

King, Government and Community in Cumberland and Westmorland
c.1200-c.1400.

Thesis submitted in accordance with the
requirements of the University of Liverpool
for the degree of Doctor in Philosophy by
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National politics impinged on the North West of England in particularly direct fashion in the thirteenth and fourteenth centuries. The Scottish claim to a kingdom reaching into the heart of the Lake District, and the outbreak of the Anglo-Scottish war under Edward I, gave an idiosyncratic twist to the region's history. How far matters of national political consideration actually shaped northern society, or were submerged in regional issues; how much resemblance government and community here bore to other areas: these form the subject of the thesis. What the exercise of power revealed about local allegiance is discussed: did administrative methods and sense of community in any way correspond?

That there should frequently have been two kings - one Scots, one English - bidding for influence on the Border, was a force for instability. Its effects were no less obvious under the first three Edwards than under the Normans and Angevins. The English dilemma, more marked in Cumberland than Westmorland, was to foster local power sufficiently to defend the realm, whilst preventing its degeneration into licence. Various governmental experiments were conducted during the period under review. Barony and honour, local potentate and royal appointee, the county, March, realm, and their communities, each come under scrutiny.

War-time provincial administration developed only gradually. From an early date, great onus had been thrown on to the northern baron, lord of extensive powers, and on to his barony. Baronial significance, evident in the era of reform and rebellion, underwent subtle change under the influence of war, royal patronage, inheritance and marriage. Under Edward II, Cumbria lacked leadership, the effects of curial politics compounded by local mortality. The county community in Cumberland seemed to evolve in response to this. At its most active, the community was a political affair. Wherever it was found, it was a concept open to manipulation, a tool readily employed by faction. When the March commission attained maturity at the end of the fourteenth century, the structure of seigneurial influence in the region had altered radically, power and office increasingly monopolized.

Much recent historical work has been devoted to the county and its community; this study draws attention to a number of other factors. Regional chronology is particularly emphasized. Norman influence, county boundary and county community alike, were comparative latecomers in Cumbria. Whilst Northumberland experienced social change early in the Anglo-Scottish war, Cumbria waited longer for comparable events. Such phenomena demonstrated regional diversity, but many gentry careers showed common forces at work. The ambitious here followed paths similar to those followed in other parts of the realm. They owed little to war on the West March. War, however, did bring change. It not only kindled local identity; it also helped to merge the locality into the realm, the crucible in which were formed major changes in Cumbrian government and community.

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For the faults which remain, I am solely responsible.

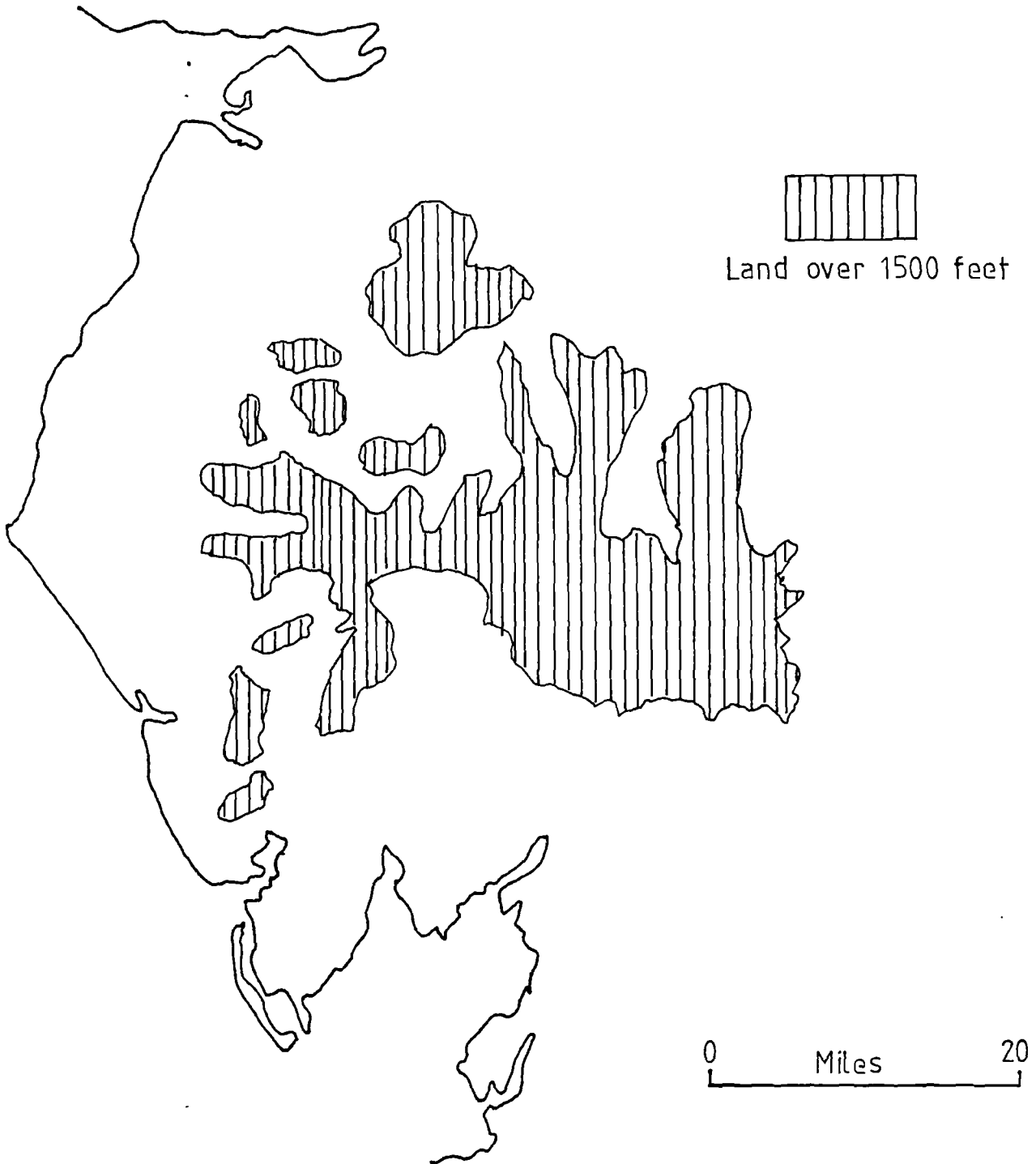
List of Abbreviations

<u>AA</u>	<u>Archaeologia Aeliana</u>
<u>BIHR</u>	<u>Bulletin of the Institute of Historical Research</u>
<u>Cal. Ch. Warrants</u>	<u>Calendar of Chancery Warrants, 1244-1326</u>
<u>CChR</u>	<u>Calendar of Charter Rolls</u>
<u>CCR</u>	<u>Calendar of Close Rolls</u>
<u>CDS</u>	<u>Calendar of Documents Relating to Scotland</u> , ed. J.Bain (4 vols, Edinburgh, 1881-8)
<u>CEMRA</u>	<u>A Catalogue of English Medieval Rolls of Arms</u> , ed. A.Wagner (Oxford, 1950)
<u>CFR</u>	<u>Calendar of Fine Rolls</u>
<u>CFMI</u>	<u>Calendar of Miscellaneous Inquisitions</u>
<u>CMR</u>	<u>Calendar of Memoranda Rolls, Michaelmas 1326- Michaelmas 1327</u>
<u>Cockersand</u>	<u>Chartulary of Cockersand Abbey</u> , ed. W. Farrer Chetham Society (7 vols, Manchester, 1898-1909)
<u>CPR</u>	<u>Calendar of Patent Rolls</u>
<u>CRO</u>	Cumbria Record Office
<u>CRR</u>	<u>Curia Regis Rolls</u>
<u>CW 2</u>	<u>Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society</u> , new series
<u>DNB</u>	<u>The Dictionary of National Biography</u> , ed. L.Stephen et al. (63 vols, London, 1885-1903)
<u>ECHR</u>	<u>Economic History Review</u>

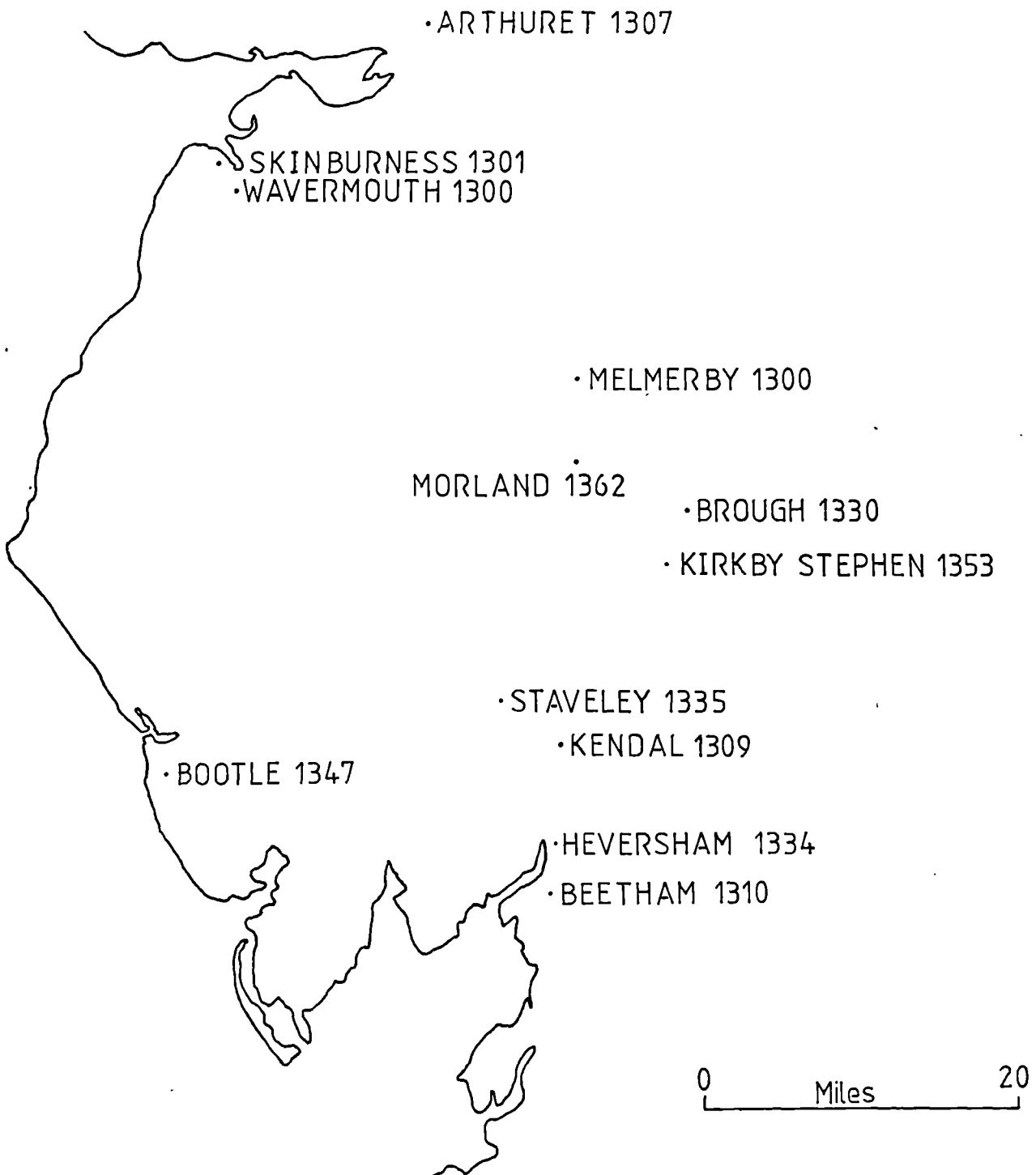
- EHR English Historical Review
- Fees Book of Fees, Part 1, 1198-1242
- Fraser, AP Ancient Petitions Relating to Northumberland, ed. C.M.Fraser, Surtees Society (Durham & London, 1966)
- Fraser, NP Northern Petitions: Illustrative of Life in Berwick, Cumbria and Durham in the Fourteenth Century, ed. C.M.Fraser, Surtees Society (Durham, 1982)
- Furness The Coucher Book of Furness Abbey, vol I, ed. J.C.Atkinson, vol 2, ed. J.Brownbill, Chetham Society (2 vols in 6, Manchester, 1886-1919)
- Halton The Register of John de Halton, Bishop of Carlisle 1292-1324, ed. W.N.Thompson, Canterbury and York Society (London, 1913)
- Holme Cultram The Register and Records of Holme Cultram ed. F.Grainger and W.G.Collingwood, CW Record Series vii (Kendal, 1929)
- IPM Calendar of Inquisitions Post Mortem
- JBS Journal of British Studies
- J Med H Journal of Medieval History
- Lanercost Lanercost Chronicle, ed. H.Maxwell (Glasgow, 1913)
- LNR Historical Letters and Papers from the Northern Registers, ed. J.Raine, Rolls Series (London, 1873)
- Memo. Parl. Memoranda de Parlamento ... 1305, ed. F.W.Maitland, Rolls Series (London, 1893)
- NH Northern History

- Palgrave, Docs Documents and Records Illustrating the History of Scotland and the Transactions between the Crowns of Scotland and England, ed. F.Palgrave (London, 1837)
- P & P Past and Present
- PQW Placita de Quo Warranto temporibus Edwardi I, II, & III, ed. W.Illingworth (London, 1818)
- PRO Public Record Office
- PRS, n.s. Pipe Roll Society, new series
- PRS, o.s. Pipe Roll Society, old series
- PW Parliamentary Writs and Writs of Military Summons, ed. F.Palgrave (London, 1918)
- Rot. Parl. Rotuli Parliamentorum, ed. J.Strachey et al. (6 vols, London, 1767)
- Rot. Parl. Inediti Rotuli Parliamentorum Anglie Hactenus Inediti, ed. H.G.Richardson and G.O.Sayles, Camden 3rd series li (London, 1935)
- R.S. Rolls Series
- Rot. Scot. Rotuli Scotiae in Turri Londoniensi ... Asservati, ed. D.Macpherson et al. (London, 2 vols, 1814) All references are to Vol. 1.
- Royal Letters Royal and Other Letters Illustrative of the Reign of Henry III, ed. W.W.Shirley, Rolls Series (2 vols, London, 1862-8)
- St Bees The Register of the Priory of St Bees, ed. J.Wilson, Surtees Society (London, 1915)
- Stevenson, Docs Documents Illustrative of the History of Scotland ... 1286-1306, ed. J.Stevenson (Edinburgh, 1870)

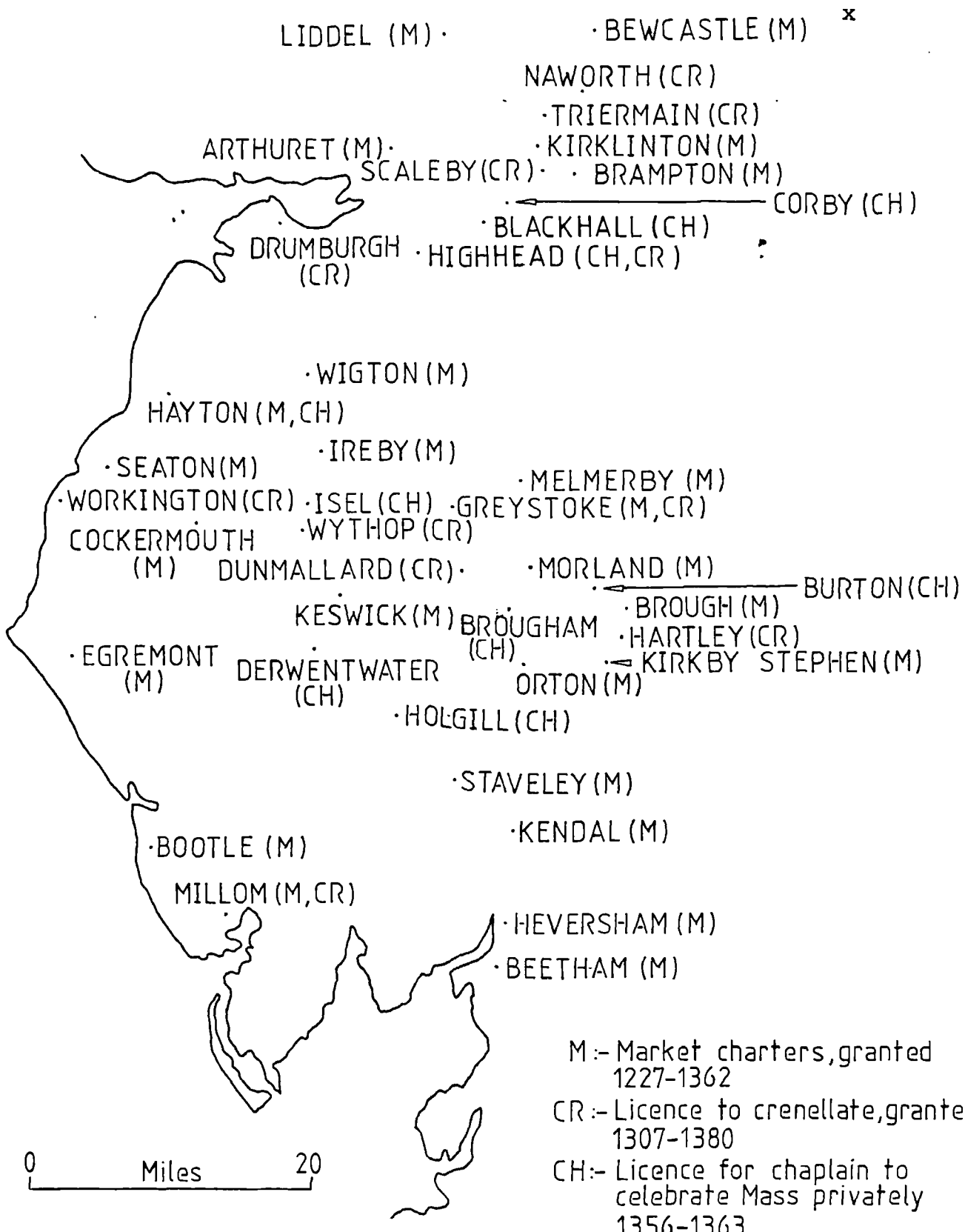
- TDGNHAS Transactions of the Dumfries and Galloway
Natural History and Antiquarian Society
- TRHS Transactions of the Royal Historical Society
- Tupling, Lancs South Lancashire in the Reign of Edward II: As
Illustrated by the Pleas at Wigan recorded in
the Coram Rege Roll no.254, ed. G.H.Tupling,
 Chetham Society 3rd series (Manchester, 1949)
- VCH Victoria History of the County of Cumberland,
 ed. J.Wilson (2 vols, London, 1901-5)
- Wetheral The Register of the Priory of Wetheral, ed.
 J.E.Prescott (London, 1897)



RELIEF OF THE WEST MARCHES



WAR AND THE SEIGNEURIAL ECONOMY :
MARKET CHARTERS 1296-1377



GENTRY ACTIVITY 1227-1380

Introduction

Arnold Bennett's novels of the Five Towns show him to have had clear ideas about the notion of community, recently the subject of much historical inquiry. At the beginning of The Old Wives' Tale he was explicit;

'... the usual daily life of the county was proceeding with all its immense variety and importance; but though Constance and Sophia were in it they were not of it.

The fact is, that while in the county they were also in the district; and no person who lives in the district, even if he should be old and have nothing to do but reflect upon things in general, ever thinks about the county.'

After the district came the town and the Square, which ignored the Five Towns 'as perfectly as the district ignored the county.' (1) Here indeed is a hierarchy for the historian reflecting on things in general to ponder.

The area which today forms the county of Cumbria - Cumberland, Westmorland and part of north Lancashire - makes for particularly interesting pondering. Although its creation in 1974 encountered some vehement opposition, these places have always had much in common, regardless of the old county boundaries.

The name 'Cumbria' was given to the sub-Roman kingdom of Strathclyde, and was revived in the twelfth century under David I of

1) A. Bennett, The Old Wives' Tale, ed. J. Wain (Harmondsworth, 1986), pp. 38-40.

Scotland. It denoted land stretching from Stainmore in Yorkshire, and from Dunmail Raise, to the north of Grasmere, into Scotland, an ancient boundary which the map of medieval England was to disregard.

(2) The realm and its constituent shires cut across its lines. These things give a unique flavour to the study of Cumberland and Westmorland in the Middle Ages.

Proximity to Scotland was of course of paramount importance. As the Border region was closely - fiercely - defined, to become a frontier, so its inhabitants were severed from each other. Fourteenth-century chauvinism replaced earlier co-existence. Yet while cross-Border antagonism was now part of a national struggle, the place of the West March in the nation remained somewhat ambiguous. Although war helped to form national consciousness, it also meant acquiescence in considerable northern autonomy. Sometimes this involved the county, sometimes not.

This work is about place, about notions of community; the barony, the county, the March, the realm. Although most of the characters to be encountered in these pages are of knightly or baronial stock, it is not a study of the gentry as a class. It does not attempt to define who the gentry were, to chart their rise or count their ranks. Nor is it fortuitous that the title does not refer to a county community. This would be to assume that it dominated local loyalty when the present intention is to determine its place in Bennett's pyramid.

The frequent administrative association of Cumberland and

2) The term 'Cumbria' will be used in these pages as a term of linguistic convenience, a synonym for the West March, roughly equivalent in area to the modern county.

Westmorland immediately sounds a note of caution in assessing the shire's importance. It also poses certain problems. What was the relation of one county to another? The county requires scrutiny not only from below, in terms of its constituent elements, but from above, in terms of regional and national frameworks. As there were communities within the shire, there were larger polities which also demanded allegiance. The population of the shire had divided loyalties. How did it reconcile them?

Some of the most recent county studies have expressed reservations about the concept of the county community. Dr Nigel Saul's examination of knightly families in Sussex leads him to conclude that 'the familiar picture of a county community may have to be discarded, in this case at least, in favour of that of a county of communities.' (3) A study of the Derbyshire gentry of the fifteenth century suggests that 'there was ... no coherent county social group or "community" '. (4) Like an earlier study of Leicestershire, it stresses instead the role of the landed estate in forming social relationships. (5) The concept is thus undergoing a process of refinement. It is hoped that this work will make a contribution to that process.

The themes to be developed are those of local isolation and self-sufficiency, communications and integration into the kingdom. Above

3) N.Saul, Scenes from Provincial Life: Knightly Families in Sussex 1280-1400 (Oxford, 1986), p.60.

4) S.Wright, The Derbyshire Gentry in the Fifteenth Century (Derbyshire Record Society, viii, 1983), p.58.

5) G.G.Astill, 'The Medieval Gentry: A Study in Leicestershire Society 1350-99', (unpublished Ph.D. thesis, University of Birmingham, 1977).

all, the demands of war and their influence on communal identity will be examined.

The first two chapters address the issue of chronology. How did communal development in Cumberland and Westmorland tally with that in other places? The introduction of the shire in the wake of the Norman Conquest and the importance of smaller, more ancient units are discussed here. The events of the era of reform and rebellion are then considered, with suggestions about the comparative strength of seigneurial and county loyalty. Finally, the impact of the Anglo-Scottish war on regional organization and identity is examined. How did it affect the individual shire? What was the reaction of the March as a whole? Did it alter outsiders' perceptions of the North?

Chapters three and four turn to the county's involvement in local and national concerns. When the shire purported to speak, whom did it represent? To what extent did local politics impinge? Did war - both a local and a national cause - unite it? Or was the shire a partisan body manipulated by faction? Political alignments during the reign of Edward II make an illuminating case-study.

The last three chapters look at the forces of change under the three Edwards. War has often been regarded as a catalyst to social mobility, but recent historical works have expressed doubt on this point. The scope for gain on the Anglo-Scottish Border is assessed in chapter five, and ranked alongside the perennial, chance shifts in fortune produced by death and escheat, the subjects of chapter six. Chapter seven emphasizes the importance of prosperity won outside the West March in changing local society.

Finally, we ask how the West March of 1377 differed from the West

March of 1272. As far as the nurture of communal identity was concerned, war was certainly the *primum mobile*. In other matters, however, cause and effect were more varied. War kept men at home, but also sent them further afield. It integrated populations and divided them; engendered both obedience and treason. Riches and poverty followed in its wake. Death and war competed as the mainsprings of change, as baronial lines fell into extinction, creating a society in which power was the preserve of a few.

County Community: Origins

Communities of various sizes and sorts have latterly become objects of enthusiastic historical study, sometimes with the tacit justification that it is the logical extension of the work of previous generations of administrative historians, sometimes with more contentious apologetics. Some now seek to establish the existence of corporate identity within the regions, in particular at county level. It is a phenomenon which medievalists view as a beneficent by-product of John and Henry III's intransigence. Students of the early modern era, however, have recently hedged about with caveats the quest for the county community, something not yet fully assimilated by their medieval colleagues. In examining not one, but two shires on the confines of England, it is hoped to evaluate the ideas of community and local consciousness - beds of Procrustes to fit which evidence must be topped and tailed?

Cumberland and Westmorland are particularly interesting candidates for such a study. In Professor Holt's words, 'the Border had created a tradition and practice of independent political and military action'. It might be anticipated, therefore, that the counties' strategic position would determine that local independence would be found here if anywhere. (1) Secondly, the customary

1) J.C.Holt, The Northerners: A Study in the Reign of King John (Oxford, 1961), p.210.

association of the two shires in administrative policy from the days of the Norman Conquest until their union as Cumbria in 1974 discounts shire particularism. Is it correct thus to minimize the importance of the county boundary? Thirdly, the shire was a late-comer to the West March, another fact with implications for the concept of the shire community. Finally, when Westmorland did come within the purview of shrieval administration, it looked to a hereditary sheriff. What repercussions did this have upon its independence and political development? What was the county community in such a milieu?

This chapter will address itself to the early history of the two counties from the Conquest to the era of reform and rebellion, comparing developments here with those in the rest of the kingdom. It will be suggested that the slow evolution of county institutions retarded the growth of common identity and political aspirations on the March, and that the focus of both administration and loyalty was the barony; not the shire.

J.R. Maddicott's essay on the county community most succinctly describes the signs which the medievalist believes to have indicated the presence of community within the shire: considerable political acumen; acquaintance with statute law and royal proclamation; truculent petitioning; an intimation that the interests expressed were not absolutely those of an oligarchy. Michael Bennett's study of Lancashire and Cheshire society shows a similar preoccupation with community. Here the concept is described more dramatically, in terms of 'the boundaries of social identification and the existence of complex networks of social relations which transformed mere

localities into cohesive communities'. (2)

The quest for community treads old ground. The study of individual counties inevitably includes study of its ruling families, and the employment of the genealogical and heraldic skills of the nineteenth-century gentleman-antiquarian whom it had become fashionable to denigrate. The focus, however, is now wider. H.P.R. Finberg cited the story of Sir George Sitwell's view over particularly populous and industrialized acres. He

'turned and spoke in the wistful, nostalgic tones of a castaway, yet of a castaway who was reconciled to his solitude. "You see," he said "there is no one between us and the Locker-Lampsons".' (3)

If the works of the old school were of unequal value, heirs to their potential have amply redeemed their heritage.

Study of the gentry has provided an acceptable pursuit for the early modernist for at least a generation, although even before the Tawney-Trevor-Roper debate, medievalists had begun to discuss the rise of a new class, R.F. Treharne's knights of the period of reform and rebellion. (4) At this time interest tended to centre on administrative and political problems. To investigate the personnel of local office or the Commons was a natural progression from

2) J.R.Maddicott, 'The County Community and the Making of Public Opinion in Fourteenth Century England', TRHS, 5th ser., xxviii (1978), 27-45; M.J.Bennett, Community, Class and Careerism: Cheshire and Lancashire Society in the Age of Sir Gawain and the Green Knight (Cambridge, 1983), p.15.

3) H.P.R.Finberg, 'The Local Historian and his Theme', Local History: Objective and Pursuit, ed. H.P.R.Finberg & V. Skipp (Newton Abbot, 1973), p.19.

4) H.R.Trevor-Roper, The Gentry 1540-1640, EcHR Supplement I, 1953; R.F.Treharne, 'The Knights in the Period of Reform and Rebellion: A Critical Phase in the Rise of a New Class', BIHR, xxi (1946), 1-12.

institutional studies like that of Morris on the county court. It also showed continuing preoccupation with the origins of parliament. (5) J.S. Roskell's statement that 'the importance of a study of the personnel of parliament, the official and unofficial capacity and propensities of the individual knight of the shire and burgess, his activity out of parliament in the locality, must be recognized as equal to the importance of the agenda of parliament', eloquently represented this school of thought. (6) Work such as K.B. McFarlane's on bastard feudalism, with its emphasis on lordship similarly began to track the medieval knight of the shire back to his home. It was not until comparatively recently, however, pari passu with the study of the inflation of the late twelfth century, and as a coda to work on demography and estate-management, that probing commenced into the economic condition of the county landowner. (7)

Such are the perspectives from which the knight has been viewed. Now it is his shire which attracts attention. The emphasis given to the notion of community reveals the influence of Finberg's classic exposition of the raison d'être of local history. (8) The

5) W.A.Morris, The Early English County Court (Berkeley, 1926); The Medieval English Sheriff to 1300 (Manchester, 1927).

6) J.S.Roskell, The Knights of the Shire for the County Palatine of Lancaster 1377-1460, Chetham Soc., 96 (Manchester, 1937), p.vii.

7) K.B.McFarlane, 'Bastard Feudalism', BIHR, xx (1943-45), 161-81; P.D.A.Harvey, 'The English Inflation of 1180-1220', P & P, lxi (1973), 3-31; E.King, 'Large and Small Landowners in Thirteenth Century England; The Case of Peterborough Abbey', P & P, xlvii (1970), 26-50, began the debate.

8) 'The business of the local historian is to re-enact in his own mind, and to portray for his readers, the Origin, Growth, Decline and Fall of a Local Community.' (Finberg, Local Historian, p.1.)

medievalist is in his debt, as he is also to contemporary research into the early modern era. Alan Everitt's tenet that the shire is 'a self-conscious and coherent community with a distinct life of its own ... in which politics played merely an intermittent part', that the gentry's 'primary sphere of activity ... was the local community; their "country" was the shire', states the position. Such a tenet underlies Dr John Morrill's examination of Cheshire government and society. It has been fruitful in prompting regional studies, (9) and no less fruitful in feeding historical controversy.

Debate now turns upon the degree of isolation experienced by the shire, and its self-sufficiency. Everitt's pronouncements are extreme. His idea of a conflict between the demands of the state and those of the locality finds an echo among some medievalists. P.R. Coss, for instance, suggests that at the end of the thirteenth century the Crown lost control over the 'appointments and behaviour of its local agents', but that 'what the Crown lost was gained by the communitas, the shire community'. (10) This is to begin to establish a dichotomy between the interests of the two, a dichotomy now contested in early modern circles. Clive Holmes protests that Everitt laid 'undue emphasis upon the localism of the county community', turning his own attention to the shire's ken of wider horizons, and divisions within the locality. Others are

9) A.Everitt, Suffolk and the Great Rebellion 1640-1660, Suffolk Record Soc., 3 (Ipswich, 1960), p.7; J.S.Morrill, Cheshire 1630-1660: County Government and Society during the English Revolution (Oxford, 1974), p.330.

10) A.Everitt, The Local Community and the Great Rebellion, Historical Association pamphlet, G70 (1969), p.5; P.R.Coss, The Langley Family and its Cartulary: A Study in Late Medieval 'Gentry', Dugdale Soc., Occasional Paper, 22 (Oxford, 1974), pp.5-6.

investigating the means by which the governing and governed communicated, and to localism as mentalité, capable of both encouraging and discouraging national involvement. (11)

All this suggests lines of inquiry for the earlier period which it would be churlish to ignore. But there are problems in too sanguine a sailing in the early modern wake. The medievalist finds the origins of the county community in the first half of the thirteenth century; the early modernist in the Tudor era. It is a discrepancy which indicates the difficulties of tailoring a model to fit historical circumstances, a reminder that loyalties came and went; the historian is too apt to regard the past teleologically. Dr. MacCulloch's recent study of Suffolk under the Tudors has emphasized this point, for whilst fifteenth-century Suffolk displayed signs of county-consciousness, these disappeared during the sixteenth century, when the area was dominated by members of the nobility. It was not to re-emerge until the late sixteenth century. (12) With this as a lodestone, let us turn to the importance of the county in the West March.

i) Pre-Shire Courts and Communities

The shire was a late arrival in Cumberland and Westmorland. The area had been but imperfectly assimilated to the Anglo-Saxon kingdom

11) C.Holmes, 'The County Community in Stuart Historiography', JBS, xix (1979), 54-74; D.Harris Sacks, '"Bristol's Little Businesses"', 1625-41', P & P, cx (1986), 69-106.

12) J.R.Maddicott, 'Magna Carta and the Local Community 1215-1259', P & P, cii (1984), 25-66; D.MacCulloch, Suffolk and the Tudors: Politics and Religion in an English County 1500-1600 (Oxford, 1986), pp.105-7.

before the Norman Conquest, and was as slow to come under the influence of the Confessor's immediate successors as under the influence of his forebears. The only parts of the region to appear in Domesday were the southern-most reaches of the later county of Cumberland - the vicinity of Millom: a scattering of hamlets along the river Kent in what was to become Westmorland: and the Furness and Cartmel peninsulae - later Lancashire. All these were tersely included in the Yorkshire survey. The remainder was under Scottish sovereignty. William I made no enduring mark here, it falling to his son, Rufus to establish a stronghold at Carlisle in 1092, and to expel its ruler, Dolfin. According to the Anglo-Saxon Chronicle, he then 'sent thither very many English peasants with wives and stock to dwell there to till the ground', which colonization is attested by the Continental personal name element in a number of place names near Carlisle, and to the north of Penrith. The progress of Anglo-Norman power did not go unchecked, however. The war which followed Henry I's death was to jeopardize the Normans' sway and disposition of territory, a peril incurred at other moments of political crisis until the mid-thirteenth century.

In the North, the Scottish claim to the ancient kingdom of Cumbria, its boundary on the river Duddon, Dunmail Raise, and the Rere Cross on Stainmore, gave an additional dimension to political struggles which elsewhere appeared to be a clash between two opposing sides, thereby producing the uneasy atmosphere of a ménage à trois. In 1237, Alexander II and Henry III reached an agreement by which Scotland was finally to renounce its claim, and receive instead 200 librates of land in Cumberland and Northumberland. It

took some years more to assign these. (13)

The area's allegiance was thus somewhat chequered. The Stephen-Matilda era found David of Scotland and his son exercising power at Carlisle, confirming the charters of local religious houses, playing an important part in the foundation of a Cumberland abbey, and with the men of Carlisle among their troops at the Battle of the Standard. (14) The dissent between Henry II and his eldest son was complicated in the North by the presence of William the Lion, to whom the Young King promised Carlisle and Westmorland. Under King John, a number of the canons of Carlisle did homage to Alexander II, no doubt explaining the subsequent appointment of the trusted Walter Mauclerc as bishop. Carlisle was a very minor see; Henry III complained in 1217 that no one would take it. (15)

The vicissitudes of sovereignty meant that settled shire boundaries and administration were slow in arriving. This ultimately produced the ironic spectacle of the Normans, true heirs to the West Saxon dynasty, introducing units of local administration originally intended to help combat their Viking ancestors. The process of enfeoffment shows the units out of which the two shires were to develop.

13) A(nglo) S(axon) C(hronicle), trans. G.N. Garmonsway (London, 1972), p.227; Place Names of Cumberland, Part III, ed. A.M. Armstrong, A.Mawer et al. (Cambridge, 1952), pp.xxxi-ii; Anglo-Scottish Relations 1174-1328: Some Selected Documents ed. E.L.G.Stones (London, 1965), pp.19-25.

14) Early Scottish Charters Prior to A.D. 1153, ed. A.C. Lawrie (Glasgow, 1905), nos.123-26; 'Richard of Hexham', Chronicles of the Reigns of Stephen, Henry II, Richard I, ed. R.Howlett, R.S. (4 vols, 1884-90) 3, pp.158, 170; Holme Cultram, no.260.

15) Lancashire Pipe Rolls ... and Early Lancashire Charters, ed. W.Farrer (Liverpool, 1902), series iv, no.x; 'Chronique de Jordan Fantosme', Chronicles, ed. Howlett, 3, pp.227, 257.

Ranulf Meschin, who became earl of Chester after the fatalities of the White Ship, was the first whose work and position at Carlisle can be established. In the foundation charter of Wetheral Priory, he addressed the inhabitants of his potestas of Carlisle, a description emphasizing the amorphous organization of the lands over which he held sway. His creation of two baronies athwart the Border, at Liddel and Burgh by Sands, and his failure to establish his brother at Gilsland, as much as the territorially-compact sphere of his authority, betrayed his vulnerability. The potestas extended into parts of what was to become Westmorland - and was crystallized in ecclesiastical form in 1133 as the boundary of the see of Carlisle. Although the ecclesiastical settlement was the more enduring of the two, both demonstrate the early administration of land by lordship. (16)

The first use of the names Cumberland and Westmorland appears to have been in the tenth century, at which time they denoted areas smaller than the later shires; the Anglo-Saxon Chronicle's reference to Westmorland, sub anno 966, is to the area of the Eden Valley, rather than to a larger region. Although Henry I occasionally despatched charters to the faithful of Cumberland and Westmorland, they were as frequently hailed as the faithful of Carlisle. Even one of David of Scotland's charters was addressed to the men of Cumberland and Westmorland, but shire names were not continuously used at this period.

The first extant Pipe Roll of 1130 has entries for 'Chaerliolium'

16) Wetheral, nos.1, 3, 4. The places excluded from the see of Carlisle were also those which had been entered under Yorkshire in Domesday, in which allegiance they were to continue as part of the archdeaconry of Richmond.

and 'Westmarieland', and provides the first glimpse of two sheriffs at work. Only one had been active in the time of Meschin. (17) Such shrieval sway was not comprehensive, however. Commenting that it was not until 1178 that the name Cumberland denoted an accounting area on the Pipe Roll, W.A. Morris added that it was 'clearly regarded as a county with a firma comitatus earlier'. In fact, although the sheriff of 'Carlisle' accounted at the exchequer from 1158 until 1174, his authority did not extend to the west Cumberland area of Copeland until 1177-8. When, in 1158-9, the sheriff accounted for sixty marks as the gift 'of the knights of Cumberland', and sixteen marks as the debt of the 'clergy of Cumberland', the area implied was not the same as the Cumberland of 1180.

William the Lion's bid for the region disrupted accounting in 1174. In that year the account for the mines of Carlisle was rendered on the Pipe Roll for Northumberland. The sheriff of Carlisle failed to account, claiming to have received nothing because of the war. Not until 1177-8 were outstanding debts dealt with, and the accountants pardoned certain sums lost in the destruction. But if it was this affray which imperilled county administration in the short term in Cumberland, it also gave the impetus to its reconstitution in its final form. Ultimately the shire encompassed Copeland, its greater scale suggested by its rechristening as Cumberland rather than Carlisle on future Pipe Rolls. (18)

17) VCH 2, p.228; CDS 1, no.26.

18) Morris, Sheriff, p.123; P.R.S. o.s., 1, p.32; 21, p.107; 27, pp.124-6.

This early history is of importance to the student of community, for if the shire made a late appearance on the March, the same was true of the shire court, forum and sine qua non of the county community. It is here, say its advocates, that the divide is breached between the shire as a mere regional cog - a convenience for the purpose of king, chancery, and exchequer - and the shire as a community with impetus of its own. Thus Maddicott, 'the county community, where the gentry found a voice, predated the Conquest and had long given corporate expression to local opinion'; Bennett, the county community 'early assumed institutional form', and Helen Cam, 'the shire is not a community which has come into existence by a voluntary act of association, for it has been in existence since before the Norman Conquest'. (19) Did the delay in Cumberland and Westmorland affect their political development or their sense of corporate identity?

Before the Domesday and non-Domesday lands were brought under the same national jurisdiction; before Cumberland's reconstitution in 1178; before the Eden Valley was joined with Kentdale and Lonsdale to form Westmorland, the unit of paramount administrative importance was the barony or lordship, as Meschin's career has already suggested. The two known pre-Conquest administrative regions which survived not only into the Norman era but into the shire era - Allerdale and Westmorland - were baronies. The Gospatric writ, c.1067-72, mentions that Allerdale had recently passed from Cumbrian

19) Maddicott, 'Magna Carta', 25; Bennett, Careerism, p.21; H.M.Cam, 'The Community of the Shire and the Payment of its Representatives in Parliament', Liberties and Communities in Medieval England: Collected Studies in Local Administration and Topography, ed. H.Cam (Cambridge, 1944), p.245.

to Northumbrian jurisdiction; the Testa de Nevill records that Alice de Rumelly held it as the descendant of Henry I's feoffee, one Waltheof, son of Gospatric. The Westmorland of the Anglo-Saxon Chronicle survived as the barony of Appleby or Westmorland, a tenure different from that of Kendal. (20) The Border barony possessed idiosyncratic characteristics, to establish the pre-Conquest and pre-shire nature of which, it is necessary to work back from thirteenth- and fourteenth-century evidence.

Sidney Painter's emphasis on the fluctuating contemporary definition of the barony could hardly accord better with West March evidence. The Barons' Letter to the Pope of 1301, for instance, reveals the titles chosen by a number of Cumbrian grandees. It was sealed by John de Huddleston as lord of Millom, a mesne tenure. John de Greystoke sealed as lord of Morpeth, Northumberland - so much for the caput from which his title derived. Thomas de Multon of Egremont emphasized his Cumberland dignity rather than his Lincolnshire interests. Robert de Clifford sealed as castellan of Appleby; John de Lancaster as lord of Barton, a tenure held in chief of the king, if by the service of a mere twentieth part of a knight's fee. (21) The Parliamentary Roll of Arms eleven years later made two distinctions amongst those it ranked above county knights: the bannerets - who included Fitz William of Greystoke, Clifford, Multon, Lancaster, Wigton, Huddleston, and Vipont of

20) H. Davis, 'Cumberland before the Norman Conquest', EHR, xx (1905), 61-65; Fees, 1, p.198.

21) S. Painter, Studies in the History of the English Feudal Barony (Baltimore, 1943), pp.15-16; O. Barron, 'The Barons' Letter to the Pope: III: The Seals', The Ancestor, viii (1904), 100-10.

Alston: and the great lords, now deceased, amongst whom seven Cumbrian names appeared, only Tilliol having been thus separated from the goats before. Further suggesting that diverse criteria were in operation, the jurors of the Cumberland eyre of 1278-9 referred to ten baronies in the county, one of which, Houghton, was not thus designated in any other source. The Quo Warranto proceedings, on the other hand, enumerated five baronies, one honour, and the 'land of Copeland' in Cumberland, and found nothing to distinguish one Westmorland tenure from another. (22)

The Quo Warranto trials prompted particularly detailed descriptions of the Border baron's liberties, and, equally important given the paucity of pre-Conquest evidence for this area, emphasized their antiquity. Existence time out of mind was a medieval leitmotiv. To find it used here, when other circumstances also imply pre-Conquest origins for baronial power, is especially interesting. The claims led R.R. Reid to suggest that 'in England north of the Trent barons ... simply as barons had within their baronies the powers, judicial and administrative of a sheriff', and that these powers were inherited from the Anglo-Saxon thegn.

In place of the shire court of the south of England, instrumental in fostering corporate spirit and forming the shire community, are we then confronted in the North by an equally enduring baronial court? Was this the mother of community in pre-shire Cumberland and Westmorland? F.M. Stenton, à propos of the honorial court, posited for it a role analogous to that claimed for the shire by the apologists of the county community. If true of

22) FW 1, p.1410 ff; CDS 2, no.146; PQW, pp.112-32.

honour and shire, why not of the barony? (23)

During the eyre in Cumberland in 1278-9, the jurors stated that 'all holding of the king of Scotland by barony have gallows in their land except Geoffrey Tilliol, from what time they know not'. This found an echo in 1292, when Robert Brus' claim to have gallows, and infangthef in his lands of Gamblesby and Glassonby perturbed the Justices. Brus contended that these 'a tempore quo non extat memoria semper fuerunt annexe et pertinentes ... manerio', the jury concurring. The earliest charter proffered in support was King John's, which granted the villis to an ancestor of Brus' wife, 'with all liberties'. It is possible to trace the tenure into Henry I's reign, when the King notified Walter Espec, Eustace Fitz John, Odard the sheriff, and all lieges, Franks and Angles, of Cumberland, that he had given the land of Gamel and Glassam, two drengs, to Hildred of Carlisle and his son, Odard. (24) They were to hold by paying the annual toll of animals, as other freemen holding in chief in Cumberland, and were to perform the other services of free men. The charter referred to no specific liberties. Possibly their succeeding the drengs carried powers tacitly understood.

D.W. Sutherland noticed the northern peculiarity whereby every lord in Cumberland and Northumberland claimed to hold the assize of ale for their tenants, but other, more important rights of lordship had also been assumed. At Cockermouth, described here as an honour, Thomas de Lucy and the countess of Albemarle claimed infangthef and utfangthef; pleas of withernam; to take the chattels of felons

23) R.R.Reid, 'Barony and Thanage', EHR, xxxv (1920), 161-99; F.M.Stenton, Anglo-Saxon England (Oxford, 1943), pp.636-7.

24) CDS 1, no.470; 2, no.146; PQW, p.124.

condemned in the court of Cockermouth and beheaded; to have a coroner; to hold Crown pleas, and to proceed to outlawry in appeals of felony. In justification they looked back to the early twelfth century, and William Fitz Duncan, their common ancestor. He, they maintained, was seised of these liberties in the area between the Cocker and Derwent, 'tanquam annexis et pertinentibus ... ab antiquo'. The jury elaborated further, explaining that the office of coroner was performed by Albemarle's constable of Cockermouth castle, that whenever a plea of the Crown arose, the Lucys' seneschal would sit with the coroner, sharing whatever profits arose. The Albemarle bailiff saw to the return of writs and made execution. If he was amerced, the fine was also shared. (25)

The aspect which particularly exercised the Justices was the right to the goods of felons. They cast aspersions on whether the lords of Cockermouth had been granted this by the Crown, pointing out that the general eyre ordered inquiry into this very issue. It was, however, a claim encountered time and time again during the proceedings. Thomas de Multon claimed to take the chattels of fugitives and felons condemned and executed 'per totam terram de Coupland' - except in six villages. A day was given to determine the issue. John de Greystoke made the same claim 'per totam baroniam de Graystok', John Wake in the villages of Levington, Arthuret, Stubhill and Easton, Thomas de Multon of Gilsland in the barony of Gilsland, and John de Huddleston in Millom.

Extensive liberties were claimed which escaped censure, subject

25) D.W.Sutherland, Quo Warranto Proceedings in the Reign of Edward I (Oxford, 1963), p.70; PQW, pp.112-3.

only to minor criticism and alteration. Multon of Egremont was found to have arrogated the right to amends of the assize of broken nets in the Derwent without warrant. On the other hand there was no demur regarding his right to the assize of bread and ale; free chase; wreck of the sea; weyf; infangthef; utfangthef; pleas of withernam; all pertaining to the office of coroner and sheriff; the return of writs; to hold pleas of the Crown; to custody of prisoners caught in Copeland; to make attachments of appeals of felony; to prosecute to outlawry; to various sorts of toll. In Cumberland, Brus, Wigton, Wake, Greystoke, Multon of Gilsland, Huddleston, the barons of Burgh and Kirkclinton; in Westmorland, Greystoke, the baron of Kendal, Lancaster of Barton, the mayor and community of Appleby, all claimed gallows and infangthef. R.R.Reid suggested that

'the possession of a court to which these rights belonged viz "the rights of public justice included in the formula sac and soc, toll and team and infangthef" was ... the essence of barony',

a definition which appears particularly cogent in the North, where other criteria, such as tenure by knight service, are inapplicable.

The moderate climate in which the Conquest was implemented when it eventually reached the North gives further weight to the hypothesis that baronial power and court alike were at least of Anglo-Saxon origin. (26) Henry I's reign was typified not just by increasing Norman penetration of the North, but also by its

26) Reid, 'Barony and Thanage', 191-4; I.J.Sanders, English Baronies: A Study of their Origin and Descent 1086-1327 (Oxford, 1960) classifies 'probable' and 'actual' baronies on the basis of the payment of baronial relief and obligation to military service.

tolerance of the existing population. F.M. Stenton's contention that the North housed those few Anglo-Saxons to survive the new dynasty without having to disgorge their lands is borne out by some of Henry's baronial creations in Cumberland. Allerdale and Greystoke both went to men of old families. The Normans' disposition to patronize and co-operate with native Cumbrians is shown by the fortunes of Ketel, son of Eldred, both at Kendal and in Copeland. Under William Rufus, a Norman had been granted Kendal; by Henry's day, Ketel was lord there, as well as being the Meschins' tenant in Workington and elsewhere in Copeland. (27) Other Norman patronage of Anglici - a singularly inappropriate title for such a racially hybrid population - included Henry's enfeoffment of Adam and Henry, the sons of Suan, Hildred of Carlisle and his son, Odard. It can also be seen in William Meschin's charters to the priory of St. Bees, witnessed by Waltheof, Ketel, and Cormac Gille becoc. It is impossible to determine the scale of dispossession, to know whether Norman feoffees were new men, or simply those confirmed in the tenures of an earlier period. Certainly Hildred and Odard's promotion involved ousting previous tenants, as did the establishment of the Vaux family at Gilsland. A charter of Robert de Vaux giving land to Lanercost elaborated on the difficulties in displacing the former incumbent, whom death finally removed.

'per has divisas per quas Gille filius Bueth illam
melius et plenius in vita sua tenuit et per quas

27) F.M. Stenton, 'English Families and the Norman Conquest', TRHS 4th ser., xxvi (1944), 1-12; Fees 1, pp.197-8; St Bees, Illustr. Docs, xix; Lancs Pipe Rolls, p.vii.

dominus Henricus rex secundus Huberto de Vallibus
patri meo et mihi dedit'. (28)

Further evidence that the new Norman broom did not sweep quite clean comes from the continuance of pre-Conquest modes of tenure. According to the Testa de Nevill, all the baronies of Cumberland and Westmorland except Gilsland and Copeland were held by cornage. It has been suggested that Copeland's inclusion amid the feudal tenures was mistaken; that its quota of service in fact referred to Millom, a mesne tenure, not to the barony itself. In this case, only Gilsland remains, and significantly this was a creation of Henry II's, earlier attempts to establish Norman influence there having failed. (29) The inquiry into fees in the 1278 eyre listed seven baronies held by cornage, one held by frankalmoign, and two by military service. In Westmorland both the baronies of Appleby and Kendal were held by knight service; their lords had been acquitted of the payment of cornage, although not until the reign of John and Richard I, respectively. (30) Payment at under-tenant level continued.

There are indications that old modes of tenure were sometimes altered. Thus, when in 1195 one Henry de Wichenton sought 'servicium drengagii' from nine bovates of land in Lowther, a fine was made by which the land was to be held for homage and service, and a pound of pepper per annum, in fee and heredity. This is one example of the imposition of feudal uniformity. Others are provided

28) CRO, Carlisle, Lanercost Cartulary, fol. 1r; St Bees, nos.1-2; Wetheral, nos.14, 196; Fees 1, p.199; CDS 1, no.470.

29) Reid, 'Barony and Thanage', 182; Wetheral, pp.65, 195, 469.

30) Payment temporarily suspended in 1179, 'ad se sustentandum in servitio suo', P.R.S., o.s, 29, p.176; n.s, 17, no.81; IPM 5, no.238; 11, no.312.

by references on the Westmorland Pipe Roll of 1177 to a rent formerly paid by drengs, which Hugh de Morvill had turned into free service. In the following year there is a reference to quittance of 32d. from land held in drengage in return for a yearly payment of six shillings. There are, however, many signs that later, more widescale attempts to make cornage tenure approximate feudal tenure still closer were fiercely resented. (31)

All these phenomena - continuity of baronial boundaries and personnel, continuity of idiosyncratic tenure - render more cogent the claim for the pre-Conquest origin of the baron's jurisdictional powers and court. What possibility is there that the barony vaunted communal identity and activity, its lord's court its focus?

The right to alienate land in perpetuity was given impetus in the immediate post-Conquest years by the establishment and patronage of religious houses. It in part depended on local knowledge of - and consent to - such gifts. The baronial court had a role to play here, something which the evidence of the first few generations of Normans and Norman-influenced individuals on the West March amply suggests.

It was not rhetoric which led Alan, son of Waltheof, feoffee of Henry I and William Meschin, to salute 'omnibus amicis et hominibus suis Francis et Anglis', or 'his men of Allerdale and Copeland' when granting land in fee and heredity. In the event of dispute it would be to these men that appeal was made, whether in court, or more informally. A number of early Wetheral charters particularly illustrate the link between community and alienability. The lord of

31) P.R.S., o.s. 17, pp.58-9; 27, pp.74-6; 28, p.29

Corby made a gift 'assensu et consilio amicorum meorum'; his brother made one 'consilio et assensu ... uxoris ... et amicorum meorum', and others with the consent of his lord, local free men, his son, and so on. (32) In his charter to Lanercost, Robert de Vaux was spurred to confirm whatever his men had already given, or might afterwards give. William Meschin had some years before conceded to St Bees 'quicumque ex militibus meis aliquod incrementum terre de suis propriis terris dare voluerit'. The reference to Meschin's knights is particularly interesting, hinting as it does at the existence of the honorial court, usually glimpsed but rarely. The Pipe Roll of 1184 refers to a court of knights in Copeland; an account of 1316 to such a court in Cockermouth castle.

The standard formula to begin charters of the period was the clause 'omnibus legentibus vel audientibus'. The forum in Cumberland and Westmorland in which the hearing and reading went on was the baronial court. The need to provide publicity and witnesses to acts in a pre-literate age led Hildred of Carlisle, c.1130, to make a quit-claim to Wetheral in the presence of the monks, knights, and burgesses of Carlisle. (33)

The baronial court at Kendal in the early thirteenth century was a particularly close-knit assembly. A quit-claim made to the baron, in full court, in the presence of the seneschal and other good men, demonstrates this. Its twelve witnesses are likely to have been suitors at the court; they were certainly men prominent in local

32) St Bees, Illustr. Docs, xiii, no.454; Wetheral, no.35.

33) CRO, Carlisle, Lanercost Cartulary, fol. 2d; St Bees, no.1; P.R.S. o.s, 34, pp.183-8; PRO, SC6/824/18; Wetheral, no.72.

affairs, four of whom had to provide hostages on the baron's behalf in 1216. Also suggesting a court milieu is the quit-claim of a villein made by William de Boyvill, the witness list to which is headed by the baron, and ends with the words 'coram quibus hic factum fuit'. (34)

Ties of marriage and patronage bound baron and good men together at Kendal. Members of the Redman family of Levens served as seneschal for William de Lancaster II, for his son-in-law, Gilbert Fitz Reinfrid, and received land from both men. Gervase de Eyncurt was enfeoffed at Natland by William II; his son served as one of Fitz Reinfrid's knights, and was with his heir at the siege of Rochester castle. Alexander de Windsor, given land at Heversham, Grayrigg, and Morland by William I, married the baron's daughter; their son was to marry Fitz Reinfrid's niece. Both William II and Fitz Reinfrid had illegitimate sons whom they provided with land locally, further instances of relationships which extended the influence of Kendal. Fitz Reifrid's son, for example, made a settlement about common pasture with one of his tenants, which stipulated that such cases 'inplacitentur in curia de Barton secundum consuetudinem de Kirkeby in Kendal'. Genealogical detail does not per se establish the existence of fellow feeling, but that a spirit of some amity was felt at Kendal is suggested by the patronage of Cockersand Abbey by Roger de Burton, Henry de Redman, Adam de Yealand, and other Kendal tenants, for the spiritual good

34) Lancs Pipe Rolls, ser.21, no.3; CRO, Kendal, WD/D, Lancs and Yorks deeds, unplaced.

of their lord and his wife. The abbey had been founded by William de Lancaster I. (35)

The barony thus seems to resemble the 'patriarchal' community which Everitt believes to have existed within the shire - and to which Clive Holmes takes exception. Communities and sense of community abound; shire, honour, barony. And of course, a halcyon picture of village life has long prevailed. It is difficult to lay bare the reality behind this facade, but in all of these examples, it is important not to confound administrative determinism with spontaneous activity. The address of demands to the lieges of a particular shire does not mean they voluntarily assembled thus, nor that they bestowed their loyalty here rather than on any greater or smaller unit. Sir Frank Stenton's emphasis upon the institutional role of the honour, in a context in which the student of the nineteen-eighties would be quick to assert the presence of community, is a salutary warning. The impress of the administrative machine is ever upon the evidence, and suggests such institutional qualities as permanence, organization, stability, lack of dispute. Were these also the hallmarks of community? We now turn to evidence of administration and conflict, to try to determine whether communities existed independently of administrative commands, or whether the concept is an ignis fatuus. Did communities exist at many levels, in town and village, shire and borough? If so, what hierarchy of loyalty accompanied them?

35) CRO, Carlisle, D Lons 15, BR 8, 3, 10, 18; Sizergh Castle muniments, nos. 2,3; Cockersand, 3, 1, no.8; ii, nos 1, 5; Lancs Pipe Rolls, ser. 16, nos.2-4, ser. 21, no.5, pp.252, 258-9.

Keeping the peace was one sphere of communal activity. Entries on the Pipe Rolls, such as the two mark fine for an affray with men of the canons of Carlisle in 1170, or the ten marks which the county of Cumberland had to render in the previous year for concealing a fire, make it clear, however, that it was an obligation enforced by royal and seigneurial authority as much as a duty voluntarily assumed. Barbara Hanawalt-Westman's work suggests that infraction of the peace by family groups was perhaps a more natural pursuit than its grudging maintenance by village officials.

Northern idiosyncracies in keeping the peace were noticed by Morris, and extensively described by R. Stewart-Brown. The system involved the local populace serving as peripatetic land-sergeants, bearing witness to their acts, providing hospitality and accommodation. The duties were ancient. They appear in the Gospatric writ, and survived for many centuries. (36) In 1281 Margaret de Ros conceded to one of her tenants of the barony of Kendal that his lands henceforth be quit of puture of both foot and mounted land-sergeants, of witnessman, and the provision of land-sergeants. During the eyre of 1278, the abbot of St Mary's, York, summoned Gilbert de Workington, contending that the latter should acquit him of services from a tenement in Salter, which included the provision of witnessman, being intendent to the lord of Egremont's bailiff, and making attachments in his turn. The lord of Millom acquitted Furness Abbey of puture and witnessman at the same time

36) B.Hanawalt-Westman, 'The Peasant Family and Crime in Fourteenth Century England', JBS, xiii (1974), 1-18; R.Stewart-Brown, The Serjeants of the Peace in Medieval England and Wales (Manchester, 1936); P.R.S. o.s, 16, pp.79-81.

that the abbey was contesting with the lord of Kirkby Irlith its right to a number of services, including 'servitium vocatum sergeantfode videlicet inveniendi et ministrando ballivo ... abbatis honeste et congrue esculenta et poculenta'. These examples show the system at work late in the thirteenth century.

But there is earlier evidence also. In 1203 the lord of Egremont was embroiled in a dispute over the services due from his tenants in Copeland. The terms by which it was resolved further illustrate the system, and emphasize the baronial boundaries within which it operated. The men of his tenants were to find witness for the lord's foresters, according to the custom of Copeland; to testify to wrong-doing and prosecute the culprits until the plea be brought to completion in the lord's court; to give hospitality to the land-sergeant; and to provide them with a witness as far as the next settlement. The lord's land-sergeants are described as 'custodes ... pacis patrie'. (37)

The patria is very local; it appears to have been the barony in this instance. Other examples of a similarly narrow definition can be cited. What, for example, was the unit which the baron of Kendal had in mind when he complained that the sheriff - baron of Appleby - hindered the men of the patria from coming to market at Barton?

The Miracles of St Bega best exhibit the tendency to find the patria on a scale smaller than that of the shire. Compiled in the middle of the thirteenth century, these tell of the manifestations of the patron saint of the priory of St Bees, all of which were

37) CRO, Kendal, WD/D; PRO, Just 1/130B, m.10d; St Bees, no.374; Furness, 2, i, no.39; P.R.S., n.s. 16, p.256.

post-Conquest and specific to Copeland. Naturally she championed the priory, and had a special concern for its territorial integrity. The deserts meted out to Walter Espec, Ranulf Meschin, and other patrons whose generosity abated, lend the stories the quality of cautionary tales. The story of Godard, keeper of Egremont castle, who gave a meadow to atone for the insolence of his servants, is one justifying the priory's land-holding. The name of the protagonist of another story can be identified with a priory benefactor of the mid-thirteenth century. (38)

Bega was thus a very local saint. The Miracles give the impression of a carefully delimited area whose inhabitants joined together for purposes other than the exigencies of administration. The temerity of a Gallowidian in plundering 'terra sancte Beghe' is described, as is the desire of the lords of the 'terra' of Copeland to extort as much as they could from their tenants' payment of cornage. Copeland is called a 'provincia', the populace of which attested the Saint's miracles, and particularly revered her because of them; 'tocius fere patrie omnium testimonia credibilia facta nimis in medium produximus'. The Saint chastised a would-be adulterer, less, it seems, because of his endeavour to corrupt a virtuous matron, than because it occurred on the anniversary of some of Bega's most spectacular manifestations. 'Homines illius terre ... signa ibidem perpetrata solent solemnizare et ecclesiam illius visitando ... honorare'. The emphasis on her importance in the locality - 'omnes fere patriote illud signum insigne predicent et

38) CRR 11, no.2732; St Bees, no.74, pp.509-17.

clament', is borne out by the evidence of gifts to the priory. Land was given to sustain a light before her image, and corn from a local mill was to be paid eight days before her feast. (39)

It was a cult which it was obviously in the interests of the religious to foster. Hence the records of oaths to preserve gifts of land, taken on her notorious bracelet-relic - 'ad majorem hujus rei stabilitatem et securitatem', as one charter put it. To perjure on the bracelet brought terrible retribution in the Miracles. (40) The stories reveal the priory to have been fearful, defensive, wary of its neighbours, local potentates, the Scots. The Saint was cast in the role of an avenging champion. In a sense, therefore, the cult was as much an attempt at manipulation and control as Richard de Lucy's judicial struggle with his Copeland tenants in 1203; the emphasis on the importance of the locality in the Miracles as much evidence of the priory's emphasis on the sphere of its authority as it was of its neighbours' parochial allegiance. If, however, it was a medieval opiate, it must have responded to popular needs beyond those of the prior and his religious, and may, therefore, be construed as the witness of local identity. Gifts to the priory specifically honouring Bega were made by men of Copeland in particular, although the charter of Robert de Vipont of Appleby and his wife, made in the early twelfth century, with its reference to 'the church in which the bracelet was kept', shows Bega's fame

39) St Bees, nos.415, 226.

40) The bracelet is probably all that ever existed of the lady, bega a medieval malapropism for beage, bracelet. St Bees, pp.xxxii-iv, nos.362, 304, 342, 474, 488; J.M.Todd, 'St Bega; Cult, Fact and Legend', CW 2, lxxx (1980), 25-36.

was known at least as far away as Westmorland.

The local cult was a local affair indeed. R.C. Finucane's study of the attraction of various saints bears this out. The devotees of William of Norwich, for example, were drawn mostly from Norwich itself. Godric of Finchale's came from a forty mile radius. Although Westmorland vaunted no locally-bred saint, there are signs that St Laurence, to whom one of Appleby's two churches was dedicated, was of some stature there. His role as a figure-head is suggested by a number of charters stipulating that rent be paid on his feast day; for tenements in Brougham, Lowther, Whale and Hartley, to name but a few. Whereas in Copeland, St Bees had an interest in upholding Bega's sanctity, no such interest was at stake in Westmorland. By such acts of religious appropriation, the establishment of occasions of significance in the local calendar, a population might become a community. (41)

Bega's other primary concern - and here to some extent we are back in the realms of administration - was the maintenance of her peace. The would-be adulterer was castigated as 'paci sancte Bege violator'. The Gallowidian's mother warned him

'ne in hoc negocio quod perpetrare proponis in terra sancte Beghe furtum vel rapinam vel violentiam ... committas nec pacem eius ullatenus violare presumas'.

It is not absolutely certain that St Bees possessed the same extensive rights of sanctuary as Wetheral, another daughter house of

41) R.C. Finucane, Miracles and Pilgrims: Popular Beliefs in Medieval England (London, 1977), pp.120-7; M. James, 'Ritual, Drama and Social Body in the Late Medieval English Town', P & P, xviii (1983), 3-30; CRO, Carlisle, D Lons L5, BM 4, 14, 38, BR 17, WH 4, CL 1, LO 1a, 10; D Mus H 18, MM 9, Soulby 2.

St Mary's, York - but some elements in the Miracles strongly suggest that it did. The tale of Bega rescuing four men imprisoned in Egremont castle for murder, taking them to the church of St Bees, 'asilum meum', and the general emphasis on the land of her peace are particularly telling. So too is the description in one of the charters of the boundaries of the franchise being marked with crosses 'signum sancte Bege insculptum in lapide'. (42)

Spiriting away the incarcerated implies a degree of tension between lay and ecclesiastical authority in the maintenance of law and order, an affair traditionally regarded as uniting the community. Perhaps the maintenance of order was a common aim; on the other hand, signs of dissent have a hint of authenticity. At any rate, the indications of the religious loyalty of Copeland supplement the administrative and legal evidence provided by the contests of Cumberland and Westmorland lords with their tenants. This permits us to entertain the suspicion that when Richard de Lucy referred to the onus to support the itinerant land-sergeant and his horse on their wanderings which 'the community of (his) fee between Egremont and Derwent' had to shoulder, it was not just a fiction created to do his bidding. (43)

This is not to imply that seigneurial demands did not create opposition. The Lucy Cartulary preserves a mid-thirteenth-century

42) J.C.Cox, The Sanctuary and Sanctuary Seekers of Medieval England (London, 1911), pp.ix, 151-81; their rights were much wider than the right to stay safely in any consecrated church or chapel until abjuring the realm.

43) Historical Manuscripts Commission, National Register of Archives, Lucy Cartulary, nos.45, 237; CPR 1272-81, pp.121, 180-1; Select Cases in the Court of King's Bench 1, ed.G.O.Sayles, Selden Soc., no.53.

covenant between the lord of Egremont, his free men of Copeland, and their tenants, in resolution of one such disagreement. It was sealed by the grantor and four of the free men 'for themselves and the commonalty of the country'. At a similar period, Roger de Burton, Gilbert de Whitby, and Gilbert de Burneside brought a case in King's Bench 'pro se et communitate baronie de Kendale' against their baronial lord. This concerned the number of bailiffs to be employed by the sheriff, and their entitlement to hospitality. Commissions of oyer and terminer were issued on the complaints of 'many of the barony of Kendal', on behalf of the 'men of the baronies of Westmorland', and for 'the baronies of Kendal and Westmorland'. The tenants' emphasis on the community of the barony amid such turmoil is of interest; the fact that it was fissile, a community pitted against its lord has more authority than the suggestion that everything was for the best in the best of all possible worlds. It is evidence to set alongside examples of solidarity within the barony. Richard de Lucy's ability to find from his Egremont and Millom tenants nearly all the guarantors necessary for him to make fine and enter his inheritance in 1200, for instance, might have reflected coercion as much as cooperation. Opposition to the local lord perhaps stimulated the growth of the local community as much as its traditionally-emphasized role in administration. (44)

Military service performed within the framework of local units might also have kindled corporate identity and loyalty. But as was

44) W.Farrer, 'Notes on a Charter of Richard de Lucy (about 2 John)', CW 2, ii (1902), 329-34.

the case with the other evidence reviewed, the importance of the barony rather than the importance of the shire often seems to be implied. A number of pieces of evidence give this impression. There is the exchange of land made some time before 1179, between the baron of Kendal and Gospatric, son of Orm, which gave the latter holdings in west Cumberland and the obligation to perform forinsec service at Egremont castle. There is Gospatric's charter to the abbey of Holme Cultram in which he undertook to perform various services to the lord of Allerdale - including castle work. The Praestita Roll of 1212-16 features payments to Gilbert Fitz Reinfrid for the knights of his constabularia. An inquisition post mortem of a Kendal tenant in 1323 tells of his service of a third part of ten pence for castle guard. A fifteenth-century Clifford feodary describes services owed to Brougham castle. The organization to array men for war under Edward I employed the county divisions of Eskdale, Gilsland, Cumberland, Copeland and Cockermouth, Allerdale, Lyth, Westmorland and Kendal. Of these only Lyth and Cumberland were not baronies. (45) Evidence of this nature led R.R. Reid, surveying the origins and early history of the office, to conclude that the local grandees' monopoly of the custody of the March stemmed from the necessity of summoning baronial tenants by writs to their lords, the corollary of the region's baronial franchises. Early modern historians have emphasized the role of the county and its levy in inspiring men 'pro patria mori', suggesting that the

45) St Bees, Illustr.Docs, xix; Holme Cultram, no.49; 'The Praestita Roll of 14-18 John', ed. J.C.Holt, P.R.S., n.s, 37, p.97; IPM 6, no.497; CPR 1301-07, p.509; F.W.Ragg, 'The Feoffees of the Cliffords from 1283 to 1482', CW 2, viii (1908), 280.

county was the patria for which they fought. The medieval West March stress upon the smaller seigneurial unit is interesting in this context. (46)

Combined with this evidence, emphasis on the judicial role of neighbours, of the men of a particular locality, communities even smaller than the baronial fee, has implications for the hypothesis that the shire was the dominant community. Significantly, the men who chose this mode of informal adjudication were those of importance in county administration, lords of manors, knights, strenuous and otherwise. They would on any criteria have ranked amongst the most prominent individuals of the shire. (47) Such was William de Furness, lord of Aldingham, who agreed with the abbot of Furness in the mid-thirteenth century that if their cattle strayed and caused damage on the other's land 'emendabitur ex utraque parte secundum Birelag'. Richard de Cantsfield ended a quarrel with the abbey 'de consilio amicorum' giving land 'pro bono pacis', and submitting to the abbey's jurisdiction. A dispute about wood and pasture in Martindale was settled between the lord of Barton and his tenant 'de consilio convicinum amicorum'. Others availing themselves of the services of sufficient men of the neighbourhood in arbitration included Thomas de Lucy, John de Eaglesfield, John de Bampton, Matthew de Whitfield, John de

46) R.Reid, 'The Office of the Warden of the Marches; Its Origin and Early History', EHR, xxxii (1917), 479-96; Everitt, Local Community, pp.8-10.

47) E.Powell, 'Arbitration and the Law in the Late Middle Ages', TRHS, 5th ser., xxxiii (1983), 49-69; C.Rawcliffe, 'The Great Lord as Peace-Keeper; Arbitration by English Noblemen and their Councils in the Later Middle Ages', Law and Social Change in British History, ed. J.A.Guy & H.Beale (London, 1984), pp.34-54.

Harrington, William de Dacre and John de Huddleston, none of them nonentities. (48)

A number of agreements concerned pasture rights and livestock, spheres demanding very local knowledge, in which therefore, it might be anticipated that friends and neighbours would be called upon. At the beginning of the fourteenth century, shortly before he was due to go overseas, William de Dacre had clashed with Furness about common pasture and enclosure. It was agreed that on his return they would put the question to six 'arbitrours', namely two men of the law ('homs de leie') and four others, each party to select three men. If Dacre defaulted the abbot might go to law. In the meantime, Dacre undertook not to erect further enclosures. A chirograph of 1292 made by the abbey and the lord of Millom about stray cattle stipulated that amends be made 'per visum utrorumque vicinorum ad hoc electorum'. The cattle were not to be impounded; instead simple pledge would be accepted until the damage was surveyed. Amends were then to be made within fifteen days. Similar terms were adumbrated in an agreement of 1301 between Furness and the lady of Hornby. The limitations placed by the statute of Marlborough on the lord's power of distraint, and the concomitant potential for delay and disorder in replevin, have been described by Sir Maurice Powicke. Local arrangements at Furness could have been intended to circumvent such problems - for example the proviso that simple pledge would suffice to free imparked cattle until the abbot sent someone to survey the damage. Then 'per visum legalium

48) Furness 1, ii, nos.286, 289; Lucy Cartulary, nos.157, 161; CRO, Carlisle, D Lons L5; BR 18; D/Ay, 47.

hominum quantitatem dampni corrigendum'. At Lanercost the penalties stipulated for stray cattle 'si ... argentum non habeatur promptum' might be delayed for eight days on giving pledge for double the sum involved. The inclination of Cumbrian religious houses to employ informal methods of arbitration is striking. (49)

It was not used exclusively to determine boundaries or punish the owners of wayward cattle. In 1349 the lord of Tarraby, in a dispute about multure and services, made a quitclaim to his opponent 'communibus amicis et parentibus intervenientibus'. Two years before this, a lease of lands for life in Tarraby had provided that if the lessor was unable to pay the rent because of the war, he must pay in proportion to his ability to profit from the land, 'par agard de quatre bones gentz et leales qe serrount esliez'. It was a procedure which could be used to supplement the process of the common law. Thus after the parson of Bentham in Yorkshire had brought an assize of novel disseisin against Furness in 1344, both parties placed themselves 'en arbitration'. Two men were appointed on behalf of each; the verdict of a majority of three would be binding. If such consensus was not forthcoming the verdict of Richard de Aldeburgh - presumably the Justice of that name - would be final. As it fell out, an agreement was reached by the arbitrators 'par bone et plener discusion'. Thomas de Lucy of Cockermouth used the procedure to establish modes of tenure in 1359. Furness and the lord of Aldingham employed it in a dispute about

49) Furness 2, i, no.7; ii, no.39; M.Powicke, The Thirteenth Century 1216-1307 (Oxford, 2nd edn, 1962), p.368; 'sine placito ... emendare faciemus per visum legalium hominum vicinorum,' (St Bees, no.344); 'quod justum fuerit secundum visum patrie,' (no.303); 'arbitri ... communiter electi,' (Wetheral, no. 46.)

rent in 1352. (50)

Although a number of these are fourteenth-century examples, the practice of using sworn men or legal men of the neighbourhood to make decisions was deeply rooted. One of the earliest of Furness' charters referred to thirty sworn men dividing land between the abbot of Furness and the baron of Kendal. The activity of the thirteenth and fourteenth-century arbitrators like those 'communibus amicis pro utraque parte intervenientibus' who settled the quarrel of Richard de Salkeld and the priory of Wetheral in 1342, therefore represented continuity.

A plea of 1230 involved the summons of eight knights and others 'de visneto de Kirkesby Lonesdale' to determine the amount of land held by Richard de Copeland in that town. Another, of 1234 summoned knights and free legal men of the neighbourhood of Ulvesby to inquire into theft and breach of the peace. Both serve to underline that legal and administrative process depended on components of the shire as much as on the shire itself.

Such examples act as reminders of the role of men of localities submerged in the shire. Clive Holmes drew attention to the fact that the bulk of the administrative work performed by the Stuart gentry was carried out in units smaller than the county, and that it could thus be argued that these units were the foci of their loyalty, rather than the shire. He intended this argument to illustrate the fragmented nature of the larger unit, not the importance of the smaller, but in the earlier period the latter's

50) CRO, Carlisle, D/Ay 47, 41; Furness 2, ii, no.4; 1, ii, no.226; Lucy Cartulary, no.157.

consequence deserves further exploration. (51)

ii) The Era of Reform and Rebellion

The *later lordship* was a unit of administrative and judicial power which pre-dated the Norman Conquest. It demanded military, sometimes religious, loyalty; suit of court; participation in keeping the peace. Given that these seem to have engendered some sense of common identity, what was the role of shire and shire court in Cumberland and Westmorland under John and Henry III, those years which are believed to have witnessed the birth of the community of the realm of England?

There is no doubt that here as elsewhere in the country, the shire had been nurtured by the forces of central government, as a unit indispensable for the purposes of administration. As a body capable of undertaking financial responsibility, it was dear to the royal heart. Thus, hoping no doubt to avoid amercement, four knights 'pro comitatu de Cumberland' were despatched to bear record in a case in the early years of King John, in which the county was accused of having brought false judgment in a plea of debt. To what extent did such removal to the king's court entail the fostering of a sense of identity, of belonging to a particular shire? To what extent did it represent merely the expedient - an arbitrary division of the king's lieges? Did the command to the bishop, abbots, priors, knights, freemen and others of the county of Cumberland to

51) Furness 1, 1, p.2; 2, pp.266, 358, 559; Wetheral, no.244; Holmes, 'County Community', 61-71; CRR 13, no.250; 15, no.960.

carry timber from Inglewood forest to Carlisle in 1256 recognize the existence of community, or simply seek to impose a burden? This is the crux of the problem. (52)

The shire's role in giving publicity to the more cataclysmic occurrence - Magna Carta for example - demonstrates traditional historical perspective. The focus of attention is now its importance as a local forum, and its political baptism in the first half of the thirteenth century. Cumberland and Westmorland do yield examples of the role of the county court in this period. An agreement about Wetheral marsh was witnessed 'et comitatu Karleoli' in 1230. A charter to the abbey of St Mary's, York, of the same era contains the clause 'tam in comitatu quam in capitulo et in burgamoto de Appleby coram omnibus pupplice lectum feci'. The remainder of this chapter, however, will suggest that the chronology of the development of the politically-minded county differed in this area, lagging behind the rest of the country. (53)

The county's proffer in return for grants of liberties has generally been interpreted as a sign that it was a vocal body, sufficiently organized to request and pay for patronage. There are such instances among Cumberland annals and, to a lesser extent, from those of Westmorland. In 1231, Henry III granted that the men of the county of Cumberland should be allowed to make walls, ditches and houses as they had in the past, conceding also that henceforth the shire be kept by four bailiffs only. Dr J.R. Maddicott takes such grants not only to imply the existence of a community in the

52) CRR 1, pp.277, 295; 10, pp.61, 63; CPR 1247-58, p.509.

53) Wetheral, nos.56, 223.

recipient shire, but also its growing political ambitions, particularly when, as here, they point towards exasperation with the sheriff. The employment of Cumbrian material however, requires a number of caveats. The case cited by Dr Maddicott of a complaint by the 'knights and worthy men of Westmorland' about baronial reluctance to diminish the forest, for example, reasserts the significance of the barony. Indeed, it is conceivable that it refers to the barony of Westmorland, rather than the shire. (54)

Groups smaller than the shire are found championing their liberties more often than the county, in Cumberland and Westmorland. The miners of Alston, who had acquired a complex set of liabilities by the time of Quo Warranto, received confirmation and protection from Henry III. The burgesses of Appleby received a charter of inspeximus from him, having proffered 100 marks to hold their vill in chief and to maintain their liberties under John. (55) The men of Brough on Stainmore gave twenty-five marks and a palfrey that they might have a weekly market and annual fair. The men of Penrith paid to have the vill in their own hand. The men of Scotby, Salkeld and Langwathby made similar offers. The citizens of Carlisle were particularly articulate and tenacious of their privileges. In 1201 they owed forty marks to hold the town at farm, although John subsequently gave it to William de Stutevill. In 1231 the citizens were allowed to hold the city at fee farm. In 1234 the sheriff was instructed to uphold their liberties and to have their charter read

54) CCR 1227-31, p.526; CPR 1225-32, p.456; Maddicott, 'Magna Carta', 26-7, 53n.

55) CCR 1231-34, p.502; CPR 1225-32, p.249; FOW, p.117; CDS 2, no.146; CChR 1, p.152; P.R.S., n.s, 12, p.33.

in full county. In 1237 he was forbidden to intermeddle on the occasion of the grant to the citizens of the right to their own coroners. (56)

The particularistic energies of these minor groups raise doubts. If the shire was a community, was it fissile? Did a degree of prosperity rather than a sense of identity prompt the negotiation of privilege? The county suffered amercement as a whole from time to time, and fell prey to taxation; was it, then, only a financial fiction? The county of Cumberland owed ten marks for concealment of a fire in 1169. In the same year, the sheriff owed £6 8s. 3d. on its behalf for mercy and default. In 1202 Westmorland owed sixty marks for concealment and fifty marks for common aid of the county. But even evidence of this nature reveals the brittle reality of the county. Cumberland 'preter Copland et quinque villatas' owed sixty-two and a half marks to be quit of common mercy in 1201, whilst in 1184 the sheriff rendered account for the pleas of Copeland separately from those of the 'men of Cumberland'. As late as 1231 an account for taxation described the fortieth of 'Cumberland and Copeland'.

Nor did the two shires evince the political concerns we have been led to expect. Certainly they displayed none of the political precocity of Lancashire. In 1171 the county of Lancaster accounted for 200 marks to have the view of the forest put in respite. The knights and thegns of the honour of Lancaster accounted for £239 7s. 11d. and ten horses in 1202 in return for confirmation of their charters of forest liberties. In 1206 the men of the county

56) P.R.S, n.s. 14, pp.253-7; CChR 1, pp.142, 363; CPR 1225-32, p.483; CCR 1231-34, p.539; CCR1234-37, p.416.

owed 100 marks that they might have Richard de Vernun as their sheriff. (57) Ambition on such a scale the denizens of the West March appear not to have had. The greatest heights of corporate endeavour which they scaled are symbolized by a fine for respite made in 1198 by the knights and free tenants of Cumberland, and the fine for quittance of common mercy already mentioned. Measured against the criteria of the shrieval clauses of the Provisions of Oxford, accepted by historians as the bait to attract knightly support in particular, only Cumberland's concern with regard to the number of the sheriff's bailiffs appears to portend satisfactorily for its inclusion as a politically-minded community. And it is a piece of evidence which runs counter to the general Cumberland trend.

Westmorland's pre-Provisions history fails to reserve it a place amongst the corporate bargainers. Far from a display of concord and unity crystallized in the shire court, in 1244 the barons of Appleby and Kendal were to be found coram rege, the former charged to show why he vexed William de Lancaster, baron of Kendal, and his men, demanding suit at county and hundred despite their charters of exemption. William's offer to throw himself on the country stipulated that it comprise 'vicinos comitatus extra potestatem Roberti'. It was finally resolved that William would perform suit on behalf of his knights and other men. The entire episode points to the prominence of the barony rather than the shire, to the perennial importance of lordship in Westmorland. By raising the

57) P.R.S., o.s, 15, pp.31-3; 18, p.65; 34, pp.183-8; n.s, 9, pp.142-3; 15, pp.157, 160, 257; 20, p.71; 44, p.65.

issue of exemptions, it questions the notion of the county as a geographically-representative body, just as Dr Robert Palmer has recently queried the notion of its social representativeness. (58)

If the baron of Appleby, hereditary sheriff, in whose direct interest it was to muster the attendance due, had difficulties, it was unlikely to have been achieved in less favourable circumstances. Implicit in Dr Maddicott's contention that the shire 'embraced more than the relatively small elite of knights who headed it', is the idea that the vocal, political few in some degree represented the rest. Yet his references to the 'onerous and no less disliked' obligation to attend the courts of shire and hundred, and to the baronial practice of withdrawing suit from public courts to transfer it to their own, would appear to reduce the opportunities for the few to communicate with the many. (59) A compromise of 1223 between Lancaster and the abbot of Furness shows the baronial reluctance which Dr Maddicott describes. The abbot had insisted that suit was due to help make judgement whenever the king sent a writ to his court, or in any case of plea without writ. Lancaster eventually agreed to attend, by summons, when judgement was required, or in order to afforce the court. The agreement was still binding in the fourteenth century. (60)

58) P.R.S, n.s, 9, pp.142-3; CRR 11, no.2732; R.C.Palmer, The County Courts of Medieval England 1150-1350 (Princeton, 1982), pp.88, 130-1.

59) Maddicott, 'Magna Carta', 26, 57-9; As late as 1278 there is evidence of withdrawal of suit from two Cumberland villages (PRO, Just 1/131, m.13.)

60) CRR 11, pp.224-5; IPM 8, no.462.

Whilst thirteenth-century evidence thus suggests some common ground between Cumberland, Westmorland and the rest of the kingdom, what of concern over the shrievalty? The lodestone by which the county community is said to have judged that the reform was on course was the provision for a worthy shrievalty in the future. Vavasours of the county in question, loyal and worthy, were to hold office for one year only, receiving neither bribe nor payment from the shire. The king was to ensure that the proffer was set at a level which would not lead to the mulcting of the county. Of such matters, and of the abuse of the sheriff's tourn, the Petition of the Barons had complained in 1258 - but to what degree were they felt as grievances on the March? (61)

Morris' claim that the thirteenth century saw the apex of shrieval peace-keeping authority, for example, requires modification in respect of the North. There was no frankpledge system here for him to supervise; his power was everywhere refracted through baronial bailiffs. Despite this, there were attempts to extend his power during the period under review, and signs that such innovation was much resented.

During the Lancashire eyre of 1246, the jurors of Leylandshire presented that William de Lancaster's deputy sheriff

'toto tempore suo fecit summonire bis per annum totam patriam tam liberos quam villanos et cepit misericordias pro defaultu. Et similiter vicecomes qui nunc est'.

This, they alleged, had never been the custom before. In defence,

61) Documents of the Baronial Movement of Reform and Rebellion 1258-67, ed. I.J.Sanders & R.F.Trehearne (Oxford, 1973), pp.82-5, 108-9.

Lancaster's bailiff replied

'quod ante ultimum itinerem in comitatu isto nunquam fuit talis consuetudo in comitatu isto sed ad illud itinerem precepit R de Lexinton ut vicecomes faceret duos turnos per annum pro pace domini Regis servanda et inquirenda'.

The matter was reserved for discussion with the king, but clearly the eyre had been used to impose uniformity on a wayward region. This evidence also has its importance for Westmorland, since Lancaster, sheriff of Lancaster from 1232 until his death in 1246, was baron of Kendal, and the sheriff 'qui nunc est' was Matthew de Redman, tenant of that barony.

Complaints of the tourn's introduction to Northumberland were voiced by a jury from Cumberland and Yorkshire in 1268, adding weight to the hypothesis that it was a novelty commonly-disliked in the North. The inquisition of 1268 stated that before the advent of the tourn, the sheriff and coroners would inquire about matters 'touching the Crown ... by certain sufficient persons and not by the county', amercing the sufficient persons if they did not appear. The main cause of irritation seems to have been that now all freeholders and townships were liable to amercement 'of his (the sheriff's) own will'. (62) In 1275 men of the barony of Kendal complained that the sheriff of Westmorland's bailiffs held tourn on their own authority where it was not the custom. In 1276 the men of the baronies of the shire grumbled that they were compelled to attend 'certain assemblies which they allege to be a sheriff's tourn to which they have never been accustomed to be called'. In 1292 the

62) PRO, Just 1/404, m.17; CPR 1232-47, pp.239, 250; CMI 1, no.364.

jurors of Furness recalled Henry III's reign as the time of the tourn's origins, Matthew de Redman having held them twice a year, 'according to the custom of the realm'. (63)

A paradox is presented here. Can the defence of past local custom which sought to preclude the whole shire assembling be construed as the activity of a dynamic shire community? Whilst Cumberland and Westmorland men received their share of the pardons extended to the culpable of the years of rebellion, the concomitant of their rebellion was not the desire for radical reform, nor was it the sign of county communities anxious to come into their own. It represented the bellicose protection of the area's characteristic tenures and customs; not, perhaps, a standard to which Simon de Montfort would have instinctively rallied.

Tenacious northern maintenance of cornage tenure is attested even by the miraculous. The Miracles of St Bega include a tale of perjury punished by demonic possession, the perjury committed during a controversy about the amount of cornage due to the lords of Copeland. The law suit of 1203 between Richard de Lucy of Egremont and his tenants suggests that he had tried to assimilate the tenure to others, for the defence submitted by Adam de Lamplugh, insisted that he held by cornage, not by forest sergeanty. In 1256 seven men describing themselves as 'Robert de Vipont's men of Westmorland', made a fine with the king so that they should not be distrained to take knighthood because they were cornage tenants. (64)

The motives for Henry III's introduction of distraint of

63) CPR 1272-81, pp.121, 180; CPR 1334-38, p.50.

64) St Bees, Illustr. Docs, xxix, pp.514-15; CDS 1, no.2067.

knighthood, and its military and financial implications, have been widely discussed. (65) Not so its impact in the North - in Westmorland in particular. The negligible number of feudal tenures at baronial level here has already been noticed. The same was true at under-tenant level. In 1255 the sheriff of Westmorland's return of names of those holding fifteen librates of land bore only eleven names. Two held baronies, eight were tenants by cornage, one held by military service. During the eyre of 1256 the jurors presented that nine esquires held either a whole fee or twenty librates of land, and ought therefore to take knighthood. (66) Had distraint been a matter of feudal tenure alone, the shires would have been little vexed, but its application on economic criteria drew them into its toils.

Dr Michael Powicke quotes the example of John de Denton, granted exemption after the first general distraint of November 1224, because he held no land by military service. He also mentions Robert de Lamplugh - a Cumbrian, like Denton - one of only two in whose favour writs to halt distraint were issued in the summer of 1241. In March 1242, however, the possession of twenty librates in demesne sufficed. It opened up vistas of distraint, the necessity of seeking out the king to receive arms - as at Easter 1253, or the payment of fines. Searching inquiries were made in the general eyre

65) M.Powicke, Military Obligation in Medieval England: A Study in Liberty and Duty (Oxford, 1962), ch.4; M.Prestwich, War, Politics and Finance under Edward I (London, 1972), pp.67-91.

66) PRO, C47/1/1, m.4. The return for Cumberland does not survive. See also inquiry in Just 1/979, m.11.

from 1254. (67)

To judge from the purchase of respite, the prospect of taking arms was not popular. Between 1240 and 1260, eleven Westmerians and the same number of men from Cumberland were sufficiently anxious to pay to be rid of the obligation. Among these were the seven who had fined in 1256 - a proffer which followed the verdict of the jurors during the Appleby eyre that two of these cornage tenants held the requisite amount of land to qualify for distraint. (68) The connection between cornage and the protest against distraint is clear.

The protest presents little surprise in the context of northern insistence that tenure by cornage was not the equivalent of military tenure, and that various feudal incidents were therefore inappropriate. In 1223, the earl of Albemarle, summoned to show why he detained land in Cumberland which should have pertained to the king by reason of custody, responded that as no part of the land was held by military service, custody was not due. He held 'immo per cornagium'. Similar discontent had lain behind the fine made by seventeen Westmorland drengs ne transfretent in 1201. The Pipe Roll for Cumberland for the same year has a section entitled the 'fine of knights' and is a list of payments rendered for the same purpose. Despite the heading, the individual payments are all followed by the words 'pro terra quam tenet de cornagio'. Richard de Levington's

67) Powicke, Obligation, pp.72-3; CCR 1234-37, p.156; CCR 1237-42, p.239; CCR 1242-47, p.70; CCR 1251-53, p.430; CCR 1254-56, p.293; CCR 1259-61, pp.171, 220.

68) CCR 1237-42, pp.343, 359, 362, 433; CCR 1251-53, pp.426, 467; CCR 1259-61, pp.184-5, 216; CCR 1268-72, p.71; Supplementary 1244-66, pp.10, 14, 17; CPR 1247-58, pp.505, 522.

objection to service at the siege of Bedford in 1224 also demonstrated hostility towards the way in which cornage was being loaded with unaccustomed obligations.

The payment of scutage was another contentious issue. Illustrating the way that the tenant might experience pressure brought to bear upon his lord, a plea coram rege in 1224 heard one of Robert de Vaux of Gilsland's tenants demur at his lord's demand for twenty-four shillings as scutage. He avowed that he owed only the tenth part of a knight. (69) But scutage was exacted not only from those owing feudal service. The Pipe Rolls for Cumberland under King John list the sums paid by cornage tenants on a number of occasions. As in the case of the payment to avoid overseas service in 1201, the renders were described as being made by knights. Thus in 1203, the sheriff accounted for sums between two and twenty marks 'pro cornagio' from seven men of the county. In 1204 he accounted for two marks from Odo de Botcherby, and ten marks from Adam de Levington as cornage tenants, and for twenty shillings each from two tenants in drengage. (70)

Rolls of arms of the period generally reveal only baronial names. That preserved by Matthew Paris includes those of the earl of Albemarle, Eustace de Balliol, William de Lancaster and Thomas de Multon. The Glover Roll, c. 1253, gives the arms of Vaux of Gilsland, Brus of Kendal, Vipont of Appleby and Multon of Gilsland in addition to these baronial coats. One version of the

69) CRR 10, nos.1131, 1223; 11, no.1519; CDS 1, no.309; P.R.S., n.s, 14, pp.255-7; Holt, Northerners, p.92.

70) P.R.S., n.s, 16, p.256; 18, p.144.

Roll also gives the arms of two Cumbrian gentry, John de Lamplugh and Matthew de Redman, but it is likely that these were added in the early fourteenth century. (71) This reinforces the impression that the men of the North were little inclined towards knightly rank and display, those signs of increasing self-consciousness and confidence which the historian has found in other contemporary gentry. Professor Rodney Hilton's research on the West Midlands, for example, finds that in the twelve-thirties and twelve-forties charter witness lists began automatically to record knightly rank. Such description in the North lags behind this and was used with particular indifference in Westmorland. (72)

Of those who purchased respite of knighthood in Westmorland, the majority - seven out of the eleven - rebelled. Five of the rebels were cornage tenants who had paid for life exemption. Cumberland furnishes only two instances. Although the numbers in themselves are fairly small, it is possible that the defence of cornage had wider appeal than is suggested simply by the purchase of respite and subsequent rebellion. Fifteen of the thirty-two received to peace were the baron of Appleby's cornage tenants. When, a few months later, these men and four more received protection as the men of the baron, the cornage tenants numbered eighteen of the thirty-six involved. Even this figure is an underestimate, as some of

71) Chronica Majora Matthaei Parisiensis Monachi Sancti Albani, ed. H.R.Luard, R.S.(1912), vi, Appendix 1; the roll is believed to have been composed before 1259; CEMRA, p.1; 'Glover's Roll', ed. H.S.London, Aspilogia II: Rolls of Arms: Henry III (Oxford, 1967), pp.89-204.

72) R.H.Hilton, A Medieval Society: The West Midlands at the end of the Thirteenth Century (London, 1966), p.53; CRO, Kendal, WD/D, Yorks, Lancs, unplaced; Carlisle, D Lons L5, AB 19, 21, 47, 23.

those concerned were obscure and left no further trace of themselves or their tenure. (73)

The conclusion drawn so far seems to be that it was defence of local idiosyncrasy against feudal encroachments which gave a fillip to rebellion in the North. Protection of cornage tenure against distraint of knighthood, the payment of scutage and imposition of feudal incidents; irritation over the introduction of the sheriff's tourn and rigorous judicial scrutiny of local custom; these appeared to hallmark the opposition. (74) This could be broadly classed with opposition to the King elsewhere in the country, but the latitude which this would demand would perhaps obscure more than it would reveal. But what of the issues which mattered in other counties?

The Lanercost Chronicle's emphasis on the wretched outcome of the parliament of Oxford of 1259 can certainly be attested from Cumberland and Westmorland evidence. In 1261 the bishop of Carlisle complained that Thomas de Multon had tyrannized over neighbouring Lanercost Priory for over a year. Further south, Roger de Lancaster's son had occupied Beetham church, again an instance of manipulation of disorder for private ends. It is easy to speculate that more than the fear of its distance and climate lay behind the desire of one itinerant justice to avoid the eyre 'in partes Cumberlandiae' in 1262. Where are the signs of more altruistic

73) IPM 5, no.533; Ragg, 'Feoffees', 268-95.

74) '... utrum ad ... dominum Regem pertinet vel ad aliquem alium ponere servientem ad pacem custodiendam in comitatu isto qui vulgariter appellatur Gritseriaunt,' (Lancs eyre 1246), PRO, Just 1/404, m.15d.

anxieties about administration, shrieval abuse and the like, believed to have motivated the men of the counties? (75)

A measure of indifference or hostility towards participation in shire administration is at once suggested by the obtaining of exemption from service. Of these there were more Cumberland than Westmorland recipients; five before 1258 to Westmorland's two, five between 1267 and 1271 to Westmorland's three. The roughly-equivalent figures for the period before and after the years of rebellion imply that reluctance to serve was grounded on personal rather than political considerations, that it did not represent service withheld in protest against the political and administrative milieu. It perhaps denoted nothing more than apathy. That fewer exemptions were sought from service than from distraint may also indicate that shire business was not a matter to monopolize local attention. Yet this was the era of the knightly class' much-vaunted 'accepted role in local government'. Is the conclusion therefore that these men simply did not want to serve their county? (76)

How little one major political issue - the nature of the shrievalty - inflamed passions in Cumberland and Westmorland is further illustrated by their apathetic response to the opportunities to procure new appointees. No change was wrought in Michaelmas 1258 after the parliament at which had been received the results of local

75) Royal Letters 2, dxliv, dcx; Lanercost, pp.66-7. See the breakdown of accounting at exchequer, Cumberland having only five attendances in these years, M.H.Mills, 'Adventus Vicecomitum 1258-72', EHR, xxxvi (1921), 481-96.

76) CCR 1247-51, p.6; CCR 1256-59, p.85; CPR 1247-58, pp.427, 505, 536, 574, etc; CPR 1266-72, pp.58, 64.

inquiries into administrative abuse. Remy de Pocklington continued to serve as the deputy of the earl of Albemarle in Cumberland, remaining in office until Michaelmas 1259. Even then the only alteration was that Albemarle served in person. In Westmorland Robert de Vipont lasted until 1261. The royalist reaction of July 1261 had instant effect in Cumberland, where Eustace de Balliol, lord of Kirklington, was appointed, although his predecessor continued to account until Michaelmas. At this time Vipont was removed from Westmorland in favour of his tenant, Richard de Musgrave, a loss of face which must greatly have provoked him. Knowles found no evidence of baronial anti-sheriffs in the autumn of this year in either county, nor does Henry's letter to various shires, expressing his displeasure on hearing of the appointment of keepers, number them among its addressees. The provision of the conference of Kingston of October 1261 for the shire to elect four knights, from whom Henry would select a sheriff, made no change in the West March. Neither did the injunction of June 1264 to Thomas de Multon that when a sheriff had been elected in Cumberland, his name be entered in the letters patent sent by the king so that he might be informed of the new appointee. Westmorland did receive a new sheriff that month, but only because of Vipont's death. (77) Reflected in equal measure were the unassertiveness of the Cumbrian gentry, the extent of baronial control in the shires, and a lack of involvement with the principles of political reform as these were

77) CPR 1258-66, pp.149, 163-4, 328, 322; Royal Letters 2, dlvi; C.H.Knowles, 'The Disinherited 1265-80: A Political and Social Study of the Supporters of Simon de Montfort and the Resettlement after the Barons' War', (unpublished Ph.D thesis, Univ. of Wales, 1959), p.107.

understood in other counties.

Whilst Henry III's conscience was somewhat plagued in the matter of whether to maintain his oath to uphold the Provisions of Oxford, such scruples apparently did not trouble his northern lieges. The stipulation that the sheriff hold office for one year only, was a dead letter. From 1255 until 1272 Cumberland had but seven changes of sheriff. Westmorland had four between 1257 and 1275. The king granted county and castle to the bishop of Carlisle in 1270 for a term of five years, although the appointment was terminated in 1272.

(78) Other stipulations went unexecuted. Only three appointees could be said to have fulfilled the criterion of the worthy vavasour; Muncaster and Dacre in Cumberland, and Musgrave in Westmorland. In the key years of rebellion, appointments were almost entirely baronial - Albemarle, Balliol, and Vipont. Only in 1261 was a member of the knightly class set over each shire. Of the sheriffs appointed during the remainder of the reign, Layburn was a newcomer to the area, one fattened on lands forfeit as a result of rebellion. (79) Crepping and John Fitz John appear not to have had any local influence, vanishing without trace or posterity from the March, and the bishop of Carlisle was hardly the knight of the shire envisaged in the Provisions. Cumulatively the evidence suggests little preoccupation with the Provisions, their implications or their flouting.

The vavasour was not, however, utterly excluded from

78) CPR 1266-72, pp.470, 498, 649.

79) CCR 1266-72, p.47; IPM 1, no.758; CChR 2, p.56.

administrative experience. The sphere within which he was active was baronial service. The employment of baronial under-sheriffs had accustomed Cumberland and Westmorland men to the execution of shrieval office in fact, if not in name, for many years. Their names and dates of office are not always easily discovered, private charters revealing a number who do not appear in central records. Robert de Asby in the twelve-forties, William de Ireby c.1230 in Westmorland, Richard le Brun in the twelve-thirties in Cumberland, come to light thus. (80) Alan de Caldbeck served Robert de Courtenay in 1203 as under-sheriff, and was similarly employed by Robert de Ros, and bishop Mauclerc. Thomas Fitz John served as sheriff 1230-33, having formerly been Vipont's bailiff in Appleby. Occasionally Cumberland knights were employed as sheriffs in their own right. William de Dacre, who accounted with John de Mora 1236-48, was the epitome of the local vavasour. Westmorland gentry had served the baron of Appleby as sheriff before the rebellion under Henry III, although their names are less consistently preserved, giving the impression - possibly false - that local men were not employed as early as in Cumberland.

Such service, and its persistence in the reform era, could imply a number of different things about the relationship of the northern baron with his knightly tenant; that it was an extremely efficient means of compulsion and one which repressed any instinct of political independence, to pose the most pejorative interpretation. It may reflect solidarity between the two. It perhaps indicates

80) CRO, Carlisle, D Lons L5, AB 18, CG 1, KE 8, AS 1; Sizergh, fol.3, no.1.

that rather than curbing the knightly class, baronial service adequately catered for its limited administrative ambition; that the northern barony, with its unusually sweeping authority, monopolized gentry energy. Certainly Dr Palmer's recent study of the shire court has emphasized baronial dominance in that forum, and its manifestation by the presence of the gentry as baronial representatives rather than in their own right.

Of shires more politically-thrusting than Cumberland and Westmorland seem to have been, Dr Maddicott suggests

'the assertiveness of local opinion was not merely a reaction to pressure from above. It possessed an internal dynamic of its own, derived largely from the strength of the local community and from the leadership provided by a powerful knightly class'.
(81)

These two counties indeed emphasize the strength of the local community - that of the barony - and by their constant revelation of the interdependence of baron and gentry, serve as a reminder of the importance of the pace of local development, of regional chronology, the element central to Finberg's rationale.

It is thus of significance that a number of exemptions from administrative work were granted at the request of local magnates. The king of Scotland, lord of Penrith and Tyndale, interceded on behalf of Robert de Strickland. Peter de Brus, lord of Kendal, acted for William de Strickland, Robert de Vipont for Thomas de Seagrave, and Margaret of Scotland for John de Swinburn. (82)

The baron's prestige in the local community and his part in securing its loyalty were crucial. Knowles commented that the North
81) Palmer, County Courts, pp.113-38; Maddicott, 'Magna Carta', 63.

82) CPR 1247-58, pp.574, 578; CPR 1266-72, pp.64, 216, 511.

played a much less dominant role in the opposition to Henry III than it had under John. This was the measure of baronial influence. Only Vipont and Multon of Gilsland seem seriously to have strayed from the path of allegiance. Vipont's defection was mirrored in his barony, where thirty-two men were received to peace in June 1265. Multon's was reflected on a smaller scale in the rebellion of his son Hugh, and possibly in that of others in Cumberland. (83) The stalwart loyalty of Albemarle, Balliol, Multon of Egremont and Brus must have been appreciated as much by Henry III as its importance was realized by lesser men. 'Favor et auxilium domini Petri de Brus potentis in illis partibus ... sint mihi valde necessaria' as one expressed it. (84) Even Montfort's appointment of a keeper for Westmorland in June 1264 could be represented as an attempt to maintain the hold on the shire jeopardized by Vipont's death.

Provisions for the area's pacification also recognized baronial dominance. Henry's insertion of Clifford and Layburn into Vipont's place illustrates this. So too does the reception to peace of a host of Westmerians described as the 'men of Roger de Clifford and Roger de Layburn', to whose return to allegiance Brus and the two Balliol brothers testified. It was perhaps such strong seigneurial sway which had militated against shrieval flux earlier. (85)

The issues which prompted the Marchers to rebel seem not to have

83) Knowles, 'The Disinherited', p.112; Treharne, Docs, no.38; CPR 1258-66, pp.599, 554, 607; Royal Letters 2, dcxvi; PRO, SC8/323/E573.

84) Royal Letters 2, dcxii; Treharne, Docs, nos.5,7,44.

85) CCR 1264-68, pp.131, 218, 220, 223; CPR 1247-58, pp.645-7; CPR 1258-66, pp.450, 452; Knowles, 'The Disinherited', p.76.

been the issues of national political concern - protest against the forest, shrieval excess, increasing exactions by the eyre - which Dr Maddicott suggests were the subjects of attack elsewhere. The impression given by the part played by the Cumbrian gentry in the movement of baronial reform is not altogether compatible with the notion of a confident class intent on asserting its place in shire administration. The picture is rather of a rebellion within a rebellion, of local custom championed within a national movement, the aims of the locality only imperfectly assimilated within the wider sphere. Even this is to endow the past with more unity than it possessed. The surviving evidence suggests that the barony of Appleby was infinitely more rebellious than the barony of Kendal or any part of Cumberland. Their rebellion, their grievance was unequal, and does not appear to have moulded the shires into political communities. The shire, introduced by the Normans, was still fissile; the lines on which it cracked were those of the pre-Norman barony.

As a final indication of Cumbrian obliviousness to the events of Henry III's reign, the Lanercost Chronicle's attitude to his passing is worthy of note. No fulsome tribute, nor even an energetic denunciation; he merely fades from its pages. A contrast indeed with the passions roused by his two successors, whose reigns were to witness what that of Henry had not - the birth of vociferous county communities on the March.

- 2 -

County Community: Growth

The participation of Cumberland and Westmorland in the national events of Henry III's reign does not seem to suffice for their inclusion in the burgeoning ranks of the politically-inspired county community. The ties of lordship, monopolizing talents and administrative energy, and instrumental in determining allegiance, appeared too strong to permit the growth of loyalty to a larger community. This chapter will demonstrate the way in which the demands of the Anglo-Scottish war were partially to overcome local particularism, prompting increasingly independent-minded gentry to act in concert. In the March, war, not rebellion under Montfort, cradled the county community.

The call made by war upon allegiance and administration meant that national politics impinged upon the life of the inhabitant of Cumberland and Westmorland as never before. Affairs of great pitch and moment were forced upon the attention of the North, much as, it has been suggested, the Civil War thrust itself upon local consciousness in the seventeenth century. (1) Response was demanded of the region, and carried more weight when presented as corporate opinion. It will be argued that the growth of the county community

1) A.Fletcher, 'National and Local Awareness in the County Communities', Before the English Civil War, ed. H.Tomlinson (London, 1983), pp.151-75.

was essentially a reaction to the exigencies of war, that it represented the Cumbrians' attempt to defend themselves as best they could. Their assertiveness and political role within the wider community of the realm was a by-product of this. To substantiate such a hypothesis, this chapter will emphasize the fact that the community of Cumberland was much more voluble than Westmorland. The latter was not only further from the Border, but also, encumbered with the Clifford seigneurial and shrieval presence, was provided with a hierarchy of command, organization well-suited to martial endeavour. Although Cumberland temporarily came under Clifford military sway, it usually lacked such a clearly-defined source of authority. Royal military administration, as yet amorphous, posed its own problems. The county community evolved to fill this void, but it was only one response to the need for governance and defence.

The history of the area again illustrates the need for caution in the employment of the concept of the county community. For if it was isolation in time of war which was largely responsible for fostering self-government at the king's command in the two shires, isolation was no less a feature of internal county communications. To what extent did this very basic phenomenon hamper the activity and identity of the community? To these questions we now turn.

i) Authority in Time of War

It was undoubtedly the Anglo-Scottish war which gave the greatest impetus to large-scale corporate organization in the March counties. An indication of this is given by the powers afforded to Robert de Clifford as captain of the garrison of Carlisle, in 1297. Writing

to Richard de Abingdon, the king's receiver locally, Clifford asked for payment for a number of additional troops in accordance with Abingdon's commission to deliver and disburse the king's money 'per preceptum' of Clifford. Moreover Clifford mentioned that the decision to retain the men - 300 knights and esquires with 100 footmen - had been taken 'par levesque de Cardoyl et les chevalers de pais et nous'. It appears that the shire was selected as the basis of local organization not only because of responsibilities imposed from outside - Edward I's delegation of authority to Clifford - but also because it was employed by the local community as the appropriate forum for counsel and negotiation. (2)

The same blend of external and internal influences can be seen bringing the shire to prominence at various times during the war. The shire was the foundation of many defence arrangements, as the order of 1299 to Robert de Tilliol in Cumberland, and Hugh de Multon in Westmorland, to select footmen and lead them to Berwick demonstrates. Such royal commands accustomed the county to work as a unit. They sanctioned its mobilization. They did more than this, for they demanded local consultation on defence matters, and again the county was the basis of organization. In 1308 the sheriffs and two men from each of the counties of Cumberland, Westmorland and Lancashire were ordered to meet at Carlisle to discuss the approach of the Scots, ordaining whatever seemed necessary for their repulse and the protection of the March. It is likely that the decision to take on additional forces described by Clifford was reached in an assembly of this kind. Shire assembly was assumed by the king's

2) PRO, E101/6/30, mm.1, 13.

commission to Robert de Layburn to speak to the barons, knights and free tenants of Westmorland on certain defence matters in 1315, as much as by the despatch of a messenger to court on its behalf by the community of Cumberland in 1313.

Spontaneous Marcher employment of the mechanisms of the shire can be cited in a variety of circumstances. In 1314 for example, the audit of money paid to the Scots for a truce by the 'commonalty of the county' of Cumberland was ordered. In 1359 Bishop Welton of Carlisle and Thomas de Lucy of Cockermouth in their capacity as keepers of the West March, gave instructions for the array of fencible men in Gilsland and elsewhere, commanding them to patrol the Border for wrongdoers. They referred to a penalty 'ordained before us by common assent of all the county of Cumberland'. In the following year they wrote to the sheriff ordering him to procure the attendance of all knights and other honest men of the county at a meeting (tractatum et colloquium) in Carlisle, there to treat with them 'super hiis que tunc ibidem ad utilitatem ipsarum Marchiarum de communi consensu contingerit ordinari'. (3)

It is perhaps surprising that more evidence of local ad hoc assemblies does not survive; the two above are the only such instances to be gleaned from the pages of the Carlisle bishops' registers between Halton and Appleby's day, 1292-1395. Possibly the milieu was no more conducive to the keeping of meticulous records than it was to their survival, although historians have been impressed by the existence of local colloquia on the Border however scant their traces.

3) CCR 1296-1302, pp.323, 538; CRO, Carlisle, DRC 1/2, fol.42; CPR 1313-17, p.240; PW 2,ii, pp.420, 460.

Evidence of the taking of local counsel elsewhere on the March adds further to the picture painted by the available Cumberland sources. A summons issued by the bishop of Durham and archbishop of York in December 1314 to clerics and magnates of the region, ordered them to come and treat 'pro defensione patriae ac vestra et communi utilitate'. It reminded them that not only was an enemy attack imminent, but also that, as the king's envoys to Scotland had returned home with nothing accomplished, it behoved them to ordain a remedy until royal forces came to their aid. A similar council appears to have been held at York in the following year. (4)

Under Edward I there was a mixture of local initiative and royal pressure in the calling of these meetings, a sense that the North was not acting in a void, that it was encompassed in a wider strategy. Under his son, royal authority fell into abeyance. The nervous tone of the 1314 summons is thrown into sharp relief by Edward I's confident mandate to such northern potentates as Clifford, and the earls of March and Angus in 1299, ordering them to meet at York, and ordain with regard to the king's Scottish castles and the custody of the March. This compares with his address to the men of Annandale and the March, informing them that he had appointed John de Saint John as his lieutenant and instructing them to assemble and perform whatever he charged them. Edward III also harnessed local energy, as witness his injunction in 1345 to the archbishop and his two suffragans to assemble the clergy, earls,

4) Powicke, *Obligation*, pp.xi, 240-1; J.Campbell, 'England, Scotland and the Hundred Years War in the Fourteenth Century', *Europe in the Late Middle Ages*, ed. J.R.Hale et al. (London, 1970), p.193; J.Scammell, 'Robert I and the North of England', *EHR*, lxxiii (1958), 385-403; Maddicott, 'County Community', 29; *LNR*, cl, clviii.

barons, knights and others of the North as often as necessary. They were to ordain and consent in the king's name to whatever seemed desirable for their protection. However, this also represented abdication of royal responsibility, albeit of a different order from Edward II's. Preoccupied with the Continent as Edward III became, the North held increasingly little attraction for him. (5)

The role of the local assembly vis à vis the county petition invites speculation. Could it be that here we have an intimation of what, for example, was discussed at Carlisle in 1360, the things thought by the Marchers to be needful for their defence and tranquillity? Dr Maddicott surmises that such a link does exist. Certainly Cumberland - and to a lesser extent Westmorland - can, on the criterion of the petition be listed among the counties concerned with politics and national issues, where they could not earlier on the criterion of the purchase of shire privilege.

It is here that local consciousness may best be glimpsed, together with issues of local concern. The war prompted many petitions. They related the savagery of war, telling of burning and destruction, and the need for royal charity. They were frequently attributed not merely to the community of the shire, but to the poor men of the shire. This was the guise in which Cumberland presented itself to parliament in 1347 - 'les povres gentz del counte' - in a petition asking for a writ to the exchequer to pardon certain taxation. The county's emphasis on its misfortunes and its great readiness to publicize its plight is manifest. In the Good Parliament of 1376 the commonalty of the county of Cumberland sought

5) PRO, SC1/14/46; Stevenson, Docs 2, 572; Rot.Scot., pp.663, 670.

to draw attention to dilapidations in Carlisle castle - its bulwark against the Scots. The Vita Edwardi had stressed the importance of the city's defences, suggesting that the castle was detested by the enemy since it offered the only source of resistance this side of Newcastle; the men of the North now painted a lurid picture of the fate about to befall it. The city gates could not be shut, nor the bridges raised, whilst the citizens were so impoverished that little could be expected of them. As for a remedy, the commonalty was not lacking in advice. It asked that the bishop of Carlisle and the lords Percy, Clifford, Brian, Scrope and Ferrers, who had examined the city, be questioned about the extent of the 'mischief'. The petition went on to deplore the lack of governance on the March; 'ils sont sanz governayl de seigneur ou de Gardeyn de March demurant entre eux deinz le ... counte, par qi ils purront estre eidez et mayntenez'. As it was, 'pur defaute des Seigneurs ... la March ... est tout destruyt'. (6)

The role of Jeremiah, predicting the downfall of a city, had been played by the community of Cumberland on other occasions. In May 1313, before Edward II departed for Aquitaine, Henry de Malton, delivering letters of credence from the earls, barons, knights, freemen and all of the commonalty of the county, had told of their plight and asked for protection. In 1355 a petition asserted in some exasperation that the county had frequently reminded the chancellor and council of the perilous state of the March, city and castle 'which it appears to them are too little weighed and known'. Begging credence for the bearer, Thomas de Allonby - at one time

6) Rot.Parl.2, pp.176, 345; Vita Edwardi Secundi by the so-called Monk of Malmesbury, ed. N.Denholm-Young (London, 1957), p.61.

mayor of Carlisle, the commonalty warned that it would discharge itself of the consequences unless a remedy was ordained, as the danger was greater than ever before. (7) But the community was not simply concerned with defence, although it was without a doubt the major preoccupation. The administration of war had attendant problems of authority, purveyance, and array. In these matters the community became embroiled in issues of more general import. They were issues affecting all parts of the kingdom, opposition to which could be said to have had constitutional repercussions.

This was the background against which a number of Cumberland petitions should be seen, particularly those presented during the parliament of 1305. These included the community's complaint that the sheriff, ordered to amass victuals against the king's arrival on campaign, had taken livestock from the populace without payment. Payment was still wanting, although he had now received allowance in his account at the exchequer. Another stated that the community had provided cereals to sustain the king, having been promised satisfaction from the collectors of the Fifteenth, but no recompense had been made, despite the collectors having claimed the appropriate charge on their revenue. The Close Roll of 1314 shows that the men of Westmorland had criticized the abuse of a prise of victuals by Andrew de Harcla and Gilbert de Bromley, receiver of the king's victuals at Carlisle, misgivings illustrating the grievances expressed in contemporary satire. Of the sheriffs and Justices, one song suggested

7) PRO, SC1/42/41; CRO, Carlisle, D/Ay, 55,57; Testamenta Karliolensia 1353-86, ed. R.S.Ferguson (Kendal, 1893), no.61; CPR 1307-13, p.590.

'Hii kunnen of the faire day make the derk niht';

March experience bore this out.

War gave ample opportunities to those with talents for administrative abuse. Much abuse was probably never brought to light. The trial of Contrariants at Wigan forced much clandestine activity into the open; it is likely that other administrative operations would have fared ill under such scrutiny. Edmund de Nevill's mulcting of individuals who preferred others to serve in their stead in Scotland, appears to have been representative of the chicanery of a war-time demi-monde berated in the political songs.

(8) An inquiry of 1317 into the state of Cockermouth castle attributed its decay and that of the surrounding area to the unreasonable prises made by the men of the former keeper, Sir Thomas de Richmond, as much as to Scottish incursions. The Lanercost Chronicle went so far as to compare the wardens of the March with the enemy; 'like the Scots they destroyed all the goods in the land'. The author of the Vita Edwardi echoed the note of denigration. 'Magis nocebat populo oppressio custodum quam persecutio inimicorum ... hii qui ad tutelam prepositi videbantur cotidiane exactione jugiter vacabant', contrasting the natives with the Scots who had the courtesy to leave once they had levied tribute. (9)

Whereas during the reform years of Henry III the community of Cumberland appeared unruffled by administrative issues, it was very

8) Memo.Parl., nos.137-9; CCR 1313-18, p.127; Tupling, Lancs, p.62; The Political Songs of England from ... John to... Edward II, ed. T.Wright, Camden Soc., (London, 1839), p.336.

9) CMI 2, no.297; Lanercost, p.195; Vita Edwardi, p.103.

much less neutral during the Anglo-Scottish war. It spoke out with temerity, prepared to assert its opinion and criticize the king and his ministers. Under Edward II, it was particularly truculent. It deplored the sheriff's infringement of the statute of Winchester by his attachment of men on suspicion of a bailiff, without indictment, and asked to be governed by law and custom of the realm, and in accordance with the statute. This led to rebuke of sheriff and coroners alike, and the injunction that they henceforth hold inquisitions as elsewhere in the kingdom. It was a bid which demonstrated that the county was conversant with the eddies and currents of mainstream national concerns, and that it was politically-thoughtful to the extent of being able to manipulate the rigours of administration against its officials, phenomena signally lacking under Henry III. The interest expressed in purveyance was not exclusively a Marcher prepossession; one Cambridgeshire juror at a proof of age in 1318 found the year of birth memorable because it fell on a day when two hogs were taken from him without payment. It was to regulate this sort of abuse that parliament turned its attention to the matter in 1330. (10)

A quirk of its rapidly-developed political maturity in time of war and enforced reliance on its own resources, faced at worst with Edward II's sloth, and at best with the problems of maintaining communications with the centre of government, was the North's desire for almost boundless competence. The truculence noted above was but one manifestation. Jealous regard for the area's customs was another. Thus a petition of the middle years of Edward II's reign

10) IPM 6, no.197; Fraser, NP, no.62; Rot.Parl. Inediti, p.225.

from the lieges of Cumberland and Westmorland reminded the king that military service only between Stainmore and Solway was due from them. It also demanded that other service should not form a precedent. It was an issue which had aroused intransigence earlier. Robert de Clifford and Henry de Percy had had to obtain letters patent for the men of the two counties in 1297 to assure them that service in Scotland would not prejudice them in the future. The rumour which reached Edward I in 1300 that the inhabitants of Cumberland, Westmorland and Lancashire would not aid John de Saint John in his defence of the March might also have been a result of this debate. Such insistence on local particularism would not have been unusual in Henry III's day, but under his grandson, the Cumbrian memorandum of customary service was accompanied by requests of a less traditional kind. Extremely disconcerting it must have been to that ruler to learn of the Cumbrian suggestion that he

'allow them to be at war or truce with the Scots according as they see most for his honour or their own profit, by advice of his officers in those parts, without hindrance or challenge henceforth'. (11)

What extent of regional self-government could the king regard with equanimity? It was problematic. In 1327 an order was given in the name of Edward III to the sheriff of Cumberland to levy £20 from the men of the county community and deliver it to one Robert le Brun; his father had pledged it on their behalf for prompt payment for sufferance with the Scots some time earlier. It is a story in which the community's unofficial activity was tacitly accepted by the Crown, and official administrative procedure put in motion in

11) CDS 3, no.716; 2, nos.899, 1133.

its support. The unofficial, the tacit, the covert - these elements characterized the exercise of authority at the start of the Anglo-Scottish war.

Just as royal propaganda with regard to taxation during the war justified itself on grounds of necessity, similar appeal to the mother of invention provided an apology for the latitude allowed to the authorities of the North in time of war. The petition of Bishop Halton of Carlisle, bemoaning destruction of his property in Newcastle by its burgesses, was endorsed in words which fully explain the king's dilemma. An inquiry was to be set afoot to reveal whether the destruction occurred 'ex necessitate pro salvatione ville contra inimicos Regis an propria auctoritate burgensium'. The distinction between necessity and own authority was, however, by no means obvious. For example, whilst the payment made to Archibald Douglas in 1383 by the abbot of Holme Cultram to ransom his church was pardoned by Richard II 'par cause q'ils l'ont fait de necessite', such activity was as frequently prohibited. Writing to the bishop of Durham in 1315, the king waxed eloquent on the perils inherent in 'singulares particulares treugas' and prohibited them; unless they were made by common assent of the keepers, constables and shire communities of the March. As he pointed out in somewhat cavalier fashion to the northern clergy when demanding financial aid in 1316, the war 'vous touche plus pres' than their southern counterparts. The powers to accompany this state of affairs, were, however, undefined. (12)

As a result, self-government at the king's command was an ad hoc

12) PRO, SC8/38/1856; CRO, Carlisle, DRC 1/1, fol.221d; CCR 1327-30, p.61; Rot.Scot., p.151; Halton 2, p.129; Rot. Parl.3, p.181.

business, liable to challenge and reversal. An inquiry in a case of disseisin in Northumberland in 1342 illustrates the point. As far as Walter de Selby, the plaintiff, was concerned, the case turned on the issue of whether his tenements were forfeit by his adherence to the Scots. Regarded from another perspective it concerned the ability of the keepers of the March to receive rebels to peace in the king's name, and to restore their lands. On this occasion their authority was upheld. 'The king, considering such arrangements useful for the safety of those parts', ordered that Selby be resealed. The exercise of political responsibility was curtailed and allowed with equal prerogative caprice. In April 1319 Edward II urged northern ecclesiastics to forbid certain secret negotiations for peace being carried on, although in the same period he acquiesced in the local purchase of respite from hostilities, and even made provision for the collection of the money involved.

Financial responsibility, the concomitant of political responsibility, helped to preserve subordination in the shires. Bishop Halton pleaded in vain for expenses incurred during his sojourn in Newcastle to negotiate with the Scots. His petition was endorsed with the blunt message that as he had gone for the common good of the king, and his own bishopric, and had not been far from the latter, he must bear the cost himself. (13) On another occasion, having paid £100 to men of Percy's retinue to defend Carlisle, his request for an allowance of the sum referred to clerical taxation made for the protection of the March 'a leur volente'. He further justified himself by mention of the good men

13) CCR 1341-43, p.642; CDS 3, nos.707,715,743; LNR, clxxvii, clxxi.

of the country, present at the time, who knew of his action. Doubtless to some extent the enhanced role of the county assembly during the war represented the desire for as many as possible to bear political and financial liability; Halton's statement of the part of the good men and true was as much an endeavour to inculcate them and exonerate himself, as an acknowledgement of their local status. (14)

Halton's appeals revealed the problems of the North. The war catapulted the shire into prominence; Edward II left it floundering. The Cumberland request for

'a sheriff of their own choice as will be for the good of him and them, for whom they will answer, as they have suffered many grievances before now from the whims of sheriffs. This election would be annual by common assent of the county',

suggests that politically it had at last reached Lancashire's stance under King John. It cannot have been particularly pleasing to Edward. This development discloses Marcher anxiety about local organization and the exercise of authority in time of hostilities. The petition, endorsed to the effect that it was contrary to the Ordinances, has further importance for the historian, for it lay somewhat apart from those of other shires. The interest in the shrievalty which Cumberland had not manifested under Henry III, was atypical by the time of his grandson. Dr Saul has pointed out that Edward I's grant in the Articuli Super Cartas of 1300 that the sheriff be elected in the counties was so little esteemed that only Shropshire made use of it; certainly it did not interrupt William de Muncaster's term of office in Cumberland, which lasted from June

1298 to December 1303. While the county enjoyed virtually annual appointments between 1307 and 1310, the longer, more contentious shrievalties after 1310 presumably prompted the petition, raising the question of faction and politics within the community. To this we shall return.

For the time being it will suffice to note that Cumberland's assertion of local ambition with regard to the shrievalty put it at odds with prevailing feeling, underlining the fact that its aims and embroilment with affairs touching the community of the realm alike, were born out of the needs of defence. (15) The importance of defence in relation to the shrievalty was recognized even amid the disarray of curial politics. The removal of all sheriffs ordered by the parliament of York of 1318 excluded Cumberland, Westmorland and Northumberland, just as the removals of autumn 1314 failed to dislodge Henry de Warcop from Westmorland or Andrew de Harcla from Cumberland. Albeit for different reasons, therefore, central politics in the time of Edward II wrought as little change in the West March shrievalty as those of Henry III's day.

The heightened importance of the shire was rather ironic, given that this era is traditionally described as a time of decline in shire institutions. By 1300 the county court's civil jurisdiction in personal actions was limited to causes in which the amount involved was forty shillings or less, while the sheriff's military and peace-keeping responsibilities were simultaneously whittled away and encroached upon by the appointment of such officials as the

15) CDS 3, no.716; N.Saul, *Knights and Esquires; The Gloucestershire Gentry in the Fourteenth Century* (Oxford, 1981), pp.107-11.

keepers of the peace. Even the generic northern serjeant of the peace had passed the zenith of his powers by the beginning of the fourteenth century. (16) The March emphasis on the community of the shire both compensated for the senescence of traditional authority and attempted to weld into a whole an area which had never fully succumbed to it. In 1303, for example, when Richard le Brun was appointed to lead all those of Cumberland capable of bearing arms to the king at Roxburgh, the men of Copeland were excluded from his ken. They were to be led by their lord and none other. In order best to meet the threats of war, more was required than the harnessing of shire energy. (17)

This was at the root of shire and individual demands for wider competence. The desire for protection had various results, of which the prominence of the shire and shire community was but one. In many respects the first half of the fourteenth century was a transitional era in which a modus gubernandi was worked out. In the process many tensions were manifest - in the relationship between king and subject, and in relationships within the shire itself, as new and old overlapped, and spheres of authority were gradually defined.

Royal ministers - the wardens of the March - were introduced. In time their dominance would become so great that the king would have to struggle to assert his prerogative.

'We will not be bound of a necessitie to be served with lordes. But we will be served with such men what degree soever as we shall appointe to the same',

16) Morris, Sheriff, pp.221, 234-5; County, pp.118-9; Stewart-Brown, Serjeants, pp.23-32.

17) CCR 1302-07, p.85.

as Henry VIII expostulated. On the West March in the opening decades of the Anglo-Scottish war, however, there was no such overweening seigneurial influence. The provision of leadership was consequently contentious.

Until Robert de Clifford's death at Bannockburn, Westmorland had no problem in knowing where to bestow its allegiance. It was a measure of Clifford omnipresence not only that the shire community presented far fewer petitions than Cumberland, but also that those it did frame often bore witness to Clifford power - and its abuse. The men of Westmorland complained that the sheriff and his staff took puture contrary to custom, seriously incommoding men already weakened by enemy attacks. They were overblessed with lordship. They had leadership; many of his tenants followed Clifford into battle. They had a hereditary sheriff - a force for stability - and none of the shrieval dog-fighting which characterized Cumberland in the reign of Edward II. And whereas the inhabitants of the more northerly county reveal themselves to have been engrossed by the minutiae of war, those of Westmorland had a little respite in which they could become absorbed in such issues as changing the keeper of Appleby, the proliferation of unauthorized markets in church yards, and the loss of market dues. These factors perhaps account for the unpronounced role of its county community. (18)

Clifford's martial proclivities also gave direction to the men of Cumberland. He appeared to awaken their loyalty and enthusiasm as much as he did the herald of the Carlaverock Roll of Arms'. His

18) PRO, SC8/90/4470, 317/E268; M.E.James, 'The First Earl of Cumberland 1493-1542 and the Decline of Northern Feudalism', NH, i (1966), 43-70; Rot.Parl.Inediti, p.159.

appointment as captain of the king's munition in Cumberland in 1297, and successive posts as keeper of the March, king's lieutenant in Cumberland, Westmorland, Lancashire and Annandale, added weight to his local position. His letters hint at a tendency towards benevolent despotism. One written from Brougham in 1297 to the king avowed him to have 'mout a fere a Loundr' ^{plein de choses} pur tot pur moy e mes gens'. Others asked for protection for his men, and stressed his refusal to countenance insubordination. A sheriff of York who had failed to execute an order earned his displeasure. ^{the occasion, for} The letter was a reminder of the necessity of obedience 'en totes choses tochantz fait darmes en la defense de lur pais'. (19)

After Bannockburn the situation changed, to leave something of a power vacuum on the West March. Unlike Northumberland, which already vaunted considerable Percy influence, Cumberland and Westmorland now lacked clear seignorial dominance. It is this which helps to explain the assertiveness of the Cumberland county community, the political endeavours of the bishop of Carlisle and the enmity encountered by Harcla. War demanded leadership; these men stepped into the breach.

Contemporaries gave voice to the need for leadership. In doing so they emphasized that the county community was only one means of organization to fill the void. The role of the keeper of the March was in theory acknowledged to be vital. In May 1313 keepers were appointed in Cumberland lest 'pro defectu custodie' the people fall into grave poverty and oppression. In practice there were problems

19) PRO, SC1/16/42, 16/43, 25/42, 25/180, 25/41; The Roll of Arms of the ... Siege of Carlaverock in 1300, ed. T. Wright (London, 1864), pp.11-12; PW 1, pp.294, 301, 318.

with regard to the keeper's competence, qualifications and misdemeanours. Bishop Halton defended the payment of £100 on his own authority to troops of Percy's retinue by stating that 'il navoit autre Chevetaigne ne Gardein dedenz le chastel ne la vile ... a cele heure fors qe lui'. The Marchers desperately sought help and guidance from their captains and keepers. The archbishop of York turned to 'les ... grauntez seigneurs de ceo pais' in 1314. The county community itself pointed out the need for a figure-head. Cumberland presented Anthony de Lucy's excuses for not attending parliament in 1339, explaining that there was 'nulle altre grant' in the region so willingly followed into battle. Later it equated the lack of a keeper of the March or Marcher lord with being 'sanz governayl'. Another petition requested a noble presence to uphold the truce, and referred to the bishop as 'nostre especiale Seignur apres nostre Seigneur le Roy'. That the county community should thus have pleaded for the exercise of seigneurial authority suggests, quite clearly, that the two played complementary roles in the defence of the March for some time. The eclipse of the former was, however, foreshadowed by its acknowledgement of the value of more autocratic organization in time of war. (20)

The aggrandizement of the county community and seigneurial power in Cumberland, then, were both by-products of war, existing in equilibrium, not without dissent. As usual Edward II's reign provides abundant evidence of acrimony. It is possible to construe this as rivalry between the new and the old, although it also exemplified the working of faction, in which light it will be

20) PRO, SC8/82/4071; SC1/42/18; PW 2, ii, p.420; LNR, cl, clviii; Fraser, NP, no.3; Rot.Parl. 2, p.345.

considered below. Ralf Fitz William of Greystoke - presumably in his capacity as warden of the March - with the advice of the 'best men of the country' had arranged a foray into Scotland, for which the sheriff was to raise the posse comitatus. The sheriff's lieutenant, however, countermanded the orders, proclaiming that Fitz William's authority 'would soon be over'. Here a mixture of baronial power bolstered by the new commission of March peace, and the community of the shire - or at least a section thereof - was thwarted by the emulous use of shrieval office. (21) Similar rivalries are suggested by the complaint of a Cumberland warden of the peace that the sheriff had released a man whom he had ordered be brought before him for trial, and by a March petition saying that the warden's commission was useless. Even when there was no hint of personal animosity between the parties involved, the exigencies of war required sometimes unobtainable administrative co-ordination. Tax collectors in Cumberland in 1306 lamented that they had no assistance from the sheriff or his staff who were preoccupied with purveyance. (22)

Thus, for all the writs de intendendo which were issued in favour of the new para-military March officials, routine shire administration was not easily put in abeyance. Although centrally-inspired circumvention of county and liberty authority was intended as a more efficient means of defence, failure to delimit the powers of each resulted in uneasy coexistence. The jurisdiction of the wardens fluctuated. In 1308 the king allowed that they might take

21) Rot.Scot., pp.113, 140; CDS 3, no.675.

22) CDS 3, no.799; Fraser, NP, no.69.

truces from Robert Brus as they had done previously 'of their own power or by commission' in order to garrison and victual royal castles, but we have seen already how such power was liable to alteration. The antithesis of own power and commission was particularly significant. There in a single phrase lay the problem of the North as the Tudors would inherit it. Under the first three Edwards there was problem enough in accommodating the shire and the commission within the same framework. (23)

In 1316 the prior of Carlisle related a number of grievances to king and council, some of which also reveal the problem of the exercise of authority in time of war. Who had authority, and within what hierarchy? He told of purveyance made by a specially-appointed royal official under Edward I, and by the sheriff of Cumberland in 1309, for which he had yet to receive payment or tally. The sheriff of Westmorland had taken wheat for the garrison of Brougham castle. Wardens of the March had taken, for the purposes of a raid into Galloway, money lodged with him at the priory, although they had at least given him an acquittance 'to keep him right with the king' in return. (24) The officials of whom he complained were involved in a tangled skein of jurisdiction which would take time and pragmatism to unravel.

Writing of the office of the warden of the March in 1917, R.R. Reid did so in terms of the sheriff's complete supersession by the new official, suggesting that by 1315 he had 'full control over and responsibility for the defence of the Marches'. The emphasis on

23) CDS 3, no.47.

24) CDS 3, no.524.

the steady accretion of powers from 1346 until the commission attained its final form in 1399, however, implies that the creation of the wardenship was a slower, less revolutionary affair than might at first appear. (25) The keeper of the West March in 1366, for example, had authority in Cumberland and Westmorland, both inside and outside liberties. He was to keep truce with the enemy; had the power to grant safe conducts to Scots coming into the country; to distrain and punish contrariants; and to elect, arm and array fencible men of the area. The sheriff and other royal ministers were to be intendent. Earlier in the century things were very much less defined. In 1296 Edward I addressed the knights, freemen and all the community of Cumberland, telling them of the appointment of captains of the peace in the shire - the embryo from which the warden of the March was to grow. Obedience was enjoined upon them and the sheriff. Later in the year Robert de Clifford was appointed as captain of the king's munition 'in partibus Cumbriae', loose phraseology denoting both Cumberland and Westmorland. Again sheriffs, bailiffs and all the faithful were to be obedient, ready to attend with horses, arms, and the posse if needed.

That autumn Clifford and two other local men were appointed as captains of the March of Scotland in the county of Cumberland, to whom the sheriffs of Cumberland, Westmorland and even Lancashire were to be intendent. In 1298 Clifford held office as captain and royal lieutenant in these three shires, in Annandale and as far as the boundaries of Roxburghshire. In 1302 the keepers of the March in Cumberland and Westmorland were subordinate to Clifford's

25) Reid, 'Warden', 32.

successor. This is not the place for a full rehearsal of the ebb and flow of men and office; a few examples serve to show that the warden's powers and his place in local and national, administrative and military castes, evolved only gradually. (26)

Yet if the shire was thrown into turmoil by these manoeuvres, and ordered to submit to government by men of extempore authority, its position with regard to the military officials was by no means irredeemable. Harcla, appointed to the custody of the city of Carlisle and adjacent parts in 1315, was subsequently rebuked by the king for negligence, and told to act 'de avisamento proborum hominum earundem partium'. It was perhaps as a result of taking better advice that he was responsible for the decision to demolish some of John de Morpeth's houses in the city for timber; John complained that it had been done by Harcla, Sir Robert de Swinburn 'and the commune'. The men of the county still had a role to play, although the general decline of shire institutions and their ad hoc circumvention on the March, rendered it less straightforward than an uncritical assimilation of the concept of the county community from the early modern historian would lead us to anticipate.

But it was not only the insertion of royal military appointees which clouds the picture. Just as it gave impetus to county organization, war also prompted provincial assemblies - a framework transcending the individual shire.

An episode from the early months of 1315 displays the various forces at work: king, military officials, seigneurial influence, northern assembly. Edward II announced to all-comers that northern

26) CRO, Carlisle, DRC 1/2, fol.8d; Rot.Scot., p.213; PW 1, pp.278, 294, 301, 318, 364.

bishops and magnates, having debated March security at York on 3 January, had unanimously agreed that Ros of Hamlake, Mowbray, Mauley and Fitz William of Greystoke be appointed captains and keepers beyond Trent, and that he was happy to consent. 'Nos deliberationem et consilium ... acceptantes'. He went on to adumbrate the powers they were to receive as though it was a purely autocratic appointment. Other royal orders hinted at the role of the northern assembly. Edward's command that the prelates, barons, knights et al. of Yorkshire, Northumberland, Cumberland, Westmorland and Lancashire give credence to the chancellor and two others sent to them in 1313, his commission to Sir John de Bensted and Robert de Woodhouse in 1315 to treat with all the men of the North, both implied a forum in which they would be present en masse.

Instructed to distraint the collectors of clerical taxation in his diocese to render account in 1319, Halton replied that there had been no collection because the entire diocese had been wasted by the enemy. Collectors had not even been appointed. The devastation was notorious; 'quod publicum est et notorium in comitatibus Cumbrie et Westmorlandiae'. (27) War forced the two shires to make common cause - not that there were not already many factors militating in favour of this. (28) The imprint of war was clearly visible upon their joint petitions, the product, no doubt, of Border colloquia in time of emergency. Again it frequently happened that those gathered took issue with the exercise of authority. The poor lieges of the two shires reported that local castellans were

27) Rot.Scot., pp.113, 137, 139, 147, 149, 152; Halton 2, p.205; CDS 3, no.464.

28) These will be dealt with in the following chapter.

exacting such unreasonable sums from those who took refuge with them that men were being driven to leave their lands. They objected to demands for unaccustomed military service. They asked for wages within the realm; suggested that those who did not attend the muster should be fined and the spoils shared among those who did come. They asked that those 'ruined by the war' should be retained in pay. They pressed for peace and asked for pardon of trespass and felonies.

In concert with Northumberland, the two counties drew various matters to the attention of king and council. At the close of Edward II's reign they thanked him for the respite of debt granted because of the impact of war and murrain. They were not always so fortunate. One petition, of 1320, deploring Scottish attacks - 'ils nount dont vivre ne lour terres gagner' - and begging for respite, was endorsed with a memorandum to the effect that the debts would be levied immediately on expiry of the respite. Later in the century they complained of infringements of truce, alleging that these were more harmful than a state of open war. They told of the ruinous condition of the castles of Carlisle, Newcastle, Berwick and Roxburgh which deprived them of their 'sovereign safety'. They pleaded for remission of taxation. The lieges of Westmorland and Northumberland warned that unless concessions of this sort were made, Marchers would abandon the area in droves. (29)

Such corporate activity suggests that the Northerners were oblivious to neither the need for unity in the face of attack, nor to the possibility of exerting political pressure thereby. This is

29) PRO, SC8/82/4086; Fraser, NP, nos.112, 102, 113, 114, 118-20; CDS 3, no.716.

underlined by the fact that the laity were not alone in adopting these methods. The poor clergy of the see of Carlisle petitioned the king for relief from taxation, 'desicome la verte cire a auciens deites sont pardonez a la comunalte de meisme la marche', clearly revealing their source of inspiration. The clergy of Carlisle, joining with those of the archdeaconry of Richmond, also asked for reassessment. In 1330, the clergy of the bishopric of Durham, the archdeaconries of Richmond, Cleveland, York, the East Riding, and those of Cumberland, Westmorland and Northumberland, had to press for its maintenance, the collectors having tried to reintroduce the earlier rates. Bishop Kirkby of Carlisle conferred with the bishop of Durham about levying clerical taxation in 1334, bent not merely on mutual commiseration but common action. (30)

The question therefore arises of the extent to which a community of the shire which was the main focus of men's loyalty can truly be said to have arisen during the war. If corporate organization and the assertiveness evinced in the petitions are its hallmarks, must it not be concluded that a provincial community of equal vigour also existed? In what relationship did they stand? And finally, given that war appears to have been the fons et origo of both, ought we to give credence to the suspicion that they were temporary phenomena, expedient for a while, in the absence of clearly-defined military leadership? Later chapters will explore these questions from a number of different perspectives. We shall now examine contemporary awareness of environment, and the impact made by war upon it.

30) CRO, Carlisle, DRC 1/1, fol.159; PRO, SC8/54/2687, 18/871; Fraser, NP, no.109.

ii) Communications and Identity

To what extent did communications permit any of the larger local units - shire or combination of shires - to function as communities? What was the geographical reality behind protestations that the whole county or the whole March was at work? Had consciousness of these larger units permeated local thought, or were they a political facade, useful for purposes of confrontation with king and council, exchequer and foe? And how did outsiders perceive the northern counties? The answers to these questions may provide as close an evaluation of the importance of the county to the fourteenth-century Marcher as it is possible to obtain.

A dispute of the late thirteen-thirties about the boundary between Westmorland and Yorkshire does not appear to bode well for the search for county identity. (31) If the shires were imperfectly delimited and required perambulation, how would their inhabitants know where to direct their loyalties? The issue went unresolved for over two years. On the one hand confusion; on the other, division, suggested by the presentation of Crown pleas during the Cumberland eyre of 1278. (32) Those of Lyth, Eskdale and the corpus comitatus were presented together, those of the bailiwicks of Cumberland and Allerdale, 'que est de altera parte comitatus' separately. (33)

Confusion and division recognize the realities of contemporary

31) CPR 1334-38, pp.445, 577; CPR 1338-40, pp.66, 186, 279.

32) PRO, Just 1/131, mm.9, 12.

33) See also chapters three and seven.

communications. To exert influence, to issue orders, required both effort and the propitiation of the elements. This was the framework within which a county community operated. The Gough Map marked no routes to the west of the road linking Lancaster and Carlisle; to reach the settlements shown at Beetham, Cartmel, Kendal, Millom, Workington, Bowness or elsewhere, demanded enterprise. One way was to follow the coastline, crossing Morecambe Bay between Cartmel and Lancaster, then the Duddon Sands, and other intervening stretches of estuary - an accepted and ancient route, but perilous for all that. The prior of St Bees paid a pension of half a mark 'pro carterio vel conductore ad aquam si necesse sit', a tradition continued on the Bay to this day, and enshrined in the names Cart Lane and Carter Road at Kents Bank. The jurors of the wapentake of Lonsdale's presentments during the eyre of 1246 were typical; Gilbert of Ulverston 'submersit de quodam equo super arenas maris. Et equus similiter submersit cum eo'. In 1337 the abbot of Furness painted an equally lurid picture of the dangers of the journey; 'come la terre ... soit environne de eawe, outre quele eawe nul home poet passer pur divers perils et submersion des gentz'. (34)

As for the rapidity with which men or information could traverse the region, the arrangements to muster at Berwick in 1298 are particularly interesting. The men of Cumberland were to take five days, setting off on 9 February from Carlisle, taking one day to reach Haltwhistle, approximately sixteen miles away, and another to reach Corbridge. The men of Lancashire were to take eight days, one

34) PRO, Just 1/404, mm.24-5. Others drowned in the Lune and Leven. St Bees, p.147; Furness 2, iii, p.695; Rot.Parl.1, p.436.

to reach Kendal from Lancaster, another to Appleby, then to Alston, Corbridge and so on, staging posts some twenty miles apart. On the other hand, it took only ten days for letters from Ireland to reach the bishop in Carlisle castle after lunch on 7 March 1298, a very much speedier affair, especially viewed in juxtaposition to complaints about the difficulties about the most local journeys. In the early fourteenth century Halton granted parochial rights to Newton Arlosh church

'on account of the ... river, the tides of the sea and freshwater floods in winter, and also on account of the Scottish raiders, communications had been difficult to keep up'

and this with the abbey of Holme Cultram, all of three or four miles away. A petition by the abbot in 1305 referred to 'le Isle de Holmcoltran'; in a sense it was an island, being well-watered with rivers, but his choice of words expressed an attitude of mind as much as the facts of geography. (35) In 1348 and 1349 graveyards were consecrated at Grasmere and Windermere; before this corpses had been taken to Kendal with 'cruel roughness' and sometimes worse befalling them as their bearers contended with rocks, woods, water, storms and mountains.

The length of a journey, the route taken, neither necessarily denoted the quickest way between two points. When, in 1294, the archbishop of York travelled through Cumberland and Westmorland on his way to Hexham, his itinerary reflected pastoral concerns and the hospitality proffered by his flock. He passed from Kendal to Orton, Orton to Lowther, where he stayed at the invitation of the rector,

35) PRO, E101/6/30, m.3; Halton 1, pp.110-12; Holme Cultram, p.148; Memo.Parl., no.82.

and finally, a journey half as long again as these twelve or thirteen mile stretches, from Lowther to Linstock at the request of Bishop Halton. (36)

If communications within the March itself posed their own problems, enforcing a very local perspective, to what extent was it also isolated from the rest of the kingdom? A sense of isolation might have contributed to the growth of regional identity as well as to the increasing self-reliance and local autonomy noted above.

The North was a peripheral area both in fact and fiction, its climate and inhabitants long awakening a somewhat superstitious dread in outsiders. In Piers Plowman, Langland intimated that Satan had an affinity with the North. Eleanor of Provence was more moderate in expressing anxiety about a plan to take her grandson on a tour of the area, but her disapproval was manifest.

'We feel uneasy about his going. When we were there we could not avoid being ill, on account of the bad climate. We pray you therefore, deign to provide some place in the south where he can have a good and temperate climate, and dwell there while you visit the north'.

Similar misgivings were experienced by the archdeacon of Richmond endeavouring to reach Copeland 'per loca sabulosa et aquarum inundationes et varias tempestates', and by the itinerant Justice encountered in the last chapter who objected to his circuit in Cumberland. This perception of the North lingered a long while. Wyllyughby in 1600 remarked that if he could only get away from the Cheviots and 'from this accursed country whence the sun is so far

36) A. Hamilton-Thompson, 'The Pestilences of the Fourteenth Century in the Diocese of York', Archaeological Journal, ser. 2, xxi (1914), 97-155; Halton 1, pp.6-7.

removed' he would be content with the 'homlyest hermitage'. (37)

What knowledge of the area did outsiders have? There were, unsurprisingly, problems of distance and mutual ignorance. In 1383 Furness was described on the Patent Roll as an island, suggesting Westminster's mistakes with regard to an outlying region and the North's position on the outermost confines of southern consciousness. The Patent Roll of 1345 wrongly located the Clifford estates at Hert and Hertnesse in Cumberland instead of on the East March. For the thirteenth century, Pegolotti's list of wool-collecting monasteries wrongly referred to Furness in Northumberland, but accurately placed Shap in Westmorland, and Calder in Copeland, for all that the latinate spelling is difficult to reconcile with the native. (38)

The Gough Map, believed to have been produced c.1360, suggests heightened awareness of the North. Of the five main lines of communication depicted, two terminate at Carlisle. Dr. B.P. Hindle has pointed out that fifteen sites in the diocese of Carlisle are named on it, in comparison for example, with four in Chester. The map may represent the perspective of an outsider - one doubtless influenced by knowledge of Anglo-Scottish warfare, or it might have been the product of local consciousness, the work of an inhabitant of the North-West. This Sir Frank Stenton proposed, on the grounds

37) A.L.Kellogg, 'Satan, Langleland and the North', Speculum, xxiv (1949), 413-14; H.Johnstone, Edward of Carnarvon 1284-1307 (Manchester, 1946), pp.23-4; St.Bees, pp.147, 222; D.L.W.Tough, The Last Years of a Frontier: A History of the Borders During the Reign of Elizabeth (Oxford, 1928), p.26.

38) CPR 1381-85, p.329; CPR 1345-48, p.11; Francesco Balducci Pegolotti, La Pratica della Mercatura, ed. A.Evans (Cambridge, Mass, 1936), pp.260-4.

that Carlisle, not Berwick, was given as the terminus of the main road from London. Either interpretation is significant in its implication of growing contemporary acquaintance with the region. Again the role of the war was seminal. (39)

In the fifteenth century, William of Worcester's penetration into west Cumberland, well away from the main North-South thoroughfare, to marvel at Keswick salmon and Workington harbour, was particularly intrepid. Pegolotti and Worcester's gazetteers are reminders of the importance of the personal, ad hoc element in the broadcast of information. If Northerners were perceived as limbs of Satan, it was not so startling; isolation and limited communications enforced reliance on hearsay, creating a milieu in which suspicion and superstition could thrive. War compounded the problem. The Lanercost Chronicle digresses from a narrative of Anthony de Lucy's exploits in Scotland under Edward III to castigate 'a certain noble in the north country' rumoured to be informing the Scots when it was safe to invade. 'If it be true, may God make known to king and country these cunning traitors'. That such cunning traitors did exist is evident from the gaol delivery rolls of the period, but that fear of them existed to an even greater degree is shown in the chronicles, which exhibit a tendency to associate any discredited figure with treasonable activity. (40)

39) F.M.Stenton, 'The Road System of Medieval England', Preparatory to Anglo-Saxon England, ed. D.M.Stenton (Oxford, 1970), p.243; B.P.Hindle, 'Medieval Roads in the Diocese of Carlisle', CW 2, lxxvii (1977), 94-5.

40) William Worcestre Itineraries, ed. J.H.Harvey (Oxford, 1969), pp.71-3; C.A.J.Armstrong, 'Some Examples of the Distribution and Speed of News in England at the time of the Wars of the Roses', Studies in Medieval History Presented to F.M.Powicke, ed. R.W.Southern et al. (Oxford, 1948), pp.429-54; Lanercost, p.308; PRO, Just 3/10A, m.1d.

Even unsubstantiated rumour could cause consternation. Bishop Kirkby wrote to treasury officials in 1337, many of the diocese having stopped their contributions to the recent Tenth, 'quia audito dudum rumore ... de revocacione'. On 18 January 1334, it was speculation about the pope's death which exercised him. 'Verum rumor multus apud nos est de morte domini Papae', although by this time Benedict XII, the new pontiff, had already been consecrated. The local community could generate hearsay and scandal of its own, as in the case of Sir Thomas Engleys, defamed for attacking his pregnant wife, 'cuius diffamacionis et eius opinio prius illeser multipliciter gravantur et leduntur quam plurimum', a story illustrating the problems of laying rumour to rest. The bishop proclaimed him to be of good fame, excommunicating his detractors for their 'false, malicious' tale. Engleys' reputation was not altogether unjustified, since he and his wife were subsequently divorced, Alice claiming to live in daily fear of his violence, and alleging the bishop's indifference to her plight. (41)

The isolation of the North demanded special administrative consideration from time to time. The law suit between the earl of Devon and Anthony de Lucy about the patronage of Brigham church in Cumberland, finally resolved in favour of the former in 1341, provoked the statement that record and process thereof must be kept in the royal archives, not 'transmitted to remote places'. The remote place would receive the news of the judgement 'in words of truth by these presents', suitably sealed. Later in the century

41) CRO, Carlisle, DRC 1/1, fol.184d, 160r, 213r, 230-1. John XXII died 4 Dec.1334. Benedict XII was elected 20 Dec., and consecrated 8 Jan.1335.

the abbot of Furness was allowed to appoint general attorneys to sue and defend on his behalf in all courts of the county because of life lost on Morecambe Bay 'by the swift ebb and flow of the sea'. He was allowed to appoint a coroner for the same reason.

Such problems were not peculiar to the March. In 1315 the county community of Berkshire took great pains to explain to the king the burden imposed on them by the location of the county gaol in Windsor - 'a remote part of the county'. Gaol delivery was irksome; many neglected to attend at all since it took eight or nine days to travel there; others omitted to present felonies to avoid bringing suspects to gaol. Isolation was a question of mentality as much as a geographical phenomenon. (42)

The distance between London and Carlisle is 301 miles. On 15 April 1294 the bishop of Carlisle, in the priory church at the time, received a letter from Edward I dated at Westminster on 18 February. Royal administration clearly had to brook delay, although communication even within a smaller area could take an inordinate time; it took eight days for Halton to receive a letter penned by a fellow visitor to London later that year. In 1309 the bishop's proctor excused himself from attending parliament at Westminster for a variety of reasons, including the shortness of time involved - one month. News of Edward I's death at Burgh by Sands on 7 July 1307 reached London on 25 July, until which time the chancellor continued to seal writs de cursu. (43)

Whilst it took priority news well over a fortnight to travel

42) CPR 1340-43, p.250; CPR 1374-77, p.205; CPR 1313-17, p.328.

43) Halton 1, pp.9, 14, 315; CPR 1272-1307, p.558.

south, routine administrative matters proceeded more slowly. The writ of extent on the death of the Cumberland tenant in chief, Peter de Tilliol, was issued on 18 November 1246, the extent made on 5 December. The writ on the death of Helewise de Levington was issued on 1 October 1272, the inquisition post mortem dated in Westmorland on 21 November; in Cumberland on 23 November. In each shire the date was calculated as a regnal year of Henry III although he had died on 16 November. On the death of Gilbert le Franceys in 1278, the writ was issued on 7 March; the inquisition held in Cumberland on 2 May, six days before that held in Derbyshire. The writ for the proof of age of Gilbert de Sutheyk was issued on 18 February 1292; the appropriate action was taken in Cumberland on 9 April.

The norm thus seemed to be a period of about six weeks between the king's command and his subjects' hearing and obeying. The vagaries of war could disrupt the pattern, although this was exceptional. At the end of the thirteenth century the speed of escheatorial administration was particularly erratic. The writ of 17 October 1299 on the death of John Gerbed of Carlisle was not followed by the taking of an inquisition until 3 July; it had much to say about Scottish destruction of his property in the city and suburbs. Beatrice de Leversdale's inquisition was held on 10 February 1300, three months after the writ; Thomas de Weston's on 6 January, eight months later. Tardiness of this order was rare, even in time of war. What was perhaps as remarkable, was that the issue of writs from the chancery at York during Scottish campaigns did not appear to hasten the process. Thus the writ for Hubert de Multon's inquisition, dated at Carlaverock on 10 July 1300, resulted

in inquiry in Cumberland on 10 September and - by contrast - in Norfolk on 16 August. (44)

Did the problems of communications add to the Cumbrians' sense of identity as the Gough Map hints? The fourteenth century certainly witnessed an increasing tendency for Cumbrian charters to name the county in which the land in question lay. One of the earliest instances dates from 1210, Robert de Vipont's grant of the manor of Maulds Meaburn, in the county of Westmorland, to John le Franceys - but it was an isolated example. From c.1286 it became more common; for instance the grant in that year of his lands in Westmorland and Yorkshire by Robert de Yanwath to his daughter and son-in-law. It was mentioned in charters from various social strata. Vipont was of baronial rank, Yanwath a knight; their confrères provided a number of instances. In 1344 Hugh de Lowther granted to Thomas de Musgrave his manor of Hartley, Westmorland. Three years before Henry de Harcla had also described it thus in his grant to Ralf de Nevill. (45) It was also used by the mercantile population of Carlisle. William Barde and his wife granted to William de Aglionby land in the hamlet of Boursted, Burgh by Sands, in the county of Cumberland, and Idonea Tailor of Carlisle granted to Adam de Aglionby all her lands in the same county.

In some cases the formula could be explained away as a notarial nicety, or perhaps the charter's production in distant parts. This possibly accounts for Vipont's deed of 1210, mentioning that Franceys performed homage at the exchequer, the witnesses to which

44) IPM 1, nos.115, 811; 2, no.246; 3, nos.56, 559, 557, 561, 594.

45) CRO, Carlisle, D Lons L5, MM 4, BR 24, D Mus H 10, H 8.

were men of central administration. Similarly, a power of attorney of 1325, drawn up in London, by which the daughter of John de Fritheby required her father to receive land in Threlkeld, Cumberland and Crosby Ravensworth, Westmorland. For the most part, however, they were purely local deeds, conveying land between two inhabitants of the same shire, Richard de Cundal to Roger de Cundal, Michael de Tirril to Christopher de Lancaster of Sockbridge, Matthew de Whitfield to his son-in-law. (46)

Petitions by individuals reveal the same trend. John de Denum informed the king that his castle was 'on le countee de Cumberland'; Adam de Bowes made a request with regard to his land in Newbiggin, Cumberland; the widow of Richard de Cleator told of her abduction from her manor of Ellenborough in the same shire. (47) Others who put emphasis on the location of their lands in this way included the heirs of Robert de Muncaster in 1324, the prior of Carlisle in 1316, the bishop in 1338, the foresters of Allerdale in 1319, and one Robert de Onyteng in 1318. These examples of individuals placing stress on the county add weight to the more predictable corporate precision, such as the petition of the commonalty of Appleby in the county of Westmorland. (48)

Stress on location suggests that consciousness of shire boundaries had permeated quite deeply, adding to the impression of growing regional identity. But before concluding that the shire was

46) CRO, Carlisle, D/Ay, old ref.59, 62, 39, D Lons L5, T13, EM 57, BR 48.

47) Fraser, NP, nos.104, 60, 65, 66; Memo.Parl., nos.92, 465, 482.

48) PRO, SC8/38/1858, 235/11704, 317/E287, 88/4375, 317/E268, 81/4042; Rot.Parl. 1, p.426.

the exclusive focus of communal allegiance, one further caveat. It again concerns the impact of war.

Just as evidence of shire activity has been matched by evidence of supra-shire activity, so shire consciousness appears to have been matched by a broader regional spirit, an awareness of being an inhabitant of the March. In 1387 the Commons in parliament, asking for part of a national subsidy to be put towards the defence of the North, mentioned that they spoke on behalf of 'les Seigneurs Marchers del North'. Here was external recognition of March identity - but it lagged behind its evolution.

The March - in both local and royal eyes, was a sprawling area paying no respect to county boundaries. The Lanercost Chronicle tells of Robert Brus' exaction of tribute from the 'whole March' - the bishopric of Durham, Cumberland, Westmorland, Copeland and Northumberland. Edmund de Nevill, accused by Edward II of freeing Scottish prisoners on Hornby Moor in the Lune valley, in return for a sum of money, appealed to the custom of the March, and was upheld by the jury. Henry III, in 1257, had referred to the Marchers of Northumberland, Cumberland, Westmorland, Copeland, Cartmel, Kendal and Gilsland. At Hornby and Cartmel the March extended into Lancashire, something reflected by periodic injunctions to its men to obey March officials and those appointed to the custody of Carlisle. (49)

The March was the focus of considerable local feeling, as the Lanercost Chronicle shows. The chronicler lamented that while Gaveston monopolized royal and baronial attention 'the March of

49) Rot.Parl.3, p.251; Lanercost, p.200; Tupling, Lancs, pp.64-5; CDS 1, no.2103.

England had no defender', a contrast with affairs under Edward I, a king who disbanded a force of nobility and undertook to guard the March himself in 1298. The impression is conveyed that this was the ultimate criterion of good kingship. (50) The Scalacronica, too, emphasizes the importance of March defence. Edward II who left 'ses marchies en grant tribulacioun' was the antithesis of the lords Percy and Nevill 'qi graunt eide firent as marches'. Such royal negligence provoked anger among local gentry concerned about 'lestat dez marchies'.

Reference to the Marchers, a formidable body, is characteristic of the chronicle, and consonant with a steady growth of northern identity at the time Gray wrote. He reported that Middleton's rebellion was aided by 'dez autres dez marchies'; that they urged the young Edward III to attack the Scots at Stanhope Park in 1327; that they followed Percy on a raid into Scotland at a similar date. They are almost always mentioned in connection with martial activity. Their opposition to Isabella and Mortimer at the time of Lancaster's rebellion, for example, took the form of an attack on the enemy who were 'mortz et descounfitez par cestes ... marchies'. They were later involved in the murder of someone reputed to bear the same surname as one of Edward II's executioners, a rare championing of that king's cause. Their usual role was less dramatic -

'les marchies dez Engles ... furent lessez pur garder la marche dereir lez gardeyns et chevetains qi furent chevauche en ost en Escoce.' (51)

50) Lanercost, pp.166-7, 198.

51) Scalacronica by Sir Thomas Gray of Heton, ed. J.Stevenson (Edinburgh, 1836), pp.144, 147-8, 154-5, 157, 165, 168.

The Marchers were not merely creatures of the chroniclers' imagination. The men of the Border countiês themselves used the title. Inhabitants of Cumberland and Westmorland presented themselves as 'dwellers on the Marches' in a petition in 1322. Under Edward III the lieges of Cumberland, Westmorland and Northumberland asserted that 'the March dwellers in this parliament' could testify to the dire state of Border defences. Northern clergy referred to the 'comunalte de ... la marche' as their lay counterpart. One Benedict de Eaglesfield described himself as 'un povers homme de la Marche'. (52) Emphasis on the March indicated the common plight of the Border; war brought the March community into being.

In jurisdictional terms the March had long been an idiosyncratic and quasi-autonomous region. The first codification of March law in 1249 attempted to respond to problems of cross-Border criminality, a problem which the Anglo-Scottish conflict only exacerbated. The existence of March law reflected the isolation and self-government of the North; its enforcement must have contributed to March identity. Confronted by March custom, even the lawyers of Edward I had to temper the royal desire to do justice; they were unable to proceed until the king had visited Carlisle to discover more of local practice. March law predicated a role for the shire, as revealed by Henry III's injunction to the sheriff, coroners, knights and freeholders of Cumberland in 1250 to go to the 'usual' place in Scotland to proceed in an appeal according to the custom of the March. The shire court had been involved because of an appeal made

52) PRO, SC8/54/2687; CDS 3, no.799; Fraser, NP, nos. 114, 83.

by the supporters of one party in order to evade justice; this appeal was to be put in respite. The history of March law perhaps also contributed to the greater vigour of the shire in Cumberland than Westmorland. During the war, however, regulation of March jurisdiction became the preserve of the warden. In 1366 one wrote to the king of Scotland deploring the past practice of taking revenge 'en manere de guere pur checun menu trespas fait sur les ... marches'. March law had become bound up with truce mechanisms, subsumed in the exercise of military authority. Thus in 1324 the sheriff of Cumberland was ordered to bring Scots arrested by the keeper of the Solway to the keepers of the truce at their days of the March - glorified love days. (53) In the interests of war, the custom of the March had come to be written in terms of the exercise of viceregal powers. A keeper was sent to court in the *early* part of the fourteenth century with news of the March of Carlisle - chiefly that he had held 'une jour suz vostre ... marche e Sire par la vertu de une lettre qe vous me maundaste nadguers qe la ~~truce~~ fuse maintenue en touz pointz'. For all this, distance and royal involvement on foreign battlefields dictated that March custom long continued the mark of considerable regional independence. (54)

The use of county administrative machinery, like other organizational experiments in the North - the introduction of a military hierarchy, the bolstering of seigneurial authority - was

53) CRO, Carlisle, DRC 1/2, fol.8r; CDS 1, nos.1765, 1776; 2, no.381; CCR 1323-27, p.113.

54) PRO, SC1/38/165; Rot.Scot., p.713, appointment of keepers of truce with judicial powers to inquire into its flouting in 1348. If the misdeed was committed in England or by an Englishman, it was to be judged according to the law and custom of England; if by a Scot, according to the law of the March.

intended to provide defence. All prompted the growth of corporate spirit. But the patria which men defended varied. Ease of communications and knowledge of outside areas did not absolutely determine local identity, but they certainly made their contribution. The March and the village no less than the shire demanded allegiance. Bound up with all these was the notion of patriotism - in whatever terms that was perceived. Community on the Border was a complex phenomenon.

- 3 -

County Community: Composition.

Like other characteristics of the county community, its composition has given historians food for thought in generous measure. Was it a primitive democracy, a benevolently hierarchical organization dominated by the barons, or somewhere between the two, the preserve of knights and esquires? Questions which have interested the early modernist for some time, they have recently come to preoccupy the medievalist.

Thesis and antithesis are presented by Dr Maddicott and Dr Palmer. The former, while denying democracy to the shire court, emphasizes, for example, the role of the reeve as mainpernor for his superiors, and the role of the man 'of no particular social importance'. The latter, heir to Maitland's concern to tip the balance away from the traditional view of the shire as a populous and homespun assembly, asserts the court's subordination to the shire baronage. (1) The March counties have a contribution to make to the debate. Firstly in a general way, the value of the enquiry lying in attention to detail. What is revealed about the county community by comparing its petitions with those framed by individuals? Whose interests did it champion and why? Secondly,

1) Maddicott, 'County Community', 29-36; Palmer, County Courts, pp.87-8; F.W.Maitland, 'The Suitors of the County Court', EHR, iii(1888), 417-22.

and here the choice of the two shires is more germane, did war, issues of leadership and national identity influence composition? And thirdly, what implications had the fact that tenure and other factors gave Cumberland and Westmorland a composition in common?

i) A Representative Community.

How catholic was the shire petition? Whom does it suggest composed the county community? Did it take up the cause of those unable to speak for themselves, or merely express the views of the influential few? Here we broach the issue of the shire as a representative forum. However oblique the means by which the voice of the mute and inglorious was made known, if it appears that the shire did play such a role, it would imply that membership of the county community was not exclusively a matter of suit at shire court, that it overstepped purely legal status. Doubtless some members were more equal than others; it may be, therefore, that examination of the evidence will suggest that distinctions be made among those comprising the community. Could it have been that the county community meant different things at different times?

Cumberland's absorption in war has been illustrated in the preceding chapter. For whom did it speak? The preoccupation with purveyance shown at the parliament of 1305, for instance, articulated a truly common concern. Alan de Helbeck, a cleric, who petitioned in 1321, represented one weak link in an administrative chain. His example allows us to glimpse the plight of 'des povers et autris du pays'. Helbeck had been compelled by Ralf Fitz William of Greystoke, keeper of the former Clifford lands and castles in

Westmorland, to raise victuals in the neighbourhood. Although Fitz William had been paid by the king, Helbeck had not received anything to reimburse his fellows, who plagued him daily for payment. Another individual sought an order to coerce the former victualler of Carlisle's executor to account with him, while the lieges of Carlisle complained that the keepers of provisions would not settle their accounts. In some cases criticism was directed at shire personnel. In 1316 the prior of Carlisle accused the sheriffs of both counties of failing to pay for purveyances made. Charges brought at the trial of Contrariants at Wigan after the battle of Boroughbridge against Robert de Layburn, former sheriff of Lancaster and scion of a Westmorland gentry family, suggested systematic malpractice. Ordered to purvey 1000 quarters of oats and 500 hogs' carcasses and send them to Newcastle, Layburn took supplies without payment and demanded money if victuals were unavailable - five shillings for a quarter of oats and two shillings for a bacon. But it was as frequently the incumbent of a position in military administration who was the object of local censure. An inquisition of 1317 attributed the poor state of Cocker mouth castle and its environs to the 'unreasonable prises' of a former keeper and his men. Later in the reign, John de Harcla was said to have an unsatisfied claim of 200 marks against the local victualler. (2) On this point criticism by the shire community seems to have been grounded in common March experience. Far from representing local officialdom, the county petition sometimes berated those in authority.

2) Rot.Parl. 1, pp.382, 400; CDS 3, nos.675, 524; CMI 2, no.297; Fraser, NP, no.81; Tupling, Lancs, pp.62, 135.

Provision of victuals for the civilian population - a problem linked to purveyance - also struck a common chord. In 1331, a time when many Cumbrians were arranging terms for the repayment of debts for food bought six or seven years before, the nuns of Armathwaite petitioned for remittance of their debt. Delays in communications and administration played no small part. A petition of the post-Bannockburn years by a householder of Carlisle pressed the council to send food as previously arranged, as he and his neighbours could not long survive. In another petition, Benedict de Eaglesfield asked that a debt he had incurred in buying victuals from royal supplies at Holme Cultram be off-set against the sum owed to him for victuals provided for the garrison of Carlisle. (3)

The problems of war prompted unity on a variety of other matters. The presentation of the case for royal charity, and mitigation of taxation - these were things on which the county could speak as one. Holding forth as the poor men of the county, the community was the embodiment of individual petitioners such as the poor lieges of Appleby and Kendal. Without royal aid the prospect was bleak, said individual and corporate petition alike. They shared the language of pathos. One begged 'pur dieu ou nom de charitee qar sire autrement ...', another 'pur le amour de dieu e pur la salvacion de la ... ville'. (4)

As much as enemy incursions, problems engendered by the financial administration of the war had caused this situation. Even members of the royal household were reduced to importunity by their service

3) PRO, SC8/45/2230; E101/16/33.

4) PRO, SC8/81/4042, 90/4470, 38/1857, 54/2686, 233/11610, 45/2230.

on the March. In 1405 John of Lancaster remonstrated that without speedy payment for victuals and the wages of his men, the king's cause would be lost. He, too, had to resort to the 'ou outrement' refrain. In 1403 no less a man than the earl of Westmorland demanded swift payment 'car autrement' he would be unable to preserve the honour of the kingdom. (5) Finance, accountability, and the despatch of funds, continually troubled the Northerners. They were not phenomena restricted to Edward II's reign, problematic though his reign undoubtedly was. Some of Bishop Halton's difficulties in obtaining allowance at the exchequer for his expenditure on defence have already been described. They were similar to those of the lieges of Carlisle in recovering the cost of defending the city in 1320, and the garrison of Carlisle's in getting wages in 1315. The latter were eloquent - 'nous ne pumes plus longement endurer', demanding that Robert de Welle be ordered to account with them. As for victuals, they stated that a supply had recently been shipped to Whitehaven, others sent from the churches of Workington and Wigton, yet they were prevented from obtaining them. One Richard de Meldebourne recounted the losses he had suffered in the king's employ, and the privation he now experienced - not just because of misfortune on the battlefield, but 'pur defect de ces gages'. The problem was administrative as well as military, and extended to occupied land in Scotland, as Robert de Layburn discovered at Ayr castle. Lack of money and allied embarrassments caused the county of Cumberland and other

5) Anglo-Norman Letters and Petitions from All Souls MS 182, ed. D.Legge, Anglo-Norman Text Society 3 (Oxford, 1941), no.288; S.Chrimes, 'Some Letters of John of Lancaster as Warden of the East Marches towards Scotland', Speculum, xiv (1939), 3-27.

corporate groups within the shire to be particularly active at the time of Neville's Cross and in the opening years of Richard II's reign. (6)

In requesting recompense for war damage, the shire reflected another local concern. As Roger de Wilton asked for custody of a local heir in view of his losses, Richard de Denton asked to be appointed forester of Inglewood and Meldebourne keeper of the quay at Scarborough. The lieges of Cumberland and Westmorland asked Edward II that those 'ruined' by the war should be retained in pay, and for other favours. (7) John de Swinburn asked for land in Tyndale to reward his faithful service in 1306; Thomas Wake wanted lighter terms in paying back a debt in 1325 because he had served at Berwick at his own cost and been taken prisoner. Bishop Kirkby asked for clemency for a local knight who could not pay his ransom; the prior of Carlisle for the repeal of a command to give a corrody to a royal nominee, 'qe come ils seient destruitz par les gerres descoce e en grauntz meschiefs par arson de lour meson e autres divers grevanz'. (8)

Corporate petitions were less specific. The clergy of the see of Carlisle referred merely to 'lour eglises' in asking for relief from taxation in 1324. When they joined forces with clergy of the archdeaconry of Richmond, they contented themselves with mention of 'plusors benefitz ... taxez a grant values des queux home ne pout

6) PRO, SC8/54/2686, 276/3764, 82/4063; Rot.Parl.2, pp.176, 218, 345; 3, pp.30, 181; Rot.Scot., p.66.

7) PRO, SC8/275/13703, 82/4063; Fraser, NP, nos.79, 83, 97-8; CDS 3, no.716.

8) PRO, SC8/169/8409 , 8/1857; Rot.Parl.1, pp.193, 439.

rien prendre pur la destruccion fet sur eux'. The shires outlined the common plight simply. They were 'destrutz' by war. (9) In a sense the shire had undertaken the task of representing all its inhabitants, conveying regional information without respect to status. Yet even remission of taxation presupposed an economic threshold of influence which excluded non tax-payers on the margin of subsistence.

Another area in which the county message resembled the individual's and the small group's, was defence. The city of Carlisle was a frequent petitioner. In 1347 its citizens outlined repairs needed to the city wall, emphasizing their inability to perform them 'saunz graunt eide', a petition to compare with the county's in 1376 and that of combined northern shires in 1377. In time of war Carlisle's concerns necessarily influenced the county's perspective strongly, another indication that some parts of the shire were more equal than others.

The rather ambiguous role of the 'private' stronghold was something else exercising the shire. While royal prerogative was assertive - witness the prolonged custody of Cockermouth beginning under Edward I, and custody of Clifford estates after Bannockburn and Boroughbridge - finance was a consideration to reinforce the mutual dependence of king and subject. Anthony de Lucy's account of garrisons in the king's peels on the fall of Harcla in February 1323, for instance, included Carlisle, Egremont, Cockermouth, Mallerstang, Brougham, Appleby and Naworth. Carlisle had traditionally been regarded as a royal castle, but Egremont and

9) PRO, SC8/54/2687, 18/871, 82/4086.

Cockermouth were viewed proprietorially by the Multon and Lucy families; Mallerstang, Brougham and Appleby by the Cliffords. Naworth, constructed on the Multon of Gilsland estates during the opening decades of the war, was a fine example of the Janus face of military organization. Edward II and Thomas de Fetherstanhalgh entered into indentures concerning its construction, the latter receiving £100 for his work. On the expiry of his custody, however, a number of royal payments for victuals, timber and stone were still pending. On the death of the Multon heiress in 1361, the peel was valued as part of her possessions in her inquisition post mortem. (10)

A memorandum of various March garrisons during the earl of Arundel's wardenship in 1316, listing the troops to be provided and payments due, also demonstrated the way in which war forced the king to rely on his subjects and their fortifications, forcing them to rely on his financial aid. Under these arrangements the keeper of two Clifford castles was to receive prise of horses for thirty men-at-arms - roughly two thirds of the total he was to retain; à propos of which custody J.E. Morris remarked that he could not call to mind any other case where the Crown paid the wages of more than half the garrison of a 'private castle'. The memorandum showed Robert de Tilliol receiving the same terms at his peel at Scaleby, William de Dacre at Dunmallard, and Lucy at Naworth. (11)

Both shire and individual petition pointed out the anomalies of

10) PRO, E101/16/9; Fraser, AP, no.21; IPM 11, no.317.

11) PRO, E101/68/2, no.39; J.E.Morris, 'Cumberland and Westmorland Military Levies in the time of Edward I and Edward II', CW 2, iii (1903), 307-27.

the situation. In 1327 the keeper of Brougham castle asked to be allowed his expenses. A few years before, John de Denum expatiated on his need for assistance to maintain a garrison at Melmerby; 'qar graunt peril et graunt pert serroit a tout le pays entour si ele feust pris e perdu ... par default de garde'. While Brougham had a royal custodian and naturally looked to the king for aid, Melmerby, as the Close Roll of 1315 noted, belonged to the lord of Wigton. His death left a disputed inheritance, into which breach the king stepped, with an order that the peel be victualled and guarded. (12) Denum's responsibility derived from his marriage to Wigton's finally-vindicated heiress, by which juncture it might have been anticipated that royal liability would have been over. Obviously pragmatism demanded otherwise. Denum's petition was endorsed to the effect that some custody, farm or marriage would be looked out for him. In 1323 the abbot of Furness was told to deliver his peel, well provisioned and manned, to the sheriff of Lancashire when so required. In 1383 the sheriffs of Cumberland and Westmorland were - at Clifford's expense - to see to repairs in his castles, 'which are useful as a refuge for the king's subjects'. These examples demonstrate the blurred distinction between royal and private strongholds. (13)

County petitions were considerably critical of the unscrupulousness of the keepers of such fortifications. The 'poor lieges' of Cumberland and Westmorland in the first half of the fourteenth century condemned the castellans' exaction of

12) Rot.Parl.2, p.431; Fraser, NP, no.104.

13) CCR 1313-18, pp.237, 627; CPR 1381-85,p.344.

'outrageous raunceons' in return for shelter, alleging that men would flee the land if it persisted. Individuals also protested. Isabel de Vernon told how goods which she had lodged for safety in Carlisle castle had been confiscated. Complaints of this nature were common on the East March, at Berwick and Roxburgh. Nicholas de Swinburn complained in 1319 that the garrison of Naworth had for many years lived off his land. Such petitions highlighted the problem of control over local strongholds. As the lieges pointed out, it was all very well for the king to tell castellans to give them refuge; in practice he was not always able to enforce obedience. The castellan had a powerful position, not only with regard to the enemy, but also with regard to his compatriots, as the rivalry between Ranulph de Dacre and William Engleys for Highhead castle in 1330 suggests. (14) The county community and individual Marcher were both concerned to see that the position was not abused.

Faced with Clifford dominance in Westmorland and the lack of seigneurial direction in Cumberland, the county community provided a useful, protective persona. It gave a safe vantage-point from which to criticize authority. The nature of March society suggested by examination of the lay subsidy rolls of 1332 gives an indication of why such a persona might have been required. Damage to the Westmorland roll and the likelihood of inaccurate assessments make credence of the actual figures inadvisable. Dr Fraser has shown that despite the importance of lordship in Cumberland, demonstrated by assessment by manorial centre rather than by village or hamlet, the lord of the manor frequently escaped the invidious distinction

14) Fraser, NP, nos.122, 82; AP, no.133; Rot.Scot., p.209; Rot.Parl.2, p.34.

of being its most heavily assessed inhabitant. (15) Taking the two counties together, an interesting hierarchy emerges. Anthony de Lucy of Cockermouth is at its apex, his goods valued at over £20; a few individuals are grouped below him, their goods assessed at £8 - £13; the majority are ranged below this, at 1 mark - £6. Most of the last category are grouped intriguingly at the bottom of the scale, under £3. Lucy clearly outflanked the rest; but then some figures are lost, and others, like those for the lords of Appleby and Kendal, are not included. None the less, in terms of local politics and leadership, the social structure suggested here seems to contain more than a glimmer of truth. Whether or not the gentry was as impoverished as implied, the parity of fortune - or even the equal ability to procure misleading assessments - raise the possibility that the county communities in Cumberland and Westmorland were communities of peers. The corporate voice might, then, have been necessary to discipline equals.

Cumberland's concern with forest administration, apart from showing the county in an ambassadorial role, the presenter of common local grievances, also shows its importance in emboldening men to reproach those in authority. The parliament of 1305 witnessed its appeals for redress against the justiciar of the forest - none other than Robert de Clifford. Clifford was distraining the men of Allerdale for puture of foresters in a disafforested area of Inglewood, and had caused to be attached and impleaded men seised of this land by the sheriff during Clifford's absence, despite writs

15) PRO, E179/90/2, 195/1A; C.M.Fraser, 'The Cumberland and Westmorland Lay Subsidies for 1332', CW 2, lxvi (1966), 131-58.

empowering the sheriff to do so. The same parliament heard John de Mowbray's complaint about Clifford and puture, and a Carlisle petition asking the king to instruct Clifford to allow its citizens to take stone from Inglewood for repairs. Other petitions, made on a variety of occasions, make it apparent that the county's suit in 1305 would have been popular. These include the prior of Carlisle's request for reduction in rent set by the justice of the forest on the advice of 'maveis abettours et aivisours'; that by the tenants of the manor of Sowerby in 1308 for permission to take accustomed estovers; the bishop of Carlisle's in 1330 for tithes from assarts in Inglewood. (16) The justice of forests beyond Trent, whether he wielded local seigneurial influence like Clifford or not, must have been a less formidable opponent for the shire than for the individual.

Less controversial was another local, non-military cause served by the county community. It involved travel outside the North. The lieges of Cumberland told Edward II that they should not be required to act on assizes and juries outside the county - except for the grand assize, explaining that 'they are distant from his court at London and too poor to pay fines and charges'. As already suggested, perception of distance was apt to be capricious. Regarded objectively this particular Cumbrian pronouncement was an example of special pleading, for they were fleet of foot enough when they chose. Again, however, there are indications that the petition would have found some favour on the March. The concession of 1245 to Walter de Bampton, so old and infirm that he had to be taken even

16) PRO, SC8/38/1899; Memo.Parl., nos.6, 111, 199; Rot.Parl.1, pp.279, 313; 2, p.44.

to the shire court in a cart, that his case might be heard before justices of assize in Cumberland, rather than Westminster, and the request by two tenants of the abbot of Furness that he make a fine in the king's court on their behalf - 'noluerimus ... ultra Lancaster ire', betray little inclination to travel. So too the clause of a final concord in which the sheriff of Westmorland agreed not to summon the men of Kendal 'for light causes ... to remote parts of Westmorland'. (17)

In more controversial matters, where local or national politics intruded, the county also spoke out. One such example was the maintenance of truce on the March. Here county endeavours had diplomatic repercussions, and in the locality entailed confrontation with the powers of military administration. In 1342-3 the men of Cumberland asserted that in the absence of the English wardens the Scots infringed the truce as they pleased, praying that greater conscientiousness be enjoined upon them. The bishop of Carlisle, they protested, spent more time at court than on the March. Dubbed 'homo australis' in the Lanercost Chronicle, this prelate indeed had a marked preference for the South, and was to stand in very great contrast to his martial successor, Kirkby. (18) In 1342 the county complained that Englishmen from Tyndale were raiding Scotland in breach of truce, passing through Cumberland on their way, for which reason, and because Tyndale was a franchise into which they could

17) Fraser, NP, no.63; CCR 1242-47, p.439; Furness 2, p.306, no.170; PRO, Just 1/982, m.22.

18) PRO, SC1/42/19; CRO, Carlisle, DRC 1/1, fol.130r, 131r, 137-8, 190d; Lanercost, pp.255-68. R.K.Rose, 'The Bishops and Diocese of Carlisle: Church and Society in the Anglo-Scottish Border, 1290-1395', (unpublished Ph.D.thesis, Univ. of Edinburgh, 1983), pp.61-2.

not be pursued, the inhabitants of Cumberland were distrained to make redress to the Scots. Later in the century the commons of Cumberland, Westmorland and Northumberland complained of Scottish disregard of the truce, in the face of which the wardens 'ount retreatz a cause de nounpouair'. (19)

To cast aspersions on the diligence and abilities of the wardens was to court danger; it was thus a role more easily undertaken by the county than the individual. Moreover, even to ask to uphold the truce was to flirt with some unpopularity. It has been suggested that a state of war profited the gentry more than peace. The Lanercost Chronicle makes it abundantly clear that the very poor particularly favoured the conclusion of peace in the thirteenth-twenties. If such a dichotomy of interest did prevail, the community's petitions were not, perhaps, entirely self-interested. One *early* fourteenth-century keeper of the truce hailed the king with the news that the Scots 'desirent plus la gwer qe la pees'. In 1357 William Douglas described blatant flouting of the truce by Sir Robert de Tilliol, Thomas de Lucy and a 'great force' of Cumbrians; his own attempt to come to terms with them had been rejected by Tilliol, a man 'not wishing to be at truce'. (20) The county's desire to have the truce effectively administered must therefore have met opposition.

Comparison of the corporate and individual petition suggests that the county reacted to a variety of local stimuli. It did to some extent represent its poorer, less articulate inhabitants; it was to

19) Fraser, NP, nos.67, 113.

20) PRO, SC1/38/165; CDS 3, no.1664; Lanercost, p.242; R.C.Reid, The King's Council in the North (London, 1921), ch.1.

some degree the benevolent, patriarchal institution delineated by Professor Alan Everitt, queried by Clive Holmes. The nature of Cumberland society, its plethora of gentry of similar status, was its strength and its raison d'être. The similarity in fortune and predicament enabled the gentry to make common cause. Yet because they had no champion of the ilk of a Clifford, and because, as a result, the king - particularly Edward II - had to cast around for men to exercise authority in time of war, the Cumberland gentry had to make common cause, for example against those corrupted by sudden exaltation to authority.

The medieval guise of benevolent paternalism was good lordship; in the absence of good or over-weening lordship, the activity of the county community in Cumberland was a substitute. The petitions reveal that the community was essentially seigneurial, a community of the tenurially, militarily and administratively influential. Just as the strategic importance of Carlisle enabled it to affect county petitions, so the strategic importance of the local lord gave him the ability to shape corporate proposals. This explains the coincidence between corporate and individual petitions. Both reflect the common concerns of lordship. Both John de Mowbray, who petitioned in 1305 on behalf of his tenants on the manor of Bolton in Allerdale, denouncing Clifford's demand for puture, and the abbot of Holme Cultram, who asked for concessions in the assessment of his tenants' taxation in 1321, demonstrate the similarity. (21) The county had petitioned for exactly these things. This was the sense in which it was a representative body, speaking for those outside

21) Rot.Parl.1, pp.163, 410.

the economic threshold of political influence.

The importance of the county needs to be viewed in proper perspective. Mowbray and the abbot show that there was nothing indispensable in its political role; the individual could act with equal efficacy. The county was not the only channel by which contemporaries appealed to authority. The bakers of Penrith in 1331, the men of the town of Arthuret in 1335, the men of Penrith, Sowerby, Scotby, and Salkeld in 1363 employed a more local corporate persona, indicating their self-reliance and the degree to which the shire could be by-passed. This is further illustrated by the most cursory reckoning of the number of petitions by the community of the shire alongside the mass presented by its individual inhabitants.

(22)

The individual petition abundantly attests the promptings of self interest, the desire of the tax collector and executor to exonerate themselves, the over-lord to recover tenements forfeited by his tenant, the minor to enter his inheritance. (23) Common seigneurial self interest gave impetus to the shire - a fact tacitly recognized by the men of Arthuret's reminder that abandoned to their plight they would be unable to pay rent and perform their services. But what of manipulation of the shire for private ends? Should the hand of the lord of Allerdale be discerned in the county petition on behalf of the men of Allerdale in 1305? The petition was an intrinsically political act, the community in petitioning was a

22) CCR 1330-33, p.206; CCR 1333-37, p.461; CCR 1346-49, p.30; CPR 1361-64, p.414.

23) PRO, SC8/34/1653, 324/E636, 45/2208, 106/5280, 258/12869, 233/11610.

political community. The question of faction, alliances for the sake of power, therefore arises; with it the possibility that the county's composition was still more of a restricted affair than hitherto suggested.

ii) A Political Community

The parity of the community and seigneurial nature of its interests contained the seeds of its destruction. It was necessary only for the balance of power to tip a little in favour of one of the community to render the county's mediating, political role eclipsed, if not redundant. By requiring deliberation on matters of defence, the war enhanced the knightly element in the community, reinforcing the existing social structure. Heraldic rolls of the period, especially occasional rolls like those drawn up at the siege of Carlaverock and on campaign in Galloway in 1300, in Stirling in 1304, and at Carlisle in 1334, which blazoned the arms of increasing numbers of Cumbrians, indicated their confidence and self-consciousness. (24) But war, attempts to bestow a clear hierarchy of command, and the machinations to which this led, also threatened the equilibrium on which the community rested.

A petition of c.1316 unveils the problem. A bevy of past Cumberland sheriffs asserted that an annual render from the forest demanded by the exchequer was no longer due. Necessity here made strange bed fellows. Those involved - Castre, Muncaster, Curwen, Lucy, Bassenthwaite and Harcla - were usually found as opponents,

24) College of Arms, MS 414, fol.168-75, 269-72; Fitzwilliam Museum, Cambridge, MS 324, fol.105b-128b.

not espousing common cause. (25) What, then, of other common causes? The community was particularly vociferous under Edward II, particularly eloquent about the exercise of authority. To what extent was it the voice of faction, the county petition an excursion in polemic?

What lay behind the county's sudden, uncharacteristic concern with the shrievalty? Comparison with Edward I's reign reveals a markedly different pattern of appointments to the office. Under Edward I nine sheriffs accounted over a period of thirty-six years; the period of office of six men fell below the mean of six years, three above. Under Edward II, twelve appointments were made to nine appointees, the minimum period of office was one month, the maximum three and a half years. Five periods of appointment fell below the mean of eighteen months, five above it, two were for approximately that period. While the flux was partly attributable to the dynamics of central politics, such as the Ordinances' stipulation of removal and reappointment in 1311, an intrusion of national events into the local sphere noticed by Dr Saul, its repercussions on the West March were chaotic. The years 1311-12 were particularly turbulent, witnessing the rivalry between Andrew de Harcla and John de Castre. This was followed by competition between Harcla and Anthony de Lucy, which only Harcla's execution in 1323 ended. (26)

Before marriage to the widow of Thomas de Milton of Gilsland in 1298 gave him an interest in shire affairs, Castre appears to have had no land or position of any sort in Cumberland. His landed

25) PRO, SC8/323/E573, 324/E635.

26) Saul, Knights and Esquires, p.111.

position before this date is in fact very difficult to establish. While he found sufficient favour at court to become a knight of the household, appointed to custodies in such differing climates as Barnard castle and Ponthieu, his material prosperity otherwise seems to have been remarkably dependent on his wife. His inquisition post mortem in 1329 accredited him merely with the reversion of one Cumberland manor - the gift of his step son, and with a Nottinghamshire manor, acquired jointly with his wife, who predeceased him. The Parliamentary Roll of Arms, c.1312, classed him as a knight of Norfolk, his name presumably deriving from Caister. However, as the Gilsland estates included possessions in this county, the reference does not greatly further the search for his background. (27) Castre's role as a Marcher lord - the Gilsland heir did not come of age until 1302, and died at Bannockburn, leaving an infant heiress and another vacuum for Castre to fill - was readily undertaken. He received royal protection at Clifford's request in 1299, served at Dumfries castle, and acted in various diplomatic capacities, quite apart from his vigorous participation in the administration of Cumberland. (28)

Castre was appointed sheriff in April 1310, taking over from Alexander de Bassenthwaite. Bassenthwaite's term of office had been fairly short, although he had also served briefly at the end of Edward I's reign. A strenuous knight who had been at the siege of Berwick in 1298, Bassenthwaite was also prominent in county

27) CCR 1296-1302, p.560; CPR 1307-13, p.233; CPR 1317-21, p.501; IPM 7, no.200; CFR 1307-19, p.267; (The) P(arliamentary) R(oll of) A(rms), ed. O.Barron, The Genealogist, N.S. xii (1886), 59-62.

28) PRO, SC1/45/209, 210; CDS 2, no.1059; 3, no.682; Cal.Ch. Warrants, p.437.

administration, officiating as commissioner of array, commissioner for scutage, sub-escheator and keeper of the castle. He served the county outside its perimeters, as knight of the shire, on five occasions. His position in the county was acknowledged not only by the shrieval appointments, but also by such royal patronage as the custody of the lands of the late baron of Wigton in 1314. (29) The commission to Castre was thus a significant change, the introduction of a new name to the shire. Curial pleasure and matrimonial good fortune had given him precedence, but what was he without them? Ruminations of this nature do not appear to have troubled the men of the shire; there is no suggestion that Castre was resented.

Except, that is, by Andrew de Harcla. His family took its name from the village of Hartley, near Kirkby Stephen, but also had land in Cumberland, its roots on the March going back to the end of the twelfth century and beyond. (30) His father had been sheriff of Cumberland from 1285 to 1298, and in Westmorland from 1275 to 1277, but Andrew's appointment in Cumberland in October 1311 was the first time he had been so elevated. Castre was ordered to cede. In fact Harcla never accounted, and exactly two months later, on 15 December, Castre was reappointed. The next order went out on 25 January, committing county, castle and demesne lands to Harcla from Michaelmas, the king 'in ignorance of his former order', having granted them to Castre. In the intervening period, between 25 January and Easter (25 March) when Harcla began to account at the

29) PRO, SC8/32/1553, 1554; CPR 1313-17, p.50. Details of election as knight of the shire based on Official Return of Members of Parliament to 1832 (London, 1878), unless otherwise stated.

30) PRO, Just 1/131, m.13; CRO, Carlisle, D Lons L5, AB 4.

exchequer, the same custodial honours were granted to John de Weston the younger. He was an individual completely unknown to Cumbrian society, appointed by the king 'on the information of Edmund de Mauley'. Castre was instructed accordingly. On 31 March castle and demesne were bestowed on Piers Gaveston; Weston was ordered to cede. There followed a period of comparative calm until March 1313, when the castle was committed to Harcla and Weston was ousted. Gaveston had not survived long after his appointment. (31)

Further alternation between the two men was to come. Castre was appointed in February 1316, although accounting from Michaelmas; Harcla was reappointed in June 1318, although he did not account. This was Castre's last spell of office; the story in future was of Harcla and Lucy's antagonism. Castre bowed out of Cumbrian affairs as suddenly as he had been introduced to them, embarking instead for the Continent. His abdication of interest coincided with the period of Harcla's greatest power; it was also one of great alarm on the Border. It is difficult to explain the voluntary absence of a prominent Marcher at this time, accordingly, perhaps, not too fanciful to suggest that Castre had given up the fight.

The hostility spurred on by the unsettled state of affairs is readily apparent. A petition of 1316 by otherwise anonymous Marchers who dubbed themselves 'les amys Sir Andreu de Hartecla', referred to Castre, then sheriff, bearing ill will to Harcla, and mentioned malicious charges made against him at court. Andrew's brother, a cleric, complained that Castre had made free with goods he had hidden from the Scots. It was possibly an over-

31) CFR 1272-1307, p.552; CFR 1307-19, pp.60, 118, 120, 123, 128-9, 164.

zealous instance of purveyance, but Harcla's reaction showed that he was quick to regard it as a vendetta. In April 1312, the king expressed his 'astonishment' on hearing that Castre had failed to deliver county and castle to him as directed. (32)

The rivalry between Castre and Harcla is not only to be explained by their positions as rivals in shire administration. Additional complications derived from royal patronage. Edward II's grant in July 1312 to John de Harcla, Andrew's brother, of the bailiwick of Inglewood Forest forfeited by an earlier Multon of Gilsland, for example, might have galled the family of the northern barony, whilst his grant to Andrew of custody of the lands late of Castre's son-in-law in 1317 can have done little to salve relations between them; small wonder Castre bore ill will. (33)

At national level, the years 1311-12 were particularly troubled. They witnessed Thomas of Lancaster's succession to Lacy, earl of Lincoln in February 1311, the completion of the first set of Ordinances in August and issue of the second set in November, the siege at Scarborough and subsequent execution of Gaveston in 1312. Debate and turmoil were no less characteristic of county administration. In Cumberland they were the years in which the lieges were moved to ask to elect their own sheriff, in all probability a protest against Harcla, as Cumberland sheriffs had been changed almost annually between 1303 and 1312. Perhaps the memory of his father's prolonged shrievalty counted against him. It has been noticed above that the county community was apt to be

32) PRO, C47/22/10, no.28; CDS 3, nos.515, 674; CPR 1307-13, p.450.

33) CPR 1307-13, p.482; CPR 1317-21, p.30.

critical of those in authority; was its critique unbiassed, or was it influenced by other considerations? Harcla's friends insisted he had been criticized '... par haytye e malicousement et meynz veritablement ... e entusez e villeynement defamez ... en la court nostre seigneur le Roi e devers les gent de son counsail'. In other words, was the county community the facade of faction? Edward II's astonishment in April 1312 had less justification than he imagined; the conflict in which he was involved inevitably had repercussions in the shires. There were, for instance, indications that Harcla's rise was bound up with the ebb and flow of Lancastrian authority.

The Brut, repeated in the Dictionary of National Biography, suggests that Harcla was knighted by Thomas of Lancaster. At the tournament of Dunstable in 1308, however, he did not figure as one of Lancaster's retinue. He appears on the Dunstable Roll of Arms in the list of names associated with the earl of Warwick, immediately before those associated ^{with} Robert de Clifford. (34) This has prompted the speculation that Harcla should follow Clifford rather than precede him. As the Roll stands, Castre's name follows Clifford's. But a connection with Warwick was not impossible. In 1314, Robert de Layburn, whose career had closely intertwined with Harcla's, was the attorney of Warwick, Percy and Badlesmere, appointed to receive seisin of Clifford's northern castles on their behalf. (35)

Harcla and Layburn's association with the rebel cause was indisputable. Layburn received a pardon in 1313, following the

34) 'First Dunstable Roll', ed. C.E.Long, Coll(ectanea) Top(ographica et) Gen(ealogica), iv (1837), nos.46-8; DNB 8, p.1201; A.Tompkinson, 'Retinues at the Tournament of Dunstable 1309', EHR, lxxiv (1959), 70-89; Brut i, p.219.

35) CFR 1307-19, p.212; CCR 1327-30, pp.364, 404. Layburn married

death of Gaveston, and was nominated to receive custody of the Isle of Man from Edward's favourite, Henry de Beaumont, in October 1311, as part of the curtailment of royal patronage advocated by the Ordinances. Harcla, similarly pardoned, although not until the aftermath of the treaty of Leake in November 1318, was also implicated, if less overtly. Significant, especially in view of the debate about baronial influence upon the composition of the commons, is the fact that Harcla's sole return by the electors of Cumberland occurred in 1312. Originally intended to meet in July, but prorogued until August, this was the parliament which discussed the judicial consequences of Gaveston's death. (36) Given Harcla's unpopularity in the shire, his election looks suspiciously manipulated. To subvert Dr Maddicott's argument a little, if 'there is no indication that Lancaster or any other noble thought it worth his while to influence the commons,' there are signs that the shires were - either voluntarily or involuntarily - moved to select those connected, however tenuously, with men near the seat of power. The removal of sheriffs stipulated by the Ordinances and put into practice in October 1314 during Lancaster's post-Bannockburn dominance, left Harcla secure. His first appearance in office in 1312 also raises questions. Was his rivalry with Castre, knight of the household, the local chorus to an epic drama?

Harcla's sister some time after Bannockburn, June 1314, where Sarah's first husband, Thomas de Musgrave, is believed to have been killed.

36) CPR 1307-13, pp.300, 411; CPR 1313-17, p.21; CPR 1317-21, p.229; Cal.Ch.Warrants, pp.vii, 102; J.R.Maddicott, Thomas of Lancaster 1307-22: A Study in the Reign of Edward II (Oxford, 1970), pp.51-2. For analysis of Cumbrian pardons, see below.

For the rest of Harcla's career, his periods of shrieval office were interspersed with those of Anthony de Lucy. He was appointed in June 1318, but did not account. Lucy, appointed in July, accounted from Easter. Harcla was reappointed in April 1319 and continued in office until his fall in February 1323. Their position with regard to custody of Carlisle castle was equally irreconcilable, and further embittered by contradictory royal patronage. Reference was made to Lucy as constable of the castle in July 1318, only ten days after Harcla and Castre had been ordered to come to the king as speedily as possible, each having recently been granted custody of the castle. (37) Other suggestions of rivalry abound, some of which are explored in the following chapter.

For the present purpose, however, it will suffice to examine the county community's reaction to these men. Particularly interesting is a petition of c.1319, by anonymous Marchers, in which Harcla was not only arraigned for countermanding the authority of the warden of the March, but was also starkly presented as the antithesis of 'the best men of the country', on whose advice the warden had acted. They were Fitz William, Lucy, and the lord of Kirkbride. All three were substantially endowed with Cumberland estates; Lucy and Fitz William were of baronial rank, while Kirkbride possessed whatever came of a close association with the late baron of Wigton, sealed by marriage to his sister.

Harcla's political unacceptability was further suggested by other petitions. Anonymous critics stated that his commission as warden was useless. He and his brother John were accused of stealing

37) CCR 1318-23. pp.1-2.

supplies kept at Carlisle priory by the king's victualler and selling them, even giving them, to the Scots; a heinous offence in a climate in which purveyance and the availability of food raised strong passions. He was alleged to have protected treasonable Englishmen from trial; his thwarting of a muster ordered by Fitz William was supposed to have forewarned the Scots of English plans.

(38)

It seems likely that these strictures were to some degree partisan, representing the wrath of those like the 'best men' who believed that their place in county defence and administration - and above all in the scheme of royal patronage - was being usurped. The impression is reinforced by Harcla's inability to procure substantial gentry support in his hour of need. Unlike his relationship with Castre, his rivalry with Lucy does not appear to have reflected the alignments of national faction, for each flirted with opposition to the king. If anything, it suggests that the potential for disorder unleashed by national faction was manipulated by certain Marchers for their own ends. The county community provided a tool in their struggle. At its most exclusive, the composition of the community was determined by politics, patronage and rancour.

iii) A Moral Community

Just as in the country as a whole, the needs of defence and working of propaganda during the Anglo-Scottish war and struggle on

38) CDS 2, no.1115; 3, nos.675, 799; IPM 5, no.531; CCR 1343-46, p.237.

the Continent began to awaken national consciousness, so, in the March, war gave impetus to corporate organization and identity. (39) The influence of war on the composition of the county community was discernible not only in gentry rivalry, but at a more indefinite and enigmatic level, on notions of allegiance. The good and loyal Marcher, the lieges of the county community, were to some extent good and loyal Englishmen. E contra, those outside the pale of the county community, for whatever reasons, were susceptible to accusations of treachery.

When Edward I embarked on the conquest of Scotland he was also to subjugate the North of England, drawing it permanently into a southern orbit. Like the Quo Warranto proceedings, war reaffirmed that land and jurisdiction derived from the king. Royal commands and propaganda emphasized the March counties' integration into the realm. The subtleties of legal problems, such as March law and other northern idiosyncracies, deliberation over which had hitherto characterized much of the communication between king and people, were overshadowed. (40)

Cumberland and Westmorland's place in the realm was trumpeted abroad. Edward I's order to Bishop Halton in 1299, to join him near Carlisle with local levies ready to fight the enemy, describes the measure in a national context; 'ad salvationem corone regiae communemque magnatum et procerum ac totius populi nostri regni

39) B.C.Keeney, 'Military Service and the Development of Nationalism in England 1272-1327', Speculum, xxi (1947), 534-49; E.Searle, R.Burghart, 'The Defense of England and the Peasants' Revolt', Viator, iii (1972), 365-88.

40) PRO, Just 1/131, m.13; the manifestation of uncertainty over the extent of the demesne of Carlisle, for example.

utilitatem', a rationale used consistently during the war years. Military appointments were made because of invasions of 'regnum nostrum per diversas partes', men charged to obey as they loved 'honorem nostrum et commodum regni', and stress laid on Cumbria's place in the national hierarchy. The articles to be propounded before the Pope against Wishart, Bishop of Glasgow mention that on his release from captivity in Roxburgh, he had done homage to Edward 'a Holmcotram en Engleterre', before the abbot, the bishop of Carlisle and 'autres grantz d'Engleterre'. Local sources echo the refrain. The Lanercost Chronicle describes the battle of Falkirk as a victory over 'the enemies of our king and kingdom'. The sack of Hexham, Corbridge and 'the western parts' in 1312, raids in Gilsland and adjacent areas in 1314, in Furness and Richmond in 1316, are described as invasions of England. (41) Lamenting that 'fines Anglorum' were attacked and without defence, the Vita Edwardi accepts the political and patriotic orientation of the March, as does the Bridlington Chronicle with its description of Scottish incursions of the 'fines Angliae boriales'. They present a contrast with the location of the see of Carlisle 'in limbo ... Angliae et Galwalliae' by Matthew Paris. (42)

The establishment of the due direction of Cumbrian allegiance in this way had consequences for those who sought to wield influence in the county. War forced those who had long shared common interests -

41) LNR, lxxxviii; Stevenson, Docs 2, nos.489, 514; Palgrave, Docs, p.344; Lanercost, pp.166, 199, 212, 216.

42) Vita Edwardi, p.120; 'Gesta Edwardi de Carnarvan Auctore Canonico Bridlingtoniensi', Chronicles of the Reigns of Edward I and Edward II, ed. W.Stubbs, R.S., (2 vols, London, 1882-3), 2, p.46; Wetheral, p.478.

from their upland landscape and economy, to culture, modes of tenure, ties of kinship, and estates straddling the Border - to choose the community with which they would in future identify. In terms of personnel, it was a dilemma with implications for the composition of the county community, and was deeply to permeate local consciousness. Disloyalty, disorder and crime marched together; allegiance and moral rectitude their antitheses. Examined in this light, petitions by the lieges of a particular shire had political and propagandist undertones not immediately obvious, which both repeated the cadences of national proselytism and made them their own.

The importance of forfeiture for adherence to the enemy in the West March counties should not be exaggerated; few forfeited position within the shire community. The nationwide command of 1296 that no adherent of John de Balliol be allowed to retain his English lands, and the ensuing confiscations, were the initial winnowing of grain and chaff, the time of greatest disruption in Cumberland. Mowbray lost the manor of Bolton in Allerdale, Bonkill the township of Ousby, Gevelestone the ward of Hutton John, Blount a moiety of Blencogo, Torthorald land in Cumrew, Moravia the hamlet of Houghton. Not all these demotions lasted. Mowbray's allegiance and seisin were intermittent. Bonkill, Gevelestone, Blount and Torthorald came to peace. Moravia's loss was Tilliol's gain. Although these were the most valuable, the total of all the Cumberland forfeitures came only to £57 0s. 6 1/2d. It was not necessarily the most valuable which was the most fought-over. Corry's land in Kirkandrews, for example, valued at one pound per annum in 1296, but part of Helewise

de Levington's legacy, prompted much wrangling. (43) Forfeitures for adherence brought no revolution in the personnel of the shire in Cumberland or Westmorland, in contrast with Northumberland. Here, not only, to use Dr Tuck's words, did a 'surprisingly large number' of landowners elect to support the Scots, but the chronology of disaffection differed, members of knightly families going over to the enemy throughout the fourteenth century. The Percy family, following its acquisition of Alnwick in 1310, was most conspicuously to fill the gap thus created. (44)

At a less tangible level, the necessity to draw a distinction on grounds of national allegiance seemed to prompt moralistic - as well as jingoistic - sentiment. The royal tone of outrage at first stemmed from the concept of broken faith, Balliol's disregard for Edwardian liege homage. As the war gathered momentum, the English increasingly branded their opponents as criminals and stressed their atrocities, a tendency perhaps given new force after the murder of Comyn in 1306. (45)

The themes of atrocity and brigandage, spurred by raiding, burning and other acts of war, may be found in royal letters, clerical complaints and contemporary chronicles. In 1318 Bishop Halton criticized the damnable cruelty of perfidious Scots in killing men and women, young and old, orphans and widows. Royal

43) ODS 2, nos.736, 784, 810, 834, 1070, 1402, 1481, 1594.

44) J.A.Tuck, 'Northumbrian Society in the Fourteenth Century', NH, vi (1971), 22-39; J.M.W.Bean, 'The Percies and their Estates in Scotland', AA, 4th ser., xxxv (1957), 91-100.

45) Palgrave, Docs, no.149; FW 1, p.275. Generally, see A.Gransden, 'Propaganda in English Medieval Historiography', J.Med.H., i (1975), 363-83.

summons to military service invariably referred to the endeavour to curb the malice of the enemy. Archbishop Greenfield of York spoke of the 'nefanda scelera et horrenda facinora' perpetrated by Brus and his men, dubbing 'publica latrocinia' what were the accepted practices of warfare; the burning of churches and manors, homicides and murders. (46)

The English forces are represented somewhat differently. Edward I steps from the pages of the Lanercost Chronicle as a man of piety, frugality and 'kingly courage'. In the song 'On the Scottish Wars', 'Edward, our King, is entirely devoted to Christ'; the 'English like angels are always conquerors, they are more excellent than the Scots and Welsh'. Their leaders are commended, like Thomas de Multon, 'a gentle knight and wise', according to the song 'On the Execution of Sir Simon Fraser'. The Carlaverock Roll of Arms is especially fulsome about the armigerous English, including such Cumbrian landowners as Robert de Clifford, John de Cromwell and John de Wigton. Wigton's campaigning 'without lord or pay', his 'resolute, unembarrassed' bearing are singled out. The lord of Kirkbride is praised for receiving 'many a heavy and crushing stone'. (47)

The Scots, 'impia gens' in the song 'On the Battle of Bannockburn', are represented as capable of almost any depravity. The story of David Brus fouling the font at his baptism, described in a poem celebrating the battle of Neville's Cross is typical. The author of the Annales Paulini went so far as to speak of Robert Brus

46) LNR, lxxxvii, cliiv, clxxxvi; Lanercost, p.149.

47) Lanercost, pp.150, 167-8; Wright, Political Songs, pp.162-3, 179, 217; Carlaverock, pp.11-12, 31-2.

blaspheming against the English king, a very partisan view. By contrast, Brus is called 'hic tyrannus', with all the implications that particular appellation bears in medieval political thought. Bound up with this rampant morality were the issues of excommunication and heresy. Excommunication could be incurred for communing with the enemy; Archbishop Melton in 1321 absolved a number of men from just this offence. Archbishop Greenfield ordered his clergy to preach against the Scots, 'ipsosque sic excommunicatos denunciant in vulgari'. (48)

The paths of grace were smoothed for English sinners. In April 1306 papal permission was granted to the bishop of Carlisle and three abbots to give absolution to the king's lieges for offences committed 'according to the custom of enemy against enemy' - mutilation, beating, spoliation, rapine and the devastation of holy places. Prayer, preaching and indulgence were all harnessed to the war effort. So too was the 'suspicion of heretical depravity' kindled against the Scots during the mission of John de Stratford, bishop of Winchester, to the papal court in 1323. (49)

The theme of criminality latent in these sources was sometimes made more explicit. Edward II's appointment of keepers of Scotland in 1308 described damage caused by 'fraudentos incursum' of the enemy. On the Scots' breach of truce in the following year, his order to levy troops referred to their rising 'fraudenter' against

48) Wright, Political Songs, p.265; Political Poems and Songs relating to English History ... Edward III to ... Richard III, ed. T.Wright (2 vols, London, 1859-61), p.46, all refs are to vol.1; 'Annales Paulini', Stubbs, Chronicles 1, p.265; INR cxcvi, cliv.

49) CCR 1302-07, p.435; Halton 2, p.59; INR passim; Select Cases in the Court of King's Bench, Edward II, iv, p.125.

the king and his people. The people took up the refrain. Archbishop Greenfield in 1315 denounced the enemy as 'latrones publici'. Keepers of the West March in 1359 ordered the lieges to keep watch for 'les larons que vendront en Engleterre pur emblere ou meffaire'. (50) The fury which William Wallace inspired in Edward I was a sentiment to which many an English breast returned an echo. The song 'On the Scottish Wars', written shortly after the battle of Falkirk, describes Wallace's taking arms; 'from a robber he becomes a knight, just as a swan is made out of a raven, an unworthy man ... when a worthy man is not by'. Langtoft's judgment on the Scots was that 'their deeds, attainted of felony, deserve death'. Dubbing Wallace 'the master of thieves' and harping on his sexual incontinence, strictures reminiscent of St Augustine's dictum that a man ruled by passion is unable to govern, Langtoft dwelt upon the symbolic aspects of Wallace's execution; hanged for robbery and slaughter, drawn for treason, quartered for maintaining war, giving protections and arrogating lordship of another's realm. (51)

The equation of Scot with thief is further suggested by a link between crime and faltering allegiance. In 1326, for example, pardons were issued to twenty-five men received to peace by Anthony de Lucy in Cumberland, for offences 'because of which' they had adhered to the enemy. The offences recorded were mostly homicides. Adam, son of John of Akenbrig was pardoned for the death of John de Plumland, Adam Sweteman for the death of John Beaufrer of Bowness. In 1343 a commission was issued to deal with disturbers of the peace

50) CRO, Carlisle, DRC 1/2, fol.42r; Rot.Scot., pp.56, 67; LNR, clv.

51) Wright, Political Songs, pp.174, 321.

in Cumberland and Northumberland, whom, it was alleged, came from the liberties of Redesdale, Hexham, and Tyndale, took captives whom they spirited away to Scotland and 'unknown places', extorted fines from them, took ransoms and booty, 'being so adherents and confederates of the Scots'. An inquisition of 1369 found that one Walter Wayneman, having committed felonies in Cumberland and Northumberland, 'therefore' joined the Scots. So did John Wollesty after killing Thomas Smyth of Gamblesby, and other individuals seeking to escape the consequences of misdemeanour. (52) In 1339 an order to take suspected persons and inquire into felonies in Cumberland, Westmorland, and Lancashire had to be superseded, the king having heard that men were 'much aggrieved' thereby and had withdrawn to Scotland, proposing to join the enemy.

The link between felony and adherence to the Scots was partly a legal one. Both incurred the penalty of forfeiture, as a memorandum appended to a licence to alienate land near Dalston in 1357 made plain. The law of treason was wax being moulded in this period; Dr Bellamy believes that it was the Anglo-Scottish war which shaped the mould. The famous letter to Boniface in which Edward put his case against Balliol and the malfeasant Scots was the occasion for the first charge of lese-majesty. Levying war against the king was first defined as treason under Edward I. By the death of his son, hastened by the examples of Gilbert de Middleton, Thomas of Lancaster and Andrew de Harcla, conviction by the king's record was emerging. Later, in the wake of the commons' disquiet about increasing use of the charge of accroaching royal power, the 1352

52) PRO, SC1/45/209, 210; CMI 3, nos.734, 919; CPR 1324-27, p.307; CPR 1343-45, p.67; CPR 1338-40, p.264.

Statute of Treasons attempted to clarify and define. It underlined the link with felony, but endeavoured to differentiate. Petty treason was to be treated as felony, as were breaches of public order. It was felony or trespass to ride armed to rob, not treason. For the Scottish March, where to ride armed to rob frequently involved the issue of allegiance, the distinction was perhaps over nice. (53)

The link also depended on problems of jurisdiction. Those Harcla protected from trial at gaol delivery were born in England, and joined the enemy in pillaging the land of their birth. The Border provided a means of escape, as one Alexander de Capella well understood. Erring first by assaulting a fellow inhabitant of Penrith who subsequently died, Capella attacked the men taking him to gaol in Carlisle, escaped and fled to Scotland, where he lived in Annandale with Robert Brus for a year. Had he not ventured back to his father's house, he might have evaded capture completely, for as the jurors revealed in the eyre,

'nunquam viderunt neque audiverunt quod aliqui
reges Anglie sectam aliquam de aliquibus
feloniis factis in regno Scocie habuerunt'.

The procedure for redress was haphazard and liable to be protracted. In the early twelve-seventies, the sheriff of Cumberland wrote in some exasperation to the chancellor of his inability to inquire into

'plusurs larcins roberies e homicides ... fes
en le conte ... plusurs nefesurs venent ...
hors de Escoce e passent la Marche ... en le

53) CCR 1339-41, p.94; CPR 1354-58, p.638; J.G.Bellamy, The Law of Treason in England in the Later Middle Ages (Cambridge, 1970), pp.31-2, 57, 86-7, 91.

conte e funt homicides semblent ove autres
du pais'.

He asked to be permitted to proceed

'sanz bref ke especifie de enquere. Ne par
la derein bref ke me vint de la pees garder
ne volerent les pravis jurer en nule manere
pur co ke co ne fu mie especifie en le bref
de enquere'. (54)

It was an old problem. During the war it cannot but have contributed to the perception that those on the other side of the Border were of dubious repute, influencing national consciousness accordingly.

If the mythology of war thus cast the Scots as brigands, it is also possible to glimpse a similar process, whereby Englishmen discredited for various reasons - frequently political, were further vilified by association with the enemy. Harcla in particular had to contend with such accusations, the truth of which it is not easy to gauge. An inquisition held in 1333 which exonerated one John le Peyntour of Wigton from the charge of disloyalty also suggests that not all the calumny Harcla experienced was justified. The jurors stated that Peyntour had gone to Scotland on Harcla's orders, in time of truce, to paint an image for William de Carlisle and do 'other necessary things in his service'. They explained that at the time 'it was lawful for anyone to pass from England to Scotland' with licence and letters of safe conduct from the keeper of the March. Having obtained permission from Harcla, Peyntour stayed in Scotland for a year without joining the enemy, had returned to England during the truce and remained always in the king's faith.

The story highlights many issues; community of interest on the

54) PRO, C47/22/10, no.35; Just 1/135, mm.2,5; SC1/7/83.

Border disrupted by war, the prohibition of economic activity punctuated by periods of legitimate dealing in time of truce. Carlisle was a suspect recipient for Harcla's goodwill, as either he or his son forfeited for adherence to the enemy in 1317-18. Time of truce or no, the relationship would have needed a panoply of sanctified innocence for Harcla to escape censure, given his controversial career and many rivals. Thomas de Goldington, 'medicus', and John le Spicer of Carlisle did not 'scape whipping in 1342 for ministering to William de Maxwell 'without the time of truce'. A series of inquiries of 1369 in Cumberland lit upon the discrepancy between royal and local interests in this matter. On the one hand they listed a plethora of 'common carriers', men like Thomas Fournaisman of Carlisle who had carried horseshoes, horse nails, and other ironware to the value of forty shillings and more, into Scotland. John Ferour of Bootle had operated on a larger scale, taking saddles, flour, malt, bread, fish and horseshoes worth over twenty pounds. 'Quamplures de comitatu' were found to be quietly selling victuals and other goods to the Scots in 1336 as they had always done. (55) On the other hand, the action of many former sheriffs and keepers of the Solway in licensing the inhabitants of Cumberland and Annandale to export these commodities was 'contrary to prohibition ... to the grievous damage of the country' and 'to the king's prejudice'. In 1315 it had been pronounced that anyone carrying arms, corn or victuals to Scotland would be punished as a traitor and public enemy, but enforcement which vacillated with the state of hostilities rendered disloyalty

55) CCR 1333-37, pp.54-5; Rot.Scot.,1, p.491, etc; CPR 1340-43, pp.544, 507; CMI 2, no.353; 3, no.734.

an arbitrary concept, ill-fitting the equivocal nature of Border society.

Administrative diligence in 1369 brought to light the existence of a population of 'aliens of Scotch origin' living in Cumberland who had never been troubled to enter the king's peace or swear allegiance. This was the reality with which definitions of allegiance and treason had to grapple.

Against a background of this complexity, it was perhaps small wonder that accusations of treachery became political ammunition. The presentation in 1323 that William de Lochmaben had adhered to Philip Scot, who had adhered to Harcla, for example, begins to sound a little tenuous. It was based only on Lochmaben's possession of Scot's horse. Jurors acquitted Lochmaben whilst insisting that the other had come under Harcla's protection 'in subsidione eidem ... ad destruendam terram et regnum Anglie'.

Those higher than Harcla - if as unpopular - were reproached with collusion. The Vita Edwardi notes the miraculous way Thomas of Lancaster's estates were spared the ravages of the Scots in 1316, attributing it to their hopes for an alliance with him, 'ut creditur'. The Lanercost Chronicle suggests that Edward II was prepared to give Scotland independence, and, 'which was still worse', to cede the northern counties in return for aid during Isabella and Mortimer's invasion. Geoffrey le Baker believed that Mortimer concluded the Turpis Pax of 1328 in order to obtain an ally interested in maintaining his power. (56) Professor Charles Ross

56) PRO, Just 1/142, mm.1d, 5d; Vita Edwardi, pp.60, 75; Lanercost, p.253; Chronicon Galfridi le Baker de Swynebroke, ed. E.M.Thompson (Oxford, 1889), p.41.

described Richard III's use of proclamations as propaganda, his techniques of 'misrepresentation' and character assassination; they were techniques employed in the earlier period, albeit more obliquely. (57)

The antithesis of the renegade Scot and his accomplice was the good and loyal liege. Appointing his under-sheriff in 1327, Clifford remarked that he was 'bon homme et suffisant pur le proffit ... le Roi et le menee'. Such were the criteria; the very idea of notorious treachery posited the existence of the good man. Who else had knowledge of notoriety? Who else could repute such treachery?

Good men were assigned to inquire into breaches in Carlisle city wall in 1347. Good men and loyal were appointed in a lease for life drawn up in the same year to determine the amount of rent to be paid if war rendered it impossible to levy the full sum. (58) Good men were created by service against the enemy, past criminal activity pardoned. (59) An ordinance of 1299-1300 for the punishment of deserters railed against their putting good men in peril. Edward I addressed all his good men of Annandale and the March to tell them of a military appointment. In the local community the phrase was just as emotive. The nuns of Armathwaite told of their need 'qe bones gentz les eident', the bishop of Carlisle told of matters known 'par le bon gentz de Cardoill e du pays', Richard de Meldebourne told of his needs 'com ... bones gentz purrunt

57) C.Ross, 'Rumour, Propaganda and Popular Opinion during the Wars of the Roses', Patronage, the Crown and the Provinces in Later Medieval England, ed. R.A.Griffiths (Gloucester, 1981), pp.15-32.

58) CMR p.177, no.1150; Rot.Parl. 2, p.218; CRO, Carlisle, D/Ay 41.

59) CPR 1327-30, p.180; CPR 1343-45, pp.209-36.

tesmoigner'.

The concept of the good men was susceptible to manipulation. If the commonalty of Cumberland and Westmorland had visibly erred in its loyalty, it was because the good men had been deceived. Such was the tenor of the commission to receive into the royal fold those of Harcla's persuasion, to restore those 'avoeglez', to rescue 'nos bones gentz ... deceuz'. Like the theory of the king's evil counsellors, the concept of the good men could accommodate upheaval; the good men did not lose their goodness, they were temporarily misled. Thus one Richard Bowet was received to peace, alleging that although he had been in Harcla's household all the time the latter was at odds with the king, he had not realized his error - 'noun sachant sa mauvaite'. (60)

The good men, the best men ranged against Harcla, the lieges, 'ses feaux e leaux' as one petition expressed it, represented alignments within the county on grounds of personality, politics, faction, allegiance. They represented machination, propaganda. The composition of the shire, the community for which it petitioned, was no more politically or socially neutral than the community of the realm, 'les bones gentz du Roialme, greindres et meindres, riches et poveres ', who gave judgment against the younger Despenser in 1326. (61)

60) PRO, SC1/14/46, 35/19A; SC8/45/2230, 280/13965, 82/4063; Palgrave, Docs, no.114.

61) M.McKisack, The Fourteenth Century 1307-1399 (Oxford, 1959), p.87.

iv) Communities.

Having established that the county community was not a catholic body, but a mouthpiece for fluctuating alliances, it is time to turn to its more pedestrian activities. Gentry involvement is easily discovered.

The election of various representatives was one such corporate endeavour. Robert de Harrington and Hugh de Multon were despatched to parliament in 1295 'per assensum totius comitatus', and in 1307 Richard le Brun and Alexander de Bassenthwaite were elected in Cumberland 'pro communitate comitatus'. The shire was the forum for deliberations on the appointment of local officials. Coroners were chosen here; in Cumberland, verderers for Inglewood forest. It was, on occasion, the scene of machinations against incumbents. From it the king received various pieces of information. In 1298 he was informed that William de Boyvill was insufficiently qualified as coroner in Cumberland, and Walter de Bampton as verderer; that John de Hibernia was too old and infirm in 1316; that Thomas de Redman held no lands in the county in 1312; and that Michael de Tirril was non-resident. Such news led to the order to elect new men 'in full county'. (62)

A particularly valuable machine for self-government at the king's command, the shire court was the setting for many inquiries. Edward I required the sheriff of Cumberland to ask in full county whether it would be to his detriment to allow Bishop Halton to have a plot of land to build a prison for criminous clerks. The eyre

62) PW 1, p.35; 2, ii, p.4; CCR 1296-1302, pp.167, 228; CCR 1307-13, pp.422, 480; CCR 1313-18, p.281.

underlined the shire's corporate existence and responsibilities, as in 1278. On this occasion 'the jurors present and the whole county complains' of the practices of the religious of St Bees in catching salmon, and the decline of the fish in the Esk and Eden. 'Therefore the whole county, knights and freeholders, unanimously determined' on a close season between Michaelmas and St Andrew. A keeper of the waters was chosen 'by the consent of the whole county'.

Whether such activity shows that 'the allegiance of the provincial gentry to the community of the shire' was as basic a fact of English fourteenth-century history as Professor Alan Everitt believes it to have been in the seventeenth and eighteenth centuries, however, is more dubious. (63) For not only does participation in shire administration again suggest that the shire community was a community of the politically influential, its composition apt to change, but the nature of tenure and society on the West March meant that many owed loyalty to both Cumberland and Westmorland. The composition of the shire was circumscribed on political lines and was further divided by external commitments. (64)

Cumberland and Westmorland had been associated since the days of Ranulph Meschin's potestas and beyond. Above all they shared their leading inhabitants. A glance at their sheriffs between 1250 and 1377 readily demonstrates this. Eight or nine who served in Cumberland were men who held, or whose family held, land in

63) Halton 1, p.53; CDS 2, no.146; Everitt, Local Community, pp.5-6.

64) Astill, 'Gentry', pp.192-3 suggests that fourteenth-century meetings of the shire court had the 'character of an extraordinary meeting for all those currently involved in local government,' not of a 'social focus'.

Westmorland: Gilbert de Curwen 1278-83; Michael de Harcla 1285-98; another Gilbert de Curwen 1308-9; Andrew de Harcla; Hugh de Lowther 1325; another Lowther in the thirteen-fifties; William de Lancaster 1358-9; William de Windsor 1367-8; Adam de Parvyng 1368-71; Roger de Clifford 1377. The Westmorland shrievalty was graced by Harcla in the twelve-seventies, Lowther in the thirteen-twenties and a Curwen in 1323. Otherwise it seems to have presented fewer opportunities to men whose main interests or names were of Cumberland origin: possibly Alan Armstrong 1289-90; Henry de Threlkeld 1324-7; William de Langwathby in the thirteen-forties; another Threlkeld in the thirteen-sixties.

Communications, patterns of trade and debt, marriage, landholding and patronage were by no means confined by the county boundary. Much went on 'tam infra comitatum Cumbrie quam Westmeriland', as a gaol delivery roll put it. And it was probably this osmotic characteristic of the shire which ultimately determined that its many communities were not too introspective. At the time of Quo Warranto, for example, the lords of Rydal, Dacre, Levens, and the lady of Kendal held land in north Lancashire for which they had to answer. The lords of Greystoke and Cockermouth, the widow of the lord of Rydal, the bishop and prior of Carlisle, held in Northumberland. (65) Links between north Lancashire and Westmorland appear in the deeds of the lords of Preston Richard, Aldingham, Kendal, Sockbridge, and those of Cockersand Abbey and Conishead Priory. They point to areas of overlap between the men who made up the community of one shire and the men who made up another.

65) PRO, Just 3/10A, m.6; PQW, pp.373, 377 etc.

It is difficult to credit that such men thought of the county as something demanding their exclusive loyalty. It was but one in a hierarchy of allegiance which extended from the most local patria - the village or hamlet, market town or city, manorial caput or great estate, to the county, the March, the realm. The wider a man's horizons, the greater his range of associations, the less the shire confined him. Paradoxically, it was probably the knightly classes who were most conscious of the existence of the shire, by virtue of their administrative duties, who were also most conscious of the world outside, into which the shire was absorbed.

A thirteenth-century inquisition taken in Cumberland about the lord of Gilsland's activities as forester of Inglewood, pointing out that he always held pleas of attachment and petty pleas 'the day after the Lancashire county court' makes this plain. Those who acknowledged the county did not find its claims monopolized them.

(66)

- 4 -

Non Est Qui Populum Defendit: Edward II and the Shires.(1)

The price paid by Edward II and the Despensers for their disregard of shire administration has recently been described by Dr Nigel Saul. He emphasizes their failure to pack county administration, or, to put it less crudely, to utilize to the full the patronage at their disposal. In the stress this article puts on the importance of county allegiance, it complements Michael Powicke's study of the dissemination in the shires of the knowledge of the inept organization of the 1322 expedition to Scotland, and its part in the decline of Edward's power between Boroughbridge and the autumn of 1326. (2)

This chapter will attempt to throw further light on the issues raised in these two articles. What was the role of patronage in the March, an area very much affected by the adroitness or otherwise of Edwardian war strategy? To what extent did patronage heedless of the shires not merely fail to attract support, but actually antagonize men and drive them into opposition?

While the political priorities of a war-ravaged area might not have been representative, the allegiance of the inhabitants of

1) Vita Edwardi, p.120; the complaint is put in the mouth of Andrew de Harcla.

2) N.Saul, 'The Despensers and the Downfall of Edward II', EHR, xcix (1984), 1-33; M.Powicke, 'The English Commons in Scotland in 1322 and the Deposition of Edward II', Speculum, xxxv (1960), 556-62.

counties far-distant from King's Langley and Westminster, who constantly alleged themselves to be in extremis has its own interest, and displays a wide range of considerations to make and mar loyalty. In examining the fortunes of prominent inhabitants of Cumberland and Westmorland during Edward II's reign and their response during the political crises of those years, we may also see the county community at work, and form an estimate of the degree of its isolation from the rest of the kingdom.

The analysis falls into two parts. The first concerns the state of the local economy and role of royal patronage. The second examines Cumbrian allegiance and speculates on its connections with these phenomena.

i) Patronage and the Economy

Edward II's reign represented not merely the ebb of English fortunes in Scotland, the loss of most of what his father had achieved; the concomitant of the weakened grip on Scotland was greater vulnerability in the Border counties. Raids into England increased from 1311, penetrating to particularly dire effect beyond Carlisle in 1314, 1317-19 and in 1322. In 1314 a raid was led from Carlisle against the enemy - who were not in Scotland, but on Stainmore. The Lanercost Chronicle describes Robert Brus' progress down the coast of Cumberland. He took tribute from the abbey of Holme Cultram, burial place of his father; from the abbot of Furness on behalf of the Furness region; and caused a trail of destruction at Cartmel, Lancaster, and as far south as Preston in 1322. Petitions of these years reveal the quest for refuge in local

strongholds, complain of the Scots driving off cattle, and relate the chaos wrought by the armies of either side. Alexander de Bassenthwaite and his fellow tax-collector in Cumberland in 1314, distrained to render account, explained that 'ils ne poaynt riens faire pur la desturbaunce des enemis'. Two years later, the bishop of Carlisle had occasion to refer to the 'special' burdens of the church of Carlisle 'in marchia ubi degunt quotidie emergentia, ac per concursum et confluentia populi ad eos pro exercitibus, conciliis et aliis tractatibus suis'. (3)

Whilst war was thus uppermost in some minds, and Powicke right to emphasize the way its conduct redounded to Edward's disadvantage, lamentation did not entirely monopolize the energy of the Cumbrian community. Even under Edward II the gentry aspired to run its estates as usual. Its goals were to acquire land, to increase the patrimony, and amass wealth. Grants of market charters between the start of war in 1296 and 1362 demonstrate this. (4) The pursuit of land was society's most fundamental activity, the provision of a sufficiently stable milieu to permit it a tacit criterion of good kingship. Prolonged focus on the cataclysmic events of Edward's reign threatens to overlook the pursuit of this normality. For the Marcher, war was a daily reality; one which he tried to ignore. The Westmorland families of Lowther and Harcla, for instance, both provide evidence of the endeavour to continue pre-war trends of estate management.

Hugh de Lowther's acquisition of land in the reign of Edward I

3) Fraser, NP, nos.82, 112, 87; CDS 3, no.403; LNR, clxii; PRO, SC8/34/653.

4) OChR 2, pp.288, 489; 3, pp.2, 54, 81, 130, 167 etc.

was furthered by his legal career. It brought him into contact with men like Robert Burnell, able to manipulate influence on his behalf; he acquired the manor of Newton Reigny from this prelate. But within the local community it was land no less than law which established him in a position of prestige. The one gained from the other. He built up estates in Bampton Cundal, Bampton Patrick and Lowther, strengthening his title, consolidating and exchanging land. The charters which survive are mostly of the twelve-eighties and nineties. (5)

While the outbreak of war was to change the nature of some of his duties, it did not occupy him exclusively. His legal and administrative career continued. As the functionary of Mars, he was to be found employed as sheriff of Edinburgh, serving under Clifford at Carlisle castle, and in a force attacking Galloway. His lands at Newton Reigny brought with them the obligation to

'find in the king's Scotch war a horseman on a horse worth forty shillings, armed with a corselet, iron cap, lance and sword, remaining for forty days with the king's body'.

Rather less strenuously, in 1311 he was among those who took to the king the record of an appeal of felonies in the Isle of Man; he was justice of oyer and terminer in Cumberland, Northumberland and elsewhere; he supervised array in Westmorland, and was its knight of the shire. At his death in 1317 he was seized of lands at Newton Reigny, Lowther and Thrimby, and others in Yorkshire and Durham. (6)

5) CRO, Carlisle, D.Lons L5, BM 12-13, 16, 21, 23, 26-36; F.H.M.Parker, 'A Calendar of the Feet of Fines for Cumberland from their Commencement to the Accession of Henry VII', CW 2, vii (1907), 229.

6) PRO, E101/6/30; College of Arms, MS 414, fol.168; IPM 6, no.14; CPR 1313-17, pp.54, 64, 70, 232, 234, 237.

The career of Lowther's son was cast in the same mould, although he did not aspire to the cursus honorum of the national stage. He served as a member of the army besieging Berwick in 1319, as sheriff of Westmorland 1320-22 and 1322-23, and briefly as sheriff of Cumberland in 1325. The augmentation of the family estates was not neglected. Even during the father's life the son had begun to consolidate his lands in Lowther and the adjacent village of Whale, an ambition symbolized by his marriage to Margaret of Whale. (7)

The Harcla family ploughed a similar furrow. Like Hugh de Lowther (d.1317), Michael de Harcla performed what may be termed a serviential role in Westmorland, as sheriff for the lords of Appleby, 1275-77. He received for his 'laudable service' permission to enclose his wood in Nateby and Hartley and to hold it in severalty at all times of the year. The Harcla star seemed to rise under the auspices of Clifford and Layburn, husbands of the Appleby heiresses. On Harcla's being fined £300 for his temerity in marrying the heir of Gilbert le Franceys, Clifford persuaded the king to reduce the sum, and mainperned to have Harcla coram rege at a later date. Meanwhile, Harcla was vigorously pursuing land - a vaccary in Mallerstang forest, land in Hartley, Kaber, Wharton, Nateby, and in Cumberland at Dearham and Renwick. Like Lowther he was summoned as a knight of Westmorland to the marriage of Edward I's eldest daughter in 1293. (8)

His son Andrew, famed for his loyalty at Boroughbridge and no

7) CRO, Carlisle, D Lons L5, IO 50, 56, 59, 63, etc, also BM, SH, AS, BR collections; F.H.M.Parker, 'The Marriage of Sir Hugh de Louthre and Margaret de Whale', CW 2, ii (1902), 151-4.

8) CRO, Carlisle, D Lons L5, H 16, D Mus, H1-3, 9-13, 15-17; Kendal, WD/Ry, Box 92; PRO, Just 1/132, m.7; C47/1/4, m.23.

less spectacular treason in contracting peace with Brus, followed the same end - status within the shires of Cumberland and Westmorland. His administrative position lent itself to dramatic means of increasing his wealth. Between May 1322 and July 1323, £867 2s. 8d. from his goods appeared in the accounts of the Wardrobe. He also used his status to further family prestige; it is conspicuous that his brother-in-law, Robert de Layburn, rose pari passu with Harcla, appointed admiral when Harcla became earl. Certainly Harcla's brothers were attacked with as much venom as Harcla himself in the years after Bannockburn. The parliament of 1327 which deposed Edward II brought to light one instance of Harcla's more dubious methods, the disseisin, while earl of Carlisle - 'in maxima potestate sua' - of Thomas de Helbeck in Yorkshire. Andrew acted in concert with his brothers, on one occasion alleged to have imprisoned Richard de Thirlwall until he made a grant of land to John de Harcla. (9) John, a younger son, concentrated his energy on Yorkshire, Cumberland, Westmorland and Northumberland, to some effect. Andrew intruded into these lands, probably intended as interim feoffee to convey them to John's son and heir, but was still in seisin at the time of his forfeiture. (10) The brothers' methods were remarkably similar.

Evidence of destruction on Harcla's estates suggests that even

9) PRO, Just 1/1404, m.30d; 992, m.1d; CRO, Carlisle, D Lons L5, H19-20; CDS 3, no.754; CPR 1307-13, p.50; CPR 1321-24, p.263; Rot.Parl. Inediti, p.165; J.Conway-Davies, The Baronial Opposition to Edward II, its Character and Policy: A Study in Administrative History (Cambridge, 1918), pp.188-9.

10) IPM 6, no.378; CMI 2, nos.662, 890, 909, 1072; Rot.Parl. Inediti, p.146.

war-torn land conferred grandeur. (11) The pursuit of land was felt to be an attractive proposition even under Edward II. The extent to which it was an economically-rational ambition will be discussed below. Although Lowther and Harcla were Westmerians, their land lying that much further from the Scottish marauder, they were not unusual in their acquisitive inclinations. Others were so engaged, from the Lucy family at the baronial end of the social scale, to small families on the outskirts of Carlisle. Men settled land on their children, arranged marriages, demised parts of their estates, and tried to live life as normal.

While there is evidence of war-damage in Carlisle, there is every indication of attempts to surmount such difficulties. In 1317 Richard de Whitefield had his land in Tarraby, Houghton and Ainstable settled on his wife and himself, with remainder to his son and heir. In 1323 he acquired further property in Ainstable. One John Fleming gave to Adam del Monihille and his wife - perhaps as grasping a pair as their name suggests - a tenement in Botcherby next to one they already possessed. In the same year they obtained another messuage in the suburbs outside Botchergate. In 1323 John, son of Alan, son of Walter, of Carlisle gave a toft and curtilage in fee farm to another for three shillings per annum. The only hint that the times were out of joint was that Lucy, as keeper of the castle, headed the list of witnesses. The story was the same in Penrith. Thomas of Annan, a cleric, accumulated a number of dwellings there at this time. (12)

11) PRO, C260/41, no.52.

12) CRO, Carlisle, D/Ay, nos. 16, 17, 21; D Lons L5, C 18, 20, 24, 25, 8, 12, 18, 22, 35.

A handful of surviving charters can give only a glimpse of the complexity of the past, but there seems no sign of a panicked market. A degree of fluidity of income is suggested by the provision of titles to benefices. A stipend of two pounds was committed by John le Spenser of Carlisle to a subdeacon in 1297-8, five marks to a priest by John son of William in the same year. Henry le Furbur of Carlisle, Peter Worship and John Aurifaber also provided this sort of patronage. Studying the recruitment of clergy in the diocese of Carlisle from such evidence, Dr Richard Rose concluded that 'despite the war or perhaps because of it', there was a ^{high} level of wealth among the mercantile population of the city until the era of the plague later in the century. (13)

The charters of knightly families reveal the same predilections. John de Lancaster of Holgill, Westmorland, undertook to farm the manor of Skirwith, just over the Eamont in Cumberland. Gilbert de Lancaster of Sockbridge endeavoured to strengthen his hold on lands in Sockbridge, Tirril and Hartsop, on the border between Cumberland and Westmorland. Walter de Strickland of Sizergh mopped up pieces of land in Hincaster, Sizergh, Levens and Helsington, to the south of Kendal, and further north, at Great Strickland. He argued about estovers and common pasture in Levens, tried to prevent tithes being taken from his land, and augmented the holding of his sister and brother-in-law. Even his former bailiff, Baldwin de Sheepshead, was engaged in a small mopping-up operation of his own to the north of Sizergh. (14) In the barony of Appleby the Musgrave family was

13) Halton 1, pp.24-4, 108-9, 186-7; Rose, 'Bishops and Diocese', pp.226-37.

14) CRO, Kendal, WD/Ry, Box 92; WD/D, Dallam, Le Howys; Carlisle,

accused of disseisin in Crosby Garrett and Soulby as in any other year, arranged settlements of their land, and quarrelled among themselves. Robert de Layburn, apart from the more dramatic aspects of his career, was cast in the pedestrian role of younger son.

While his father's main interests were at Skelsmergh, near Kendal, Robert obtained land at Elliscales, in the Furness region of Lancashire, and in west Cumberland. (15)

There were then, many signs that Cumbrians went about their normal business in the reign of Edward II - marrying, giving in marriage, begetting, disagreeing and acquiring - despite the war. Such evidence is unsurprising, the bread and butter of the medievalist. It is not startling to discover that men grasped and wished for more. Its rehearsal here is intended to serve three purposes.

Firstly, in its very typicality, it is in danger of being overlooked. Hardly histoire événementielle, the now this, then that, narrative, it approximates more to Braudel's longue durée, the family and the patrimony forming the continuum, events of national significance impinging perhaps less than we imagine. In particular, military fiascos of the reign have been the historian's cynosure, the abnormal drawing more attention than the routine. Secondly, therefore, tacit aims of normality are stated in order to understand the impact of disruption. Thirdly, the persistence with which accustomed ends were pursued in unpropitious circumstances is itself interesting, for, to focus a while on the abnormal, there is no

D Lons L5, BR 33-8; Sizergh, fol.16, no.5, fol.18, nos.8, 9, fol.17, nos.6, 7; CPR 1307-13, p.129.

15) PRO, Just 1/992, mm.1d, 2r; CRO, Carlisle, D Mus, Soulby 15, 68-71; Furness 1, ii, nos.133-4, 140; CCR 1318-23, p.552.

doubt that incomes on the West March were suffering as a result of the war.

Historical opinion has varied, both in the extent to which it has attributed long-term economic repercussions to the Scots' raids, and with regard to the amount of destruction caused. Edward Miller, in 1960, concluded that the 'long history of war and raiding seriously reduced the wealth and prosperity of the north', as two years before Jean Scammell had opined that 'the abeyance of Edward's government ... permitted the King of Scotland to wield more power in, and draw more revenue from, the north of England than did the English King'. In 1973 studies of Bolton and Durham priories moved a little away from such a cataclysmic view of events. Ian Kershaw's study of Bolton bestowed as much importance on the effects of the famine and murrain of 1315-17 as on the raids. Professor Dobson, while finding 'a really catastrophic collapse of ... income from spiritualities' in the North, also cited evidence of recovery. In 1954, R.L.Storey's examination of the manor of Burgh by Sands, through the medium of the inquisition post mortem, led him to stress its considerable fluctuation in value throughout the fourteenth century from a pinnacle in 1314 - albeit that periods of truce seem to have had quite a rapid restorative effect. Recently, however, Dr Anthony Tuck has chosen to draw attention to wealth brought into the area by war and its administration. It does seem clear, none the less, that for a concatenation of reasons, climatic and agrarian as well as political, Edward II's reign was a particularly sorry era for the inhabitants of the West March. (16)

16) E.Miller, War in the North: The Anglo-Scottish Wars of the

There are surprisingly few references to the disruption of war in the charters surviving from this period. Alexander de Capella of Penrith gave land in Bramery to another for a term of years, enjoining that it be kept in as good condition as received, 'salvis incendiis et destructu Scotorum vel aliorum causa guerre'. In another charter, a widow referred to the possibility that she might be unable to live peacefully at Thursby 'propter guerram Scotorum'. These, however, are the only two such examples from Edward II's reign. It is interesting to compare their paucity on the West March with Mrs Scammell's comment that knowledge of the destruction was commonplace, causing the Peruzzi, on leasing a Yorkshire manor in 1318, to disclaim responsibility for any damage during their tenure.

A petition of 1321-22 by the abbot of Holme Cultram is the only hint of war forcing larger landowners on to the defensive.

'Il ne pount lour terres gaigner, ne de eux leur sustenance aver s'il ne les lessent as tenantz a terme des aunz ou de vie, et a ceo faire sount il conseillez'.

That the abbey should have thus experienced devastation is telling, since its coastal position near Carlisle rendered it a likely beneficiary - if any were to benefit - from the war-time economy. Indeed, the abbot in 1304 had been involved in promoting the movement of its market from Skinburness, which had been flooded, to Kirkby John, which implies the belief that to do so was opportune economically. The petition is the most explicit evidence available

Middle Ages (Hull, 1960); Scammell, 'Robert I', 403; I.Kershaw, Bolton Priory: The Economy of a Northern Monastery 1286-1325 (Oxford, 1973); R.B.Dobson, Durham Priory 1400-1450 (Cambridge, 1973), pp.270-9, 100-3; R.L.Storey, 'The Manor of Burgh by Sands', CW 2, liv (1954), 119-31; J.A.Tuck, 'War and Society in the Medieval North', NH, xxi (1985), 33-52.

of remedial action, the desire for a fixed income, anxiety to lease out land. (17)

Important ex silentio evidence is that of taxation. From 1313, Cumberland and Westmorland were exempt from the lay subsidies of Edward II. Its timing, coming the year before Bannockburn, reveals the difference in the chronology of civilian and military defeat. In 1318 the taxation of Pope Nicholas was revised to take into account the destruction of clerical property in the archbishopric of York. (18) Voluble were the assertions that men could not meet their obligations. In 1318 one explained that 'il est destrut nettement par les enemys Descoce et qe riens ne luy ount remis en le parties de Comberland', another that 'il est si grandement enpovery qil nad dont la ... dette payer'. Many echoed the pathos of a widow in 1314,

'qe vous voyllez prendre pite de moy e aydere a ma sustenaunce e a mes enfauntz ... kar ieo ne ay autre succours fors de vestre seigneurie. Pur dieu sire, pensez de moy'.

An inquiry in Appleby in 1317 reported that the king's dues could not be levied as usual because of the destruction. The citizens of Carlisle petitioned for relief from the city farm in 1318, stressing their commitments in making watch for ambushes and incursions. The men of Cumberland and Northumberland were allowed respite of all debts levied by summons of the exchequer two years later, as

17) CRO, Carlisle, D Mus, Edenhall, Bramery; D Lons L5, C 20. A few examples are to be found under Edward III, ibid., CG 10, D/Ay 41, 65; Rot.Parl. 1, p.410.

18) J.F.Willard, 'The Scotch Raids and the Fourteenth-Century Taxation of Northern England', University of Colorado Studies, v (1907-8), 237-42; Wetheral, Appendix, no.43.

compensation for the damage they had sustained. (19)

From such complaints of financial hardship it is possible to determine four main categories of distress. Firstly, the burden of the war effort itself. Making watch from points of vantage, providing for the repair of breached defences, facilitating the passage of armies, even grinding corn to maintain the royal household - all these took their toll. (20)

Secondly, the burning to which contemporaries made constant reference, was responsible for the destruction of capital installations; houses, enclosures, mills. The latter were a particularly important source of income on the West March. Recovery here was not an over-night phenomenon, for all that Froissart described one Scotsman saying

'if the English do burn our houses, what consequence is it to us? We can rebuild them cheaply enough, for we only require three days to do so, provided we have five or six poles and boughs to cover them'.

The accounts of Wigton church in 1328, for example, referred to mills at Dockray and Waverton, one burnt by the Scots and not repaired within the year. It was a Sisyphean affair. In 1316 twenty marks were assigned for the repair of mills burnt in Penrith and Sowerby, as in 1314 twenty pounds had been, along with money for two bakehouses and the prison 'burnt and wholly destroyed' by the enemy.

References to destruction in the inquisitions post mortem of

19) PRO, SC8/317/E287, 82/4085, 317/E278; CMI 2, no.307; CCR 1318-23, pp.38, 190.

20) CMI 2, no.29; CCR 1313-18, pp.127-8, 252; CCR 1318-23, p.38; J.R.H.Moorman, 'Edward I at Lanercost Priory', EHR, lxxvii (1952), 161-74.

Cumbrians come in a flood from c.1316; the reign of Edward I provides few. Waste appeared in a wide radius - on land in Kirksanton in the extreme south west of Cumberland; on the manor of Greystoke to the west of Penrith; at Tebay in mid-Westmorland; at Dufton on the Pennine fringe; in Lonsdale, Lancashire. It appeared on baronial estates and on the land of obscure individuals who only featured in the inquisitions because of the vagaries of escheat.

(21)

Thirdly, the theft of livestock and consumption of pasture by herds in transit - even by the mounts of the campaigning English - aimed further blows at the West March economy. The nuns of Armathwaite's pasture was ruined, the bishop's deer were lost. The account of the keeper of Pendragon castle, Westmorland, for 1323-24, reveals the importance of cattle on this part of the Clifford estates; vaccaries provided the only source of income other than perquisites of court, £13 7s. 4d. as against 6s. 8d. on this occasion. (22) Whereas the pastoral economy admitted of a measure of defence - flocks could be moved, unlike growing crops, counter-raids a means of compensation - the loss of livestock and destruction of enclosures would at the very least have negated any attempts at organized breeding and management of herds.

If the peak period for the theft of livestock was between Michaelmas and the New Year, as Dr Summerson and others have suggested, it could have entailed the loss of cows ready for the

21) M.Beresford, The Lost Villages of England (London, 1963), p.175; K.M.Longley, 'The Scottish Incursions of 1327; A Glimpse of the Aftermath (Wigton Church Accounts, 1328-9)', CW 2, lxxxiii (1983), 63-72; IPM 6, nos.50, 88, 153, 220, 503, 550.

22) PRO, SC6/1044/6; Wetheral, p.268; CCR 1318-23, p.151.

autumn calving, - the current breeding herd and that of the future. If it happened after the winter slaughter, it could have removed all the breeding herd kept for the following year. At whatever time of year, the loss of a bull could be catastrophic. Moreover, as some livestock is particularly territorially-orientated, like Herdwicks heft to the fell, or the sheep which graze the shore of Morecambe Bay, instinctively retreating when the tide turns, and having therefore, to be sold with the land, it would be interesting to know how their fourteenth-century forebears were affected by the raiding. It was perhaps not the easy tit for tat affair assumed by historians. (23)

Fourthly, the destruction of crops had obvious repercussions. The men of Penrith spelt them out in 1346.

'Manors, towns, hamlets and places in the greater part of that county have been burnt and totally destroyed, with the corn, animals and other goods therein ... wherefore they have nothing to cultivate their lands or maintain themselves'.

It meant the loss of seed corn as well as the current harvest. When Thomas de Goldington of Colby, Westmorland, lost the crop of fifty acres of demesne arable 'now lying waste by the Scots', the damage would be felt not only in 1320, but in the following year. Stability is the sine qua non of agriculture, and it cannot have been but that the longer the war continued, the more it disrupted farming activity.

The lowest levels of March society doubtless suffered most. The nearer to subsistence, the greater the loss, the less the ability to

23) PRO, SC6/824/18, m.3; H. Summerson, 'Crime and Society in Medieval Cumberland', CW 2, lxxxii (1982), 111-24; Tough, Frontier, p.47.

draw on other sources of income which might compensate a Lucy or Multon. Holme Cultram's endeavour to lease demesne land has already been cited. In this context, the many debates of the thirteenth century about common pasture and enclosed land which suggest pressure on resources have additional significance, for now the pressure must have been much greater. (24)

As early as 1300-7 the flight of tenants from the Border barony of Liddel was reported. Dr Natalie Fryde quotes a document of the Harcla era which refers to the flight of men fearing the Scots and unable to buy them off. Mrs Scammell suggested that the lesser tenantry disappeared from Carlisle and Cockermouth. The Cockermouth accounts of 1317-18 which tell of hens and eggs sold with the caveat 'non plus propter paupertatem tenencium', of bondage rents failing to produce the usual sum 'quia quedam terre et tenementa iacent frisce et inculta in manu domini pro defectu tenentium per guerre', and accounts for Penrith revealing lands none would farm, certainly point to poverty at a very basic level of society. (25) Examining devastation and recovery during the Hundred Years War, Robert Boutruche similarly noted misery among the poorest of the countryside. (26)

Hardship among undertenant and villager, the labores of the

24) CCR 1346-49, pp.30-1; IPM 6, no.268.

25) PRO, SC6/824/18, 824/31; CRO, Carlisle, DRC 1/1, episcopal rental of 1329, fol. 227r-291; N.Fryde, The Tyranny and Fall of Edward II (Cambridge, 1979), ch.9, n.7; IPM 3, no.597; CDS 3, no.11.

26) R.Boutruche, 'La devastation des campagnes pendant la Guerre de Cent Ans et la reconstruction agricole de la France', Publications de la Faculté des Lettres de L'Université de Strasbourg, iii (1947), 127-63.

medieval triad, meant that the seigneurial economy could not have remained unscathed. Labour services seem not to have been central to the management of baronial estates on the March, and those few seasonal works which did exist in the first twenty years of the fourteenth century were being commuted. Despite this, loss of tenants, their renders, their services, were unwanted blows. If demographic patterns on the West March on the eve of the Black Death were similar to those elsewhere, it might be expected that abandoned tenements would be taken up readily, that the phenomena believed to have delayed the economic effects of the plague after 1348 would have been experienced in the Border counties before 1348. It is difficult to tell if this was so. The rental of the bishop's manors in 1329 may provide a few hints, but as a solitary document, gives no means of comparison. The names of previous tenants were meticulously recorded, but with no indication when they held. Were they recent fugitives or merely the late departed? There are references to the fact that services should be performed by former tenants, references to men holding 'de novo', and 'de veteri'. But this is all. If it represented a tide of men anxious to acquire deserted lands, it was one which failed to engulf all that lay before it. The bishop was left with lands 'which used to render 10d per acre', and his accountant noted other disturbances of war. (27)

Rents played an important part in the seigneurial economy from an early date. In his study of the Percy estates, Dr Bean suggests that from the mid-thirteenth century 'proximity to the Border must have created an atmosphere which forced the lord to regard demesne

27) CRO, Carlisle, DRC 1/1, fol.227r-291; PRO, E199/7/3, SC6/824/18.

farming as an unreliable method of raising his revenues'. As his evidence precedes the start of the war, and comes from the era of Anglo-Scottish co-operation, the geographical dispersion of the Albemarle interests was more likely to have been responsible. The rentier element was dominant in other estates. An extent of 1282 of Baldwin Wake's manor of Liddel and its members reveals that rents provided the major source of income. The total extent was £295 16s. 2d., of which they contributed £147 17s. 7d. On the manor of Kendal in 1274 they were also the single most lucrative source, £68 15s. 11d. of the total of £197 17s. 3 1/2d. Accounts for the manor of Penrith between 1286 and 1289 show similar dependence; here a substantial amount of the demesne was leased, with capital messuages in Scotby and Carlton demised from 1287. At Penrith in 1286-87, rents and farms of demesne lands rendered £40 6s. 2 1/2d. of £70 7s. 9d., at Scotby £19 18s. 1d. of £26 18s. 3 1/2d., at Carlton £10 2s. 2d. of £19 3s. 2d., at Langwathby £24 1s. of £34 0s. 6d., at Salkeld £24 16s. 9d. of £34 15s. 2d. and at Sowerby £42 14s. 5 1/4d. of £64 4s. 5 1/4d. Not, perhaps, a surprising phenomenon for the estate of an absentee landlord, but although the Penrith manors are atypical in their abundant documentation, they appear to have reflected the economic organization of other large estates on the March. Between June and Michaelmas 1323 the keeper of the castle and honour of Egremont accounted for £12 17s. 2 1/4d. from rents, out of total receipts of £34 6s. 3/4d; and between Michaelmas and the following Easter for £14 5s. 10 1/4d. out of £47 7s. 11d.

The impact of war on the lesser tenantry was therefore bound to affect seigneurial income. The inquisition post mortem of the

baron of Liddel in 1300 tells of diminution in the ranks in Nichol Forest, 'where were many tenants before the war, but now few', of Stubhill, 'where were many manses and tenants who have been slain by the Scots and the town burnt'. If such ravages left tenants unwilling or unable to provide the accustomed renders, how could the lord protect his agricultural income? Accounts for Appleby between 1323 and 1327 show the fluctuation to which rents became subject. In 1323 the sheriff accounted for £6 15s. 3/4d. from the rent of free tenants, cottagers, tenants of demesne lands and bovates. In 1325-26 farm of demesne land, bovates and wastes amounted to £10 11s. 10 1/4d., and rents of free tenants and cottagers £5 4s. 5 1/4d. On the Penrith manors the totals accounted for remained relatively constant in 1328-30 but fell dramatically in 1330-31. (28)

Cornage rents formed another element of great importance in the seigneurial economy, the tenant's ability to pay which could seriously affect his overlord. Cornage tenure, its origins and incidents, have perplexed historians almost as much as they perplexed medieval judges, exchequer clerks and Star Chamber worthies. In the fourteenth century it was described as a free tenure, involved payment of rent to the overlord, and military service on the Border. Whether the latter was the sine qua non of the tenure continues to exercise the student of March society. At Brackenhill in the barony of Liddel in 1282, various bovates were held by cornage. The tenants here rendered £2 16s. per annum to the

28) PRO, SC6/1044, 824/19, 824/31, E199/46/3; CDS 2, nos.16, 208; IPM 3, no.597; Stevenson, Docs 1, pp.1-3, 27-30 etc; J.Bean, The Estates of the Percy Family 1416-1537 (Oxford, 1958), pp.12-15.

baron, who then answered for the sum to the sheriff for the king's use. Such responsibility on the part of the tenant in chief is believed to have been the general custom, except in those few cases in which the king had remitted the payment due from the tenant in chief, who none the less continued to collect the rent to add to his own income. In both cases the lord was vitally interested in his tenant's ability to pay.

The importance of the render is attested by many sources - even the miraculous. St Bega is said to have cured a man smitten by the devil for perjury at a time when the lords of Copeland were contesting the amount of the payment. The lord could distrain his tenant for non-payment, as a charter of Alice de Lucy made explicit. An extent of fees held by the late lord of Egremont in 1334 shows the prevalence and value of such payments in the fourteenth century. It was due from eight of the fourteen moieties of fees listed, varying both in amount and instalments. Payments were made at Easter, Michaelmas, St James, Pentecost, and the Assumption. Ranulph de Dacre owed £1 3s. 4d. for Santon, Bolton, Gosforth and Hale; Thomas Wake 6s. 8d. for Drigg; John Fleming 5s. 6d. for five hamlets; John de Kirkby Thore 5s. for Calder. Cornage rents from Westmorland villages comprised £17 15s. 4 1/2d. of £34 17s. 1/4d. for which the keeper of the castle and vill of Appleby accounted in 1323.

Accounts from the reign of Edward II show that the vicissitudes of war jeopardized this source of revenue. In 1323, for example, the village of Rookby contributed nothing 'quia combustum erat per Scotos'. Evidently it had not recovered three years later, when the same excuse was tendered. Fluctuation in these receipts could only

work to the lord's detriment. The render seems not to have been increased between at least the late thirteenth century and the late fifteenth century. The cornage rents assigned in dower to Maud de Clifford in 1315 amounted to £9 5s. 3d. Those assigned to her daughter-in-law in 1344 came to £9 5s. 4d. (29) On the death in 1292 of one of the co-heiresses of the barony of Appleby, her half of the rents was given as £13 8s. 9d., the total of £26 17s. 6d. thus close to the totals of 1315 and 1344. Comparison of cornage renders from individual tenants of the barony in 1283, 1389 and 1482 shows their remarkably static nature. A study of the area at the time of the Pilgrimage of Grace suggests that this continued into the sixteenth century. (30)

War under Edward II forced energy and expenditure out of accustomed channels. In addition to the negative evidence from taxation, there is the fact that no charters were granted for Cumbrian markets or fairs between 1310 and 1330. The direction taken is indicated instead by licence to crenellate. Whilst it was not sought at all under Edward I, three Cumbrians received permission to crenellate within a month of his death. Two licences were for sites near the Solway, one for the Cumberland-Westmorland border. In the key years of 1318 and 1322, two were granted for locations further into Cumberland. Numerous peel towers of the fourteenth century, some of which no doubt date from Edward II's

29) PRO, E199/46/3, SC6/1044/1; IPM 3, no.70; 5, no.533; St Bees, no.274, pp.514-5; Lucy Cartulary, nos.78, 239; T.Graham, 'Cornage and Drengage', CW 2, xxviii (1928), 78-95.

30) S.M.Harrison, The Pilgrimage of Grace in the Lake Counties 1536-37 (London, 1981), p.67; Ragg, 'Feoffees', figures corroborated by IPM 16, no.836.

reign, still survive where licence and other documentation do not.

(31)

Finally, comparison of two sets of accounts for Cockermouth, one for the years 1309-10, the other 1316-18, provide commentary on the extent to which the seigneurial economy suffered from the war, and the extent to which the continuing allure of land was economic, or social.

The first account contains no references to destruction. The second abounds in them. (32) Moreover, the auditors of the second account appear to have debated the sums due from Layburn; many figures were scored out with others substituted. His account for £2 12s. rent from the borough of Cockermouth, for instance, as well as the phrase 'et non plus hoc anno tam propter guerram Scotorum quam propter caristiam patrie', were deleted. Instead, was written

'et de xiis id oner' super comptum de eodem
redditum ut respons' sic fact' per comptus
Michaelis de Harcla anno xxvii regis Edwardi
avus regis nunc'.

At this stage the problem of determining the extent of war-damage involved accountant and auditor in considerable negotiation, as, no doubt, it had involved bargaining between tenant and accountant earlier. No such process left its mark on Curwen's account for 1309-10. Layburn, however, was emphatic in ascribing dire effects to the war. Perquisites of the borough court of Cockermouth between

31) CPR 1307-13, pp.8, 11; CPR 1317-21, p.189; J.F.Curwen, The Castles and Fortified Towers of Cumberland, Westmorland and Lancashire North of the Sands (Kendal, 1913), pp.188-90, 249-323; M.Vale, 'Seigneurial Fortification and Private War in Later Medieval Gascony', Gentry and Lesser Nobility in Late Medieval Europe, ed. M.Jones (Gloucester, 1986), pp.133-58.

32) PRO, E199/7/3, account rendered by Curwen in 1309-10; SC6/824/18, account rendered by Layburn 1316-18.

August and Michaelmas 1316 amounted to 18d. 'et non plus ... quia nulli alii accidebant ... propter guerram Scotorum'. In the year running from Michaelmas 1316 to Michaelmas 1317, the 'non plus' refrain was repeated constantly. The rent of the borough was not more 'tam propter guerram Scotorum quam propter caristiam patrie'. A fulling mill lay derelict without a tenant. The usual render of flour was not made because of the war. Toll in the borough came to four pounds and no more. Layburn did not account for the autumn services of eight selfodi in Crosby, or for anchorage in Allerdale, 'quia nulle naves applicuerunt ... propter guerram'. There were no receipts from agistment or herbage sold in the park 'quia animalia subtracta fuerunt de prata propter guerram'. In the year 1317-18 the money for the sale of hens and eggs in Broughton was not more because of the poverty of the tenants, the rent of bondage tenants in Papcastle not more because of war. Lands and tenements in Broughton lay 'frisce et inculta' in the lord's hand 'pro defectu tenentium per guerram'.

The story was not one of unmitigated woe, at least not for the recipient of the revenue. In four cases out of ten the sums accounted for in the second document were higher than those of 1309-10. For example, whereas Curwen accounted for £18 12s. 1d. from Broughton, Layburn accounted in 1316-17 for £27 0s. 10d. (Amended to £27 19s. 6d). He accounted for £7 13s. 1 1/2d. from Crosby as against Layburn's £8 9s. 4 1/2d., for 16s. 7d. from Inglewood, where Layburn accounted for £1 18s. 3d., amended to £2 5s. 3d. Some of the increases were very high - sources in Copeland had doubled. Some had fallen sharply, even after the figures were altered at the

audit. The audit adjustment could be crucial. £3 5s. 2 1/2d. was accounted for from Allerdale in the first account; in 1316-17 the sum was £2 19s. 8 1/2d., altered to £6 12s. 4 1/2d. A degree of expansion in the period between the two accounts is suggested by the existence of a new category in 1316, for revenue from the hamlet of Buttermere and vaccary of Gaitesgarth - £6 4s. 6d. for 1316-17.

The raids did not help the normal vicissitudes of agricultural income. Layburn's account for 1317-18 emphasized fluctuations in annual value, although there were again indications that exchequer auditors attempted to maintain an earlier level of payments - those of 1298-99. From the borough of Cockermouth he accounted for £20 15s., an increase of £1 3s. (Figure amended to £31 13s. 4d.) He accounted for less from the castle, for Broughton, Inglewood, Copeland and Derwent Fells, and although the auditors altered his figures, they also lowered their own. Both Layburn's and the auditors' figures for Bretby remained the same. The sum for Buttermere rose by 7d., and where Layburn's figure for Papcastle remained constant, the auditors' fell.

Detailed analysis of the sources of income making up the totals for the various locations adds further complexity. A number which the account for 1316-18 described as suffering from the war are in fact the same as in the account which has no reference to destruction. In other cases, such as the demise of demesne lands in Broughton, the pessimism of one year could be succeeded by a figure far exceeding that of 1309-10. Further to cloud the issue, individual sources of revenue which were actually affected by the war are not always a guide to the overall state of the seigneurial economy. The perquisites of borough court, rent of the borough,

farm of its fulling mill and flour render, all declined markedly between 1310 and 1318, a decline uncontested at audit in 1318. By comparison, the figure for the borough as a whole increased from £19 17s. 5d. in 1309-10, to £19 12s. 8d. or £31 13s. 2d. in 1316-17, and £20 15s. or £31 13s. 4d. in 1317-18. Although at Broughton the sum for hens and eggs fell, the total sum accounted for rose, from £18 12s. 1d. in 1309-10, to £27 0s. 10d. or £27 19s. 6d. in 1316-17., but fell in the next year to £15 0s. 11d. or £18 12s. 7d.

(33)

The general impression is one of instability engendered by war and aggravated by natural phenomena such as murrain. While Dr Miller has emphasized the ease with which a 'simple economy' can recover from devastation, it is also important to remember that the simpler the economy, the fewer its alternative sources of income and the more debilitating the immediate effects of any attack.

The operation of royal patronage was of great moment in this climate. The Anglo-Scottish war was less enticing than overseas campaigns, offering few lavish ransoms, lacking luxuriant goods for pillage. The March would not have encouraged the sybarite. The threat posed by war to agricultural life and landed prosperity might have been mitigated by royal bounty. Professor Holt's observation that 'medieval government was concerned before all else with managing men', has particular implications for the North of Edward II. So too do questions which he posed of King John's England.

33) The 1316-17 increase in borough revenues came from an increase in the farm of the mill, weights, brewing and toll.

'Who is profiting from office? Who is enjoying the king's favour and with what justification? ... so long as this small group did not seem too impenetrable or unbreakable ... then the government would work and the king's choice of officials pass with little challenge'.

Edward II could ill-afford to be divisive; the community at war would not easily withstand being undermined politically as well as economically. (34)

Time after time the inept way in which Edward dealt with his subjects becomes apparent. The example of the manor of Kirkby Moorside illustrates the point. Having ordered that it be granted to the heir of John Wake in his minority, a month later Edward was compelled to order its resumption and delivery to Italian merchants to whom its previous recipient had granted it. As the entry on the Close Roll explained, the grant to the merchants had been confirmed by the King, Edward 'having in forgetfulness' caused it to be bestowed elsewhere. Such amnesia did not sit well on a king.

In Cumberland, the manors of Bolton in Allerdale and Uldale, both forfeit on their owner's adherence to the enemy, passed among new owners with startling rapidity. In 1296 the seizure of the lands of Balliol's adherents included Alexander de Bonkill's manor of Uldale. On his death in 1300 his daughter and heir was living in Scotland, and did not receive seisin with her husband, the loyal David de Brechin, until 1304. Subsequently Bonkill's widow leased part of the manor to Alexander Steward, who died adhering to the enemy, the manor thus taken again into the king's hand. By May 1314 it had been granted to Edmund de Mauley. In January 1315 letters patent were issued - and surrendered - granting it to Robert de Layburn.

34) Miller, War in the North, p.8; Holt, Northerners, p.216.

Layburn, Anthony de Lucy, and Bonkill's widow all bid for it in the following years, offering to match or increase the rent paid by the others, exactly who leased it to whom, and when, never quite emerging into the light of day. (35) In November 1322, Edward sought to rectify the state of affairs pertaining since 1318, when he had granted the manor to Bartholomew de Badlesmere, despite an earlier assignment to Layburn. The manor of Bolton in Allerdale caused similar confusion, speeding between members of the Mowbray family, Thomas de Morham, Alexander Steward, John de Penrith and John de Saint John, as well as those interested in it under Edward I and Edward III. (36)

Instability of this sort appears to have fostered aggressive rivalry within the shires, quite apart from its pejorative implications for Edward's authority and the maintenance of order. The matter of appointments to the shrievalty of Cumberland, described in the last chapter, particularly highlights this, but there were other, less sensational instances of rifts widened by patronage.

The death of Helewise de Levington, lady of moieties of the baronies of Kirklington and Burgh by Sands, in 1272, unleashed a spate of quarrels which dragged on in the middle years of Edward II's reign. Under Edward I, the issue of the childless lady's heirs was complicated first by her husband, Eustace de Balliol's, claim that he ought to hold by courtesy of England, and

35) CCR 1313-18, pp.13, 22; CPR 1313-17, p.118; IPM 3, no.607; CDS 2, nos.736, 1594; 3, nos.685, 405, 798.

36) Rot.Parl. 1, pp.338; CDS 3, nos.794, 394, 759, 769; 2, nos.736, 1070, 1143; CChR 3, p.449; CPR 1292-1301, p.537.

secondly by the existence of two sets of heirs. Her paternal aunts and their offspring, were to succeed to the moiety of Kirklington; the heir to the moiety of Burgh was Thomas de Multon of Gilsland. Once Balliol's claims had been settled, division among the others soon became apparent. On Balliol's death in 1274 they complained of unfair partition of the land. Four years later the eyre accused some of their number of having given the sub-escheator douceurs to increase their share of the heritage and delay taking an inquisition. (37) The onset of war whetted the appetite of the family rivals. Helewise's aunts were of Scottish extraction; a number of their descendants were to forfeit their English estates. Eager for the pickings were, of course, their fellow co-parceners. In 1316 Edward granted Walter de Corry's share to two other heirs, one of whom, Kirkbride, informed the King that Brus had promised Corry all Kirkbride's share of Helewise's inheritance. (38) It is a story in which a private quarrel appears to have influenced national allegiance. Those soliciting royal favour had particularly bitter interests; Edward needed to tread with caution.

Infelicitous manipulation of royal patronage produced a number of instances of alienation within the shire. The Gaveston story, for example, had its sequel even this far from the scenes of Edward's thatching, digging and other unmajestic frolics. Gaveston had been given custody of land formerly held in dower by Joan, widow of John Wake of Liddel, and marriage of the heir. Although he surrendered them in 1309, marriage was regranted in 1312. His daughter and

37) IPM 1, no.811; CCR 1272-79, p.5; CFR 1271-1307, pp.2, 26, 27; Rot.Parl. 1, pp.10-12; CDS 2, nos.4, 35.

38) CDS 3, nos.501, 528.

heirress, Joan, was offered in marriage to Thomas Wake, who paid 1500 marks to refuse her, and to Thomas de Multon of Egremont, who accepted her for his heir, and was to receive an advance of 500 marks out of a total of £1000 for the match. (39) In May 1317 Thomas entered into a recognizance of debt of £10,000 to the King; at the same time a deed witnessing the marriage agreement was enrolled. A writ of privy seal issued in 1322-23 finally cancelled the recognizance. Perhaps the dowry palliated what must have been a politically embarrassing union; it is difficult to discover either Multon's reaction or whether anything more compelling than blandishments were involved. Although Multon did not transgress to an extent requiring pardon in any of the years of crisis, he did attend Lancaster's assembly of northern lords at Pontefract in 1321, and had been one of the majores barones of 1318, which things suggest a degree of dissatisfaction with Edward. (40)

Royal munificence towards Gaveston included, in 1310, a grant of the town of Penrith and appurtenant manors. These had been in the possession of the king of Scotland until the outbreak of war, and formed the most valuable forfeiture of war on the West March under the first three Edwards. Under Edward I, Penrith and the manor of Wark in Tyndale were extended at £368 16s. 8d. per annum. Before the land was assigned to Alexander II in 1242, it had formed part of the royal demesne in Cumberland, an appurtenance of Carlisle castle. Whereas under Edward I, both during the minority of the Maid of Norway and at the time of Balliol's forfeiture, the Northumberland

39) CCR 1313-18, p.468; CPR 1313-17, pp.21, 253; Comp. Peerage 12, Part 2; Fraser, NP, no.65.

40) Bridlington, p.61; CCR 1313-18, pp.468, 572.

estates of the king of Scots had been granted to Bek of Durham and his successors in the see, the liberty of Penrith had been granted for life only. Edward II had carte blanche. Moreover, Henry III's stipulation that the king of Scotland keep the land in demesne meant that the only competing claims were regal; there was no snarled web of subinfeudation. Given the paucity of royal demesne on the West March, it was a real windfall, which might have been used to create support among the local gentry. It was a pity to squander it on Gaveston. (41)

In June 1308 the castle, manor and honour of Cockermouth were injudiciously bestowed on the royal favourite - presumably part of Edward's provision for Gaveston's exile. Although the lands of the heir of the earl of Albemarle had been in the king's hand since 1274, and the dower of his widow since 1293, the Lucy family regarded them jealously. Together with the other prospective heirs, the Multons of Egremont, they had endeavoured to obtain justice for many years. Prone to litigation and tenacious of dynastic rights as they were, it is difficult to imagine that their reaction to Gaveston's custody was sanguine. Dilapidation on the Cockermouth estates was the least of their fears, faced with Edward II's vacillating policy by which numerous individuals received custody of the castle and manor. It says something for the strength of the accustomed bond of loyalty to the king that Anthony de Lucy did not rebel until 1322, when he received a pardon for opposition to the Despensers. The fate of Cockermouth under Edward II provides

41) CPR 1281-92, p.386; CDS 2, nos.691-2; M.F.Moore, The Lands of the Scottish Kings in England: The Honour of Huntingdon, The Liberty of Tyndale and the Honour of Penrith (London, 1915), pp.7-9, 83, 129.

further illustration of the way his patronage failed to bind its recipients to him, fostering rivalry and ill-will instead. (42)

The patronage of Edward I ran its course. He granted castle and honour to John de Saint John for life. On his death in 1302, it went to John de Kirkby, former remembrancer of the exchequer, for seven years, rendering £125 per annum. Stability was not the hallmark of Edward II's reign.

Gaveston's custody ended in August 1309, a month after the sentence of exile was reversed. He received *back* the earldom of Cornwall. The sheriff of Cumberland then accounted for castle and honour until 1310, during which time he was instructed to pay fifty marks out of Cockermonth receipts to the earl of Athol in aid of his expenses in keeping the March. In 1310 the castle and manor were granted to Robert de Layburn to the annual value of £130 until he received satisfaction in £1096 16s. 8 3/4d., wages for the time he had spent as constable of Ayr castle. The grant was cancelled, and a similar one issued in May 1314, but the latter had to be vacated, since Edmund de Mauley had also been granted the castle and honour, knights' fees and advowsons for life in April. (43) The grant of castle and honour to Thomas de Richmond in July 1314 for life, at 100 marks rent per annum, ushered in further confusion. An account covering the period 8 July to 30 November 1314, refers to Thomas as warden of the castle, nineteen esquires, ten crossbow-men and eighty

42) PRO, SC8/313/E58, 59; Fraser, *NP*, nos.91-2, 95-6; *Memo.Parl.*, nos.238-9; *Rot.Parl.Inediti*, pp.157-8; *CFR 1272-1307*, p.35; *CFR 1307-19*, pp.48, 76; *CPR 1321-24*, p.20.

43) *OChR 3*, p.131; *CCR 1307-13*, p.200; *CDS 3*, no.108; PRO, E199/7/3; *CPR 1313-17*, pp.102, 118.

archers serving under him; evidently the grant had taken effect. Meanwhile, despite an earlier assignment of this revenue to John de Mowbray, the King endeavoured to arrange an assignment on the issues of the manors of Penrith and Sowerby for Layburn, whom he now owed £600 for custody of Ayr and Cockermouth.

In 1316 Richmond was ordered to deliver castle and honour to the escheator; this was done on 15 July by his son. A reference to the castle in August reveals that it was still in the escheator's custody. On 20 August however, it was again committed to Layburn, this time during pleasure. He accounted until December 1318 when royal mandates again began to issue - this time in favour of Anthony de Lucy. (44)

Despite the precarious nature of patronage under Edward II, Layburn - and others - clearly believed it was worthwhile to importune the King for whatever prizes were available. Layburn had expressly asked for the issues of the manor of Cockermouth in part satisfaction of the debt for wages. While at the castle he had a position of authority which he exercised with rigour. In August 1317 he was ordered not to meddle further with the manors of Tallentire and Castlerigg, whether he had taken them into the king's hand because they were held of the manor of Cockermouth, or by virtue of appointment during minority to the custody of John de Derwentwater's lands. Derwentwater complained that he had been ejected from them only fifteen days after receiving seisin. (45)

44) CFR 1307-19, pp.203, 298, 386; CMI 2, nos.283, 297; CCR 1313-18, pp.275, 356, 505.

45) PRO, SC8/317/E288; CRO, Carlisle, D Lons L5, WO 3; CCR 1313-18, p.494; IPM 6, no.81.

The terms varied by which castles and land might be held, forming another reason to gain the royal ear, another cause for rivalry. Layburn's sojourn at Cockermouth represented payment in arrears for Scottish service; possibly the real bonus was the incidental ability to wield influence, noted above. Richmond paid rent; no such reference was made in the grant to Mauley. In 1317 an order went out to Layburn to keep the castle safely by ministers and sufficient men, as he ought in accordance with the annual fee received from the king. On the other hand, Lucy, in 1318, was to keep the castle at his own cost and answer for the issues at the exchequer. These were also the terms on which Harcla received it in 1319. It was a sphere for negotiation and competition. Just as Layburn had asked for Cockermouth earlier, so did Lucy. The grant of December 1318 was made 'at his request'. The grant to Harcla in the following April cannot have pleased him.

Harcla retained Cockermouth until his execution, after which, in a variety of senses, Lucy came into his own. In June 1323 he was granted the castle and honour of Cockermouth and the manor of Papcastle; yet four years later he was still at law petitioning for the return of the Fortibus inheritance. The prolonged royal custody meant the loss of perquisites from under-tenants, the need to consult with Crown appointees about estate management, and the chance that they would exploit Cockermouth for short-term economic gain. Even under Edward I there was cause for complaint. Thomas de Lucy and John de Saint John protested that the King's desire to assart in Allerdale was prejudicial to their interests - 'a la desheritaunce' of Lucy. Lucy also lamented that royal workmen had

felled his timber to build a peel tower at Dumfries. Potential patronage passed by - the right to appoint to foresterships in the Derwent fells, to present to the church of Dean. And most obviously, the delay in the opportunity to absorb the Fortibus estates into the dynastic maw must have rankled.

Although Edward had acted within his rights, his policy with regard to Cockermouth was unwise. Since, on occasion, custody of Cockermouth was granted with custody of Carlisle - to Lucy in 1318 and to Harcla in 1319 - it was, crediting the King with uncharacteristically-military aims, conceivable that this was an attempt to provide unified command against the enemy. (46) Whether or not this was so, it certainly raised the stakes - a dangerous pursuit for Edward and the March community alike. His dealings with the North as a whole were to be seen writ small in his disposal of Cockermouth. Problems encountered there were to be met time and time again elsewhere, turning on the issue of the local delegation of royal power, the latitude forced by practicality and local expectation. The importance of war, rendering the March a special case both economically and administratively, was seriously underestimated by the King. In the nadir of military fortune and Border economic life, partisan exercise of patronage needlessly antagonized men impatient for lordship.

46) PRO, E101/16/9, numbers Cockermouth among the king's castles on the fall of Harcla. CCR 1313-18, pp.305, 505; CFR 1307-19, pp.386, 396; CDS 3, no.411.

ii) Allegiance: The County Community In Action.

The war had already vexed the March with problems of allegiance, leadership, local autonomy and economic dislocation. Now Edward's contentious use of patronage was to aggravate further division within society. How would the gentry respond when confronted by domestic crisis? By ignoring all but military implications - thus putting it firmly in a local perspective? By uniting, the better to ensure defence? Or in obedience to other considerations, in which individualistic motives played a part?

J.E.Morris suggested that maladroit patronage with regard to custody of the Westmorland castles and shrievalty of Robert de Clifford, who died at Bannockburn, his son and heir a minor, so alienated the latter that it spurred him to rebellion at Boroughbridge. Closer examination of the facts suggests that the hypothesis requires considerable modification.

The proposition that Clifford was 'sore that he was not recognized as sheriff', resenting the office's discharge by deputy, overlooks two important elements. Firstly, it was quite normal for the office to be executed by deputies. Power to appoint was what was at issue - another case of disputed authority on the March - and Morris overestimated the number of royal appointees. Secondly, Clifford nominated his own sheriffs for at least two years before Boroughbridge, and, although still under age, had been granted the profits of two parts of the shrievalty in 1318.

Edward's treatment of the Clifford castles appears to have been uncharacteristically diplomatic; it is worth noting that this

diplomacy coincided with the period of Lancaster's ascendancy, from the parliament at York after Bannockburn, to the treaty of Leake in August 1318. In October 1314 custody of Appleby, Brougham, and Pendragon was granted to the earl of Warwick, Percy and Badlesmere, a triumvirate with which Robert de Clifford had close connections. Interestingly, their attorney was the ubiquitous Robert de Layburn. Brough was assigned to the widow in dower, but on her marriage without licence to Robert de Welle, dower was resumed into the king's hand. It was released on payment of the appropriate fine, in October 1316. Ralf Fitz William, baron of Greystoke, was ordered to cede to these custodians.

In July 1318, still a minor, Roger de Clifford received custody of his father's lands and castles in Westmorland for the 'sustenance and defence of the castles against the Scots', rendering nothing for them; for the lands of his inheritance in other shires he was to pay the annual extent. It was not an untactful concession by Edward, one not noted by Morris. It substantially qualifies his argument. Moreover, Clifford's relations with Welle, far from a Hamlet-like state of resentment, seem to have been quite cordial. The cause of Clifford's rebellion lay elsewhere. (47)

For all that it suited the leading men of the West March so to plead from time to time, they were not isolated from the rest of the kingdom. All the barons here - with the exception of the co-parceners of Kirklington - had estates outside the counties. Roger

47) CCR 1313-18, pp.117, 203, 367; CFR 1307-19, pp.212, 370-1, 378-9, 404; CPR 1317-21, p.433; Cal.Ch.Warrants, p.506; Morris, 'Military Levies', passim, refers to Idonea as a widow, although Cromwell lived until 1335. He also overlooks Welle's position as Clifford's step-father.

de Clifford, and his aunt's second husband, John de Cromwell, held land on the Welsh March, as, very briefly, did Andrew de Harcla. Wake of Liddel, Multon of Egremont, and Multon of Gilsland had East Anglian interests. The bishops of Carlisle showed a preference for Lincolnshire when the war was at its worst; some of their clerics even exchanged benefices for a change of air - and often a change of adversary. (48) The lord of Rydal sometimes styled himself 'Lancaster of Stanstead' by virtue of land acquired there by marriage.

Regional affairs became national concerns in a variety of ways. The dispersed nature of tenure meant that response to such political stimulus as unpopular patronage could manifest itself in unexpected quarters. A study of Bedfordshire gentry in the thirteenth and fourteenth centuries has suggested that they were little embroiled in political crisis under John and Henry III; its author believes this stemmed from a paucity of baronial connections. The baronage of the West March were small fry alongside a Warwick or Pembroke. After the creation of the earldom of Carlisle for Harcla, no comital estate was made out of West March lands until the reign of Richard II. But the baronial estates comprising March lands which existed before then distinguished these shires from one like Bedford. All were forces militating against insularity. (49)

48) CRO, Carlisle, DRC 1/1, fol. 180d, the exchange of a Cumberland living for one 'in loco tuto' in Lincolnshire; the reverse journey made to escape Rutland malefactors, fol.150, 242r, 248r; Halton 2, pp.99-100, 115-7.

49) CCR 1264-68, p.447; K.S.Naughton, The Gentry of Bedfordshire in the Thirteenth and Fourteenth Century, University of Leicester, Dept. of English Local History Occasional Papers, 3rd ser.,ii.

Edward II's patronage also militated against insularity; it bore Household influence to the heart of the provinces. Gaveston's gleanings have already been described. Others close to the King - in this sense 'national' figures - also had links with the North. Mauley, recipient of Uldale and Cockermonth, was steward of the Household, on whose information payments were made to the constable of Carlisle castle in 1322, and to the garrison of an unnamed Cumberland castle. In 1317 the lands forfeited by William de Carlisle for adherence to the Scots were granted to William de Montagu, himself now steward. John de Castre's curial connections have been mentioned above. (50)

In addition to his position during the minority of Roger de Clifford, Badlesmere was involved in the shires in other ways; in procuring a pardon for John de Penrith for the escape of prisoners from Appleby in 1317, and the grant to Penrith of waste in Inglewood. Like Mauley, Badlesmere had been granted Uldale; he demised it to Penrith. In many ways Badlesmere amply filled the role of the baron of Appleby, for his patronage of Penrith continued Clifford's. In 1317 he supplied information which prompted the assignment to Harcla of various sources of revenue in satisfaction of past wages. He was also involved in negotiations for truce on the Border.

Some Marchers had direct experience of what the author of the *Scalacronica* described as 'mauves governail dez ministres le roy, qi trop asprement lez governoient pur singuler profit'. Eleanor, widow

50) CDS 3, no.368; CCR 1307-13, pp.411, 419, 459; CPR 1313-17, pp.102, 118, 501-5; CPR 1321-24, pp.14, 26, 220, 231, 340; CChR 3, pp.361, 403.

of Thomas de Multon of Egremont, petitioned in 1327 with regard to her right to present to a church living in Ireland. She maintained that although she had acted as soon as she learnt of the vacancy, it had been filled at the procurement of individuals 'et surrepcionem curie'. The abbot of the Irish daughter house of Holme Cultram, on his way to visit the Cumberland foundation, alleged that he had been imprisoned and maltreated by the keeper of the Solway. Eventually despatched to Despenser, he had to cool his heels for another eighteen months before the King made his will known. Even Andrew de Harcla, whose brief career as earl coincided with the period of Despenser dominance, might have had cause to resent them; Tout, in the Dictionary of National Biography, suggested a quarrel with Hugh the elder at the York parliament of 1322. ^{The Historia Anglicana emphasizes} In 1320 Harcla, the earl of Harcla's long-standing dislike of the royal favourite. Angus, Henry de Beaumont, Mowbray and Clavering acknowledged a debt of £6000 to Pembroke, Badlesmere and the younger Despenser; the recognizance was cancelled on payment. Whatever it represented, it probably did not increase Harcla's esteem for those close to the King. (51)

John de Cromwell, a curialist involved in the North, came gravely to resent the influence of the Despensers. The nature of his relationship with the King was indicated by his position as steward of the Household and constable of the Tower of London. The Bridlington Chronicle describes Edward's flight after the Byland incident with the earl of Kent, the younger Despenser, John de Ros and Cromwell - 'sibi secretariis et familiaribus'. In 1316 he was

51) Scalacronica, p.140; Rot.Parl.Inediti, pp.145, 159; CCR 1318-23, p.220; CCR 1330-33, pp.22, 55; CPR 1307-13, p.195; DNB 8, p.1202; Thomae Walsingham, Quondam Monachi Sancti Albani, Historia Anglicana, ed. H.T. Riley, R.S. (2 vols, London, 1863-64) 1, p. 169.

one of Edward's messengers to the Pope, and served variously as keeper of forests this side Trent, admiral of the fleet, justice of oyer and terminer. Although he and his wife, Idonea, had ceded their part of the barony of Appleby to Clifford in 1308, they continued to maintain an influence in the shire, represented for example, by Roger and John de Burneside's service under Cromwell at Berwick in 1311-12, by Cromwell's patronage of the Augustinians of Penrith, and one William Engleys, whom he helped to establish on an estate at Highhead in Inglewood. (52) His asperity towards the Despensers, leading him ultimately to abandon Edward II's cause, was the product not of his interests in the North, however, but of those on the Welsh March and elsewhere.

These included Hope castle in Flint and a spell as custodian of the town and castle of Chepstow. He was removed from the latter in 1308 when Hugh Despenser was appointed. These interests placed him among the ranks of restive Welsh Marchers concerned by the younger Despenser's encroachments on parts of the former Clare lands in Wales and by the implications of the treatment of the lordship of Gower.

Cromwell did not desert his allegiance to Edward II at the time of the Despenser war; his defection occurred in 1326, when, having gone to France with the Queen, he ignored repeated injunctions to return. The order to take his lands and goods into the king's hand referred to his 'staying there in her company and urging her to stay, and what is worse, adhering to Roger de Mortimer of Wigmore,

52) PRO, E101/6/30, 9/23, 6/40; Bridlington, p.79; CPR 1313-17, pp.30, 422; CPR 1317-21, p.540; CPR 1324-27, p.3; CPR 1327-30, pp.470-1, 476; CPR 1330-34, p.469; CDS 3, Appendix 7.

the King's enemy'. In 1327 for his good service to Isabella, Cromwell was to receive custody of the Tower for five years; he was clearly in favour with the new regime. What then prompted his rebellion? The answer possibly lies in a number of settlements of Idonea's lands, with remainder to the Despensers. These, it was claimed on their annulment in 1331, had been made 'by force and duress'.

In 1315 Edward gave Cromwell and Idonea licence to grant eleven and a half knights' fees to Robert Baldock, then archdeacon of Middlesex, later keeper of the privy seal and chancellor. He was to regrant these for Idonea's life, with successive remainder to the younger, then the elder Despenser, finally the grandson and his heirs. In March 1321 both the younger Hugh and Cromwell appeared in Chancery for the recitation of deeds enrolled there. One was Hugh's grant of unspecified lands to Cromwell and Idonea, the others recognizances by which Cromwell was to receive the sums of £40,000 and £6,000 from the Despensers. Hugh the younger then offered Cromwell and Idonea the manor of Parlinton, Yorkshire, and another in Lincolnshire, on condition that if they exceeded the annual value of 136 marks, the surplus would come to him. If they failed to reach this value, he would satisfy them elsewhere. The advowsons of two Essex churches were dealt with on similar terms. The first recognizance had been made in the previous November and was ultimately cancelled on payment. Payment was acknowledged before the King and chancellor at York in July 1322. Cromwell's further embroilment with Despenser is suggested by his recognizance of a debt of £100 in December 1320. In July 1323 another settlement was made, by which Cromwell and Idonea were to enfeof Baldock of the

manor of Essenden, Rutland, with regrant for Idonea's life. As in the 1315 settlement, remainder was to the Despensers. A week later the younger Despenser received a quit-claim of the King's rights in the manor of Shaldeford, Surrey, and its advowson, which he held for life by demise of Emma, widow of Robert de Monte Alto, dower from her first husband. Part of the inheritance of Roger de Clifford, it would have reverted to Idonea because of his rebellion at Boroughbridge and subsequent forfeiture. The manors of Shaldeford and Essenden were specifically mentioned in the annulment of 1331.

(53)

Given that Cromwell's dubious relationship with the Despensers began well before the Welsh March coalition and the battle of Boroughbridge, it is perhaps surprising that his discontent did not manifest itself there. What follows, in an endeavour to explain this, must remain a hypothesis, but is perhaps worth exploring for the illumination it sheds on the way in which allegiance could be jeopardized by family rivalry, the desire to safeguard and acquire land. Conversely, such concerns could preserve loyalty when grievances would appear to dictate dissent.

The battle of Boroughbridge has interested historians of northern England because of its importance in thwarting a rendezvous with the Scots, and because of the confrontation it witnessed between Roger de Clifford, baron of Appleby, and his Westmerian undertenant, Andrew de Harcla, in his capacity as sheriff of Cumberland. It was both more and less than this, a drama with a cast whose interests

53) Rot.Scot. 1, pp.120, 211; CFR 1307-19, pp.3, 17; CFR 1319-27, pp.403, 407, 414; CFR 1327-37, p.26; CFR 1313-17, p.402; CFR 1321-24, pp.324, 326; CFR 1327-30, p.350; CFR 1330-34, pp.63, 440; IPM 7, no.559.

were not confined to the North, if an insular one in the sense that personal whims and regional ambitions prompted it. A northern battlefield it is true, but northern myopia risks obscuring that it was also the stormy culmination of opposition to Edward and the Despensers by Lancaster and the Welsh Marchers. The author of the Vita Edwardi stated that Clifford joined the Marchers because of the disherison of his mother, Maud, daughter of Thomas de Clare, procured by the younger Despenser. This, rather than the custody of his Westmorland heritage alienated him. Lancaster's interest in the North, it has been suggested, was minimal. Study of the Sherburn indenture has shown the extent to which his support derived from the North Midlands rather than the North, whilst Dr Maddicott has emphasized that his quarrel had 'too little universal interest and was too much concerned with specific (Welsh) Marcher grievances'. (54) The relationship of Clifford and Cromwell to each other at this time, and the influence which this had on their loyalty demonstrates that Lancaster and Clifford were not uncommon in having particularistic motives. Loyalty as much as rebellion might be determined by considerations with which the king had little to do.

A month before Boroughbridge, the order went out to the sheriffs of York, Nottingham and Derby to restore to Cromwell all lands which Roger de Clifford had 'occupied in warlike manner', which had come to Edward by virtue of his command that Clifford's lands be seized. What does this reveal about the relationship between the baron of

54) Clifford sealed the letter of the barons to the King, March 1310, and was among those prohibited from attending the Sherburn assembly, Maddicott, Lancaster, pp.112, 207, 297; Vita Edwardi, p.109; B.Wilkinson, 'The Sherburn Indenture and the Attack on the Despensers 1321', EHR, lxi (1948), 1-28.

Appleby and his aunt's second husband? Although a curialist, Cromwell had shown some sympathy to Edward's opponents. Clifford could not have numbered him among the most die-hard evil counsellors nor would attacking him directly further the anti-Despenser cause. Could it have been, therefore, that the allegiance of each was tempered by the knowledge that was one to forfeit, the other might succeed to the other moiety of the Vipont inheritance?

The two appeared in opposing constellations. Whilst Cromwell was identified, however unwillingly, with the King and Despensers, Clifford consorted with Robert de Welle, his step-father, and Badlesmere. During his visit to Rome in 1320, for example, he accompanied Badlesmere and left Welle as his attorney in England. Was it not that the closer the study of the kaleidoscopic associations of the individuals concerned, the less the meaning attaching to any such tag, Welle might also be described as a curialist. He supplied the place of the steward of the Household in 1324. In 1322 he and the younger Despenser obtained a pardon for John de Strickland of Westmorland. How are we to interpret Clifford's cordiality toward Welle and intolerance toward Cromwell, both identified with the King and enjoying royal favour? Or Welle's relationship with the truculent Clifford? Or with Badlesmere, the uneasy ally of the rebel barons and now a little de trop as far as Edward was concerned?

It is difficult to account for such inconsistency in terms of politics; it is difficult to explain at all without recourse to reasons of personality and self-interest. Was the mere presence of Clifford on one side sufficient to make Cromwell support the other, whatever his misgivings about the Despensers? Did Clifford's

identity as a Welsh Marcher count for more with him than his role as a northern baron? (55) The doubts which Maddicott casts on the allure of Lancaster's cause in the North; 'how strong an attraction was this grievance likely to have for northerners like Marmion and Fauconberg, who can never have had much influence at court or council?' have an element of truth, but baronial allegiance was an affair more ad hoc, less political, and perhaps less rational than might have been anticipated.

On the other hand, to say that Marmion and Fauconberg had little influence in the corridors of power is not to say that they did not have clear ideas about who should wield influence and the manner of its wielding. Edward's limitation of patronage to a select few, and the Despensers' monopoly of administration to which Dr Maddicott refers, have been shown to have had repercussions in the shires. If the baronial response was quixotic, what of their gentry tenants, for whom the operation of patronage within the shires was of particular importance?

The lists of pardons for adherence to rebel causes show that something had caused the Cumbrian gentry to take umbrage. Following Dr Maddicott's argument to its logical conclusion would leave a lot to explain in such flirtation with royal wrath - unless, perhaps, these men were the retainers of greater rebels. It will be argued that seigneurial influence was of great importance - even in its least formal manifestations. This was not only because of the extreme possibility of playing on gentry loyalty to produce armed

55) Lanercost, pp.233-4; CCR 1318-23, pp.416, 519; CFR 1317-21, p.433; CFR 1321-24, pp.127, 201, 210, 428; CDS 3, no.746; PW 2, ii, Appendix, pp.104-201.

rebellion. It was also because the disparate nature of the great estate provided a medium for the communication of news, information, criticism. The means by which the Robin Hood tales could journey through the country were also those by which grievances could spread. The jigsaw of seigneurial estates could do much to counter isolation. Cromwell, Clifford and men of their ilk with wide spheres of influence, were like conductors, through whom the crackles and electricity of events passed from one part of the kingdom to another. In a sense, therefore, their influence was part of the political education of the gentry, a formative influence for the county community in its fourteenth-century heyday.

How, then, did the county think of its king? What was its response to Edward's use of patronage? And on what grounds was its allegiance withdrawn? (56)

The March community continually put its faith in Edward, despite his inauspicious military record and the fact that his military patronage was as contradictory and ephemeral as his other dictates. His presence at the head of an army was frequently requested. In 1312-14 the lieges expostulated that 'nothing but the King's presence with the whole power of England' would suffice to deter the Scots. 'He must come himself with a strong force'. They craved lordship, a craving which took very traditional forms. Royal protection was sought to safeguard property, particularly in the years 1315-18 and 1322. G.L.Haskins' analysis of the presentation of petitions by

56) Maddicott, Lancaster, p.315; 'Thomas of Lancaster and Sir Robert Holland: A Study in Noble Patronage', EHR, lxxxvi (1971), 449-72; J.C.Holt, Robin Hood (London, 1983), pp.103-6; K.Sharpe, 'Crown, Parliament and Locality: Government and Communications in Early Stuart England', EHR, ci (1986), 321-51.

shire communities under Edward I suggested that Cumberland and Carlisle had a marked interest in this manner of gaining the royal ear. Continued readiness to petition and numerous instances of re-election to parliament under his son further indicate the accustomed direction of loyalty. Possibly the sojourn of the organs of government in York, together with northern venues for six of Edward's parliaments, helped to reinforce this mentality. (57)

There were few on the West March who looked for maintenance and confirmation of their rights to the power rivalling the English king. The Lanercost Chronicle emphasizes the Scots' determination to retain their patrimony, accusing those who joined the English of 'merely feigning, either because it was the stronger party or in order to save the lands they possessed in England', but there is little evidence of the reverse process. Walter de Corry, fairly typical at the start of the war in having interests on either side of the Border, was in a minority in turning to Robert Brus to maintain them, receiving both a grant of a greater share of the barony of Kirklington and knighthood from him at the siege of Carlisle. In matters of allegiance the Marchers looked south, not north.

Under Edward II, few Cumberland and Westmorland landholders rebelled by adhering to the Scots. Those roused by the domestic wrangling of the reign were very much more numerous. To suggest a dichotomy between domestic and foreign affairs in a Border area, or

57) PRO, SC1/42/18; CRO, Carlisle, DRC 1/1 fol.190d; CDS 3, no.799; CPR 1313-17, pp.220-2, 335, etc; G.L.Haskins, 'The Petitions of Representatives in the Parliaments of Edward I', EHR, liii (1938), 1-20; D.M.Broome, 'Exchequer Migration to York in the Thirteenth and Fourteenth Centuries', Essays in Medieval History Presented to T.F.Tout, ed. F.M.Powicke et al. (Manchester, 1925), pp.291-300.

when some of Lancaster's complaints involved the conduct of the war, is to introduce an element of artificiality. None the less, study of those moved to oppose Edward raises interesting questions about the criteria for successful kingship, and the degree to which foreign and internal affairs quickened the contemporary pulse. (58)

The number of West Marchers pardoned for opposition to Gaveston in 1313, to the Despensers in 1321 or for adherence to Lancaster in 1318, suggests at once the importance they attributed to Edward's exercise of government as manifested in the shires. In 1313 ten pardons were issued to prominent Westmerians, six to men from Cumberland, and two to scions of Cumberland families who combined interests here and in North Lonsdale. Including men of baronial rank adds to the list the barons of Appleby, Kendal, Wigton, and the heir to Greystoke. Of those pardoned in 1313, two Westmerians were also pardoned in 1321 and two Cumberland men in 1318. Otherwise different names occurred in the pardons of 1318: in total there were seven, possibly eight, from Westmorland; at least four, possibly as many as nine from Cumberland; one from north Lancashire. The preponderance of Westmerian rebels was slightly altered in 1321, when five were pardoned, as opposed to eight new Cumberland names. The Cumberland total included Lucy, lord of Cockermouth, and Wake of Liddel. Otherwise the cast since 1313 had been a non-baronial one. (59)

An examination of two phenomena will help ascertain the significance of this leavening of rebels. Firstly, their

58) Lanercost, p.195; CDS 2, nos.823, 1608; 3, nos.501, 528.

59) CPR 1317-21, pp.21, 229; CPR 1321-24, p.20.

TABLE 1. PARDONS ISSUED TO PROMINENT MARCHERS, 1313-21PARDONS, 1313

Westmorland: Nicholas and Robert de Layburn; Hugh de Lowther; Matthew de Redman; John Engleys; John and Roger de Burneside; John de Rossgill; Richard de Musgrave; Robert de Asby.

Cumberland: John de Harrington; Nicholas de Vipont; William and Ranulph de Dacre; Richard de Huddleston; John de Penrith.

Cumberland and North Lonsdale: Michael de Harrington; Edmund de Dacre.

Barons: Robert de Clifford; Marmaduke de Tweng; Robert, son of Ralf Fitz William; John de Wigton.

PARDONS, 1318

Westmorland: Andrew and John de Harcla; Ralf de Beetham; Richard de Preston; Walter de Strickland; Alexander de Windsor; William Engleys; possibly John de Lancaster - but there was more than one man of this name at this period.

Cumberland: John de Harrington; Walter de Twynham; Richard de Salkeld; Richard de Kirkbride. Possibly also Henry de Derwentwater; William de Vipont; Robert de Caldbeck; Walter de Melmorby; John, son of Robert de Vaux, whose names are suggestive.

Cumberland and North Lonsdale: Michael de Harrington.

PARDONS, 1321

Westmorland: John de Strickland; Robert and William Engleys; Hugh de Lowther; Roger de Burneside.

Cumberland: Robert de Bampton; John de Lamplugh; Walter de Kirkbride; Robert and Walter de Muncaster; John de Orton.

Barons: Thomas Wake; Anthony de Lucy.

There are obvious problems of classification in assigning men to one shire rather than another when their geographical interests so frequently ignored the county boundary. Hence the divisions made here are somewhat arbitrary.

geographical interests, to suggest the extent of their exposure to extra-comital influences, and thus the part these might have played in determining Marcher allegiance. Secondly, their status, to discover their prestige vis à vis king and local community. Were they malcontents excluded from patronage, an isolated handful of men, or did they represent a larger section of the king's lieges? The first inquiry will exclude baronial interests as these have already been shown to have been wide-ranging.

As regards land-holding, the interests of the rebels of 1312 were not all parochial. Engleys, Rossgill and possibly Roger de Burneside bent their energy on land in Westmorland, Vipont his on Cumberland. Ranulph de Dacre appeared in the role of landless heir-expectant, and John de Burneside as landless younger son. The others were not as confined. The Layburns, lords of Skelsmergh near Kendal, showed diversity. Robert was acquiring land in Lancashire, and whilst arranging a marriage between his daughter and the eldest son of Robert de la Vale of Northumberland in 1321-22, pledged his lands in Lancashire as security. Richard de Huddleston, who held during his father's lifetime part of Millom, south Cumberland, was ultimately the heir to Huddleston land in Yorkshire and Lancashire. Redman held land at Yealand Redmayne, north Lancashire. Lowther held in Yorkshire as well as in Cumberland and Westmorland. Robert de Asby held in Lincolnshire and Westmorland, John de Penrith in Northumberland, county Durham and Cumberland. (60)

The representatives of two families deriving their names from

60) CCR 1279-88, p.127; CCR 1288-96, pp.389, 405; CCR 1302-07, p.542; CCR 1318-23, pp.500-1, 552; IPM 5, no.501; 6, no.289; PW 1, pp.416, 420.

Cumberland - Dacre and Harrington - were expanding their interests outside that area. William de Dacre's marriage to Joan, daughter and heir of Benedict Gernet, had brought him lands in Lancashire and a position he actively sought to consolidate. In 1297, for example, he obtained custody of the manor of Aldingham for five years. His brother, Edmund, held in Lancashire and Yorkshire, petitioning the king for a market and fair on his Lancashire estates. John de Harrington, the heir of William de Cantsfield, had succeeded to Aldingham in the Furness peninsula, and was to acquire land in the surrounding area. In 1324 he and his brother were both summoned to Westminster as knights of Lancashire.

Thus while seven of the eighteen rebels were men so closely identified with the defence of the March they were ordered to stay on their lands, there to defend them against the Scots in 1309, ten of the fifteen who held land in 1313 also had interests outside Cumberland and Westmorland. (61)

Less tangible, less easy to quantify, was a host of associations representing wider circles. Among these, for example, was the contracting of debt. Hugh de Lowther owed money to Burnell, bishop of Bath and Wells, Roger de Burneside to Adam de Osgodby and Hamilton, dean of St Peter's, York. Important also was the lordship of Robert de Clifford and Thomas de Lancaster, dominant figures in the opposition to Gaveston. So too was the impact of war in sending men to serve under various leaders.

As baron of Appleby, Clifford was the overlord of Musgrave, Asby,

61) PRO, SC8/275/13719, C47/1/6, mm.28-9; IPM 6, no.574; 2, no.601; CCR 1279-88, p.403; CCR 1318-23, p.346; PW 2, ii, pp.392, 638; Furness, 1, ii, no.294.

Rossgill, Lowther, Dacre and Engleys. As sheriff of Westmorland he was in a position of authority over Layburn and the Burnesides, whilst his military commands gave him power in Cumberland and Lancashire surpassing the sheriffs'. Many served under him at Carlisle and elsewhere on the March. Vipont, Engleys, the Layburns, Wigton, Penrith, Musgrave, Redman, and Asby lost horses in his company and received protections at his instigation. Besides the bonds of tenure, administration and military service, there were other relationships entered on a voluntary basis. Engleys received from him an annual pension of five pounds drawn on the manor of Hert in the bishopric of Durham. Penrith received a pension from Clifford's land in Cumberland. Lowther was his attorney general.

(62)

Involvement in Lancashire drew others within Thomas of Lancaster's sphere of influence, notably the Harrington brothers, Nicholas de Layburn and William de Dacre, whom he retained. Edmund de Dacre was also connected with the earl, pillaging Leylandshire on his orders. It is possible that Robert de Layburn, who, with his brother, Nicholas, had been granted land in Cheshire by Lacy, earl of Lincoln, continued this association when Thomas inherited. Redman, too, came within the earl's orbit, as assessor of subsidy, knight of the shire, coroner and commissioner of array in Lancashire. Richard de Huddleston was involved in Lancashire, supervisor of array there in 1311. Both his father and uncle had been connected with Lacy; the uncle also was pardoned in 1313.

62) PRO, Just 1/131, m.13, E101/6/30, 6/39, 6/40; CCR 1288-96, pp.152, 317; CCR 1302-07, pp.355, 542; IPM 5, nos.533, 561.

Richard was heir to them both. (63)

Evidence provided by military service further emphasizes the extent to which the rebels of 1312 had horizons broader than Cumberland and Westmorland. For instance, serving under Bek at the battle of Falkirk in 1298, were William de Dacre and Matthew de Redman. Redman was sheriff of Dumfries and keeper of the castle there in 1303-4, serving under John de Botetourte. Edmund de Dacre went to Scotland with its treasurer, Eustace de Codesbache, in 1307, and was one of his executors in 1332. Huddleston fought under Warenne. Edward II's military appointments brought the earl of Angus, William Ros, Gilbert de Clare, John de Segrave and Humphrey de Bohun into contact with the West March in the years before 1313.

(64)

The influence of Clifford and Lancaster at a more informal level than the retinue, whilst impalpable, was not negligible, and no doubt affected the withdrawal of allegiance in 1312. The constant influx of nobles, prelates and administrators during the war, lamented by those who had to house and feed them, also militated against parochialism. (65)

Some of those pardoned had received recent patronage from Edward - grants of markets and fairs, free warren and the like. They were mundane enough concessions, normally the lubricant of relations

63) Tupling, Lancs, pp.40, 46, 62, 132-5; CCR 1313-18, pp.262; CPR 1317-21, p.237; Cal.Ch.Warrants, p.367; 'First Dunstable Roll', Coll. Top. Gen., iv (1837), p.61; G.A.Holmes, The Estates of the Higher Nobility in Fourteenth Century England (Cambridge, 1957), pp.140, 71.

64) CDS 4, nos.1796, 1802-3, Appendix 1, nos.2,4; PW 2, ii, pp.375, 379, 380, 391, 393.

65) IPM 5, no.533.

between the king and his people. Edmund de Dacre in 1309 had a charter of free warren at Heysham, market and fair in Rotherham. Tweng was granted a market and fair in Kendal, Clifford a market and fair in Severnstoke, Worcestershire. However, it is noticeable that whereas under Edward I, such grants were often made by the King on campaign in the North, under Edward II the place of patronage shifted south, with fewer West March recipients appearing on the Charter Rolls. John de Wigton's grant of market and fair at Melmerby was dated at Rose castle, the bishop of Carlisle's retreat; William de Pennington, John de Huddleston and Nicholas de Layburn's grants of free warren in their various demesne lands were dated at Linlithgow. William de Dacre's was dated at Dunfermline, Walter de Strickland's and Robert de Swinburn's at Carlisle. Edward I was not inaccessible to the strenuous knight, whose military service not only served to defend his lands, but might bring him into contact with his king and earn a reward to benefit his demesne. Strickland's charter of free warren was in token of his 'good service' in Scotland. (66)

In status, the rebels were drawn from a fairly homogenous group. Excluding bannerets, eight of those pardoned appear on the Parliamentary Roll of Arms of 1312, although the Roll is not exhaustive. Rossgill, for instance, was described as a knight in charters of the twelve-nineties, but does not appear on the Roll. Four others omitted in 1312 were summoned as knights to Westminster in 1324. (67)

66) CChR 2, p.489; 3, pp.22-3, 42, 101, 126, 130, 134; CPR 1307-13, p.115.

67) CRO, Carlisle, D Lons 15, 10 39, 43-5; PW 1, pp.410-20.

Two had served as sheriffs, three were later to do so. A Dacre and a Burneside had held such office in the last generation. Before 1313 five of their number had been knights of the shire: Lowther and Nicholas de Layburn for Westmorland - Layburn served twice; Wigton and Robert de Layburn for Cumberland - Wigton twice; Redman twice for Lancashire. They were particularly active in 1313. In September, the parliament immediately preceding the issue of pardons, Wigton and Layburn again served for Cumberland, Redman for Lancashire. In July, Edmund de Dacre had represented Lancashire, Redman and Nicholas de Layburn, Westmorland. Nor did their interest wane here.

Clearly they were men of a certain standing, able to command support within their home shires, strenuous knights. All but Rossgill, Musgrave, Asby and Vipont, were at the forefront of local administration, prominent representatives of their counties to the outside world. The issue of baronial influence among the Commons in parliament has customarily been approached from the perspective of the aristocracy. An examination of Lancaster's influence on the election of knights of the shire in Lancashire tells of his 'apparent indifference to the commons in parliament'. Writing in 1919, Gaillard Lapsley found 'no consistent attempt to secure the return of members favourable to the particular group or party that happened to dominate any given parliament' although 'the great lords' occasionally tried to secure the presence of their dependants for meetings of importance.

What the West March evidence of 1313 - returns to parliament and pardons alike - suggests, is the importance of the other half of the

equation. The Commons need not be packed nor the aristocracy manipulate overtly on a particular occasion, if the knights of the shire, cognizant of common interests, would spontaneously ally themselves with the 'great lords' - a possibility to which little attention has been paid.

Parallel with this hypothesis runs another, which attributes to the county representative and his electors greater consciousness of political events than that usually accorded them. Medieval politics after all, were less issues of principle than conflicts of personality. If their experience of the dominant characters of the day was perhaps not as great as that of the nobles and most influential curialists, the county gentry might none the less feel that the affairs of state touching all - whether or no approved by all - were matters which touched them directly. Pace Lapsley, who contended that 'there is no need, there is scarcely any room to suppose that such men were concerned with questions of national politics', there seems ample suggestion that men on the West March were thus preoccupied. (68)

Whether the area was the exception to prove Lapsley's theory, only further research will show. Given the gathering frequency with which the Commons were summoned from 1311, however, it would perhaps have been remarkable if his buzones did not feel increasingly called upon to ponder the state of the realm. Dr Saul's study of the Gloucestershire gentry of the fourteenth century concluded by emphasizing their 'increasing political self-consciousness' and the

68) E.Fox, 'The Parliamentary Representation of the County of Lancaster in the Reign of Edward II', (unpublished M.A.thesis, Univ. of Manchester, 1956), p.lxx; G.Lapsley, 'Knights of the Shire in the Parliaments of Edward II', EHR, xxxiv (1919), 25, 152ff.

interests they held in common with the magnates. Dr Maddicott, despite his dismissal of Lancaster's appeal on the ground that it concerned matters outside the ken of the majority, has recently written of the knowledge of national affairs in the localities, of the shires becoming 'politically minded'. As it is acknowledged that the Commons' acquaintance with the military incompetence of the expeditions of 1322-24 had political repercussions, it would seem logical to accept that experience of other facets of Edward II's rule motivated the county gentry. (69)

Comparison of those pardoned in 1313 with those pardoned in 1318 and 1321 tests these hypotheses. One point to note is the comparative infrequency of rebellion by the same individual - only Lowther, Roger de Burneside and the Harringtons rebelled twice. Death as much as judgement played a part here. Including the barons, seven of the twenty-two pardoned in 1313 were dead in 1318. The first rebels were more elderly men; those ^{pardoned in} 1318 were younger, several having only recently received seisin of their fathers' lands.

In contrast again, none of baronial status in Cumberland and Westmorland were ^{pardoned} in 1318. Death and politics help to explain this. On Wigton's death, Alexander de Bassenthwaite was appointed keeper until 1320, when livery was given to Wigton's daughter, Margaret. Three of her four husbands were later to try to fill the Wigton role as defender and leader, but in 1318 the barony was vacant. The barony of Greystoke had experienced two deaths in rapid succession, its incumbent a minor until 1320. Thomas de Milton of

69) G.Lapsley, 'Buzones', EHR, xlvii (1932), 177-94, 545-67; Saul, Knights and Esquires, pp.259-62; Maddicott, Lancaster, p.315.

Gilsland, who had died in 1314, was not to be officially replaced until October 1317, when Ranulph de Dacre and his new wife - Multon's daughter and heiress - were given seisin of his lands. Thomas Wake, although still a minor, was granted seisin of Liddel in 1317 at the request of his father-in-law, Henry of Lancaster. Grants of 1318 and 1319 gave Clifford seisin of his inheritance. If death had removed some who might have led opposition, it is possible that the timely admission of others into their inheritance did the same. (70)

In 1321, when pardons were issued following the sentence of exile against the Despensers, men of baronial rank again swelled the ranks of West March rebels. Anthony de Lucy and Thomas Wake were included in the pardon, whilst Multon of Egremont, Ralf of Greystoke and Marmaduke de Tweng had attended the assembly at Pontefract in May, Dacre that at Sherburn in June. (71)

Studying only those who were definitely connected with the counties, comparison of the landed interests of the later rebels reveals that seven of the eleven pardoned in 1318 held outside Cumberland and Westmorland, but only two of the thirteen pardoned in 1321 did so. The *earlier* rebels were predominantly from the south of the area, the barony of Kendal and its vicinity; those of 1321 from west Cumberland. (72)

The influence of local intrigue and lordship cannot be dismissed. It is possible to find links between the *earlier* rebels. A charter of

70) IPM 5, no.531; CCR 1318-23, p.257; Lanercost, p.205.

71) CDS 3, no.675; CCR 1313-18, p.413; CFR 1307-19, pp.370, 404.

72) PRO, Just 1/1364; IPM 6, nos.378, 313, 338, 561; 4, no.421; 1, no.697; CCR 1307-13, p.446.

1320, by which John de Harcla granted Walter de Strickland all his lands in Hackthorpe, near Lowther, numbers Windsor, Preston and Michael de Harrington among its eight witnesses. Of the eleven ~~parties~~ *parties* in 1318, five co-operated in this transaction. (73) Andrew de Harcla was active on Strickland's behalf during the latter's service under him on the March. He petitioned William Airmin against William de Tweng, who was bringing a writ to 'undo' Strickland's protection. Later, the little support Harcla managed to procure for his illicit diplomatic endeavours seemed to have a core in the Kendal region. The constable of Skipton castle in February 1323 increased his garrison from six men-at-arms and four hobelars to twenty-seven men-at-arms and forty-four foot soldiers 'because of the great peril that threatened when Andrew de Harcla took the homage of the men of Lonsdale and Kendale'. John de Harrington - 'a man of Furness parts' - persuaded Baldwin de Gynes to support Harcla. Roger de Burneside was on a similar quest. The presence of two Harcla brothers and a preponderance of south Lakeland men among the rebels was not perhaps coincidental; this was the era of Harcla's administrative and military pre-eminence. Complaints against him by the community of Cumberland, as well as the controversy over shrievalty and patronage, were at their height. (74)

The presence of Lucy, Wake and so many Cumberland names in 1321

73) CRO, Carlisle, D Lons L5, IO 98; Kendal, WD/D, Beetham, Preston, Windsor and Harcla's cousin later witnessed a Heversham charter; Lucy Cartulary, no.158, undated charter by Asby, rebel of 1312, to Harcla, witnessed by Strickland and Windsor.

74) PRO, SC1/36/69; Tupling, Lancs, pp.15, 19; CMR, p.151, no.961.

is not a little suggestive. The more so as the inquisition de bonis rebellium of 1323 - the goods pilfered mainly those of Andrew and Michael de Harcla and William le Blount - featured many of the rebels among the accused. Bampton, Orton, Lowther, Strickland were among them. William Engleys stood as pledge for Lowther. Bampton, accused of having taken silk, gold rings and money from Simon le Hunter, said in his defence that he had only a robe, which Lucy had given him. He was later to accompany Lucy to Ireland, one of those for whom Lucy obtained a protection in 1331. John de Lamplugh, a tenant of Multon of Egremont, had earlier received a protection to go to Ireland with him, and served under him on the Border in 1310.

(75)

The relationship of the Muncaster family, tenants of the honour of Cockermouth, with the Harcla family was somewhat tempestuous, their fortunes having intertwined over at least two generations. Isabel, widow of Robert de Muncaster, complained in 1324 that lands of her dower were in the king's hand because of the Harclas' forfeiture, her husband having given them to individuals who alienated them to John de Harcla. In 1331 a number of Muncasters were at law, alleging that a demise of land for a term of years to John had become disseisin. On the other hand, evidence of attacks and quarrels over the years shows that the Muncasters were no more pacific than the Harclas, a warning that if any community of interest existed among the rebels, it was highly fragile. John de Orton had cause to complain of Robert de Muncaster in 1344, as the

75) PRO, Just 1/142, m.1d; CPR 1301-07, p.337; CPR 1330-34, p.104; IPM 6, no.381; CCR 1318-23, p.454.

official of Carlisle had of his forebear in 1278. (76)

Of the three 'best men in the country' whom anonymous Marchers in 1319 alleged were thwarted by Andrew and John de Harcla, Kirkbride was *pardoned* in 1318, at the same time as the Harclas, Lucy : in 1321; Fitz William, ^{rebelled} not at all. It is possible that the chronology of the rebellion was fortuitous; e contra it may imply support judiciously lent and withdrawn by local factions. The recurrence of rebels from the same families might represent politic attempts to maintain favour with all sections of the king's lieges, lest a revolution in the status quo cause the family estates to suffer. It might have been instigated by rivalry rather than family loyalty, akin to the cynically-inspired allegiance among the Scots described in the Lanercost Chronicle. The jurors of an inquisition of 1306 with regard to the sale of custody of a Cumberland manor by one Nigel Cambel before he joined the enemy, were asked bluntly whether it was done 'ut per pecuniam quam pro custodia illa percipere deberet, eo potencius parti ... adheret'. (77) Such premeditated rebellion is worth remembering when we find John Engleys pardoned in 1313 and two of his kin in 1321; Richard de Kirkbride in 1318 and his younger son Walter in 1321 and 1322; one Burneside in 1321 and two in 1313; Roger's step-son, Windsor, in 1318. The withdrawal of allegiance could be a well-organized affair.

The issue of the pardons of 1321 on the testimony of Roger de Clifford, the adherence of three of the rebels of 1321 to him at Boroughbridge, again raises the question of Clifford-Harcla rancour.

76) PRO, Just 1/1404, m.31d; IPM 4, no.112; CFR 1272-1307, p.501.

77) PRO, Just 1/1308, m.8; 1/1404, m.39r; IPM 6, no.634; CFR 1343-45, p.387; Rot.Parl. 1, p.201.

It also reflects the problem of authority during the war; the king's commission to military officials ought to have sufficed as entree to the local community, yet it clearly did not. The spectre of regional self-determination stalked Harcla's failure to command support as much as it did his conclusion of peace with the Scots, although, paradoxically, his failure in 1323 would have looked very much like confrontation between outraged loyalty to Edward II and local autonomy become licence.

The status of those *pardoned in* 1318 and 1321 resembled those *pardoned in* 1313. Five of eleven of the 1318 group appear on the Parliamentary Roll of Arms. Five were summoned as knights, two as men-at-arms in 1324. Only two of the 1321 group appear on the Roll, although five were summoned as knights and three as men-at-arms in 1324.

Again, their families were those at the forefront of county administration. Lucy and Harcla had both been sheriff before they rebelled. Significantly neither chose to rebel while in office. Lucy was sheriff of Cumberland at the time of Harcla's pardon, and vice versa. Hugh de Lowther, however, was in office as sheriff of Westmorland at the time of his pardon. Two of those pardoned later became sheriff. None of those *pardoned in* 1318 served as knight of the shire that year. In 1321 both the representatives for Westmorland at the July parliament were to receive pardons in the following month. Two, possibly three, had served in parliament before 1318, one continued to serve later, another served de novo. Of the 1321 rebels, as many as five might have served before their pardon, one continued to serve after 1321, and four began such activity.

Finally, they were all militarily active, men who had experienced war on the Border and occasionally elsewhere. Among those defending Carlisle, c.1316, for instance, were Richard de Kirkbride, John de Lamplugh, and John de Harcla. Robert Engleys had been involved in levying men from Westmorland on a number of occasions. The Harclas, Bampton and Lamplugh had lost horses in 1314. Not conforming in all respects with Chaucer's ideal of the 'parfit gentil knyght', they had certainly seen their share of sieges and 'mortal batailles'. (78)

Despite the prominence of martial action in their lives, Harcla's appeal for their support for a cause based on purely military criteria fell on deaf ears. This belies the idea that Edward's short-comings in conducting the war were the only considerations determining Marcher allegiance. While Cumbrian gentry were prepared to incur royal enmity by aligning themselves behind baronial rebels Lancaster and Clifford - who were not without taint of treasonable collusion - they were not, it seems, prepared to dabble in Harcla's treasonable activity.

Allegiance was volatile. Only a year separated Harcla's resolute display of loyalty at Boroughbridge, fear that Lancaster would ally with the Scots apparently paramount, from his own execution for treason, a volte-face anticipating the way in which the bonds between Edward and his subjects fell apart in 1326. That they did not do so on a wider scale on the March in the first quarter of 1323, that there should have been reluctance to betray Edward despite his manifest failings, deserves further investigation.

78) PRO, C47/22/10, no.28; E101/14/15, m.2r; 15/2, 15/13, 17/31, 17/32, 14/15, 9/23; Rot.Scot. 1, p.89.

Harcla's attempt to come to terms with Brus represented complete abandonment of faith in Edward's authority and ability to govern. As the Lanercost Chronicle puts it, the 'earl of Carlisle perceived that the King ... neither knew how to rule his realm, nor was able to defend it'. It had taken a long time for the idealized picture of kingship, that which was protected by the notion of the evil counsellor, to be tarnished by reality. Neither Bannockburn, nor Scottish penetration deep into England had done it. Neither had Edward's over-sanguine response to pleas for aid from castellans, or pay from soldiers. In 1313 the community of Cumberland had 'stated the many evils which they have sustained from the Scots'. Edward replied by appointing keepers of the March and departing for Aquitaine, 'fully trusting in their allegiance'. On his return, 'which will be as soon as possible,' he promised he would 'take such measures as shall ensure the defence and tranquillity of the country'. Neither had Edward's constant alterations of military command - in contrast to the greater stability of Edward I's appointments - provoked immediate opposition. Clifford's appointment as captain and chief keeper of Scotland in August 1308, gave way to Segrave's in March 1309, his to Clifford's in December. Segrave was appointed again in April 1310, Valence in March 1313, with other appointments such as keeper of the March, captain of the Scottish army and lieutenant of Scotland ebbing and flowing the while. Writs de intendendo were constantly being sent to the sheriffs of the northern counties. (79)

79) Lanercost, pp.198-9, 241; Vita Edwardi, pp.48, 120; CPR 1307-13, pp.590-1; Rot.Scot. 1, p.66; PW 2, ii, pp.377, 380, 393, 424 etc.

Harcla's truce with the Scots was the culmination of a number of locally-organized acts of appeasement. Despite an earlier petition by the men of the March for leave to be at war or peace with the Scots as they saw fit, with the advice of the 'officers' of those parts, Harcla's action on this principle received little support from his fellows, the men who formed the backbone of shire administration. The Lanercost Chronicle exonerates him of the charge of treason, but few were prepared to join him, despite the recent fiasco at Byland - the Rubicon as far as Harcla was concerned. The 'chief men' of the earldom, meeting at Carlisle, 'more from fear than from any liking ... made him their oath that they would help him faithfully'. The same plea of coercion was made in the trial at Wigan, Baldwin de Gynes contending that he was persuaded 'against his will' to support Harcla. The jurors of Lancaster and Preston maintained that Robert de Layburn made them take the oath of support 'unlawfully and seditiously against the king's estate and to the king's injury'. Walter de Strickland, appointed to receive to the king's peace those of Harcla's accord, recited the case of Richard Bowet, 'du meynage iure et assentaut ... tout le temps qui il fuy enemy et rebelle noun sachant sa mauvaite'. A measure of scepticism must be accorded this emphasis on duress. Edward had, after all, heard that 'plusurs gentz de nos marches devers le North' were obedient to Harcla. (80) The bloody executions witnessed after Boroughbridge were likely to encourage

80) PRO, SC1/35/19A; Tupling, Lancs, pp.15, 17, 19; Bridlington, p.81; CDS 3, no.858.

others to protest their loyalty. (81)

Harcla's main support was not drawn from the ranks of the gentry. The evidence of both pardon and chronicle suggests that the lower in social standing, the greater the delight with which his act was met. The Lanercost Chronicle records that the poor rejoiced that the King of Scotland should possess his kingdom on such terms that they could live in peace, adding that although Harcla 'merited death according to the laws of kingdoms, his ... good intention may yet have saved him in the sight of God'. The poor were not able to save him from Edward's vengeance, promptly carried out by March gentry. Lucy, Lowther, Denton and Moresby took him at Carlisle castle on 25 February 1323.

The names of his supporters have to be searched for, unlike those of the rebels studied above. Strickland's commission brought only Bowet to peace. The Lanercost Chronicle describes the flight to Scotland of Michael de Harcla and William le Blount on hearing of Andrew's arrest, but names no other adherents.

Natalie Fryde's proposition that Harcla had 'a considerable following', had indeed supplanted the Cliffords as a result of effective military leadership, is based on the 1323 inquisition de bonis rebellium. Yet on the contrary, this emphasizes how few were the men of influence whose fates were bound up with his. The rebels mentioned here are his brother Michael, William le Blount, Nigel de Giggleswick - Harcla's esquire, William Smallwood, William Colpen, Gilbert, Simon le Hunter, Philip Scot, William de Lochmaben and Gilbert de Curwen. Of these, Harcla was a cleric, for adhering to

81) M.H.Keen, 'Treason Trials under the Law of Arms', TRHS, 5th ser., xii (1962), 85-105; Rot.Parl. 2, p.91.

whom two individuals were later pardoned; Blount, described in the Lanercost Chronicle as a knight of Scotland, came of a family holding at Blencogo 'time out of mind'. Their allegiance had already been questioned during the war. Lochmaben was to receive some of the lands Blount forfeited. Only Gilbert de Curwen came of a family of importance in local administration, one to which Harcla was related.

Also pardoned for adhering to Andrew were Ralph le Parker, John de Horworth, Robert le Brun and his son Richard, and Roger de Burton. Information in some of these cases only came to light years after the death of the protagonists. (82) Brun was summoned to Westminster in 1324 as a knight of Cumberland, his son as an esquire. The family held in north Cumberland and also had an interest in Westmorland. Brun's father had served as commissioner of array, knight of the shire and keeper of the March in Cumberland. Brun was himself to serve as sheriff 1325-27, and as knight of the shire. Burton, in 1323 the under-age heir to Burton in Kendal and land in Yorkshire, had taken knighthood by his death. These men, together with Harcla's brother-in-law, Layburn, and Burneside, whose support has already been described, were the most influential his cause could muster. (83)

It is possible that in 1323 Harcla was the stumbling-block. Unpopular, regarded as a parvenu, did he prevent wider support for

82) PRO, Just 1/142; Lanercost, pp.242-4; CPR 1356-68, pp.161-2; CPR 1343-45, p.236; CPR 1327-30, p.114; CPR 1317-21, p.448; CPR 1321-24, pp.130, 394; CMI 3, no.734; CFR 1354-60, p.646; Fryde, Tyranny, p.157.

83) IPM 4, no.92; 5, no.393; CPR 1301-07, p.501; CCR 1296-1302, p.538.

the cause of peace? The Scalacronica does not hesitate to attribute his downfall to pride; 'qi par orgoil voroit avoir chace le roy davoit hu peisee ove les Escocoz en autre maner qil estoit chargee'. Given the opposition engendered by Edward's creation of other earldoms - Cornwall for Gaveston, Winchester for the elder Despenser - Harcla's doubtless caused resentment, but his popularity even before his elevation to the peerage was not great. The accusations brought against Hugh the younger at Hereford in November 1326 included inducing the King to elevate Harcla - 'a manifest traitor'. Although this was rather post hoc, the connections of some of Harcla's supporters with the Scots raise some suspicions, as does the Bridlington Chronicle's allusion to Scots daring to loot Yorkshire after the Byland incident because they were in league with 'certain Englishmen'; Harcla 'vituperium non vitavit'. It might have been mere speculation; 'communis ... praesumptio fuit et vulgariter dicebatur', part of the almost ritual blackening of the character of a man guilty of other peccadilloes. It certainly illustrates 'quam frequens et subita magnatum mutatio' marvelled at

by the author of the Vita Edwardi. (84)

Harcla's unscrupulous wiles and presence at the forefront of aggressive rivalries within the shire made him enemies, although his detractors would have made as unsuitable candidates for canonization. His failure to arouse support indicates that the March sought something more than successful military leadership, for Harcla undoubtedly provided this - at the siege of Carlisle in 1315,

84) Scalacronica, p.149; Bridlington, p.82; Vita Edwardi, p.78.

for example. (85) The Marchers' petition, c.1319, that his commission be changed, presents the ironic spectacle of appeal to a king of no military renown against a soldier of proven worth. It is a petition suggesting division within the March community, to reinforce the conclusions drawn from the pardons of 1318 and 1321 - and the lack of them in 1323.

These things reveal the extent to which Harcla had not 'replaced his old lord, Roger de Clifford'. He was not numbered among the best men of the country. For all that he had apparently assumed the Clifford mantle, obtaining pardons and protections for men serving on the March, occupying the role of warden, occupying certain Clifford lands and castles after Boroughbridge, and routing rebels, he had failed to win March allegiance - particularly in Cumberland.

As Gaveston was resented among the nobility, so Harcla, whose position was about as auspicious as that of the despised 'humilem quondam armigerum', was resented in the North. The elevation of the 'miles de partibus borealibus', as the Vita Edwardi describes him, can only have galled his peers in the shires, given his earlier precedence in local administration and royal patronage. (86)

The fluctuating allegiance of the gentry and barons of the West March has implications for the constitutional historian. If baronial criteria for allegiance, juxtaposing patrimony and polity in this era of parliamentary origins, have been somewhat belittled, those of the gentry, on the evidence of the 1313 pardons in

85) Bridlington, p.84.

86) PRO, C260/34, no.5; CFM 2, no.527; Tupling, Lancs, pp.132-3; CPR 1321-24, p.130; Vita Edwardi, p.120.

particular, have been raised to a less parochial level. Dr Waugh's study of Gloucester and Herefordshire gentry posits that the North must have viewed the Despenser question as a regional, a western one. He suggests that no 'national sentiment' existed to compel knights and villagers from distant communities to enter a 'foreign' conflict. Long-dead sentiment is not easily laid bare; more readily revealed are the ties of lordship which cemented together various parts of the kingdom, so that Westmerians might follow the baron of Appleby into battle for a cause originating hundreds of miles from their home. In this way the microcosm touched the macrocosm. (87)

Harcla's cry 'non est qui populum defendit' expressed but one of the aspects of lordship sought by the county community. It was not a purely military phenomenon. Harcla gave leadership; the March would have none of it. Even he realized that the King's presence would have rallied the March as he could not. It was true in another sense also. Edward had raised Harcla and divided the community over which he was established. There was no one to defend the people because Edward's patronage had riven and alienated them.

For a curialist such as Cromwell, for a newly-elevated noble such as Harcla, for the lord of strategic frontier lands such as Clifford, to turn his back on the King was a sorry indictment of Edward's exercise of power. But in addition, the relations between the King and his subjects had been soured by injudicious royal patronage. The dislocation to the agricultural economy caused by

87) S.L.Waugh, 'The Profits of Violence: The Minor Gentry in the Rebellion of 1321-22 in Gloucestershire and Herefordshire', Speculum, lii (1977), 843-69.

war pushed back on to English soil, the lack of compensatory conquests in Scotland or war-forfeited estates in England, gave heightened significance to the most routine bequests. The Scalacronica's verdict on Edward - 'il fust compaignable trop as sez prives, as estrangis soley, et trop amast un soul persoun singulerement' suggests his failure and divisiveness as much in the shires as in Household or Chamber. (88)

88) Scalacronica, p.152.

- 5 -

Fortune: (i) : The Profits of War

Examination of the repercussions of Edward II's reign in Cumbria has suggested three things. It has emphasized the slings, arrows and outrageous fortune accompanying war. It has emphasized that the men of the county community were politically adept and geographically mobile. The next three chapters will give these matters closer consideration.

It is true that war wrought damage, but this was not the whole story. March petitioners put one side of the case; it was to their advantage to draw attention to destruction. They did not tell of the opportunities for advancement which war provided. This chapter will focus on war-inspired gain - paid service, military office, royal patronage and booty. The next chapters will attempt to rank these alongside other means of social assertion, the more traditional paths of royal and seigneurial service.

The composition of the county community did not remain static. New names appeared in unfamiliar places in the course of the fourteenth century. To what extent was war responsible for these developments? What other factors were involved? Did the structure of local society change, or did one family replace another to fill essentially the same role? What was the balance between outsiders - 'off comers' as they are vernacularly known in Furness today - and indigenous Cumbrian families? Did either social or geographical

mobility subvert hierarchies within the shire? Thus did war not only bring the community into being, but by integrating the North into the realm, bringing in outsiders, even by driving men from the area, did it also undermine common interests on which the community was founded?

i) The Scale of Gain

Farleigh castle in Somerset, substantially rebuilt in the fourteen-twenties by Sir Walter Hungerford from chivalric gains provided by the Hundred Years' War, eloquently testifies on behalf of what might be described as the 'Sir John Fastolf and the Profits of War' school. Even Professor Postan, who thought in terms of the costs of war as well as of its profits, held that wealth 'dissipated' by the Crown, but took a 'circular tour' to reappear in the coffers of aspiring soldiers of fortune, merchants and officials. (1) The general acknowledgement that England fared better than France at this time, simply by escaping the devastation suffered by any arena of medieval warfare, would not suggest that the Anglo-Scottish Border, where hostility was endemic, was an auspicious forum for the pursuit of wealth. Recently however, Dr Anthony Tuck has put forward the idea that war in the North, thoroughly shaking the social kaleidoscope, created its own nouveaux-riches.

Dr Tuck argues that war did not enervate the local economy to the extent hitherto believed. In his view, the wealth which left the

1) K.B.McFarlane, 'The Investment of Sir John Fastolf's Profits of War', TRHS, 5th ser., vii (1957), 91-116; M.M.Postan, 'The Costs of the Hundred Years War', P & P, xxvii (1964), 34-53.

area in the form of greatly reduced taxation, was more than outweighed by that flowing in as a result of the 'militarization' of the Border. He concludes that 'power and influence' thus came to lie not with 'the old landowning families of knightly or baronial rank', but in the manipulation of war. (2) This chapter will distinguish between the fortunes of the East and West March, to suggest that whereas war prompted social mobility in the East, this was not the case on the other side of the Border. The fifty-seven miles separating Carlisle and Newcastle were home to considerable diversity.

Contemporary sources at once alert us to the fact that war in the North was a very different affair from Continental campaigns. On his return from a raid into Galloway, a man told his lord that they 'haf don rycht wele' and promised to divide the spoils with him. What he was gloating over, however, 'nowt, schepe, hors and ky', reflected a quite different scale of expectations from those aroused by the Hundred Years' War. The Anonimale Chronicle describes a raid into Copeland 'pur praies de bestes prendre' in 1337, the Scots seeking vengeance for similar incursions made by the English. The 'grauntz praies' taken by the men of Cumberland and Westmorland that year, comprised cattle and provender. (3) The pickings of the Anglo-Scottish war were essentially agrarian - as were the rewards of theft in the North at the time. The parallel is important, for as the story of Johnny Armstrong, a Westmerian of ballad fame, makes plain, the cross-Border raid was but theft writ large. By either

2) Tuck, 'Northumbrian Society', 22-39; 'War and Society', 33-52.

3) 'The March Laws', ed. G.N.Neilson, Stair Soc., Miscellany I

means a man could prosper to a degree.

'He had nither lands nor rents coming in,
Yet he kept eight score men in his hall.'

But his profits and the world in which he held sway were altogether more bucolic than Fastolf's. (4) Unlike those who fought in France, the Northerners had to live permanently in the arena of battle, something which rendered their gain precarious; a case of robbing Peter only to lose to Paul. War on the Border had this internecine quality. It affected the permanence of gain.

Like theft, the profits of war were usually agrarian and frequently transient, redistributing wealth rather than creating it. In some cases the events of war simply magnified endemic disorder. The loss of goods to predatory fellow-countrymen suffered by those fleeing from the Scots in 1322, was war-inspired opportunism little different in kind from the official confiscation of Andrew de Harcla's goods in the following year. Robert de Layburn, in his capacity as sheriff of Lancaster, was found to have acquired a great deal of Robert de Holland's property which should have forfeited to the king. His haul included sixty haketons, thirty basinets, fifty pole-axes, and two gowns worked in fine linen. More of the same had been removed from Liverpool and Samlesbury. They were unusually rich pickings for the North. The list tails off into more commonplace goods - harrows, bridles, rope, grain - staples of northern pillage. (5) Harcla was also swift to act under cover of

(Edinburgh, 1971), p.42; The Anonimale Chronicle, ed. V.H.Galbraith (repr. edn, Manchester, 1970), pp.10-11.

4) English and Scottish Popular Ballads ... from the Collection of F.J.Child, ed. H.C.Sargent & G.Lyman Kittredge (London, 1905), no.169; Summerson, 'Crime', 116.

5) Tupling, Lancs, pp.132-3.

his office, confiscating the Cumbrian estates of Roger de Clifford's Skipton bailiff on the grounds that he had borne arms against Edward at Boroughbridge. It was subsequently found that he had left Clifford's service a year before the battle, and had not been involved in it. (6)

The examples of Harcla and Layburn demonstrate that manipulation of shire office in time of political disturbance was as good a way as any of accumulating spoils. Profits made at the expense of the enemy within were as desirable as - and sometimes more valuable than - those gained from the Scots. The fate of the goods of Harcla's adherents bore witness to this. Bernard le Pulter was found to have seized corn and wool belonging to William le Blount, John de Orton to have made off with a mare and 280 sheep. William de Farlam had sheep which had been in Andrew de Harcla's possession, although he maintained that Harcla had distrained him for them, so that he had merely recovered his own. John de Flixton, presented for taking a silver cup which had belonged to Harcla's brother, pleaded that he received it as payment for a year's service. The cup, a book purloined by a friar, and some arms, were the most exotic items removed. The rest - goats, sheep, wool, grain - reflected the nature of economic life in the area. (7) In time of peace or war, it was not the stuff to create castles like Farleigh. This is the economic perspective in which war in the North should be seen. It had similarities with activities which, like crime and the mulcting of domestic office, proceeded under the cover of hostilities, but

6) PRO, C260/34, no.5.

7) PRO, Just 1/142.

did not require it.

ii) Paid Service

It is appropriate to turn now to the opportunities for organized gain presented by military service. Most conspicuous of these was Crown payment, whether for actual service or for more organizational exploits. On one level, this involved the transfer of money from the royal coffers to men in the localities. Terms were specified, commonly two shillings per day to knights; one shilling to esquires and half that amount to hobelars; tuppence to archers; although the amounts occasionally varied. (8)

Thus the bishop of Carlisle undertook to serve on the March with two knights, thirty men-at-arms, twenty-seven esquires, and twenty archers at the customary rate, with restore of horses, in 1342. Anthony and Thomas de Lucy and Hugh de Lowther were among other West Marchers who entered into indentures with the king to serve. (9) As keeper of the whole March, the earl of Arundel in 1316 pledged himself to retain 100 mounted men-at-arms, with 300 more to serve at royal expense, receiving £3000 for wages and all costs except restore of horses. Those who served under him in Cumberland and Westmorland were William de Dacre and Anthony de Lucy with 130 men-at-arms, 200 hobelars and further forces in their 'own' peel towers at Naworth and Dummallard; Badlesmere with twelve men-at-arms and ten hobelars to garrison Brougham castle, thirty men-at-

8) PRO, E101/6/30, 15/13, 23/12.

9) PRO, E101/68/3, nos.50-2, 58.

arms and twenty hobelars to garrison Appleby castle; Robert de Tilliol with ten men-at-arms and thirty hobelars at the peel of Scaleby; Robert de Layburn with twelve men-at-arms and twenty hobelars at Cockermouth castle; Robert de Welle with fifteen men-at-arms and twenty hobelars at Brough castle. In December 1322 Lucy agreed to garrison Appleby with six men-at-arms and thirty hobelars at the king's wages, receiving four shillings per day himself, as befitted a banneret. (10) Such payments do indeed look like profits of war.

Scrutinized more closely, problems begin to appear. If soldiering was truly a tantalizing prospect, why, for example, should Richard le Brun have had to 'induce the ... men to come to the king by all the means that he shall deem fit' in 1301? Should Marchers not have rejoiced at the prospect of payment for warding the enemy from their land? Clearly military service was not a means of easy capitalization on a national quarrel. Andrew de Harcla in 1314 remonstrated that all the issues of his bailiwick did not suffice to pay his forces. Worse befell the king in 1343. Despite his orders to certain merchants to whom he had sold Yorkshire wool on the understanding they would pay Edward de Balliol, the bishop of Carlisle, and others on the March, they 'did their will therewith and refused to pay', with the result that the Scots found the March undefended and invaded. (11)

Payment was tardy for all the good intentions set out in indentures of service. At Appleby in 1322, Lucy was promised

10) PRO, E101/68/2, nos.37-9, 68/3, no.59.

11) CCR 1302-07, p.85; CCR 1343-46, p.87; CDS 3, no.82.

monthly payments, without which he was to be honourably acquitted of the custody after due notice to the king. At Cockermonth in 1336, Layburn was to receive wages in quarterly instalments, as was Thomas de Lucy for his custody of Carlisle in 1356. In 1379 William de Stapleton was to receive his fee for the castle at Christmas, Easter, the Nativity of John the Baptist and Michaelmas. His successor's fee was to be paid at the Nativity of the Baptist, All Saints, and the Annunciation. In 1381 the only stipulation made in the indenture of Richard Lescrope as warden of the West March and keeper of the castle, was that he should be paid before the end of his term of office. It was a nebulous undertaking which reflected reality more accurately than the spurious precision of earlier contracts. (12)

Clauses of release if payment was not made at the set terms were perhaps partly responsible for the Crown practice of making partial payments of the fees due. Arundel in 1316 was to be discharged on the fifteenth day after he had apprised the king of non-payment. John de Segrave, warden of Annandale, was to wait for forty days in 1310, and in 1354, William de Greystoke, if not paid within a month of the terms set, could abandon custody of Berwick after 'due notice'. That men did just that is borne out by the story of Edward III and the Yorkshire wool in 1343, and also by an ultimatum framed by various northern lords in 1346. This said that without speedy payment they 'neither could nor would stay longer'. (13) Whether or not it was intended to obviate such emergencies, the

12) PRO, E101/68/3, no.59, 20/41, 68/4, no.74, 68/8, nos.186, 189, 193.

13) PRO, E101/68/2, no.37, 68/31; CDS 3, nos.1577, 1463.

custom of dilatory, token payments by the Crown generally secured continuing service.

The royal never-never did not altogether appease men on the March, however. The constable of Alnwick castle petitioned for leave to account at the Wardrobe to ascertain the arrears due to his men in 1317, complaining that they had mostly withdrawn to the town, endangering the castle. Debts incurred under Edward II lingered a long while. In 1331 the executors of Alexander de Bassenthwaite's will were still waiting to receive £49 17s. 2d. due for service in the garrison of Carlisle, Ranulph de Dacre was still pressing for divers sums owed for service on the March and in Gascony, and the executor of Thomas de Richmond for £111 5s. as wages in the garrison of Cockermonth. (14)

But it was not only the length of time which they had to wait for payment to which men objected, it was also their piecemeal nature. Debts were whittled away, not paid at a stroke. Indentures promised advantage, but at an indefinite point in the future. In 1349 the bishop of Carlisle expostulated that after a year's sojourn on the March, he had only received wages for nine weeks, and two other payments. These did 'not amount to the third penny of the wages' due to him and his retinue of almost 100 men. The debts which Edward III had hoped to meet from the sale of wool in 1342-43 were for a quarter's service and other unspecified past service. The sums involved were large, and could only be partially supplied. (15) Robert de Clifford was to have £114 13s. for three knights and

14) Fraser, NP, nos.131, 138; CCR 1330-33, pp.362, 383, 432.

15) CCR 1349-54, p.50; Rot.Scot., pp.626-30.

seventeen esquires, and was also to receive £30 in part payment of other debts. Thomas de Rokeby was to have £72 16s. for himself, nine men-at-arms, nine esquires, ten archers, and £100 for other debts. Thomas Wake of Liddel was owed £100 2s. for service with his retinue, to be recouped from the sale of Cumbrian wool, half at the Nativity of John the Baptist, and half at Peter ad Vincula.

Payment was haphazard. If profits did accrue, they did so somewhat indeterminately. This was the nature of war finance, as common a characteristic of Edward I's reign and that of his grandson as it was of the conflict-ridden reign of Edward II. Late in 1305 Robert de Clifford reminded the king that £180 was in arrears of his fee for robes, wages, and recompense for horses for three years service in Scotland. It was not only Edward II's soldiers, like Robert de Layburn at Ayr castle, who had to plead poverty. Service on the March was capable of reducing even a cadet of the royal house to pathos. In 1412 John of Lancaster asserted that he had been obliged to coin his own silver plate in order to maintain his men, encumbering him in such debt that his good name - and credit - were in jeopardy. (16) Arrears mounted in this most administratively organized and best documented area of military finance, belying any equivalence of war service and easy prosperity.

Delay was inherent in the practice of payment by tally and assignment, methods which Professor J. Willard showed to have been highly expedient for the Crown. Although military exigencies from 1332 brought a change of policy, more cash then being despatched for the purchase of army supplies, Willard stipulated that the

16) CCR 1302-07, p.359; Rot.Scot., p.60; Chrimes, 'Letters', 3-27.

distinction between payment in cash and by assignment should not be exaggerated. Assignment was 'after all only a slower form of payment'. (17)

Such slowness, however, might have been very significant to the men of the North, their customary livelihood eroded by war. On 2 June 1342 one Robert Baker, a merchant of Leicester, was ordered to pay Thomas de Lucy various sums due for service in the North. The money was to come from the sale of Rutland and Warwickshire wool. Four days later he entered into a recognizance of debt, by which Lucy granted him longer to pay and smaller instalments.

Enforced patience of this nature meant that Cumbrians were increasingly forced into debt themselves. A feature of their recognizances, in the reign of Edward III especially, was the participation of a mercantile element, presumably to be attributed to the need for victuals and arms. Ranulph de Dacre acknowledged a number of debts to Florentine merchants from 1320 onwards. Henry de Lamplugh acknowledged one to a London cordwainer in 1321, Thomas Wake one to a London citizen and one to the Poles of Hull in 1327, and another to the Bardi in 1332. (18) Citizens of York and London were those most frequently involved. Although the acknowledgement by the bishop of Carlisle and Robert de Kirkoswald that they owed £210 to two London skinnners in 1338 was typical, there were also connections with Bristol and Norfolk. The debts of members of the

17) J.F. Willard, 'The Crown and its Creditors 1327-33', EHR, xlii (1927), 12-19; G.L. Harriss, 'Fictitious Loans', ECHR, 2nd ser., viii (1955-6), 187-92.

18) Rot.Scot., p.628; CCR 1341-43, p.356; CCR 1318-23, pp.222, 333, 378, 482; CCR 1327-30, pp.108, 201, 359, 368; CCR 1330-33, p.614.

Dacre family were particularly conspicuous. (19)

Indebtedness was undoubtedly a feature of seigneurial existence, the availability of credit a tribute to the sophistication of the economy. Dr Wright's study of the gentry of Derbyshire in the fifteenth century and Dr Saul's examination of knightly families in Sussex demonstrate the prevalence of debt. They also illustrate the difficulties in interpreting recognizances. Sussex knights who appeared to be acting as principals were in fact acting on behalf of their lords. What purported to be sales turned out to be debts. The evidence is enigmatic. The cause of debt is often impossible to determine, so too the outcome. Failure to cancel a recognizance does not necessarily mean the debt was never repaid; it may only indicate administrative inadequacy. (20)

None the less, it is difficult to reconcile the picture of credit-seeking gentry society on the West March with the hypothesis of war-inspired prosperity. If any were benefiting during these years, it was perhaps the clerics. A number of these seem to have had the means, or at least the fluidity of income, to bind men to them in debt. Master Michael de Harcla, to whom Thomas de Richmond owed £30 in 1316; the parson of Brigham, to whom Walter de Twynham owed 100 marks in 1317; and Walter de Kirkbride owed eleven and a half marks in 1318, exemplify the trend. It was not confined to the early years of the century; many later examples can be found. The names of some clerics recur frequently. Thomas de Burgh, Robert de Eaglesfield and William de Kirkby Stephen were three such. The sums

19) CCR 1330-33, pp.304, 414, 556; CCR 1333-37, pp.81, 489; CCR 1337-39, p.381; CCR 1341-43, p.111; CCR 1343-46, pp.230, 567; CCR 1346-49, p.588; CCR 1349-54, p.598; CCR 1360-64, p.397.

20) Wright, Derbyshire, pp.22-8; Saul, Sussex, pp.182-3.

involved could be large. Anthony de Lucy owed £500 to Eaglesfield and another in 1339; his son owed £80 to William de Kirkby Stephen in 1343. These individuals give an indication of the extent to which the clergy were the dominant creditors of the fourteenth-century West March community. (21)

iii) East and West

The figures which give the greatest weight to Dr Tuck's argument for prosperity are, as he admits, from the last two decades of the fourteenth century and the beginning of the next. They relate to the office of warden of the March. Under the first three Edwards, when the office was less developed, less lavish sums flowed north. Whereas early fifteenth-century kings and treasurers had to find thousands of pounds to accommodate their northern guardians, Matthew de Redman's annual fee in 1304 had been £60, and castles like Skipton and Cocker mouth had actually been rented out by the Crown in 1307 and 1314. (22) Office on the West March promised less than office in the East, even when the figures had begun to rise. The custody of Berwick was undertaken for 2000 marks by Neville in 1356, and for 1000 marks by Richard Tempest in 1350, the latter granted an additional annual payment of 200 marks if hostilities began. In contrast, Thomas de Lucy was given custody of Carlisle castle in 1357 for the sum of £65 per annum, and was abruptly discharged later in the year on commencement of a truce, 'whereby the king need not

21) CCR 1313-18, pp.429, 465, 615; CCR 1323-27, p.160; CCR 1327-30, p.543; CCR 1339-41, p.96; CCR 1343-46, p.256; CCR 1354-60, p.65.

22) CFR 1307-19, pp.6, 49, 203; CDS 4, no.1803.

incur such expenses upon the keeping of that castle'. (23) Other fees stood in similarly sharp relief to those for Cumberland and Westmorland. In 1352 John de Coupland was to have an annual fee of £500 for custody of Roxburgh, while in 1365 his widow received a lease of the castle and barony of Wark on Tweed for 200 marks per annum. Thomas de Ros of Kendal was due 300 marks per annum for custody of Annandale and Lochmaben castle. (24) To all appearances the stakes had gradually risen over the years. Close scrutiny of the fees proffered for custody of Carlisle castle, on the other hand, demonstrates that the organized rewards of military service fluctuated, and in the English West March at least, were somewhat paltry.

Custody of the castle and demesne lands was frequently entrusted to the sheriff in the period before the Anglo-Scottish war. Expenses were scrutinized on the Pipe Roll, although from 1246 the duty was rewarded with a tun of wine annually, which became a cash payment of £2 in aid of costs. In 1290 castle and demesne were annexed to the corpus comitatus and the sheriff obliged to find £55 2s. 11d. for them. J.L. Kirby's account of the custody before 1381 suggested that this figure left a surplus to pay for the custody. (25) Fourteenth-century accounts, however, suggest that the surplus was minimal, raising the possibility that custody per se was not greatly lucrative even before the onslaught of war.

23) CCR 1354-60, pp.351, 379, 381.

24) Rot.Scot., p.749; CCR 1364-68, p.182; CDS 3, no.170; 4, no.98.

25) J.L.Kirby, 'The Keeping of Carlisle Castle before 1381', CW 2, liv (1954), 131-9.

Ranulph de Dacre in 1334-35 accounted for £59 16s. 6d. from the demesne lands, pasture, fishery and perquisites of court. In 1328-29 Peter de Tilliol accounted for £62 3s. 8 1/4d. from the same sources, and £54 13s. 10d. in the following year. (26) During the war, custody of the county did not always coincide with custody of its major castle. Under Edward I, for example, Halton received custody during the shrievalty of William de Muncaster. The custodian was still responsible for finding £55 2s. 11d, although Halton was excused approximately £13 annually because of war damage. Supplementary payments were made to garrison the castle. In 1308 expenses of £30 1s. 4d. were claimed for the maintenance of four men-at-arms and ten archers for 164 days.

The Crown assigned money from various sources for the upkeep of the castle. Patently the farm paid for custody had ceased to suffice. In 1321 certain repairs were ordered, to be paid out of funds collected from a clerical Tenth in the diocese of York. Between March 1336 and March 1337, Edward III instructed the keeper to spend £84 5s. 8d. on repairs - at a time when the farm was £63 7s. 7 1/2d, and the keeper was granted an annual fee of ten marks in addition to the wages of a porter and watchman. (27) An inquisition of 1344 estimated that repairs in stone to the towers, battlements, and walls would cost £200, in timber to the hall, kitchen and other buildings 100 marks, and in lead to the roof £5, quite apart from those needed for the city fortifications. (28)

26) PRO, E101/18/40; E199/7/4.

27) CDS 3, no.40; CCR 1318-23, p.305; CCR 1333-37, pp.555, 600, 610, 621; CCR 1337-39, p.5.

28) CMI 2, no.1903.

Ad hoc royal payments had thus become the only way to finance the garrison and support the fabric. In time of war the farm of the demesne could not provide adequately for the keeper, let alone his military establishment. Given their ungenerous scale, it is open to doubt whether such payments enticed men into service at Carlisle, wrought chaos in the social hierarchy of the West March, or founded fortunes. The somewhat derisory ten mark fee offered to John de Glanton in 1335 certainly would not have allowed him to cultivate many social pretensions. If it was his major source of income, he would not even have been liable for distraint of knighthood. Glanton's appointment is significant in its implications for the application of Dr Tuck's hypothesis to the West March, for here indeed war had brought an outsider to a prominent military position, yet it suggests less the benefit to accrue from war, than the Crown's desire for minimal expenditure. There survives no indication that the Cumbrian gentry resented Glanton's appointment, but the experiment of entrusting the castle to an unknown off-comer was not repeated, which is perhaps illuminating in itself. Under Edward II something similar was attempted. Pendragon castle and Mallerstang Chase in Westmorland were entrusted to one Thomas de Snythwait in 1323-24, after Clifford's forfeiture. Snythwait was paid 6d per diem, the usual rate for an esquire. After this hour of glory he returned to the short and simple annals whence he must have sprung, otherwise a completely obscure character.

Subsequent appointments to Carlisle recorded on the Fine Roll refer to the keeper receiving the 'usual' fee and his rendering the 'usual' farm at the exchequer. (29) In 1356-57 it recorded for the

29) CFR 1337-47, pp.78-9, 363, 441; CFR 1347-56, pp.229, 408-9.

first time the existence of indentures of custody. The sums involved were not princely. Thomas de Lucy's indenture of January 1356 obliged him to maintain sixty men-at-arms and eighty archers in castle and town for half a year, in return for customary wages and regard. In December 1357, as already mentioned, his fee in time of war, £65 per annum to be received from the profits of the castle demesnes, was cancelled. Whilst William de Windsor contracted to serve during his shrievalty for an annual fee of 1000 marks in 1366, it was a peak not to be reached again for some years. (30)

The exact number of men to be retained was not stipulated in the next surviving indenture. By this, William de Stapleton, esquire, undertook custody in 1379 - time of truce - for £40 per annum and the wages of a porter. Possibly the lack of definition - 'son hostel et sa mesnee' - gave him some scope for manipulation and profit, whereas arrangements earlier in the century had not. Dr Tuck comments that adherence to the terms of warden and castle indentures would have permitted few such prospects (31); but then this was not their intention. In 1380, at the start of Matthew de Redman's custody, it was arranged that he should receive £60 per annum. The indenture of Richard Lescrope in 1381 again returned to the formula of customary wages. In 1383-84, on the other hand, Robert Parvyng received custody for 400 marks per annum, the total he was eventually due apportioned at a daily rate and amounting to £57 17s. 6d. Lescrope's era, however, marked a turning point in

30) CFR 1356-68, p.25; CCR 1354-60, p.380; PRO, E101/68/4, no.74, 29/22.

31) PRO, E101/68/8, no.186; Tuck, 'War and Society', 44.

custodial history. From this time custody was generally accorded to the warden of the West March. It is perhaps to this period, not earlier, that the state of affairs in the North described by Dr Tuck pertained in Cumberland and Westmorland. (32) Until then, military office in the counties was an uncertain means to prosperity. Service within the two counties not only received less reward than service in the East, it was also expected to be at least partially self-financing, as Robert de Welle at Brough, and John de Halton at Carlisle had discovered. It has also been emphasized that although as far as the king was concerned, the cost of defending the North decreased from the mid-fourteenth century, he 'by no means bore the whole burden of war'. War thus diminished resources by more insidious means than the devastation of land.

There are indications that service outside their home counties exercised some attractions for Cumbrians. In 1296 Robert de Johnby was to be found acting as the bailiff of Dumfries, John de Huddleston as keeper of Galloway and neighbouring castles, Henry de Malton as seneschal of Annandale in 1299, (33) involvement with southern Scotland which continued a natural Cumbrian orientation. Participation in the military administration of Scotland assumed that all was well with the English war-effort. When war was pushed back on to English soil, the king and his subjects lost a reserve of patronage. Only Layburn, beleaguered at Ayr castle in 1309, lone member of the Cumbrian gentry, appears to have held office in

32) PRO, E101/68/8, no.193; E199/7/11, m.9.

33) CDS 2, no.1115; Rot.Scot., pp.7, 24, 46, 66; Campbell, 'England, Scotland and the Hundred Years War', pp.194-5.

Scotland under Edward II. The reign of Edward III was more propitious. William Engleys was constable of Lochmaben castle in 1333, entitled to receive £100 from the issues of its lands, Peter de Tilliol was sheriff of Dumfries and keeper of its castle. Anthony de Lucy served as keeper of Berwick in 1334. Similar posts were filled by West Marchers later in the reign. Thomas de Musgrave was keeper of Berwick, William de Dacre sheriff of Dumfries in 1347, John de Denton keeper of Lochmaben castle and Annandale in 1362. The subordination of Scotland provided opportunities other than military. Lucy was appointed as justiciar of all Edward III's Scottish lands, Thomas de Burgh as chamberlain of Berwick in 1335, Thomas de Musgrave as one of two justiciars appointed in Berwick and Roxburghshire in 1347. (34)

The terms varied by which such office was held, but on the whole they contrasted favourably with those in Cumberland and Westmorland. In 1346 an indenture drawn up between Richard de Thirlwall and the attorneys of the earl of Northampton about custody of Lochmaben castle, promised Thirlwall £266 3s. 4d. per annum for all costs. The food to be given to the earl's servants, ransom of captives, cost of repairs, fishing and forage rights were scrupulously elaborated. The same conditions were maintained in an indenture of 1364, but the fee was reduced to £200, at which level it remained until 1371. Stapleton's indenture in this year promised only 250 marks, although it was to be doubled if open war broke out. Thomas de Rokeby's custody of Edinburgh and Stirling castles in 1338 was to bring him the 'accustomed wages of war'. As he cannot have

34) Rot.Scot., pp.263, 271, 274, 384, 391, 488, 684, 861.

served personally in both places at once, his career has a tinge of the entrepreneurial military sub-contractor about it. (35) Thomas de Musgrave's second term as keeper of Berwick, which began in 1373, brought him 400 marks per annum. This contrasts with the fee of £500 granted to Richard Tempest in 1362, and John de Coupland in 1358, or, amalgamated with custody of the East March, £5000 in time of war, and £2500 in time of truce, promised to Henry Percy in 1380. (36)

The variety of fees, determined not only by the state of hostilities, but also by the status of the keeper, is another factor which warns against the automatic identification of paid military service with prosperity. The organization of war militated against capital accumulation in many ways - particularly in the delay between service and payment. In his study of military service in Cheshire in the late Middle Ages, Dr P.Morgan suggests that payment received from the Crown was 'seldom a critical determinant in the attractiveness of war' for precisely this reason. Moreover, the fact that payment was often in victuals, kind rather than cash, further emphasizes the extent to which neither the relationship between the Crown and its armies, nor the nature of war, was primarily financial. An indenture for Stirling and Edinburgh castles provided that the keeper should have 'payment for his wages in money and in victuals from quarter to quarter', while the passions unleashed among the civilian and military populace by the

35) PRO E101/32/27; CDS 3, no.1459; 4, nos. 109, 144, 161, 178; CCR 1337-39, p.452.

36) PRO, E101/33/7; CDS 4, nos. 19, 69, 208, 296.

issue of provisioning generally, were described earlier. (37) War was not solely a matter of profit.

iv) Royal Patronage

If positions of military authority under the first three Edwards in Cumberland and Westmorland did not provide lavish rewards, what of patronage, another means by which the king recognized loyal service? Again the success or failure of the war-effort helped to determine the scale of reward. Edward I's conquests enabled him to be more generous than his son. Robert de Clifford and Adam de Swinburn received Scottish lands from him. It is also noticeable that the everyday bread and butter of royal patronage, grants of free warren, charters of inspeximus and the like, were issued from Scotland, no doubt giving Cumbrians an additional incentive to serve. Under the unmartial Edward II, the place of patronage moved south, as noted above. Fewer Border charters were issued. In the less lean thirteen-thirties and thirteen-forties a handful of men came within Edward Balliol's orbit. In 1324 he granted to Ranulph de Dacre the Scottish lands of Roger de Kirkpatrick and Humphrey de Boys. John de Orton received the lands of John de Lindsey of Walchope, Richard de Kirkbride those of William de Somerville, and William de Stapleton those of two other unfortunates. (38)

37) P.J.Morgan, 'Military Service in Late Medieval Cheshire 1277-1403' (unpublished Ph.D. thesis, Univ. of London, 1983), pp.187-8; CCR 1337-39, p.555.

38) PRO, E101/10/10, 9/16; CChR 3, pp.22-3, 42, 45-6, 126, 130, 442, etc; R.C.Reid, 'Edward de Balliol', TIDGNHAS, 3rd ser., xxxv(1956-7), 38-63; Rot.Scot., pp.294, 710, 723, 728.

Even this largesse poses problems for the hypothesis that war provided compensation on a scale sufficient to undermine the social structure of the North. Grants of land in Scotland were politically adroit, committing the recipient to maintain hostilities against rival national claimants; Orton and Kirkbride both found themselves embroiled with competitors against whom they had to assert English authority. But their gain was not unequivocal; neither did it raise them from the dust. Like the others patronized by Balliol, their families had abounded on Cumbrian administrative commissions and in local witness lists for the last century and a half at least.

The importance of royal patronage, as the events of Edward II's reign demonstrated, should not be decried. The Skipton estates granted to Robert de Clifford for life in 1310, with regrant in fee in 1311, came to form a valuable nucleus of his lands. On his death in 1314 he held eleven and a half fees in Yorkshire, in comparison with four in Westmorland and three and a half in Hereford and Worcester, although the Yorkshire fees were not, strictly speaking, profits of war; neither were they on the March. Clifford also fared well as a result of confiscations, receiving Brus lands in the bishopric of Durham, the income from which he used to retain the Westmerian, John Engleys. (39) The interminable wrangling over the manors of Bolton in Allerdale and Uldale suggests men's eagerness for patronage, but it was not such dramatic stuff that it founded West March fortunes. Rather it entrenched the position of families already established, like the Cliffords and the Lucy family.

39) IPM 5, no.533; CPR 1307-13, pp.220, 408; CCR 1318-23, p.262; CFR 1307-19, p.246.

It was patronage - as opposed to any systematic exploitation of war - which produced some of the greatest windfalls, as Clifford and Harcla's good fortune testifies. Moreover, Harcla's earldom, the reward for confounding Thomas of Lancaster, not the Scots, is a reminder that such royal bounty did not depend on war. Royal patronage was always something to be courted and won. It brought the Cliffords to Appleby as a result of civil war under Henry III. It is thus not entirely appropriate to regard it as one of the profits of war, especially given that it would have had greater value had it not had to be set against the destruction of war.

Chance and derring-do first attracted attention to one Northerner who prospered as a result of war; royal munificence crowned his efforts. Thomas de Rokeby, later distinguished as 'the Uncle', to separate him from his brother Robert's son, was in September 1327 granted an annuity of £100 per annum for life, which the young Edward III had promised to the man who would bring him within sight of the enemy. He was knighted there and then. Without this stroke of good fortune, it is unlikely he would have attained the positions which he held subsequently.

The Dictionary of National Biography suggests that he was the son of one Thomas de Rokeby who died in 1318, but a plea of 1327 concerning the manor of Kaber, which Thomas the Uncle came to hold, referred to him as the son of Alexander de Rokeby. Kirkby's Quest recorded that Alexander held three carucates in Rokeby, and other land in Mortham in the wapentake of Gilling West, in the North Riding of Yorkshire. The inquisition post mortem of Brian Fitz Alan in 1317 stated that Robert de Rokeby then held this land. When

Thomas caught the King's attention in 1327, he was an esquire, probably Robert's younger brother. Not of the meanest of backgrounds, but his family was not eminent in Yorkshire society or administration. (40)

Edward III's annuity, to be converted into land and rent of equivalent value, ultimately conferred on him land in Kent, Lincolnshire, Yorkshire, and in the West March; Carleton and Thornhead in Cumberland, Kaber, Nateby, Wharton, Winton, Sleagill, Crackenthorp, and ironically, Rookby, in Westmorland. The latter were mostly Clifford estates, some of which had come to the king's hand by the forfeiture of the Harclas. In the West March, Rokeby was far more the parvenu than the Harcla brothers. Despite his insertion into the landed society of the West March, his position there was somewhat ambiguous.

He was to be found in the thick of some local activities, among witnesses of charters of Richard de Musgrave in the thirties and thirties and thirties, and one concerning Lucy estates in 1348. His family had mustered sufficient reputation to be deemed worthy of a marriage alliance with the Cumberland gentry family of Tilliol of Scaleby. Thomas 'le Cosyn' - whichever of the two this was - represented Cumberland as knight of the shire in 1354. However, suspicion is aroused that he lacked acceptance on the West March, and the assertion this would have given him. (41) He did not

40) CDS 3, no.936; CCR 1330-33, p.402, 416; IPM 5, no.533; 6, no.49; DNB 17, p.152; Placita de Banco 1327-28, List and Index Soc. 32, p.698; The Survey of the County of York, taken by John de Kirkby, commonly known as Kirkby's Inquest, Surtees Society xlix (Durham, 1867), pp.165-7.

41) CRO, Carlisle, D Mus, Soulby, S 10, 32, H 43; DRC 1/2, fol. 6d; Lucy Cartulary, no.57.

exercise in either county the authority of a Harcla, nor even approximate the influence Thomas de Musgrave wielded in the thirteen-forties and thirteen-fifties. This cannot be explained away simply as indifference to the cursus honorum of county administration. He did hold such office - in Yorkshire.

It was in Yorkshire that he served as sheriff in the middle years of the century, the first of his family to do so. He acted as escheator and commissioner of array, and he contracted debts in the county. The military posts with which the Crown entrusted him reflected the same pattern. He was warden of the East March in 1346, captain of Stirling castle from 1336 and Edinburgh from 1338, and was one of those ordered to muster at Newcastle rather than Carlisle. (42)

It is difficult to distinguish between cause and effect here. Perhaps Crown patronage prompted indifference to Westmorland, rather than his inability to assert himself there. Certainly Rokeby appears to have been compelled toward the centre of events. He appeared on the field at Neville's Cross, as David Brus' gaoler and escort to London, and was later justiciar of Ireland. Compared with these scenes of activity he perhaps found the West March less alluring, less open to chivalric enterprise. The events of 1346-47 in Yorkshire, on the other hand, brought him an annuity of 200 marks and the dignity of a banneret; his justiciarship also had its rewards. (43) The suggestion that he, like Harcla, found West March

42) PRO, SC1/39/52, 517, 532, 653; E101/68/3, no.53; Rot.Scot., pp.328, 517, 532, 653; CCR 1354-60, p.231.

43) PRO, E101/242/14; CCR 1343-46, pp.133-4, 178.

society - particularly Westmorland society - difficult to enter, and the implications of his preference for other spheres of military activity, make a significant distinction between the effects of war on the two sides of the Scottish March. In the West, even royal patronage, which prospered Robert de Clifford, Andrew de Harcla, and Thomas de Rokeby, failed to upset the social hierarchy. In the East, the Percies' grasp on Alnwick, the baronies of Warkworth, Rothbury, Newburn, and March, did, as Dr Tuck declares, demonstrate the arrival of a new power in the North.

v) Casual Incidents of War

There remains the incalculable element - war as a game of chance, a lottery, in which fortune might be wooed. Thomas de Rokeby's success in 1327 had this flavour. Thus Andrew de Harcla was assigned 1000 marks for capturing John de Morreve and Robert Barde in 1315, albeit so arranged that he should receive payment within eight years, and despite the fact that he had to employ a 'considerable sum' thereof for his own ransom in the same year. (44) Chance brought Thomas de Lucy 700 marks for the capture of Dougal MacDowell and his eldest son at the peel of Estholme in Galloway in 1346. It gave Sir Roger Kirkpatrick and his son into the custody of the bishop and mayor of Carlisle in 1334. It not only favoured Thomas de Rokeby the Uncle in 1327, but also - in mingled measure - his nephew in 1337. Having captured four Scots who offered him 300 marks for their freedom, only to have them executed by his uncle for

44) CDS 3, nos.456, 497, 514-6, etc.

their treason against Stirling castle, the nephew was granted the bailiwick of Ewecross in Yorkshire by the King.

It was the moving force behind the agreement between Edward III and Balliol in 1337 that those coming against the enemy might keep whatever goods and chattels they could acquire in Scotland, and lay behind similar concessions from which Michael de Harrington, Robert and Richard le Brun in 1314, Anthony de Lucy and his men in 1315 benefited. (45) Unlike indentures of custody, such arrangements were patently made in order to 'favour' the grantee, as Harrington and the Bruns' charter put it. They cost the Crown nothing and might even bring it rewards; a carefully-adumbrated hierarchy of claims developed concerning the division of spoils. The grant to Lucy specified that the King should have any captive he wanted on making appropriate reparation to the captor. Under such terms Lucy surrendered prisoners in 1333. His son did so in 1346. (46) Dr Morgan suggests that ransom and booty provided the pre-eminent sources of war income. Although much of the evidence derives from details of English losses, out-goings were presumably compensated adequately.

If the wheel of fortune rolled in favour of individual West Marchers, it was just as capable of running against them. William de Muncaster received a safe conduct to go to Scotland in 1315 to negotiate the release of his son. John de Harcla followed the same path in 1316, trying to free his brother. John de Strickland and

45) CDS 3, nos.1236, 1462; Anonimalle, p.19; CCR 1333-37, p.209; CPR 1313-17, p.373; Rot.Scot., pp.133, 283.

46) Fraser, NP, no.110; D.Hay, 'Booty in Border Warfare', TGNHAS, 3rd ser., xxxi (1952-3), 148-66.

Hugh de Lowther were also captives in this year. In 1382, Ralf de Greystoke petitioned the King about his recent captivity and ransom, alleging that he could not pay it without being ruined for the rest of his life. In 1378 ruin threatened the whole March, according to its keepers, the Scots being about to distrain on the area because of Thomas de Musgrave's failure to fulfil the conditions of his release. In 1382 John de Neville paid 1000 marks in ransom on behalf of Musgrave and his son, and had to secure royal assistance to recover it from them. (47)

The casual incidents of war appear to have offered much greater reward than paid service on the West March. The battle of Neville's Cross in particular, brought a fine haul. Response to the order of 8 December, 1346, to bring to the Tower of London various captives for whom compensation would be paid, shows that a number of Cumbrians had the gods on their side. Thomas de Clifford had captured Walter de Haliburton. William de Dacre, John de Harrington, Thomas de Lucy, Robert de Lowther and Thomas de Ros were among others anticipating payment from the King. Ralf de Beetham, Adam de Kendal and John de Skirwith were reluctant to relinquish their prisoners to royal custody, and released them contrary to prohibition, keeping the ransom 'pro comodo suo proprio'. (48)

47) Morgan, 'Military Service', pp.187-91; Rot.Scot., pp.151, 159; CDS 4, nos.315, 264, Appendix 2, nos.2, 308.

48) Rot.Scot., pp.678-80, 685.

vi) War and the Social Structure

With a few exceptions, however, these men were established members of the gentry. If fortune smiled on them, she had not raised them from obscurity.

Dacre had succeeded in 1339 to the Gilsland estates which extended over Cumberland, Westmorland, Lancashire and Lincolnshire, although his mother's dower rights prevented him from exercising complete control. His family had traditionally played a part in local administration, a custom he continued. He served as commissioner to define the boundaries of Penrith in 1348, as justice of oyer and terminer in 1349 and 1360, and as commissioner of the peace in 1361. To judge by the string of debts bequeathed in his will that year, however, he was sorely in need of chivalric gain - or any other kind. (49)

John de Harrington 'le fiz' is not easily identified, as at least three men of the name were alive at the time. One of them, from Thrimby, died in 1352. Another, who died in 1359, married the daughter of Adam Banaster, thus endowing this cadet branch of the lords of Aldingham, and establishing it at Farleton. Another, who died in 1363, was to succeed to the Aldingham estates. The emphasis 'le fiz' was probably to distinguish its bearer from John, lord of Aldingham, who was not to die until 1347. One of the name was Dacre's seneschal in 1347, whilst 'le fiz' sought life exemption from juries and the like in 1335. Whichever Harrington gained by Neville's Cross, it was not war which provided his position locally.

49) Comp. Peerage 4; Test. Karl., no. xxi; IPM 8, no. 229; 11, no. 60; CPR 1348-50, pp. 175, 386; CPR 1361-64, pp. 63, 66.

Both the Aldingham and Farleton lines reaped the rewards of astute matrimonial planning; the Aldingham family thus came to hold a third of the barony of Egremont by 1363. (50)

Thomas de Lucy, scion of another local notable family, had succeeded to the Cockermouth estates in 1343. No landless younger son, he. Marriage played a part in the augmentation of his lands, as it had those of the Harringtons. His first marriage, to one of the sisters of John de Multon of Egremont, was followed by the acquisition of a third of that barony in 1338. His second, to Agnes, daughter of Henry de Beaumont, made at Edward III's request, was rewarded by a grant of the soil and herbage of Allerdale. Lucy was particularly involved in shire administration, as justice of oyer and terminer, sheriff, and commissioner, which eminence owed little to the Anglo-Scottish war. (51)

Ralf de Beetham's family had wielded local influence for as long as the Lucy family; one Adam de Beetham had witnessed a charter for Gilbert Fitz Reinfrid of Kendal in the early years of King John's reign. Their connections were impeccable. Ralf acted as Roger de Clifford's god-father at the request of Isabel de Clifford. Beetham too was in possession of his family estates, and was a stalwart of Westmorland administration. (52)

Thomas de Ros, lord of a moiety of the barony of Kendal, was in a

50) CRO, Carlisle, D Ay, 39; CCR 1346-49, p.320; IPM 11, nos.251, 503; 10, no.10; An Armorial for Westmorland and Lonsdale, ed. R.S.Boumphrey et al., CW Extra Ser., xxi (Kendal, 1975), p.17.

51) IPM 12, no.17; Lucy Cartulary, no.3; CPR 1343-45, pp.62, 225; CPR 1350-54, pp.202, 232.

52) Wetheral, p.209; IPM 10, no.202; CFR 1347-56, pp.90, 197, 335; CPR 1334-38, p.178.

similar position of local prestige. He served as a commissioner to inquire into breaches of the peace in Kendal in 1343, as commissioner of the peace in Westmorland in 1345, and inquired into the profits of the master forestership in Troutbeck in 1352. He presided over numerous local causes. (53)

It was not war which elevated Ros and the others to these heights. The status of their families had been established for generations. In so far as war prospered them, it was an altogether haphazard affair, as impossible to forecast as gambling success, and as dependent on chance. Unlike gambling, it required little more than a willing body to lay a wager. War, insatiably demanding manpower, was in this sense a leveller, open to talents. As far as recruitment was concerned, it perhaps mattered little that payments were in arrears or that booty was lost as frequently as won. Such information, important in establishing the ways in which military service impinged upon the population, the likelihood of war-inspired riches prompting social change, and the extent to which they compensated for local destruction, does not sufficiently allow for the propensity to take risks heedless of economic probability. To read too much of profit and loss into fourteenth-century apprehension would be as anachronistic as to berate the chivalric ideal for lacking opportunism.

It is thus in many ways irrelevant to speculate whether military service as a game of chance was the resort of men able to take risks, or men so lacking stable income that the vagaries of chance held few terrors. Such consideration was foreign to contemporaries.

53) CPR 1343-45, p.93; CPR 1345-48, p.30; CMI 3, no.102.

Medieval prosperity meant conspicuous consumption, patronage of lesser men and the Church, the purchase of land regardless of its capacity to generate income, debt rather than accumulation. This heedlessness of the morrow does not chime well with the rationality of the world after the Industrial Revolution. Froissart's Scots, indifferent to the destruction of their houses, rank with his anecdote about De Mauleon;

'sometimes I have been so thoroughly down that I hadn't even a horse to ride, and at other times fairly rich, as luck came and went'.

They display a more nonchalant attitude to material wealth than that to which we are accustomed. (54)

The image of the wheel of fortune, with its hint of insouciance, suggests the transience of the profits of war. Andrew de Harcla's meteoric career demonstrated it especially well, the earldom he gained in 1322 forfeited for treason in 1323. So too did the careers of a number of Dr Tuck's East March arrivistes. John of Coupland, fortunate in his capture of David Brus at Neville's Cross, was created a banneret with an annuity of £500, given custodies at Roxburgh, Berwick; even made keeper of the March. If his rewards bore a similarity to Rokeby's, his end bore more resemblance to Harcla's, for he was murdered in December 1363, as a result of local feuding. While his widow continued to experience some royal munificence, the annuity fell into arrears, to be eagerly discounted by Lyons shortly before the Good Parliament. On her death, the

54) Morgan, 'Military Service', p.189; Generally, see M.Mauss, The Gift: Forms and Functions of Exchange in Archaic Societies (London, 1969).

Couplands' joint holdings reverted to Coucy, earl of Bedford. (55)

Sic transit gloria mundi.

Rokeby, unscathed by his encounters with the knightly and baronial classes of northern England, died in the castle of Kildea, Kildare, in 1356. His nephew and heir maintained something of Rokeby's new consequence, retained for life by Thomas de Musgrave in 1346, and serving alongside Cumbrians in Ireland in 1369-70. For land, prosperity and administration, however, the family continued to look to the East. (56)

The transient influence of such men presented a sharp contrast with the fortunes of the leading members of Cumbrian society. To suggest that the West March was experiencing the same changes as the East, where

'power and influence ... were ... coming to lie not with the old landowning families ... but with those individuals and families who held the Crown offices which the militarization of the Border had created ... the keepers of castles, the wardens of the Marches, and the military captains', (57)

would be to draw a false distinction, for here it was the inveterate landed family whose position was bolstered by war.

Examination of licence to crenellate granted under the first three Edwards bears this out. That none were granted until 1307 testifies to Edward I's control, and the success of his campaigns. In that year Peter de Tilliol received licence for his dwelling of Scaleby, Richard le Brun for Drumburgh, and William de Dacre for

55) Fraser, AP, no.83; CPR 1345-48, pp.226, 370; CPR 1358-61, pp.115, 121, 233; CDS 4, no.19; IPM 14, no.109.

56) PRO, E101/30/2; IPM 10, no.377.

57) Tuck, 'Northumbrian Society', 33.

Dunmallard. In 1318 Hugh de Lowther was granted permission for Wythop in the Derwent Fells, and in 1322 Robert de Layburn for Aykhurst. (58)

The Tilliol family had come to Scaleby in the wake of the Norman Conquest. They could by no stretch of the imagination be said to owe their position to the Anglo-Scottish war, although they did participate vigorously in it. They were increasingly prominent in local administration in the fourteenth century, as sheriffs and knights of the shire; Peter de Tilliol represented Cumberland on eleven occasions before 1347. The family received some confiscated land during the war, but equally significant gains were made by marriage, notably Robert de Tilliol's to a Yorkshire heiress before 1321. (59)

Although Drumburgh does not appear to have descended in the direct male line, Brun's family and position were just as old as the Tilliols'. Their acceptability was signalled by the tenure of local office, inter-marriage with such local alumni as the Tilliols and a cadet branch of the Multons of Gilsland. Their elevation to military command at the beginning of the war also reflected their standing. The family's subsequent failure to maintain this position probably derived from miscalculated adherence to Harcla in 1323, Rubicon of many local families.

Dacre's licence for Dunmallard represented defence of age-old patrimony. Lowther's for Wythop marked expansion into Lucy territory, an indication of the extent to which the Lowthers were

58) CPR 1307-13, pp.8, 11; CPR 1317-21, p.189; CPR 1321-24, p.82.

59) Wetheral, pp.88-9; IPM 1, no.115; 6, no.279; CDS 3, no.501.

indebted to local baronial connections for their prosperity. (60) Layburn's interest in Aykhurst was also a new departure. In some measure it supports Dr Tuck's Northumbrian hypothesis. Layburn was undoubtedly a stalwart warmonger, receiving military custodies at Cockermouth, Carlisle, Ayr, and elsewhere, and serving as admiral of the fleet. Unlike the other Cumbrian gentry who had licence to crenellate under Edward II, he was a younger son striking out for himself; his family, although long-established, had not been conspicuous in local society. But it was not war alone which prospered him. Personal service to others had brought tangible benefits before the war even began. He served Nicholas de Moresby as an attorney, receiving land from him in Elliscales, near Furness Abbey; and served greater men, like Lacy, earl of Lincoln and Thomas of Lancaster. (61) Although the male line of the family continued after him, no such prominence - or notoriety - attached to it in the future.

Interesting developments can be traced from the licences granted in the next reign. One is their greater geographical extent. Furness Abbey received one in 1327, John de Huddleston one for Millom in 1335, and Thomas de Musgrave one for Hartley, Westmorland, in 1353. (62) Another is their receipt by others than individuals. Besides Furness, the abbey of Holme Cultram obtained licence for its manor of Wolsty in 1348, and the townsmen of Penrith obtained

60) CRO, Kendal, WD/Ry, Box 92; IPM 4, no.322; 5, no.393; Wetheral, p.97; T.H.B.Graham, 'Bowness on Solway', CW 2, xxviii (1928), 167-78.

61) Furness 1, ii, nos.133, 137; Records Relating to the Barony of Kendal, William Farrer, ed. J.F.Curwen, CW Record Ser., iv (Kendal, 1923), pp.391-3; Cal.Ch. Warrants, p.367.

62) CPR 1327-30, p.169; CPR 1334-38, p.167; CPR 1350-54, p.493.

licence in 1346. Unsurprisingly the names of two bishops and the baron of Greystoke are to be found among the recipients. Equally traditional were the objects of their concern - the episcopal manor of Rose and the manor of Greystoke. (63) More significant were the implications of Ranulph de Dacre's interest in Naworth in 1335; Engleys' in Highhead in 1342; and Thomas de Musgrave's in Hartley. (64) All these estates were recent acquisitions, none of them the result of war.

The Anglo-Scottish war did not have devastating effects on West March society. In so far as it required authority, it reinforced the existing social structure. Under the first three Edwards neither military organization, nor the nature of the wardenship were such that any one family predominated. There was not yet

'in these parts among the people a word a Dacre, a Dacre, and after him, a Clifford having authority, there was a Clifford, a Clifford, and even then a Dacre, a Dacre, a Dacre',

a state of affairs to which the deputy warden objected in 1537. Even Dr Tuck has recently remarked that it is 'not at all clear' that the wardenship held much allure before the reign of Richard II. (65)

The profits of war accrued from chance gain and royal caprice, rather than service or systematic exploitation of military custodies. This was the concomitant of a certain blurring between

63) CPR 1345-48, p.69; CPR 1348-50, p.194.

64) CPR 1334-38, pp.168, 245; CPR 1338-40, p.417; CPR 1340-43, p.536; CPR 1350-54, p.495; CPR 1354-58, p.252.

65) M.L.Bush, 'The Problem of the Far North: A Study of the Crisis of 1537 and its Consequences', NH, vi (1971), 40-65; J.A.Tuck, 'The Emergence of a Northern Nobility, 1250-1400', NH, xxii (1986), 1-17.

the financial and military responsibility of Crown and subject. The military custodies of the West March were in any case less promising than those to be obtained elsewhere. The East was the more significant orientation, both politically and economically. Situated on the fringe of much-desired, much-contested Lothian, with its lowland arable and the port of Berwick - a 'second Alexandria' in the opinion of the Lanercost chronicler - Northumberland was more vital than Cumbria to the strategy of each side. It appeared to suffer greater disruption than the West March as a result. Certainly its sending of representatives to parliament was more frequently interrupted because of war. It also experienced more upheaval from allegiance and forfeiture. Their fortunes were thus not exactly alike. What holds good for the East March does not necessarily do so for the West.

Under the first three Edwards, neither military service against the Scots, nor royal patronage, nor the casual incidents of war, disturbed the social equilibrium of the West March in a lasting way. Yet changes indubitably occurred. We shall now examine what prompted them.

- 6 -

Fortune: (ii) : Change in the Community

Important changes in the structure and composition of local society did occur in the West March of the fourteenth century. The name of Dacre was substituted for that of Multon at Gilsland, that of Percy for Lucy at Cockermouth. The Nevilles laid siege to the Greystoke estates by repeated intermarriage and custody of minors. A baronial roll-call of the late fourteenth century would sound rather different from one of Quo Warranto date, but the difference was more apparent than real. It represented the vagaries of dynastic succession rather than the creation of a society dependent on war and open to all-comers. Not only did one baronial family replace another; the complete failure of some lines meant that the number of baronies dwindled, leaving a different balance of power in the counties.

Power still resided with families of knightly and baronial rank. But it was the ascent of a long-established hierarchy by marriage, rather than the manipulation of war, which was the key to the fortunes of the Cumbrian gentry and social change in the West March as a whole. There were numerous examples of social aggrandizement on the March, a preponderance of them due to intermarriage with baronial and gentry stock. Moreover, those outsiders who did appear in the area came to avail themselves of exactly such opportunities. The attraction of local baronial power for Cumbrian gentry was

obvious. Outsiders showed themselves cannily aware of the charms of widows and heiresses whose estates spread well outside the West March. Study of these cases reflects the growing importance of lordship in local society.

i) Lordship and Community: A Balance of Power

Wordsworth's poem 'Song at the Feast of Brougham Castle' suggests the role of lordship in local society, with its emphasis on

' ... our rightful Lord,
A Clifford to his own restored!' (1)

Although conditions were not quite the same as in Wordsworth's day, the March of the thirteenth and fourteenth century still bore witness to the importance of lordship. The Cumberland eyre of 1292 uncovered dubious dealings at an earlier gaol delivery; one Richard le Bere, forester of the countess of Albemarle in the Five Vills, claiming to have been acquitted here. It turned out that two of the jury were his relations, and the others were tenants of the countess, 'fuerunt favorabiles ... eo quod prope balliam suam et potuit eis valere in dando eis de bosco domine sue'. He was acquitted 'non tamen pro aliquo quod ab ipso ceperunt sed ex amicitia quam erga ipsum et amicos habuerunt'. Whatever the infraction of baronial authority suggested by the pilfering of timber, it was clear that men thought of themselves as tenants of a particular barony. (2)

1) Selected Poems of William Wordsworth, ed. G.Cumberlege (Oxford, 1913), p.167.

2) PRO, Just 1/135, m.29d.

Of the two counties, Westmorland yields more striking examples of baronial influence. A number of families bore differenced versions of the arms of the Lancaster barons of Kendal, Argent two bars Gules, on a canton Gules a lion passant Or. Roger de Lancaster of Rydal, illegitimate son of Gilbert Fitz Reinfrid, the husband of the Lancaster heiress, figures on the Charles Roll, c. 1285, bearing Argent two bars Gules, on a canton Gules a lion of England. Walter de Strickland appears on the Parliamentary Roll of Arms, c. 1312, bearing Argent two bars and a quarter Gules. (3) The arms of Vipont of Appleby were extensively adapted, their canting coat, Gules six annulets (vi pointes) Or, influencing the Lowther, Helbeck, Vipont of Alston, and Musgrave arms. Thus on the Galloway Roll of 1300, Hugh de Lowther bears Or six annulets Sable, and Thomas de Helbeck Gules six annulets Or, a label Argent. A number of barony of Appleby coats charged with lions perhaps reflect the influence of Roger de Layburn, successor of the last Vipont baron. The arms attributed to Robert Engleys and Robert de Asby on the Stirling Roll, c. 1304, for example, are both suggestive. (4)

Seigneurial patronage is also implicit in some Cumberland arms. The earl of Albemarle's Gules a cross patonce Vair, of c. 1280, was echoed in Robert de Lamplugh's Or, a cross flory Sable, c. 1282, and lingered even after the Albemarle estates were divided among others. The Galloway Roll reveals William le Brun bearing Azure a cross pattée Or, and William de Carliol bearing Or a cross pattée

3) Matthew Paris vi, p.474; 'Charles Roll', ed. C.S.Perceval, Archaeologia, xxxix (1863); PRA, p.281.

4) College of Arms, MS 414, fol.168-75, 269-72; MS Vincent 164, fol.119b-34b.

Gules. (5) The Carlaverock Roll of 1300 gives the arms of Richard de Kirkbride as Argent a cross engrailed Vert. All four men were of west Cumberland families, their arms suggesting their dependence on a dominant local power. The arms of Multon of Gilsland were adapted by two cadet branches of the family; James de Multon of Hoff, Westmorland, bearing Chequy Or and Sable, at the end of the thirteenth century, and his brother Hubert, of Isel, Cumberland, bearing Chequy Or and Gules. (6)

The baron of Greystoke's Gules three cushions Argent influenced the arms of the family of Redman of Levens in Kendal. Matthew de Redman features on the Parliamentary Roll as a knight of Cumberland and Northumberland, bearing Gules three cushions Ermine. Although the Kendal estates were the family's main interest at this time, it did have lands in Cumberland. Matthew's grandfather had performed the baron of Greystoke's military service at Carlisle in 1300.

The Greystoke arms were also borne by the neighbouring family of Dacre, as Gules three escallops Argent. They in their turn influenced the arms usually borne by the Stricklands, Sable three escallops Argent, and those of the Muncaster family, Barry Argent and Gules on a bend Azure three escallops Or. (7)

It is interesting to compare the paucity of heraldic inspiration in Westmorland with the far greater abundance in Cumberland. It

5) 'Camden Roll of Arms', ed. J.Greenstreet, The Genealogist, iii (1879), 216-20, 260-70; 'The Segar Roll as an Ordinary', ed. J.Greenstreet, ibid., iv (1880), 50-8, 90-7.

6) 'St George Roll', ed. C.S.Perceval, Archaeologia, xxxix (1863), 391-8, 418-46.

7) 'Nativity Roll', Eight Thirteenth Century Rolls of Arms in French and Anglo-Norman Blazon, ed. J.Brault (Pennsylvania, 1973), 94-100; Palgrave, Docs, no.116.

seems to bear out the hypothesis that the former was from early days dominated by two sources of authority, whilst power in the latter was much more fragmented. Strong pockets of local influence, like that suggested by the Albemarle-derived arms, existed alongside more far-reaching patterns of influence, like the Greystokes'. Lordship in Cumberland was not monopolistic. Thus the Muncaster arms, which first appear on a heraldic roll of c. 1285, not only show signs of a relationship with the Dacres, but also, in the choice of ordinary, suggest Multon influence. Thomas de Multon's arms appear before 1259 as Argent three bars Gules, but they are occasionally blazoned - in the Falkirk Roll, for example - as Barry Argent and Gules. Thomas sired both the Egremont and Gilsland branches of the family; the arms were similar, but it is likely that the Muncasters imitated the Egremont line, their over-lords.

The armorial evidence reinforces the idea that Cumberland to some extent lacked seigneurial direction. Thus the absence of influence was as significant as its presence. The Lucy family, for instance, found no imitators under the first three Edwards. Power was dissipated - hence, perhaps, the vigour of the shire community here, and its lethargy in Westmorland.

The size of the counties, and size of their armigerous population, were other factors with implications for the relative strength of lordship and community. Westmorland was much more open to seigneurial dominance. Its terrain less mountainous, it knew few of the obstacles to communications common in Cumberland, while its smaller size was also reflected in its smaller gentry population.

In 1292, asked to return the names of all suitable knights of his bailiwick, that they might be commanded to the marriage in Bristol of the King's eldest daughter, the sheriff of Westmorland gave the names of thirteen men, but warned that five of them could not be found. Some of them were also land-holders in Cumberland, like the baron of Greystoke, who headed the list. The Cumberland return to an order of January 1300 to prepare all knights and forty-pound land-holders to set out against the Scots, gave twenty-one names. Three of these were women; five were barons. (8)

The Parliamentary Roll of Arms groups the knights of Westmorland with those of Lancashire. Of the seventeen listed, only William de Dacre in fact had Westmorland interests, and these were far outweighed by his Lancashire and Cumberland concerns. In contrast, twenty-eight names are given for the combined counties of Cumberland and Northumberland, although some of those listed, like the two Harcla brothers, also had Westmorland estates. The list of 'grands seignors' produces a further seven Marcher names without reference to their origins. But only one, Walter de Strickland, was predominantly associated with Westmorland.

The tally struck as a result of the summons to Westminster of all knights in 1324, is particularly telling. Nine knights and nine men-at-arms were called from Westmorland - a figure which excluded the sheriff. Twelve knights and forty-eight men-at-arms were summoned from Cumberland, again excluding the sheriff. Some were summoned by virtue of their land elsewhere, thus diminishing the Cumberland total. Ranulph and Edmund de Dacre, and the two

8) PRO, C47/1/4, m.23d, 1/6, mm.11-12.

Harringtons, for example, were summoned as knights of Lancashire. The figures for Lancashire and Northumberland provide useful comparisons. Lancashire vaunted sixty-five knights, Northumberland twenty-one, in addition to 105 men-at-arms. (9)

To take rather different criteria for a moment, the lay subsidy roll of 1332-33 describes five Cumberland ladies as 'domina'; only one in Westmorland. It dubs three Cumberland men as 'dominus'; five in Westmorland. If the value of these rolls is notorious, they do at least yield an insight into the way in which contemporaries thought about status. Not all lords of manors were described as 'dominus', as comparison with Dr C.M.Fraser's list of twenty-four Cumberland manorial lords demonstrates. (10) Figures for distraint of knighthood are rather less easy to interpret. In 1316 four Cumberland fifty-pound land-holders were to be distrained. The return for Westmorland does not survive, but by contrast, ten Lancashire men were liable to take arms. In Westmorland in 1333 at least eleven were to be distrained; all but one had taken knighthood by the end of the year. Unfortunately the Cumberland return does not survive. The numbers involved here were unusually high. They were typically much smaller, as the return of 1356 shows, three Cumberland and four Westmorland men being reported as forty-pound land-holders who had not taken knighthood. (11)

These figures, and the incidence of armorial bearing in the

9) PW 2, ii, pp.638 ff.

10) PRO, E179/90/2, 195/1A; Fraser, 'Subsidies', 137-9.

11) PRO, C47/1/8, mm.4, 12-13, 1/13, m.11, 1/15, mm.11-13, 1/19, m.4, part II.

heraldic rolls, suggest that the land-holders of Cumberland were more independent and more conscious of their status than their Westmorland neighbours. If not as dominant in the early fourteenth century as it was in Westmorland, baronial authority none the less played an important role in Cumberland. Baronial fortune was the key to change in both the structure and composition of local society.

ii) Baronial Fortune

Baronial lordship in both counties had something of the character of an institution. Men automatically looked to local barons, accepting them as the *dramatis personae* of authority. What, then, happened on the failure or forfeiture of a baronial line? What was the impact of the substitution of one family for another?

On a national scale, historians have frequently found that such volcanic activity as the rise and fall of dynasties failed to disturb the tenor of the subjects' lives. A charter of privilege or confirmation was a privilege no matter whose the seal. Studies of allegiance among Gascons, Bretons, and Normans during the Hundred Years' War, for example, have confirmed this point. (12) Local dynastic upheaval appears to have been accommodated with similar equanimity.

12) M.Vale, English Gascony 1399-1453; A Study of War, Government, and Politics during the Later Stages of the Hundred Years War (Oxford, 1970), pp.202-3; C.T.Allmand, 'The Aftermath of War in Fifteenth-Century France', History, lxi (1976), 344-57.

At Kendal, no hiatus separated the service of the Redman family of Levens to the Lancaster barons of Kendal, from their service to Gilbert Fitz Reinfrid and his successors in the twelfth and thirteenth centuries. Men enfeoffed by William de Lancaster II received confirmations from Reinfrid and stood as hostages for him in 1215. Although he was litigious and probably oppressive, the panoply of lordship was preserved. Men flocked to witness his charters. Others received his patronage, like Gilbert, son of Adam, son of Bernulf, to whom he granted Coniston. That Reinfrid and his heir were reduced to 'maxima paupertate et inpotencia' by opposing King John seemed not to affect their prestige in Kendal and Lonsdale. (13)

Revolution at Appleby had similarly little effect. The marriage of Vipont's heiresses to Layburn and Clifford - men with no local connections - appeared not to perturb local gentry. Thomas de Musgrave, Vipont's bailiff in 1256, emerged as Layburn's steward in 1269. Michael de Harcla's dependence on the two new barons has already been described, as has the exemption from knighthood granted to Vipont's cornage tenants in 1256, and the protection of 1265 granted to the new barons' 'men of Westmorland'. The baron traditionally provided a channel of communication with the court; the local community of necessity depended on him. The pardons obtained in 1321 by Roger de Clifford for local men who had opposed the Despensers continued this tradition. (14) It would appear,

13) PRO, SC1/1/92; CRO, Carlisle, D Lons L 5, BR 3, 8; Kendal, WD/Ry, Box 92; CRR 3, pp.210-11, etc.

14) PRO, Just 1/979, mm.4,6; CPR 1266-72, p.399; CPR 1321-24, p.20.

therefore, that the substitution of one family for another did not greatly affect local society. The individual incumbent was of less importance than his role in the locality.

The events of the fourteenth century in Cumberland bear this out. One of the most striking changes to occur was the appearance of the Dacres at Gilsland. Already a long-established Cumberland family, it was Ranulph's marriage to Margaret, heiress of Thomas de Multon, (d.1314) which really secured the family's future influence and prosperity. The licence to crenellate at Naworth, which he obtained in 1335, symbolized his new orientation, although he felt sufficiently confident in his own pedigree to retain his own arms. In this he differed from his baronial predecessors, who had adopted the arms of Vaux of Gilsland on marrying that heiress in Henry III's reign. The alliance of Dacre and Multon was the culmination of a number of carefully-considered Dacre matches, which included the marriage of an earlier Ranulph to Joan de Lucy, and William de Dacre's marriage to Joan de Gernet of Halton. Both had brought the family land in north Lancashire, near Heysham and Kellet.

So far as March authority was concerned, however, the Gilsland marriage was of prime importance. Significantly, the Lanercost Chronicle suggests that Clifford had hoped to obtain it. Although it represented dramatic gentry aggrandizement, the increase of Dacre prestige did not subvert the structure of local society. The role the family fulfilled at Gilsland was a customary one. Just as Thomas de Multon had kept the March in 1313, so his successors served against the Scots. The baronial mantle passed even to John de Castre, who married the Gilsland widow c. 1314, and temporarily

filled the role in all but name. (15)

It was Dacre's good fortune that his male progeny were hardy; his line outlived the Anglo-Scottish question. Thus this alteration in the seigneurial ranks of the West March was enduring. More radical changes took place elsewhere, with the failure of the male line of the barons of Wigton, Liddel, Egremont and Cockermouth. Nowhere else was there quite the same process of substitution of one family for another as at Gilsland. The number of Cumberland baronies fell. Marriage and inheritance caused their size and powers to change. It was this which brought real alteration to the structure of society, upsetting the balance which existed in Cumberland earlier. This, too, enhanced the position of the Dacres. By the end of the century the time was fast approaching when the people would have to bear 'the image of a Dacre as a god in their hearts' because their choice of lord had been severely curtailed.

(16)

The death of John de Wigton in 1314, leaving only a daughter, would seem to have created a baronial niche in the same way as Multon's death. But this was not the case. His daughter, Margaret's, legitimacy was contested by his sisters and their husbands, and judgement in her favour was not given until 1320. The furore weakened the barony in the short term; the cost of legal action also took its toll. The territorial settlement of 1320 continued the dissipation of Wigton influence, for John's divorced wife had a life claim to the manor of Blackhall, and his second wife

15) CPR 1343-45, p.16; Lanercost, p.205; IPM 2, no.601; 5, no.452; 6, no.155.

16) Tough, Frontier, p.31.

required dower. Despite the attempts of Margaret's successive husbands to provide authority and leadership matching the last baron's, their ultimate failure was signalled by their inability to produce an heir. On Margaret's death without issue in 1349, those estates which had not already been alienated were divided further. Anthony de Lucy received the remainder of the manor of Wigton, while other lands went to the heirs of Margaret's first husband, John de Crookdayk. The fate of the barony and the concomitant - if slight - advantage to the Lucy family, had implications for the status quo on the March, tending towards greater polarity of land-holding and authority. (17)

Events at Liddel pointed in the same direction. Thomas Wake died, childless, in 1349, leaving as heir his sister, Margaret, countess of Kent. As at Wigton, the baron's passing removed an important local presence. While Crown recipients continued to marshal opposition to the Scots, the elimination of another Cumberland baron paved the way towards a society dominated by one or two families. (18)

The death of John de Multon of Egremont in 1334 had similar effects. It removed one locus of authority and split the estates between three co-heiresses. Joan, widow of Robert Fitz Walter; Elizabeth, widow of Robert de Harrington of Aldingham, who was to marry Walter de Bermingham as her second husband by 1337; Margaret, wife of Thomas de Lucy - these were the beneficiaries. Dower for Multon's widow, Alice, also had to be provided. Again the Lucy

17) Lucy Cartulary, nos.33-5; IPM 5, no.531; Parker, 'Calendar', 234-6.

18) ODS 3, no.1633.

shadow fell over the county. Important also was the Harringtons' accretion of power. Their enjoyment of the Multon land was interrupted by Bermingham, but rectified on his death in 1350. The westerly orientation signified by the Irish matches of two of the three heiresses was a continuation of family policy, but was symptomatic of developments in Cumbrian society as well. Of this more will be said below. (19)

The position of the Lucy family in Cumberland was nurtured with assiduity. Judicious marriages like Thomas', and that of his son, Anthony, who married the widow of William de Greystoke, were aids to dominance. The windfalls of inheritance helped to build up authority; from the Wigton lands, Thomas de Lucy paid annuities to Gilbert de Curwen and William de Lowther. Their control is nicely illustrated by two of the documents preserved in the Lucy Cartulary. One is the bond of Thomas de Ireby in which he undertook not to pursue a plea of trespass against Lucy. The other is an indenture of 1348 between Lucy and the chaplain of Brigham. A list of the chattels left there by its founder, Thomas de Burgh, it describes a festival towel for the altar powdered with the arms of the King, Percy, Clifford, Burgh, and Lucy. (20) By the time of Anthony de Lucy's death in 1368, the family virtually monopolized power in west Cumberland.

Here, however, fortune ceased to smile on them. Anthony left only an under-age daughter, who died in 1369. It was his sister, Maud, wife of Gilbert, earl of Angus, who inherited the Lucy estates, ultimately transferring them by marriage to Henry Percy, in

19) IPM 7, no.628; CCR 1337-39, pp.366-8; CFR 1347-56, p.262.

20) CFM 3, no.692; Lucy Cartulary, nos.64, 98.

a settlement of Richard II's reign. This provided that on Maud's death they should go to Percy's son by an earlier marriage, on condition that he quarter the Lucy arms with his own.

Thus at Cockermouth - and a far more influential Cockermouth than the barony of the early fourteenth century - one family name was substituted for another, as at Gilsland. It was genetic chance which led men to cry 'a Percy' rather than 'a Lucy', but the Percy family once having infiltrated West March society, the communal horizon became wider. The way was open not only to greater association between the East and West Marches, but also to the exercise of more potent lordship than the West had ever known. By this stage the county community must have been senescent indeed.

(21)

The barony of Greystoke also suffered from the vagaries of mortality, experiencing a number of prolonged minorities in the course of the century. The result of these was to have long term consequences for the structure of local society. The Greystoke estates stretched outside the West March, into Northumberland, county Durham, Yorkshire, and Bedfordshire. The baron's authority in the March was implied in a letter by John de Greystoke to the King. John ignored the royal desire to influence presentation to the church of Greystoke, mentioning in passing that his father had granted an annual pension of £40 from the church, in arrears, now for twenty-four years, 'par la resune ke le dit clerk nen volayt mun pere grewer'. Clearly the baron was a force to be propitiated on the West March, even though many of his interests lay outside it. The

21) IPM 12, nos.233, 374; CPR 1381-85, pp.196, 313, 328, 392.

Barons' Letter to the Pope, for instance, he sealed as lord of Morpeth.

John died without issue in 1306, but he had dealt with the question of succession some years before. In 1297 he had received licence to enfeoff his cousin, Ralf Fitz William of Grimthorpe, of a major part of the estates, with regrant to himself for life. In the following year reversion to Fitz William was arranged. Some other lands passed to Greystoke's brother and sister. (22) The transition occurred smoothly, Fitz William acting as a keeper of the March at Carlisle in 1315, providing authority in the same way as his predecessors had. His own death and that of his son and heir, Robert, followed in quick succession in 1317, lessening the effects of this forward planning. Their deaths left Robert's widow, Elizabeth, daughter of Ralf Neville, to be given dower, and left Robert's son, Ralf, under-age. Although Ralf was granted livery of some of his father's land in 1317, he was not seized of the rest of his inheritance until 1320. He survived long enough to marry Alesia, daughter of Hugh Audley, and to father a son, but died in 1323, his son, William, a minor aged two, unable to carry out any role in local society. (23)

Allegations that the Greystoke lands had been devastated by the Scots did not deter Audley from offering 500 marks for custody during the minority. At local level they were entrusted to others. Significantly, Thomas de Burgh was one such; he paid £50 per annum to Audley for the custody of two parts of the manor of Greystoke. He

22) PRO, SC1/16/83, 84; CPR 1292-1301, pp.303, 340.

23) IPM 6, nos.50, 51, 515; CCR 1313-17, p.494; CCR 1318-23, p.256.

has been encountered before, as a cleric advancing money to numerous West Marchers, as founder of the chantry at Brigham, and as chamberlain of Berwick. He will be encountered again, usually in close association with Anthony de Lucy. In 1323 he was northern escheator, responsible for the assignment of dower to Alesia made at Dufton in September. (24) The power vacuum in south-east Cumberland created by Ralf's death thus helped to boost Lucy influence, and attracted the attention of outsiders like Audley.

It was Ralf Neville, however, who was the most persistently drawn. Not content with his position as Robert's father-in-law, he promptly married his grandson's widow, having secured custody and marriage of the heir from Audley as early as 1328. It turned out to be a shrewd move. William did not come of age until 1342; his death in 1359 left another under-age heir, who was not to receive seisin until 1374. Neville out-lived William; Alesia out-lived the pair of them. They died in 1367 and 1375 respectively. (25) Neville was thus establishing himself as a power to be reckoned with on the Cumberland-Westmorland border. That he succeeded was borne out by his presence at the head of a list of notables who attended William's funeral at Greystoke church, which '*copiosa multitudine*' also included Thomas de Lucy, Roger de Clifford, Henry Lescrope, Thomas de Musgrave, the prior of Carlisle, and the abbots of Shap and Holme Cultram. (26)

24) CCR 1323-27, pp.14, 130; CCR 1327-30, p.261.

25) CPR 1327-30, p.238; CCR 1341-43, p.426; IPM 10, no.524; 14, no.65.

26) CRO, Carlisle, DRC 1/1, fol. 29r.

Greystoke mortality had favoured him and provided a means of entry into West March society, but the role which Neville had created by 1367 was essentially a new one. The Greystoke line continued; the Nevilles did not replace that family, although they eventually eclipsed it. It was royal patronage which played a prominent part in the introduction of this foreign element to the two counties. Coincidence it might have been, but Neville's first advance in Cumberland after the Greystoke alliance occurred in 1331, whilst Anthony de Lucy was overseas. There was little royal demesne in the county, not the greatest scope for kingly charity. Edward III's grant of the king of Scots' former Penrith estates was as much as he could do, unaided, to propel a man into the landed community there. Neville was originally granted them for a ten year term, on payment of £200 per annum. By the following year he had been granted them for life. He thus had a power base independent of the Greystokes, and from this point his influence continued to permeate the region. The King's efforts by no means went unaided.

(27)

In 1341, Henry de Harcla, nephew of Andrew, made a quit-claim to Neville of all his rights in the manor of Hartley. Two years later Hugh de Lowther granted Neville the fealty and other services pertaining to the manor; the charter explained that the King had granted the manor to Lowther and its reversion to Thomas de Rokeby, the latter having then granted his expectation to Neville. In 1344 Neville granted the reversion to Thomas de Musgrave, whom he was later to describe as 'nostre cher compaignon'. (28) His interest in

27) CFR 1327-37, pp.287, 478.

28) CRO, Carlisle, D Mus, H 8, 41-2, 51.

Westmorland at this time also found an outlet in the marriage he and Robert de Clifford arranged between their children in 1343. Eufemia Neville's alliance with the eldest Clifford was thwarted by his death in 1345, but Neville's ambition in this direction did not go unrewarded. On the death of the Clifford père in the same year, Neville was given custody of the Westmorland estates and shrievalty, with the proviso that custody would endure for six years, even if the heir died in the meanwhile. (29)

As was the case in Westmorland, Neville's involvement in Cumberland extended outside the area of the Greystoke estates. One of his daughters was married to William de Dacre, and the widowed Eufemia was brought to the attention of Reginald de Lucy in 1347. His fortunes came to be considerably embroiled with the Lucy family's. As early as 1328 Anthony de Lucy recognized that he was bound to Neville in 1000 marks. In 1347 Neville and Thomas de Lucy mutually bound themselves in 2000 marks, possibly in connection with the projected marriage. Neville's payment was acknowledged, but not Lucy's. (30) In 1353 payment of another debt, £340 3s. 4d., by Lucy, was acknowledged. Some time before this he had leased the manors of Caldbeck and Uldale to Neville for a term of seven years, with remainder to Eufemia and Reginald.

Neville's introduction to the West March meant not only an alteration in the personnel of local society. It also represented the establishment of a new source of authority. That men were nothing loth to respond to it was suggested by the acceptability of

29) CCR 1346-49, p.12.

30) CPR 1345-48, p.248; CCR 1327-30, p.384; CCR 1346-49, p.235.

his stock as marriage partners, and his presence in the thick of the community. He demised land in Inglewood Forest to the parson of Skelton church in 1337; appointed Clement de Skelton to represent him at an inquisition in 1346 as part of his duties as keeper of the Clifford lands; and presented to Dufton church in 1340 'in loco baronis'. (31) Courtesy of the entrée provided by the Greystokes, and his own influence at court, Neville had thoroughly entrenched himself, laying the foundations of a new lordship spanning both Cumberland and Westmorland. The insistence with which he pursued interests in both counties was in itself a new departure. Moreover, the directions in which he turned his energy were traditionally the preserves of others - Greystoke, Lucy, Clifford. The proximity of their new, acquisitive neighbour was almost bound to lead to conflict, in a society increasingly dominated by a diminishing number of grandees of growing influence. The repercussions of the new balance of power in the North in the fifteenth century are notorious. (32)

iii) The Gentry

These were the changes taking place at the top of the West March hierarchy. What forces were at work lower down the social scale? What were their effects? Did gentry fortune differ from county to county?

31) Lucy Cartulary, nos.36-7; CFR 1337-47, p.6; CMI 2, no.1983; CRO, Carlisle, DRC 1/1, fol.212r.

32) For example, R.A.Griffiths, 'The Percies, the Nevilles and the Duke of Exeter, 1452-55', Speculum, xliii (1968), 589-632.

The transformation of the Dacres from gentry to baronial stock was not a typical occurrence, although it did symbolize gentry aspiration. A few other knightly families took this road to influence. An Egremont heiress prospered the Harrington family, whilst the Redman marriage to a Greystoke widow in the thirteenth-seventies fundamentally boosted their local standing. By the end of the century, Matthew de Redman had been entrusted with custody of Carlisle and Roxburgh castles, had acted as Greystoke's constable at Morpeth castle, and been appointed as warden of the March and keeper of the truce. (33) His new influence was largely due to his marriage and subsequent patronage by the baron of Greystoke, although his military service overseas, under Knolles and Gaunt, also attracted attention. (34)

Less grand matches played an important role in the consolidation of gentry estates and establishment of position. Marriage into the Westmorland families of Goldington and Hastings, at the end of the thirteenth century, helped to bring the Threlkeld family of Cumberland to prominence. By the thirteen-sixties they had a considerable reputation. Henry de Threlkeld was of sufficient consequence to receive an annuity from Hugh de Lowther by 1365. His son, William, arranged a marriage with the Huddlestons of Millom in 1345. The family habit of riding in array of war against such neighbours as the abbot of Shap, and Richard de Vernon, further

33) PRO, E101/68/8, no.189; CDS 4, no.306; CPR 1381-85, p.135; Fraser, AP, no.108.

34) CPR 1370-74, pp.323, 327; CPR 1377-81, pp.198, 391; CDS 4, no.170; Anonimale, pp.64, 73.

advertized their existence. (35)

The appearance of the Stapleton family as a force in Cumberland in the fourteenth century was assisted by good matrimonial planning. By 1330 two Stapleton brothers, whose family estates lay in north Cumberland, had married the Turp heiresses of the manor of Edenhall, near Penrith, transferring their interests to this area. Edenhall became the family seat. William (d.1380) was buried there; it was the place where their charters were dated, where they gave alms, and acquired land. (36) If Turp land provided the landed basis, the position created by the Stapletons in local society was their own. William served as sheriff of Cumberland in 1378, and was custodian of Carlisle castle in 1379, exerting 'son loial poair de garder par les genz de son houstel et de sa meisnee ... sauvement a loeps de ... le Roy'. Royal and seigneurial patronage also advanced the family. William (d.1362) was one of Edward de Balliol's esquires, receiving land in southern Scotland from him, c. 1334. William (d.1380) was retained by the earl of Hereford in 1370, by Richard II in 1378, and was appointed as keeper of Lochmaben castle in 1374, during the minority of the Bohun heir. (37)

Like the name of Stapleton, that of Leigh was new to Cumberland administration, and like that family, Leigh authority rested on a nucleus of existing estates obtained by marriage. William de Leigh,

35) CRO, Carlisle, D Lons L 5, IO 95, T 19A; CPR 1364-67, p.357; CPR 1367-70, pp.61, 64.

36) CRO, Carlisle, D Mus, Edenhall, E 2, 15, 42, 53; Test.Karl., no.cxliv; IPM 5, no.446.

37) PRO, E101/68/8, no.186; E364/8, m.10d; CPR 1370-74, p.261; CPR 1377-81, p.283.

(d.c.1354) married Margaret, daughter and heir of John de Multon of Isel and Blencrayk, a cadet line of the Multons of Gilsland. Whereas the Stapletons surpassed the influence of their predecessors at Edenhall, the Leighs' role in the fourteenth century was very similar to the Multons'. Although William was appointed as sheriff, an honour the Multons had not had, the appointment was swiftly revoked. Isel remained the focus of the estates, as before. William was buried there; in 1359 Margaret obtained permission to have Mass said privately there. (38) The families, like the Bruns, into which the Leighs married, were traditional Multon partners. (39)

As was the case with the baronage, a change of name among the knightly population did not always mean a change in the structure of society. The heiress or widow who gave access to an existing role of authority in the community was a force for stability. The substitution of one family for another had little impact when both pursued the same ends, had the same circle of acquaintances, the same powers. It was those who built on the base provided by a good marriage, attracting and manipulating patronage, who upset the balance of power. Among the barons, Neville did this; the pre-eminent example among the gentry was Thomas de Musgrave IV.

There were many similarities between Musgrave's success and Dacre's. Both point to marriage as the most fundamental means of gentry advancement. There were many similarities in their

38) CFR 1356-68, p.77; CRO, Carlisle, DRC 1/2, fol. 2d, 31d, 38d. On the movement of the gentry's chief residences, see C. Carpenter, 'The Fifteenth-Century English Gentry and their Estates', Gentry and Lesser Nobility in Late Medieval Europe, ed. M. Jones (Gloucester, 1986), pp.36-60.

39) IPM 3, no.594.

backgrounds. The first Dacre served as sheriff of Cumberland in the twelve-thirties; the first Musgrave of whom details survive was a knight called Thomas who died c.1246, although the family did not hold shrieval office until the next generation, c.1252. Thomas II was heavily involved in local administration, as assessor of the subsidy in 1269, and as an official for both Vipont and Layburn.

(40) The influence of the lords of Appleby was marked, distinguishing the careers of Westmorland gentry from those of Cumberland. In this respect the Musgraves were typical. Where Thomas IV's path differed from Dacre's, in the creation of a new role in local society, it also differed from the path of most of his Westmorland neighbours.

The Musgraves were related by marriage to a variety of local families, although the radius from which their partners were drawn was very much smaller than the Dacres'. Thomas I married the daughter of William de Sandford; Thomas III married Sarah, sister of Andrew de Harcla; Richard married the daughter and heiress of William de Soulby; Avice, daughter and heiress of Thomas II married Thomas de Helbeck. (41) The matches convey an impression of a highly in-bred, insular community, greatly dependent on the lords of Appleby.

Witness lists compound this impression. The same names occur repeatedly. Local lords Richard de Soulby, Alan de Kaber, John de Morvill, and Thomas de Helbeck attested many of Thomas II's charters. Names like Staveley, Sandford, and Warcop appear in the charters of the next generation and in those of collateral branches

40) CPR 1247-58, pp.16, 89; CPR 1266-72, p.399; CMI 1, no. 206.

41) Comp.Peerage IX, p.433; CCR 1327-30, p.364; IPM 3, no.21.

of the family. (42)

Baronial influence was strong. When Thomas de Musgrave was accused of attacking a house and hay in Kaber in company with a number of others in 1256, he was probably acting to please Vipont, if not with his connivance. Alan de Kaber's complaint that the shelter had been built on his own territory was countered by Musgrave's accusation that it had been erected surreptitiously on Vipont's land, with which view the jury concurred. During the disturbances of Henry III's reign, Musgrave and many of the family's associates - Morvill, Helbeck, Staveley, Warcop, Langton and Wharton, followed Vipont's lead and had to be received to peace in 1265.

Their fortunes were bound up with the Clifford barons as they had been with the Viponts. Robert de Clifford wrote from Brough on Stainmore for a protection for his esquire, Richard de Musgrave, in the early years of Edward II's reign. On Musgrave's death in 1318, his widow married Thomas de Mounteny, a Clifford retainer in receipt of an annual pension of twenty marks from the manor of Brough. Brough was traditionally of interest to the Musgraves, one of them having founded a chantry there in the thirteenth century. In 1300, however, it was Thomas de Helbeck, Musgrave's son-in-law, who held the advowson. He too was closely allied with the baronial line, serving as sheriff in the twelve-nineties, and retained by Robert de Clifford. In return for a grant of life sustenance he granted the manor and town of Sowerby to Clifford and his heirs. (43)

42) CRO, Carlisle, D Mus, Soulby, 1-3, 8-9, 11, 23, 88.

43) PRO, Just 1/979, m.4d; CDS 3, no.161; IPM 5, no.533; 8, no.531; 10, no.162; Halton 1, p.129.

But it was Thomas IV's marriage to Isabel, widow of Robert de Clifford, c.1344, which set the seal on the family fortunes and permanently distinguished them from other Westmorland gentry. During Clifford's lifetime the usual client relationship existed. Musgrave acted as sheriff, represented the county in parliament and participated in a settlement of land in Dorset made by his lord. After the marriage, his position changed completely.

Without it there seems little reason why Thomas should have been chosen to keep Berwick or to serve as justiciar in Scotland in 1347; why he should have shared a commission to Lucy and Neville to arrest and punish thieves on the Border in 1352; why he should have appeared in a plethora of March roles, nominee of the king, local community and others. He acted as commissioner of the peace in Westmorland in 1345 in company with the lord of Kendal and Ralf de Beetham, and again in 1351 and 1354. As the bishop of Durham and the earl of Angus were enjoined to stay on the March for its safe custody while the King was in France in 1359, so was Musgrave. He was singled out after his marriage as he had never been before it.

(44)

This enabled him to exert power over those who had previously been his equals, to offer them patronage, and to consort with men hitherto outside his ken. In 1344 Hugh de Lowther quit-claimed to him the manor of Hartley, and Neville granted him its reversion. In 1346 Musgrave granted a life annuity of ten marks from the mills at Hartley to Thomas de Rokeby the Nephew, who conceded in return that he would not serve anyone else in war, apart from Rokeby the Uncle. In 1347 John de Harrington of Aldingham and Thomas de Strickland

44) Rot.Scot., pp.684-6, 896; CDS 3, no.1564; CPR 1354-58, p.123.

acknowledged themselves bound to him in 100 marks 'a marchaunder et a profeter a le opes (of Musgrave) et de totes les profetes de ceo ... a ... leale acompt rendier' in due course. (45) He had arrived at a position enabling him to dispense favour to a large circle of prominent local men. Thus in 1349 justices of oyer and terminer were ordered to proceed in a case of trespass at Haverbrack, near Heversham, which Ralf de Beetham had brought against Thomas de Ros, lord of Kendal, his brother, Robert de Ros, and others. It had been found that despite the Ros' production of letters patent alleging their assiduous service under Musgrave in the garrison of Berwick, which should have secured them exemption from pleas until Whitsun, they had never been there. Musgrave's complicity is probably to be inferred. So too is his desire to have others in his debt, to establish himself as a creditor in the currency of patronage. (46)

He achieved a measure of success seen, for instance, in the marriages contracted by the family after his ingratiating with the Cliffords. These were no longer confined to the barons' immediate sphere of influence, although it should be said that even before the Clifford match, Thomas was looking further afield, taking Margaret, daughter and heiress of William de Roos of Youlton, in the liberty of Wark, as his first wife. The focus on areas outside the West March continued after the Clifford alliance, no doubt given impetus by it. An indenture of 1372 between Musgrave and Alan del Strother, keeper of Roxburgh, bound each in £400 to accomplish the marriage of the Musgrave son and heir to Alan's daughter, Mary, before the

45) CRO, Carlisle, D Mus, H 10, 42, 43, 114.

46) CCR 1349-54, p.62.

following Whitsun. (47) In this document, Musgrave is described as lord of Hartley.

If his new status had originally depended on marriage, and the royal and seigneurial attention he merited as incumbent of the Clifford niche, he had grafted on to it something which survived Isabel's death in 1362. By then the lord of Hartley was an authority in his own right. The importance of Hartley, forfeited by Andrew de Harcla, in establishing Musgrave's position was revealed at other times and in other places. Musgrave's scheme of patronage, and the arrangements to retain Rokeby reflected it. Although he was already a leading land-holder in the county, this estate made a significant addition. It was no coincidence that of all his possessions, it was for Hartley that he obtained licence to crenellate in 1353. Dr Christine Carpenter observed the gentry's ability to identify themselves whole-heartedly with their acquisitions, and concomitant, rather cavalier attitude towards parts of their estates which had been of paramount importance before. Musgrave's loyalty to Hartley exemplified this eclecticism.

The lord of Hartley's new stature, a power courted by locals and outsiders, represented another alteration in the structure of the West March. Edward III, in granting him a life annuity of 100 marks in 1370, and Richard II, confirming it in 1378, recognized his achievement. The Musgraves were no longer simply one among many Westmorland families. Their consequence extended much further. The story of Musgrave's capture by the Scots at the end of Edward III's reign makes this plain. Pledges for his release were Neville,

47) CRO, Carlisle, D Mus, H 76, 116.

Heron, Strother, and others, whilst Neville ultimately paid the ransom on behalf of Musgrave and his son. According to the petition which told of all this tribulation, the Musgraves' default threatened ruin for the whole March. They had arrived as a new and enduring power. (48)

Their interests outside the West March were significant. Like a number of other West Marchers, Thomas de Musgrave was involved in military affairs in the East, his custody of Berwick in 1347 repeated in 1373 and 1378. The easterly orientation appeared in the Youlton and Strother marriages, and was continued in the family's administrative concerns in Yorkshire. That they held some land here is proved by land settlements of the thirteen-sixties and thirteen-eighties. Their tenure of office emphasized their deliberate extension of this influence - Thomas was sheriff of Yorkshire in 1359-60 and 1362-66. (49) Cumberland and Westmorland's integration within the realm is thereby underlined. Musgrave cultivation of such interests also acts as a reminder that the Anglo-Scottish war was not the main agent of change in these counties. It prompts further questions. Why this forsaking of the home community? What opportunities did Westmorland offer, or fail to offer?

Andrew de Harcla furthered himself in Cumberland, possibly under Lancaster's aegis rather than Clifford's. Certainly he did not feature prominently in Clifford's Westmorland administration. Rokeby, given West March estates by Edward III, turned to Yorkshire, the East March, and Ireland. Musgrave, a member of the knightly

48) CPR 1370-74, p.23; CPR 1377-81, p.213; CDS 4, no.264, Appendix II, nos.2, 308; Carpenter, 'Gentry', p.55.

49) CRO, Carlisle, D Mus, H 136A, 140.

class who made good in his own county, was not in this unusual; in Westmorland he was virtually unique. A Clifford vacancy provided his opportunity; did the Clifford presence in fact inhibit social mobility among the Westmorland gentry?

Musgrave's position on Roger de Clifford's majority in 1354 illuminates the issue. Traditional patterns were reasserted. In July 1354 Musgrave served as his stepson's attorney while Roger went to Ireland. In 1355 he was among four men appointed in this capacity while Clifford was in Gascony. A suit brought by Clifford in 1357 concerning the breaking of his parks in Westmorland found Musgrave acting as one of the justices, no doubt expected to favour him. (50) A commission of 1368 to determine Clifford's allegation that Musgrave had trespassed and poached on his land indicates mutual resentment. How did the lord of Hartley figure in the minds of Clifford dependants? The will of the rector of Long Marton, a Clifford living, dated in 1357, is suggestive. The Clifford family was to receive the benefits of prayer; more tangibly, Isabel, described as Musgrave's wife, was also to have a bowl. Apart from this reference to his marriage, Musgrave was simply ignored. Clearly in some quarters he was felt to be very imperfectly grafted on to the Clifford tree. Were these the reasons he looked outside the county?

There are indications of an increasing desire on the part of Roger de Clifford to formalize knightly dependence. In 1368 he received licence to grant ten marks per annum from the manor of Langton to James de Pickering, lord of Killington. In 1369 and 1370 similar pensions were granted to Robert de Cliburn and Gilbert de

50) CPR 1354-58, pp.89, 241, 615.

Curwen. An indenture of 1379 survives by which Clifford retained John de Lowther to be of his son's household, receiving ten pounds in time of peace, and the king's wages in time of war. Thus the lord of Appleby channelled gentry energy, determining who was to be more equal than others. (51)

The pattern of appointment to high shire office in Westmorland differed markedly from Cumberland. The baron's position as hereditary sheriff had particular repercussions, diminishing the value of the office to the gentry. Appointments at Appleby reflected baronial, not knightly importance. Whether Clifford control meant that the office had less scope for speculation and was thus unattractive, or whether lesser men were chosen deliberately, in order to prevent the gentry profiting from it, the shrievalty was not the crown of the cursus honorum that it was in Cumberland. The twelve-eighties saw a number of very minor individuals in office, their families never again holding the position. It may be significant that these were the years in which Michael de Harcla chose to serve as sheriff of Cumberland. Even in the thirteenth-forties and thirteenth-fifties it was possible for very obscure men to act, men like Hugh de la Boure, 1352-60, and William de Langwathby, 1348-49. Little trace of them exists other than regards their employment by the Cliffords; Boure as attorney in 1355, for example.

Gentry families did not lay claim to the shrievalty in Westmorland in the same way as in Cumberland. Individuals and families did not often recur in office. Hugh de Lowther's service

51) CPR 1367-70, pp.198, 160, 284, 363; Test.Karl., no.xvii; CRO, Carlisle, D Lons I5, IO 104.

in 1320 and 1322, Henry de Warcop's in 1314 and 1323, Thomas de Warcop's in 1327 and 1344, and Robert de Sandford's in 1331, 1345, and 1351, was notable. Each case, however, looks suspiciously like special baronial patronage. Henry de Warcop was the seneschal of Idonea de Layburn and John de Cromwell in 1307. Thomas served Matilda de Clifford as attorney in 1314, and her son, Robert, as interim feoffee on a number of occasions. Lowther's relationship with the Cliffords has been discussed earlier; Sandford's will be examined more closely below. (52)

Whereas in Cumberland appointments were virtually annual, periods of office in Westmorland were much longer, another demonstration of Clifford ability to maintain their nominees. A royal order of August 1343 to remove Musgrave if he had held office for longer than a year, for instance, had no noticeable effect. He had been sheriff since May 1339 and continued until May 1344. (53) Boure's monopoly of office in the thirteen-fifties has been noted, and it was not unique. Henry de Threlkeld served 1360-65, and James de Pickering 1371-76.

Although not as indicative of baronial control, the choice of knights of the shire still appears to show seigneurial influence. William de Langwathby was elected on eight occasions between 1334 and 1340, Thomas de Musgrave on four occasions between 1340 and 1344, and Robert de Sandford on sixteen occasions between 1316 and 1335. On the whole, however, the shire representatives were what the sheriffs were not - members of the gentry of the sort whom the Cliffords found it expedient to retain. The incidence of re-

52) PRO, SC1/16/85, 50/139; CPR 1334-38, p.345; CCR 1313-18, p.203.

53) CCR 1343-46, p.170.

election hints that Westmerians were no less eager than men of any other county for shire office, suggesting that they might have found the baronial hand restrictive.

Did this, then, contribute to their turning to other counties for administrative opportunities? As Rokeby and Musgrave had looked to Yorkshire, so did James de Pickering, sheriff there in the thirteenth-eighties, and thirteenth-nineties, and perhaps better known for his role as Speaker in the Commons. His descendants followed his path to Yorkshire. Some, like the Harclas and Lowthers, looked to Cumberland. These matters deserve further investigation.

The last two chapters have examined the opportunities for social advancement to be found within the March. They ranged from the traditional, sometimes rather chance means - the good marriage, the timely death - to opportunities more unique to the fourteenth century, in particular those provided by military service during the Anglo-Scottish war. It has been established that the vagaries of baronial mortality, as well as careful matrimonial planning and royal patronage, thinned out baronial ranks, leaving the survivors in a much strengthened position. Success in all these spheres, however, seemed to come to those who were already in favourable circumstances. The new men were not that new. They tended to come of enduring local families; in so far as they were new at all, it was only newness in a particular role in society. War, marriage, and death entrenched those already a few rungs up the social ladder. In Westmorland this was especially striking.

The importance of prosperity gained outside the West March, the implications for the structure of local society of employment

outside the counties, and of patronage from external sources, form the next subjects of consideration.

- 7 -

Mobility and the Community

Final proof of the integration of the West March into the realm comes from evidence of its inhabitants pursuing careers elsewhere. Law, seigneurial service, the offices of central government, military campaigns in France and Ireland; all had allure on the Border, and offered considerable prospects to the ambitious.

During the fourteenth century great heights were scaled by such Cumbrians as Robert Parvyng, Robert de Eaglesfield, and William de Windsor. Yet the rather grudging reception of the successful in their native shires tends to confirm the picture already painted, of a community in which birth and landed wealth were all-important. These were the criteria of status within the local community, no matter what was achieved outside it.

Despite this - or because of it - successful careerists generally maintained links with their native shires. They patronized fellow Cumbrians and were patronized by them. Thus the pulse of national affairs was felt in the furthest corner of the kingdom, and geographical mobility had repercussions on local social structure.

i) Forms of Legal Education

The last chapter explored the importance of matrimonial politics and mortality. But not everyone could step into dead men's shoes and ready-made positions of authority. Albeit on a less spectacular scale, seigneurial patronage formed another means to prosperity, the barony of Westmorland again demonstrating how strong lordship might restrict opportunity.

Although it thwarted the ambitious in some respects, seigneurial service brought rewards other than tangible. It produced obvious benefits in land and cash and, more subtly, bestowed on its adepts a rudimentary legal education. Apart from those who prospered by marriage, it is conspicuous that the Westmerians who flourished in the fourteenth century were clerics and lawyers; the Sandford brothers were the prime examples. A marked characteristic of Edward III's reign was the presence in the Border counties of men with such expertise. The Sandfords - and others - these were men new to influence on the March. Their advance in the local hierarchy was one form of change, but their very existence was itself a force for change. By bringing the county into contact with outside forces, they widened the horizon.

Dr R.C. Palmer has recently emphasized the professionalism of the medieval county court. Rejecting the traditional view that the legal profession originated in the king's courts, he argues that it began in the county and local courts of the twelfth century, among increasingly technically-competent pleaders. His contention that these men were frequently drawn from seigneurial administration is

borne out by the March evidence to be discussed below. His stress on the way in which they were 'the major forces integrating the county court with the law practised in the king's court' has important implications for the concept of the county community. The careers of fourteenth-century Cumbrian lawyers demonstrate not merely dissemination of legal knowledge and integration of legal practice, but patronage and communications which integrated different parts of the realm and wrought change in local society.

(1)

Seigneurial service was a medieval approximation of the career open to talents. Many Cumbrians embarked on such employment. Robert de Wessington, bailiff for the baron of Kendal in the first decade of the century, received each year for his pains forty shillings rent and a robe suitable for an esquire. John de Lancaster of Holgill served as bailiff of Barton and as an interim feoffee for John de Lancaster of Rydal in the late thirties. Hugh de Lowther was a pluralist, bailiff for the lord of Wigton in 1278; retained later by the lady of Kendal and the lord of Rydal; employed as attorney for the lord of Appleby and for the lady of the other moiety of Kendal; narrator for the countess of Albemarle; king's serjeant. (2)

The eyre rolls, on which numerous men appear 'tanquam ballivus', emphasize that war did not diminish the attraction of seigneurial service. Thus John de Preston appeared on behalf of Gilbert de

1) R.C.Palmer, 'County Year Book Reports: the Professional Lawyer in the Medieval County Court', EHR, xci (1976), 776-98; 'The Origins of the Legal Profession in England', Irish Jurist, xi (1976), 126-46.

2) PRO, Just 1/992, mm.1d, 2r, 1/130B, m.13; Farrer, Records of Kendal, p.12; List and Index Soc. xxxii, p.698.

Curwen, and John de Skelton for John de Lancaster in 1308. John de Kirkbride appeared for the prior of St Bees in 1324, William de Sandford for Robert le Brun in 1331. (3) Again this is difficult to reconcile with the hypothesis that war on the Border was the main source of prosperity and mainspring of social change.

Those with estates to manage - for themselves or for others - had to conjure with the law. It was not an arcane affair, it was a fact of daily life. Chaucer's Summoner, whose Latin ran to little more than the phrase 'questio quid juris', posed a very pertinent question, one many knights and esquires were equipped to answer. Hugh de Lowther, son of the judicially-inclined individual described above, although not as exclusively concerned with legal process as his father, was still able to manipulate it to his advantage. In 1335 Sir Henry Fitz Hugh complained to the King that Lowther had been convicted of trespass, and damages adjudged, but to evade punishment Lowther had 'demanded cunningly' a writ of privy seal directed to the sheriff. (4)

Such canniness did not stand alone. The charter of Robert de Yanwath, a Westmorland knight, to his daughter and son-in-law, for example, mentioned that his gift fulfilled 'statutum editum apud Westmonasterium anno regni regis Edwardi filii regis Henrici terciodecimo', presumably a reference to the second statute of Westminster. The picture thus conveyed differs from that painted by Sir Maurice Powicke, who suggested that the 'ordinary' Englishman knew nothing of the content of Edward I's statutes. Yanwath, a

3) PRO, Just 1/992, mm.1r, 2d, 1/141, m.1r, 1/1404, mm.17d, 35r.

4) PRO, SC1/49/80-81; CCR 1333-37, p.531. Both reveal disputes with Fitz Hugh.

former sheriff, was not the archetypal Englishman, but he was representative of many.

Not for the love of God alone did abbot Hugh of Furness remit certain rent to William de Dacre in 1297. It was 'pro fideli auxilio et consilio suo'. (5) Yanwath and Dacre's fellows were used to the workings of the law courts. William de Greystoke in 1278 appealed to Magna Carta 'et eciam de statutis nostris' against men who attacked land in his custody while he was on the king's service in parliament. Adam de Crookdayk, in a plea of 1298, 'prayed help of the statute' stipulating that on improper valuation of a debtor's goods and chattels, the valuers should answer to the creditor for their valuation.

Many factors combined to acquaint such men with the law. Any association with land tended to involve litigation, and courts could be very instructive places to pass the time. The relationship between the lords of Appleby and their burgesses was apt to be volatile; in 1286 the barons' desire to check their men, some of whom had made an appeal of death in the borough court, led to a lengthy statement about the correct procedure. It would no doubt have proved highly educational for Powicke's legally-ignorant ordinary Englishmen - had the defendants appeared in court to hear it. (6) Common though non-appearance was, there were sufficient occasions on which men had to attend, and many signs that they learned from the experience.

5) CRO, Carlisle, D Lons L5, BR 24, AB 28; Powicke, Thirteenth Century, p.369; Furness 1, ii, ccxciv.

6) Select Cases in the Court of King's Bench under Edward I, ed. G.O.Sayles, Selden Soc., lv (1936), p.45, no.107; CRR 3, no.33.

The eyre had its didactic side. Jurors in Cumberland in 1278 presented that, 'contrary to statute', freemen were amerced without the presence of their peers in the baron of Liddel's court. The Westmorland eyre of 1256 furnishes further examples of the ability to use the law as a weapon against lords, tenants, and neighbours. Accused of disseisin, Thomas de Hastings stated that when he erected certain enclosures, he left sufficient pasture for his tenant 'per provisen de Merton'. The amount of common pasture remaining after land had been brought into cultivation was a particular problem at the time. Another accused of disseisin expostulated that the assize should not stand;

'... ipsi sunt tenentes sui et ipse frussunt quamdam parte bosci per provisum de Merton et dimisit eis sufficientem pasturam quantum pertinentem ad tenementa sua. Et bene concedit eis communam in pecia illa post blada asportata'.

Thomas de Helbeck showed himself similarly au fait with legal niceties. Agreeing that he had taken William Legard's tenement into his own hand, he explained that William was his villein, disseisin thus impossible. The jury agreed; 'non fuit ... Willelmus tali condicionis quod potuit disseisiri de aliquo libero tenemento'.

Parliament too left its mark. The summons to treat at Carlisle in 1360 issued by the keepers of the March, with its emphasis on common utility and consent - 'ad utilitatem ... Marchiarum de communi consensu' - calls to mind the parliamentary summons. (7) It suggests the manifold ways in which the king's subjects were educated in administrative and legal process; similarly the many uses to which that education was put.

7) PRO, Just 1/979, mm.1d, 2d; CRO, Carlisle, DRC 1/2, fol. 42d.

The county petition bore the impress of legal ability, as witness a Cumberland complaint of 1305 about jurisdictional problems on the March. Thieves came across the Border, against whom redress was lacking. 'Pro eo quod non possunt invenire securitatem ad exequendum versus eos, excluduntur actione'. It was a popular grievance, another occasion on which the community spoke for many. Sheriffs, widows - even St Bega - suffered from this state of affairs. (8) The county community's utterances frequently manifested facility in recognizing and dealing with legal and administrative issues.

Thus out of necessity came virtue. Legal education came from diverse sources - suit of court, seigneurial service - and acquainted men with skills they made their own. The county community was one such development.

We touch upon Dr Palmer's argument here. In stressing the shire's expertise, he is led away from the traditional emphasis on the role of local gentry;

'the county court was not a democratic assembly of the knights of the county ... The actual functioning of the county court was dominated by the barons of the county through their legal experts, the seneschals and bailiffs.'

Certainly the seneschal played an important part in the county court. The lord of Newton Reigny's inquisition post mortem of 1275 observed that the manor was held by the service of a serjeant-at-arms in the army of Wales, and a steward doing suit at Cumberland county and pleas of the Forest. Dispute between the barons of Appleby and Kendal about suit to the shire court in 1227 was

8)
p.509.

Memo.Parl., no.106; Fraser, NP, no.66; St Bees,

resolved by the latter undertaking to perform suit

'per senescallos ... vel per alium ballivum idoneum ... si ipse vel heredes sui in propria persona venire non potuerunt vel noluerunt. Et sciendum quod senescallus ... facient sectam pro militibus et aliis hominibus de terris ipsius ... nisi forte trahantur in placitis vel aforciamentis alicuius iudicii.' (9)

Cumbrian evidence, however, tends on the whole towards the reinstatement of the gentry; they were the seneschals and bailiffs of their lords and neighbours. The baron of Rydal's dispute with Lowther in 1294 is a good example. Accused of failing to give Lowther the robe promised for his services, Lancaster explained that the arrangement provided for a robe suitable for an esquire; Lowther, having recently taken knighthood, now spurned the attire. Near neighbours, little different in status, Lancaster and Lowther's relationship was typical.

The pleaders, seigneurial bailiffs and attorneys who appeared in the shire court were men at the heart of local affairs. Although they acted as baronial representatives, they knew other loyalties. The careers of the three who had sued the baron of Appleby in 1280 on behalf of the barony of Kendal, for instance, demonstrate this. They were Roger de Burton, Gilbert de Burneside, and Gilbert de Whitby.

Roger de Burton, lord of Burton in Kendal, combined the activities of a typical knight of the shire with activities on a wider stage. He was summoned as a knight of Westmorland to the marriage of the king's eldest daughter in 1292, but he had lands in Yorkshire as well, an interest signalled by his marriage to a

9) IPM 2, no.151; Palmer, Courts, pp.88, 114.

Yorkshire heiress. He represented Westmorland in parliament in 1298, and served as justice of gaol delivery in 1294 in Cumberland, Westmorland and Lancashire. The local community was perhaps trying to harness his influence as royal appointee. Royal patronage included, in 1293, the pardon of a debt as a reward for service in Scotland. Burton had been appointed to hear various querelae in that country, and had witnessed a charter of John de Balliol to the bishop of Durham. His involvement with gentry of the barony of Kendal may be glimpsed in his appearance among the witnesses of a confirmation of a Strickland marriage settlement in 1292, and as a witness of the lord of Preston Richard's charters. The accusation that he and Richard de Preston had seized Strickland possessions at Natland is also indicative. (10)

Gilbert de Burneside, lord of that manor, had influence in both Westmorland baronies. In Kendal he served as attorney for the lord of Rydal, witnessing charters for the lady of Kendal and others, whilst his appointment as sheriff suggests his standing at Appleby. Local desire to use his position appeared in the offering - and acceptance - of gifts by criminals 'pro advocaria habenda'. (11)

Gilbert de Whitby was not the prominent local land-holder that the other two men were. His association with the baron of Kendal is certain. In 1270, for example, he was among four men who acknowledged a debt of £40 to the Lord Edward on his behalf. A local connection may be implied by a recognizance of debt of 1290,

10) CRO, Kendal, WD/D Unsorted; IPM 4, no.137; Rot.Scot., pp.5-8.

11) CChR 2, p.190; CCR 1272-79, p.237; CCR 1288-96, p.406; Halton, Appendix.

in which William de Strickland acknowledged himself bound in £20 to his son Walter de Strickland, and one Henry de Whitby. (12) Gilbert certainly witnessed the charters of Robert de Morvill in the twelve-eighties. Otherwise his position in the area is difficult to ascertain.

The careers of other lawyers display the same combination of interests - local concerns and wider ones, self-interest and seigneurial interest. Lowther's public duties show him as appointee of both Crown and community, summoned as a knight of Westmorland to the wedding of 1292, summoned to parliament as a judge, and despatched thence as its representative by the shire. The patronage by the county of its men of law was a continuing trend, despite the prohibitions of Edward III's reign. Lawyers represented not only the 'singulers persones oves queux ils sont demorez', but also a spectrum of local influence. (13)

Adam de Crookdayk, knight of Cumberland, was employed in roles similar to Lowther. Among his other occupations he sat as justice of oyer and terminer in a case of theft at Lamplugh in 1283, and as a commissioner inquiring into shrieval execution of distraint of knighthood in Westmorland in 1279. He was steward and ultimately executor for Robert Brus, whose wife, Christina, was the heiress of the lord of Ireby.

A man like Crookdayk was useful to the shire in many ways. Like the well-placed baron, he provided a means of communication with the

12) CCR 1268-72, p.288; CCR 1288-96, p.127; CRO, Carlisle, D Lons L5, AS 6.

13) K.L.Wood-Legh, 'Sheriffs, Lawyers and Belted Knights in the Parliaments of Edward III', EHR, xlv (1931), 372-88.

court; he could pass patronage from the centre to the locality. Crookdayk, for instance, petitioned the chancellor on behalf of Master Walter de Lutton, asking for aid in his cause in the king's courts. Lutton was not a Cumbrian, but Crookdayk's action showed what could be done. (14)

To a greater extent than the ordinary shire representative, the lawyer, a man of supra-parochial knowledge and affairs, had the ability to place the local community in contact with wider worlds. In the middle years of the fourteenth century Cumberland conspicuously availed itself of the opportunity created by the rise of Robert Parvyng. The son of the rector of Hutton church, he became king's serjeant in the thirteen-thirties, treasurer in 1340, and chancellor in 1343, weathering even Edward III's return in chagrin after the truce of Espléchin in 1340. But before he achieved this national renown he was already set to prosper in the North. His family had not been among the influential of the shire before, but Parvyng's endeavours began to make them socially acceptable. By his death in 1343, Parvyng's nephew and heir, Adam Parvyng, was in a position to establish himself as one of the shire's governors, serving as sheriff 1368-71. Another Robert held the office in the thirteen-eighties.

The advowson of Hutton was held by the priory of Carlisle; interestingly, Parvyng and his father originally concentrated their acquisitive urge on the city environs,⁽¹⁵⁾ the father playing an

14) PRO, Just 3/10A, mm.1-6; SC1/26/156; CPR 1281-92, p.95; CPR 1272-81, p.342.

15) CRO, Carlisle, D Ay 27; Halton, 2, p.13; IPM 8, no.458; CPR 1338-40, pp.19, 97.

important part in the son's settlement of lands. From this initial link with Carlisle, Parvyng extended his range of patrons. Like Lowther, he found it possible to serve several masters.

His connection with Ranulph de Dacre was marked. He and William de Burgh, parson of Dacre, participated in a number of Ranulph's legal manoeuvres. In 1324 they acted as deforciantes in a settlement concerning the manor of Dacre, subsequently performing the same role for other parts of Dacre's estates. Dacre was the first witness in a charter of quit-claim to Parvyng in 1330, and had granted land to him before 1329. The two men were involved in various recognizances of debt. They acknowledged a debt of £32 7s. 6d. to one William de Rednesse in 1328, and 700 marks to Henry de Croft and William de Clifton. The latter debt was enrolled only in Parvyng's name, but Dacre's involvement emerged on acknowledgement of payment. (16)

Parvyng was similarly associated with Margaret, lady of Wigton, and her husbands. In 1333 he participated in a settlement of the manor of Stainton, then partly held in dower by John de Wigton's widow, which activity foreshadowed his involvement in the settlement of the manors of Blackhall and Melmerby in 1334, and others on Margaret's remarriage to John de Weston. The Parvyng estates were heavily reliant on a combination of Wigton largesse and misfortune. The cost of Margaret's legal battle to prove her legitimacy has already been mentioned; Parvyng prospered as she battled. In 1334 she allowed him to hold the manor of Blackhall for the annual render of a rose during her mother's life, and forty marks per annum

16) CPR 1327-30, p.404; CCR 1327-30, pp.368-9; CCR 1330-33, p.618; Parker, 'Calendar', 234-5.

marks per annum subsequently. The manor was settled on Parvyng by his father three years later, with remainder to Parvyng's nephew Adam, and others. Parvyng also acquired the manor of Stainton, and a life interest in other Wigton estates. In tribute to the family, Parvyng's arms, on his assumption of knighthood, were derived from the Wigtons'.

Nor were these Parvyng's only associates. A relationship with the lord of Rydal is suggested by Parvyng's possession of certain lands in Northumberland, and at Waitby and Barton, in Westmorland. (17) A number of John de Lancaster's land transactions involved notable figures, like Hervey de Staunton, and William de Herle, so to find him using Parvyng's services is not surprising. All appear to have benefited from Lancaster's death without issue in 1334. (18) Parvyng served the lords of Kirkbride, relations by marriage of the Wigtos, in similar capacities. During Anthony de Lucy's absence from the kingdom in 1331, he was appointed as one of his two attorneys.

The part which he played on the national stage is obvious. His contacts were diverse. He was one of the pledges for the executors of Archbishop Melton of York, and attorney for John Giffard in 1340. Merchants like Thomas de Melcheburn, mayor of the Staple at Bruges, were bound to him in various sums of money. (19)

It is difficult to know whether to classify him as the client or

17) CRO, Carlisle, D Mus, Edenhall, Bramery, D Lons L5, CG 13; IPM 11, no.312; 15, no.405.

18) IPM 7, no.621; 8, no.172.

19) CPR 1330-34, p.104; CPR 1340-43, pp.3, 381; CCR 1339-41, p.386; CCR 1343-46, pp.230, 233.

the patron of the men he served. Like the gentlemen-bureaucrats studied by R.L. Storey, his position in the local community was a little anomalous. It was sufficient even by 1325 to return him as knight of the shire for Cumberland, though knight he was not until 1340. He represented the shire again; at Lincoln in September 1327, at York in February 1328, at Westminster in September 1331 and March 1332, early influence perhaps reflecting Dacre's prestige rather than his own. In his home community, Parvyng's status was only that of the average knight of the shire; even this was an achievement. On his death, his sisters pleaded poverty and infirmity to excuse their not going to the King to perform homage. In consideration of Parvyng's service and 'the smallness of the lands of their inheritance, which do not attain to the value of 100s.', it was conceded that the county escheator should take their homage.

None the less, Parvyng's efforts had brought the family to gentry standing. They had become lords of manors, able to satisfy traditional knightly aspirations, undertaking shire office, and obtaining licence for a chaplain to celebrate privately on their estates. (20) Parvyng was a self-made man, as far as this was possible in the Middle Ages. His achievement was more startling, more enduring - and perhaps no more socially unacceptable - than any in the West March dependent on the Anglo-Scottish war under the first three Edwards.

20) CRO, Carlisle, DRC 1/2, fol. 34d; CFR 1337-47, p.346; R.L.Storey, 'Gentlemen-bureaucrats', Profession, Vocation, and Culture: Essays dedicated to the memory of A.R.Myers, ed. C.H.Clough (Liverpool, 1982), pp.90-129.

The importance of successful manipulation of patronage was manifest throughout his career. Whilst his relationship with Dacre helped to establish him in Cumberland, he did not rely solely on Dacre in the way in which generations of Musgraves had relied on the lords of Appleby. Because of his own ability and a growing reputation, because the right men employed him, Parvyng was able to attract patronage. The King's favours were marked: a grant from the issues of the hanaper of £200 to enable him to maintain his state as chancellor in 1341; a grant of forty marks per annum from the farm of the demesne of Carlisle castle, and part of the demesne, rent free, for life in 1338; a grant of 100 marks per annum to maintain his new state as a knight in 1340. (21) The more his patrons, the greater his independence. Pluralism and outside influence allowed him to work his way into the ranks of Border gentry, whilst the patronage at his own disposal permitted others to rise with him.

Westmorland vaunted no such figure of national stature, although it fathered men who came close to the heart of royal administration. Denholm-Young suggested that the Kendal family, prominent in early fourteenth-century administration, were 'presumably tenants of the barony of Kendal', but it has proved difficult to find evidence to substantiate this. A Cumberland cleric acknowledged a debt to Hugh de Kendal in 1288, but neither the Kendals' custodies, their land, nor their employment were associated with the West March. (22)

As in Cumberland, however, there were indications that

21) CCR 1341-43, p.301; CPR 1338-41, pp.19, 97, 460.

22) N.Denholm-Young, The Country Gentry in the Fourteenth Century (Oxford, 1969), p.43.

local lawyers played a prominent part in shire affairs, and that they were able to increase their social importance. Perhaps more significant, however, was their nurture under Parvyng's aegis. The men in question were members of the Sandford family, their name derived from Sandford in Warcop.

The measure of their service locally is easily seen. Like Parvyng, they employed their talents for all-comers. In 1327 Robert de Sandford served as attorney for Anthony de Lucy, to answer for the issues of Carlisle castle. With his brother, William, he stood as attorney for Thomas de Warcop, keeper of the forfeited lands in Cumberland and Westmorland. His other duties in that year included acting as attorney for the bishop of Carlisle, Robert de Vipont of Alston, and Henry de Threlkeld, late sheriff of Westmorland. (23) The Sandfords dominated any list of attorneys drawn up at this date.

Their colours were not nailed to any one mast, although Westmorland clients perhaps outnumbered Cumberland ones. Robert had acted as parliamentary proxy for the bishop, prior and chapter of Carlisle at various times. He served Henry de Warcop in 1314, in an action against Margaret, lady of Wigton, about dower. Harcla, during his brief elevation to the nobility, was served by Robert in the prosecution of a recognizance of debt made by the lord of Liddel. Other lords for whom Robert worked included the lord of Hoff, for whom he acted in an assize of novel disseisin in 1324. (24)

Given their Westmorland origins, it is not surprising to find the

23) CMR, pp.178, 180-2, 188, 191.

24) PRO, Just 1/994, m.1r; Halton, Appendix; CCR 1313-18, p.190; CCR 1318-23, p.685.

Sandfords in Clifford service. Robert was sheriff 1331-35, the first of the family thus honoured. During this period Clifford was frequently in dispute with Henry Fitz Hugh. William acted as his attorney, whilst Robert was among those attacking Fitz Hugh's land at Middleton in Teesdale on Clifford's orders. The relationship between the Sandfords and the lords of Appleby continued in the next generation. William, and Robert's son, Thomas, were employed as attorneys by Roger de Clifford during his absence in Gascony in 1355. Robert II served as sheriff 1345-48, during Neville's custody, and again, in 1351. Another Sandford served 1382-84. (25) But their careers ante-dated Clifford attention, and Clifford service was fitted in with other work. Between 1331 and 1335, William was bailiff for Robert le Brun of Cumberland, attorney for the prior of Carlisle, and William Engleys 'le Cosyn'. (26)

The Sandfords not only combined service in Westmorland and Cumberland. Through their association with Parvyng, they pursued interests much further afield, a web of patronage similar to the Yorkshire connections in royal administration under Edward I and Edward II examined by J.L.Grassi. A memorandum of 1344 referred to William as Parvyng's clerk. Other hints of Parvyng's patronage remain. His widow used William as her attorney in 1343. In 1345, she, Thomas de Sandford, and two others acknowledged various debts to Master John de Thoresby. Parvyng and other justices of oyer and terminer appointed Thomas to pursue the king's affairs before them in Southampton, and appointed William to enrol the continuation of

25) PRO, Just 1/1364, mm.6d, 9d; CPR 1354-58, p.241.

26) PRO, Just 1/1404, mm.17d, 18r; CCR 1333-37, p.476.

processes begun before them. (27)

Their abilities and Parvyng's influence brought them extensive opportunities. They knew the benefits of royal patronage, Robert having been granted custody of land at Tebay and Roundthwaite by Edward II, only to have it revoked under Isabella and Mortimer. There is a reference of 1370 to William, probably the younger, as keeper of the rolls and writs of the Bench, proof that the family's administrative and judicial service continued to flourish long after Parvyng's death. (28)

The position the Sandfords established by service outside their immediate home enabled them to improve their standing locally. Like Parvyng, they arrived in the ranks of shrieval families, and began to hold other office. Robert was the shire's representative to parliament on no less than seventeen occasions between 1316 and 1335. Thomas was elected as the borough's representative in February 1334, William in May 1335. They were both elected for Appleby in 1339, 1340, and 1341, for the county in 1346, an indication that the shire sought to manipulate the influence of its lawyers, to draw on the patronage they could tap. It was a mutually-beneficial arrangement.

For their part, the Sandfords retained strong local loyalty. Thomas, (d.1380) made bequests to repair bridges at Warcop, Sowerby, Salkeld, and Tebay in his will, as well as providing for chaplains celebrating 'infra wardam' of Westmorland. The family were not the

27) CPR 1343-46, pp.173, 297, 300; CCR 1343-46, pp.351, 561, 589; J.L.Grassi, 'Royal Clerks from the Archdiocese of York in the Fourteenth Century', NH, v (1970), 12-33.

28) CPR 1327-30, p.130; Brantingham, p.341.

lords of Sandford at the beginning of the century, the manor having passed to the Musgraves in the hundred years before. In 1356 Thomas de Sandford bought it back. Acceptance into gentry society was further symbolized by marriages into the local families of Warcop, Lancaster, and Engleys. So too an indenture of 1357, by which Thomas de Musgrave granted to Thomas de Sandford and his wife twenty marks per annum from the manors of Musgrave and Soulby, heralded their absorption into the ranks of the influential. (29) Links with the native shire were never severed; the demands of national undertakings did not sweep away involvement in local politics and administration.

ii) Patronage and Office

The presence of men like Parvyng, the Sandfords, Lowther, Crookdayk, and Burton, militated against isolation. The patronage which they attracted and which they could offer set up an osmotic movement between the centre and the locality. Men of the shire were anxious to take advantage of the skills of these less parochial neighbours, as their election as parliamentary representatives, in particular, demonstrates. In this context it is interesting to recall G.P. Cuttino's suggestion that the king's clerks in parliament may have 'constituted one of the main continuing focal points around which the representatives of boroughs and shires could group their own petitions and interests.' The lawyer did not disdain such attention as he sought to insinuate himself further

29) CRO, Carlisle, D Mus, Soulby 37, D Lons L5, BR 72, AS 41; Test.Karl., no.cli.

into local society. The influence and patronage won outside that community were largely responsible for his local prominence.

The continual association with the county of origin is important - a contrast, for instance, with the men of Cheshire who prospered by military service overseas. These, Dr Morgan contends, were 'reluctant or unable to re-enter the local society from which they had sprung', purchasing land elsewhere, seeking roles in the local community which they had not occupied before. (30)

The consequences for the March were various. The existence of men of this ilk within the county coincided with a period in which the shires were singularly vocal and self-reliant; it seems unlikely that this was the working of chance. The rise of their families replenished gentry stock. Possibly more significant, however, was the way in which they mediated patronage between local men and outsiders.

A network of influence is suggested by other Parvyng associations, many of which point to the importance of position achieved outside the area in causing change in West March society. On Parvyng's death, two Cumberland yeomen in his service were to be discovered delivering the great seal to Bartholomew de Burghersh. A link with Robert de Eaglesfield, the Cumbrian founder of the Queen's Hall, Oxford, is implied by the gift by Parvyng's widow of 100 marks for his obit. Both Parvyng and Eaglesfield had a close relationship with the lords of Cockermouth and Wigton, this rendering their

30) Morgan, 'Military Service', p.181.

acquaintance a possibility. (31)

Eaglesfield's career further demonstrates these trends. His foundation, in 1341, of a Hall to give preference to men of Cumberland and Westmorland, expressed his attitude to the West March, with its reference to 'their waste state, their uninhabited condition, and the scarcity of letters in them'. In taking him away from the area, his career reflected the reality of Border poverty. He came of a long-established Cumberland family; some of his employment, like his appointment as commissioner into the observance of the Rule at the Hospital of St Nicholas, Carlisle, in 1335, showed his local position. Anthony de Lucy granted him twenty shillings and a robe each year for life in 1319, another local tie. But it was royal patronage which really advanced him, and took him further from home. In 1328 the King allowed Eaglesfield to exchange land which he had given him in Middlesex, for the hamlet of Renwick in Cumberland, forfeited by Harcla. The royal order of 1331, that he be presented to the first vacant benefice in the royal gift worth over twenty marks, resulted in his presentation to the church of Brough in 1332. Eaglesfield did not reside there, Edward III having obtained permission for this from the bishop, in a letter referring to him as 'dilectum clericum nostrum'. The living was a good one by March standards. An inquisition of 1344 valued it at £53 16s. 7d. per annum in 'these days', although before the war it was thought to have been worth £100. (32) Its possession brought him into contact

31) CCR 1343-46, p.225; J.R.Magrath, The Queen's College (Oxford, 1921) 1, p.23. I am grateful to Miss E.A.Danbury of the Department of History in the University of Liverpool for allowing me to consult her notes on The Queen's College Archives, vol. I.

32) CRO, Carlisle, DRC 1/1, fol. 238, 240; St Bees, no.376; CPR 1330-34, pp.96, 251.

with the Cliffords; he acted for Robert de Clifford against Fitz Hugh in 1338. Brough was just one of the rewards of Eaglesfield's service at court. Licence to enclose, to alienate in mortmain, grants of marriage of heirs, royal intercession on his behalf - these were others. Small wonder Eaglesfield put the Hall under queenly patronage, or that its statutes demanded courtly etiquette at table and in language. (33)

Eaglesfield's dependence on royal patronage and his pursuit of opportunities outside the March had been presaged by the career of his uncle, Adam de Eaglesfield. Another royal clerk, Adam had seen royal service in Bordeaux in 1310, and had similarly been a member of a queenly entourage, as attorney for Margaret of France in 1315, and justice of oyer and terminer in a case in which she alleged trespass in 1316. He, too, used the influence thus provided to acquire land on the March. It would seem likely that his other success was to bring his nephew to the attention of the royal court. (34)

The examples of Parvyng, the Sandfords, and the Eaglesfields show how prosperity gained outside the March had repercussions on its social complexion. They represented the successful manipulation of royal patronage. In the reign of Edward III, unlike that of Edward II, it was a means of control and communication with the shires. Its recipients were loyal, intent on the king's service. The two-way flow between court and country was thus maintained. There were other conspicuous recipients of royal favour on the

33) CCR 1337-39, p.326; CPR 1324-27, p.117; CPR 1338-40, p.94; CPR 1340-43, p.249.

34) CCR 1307-13, p.331; CPR 1313-17, pp.259, 586; CPR 1334-38, p.75.

March. Adam de Redman, William Engleys, Richard de Thirlwall, William de Coucy, Richard de Kardoill, William de Multon, John de Raghton, Adam de Urswick, and Thomas de Bassenthwaite were king's yeomen. Among the king's clerks were Robert de Salkeld, Henry de Greystoke, John Parvyng, John de Lowther, Robert de Barton, and Robert de Warcop. These men prospered. (35)

Munificence of this sort generally made only small changes in society. Greystoke, Parvyng, Redman, and Lowther, for instance, were members of already-influential families. On the other hand, it was possible for royal sponsorship to play a significant part in altering the balance of power among gentry families, as witness the rise of a cadet branch of the Engleys family of Westmorland.

The family was an old one. Its members appeared in charters concerning the Asby area from the mid-twelfth century, their name possibly originating at a time when it became necessary to distinguish Norman and other Continental land-holders, from natives. They were good knightly stock, quietly flourishing. William Engleys built up his estates in return for gifts to those languishing 'in necessitate' in the twelve-fifties. (36) His son, Robert, was given both to strenuous and administrative pursuits, serving under Clifford at Carlisle at the turn of the century, acting as keeper of the peace, assessor of subsidy, commissioner of array, and knight of the shire. The rise of a junior member of the family, his establishment at Highhead and elsewhere in Cumberland, and in East Anglia, was a new departure.

35) CPR 1334-38, pp.93, 172, 460, 494.

36) CRO, Carlisle, D Lons L5, AB 2, 4-8, 21-3, 47.

William Engleys' good fortune seems to have begun under the auspices of John de Cromwell, second husband of one of Vipont of Appleby's heiresses. As keeper of forests beyond Trent, Cromwell had evidently attracted Engleys into his service, as the latter received a pardon for trespass of venison in Rockingham Forest in 1330. Even service to a local lord had widened Engleys' horizons. He was one of the king's yeomen by 1328, possibly as a result of Cromwell's influence. Certainly Cromwell's hand was to be seen in the grant of that year of the bailiwick of chief forester of Inglewood for life, and the demise to him of land there for thirteen years. Despite supporting Isabella against Edward II, Cromwell actively opposed Mortimer, receiving patronage from the young Edward III for his aid in 1330.

Engleys' loyalty to the King at this juncture set the seal on his own prosperity and confirmed his ability to bring patronage to the local community. In 1330 he received permission to grant to the 'knights and other good men of the county' a course for deer in the circuit of Inglewood, and discretionary powers concerning deer found wounded. At his request a pardon was issued to John de Salkeld for hunting there. In 1329 Engleys' cousin was pardoned all trespasses of vert and venison committed in Inglewood in the past two reigns. (37) Like Parvyng, Engleys was in a position to mediate between the court and the March. He served as knight of the shire for Cumberland in 1334, and for Westmorland eight times between 1332 and 1344.

Royal service took him away from the area. He was overseas in

37) CPR 1327-30, pp.260, 392, 403, 470-1, 501, 513.

1329, at Nottingham in 1330, in Holderness in 1338. A royal charter of 1339 referred to his 'dwelling continually by the King's side', but it was on the March that he sought influence and prosperity. In 1333 Edward granted him custody of land in Skelton late of Patrick de Sutheyk, during the minority of the heir. He also received custody of the lands late of Adam de Crookdayk. These were but two such gifts. In 1336 he was given what pertained to the King of the marriage of Alice, widow of Walter de Kirkbride. She was subsequently married to Thomas Engleys. (38) The list of perquisites was endless. Particularly important, however, was the grant in fee of the peel at Highhead in 1335, for the rent of a rose per annum. This superseded earlier grants limited to Engleys' life, signifying the appearance of another new source of authority.

Engleys had gravitated away from the Border in search of prosperity. Given his similarity to the Sandfords, their association was perhaps to be expected. In 1342 Engleys enfeoffed William de Sandford the younger, and the parson of Dufton church, Westmorland, of his Cumbrian estates, which they then regranted to him for life with various remainders. His lands in Huntingdon and Cambridgeshire were also dealt with in this way. (39) In 1344 Thomas de Sandford mainperned Engleys' son and heir to account for custody of the King's manor of Brustwick in Holderness. Edmund de Sandford was one of the son's executors in 1369. (40) The evidence cumulatively suggests that service outside the area was a primary

38) CPR 1330-34, pp.8, 403, 438; CPR 1338-40, pp.70, 213; IPM 8, no.527.

39) CPR 1334-38, pp.111, 232; CPR 1340-43, p.505.

40) CCR 1343-46, p.417; Test.Karl., no.cvi.

means to prosperity within Cumberland and Westmorland. When one took the path, others followed.

It is certainly hard to equate such a state of affairs with the idea that the Anglo-Scottish war par excellence provided prosperity and social mobility on the West March in the fourteenth century. Whilst Engleys was given the office of constable of Lochmaben castle in 1334, he did not depend on war; he was already secure in royal favour, and this was but one proof of it. Other king's clerks were prominent in military administration. Robert de Barton was keeper of victuals at Carlisle and Skinburness in 1333. The position probably had scope for gain. But like Engleys, Barton was not entirely devoted to the war, nor to the March. He had custody of the king of Scotland's former Northumbrian and Cumberland estates in 1307, custody of the bishopric of Durham in 1311, and in 1337 was granted, for good service, the bailiwick of the Hundreds of East and West Medina on the Isle of Wight. He frequently acted in a judicial capacity; he and Robert Parvyng stood as sureties for the appearance in chancery of the abbot of Grey Abbey in 1327. (41) In view of the way their outside activities appear to have subsidized their West March estates, the clerical element in the recognizances of debt, noted above, takes on further significance. The Anglo-Scottish war was not a boon to Cumberland and Westmorland - although devastation perhaps prompted its inhabitants to look for employment and patronage elsewhere.

Certainly not all Marchers lived sequestered lives. Recollecting the year of birth at one Cumberland proof of age, jurors exhibited

41) CPR 1330-34, p.548; CFR 1272-1307, p.550, etc.

considerable wanderlust. One remembered a journey to Paris, another a trip to Santiago; six others had been about to go on pilgrimage to Canterbury. A proof of age taken in Westmorland in 1336 revealed that one juror had been to the Holy Land in 1318, and another on business in Gascony. (42) On the other hand, during the eyre at Appleby in 1256, it was stated that nothing was known about the chattels of someone accused of homicide, 'quia extraneus de comitatu Cumberlaund', a remark suggesting infinite parochialism. Whilst travel was not the common lot, the hypothesis that mobility took on new impetus in the fourteenth century has its plausibility.

Thomas de Bassenthwaite, formerly porter at Windsor Castle, appeared in the household of the King's daughter, Isabella, in 1363, Adam de Redman in the service of John of Eltham in 1329. (43) Adam de Strickland was custodian of the pesage of wools in the city of York in 1333, Robert de Musgrave a customs collector on the East Coast in 1342. John of Gaunt attracted John and Hugh de Dacre, John and Thomas Ros, John de Kendal, Nicholas de Harrington, and James de Pickering into his service later in the century. (44) Dr Saul's study of Gloucestershire emphasized that many gentry were unattached simply because the great lords could only afford to retain a certain number. The March counties demonstrate how far afield, and with what energy, the gentry were prepared to look. It cannot have been a coincidence that they did so at a time when war impaired the profitability of their land, possibly also limiting the ability of

42) IPM 3, no.618; 7, no.61.

43) PRO, Just 1/979, m.10d; CPR 1361-64, p.390; CPR 1327-30, p.377.

44) CPR 1330-34, p.413; CPR 1348-50, pp.11-12; CFR 1337-47, p.291.

Cumbrian lords to retain them. (45)

iii) Military Service

Ironically, it was war away from the March which provides examples of military service reversing traditional roles within local society. To some extent this was the result of changes in military organization, something emphasized by A.E. Prince, and latterly by Dr P. Morgan, in his study of Cheshire. Tracing developments in recruitment during the era of the Black Prince's lordship in Aquitaine, Dr Morgan observes that as the chevauchée of the fourteenth century gave way to the colonizing warfare of the fifteenth, so a 'professional military class' came into being. Instead of shire recruitment dominated by the nobility, garrison captains like Hulgreve, the sons of minor gentry, took over - and flourished. (46) Chronologically the West March fits in with this hypothesis; in other respects it presents a contrast.

Continental campaigns held some allure for the West Marcher. The earl of Lancaster testified to the good service in Gascony of Adam de Blencow, Clement de Skelton, and Thomas, son of Hugh the shepherd of Newbiggin in 1348. As a result, all three were pardoned the king's suit of felony and trespass committed in Cumberland. Blencow was Greystoke's standard bearer at Crécy and Poitiers, rewarded by the baron with a grant 'of my arms' for his

45) Saul, Knights and Esquires, pp.97-105; Gaunt, 1, pp.1, 31,33.

46) Morgan, 'Military Service', pp.154-91; A.E.Prince, 'The Indenture System under Edward III', Historical Essays in Honour of James Tait, ed. J.G.Edwards et al. (Manchester, 1933), pp.283-98.

services. More tangibly, he began to acquire land at home from this date. Although war helped Blencow, the seigneurial element was also vital; he was to be found as Greystoke's attorney in 1351. The thirteen-twenties had seen a flurry of protections in favour of Cumbrians going to serve in Gascony. Robert de Layburn served under the earl of Kent, Ranulph de Dacre under the earl of Surrey. Even Andrew de Harcla intended to leave the March in favour of exploits abroad in 1320. (47)

The career of William de Windsor presents the nearest equivalent to that of the Cheshire captain. His family had held the manors of Grayrigg, Heversham, and Morland, of the barony of Kendal since the second half of the twelfth century. It also possessed estates in Cumberland. It was closely aligned with other gentry houses of the area, the widow of William's namesake marrying Roger de Burneside in the thirteen-thirties, for instance. William's father, Alexander, had obtained a charter for a market and fair at Heversham in 1334, suggesting a degree of optimism about the local economy, and commitment to his estates. The family had not been conspicuous in the administration of the shire, although they traditionally witnessed barony of Kendal charters. (48) Alexander was one of three appointed to keep the peace in Westmorland in 1335; for him, a rare occurrence. Until William's day the family provided neither sheriffs nor shire representatives.

Unlike the Cheshire captains, William was an eldest son. Like his father, he was interested in his Westmorland estates, enclosing

47) CPR 1350-54, p.172; CPR 1317-21, p.455; CPR 1324-27, pp.86, 116.

48) Wetheral, no.210; CChR 4, p.312; 5, p.170.

land and procuring a market charter for Morland in 1362. Yet at the same time he was embarking on a military career which took him to Ireland and Normandy, in which royal patronage was of peculiar importance, and Scottish affairs of very little. (49)

William's first spell in Ireland came in 1362, as part of the forces of Lionel, earl of Ulster. On 10 June he sealed an indenture with the King, agreeing to stay for a year with sixty archers and sixty men-at-arms, setting to sea on the Nativity of John the Baptist. He was to receive the wages of war, and accustomed regard for himself and his men, paid quarterly, in arrears. On 15 June the sheriff of Lancashire was commanded to array sixty foot archers under Windsor's supervision, sending them to Liverpool by Midsummer. His retinue included a number of West Marchers, as witness men with the names of Lancaster, Lowther, Knipe, Threlkeld, Cliburn, and Lamplugh, to be found in his company. Despite the size of retinue stipulated in his indenture, numbers fluctuated; reference was made to the payment of wages to sixteen additional archers in place of eight esquires who left before the end of the first quarter. (50)

Windsor stayed longer than originally anticipated, returning to England periodically to help with recruitment. He appointed attorneys to look after affairs in his absence in June 1362, November 1363, and was still in Ireland in July 1365. (51) Already he was able to use patronage to benefit his Westmorland neighbours; at his request one of the lord of Killington's servants, indicted of

49) CPR 1334-38, p.208; CPR 1381-85, p.447.

50) PRO, E101/68/4, no.82, 28/13; CCR 1360-64, p.340.

51) PRO, E101/28/21, 28/11; CPR 1361-64, pp.217, 416, 420.

the ravishing and abduction of Thomas de Harrington's widow at Sedbergh, was pardoned in 1365. His service stood him in good stead at court. In September 1366 he was granted £100 per annum from the issues of Yorkshire until the King provided him with the equivalent in land or rent. In 1367 he was pardoned all sums due to the King - a reminder that military service was not unalloyed gain. (52)

The years 1366-68 saw Windsor serve as sheriff of Cumberland; appointed in May 1367, he accounted from the previous Michaelmas. At 1000 marks per annum, his fee for custody was unusually generous. Given the family's lack of influence in the county, it would seem that appointment and fee alike were indications of royal favour, another instance of the effects on the hierarchy of the West March of position achieved outside it.

In 1369 he turned his attention back to Ireland, with the prestigious role of royal lieutenant. The indenture specified that he was to serve for three years, retaining in the first year 200 men-at-arms and 300 archers, in the second 120 men-at-arms and 200 archers, the numbers falling to eighty men-at-arms and 150 archers in the third year. The number of men, and the sums of money involved were a far cry from service at Carlisle, officially tranquil since the treaty of Berwick in October 1357. The men-at-arms of his retinue included John Engleys, Thomas de Clifford, Thomas de Rokeby and his son, James de Pickering, Nicholas and Michael de Harrington, Walter de Strickland, John de Redman, and a host of others.

The opposition Windsor encountered in Ireland brought some

52) CPR 1364-67, pp.95, 185, 324, 384.

benefit to Anglo-Scottish Border society; Windsor continually engaged more men than envisaged in his indenture of service. The third year found him paying the wages of fifty extra men-at-arms and sixty archers. Obviously not all of them came from Cumbria, but the area was well represented. Of the troops organized under eleven knightly leaders who arrived in Ireland a few months before Windsor in 1369, three bands, led by Thomas de Clifford, Thomas de Rokeby and James de Pickering, were predominantly Cumbrian, some of the subsidy later yielded by the parliament at Kilkenny to provide additional troops finding its way thus to the March. (53)

As the story of Ireland as a Cumbrian Eldorado, rather than the story of Anglo-Irish administration, it is not appropriate to describe here Windsor's political activity, the extortion of subsidies or Irish parliamentary development. Suffice to note that on his reappointment as governor in 1373, men with names like Sedgwick, Lonsdale and Kendal continued to follow him across the Irish Sea. (54) When his Irish career finally ended in 1376, he reappeared as keeper of Cherbourg in 1379, serving under the earl of Buckingham in the early years of Richard II's reign. Again West Marchers trailed after him. (55)

The question of how he managed to rise so far remains. The answer hinges on royal patronage, and his relationship with Alice Perrers, mistress of Edward III. Richardson and Sayles attributed

53) PRO, E101/29/22, 30/1, 30/2, 31/25.

54) PRO, E101/33/3, 33/34-35. Generally see M. Clarke, 'William of Windsor in Ireland 1369-76', Fourteenth Century Studies, ed. L.S. Sutherland & M. McKisack (Oxford, 1937), pp.146-241.

55) PRO, E101/39/7, 40/10.

his appointment as lieutenant to this entirely - an interpretation dealing a severe blow to the hypothesis of war as the carrière ouverte aux talents. The date of Alice's marriage is contentious, Richardson and Sayles supporting a date long before 1377, despite some contemporary assertions that she was single in 1374.

It is interesting, therefore, that Windsor's prominence at Carlisle coincided with the beginning of Alice's involvement in the county, and the supposed date of the start of her liaison with Edward. (56) Windsor was appointed sheriff on the death of Robert de Tilliol, six days before Alice was granted land in Inglewood lately held by Tilliol. She also had custody of Tilliol's lands, and marriage of the heir. A number of Cumbrians acknowledged debts to her in the following years: Anthony de Lucy 1000 marks in 1365, £600 in 1367; Gilbert de Curwen £500 in 1372. The Dictionary of National Biography refers to her buying Egremont castle. (57) That the couple should both have been so suddenly involved in Cumberland may support an early date for the marriage.

Windsor benefited tangibly from the association. The Irish appointment of 1369 was to provide 1000 marks per annum at the exchequer until the equivalent land or rent in Ireland became available; descent of which bounty later marred relations between his widow and heir. Richard II retained William, confirming an earlier annuity of £100. In the thirteen-eighties he was summoned to parliament as a baron. He had played for high stakes; the dangers corresponded. On his death in 1384, he had many debts to

56) DNB xv, pp.898-900; H.G.Richardson & G.O.Sayles, The Administration of Ireland 1172-1377 (Dublin, 1963), pp.12-13.

57) CPR 1367-70, pp.183, 222, 376; CCR 1364-68, pp.198, 396; CRO, Carlisle, D Lons L5, C43.

the Crown, the legacy of his marriage and military career. These apart, royal patronage and militarism had won him status he would not otherwise have achieved.

What of his influence in his home community? Lord of three Westmorland manors, under whom a Clifford fought in Ireland, his position was anomalous. Like Parvyng, he was a man of consequence outside the area, and like Parvyng, he was in many respects no more than another knight of the shire inside it.

He continued to associate with the Prestons and Stricklands, family allies over many generations. The witnesses to a charter of 1362, dated at Heversham, by which Edmund Maunsell quit-claimed to William his right in a moiety of a Duchy of Lancaster manor, were traditional Windsor intimates; Thomas de Strickland, Ralf de Beetham, James and John de Pickering, and Richard de Preston. With the Prestons, lords of Preston Richard, William had particularly close relations. John de Preston was one of his attorneys during his first absence in Ireland, Richard frequently served him there, while Roger and John de Preston served in Brittany. (58)

An indenture made at Rodeston, part of the Lucy estates, concerning which Alice Perrers had received a recognizance of debt, suggests the nature of the relationship with the Prestons. Richard de Preston pledged that while his son and heir lived with Windsor's daughter, Juliana, he would not alienate from the manor of Preston Richard, nor any other land whereby his son might be disinherited, nor make any statute merchant leaving the son in debt on his death, beyond the sum of £40. Otherwise Preston might ordain for his lands

58) CRO, Carlisle, D Pen 47/3a; CPR 1361-64, p.217, 219.

as he saw fit;

'servirra al hostel pur ordeiner pur sez terres
et pur sa compaigne e sez autres busoignes
faire si come par aveye de son conseil lui
semble plus profitable pur lui.'

If he remained in good health, he would return to Windsor at the Feast of the Assumption next, and stay, at Windsor's cost, for two years, with one man and two horses. He would be allowed to return home twice a year, at Easter and St Michael, to survey his lands, settle his household, and see to other business.

Reference to the payment of Preston's debts suggests that he had fallen into a curious state of dependence on Windsor. Other indentures refer to his leasing land at Preston Richard in return for advances of money, and as a result of debt. Although historians are at pains to emphasize that debt was not necessarily a reflection of financial debility, it is perhaps worth remembering that contemporaries did not regard it quite as benignly. One of the qualities of the Maunciple specially noted by Chaucer was his ability to help a lord

'... lyve by his propre good
In honour dettelees ...'

The fortunes of the two intertwined for some time, as another indenture, of April 1369, demonstrates. This stipulated that Preston was to stay with Windsor in Ireland, with a 'compaignoun' and an archer, each adequately armed and mounted. Preston was to receive forty marks per annum, his companion twenty-six marks, the archer ten pounds. Preston and companion were to eat 'en sale', the archer 'appasser la mier vers les parties Dirlande saunz manger en sale'. If prisoners, horses, or other booty were won, Preston was

to account for a third to Windsor. If at any time their standard of equipment deteriorated, he was to pay a penalty. (59) If Windsor's Westmorland peers were the same men as before, he was certainly first among them.

In seeking to assert himself at home by means of exploits abroad, Windsor was not alone. His father had been to Ireland, one of twenty-two men from the West March who obtained protections to go there with the new justiciar - Anthony de Lucy - in April 1331. This was the first Cumbrian exodus across the Irish Sea in the fourteenth century; by no means the last. It is tempting to think that Irish service represented an attempt to break out of the closed circle of war on home territory in the North, where royal reward and profit of war meant a further stake in a beleaguered area, and which, as local defence, tended to be commanded by those traditionally wielding authority. That Westmorland, Clifford-dominated, should not only have sired Windsor, but also James de Pickering, who served in 1370, is particularly interesting. Moreover, Thomas de Rokeby, given a claim to consideration in the West March by Edward III, served as justiciar of Ireland three times from 1349. The occurrence of their service in time of truce, when the need for defence diminished, also has its significance.

Lucy's term of office provided a number of openings for his Cumbrian neighbours. Thomas de Burgh, founder of the chantry at Brigham and chamberlain of Berwick, appeared in Lucy's company in Ireland as treasurer. Robert de Salkeld, a royal clerk, like Burgh, was appointed as second chamberlain of the exchequer in Dublin.

59) CRO, Kendal, WD/D, Unsorted.

John de Kirkby Thore was second justice of pleas, a position in which Thomas de Dent succeeded him in 1337. (60) Irish service permitted these men to maintain their links with the March. Dent, for example, was one of Clifford's attorneys in Ireland in 1332 and 1338, and Lucy's in 1348. It also seemed to allow them to better their local standing, Dent being appointed with the lords of Kendal to inquire into breaches of the peace in Kendal in 1343. Salkeld was another who combined seigneurial and royal service, as Irish attorney for Clifford, and even for the Queen, in 1345. (61)

Rokeby's employment in Ireland after Neville's Cross marked the beginning of an era of greater force in Anglo-Irish administration. Its consequences for Rokeby were also important, although as noted above, his new prosperity exerted little influence in Westmorland. His Irish career involved far fewer Cumbrians than Lucy's. Dent continued in office under him; Thomas the Nephew served under him here as elsewhere. (62)

Service in Ireland and overseas, like service in the East March, thus appeared to exert greater attraction than service on the West March. The hypothesis that Cumbrians gravitated away from their home because it had little to offer is an awkward one, rendered more difficult by the fact that much of this military activity went on in time of truce. Harcla planned to leave Cumberland in 1320. Lucy and his men disappeared during the Shameful Peace, returning on the renewal of Anglo-Scottish hostilities. Pickering, Windsor, and the

60) CPR 1330-34, pp.104, 568, 322; CPR 1334-38, pp.57, 447.

61) CPR 1343-45, pp.93, 316.

62) PRO, E101/242/14.

Gascon campaigners, all took advantage of the lull after Neville's Cross and the treaty of Berwick.

It may have been, as already suggested, that such service represented attempts to compensate for loss. The way Parvyng and the careerists evidently continued to think of the North as home, building up their land and influence there, implied deep attachment to the locality. The preoccupation of soldiers like Windsor with the administration of their Cumbrian estates also emphasizes that these were of critical importance to them. It could be argued, therefore, that their sojourns elsewhere in peace-time require no explanation. Special pleading would only be necessary if they abandoned the March during hostilities.

Given the not-infrequently made assertion that Marchers found war in the North so beneficial that they detested peace, such punctuations in the careers of these men could be construed as the wanderlust of insatiable warmongers. Perhaps such a stage had been reached on the East March. Certainly the implications for the Border as a whole of a stronger March commission, set against a backcloth of polarized local seigneurial power and national unrest in the fifteenth century, were dramatic. But the figures examined in chapter five would not appear to suggest that this point had yet been reached in Cumberland and Westmorland. West Marchers were not wholly dependent on war.

Change in West March society occurred as a result of various factors. As described in the last chapter, mortality was a powerful influence, capable of wreaking havoc in the social structure,

undermining the most carefully-laid dynastic plans. Opportune marriages and the entailing of land were intended to rob death of its sting, but the history of Cumbrian baronies in the fourteenth century shows that it produced fundamental changes despite man's best endeavours.

Marriage and inheritance are essentially bound up with collective status - that of the family. By contrast, this chapter has examined means to prosperity not dependent on the family - those open to the individual as a result of legal, administrative, and military prowess. Fortune smiled on some completely new men, like Parvyng. In other cases, like the Sandfords', she enabled gentry families to recover earlier influence, or, as with Engleys of Highhead, to put out new roots. Sometimes, witness Windsor's sudden prominence, she temporarily reversed established roles in society, sending baronial offspring to serve under a mere knight.

Patronage provides a common denominator in each of these examples. Royal patronage lit the way for some, seigneurial patronage for others. The idea of the career open to talents in the Middle Ages is an anachronism; where advance was not due to the family, it was indebted to influence. Parvyng climbed with Dacre's assistance, Engleys with Cromwell's. The Parvyng-Eaglesfield-Sandford nexus was particularly far-reaching. This is not to deny that talent existed, nor that it might succeed, merely to suggest that it required a network of personal communication to do so - and indeed how else?

The commitment of these men to their chosen careers demonstrates

that later fourteenth-century Cumbria experienced F.R.H. Du Boulay's 'Age of Ambition' no less than other parts of the kingdom. It also implies that apart from the limited reward to be gleaned from seigneurial and military service, the West March lacked opportunity. While ultimately returning to their homes, Cumbrian careerists looked elsewhere for gain.

Thus change here resembled change in other regions. Dr Bennett has suggested that from Edward III's reign onwards, the men of Cheshire and Lancashire exercised a 'wholly unprecedented importance in the affairs of the realm', the result of their invasion of royal administration, noble retinues, and the like. Edward Dallingridge was a careerist in Sussex, a 'power broker regulating the flow of royal patronage and reconciling the demands of the Crown to the rhythms of local life.' Dr Saul concludes that

'it was the presence of these able, ambitious and successful men that, more than anything else, made the Sussex of 1400 a different society from the Sussex of 1300.' (63)

The presence of Parvyng, the Sandfords, Eaglesfield, Windsor, and Pickering in Cumbrian society was certainly an important force for local change. Providing employment and patronage, they drew their neighbours into closer union with the rest of the country, just as the devastation of the Anglo-Scottish war and low fees of the West March also helped to militate against introspection. Resemblances between Sussex and the March were by no means fortuitous.

Patronage, ambition, and careerism, manipulable forces, produced changes in Border society, making its gentry akin to those of any

63) Bennett, Careerism, pp.205-6; Saul, Sussex, p.72; F.R.H.Du Boulay, An Age of Ambition, English Society in the Late Middle Ages (London, 1970).

other county; but they were pursued despite Border warfare. The Anglo-Scottish war was not the arbiter of change under the first three Edwards. What made the West March of 1400 a different society from the West March of 1300 was not a manipulable force, but death. Fundamentally altering the balance of baronial power, death prepared the way for the feuding world of the Border ballads. The stakes having risen, seigneurial and military service were then very different affairs indeed.

Conclusion

This study began by examining the importance of the pre-shire barony and ends with intimations of the future role of the Percy and Neville families in a society in which power had become increasingly polarized. It has traced various forms of corporate organization, from comparative indifference to shire office and affairs under John and Henry III, to galvanized activity at county level in time of war.

As regards local organization and sense of community, war was seminal. The county community of Cumberland's most pronounced, most political, endeavours were transient, essentially a response to the need for leadership and defence. E contra, Westmorland, further from the Border and dominated by the barons of Appleby, apparently made little use of the concept of the county community.

The county community emerges from these pages as a particular phase in local government. It was one among a number of means of local organization, one among many communities. It co-existed with calls for greater seigneurial direction in Cumberland, with March assemblies in which it was subsumed, and with baronial franchises in which it was fragmented.

Lordship was of particular consequence. Baronial influence quashed disloyalty in Cumberland and prompted it in Westmorland in the era of reform and rebellion. It catered for the ambitions of the gentry before they seized on the higher echelons of shire administration. In Westmorland it was still paramount in the fourteenth century, providing during the Anglo-Scottish conflict a focus of authority which Cumberland lacked; something for which the Cumberland county assembly helped to compensate.

Although Cumberland was without the all-pervasive baronial influence which characterized Westmorland, here, no less than in its southerly neighbour, status was measured in traditional terms. Lordship; landed wealth and gentle breeding defined social worth. The possession of land, an acceptable pedigree, were the aspirations of the ambitious, the hallmarks of position. Ranulph de Dacre achieved eminence by marriage; Andrew de Harcla by chicanery and obedience to the King at a vital juncture. William de Windsor prospered by his association with Alice Perrers; Robert Parvyng by legal renown and patronage. Thomas de Rokeby rose by dint of good luck in battle. Diverse as their paths were, their goals, and the criteria by which contemporaries judged their success, were the same.

Inestimable in fostering a sense of community, it was not war which prompted social revolution on the West March. War did not create a breed of new men. The custodies and offices available went to those already active in local administration; even so, military office per se did not confer authority. A Clifford, later a Neville, would command respect where a Harcla could not. In the period under review, mortality, far more than war, tipped the scales of change in the upper tiers of Cumbrian society. In less exalted circles, it was patronage and careerism that counted - and again these frequently owed little to hostilities on the West March.

If, under the first three Edwards, the county community was something of a community of peers, it was none the less a patrician assembly, a seigneurial perspective discernible in its occasional vigilance on behalf of those lower in the social hierarchy. The summons of knights to local meetings emphasize that it was an

assembly of the elite.

The community meant different things at different times, depending upon its spokesmen. Its composition was neither static nor a-political. Whether a mask for Outs machinating against recipients of Crown patronage, or the persona of other groups, it represented alignments for the sake of power.

This is not to deny that the county was an object of local patriotism, nor that behind the kaleidoscopic shifts of power there existed something more enduring. In its way, evidence of rivalry is a sign of vigour. The overtly political manifestations of the community - its assemblies and petitions - were ephemeral phenomena. Underlying this flurry of war-time energy, however, was yet another community, made up of that tissue of gentry relationships, those affinities of neighbourhood, marriage, and administrative co-operation which historians are more and more frequently bringing to light. War gave impetus to both these aspects of the county community, military and pacific. Under threat from the enemy, the county, like the kingdom, took on a more definite identity and made greater demands of its inhabitants.

Yet whilst it contributed towards local consciousness, war also militated against insularity, by helping to integrate the March within the realm. Propaganda; the movement of troops and administrators; the paucity of reward driving the ambitious to other arenas of conflict; these factors broadened the local horizon, compounding the effects of tenure and royal patronage. Ultimately, land-holding and other concerns unconfined by the county boundary, prevented the shire from monopolizing local allegiance.

A man's sense of community, like his travels, were determined by

his interests. Those of the gentry, on whom king and government depended, were often wide-ranging. But there were still those for whom

'that mysterious distant system of things called "Gover'nment" ... whatever it might be, was no business of his, any more than the most out-lying nebula or the coal-sacks of the southern hemisphere: his solar system was the parish; the master's temper and the casualties of lambing-time were his region of storms.' (1)

1) George Eliot, Felix Holt, The Radical, ed. P.Coveney (Harmondsworth, 1972), p.76.

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