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Rebellion and the law in fifteenth-century English towns[1]

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The records of the court of the King's Bench include a description of a session of the court of the Steward and Marshal of the King's Household held on 29 August 1422 at Warwick and presided over by Humphrey, duke of Gloucester. There, jurors claimed that on 5 August, thirty men from Coventry and 'other unknown malefactors and disturbers of the king's peace' had 'conspired and confederated in the manner of war…to subvert the laws, ordinances, and statutes of the town of Coventry'. The offenders were said to have been armed with bows, arrows, swords, daggers, stakes, and other weapons when they assembled in a field called the Poddycroft to mount an

[1] I would like to thank John Watts, Patrick Lantschner, Tom Johnson, and the editors for their helpful comments on earlier drafts of this chapter. Any errors that remain are my own.

Please note that quotations from Middle English have been provided in the original language, with slight modifications for clarity. The letter 'þ', or thorn, is represented in the text by 'th'. In some instances, the letters 'u' and 'v', and 'i' and 'j', have been exchanged to conform to modern spelling conventions.

Abbreviations used:

BIHR = Bulletin of the Institute of Historical Research
CChR = Calendar of the Charter Rolls, 6 vols, London: Her Majesty's Stationery Office, 1903-27
CHC = Coventry History Centre, Coventry
CPR = Calendar of the Patent Rolls Preserved in the Public Record Office, 1377-1477, 20 vols, London: Her Majesty's Stationery Office, 1895-1911
EcHR = Economic History Review
EHR = English Historical Review
ERALS = East Riding Archives and Local Studies, Beverley
KHLC = Kent History and Library Centre, Maidstone
LLB = R. R. Sharpe (ed.), *Calendar of Letter-Books Preserved among the Archives of the Corporation of the City of London at the Guildhall*, 11 vols (A-L), London: Corporation of London, 1899-1912
LMA = London Metropolitan Archives, London
P&P = Past & Present
PROME = C. Given-Wilson et al. (eds), *The Parliament Rolls of Medieval England, 1275-1504*, Leicester: Scholarly Digital Editions, 2005
TNA = The National Archives, Kew
TRHS = Transactions of the Royal Historical Society

insurrection. They 'made abominable cries', declaring that unless Mayor John Esterton released two prisoners from the town gaol, that the crowd of rebels would remove the prisoners by force. Esterton said that he would die before he would release the prisoners, but in the end Adam Deyster and Richard Joy agreed to serve as bail for the prisoners, who were permitted to leave the gaol peaceably. This did not stop the disorder in Coventry, however. Those assembled at the Poddycroft proceeded forcibly to break into a garden that the mayor and commonalty of Coventry had rented out to Giles Allesley. It was reported that the rebels carried swords, bows, and arrows, and that their actions were in 'disturbance of the peace of the lord King and against the laws, statutes, and ordinances of the City and against the peace of the said lord King'. On 8 August, the rebels struck again. This time, 'armed and arrayed in the manner of war with swords, bows, and arrows' they broke into enclosed gardens and pastures rented out by the town of Coventry to Richard Southam, and there 'made riots, rumours, and congregations…in contempt of the said lord our King and in disturbance of the peace of the said king and his people and in breach of the peace and to the grave damage of the same Mayor and Commonalty of the aforesaid City of Coventry'.[2]

The rebels in Coventry in 1422 were protesting the town council's decision in 1421 to enclose lands acquired by the town and lease them out to private individuals, rather than using them as pasture open to all citizens. It was but one of many similar types of protest occurring in

[2] TNA, KB9/935, m. 19: 'cum aliis malefactoribus incognitis et pacis dicti domini Regis perturbatoribus'; 'modo guerriuo…conspirauerunt et confederauerunt leges ordinaciones et statute ville de Coventre predicte subuertere'; 'abhominabiles clamores'; 'in perturbacionem pacis dicti domini Regis ac legum, statutorum et ordinacionum Ciuitatis predicte ac contra pacem dicti domini Regis'; 'gladiis, arcibus et sagittis modo guerriuo armati et arraiati'; 'riottes, rumuroures [et] congregaciones adtunc et ibidem fecerunt in contemptum dicti domini Regis ac in perturbacionem pacis ipsius domini Regis et populi sui lesionem manifestam et ad graue dampnum ipsius Maioris ac Communitati Ciuitatis predicte'. See also M. Jurkowski, 'Lollardy in Coventry and the revolt of 1431', in L. Clark (ed.), *The Fifteenth Century VI: Identity and Insurgency in the Late Middle Ages*, Woodbridge: Boydell, 2006, pp. 145-64, at 156-7.

the town at various points in the later middle ages.[3] The case is interesting, however, not only for its unique features and for its prominent place in Coventry's local history, but for what it reveals about how fifteenth-century English society defined and categorised urban rebellions. In accounts of urban revolts in later medieval England, such as that of the Coventry rebellion of 1422, the motivations and specific grievances of the rebels are rarely spelt out; what mattered to the English Crown, and what determined how the incidents were treated and prosecuted, was the format that such displays of defiance took. The features of the rebellion that drew the attention of the authorities were that property had been broken into or destroyed, that there was a large group of illicitly assembled persons, that many in the crowd were in possession of weapons, and that the offenders had committed or expressly threatened violent action. These were the attributes that turned an occasion on which municipal ordinances were flouted into a matter for royal concern—a rebellion, insurrection, or riot, which threatened the king's peace and thus came under his jurisdiction.[4]

Rebellion, then, was a legal category as much as a political activity. Actions taken by urban rebels undoubtedly had a great deal of symbolic or practical significance for the community concerned—breaking enclosures, for example, both demonstrated the community's resistance to the private usage of public lands and ensured citizens' access to pasture that was vital for their livelihood—but they also determined the legal channels through which the offenders would be prosecuted, and whether their demonstration would be deemed a breach of

[3] Many of these are discussed in C. D. Liddy, 'Urban enclosure riots: risings of the commons in English towns, 1480-1525', *P&P*, 226, 2015, pp. 41-77, at 41-2, 46-7, 51, 57-8, 63, 67-9, 74.
[4] See below, pp. **?**, as well as P. C. Maddern, *Violence and Social Order: East Anglia 1422-1441*, Oxford: Clarendon Press, 1992. For the blurred distinction between individual interests and Crown interests in the law courts of medieval France, see J. Firnhaber-Baker, '*Jura in medio*: the settlement of seigneurial disputes in later medieval Languedoc', *French History*, 26, 2012, pp. 441-59, at 457.

the king's peace.[5] Even if the king was not the object of protest, he had an interest in prosecuting any action that involved a collective, and potentially violent, threat to existing political authorities and to their persons and property. Contemporaries were well aware of the legal attributes of rebellion (and its close cousin, riot), and Andrew Prescott and Philippa Maddern have shown that both royal authorities and private litigants manipulated their accounts of disorderly incidents to ensure that they would be classified as rebellions or riots.[6] It is important to remember those participating in demonstrations against urban authorities would also have known the legal significance of the particular actions in which they engaged, and may well have chosen to contest municipal elites in such a way so as to gain access to the legal institutions that typically investigated riots and rebellions. In other words, the legal profile of rebellion moulded not only how demonstrations were interpreted and depicted, but also very probably conditioned the actions taken by the demonstrators themselves.

This essay will explore the legal attributes associated with rebellion, and the ways in which residents of fifteenth-century English towns used rebellion against municipal authorities to navigate a complex series of local and national jurisdictions. This interpretation of rebellion—as part of a functioning legal system rather than a symptom of crisis within it—draws from the revisionist historiography of rebellion appearing since the new millennium, much of it published by my fellow contributors. These works, by Samuel Cohn, Christian Liddy, Patrick Lantschner, Jelle Haemers, and Jan Dumolyn, among others, have demonstrated that rebellion in the later middle ages did not conform to the models proposed by Michel Mollat, Philippe Wolff, and Guy Fourquin in the 1970s, which presented rebellion as an unusual event, occurring only after a long

[5] For the political symbolism of rebellions in medieval England, see, esp. Liddy, 'Urban enclosure riots', pp. 41-77, and S. Justice, *Writing and Rebellion: England in 1381*, Berkeley, CA: University of California Press, 1994.
[6] A. Prescott, 'Writing about rebellion: using the records of the Peasants' Revolt of 1381', *History Workshop Journal*, 45, 1998, pp. 1-28, at 11-13; Maddern, *Violence and Social Order*.

build-up of tensions between haves and have-nots. Instead, the revisionists have shown, rebellion was not necessarily the desperate action of a poverty-stricken peasantry or proletariat whose options had run out, but more typically a strategic demonstration made by people fully-integrated into the political life of the realm or city.[7] That rebellion was often a rational and well-informed choice is made even more apparent through the analysis of its role as a legal device. In late medieval English towns, citizens chose to rebel, in part, because they wished to take advantage of the legal mechanisms associated with the investigation of rebellions. When English legal administration and peacekeeping mechanisms changed, so, too, did the frequency with which English townspeople rebelled against their civic governments. Therefore, the meaning and utility of rebellions was not determined strictly by political needs, but was also framed by legal practice, as those with grievances tried to pursue the most effective means of seeking remedy.

Rebellion in English Law

[7] S. K. Cohn, Jr., *Lust for Liberty: The Politics of Social Revolt in Medieval Europe, 1200-1425*, Cambridge, MA: Harvard University Press, 2006; idem, *Popular Protest in Late Medieval English Towns*, Cambridge: Cambridge University Press, 2013; P. Lantschner, 'Justice contested and affirmed: jurisdiction and conflict in late medieval Italian cities', in F. Pirie and J. Scheele (eds), *Legalism: Community and Justice*, Oxford: Oxford University Press, 2014, pp. 77-96, at 82, 93; idem, 'Revolts and the political order of cities in the later middle ages', *P&P*, 225, 2014, pp. 3-46; idem, *The Logic of Political Conflict in Medieval Cities: Italy and the Southern Low Countries, 1370-1440*, Oxford: Oxford University Press, 2015; C. D. Liddy, 'Urban enclosure riots', pp. 41-77; idem, '"Bee war of gyle in borugh'. Taxation and political discourse in late medieval English towns', in A. Gamberini, J.-P. Genet, and A. Zorzi (eds), *The Languages of Political Society: Western Europe, 14th-17th Centuries*, Rome: Viella, 2011, pp. 461-85; J. Dumolyn and J. Haemers, 'Patterns of urban rebellion in medieval Flanders', *Journal of Medieval History*, 31, 2005, pp. 369-93, at 385-6; H. Skoda, *Medieval Violence: Physical Brutality in Northern France, 1270-1330*, Oxford: Oxford University Press, 2013, pp. 162-92, 243; C. D. Liddy and J. Haemers, 'Popular politics in the late medieval city: York and Bruges', *EHR*, 128, 2013, pp. 771-805. For the earlier generation of rebellion scholarship, see M. Mollat and P. Wolff, *The Popular Revolutions of the Late Middle Ages*, trans. A. L. Lytton-Sells, London: George Allen & Unwin, 1973, and G. Fourquin, *The Anatomy of Popular Rebellion in the Middle Ages*, trans. A. Chesters, Amsterdam: Elsevier Science Ltd., 1978.

The act of rebellion itself—namely, public and collective resistance to governing authorities in which violence is committed or threatened—was well known in medieval England, as Samuel Cohn's survey of popular protest in medieval English towns between 1196 and 1450 demonstrates vividly.[8] From the late fourteenth century, however, rebellion became subject to specific legal procedures. These remained relatively vague in their particulars, but nevertheless shaped definitions of rebellion and accorded it a clearer place in the English jurisdictional landscape.[9] A 1391 act of parliament mandated that raids, riots, insurrections, and forcible entries into property should be dealt with by the justices of the peace—a group of local notables appointed for each county by the Crown.[10] The significance of this act was two-fold. Firstly, it made explicit that acts of rebellion did not fall under the customary or common law jurisdiction held by civic governments themselves; rebellion, even against municipal governments, was always a breach of the king's peace. In practice, this aspect of rebellion was eroded over time, as several towns received charters allowing their municipal officials to act as JPs or sheriffs and thus became equipped to investigate and punish rebellions on behalf of the Crown; nevertheless, the general principle remained intact that rebellion was an offence that pertained to the king and his officers.[11] Secondly, the act made no distinction between rebellions and other acts of collective violence or threatened violence, such as riots or forcible entries. Cohn distinguishes 'rebellion' from 'riot' and other collective demonstrations on the basis that rebellion had a clear

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[8] Cohn, *Popular Protest*.

[9] For a general discussion of the legal procedures associated with riots, rebellions, and forcible entry, see J. G. Bellamy, *Criminal Law and Society in Late Medieval and Tudor England*, Gloucester: Alan Sutton, 1984, pp. 10-12, 15, 54-89.

[10] *PROME*, Nov. 1391 parliament, item 27; *The Statutes of the Realm*, 12 vols, London: Eyre and Strahan, 1810-28, 15 Richard II, c. 2; E. Powell, *Kingship, Law, and Society: Criminal Justice in the Reign of Henry V*, Oxford: Clarendon Press, 1989, p. 59. For the changing relationship between urban jurisdictions and commissions of the peace, see E. G. Kimball, 'Commissions of the peace for urban jurisdictions in England, 1327-1485', *Proceedings of the American Philosophical Society*, 121, 1977, pp. 448-74.

[11] See below, pp. **???**

political objective, while the other activities did not.[12] For the Crown in late medieval England, however, such distinctions were immaterial to the way in which rebellion was prosecuted; the point at issue was that a group of people had threatened violence, not why it had done so. Further legislation from the early fifteenth century continued to treat rebellion as an offence akin to riots and property break-ins, and amplified the involvement of royal officeholders and institutions in their punishment. The Riot Act of 1411 proclaimed that if the justices of the peace, now also accompanied in their activities by the county sheriff, were unable to discover the truth regarding acts of riot, illegal assembly, or forced entry within one month of the event's occurrence, then they should send a certificate detailing the circumstances of the affair to the king and his council, who would then decide how the matter should be addressed.[13] A 1414 statute made royal interference in cases of rebellion even more probable, as it was instituted that individuals could sue for a royal commission of justices of the peace and sheriffs to investigate riots and rebellions, and that the findings of this commission would be returnable to the royal Chancery.[14]

The officials and institutions made responsible for investigating rebellions in late fourteenth- and early-fifteenth century England—in the first instance, JPs and the county sheriff, and, in the second instance, the Chancery, the royal council, and any number of bodies that the royal council might request to hear the case, such as the court of King's Bench or a specially-appointed arbitration panel—were not ones to which citizens of English towns typically had access. Most English municipal governments had long-standing civic ordinances, fortified by

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[12] Cohn, *Popular Protest*, pp. 27-8.
[13] *Statutes of the Realm*, 13 Henry IV, c. 7; Maddern, *Violence and Social Order*, p. 174.
[14] *PROME*, April 1414 parliament, item 25; *Statutes of the Realm*, 2 Henry V, c. 8; Powell, *Kingship, Law, and Society*, pp. 171-2; N. Pronay, 'The Chancellor, the Chancery, and the Council at the end of the fifteenth century', in H. Hearder and H. R. Loyn (eds), *British Government and Administration: Studies Presented to S. B. Chrimes*, Cardiff: University of Wales Press, 1974, pp. 87-103, at 97-8.

clauses in their royal charters, forbidding citizens from suing other citizens in any venue outside the town courts, provided that the town court possessed the jurisdictional authority to decide the suit. The penalties for flouting such ordinances were severe: the loss of the franchise in London, Southampton, Bristol, and Hull, a fine of 100s. or imprisonment in Coventry, and a fine of £4 in Sandwich for members of the civic governments and 40s. for ordinary freemen.[15] By the later middle ages, civic governments claimed jurisdiction over a wide array of urban activities: they held borough courts that decided cases of trespass, affray, and petty debts according to the system of royal common law; they presided over piepowder courts that decided disputes pertaining to markets and fairs; leading members of urban elites were also often officers of the staple courts responsible for determining disagreements between merchants according to law merchant; and, in addition, many mayors and aldermanic councils claimed the right to exercise equity jurisdiction—namely, to use their personal judgment to determine cases that had no clear solution according to either custom or common law.[16] There were, consequently, few matters that citizens could bring into royal courts without risking the wrath of their municipal governors. Moreover, several civic governments, such as Coventry and Beverley, also passed ordinances requiring that matters liable to be settled by arbitration be done through the aegis of the mayor and aldermen before any outside authorities were approached to serve as umpires.[17] These

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[15] For Bristol and Southampton, see below, pp. **???**. LMA, COL/CC/01/01/001, f. 68; *LLB*, K: 363-4; Hull History Centre, Hull, C BRE/1/2, f. 14; M. D. Harris (ed.), *The Coventry Leet Book, or Mayor's Register…*, 4 vols in 1, London: Early English Text Soc., Original Ser., 134, 135, 138, 146, 1907-13, pp. 194, 281; KHLC, Maidstone, Old Black Book of Sandwich, Sa/AC1, f. 26v.

[16] J. H. Baker, *The Oxford History of the Laws of England. Volume VI, 1483-1558*, Oxford: Oxford University Press, 2003, pp. 303-14, 318; E. E. Rich (ed.), *The Staple Court Books of Bristol*, Bristol: Bristol Record Soc., 5, 1934, pp. 29-66, 78-88; P. Tucker, *Law Courts and Lawyers in the City of London 1300-1550*, Cambridge: Cambridge University Press, 2007; M. Bateson, *Borough Customs*, 2 vols, London: Selden Soc., 18, 1904-6, 2: 59.

[17] E.g., *Coventry Leet Book*, pp. 302-3; A. F. Leach (ed.), *Beverley Town Documents*, London: Selden Soc., 14, 1900, p. 55. Urban guilds also passed ordinance requiring that arbitration be performed within the guild and not by external legal bodies: G. Rosser, *The Art of Solidarity in the Middle Ages: Guilds in England, 1250-1550*, Oxford: Oxford University Press, 2015, pp. 69, 206-7.

stringent regulations concerning the town's monopoly of justice were not simply enacted, but also enforced. Citizens in a number of towns lost their franchise, suffered imprisonment, or paid significant fines for suing writs at common law or through other jurisdictions.[18]

The laws of medieval England may have made rebellion a sort of informal method of judicial appeal—a legal loophole allowing citizens to present internal municipal grievances before an external audience without inevitably compromising their town's historic jurisdictional claims, since the right of the Crown and its officials to become involved in incidents that threatened public order was rarely contested. Those who had been removed from municipal power or had been punished by those holding it could bring their cases before officers of the Crown by claiming that their opponents had obtained power through rebellions. In a petition to the Chancellor, John Shapwyk of Totnes in Devon claimed that on 23 May 1435 John Shiplegh, Richard Hogge, Henry atte Beare, Walter Lygha and others 'with force and armes in riottys wyse in maner of insurreccion ensembled with grete confederecy and alyaunce ayenst the pees and lawe of this lande' and forcibly removed Shapwyk from his position as mayor of the town. In alleging that he was deposed from the mayoralty by an armed confederacy 'ayens the Kynges Corone, his lawe, and his dignitee', Shapwyk was able to secure the Chancellor's attention to an internal power struggle in the Devon town that would otherwise not have come under Crown jurisdiction. [19] Similarly, a conflict within the borough of Liskeard in Cornwall was brought before the Chancellor probably because a statement by one of the burgesses, Richard John,

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[18] See below, pp. **?**; *Coventry Leet Book*, p. 194; ERALS, BC/II/7/1, ff. 64-v, 74, 77, 79v, 205; TNA, C1/16/20. See also, A. P. M. Wright, 'The relations between the king's government and the English cities and boroughs in the fifteenth century', Ph.D. thesis, Oxford University, 1965, p. 142. A small but increasing number of Londoners, however, pursued suits against each other at the Court of Common Pleas without incident: M. F. Stevens, 'Londoners and the Court of Common Pleas in the fifteenth century', in M. Davies and J. A. Galloway (eds), *London and Beyond: Essays in Honour of Derek Keene*, London: London Institute of Historical Research, 2012, pp. 225-45, at 239-40.

[19] TNA, C1/19/301.

ensured that the deposition of the mayor, John Clement, and his replacement by Richard Vage could be classified as a rebellion: Richard John declared that John Colis, John Attewylle, Robert May, Richard Knolle, and a crowd of other 'broke into the house of the Guildhall of the same town' to elect Vage.[20] It is unknown what the dispute concerned or how it was resolved, but it appears that Richard John's plea of rebellion did prompt the Crown to send a commission of local landowners to enquire into the matter.[21]

It is quite possible, too, that legislation pertaining to rebellions helped to determine not only how conflicts were depicted in contemporary written accounts, but also framed the actions of the rebels themselves. In rebelling against a civic government, dissenting citizens, even if they did not succeed in unseating their opponents from power or modifying their policies, could at least ensure that their grievances were heard by the royal officials before whom rebellions were tried. It is often difficult to tell exactly how external intervention in the aftermath of urban rebellions affected municipal politics—records from the sessions of the justices of the peace are scanty, and those of Chancery and the King's Bench, the venues in which cases of rebellion were often presented after having been investigated by the JPs, typically preserve documents describing the alleged rebellion but not those detailing how the rebellion was punished or how the issues involved were resolved.[22] Nevertheless, cases such as the Coventry rebellion of 1422, with which this essay began, hint that sometimes the intervention of royal officials prompted by rebellion could work in the rebels' favour. The Coventry rebels were indicted both before sessions of the Court of the Steward and Marshal of the King's Household as well as before the

[20] TNA, C1/12/237: 'le huse del Gyldehalle de mesme le Burgh debruserent'.
[21] *CPR 1436-41*, p. 371.
[22] J. B. Post, 'Crime in later medieval England: some historiographical limitations', *Continuity and Change*, 2, 1987, pp. 211-24, at 215-16; Maddern, *Violence and Social Order*, pp. 22-4, 47-8.

Court of King's Bench, but there is no evidence that they were ever arrested or fined.[23] Indeed, the involvement of the Crown seems to have facilitated a compromise agreement between the civic government of Coventry and its opponents; a new survey of lands in Coventry made in February 1423 determined that, while some of the contested lands had, in fact, been lawfully enclosed by private individuals, others, such as the Poddycroft itself, were actually common pasture and would in future be treated as such.[24] In York in 1464 and 1473, the Crown's involvement in quieting election riots resulted in an out-and-out victory for the rebels: the king ordered that the role of craft guilds in electing the mayor be extended, which had apparently been the aim of the rebels all along.[25]

Historians of medieval English towns typically maintain that outside intervention in civic affairs was always unwanted and usually detrimental to the town's liberties.[26] Sometimes, undoubtedly, it was. Rioting in Norwich in 1436 and 1443 provoked the Crown to suspend the city's liberties, with authority over the city transferred from the mayor to a royally-appointed warden, and, in the latter instance, to slap a 1000-mark fine on the city.[27] This should not blind

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[23] TNA, KB9/935, m. 19.
[24] *Coventry Leet Book*, pp. 45-53; Jurkowski, 'Lollardy in Coventry', pp. 156-7.
[25] *CPR 1461-7*, p. 366; T. Rymer (ed.), *Foedera, Conventiones, Literae…*, 17 vols, London: J. Tonson, 1727, 11: 529-31; J. I. Kermode, 'Obvious observations on the formation of oligarchies in late medieval English towns', in J. A. F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century*, Gloucester: Sutton, 1988, pp. 87-106, at 89; E. Miller, 'Medieval York: the later middle ages', in P. M. Tillott (ed.), *Victoria County History: A History of Yorkshire: The City of York*, Oxford: Oxford University Press, 1961, pp. 25-116, at 71; *CPR 1467-77*, p. 416; Liddy and Haemers, 'Popular politics', p. 792.
[26] E.g., A. S. Green, *Town Life in the Fifteenth Century*, 2 vols, London: Macmillan, 1894, 2: 387, 398; Liddy and Haemers, 'Popular politics', pp. 794-5; and C. M. Barron, *London in the Later Middle Ages: Government and People 1200-1500*, Oxford: Oxford University Press, 2004, pp. 9-42.
[27] For the 1433-43 conflicts in Norwich, see Maddern, *Violence and Social Order*, pp. 175-205; R. L. Storey, *The End of the House of Lancaster*, London: Barrie & Rockliffe, 1966, Appendix III; B. R. McRee, 'Peacemaking and its limits in late medieval Norwich', *EHR*, 109, 1994, pp. 831-66, at 853-65; idem, 'The mayor's body', in L. E. Mitchell, K. L. French, and D. L. Biggs (eds), *The Ties that Bind: Essays in Medieval British History in Honor of Barbara Hanawalt*, Farnham: Ashgate, 2011, pp. 39-53, at 40, 45-52; L. Attreed, *The King's Towns: Identity and Survival in Late Medieval English Boroughs*, New York and Oxford: Lang, 2001, pp. 289-94; W. Hudson and J. C. Tingey (eds), *The Records of the City of Norwich*, 2 vols, Norwich: Jarrold, 1906-10, 1: 114-22, 281-3, 299, 324-56; 2: 68-71; and Norfolk Record Office, Norwich, Norwich City Records case 8a/10, doc. 1; case 9c/1, /6-9, /12-15; case 9d/5; case 16d/1, ff. 5-10v, 13v; case 17b, ff. 67v-73v.

us to the fact, however, that situations like Norwich's suspension of liberties were unusual, or that, for some citizens, involvement of the Crown or other external parties in municipal politics may have been welcome and beneficial.[28] John Shapwyk of Totnes and Richard John of Liskeard actively sought assistance from the Crown in solving local disputes, and by categorising the actions of their local opponents as rebellions that they were able to do so without harming their town's ancient claims to jurisdictions. The rebellions of the citizens of Coventry and York may also have been designed to secure the hearing of their grievances by the Crown; certainly, in both cases, the involvement of royal officials facilitated the achievement of the rebels' political aims. It appears, then, that rebellion, and the involvement of the Crown in urban politics that it occasioned, was not always a threat to municipal independence but could be a savvy legal manoeuvre for disaffected residents of towns.[29]

Rebellions, Law Suits, and Legal Change: c. 1440-60

Legal practice in later medieval England, however, was not a set of stationary structures, but evolved to meet the needs of litigants and the Crown. Such alterations in the legal make-up of medieval England also occasioned considerable changes in frequency and usage of urban rebellion, suggesting that it was, indeed, an activity closely linked with the pursuit of grievances through legal means. Here, we will present a case study of the period 1440 to 1460 to show how changes in the enforcement and administration of the law could affect the manner in which

[28] See the comments in Wright, 'Government and cities', pp. iv-v, 60-7.
[29] For similar observations regarding the involvement of French royal officials in settling seigneurial wars, see Firnhaber-Baker, '*Jura in medio*', pp. 441-2, 450-2, 455, 457, 459.

English townspeople chose to resist their civic governments. This era was a time of notoriously weak kingship, encompassing the minority of Henry VI and his incompetent adult rule, and yet witnessed fewer documented revolts against urban authorities than are found for either the fourteenth and early fifteenth centuries or even the period of Yorkist and Tudor 'New Monarchy' in 1460-1525. Most striking is the fact that, while numerous rebellions are recorded against urban governments during and immediately before Peasants' Revolt of 1381, the years surrounding Jack Cade Revolt of 1450 did not see the same boom in collective violent resistance against municipal elites.[30] Coinciding with this lull in rebellions against civic governments was a number of high-profile law suits made by citizens outside the town courts.[31] These law suits were not weaker forms of resistance than rebellion, but constituted significant challenges to the power of the urban governments targeted. That aggrieved citizens chose to challenge civic officers through this means, and not through the rebellions they employed in the previous and succeeding periods, was intimately connected to changes in the operation of English law at both central and local levels. The widespread implementation of urban officers as justices of the peace and sheriffs *ex officio* rendered rebellions less efficacious a means of appealing to external authorities, and the rise in legal petitions brought before the royal Chancellor made law suits brought against municipal officers a more serious political threat.

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[30] E. Hartrich, 'Town, crown, and urban system: the position of towns in the English polity, 1413-71', Ph.D. thesis, Oxford University, 2014, pp. 90-101, 159-73, 182-201, 214-29, 245-8, 267-86, 290-309; Cohn, *Popular Protest*, pp. 99-111, 312-15; H. Hinck, 'The rising of 1381 in Winchester', *EHR*, 125, 2010, pp. 112-31; R. B. Dobson, 'The risings in York, Beverley and Scarborough, 1380-1381', in R. H. Hilton and T. H. Aston (eds), *The English Rising of 1381*, Cambridge: Cambridge University Press, 1984, pp. 112-42; A. F. Butcher, 'English urban society and the revolt of 1381', in *ibid*., pp. 84-111; C. D. Liddy, 'Urban conflict in late fourteenth-century England: the case of York in 1380-1', *EHR*, 118, 2003, pp. 1-32; idem, 'Urban enclosure riots', pp. 41-77; Liddy and Haemers, 'Popular politics', pp. 771-805. Also, see below, pp. **?**

[31] See below, pp. **?**.

Justices of the Peace and Sheriffs

From the late fourteenth century, the English Crown increasingly let urban officials perform peacekeeping duties within their own towns. Before, sheriffs and justices of the peace were appointed for each county, and would have jurisdiction over the towns within that county. Between 1373 and 1414, eleven English towns (Bristol, Southampton, York, Gloucester, Coventry, Hereford, Nottingham, Newcastle-upon-Tyne, Norwich, Lincoln, and Scarborough) received royal charters removing them from the remit of the county peace commission and allowing mayors, aldermen, recorders, and other municipal officers to become justices of the peace for their towns *ex officio*; five of these towns (Bristol, York, Newcastle, Norwich, and Lincoln) were also incorporated into free-standing counties, with the town's elected bailiffs turned into sheriffs.[32]

As noted earlier, one of the defining characteristics of rebellion as a form of resistance was that it immediately entailed the intervention of outside officials in internal disputes through the deployment of justices of the peace and sheriffs. When mayors, aldermen, bailiffs, and other urban officials became justices of the peace and sheriffs themselves, they inherited the role of investigating and adjudicating rebellions in the town on behalf of the Crown, compromising one of the primary purpose of rebellions in the first place, which was to bypass the civic government and secure the involvement of neutral arbiters. Now, in many towns, municipal officers were, in effect, charged with investigating and punishing rebellions mounted against themselves. This

[32] M. Weinbaum (ed.), *British Borough Charters, 1307-1660*, Cambridge: Cambridge University Press, 1943, pp. 38-9, 42, 48, 52, 72, 84, 89, 91, 116, 131, 132; *CChR*, 5: 336, 372, 380, 383, 398, 422-3, 473; N. D. Harding (ed.), *Bristol Charters 1155-1373*, Bristol: Bristol Record Soc., 1, 1930, pp. 118-41; *Royal Charters Granted to the Burgesses of Nottingham A.D. 1155-1712*, London: Bernard Quaritch, 1890, pp. 44-5; W. de Gray Birch (ed.), *The Royal Charters of the City of Lincoln: Henry II to William III*, Cambridge: Cambridge University Press, 1911, pp. 80-1; Kimball, 'Commissions of the peace', pp. 465-6; C. D. Liddy, *War, Politics and Finance in Late Medieval English Towns: Bristol, York and the Crown, 1350-1400*, Woodbridge: Boydell, 2005, pp. 190-212.

effect was probably not merely a convenient byproduct of the grants of new powers, but part of the reason that civic governments sought such grants in the first place. The first charter to give JP and shrieval jurisdiction to urban authorities, that of Bristol in 1373, was explicit that the new new grants should deposit power over rebellious burgesses solely in the hands of the mayor, sheriff, and their fellow civic officers; it even made special mention of the fact that they were to have jurisdiction over disturbances occurring at elections.[33] In Bristol, at least, the acquisition of new peacekeeping offices by the civic government seems to have been effective in quelling internal rebellions; the town had been the scene of uprisings against municipal elites in 1312-16, 1347, and 1363, but witnessed remarkably few thereafter.[34] Newcastle also remained relatively free from internal rebellions after its 1404 charter giving JP and shrieval powers to its civic officers.[35] Even York, often seen as the posterchild for medieval urban revolt, saw far fewer rebellions against its civic officers in the fifty-odd years following the 1393 and 1396 charters that turned its civic officers into JPs and sheriffs than it had done in the fourteenth century (with major election riots in 1365 and 1380) and would do in the later fifteenth and early sixteenth centuries (with rebellions in 1464, 1471, 1473, 1480, 1482, 1484, 1486, 1489, 1492, 1494, and 1504).[36] The disorder that plagued Norwich throughout the early fifteenth century seems to have

[33] *Bristol Charters 1155-1373*, pp. 136-9.
[34] Cohn, *Popular Protest*, pp. 43, 116-17, 130-43, 187.
[35] The recorded rebellions against municipal officials in Newcastle-upon-Tyne in 1341 and 1364: Cohn, *Popular Protest*, pp. 190, 319.
[36] Cohn, *Popular Protest*, p. 190; Liddy, 'Urban conflict', pp. 1-32; Dobson, 'Risings in York, Beverley and Scarborough', pp. 120-4; Liddy, 'Urban enclosure riots', pp. 41, 50-2, 71-2, 74; Liddy and Haemers, 'Popular politics', pp. 771, 777-9, 782-3, 785-8, 792; Kermode, 'Obvious observations', pp. 89-90, 100. There was a small disturbance in York in 1420: M. Sellers (ed.), *York Memorandum Book: Lettered A/Y in the Guildhall Muniment Room*, 2 vols, Durham: Surtees Soc., 120, 125, 1912-15, 1: 90-2; Liddy, 'Bee war of gyle', pp. 47-5. The citizens of York took part in the 1405 rebellion against Henry IV, but it is unclear if they were also protesting the actions of civic leaders: C. D. Liddy, 'William Frost, the city of York and Scrope's rebellion of 1405', in P. J. P. Goldberg (ed.), *Richard Scrope: Archbishop, Rebel, Martyr*, Donington: Shaun Tyas, 2007, pp. 64-85.

been the exception, rather than the rule, when it came to the towns whose civic governments had received new peacekeeping powers in 1373-1414.[37]

This policy for delegation of JP and shrieval jurisdiction to civic officials reappeared, at an accelerated pace, in the mid-fifteenth century. In the twelve years between 1439 and 1451, a further thirteen towns (Windsor, Plymouth, Hull, Winchester, London, Shrewsbury, Bridgnorth, Derby, Ipswich, Bath, Colchester, Canterbury, and Chichester) granted the right to have their civic officers serve as JPs and four towns (Hull, Southampton, Nottingham, and Coventry) transformed into counties with their own elected sheriffs.[38] This cluster of grants gave a number of civic governments whose officers had previously had no permanent role in peacekeeping a position *ex officio* as prosecutors of internal rebellions. Furthermore, in London, where civic officers had already acted as sheriffs, they were now also made JPs, and in Southampton and Coventry, where civic officers were already JPs, they were now also sheriffs. In these three towns, therefore, the possibility of any external official being involved in the identification and punishment of revolt in the first instance became especially remote, since both the main types of offices typically involved in these procedures were now held by members of the municipal government.

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[37] For Norwich, see above, pp. **?**, as well as *Records of the City of Norwich*, 1: 66-113; McRee, 'Mayor's body', pp. 40-3; idem, 'Peacemaking and its limits', pp. 848-52; Maddern, *Violence and Social Order*, pp. 179-80; Attreed, *King's Towns*, pp. 40-2. It should be noted that a 1433 rebellion in Norwich reached royal attention, partially through Thomas Wetherby's crafty description of the events concerned to meet the legal requirements for a 'riot' or 'rebellion, only after failed attempts by the city's JPs to restore order.

[38] *CChR*, 6: 6, 10-11, 41-3, 45, 54-5, 65, 71, 77, 84, 98, 116; *CPR 1441-6*, p. 84; *CPR 1446-52*, pp. 181-3, 523; *British Borough Charters, 1307-1660*, pp. 6, 21, 25-6, 35, 49, 50, 56-7, 77-8, 91, 96, 99, 101, 109-10, 117, 128; J. R. Boyle (ed.), *Charters and Letters Patent Granted to Kingston upon Hull*, Hull: Corporation of Hull, 1905, pp. 34-45; W. H. Stevenson et al. (eds), *Records of the Borough of Nottingham*, 9 vols, London: Quaritch, 1882-1956, 2: 188-209; H. W. Gidden (ed.), *The Charters of the Borough of Southampton*, 2 vols, Southampton: Cox & Sharland, 1909-10, 1: 70-81.

Contemporaries were very much aware of these changes to the legal powers of their civic officers and of their potential significance. Indeed, one of the few urban rebellions to occur in the mid-fifteenth century, that of Ralph Holland and the London artisans against that city's government, was in protest against the imminent transformation by royal charter of London's mayor, aldermen, and recorder into justices of the peace in 1444.[39] When looked at in this light, the Holland rebellion may be seen, in part, as a last-gasp attempt to use urban rebellion as a device for securing royal intervention, before its purpose as such disappeared with the bestowal of JP jurisdiction on London's leading civic officers. In Coventry, the acquisition of shrieval powers by the town's bailiffs was also a matter for public comment. The town's charter of 1451, which also transformed Coventry into a county and added a number of neighbouring hamlets to the town's jurisdiction, was noted in civic chronicles and municipal government records chiefly for the fact that it 'made the baylys of Coventre scherefs'.[40] Moreover, the new jurisdiction given to Coventry's officers was, as in 1373 in Bristol, associated with a decline in rebellion. Immediately after transforming Coventry's bailiffs into sheriffs during his 1451 visit to the town, Henry VI allegedly said, 'we charge you withe our pease among you to be kepte; and that ye suffer no Ryottes, Conventiculs ne congregasions of lewde pepull among you'.[41] Coventry was historically a hotbed for discontent, and witnessed rebellions against the civic government in

[39] LMA, COL/CC/01/01/004, ff. 4v, 7v, 8v, 9v-10; C. M. Barron, 'Ralph Holland and the London radicals, 1438-1444', in R. Holt and G. Rosser (eds.), *The English Medieval Town: A Reader in English Urban History, 1200-1540*, London: Longman, 1990, pp. 160-83, at 173-82. The other major urban rebellion of the 1440s, that in Norwich, also addressed the role of municipal officials as JPs, although in this case the issue was much less central to the rebels' grievances: R. H. Frost, 'The urban elite', in C. Rawcliffe and R. Wilson (eds), *Medieval Norwich*, London: Hambledon, 2004, pp. 235-53, at 249-50.

[40] The charter is summarised in *CChR*, 6: 116-17. For the entry in the earliest Coventry chronicle (c. 1461), see CHC, Aylesford Annal, PA 351, dorse, printed in P. Fleming, *Coventry and the Wars of the Roses*, Straford-upon-Avon: Dugdale Society, 2011), p. 32. See also similar entries in later Coventry chronicles: CHC, PA 478/2, f. 4; PA 535/1, f. 7v; PA 958/1, f. 9. For the Coventry chronicles as a genre, see R. W. Ingram (ed.), *Records of Early English Drama: Coventry*, Manchester: Manchester University Press, 1981, pp. xxxvii-xli. See also *Coventry Leet Book*, p. 265.

[41] *Coventry Leet Book*, p. 265.

1351, 1378, 1384, 1390, and 1422, and again in 1469, 1481, 1489, 1494, and 1495.[42] It is perhaps no coincidence that the two lacuna in revolts against Coventry's civic government occurred in the years following the grant of JP jurisdiction to the town's officers in 1399 and in those following the grant of shrieval jurisdiction to the town's bailiffs in 1451. The one rebellion against Coventry's civic government that did occur in the years after 1399, that of 1422 with which this essay began, was notable for the fact that it appears to have been prosecuted in the first instance not by the mayor and councillors as JPs, but by the county sheriff: the judicial sessions in which the rebels were indicted took place not in Coventry, but in Warwick, the 'county town' for Warwickshire, and the presenting jurors were also not from Coventry.[43] Once the 1451 charter had divorced Coventry from the county of Warwickshire and its sheriff, the means by which the 1422 rebellion had reached the judgment of the king's courts were now closed off.

Chancery

The paucity of urban rebellions in 1440-60, however, was not due purely to the fact that rebellion was no longer capable of fulfilling some of its earlier functions. It was also because

[42] Cohn, *Popular Protest*, pp. 104, 122, 170, 187-8, 215-16; *CPR 1377-81*, pp. 303, 305-6; C. D. Liddy, 'Urban politics and material culture at the end of the middle ages: the Coventry tapestry in St Mary's Hall', *Urban History*, 39, 2012, pp. 203-24, at 220-3; Liddy, 'Urban enclosure riots', pp. 41-2, 46, 51, 57-8, 67, 74; CHC, PA 351, dorse, printed in Fleming, *Coventry and the Wars of the Roses*, pp. 30-1. For 1422, see above, p. **?** Some Coventry residents did participate in the 1431 'Jack Sharpe' rebellion, and the town was also under royal scrutiny in the 1420s and 1440s for the heretical and anti-ecclesiastical preaching of John Grace and John Bredon, but there are no recorded instances of rebellion against the town's civic government in these years apart from the 1422 enclosure riot: see Jurkowski, 'Lollardy in Coventry', pp. 145-64; *CPR 1422-9*, pp. 275-6; *Coventry Leet Book*, pp. 96-7; H. Nicolas (ed.), *Proceedings and Ordinances of the Privy Council*, 7 vols, London: Commission of Public Records, 1834-7, 6: 40-5. In 1441, there were apparently some riotous assemblies in Coventry provoked by Bredon asserting erroneously that Coventry's citizens had gained the right to use non-standard measures of corn, but the incident does not appear in any of the civic records and it is unclear exactly what occurred: *CPR 1436-41*, p. 545.
[43] TNA, KB9/935, m. 19; Jurkowski, 'Lollardy in Coventry', p. 156.

unauthorised law suits outside the town courts had become more potent and effective means of defying civic authority. As shown above, citizens were forbidden from entering law suits against other citizens in law courts other than those run by civic government officials.[44] This right to monopoly over citizens' litigation was highly prized by municipal governments and closely guarded; it was, in part, to evade these restrictions that town residents turned to rebellion as a means of expressing their grievances to an outside authority. The expansion of the royal Chancery as a court of equity, however, was beginning to erode the control that civic governments exercised over law suits between citizens. Since the late fourteenth century or earlier, litigants who believed that their cases did not fit within the formulaic legal writs available through the English common law began to petition the Chancellor for legal redress. From the 1430s, however, the business before the court of Chancery expanded considerably. Although, over time, the court of Chancery began to specialise in cases involving alien merchants or informal land transfers, in theory, its remit was limitless. Also, part of the role of Chancery was to supervise the dispensation of justice in other courts in the realm; those convicted in local courts or arrested by local authorities could sue Chancery for writs requiring that the defendant be released and the records of the case reviewed by the Chancellor.[45] The rise of Chancery as a court of equity and as a supervisory court therefore threatened the claims of town courts, presided over by the leading urban officers, to exercise a monopoly on litigation between citizens, and also subjected the decisions made by civic officers to scrutiny from above.

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[44] See above, p. **?**

[45] There remains some debate about when, exactly, the greatest increase in legal business before Chancery occurred, but the 1430s-40s was, regardless, an important period of development. See, e.g., M. E. Avery, 'The history of the equitable jurisdiction of Chancery before 1460', *BIHR*, 42, 1969, pp. 129-44; Pronay, 'Chancellor, Chancery, and Council', pp. 87-103; J. A. Guy, 'The development of equitable jurisdictions, 1450-1550', in E. W. Ives and A. H. Manchester (eds), *Law, Litigants and the Legal Profession*, London: Boydell & Brewer for Royal Historical Society, 1983, pp. 80-6; P. Tucker, 'The early history of the Court of Chancery: a comparative study', *EHR*, 115, 2000, pp. 791-811.

The increase in legal business before Chancery in the 1430s and 1440s not only brought more opportunities for citizens to sue outside the town courts and, in particular, to sue the mayors, aldermen, and officers of their municipality, but also heightened the dramatic impact that such suits would have. City governments, themselves expanding their jurisdictional powers in the mid-fifteenth century through the acquisition of JP and shrieval powers for their members and a number of other legal privileges, found the development of Chancery jurisdiction highly threatening, especially as it was in its early stages and there were as yet no clear institutionalised limits to its scope. Consequently, suits outside the town courts, and especially to Chancery, in the mid-fifteenth century were an extremely effective way of incensing municipal officers and challenging their power. That external law suits were a sensitive subject for civic governments can be seen from spike in the number of urban ordinances passed in these years forbidding citizens from suing other citizens in outside courts: Coventry passed ordinances to this effect in 1455, 1456, and 1457; Dublin in 1452 and 1460; London in 1454; Sandwich in 1435; and Hull in the 1440s.[46] It is also perhaps no coincidence that many of these civic governments had also recently acquired JP and shrieval powers: Coventry's bailiffs had been made sheriffs in 1451, London's mayor and aldermen JPs in 1444, and Hull's bailiffs had become sheriffs and its mayor and aldermen JPs by a 1440 charter, while Dublin's mayor and councillors had served as JPs since 1420.[47] Marjorie McIntosh noted a similar correlation in the manor of Havering in Essex: writs of error sued by residents of the manor against their local officials increased with the rise of Chancery as a court of equity and in the aftermath of the manor's acquisition of the right to elect

[46] *Coventry Leet Book*, pp. 281, 294, 302-3; J. T. Gilbert (ed.), *Calendar of Ancient Records of Dublin, in Possession of the Municipal Corporation of that City*, 18 vols, Dublin: J. Dollard, 1889-1922, 1: 277, 303-4; *LLB*, K: 363-4; KHLC, Sa/AC1, f. 26v; Hull History Centre, C BRE/1/2, ff. 13v-14.
[47] See above, p. **?**. For Dublin, see *Calendar of Dublin Records*, 1: 28-9.

its own JPs in 1465.[48] That ordinances against external law suits followed fairly closely upon the augmentation of the municipal government's peacekeeping powers in Coventry, London, and Hull suggests that the two phenomena—an increase in suits to outside courts and the decreasing probability that rebellion would secure an outside audience—were, indeed, connected.

Such a suggestion is strengthened when we consider that the most serious conflict to occur among Ipswich's citizens in this period was occasioned by an unauthorised external law suit made by William Heede and William Ridout in 1455. On 8 September, they were summoned before the bailiffs of the town to 'shew cause whie they should not be disfranchised for suing John Caldwell, a free Burgess of this Towne, out of the liberty of this Towne, unjustly and contrary to the Charter of King John'.[49] This was the first of a number of very public quarrels between Heede and Ridout, on the one hand, and the Ipswich civic government, on other, during 1455-6.[50] That Heede and Ridout's law suit was regarded as a significant threat to the corporation of Ipswich is apparent from the fact that the men were accused of contesting the liberties granted by King John's charter of 1200 to the town—one that has been lauded as the first in England to outline structures of communal urban government in any detail, and even described as an important step in the advance of democracy.[51] Also of particular interest is the fact that Ipswich had received a charter in 1446 turnings its civic officers into JPs, and the target of Heede and Ridout's suit, John Caldwell, was one of the town's bailiffs (the leading officers of

[48] M. K. McIntosh, 'Central court supervision of the ancient demesne manor court of Havering, 1200-1625', in Ives and Manchester (eds), *Law, Litigants and the Legal Profession*, pp. 87-93, at 91-2.
[49] N. Bacon, *The Annalls of Ipswche. The Lawes Customes and Government of the Same. Collected out of ye Records Bookes and Writings of that Towne*, ed. W. H. Richardson, Ipswich: S. H. Cowell, 1884, p. 113; N. Amor, *Late Medieval Ipswich: Trade and Industry*, Woodbridge: Boydell, 2011, pp. 13, 253, 260.
[50] Bacon, *Annalls of Ipswche*, p. 114; Amor, *Late Medieval Ipswich*, pp. 145-6.
[51] See, e.g., Green, *Town Life*, 1: 223-4, and C. Platt, *The English Mediaeval Town*, London: Granada, 1976, pp. 157-9, 230.

Ipswich) in that year and acted as JP for the town in 1449-60.[52] In suing Caldwell, therefore, Heede and Ridout were able to direct grievances against a person who would have been difficult to target through rebellion, since he would have been among those acting as their judge in the first instance.

Resistance by Law Suit: Some Prominent Examples

At first glance, law suits outside the town courts and rebellions seem to be actions with little in common. The one was a formal legal process entered into by private individuals, citing specific grievances against other named individuals, and the latter an illicit assembly of people who threatened violence against formally constituted authorities. Even the revisionist historiography of rebellion, which has demonstrated that rebellion was an integrated component of medieval political life rather than a perversion of it, maintains that rebellion was still different from other means of positing grievances against civic governments: it was more threatening, more public, and more political. Law suits and other expressions of complaint were either preludes to rebellion, less combative or less dangerous alternatives to rebellion, or options to be pursued by people who did not have the institutional resources to undertake a full-scale rebellion.[53]

This distinction, however, does not appear to have been present in late medieval England. Patrick Lantschner writes that in Italian and Low Countries cities of the later middle ages, residents of cities featuring a large number of intermediate associational groups tended to pursue grievances against their civic government through rebellion, while those who lived in cities

[52] Amor, *Late Medieval Ipswich*, p. 242.
[53] Liddy and Haemers, 'Popular politics', pp. 784-8; Lantschner, *Logic of Political Conflict*, pp. 40-59, 89-199; J. Dumolyn and J. Haemers, '"A bad chicken was brooding": subversive speech in late medieval Flanders', *P&P*, 214, 2012, pp. 45-86, at 86, although note 56, 84.

where guild and parish resources were less accessible tended to make complaints or express resistance through other means.[54] Citizens of individual English towns, however, used both rebellion and law suits to contest civic authority, as the situation dictated. Indeed, it was far from uncommon for one man to posit grievances against municipal government through several different means. William Chetill was fined 2s. for his participation in a 1423 election riot against the governors of Beverley, while in 1443 he fell afoul of Beverley's civic government for entering a law suit against a fellow citizen in an external court, this time paying a fine of 6s. 8d. for his misdeed.[55] John Payn of Southampton, together with his son-in-law Thomas White, sued the leading members of Southampton's civic government outside the town courts on a number of occasions in the mid-fifteenth century and led a successful rebellion at the mayoral election of 1460.[56] There is little detail on what motivated Chetill's actions, but in the case of White and Payn, it does not appear that their aims had changed significantly between 1449 and 1460—on both occasions, they sought to remove a faction from power in Southampton that accommodated the interests of Italian merchants trading within the town. In the 1440s and 1450s, it was simply more expedient, more effective, and more dramatic to channel grievances through law suits than through rebellion.

Two Chancery petitions from this period—the first brought by Henry May of Bristol and the second by John Payn and Thomas White of Southampton—will demonstrate, moreover, that unauthorised law suits made outside the borough courts, too, could be suitable vehicles for

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[54] Lantschner, 'Revolts and the political order', pp. 3-46; idem, 'Voices of the people in a city without Revolts: Lille in the later middle ages', in J. Dumolyn, J. Haemers, H. R. Oliva Herrer, and V. Challet (eds), *The Voices of the People in Late Medieval Europe*, Turnhout: Brepols, 2014, pp. 73-88; idem, 'Justice contested and affirmed', pp. 77-96; idem, *Logic of Political Conflict*, pp. 89-199. See also Kermode, 'Obvious observations', pp. 87-106.
[55] ERALS, BC/II/6/8; BC/II/7/1, f. 64.
[56] TNA, C1/16/352a-b, 353a-b; C. Platt, *Medieval Southampton*, London: Routledge & Kegan Paul, 1973, p. 175; A. A. Ruddock, *Italian Merchants and Shipping in Southampton 1270-1600*, Southampton: University College, 1951, pp. 176-7.

addressing issues of public interest. These were both long-running disputes—Henry May's concerning the higher fees charged for Anglo-Irishmen to become freemen of Bristol, and Payn and White's contesting the power of a faction in Southampton that looked kindly upon the presence of Italian merchants there.[57] In 1460, their resistance would take on more obviously 'rebellious' forms—May supported Henry VI when the Bristol civic government lent military aid to the Yorkists during the early dynastic battles of the Wars of the Roses, while Payn and White led a successful rebellion at the 1460 Southampton mayoral election.[58] But, in 1455-6 and 1448-9, respectively, these tensions were playing out in law courts. The legal battles that ensued, however, were not just petty private quarrels that would serve as preludes to more meaningful and more public rebellions, but were constitutionally significant struggles that represented the interests of substantial groups of citizens and challenged the very essence of urban authority.

In late 1455, May, incensed at the exorbitant sum that Bristol's civic government required that his brother pay for admission to the franchise, entered a petition in Chancery against the town's mayor and chamberlains. May's petition was clearly regarded as a serious threat by the civic government Bristol, and prompted harsh reprisals. May and four men 'to hym well wyllyng' were removed from the freedom of the town.[59] Bristol's leading municipal

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[57] These disputes are chronicled in full in P. Fleming, 'Identity and belonging: Irish and Welsh in fifteenth-century Bristol', in L. Clark (ed.), *The Fifteenth Century VII: Conflict, Consequences and the Crown in the Late Middle Ages*, Woodbridge: Boydell, 2007, pp. 175-93, at 182-3; Wright, 'Government and Cities', pp. 124-9; W. R. Childs, 'Irish merchants and seamen in late medieval England', *Irish Historical Studies*, 32, 2000, pp. 22-43, at 39-42; E. W. W. Veale (ed.), *The Great Red Book of Bristol*, 5 vols, Bristol: Bristol Record Soc., 2, 4, 8, 16, 18, 1931-53, 1: 136-8; P. Fleming, *Bristol and the Wars of the Roses, 1451-1471*, Bristol: Bristol Branch of the Historical Association, 113, 2005, pp. 8-9; idem, 'Politics and the provincial town: Bristol, 1451-1471', in K. Dockray and P. Fleming (eds), *People, Places and Perspectives: Essays on Later Medieval & Early Tudor England in Honour of R. A. Griffiths*, Stroud: Nonsuch, 2005, pp. 87-8; Ruddock, *Italian Merchants and Shipping*, pp. 160-92; eadem, 'John Payne's persecution of foreigners in the town court of Southampton in the fifteenth century: a study in municipal misrule', *Papers and Proceedings of the Hampshire Field Club and Archaeological Society*, 16, 1944, pp. 23-37; P. Nightingale, *A Medieval Mercantile Community: The Grocers' Company & the Politics & Trade of London, 1000-1485*, London and New Haven, CT: Yale University Press, 1995, pp. 449-50, 506-7, 531-2.

[58] See above, pp. **?**.

[59] TNA, C1/17/213a.

officers also sought to implement an act of parliament legitimating the action they had taken against May and other Anglo-Irish residents of Bristol. The efforts of Bristol's civic officers in parliament were countered not through a collective demonstration, but through an—apparently successful—attempt by Anglo-Irish Bristolians to lobby parliament to defeat the proposed legislation. Moreover, May sued a further petition against Bristol's civic government in Chancery. It was, in form, a private law suit concerning the unjust removal of May and his colleagues from the franchise, but it was also culmination of a larger campaign made by the Anglo-Irish residents of Bristol to contest their exclusion from the civic political arena. That this law suit was viewed as a substantial challenge to municipal authority is apparent from the impassioned replication to it submitted by the mayor and chamberlains, in which they asserted that the civic government had sole right to determine who and who was not a member of its franchise, without external interference. They also declared proudly that 'the towne of Bristowe ys and of the tyme that no mynde ys hath ben and be burgh Corporat', and then set out the full terms of the 1373 charter that had 'made the said towne a Counte and a shire by hit self and a sheryf to be of the same'.[60] This sally was but the first in a lengthy series of law suits, lasting until 1458, in which May and the civic government debated who had control over admissions to the town's franchise and what rules should govern its membership.[61]

May's Chancery suit was one of several made by Bristol citizens during the first half of the 1450s alleging gross misconduct by the town's officials. Agnes Knight claimed that John Joce, Bristol's common clerk, in retaliation for a law suit that her son had made against him in the king's courts, had seized £40-worth of goods from her home; Knight wrote that because Joce

[60] TNA, C1/17/213c-d.
[61] TNA, C1/17/213-15; C1/26/102-5. Also, see above, p. **?** n. **?**

held a position in the Bristol civic government, he 'hath so grete rule and power there that he may overawe whom hym list in right and wronge'.[62] Thomas Broun also complained that he had been persecuted at law and physically threatened by Joce and Bristol councillors Richard Alberton and William Spencer.[63] Around the same time, Thomas Pratant petitioned that the sheriff of Bristol, Thomas Balle, had seized £360 from his home, and that when Pratant went to London to sue for a remedy, Balle ransacked Pratant's house and inspired such fear in Pratant's pregnant wife that she died. Pratant also claimed that Balle 'beyng Sheryf of the said Toune by divers fayned and untrue meanes vexed youre said beseecher' and had unlawfully imprisoned him.[64] What became of Balle remains a mystery, but in November 1455, coinciding nearly exactly with May's suit, Joce was dismissed from his office as town clerk and forbidden from pleading before the town courts; the litigants' private suits appear to have achieved a concrete political result.[65] Each of these Chancery suits, with the exception of May's, alleged purely personal grievances, but collectively they formed a significant offensive against Bristol's political elite in the early-mid 1450s. May's law suit was but the culmination of larger political movement against the Bristol civic government, pursued through a series of controversial law suits in Chancery rather than through the medium of rebellion.

The suit lodged by John Payn and Thomas White against the civic government of Southampton in the late 1440s certainly reinforces the impression that Chancery was the most dramatic venue for contesting urban power in this period. White had been stripped of his franchise on account of the many law suits he had brought against Southampton's civic officers in Chancery as well as the Courts of King's Bench and Common Pleas. In an attempt to overturn

[62] TNA, C1/18/3.
[63] TNA, C1/19/252a.
[64] TNA, C1/18/210.
[65] *Great Red Book of Bristol*, 1: 255.

the civic government's decision, White submitted yet another suit in Chancery, in which he contended that his previous suits were necessary because John Fleming, former mayor and now recorder of Southampton, 'calleth himself a man lerned in the lawe where…he is none', and used his pretended expertise in the law to imprison and distrain those residing in Southampton unjustly until they obeyed his will. White also accused Fleming, when he was mayor of Southampton, of refusing to comply with any writs issued from Chancery and other royal law courts for the review of cases tried before the town's courts.[66] Fleming responded that White and his father-in-law, John Payn, had obtained their Chancery writs maliciously as a way of delaying the course of justice and intimidating the residents of Southampton.[67]

This debate over Chancery writs was far from technical, but struck at the heart of constitutional politics in Southampton. In White and Payn's response to Fleming's defence, White proclaimed that he had never 'offended ayens the Comune wele of the saide towne'.[68] This is one of the earliest usages of the term 'common weal' in vernacular English—a phrase that would become increasingly important in English national politics from 1459 onwards, as warring dynastic parties in the Wars of the Roses fought to prove that they, and not their opponents, represented the good of the realm.[69] That the term was found in an urban Chancery suit in the late 1440s, and not in complaints issued by rebels against a civic government, is indicative of the shift in patterns of resistance in municipal politics taking place in the mid-

[66] TNA, C1/16/352a.
[67] TNA, C1/16/352b.
[68] TNA, C1/16/353a.
[69] M. Knights et al., 'Commonwealth: the social, cultural, and conceptual contexts of an early modern keyword', *The Historical Journal*, 54, 2011, pp. 659-87, at 663-6; J. Watts, '"Common weal" and "commonwealth": England's monarchical republic in the making, *c.* 1450-*c.* 1530', in Gamberini, Genet, and Zorzi (eds), *Languages of Political Society*, pp. 147-63, at 147-53; D. Starkey, 'Which age of reform?', in C. Coleman and D. Starkey (eds), *Revolution Reassessed*: *Revisions in the History of Tudor Government and Administration*, Oxford: Clarendon Press, 1986, pp. 13-27, at 19-27.

fifteenth century. It is also important to note that White and Payn cited not only their own personal grievances in their suit against Fleming, but also those of a wider group of citizens. They complained of miscarriages of justice committed against John Clement and John Meke, who were not parties to the suit. More broadly, White and Payn asserted that Fleming had 'enpresseth the king's people…and enprisoneth meny and dyvers of the king's lieges and other straungers till thei make grement with hym after his entent'.[70] White and Payn concluded their second petition to the Chancery by requesting that the writs be sent to 'certeyne notable persones' to examine the people of Southampton not only regarding Fleming's conduct towards White and Payn, but also concerning 'all other Iniuries don by the saide fflemyng to eny persone aswele withyn the towne of Southampton as withoute'.[71]

They appear to have been successful in their aim: in 1448, the Crown appointed a commission of local country gentlemen—not citizens of Southampton—to enquire into 'extortions, oppressions, maintenances and other misdeeds committed by John Flemyng of Southampton'.[72] Such an outcome would have been unlikely had White and Payn organised a rebellion to pursue their grievances. Fleming and his fellow members of the Southampton civic government acted as JPs for the town, and, since a charter granted in 1447, the bailiffs of Southampton, Fleming's colleagues on the town council, acted as sheriffs.[73] Consequently, all but the most serious rebellions in the town would have been judged by Fleming's circle, and would not have elicited the intervention of outside parties who may have investigated Fleming's alleged misconduct.

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[70] TNA, C1/16/352a.
[71] TNA, C1/16/353a.
[72] *CPR 1446-52*, p. 189.
[73] Gidden (ed.), *Charters of Southampton*, 1: 70-81.

The Chancery suits of May, White, and Payn were not second-rate acts of resistance; they were well calculated to enrage civic governments much occupied both with extending their own judicial powers and with fighting off the threats that expanded business before royal equity courts posed to their claims for exclusive jurisdiction within the town. Though they took the form of private grievances, they represented the interests of larger segments of the community who wished to curb abuses committed by municipal elites and strike a blow at their pretensions to hold absolute power within the town. These law suits possibly constitute only the tip of the iceberg of politically-charged external law suits made in the mid-fifteenth century. The cases of May and of White and Payn are recorded in unusual detail, but other law suits from this period which have not left such an extensive paper trail, such as that of Heede and Ridout against the bailiff of Ipswich, inspired similar ire from the urban governments against which they were directed, suggesting that they, too, may have been collective and public challenges to municipal authority.[74]

Changes in the administration of royal and local law in the mid-fifteenth century had enhanced the profile of law suits as a means of contesting urban authority and reduced the efficacy of rebellion as a legal device. This shift, however, was not a permanent one. From 1460, recorded rebellions against civic governments would increase. It has already been shown that in the years following 1460 the citizens of York and Coventry resumed a tradition of rebellion against their civic governments that had been in abeyance in the 1430s-50s, and in this a number of other towns followed suit.[75] There are many factors that may have contributed to this change: the advent of dynastic civil war may have encouraged those dissatisfied with urban

[74] See above, p. **?**
[75] See above, pp. **?**, as well as Hartrich, 'Town, crown, and urban system', pp. 267-77, 280, 283-6, 302-3, 306, and Liddy, 'Urban enclosure riots', pp. 41-77.

government to express their frustrations through violence and insults rather than law suits; the stronger presence of the Crown in the provinces and the infiltration of royal servants into urban government may have increased the possibility of an external audience to urban revolt; or the gradual acceptance by urban governments of an institutionalised court of Chancery may have blunted the dramatic impact of an unauthorised external law suit.[76] One factor, though, was certainly the new legislation passed during the reign of Henry VII that limited the role of sheriffs and JPs in the prosecution of riots, thereby restoring rebellion as a useful device for ensuring that grievances would be presented before outside authorities even in towns in which municipal officers served as commissioners of the peace.[77] Groups and individuals who wished to pursue grievances against municipal governments in later medieval England took account of such changes to institutions, policies, and jurisdictions, and chose the method of attack that was likely to be most effective in the new legal environment within which they found themselves.

Conclusion

Rebellion was, undoubtedly, a menace to English municipal governments and a means well-suited for the expression of collective political grievances. Crowds of people changed the course of civic elections by barging into guildhalls from which they had been barred, tore down hedges

[76] For changing relationships between royal and urban governments in the late fifteenth century, see, esp., J. Lee, 'Urban recorders and the Crown in late medieval England', in L. Clark (ed.), *The Fifteenth Century III: Authority and Subversion*, Woodbridge: Boydell, 2003, pp. 163-77; S. Gunn, 'Henry VII in context: problems and possibilities', *History*, 92, 2007, pp. 301-17, at 316; and Wright, 'Government and Cities', pp. 48-57, 68, 71-83, 394-5. Note also the attention paid by Edward IV to conflicts in Salisbury, contrasting with the minimal involvement of Henry VI's government in the city's internal disputes: Wiltshire and Swindon History Centre, Chippenham, G23/1/2, ff. 13v, 18, 31-v, 32v, 76v-8v, 79v-80v, 85-7v, 103-v, 104v-5.

[77] Bellamy, *Criminal Law and Society*, pp. 75-7.

to protest the private use of public lands, and forcibly released prisoners from the town gaol. Its frequency in English towns, however, can also be explained by its usefulness as a legal device. The Bristol, Southampton, and Ipswich law suits of the 1450s demonstrate why, during certain periods of the fifteenth century, rebellion may have been an attractive option for English townspeople. The rebellions in Coventry, Totnes, and Liskeard mentioned earlier in this chapter were described in contemporary documents as subversions of the king's peace and as actions detrimental to the ordinances and customs of the towns concerned, but, unlike the law suits outside the town courts made by May, Heede, and Ridout, they were not described as fundamental violations of the jurisdictional privileges that had been granted to the town by royal charter.[78] The very factors that often make rebellions seem the most dangerous and most public form of urban protest—the presence of an illicit assembly that committed or threatened violence—were also those that allowed the grievances of townspeople to be presented before outside authorities in ways that did not threaten the corporation's historic legal claims. Therefore, when English townspeople rebelled against their municipal officers, it is not necessarily the case that their anger had reached its highest pitch or that other more 'peaceful' avenues for resolution had been exhausted, but also that they wished to have access to the judicial venues through which rebellion was investigated and prosecuted.

This is not to say that rebellion performed these same functions throughout medieval Europe, or even throughout medieval England. What this essay has sought to demonstrate is that rebellion was the product of the legal systems under which its perpetrators lived, and changed in format and purpose according alongside changes in legislation and legal practice. As Patrick Lantschner has shown, different jurisdictional configurations in different societies produced

[78] See above, pp. **?**

different repertoires of resistance.[79] In the cases explored by Lantschner, the utility of rebellion was determined largely by the presence (or lack thereof) of smaller associational units within the city, but in England the situation was rather more complex, as the means through which discontented citizens protested the actions of civic governments was moulded not only by the jurisdictional balance-of-power within the town itself but also by the dictates of an ever-evolving central legal system operated by a powerful monarchy. The peculiar role that rebellion occupied in English towns for much of the fifteenth century, as a 'safer' means of securing an outside hearing for internal complaints, was born from the jurisdictional claims, sometimes competing and sometimes complementary, made by the authorities under which they lived—the municipal government and the Crown, further complicated in some instances by the presence of a noble or ecclesiastic as the immediate overlord of a town. Rebellion, in allowing urban disputes to appear before royal or other courts without inevitably compromising the rights of civic governments to exercise a monopoly over citizens' litigation, was a means for townspeople to navigate this complicated jurisdictional set-up.

Even elsewhere within England, rebellion probably took on a different meaning than it did for townspeople, since those who did not live in towns were also operating within different legal frameworks. For English aristocrats and gentry, for example, law suits and external arbitration were means of jockeying for power, but not really of resisting it.[80] Unhindered by

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[79] Lantschner, *Logic of Political Conflict*; idem, 'Justice contested and affirmed', pp. 77-96; idem, 'Revolts and the political order', pp. 3-46; idem, 'Voices of the people', pp. 73-88.

[80] This has been illustrated by historical works in the McFarlanite tradition, which stress that aristocratic use of law, arbitration, and violence did not inherently challenge the stability and pretensions of the 'state'. See C. Carpenter, 'Law, justice and landowners in late medieval England', *Law and History Review*, 1, 1983, pp. 205-37; eadem, *The Wars of the Roses: Politics and the Constitution in England, c. 1437-1509*, Cambridge: Cambridge University Press, 1997, pp. 47-64; E. Powell, 'Arbitration and the law in England in the late middle ages', *TRHS*, 5th ser., 33, 1983, pp. 49-67; idem, 'Settlement of disputes by arbitration in fifteenth-century England', *Law and History Review*, 2, 1984, pp. 21-43; Maddern, *Violence and Social Order*; and S. Payling, *Political Society in Lancastrian England: The Greater Gentry of Nottinghamshire*, Oxford: Clarendon Press, 1991, ch. 7. For similar comments regarding

municipal prohibitions on the use of outside jurisdictions, free people with a certain degree of financial wherewithal could use whichever legal mechanisms they liked, whether royal, ecclesiastical, or equitable, to assert their claims in local society. The act of making a suit in court, therefore, was not in itself a defiance of another jurisdictional authority to which they were subject. Rebellion among the aristocratic classes, therefore, was less likely to be a purely legal manoeuvre, since they had access to a full range of legal venues already. Conversely, for the unfree peasant in medieval England, the law suit was perhaps the weapon of resistance *par excellence*. Serfs were not permitted to sue in courts outside their lord's jurisdiction without permission, and the act of doing so was essentially a declaration that the serf concerned was a free man not subject to his lord's control.[81] Indeed, for unfree peasants in fourteenth-century England, rebellion and external law suits often went hand-in-hand, as twinned methods for contesting seigneurial authority.[82]

Because rebellion in later medieval Europe, therefore, was conditioned by and derived its meaning from jurisdictional relationships between larger polities and their constituent parts, it should not be taken for granted that 'rebellion' signified the same thing to residents of different societies, nor should it be assumed that the meaning of 'rebellion' remained stable over time in a particular location—especially considering the important changes in the relationship between locality and polity that took place in many different regions of Europe in the fifteenth century.[83] In some societies at some times, rebellion was a less potent threat to civic governments than

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France, see J. Firnhaber-Baker, *Violence and the State in Languedoc, 1250-1400*, Cambridge: Cambridge University Press, 2014, and eadem, '*Jura in Medio*', pp. 441-59.

[81] C. Briggs, 'Seigniorial control of villagers' litigation beyond the manor in later medieval England', *Historical Research*, 81, 2008, pp. 405-21; R. H. Hilton, 'Peasant movements in England before 1381', *EcHR*, New Ser., 2, 1949, pp. 117-36, at 124-5.

[82] Hilton, 'Peasant movements', pp. 124-30.

[83] J. Watts, *The Making of Polities: Europe, 1300-1500*, Cambridge: Cambridge University Press, 2009, pp. 287-425.

other avenues for expressing grievance. By acknowledging that rebellion was not always the most dangerous or most public means for political complaint available to the medieval populace and that its meaning was tied to ever-evolving legal structures, it becomes necessary to re-evaluate the significance of time periods featuring infrequent rebellion; they indicate not necessarily that the people concerned were unable to rebel against their governors or were afraid of their retaliation, but perhaps that legal circumstances had conspired to make other forms of protest more appealing or more effective. After all, rebellion, like other modes of protest, rarely constituted an end in and of itself. It was, rather, a means for achieving goals or for presenting grievances before a particular audience, and its ability to perform these functions was tied closely to the ever-changing legal systems within which it operated.