

Local Government and the King's "affinity" in fifteenth-century Leicestershire and Warwickshire *by Craig A. Robertson*

The periodic struggles of the community of the realm to limit the king's prerogative to choose his own ministers are among the commonplaces of English constitutional history. As Professor Tout pointed out parallels can be found in *local* administration in later medieval England, where statutes of the period restricted the Crown's choice of agents to local residents, established property qualifications for office, limited the term and frequency of tenure and abridged the king's prerogative powers over the personnel of local administration in other ways. If we may trust the impression of the parliamentary pleas, the purpose of these restrictions was to ensure that men appointed or elected to local offices would have interests in the communities they served. If they had immovable property in the counties, for example, they could be held accountable by common law actions for any malfeasance in office.¹ They would be presumably less prone to extortion in their communities, among neighbours, than against strangers.

As a result of this statutory legislation the king was not completely free in his choice of local agents. Instead, certain ground rules now hedged his prerogative. Indeed, at first impression these restrictions would seem to go quite far toward domiciling administrative responsibility for local affairs in the shires themselves – in the hands of the *valentior pars*. The sheriff's office illustrates the situation. Nothing came of several fourteenth-century proposals to make the county sheriffs elective. But the Statute of Lincoln, of 1315–16, did place limits on the Crown's choice of men.² It required that sheriffs must be men who were "sufficient" in their bailiwicks.

In statutory jargon, "sufficient" meant seised of a freehold worth at least £20 *per annum*, which was the equivalent of an old knight's fee. A statute of 1340 insisted that sheriffs be residents of their counties and limited their term to a single year without repetition.³ Scrutiny of the backgrounds of a large number of English sheriffs shows that by the later years of Edward III the government followed these rules quite scrupulously. The men it named were residents with a considerable landed stake in their counties. Other

articles of the statute of 1340 provided that escheators and coroners too must be "sufficient". Coroners, verderers and some lesser local agents had long been elective in the shire. The case was much the same for justices of the peace, the very nature of whose burdens made it imperative that they be present constantly in their shires. A statute of 1439 enacted what had long since been common usage – that the justices of the peace must also reside and be "sufficient" in their counties.⁴

There was much more legislation of this sort, but the point has been made. Now it is proper to ask what practical effects it had on the character of local government. Did it enhance provincial "self-government at the king's command?" Did it strengthen what Stubbs took to be the self-reliance of the communities of the shires? Did it even diminish the Crown's ability to appoint officers of its own liking? A closer scrutiny of the personnel of local government suggests a negative answer to all these questions.

Statutes notwithstanding, the Crown not only maintained its grip on shire administration, but actually tightened it in the fifteenth-century. Indeed, it proved resourceful in devising ways to fill the ranks of local offices with men tied to its own interest. These methods might include the draught of men directly from either the king's household or his personal retinue. The frequency of such curial officers began to increase markedly in the later years of Richard II, who created a party of chamber knights and squires through his agent, Richard Burley, and used them in local government. Richard's tyranny brought temporary discredit upon the use of household gerents, so the first two Lancastrian kings preferred to employ personal retainers, especially king's knights. From about the time of Henry VI's majority and the duke of Suffolk's ascendancy in the household, organized companies of chamber servants played a prominent role in shire government. The usages of "bastard feudalism" also help to bind local officers to the king's private interest. The term bastard feudalism is meant here in the broad sense intended by the late K. B. McFarlane, who included in his brilliant treatments of the subject not only the practice of retaining armed men by indentures, but the entire pattern by which men substituted pensions, letters patent and vaguer "good lordship" for the decrepit bond of tenurial feudalism, in order to obtain service. It cannot be limited to just the liveried retinue. If we are to fathom how this subfeudal, but not yet modern, society lived, we must study these relations without treating the written indentures as an exclusive fetish.

Contemporaries used the term "affinity" to describe this class of relations. Whether a man was a knight or squire of the king's body, a member of the households of his wife and children, a private retainer of his chamberlain or a high official of his palatine jurisdictions, it might be said that he was of the king's "affinity". A large proportion, probably a numerical majority, of local agents in the fifteenth-century were such men, whose ties to the king were far closer than the simple liege homage of any other Englishman. They all met the statutory requirements of a £20 freehold, but they were more than mere gentry.⁵

For several reasons the sheriffs form the most convenient group to study in this connection. First, in the *Fine Rolls*, we have accurate and full records

of the commissions of the sheriffs from which we may compose lists. Secondly, the office of sheriff, though it had lost some initiative to other local posts in the two preceding centuries, remained the most politically sensitive agency in the shires, for the sheriff still enrolled juries, served writs, made returns, levied distrains and generally acted as *factotum*. Finally, by studying the sheriffs we also survey the personnel of other offices, because they and their kinsmen filled every major slot in county government, whether it was commissioner of array, justice of the peace or knight of the shire to the Parliament.

Prosopographical study of any such group is laborious to the scholar, and can be tedious for the reader, so careful selection must be made. The Midlands counties of Leicester and Warwick offer a good sample for such a study of local officers for several reasons that pertain to their location, their public administration and the excellent materials available for their history. The two formed a single shrievalty and escheatry, and that fact enhances our prospects for finding information on those officers. The two counties were unusually free of direct seigneurial control. Neither county was held in fee. None of the four hundreds of Warwick or the five hundreds of Leicester was in private hands – a fact which might otherwise bias the study. In the fifteenth century, neither shire contained large seigneurial or ecclesiastical franchises where the king's writ did not run. Geography also favors them. Their pivotal location between the North and West subjected them to a variety of cross-currents, made them a microcosm of the country's political life.

Six sheriffs of Richard II's reign can be identified as partisans: Sir William Flamvill (1379, 1388), Sir William Bagot (1382), Sir John Calveley (1385), Aymer Lichfield (1389, 1398), Sir Robert Goushill (1396) and Sir John Eynesford (1397). Bagot and Goushill began their political careers as protégés of Thomas Mowbray, earl of Nottingham, later duke of Norfolk. Mowbray himself vacillated in his loyalty to Richard, but at the time of Bagot's nomination he was very much in the young king's confidence. Later he was an Appellant and a foe to Richard's personal government, but after 1395 both the earl and his retainers entered the circle of the king's friends. Sir William Bagot, of course, became a notorious privy adviser to Richard, a member of his Council and the recipient of various pensions from the Crown.⁶ Goushill, Mowbray's attorney-general, became a "king's esquire" by the time of his shrievalty. Richard was the first king to employ a number of such squires outside the household for essentially administrative purposes and the Parliament denounced them bitterly in 1399.⁷ Similarly, John Calveley was a Cheshire knight "retained for life to stay with the king," apparently by indenture. Aymer Lichfield is a man for whom there is only circumstantial evidence – his long career in public service, his frequent association with Goushill, Bagot and other royal henchmen, and his role in the confiscation of the lands of the Lords Appellant. Sir John Eynesford, like Calveley, was retained for life.

In the reign of Henry IV the trend toward the use of men close to the king as sheriffs in these counties gained momentum. Henry's government employed at least seven or eight of these insiders: Sir Henry Neville (1395, 1400, 1408), Sir John Berkeley (1399, 1405), Sir Alfred Trussell (1402), John Blaket (1403),

Sir Thomas Lucy (1406), William Brokesby (1404, 1409), Bartholomew Brokesby (1411, 1419) and Robert Castell (1410). These men accounted for eleven of the fourteen regnal years of Henry IV. Berkeley and Lucy, who had been retainers of the king's father, John of Gaunt, graduated to the son's service. Both Sir Henry Neville and Sir Alfred Trussell appear to have been members of a new Lancastrian company of servants, called "king's knights" in the Chancery sources. These royal servants had administrative functions much like those of Richard II's knights and esquires of the chamber. But since the latter had fallen into such bad repute in the reign of the late king, Henry IV took pains to disassociate them from the household. Instead, the "king's knights" were bound to the monarch by a personal oath to serve him for life. In return they could expect annuities and lucrative offices during their service. Usually they were men of some local prominence. Their ranks included someone from virtually every shire of the country.⁸ William Brokesby, whose family came from Duchy of Lancaster lands in northern Leicestershire, received an annuity of £40 at the Exchequer as "king's esquire and marshal of the king's hall." John Blaket, who also received a pension, had served Richard, but was retained without prejudice by the new king. Robert Castell, an esquire of the body of the Prince of Wales (who also served him when he took the throne) filled the office of sheriff in the counties of Warwick and Leicester after Prince Henry had assumed much of the direction of government from his ailing father.

In Henry V's own reign, Richard Hastings (*infra*) and Bartholomew Brokesby (1411, 1419) belonged to this group. The latter was the brother of William Brokesby. He began his career in the employment of Thomas Arundel, archbishop of Canterbury and Treasurer of England under Henry V. He may also have served the king personally.

But Henry VI's reign saw the real flourishing, reminiscent of the middle decades of the thirteenth century, of efforts to control local administration and politics from the king's household. Here, it would seem, was something of a paradox, for medieval government was always personal in operation, and Henry was a nonentity in his role as ruler. But leadership was supplied by members of his family and leading peers, who dominated his government, as often as not with an eye to their own interests and those of their supporters. During the king's minority the duke of Bedford, his regent in France, served him with disinterested loyalty. During that period considerable numbers of the king's and Bedford's military retainers, mostly veterans of the French war, found their way into local administration. But after he came of age, the trusting and impressionable Henry allowed his government to be dominated by more selfish men, who used the patronage of the Crown on their own initiative. Most illustrative of this development was the political career of the mercurial William de la Pole, duke of Suffolk, who as steward of the household from 1433 and chamberlain from 1447, was easily the most important figure in royal government after the death of Bedford. He used these positions within the household with unprecedented boldness to build a personal party at court and in the country. From the *Paston Letters* we know some of his activities in East Anglia, where he controlled the nomination of local officers of the Crown.

Indeed, when the Parliament impeached him in 1450, one article that the Commons alleged against him was that he:

*caused to be made divers persons as sheriffs of counties, some for lucre and some for his personal intent as his followers to have great influence in [the] country; those who would not be of his affinity were overset; every matter he favored was furthered and speeded, and the true matters of those who did not have his favor were hindered.*⁹

Suffolk was responsible for a very considerable growth of the household and for the employment of its members in local administration. In the decade between 1441 and 1451, Professor Jacob has estimated, the number of squires attached to the household doubled from about one hundred fifty to more than three hundred¹⁰. Such large numbers of men, of course, could not be accommodated at court, so they resided in their home counties, where they rendered the king service through tenure of the chief posts in county government. Thus they comprised a "royalist" party in the country. The chamber played a special role, for the office of chamberlain served Suffolk's ambitions as well as it had those of earlier bosses, like the younger Hugh Despenser in Edward II's reign, or Simon Burley, in the time of Richard II. The appearance of a new chamber company, called "squires of the body" in household ordinances, exactly coincided with Suffolk's assumption of the offices of steward and chamberlain. These men, unlike Plantagenet squires, had only ceremonial responsibilities at court. The vast majority were maintained in their counties at annuities of fifty marks at the Exchequer. Almost all came from the ranks of local gentry families.¹¹

Evidence from the counties of Leicester and Warwick supports these observations. During Henry VI's reign at least sixteen insiders, who accounted for twenty-five years, held the shrievalty there. Three of these were "king's knights": Sir Thomas Erdyngton (1420, 1445), Sir Richard Hastings (1411, 1423, 1426, 1432-33) and Sir William Montfort (1431, 1441, 1450). Sir Lawrence Berkeley (1439) and his son, Thomas (1454), were Lancastrian retainers and residents in the Honour of Leicester. Others had served the king and his uncle, Bedford, chiefly in France, under military indentures. In this latter group were Richard Clodeshale (1426), Sir William Peyto (1428-30, 1436), Sir William Bermingham (1442, 1452) and Thomas Porter (1447).

During Richard of York's protectorates, while he and his partisans controlled both the household and the government, the tables were turned briefly. Sir Leonard Hastings (1453) held the office during his first protectorate. In the second protectorate the sheriff was William Hastings (1455), Leonard's son, at that time a squire in the retinue of the earl of March, the future Edward IV.

In the last years of the reign, Queen Margaret and her supporters - Wiltshire, Somerset and Tuddenham - who constituted the "extreme curialist party", were once again in the saddle. They used the household boldly to subvert local government: in 1458 at least sixteen sheriffs received household wages. They even assigned issues of the counties directly to the Wardrobe, without going through accounting at the Exchequer. This practice, as Professor Jacob put it, "takes one back to the bad old days of Henry III".¹² In Leicester and

Warwick the sheriff for 1456 was Thomas Welsh, Queen Margaret's squire and receiver of her Honour of Leicester. Henry Fylongley (1458) was a household sheriff *par excellence*. In his other roles he was keeper of the Great Wardrobe, sergeant-at-arms to the king and retainer of James Butler, earl of Wiltshire. The sheriff of 1459 was Edmund Montfort, carver of the king's household and a royal squire of the body. So stalwart a partisan was Montfort that he followed the queen into exile and was there a member of her household.

This close curial control over local administration that had developed out of political expediency and patronage in the last years of the house of Lancaster became a matter of more consistent policy under that of York. At least a dozen of Edward IV's sheriffs in Leicestershire and Warwickshire – who accounted for fifteen of the twenty-two years of his reign – were insiders. These figures, because they include five of William, Lord Hastings' indentured retainers, require a comment on the indentured retinue. The practice of retaining "fencible" men by written indentures had supplanted the older tenurial bond of feudalism as a source of supporters and military manpower for the English nobility. For their part, English kings, from the time of Richard II, had imposed controls on such retinues in order to prevent their use to contravene the law or threaten the Crown itself. They sought to regulate the practice in the Crown's interest. Whatever we may think about the success of other monarchs in that attempt, it remains clear that Edward IV made admirable use of Lord Hastings' private retinue.

Professor William Dunham's study of the careers of ninety of Lord Hastings' retainers showed that thirty-three served as justices of the peaces, mostly in the Midlands, where the chamberlain's personal power was greatest. About twenty were sheriffs – five in Warwick and Leicester, eight in Stafford, seven in Nottingham and Derby. Some represented their shires in the Parliament, others campaigned in France.¹³ This was a very felicitous arrangement from the king's point of view. These men were in fact the king's own retainers by proxy, but they were also local men. Since they received no wages, they were a less direct financial burden on the household. Perhaps, too, they were less offensive to the country than the Lancastrian household sheriffs.

Professor Dunham believed that his figures were apt to be misleading, because some of these men signed their indentures with Hastings after their tenure in office. This problem does not materially affect our picture of Leicester and Warwick, where four of the five sheriffs signed indentures before holding the office. But Dunham's own caution may reflect an undue reliance on the mere diplomatics of the indentures. Every important peer had about him, besides retainers by indenture, a number of gentry and knights whom contemporaries called his "well-wishers". Their obligations toward him were less definite, but they, too, hoped to enjoy his "good lordship". Many of Hastings' retainers must have been such partisans before they entered into explicit contracts with him.

Hastings' role as chamberlain, the heir to Suffolk's patronage system, is a most neglected aspect of his career. The continuing development of chamber administration during his tenure makes the question of his influence especially intriguing. Thanks to the studies of Professor B. P. Wolffe we can now

appreciate the function played by Edward IV's chamber in the creation of a system of estate management of Crown lands. Under Hastings' leadership the personnel of the chamber was reorganized and rationalized. Of particular importance was the appearance of a new chamber company, the "knights of the body", who entirely replaced the Lancastrian "king's knights" by 1471.¹⁴ Like the Lancastrians' personal retainers, the knights of the body mostly resided in their home shires, where their duties were specifically focused on local administration. But unlike the king's knights, they belonged to an organized household company, received wages of ten marks as household wages plus £40 a year at the Exchequer, and were listed by name in household ordinances and accounts.¹⁵ After 1470 the king strengthened the older company of "squires of the chamber" and deployed them as well in local affairs, especially in troubled parts of the West and the North.

These chamber companies and the personal retinue of William, Lord Hastings, became the chief bonds that bound local government in the Midlands and West to the king's interest. The same handful of names appeared time and again in the commissions. In November 1466, for example, five sheriffs of Leicester, past and future, together with the earls of Warwick and Northumberland, served as executors of a large number of bequests. In March 1472, seven of them served with Hastings, Clarence and Gloucester as commissioners of array in Warwickshire. In the following spring seven were commissioners to investigate certain funds due to the king. Four more were ordered to restore a certain manor to its rightful owner, in 1482.¹⁶ Many other instances could be cited to show that a rather limited coterie of partisans of the king, prominent among whom were the sheriffs, dominated the affairs of Leicestershire and Warwickshire in the reign of Edward IV.

Sir Thomas Ferrers of Tamworth (1460-61, 1468) was retainer of the duke of York, the king's father, who married Lord Hastings' sister. William Harecourt (1463) was an indentured king's knight. John Higford (1464, 1472) was a squire of the body to both Edward and Richard III. Sir John Grevile (1461-64, 1469, 1470, 1473, 1477) also served three terms as sheriff of Gloucester. He made a profession of local administration. His son, Thomas Grevile, *alias* Cokese (1480), was another squire of the body (and later a knight of the body of Henry VII). Sir William Trussell (1475), a knight of the king's body, also entered into an indenture with Hastings before his shrievalty. John Beaufitz (1476), yet another squire of the body, was keeper of the royal forest of Feckenham, in Worcester. Besides Sir William Trussell, Hastings' retainers included four more sheriffs of Leicester and Warwick: William Moton (1471), Sir Simon Montfort (1471), Richard Boughton (1479, 1484), and Thomas Entwistle (1482). Moton, who was the only man to sign his contract after his term as sheriff, also held the offices of clerk, surveyor and receiver in the royal Honour of Leicester. Montfort, who entered the chamberlain's service in 1469, was one of the earliest of Hastings' retainers. Thomas Entwistle's indenture specified an annual pension - an unusual feature in such contracts. Richard Boughton, who signed with Hastings in April 1479, was keeper of the royal manor of Ospringe, Kent, in the Honour of Peverell.

It is more difficult to form fixed judgements about the twenty-six month regime of Richard III, but either of his two sheriffs of the counties of Leicester and Warwick may have been partisans. Humphrey Beaufo (1483) was the son-in-law and ward of the squire of the body, John Higford. Richard Boughton defended his bailiwick of Leicester against Henry Tudor's forces, and died two days after Bosworth.

To sum up all of this evidence more simply: of sixty-one men named to the shrievalty in Warwick and Leicester from the deposition of Richard II to the death of Richard III, at least thirty-five were insiders, retainers or members of chamber companies. They accounted collectively for fifty-six of the eighty-six regnal years of Lancaster and York – about two-thirds of the period. By the late fifteenth century the Crown was more firmly in control of the personnel of the sheriff's office than it had been at any time since the early thirteenth century.

Although the documentation for the argument that has been offered here relates mostly to the sheriffs, their case characterizes other posts in local government, simply because they and their kinsmen staffed the other offices. For example, of the sixty-one sheriffs of Warwickshire and Leicestershire, forty-one also served as justices of the peace, mostly in Leicester or Warwick. Another thirty-five were commissioners of array. Twenty-three more acted as commissioners to extort from their neighbours as commissioners to raise loans in their home counties. Still others served the king as escheators, justices of assize or gaol delivery, assessors and collectors of lay subsidies, commissioners of all sorts, and as knights of the shire in Parliament. These men made up the very bedrock of shire government in the fifteenth century. As part of their general obligation to the king, those who were of his "affinity" expected to serve *pari passu* in many roles. For such service they got tangible rewards, if not actual pensions or household wages, then in the form of remunerative offices in the course of public careers. Their rôles do not translate easily into modern terms. Neither feudal, in an old, tenurial sense, nor yet fully professional as a civil service, their position in the development of government lay somewhere between the two.

A further point deserves comment. A striking correlation is to be found between the personnel of the Commons in Parliament and these curial sheriffs, justices of the peace or commissioners. Of those sixty-one sheriffs, thirty-five sat in the Parliament. Of this number, twenty-four were royal partisans. To put this another way, the odds were better than two to one that a curial sheriff of Warwick and Leicester would attend Parliament at some point in his career. For the two centuries from 1307–1485, fully seventy (or 61%) of the sheriffs attended Parliaments or Great Councils, principally as knights of the shire. The fact that the county courts *elected* so many of the same men that the Exchequer *appointed*, in spite of a considerable body of legislation meant to keep shire elections open and free from intimidation, ought to put us on our guard that our own notions of "consent", "election", "patronage" and the like are too concrete to do justice to the ambiguities of medieval political experience.

Mr. Noel Denholm-Young, in a thin volume on the country gentry, which

he published recently, commented in the same vein on the prevalence of royal partisans and local officials in fourteenth-century Parliaments:

*the really professional M.P.s turn out to be king's knights, though this is concealed from us . . . because the style king's knight is rarely found in the published records of the fourteenth century . . . In a sense the House of Commons in the fourteenth century was always packed . . .*¹⁷

To contemporaries, Parliaments may often have looked more like conventions of local officials than an expression of popular sovereignty.

Notes

1. This rationale is also suggested in Stapleton's ordinances for the reform of the Exchequer, in 1325: "*Item, qe les Viscountes et Baillifs de hundrez soient suffisaunt et suffisaument terre eauntz deinz les countees ou doivent avoir loffice, pur respoudre a ce qe al office appent au Roi et au people*". *The Red Book of the Exchequer*, Part III, ed. Hubert Hall (1896), 958-960
2. 9 Edward II, stat. 2; see also, 4 Edward III, c. 9 and 5 Edward III, c. 4
3. 14 Edward III, c. 7
4. 18 Henry VI, c. 11
5. In Leicester and Warwick only two sheriffs had no ascertainable landholdings. Even in their case one may not argue from silence
6. *Rot. Parl.*, III, 384
7. *Ibid.*, 419
8. For a full discussion of this group see the unpublished Ph.D. dissertation of John Byrne Wickstrom, *The King's Chamber Ranks in Politics and Government: 1437-1485* (Yale, 1969), 6-10
9. *Rot. Parl.*, V, 181
10. Jacob, *The Fifteenth Century* (Oxford, 1961), 451. Not all of these were squires of the body, as Professor Jacob has assumed
11. Wickstrom, 66-91
12. *The Fifteenth Century*, 451
13. William H. Dunham, Jr., "Lord Hastings' Indentured Retainers, 1461-1483", *Transactions of the Connecticut Academy of Arts and Sciences*, XXXIX (1955-57), 67-89
14. Wickstrom, 11-13
15. "The Black Book of the Household of Edward IV", in *The Household of Edward IV*, ed. A. R. Myers (Manchester, 1959), 108
16. *C.C.R.*, 1461-68, 323; *C.P.R.*, 1467-77, 348, 405; *ibid.*, 1476-85, 319
17. Noel Denholm-Young, *The Country Gentry in the Fourteenth Century* (Oxford, 1969), 70