

THE MAKING OF TOWNS, THE MAKING OF POLITIES: TOWNS AND LORDS IN LATE MEDIEVAL EUROPE*

This article argues for the essential and enduring importance of the relationship between towns and lords, both to the making of towns and to the making of polities. The study of this relationship has been eclipsed by the historiographical problem of the 'state'. The European literature on state growth has situated towns within the power structures of the state and led historians to focus on the role of late medieval towns in processes of state formation.

Towns have fallen victim to macro-sociological theories and overly schematic grand narratives of the development of the post-modern state, which made them engines of state finance.¹ A more common, but no less problematic, functionalist approach has made towns building blocks in the construction of individual states. Bernard Chevalier assigned to the *bonnes villes*, which were recognizable by the strength of their walls, the density of their population, and the wealth of their inhabitants, a central place within the history of the French state. Towns performed elaborate entry ceremonies to welcome kings and validate royal authority, provided soldiers and money to defend the realm, and disseminated news and information. Yet their inclusion within

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¹ See, for example, Charles Tilly and Wim P. Blockmans (eds.), *Cities and the Rise of States in Europe, AD 1000 to 1800* (Oxford, 1994).

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the nascent state never made them fully subordinate to royal power. In exchange, the Crown corresponded with the *bonnes villes* and dispensed chartered privileges. If they were ‘royal towns’ (*villes royales*), the relationship was not possessive, but reciprocal: a period of ‘*accord parfait*’ followed ‘*l’entente cordiale*’.² Subsequent scholarship has underlined how effective were the bonds between the French monarchy and the greater French towns, and how complete was the absorption within the kingdom of towns previously in peripheral regions of France.³

These histories of relations between towns and the state have depended largely on urban typologies that emphasize the importance of one kind of town (self-governing) over another (under seigneurial lordship). Urban autonomy and royal centralization, for example, were the twin foundations of the ‘monarchical state’ of Castile.⁴ The incorporation of royal towns, which were more numerous than seigneurial towns in Castile, was fitful and disruptive in the thirteenth century, especially in the reign of Alfonso X, but the appointment of *regidores* in fourteenth-century towns promoted assimilation. *Regidores* were royal officials, whose local power was effective only through collaboration with urban elites. If it is a matter of debate whether the system of *corregidores* from the 1480s imposed royal control over Castilian towns, indisputable is the chasm between the monarchical state of Castile and the composite polity of the Crown of Aragon, a political unit formed of several, distinct principalities and kingdoms.⁵ The contrasting histories of late medieval Castilian and Aragonese towns, and the different interests of their historians,

² Bernard Chevalier, *Les Bonnes villes de France du XIV^e au XVI^e siècle* (Paris, 1982). For an excellent exposition of the French historiography, see Cléo Rager, ‘Étudier les “bonnes villes” de la fin du Moyen Âge: plasticité historique et réinterprétations historiographiques’, *Histoire urbaine* (2021).

³ David Rivaud, *Les Villes et le roi: les municipalités de Bourges, Poitiers et Tours et l’émergence de l’État moderne, v.1440–v.1560* (Rennes, 2007); Neil Murphy and Graeme Small, ‘Town and Crown in Late 15th-Century France: Rouen after the *Rédaction*, c.1449–1493’, in Anne Curry and Véronique Gazeau (eds.), *La Guerre en Normandie, XI^e–XV^e siècle* (Caen, 2018).

⁴ José Antonio Jara Fuente, ‘Centralización y autonomía políticas? La construcción del Estado moderno (en perspectiva urbana)’, *Hispania*, lxxxi (2021).

⁵ Miguel Ángel Ladero Quesada and Máximo Diago Hernando, ‘The Franchises, Liberties, and Privileges of Spanish Towns in the Middle Ages’, in Michel Pauly and Alexander Lee (eds.), *Urban Liberties and Citizenship from the Middle Ages Up to Now* (Trier, 2015).

speak to long-standing questions about the fault lines of Spanish national identity and the lineaments of the Spanish state.

Altogether, urban history has served as a mirror to established ideas about the diverse character and divergent trajectories of states in late medieval Europe. Specifically, late medieval towns appear a reflection and an explanation of national exceptionalism. The *bonnes villes*, in Bernard Chevalier's assessment, were 'uniquely French'.⁶ The nation state is equally conspicuous in the historiography of late medieval German towns both by its absence, as the frame of writing urban history, and by its presence, in the rich typology of towns. There is a common thread. As German historians turned away from writing national history after the Second World War, they withdrew to the much less contentious area of local and regional history (*Landesgeschichte*) and an insular tradition of urban history (*Städteforschung*).

The oldest type of German town was the 'episcopal city' (*Bischofsstadt*). Originally under the direct lordship of the bishop, the episcopal city became a 'free city' (*freie Stadt*) when, through military confrontation and imperial aid, it freed itself from episcopal authority. A 'free city' was not unlike an 'imperial city' (*Reichsstadt*), which lay on the empire's own lands and which had a direct relationship with the emperor mediated through the swearing of fidelity and obedience, the payment of imperial taxes, and the obligation of military service.⁷ Even the most privileged of 'free cities' in the Holy Roman Empire were free of everything *but* royal lordship, as Frederick II's thirteenth-century charter to Lübeck clarified.⁸ To be free was to enjoy a position of 'imperial immediacy' (*Reichsunmittelbarkeit*) and a direct relationship with the Empire and the Emperor, without the presence of an intermediary lord. It was to replace one lord with another, to whom a town was directly subordinate. Over the cities on their dynastic lands, by contrast, German kings were territorial lords — and

⁶ Bernard Chevalier, 'La Bonne ville: un modèle original d'organisation en France du XIV^e au XVI^e siècle', in Bernard Chevalier, *Les Bonnes villes, l'État et la société dans la France de la fin du XV^e siècle* (Orléans, 1995), 20–1.

⁷ Karl S. Bader and Gerhard Dilcher, *Deutsche Rechtsgeschichte. Land und Stadt: Bürger und Bauer im Alten Europa* (Berlin, 1999), 411–13, 415.

⁸ Gisela Möncke, 'Zur Problematik des Terminus "Freie Stadt" im 14. und 15. Jahrhundert', in Franz Petri (ed.), *Bischofs- und Kathedralstädte des Mittelalters und der frühen Neuzeit* (Cologne, 1976), 86.

so were others.⁹ The ‘territorial town’ (*Landstadt*) might be a *landesherrliche Stadt*, subject to the authority of the dynastic princes and territorial lords among the German high nobility, whose ‘town lordship’ (*Stadtherrschaft*) was one facet of a larger, more or less coherent, geographical lordship; it could also be a *grundherrliche Stadt*, or ‘manorial town’.¹⁰ The lord of the latter exercised *Grundherrschaft*, or ‘landed lordship’, which combined seigneurial rights over land and property with rights over the people who worked and held them.¹¹ A ‘smaller version of the territorial town’, *grundherrliche Städte* were often ‘small towns’ (*kleine Städte, Städtlein*), founded by a lord (*Stadtherr*) and integral to a nobleman’s ‘minor lordship’ (*Kleinherrschaft*).¹² In this comprehensive spectrum of urban types, we see an unintended irony of the retreat from explicitly ‘national’ history.

In its place is a reinvigorated sense of the peculiarities of German history: a political history shaped, variously, by centrifugal forces and patterns of territorialization, in which real power was held at the local level and by a multiplicity of authorities. Despite Peter Moraw’s re-centring of the Emperor and the Empire within the political culture of late medieval Germany, and his delineation between areas where the person of the imperial ruler was more (*königsnähe*) or less (*königsfern*) visible and accessible, the diversity and uniqueness of urban forms seem proof of the Empire’s ‘multi-layered power structure’ and polycentricity.¹³ According to Peter Johanek, ‘territorial towns’ (*landesherrliche Städte*) in Germany were ‘a special form, founded in the specific circumstances of German constitutional history’. Predominantly small, they were ‘a specific feature

⁹ Walter Schlesinger, ‘Schlussdiskussion’, in Wilhelm Rausch (ed.), *Stadt und Stadtherr im 14. Jahrhundert: Entwicklungen und Funktionen* (Linz, 1972), 347–8.

¹⁰ Bader and Dilcher, *Deutsche Rechtsgeschichte*, 419–20.

¹¹ Timothy Reuter, ‘Forms of Lordship in German Historiography’, in Monique Bourin and Pascual Martínez Sopena (eds.), *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales, XI–XIV^e siècles: les mots, les temps, les lieux* (Paris, 2004), 55–6.

¹² Bader and Dilcher, *Deutsche Rechtsgeschichte*, 423.

¹³ Peter Moraw, ‘Die Verwaltung des Königtums und des Reiches und ihre Rahmenbedingungen’, in Kurt G. A. Jeserich, Hans Pohl and Georg-Christoph von Unruh (eds.), *Deutsche Verwaltungsgeschichte I: Vom Spätmittelalter bis zum Ende des Reiches* (Stuttgart, 1983), 21–31. The quotation is from Bader and Dilcher, *Deutsche Rechtsgeschichte*, 408.

of German history, of the constitutional structure and power structure of the Holy Roman Empire', which, 'as is well known, developed differently from, for example, the large centralized monarchies of Western Europe'.¹⁴ Instead of the nation state, the German story is the rise of the territorial state, a version of German exceptionalism in which towns help to explain and embed claims about the historical evolution and singularity of individual European nations.¹⁵

This article challenges the winnowing effects of national historiographies, which rest upon statist models of urban classification that divide and sort towns into state actors and non-state actors. I speak of polities, not states, for three reasons. I use the term polity firstly so as not to privilege the relationship between towns and centres of political power. The contention is that towns everywhere operated within a multi-layered, poly-centric, sometimes fragmented political landscape, which was profoundly local in its orientation. I make a case for the comparability of local political landscapes in different parts of Europe. Second, these landscapes were not dominated by state actors or agents, but inhabited by towns and lords, who had agency of their own. Third, land and land tenure, which gave landscape a literal as well as a figurative meaning, blurred the distinction between the public realm of government and the private sphere of lordship.¹⁶

In the first part, I concentrate on Walsall, an English town in the historic county of Staffordshire. Walsall is a good case study because its modest size makes it representative of European towns. 'Throughout the medieval and early modern period the small town, with a few hundred or thousand people', Peter

¹⁴ The quotations are from Peter Johanek, 'Landesherrliche Städte — kleine Städte: Umriss eines europäischen Phänomens', in Jürgen Treffeisen and Kurt Andermann (eds.), *Landesherrliche Städte in Südwestdeutschland* (Sigmaringen, 1994), 11, 24.

¹⁵ For a recent critique of the concept of 'territory', see Duncan Hardy, 'Were There "Territories" in the German Lands of the Holy Roman Empire in the Fourteenth to Sixteenth Centuries?', in Mario Damen and Kim Overlaet (eds.), *Constructing and Representing Territory in Late Medieval and Early Modern Europe* (Amsterdam, 2021).

¹⁶ John Watts's reasons for preferring the term 'polity' to 'state' are different from my own: *The Making of Polities: Europe, 1300–1500* (Cambridge, 2009), 379–80.

Clark concluded, ‘was a constant and quintessential feature of the European landscape’.¹⁷ Back in the 1950s, Hektor Ammann calculated that more than 90 per cent of Swiss and German towns of the late Middle Ages had fewer than two thousand inhabitants and could be counted as small towns.¹⁸ With a population of around one thousand by the end of the Middle Ages, Walsall, which had neither walls nor fortifications, was the norm rather than the exception.¹⁹ From this perspective, the political fortunes of Walsall encourage us to rethink the relationship between ‘lordship’ and ‘urban-ness’. Lords had civic responsibilities, and association with the Crown was not necessary to the development of the kinds of sophisticated governmental and political forms that we regard as quintessentially and prodigiously urban. Fernand Braudel conceived town walls as symbols *par excellence* of urban identity, physical monuments to a universal urban ideology and ambition: ‘Every town is and wants to be a world apart’.²⁰ The only defensible structure in Walsall was the lord’s park, whose perimeter fencing was reinforced periodically by wooden posts. We should neither eulogize the cohesiveness, resilience and vigour of urban communal bonds, nor quantify *urban-ness* by degrees of separation. While towns rejected and criticized lordship, they also needed lordship and sought lordship. It was in the entanglements between towns and lords, sometimes paradoxical and always fluid, that townspeople became truly *urban*.

In the second section, I argue that Walsall’s experiences complicate our understanding of England’s own *Sonderweg*. England is generally described as a crown-centred polity, where the sovereign power of the king was impressed directly in most of the kingdom, much of the time, and where even self-government in

¹⁷ Peter Clark (ed.), *Small Towns in Early Modern Europe* (Cambridge, 1995), 1 (editor’s intro).

¹⁸ A figure cited in Holger T. Gräf, ‘“Small Towns, Large Implications”? Bemerkungen zur Konjunktur in der historischen Kleinstadtforschung’, in Peter Johanek and Franz-Joseph Post (eds.), *Vielerlei Städte: Der Stadtbegriff* (Cologne, 2004), 149.

¹⁹ Christopher Dyer, ‘The Urbanizing of Staffordshire: The First Phases’, *Staffordshire Studies*, xiv (2002), 8 and n. 25.

²⁰ Fernand Braudel, *Civilization and Capitalism, 15th–18th Century, Vol. 1: The Structures of Everyday Life*, transl. Siân Reynolds (London, 1981), 491.

the localities was at the king's command. From the royal capital, London, to provincial capitals such as Bristol, York and Norwich, we know most about *The King's Towns*, to quote the title of one monograph.²¹ Less often acknowledged is that these so-called king's towns were royal towns, in the sense that they were urban centres of which the king was the immediate lord, either because they were royal foundations or because they were located on crown lands. If there were royal towns, we can deduce that there were other kinds of town, which were not royal. Generalizations can mislead, especially when they are based on what historians expect to find. If our premise is the existence of 'large centralized monarchies' in Western Europe, we might naturally assume that 'the towns of France and England are mostly royal towns'.²² Neither the English urban sector nor the English polity was as unified and monolithic as urban historians of England present and as historians of continental towns suppose.

In the final part, I widen the lens again to integrate Walsall's encounters with lords and lordship within a European framework of comparative and connected urban histories. At the centre is a 1524 revolt, in which the townspeople of Walsall called upon the services of a magical horse by the name of Bayard against the depredations of an aristocratic opponent, who saw himself as the town's lord. The invocation and deployment of Bayard in 1524 reveals, from a new angle, the complex, but vital, intersection of lordship and community. Right to the end of the Middle Ages, and beyond, lordship was not incompatible with urban development. Quite the opposite: urban development necessitated lordship, with implications for both the making of towns and the making of polities.

I

WALSALL AND ITS LORDS: URBAN POLITICAL SPACE

The example of Walsall is valuable principally because it shows that the division of 'royal' and 'seigneurial' towns, between those with a relatively high measure of self-government and those without, is misleading. When in the later fifteenth and early

²¹ Lorraine C. Attreed, *The King's Towns: Identity and Survival in Late Medieval English Boroughs* (New York, 2001).

²² Johaneck, 'Landesherrliche Städte — kleine Städte', 11.

sixteenth centuries Walsall faced a series of external and internal challenges, which were less of its own making than they were characteristically urban, its recourse to lords and lordship was predictable, but imaginative.

Like the new towns founded in northern and central Italy between the twelfth and fourteenth centuries,²³ Walsall's urban origins owed everything to seigneurial investment. Located on the boundaries of the royal forest of Cannock, the manorial site of Walsall was excavated and cultivated in the later twelfth century, after which an urban settlement of burgage plots was laid out and, in the early thirteenth century, a park was created by the lord. In the 1230s or 1240s the town's lord issued a charter to 'all the burgesses of Walsall' and reserved to himself and his heirs 'tallage from the said burgesses and their heirs whenever the lord king tallages his burgesses'.²⁴ The town of Walsall, then, was part of the manor of Walsall; its inhabitants, including its burgesses, were manorial tenants.

The manor of Walsall stayed in the hands of a single family (the Ruffus family) from the mid-twelfth to the mid-thirteenth centuries, when it passed through the female line to two more knightly families (the Morteysns and the Rous family). Sir Roger de Morteysn mortgaged his half of the manor to Sir John de Somery of Dudley, who was sharing lordship of the manor with Sir Thomas le Rous in the early fourteenth century, when Walsall, according to the sheriff of Staffordshire, had not one but two lords: John de Somery and Thomas le Rous.²⁵ By 1338, both moieties of the manor were held by Ralph Lord Basset of Drayton (d. 1343), a member of the regional nobility and the head of a Staffordshire baronial family.²⁶ After Ralph's grandson

²³ Maria Ginatempo, "'Piccole patrie': le peculiarità dell'urbanesimo minore nell'Italia centrosettentrionale del basso Medioevo', in *La ciudad de los campesinos: Villas nuevas, pequeñas villas, villas mercado* (Pamplona, 2020), 99–101, available at <<https://www.culturana Navarra.es/es/la-ciudad-de-los-campesinos-villas-nuevas-pequeñas-villas-villas-mercado>> (accessed 31 Oct. 2023).

²⁴ Keith F. Brown, 'Two Walsall Charters', *South Staffordshire Archaeological and Historical Society Transactions*, xvii (1975–6), 67. On the definition of tallage, see below, p. 31.

²⁵ *Inquisitions and Assessments Relating to Feudal Aids: With Other Analogous Documents Preserved in the Public Record Office, AD 1284–1431*, 6 vols. (London, 1899–1920), v, 14.

²⁶ British Library, London (hereafter BL), Cotton MS Nero C XII, fo. 146^v.

died in 1390 without an heir, Thomas Beauchamp, who had been earl of Warwick since the death of his father in 1369, became lord of Walsall.²⁷

Subject to manorial administration and jurisdiction, the townspeople had no court of their own. By the 1380s, the bailiff held separate three-weekly courts (the court baron) for the rural and urban sections of the manor, which were known respectively as the 'foreign' court and the 'borough' court.²⁸ Despite the name, the borough court was simultaneously the lord's court; its purpose was the regulation of relations between tenants, and between tenants and lord. There was a single court leet for the whole manor, at which the lord's steward, receiver, other of the lord's esquires, and clerks assembled twice a year to hold the view of frankpledge for the maintenance of law and order.²⁹ From the thirteenth century, when the lord of the manor claimed before royal justices enforcement of the assize of bread and ale, and the rights to a gallows, a pillory and a tumbrel, the manor of Walsall was a unit of criminal jurisdiction and the manorial lord the arbiter of capital punishment.³⁰ In 1397 one of the town's carpenters was paid for making a new pillory, and in the same year the town's manorial steward heard the case of a felon seized in a Walsall house, for which serious crime the steward sentenced him to death on the town's (lord's) gallows.³¹ If English towns subject to intermediary lords were exposed to systems of royal justice, they also confronted the punitive apparatus and disciplining power of their own seigneurial regimes.

The formal structures and political culture of town government were nonetheless able to grow under and with seigneurial

²⁷ 'Inquisitions Post Mortem, Ad Quod Damnum, etc., Staffordshire', *Collections for a History of Staffordshire* (Staffordshire Record Society, 3rd ser., iv, 1913), 155–7; *Cal. Close Rolls, 1389–92*, 204–5.

²⁸ Staffordshire Record Office, Stafford (hereafter SRO), D641/1/2/32, m. 2^r.

²⁹ BL, Egerton Roll 8467. For the terminology and procedures of English manorial courts, see Mark Bailey (transl. and ed.), *The English Manor, c. 1200–c. 1500* (Manchester, 2002), 167–92.

³⁰ G. Wrottesley, 'Extracts from the Plea Rolls, AD 1272 to AD 1294, Taken from the Original Rolls in the Public Record Office', *Collections for a History of Staffordshire* (William Salt Archaeological Society, vi, pt 1, 1885), 270.

³¹ BL, Egerton Roll 8474, m. 2^r.

lordship, not against it, or in spite of it. As the new lord of Walsall, Thomas Beauchamp Earl of Warwick sent a chief steward and a receiver to undertake a survey of the manor in 1394.³² One outcome of this journeying from Warwick to Walsall was the decision to give the two parts of the manor — the ‘foreign’ and the ‘borough’ — their own bailiff, each of whom was accountable to the steward of the manor.³³ This administrative change probably made good financial sense for the lord. The bailiff of the borough collected the toll of the market, which was next to the town’s high cross, and in 1397 the bailiff paid a mason for plastering the town’s new tollhouse.³⁴ Yet the invention of the post of bailiff of the ‘borough’, alongside the bailiff of the ‘foreign’, was seigneurial recognition of a political fact: that the town had its own civic identity, which could develop within the confines of the manor.³⁵ From the very beginning of these arrangements, the bailiffs of the ‘foreign’ remained in post over several years, while their urban counterparts changed annually, a pattern of office-holding that was common to towns and that the thirteenth-century Florentine political thinker Brunetto Latini saw as a noticeably urban electoral practice.³⁶

Even the system of freedom admissions, common across urban Europe, emerged in the context of seigneurial initiative. In 1309 the two co-lords of the manor, Sir Roger de Morteyn and Sir Thomas le Rous, issued a charter jointly to ‘all and every of our burgesses of Walsall’.³⁷ From 1309, a person wanting to become a burgess had first to make a ‘payment to the community of the town’ (*quousque satisfecerit communitati ville*) and to ‘come to an agreement with the community concerning these

³² BL, Egerton Roll 8471, m. 2^r.

³³ The first reference to the bailiff of the ‘borough’ is in BL, Egerton Roll 8471, m. 2^r.

³⁴ BL, Egerton Roll 8474, m. 2^r.

³⁵ There are separate accounts for the bailiff of the ‘borough’ and the bailiff of the ‘foreign’ from 1398–9: cf. BL, Egerton Rolls 8476, 8477.

³⁶ A Richard Horborne was bailiff of the ‘foreign’ from 1399, and he was still in post in 1420: BL, Egerton Rolls 8478–8506. On Latini’s observations, see Christian D. Liddy, *Contesting the City: The Politics of Citizenship in English Towns, 1250–1530* (Oxford, 2017), 90–1.

³⁷ Walsall Archives, Walsall (hereafter WA), 276/9. The transcription in Brown, ‘Two Walsall Charters’, 71–3 contains a few errors.

liberties' (*et concordauerit cum eadem super eisdem libertatibus*). At an 'assembly of the burgesses of the town of Walsall' (*Consilium Burgensium ville de Walshall*) in 1377, a certain Walter Fletcher 'came among the said burgesses and gave 2s. to them so that he might enjoy the liberty of the borough . . . just as in a certain charter made together by the lords of the manor of Walsall to the burgesses is more fully contained, and swore fealty to the burgesses'.³⁸ The new burgess came 'among' (*inter*), not 'before' (*coram*), the town's community of burgesses. The 'community of the town' predated the 1309 charter, but the seigneurial charter, to which the burgesses referred almost seventy years later as if it were a charter of town foundation, respected and endorsed the associational bonds of corporate, urban life. It was perfectly possible to be both a manorial tenant and a town burgess: to swear fealty to both one's lord and one's fellow citizens. The freedom system did not supplant, but was embedded within, a manorial setting.

The language of seigneurial possession could translate into seigneurial protection. In 1396–7, when Thomas Beauchamp, the 'lord of Walsall', sent several of his 'servants and councillors' (among them the 'surveyor of the lands of the said Earl') to 'his town and lordship of Walsall for the oversight and good governance of the said town and lordship', the lord's officers heard a suit from the farmer of the 'lord's mill' in Walsall. The farmer denounced 'the burgesses of the borough of Walsall', who 'would not grind at my said lord's mill as it was their duty'. Instead, the burgesses took their corn to be ground at other mills. The earl's representatives sent for 'all burgesses of the said borough' to appear before them. After their examination, after the findings of a local jury ('by the oaths of 12 men of the said tenants and burgesses'), and after consultation of various written documents, the lord's councillors decided in favour of the burgesses: 'the said burgesses of Walsall [shall] be at their freedom to grind where they liked'. Additionally, they summoned the farmer, to whom they advised that he improve his relationship with the burgesses: 'he should acquaint himself better with the burgesses of Walsall'. He was to employ a competent miller, who would 'serve truly my lord's tenants'. If the farmer did as

³⁸ WA, 277/238, m. 1^r. The reference is to the 1309 charter.

he was instructed, the burgesses would naturally return to the lord's mill to grind their corn. They could not 'compel' them to do so, since they had their 'own freedom' to grind where they wanted.³⁹ This was a type of paternalistic or benevolent lordship, which was also conscious of the limits of its influence.

By contrast, when Richard II arrested Thomas Beauchamp in 1397 for his opposition to the king a decade earlier, confiscated the earl of Warwick's estates, and gave the manor of Walsall to John Beaufort Marquess of Dorset, a royal favourite, Walsall suffered from a lordship that was constraining, coercive and exploitative.⁴⁰ After Richard II's removal from the throne in 1399 enabled the restoration of Thomas Beauchamp, a Walsall burgess wasted no time in petitioning 'his very honourable, powerful, and very gracious lord the earl of Warwick' in March 1400 for renewal of a grant of twenty acres of land on terms that were an improvement on the earl's original lease. The Walsall burgess, who had been the earl's valet in 'your lordship of Walsall', could calculate the difference between good lordship and bad lordship. During the period when the marquess of Dorset 'wrongfully occupied the said lordship', which was 'at the time of your false and malicious exile', the officials of the marquess had increased the rent. The original lease had been for eight years; the burgess, who remembered the more than thirty years of service to the earl and to his father before him, asked that he hold the land for his lifetime. The earl consented and, 'by his special grace' (*ex sua gracia speciali*), pardoned the burgess the rent that was outstanding for the past two years, when he had paid nothing to the officials of the marquess.⁴¹

The relationship between a town and seigneurial lord, while inherently unequal, did not have to be bluntly, even clumsily, transactional. There was not a trade-off between seigneurial demands and urban needs. In the fifteenth century the manor of Walsall was a useful, but hardly essential source of revenue,

³⁹ BL, Cotton MS Nero C XII, fo. 155^r. Please note that I have modernized the spellings and punctuation of all Middle English quotations in the article for ease of comprehension.

⁴⁰ For the background to Beauchamp's arrest, see A. K. Gundy, *Richard II and the Rebel Earl* (Cambridge, 2013), chs. 3–5.

⁴¹ BL, Egerton Roll 8477, m. 3^r. The petition is appended to the bailiff's account roll. For the new lease, see BL, Egerton Roll 8478, m. 1^r.

which contributed to the cost of the fees and wages of members of the earl of Warwick's affinity.⁴² What did Walsall mean to a lord such as Richard Beauchamp, who inherited the manor of Walsall on his mother's death in 1407? Beauchamp's officials spent money on repairing the seigneurial park at Walsall; they oversaw the construction of a new pillory and cucking-stool (*Gumstole*) from trees cut down on the manorial estate. After establishing two new annual fairs and a weekly market at Walsall, Richard Beauchamp excused visitors the payment of tolls for the first two years.⁴³ In the continual renovation of the lord's park, in the production of tools of public punishment, and in the foundation and enfranchisement of venues of commercial exchange, Beauchamp was exercising governance. Walsall had civic buildings, and sites of civic government, such as the guild-hall of the Walsall fraternity of St John the Baptist, with which successive earls of Warwick were intimately connected as founders and patrons.⁴⁴ In this blending of civic culture and aristocratic patronage, lordship was not at odds with the development of civic institutions.

Walsall became a royal town neither by royal design nor by urban ambition, but by accident. The death of Richard Beauchamp in April 1439 was followed quickly by the deaths of his widow and his son and heir, Henry Beauchamp.⁴⁵ Henry's widow, Cicely Neville, was briefly lord, but she died in 1450, not long after leaving the manor of Walsall, as well as other properties in Staffordshire and Warwickshire (including Warwick Castle), to her brother Richard Neville, his wife Anne, and their issue. Richard Neville, who became earl of Warwick in right of his wife Anne (Henry Beauchamp's sister), was thus lord of the

⁴² Alexandra F. J. Sinclair, 'The Beauchamp Earls of Warwick in the Later Middle Ages' (Univ. of London Ph.D. thesis, 1987), 55 (table 6).

⁴³ On the fairs, see *Cal. Charter Rolls, 1341–1417*, 485 and BL, Egerton Roll 8504, m. 1^r.

⁴⁴ WA, 277/238, m. 2^r. On the relationship between the earls and the fraternity, see BL, Cotton MS Nero C XII, fos. 122^r–126^r; *Family Papers of the Sneyds of Keele Hall, Staffordshire: Deeds* (Keele University Library, Ref. GB 1725), 159; Robert N. Swanson, 'A Medieval Staffordshire Fraternity: The Guild of St John the Baptist, Walsall', in Philip J. Morgan and A. D. M. Phillips (eds.), *Staffordshire Histories: Essays in Honour of Michael Greenslade* (Keele, 1999).

⁴⁵ *Cal. Inq. Post Mortem, 1437–1442*, nos. 274, 322, 457.

seigneurial town of Walsall from 1450.⁴⁶ It took Warwick's rebellion against Edward IV, and death at the battle of Barnet in 1471, during the Wars of the Roses, to rupture Warwick lordship of Walsall.

Determination of when Walsall came into being as a royal town is not simple. It was in any case not an event, but a process. It had no single date, its course was uneven, and the conclusion was, for Walsall, equivocal. After Edward IV's confiscation of the estates of Anne Neville Countess of Warwick on her husband's death at Barnet, George Duke of Clarence, Edward IV's younger brother, petitioned successfully to obtain part of the Warwick inheritance. Created earl of Warwick by Edward IV, he also received the king's authorization to the landed rights that he claimed through marriage to Anne's eldest daughter; Clarence became lord of Walsall, a transfer of power that no one, least of all the townspeople of Walsall, could have anticipated only two years earlier.⁴⁷ With Clarence's son and heir, Edward, a minor on his father's death in 1478 and a royal ward, Walsall became *de facto* the king's lordship. With Henry VII's seizure of the throne in 1485, an event that similarly could not have been predicted only a short time before, Anne Neville Countess of Warwick recovered possession of the lands from which she had been disinherited.⁴⁸

The restoration of seigneurial power, from the later 1480s, was visible on the ground. Formally, the restoration was at the king's will, and by royal grant. After gifting Walsall, and the rest of her inheritance, to the Crown in December 1487, the king gave Anne the manor and lordship of Walsall for life in December 1489.⁴⁹ However, the manorial accounts of Walsall, written in the name of the countess from Michaelmas 1487 until her death in 1492, make clear both the authority under which manorial officers were now acting and the administrative, territorial, material and

⁴⁶ For the Beauchamp family tree, see Christine Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401–1499* (Cambridge, 1992), 441. For Richard Neville's lordship of Walsall, see BL, Egerton Rolls 8535–8542.

⁴⁷ Michael A. Hicks, 'Descent, Partition and Extinction: The Warwick Inheritance', in *Richard III and his Rivals: Magnates and their Motives in the Wars of the Roses* (London, 1991), 326–8.

⁴⁸ *Ibid.*, 332–3.

⁴⁹ *Cal. Close Rolls, 1485–1500*, 327; *Cal. Pat. Rolls, 1485–94*, 298.

jurisdictional consequences of the resumption of Walsall's status as a seigneurial town.⁵⁰ When Walsall was under direct royal control, Edward IV appointed a crown servant (a yeoman of the king's chamber) bailiff of the 'king's lordship' of Walsall, which he treated as a single entity: there was one manor, and the bailiff was the king's officer in both the borough and the foreign.⁵¹ When Henry VII took power in 1485, the new king likewise appointed a single person (a yeoman of the king's guard) to the offices of bailiff of the town of Walsall, keeper of the park, and bailiff of the foreign.⁵² From 1487 to 1492, there was a return to the arrangements under successive earls of Warwick: the town had its own, annually appointed bailiff. This was a period when the landscape, once more, bore the stamp of noble lordship and the symbolic rehabilitation of Warwick lordship.⁵³ A new wooden gallows, a pillory and a cucking-stool 'for the punishment of felons' were built, transported and installed; the fences enclosing the park were repaired and the water mill refurbished; hedges around a meadow were 'improved'; a ditch was dug and a new barrier was built between 'the lady's land' (*terram domine ibidem*) and an area of heath; and ground within the park was inspected and surveyed 'on the lady's orders' (*de mandato domine*) prior to the excavation of a coal mine.⁵⁴ Lordship, which was seigneurial, local and active, was nothing less than governance.

A manorial account for 1490–1 used this very word, in relation to the activities of the manorial steward and his fellow officers. They had been busy, and had incurred expenses, presiding over courts at Walsall throughout the year and providing for 'the good governance of the said lordship' (*quam pro bono regimine dicti domini procurando et conseruando*).⁵⁵ Noble lordship was indeed a mode, rather than a subversion, of governance: that is, in John Watts's words, it was neither 'a purely private

⁵⁰ The National Archives, Kew (hereafter TNA), DL 29/641/10412–10415.

⁵¹ *Cal. Pat. Rolls, 1476–85*, 68; Anita R. Hewerdine, 'The Yeomen of the King's Guard, 1485–1547' (Univ. of London Ph.D. thesis, 1998), 107.

⁵² *Cal. Pat. Rolls, 1485–94*, 4, 55; Hewerdine, 'Yeomen of the King's Guard', 15, 167.

⁵³ On the theme of lordship and landscape, see O. H. Creighton, *Castles and Landscapes: Power, Community and Fortification in Medieval England* (London, 2002).

⁵⁴ TNA, DL 29/641/10413, m. 3^d; DL 29/641/10415, m. 4^r.

⁵⁵ TNA, DL 29/641/10415, m. 4^r.

and autonomous force' nor 'a simple exercise in private domination', but 'a private and public agency for the satisfaction of shared interests'.⁵⁶

Royal lordship under Henry VII was different, as Walsall learned on Anne Neville's death in 1492, when the town lost its seigneurial lord. The seigneurial administration of two bailiffs stayed in place, but only the park was of material concern. Now a royal hunting ground, it had a new hunting lodge.⁵⁷ Walsall's lord was the king, but in 1494 the king granted the 'whole lordship' (*integrum dominium de Walsale*) to a royal servant for the annual sum of £34, payable at the royal exchequer.⁵⁸ In arranging for the farming of the manor, which included the town, the king's interests were solely financial. A letter from Henry VII to the farmer of the lordship, written in November 1496 under the royal signet, underlined the narrowness of this outlook. The king had learned that 'certain sums of money' had 'been owing and due to us by our tenants there' since the 'first year of our reign'. The king insisted the farmer collect this lost income, from unpaid rents, fines, amercements and heriots, and deliver his account 'by Christmas next coming'.⁵⁹ The termination of Walsall's tenurial bond with the earls of Warwick had not brought the town into a direct relationship with the Crown. It was only in January 1501, when the 'mayor of the town and borough of Walsall, the bailiff of the same town and borough and all the burgesses of the said town and borough' sealed a fifty-year lease of the borough ('Burrewe') from the Crown, that the situation formally changed.⁶⁰ The cost of their 'liberty' was an annual payment of £10. Should they default, a royal official was to enter the town and seize property and goods to enforce payment.

The town of Walsall officially had a new landlord. The mayor and bailiff applied the town's common seal to the indenture in

⁵⁶ John Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), 92.

⁵⁷ See the payment 'for the improvement of the lodge within the said park' (*pro emendacione logee infra dictum parcum*): TNA, DL 29/641/10416, m. 6^r.

⁵⁸ TNA, DL 29/641/10418, m. 1^r. The farmer, Roger Dore, had previously been Anne Neville's bailiff.

⁵⁹ TNA, SC 1/51/109. The use of the royal signet was still at this point a sign of the king's direct and personal authorization. I am grateful to Sean Cunningham for clarification.

⁶⁰ WA, 276/49.

1501, but they did so in the name of all the ‘tenants’ of the borough and town; the burgesses were tenants of the king. Similarly, the circular seal matrix of Walsall’s common seal, which dates from this period, shows the royal arms undifferenced: the quartering of France modern and England. The heraldic shield, supported by two lions, is encompassed by the words: ‘the common seal of the mayor and community of the town of the lord king of Walsall’ (*sigillum commune maioris et communitatis ville domini regis de Walsale*).⁶¹ The design of the common seal was premature. While the town had a landlord, the townspeople were much less confident that they had a lord.

We can discern the multiple, roughly contemporaneous, efforts of the town of Walsall to cultivate, and even manufacture, a lord. These attempts, and the tensions that generated them, tell us two things: that medieval towns could not escape lords and lordship, even if they tried; more pertinently, that medieval towns needed lords. What we need to do is to explain the attraction of lords and lordship to towns. The explanation is both contingent and structural.

When the townspeople of Walsall wrote to Henry VII in 1498 about a ‘riot and unlawful assembly’ perpetrated by the residents of local towns, the mayor and townspeople told the king that they were ‘the inhabitants and tenants of *your* said Town of Walsall’. They would deploy this phrase seven times in the first third of the petition, in relation to the disposition of the town and its residents.⁶² When the mayor replied to the case of the defendants, he did so, very deliberately, ‘as the king’s officer and mayor of his town of Walsall’.⁶³ The language, punctilious in its execution, was technically correct: with the death of the countess of Warwick in 1492, Walsall was in the king’s hands. Yet with the farming of the manor in 1494, who was the lord? Walsall’s submission of a legal suit to Star Chamber did not so much reflect a state of lordship as invoke and seek to create it. The

⁶¹ Gale Pedrick, *Borough Seals of the Gothic Period: A Series of Examples, Illustrating the Nature of their Design and Artistic Value* (London, 1904), 123–4. The seal matrix is kept in the Walsall Archives.

⁶² TNA, STAC 1/2/95: <<https://ereed.library.utoronto.ca/records/staff-ridm51915856/>>. The emphasis is mine.

⁶³ TNA, STAC 2/28/109: <<https://ereed.library.utoronto.ca/records/staff-ridm51692304/>>.

dispute was not one that Walsall could resolve on its own. The reason was that the other parties in the suit were two neighbouring towns, Wednesbury and Wolverhampton, of approximately comparable status to Walsall, whose collective power exceeded its own thanks to the formation of an urban alliance between ‘the inhabitants of the said Town of Wednesbury and of diverse other towns their adherents’.⁶⁴ The economic rivalry between a group of relatively localized urban settlements culminated in gatherings of hundreds of armed men and repeated public threats of Walsall’s imminent destruction, the last of which was made at a fair in Willenhall, located equidistant between Walsall and Wolverhampton. Faced with a coalition of towns, and without the active lordship of the earls of Warwick, Walsall solicited royal aid and tried to make royal lordship a reality.

In the same period, Walsall endured other horizontal stresses, which were internal to the town, but which were not peculiar to it, to seigneurial towns or to English towns generally. Medieval towns were engaged in the continual practice of making and re-making authority.⁶⁵ Urban citizenship was a communal code of conduct that fashioned, legitimized and maintained the urban body politic through habits of joint labour and obedience. Of course, hierarchies emerged, crystallized and re-formed, and political power was not shared equally but monopolized. Such fluidity made friction inevitable. A classically urban solution to problems of governance was the writing and re-writing of town constitutions. Mutually binding, these texts nonetheless appealed to a superior authority: they frequently bore the signs of divine blessing and held out the possibility of divine sanction.⁶⁶ Over a twenty-year period, Walsall’s burgesses formulated three sets of town ordinances, each dealing with fundamental elements of the town’s governance. The first was from around 1497; the second can be dated by internal evidence to about 1502; the third was drawn up between 1510 and 1518. The first constitution aimed to shore up the authority of the town council

⁶⁴ TNA, STAC 1/2/95: <<https://ereed.library.utoronto.ca/records/staff-ridm51915856/>>.

⁶⁵ Christian D. Liddy, ‘Who Decides? Urban Councils and Consensus in the Late Middle Ages’, *Social History*, xlvii (2021).

⁶⁶ Liddy, *Contesting the City*, ch. 6.

(‘the XXV’) and to reassert the primacy of collective decision-making. Attendance of councillors at meetings of the council was compulsory; councillors were not to ‘show or disclose’ outside the council anything discussed within it, on pain of a fine to the ‘Burgess box’; in the event of interpersonal conflict between councillors, the case would be heard by the remaining councillors who had no personal stake in the dispute.⁶⁷ The 1502 constitution addressed processes of accountability relating to the mayor: in the admission and registration of new burgesses; and in the annual audit of the mayor’s accounts.⁶⁸ The final text was the most comprehensive. All of its ‘articles’ were to be read out each year, ‘at every Michaelmas court when the Mayor, Bailiff, Constable, and sergeants be chosen’.⁶⁹ They prescribed, among other things, the holding of an annual ‘Common assembly’, attended by ‘all the Burgesses of the town’, who were to swear an oath to obey the mayor and civic officers, to assist them in their duties, and to ‘keep the statutes of the same town’. These subjects will resonate with historians of towns anywhere in late medieval Europe.

My interest is the authority under which the ordinances were issued. We can observe the utility of lordship to a medieval town and the inventiveness of a town lacking an obvious lord. The ‘ordinance’ of 1497 was ‘made by’ a list of leading townspeople, headed first by Sir Humphrey Stanley, next the mayor, then the names of the council of twenty-five.⁷⁰ The 1502 ‘ordinance’ was ‘made’ similarly by Stanley, the mayor and the twenty-five.⁷¹ Despite the interval of five years, the two documents appear successively on the reverse of the town’s roll of new burgesses. Immediately underneath the copies in the burgess roll is the signature of Sir Thomas Lovell, who did ‘admit, ratify, and confirm’ them, ‘so from henceforth’ they were ‘to be established and ever for to continue and endure’.⁷² Stanley was the steward of the lordship of Walsall. This was a royal appointment, since Walsall was in the king’s hands, and Stanley, a household

⁶⁷ WA, 277/83, m. 3^d.

⁶⁸ WA, 277/83, mm. 3^d–2^d.

⁶⁹ WA, 276/46*, m. 1.

⁷⁰ WA, 277/83, m. 3^d.

⁷¹ *Ibid.*

⁷² WA, 277/83, m. 4^d.

knight and esquire of the body to Henry VII, was a royal servant. However, it is much less clear that he was acting on behalf of the king. Lord of multiple manors in Staffordshire, several times sheriff and MP for the county, he was an ‘active local governor’. Stanley, who had ‘a strong penchant for violent self-help’, certainly wielded local power.⁷³ At the time of the 1497 ordinance, and perhaps in preparation for it, Stanley was ‘received as a burgess’ (*receptus est Burgensis*) of Walsall.⁷⁴ He had the moral authority that derived from his status as a fellow burgess. Yet hierarchy was, on balance, essential. Not only did his name precede that of the mayor in the headings of the 1497 and 1502 ordinances, but he was described as ‘high steward of the town’, an elevation from mere steward to high steward either insisted upon by Stanley or bestowed by the townspeople of Walsall.⁷⁵ The steward was an important figure in estate administration and manorial jurisdiction, but it is very unlikely that Stanley did the traditional work of a manorial steward, such as holding manorial courts. He would have left this activity to others. The local use of an honorific was itself ennobling.

Local lordship was what mattered to Walsall. To Sir Thomas Lovell, who replaced Stanley on Stanley’s death in 1505, royal service was the major source of his power: a lawyer, administrator and royal councillor, he was first treasurer of the royal chamber and then treasurer of the royal household.⁷⁶ His close ties with the Crown were personally significant. When, in February 1514, he brokered a settlement between ‘the mayor, Burgesses, and Inhabitants of the Town and lordship of Walsall’ and a Warwickshire gentleman over the ‘right, title, and possession’ of three Warwickshire manors, Lovell recalled in the arbitration award his status as treasurer of the royal household.⁷⁷ Yet even without a landed power base in Staffordshire, what made

⁷³ Steven Gunn, *Henry VII's New Men and the Making of Tudor England* (Oxford, 2016), 190.

⁷⁴ WA, 277/83, m. 2^d.

⁷⁵ No previous steward had this title.

⁷⁶ Steven J. Gunn, ‘Sir Thomas Lovell, c.1449–1524: A New Man in a New Monarchy?’, in John L. Watts (ed.), *The End of the Middle Ages? England in the Fifteenth and Sixteenth Centuries* (Stroud, 1998).

⁷⁷ WA, 276/86.

Lovell attractive as a prospective lord, and gave substance to his authority, was his local stature. His military power, locally, was substantial, and Walsall's elite were partially constitutive of that power. Lovell's retinue in 1508, recruited in part through the help of Sir Humphrey Stanley's son, included thirty-five men from Walsall, among them ten mayors of the town.⁷⁸ From Walsall's perspective, Lovell was neither an architect nor an agent of New Monarchy. He was not a representative of the Tudor state and the lordship he offered was not royal lordship, but it was a kind of lordship.

The other lord that Walsall approached in this period was local, but he could supply something that was impossible for either Stanley or Lovell: spiritual authority. This was believed necessary because of trouble between several of the town's crafts: the mercers, tailors, drapers, shearmen, weavers, coopers and barbers. The mayor and the wardens of the drapers and tailors petitioned the bishop of Coventry and Lichfield to approve ordinances on which the crafts themselves had mediated an agreement (*collegium*). They spoke to the bishop as parishioners and members of his diocese. They asked him, as their spiritual lord, to confirm ordinances made 'to the praise and honour of the holy and undivided Trinity, the Blessed Virgin Mary and all the saints', and 'for the profit of the church of Walsall' and, finally, to 'the increase of the public good and utility and public peace' of the town. In June 1502, Bishop John Arundell issued letters that were an unambiguous declaration of the public condition and governmental capacity of lordship. Wishing to 'provide for the politic and peaceful governance of the town . . . and of the residents of the same', the bishop decreed the settlement made by Walsall's crafts lawful (*licitum fore*) and to have legal force, and duly affixed his official seal.⁷⁹ In this instance, Walsall regarded spiritual authority, embodied by the local bishop, as the best guarantee of local peace. Written at the bottom of the bishop's decree, next to the bishop's seal, but in another hand,

⁷⁸ Cf. Belvoir: Belvoir Castle, Add. MS 97, calendared in Historical Manuscripts Commission, Report 24: *Manuscripts of His Grace the Duke of Rutland, preserved at Belvoir Castle*, vol. 4 (London, 1905), 559–66, and WA, 277/83. I would like to thank Steve Gunn for providing me with a transcription of the Walsall contingent.

⁷⁹ WA, 276/83/1.

was the name of Humphrey Stanley, Walsall's steward. Walsall's townspeople turned, simultaneously, to the local lordship of two lords, one spiritual and one secular, whose combined authority, they hoped, would keep them to their own promises.

The exercise of urban lordship was not simply, and often not even, the performance of arbitration. It did not fill the gaps where communal bonds did not exist. Just as in central and northern Italy, where new work by Jean-Claude Maire Vigueur, Andrea Zorzi and others has found that communes and *signorie* often coexisted between the thirteenth and fifteenth centuries, communal government and seigneurial government were not competing, or contradictory, forms of social and political organization and one did not lead to, or indeed cause, the other. City-based lords and lordships commingled with urban communes within hybrid political systems, which were not an admission of the failure of the communal experiment, but an attempt to sustain it.⁸⁰

Walsall's preference to reconcile internal differences through the practice of co-operation, the swearing of mutual oaths, and, most of all, the medium of writing did not preclude lordship. The challenge for Walsall, in the later fifteenth and early sixteenth centuries, was the instability, incompleteness and fragility of lordship. This predicament faced other towns, located in polities such as late medieval Hungary, where a town's landlord might over time be the king, an ecclesiastical lord, a lay lord, and pass once more into royal ownership.⁸¹ No longer a seigneurial town, but not quite a royal town, territorially, jurisdictionally, militarily and politically, Walsall had no single lord. It occupied an interstitial position. Sometimes not even a written constitution, made by and for a town's burgesses, could preserve a town in a state of good fellowship. Whether a king, a bishop or an aspiring member of the lay nobility, Walsall needed a lord to live in peace.

⁸⁰ Jean-Claude Maire Vigueur (ed.), *Signorie cittadine nell'Italia comunale* (Rome, 2013), 11 (editor's intro); Andrea Zorzi, *Le signorie cittadine in Italia, secoli XIII–XV* (Milan, 2010), 8–10.

⁸¹ See the data tabulated in Katalin G. Szende, 'Some Aspects of Urban Landownership in Western Hungary', in Finn-Einar Eliassen and Geir Atle Ersland (eds.), *Power, Profit and Urban Land: Landownership in Medieval and Early Modern Northern European Towns* (Aldershot, 1996), 143.

II

TOWNS, LAND AND LORDSHIP IN LATE MEDIEVAL ENGLAND

When John Leland, the Tudor antiquary, visited Walsall in the 1530s, one of the few details he noted about the town was that ‘It belongs now to the King’.⁸² One conclusion we might draw from the previous section is that the process of royal takeover was neither natural nor predestined, that the assumption of royal lordship did not prove the advance of royal authority, and that the town could move in and out of royal control. Walsall never belonged to the king. Its townspeople navigated between multiple, coexisting foci of authority, which might contradict, intersect or overlap, just as they did in continental Europe. I want now to explore the implications of this argument for our understanding of the nature of the English polity and of the place of towns within it.

Historiographical trends in English political history have obscured this relationship. When, in the 1990s and early 2000s, historians advocated the writing of a new ‘constitutional’ history of late medieval England that made ideas, concepts and language, not personality, personal interest and patronage, the stuff of politics, they differentiated the public from the private and prioritized the public values and norms of political life.⁸³ Kings had a public persona, they held an office, which they discharged on behalf of others, and they governed for the common good. Kings were not simply, and were always much more than, lords. Governance was not the same as lordship; its successful exercise did not depend on the possession and perquisites of land.⁸⁴ When, in the same period, historians sought to integrate English towns into accounts of ‘high’ politics and to demonstrate the political participation of English urban communities in parliament and at Westminster, they focused naturally on

⁸² *The Itinerary of John Leland in or about the Years, 1535–1543*, ed. Lucy Toulmin Smith, 2nd edn, 5 vols. (London, 1964), v, 23.

⁸³ For an excellent reflection on this historiographical turn, see Christopher Fletcher, ‘Are there “Constitutional” Ideas in the Rolls of the English Parliament, c. 1340–1422’, in François Foronda and Jean-Philippe Genet (eds.), *Des Chartes aux constitutions: autour de l’idée constitutionnelle en Europe, XII^e–XVII^e siècle* (Paris, 2019).

⁸⁴ The distinction between kingship and lordship is central, for example, to the thesis of Helen Castor, *The King, the Crown, and the Duchy of Lancaster: Public Authority and Private Power, 1399–1461* (Oxford, 2000).

towns that were self-governing and that held ‘public’ authority, at the expense of ‘private’ towns that were under lordship and that ‘belonged’ to or were ‘owned’ by someone other than the monarch.⁸⁵ The cumulative results are twofold. First, in privileging the national over the local arena of politics, we might think that only particular towns, with channels of communication open directly to the Crown, mattered politically. Second, as we envisage England moving, successively and successfully, from a ‘domain’ state to a ‘tax’ state to a ‘fiscal’ state, in the words of the late Mark Ormrod,⁸⁶ we forget the tenacious hold of a tenurial framework that rooted urban political discourse and urban political relations literally in the soil: in the nexus of land and lordship.

This bond undermines categories of ‘public’ and ‘private’, but it also complicates concepts of ‘ownership’ or ‘possession’, which denote exclusion and deny agency. Rodney Hilton wrote of the small town of Halesowen that, ‘being a possession of the abbey, its separate existence as an urban entity was virtually ignored by outside authority’.⁸⁷ Hilton’s point was about the administrative and fiscal structures that enveloped the town: in the collection of royal subsidies, the unit of assessment was the manor of Halesowen, not the borough. By contrast, I argue that land implicated towns within larger political systems, marked by the presence of lords and lordship, and that towns were able to make land and tenure the basis of a variety of political claims of their own: against the king, against their lords, and against other towns.

In England every town had a lord. In 1316, in the middle of war with Scotland, King Edward II ordered a nationwide inquiry, the results of which produced a royal survey that is better known today by its abbreviated title: the *nomina villarum*. The king required the sheriffs of all the English counties to inform the royal chancery of both the names and numbers of ‘cities, boroughs and townships’ (*civitates burgi et ville*) within their jurisdiction and the identity of their lords (*et qui sunt*

⁸⁵ See, for example, Christian D. Liddy, *War, Politics and Finance in Late Medieval English Towns: Bristol, York and the Crown, 1350–1400* (Woodbridge, 2005).

⁸⁶ W. Mark Ormrod, ‘England in the Middle Ages’, in Richard Bonney (ed.), *The Rise of the Fiscal State in Europe, c.1200–1815* (Oxford, 1999).

⁸⁷ R. H. Hilton, ‘Small Town Society in England before the Black Death’, *Past and Present*, no. 105 (Nov. 1984), 78.

domini eorundem').⁸⁸ The sheriffs of every county for which we have returns reported that 'the lord king' (*Dominus rex*) was the lord of towns in their jurisdiction (*Rex est dominus*), but there were many other lords.

Some lordships were patently recent and temporary. The sheriff of Cambridgeshire wrote back to the royal chancery that the town of Cambridge 'is a borough of the lord king and is in the hand of Margaret Queen of England' (*burgagium domini regis et est in manu Margarete regine Anglie*); Margaret of France was the second wife of Edward I, and, in 1316, the queen mother, who would die two years later. The city of Winchester and the boroughs of Portsmouth and Southampton in Hampshire belonged to 'the lord king, but now Queen Margaret holds them' (*Dominus rex, sed nunc Margareta regina tenet*).⁸⁹ Other urban lordships were older. Founded by a lord on his own land and never given a charter by the king, a town became a seigneurial inheritance through longevity. The West Sussex borough of Midhurst was 'in the hand of the earl of Arundel, as guardian, by reason of the minority of the heir James de Bohun' (*in manu comitis Arundellie, nomine custodie ratione minoris etatis heredis Jacobi de Bohun*).⁹⁰ Sir James de Bohun's family had been lords of Midhurst since the twelfth century. Dartmouth's lord at the time of the royal survey in 1316 was Nicholas de Tewkesbury, who had bought the manor of Dartmouth in 1293 and the port in 1306, before selling the manor to the king in 1327.⁹¹ In a series of credit arrangements in which he was invariably the debtor, Tewkesbury nevertheless styled himself 'lord of Dartmouth', a title he deployed as late as 1332, even though Dartmouth now technically belonged to the Crown.⁹² Although Reading and Warwick were royal foundations, Reading's lord by

⁸⁸ *Inquisitions and Assessments Relating to Feudal Aids*, i, 16.

⁸⁹ *Inquisitions and Assessments Relating to Feudal Aids*, ii, 157, 323.

⁹⁰ *Inquisitions and Assessments Relating to Feudal Aids*, v, 140.

⁹¹ *Inquisitions and Assessments Relating to Feudal Aids*, i, 379; Maurice Beresford and H. P. R. Finberg, *English Medieval Boroughs: A Hand-List* (Newton Abbot, 1973), 90; Maryanne Kowaleski, 'Shipping and the Carrying Trade in Medieval Dartmouth', in Marie-Luise Heckmann and Jens Röhrkasten (eds.), *Von Nowgorod bis London: Studien zu Handel, Wirtschaft und Gesellschaft im mittelalterlichen Europa* (Göttingen, 2008), 467–8.

⁹² TNA, C 241/57/166, C 241/61/94, C 241/69/180, C 131/2/14, C 241/104/185.

1316 was the ‘abbot of Reading’, while ‘the earl of Warwick was lord’ in Warwick.⁹³ These last two examples are a reminder that perhaps three-quarters of England’s six hundred or so towns around 1300 were seigneurial, that is, their immediate lord was not the king.⁹⁴

The lords of seigneurial towns, which greatly outnumbered royal towns, were members of the ecclesiastical and secular aristocracy: bishops, priors or abbots, and cathedral chapters on the one hand, and gentlemen, esquires, knights, earls and dukes on the other. Ecclesiastical towns were in the minority: 61 per cent of English seigneurial towns were founded by secular lords and 39 per cent by ecclesiastical lords.⁹⁵ Ecclesiastical towns have attracted most interest because of their seemingly anomalous, and contradictory, position within the history of the English state. The episcopal city of Durham, for example, was the centre of an independent territorial liberty; the episodes of violence between town and lord that punctuated the histories of the monastic towns of St Albans and Bury St Edmunds ended before the Dissolution of the Monasteries with seigneurial lordship victorious.⁹⁶ They were, historians think, the exceptions to the rule of English state growth.

The emergence of parliament is a central chapter in this story. Parliament’s fiscal and legislative role in English political life, we are assured, was a ‘major difference from the rest of Europe’.⁹⁷ Between the late thirteenth and early fourteenth centuries, parliament acquired a fixed shape as a representative body, comprising representatives of the English counties and

⁹³ *Inquisitions and Assessments Relating to Feudal Aids*, i, 47; v, 174.

⁹⁴ P. T. H. Unwin, ‘Towns and Trade, 1066–1500’, in R. A. Dodgshon and R. A. Butlin (eds.), *An Historical Geography of England and Wales*, 2nd edn (London, 1990), 129.

⁹⁵ Mark Bailey, ‘Self-Government in the Small Towns of Late Medieval England’, in Ben Dodds and Christian D. Liddy (eds.), *Commercial Activity, Markets and Entrepreneurs in the Middle Ages: Essays in Honour of Richard Britnell* (Woodbridge, 2011), 110.

⁹⁶ Margaret Bonney, *Lordship and the Urban Community: Durham and its Overlords, 1250–1540* (Cambridge, 1990); Norman Maclaren Trenholme, *The English Monastic Boroughs: A Study in Medieval History* (Columbia, MO, 1927); Samuel K. Cohn Jr, *Popular Protest in Late Medieval English Towns* (Cambridge, 2012), ch. 10.

⁹⁷ Maarten Prak, *Citizens without Nations: Urban Citizenship in Europe and the World, c. 1000–1789* (Cambridge, 2018), 206.

towns. Parliament became the main forum for political debate through three interrelated processes: the fusion of parliamentary (representative) consent to the granting of direct and indirect taxation; the acceptance of the Commons' right to petition the king, in exchange for their financial authorization; and the transformation of petitions into legislation through the king's consent.⁹⁸ It is tempting to argue that English towns did not have a relationship *with* parliament because they were directly represented *in* it.

Yet only a very small proportion of English towns had parliamentary representation. The representation of towns in the lower house of parliament sounds drily constitutional and recherché. Even in the golden age of English constitutional history, the subject was of quasi-antiquarian curiosity.⁹⁹ In his 1885 history of the English parliamentary franchise, Ludwig Riess suggested that sheriffs did not discriminate between royal towns and seigneurial towns. Towns were omitted not because of the identity of their lord, but because of their convoluted administrative position. Some towns were part of a wider area of jurisdiction, or liberty, whose officers had the privilege of return of writs, as was the case of Chipping Wycombe in Buckinghamshire, which belonged to the liberty of the honour of Wallingford in the neighbouring county of Berkshire. In these circumstances, the sheriff could summon Chipping Wycombe's parliamentary representatives only via consultation with the bailiffs of the liberty.¹⁰⁰ Riess suspected that protracted communication made administrative delays inevitable and enabled towns to extricate themselves from the duty of sending representatives to parliament. He deduced that parliamentary attendance was an unpleasant burden. May McKisack calculated that fifty-nine

⁹⁸ J. R. Maddicott, *The Origins of the English Parliament, 924–1327* (Oxford, 2010), ch. 6.

⁹⁹ Homersham Cox, *Antient Parliamentary Elections: A History Showing how Parliaments Were Constituted and Representatives of the People Elected in Antient Times* (London, 1868).

¹⁰⁰ Ludwig Riess, *Geschichte des Wahlrechts zum Englischen Parlament im Mittelalter* (Leipzig, 1885), 26–7, 33. The book was translated into English by K. L. Wood-Legh: *The History of the English Electoral Law in the Middle Ages* (Cambridge, 1940). For Wycombe, see Francis Palgrave (ed.), *The Parliamentary Writs and Writs of Military Summons*, 2 vols. in 4 (London, 1827–34), ii, p. cclxxx.

of the towns 'electing representatives under Edward I' disappeared 'from the lists under Edward II'.¹⁰¹ Many of these were seigneurial towns. They included: the Buckinghamshire town of Amersham, whose manor the de Mandevilles had held since the late eleventh century; the archbishop of York's towns of Beverley in the East Riding and Ripon in the West Riding of Yorkshire; Bradninch, Honiton and Okehampton in Devon; Coventry in Warwickshire; the bishop of Winchester's towns of Alresford in Hampshire and Farnham in Surrey; Marlow and Wendover in Buckinghamshire. Once the identity of towns attending parliaments stabilized by the later fourteenth century, two-thirds of the around ninety English towns represented in the Commons had the king (or another member of the immediate royal family) as their direct lord.

We still have no explanation for the absence from parliament of many seigneurial towns. In their petition to the king and his council around 1312, 'the burgesses of St Albans' protested against their disenfranchisement by the abbot of St Albans, who was their lord. Like other burgesses in the kingdom, they wrote, they had been accustomed to attend the king's parliaments, where they acted for the king in the granting of tallages and other taxes. Now, they were unable to attend, which was to the king's financial loss. St Albans was a monastic town, and it was with the abbot and the abbey that the burgesses had contention. The sheriff of Hertfordshire, the burgesses affirmed, was in receipt of a fee and a livery of the abbot of St Albans, and it was through collusion with the abbot that the sheriff had stopped summoning representatives of the burgesses to parliament.¹⁰² The complaint was plausible because, by this date, sheriffs alone were charged with making sure that the urban communities in their counties chose MPs for the next meeting of parliament.¹⁰³ However, if the burgesses of St Albans were convinced that the lord of the town had actively obstructed and terminated their parliamentary representation, a single case does not make a general rule. No other seigneurial town in the late thirteenth

¹⁰¹ May McKisack, *The Parliamentary Representation of the English Boroughs during the Middle Ages* (Oxford, 1932), 7–8, 26.

¹⁰² TNA, SC 8/318/E306.

¹⁰³ McKisack, *Parliamentary Representation of the English Boroughs*, 16–17.

and early fourteenth centuries petitioned the king to decry their omission from an arbitrary selection of parliamentary boroughs.

We might well ask why. The absence of representation did not render a seigneurial town politically unaware, or politically impotent. The inference in the St Albans' petition that the town's parliamentary attendance was fundamental to the financial fortunes of the king was arresting but contrived. When petitioning the king and his council again in 1315, the burgesses of this seigneurial town reconfigured the abbot's actions as an attack on the king's seigneurial rights: 'the abbot of St Albans holds the town of St Albans in chief of the king', in return for 'the service of finding two burgesses of the said town to come to his parliament'.¹⁰⁴ Since the earlier petition had not elicited the desired response, the burgesses recast the national assembly of parliament as a meeting of lords and tenants and an embodiment of the king's feudal rights, to which attendance by a feudal summons was a compulsory, tenurial service. This was a redrawing of the political landscape and a rewriting of the terms of political debate within which English seigneurial towns more comfortably could find their place and their voice.

Land and lordship had a rhetorical force, which was persuasive because it derived from underlying political, social and economic structures. For the aristocracy, land, and its associated rights and obligations, supplied manpower and other resources that gave them power at the local level: the capacity to command obedience.¹⁰⁵ To towns, tenurial relationships were their own ideological power: more consensual and reciprocal than coercive and controlling. In 1431 'the bailiffs and burgesses of the borough of our lord the king of Dorchester in the county of Dorset' petitioned the parliamentary Commons at Westminster.¹⁰⁶ They were displeased with the local impact of a parliamentary statute that had fixed uniform standards for the weighing of goods for sale at fairs and in markets. The burgesses yoked the levy of 'weighage' to the town's fee farm, which they had paid to the royal exchequer annually since the reign of Edward III. It was from the Crown, they told the Commons, that they, their heirs,

¹⁰⁴ TNA, SC 8/170/8472.

¹⁰⁵ Carpenter, *Locality and Polity*, 283.

¹⁰⁶ TNA, SC 8/25/1242.

and successors ‘hold’ (*teignent*) the borough. The intricacies of tenure were not lost on the burgesses of another Dorset town, Melcombe Regis. In dispute with the adjacent, seigneurial town of Weymouth over the collection of tolls on the river Wey, which divided them, the ‘burgesses’ of Melcombe Regis petitioned Edward II in 1320. Whereas they ‘have the town on lease from our lord the king’ (*ount la ville engarde du bail nostre seyngnur le Roy*), the ‘people’ (*gent*) of Weymouth ‘are under the lordship’ (*en la garde*) of Lord Roger Damory, whose position as a leading royal courtier was at this moment under serious threat from the ascendancy of Hugh Despenser the younger.¹⁰⁷ Land and lordship imagined a town’s external relations as inter-personal bonds of fidelity and trust.

English townspeople were familiar with the differences between immediate lordship and overlordship, even when — or especially when — they were at pains to falsify them for political advantage. The burgesses of the ecclesiastical town of Dunstable, in Bedfordshire, petitioned Richard II in the early 1390s to allege that the prior and convent had infringed their rights. The petition, submitted ‘to the very excellent, very redoubtable, and very gracious lord our lord the king’, was in the name of ‘your poor lieges and tenants, the burgesses of the town of Dunstable’. In a tendentious, if not mendacious, account of local history, the burgesses recounted how the liberties they held were granted by Richard’s predecessors at ‘the first foundation’ of the town and that the town’s foundation was ‘before the first foundation of the priory’. The prior and convent, the burgesses wrote, had inflicted great damage on ‘your said tenants’ (*voz ditz tenantz*), a phrase repeated five times in the three-line petition. The prior and canons of the priory had no choice but to compete on similar terrain: Dunstable priory, they retorted, was ‘the foundation’ of the king’s ‘very noble predecessors’.¹⁰⁸ There was no urban sense of the past because the town was not one corporate body, and because

¹⁰⁷ TNA, SC 8/193/9646. See also *Cal. Chancery Warrants, 1244–1326*, 514, and TNA, SC 8/127/6334. On Damory, see Seymour Phillips, *Edward II* (New Haven, CT, 2010), 294–7, 301–6, 363–8. For other petitions from the ‘king’s town’ of Melcombe, see TNA, SC 8/126/6256, SC 8/126/6267, SC 8/128/6371, SC 8/128/6388.

¹⁰⁸ TNA, SC 8/183/9148. For similar examples, see TNA, SC 8/84/4174 and SC 8/88/4392 (Abingdon).

every narrative was therefore inherently partial. When ‘his lieges, the people of the town of Sutton [Prior]’ in Devon, petitioned Edward II seeking the transfer of the town’s lordship from the priory to the king in 1318, they desired ‘the town to be yours and we your people’ (*la ville estre la vostre et nous vos gent*).¹⁰⁹ The affective ties of land and lordship were not the same as intimacy, but something altogether more practical, serviceable and public.

In their pleas and protestations and politicking, towns helped to delineate the royal demesne, whose boundaries were never stable and whose full extent was never entirely clear. The demesne was, singly and simultaneously, Crown land managed and administered by royal officials; land from this estate leased directly from the Crown; and the landed revenue accruing from a bundle of royal rights. Before the advent of a system of national, parliamentary taxation, English kings had imposed levies called ‘tallages’ upon ‘present and former crown lands’, whose communities included towns and rural manors.¹¹⁰ For the inhabitants of these communities, certain legal and economic privileges were available.¹¹¹ Within an ancient demesne manor, customary tenants could obtain the royal lesser writ of right, which provided legal protection by allowing them to have their case heard and recorded within the manorial court by a jury of tenants knowledgeable of local customs and conditions. Among the economic privileges of ancient demesne status was freedom from toll throughout the kingdom.¹¹²

Royal towns, whose immediate lord was the king, typically had royal charters that gave their privileged residents (burgesses or citizens) freedom from toll. Townspeople of such urban places requested the enrolment of copies of their charters and other written documentation in the civic registers of the towns with which they traded.¹¹³ Bristol’s fourteenth-century civic

¹⁰⁹ TNA, SC 8/143/7106.

¹¹⁰ Marjorie Keniston McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200–1500* (Cambridge, 1986), 24–5.

¹¹¹ For what follows, see *ibid.*, 30–2, 43.

¹¹² Christopher Dyer, ‘Small-Town Conflict in the Later Middle Ages: Events at Shipston-on-Stour’, *Urban History*, xix (1992), 202.

¹¹³ For relatively early examples of this chartered privilege, see Adolphus Ballard and James Tait (eds.), *British Borough Charters, 1216–1307* (Cambridge, 1923), 254–62.

register, the *Little Red Book*, contains assorted records (pleas, certificates, charters, memoranda) from more than twenty-five towns in Ireland, Wales, south-west England (Devon, Dorset, Gloucestershire, Wiltshire), southern England (Berkshire, Middlesex, Oxfordshire), and western and north-western England (Shropshire, Staffordshire, Lancashire).¹¹⁴

Seigneurial towns, which generally lacked a royal charter, could enjoy the same privilege, but the right was dependent on their political resourcefulness. Specifically, they needed to establish a history of association with the royal demesne and to prove a community's status as ancient demesne of the Crown. This is what the small Wiltshire town of Calne was able to do. Sewn, additionally, within the folios of Bristol's *Little Red Book* is a memorandum relating to Calne. Split between the Zouche family and Salisbury Cathedral at the time of the royal inquiry of 1316, some of Calne was within the honour of Wallingford (attached to the duchy of Cornwall) by the early sixteenth century, when one of the town's burgesses, a fishmonger, came before the mayor and sheriffs of Bristol. The fishmonger submitted the certified copy of a royal 'charter' as proof that 'all the burgesses of Calne' were part of (*sunt de*) the honour of Wallingford and that they were exempt from tolls. With the enrolment of the charter as a public record, the burgesses of Calne could now buy and sell freely within Bristol.¹¹⁵ The politics of land and lordship thus drew towns into horizontal as well as vertical relationships and situated them within inter-urban networks.

This was a politics modulated by conflict *and* negotiation. Its roots lay in the land itself, and in the untidy mosaic of landholding, which produced alternative histories and equally compelling justifications of right. Walsall, like Calne, was a seigneurial town, but there was considerable uncertainty as to its historical relationship with the Crown. King Henry II gave Walsall ('*Waleshala*') to a member of the royal household, Herbert Ruffus, in 1159, for the annual sum of £4.¹¹⁶ The inhabitants of

¹¹⁴ *The Little Red Book of Bristol*, ed. F. B. Bickley, 2 vols. (Bristol, 1900), ii, 199, 211–17, 232–5, 241, 245.

¹¹⁵ Bristol Archives, Bristol, CC–2–1, fo. 165^a.

¹¹⁶ *The Cartae Antiquae Rolls 11–20*, ed. J. Conway Davies (Pipe Roll Society, new ser., xxxiii, 1957), 105.

Walsall (*'homines de Wallshala'*) contributed an aid to the Crown in 1168–9 and paid royal tallage in the later twelfth century.¹¹⁷ Yet the reference to Walsall in 1159 as a 'land' (*'terra'*) was indirect and incidental. Walsall was, in origin, neither a royal manor nor a royal estate. It was not part of the royal forest. It was not a royal town. It was simply Walsall. Whose land was it? What, precisely, was being given away in 1159? If the land upon which an urban settlement later materialized was once the king's, when had it belonged to the king? Was it 1066, and did the royal estate consist, therefore, of all the lands held by the king at the time of the Conquest? In which case, was Domesday Book the best, and only, evidence of a community's ancient demesne tenure?¹¹⁸

Walsall's relationship with the Crown, and with the apparatus of royal government, was uncertain. It was conflict with the neighbouring town of Tamworth, fourteen miles east of Walsall and one of the county's first rank towns by size and taxable wealth,¹¹⁹ which pulled Walsall's burgesses into the direct orbit of the Crown. The dispute, about the collection — or extortion — of tolls on goods bought and sold at a weekly market in Tamworth from the 1370s, was by the measure of national politics trivially banal.¹²⁰ Its single most important feature is the strategic representation and appropriation of royal authority. In a regional struggle between two economic rivals — two nodes in a network of interlinked towns — the Crown was a historical source and a political resource. It was a historical source because there were allegations and counter-claims of what Domesday Book did, or did not say, about which of the towns were ancient demesne of the Crown, and about what this might mean, and how it might vindicate a town's rights. It was a political resource because Tamworth hoped that the Crown's verdict would legitimize, and give security to, its actions in a local economic competition for power.

¹¹⁷ R. W. Eyton, 'The Staffordshire Pipe Rolls, of 31 Hen. I (AD 1130), and of 1 to 35 Hen. II (AD 1155–1189)', *Collections for a History of Staffordshire* (William Salt Archaeological Society, i, 1880), 56, 70–1, 87, 130–2, 136, 140–1.

¹¹⁸ Rosamond Faith, 'The "Great Rumour" of 1377 and Peasant Ideology', in R. H. Hilton and T. H. Aston (eds.), *The English Rising of 1381* (Cambridge, 1984).

¹¹⁹ T. R. Slater, 'The Urban Hierarchy in Medieval Staffordshire', *Journal of Historical Geography*, xi (1985).

¹²⁰ SRO, D260/M/F/18/6.

The burgesses of Tamworth thought that they had the upper hand because of the immediacy and contemporaneity of their relationship with the king. The complication for Tamworth was that half of the town was in the county of Warwickshire and half in the county of Staffordshire. The fraction in Warwickshire was held of the king in return for an annual farm, while the Staffordshire part was held of the earl of Pembroke. This nuance did not deter Tamworth's bailiffs, when they appeared before royal justices of the peace in December 1395. They were of the opinion that Tamworth was 'an ancient borough of the lord king'; that it had been so from time immemorial; that it was ruled by four bailiffs, elected annually from among the town's burgesses; that King Henry III had given Tamworth to the town's burgesses in return for an annual fee farm; and that the history of the town's weekly market stretched to time out of mind. The bailiffs had extracted tolls from a number of Walsall's inhabitants to pay the fee farm at the royal exchequer. In short, Tamworth was a royal town, and it had all the attributes of a king's town: antiquity, civic officials, a corporate burgess sensibility, a royal charter, a market, a tradition of self-government at the king's command.

Walsall's argument was to deny Tamworth's royal history and, conversely, to elevate its own royal past, not as an autonomous town but within a manorial structure. Paradoxically, while Tamworth's legal representative insisted that Walsall was 'a town by itself' (*villa per se*), Walsall's case was built on the diminution and concealment of its urban status. The individuals whose money and goods had been seized were 'tenants of the town of Walsall', and Walsall was 'a parcel of the manor of Bloxwich'. Bloxwich was 'of ancient demesne of the crown', and tenants of the ancient demesne were, by custom, free from tolls throughout England. Tamworth was not ancient demesne of the Crown, according to Walsall, because the section of the town in Staffordshire did not appear in Domesday Book among the lands of the royal estate.¹²¹ In silencing their histories as seigneurial, or quasi-seigneurial, towns, Walsall and Tamworth offered artful representations of communities with a long history of interaction with the Crown.

¹²¹ *Ibid.*

Walsall's posturing served an immediate goal, but it was an unstable fiction, which royal officials might or might not believe. In July 1373 Edward III's chancery had instructed local officials everywhere to allow 'the men of the king's manor of Walsall, which is of the ancient demesne of the crown', to be 'quit of toll throughout the realm, according to the custom hitherto obtaining and approved that the men of the ancient demesne are quit of such toll'.¹²² In the subsequent legal battle with Tamworth in the 1390s, before royal justices of the peace, Walsall was successful. It procured an exemplification of the legal proceedings, which the royal chancery issued in November 1396 'at the request of the said people, tenants, and inhabitants within the aforesaid town of Walsall'.¹²³ At the beginning of October 1399, Walsall received royal letters patent confirming the terms of Edward III's 1373 writ releasing the '*homines de manerio de Walshale*' from tolls, a reproduction of which was kept in the town archives.¹²⁴ However, when Walsall petitioned Henry VI in 1446, the treasurer and chamberlains of the royal exchequer, who were directed to 'search "Domesday" book' in order to ascertain 'if the town of Walsall' was of 'ancient demesne of the crown or not', returned that 'they found nothing under the title "Terra Regis"' relevant to the town.¹²⁵ Nearly twenty years later, in January 1463, there was another volte-face. Now, the royal chancery commanded local officials throughout the kingdom 'not to exact toll from men of the manor of Walsall' because the manor was 'of ancient demesne of the crown, and therefore free of toll'.¹²⁶ Given this inconstancy, it is little wonder that Walsall's appeals to royal authority were neither sustained nor routine, but periodic and opportunistic.

It is a truism that the early centralization of the medieval English state made England different from other European polities. The continuity of its archival memory, the sophistication of its administrative practices, the sinuous pattern of its fiscal and

¹²² *Cal. Pat. Rolls, 1370–74*, 322.

¹²³ SRO, D260/MF/18/6.

¹²⁴ WA, 276/27, 277/48.

¹²⁵ *Cal. Pat. Rolls, 1446–52*, 27.

¹²⁶ *Cal. Letter-Books . . . of the City of London*, ed. R. R. Sharpe, 11 vols. (London, 1899–1912), *Letter-Book L*, 20.

judicial structures, the longevity of its political institutions: all these characteristics are well known. Yet they conceal and distract in equal measure, insofar as the wide spectrum of English towns is concerned. Land, lords and lordship were a greater, more visible, and more persistent influence. This was a political environment in which, for Walsall at least, the king was very much another lord.

III

BAYARD OF WALSALL AND HIS THOUSAND COLTS

Turning our gaze from the centre to the locality allows us to use the evidence from Walsall, without contradiction, to make broader European comparisons on the central theme of lordship and community. I finish with a single event — a revolt in Walsall in 1524 — which, on the surface, looks like a classic confrontation between an urban community and seigneurial lordship, or between *Kommunalismus* and *Herrschaft*, to use Peter Blickle's formulation.¹²⁷ However, in the performance of this local drama, the casting of commons against lords is wrong in almost every respect.

In 1524, some of the inhabitants of the town 'openly said' to Robert Acton, a gentleman who had custody of the manor of Walsall, that if the lord did not allow them their customary practices, 'they would raise Bayard of Walsall with his thousand colts and set and appoint with the said Bayard four hundred men to revenge their quarrels upon him'.¹²⁸ They announced that they would 'ring Bayard's Bell, so that all the said Town of Walsall should arise forthwith by the means thereof'. In order to continue their daily vexations ('ungracious acts and quarrel'), the three leaders maintained 'a common Box called Bayard's Box', into which 'great sums of money' were collected and paid. Bayard and his colts were in fact, or rather also, 'great clubs', which had long been 'set and hanged up on high in the Town hall of Walsall', where they were reputed with 'as much honour

¹²⁷ Peter Blickle, 'Der Kommunalismus als Gestaltungsprinzip zwischen Mittelalter und Moderne', in Nicolai Bernard and Quirinus Reichen (eds.), *Gesellschaft und Gesellschaften: Festschrift für zum 65. Geburtstag von Prof. Dr. Ulrich Imhof* (Bern, 1982).

¹²⁸ For this and what follows, see WA, 277/48.

and worship as [if] they were saints in the church'. Seventeen of these wooden clubs survive today, many with carved images at their head, one of which is a representation of Emperor Charlemagne.¹²⁹

To Robert Acton, 1524 was a revolt against the hierarchical principles and social practices of lordship. The three prominent townspeople who had publicly threatened the arrival of Bayard and his colts had also 'wrongfully' retained various parcels of land, refused to pay rents, failed to perform the customary services, and championed the rights of the 'king's bondmen', who were bound to the manor and who, they declared, should 'be free'. Additionally, they had cut down trees in the park and, with 'other misdemeaned persons', hunted and killed many of the king's deer. Robert Acton, from a family of 'substantial gentry in Worcestershire and the Welsh marches for several centuries', was not the only lord to suffer in this sequence of public disorder.¹³⁰ There were further 'riots' within the town against two 'esquires of the county of Stafford', one of whom was the lord of the manor of West Bromwich, seven miles south of Walsall. These other incidents, again involving the figure of Bayard, once more began 'by the ringing of Bayard's Bell'.

Facing Robert Acton were opposing structures: Walsall's common bell, common purse, and town hall, where 'Bayard and his thousand colts' were displayed. In their spatial arrangement and use, these objects were sacred artefacts, held in the same esteem, inspiring the same devotion, and perhaps fulfilling the same hopes as the figures of saints in a church. If these mimetic qualities recalled the practices of what historians have tended to label blandly and unthreateningly civic religion, Acton's reproach was that their presumptuousness constituted 'a great abomination'. It was as if the town hall were a parish church and the civic calendar of processions an alternative to the traditional annual cycle of church festivities. In worshipping itself, so to speak, Walsall did not need the traditional sources and pillars

¹²⁹ Bayard's Colts — Walsall, Walsall Leather Museum, <<https://www.charlemagne-icton.ac.uk/heritage/bayards-colts-walsall/>> (accessed 31 Oct. 2023).

¹³⁰ D. F. Coros, 'Acton, Robert (by 1497–1558), of Elmley Lovett and Ribbesford, Worcs. and Southwark, Surr.', in S. T. Bindoff (ed.), *The History of Parliament: The House of Commons, 1509–1558*, 3 vols. (London, 1982), available at <<http://www.histparl.ac.uk/volume/1509-1558/member/acton-robert-1497-1558>>.

of authority beyond the town — the aristocracy, the monarchy, or the church — to understand its place in the world. This was Acton's version of events, which he submitted to the royal court of Star Chamber.

The problem is that 1524 was both rather more, and rather less, than a rejection of lordship and of the conventions and expectations that conditioned late medieval society. Bayard was a magical horse, who first appeared in *Renaut de Montauban*, a late twelfth-century French epic poem about the adventures of the rebellious sons of a noble at Charlemagne's court. The *Four Sons of Aymon*, who were in revolt because of their unjust treatment by the Emperor, harnessed Bayard to preserve their personal freedom.¹³¹ If 1524 were a critique of seigneurial authority, the choice of Bayard, a symbol of the legitimacy of aristocratic resistance to royal tyranny, was certainly not obvious or inevitable. The status of Robert Acton, the beneficiary of a royal grant of the custody of the manor of Walsall earlier in 1524, was similarly ambivalent and contestable. He held the manor and park by grant of the king, for the term of his life and in return for the annual sum of £34, and the other beneficiary of the king's patronage, with whom he shared the estate, was a fellow servant of the king's chamber.¹³² After the 1501 lease of the borough to the town's burgesses, Acton's residual manorial rights within the town were minimal. Was Acton actually the lord of Walsall, or a 'type' of lord? What was the source of his authority?

Unquestionably a member of the landed gentry, with historical and ancestral ties in the region, Robert Acton had no personal history with Walsall. He had not inherited the estate; Walsall had never been one of his family's properties. He was acting like a lord and claiming the perquisites of lordship within the town, but he had none of the power, neither locally nor beyond the region, which a town might find advantageous. If the Crown was the overlord of Walsall, the king's interest in Walsall was financial, and the town to all intents and purposes had no lord.

¹³¹ Luke Sunderland, *Rebel Barons: Resisting Royal Power in Medieval Culture* (Oxford, 2017), 57–8, 85–96.

¹³² *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, Vol. 4: Part 1: 1524–26*, 57.

The episode in 1524 was neither a rejection of lordship nor a confrontation between lordship and community, but a comment on the negative consequences of a lordship that was both absent and over-assertive. The character of Bayard, the magical horse in a collection of stories about Emperor Charlemagne, was an appropriately flexible and mobile vehicle of urban protest. Bayard was less a symbol of the legitimacy of baronial revolt against unjust kingship than a representation of the proper exercise of lordship, whether the lord was a nobleman or a king.

We can only speculate about how the English town of Walsall learned of the tale of Charlemagne and Bayard. Before William Caxton translated the prose romance of the *Four Sons of Aymon* into English in around 1490, manuscript copies in French were already circulating in England within aristocratic circles.¹³³ We can be sure of one thing: a story about a legendary horse would have found a receptive local audience. Walsall specialized in the manufacture of small items of ironware, many used in the dressing of horses. 'There be many smiths and bit makers in the town', observed John Leland in the 1530s.¹³⁴ The reputation of Walsall's lorimers, who produced metalwork for horses' bridles, bits, harnesses, stirrups and spurs, was not only local and regional but national.¹³⁵ The rich deposits of iron ore and coal that surrounded the town, and that were mined from the fourteenth century, were an object of human labour that perhaps also fired the literary imagination.¹³⁶

In this vital convergence of the practical and the poetic, we see a classic feature of European urbanism: the claim that a town was not only distinctive, but unique. In 1524, there was not a single horse, but a thousand. Viewed through this European lens, Walsall's contrivance should not surprise. The events in Walsall, and our encounters with the horse Bayard, belong to a European framework of comparative and connected urban histories. What does this mean?

¹³³ Bodleian Library, Oxford, Ewelme Deeds and Papers, EM A 47 (3). This is an inventory of the goods of Alice Chaucer, whose third husband was William de la Pole, Duke of Suffolk (d. 1450). I would like to thank Rowena Archer for this reference.

¹³⁴ *Itinerary of John Leland*, v, 23.

¹³⁵ Dyer, 'Urbanizing of Staffordshire', 19–20.

¹³⁶ For early evidence of mining, see BL, Cotton MS Nero C XII, fos. 149^v–150^r.

First, this perspective underscores the danger of categorizing English towns as either seigneurial or royal, when they could be both and yet neither. These labels do not capture the diversity and mutability of English urban experiences. The qualifying adjectives occlude the many guises in which lordship could manifest itself, in and over towns, over time and at the same time. If lordship, we can agree, was a mechanism of personal power, we should not smooth down the differences and ignore the discontinuities between lords and lordships, which could be generational.¹³⁷ Lordship could weigh heavily on a town, or it could be felt loosely; neither was the inexorable logic of a lord's geographical proximity, or physical distance. Georges Duby's normative differentiation between the *seigneurie foncière* and the *seigneurie banale*, between the economic power of landowning and the judicial, fiscal and military rights of lordship, is equally too rigid to accommodate the variety in the forms and intensity of lordship.¹³⁸ Lordship might not be weak or strong but pervasive, the latter a word indicative of the depth, range and penetrative quality of a lord's power that shaped the daily lives of those subject to it.¹³⁹ In his study of Italian 'city lordships' (*signorie cittadine*) between the thirteenth and fifteenth centuries, Andrea Zorzi illustrated how 'different' were 'seigneurial experiences' in northern and central Italy, where 'attempts at seignorialization' (*tentativi di signorilizzazione*) did not follow one blueprint.¹⁴⁰ Seigneurial regimes could be personal, familial, dynastic; they could also be corporate and institutional.

Second, the study of relations between towns and lords in late medieval Europe should not ingrain further historiographical assumptions of *national* distinctiveness. Even the research project led by Andrea Zorzi and Jean-Claude Maire Vigueur, which

¹³⁷ See, for example, the complaint of the 'good people' (*bones gentz*) of the Warwickshire town of Alcester against the abuses of their current lord, Walter de Beauchamp, whose father, they argued, had been a good lord to the town: TNA, SC 8/89/4433.

¹³⁸ For the diversity of lordships in one region of the Empire, see Duncan Hardy, *Associative Political Culture in the Holy Roman Empire: Upper Germany, 1346–1521* (Oxford, 2018), ch. 4.

¹³⁹ Sandro Carocci, 'The Pervasiveness of Lordship (Italy, 1050–1500)', *Past and Present*, no. 256 (Aug. 2022).

¹⁴⁰ Zorzi, *Le signorie cittadine in Italia*, 9, 40.

has shown that urban *signorie* were far more common in Italy than previously thought and that there were around four hundred between the thirteenth and fifteenth centuries, risks replacing one paradigm of national exceptionalism with another.¹⁴¹ Where historians once saw late medieval Italy as divided into two parts, with urban communes and city states in the north and monarchy in the south, the political geography of the Italian peninsula is now a mosaic. Communal Italy was a time, and a place, of vigorous and diverse experimentation, in which various modes of personal rule emerged and coexisted with communal structures within ‘an urban political space’.¹⁴² It was thus the mixture of governmental forms that made the Italian peninsula unique. The plurality of political powers, according to Lorenzo Tanzini, was ‘all the more interesting because it was not reducible to a monarchical model or congruent with the European cases of *state building*’.¹⁴³ Similarly, English urban history has tended to reinforce the perception that England was different because of a strong central state power and because of the preponderance of royal towns. The example of Walsall, whose ascent from seigneurial to royal status was uncertain, discontinuous and ambiguous, suggests that the opposite was true. The context of lordship was primarily, but not exclusively, *local*.

Third, in making a case for the comparability of local political landscapes, we should not mistake commonality for uniformity. Acknowledgement of common ground can help to illuminate areas of difference. In parts of the Holy Roman Empire and the Low Countries, for example, there were many so-called allodial lordships that had no tenurial associations.¹⁴⁴ In the Italian peninsula, the concentration of property and rights was only one element of the *fisionomia territoriale* (territorial aspect) of lordship. However, just as productively, comparison raises new questions. In his brilliantly original exploration of how a French

¹⁴¹ For the figure, see Maire Vigueur (ed.), *Signorie cittadine nell’Italia comunale*, 14 (editor’s intro).

¹⁴² For the concept of the ‘*spazio politico cittadino*’, see Zorzi, *Le signorie cittadine in Italia*.

¹⁴³ Lorenzo Tanzini, *Dai comuni agli stati territoriali: l’Italia delle città tra XIII e XV secolo* (Noceto, 2010), 62.

¹⁴⁴ Jim van der Meulen, ‘Seigneurial Governance and the State in Late Medieval Guelders, 14th–16th Century’, *Continuity and Change*, xxxvi (2021).

king around 1300 might visualize the kingdom over which his authority stretched, Robert Fawtier was pessimistic. The frontiers of France, he argued, were imprecise, recent and movable; the external boundaries did not define lands subject only to the king of France because there were also intermediary lords with their own rights of high justice; and even the king's immediate sphere of influence, denoted by the royal domain, was difficult to map because the domain was a legal and financial entity, as much as a territorial reality.¹⁴⁵ The geographical distribution of the *bonnes villes*, which Bernard Chevalier considered 'a new model of urbanization', and 'a form of urban civilization' that brought the feudal period to an end, might tell us whether the term had a territorial, or tenurial, component.¹⁴⁶ Were the *bonnes villes* located predominantly on the king's own lands, in the princely and ducal lands that divided the kingdom internally, on episcopal estates, and/or in the areas under English rule? Did the privileged status as a *bonne ville* expunge a town's relationship with any lord other than the king? Away from France, how significant were land and tenure to the relationship between an imperial city and the emperor? Or was the town-lord relationship of a purely personal type, concomitant with the performance of personal service? When the citizens of the imperial city of Frankfurt am Main swore to be faithful and loyal to the emperor as their 'natural lord' ('*rechten herren*'), what did the city and the emperor actually have in mind, and were they thinking along the same lines?¹⁴⁷

Fourth, towns operated within a world of multiple forms and composite structures of power, which existed across Europe. This polycentricity had many causes. Tenurial geography was rarely simple. Dependent tenures accumulated layers of property rights, which were not necessarily linear and often intersected. In England, as elsewhere, towns and townspeople grappled with

¹⁴⁵ Robert Fawtier, 'Comment, au début du XIV^e siècle, un roi de France pouvait-il se représenter son royaume?', *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, ciii (1959).

¹⁴⁶ Chevalier, *Les Bonnes villes*, 10, 7.

¹⁴⁷ Eberhard Isenmann, 'Bürgerrecht und Bürgeraufnahme in der spätmittelalterlichen und frühneuzeitlichen Stadt', in Rainer Christoph Schwinges (ed.), *Neubürger im späten Mittelalter. Migration und Austausch in der Städtelandschaft des alten Reiches, 1250–1550* (Berlin, 2002), 222.

similar problems of multiple lordship and co-lordship. There were several spheres and sources of law, which complicate traditional binaries of 'public' and 'private'. Jurisdiction might adhere to the person, but it might equally be attached to the land and to structures of landholding. Either way, the reality on the ground was the same: a patchwork of jurisdictional entities, all of which could be conceived as liberties or immunities of one sort or another. The more rigorously we examine late medieval and early modern jurisdiction, the greater our discovery of 'a legal landscape of exceptions'.¹⁴⁸

We can usefully appropriate, and extend geographically, an expression coined by a French scholar writing about the small lordships and repeated transfers of powers between French and English forces in south-west France: towns inhabited a political space that we might describe as 'a pluralism of feudal geography'.¹⁴⁹ The heterogeneity of these tenurial arrangements weakens the feudal imaginary of the social order and the idea of a feudal hierarchy. Towns were not single types: they coexisted within and without privately owned seigneuries, which were never completely separate seigneurial enclaves, and they did not move upwards, in stages, from one type to another. If regimes of co-lordship were omnipresent in southern France, because of systems of inheritance and tenurial customs that divided aristocratic estates, 'collective' lordship was more diffuse and pervasive than we think. Lordship was not a 'link' (*lien*), but an interlocking, cellular structure (*entrecroisement*) of power-sharing.¹⁵⁰ When the burgesses of the town of Beverley in the East Riding of Yorkshire petitioned Edward II for a grant of taxation (*murage*) to enclose the town with walls, the English king would not commit himself to an immediate, and unilateral,

¹⁴⁸ The quotation is from R. A. Houston, 'People, Space, and Law in Late Medieval and Early Modern Britain and Ireland', *Past and Present*, no. 230 (Feb. 2016), 70.

¹⁴⁹ P. Flandin-Bléty, 'Essai sur le rôle politique du Tiers-État dans les Pays de Quercy et de Rouergue, XIII^e-XIV^e siècle: consulats et relations consulaires', 2 vols. (Univ. of Paris Ph.D. thesis, 1979), i, 52, cited in Gisela Naegle, 'Gouvernants ou Gouvernés? Villes et royauté à la fin du Moyen Âge (France/Empire médiéval)', in Pauly and Lee (eds.), *Urban Liberties and Citizenship from the Middle Ages Up to Now*, 145.

¹⁵⁰ Hélène Débax, *La Seigneurie collective. Pairs, pariers, paratage: les coseigneurs du XI^e au XIII^e siècle* (Rennes, 2012).

decision. He replied that he would wait until the occasion of his next journey northwards, ‘towards those parts’, during which he would seek the opinion (*il en auera auis od*) of the archbishop.¹⁵¹ The archbishop was the archbishop of York, Beverley’s lord. Who was the superior lord? The inhabitants of Walsall argued consistently, but episodically, that the town was part of the ancient demesne of the Crown, over a long period when it was neither a royal town nor ambitious to become one, *and* when it was a patrimonial estate of lords of the manor, among them aristocratic families such as the earls of Warwick.¹⁵² The English monarchy, in the later 1390s, was a disruptive and unreliable presence in the town. The evidence from Walsall reveals not integration, but the existence of a plurality of powers, comprising aristocratic families and spiritual lords, greater lords and lesser lords, would-be lords, and towns without lords.

In late medieval England, we have encountered an urban world familiar with, and sometimes insistent upon, the conditionality, and implications, of tenure. I have argued that the incidents of land tenure persisted as the frame of reference for English towns, and their political relations, into the fourteenth and fifteenth centuries. Townspeople knew, or thought they knew, by whom a town was founded, from whom a town was held, and on what terms. And yet, Walsall’s periodic conflicts with the neighbouring town of Tamworth, and its similarly sporadic correspondence with the English Crown, give the impression that there was room for uncertainty over the historic extent of the king’s lands, that no one knew definitively either their history or their composition, and that the king’s ultimate ownership of land was aspirational and largely rhetorical. In its dealings with other towns and with monarchical authority, Walsall inventively surrendered its urban identity and suppressed the complexity of its seigneurial history, while embroidering its royal past. As the ties of dependency derived from tenure became less sharply defined, Walsall’s burgesses resorted to other kinds of lord, spiritual and secular, and tried to legitimize new town lords, whose local powers were not obviously and unquestionably territorial. It was not only in northern and central Italy that towns were

¹⁵¹ TNA, SC 8/5/224.

¹⁵² See above, pp. 33–5.

sites of continuing political experimentation. The medieval town throughout Europe was a laboratory of political forms. In an environment where the location of authority was unstable, sometimes opaque, and often contestable, the search for lordship was an internal and external compulsion.

Christian D. Liddy
Durham University, UK