Dampierre had sought a diplomatic rapprochement with Edward I in 1294 to counter the increasing encroachment by his suzerain, Philip IV, his subjects were treated throughout the state of national emergency as sympathizers of the French king.²⁴ In Norfolk, ships from Ostend and the Zwin estuary were seized, along with their cargoes. John Waterbald of

¹⁹ *Foedera*, i. 811.

²⁰ *Cal. Fine Rolls 1272–1307*, p. 365; T.N.A., E 106/3/17 m. 1. For the parallel arrangements made for the alien priories, see *Cal. Fine Rolls 1272–1307*, pp. 362–4, 365, 366.

²¹ *Foedera*, i. 878–9, 952–4. For property seized under Edward I still in the hands of the crown in the time of Edward III, see *Cal. Fine Rolls 1327–37*, p. 266; *Calendar of Inquisitions Miscellaneous*, ii, no. 1719.

²² Norfolk (T.N.A., E 106/3/17); Bristol (T.N.A., E 101/126/7/2, 4); Beverley (T.N.A., E 101/126/7/5); Newcastle upon Tyne (T.N.A., E 101/126/7/7). Similar but more limited registrations of debts owed to aliens are extant for Colchester, Scarborough, York, Lincoln and Stamford (T.N.A., E 106/3/2; E 106/3/9A; E 101/126/7/6, 8).

²³ T.N.A., E 106/3/17 m. 2.

²⁴ M. G. A. Vale, 'The Anglo-French wars, 1294–1340: allies and alliances', in *Guerre et société en France, en Angleterre et en Bourgogne, XIVe–XVe siècle*, ed. P. Contamine, C. Giry-Deloison and M. H. Keen (Lille, 1991), pp. 15–35.

Ypres was deprived of the debt owed him by Richard of Beverley in Great Yarmouth.²⁵ In spite of the declared scope of the exercise, other foreigners became unintended victims. For example, there are a number of instances of Iberians resident in England, such as James of Spain, burgess of Lynn, being deprived of their property in 1294.²⁶ While the crown did not formally authorize such arbitrary extensions of powers, it equally did little to address the iniquities arising, and may thus be assumed to have regarded non-French foreigners as inevitable and affordable sacrifices to the main task of ridding England of unreliable aliens.

Despite the rhetoric of national security threats, the campaign against the French and their associates in 1294–7 also had a strong fiscal undertone. Confronted with a war overseas, a revolt in Wales and troubles in Scotland, Edward I was extremely hard pressed for funds.²⁷ The prime victims of the alien confiscations were exactly those groups that could be expected to yield financial gain: prosperous woad dealers from the towns along the Somme in Northern France; wealthy wool and cloth merchants of Flanders; and high-profile French traders who had already been among those granted export licences during the conflict with the Flemish countess in 1271–2.²⁸ Alongside the confiscations of the property of French-born residents, other well-to-do foreigners suffered as well. The king's principal erstwhile bankers, the Riccardi of Lucca, had their assets seized.²⁹ At the same time the wool stocks of the most important Italian companies were confiscated with the intention of buying them up on credit and selling them abroad for profit.³⁰ Together with the general disturbances of war, this policy seems to have caused considerable economic damage to groups of aliens attempting to maintain their trading operations in England. Falling imports of foreign silver had already brought about a drop in the level of Italian commercial investment during the twelfth-nineties, and there was a further sharp downturn between 1291 and 1297.³¹ French and Flemish commercial activities in the realm must have suffered likewise from the emergency wartime measures.

Within this general framework, it is important to recognize that the crown was prepared to consider softening its policy according to personal circumstance. Obvious anomalies were addressed. Thus Robert le Bercher, who was born in England and lived in the Norfolk town of Heydon, was first subjected to confiscation of his ship and its cargo on the basis that he was a burgess of Caen in Normandy. After heavy protests, le Bercher was allowed to swear an oath in the exchequer that all of the merchandise

²⁵ T.N.A., E 106/3/6 mm. 1, 3; E 106/3/17 m. 3. Flemings also figure prominently in the confiscations at Scarborough (T.N.A., E 106/3/9A).

²⁶ T.N.A., E 106/3/6 m. 2.

²⁷ J. R. Strayer, 'The costs and profits of war: the Anglo-French conflict of 1294–1303', in *The Medieval City*, ed. H. A. Miskimin, D. Herlihy and A. L. Udovitch (New Haven, Conn., 1977), pp. 269–91.

²⁸ John Cokerel was given a permit in 1271 and had assets confiscated in Norfolk in 1294 (*Cal. Pat. Rolls 1266–72*, p. 563; T.N.A., E 106/3/17 m. 4). Thomas Knyvet was licensed to export in 1271 and contested the seizures of his property in Suffolk in 1294 (*Cal. Pat. Rolls 1266–72*, pp. 562, 702; T.N.A., E 159/68 rot. 21).

²⁹ R. W. Kaeuper, *Bankers to the Crown: the Riccardi of Lucca and Edward I* (Princeton, N.J., 1973), pp. 209–27; A. R. Bell, C. Brooks and T. K. Moore, 'Credit finance in 13th-century England: the Ricciardi of Lucca and Edward I, 1272–94', in *Thirteenth Century England XIII: Proceedings of the Paris Conference 2009*, ed. F. Lachaud, P. Schofield, K. Stöber and B. Weiler (Woodbridge, 2011), pp. 101–16.

³⁰ T.N.A., E 101/126/7/12–29. The wool prise was later abandoned in favour of heavier customs duties, but some of the wool was never returned to its original owners (M. Prestwich, *War, Politics and Finance under Edward I* (1972), pp. 196–7).

³¹ P. Nightingale, 'Alien finance and the development of the English economy, 1285–1311', *Econ. Hist. Rev.*, new ser., lxxvi (2013), 477–96, at p. 483.

was his own and that none was French property. The sheriff was then instructed to restore the commodities.³²

More generally and importantly, persons of French birth who were firmly established in their local English communities were, at least in some instances, allowed to claim restoration of property in 1294. Since the middle of the thirteenth century, English cities and boroughs had been admitting outsiders (both denizen and alien) to their urban franchise.³³ In return for loyalty to the community, commitment to public responsibilities and payment of a fee, newly sworn freemen of alien status were allowed to conduct certain trades, were exempt from higher customs rates and, in most cases, could hold office in the same way that English-born citizens could. English civic communities had thus established procedures for assessing newcomers' trustworthiness some decades before the confiscations of 1294. Those who entered the freedom not only swore an oath of loyalty to the town, but also to the king, by whose charter the relevant urban community had been granted its privileges of self-governance.³⁴ The York oath, recorded in 1272, specified that freemen 'noweforthe shall be trustye and true to the kynge our sou'eyne lord to this cite'.³⁵ Urban authorities were not empowered to receive fealty to the crown, and the requirement to be 'trusted and true' involved no renunciation of allegiance to powers outside the realm. But from the point of view of central government, status as a freeman of an English city or borough implied a confirmation of alien-born residents' general reliability and a *prima facie* case for their protection. Once the crown started to take action against alien residents on a national scale in initiatives such as the 1294 confiscation, these civic processes could be mobilized to appease its concerns over national security. Gerard le Carpenter accordingly sued his case for the recovery of goods confiscated in 1294 on the basis that he had lived in London with his wife and children for twelve years, while Thomas Knyvet gave witness that he and his family had been residents in Sudbury (Suffolk) for thirty years, and that he was a burgess there.³⁶ These cases, negotiated in the exchequer and involving the payment of fees and fines for release from liability, were still a rare phenomenon in the twelve-nineties, but they would become more widely used as the fourteenth century progressed and as the criteria for protecting French-born lay residents of the realm became more firmly defined.

The next occasion when the English crown used a state of war to order the confiscation of French property was in 1324. The abbot of Sarlat attempted to place his new *bastide* of Saint-Sardos under the protection of the French king, Charles IV. This caused deep offence to the king of England, for Saint-Sardos lay formally within the duchy of Aquitaine. Military reprisals by English forces led Charles to accuse Edward II of abnegating his responsibilities as a vassal of the French crown, and to seize the Plantagenets' possessions in France. A limited armed conflict ensued in 1324–5, and a peace settlement was eventually worked out soon after the accession of Edward III in England in 1327.³⁷ On 28 September

³² T.N.A., E 106/3/6 m. 3; E 106/3/17 m. 3; E 159/68 rot. 83.

³³ In 1252, Deutayutus Willelmi, born in Florence, obtained privileges as a citizen of London (A. Beardwood, 'Mercantile antecedents of the English naturalization laws', *Medievalia et Humanistica*, xvi (1964), 64–76, at p. 69).

³⁴ *Exeter Freemen, 1266–1967*, ed. M. M. Rowe, A. M. Jackson and W. G. Hoskins (Devon and Cornwall Record Soc., i, 1973), p. xviii; J. Kermode, *Medieval Merchants: York, Beverley and Hull in the Later Middle Ages* (Cambridge, 2002), p. 26; S. L. Thrupp, *The Merchant Class of Medieval London, 1300–1500* (Ann Arbor, Mich., 1989), p. 15.

³⁵ *Register of the Freemen of the City of York, 1272–1558*, ed. F. Collins (Surtees Soc., xcvi, 1897), p. xiv.

³⁶ T.N.A., E 159/68 rots. 21, 83.

³⁷ *The War of Saint-Sardos, 1323–5: Gascon Correspondence and Diplomatic Documents*, ed. P. Chaplais (Camden Soc., 3rd ser., lxxxvii, 1954) (hereafter *War of Saint-Sardos*); Vale, *Origins of the Hundred Years War*, pp. 227–44.

1324, the chancery issued orders for the arrest of all persons 'of the lordship and dominion of the king of France', including members of Edward II's and Queen Isabella's households.³⁸ This was evidently a prelude to the confiscation of property: indeed, at the same moment the queen herself was deprived of her considerable landed estate in England.³⁹ In fact, the general confiscation never went ahead, and the treatment of French laypeople in 1324–7 offers interesting contrasts with the position adopted thirty years earlier.

One reason for the absence of a general arrest of French property in 1324 was the lack of real investment and commitment by the central administration. Two weeks after the original instruction, the crown ordered the seizure of the possessions of all alien priories whose mother houses were under the jurisdiction of Charles IV.⁴⁰ In contrast to 1294, the subsequent inquiries and confiscations of religious and lay property were handled as a single campaign. Almost inevitably, the goods, chattels and lands of French laypeople and secular clergy became subsidiary to the main focus of the exercise, which was the systematic forfeiture – and then leasing back – of the estates of the alien priories.⁴¹ Where non-monastic property was included, it was mainly the largest and most visible estates, such as those of the absentee nobleman Nicholas Stoteville and of his kinswoman, Laura, in Nottinghamshire.⁴² The custodians appointed to hold the property of the alien priories for the duration of the hostilities also had small numbers of lay possessions added to their responsibilities. They seem not to have managed them very effectively: the keepers in Gloucestershire reported that they had failed to let out the messuage of Giles Beaupyne, a French wool merchant of Cirencester; and their counterparts in Leicestershire reported similar problems with the manor of Stapleford, confiscated from Matthew Caen.⁴³

These selective efforts to target lay property should not, however, be seen as merely the consequence of administrative inadequacy. In 1324, the conflict was not perceived as likely to provoke any major French reprisals upon the shores of England, and it was understood in official circles that both sides would probably favour a swift end to the desultory hostilities in Gascony. With the lay subsidy of 1322 and the clerical taxes of 1322–4 largely unspent, Edward II's financial situation looked markedly better than that of his father in the twelve-nineties.⁴⁴ The government had neither the need nor the intention to disrupt economic activity in the localities. Local agents might choose for particular reasons to pursue individual French traders operating in the realm: a certificate of February 1327 shows that, a month before the formal diplomatic settlement that put an end to the conflict, the mayor and bailiffs of Newcastle upon Tyne were still able to use the confiscation order of 1324 to take action against the local representative of an Amiens merchant, John le Monnier.⁴⁵ But no general campaign against merchants and

³⁸ *Foedera*, ii. 570; *War of Saint-Sardos*, p. 128, n. 1. *Cal. Fine Rolls 1319–27*, p. 299, suggests some officials may have pre-empted the official announcement.

³⁹ *Cal. Fine Rolls 1319–27*, pp. 300–1, 302–3. *Cal. Close Rolls 1323–7*, p. 223; L. Benz St. John, *Three Medieval Queens: Queenship in 14th-Century England* (Basingstoke, 2012), p. 88.

⁴⁰ *Foedera*, ii. 574.

⁴¹ *Cal. Fine Rolls 1319–27*, p. 320 and *passim*.

⁴² T.N.A., SC 8/72/3586; *Cal. Close Rolls 1323–7*, p. 414; *Cal. Close Rolls 1327–30*, p. 195.

⁴³ T.N.A., SC 6/1125/15 m. 1; SC 6/1126/1. Beaupyne recovered his property in 1329 (*Cal. Close Rolls 1327–30*, p. 429). Other accounts of the management of property confiscated from secular clergy and laypeople are found in T.N.A., SC 6/1125/1, 2, 4, 7, 8; SC 6/1126/3, 9, 12, 14; SC 6/1127/13, 16, 18, 19.

⁴⁴ N. Fryde, *The Tyranny and Fall of Edward II, 1321–6* (Cambridge, 1979), pp. 94–5; W. M. Ormrod, 'The crown and the English economy, 1290–1348', in *Before the Black Death: Studies in the 'Crisis' of the Early 14th Century*, ed. B. M. S. Campbell (Manchester, 1991), pp. 149–83, at pp. 153, 161, 163.

⁴⁵ T.N.A., SC 1/35/196.

craftspeople was launched either here or in any other English town or shire, and in no known case were the debts owed to French residents of England treated as assessable assets.

Another major contrast from 1294 was the treatment of the vassals of the French king. Since 1303, Flemings resident in England had been subject to at least two further general confiscations as a result of diplomatic crises in 1315 and 1319.⁴⁶ But while the alliance between the count of Flanders, Louis of Nevers, and his suzerain, Charles IV of France, might otherwise have resulted in similar reprisals in 1324,⁴⁷ the English crown was on this occasion anxious not to damage connections with the independently minded cities of Ghent, Bruges and Ypres, which, because of economic interests, pursued a different policy and sought English support.⁴⁸ When, in the summer of 1326, an attempt was made to reinvigorate the confiscation campaign during Edward II's preparation against a perceived invasion from France, a number of noblemen and women, together with all persons from Flanders and Brittany, were explicitly exempted.⁴⁹ The English chancery also granted letters of protection to people born in regions neighbouring the French dominions, such as the Plantagenet territories, together with Burgundy and Lombardy, in order to prevent confusion and pre-empt the kind of indiscriminate policy applied in 1294.⁵⁰

Finally, even those identified by the local commissioners as men and women born 'of the power of the king of France' had their rights carefully protected. In most cases, royal agents held the confiscated estates until the conclusion of peace, at which time the original holders were entitled to sue for repossession. Thus, the widowed Lady Clemence de Vescy, who had lived in France since 1307, recovered Sturminster Marshall and the farm of the hundred of Hundredsbarrow (Dorset) by routine process early in 1328.⁵¹ In those cases where lands ended up permanently in the possession of English landholders, it was only because the original French possessors had died in the interim and the rights had reverted to native-born lords.⁵² The detailed dossiers compiled by the commissioners also reveal that lands taken into the king's hands in 1324 were sometimes placed in the custody of individuals likely to preserve the interests of the original holders. Peter de Galicien, who had been in the service of the English crown for many years and was resident in England in 1324,⁵³ was brought in to hold the estates of the cathedral chapter of Rouen in England. Galicien was a Gascon and thus a subject of the English king as duke of Aquitaine; but he could also be counted to do a trustworthy job for the chapter, as he himself was a canon of

⁴⁶ Lloyd, pp. 107–8, 112–14.

⁴⁷ C. M. Barron, 'Introduction: England and the Low Countries 1327–1477', in *England and the Low Countries in the Late Middle Ages*, ed. C. M. Barron and N. Saul (Stroud, 1995), pp. 1–28.

⁴⁸ *Cal. Close Rolls 1323–7*, pp. 307–8, 366–7, 373, 376–8.

⁴⁹ *Cal. Fine Rolls 1319–27*, pp. 404, 410–11, 414.

⁵⁰ *Cal. Pat. Rolls 1324–7*, pp. 39, 41, 46, 59, 84.

⁵¹ T.N.A., E 106/5/2 m. 20; E 372/173 rot. 42d; *Cal. Close Rolls 1327–30*, p. 271; *Complete Peerage*, xiii. 283–4.

⁵² See the example of Pernel Gouyz, whose Dorset manors passed on her death in 1325 to Joan Latimer (T.N.A., E 106/5/2 m. 20; SC 6/1125 mm. 7, 8; E 372/173 m. 42d; *Cal. Fine Rolls 1319–27*, p. 356; *Cal. Close Rolls 1323–7*, p. 425).

⁵³ Galicien was a former canon of Agen and treasurer of the Agenais, and went on to become papal chaplain, canon of Salisbury and constable of Bordeaux (E. C. Lodge, 'The constables of Bordeaux in the reign of Edward III', *Eng. Hist. Rev.*, 1 (1935), 225–41, at p. 232; Vale, *Origins of the Hundred Years War*, pp. 121–2, 252). However, neither his newly gained English possessions nor a canonry in Rouen would survive the deposition of Edward II (J. Peltzer, 'The slow death of the Angevin empire', *Hist. Research*, lxxxi (2008), 553–84, at p. 577; T.N.A., SC 8/287/14305).

Rouen.⁵⁴ Finally, special interventions were allowed. Simon de Beuveys, rector of Wotton (Northamptonshire), was a Frenchman and, consequently, should have had his property confiscated. Yet, at the instance of John, Lord Hastings, he was given a special licence for good behaviour, instructing every royal officer to leave him and his belongings unscathed.⁵⁵

In other instances, the crown took up the precedent of 1294 by considering the relationship of foreign-born residents to their local communities, including the duration of their domicile, their marital status, whether or not they contributed to local taxes and, ideally, their status as recipients of civic rights. In October 1324, the Frenchman Nicholas Chamberleyn was given letters of protection because, as a citizen of Bath, he had paid lot and scot (that is, contributed to taxes) and had a fixed domicile there. In August 1326, Peter Boyter, also of France, was granted the same because he was a burgess of Wells, where he had a family and a permanent residence.⁵⁶ While the mobilization of information regarding urban freedom and associated trustworthiness remained the exception to the rule, it demonstrated the crown's willingness to be influenced by the degree of integration that individual aliens enjoyed in their local communities.

The confiscations of 1324 were therefore handled in a very different way from those of 1294. Partly for reasons of administrative capacity, but mainly because of other interests and its own efforts to minimize the duration and impact of the hostilities, the English government took a relatively relaxed attitude to the presence of enemy French within the realm. Influenced by the considerable disruptions to livelihoods in 1294, it was now more prepared to acknowledge that French-born persons resident in the realm could be trusted to remain without restriction upon their rights, and in certain cases determined those rights on the basis of known information about an individual's place in local society and fulfilment of public obligations. This approach heralded the more systematic application of rules about the rights that could be accorded to 'enemy' and 'friendly' French in and after the opening of the Hundred Years War.

In 1337, following years of growing tension, a cluster of issues involving Edward III's feudal obligations towards Philip VI of France sparked a major and, as it proved, extended conflict between the two realms.⁵⁷ The new war was of a different order to those of 1294 and 1324, a fact made strikingly apparent in 1340 when Edward III sought to free himself of the restrictions of Valois suzerainty by laying direct claim, by right of descent through his mother, to the throne of France.⁵⁸ In the early stages of the hostilities there were real fears about an attempted French invasion of England. Throughout 1337–8 the Plantagenet regime went to some ends to create a state of national emergency and thus to justify the enormous financial resources that were required to win allies.⁵⁹ The commissions issued on 1 July 1337, to seize within England

⁵⁴ T.N.A., E 106/5/2 mm. 16d, 20; E 106/6/13 nos. 44, 45e; *Cal. Fine Rolls 1319–27*, pp. 324, 330. Galicien had been appointed custodian of the manor of Bentworth in Hampshire in 1316 (*Victoria County History of Hampshire*, iv. 68–71, 249–67).

⁵⁵ T.N.A., E 106/5/2 m. 23; *Cal. Pat. Rolls 1324–7*, p. 56.

⁵⁶ *Cal. Pat. Rolls 1324–7*, pp. 38, 41, 299, 311.

⁵⁷ W. M. Ormrod, *Edward III* (2011), pp. 179–211.

⁵⁸ *Foedera*, ii. 1108–9; C. Taylor, 'Edward III and the Plantagenet claim to the French throne', in *The Age of Edward III*, ed. J. S. Bothwell (Woodbridge, 2001), pp. 155–69.

⁵⁹ G. L. Harriss, *King, Parliament and Public Finance in Medieval England to 1369* (Oxford, 1975), pp. 231–52.

the property of all persons of the lordship and power of the king of France, were part of this wider rhetoric and apparatus.⁶⁰

In spite of these preliminaries, the seizures of 1337 ended up much more like those of 1324 than 1294. As in 1324, the confiscation of alien priories was combined with that of laypeople's property, and there is every indication that the former took precedence.⁶¹ The rarity of references to laypersons as targets for forfeiture indicates clearly that the government did not intend, and the commissioners did not seek, to damage the interests of French merchants and craftspeople living and working in England. In Wiltshire a couple of debts owed to Frenchmen were treated as forfeited assets, but there was no attempt to repeat the general campaign of 1294.⁶² The mayor of Bristol, commissioned to make a separate survey within his jurisdiction, simply reported the convenient fiction that there were no French in possession of any property or goods in the town.⁶³ There is every sign that the confiscations of 1337, like those of 1324, were deliberately designed to minimize disruption for long-term French residents of the realm.

The commissions of 1337 were directed only against those born under the allegiance of the king of France and, as in 1324, explicitly exempted certain groups. In the mid thirteen-thirties the English government had granted protections to numerous Flemish cloth-weavers to encourage the immigration of key skilled workers.⁶⁴ Although a general seizure of all people of Flanders resident in England had been ordered in 1336 in retaliation for like action by Louis of Nevers,⁶⁵ the Flemish were declared immune from confiscation in 1337 as a result of Edward III's negotiations for alliances with the civic elites of Ghent, Bruges and Ypres.⁶⁶ Those who proved that they were born in and lived under the dominion of the duke of Brittany were also declared free from liability. Such was the case, for example, with the duke's clerk John Coupegeorge and his valets, and with two monks from Bégard residing at the duke of Brittany's castle of Richmond in Yorkshire.⁶⁷ For particular reasons the

⁶⁰ T.N.A., C 61/49 m. 19, pr. in *Foedera*, ii. 982. Contrary to what is stated in the printed version, this enrolment is not of a countrywide set of commissions but of a single commission for Holderness and the Isle of Wight. The only central enrolment of the countrywide commissions issued on 1 July was in the exchequer (T.N.A., E 372/182 rot. 38). The order for parallel arrests in the Channel Islands, issued on 17 Aug., states that the measures were already being implemented in England (*Cal. Fine Rolls 1337–47*, p. 37). See also *Cal. Pat. Rolls 1334–8*, p. 494; *Cal. Close Rolls 1337–9*, p. 151.

⁶¹ For detailed particulars of account for confiscated property in 1337, see T.N.A., E 106/9/6, 8, 30; E 163/24/13, 15; C 270/17 nos. 4–12. The accounts of the commissioners in Dorset and Cornwall itemize significant amounts of moveable property, including furniture and furnishings, plate and books, seized from the alien priories (T.N.A., E 163/24/15; E 106/9/30).

⁶² T.N.A., E 372/182 rot. 38.

⁶³ *Cal. Fine Rolls 1337–47*, p. 38; T.N.A., E 372/183 rot. 49d. For evidence of French persons subsequently detained at Bristol, see *Cal. Pat. Rolls 1338–40*, p. 188.

⁶⁴ J. Good, 'The alien clothworkers of London, 1337–81', in *The Ties that Bind: Essays in Medieval British History in Honor of Barbara Hanawalt*, ed. L. E. Mitchell, K. L. French and D. L. Biggs (Farnham, 2011), pp. 7–19.

⁶⁵ *Foedera*, ii. 948. The confiscation appears to have been confined to London (T.N.A., E 372/182 rot. 36d).

⁶⁶ H. S. Lucas, *The Low Countries and the Hundred Years' War, 1326–47* (Ann Arbor, Mich., 1929), pp. 268–79, 309–27; D. Nicholas, *The van Artevelde of Ghent: the Varieties of Vendetta and the Hero in History* (Ithaca, N.Y., 1988), pp. 35–8. In 1342 the civic authorities of Bruges wrote to two of Edward III's councillors to promote the case of the alien prior of Northampton, whom they declared not French but a 'loyans et foyable flamens' (T.N.A., SC 1/40/88; SC 1/56/16).

⁶⁷ T.N.A., C 61/49 m. 18. One of Coupegeorge's valets was specified as being 'of the power of the king of France'. For John Coupegeorge, see E. Deprez, 'Une lettre du prétendant Jean de Monfort, comte de Monfort', *Annales de Bretagne*, xxxiv (1919–21), 56–67, at pp. 64–6; K. Fowler, *The King's Lieutenant: Henry of Grosmont, First Duke of Lancaster 1310–61* (1969), pp. 160 and 281 n. 7. The authors would like to thank Professor M. C. E. Jones for this reference.

crown did take the opportunity to target a number of special interest groups among the alien population: the royal henchman John Molyns was appointed to round up all Lombards in the capital and hold them in the Tower of London, with only the king's principal Italian bankers, the Bardi and Peruzzi, being spared.⁶⁸ Generally, though, persons from parts of Europe beyond the sway of the king of France seem to have been very little affected. A Savoyard pilgrim who caught the attention of the Northamptonshire commissioners was quickly declared exempt.⁶⁹ And there is very little sense in the records of 1337 of any of the kinds of arbitrary extensions of liability encountered in 1294.

Where the commissioners did exceed their brief in 1337, it was almost entirely in relation to non-resident and resident secular clergy. Bernard Cucinaco, a prebendary of Salisbury cathedral, proved his right of exemption from confiscation in his capacity as a native of the king's dominions in Aquitaine and a member of the household of the seneschal of Gascony, though he still encountered significant difficulties in regaining possession of his goods from the sheriff of Dorset.⁷⁰ Absentee Italians and Bretons holding dignities in other English cathedrals, including the treasurer of York, Francesco Orsini, had to make similar supplications for the release of their English property.⁷¹ John de Monte Claro, rector of Irchester (Northamptonshire) and canon of Southwell, who was probably in England at the time, lost two beds, two coffers, two mazers, a palfrey and a hackney from his stable and grain from the granary at Irchester, but was quickly declared to be a Lombard and restored to all his property.⁷² Among the victims of the seizures in Buckinghamshire was James Sinibaldi of Florence, rector of Ivinghoe and archdeacon of Winchester.⁷³ Sinibaldi immediately obtained restitution of his goods because he was not a native of France and had been testified as such by those 'in whom the king has confidence'.⁷⁴ Drogo of Abyam, rector of Great Waham in Norfolk, was restored to his property on proof that he came from the Plantagenets' county of Ponthieu.⁷⁵

Apart from the exemption of non-French aliens caught up inadvertently in the process, the other direct issue arising immediately from the confiscations of 1337 was the nature of the evidence required to prove the trustworthiness of French-born lay residents seeking the right to remain in the realm under royal protection. Only very

⁶⁸ *Cal. Fine Rolls 1337–47*, p. 37; E. S. Hunt, *The Medieval Super-Companies: a Study of the Peruzzi Company of Florence* (Cambridge, 1994), p. 191. For Molyns, see N. Fryde, 'A medieval robber baron: Sir John Molyns of Stoke Poges, Buckinghamshire', in *Medieval Legal Records Edited in Memory of C. A. F. Meekings*, ed. R. F. Hunnisett and J. B. Post (1978), pp. 197–221.

⁶⁹ T.N.A., E 372/183 rot. 49.

⁷⁰ T.N.A., E 163/24/15; *Cal. Close Rolls 1337–9*, pp. 174, 559. In 1343 Cucinaco was ousted from his position at Salisbury as a result of the king's keenness to promote his clerk, Thomas Bramber (J. Le Neve, *Fasti Ecclesiae Anglicanae, 1300–1541*, ed. H. P. F. King, J. M. Horn and B. Jones (12 vols., 1962–6) (hereafter *Fasti*), iii, 89).

⁷¹ T.N.A., C 61/49 m. 18; E 372/182 rot. 38d. After 1341 Orsini was in dispute with other claimants to the treasurership of York (*Fasti*, vi, 13).

⁷² T.N.A., E 372/183 rot. 49; *Cal. Close Rolls 1337–9*, p. 160.

⁷³ *Cal. Pat. Rolls 1292–1301*, pp. 121, 420; *Cal. Pat. Rolls 1321–4*, pp. 48, 141.

⁷⁴ *Cal. Close Rolls 1337–9*, p. 96. These references are omitted from *Fasti*, iv, 50, but demonstrate that Sinibaldi remained in possession of the archdeaconsry until succeeded by Stephen de Malo Leone in 1343. See also the cases of the Italian rectors of Chilbolton and Havant (Hampshire), allowed to resume their rights, and of Peter, 'an alien', rector of Fleet (Lincolnshire), who was declared in Aug. 1337 to be 'not of the power of the king of France' (T.N.A., E 372/183 rot. 49 *passim*; C 61/49 m. 18). For further clerical examples, see T.N.A., E 372/184 rot. 53 *passim*; *Cal. Close Rolls 1337–9*, pp. 154, 164 (bis), 167 (bis), 174.

⁷⁵ T.N.A., C 270/17/8; *Cal. Close Rolls 1337–9*, p. 158.

rarely was the notion of general loyalty thought sufficient.⁷⁶ Jakemine, widow of Robert de Merk, was allowed to retain her possessions in Essex because her deceased husband had been in the allegiance of Edward I, but even she had to prove her case in chancery and produce surety for her standing and good behaviour.⁷⁷ And as in 1324, French-born laymen who enjoyed the freedom of English cities and towns had the particular opportunity to guarantee security of tenure by suing out letters patent specifying their credentials as reliable residents of the realm. Ingelram de Canewell, who held property in Wendover (Buckinghamshire), was declared a Frenchman and subjected to confiscation, but was subsequently given dispensation to remain in possession on the basis of 'trustworthy testimony' that he had lived in the realm for over thirty years, had a domicile, wife and children at Wendover, and paid lot and scot and 'other things touching the community'.⁷⁸ In August 1337 Denis le Eyr, another native of the power of the French king, claimed domicile in the realm for over thirty years, wife and children, and public responsibilities as a burgess of Eye (Suffolk) as grounds for successful restitution.⁷⁹ The continuation of this process of allowing protections on the basis of civic status through the following decade indicates the longer-term commitment of the crown to preserving the rights of well-established French laypersons domiciled in named cities and towns around the realm.⁸⁰

The highly selective nature of the seizures of 1337, coupled with the emphasis on public reliability and, where necessary, surety for good behaviour, betray a quick understanding on the part of the English government of the general moral responsibility it had for, and the commercial benefits it might derive from, allowing subjects of the French crown to remain in England. It is important to emphasize that the protections issued in and after 1337 made no change to the legal nationality of the individuals concerned. Indeed, the absence of the notion of fealty meant that matters of allegiance remained usefully ambiguous. Whereas those French nobles who had held lands in England as tenants-in-chief of the Plantagenets had been treated, in 1337, as breaking their oaths of homage and fealty to the king of England, French residents who were merely freeholders in England owed no such uncompromising and exclusive loyalty. They could thus, potentially, have the best of both worlds, at once living under the protection of the English crown and yet maintaining their connections and interests in France. This position was further reinforced by Edward III's announcement in January 1340 of his formal claim to the throne of France.⁸¹ The English parliament reacted quickly to this initiative, demanding a strict separation of the two kingdoms.⁸² But from 1340 to 1360, the claim meant that Edward could assert direct authority beyond the Channel, and especially in those areas where his so-called 'provincial strategy' allowed him to build significant footholds and local support.⁸³ It is noticeable that the continuing

⁷⁶ The case of the French-born William de Coucy, a member of Edward III's household who was allowed free possession both of his own property and of the confiscated lands of his uncle, suggests that intimates of the king could expect exemption without having to make any further case for their trustworthiness (*Cal. Pat. Rolls* 1334–8, p. 494).

⁷⁷ T.N.A., E 372/183 rot. 49d; *Cal. Close Rolls* 1337–9, pp. 89–90.

⁷⁸ T.N.A., E 163/24/13; *Cal. Close Rolls* 1337–9, p. 98.

⁷⁹ *Cal. Close Rolls* 1337–9, p. 154.

⁸⁰ *Cal. Pat. Rolls* 1334–8, pp. 427, 488; *Cal. Pat. Rolls* 1338–40, p. 462; *Cal. Pat. Rolls* 1340–3, p. 500; *Cal. Pat. Rolls* 1343–5, p. 235; *Cal. Pat. Rolls* 1345–8, pp. 153, 258, 348 (bis), 402, 438.

⁸¹ Lucas, pp. 364–5; Ormrod, *Edward III*, pp. 212–13.

⁸² *Statutes of the Realm*, ed. A Luders and others (11 vols., 1810–28), i. 292.

⁸³ Le Patourel, ch. xii.

trickle of protections issued to French people resident in England during the thirteen-forties included grants to individuals specifically identified as born in Brittany, Normandy, Picardy and Flanders: that is, areas in which, through dynastic connection and/or military success, Edward had some claim to effective authority.⁸⁴ In April 1340, just as the constitutional arrangements around the king's new title were being promulgated, Peter le Monnier, a relative of the John le Monnier mentioned above, took out letters patent extending a time-limited protection previously granted to him in 1337.⁸⁵ Le Monnier was a burgess of Wells, but he also had strong links with his family base in Amiens and was clearly as much at home in Picardy as he was in Somerset.⁸⁶ His new letters patent, issued in the name of the 'king of England and France', thus carried the general sense of a guarantee of rights on both sides of the Channel.⁸⁷ All of this suggests that the continued absence of exclusive notions of nationality within the system of protections, far from being a problem for the French residents of England, was positively advantageous to all those who wished and needed to transcend the restrictions of single domicile and allegiance.

The major reason why there was no apparent pressure from central government, from civic authorities or from individual alien residents to establish a more precise and exclusive notion of allegiance must, however, be the remarkably relaxed attitude that all parties in England took in and after 1337 towards the continued presence of French people – or at least, laypeople – in their midst. The crown's actions may suggest that it felt it necessary at once to appease a public opinion intent on the expulsion of enemy aliens and to subvert such a policy by ameliorating the effects for valued foreigners present in the realm. The distinction between a casuistic government and an uncompromisingly xenophobic polity may, however, be a false one. The propaganda that Edward III fed his subjects during the opening years of the Hundred Years War used much the same repertoire as employed by Edward I in the twelve-nineties: the threat of invasion, the problem of espionage, and the emotive notion that the French were intent on eradicating the English tongue from the face of the earth.⁸⁸ As Andrea Ruddick has recently observed, however, not everyone was easily persuaded of such obvious attempts to play to the gallery.⁸⁹ The contrast between Edward I's speedy vengeance against foreigners and Edward II's much more selective and pragmatic

⁸⁴ *Cal. Pat. Rolls 1338–40*, p. 429; *Cal. Pat. Rolls 1343–5*, p. 115; *Cal. Pat. Rolls 1345–8*, pp. 402, 441; *Cal. Pat. Rolls 1348–50*, pp. 149, 568 (ter).

⁸⁵ *Cal. Pat. Rolls 1334–8*, p. 427; *Cal. Pat. Rolls 1338–40*, p. 462.

⁸⁶ A. J. Scrase, 'A French merchant in 14th-century Wells', *Somerset Archaeol. and Natural Hist.*, cxxxiii (1990), 131–40.

⁸⁷ For the double style and its implications, see P. Chaplais, 'English diplomatic documents to the end of Edward III's reign', in *The Study of Medieval Records: Essays in Honour of Kathleen Major*, ed. D. A. Bullough and R. L. Storey (Oxford, 1989), pp. 23–56, at pp. 50–4; W. M. Ormrod, 'A problem of precedence: Edward III, the double monarchy, and the royal style', in Bothwell, pp. 133–69.

⁸⁸ S. Menache, *The Vox Dei: Communication in the Middle Ages* (Oxford, 1990), pp. 191–209; D. W. Burton, 'Requests for prayers and royal propaganda under Edward I', in *Thirteenth Century England III: Proceedings of the Newcastle upon Tyne Conference 1989*, ed. P. R. Cross and S. D. Lloyd (Woodbridge, 1991), pp. 25–35; W. M. Ormrod, 'The domestic response to the Hundred Years War', in *Arms, Armies and Fortifications in the Hundred Years War*, ed. A. Curry and M. Hughes (Woodbridge, 1994), pp. 83–101; A. K. McHardy, 'Some reflections on Edward III's use of propaganda', in Bothwell, pp. 171–89; D. S. Bachrach, 'The *ecclesia Anglicana* goes to war: prayers, propaganda, and conquest during the reign of Edward I of England, 1272–1307', *Albion*, xxxvi (2004), 393–406; A. Ruddick, 'National sentiment and religious vocabulary in 14th-century England', *Jour. Eccles. Hist.*, lx (2009), 1–18.

⁸⁹ Ruddick, *English Identity*, pp. 183–217.

approach to the resident French cannot have gone undetected, and the minimal change effected by the confiscations of 1337 may well have had significant active or passive support in the kingdom. It is worth emphasizing in this respect that, in spite of the frenzy of criticism that accumulated through the parliaments of 1339–41 in relation to the conduct and cost of the French war, there were no known proposals for recriminations, or popular uprisings, against the French-born people who remained in the realm.⁹⁰ In many ways, indeed, the more extreme and emotive expressions of xenophobia found in political literature of the period come a little later, after English military fortunes had been transformed by the victory of Crécy in 1346 and polemicists and demagogues could more securely indulge in their flourishes of Francophobia.⁹¹

The experience of a decade during which England at once fought a major war against the French and maintained significant numbers of French-born residents within the realm seems also to have prevented the development of more fantastic or flippant notions of expulsion. With the exception of periodic campaigns in retaliation for French piracy, discussed below, and which were usually applied only at a local level, there was no attempt across the thirteen-forties and fifties to update the ordinance of 1337 and require a further general census of French-born residents or a general confiscation of their property. Apart from occasional anxieties over the infiltration of the realm by spies, the French population of England largely ceased to be identified as a security risk.⁹² As a consequence, the majority of French persons residing within the realm remained outside the purview of royal regulation, and had no need to secure protections for their continued presence. Instead, from the mid thirteen-forties onwards, parliament focused its attention on high-status alien clergy, French and others, who, as a consequence of the growth in the number of papal provisions, were seen to be controlling an increasing amount of the landed and liquid wealth of England.⁹³ The distance established between the attitudes to French laypeople and to alien clergy was evident at least for a short period after the renewal of war in 1369. In spite of the increasingly precarious nature of national security, the English crown made no moves to arrest and confiscate French people in 1369, and through the early thirteen-seventies king and parliament focused their attention instead on pursuing non-resident and resident alien clergy.⁹⁴ In spite of the deep-set cultural prejudices that were bred into the English by the fourteenth century, pragmatism seems to have prevailed, and a reasonable and proportionate policy

⁹⁰ For rumours of impending popular uprising in response to the pressures of war in the late 1330s, see J. R. Maddicott, 'The English peasantry and the demands of the crown, 1294–1341', *Past & Present*, suppl., i (1975). There is no evidence for such unrest, or for the victimization of foreigners. Compare the obvious example of the use of foreigners as scapegoats for popular frustration during the Peasants' Revolt of 1381 (E. Spindler, 'Flemings in the Peasants' Revolt, 1381', in *Contact and Exchange in Later Medieval Europe: Essays in Honour of Malcolm Vale*, ed. H. Skoda, P. Lantschner and R. L. J. Shaw (Woodbridge, 2012), pp. 59–78).

⁹¹ A. G. Rigg, 'Propaganda of the Hundred Years War: poems on the battles of Crécy and Durham (1346). A critical edition', *Traditio*, liv (1999), 169–211; Ormrod, *Edward III*, p. 383.

⁹² J. R. Alban and C. T. Allmand, 'Spies and spying in the 14th century', in *War, Literature and Politics in the Late Middle Ages: Essays in Honour of G. W. Coupland*, ed. C. T. Allmand (Liverpool, 1976), pp. 73–101. In 1350 Hugh de Walyngton (possibly the man identified in 1345 as a merchant of Stamford, Lincolnshire) was described as a commissioner to seize the goods of the king's enemies of France, and given a third of the proceeds therefrom (*Cal. Pat. Rolls 1348–50*, p. 497; T.N.A., C 241/113/56). There is no other evidence immediately available to indicate that crown agents continued actively to pursue French residents after the initial campaign of 1337.

⁹³ C. Davies, 'The Statute of Provisors of 1351', *History*, xxxviii (1953), 116–33; A. D. M. Barrell, 'The Ordinance of Provisors of 1343', *Hist. Research*, lxiii (1991), 264–77. For the campaign to arrest the property of alien clergy in 1346–7, see Lambert and Ormrod, pp. 11–12.

⁹⁴ *P.R.O.M.E.*, v. 285–6, 331–7; Ormrod, *Edward III*, p. 541 and n. 82; T.N.A., E 106/1/5; E 106/10/2; E 106/10/10; E 106/10/11; E 106/10/13; E 135/25/7.

with regard to resident aliens had been forged from the rhetoric of national security and the real experience of war.

Between 1294 and 1360, the policy of the English crown towards the French lay population living in England during times of war followed a markedly different path from the progressively harsher and more exclusive approach adopted towards the so-called alien priories and the French-born aristocracy with cross-Channel holdings. Preoccupied by security risks and fiscal concerns, the government's response when first prompted to consider the status of its French residents was uncompromising, and took into account the interests of those affected only after the damage was done. Trying to avoid the disruptions caused in 1294 during the wars of 1324 and 1337, the state accepted the reality of a well-established French community whose presence was potentially beneficial to the realm within its borders, and developed a more considered policy. At the same time, the differences between the various groups of foreigners living on English soil became more clearly defined. Whereas the campaign of 1294 indiscriminately targeted all aliens 'of the power of the king of France and his allies or of his affinity and friendship',⁹⁵ the subjects of the fiefdoms of Flanders and Brittany and most neighbouring principalities were explicitly exempted during the later confiscations. Among those unmistakably marked as French, an unambiguous distinction was made between those who might be called 'friendly enemies', whose presence posed no threat to the realm, and those who had interests in England but were potentially or actually hostile to the public interest. The former were entitled to exemptions from confiscation and recovery of property and rights during wartime; the latter were not.

In particular, there was a shift over the half-century from the twelve-nineties to the thirteen-forties by which the primary definition of a 'friendly enemy' changed from a general notion of foreign nationality to a much clearer sense of tested trust. In order to avoid the crudeness and ambiguity of the label 'French', and to establish which French residents of the realm could truly be relied upon to act in the interests of the king, the chancery developed an increasingly elaborate set of criteria. Those laymen qualifying most straightforwardly for royal protection were long-term residents in the realm who contributed to local taxes and, preferably, lived in their adopted communities in a settled manner with their wives and children. The government also took into consideration the judgement of local civic and borough authorities and their existing decisions, in some cases, to admit foreigners to freeman status. Even if its specifications related more to fiscal and political privileges and the right to engage in certain occupations, and were applied only to a very restricted area of jurisdiction, urban citizenship had proved its worth as a means of evaluating the trustworthiness of newcomers for a longer period than central government's own nascent schemes, and offered the additional assurance that the recipient had also sworn loyalty to the crown. The integration of urban and national categories created a common vocabulary of trust that allowed different levels of authority to consider and communicate the rights of reliable immigrants in an effective way.

The utility and survival of this co-operation between towns and the crown can be seen at work especially in initiatives applied by central government at local level during periods when England and France were not officially at war but when diplomatic relations remained in a state of high tension. Just before the outbreak of the Hundred Years War, in 1336–7, the crown considered and launched reprisals against various

⁹⁵ See above, n. 20.

French and Flemish privateers for hostile seizures of English ships and merchandise at sea. In these cases, it was careful to note that French people residing in the relevant English counties who paid lot and scot and held free tenements should be exempt.⁹⁶ In 1345 the mood appeared, momentarily, to change. During the truce of Malestroit (1343–6), a group of French pirates captured an English ship laden with wool for the Flemish market. When Philip VI's government refused to provide a remedy, the English crown ordered the arrest of the persons, goods and debts not only of the attackers but of 'other men and merchants of France' found throughout the kingdom.⁹⁷ This apparently comprehensive campaign seemed, on the face of it, to hearken back to the indiscriminate operation launched by Edward I in 1294. But if this was ever the intention, it was rapidly circumvented by the reasoned responses of urban communities. In February 1346 the mayor and aldermen of Salisbury wrote to the king to protest that James of St. Fyncien, born in Amiens, was their 'co-citizen' and should be declared exempt from the measures. The reasons they gave were strikingly similar to the criteria that the chancery had come to use for the protections issued in 1324 and 1337: James had not crossed the Channel since the start of the war and had been domiciled in Salisbury for a long time, where he had dutifully paid lot and scot and other taxes.⁹⁸ After a proper inquiry by the sheriff that confirmed his status and good behaviour, the crown duly ordered the exemption of St. Fyncien and others from the confiscation.⁹⁹

The procedures used before 1377 allowed the crown to assess the public trustworthiness of alien residents, but did not provide it with statements of formal allegiance. French townspeople who swore an oath to the king in order to obtain the status of freeman in English cities and boroughs could hold civic rights in several places at once, even if these were situated in the jurisdictions of enemy powers. That this held risks is shown by the case of Drew Malherbe, whose goods were confiscated during the seizures of 1294–7. He was a freeman of Northampton but, as a burgess of Amiens, also owed loyalty to the French king and had, in fact, defected to the enemy side.¹⁰⁰ In the case of the many French-born merchants, courtiers, secular clergy and others who were not permanently located in English cities or boroughs, the assessment of trustworthiness was not even based on a formal statement. The only way for the crown to assure itself of the loyalty of such people was to establish a procedure that allowed them to confirm, at central level, their willingness to abide peacefully within the realm. If that willingness was expressed as an oath of fealty, it was also by its very nature exclusive and required the recipients of royal favour, implicitly or explicitly, to renounce their loyalty to foreign powers.

The breakdown of the truce of Bruges of 1375 and the death of Edward III in 1377 brought on a crisis of national security in England that challenged the confidence with

⁹⁶ See especially the case against French pirates recounted by T.N.A., SC 8/42/2065; *Cal. Inquisitions Miscellaneous*, ii, no. 1568; *Cal. Close Rolls 1337–9*, pp. 43–5. For action considered against Flemings with the same specification, see T.N.A., SC 8/44/2163; *Cal. Inquisitions Miscellaneous*, ii, no. 1562. In 1342, in retaliation for an attack on the London merchants John and William Stodeye, the chancery ordered an investigation into property and debts of French subjects in Hampshire, Wiltshire, Somerset and Dorset (*Cal. Pat. Rolls 1340–3*, p. 549; *Foedera*, ii, 1020). In Hampshire, a few debts were identified but no further property was confiscated (T.N.A., E 372/187 rot. 50d).

⁹⁷ *Cal. Close Rolls 1343–6*, pp. 647–8; *Cal. Inquisitions Miscellaneous*, ii, no. 1963; *Cal. Pat. Rolls 1343–5*, pp. 585–6. For the truce, see Ormrod, *Edward III*, pp. 252–3.

⁹⁸ T.N.A., SC 1/41/93.

⁹⁹ *Cal. Inquisitions Miscellaneous*, ii, no. 1990; *Cal. Close Rolls 1343–6*, pp. 3–4.

¹⁰⁰ In 1317, his English-born descendants successfully claimed their rights to restitution of his goods (T.N.A., SC 8/312/E3; *Cal. Inquisitions Miscellaneous*, ii, 306).

which the political community had treated French-born residents over the previous four decades. The first parliament of Richard II, which met in October 1377 at a moment of high anxiety over the diplomatic and military situation, petitioned successfully for the expulsion of all subjects of the French king, Charles V, from English soil.¹⁰¹ Both the petition and the resulting royal ordinance made it clear that significant numbers of foreigners ought in fact to be immune, and letters of protection were once again issued to soften the effect of the measures for selected residents. These grants, however, were significantly different in content from those made in and after 1324 and 1337. Even though some of the conditions used in previous exemptions remained in force, the crown would no longer base its decision on admission to the freedom of English cities and towns or on the evidence of long residence, family settlement and tax contributions, and instead introduced its own way of assessing suitability for preferential treatment. French residents seeking to remain in the kingdom would now have to produce guarantees of good behaviour and show that they were 'good and loyal to our lord the king and his kingdom'.¹⁰² In practice, as royal letters soon began to specify, this meant that the recipients of royal protections had to swear fealty to the crown of England in the chancery, rather than simply offering proof and promises of reliability at the local level. After half a century during which the individual's general trustworthiness had determined central government's categorization of French-born people living in the realm, a policy had now been introduced that focused upon allegiance, and which, by excluding the possibility of continued loyalty to foreign powers, effectively revived nationality as the primary consideration for protection by the English state. The new practice, known by historians as denization because of its specific reference to the resulting transfer of national status, would be generally applied to foreigners of both French and non-French origins from the thirteen-eighties onwards, and was set to become the standard procedure during the centuries that followed by which aliens could obtain the rights that gave them legal equivalence to their English-born neighbours.

¹⁰¹ For what follows, see Lambert and Ormrod, pp. 15–24.

¹⁰² *P.R.O.M.E.*, vi. 48–50.