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Locality, Polity, and the Politics of Counsel: Royal and Urban Councils in England, 1420-9

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In her 1988 article on ‘Community, Council and Representation’ for the *Cambridge History of Medieval Political Thought*, Jeannine Quillet draws a distinction between the functions exercised by monarchical and municipal councils in medieval Europe. The former, characterised by the royal councils of France and England, are depicted as less formal bodies that advise the king and provide moral guidance for his political actions. They have no authority independent of the king, and cannot make decisions of their own accord. Municipal councils, exemplified by the northern Italian communes, are another animal entirely. These bodies are defined by their executive and representative functions—council members, acting on behalf of the community of the city as a whole, make decisions for the common welfare and elect civic officials. While royal councils counsel and do not act, municipal councils act but do not counsel.¹

Royal and Urban Councils: Separate Historiographies

Few historians of later medieval England have expressed explicitly the difference between royal and urban councils noted by Quillet, but the prevalence of her assumption is reflected in an underlying divergence in studies of the two bodies: the historiography of royal

¹ J. Quillet, ‘Community, Counsel and Representation’, in J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought c. 350-c. 1450* (Cambridge, Cambridge University Press, 1988), pp. 547-54.

councils has been more concerned with political issues, and that of municipal councils with socio-economic ones. Although historians of the early twentieth century often regarded the English royal council of the later middle ages as an administrative institution continually evolving in its sophistication, more recent historians have interpreted the king's council less as a coherent bureaucratic unit, and more as an informal tool for governance very much tied to the rhythms and personalities of national politics.² As John Watts and Christopher Fletcher have demonstrated, formalised and powerful royal councils were actually rather abnormal political formations, imposed on kings who could not properly fulfill their duties due to youth, infirmity, poor judgment, or tireless political opposition. Respected kings, such as Henry V, governing through personal directives and well-chosen associates, did not need to have their will constrained by a body of formally-appointed councillors obeying fixed administrative procedures.³ Nevertheless, regardless of whether they view the king's council as a fixture of

² The former view is best exemplified by J. F. Baldwin, *The King's Council in England during the Middle Ages* (Oxford, Clarendon Press, 1913); T. F. T. Plucknett, 'The Place of the Council in the Fifteenth Century: The Alexander Prize Essay, 1917', *Transactions of the Royal Historical Society*, 4th ser., 1 (1918), 157-89; A. L. Brown, *The Early History of the Clerkship of the Council* (Glasgow, Glasgow University Publications, 1969); and A. L. Brown, 'The King's Councillors in Fifteenth-Century England', *Transactions of the Royal Historical Society*, 5th ser., 19 (1969), 95-118.

³ J. L. Watts, 'The Counsels of King Henry VI, c. 1435-1445', *English Historical Review*, 106 (1991), 279-98; J. L. Watts, 'When Did Henry VI's Minority End?', in D. J. Clayton, R. G. Davies, and P. McNiven (eds.), *Trade, Devotion and Governance: Papers in Later Medieval History* (Stroud, Sutton, 1994), pp. 119-22; J. Watts, *Henry VI and the Politics of Kingship* (Cambridge, Cambridge University Press, 1996), pp. 25-9, 61-3, 76-80, 82-6; C. Fletcher, *Richard II: Manhood, Youth, and Politics 1377-99* (Oxford, Oxford University Press, 2008), pp. 147-50, 156-7, 177-87, 210-13, 276-7. See also G. L. Harriss, 'Introduction: the Exemplar of Kingship', in G. L. Harriss (ed.), *Henry V: The Practice of Kingship* (Oxford, Oxford University Press, 1985), p. 14, and J. Catto, 'The King's

royal government or as an expedient in times of crisis, historians of later medieval England discuss the king's council in relation to constitutional history and 'high politics'. Both 'councils' and 'counsel', historians have made clear, were issues crucial to public debates in the reigns of Edward III, Richard II, Henry IV, and Henry VI about which magnates should surround the king and whether the king should be trusted to rule the realm at all.⁴ The temporary institutionalisation of the royal council, by appointing a set of named councillors, charging them with particular duties, giving them salaries, and establishing procedures for recording their deliberations, signalled that the king was not governing effectively through his own person or surrounding himself with appropriate men to advise him, and that consequently a substitute for (or, at least, a supplement to) traditional kingship was deemed necessary.

Municipal councils, unlike their royal counterparts, are not viewed as solutions to particular political problems or as barometres for effective governance. Instead, historians of fifteenth-century England depict urban councils as a battlefield in the constant class struggle between merchant oligarchs and artisans, or between members of rival crafts.⁵ This is the result,

Servants', in Harriss (ed.), Henry V, pp. 81-3.

⁴ See below, p. , in 'The Functions of Councils'.

⁵ R. Bird, *The Turbulent London of Richard II* (London, Longman, 1949), pp. 30-43; S. Rigby, 'Urban "Oligarchy" in Late Medieval England', in J. A. F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century* (Gloucester, Sutton, 1988), pp. 62-86; J. I. Kermode, 'Obvious Observations on the Formation of Oligarchies in Late Medieval English Towns', in Thomson (ed.), *Towns and Townspeople*, pp. 89-91, 99, 101; P. Nightingale, 'Capitalists, Crafts and Constitutional Change in Late Fourteenth-Century London', *Past & Present*, 124 (1989), 3-35; M. Kowaleski, 'The Commercial Dominance of a Medieval Provincial Oligarchy: Exeter in the Late Fourteenth Century', in R. Holt and G. Rosser (eds.), *The English Medieval Town: A Reader in English Urban History, 1200-1540* (London, Longman, 1990), pp. 184-215; J. Lee, 'Urban Policy and Urban Political Culture: Henry VII and his Towns', *Historical Research*, 82 (2009), 500-4. A notable exception is S. Reynolds, 'Medieval Urban History and the

in part, of the prevailing interpretation of urban councils as the chief executive organs of civic government, the control of which was necessary for one's economic interests to be forwarded in the town. Many medieval English towns had a two-tiered system of councils, a smaller council of aldermen and a larger 'common council'. Historians traditionally see increases in the responsibilities of the 'common council' and attention to its activities as indications of the temporary rise to power of artisans, craftsmen, and other lesser citizens, while power vested in the 'aldermanic' council constituted a victory for the wealthier mercantile class. The regulation of urban councils is, thus, most often seen as an expression of tension between economic classes, and not as a response to more political problems of public authority.

The Functions of Councils

This paper argues that the historiographical separation of royal and urban councils is unwarranted: a 'politics of counsel' existed both at the royal court and in towns, and from examining it we may understand better the interplay between centre and locality in later medieval political culture. The first step in this process is recognising that royal and civic councils were more similar than they might initially appear. It is not accurate to ascribe purely advisory functions to the former and executive and representative functions to the latter. Almost ignored by historians is the fact that all urban councils, whether aldermanic or common councils, were charged with advising the mayor, as is apparent from the oaths of office that urban councillors took.⁶ Bristol's town councillors swore to 'ghif trewe and hole counsell to all yhour

History of Political Thought', *Urban History Yearbook*, 9 (1982), 18-20.

⁶ Note, however, Reynolds, 'Medieval Urban History', 15, and B. Wilkinson, *The Mediaeval Council of Exeter*

konnyng to the Mair...and ghif no parcial counsel for loue, fauour, brocage⁷ nor hate of no person'.⁸ Aldermen and common councillors in London, Norwich, Stamford, Canterbury, and Northampton made similar promises.⁹ Therefore, there is little justification for excluding urban councils from a discussion of the 'politics of counsel' since they, too, were comprised of men sworn to advise the head of a political body.

This is not to say that royal and urban councils played identical roles. Mayors could not use the town's common seal or make decisions of importance to the community without the consent of councillors, while a fundamental tenet of medieval kingship was that the king should be unrestrained by his council.¹⁰ Mayors were usually municipal councillors elevated to their

(Manchester, Manchester University Press, 1931), p. 30.

⁷ In Middle English, the word 'brocage' or 'brokage' indicated any business transacted through an intermediary or any act of procurement, but could also have sinister connotations of bribery, dishonesty, or undue covertness. See Middle English Dictionary, <http://quod.lib.umich.edu/cgi/m/mec/med-idx?type=id&id=MED6130>.

⁸ The Little Red Book of Bristol, ed. F. B. Bickley, 2 vols (London, 1900), i, 1.

⁹ Munimenta Gildhallae Londoniensis: Liber Albus, Liber Custumarum et Liber Horn, ed. H. T. Riley, 3 vols (Rolls Ser., 1859-62), i, 41, 307-8; The Records of the City of Norwich, ed. W. Hudson and J. C. Tingey, 2 vols (Norwich, Jarrold, 1906-10), i, 99, 122; *William Browne's Town: The Stamford Hall Book*, vol. I: 1465-1492, ed. A. Rogers (Stamford, 2005), p. 33, discussed in A. Rogers, 'Late Medieval Stamford: A Study of the Town Council 1465-1492', in A. Everitt (ed.), *Perspectives in English Urban History* (London, Macmillan, 1973), pp. 26-7; Canterbury Cathedral Archives, Canterbury, CC-O/A/1, Register of Probate, Indentures, Deeds, and Memoranda, 1258-1558, f. 58; The Records of the Borough of Northampton, ed. C. A. Markham and J. C. Cox, 2 vols (Northampton, 1898), i, 393.

¹⁰ For regulations regarding the use of the common seal in towns, see *The Coventry Leet Book*, ed. M. D. Harris, 4 vols (Early English Text Soc., Old Ser., 134, 135, 138, 146, 1907-13), i, 38-40, 42; J. W. F. Hill, *Medieval Lincoln* (Cambridge, Cambridge University Press, 1948), pp. 261, 276, 279; Kent History and Library Centre, Maidstone, *Old Black Book*, Sa/AC 1, f. 131v; and Canterbury Cathedral Archives, CC-O/A/1, ff. 56v, 57v. For the

position of power only for the ensuing year, and as such their authority stemmed in part from their role as ‘chief councillor’, and not, in the case of the king, as a divinely-anointed ruler capable of heeding or overriding counsel given to him at his pleasure. As such, the mayor’s position was more analogous to that of a regent or protector than of a king—a temporary custodian of power who acted only with the counsel and (in some cases) consent of his fellow councillors regarding matters of communal interest, but who was ultimately responsible for any decisions made.¹¹ A strengthened council, therefore, did not diminish the mayor’s authority or pervert the normal course of urban governance in the same way that an institutionalised royal council hampered the exercise of kingship. Aldermanic and common councils could also assert greater claims to being representative bodies than could the royal council.¹² Urban councillors

unconstrained royal will, see Watts, ‘Henry VI’s Minority’, pp. 118-19; Watts, *Henry VI*, pp. 16-17, 25-31, 38-9, 76-80, 106-11; J. L. Watts, ‘Ideas, Principles and Politics’, in A. J. Pollard (ed.), *The Wars of the Roses* (Basingstoke, Macmillan, 1995), pp. 121-2, 125; and S. B. Chrimes, *English Constitutional Ideas in the Fifteenth Century* (Cambridge, Cambridge University Press, 1936), pp. 6, 38, 59-60, 306, 320-1.

¹¹ For the authority of ‘protectors’, see J. S. Roskell, ‘The Office and Dignity of Protector of England, with Special Reference to its Origins’, *English Historical Review*, 68 (1953), 193-233, and C. Beem (ed.), *The Royal Minorities of Medieval and Early Modern England* (Basingstoke, Palgrave Macmillan, 2008). For the relationship between mayors and municipal councils, see Canterbury Cathedral Archives, CCA-CC-O/A/1, ff. 56v, 58, and Hull History Centre, Hull, C BRE/1/2, f. 13. This relationship varied over time and from town to town: see Wilkinson, *Mediaeval Council of Exeter*, pp. 32-63.

¹² This does not necessarily mean that common councillors were delegates acting for particular constituencies (although in some cases they were associated with particular wards or trades), but rather that they were regarded as an embodiment, image, or ‘representation’ of the wider community. See H. F. Pitkin, ‘Representation’, in T. Ball, J. Farr, and R. L. Hanson (eds.), *Political Innovation and Conceptual Change* (Cambridge, Cambridge University Press, 1989), pp. 132-54.

were often elected by the citizens of the town, while royal councillors were ordinarily chosen by the king without formal consultation of any other bodies.¹³ Urban ‘common councils’, in particular, were regarded as embodying the will of the community as a whole. The common councils of Norwich and Shrewsbury, like the parliamentary commons, each had a ‘speaker’ who reported the views of the commonalty to the mayor and aldermen.¹⁴

Nevertheless, the royal council, too, was an executive and representative as well as an advisory body. By the end of the fourteenth century, royal councillors increasingly met without the king being present, and determined petitions, investigated riots, or considered diplomatic problems.¹⁵ During royal minorities, the royal council was often delegated some of the

¹³ Examples of provisions for the election of urban councillors by the community of a town include Records of the City of Norwich, i, 97-8, and *Munimenta Gildhallae Londoniensis*, i, 39, 41-2. For the king’s free choice of both formal councillors and informal counsellors, see Watts, ‘Counsels’, 281.

¹⁴ Records of the City of Norwich, i, 95-6, 100-1; *Rotuli Parliamentorum 1278-1503*, 6 vols (London, 1832), v, 122; D. R. Walker, ‘An Urban Community in the Welsh Borderland: Shrewsbury in the Fifteenth Century’, Ph.D. thesis (Swansea, 1981), p. 19; H. Owen and J. B. Blakeway, *A History of Shrewsbury*, 2 vols (London, 1825), i, 216; A. L. Brown, *The Governance of Late Medieval England 1272-1461* (London, Edward Arnold, 1989), p. 154. For comparisons between common councils and parliament, see S. Rees Jones, ‘York’s Civic Administration, 1354-1464’, in S. Rees Jones (ed.), *The Government of Medieval York: Essays in Commemoration of the 1396 Royal Charter* (York, York University Press, 1997), p. 123; C. D. Liddy, ‘Urban Conflict in Late Fourteenth-Century England: The Case of York in 1380-1’, *English Historical Review*, 118 (2003), 15; and C. D. Liddy, ‘“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. 470-3.

¹⁵ Brown, *Governance of Late Medieval England*, pp. 34, 38; Brown, ‘King’s Councillors’, 96-9; G. Dodd, ‘Henry IV’s Council, 1399-1405’, in G. Dodd and D. Biggs (eds.), *Henry IV: The Establishment of the Regime, 1399-1406* (York, York University Press, 2003), pp. 99-105. See also R. Virgoe, ‘The Composition of the King’s Council in

responsibilities normally reserved to the king, and became, in effect, the principal engine of government. This was formally recognised by the young Henry VI's uncles, the dukes of Bedford and Gloucester, in 1427, when they swore oaths acknowledging that the government of the realm during the king's minority was to be exercised by no one man alone, but by the lords of the kingdom collectively. The body of lords possessing this authority would be the lords sitting in parliaments or great councils when those assemblies were in session, but would, on most occasions, be the royal council.¹⁶ As this last example suggests, the royal council was also believed to represent the community of the realm more broadly speaking, and to act in its interests.¹⁷ It was also understood that the royal council should contain men from each of the three estates of the realm. This was particularly the case in times when the council possessed an unusual degree of authority, no doubt in an effort to reinforce the legitimacy of the body's decisions. The minority councils set up for Richard II in 1377 and Henry VI in 1422 were each carefully calibrated to include equal proportions of ecclesiastics, nobles, and non-noble gentlemen.¹⁸

Both royal and urban councils in medieval England, then, were capable of exercising

1437-61', *Bulletin of the Institute of Historical Research*, 43 (1970), 142-3, 151.

¹⁶ *Proceedings and Ordinances of the Privy Council*, ed. H. Nicolas, 7 vols (London, Eyre and Spottiswoode, 1834-7) [hereafter PPC], iii, 231-42. See also Roskell, 'Office and Dignity', 195-6, 218, 220, 225-6, and J. S. Roskell, *The Commons in the Parliament of 1422: English Society and Parliamentary Representation under the Lancastrians* (Manchester, Manchester University Press, 1954), pp. 105, 107.

¹⁷ Watts, *Henry VI*, pp. 25-7; J. L. Watts, "'A Newe Ffundacion of is Croune": Monarchy in the Age of Henry VII', in B. Thompson (ed.), *The Reign of Henry VII: Proceedings of the 1993 Harlaxton Symposium* (Stamford, Paul Watkins, 1995), pp. 44-5; Watts, 'Ideas, Principles and Politics', p. 124.

¹⁸ Roskell, 'Office and Dignity', 207-11; Roskell, *Commons of 1422*, pp. 100-1, 106; Baldwin, *King's Council*, pp. 112-13, 120.

advisory, executive, and representative functions. Which of these was highlighted at any given time was determined, largely, by circumstance. Royal and municipal councils were, in the usual course of politics, highly amorphous bodies with few clearly-stated duties. They became more formalised institutions in response to severe political tension. Financial mismanagement in 1376 and during the reigns of Richard II and Henry IV prompted parliament to require that the king publicly name and charge his councillors, and that he should make no grants pertaining to the royal fisc without first obtaining their consent. The minorities of Richard II in 1377 to 1380 and Henry VI in 1422 to c. 1435, as well as Henry IV's prolonged illness in 1406, mandated similar arrangements.¹⁹ It was also during these periods that a real administrative apparatus was put in place for the royal council, with detailed recordkeeping and the payment of salaries.²⁰ That the

¹⁹ The Parliament Rolls of Medieval England, ed. C. Given-Wilson, 16 vols (Woodbridge, Boydell, 2005) [hereafter PROME], v, 298-9; vi, 12-14, 33-5; vii, 27-9, 46-8; viii, 152, 244-5, 337-9, 352, 366-73, 414, 457-8, 476, 481; A. Tuck, *Richard II and the English Nobility* (London, Edward Arnold, 1973), pp. 30, 34-47; A. Goodman, 'Richard II's Councils', in A. Goodman and J. Gillespie (eds.), *Richard II: The Art of Kingship* (Oxford, Clarendon Press, 1999), pp. 61-9; Baldwin, *King's Council*, pp. 120-4, 127-31, 145-7, 153-63; Fletcher, *Richard II*, pp. 74-83, 141-2, 151-7, 161-3, 182-90, 210-12; J. J. N. Palmer, 'The Parliament of 1385 and the Constitutional Crisis of 1386', *Speculum*, 46 (1971), 480-2; Plucknett, 'Place of the Council', 178-9; Brown, 'King's Councillors', 95-8; A. L. Brown, 'The Commons and the Council in the Reign of Henry IV', *English Historical Review*, 79 (1964), 1-30; *Select Documents of English Constitutional History, 1307-1485*, ed. S. B. Chrimes and A. L. Brown (London, Adam & Charles Black, 1961), pp. 205-6; J. L. Kirby, 'Councils and Councillors of Henry IV, 1399-1413', *Transactions of the Royal Historical Society*, 5th ser., 14 (1964), 42-60; D. Biggs, 'The Politics of Health: Henry IV and the Long Parliament of 1406', in Dodd and Biggs (eds.), *Henry IV: Establishment*, pp. 185-206; Watts, *Henry VI*, pp. 111-22. For more on the minority of Henry VI, see below, pp. -, in 'The Politics of Counsel, 1420-9'.

²⁰ Baldwin, *King's Council*, pp. 121-3, 131, 134, 157, 175-6; Brown, *Clerkship*, pp. 6, 8-11, 15-16, 18-25; Brown, 'King's Councillors', 96-8.

institutionalisation of the royal council was, fundamentally, a solution to crises or unusual political situations is clear from the fact that the most famous political theorist of later medieval England, Sir John Fortescue, recommended that the best means for restoring England's prosperity after the depredations of the Wars of the Roses was the advent of a strengthened and more systematically-organised royal council, with salaried officers, carefully-kept records, and veto power over grants or appointments made by the king.²¹

Town councils, too, were bodies created or re-defined in response to political crises. In Bishop's Lynn, allegations over the misuse of corporate funds in the years between 1411 and 1420 were dealt with through the establishment of new councils, first a temporary council of nine to supervise financial activities and then a more permanent common council of 27 performing similar functions.²² Contested mayoral elections in Norwich in the early fifteenth century also precipitated the creation of a new common council and changes to the structure of the more select council of 24.²³ In Coventry, riots over common lands enclosed by members of the civic

²¹ J. Fortescue, *The Governance of England*, ed. C. Plummer (Oxford, Oxford University Press, 1885), pp. 143-50, 153-4, 156-7. See also Watts, 'Newe Ffundacion', pp. 44-50.

²² Historical Manuscripts Commission: 11th Report Appendix III (London, 1887), pp. 194, 245-6; M. D. Myers, 'The Failure of Conflict Resolution and the Limits of Arbitration in King's Lynn, 1405-1416', in D. Biggs, S. D. Michalove, and A. C. Reeves (eds.), *Traditions and Transformations in Late Medieval England* (Leiden, Brill, 2002), p. 94; K. M. Parker, 'Lordship, Liberty and the Pursuit of Politics in Lynn, 1370-1420', Ph.D. thesis (East Anglia, 2004), pp. 136-7, 152; K. Parker, 'A Little Local Difficulty: Lynn and the Lancastrian Usurpation', in C. Harper-Bill (ed.), *Medieval East Anglia* (Woodbridge, Boydell, 2005), p. 128; K. Parker, 'Politics and Patronage in Lynn, 1399-1416', in G. Dodd and D. Biggs (eds.), *The Reign of Henry IV: Rebellion and Survival, 1403-1413* (York, York University Press, 2008), p. 226.

²³ P. C. Maddern, *Violence and Social Order: East Anglia 1422-1442* (Oxford, Clarendon Press, 1992), pp. 179-80; B. R. McRee, 'Peacemaking and its Limits in Late Medieval Norwich', *English Historical Review*, 109 (1994), 840-

government and the elite Holy Trinity guild in 1421 to 1422 may well have prompted a series of attempts to define and increase the transparency of the previously indistinct or possibly non-existent council of 48.²⁴ These measures included the first records of conciliar decisions, begun in 1421, and ordinances over the following two years stipulating that Coventry's council of 48 should hear the chamberlains' accounts and issue ordinances, and that their consent should be necessary for the mayor to make any grants under the common seal.²⁵ Thus, at both national and urban levels, when existing power relations failed, more institutionalised councils and stricter guidelines on the provision of counsel were set up to restore faith in government.

These more formalised councils, however, did not always crystallise in the same way or with the same effects. The forms that conciliar regulation took varied from case to case: they included the creation new councils, the introduction of new conciliar practices or by-laws, and the reiteration or codification of existing conciliar procedures.²⁶ Nor did the formalisation of councils always advantage particular social groups over others. Just as historians of the reign of Henry IV have demonstrated that the establishment of institutionalised royal councils did not

52; R. H. Frost, 'The Urban Elite', in C. Rawcliffe and R. Wilson (eds.), *Medieval Norwich* (London, Hambledon, 2004), p. 236; L. Attreed, *The King's Towns: Identity and Survival in Late Medieval English Boroughs* (New York, Lang, 2001), pp. 40-2; Norfolk Record Office, Norwich, Norwich City Records case 8d, Assembly Rolls 1413-14; Records of the City of Norwich, i, 93-108.

²⁴ Documents related to the 1421-2 riots can be found in Coventry Leet Book, i, 2-20, 35-6, 45-53, and The National Archives, KB9/935, mm. 19-20, and are discussed in 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. 155-7.

²⁵ Coventry Leet Book, i, 42, 44, 54-5; M. D. Harris, *The Story of Coventry* (London, 1911), pp. 90-3.

²⁶ For example, the 1425 ordinance for secrecy passed by the royal council was not the first of its kind: see below, p. , in 'The Politics of Counsel, 1420-9', as well as Baldwin, *King's Council*, p. 346.

necessarily benefit the nobility or parliament at the expense of the king, neither were the more formalised urban councils in the interests of any particular class.²⁷ While increased regulation of councils could deposit new powers in the hands of a restricted circle of men, it could also make both aldermanic and common councils more accountable to the urban commonalty at large, to whom their activities would now be more transparent.²⁸ The institutionalisation of councils could also prove to be either a temporary measure, dispensed with once its immediate purpose had been fulfilled, or a more lasting one. The councils set up in 1411-12 to resolve disputes in Bishop's Lynn were purpose-built and short-lived, but the two-tiered structure of councils implemented as a compromise measure to end political conflict in Norwich in 1414-15 remained intact until the nineteenth century.²⁹ Yet even regulations implemented on a short-term basis could have longer-term effects. The measures established by the 1376 Good Parliament to ensure that Edward III received proper counsel did not outlast the elderly king, but nevertheless formed the beginnings of a 'conciliar culture' lasting from 1377 until 1413 in which the administrative reform of the royal council consistently was a political objective for both parliament and the Crown, and in which the 'royal council' itself took on a more institutional

²⁷ Brown, 'Commons and the Council', 10-12; Biggs, 'Politics of Health', pp. 186-7, 191; G. Dodd, 'Conflict or Consensus: Henry IV and Parliament, 1399-1406', in T. Thornton (ed.), *Social Attitudes and Political Structures in the Fifteenth Century* (Stroud, Sutton, 2000), pp. 118-49; Dodd, 'Henry IV's Council', pp. 108-15.

²⁸ For varying interpretations of the relationship between council regulations and oligarchy, see S. Reynolds, *An Introduction to the History of English Medieval Towns* (Oxford, Clarendon Press, 1977), pp. 176-7; R. H. Britnell, *Growth and Decline in Colchester, 1300-1525* (Cambridge, Cambridge University Press, 1986), pp. 118-19, 218-20, 226-7; Rigby, 'Urban Oligarchy', pp. 72-3; and J. Tait, *The Medieval English Borough: Studies on its Origins and Constitutional History* (Manchester, Manchester University Press, 1936), pp. 330-6. For an assault on the concept of oligarchy, see Reynolds, 'Medieval Urban History', 14-23.

²⁹ See above, pp. -, in 'The Functions of Councils'.

aspect.³⁰ In spite of these variations, though, institutionalised councils retained the same, fairly specific, purpose: to address crises in authority. The fact that they performed this function for both urban and national political communities helped to strengthen ties between town and centre and to create a political dialogue to which both could contribute.

The Politics of Counsel, 1420-9

Having established that royal and urban councils in later medieval England shared more functions and features than historians have hitherto allowed, the question still remains—how do such similarities contribute to a ‘politics of counsel’? After all, both kings and mayors received counsel from those who were not formally sworn councillors, and, as we have seen, both royal and urban councils performed functions that were not explicitly related to the provision of advice.³¹ Councils, however, were intimately related to the ‘politics of counsel’, in that they came to the forefront of politics when the relationship between counselling and decision-making became fraught—whether that was because there was no universally recognised authority to take counsel and act upon it (as in the case of a royal minority or a particularly faction-ridden civic government), or because the counsel heard by the king or mayor came from sources which the political community did not trust. The study of councils, then, highlights the fissures and complications that could arise from the process of counsel-giving and counsel-taking, and

³⁰ Goodman, ‘Richard II’s Councils’, pp. 61-75; Watts, ‘Counsels’, 282-4.

³¹ See above, pp. -, in ‘The Functions of Councils’. See also Dodd, ‘Henry IV’s Council’, pp. 95-115; Watts, ‘Counsels’, 281-5, 293-4. Mayors frequently sought advice from lawyers and royal officials who were not members of their council. See, e.g., R. Horrox, ‘Urban Patronage and Patrons in the Fifteenth Century’, in R.A. Griffiths (ed.), *Patronage, the Crown and the Provinces in Later Medieval England* (Gloucester, Sutton, 1981), pp. 150-2.

demonstrates how these problems were addressed.³²

This ‘politics of counsel’, consisting of discussions about the utility of councils as problem-solving mechanisms and the practical means by which such councils were established and regulated, formed an important link between urban internal politics and debates about royal government. Townspeople, on the one hand, and noblemen, bishops, and royal ministers on the other, were familiar with the types of regulated councils used by one another to compensate for inadequate or insufficient governance, and drew from a shared fund of experiences when confronting their own particular problems. The approach taken in this paper follows, in many ways, that of Susan Reynolds, who contends that all medieval communities, whether kingdoms, towns, counties, or villages, operated under the same political values—with a ruler expected to consult a group of the wealthiest and most qualified residents, and all having obligations towards the community as a whole—and that models of government were thus transferable across many different types of polities and organisations. Reynolds, however, is more concerned to illustrate patterns of thought than to enumerate instances of practice.³³ Those historians who have examined similarities between urban and national politics in more detail hardly ever mention councils and counselling, often choosing to focus on ‘representative’ assemblies and fiscality instead.³⁴ Here, it is argued that a ‘politics of counsel’ formed another crucial tie between the

³² Watts, ‘Counsels’, 280-94.

³³ Reynolds, ‘Medieval Urban History’, 14-23. See also O. Gierke, *Political Theories of the Middle Ages*, trans. F. W. Maitland (Cambridge, Cambridge University Press, 1900), pp. 3-4, 9, 21, and S. Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, 2nd edn (Oxford, Clarendon Press, 1997), pp. xxxi-ii, li-ii. Wilkinson, *Mediaeval Council of Exeter*, p. 63, too, briefly compares royal and municipal councils.

³⁴ See Liddy, ‘Urban Conflict’, 4, 14-15, 20-1, 26-7, 31-2, and Liddy, ‘Bee war of gyle’, pp. 470-3, 479. P. Withington, *The Politics of Commonwealth: Citizens and Freemen in Early Modern England* (Cambridge,

political experiences of town and nation, and not purely at an abstract level. In the remainder of this paper we shall examine English royal and urban councils in the period 1420 to 1429 to illustrate the practical consequences that shared concepts of ‘council’ had for the relationship between the polity and urban localities.

The years 1420 to 1429 witnessed an unusually large number of attempts by both royal and urban governments to institutionalise or define the powers of councils, and thus provides the ideal time frame within which to analyse the ties between town and Crown created by a shared repertoire of ‘councils’ and ‘counsel’. The immediate spur for the formalisation of councils was probably different in each instance, and rooted in conditions peculiar to the community concerned. Henry V’s council had left comparatively few records and had few clearly defined functions until 1420, probably because he was an adult king whose policies were generally uncontested.³⁵ In the final two years of his reign (1420 to 1422), however, more letters patent were issued ‘by advice of the council’ and a more detailed record of council decisions was kept—possibly as part of an attempt to allay fears that the English king might seek counsel from the French, now that Henry V had been declared heir to the realm of France by the May 1420 Treaty of Troyes.³⁶ The increased definition of the functions of the royal council over 1422 to 1429 stemmed from the need for those governing in the name of the child Henry VI to be accountable for their actions, and to delineate the bounds between the council’s executive and

Cambridge University Press, 2005), pp. 145-9, discusses the ‘politics of counsel’ in early modern English towns, but in the context of discourses on civility.

³⁵ Brown, *Clerkship*, p. 19; Brown, ‘King’s Councillors’, 105-6; Baldwin, *King’s Council*, pp. 164-7; Watts, ‘Counsels’, 284, 287-8.

³⁶ CPR 1416-22, pp. 265-6, 295, 319-20, 415, 437, 439; Brown, *Clerkship*, pp. 19-22; Brown, ‘King’s Councillors’, 106. For parliament’s concerns regarding the ‘dual monarchy’, see PROME, ix, 254, 258-60.

advisory functions during this period of dormant royal authority.³⁷ We have already seen that institutionalisation of councils in Coventry and Bishop's Lynn in this period may have been prompted by the need to reassure citizens of the civic government's stability and accountability following disorder, and York's decree in 1421 that only those who had previously served as sheriff should be elected to the council of 24 may similarly have been a response to a disturbance at the mayoral election of 1420.³⁸

Although the immediate stimuli may have been different, it is nevertheless telling that both national and urban communities in this period viewed institutionalised councils as the best or most obvious solutions to the problems of authority confronting them. Such an attitude was, to some degree, an inheritance from the political tumults of fourteenth-century England (and perhaps stretching back to Magna Carta), but was further strengthened in the fifteenth century by ecclesiastical conciliarism, a doctrine stipulating that the most representative and legitimate government of the Church lay not in the pope but in a council of bishops from across Christendom, which was put into force at the councils of Constance in 1414 to 1418 and Pavia-Siena in 1423 to 1424.³⁹ These ideas would have been well known to Englishmen, as many bishops active in royal government during the 1420s served on the English delegation at Constance and even reported on the ecclesiastical council's activities to the civic government of

³⁷ Watts, *Henry VI*, pp. 114-15.

³⁸ *York Memorandum Book: Lettered A/Y in the Guildhall Muniment Room*, ed. M. Sellers, 2 vols (Surtees Soc., 120, 125, 1912-15), ii, 75, 90-2, discussed in Liddy, 'Bee war of gyle', pp. 474-5, and C. D. Liddy and J. Haemers, 'Popular Politics in the Late Medieval City: York and Bruges', *English Historical Review*, 128 (2013), 777.

³⁹ A. Black, *Council and Commune: The Conciliar Movement and the Fifteenth-Century Heritage* (London, Burns & Oates, 1979), pp. 1-24, 93-100; A. Black, 'The Conciliar Movement', in Burns (ed.), *Cambridge History of Medieval Political Thought*, pp. 576-86.

London.⁴⁰ While conciliarism undoubtedly played its part, it was primarily everyday interactions between representatives of royal and civic governments, and particularly attendance at parliament, that fostered the shared conceptions of institutionalised councils present in national and urban politics during the 1420s. The ‘politics of counsel’ was a product of the ties between urban localities and the polity, and also served to reinforce them.

This is apparent to some degree at the end of Henry V’s reign, the years 1420 to 1422, when the enhanced authority of the royal council and the appearance of a book chronicling its meetings coincided with the establishment of the council of 27 in Bishop’s Lynn and the earliest survival of records of council decisions in Coventry, as well as with regulations regarding membership of York’s council of 24 and the re-definition of Lincoln’s councils to increase their role in approving decisions taken by the mayor.⁴¹ These years also witnessed Henry V’s greatest personal engagement with the urban political community. After years spent campaigning in France, with only intermittent visits to England, Henry V spent much of 1421 on a progress around his realm, which included visits to Bishop’s Lynn, Coventry, York, and Lincoln, among many other towns.⁴² Although it is difficult to establish any direct correlation between these visits and the renewed attention to councils exhibited at both national and urban levels, it seems

⁴⁰ V. Gillespie, ‘Chichele’s Church: Vernacular Theology in England after Thomas Arundel’, in V. Gillespie and K. Ghosh (eds.), *After Arundel: Religious Writing in Fifteenth-Century England* (Turnhout, Brepols, 2011), pp. 2-42; *Calendar of the Letter Books of the City of London A-L*, ed. R. R. Sharpe, 11 vols (London, 1899-1912), I, pp. 193-5, 209.

⁴¹ See above, pp. -, in ‘The Functions of Councils’, and pp. 5-, in ‘The Politics of Counsel, 1420-9’. For Lincoln, see Hill, *Medieval Lincoln*, pp. 259-61, 276-7.

⁴² C. Allmand, *Henry V*, 2nd edn (New Haven and London, Yale University Press, 1997), pp. 158-60; Harris, *Story of Coventry*, p. 107; *Coventry Leet Book*, i, 34; Hill, *Medieval Lincoln*, p. 271.

reasonable to posit that more intimate relations between towns and the Crown in the early years of the 1420s contributed towards a shared political culture.

It was in Henry VI's minority, however, that the similarities between regulations for royal and urban councils became most apparent. The 1422 parliament authorised the royal council to appoint customs officials and to manage marriages, wardships, and other feudal casualties belonging to the Crown during the king's nonage.⁴³ In early 1424, during the second session of the 1423 parliament, another series of regulations regarding the conduct of the minority council was passed. At the Commons' request, the names of the king's councillors were submitted to parliament, and then the councillors themselves submitted articles suggesting reforms for the working of the council, including stipulations that no single member of the council could grant offices or favours on the council's behalf and that the council should be bound to consult the royal justices on any matters concerning the king's lands or prerogative.⁴⁴ Interestingly, in October 1422, around the same time as these parliamentary ordinances institutionalising the functions of the minority council were passed, Coventry established new rules for its own council. These included provisions that the mayor should not make any grant of land or office under the common seal except in the presence of the council of 48.⁴⁵ The principle that grants under the common seal could not be made unilaterally by the mayor, but required the consent of a council had also been reiterated in Lincoln in April 1422.⁴⁶ When specific conditions made the exercise of authority more difficult than usual, both parliament and urban assemblies viewed it as important to emphasise the stewardship of councils over property and

⁴³ PROME, x, 26-7; PPC, iii, 13-18. See also Roskell, Commons of 1422, pp. 98-109.

⁴⁴ PROME, x, 84-6; PPC, iii, 148-51.

⁴⁵ Coventry Leet Book, i, 42.

⁴⁶ Hill, Medieval Lincoln, pp. 259-61, 276-7.

prerogatives belonging to the community as a whole.

The regulation and standardisation of royal and urban councils in these years were not always imposed by larger representative assemblies: councillors themselves created detailed rules for their own conduct and outlined the duties they would be expected to perform. The minority council of Henry VI did so on a number of occasions during the mid-1420s, in addition to the guidelines set by parliament. A 1424 council ordinance stipulated that lords in dispute with one another should submit their grievances to the judgment of the council, and that the lords concerned should promise to obey that body's verdict.⁴⁷ Later that year, the minority council instituted a salary structure for its members, and established fines for councillors who missed meetings without good reason.⁴⁸ In 1425, all councillors were enjoined to swear an oath not to harm their colleagues, and they were also forbidden from disclosing the council's deliberations to outside parties or from showing special favour to any suitor petitioning the council.⁴⁹ The following year, the minority council issued a fuller set of regulations for its own behaviour, in which councillors were guaranteed the right to speak freely during council meetings and in which the same men were prohibited from maintaining, encouraging, or harbouring disturbers of the peace.⁵⁰

Even though these internal ordinances were not passed in parliament, and therefore less likely to reach a public audience, they, too, bore close resemblance to regulations passed by urban governments. Most similar is a series of ordinances passed by the civic government of Norwich in 1424. Instituted in the knowledge that Norwich in 'diuers parties of the Rewme of

⁴⁷ PPC, iii, 151.

⁴⁸ PPC, iii, 154-8; Baldwin, *King's Council*, pp. 174-7. The salaries were adjusted in 1427: PPC, iii, 265-7, 278-80.

⁴⁹ PPC, iii, 174-7.

⁵⁰ PPC, iii, 213-21.

Ingelond is heuylly voyseed for lak of good and virtuous gouernaunce', these ordinances set out the behaviour to be observed by members of the council of 24 (called aldermen since 1417), so that they would 'geve good examples to the Commouns of the Citee...of good and quietable gouernaunce'. Among the regulations were fines for councillors who did not attend meetings at the mayor's summons, requirements that the mayor and aldermen keep their deliberations secret, prohibitions from entering into law suits against fellow aldermen, and enjoynments for aldermen not to provide support to anyone who spoke 'sclandrous Wordes' against another alderman.⁵¹

London, too, passed regulations in 1426 and 1427 requiring its aldermen and common councillors to take oaths promising to keep confidential any business discussed during council meetings, on pain of heavy fines.⁵²

That royal and urban regimes in the 1420s should stress the same principles of conciliar government—secrecy, internal cohesion, and the maintenance of publicly-held property—can be accounted for, in part, by the similar constitutional status of royal minority governments and municipal governments, but was also derived from joint participation in the political life of the realm.⁵³ Urban representatives attended the parliaments in which the powers of the minority council were delineated, and may possibly have entered into more general discussions taking place there about the role of the king's council. There is evidence, moreover, that civic governments took peculiar interest in parliamentary discussions about the royal minority council. The parliament of 1423, in which the most extensive regulations for Henry VI's minority council

⁵¹ Records of the City of Norwich, i, 109-13.

⁵² London Metropolitan Archives, London, COL/CC/01/01/002, Common Council Journal II, ff. 93v, 109v. See also C.M. Barron, 'The Government of London and its Relations with the Crown, 1400-1450', Ph.D. thesis (London, 1970), p. 57.

⁵³ See above, p. , in 'The Functions of Councils'.

were passed, had its statutes copied by more urban governments than any other parliament meeting between the beginning of Henry V's reign and the Readeption of Henry VI in 1471.⁵⁴ Among the towns to copy legislation from the 1423 parliament were Norwich and Coventry, which, as we have seen, were at the same time instituting ordinances for their own councils very similar to those established for the royal council. We do not know which statutes Norwich copied, but it was the provisions for the minority council that found their way into Coventry's Leet Book—the only parliamentary statutes or ordinances from this period to do so.⁵⁵ It seems eminently probable that during parliament urban corporations observed how the royal government used councils to resolve crises in authority, and then implemented similar schemes when problems arose in their own towns; in turn, urban representatives could draw from their own experiences at home when contributing to parliamentary debates about royal councils.

Parliament was, of course, not the only venue for interaction between urban society and the royal government during which dialogues over council could take place. Residents of towns were brought before the royal council to resolve internal disputes, negotiate loans, or discuss commercial agreements with foreign polities; they also met with the king and his government

⁵⁴ Hull History Centre, C BRF/2/347, Chamberlains' Account, 1423-4; Devon Record Office, Exeter, Exeter City Archives, Receiver's Accounts, 1-2 Henry VI; Norfolk Record Office, Norwich City Records case 18a/1, Chamberlains' Accounts 1384-1448, f. 145; Coventry Leet Book, i, 71-2. See also E. Hartrich, 'Town, Crown, and Urban System: The Position of Towns in the English Polity, 1413-71', Ph.D. thesis (Oxford, 2014), pp. 42, 44, 60-3, 87-8, 207-8, 255-6.

⁵⁵ Coventry did not send MPs to the 1423 parliament, as it had not since 1353, but members of its civic elite were probably present at the assembly to secure an *inspeximus* and confirmation of one of the city's charters: CPR 1422-9, p. 186.

during royal progresses.⁵⁶ Moreover, urban communities maintained close ties with members of Henry VI's minority council, as can be seen from the career of William Alnwick, keeper of the privy seal and a member of Henry VI's minority council from December 1422.⁵⁷ Alnwick was later to be the chief executor of the prominent London citizen William Estfeld, and their relationship may well date back to the early 1420s, when Estfeld became an alderman of London.⁵⁸ The Alnwick-Estfeld connection could possibly have brought the Liber Albus, a London custumal written in 1419 that devoted extensive attention to the roles of the city's aldermen and common councillors, to the attention of the royal minority council, and could also have contributed to the shared concern with secrecy that occupied both the London and the royal councils during the mid-1420s.⁵⁹ Alnwick went on to become bishop of Norwich in February 1426, and was consecrated in August.⁶⁰ This was only a few months before the passage of the November 1426 ordinances for the conduct of the minority council, which were strikingly similar to the 1424 indenture regulating the conduct of the aldermen of Norwich. Alnwick spent much time in Norwich during his episcopate, and he may have been aware of the 1424 Norwich document and used that knowledge to craft the new regulations for the royal council.⁶¹

⁵⁶ See, e.g., PPC, iii, 79-80, 113-16, and above, p. , in 'The Politics of Counsel, 1420-9'.

⁵⁷ R.C.E. Hayes, 'Alnwick, William (d. 1449)', Oxford Dictionary of National Biography, online edn (2008 from 2004 original), accessed 15 October 2013, at <http://www.oxforddnb.com/view/article/421>.

⁵⁸ R. Hayes, 'William Estfield, Mercer (died 1446) and William Alnwick, Bishop (died 1449): Evidence for a Friendship?' *Ricardian*, 13 (2003), 249-59.

⁵⁹ *Munimenta Gildhallae Londoniensis*, i, 18-24, 30-42.

⁶⁰ Hayes, 'Alnwick, William', ODNB.

⁶¹ For Alnwick's diligence as a diocesan, see R. Hayes, 'The "Private Life" of a Late Medieval Bishop: William Alnwick, Bishop of Norwich and Lincoln', in N. Rogers (ed.), *England in the Fifteenth Century: Proceedings of the*

Conclusion

In later medieval England concerns over the institutionalisation of councils—such as their relationship to executive authority, the responsibilities councillors should perform, and expectations about the correct conduct of councillors—were not restricted to debates about the king. The same basic concepts and points of contention also formed part of the vocabulary of urban politics. Therefore, to understand fully the role played by counsel and councils in the political culture of this period, it is essential to view national and urban politics in tandem, and to examine how their activities fed upon one another. The rules by which politics was played were determined not just by a central government, whose norms filtered down to the localities, but were formed over time through the experiences of many different sectors of society in many different political environments. Kings, aristocrats, clergy, and towns all contributed to a common fund of political ideas and mechanisms, from which each could draw as the situation demanded.⁶² The institutionalisation of councils, as a response to complications in the exercise of authority, was one of the components of this repertoire. Discussion of the ‘politics of counsel’ in the later medieval period thus provides an excellent opportunity to create a new, blended narrative of royal and urban governance, and, more generally, to re-cast political culture as a holistic, rather than top-down, sphere of activity.

1992 Harlaxton Symposium (Stamford, Paul Watkins, 1994), pp. 3-7.

⁶² For aristocratic councils, see C. Rawcliffe, ‘Baronial Councils in the Later Middle Ages’, in C. Ross (ed.), *Patronage, Pedigree and Power in Later Medieval England* (Gloucester, Alan Sutton, 1979), pp. 87-108.

