

SEQUEL TO THE GREAT REBELLION IN KENT
OF 1381.¹

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THE documents now to be produced, being extracts from the Coram Rege Rolls of 5 Ric. II. (1381), relate to an abortive attempt to compel Richard to confirm the liberties that he had granted to the Commons in the summer of 1381, but had revoked almost immediately after. The commotions in Kent were no doubt most violent in the week that witnessed the murder of Simon of Sudbury, and the death of Wat Tyler, and to that part the attention of historians has been hitherto almost exclusively directed. There will be seen, however, much of interest in these documents, which belong to a later period, extending indeed from September, 1381, to April, 1383; a very brief summary will put the reader in possession of their main statements. For convenience of reference, they have been divided into numbered sections, though it hardly need be said that no such divisions are to be found in the original. The variations in spelling the names, which would be fatal in a modern indictment, seem to have been disregarded in mediæval times; or they may be here merely the error of the enrolling clerk.

I. A presentment, dated October 8, 1381, at Deptford,

¹ See Arch. Cant. Vol. III. p. 65 *et seq.*

states that Thomas Hardyng and others rose in arms at Linton on the 30th of September in that year, conspiring the death of the King (probably a mere form this, but the remainder not so), of Sir Thomas Cobham, Sir William Septvans (the Sheriff), and others, and to burn Maidstone, and forced men to join them ; one, John Startout, being so compelled while he was ploughing his own land, and another, Thomas Rook, taken out of his bed at night. They were betrayed by a confederate, as appears from another document (VI.), apprehended, and brought in custody to Deptford on the 8th of October. They pleaded not guilty, when their trial was fixed for the 15th, at Westminster, and they were in the meantime sent to the Tower.

II. On the appointed day, the Constable, Alan de Buxhill, produced Thomas Hardyng and eleven other prisoners, but only ten of them were called on to plead, and these were all found guilty, except one Robert Monselowe. He was detained in custody until the 19th of October, when he was released (III.). The rest were sentenced to death as traitors, and the head of Thomas Hardyng, as the ringleader, was directed to be placed on the Palace-gate at Westminster. They are all recorded as possessed of neither goods nor land.

At the same time the two prisoners upon whom the jury had not been charged were remanded to the Tower ; and the trial of two others was deferred until the 18th of November, it being intimated that one of them (John Cote) had made a confession, which was ordered to be brought into Court on the 4th of that month.

III. This confession, which was made October 7, 1381, states that Hardyng and others met by night on the 30th of September, at Boughton Hekh, with the intent to force the King to repeat and confirm all the liberties and charters formerly conceded at Mile End, or else to

kill him and all his great men. But the most remarkable part of the confession is, the testimony that it bears to the suspicions entertained that the Duke of Lancaster was mixed up in these matters, in spite of the official disclaimers formerly issued.¹ Cote acknowledged [*cognovit*], and had therefore evidently been questioned on the subject, that certain strangers² from the north country had come to Canterbury, who related that the Duke of Lancaster had set all his "natives"³ free in the different counties of England; on which Hardyng and the rest wished to send messengers to the Duke to ascertain if this were true, and if it were so, to make him King of England. Their apprehension, through the treachery of another confederate, Thomas Bordefeld, (VI.) seems to have prevented their taking any steps to further this design, but the pardon granted to the accuser (IX.), when his life was forfeited by the law, looks suspiciously like a desire to bury the matter in oblivion.

IV. In the interval before the day fixed for his own trial, Cote laid an accusation of treason against John Stertout, who had been committed to the Tower on the day that Hardyng and the others were condemned, and the trial was fixed for Hilary Term, 1382. He next accused William de Delton, who, denying his guilt, claimed the wager of battle. This was granted; the combat took place in Tothill Fields, on the 25th of October, when Delton was vanquished, and, as a matter of course, executed. Cote's own trial seems to have been

¹ See Arch. Cant. Vol. III. p. 70.

² "Peregrini,"—probably ostensible pilgrims to the shrine of St. Thomas of Canterbury.

³ The born servants or native bondsmen of the lord of the manor. Their persons, children, and goods were at the disposal of their lord. They were slaves by birth, and thus distinguished from those who had sold themselves into bondage, or were reduced to that condition by debt or crime. Much might be written on the different classes of villeins, which would be out of place here, though, as before remarked, the struggle for release from serfdom lay at bottom of this rebellion.

postponed, and in Hilary Term he appeared as the approver at the arraignment of others.

V. On the 20th of January, 1382, five persons accused by Cote pleaded not guilty, when their trials were fixed for Easter Term, at which time John Stertout also was ordered to be put to the bar.

VI. The next documents are pardons to Roger Lundenesh, under the general charter of pardons;¹ and to Thomas Bordefeld, as having "revealed the counsel" of Hardyng and the rest to John de Frenyngham, and thus caused their apprehension, the said John becoming one of his sureties. These pardons are dated respectively, January 18, and July 13, 1382.

VII. Cote had still accusations to make, or at least they were still brought forward, and on November 18, 1382, William atte Welle pleaded not guilty to a charge preferred by him.

VIII. It was not until January 20, 1383, that the various trials came on, and then the whole of the prisoners were acquitted. This was a particularly awkward affair for the approver, Cote, as, according to the law then in force, he was liable to death for his "false appeal." But the Government did not desert him in his extremity; his execution was respited on the 25th of January, and on the 14th of April he pleaded a pardon (IX.), which forms the last document that we have to produce.

As we have already remarked, the most important of these records is the confession of Cote. It is matter of

¹ This charter was granted by Richard, at Westminster, Dec. 13, 1381, as he expressly says, "at the request of his future consort, the Lady Anne." As may be seen, it was clogged with a number of conditions, and the following passage gives some idea of the wide spread of the disturbances:—"Certis personis in Curia nostra nominatis, ac etiam hominibus civitatis nostræ Cantuariensis, ac villarum Cantebregiæ, de Briggewater, de Sancto Edmundo, de Beverlaco, et Scardeburgh, certis de causis duntaxat exceptis." Those who would avail themselves of it were to plead it in court as Lundenesh did, before the ensuing Pentecost.

history, that John of Gaunt was ill content to be merely a titular King of Castille and Leon, but it was not surmised, before these documents were consulted, that he was willing to try the desperate measure here ascribed to him. The charge, however, may not be true, and but for the conduct of the Government to the accuser, it would hardly be credible. It will be remarkable if further research should show that "time-honoured Lancaster" was capable of such enlarged views as the "strangers from the north country" imputed to him. He was certainly not a favourite with the populace at the time of the outbreak, when his palace of the Savoy was sacked, and his heir hardly escaped with his life; and if he eventually tried to conciliate them, the explanation probably is that given by Byron, in speaking of another noble liberator, Lara:—

"What cared he for the freedom of the crowd?
He raised the humble but to bend the proud."

CORAM REGE ROLL, MICHAELMAS TERM,
5 RIC. II. [1381].

I. PRESENTMENT.

KENT.

The Jurors of divers hundreds of the foresaid county, to wit,—John Skynnere, Geoffrey Coventre, William Bocher, John Graveshende, Thomas Macherou, John Baker, of Estlane [*Estling*], John Peires, Giles Westwode, Peter Gerald, William Mayster, carpenter, John Bordoun, and Adam Smyth, of Lose, in that the same term, before our Lord the King, at Deptford, present,—that Thomas Hardyng, of Lyntoun, masoun; John Munde, of Hunton; Thomas Bryght, of Lose; John Iryssh, of Farlegh; Robert Elmestede, of Fritthenden; Richard Bendour, of Bedyndenn; Robert Crotehole, of Cranebrok; John Crotehole, of Cranebrok; Richard Headenne, of Stapelherst; Robert Monse-

lowe, of Merdenne ; John Cote, of Lose, masoun ; William Delton, of Lynton ; Roger Lundenyssh ; Thomas Gyles, of Lose ; Colkin Fullere, of Lose ; and John Waite, bakere, on Monday next after the feast of St. Michael, in the fifth year of the reign of Richard the Second after the Conquest (30th September, 1381) at Lynton, made insurrection against our Lord the King and his people, and the death of our Lord the King, and the death of JOHN DE FRENYNGHAM, WILLIAM TOPCLYVE, THOMAS HARTHEREGGE, STEPHEN DE BETENHAM, THOMAS DE COBEHAM, Kt., and WILLIAM SEPTVANS, Kt., Sheriff of Kent, and many other faithful lieges of our Lord the King, did treasonably and hostilely imagine and conspire ; and the Town of MAYDESTANE to burn, did feloniously and treasonably purpose and conspire ; and all the people of the same town to be of their conventicles [*conventiculis*] did purpose to swear ; and JOHN STARTOUT, as he was ploughing his own land [*terram suam propriam*], against his will did take, and him did compel to swear to be of their connivance and conventicles [*coniva et conventiculis*] ; and also RALPH ROOK of Farlegh, in his bed, at night, against his will, did take, and him in the foresaid form did make to swear.

BY THE RECORDS OF THE FIFTH YEAR.

And now, to wit, on Tuesday next after the octaves of St. Michael, in that the same term (8th October, 1381), before our Lord the King at Depford, came the foresaid Thomas Hardyng, John Munde, Thomas Bryght, John Iryssh, Robert Elmestede, Richard Bendour, Robert Crothole, John Crothole, Richard Headenne, Robert Munselowe, John Startout, and Ralph Cook (*sic*), taken and brought by the Sheriff, and they are committed to the Marshal ; and immediately afterwards they came, brought by the Marshal, and were interrogated [*allocuti*] severally, how from the felonies and treasons aforesaid they wished to acquit themselves. They say severally, that in nothing are they thereof guilty, and thereupon for good or ill, place themselves on their country [*de bono et malo ponunt se super patriam*]. Therefore, let a jury thereon come before our Lord the King, from the day of St. Michael then next following, in fifteen days (15th October, 1381), wherever, etc.¹ And meanwhile, the

¹ These are the abbreviations of technical forms as they appear on the

foresaid Thomas Hardyng and the others are committed to prison, in custody of the foresaid Sheriff, etc.

II. TRIAL.

At which quindain of St. Michael, before our Lord the King, at Westminster, came the foresaid Thomas Hardyng, John Munde, Thomas Bryght, John Iryssh, Robert Elmestede, Richard Bendour, Robert Crothole, John Crothole, Richard Headenne, of Stapelherst, Robert Monselowe, John Startout, and Ralph Cook (*sic*), brought by the Constable of the Tower of London, (who, at other time, to his custody, out of the custody of the same Sheriff, by mandate of our Lord the King, had been committed), are committed to the Marshal. And likewise the jurors came, who, to this chosen, tried, and sworn, say, on their oath, that the foresaid Thomas Hardyng, John Munde, Thomas Bryght, John Iryssh, Robert Elmestede, Richard Bendour, Robert Crothole, John Crothole, and Richard Headenne, are guilty of the felonies and treasons aforesaid, and that the foresaid Thomas Hardyng was the first raiser and the first imaginer of the foresaid treasons. Therefore it is considered [*consideratum est*]¹ that the foresaid Thomas Hardyng, John Munde, Thomas Bryght, John Iryssh, Robert Elmestede, Richard Bendour, Robert Crothole, John Crothole, and Richard Headenne, be drawn to execution [*distrabantur*],² and, on account of the horrible and odious treason aforesaid, in imagining and conspiring the death of our Lord the King, their bowels shall be

Record. Our readers will readily supply them in full, without our enumerating our pages with the lengthy sentences.

¹ "*Consideratum est.*"—The judgment, though pronounced or awarded by the judges, is not their determination or sentence, but the determination or sentence of *the law*; . . . it is not to depend on the arbitrary caprice of the judges, but on the settled and invariable principles of justice. The judgment, in short, is the remedy prescribed by law, . . . what that remedy may be, is indeed the result of deliberation and study to point out; and therefore the style of the judgment is, not that *it is decreed* or resolved by the court, for then the judgment might appear to be their own; but "it is considered"—"*consideratum est per curiam.*"—*Blackstone*, iii., c. 24, p. 396.

² "Drawn to execution."—This translation is purely conjectural. "*Distrabantur*" literally rendered would be "that they be torn asunder," but this will hardly agree with the subsequent context; and the question remains, was the punishment of being "torn asunder" practised in England?

torn from their bodies, and before their eyes be burned with fire, and that they be afterwards hanged. And that the body of the foresaid Thomas Hardyng, for that he was the principal raiser and first imaginer of the treasons aforesaid, after he has been hung, be taken down, and that he be beheaded, and that his body meanwhile be suspended by his arms, and that his head be fixed on the outer gate of the palace of our Lord the King at Westminster. They have no goods, nor chattels of land, nor tenements.

And as to the foresaid Robert Monselowe, the same Jurors say, that the foresaid Robert Monselowe is in nothing guilty of the felonies and treasons abovesaid, nor did he withdraw himself from these proceedings.

And, because the Court, for certain reasons, is not yet advised to give judgment thereon, upon the foresaid Robert Moneslowe, therefore, the said Robert Monselowe, and the foresaid John Startout, and Ralph Rook, upon whom the foresaid Jury thereon are not yet charged, are committed to prison, in custody of the said Constable, to wit, ALAN DE BUXHILL, to keep in safe custody, etc.¹

And, on the same quindain of St. Michael, before our Lord the King at Westminster, came the foresaid John Cote and Roger Lundenyssh, brought by the said Constable, (who, at other time, to his custody by mandate of our Lord the King were committed,) who are committed to the Marshal; and immediately brought by the Marshal they came, and were interrogated [*allocuti*] severally how they wished to acquit themselves of the felonies and treasons aforesaid; they say severally, that in nothing are they thereof guilty, and thereon, for good or ill, place themselves on their country. Therefore let a Jury thereon come before our Lord the King in the octaves of St. Martin (18th November, 1381), wherever, etc., and who, etc., to recognize, etc: And meanwhile, the foresaid John Cote and Roger Lundenyssh are committed to the prison of the Tower aforesaid, in custody of the foresaid Constable, etc. And, upon this, it was witnessed here in Court, that the foresaid John Cote, before the Sheriffs and Coroners of the City of London, became an approver, and divers appeals, concerning the felonies and treasons aforesaid, also other things against divers persons, affirmed; upon which appeals the Court here wishes to be certified [*certiorari*].

¹ See note 1, p. 72, as to abbreviations of technical forms.

Therefore it is commanded the same Sheriffs and Coroners, that the foresaid appeals, with all things touching the same, under their seals, they openly prosecute [*incitant*] before our Lord the King, without delay, etc.¹ And further, etc.¹

Afterwards, to wit, on Monday next after the morrow of All Souls, in that the said term (4th November, 1381), the Sheriffs of London, to wit, JOHN HENDE and JOHN ROTE, and JOHN CHARNEY, the Coroner of the said city, sent before our Lord the King the foresaid appeals, in these words :—

III. COTE'S CONFESSION.

On Monday the seventh day of October, in the year of King Richard the Second after the Conquest the fifth [1381], John Cote, mason, of Lose, in the parish of Maydeston, in the county of Kent, came before JOHN HENDE and JOHN ROTE, Sheriffs of London, and JOHN CHARNEY, Coroner of the said city, and acknowledged [*cognovit*]² that he, together with Thomas Hardyng, masoun; William de Delton; Philip de Apoldre; William Smyth, of Lose; William atte Welle, of the same; Thomas Bryght, of the same; John Brown; . . . Iryssh, of the same; Richard Barbour, of Maydestone; John Hosyere, of the same; William Shepere, of the same; a certain glover, of the same, of whose name and surname he is ignorant; John Stertout, junior, of Lynton; John Selyng, junior, of the same; John Selyng, senior, of the same; John Tendelok, carpenter, of the same; John Munde, of the parish of Hunton; Thomas Berdefeld, of the same; Michael Deggressell, of Merden; John Crothole and Robert Crothole, of the same; Richard Stemyngden, of the same; William Reve, of the same; Robert Helmstede; John Watte, of Lynton; one John, who married the daughter of John Bellard, of the same; and many other malefactors, in like manner congregated from the foresaid county of Kent, of whose number and names the foresaid John Cote is utterly ignorant, by night, on Monday, the last day of the month of September, in the fifth year above-said (30th September, 1381), at Boughton Hegh, near Melk-hous, in the county of Kent, of the connivance [*coniva*] made between them, by the instigation [*per excitationem*] and pro-

¹ See note I, p. 72, as to abbreviations of technical forms.

² "*Cognovit actionem*" is where a defendant acknowledges or confesses the plaintiff's cause against him to be just and true, and, after issue, suffers judgment to be entered against him without trial.—(Jacob.)

curement of the foresaid Thomas Hardyng, did willingly of their own malice together make insurrection against our foresaid Lord King Richard and his people, to the intent to make our said Lord the King, by duress [*per duriciam*], to grant and confirm to the said malefactors all their liberties and pardons which they lately, at the time of the foresaid insurrection, with fury demanded of our foresaid Lord the King, against his peace, at LE MYLENDE, near London, in the county of Middlesex. And, in case that our said Lord the King, their said liberties and pardons to them, at their will, were unwilling gratuitously to grant and confirm, the forenamed malefactors and others, (whom they, one and all, had then wished to congregate and associate with them,) our said Lord the King and all the magnates of his kingdom, and other faithful lieges of the said King, imagining their death, intended feloniously and traitorously to have slain, and the laws and statutes of the said King and his foresaid kingdom, willed in all things to have destroyed and annulled.

And also the said John Cote acknowledged [*cognovit*] that strangers [*peregrini*]¹ who had come out of the north country [*extra patriam del north*] to the town of CANTERBURY, related in the said county of Kent, that JOHN, DUKE OF LANCASTER, had made all his natives² free, in the different counties of England; whereupon, the foresaid malefactors wished to have sent messengers to the foresaid Duke, if it were so or not: and if it were so, then the said malefactors consented one and all, to have sent to the said Duke, and him, by their own real power [*per realem potestatem suam*] to have made their Lord and King of England, and to have held with the said Duke in all things to live and die, against our said Lord King Richard and his people aforesaid. And so the said John Cote became approver, and appeals the foresaid malefactors of the foresaid felony and treason, and had two days further assigned him according to law, viz. Tuesday and Wednesday next following, on which days the same approver said as above, and no more. He has no chattels within the liberty of the foresaid city.

BY RECORDS OF THE FIFTH YEAR.

Afterwards, to wit, on Saturday next after the feast of St.

¹ See note 2, p. 69.

² See note 3, p. 69.

Edward the King,¹ (19th October, 1381,) in that same term, before our Lord the King, at Westminster, came the foresaid Robert Munselowe, brought by the Constable of the Tower of London, by writ of our Lord the King, and is committed to the Marshal, and immediately came, brought by the Marshal; and because the foresaid Robert Munselowe, of the felony and treasons aforesaid, whereof he was, as above, tried? [*judicatus*], was by a jury of his country on which, for good or ill, he had placed himself, acquitted, it was considered that the foresaid Robert Munselowe shall go thereof acquitted [*eat inde quietus*].

IV. APPEALS OF TREASON.

And, on the same Saturday next after the feast of St. Edward there came before our Lord the King there, as well the foresaid John Cote, the approver, as the foresaid John Stertout, brought by the foresaid Constable, by the said writ, who in like manner, are committed to the Marshal, and immediately came, brought by the Marshal, and it was asked of the foresaid approver, if he his foresaid appeal against the foresaid John Stertout were willing to maintain or not? who says that it is so; and, upon this, it was asked of the foresaid John Stertout how he wished to acquit himself of the felony and treasons aforesaid? he says that he is no wise guilty thereof, and thereupon, for good or ill, places himself on his country, and the foresaid approver in like manner. Therefore, let a jury thereupon come before our Lord the King, in the octaves of St. Hillary, wherever, etc.

Afterwards, to wit, on the Wednesday next following (23rd October, 1381), before our Lord the King at Westminster, came the foresaid approver, in custody of the Marshal, and the foresaid William de Delton, in like manner came brought by the Steward and Marshal of the Household [*hospitii*] of our Lord the King, by virtue of a certain writ of the said King to them directed, and he is committed to the Marshal; and it was asked of the foresaid approver, if he his foresaid appeal against the foresaid William de Delton were willing to maintain or not? who says that it is so; and, thereupon, it was asked of the foresaid William de Dalton how he wished to acquit himself of the

¹ This must be the Translation of St. Edward the King, on 13th October; the other festivals of that King were not in this term.

felony and treasons aforesaid? he says that he is no wise guilty of the felony and treason aforesaid by the foresaid approver laid to his charge, and this he is prepared to defend by his body against the aforesaid approver, as a faithful man against a felon and traitor of our Lord the King, and wages him battle thereon [*vadiat ei inde duellum*]. And the foresaid approver says, that the foresaid William de Delton is guilty of the felony and treason aforesaid by him charged against him, and this he is prepared to prove against him by his body, as a felon and traitor of our Lord the King, as against a felon and traitor of our Lord the King, and admits from him the wager, etc. Therefore let the battle thereon be between them, by reason of which a day is given, as well to the foresaid approver, as to the foresaid William de Delton, at Tothill, on the Friday then next ensuing, to perform the said battle. And the Marshal is commanded to cause them to array, as the custom is, against the said day; and as well the foresaid approver as the foresaid William de Delton are meanwhile committed to the Marshal.

On which Friday (25th October, 1381), at Tothill, came both the foresaid approver and William de Delton, in custody of the Marshal, as the custom is, arrayed, and the battle being fought between them, the foresaid approver vanquished the foresaid William de Delton. Therefore it is considered, that the foresaid William de Delton be drawn¹ to the gallows, and that his bowels be there torn from his body, and burnt in the fire, and afterward that he be hanged; and the foresaid approver is meanwhile committed to the Marshal.

V. FURTHER ACCUSATIONS.

At which octaves of St. Hilary² [20 January, 1381-2], before our Lord the King, at Westminster, came, as well the foresaid approver in custody of the Marshal, as also the foresaid John Hosyere, of Maydestone; William Sheper, of the same; William Reve, of Marden; John Tendelek, carpenter, of Lynton; and Thomas Bordefeld, of Hunton; taken and brought by the Sheriff of Kent, by writ of our Lord the King, who are in like manner committed to the Marshal, and immediately came brought by the Marshal; and it was demanded of the foresaid approver,

¹ As before, "*distrabantur*," see note 2, p. 73.

² By order of Court, *vide* No. IV.

if he his foresaid appeal against the foresaid John Hosityere and others was willing to maintain or not? who says that it is so; and thereupon it was severally demanded of the foresaid John Hosityere and the others, how they wished to acquit themselves of the felony and treason aforesaid? they severally say, that in no wise are they guilty thereof, and thereon for good or for ill, place themselves on their country; and the foresaid approver in like manner. Therefore, let a jury thereon come before our Lord the King, from the day of Easter, in fifteen days, wherever, etc. And as well the foresaid approver as the foresaid John Hosityere and the others, are meanwhile committed to the Marshal.

And against John Startout our writ, in the quindain of Easter.

VI. PARDONS.

(1.) Afterwards, to wit, from the day of Easter in fifteen days, in the year of the King that now is, the fifth, before our Lord the King, at Westminster, comes the foresaid Roger Lundenessh, in custody of the Marshal, and says that our Lord the King has pardoned him the suit of his peace [*sectam pacis sue*]¹ which pertains to him, for all manner of felonies and treasons by him, in the foresaid insurrections, from the first day of May in the year of the King that now is, the fourth, to the feast of All Saints then next ensuing, howsoever done or perpetrated, etc.; and also outlawry, if any, etc.; so, however, that he did not slay the Venerable Father SIMON, of good memory, ARCHBISHOP OF CANTERBURY, late our Chancellor, or Brother ROBERT HALES, Prior of the Hospital of St. John of Jerusalem in England, then our Treasurer, or JOHN CAVENDISSE, then our Chief Justice; and that he be not an approver or appellee concerning the said treasons and felonies, nor has escaped from prison, or gone therefrom and not rendered himself to the same prison, etc. The date whereof is at Westminster, the 18th day of January, in the fifth year of our reign [1381-2]. By virtue whereof, the said Roger asks, that he may be delivered from the prison of our Lord the King, etc. And the foresaid letters of our Lord the King being inspected and more fully examined, because it is testified here in Court by many of the said county who are worthy of credit, that the foresaid Roger Lundenyssh in the said Inqui-

¹ *i. e.* The suing him for breach of the King's peace.

sition named, and the foresaid Roger Lundenyssh of Heteron (*sic*),¹ in the county of Kent, in the said charter named, are one and the same person; and also, because the date of the said charter is within the time in the statute of our Lord the King limited, for finding sufficient bail for good behaviour [*bono gestu*],² etc., it is ordered the said Roger Lundenyssh that he find sufficient bail, etc.; and thereupon came John Kelysham, of Edgrowse; John Ree, of Merden; John Pacehurst, of Stapilhurst; and William Leuysshethe, all of the county of Kent, and became sureties for the foresaid Roger Lundenyssh, that he would be of good behaviour towards our Lord the King and his people, and that he would not make insurrection, nor procure any one to make insurrection against our Lord the King or his people, against his allegiance or against the peace of our Lord the King; to wit, each of the foresaid sureties under the penalty of one hundred pounds, and the foresaid Roger under the penalty of two hundred pounds; and as well the foresaid Roger as the foresaid sureties acknowledged that they owe our Lord the King, to wit, the foresaid Roger the foresaid two hundred pounds, and each of the foresaid sureties the foresaid hundred pounds, if it happen that the foresaid Roger in the premisses, or in any of the premisses be delinquent, and be thereof legally convicted, etc. Therefore it is considered that the foresaid Roger may go thence "*sine die*,"³ etc.

(2.) Afterwards, on Wednesday next after the octaves of

¹ *i. e.* Headcorn.

² The recognizance, with sureties, for "good abearance," or "good behaviour" (*de bono gestu*), included the ordinary security for the peace, and somewhat more. He that is bound to this security is more strictly bound than to the peace, because, the peace may not be strictly broken, and yet the surety *de bono gestu* may be forfeited; even persons "not of good fame" may be bound over to good behaviour. In Saxon times, every hundred was divided into tithings, so called, because ten freeholders with their families composed one. These all dwelt together, and were sureties, or free pledges, to the King for the good behaviour of each other; and if any offence was committed in their district, they were bound to have the offender forthcoming. But this great and general security had fallen into disuse, and suspected persons were now made to find special securities for their future conduct. The whole subject of securities is lucidly treated by Blackstone, vol. iv. p. 252-257. For some account of the Saxon system of Decennaries and Frank-pledges, see note to "Inquisitiones post mortem," *infra*.

³ *i. e.* Free, without a day appointed for his appearance.

Michaelmas, in the year of the King of England that now is, the sixth [8th October, 1382], before our Lord the King at Westminster, came the foresaid Thomas Bordefeld, in custody of the Marshal, and says, that our Lord the King that now is, of his special grace, pardoned him the suit of his peace which pertains to him, for the foresaid insurrection, by his letters patent, which he brings forth here in Court, in these words:—

“Richard, by the grace of God, King of England and France, and Lord of Ireland, to all Bailiffs and his faithful, to whom the present letters shall come, greeting. Know ye, that whereas Thomas Bordefeld, of the parish of Hunton, is appealed [*appellatus*] for that he was one of a false and traitorous company which at last levied war against us and our peace, in the county of Kent, as is said by John Cote, of Lose, in the parish of Maidstone, in the county of Kent, our approver.¹ And we, of our special grace, and for that the same Thomas, when he was induced by the said company and had knowledge of the said company and their false imaginings, fled therefrom, and revealed their counsel to our beloved JOHN DE FRENNYNGHAM, by virtue of which revelation a great part of the said company was taken by the foresaid JOHN DE FRENNYNGHAM and other gentlemen of those parts, and the false proposal of the said company, as we have been sufficiently and fully informed, was totally destroyed,—have pardoned the said Thomas the suit of our peace which pertains to us for the foresaid insurrection, whereof he being thus appealed [*appellatus*], has been indicted and tried [*rectatus*];² and also the outlawry, if there be any proclaimed against him on that occasion; and we grant him there-

¹ “When a person indicted of treason or felony, and arraigned for the same, confesses the fact before plea pleaded, and *appeals* or accuses others, his accomplices, of the same crime, in order to obtain his pardon, he is called an *approver* [probator], and the party appealed or accused is called the *appellee*. Such approvement can only be in capital cases. If the appellee be found guilty, he must suffer the judgment of the law, and the approver shall have his pardon *ex debito justitiæ*; but, if the appellee be acquitted by the jury, the approver shall receive judgment to be hanged, upon his own confession of the indictment; for the condition of his pardon has failed, viz. the convicting of some other person, and therefore his conviction remains absolute.”—*Blackstone*.

It is hardly necessary to add that this system of approvement is now discontinued. The modern practice in cases of King’s evidence is too well understood to need explanation here.

² “*Rectatus*,” i. q. “*in jus vocatum*,” stood his trial.

on our firm peace; so, however, that he stand right in our Court [*rectus in Curia*],¹ if any other besides the said approver shall choose to plead against him, for the foresaid levying.

“In testimony whereof, we have caused these our letters to be made patent. Witness myself at Westminster, the 13th day of July, in the year of our reign the sixth.”

By virtue of which, the said Thomas Bordefeld asks that he may be delivered from the prison of our Lord the King, etc. And thereupon came John de Frennyngham, William Brenchesle, John Brouston, and Simon Wennok, and became sureties for the foresaid Thomas Bordefeld, that he, from henceforth, would be of good behaviour towards our Lord the King and his people, according to the form of the statute thereon published, etc. And the foresaid letters being inspected, it is considered that the foresaid Thomas Bordefeld, as to the foresaid appeal, shall go thence “*sine die*.”²

VII. FRESH ACCUSATIONS.

Afterwards, to wit, in the octaves of St. Martin, in the sixth year of the King that now is [18th November, 1382] before our Lord the King, at Westminster, comes, as well the foresaid approver, in the custody of the Marshal, as also the foresaid William atte Welle, brought by Writ of Exigent [*per breve de exigendo*],³ by the Sheriff, and is committed to the Marshal, and straightway brought by the Marshal comes; and it is demanded of the foresaid approver, if his appeal against the foresaid William he is willing to maintain? who says that so it is. And he is instantly asked how he wishes to acquit himself of the treasons and felonies aforesaid charged upon him? and he says, that he in no wise is guilty thereof; and thereon places himself on his country. And the foresaid approver in like manner. Therefore, let a jury thereupon come before our Lord the King, in the octaves of St. Hilary, wheresoever, etc. And meanwhile, as well the foresaid approver as the foresaid William, are committed to the Marshal, etc.

¹ *i.e.* That no charge be proved against him.

² *i.e.* be discharged, without any day named on which to surrender.

³ The Writ “*de exigendo*” is issued to the Sheriff when the offender absconds. The Sheriff in such case is to proclaim him at the county court, and if, after the requisite number of proclamations, he does not surrender, he is adjudged to be outlawed.

VIII. ACQUITTALS.

Afterwards, the process thereof being continued before our Lord the King, between the foresaid approver and the foresaid John Startout, John Hosityere, William Shepere, William Reve, and John Tendelok, by juries respited [*positas in respectu*] till the octaves of St. Hilary, in the sixth year of the King of England that now is [20th January, 1382-3], at which day, before our Lord the King, at Westminster, came, as well the foresaid approver as the foresaid John Startout, John Hosityere, William Shepere, William Reve, and John Tendelok, and William atte Welle, brought by the Marshal, and the Jurors as well between the foresaid approver and the foresaid John Stertout, John Hosityere, William Shepere, William Reve, and John Tendelok, as between the said approver and the foresaid William atte Welle, came; who, with the assent, as well of the foresaid approver, as of the foresaid John Stertout, John Hosityere, William Shepere, William Reve, and John Tendelok, and William atte Welle, for this chosen, tried, and sworn, say upon their oath, that the foresaid John Stertout, John Hosityere, William Shepere, William Reve, and John Tendelok, are in no wise guilty of the felony and treasons aforesaid, nor on these occasions withdrew themselves [*se retraxerunt*].¹ And, in like manner, that the foresaid William atte Welle is in no wise guilty of the felony and treasons aforesaid; but, because the foresaid William atte Welle came by Writ of Exigent, it is asked of the foresaid Jury concerning the goods and chattels of the foresaid William atte Welle, who say that the foresaid William atte Welle had no goods or chattels, etc. Therefore, it is considered that the foresaid John Startout, John Hosityere, William Shepere, . . . Reve, John Tendelok, and William atte Welle, go thereof acquitted, etc.

IX. PARDON TO THE APPROVER.

And, thereupon, our Lord the King sent to his Justiciaries here, certain his letters, sealed with the King's own seal, in these words:—²

“Very dear and faithful,—At the instance and request of the

¹ *i.e.* Withdrew from their plea of not guilty.

² To explain the necessity of this pardon, which is in Norman French, see note on “Approver,” p. 81.

Reverend Father in God, and our very dear Cousin, the Bishop of Norwich, we command you, that, between this and Easter next ensuing, you surcease from the arraignment of John Cote, of Lose, mason, of the parish of Maidstone, in the county of Kent, the which has appealed certain persons of treason, in the last insurrection against us and our royal dignity, knowing meanwhile, that we will not that he be arraigned or adjudged to death by you, if you have no other mandate thereon from us. Given under our signet at our manor of Shene, the 25th day of January.”¹

By virtue of which letters the execution of judgment upon the foresaid John Cote, for the foresaid causes to be done, is respited before our Lord the King until, from the day of Easter, in fifteen days, wherever, etc.

Afterwards, to wit, from the day of Easter in one month, in the year of the King of England that now is, the sixth [4th May, 1382], before our Lord the King, at Westminster, comes the said John Cote, in custody of the Marshal, and says, that our Lord the King that now is, of his special grace, has pardoned him the execution of the within written judgment, and the suit of his peace which pertains to him, for the felony and treasons aforesaid, whereof, by his own acknowledgment, he is convicted; also the outlawry, if any, etc.; by his letters patent, which he produces here in Court in these words:—

“RICHARD, by the grace of God, King of England and France, and Lord of Ireland, to all Bailiffs, and his faithful, to whom the present letters shall come, greeting. Know ye, that whereas John Cote, mason, of Lose, in the parish of Maidstone, in the county of Kent, late acknowledged before JOHN HENDE and JOHN ROTHE, then our Sheriffs of London, and JOHN CHARNEYE, our Coroner of the same city, that the said John Cote and others, on Monday, the last day of September, in the year of our reign the fifth, at Boughtonhegh, near Milkhous, in the

¹ “Trescher et feal.—A l’instance et requeste du Reverent pere en Dieu, et nostre trescher Cousin, levesque de Norwicz, vous mandons que del arrenement de Johan Cote, de Lose, mason, de la paroche de Maydeston, en la countee de Kent, liquel ad apelez certaines persones en treson, de la dirreine insurrection contre nous et nostre dignite roiale, vous surseiez entre cy et la Pasque proschein venant, sachant quentretant ne volons pas qil soit par vous arrenez ne jugez a mort, si vous nen aiez autre mandement de nous. Donne souz nostre signet a nostre manor de Shene, le xxv jour de Janver.”

foresaid county, together of the connivance had between them, by the incitement and procurance of Thomas Hardyng, did voluntarily and of their own proper malice, against us and our people, raise insurrection, to the intent of making us by duress [*duritia*] to grant and confirm to the foresaid malefactors all the liberties and pardons which they, of late, in the time of the insurrection before perpetrated at LA MILENDE, near LONDON, in the county of Middlesex exacted [*exegerunt*] from us, and in case that we would not grant and confirm to them those liberties and pardons, they, imagining our death, and that of all the great lords of our foresaid kingdom, and other our faithful lieges, intended us and the lords, and other our faithful lieges aforesaid feloniously and traitorously to have slain, and wished the laws and statutes of us and our realm aforesaid to have destroyed and entirely annulled. And also the same John Cote acknowledged that strangers who had come from the northern parts towards the city of CANTERBURY, declared in the said county of Kent, that our very dear uncle JOHN, KING OF CASTILLE and LEON, DUKE OF LANCASTER, had made free his natives in divers counties and parts of England, and that, over and above this, the foresaid malefactors wished to have sent messengers to our foresaid Uncle, to know if this were so or not, and if it had been so, then the said malefactors had agreed to have gone together to the foresaid Duke, and by their own real power¹ to have made him their Lord, and King of England, and with the said Duke, for life or death, to have been bound to hold against us and our said people in all things; and thus the said John Cote, the approver, came and appealed the foresaid malefactors of the felony and treason aforesaid, and William atte Welle, of Lose, and the others by the foresaid John Cote of the felony and treason aforesaid appealed, by inquisition thereof at the suit of the said John Cote before us, were acquitted; by which the said John Cote ought to have incurred the judgment of death, as a traitor, for his false appeal. We, on the supplication of the Venerable Father in Christ, the BISHOP OF NORWICH, of our special grace, and on condition that the foresaid John Cote well and peaceably behaves himself towards us and our people, have pardoned the said John Cote the execution of the foresaid judgment, and the suit of our peace which pertains to us for the felony and treason aforesaid,

¹ In original, "*per regalem potestatem*," probably a clerical error.

of which, by his own acknowledgment, he stands convicted ; and also the outlawries, if any have been proclaimed against him on these occasions, and thereof we grant him our firm peace.

“In witness whereof, we have caused these our letters to be made patent. Witness myself at Westminster, the 14th day of April, in the year of our reign the sixth.”

And thereon came William Braybrok, of London, fishmonger ; William Grandon, of Westminster ; Robert Beche, of London, mason ; and Thomas Boteler, of London, draper ; and became sureties for the foresaid John Cote, that he, from henceforth, would behave himself well and peacefully towards our Lord the King and his people, and that he would not raise insurrection against our Lord the King or his people, nor make or in any way cause to be made, any gatherings or illegal conventicles which might produce insurrection against our Lord the King, or the terror of his peace ; and in case that he hear any rumour of insurrection, gatherings, or conventicles of this kind, to be made by any of the said malefactors, he will, without delay, forewarn the King and his Council thereof.

To wit, each of the said sureties under the penalty of two hundred pounds.