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SIR GEOFFREY LE SCROPE, (c. 1285-1340).

THIS IS PRESENTED FOR THE DEGREE OF Ph.D.

IN THE

UNIVERSITY OF GLASGOW

by

E.L.G. Stones

**TEXT CUT
OFF IN
ORIGINAL**

INTRODUCTORY NOTE

A full account of the sources on which this biography is based will be found on pp.9-35 below. It is proper to add here two personal acknowledgments. Professor G.O. Sayles suggested the life of Scrope as a subject for research, and has always been most generous in giving both advice and information. Professor B.H. Putnam has also given valuable advice, and in the course of seeing her Sir William Sharesnull through the press I have naturally had the opportunity of making comparisons with the career of another justice of the same period.

I have not attempted to discuss Scrope's contribution to the development of legal thought and doctrine. Even if I had felt confident of possessing the necessary technical knowledge, it would seem premature to venture upon such a topic until the unprinted reports of the eyres of 1321 and 1329-30 and the reports of the period of Scrope's chief justiceship (at present available only in the edition of 1678-80) have been critically edited.

I have added, at the end of the volume, a copy of an offprint of my article in the Scottish Historical Review for October 1949, to which reference is made in the text.

E.L.G.S.

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BIBLIOGRAPHY
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LIST OF ABBREVIATIONS

General

- B.M. MS. = British Museum Manuscript.
- B.I.H.R. = Bulletin of the Institute of Historical Research.
- D.N.B. = Dictionary of National Biography.
- E.H.R. = English Historical Review.
- Hist. MSS. Commission.
= Historical Manuscripts Commission.
- P.R.O. = Public Record Office.
- R.S. = Rolls Series.
- S.S. = Selden Society.
- S.H.F. = Société de l'Histoire de France.
- T.R.Hist.S.
= Transactions of the Royal Historical Society, (Fourth Series).
- V.C.H. = Victoria County History.

Unprinted Records.

(a): Chancery.

Chancery Miscellanea.

D.D.C. = Diplomatic Documents, Chancery.

Liberate = Chancery Liberate Rolls.

Parl. and Counc. Proc. Chanc. = Parliamentary and Council Proceedings, Chancery.

Treaty Rolls.

(b): Exchequer.

Exch. Accts. = Exchequer Accounts, Various, (K.R.).

I.R. = Issue Rolls. (References to membranes where they are numbered, otherwise to date of entry).

Misc. Books of Exch., T.R. = Miscellaneous Books of the Exchequer, Treasury of Receipt.

Pipe Rolls.

Ward. Deb. = Wardrobe Debentures.

(c): Courts of Law.

Ancient Indictments (of the king's bench).

A.R. = Assize Rolls.

Coram Rege R. = Rolls of court of king's bench. (When membranes are cited without the addition of "Rex", they may be assumed to belong to the "Justices' " portion of the Roll).

De Banco R. = Rolls of court of common pleas.

Feet of Fines (The original files).

(d): "Special Collections".

Anc. Corr. = Ancient Correspondence of the Chancery and Exchequer.

(e): Other Archives.

British Museum MSS. Stowe 553, Additional 9951, 17362.
(Wardrobe Accounts).

Westminster Muniments = Documents preserved in Westminster Abbey Muniment Room.

Year-Book Manuscripts

(a): Eyre of 1321.

British Museum MSS. Additional 38131, Harley 453, 1062,
Royal 10 B8, Egerton 2811.

(b): Eyre of 1329.

British Museum MSS. Egerton 2811, Additional 5924, 24063.

Bodleian Library MS. Tanner 13.

Lincoln's Inn MSS. Hale 137(1) and 137(2).

There are other MSS. containing reports of these eyres, but those named are the only MSS. which have been consulted for the present work.

Printed Records

Abbreviatio Placitorum. Record Commission, 1811.

Bain = Calendar of Documents Relating to Scotland, ed. J. Bain
1881-1888).

Calendar of Chancery Rolls, Various (1277-1326). (1912).

Cal. Chanc. Warr. = Calendar of Chancery Warrants, Vol. I. (1927).

Cal. Charter R. = Calendar of Charter Rolls.

Cal. Close R. = Calendar of Close Rolls.

Cal. Fine R. = Calendar of Fine Rolls.

Cal. I.P.M. = Calendar of Inquisitions Post Mortem.

Calendar of Letter Books of the City of London, ed. R.R. Sharpe
(1899-1912).

Cal. Misc. Inq. = Calendar of Miscellaneous Inquisitions
(1916-37).

Cal. Pat. R. = Calendar of Patent Rolls.

Cal. P. and M.R. = Calendar of Plea and Memoranda Rolls of the
City of London, ed. A.H. Thomas (1926-32).

- Cat. Anc. Deeds = Descriptive Catalogue of Ancient Deeds
(1890-1915).
- Cole, Documents. = Documents Illustrative of English History in the Thirteenth and Fourteenth Centuries,
ed. H. Cole (1844).
- Feet of Fines Relating to Wiltshire, ed. R.B. Pugh (Wilts Archaeological Society, 1939).
- Feudal Aids. = Inquisitions and Assessments Relating to Feudal Aids. (1899-1921).
- Foedera. = T. Rymer: Foedera, (etc.). Edited for the Record Commission (1816-30).
- L.R. = Report from the Lords Committees Touching the Dignity of a Peer of the Realm
(1826-29).
- Report on the Manuscripts of Lord Middleton, ed. W.H. Stevenson (Hist. MSS. Commission, 1911).
- Mun. Gild. = Munimenta Gildhallae Londoniensis
(R.S., 1859-62).
- Nicolas = N.H. Nicolas: The Scrope and Grosvenor Controversy,
(1832).
- Nijhoff, I.A. (editor): Gedenkwaardigheden uit de Geschiednis van Gelderland, Vol.I, (1830).
- P. Writs = Parliamentary Writs and Writs of Military Summons,
ed. F. Palgrave. (1827-34).
(Note: On account of the confusing pagination of this work, we give references in the form Vol.I, Div.1, Part 1, p.1, etc.)
- Placita de Quo Warranto. Record Commission, 1818.
- Registrum Honoris de Richmond, ed. Cale (1722).
- Rogers, R.V. (editor): "The Eyre of London, 14 Edward II" in Memoirs of the American Academy of Arts and Sciences,
Vol.XIX (1941).
- Rot. Parl. = Rotuli Parliamentorum (Vols.I & II, 1783).
- Rot. Parl. Ined. = Rotuli Parliamentorum Anglie Hactenus Inediti.
(Camden Third Series, 1935).

Rot. Scotiae = Rotuli Scotiae (Record Commission, 1814, 1819).

Sayles, K.B. = Select Cases in the Court of King's Bench under Edward I., ed. G.O. Sayles (Selden Society, 1936-39).

Statutes of the Realm (Record Commission, 1810-38).

Whalley Coucher Book = The Coucher Book or Cartulary of Whalley Abbey, ed. W.A. Hulton, (Chetham Society, 1847-49).

Y.A.S. = Yorkshire Archaeological Society, Record Series.

Y.B. = Les Reports des Cases, (etc.) 1678-80. The edition commonly known as the "black-letter edition."

Y.B.R.S. = Year Books of Edward I and Edward III, edited for Rolls Series, (1866-1911).

Y.B.S.S. = Year Books of Edward II, edited for the Selden Society.

(A note seems to be required on the method of citing these editions of the Year Books. The edition of 1678-80 does not number cases separately until the reign of Edward III. Cases of the time of Edward II are therefore cited by regnal year, term, and page. When the numbering of cases begins, cases are cited by regnal year, term, and serial number. This avoids the confusion caused by the unsystematic pagination of the text; but it is hoped that there are no ambiguities in earlier citations by page. The Rolls Series volumes present no problem; they are cited by volume and page. Some difficulty arises over the Selden Society volumes, as a result of the double numbering in the series as a whole (Arabic numbers) and in the Year Books series (Roman numbers). We have, as a rule, given the regnal year, which is usually, but not always, included in the official title of the volume, and we have frequently added, where any doubt might arise, the Arabic serial number. It is unfortunate that the Selden Society's own list adopts Roman numbers for the figures which are given in Arabic form on the volumes themselves. This practice can lead to a certain ambiguity; as for instance in Miss Hastings's Court of Common Pleas in the XVth Century, pp. 287-88).

Chronicles

- Anglia Sacra. = Anglia Sacra, ed. Henry Wharton (1691).
- Baker. = Chronicon Galfridi le Baker, ed. Maunde Thompson. (1889).
- Blaneforde. = Chronica Johannis de Trokelowe et Henrici de Blaneforde (R.S., 1866).
- Chronicon de Lanercost, ed. J. Stevenson (1835).
- Chron. Ed. I and Ed. II. = Chronicles of the Reigns of Edward I and Edward II. (R.S., 1882-3).
- Chronographia. = Chronographia Regum Francorum (S.H.F., 1891-97).
- Croniques de London, ed. Aungier. (Camden Society, 1844).
- Hemingburgh. = Chronicon Domini Walteri de Hemingburgh, ed. Hamilton (1849).
- Historia Coenobii Burgensis Scriptores Varii, ed. Sparke. (1723).
- Knighton. = Chronicon Henrici Knighton (R.S., 1889).
- Le Bel. = Chronique de Jean le Bel (S.H.F., 1904-05).
- Lescot. = Chronique de Richard Lescot, 1328-44 (S.H.F., 1896).
- Murimuth. = Adae Murimuth Continuatio Chronicarum (R.S., 1889).

(1)

Books and Articles

- Bolland, W.C. : Chief Justice Sir William Bereford (1924).
- " " : Manual of Year Book Studies (1925).
- " " : The Year Books (1921).
- Cam, "General Eyres" = Cam, H.M.: "The General Eyres of 1329-30" in E.H.R. XXXIX, pp.241-252.
- Cam, H.M. : Studies in the Hundred Rolls (Oxford Studies in Social and Legal History, 1921).
- Cam, H.M. : The Hundred and the Hundred Rolls (1930).
- Campbell, J.: Lives of the Chief Justices of England (1849-57).

(1) Certain editions of sources have been included here, rather than above, when they have been used for their introductions and critical notes, and not for their texts.

- Clay, C.T. : "The Family of Scrupes or Crupe of Whittington, Co. Gloucester" in Transactions of the Bristol and Gloucester Archaeological Society, Vol. LXV, pp. 129-40.
- Cohen = Cohen, H. : History of the English Bar and Attornatus to 1450 (1929).
- Cuttino. = G.P. Cuttino : English Diplomatic Administration, 1259-1339 (1940).
- Davis, E.J. and Weinbaum, M. "Sources for the London Eyre of 1321" in B.I.H.R. VII, pp. 35-38.
- Déprez = Déprez, E. : Les Préliminaires de la Guerre de Cent Ans: la Papauté, la France, et l'Angleterre, 1328-42. Bibliothèque des Ecoles Françaises d'Athènes et de Rome (1902).
- Dugdale, Baronage. = Dugdale, William : The Baronage of England (1675).
- " Origines. = Dugdale, William : Origines Juridiciales (1671).
- " Chronica Series. = Appendix to the Origines.
- Dunham, W.H. : Radulphi de Hengham Summae (1932).
- Fisher, J. : History and Antiquities of Masham and Mashamshire (1865).
- Foss, E. : The Judges of England (1848-64).
- " " : Tabulae Curiales (1865).
- Hasted, E. : History of Kent (12 Vols., 1797-1801).
- History of Northumberland (Newcastle, 1893-1940).
- Holdsworth, W. : History of English Law (1922-38).
- " " : Sources and Literature of English Law (1925).
- Hughes, D. : A Study of Social and Constitutional Tendencies in the Early Years of Edward III. (1915).
- Lancaster, W.T. : Early History of the Ripley and Ingelby Family (privately printed, 1918).

- Larson, A. : "The Payment of Fourteenth Century English Envoys" in E.H.R. LIV, pp.403-414.
- " : "English Embassies during the Hundred Years War" in E.H.R. LV, pp.423-431.
- Lucas, H.S. : The Low Countries and the Hundred Years' War, 1326-1347. (1929).
- Manning, J. : Serviens ad Legem (1840).
- Mirot/Déprez = Mirot, L. and Déprez, E. : "Les Ambassades Anglaises pendant la Guerre de Cent Ans" in Bibliothèque de l'Ecole des Chartes, LIX, pp.550-577.
- P. & M. = Pollock, F. and Maitland, F.W. : History of English Law (1911).
- Plucknett = Plucknett, T.F.T. : A Concise History of the Common Law (cited from 2nd ed., 1936).
- Pulling, A. : The Order of the Coif (1884).
- Putnam, Kent Keepers. = Putnam, B.H. : Kent Keepers of the Peace (1933).
- " Proceedings. = " : Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries (1938)
- " Transformation = "The Transformation of the Keepers of the Peace into the Justices of the Peace", in T.R. Hist. S., 4th Series, XII, pp.19-48.
- Richardson, H.G. : "Year Books and Plea Rolls as Sources of Historical Information", in ibid., V, pp.28-70.
- Rogers, R.V. : "Manuscript Year Books for 1-10 Edward III" in E.H.R. LV, pp.562-597.
- Thoroton, R. : History of Nottinghamshire, ed. Throsby, J. (1797).

Tout, Chapters. = Tout, T.F. : Chapters in the Administrative History of Mediaeval England (1920-33).

" Edward II. = " " : The Place of the Reign of Edward II in English History (2nd ed., 1936).

Weinbaum, M. : London unter Eduard I und II (1933).

Wynne, E. : The Antiquity and Dignity of the Degree of Serjeant (1765).

Chronological table of the life of Geoffrey le Scrope

- ante 1285. Born, possibly on his father's estates in Wensleydale, Yorkshire.
1306. First reference to him occurs, when he is appointed attorney to Thomas Meynill.
1308. Henry le Scrope, his elder brother, appointed justice of the common pleas.
1310. First certain reference to Geoffrey as a pleader.
1312. Married before this year.
1315. Acting as king's serjeant; and present in King's Council.
1317. Has his home at Clifton, Wensleydale.
1318. First appointed to commission of 'oyer and terminer'. First summons to parliament.
1319. First diplomatic mission: to treat with the Scots at Berwick on Tweed.
1321. King's serjeant in eyre at Tower of London.
1322. Pronounces sentence on Roger of Amory at Tutbury. Very active as itinerant justice.
1323. Pronounces sentence on Andrew Harclay at Carlisle. Appointed justice of common pleas, and knighted.
1324. Appointed chief justice of king's bench.
1327. Goes to Kenilworth to witness abdication of Edward II. Continues as chief justice of king's bench under new regime.
1328. Negotiates peace with Scots at Edinburgh.
- 1329-30. First diplomatic mission to France. Chief justice in eyre of Northampton. Takes lead in campaign against disorder in the midlands.
1333. Diplomatic mission to France.
1334. Diplomatic missions to France and to Scotland. On return, obtains promise that he shall not be sent abroad again, except in the king's company.
1338. Finally leaves the king's bench and goes overseas with Edward III. Mission to the Emperor Lewis IV.
- 1338-40. One of Edward III's closest counsellors during campaigns in Low Countries.
1340. Receives pension, and rank of banneret. Dies at Chent; buried in Abbey of Coverham, Yorks. Lands inherited by son Henry, later reckoned as the first Lord Scrope of Masham.
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PART I.

The problems of writing the biography of Scrope, with a brief survey of the materials

"Very many great families of the nobility have been originally raised, or (by the younger brothers) upheld and assisted, so that the rise and continuance thereof must be owned to be due to their industry and studies in the laws of England ... as barristers, serjeants at law, judges of the king's bench ... and those families have been since great soldiers, ambassadors, statesmen, and, in fine, the greatest men of their times."

(Anon. MS. of 1697, presented to the British Museum by G.C. Scrope, Esq.; now MS. Addit. 28,205, f. 67 v.)

(1)

The mediæval English lawyers, as Maitland has said in a famous passage, were a remarkable race. If, being "worldly men, not of the sterile cast", they succeeded in founding families, many of them had interests which extended beyond worldly prosperity; they were "in their way learned, cultivated men, linguists, logicians, tenacious disputants, true lovers of the nice case and the moot point"⁽¹⁾. We propose to attempt the biography of a lawyer whose life could be used to illustrate many such accomplishments, and who was, at the same time, notably successful in his pursuit of worldly prosperity. Sir Geoffrey le Scrope stands out as a distinguished lawyer even in the days of such celebrities as Bereford, Stonor,

(1) Y.B.S.S. 1 and 2 Edw. II, p.lxxx^vi. (See note on p.vii ante regarding the method of citation from Year Books).

(1)

and Sharesnull. Yet, if Edward III had been asked why he valued Scrope's services so highly, one may guess that he would have given first place to the work which he did as a member of the council. Second only to this, the king probably esteemed Scrope as one of his very best diplomatists, a layman who by virtue both of his personal qualities and of his professional training, could hold his own easily among the prelates who, as a rule, were the senior members of diplomatic missions. In addition to all this he was, of course, like most medieval justices, employed on innumerable occasions in those miscellaneous administrative tasks which, in the absence of a highly specialized civil service, had to be performed by any suitably qualified servant of the crown who happened to be available at the time. The biography of such a person presents formidable problems. We fear that our best efforts may leave many things unsettled, whether because of the inherent defects of record sources as material for biography, or because of the imperfections of our treatment of such intractable evidence. One thing is certain, however: that the importance of Scrope's life and work justifies the effort. It may be asked why, if this be so, his name is so little known

(1) A full biography of Sharesnull has been completed by Miss Putnam, and it is now in the press (cf. introductory note ante.). Bolland wrote a short life of Beresford, which was published in 1924. Stonor, whose establishment of the fortunes of a great family provides an instructive parallel to the career of Scrope, has received no adequate treatment; there is a brief notice in Stonor Letters and Papers (Camden Third Series XXIX), pp.vii-xvi.

that some have even failed to distinguish him from his less
 eminent brother, Henry.⁽¹⁾ One reason, no doubt, is the
 relatively small space devoted to the biography of laymen in
 current medieval studies. When so many even of the English
 kings and greater magnates still await a modern biographer,
 it is not surprizing that a knight of humble and obscure origin
 should be neglected.⁽²⁾ Again, the genealogists and writers of
 pedigrees are apt to pay little attention to the ancestors of
 peers, except what is necessary to establish the descent of the
 first holder of the title. If Geoffrey le Scrope, and not his
 son Henry, had come to be reckoned as the first Lord Scrope of
 Masham,⁽³⁾ he would have gained more attention in modern works
 of reference. Yet it was Geoffrey's work which created the
 fortunes of the family; his son was a far less able man. The
 most important reason of all is the fact that no biography of
 Scrope, or indeed of any medieval justice, can be written
 without a great deal of research in those sections of the Public
 Records which are still unprinted, and, for the most part, not
 even calendared. That is the reason for the fragmentary nature

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- (1) So Campbell in Lives of the Chief Justices (infra, p. 11).
 Tout in Edward II, p. 330, does not clearly distinguish
 Geoffrey (of Masham) from Henry (of Bolton). The reference
 to Henry in T.R.Hist.S., XII, p. 200, should be to Geoffrey.
 This last is an indexer's error.
- (2) The recent works of Professor Johnstone on Edward of
 Carnarvon, and of Mr. Denholm-Young on Richard of Cornwall,
 are, perhaps, a sign of a change in the position.
- (3) On Henry's exact status see Tout Chapters III, p. 296, and
 footnotes. Modern writers on the peerage have always
 accepted him as the first baron Scrope of Masham; cf. J.W.
 Clay: Extinct and Dormant Peerages of the Northern
Counties of England, p. 202.

of the notices of Scrope which are to be found in Dugdale's Baronage, in Foss's Lives of the Justices, in Nicolas's Scrope and Grosvenor Controversy, and in all modern works which attempt to deal with the subject. The difficulties of writing the life of any justice of this period are accentuated, in the present case, by the suddenness of the rise of the Scropes from insignificance in the earlier years of Edward I, to a position of great importance under his son and his grandson. The general obscurity of the family before the close of the thirteenth century has deprived us of any chance of tracing the earliest stages in the careers of either Geoffrey or Henry. We must, in due course, discuss the problems of the sources; but since so little is generally known about the early Scropes, we shall first give a brief sketch of the main facts of the lives of the two brothers, with special reference, of course, to Geoffrey.

(11)

The Scropes of the age of Richard II, Henry IV, and Henry V are familiar to all readers of Shakespeare, but the small beginnings of their family fortunes are little known, except among historians whose special interests lie in the antiquities of Yorkshire. The following summary will show the relationship of Henry and Geoffrey to their more famous descendants. The Roman numerals refer to the genealogy

which will be found on pp. 35A . The two brothers, Henry and Geoffrey, (nos. VIII and IX) are the ancestors of the houses of "Scrope of Bolton" and "Scrope of Masham" respectively. Neither of them can be said to have inherited any of the wealth which they left to their sons, for Sir William le Scrope, their father, was so unimportant that, apart from a few occurrences in the witness lists of Yorkshire charters, it is hard to collect more than half a dozen certain references to him. (1) The preceding stage in the genealogy is so uncertain as to emphasize still further the obscure origins of the family; for it is impossible to establish the exact number of generations between VI and VII, or to explain the apparent loss of the connection with Fletmanby in the middle of the thirteenth century. (2) It is, however, pretty certain that Henry (VIII) and Geoffrey (IX) were brought up, and probable that they were born, on William le Scrope's (VII) estates in Wensleydale. (3) Henry was born before 1268, and Geoffrey before 1285. (4) Both brothers entered the legal profession and rose rapidly, Henry being a pleader as early as 1292 (5) and rising

(1) Infra pp. 40-41

(2) Infra p. 39

(3) He seems to have been of age in 1289 (Cal. Close R. 1288-96, p. 111).

(4) Infra p. 42

(5) Infra p. 43

to the position of justice of the common pleas in 1308⁽¹⁾, Geoffrey following the same path, at a distance appropriate to the difference in his age. Ultimately, Henry became chief justice of the king's bench (1317)⁽²⁾ and ended his career as chief baron of the exchequer (from 1330)⁽³⁾. He died in 1336, leaving a son Richard who had a distinguished military career (he fought at Crécy, Calais, Espagnols-sur-mer, Berwick, and Najara), served Richard II as chancellor from 1378-1380 and from 1381-1382, and founded a family which continued until the extinction of the male line in 1630.⁽⁴⁾ Geoffrey, who was an eminent pleader in the earliest years of Edward II⁽⁵⁾ and enjoyed a brilliant career as a king's serjeant from 1315⁽⁶⁾ onwards, was created justice of the common pleas in 1323,⁽⁷⁾ and chief justice of the king's bench in 1324.⁽⁸⁾ Concurrently with his work in the courts, he was employed on diplomatic missions which, when they could not be fitted into the vacations, involved his replacement for considerable periods by substitute justices. He undertook also the arduous duties of a justice of assize, and, in his capacity as an itinerant justice after

(1) Cal.Pat.R. 1307-13, p.147.

(2) Cal.Close R. 1313-18, p.415.

(3) Cal.Pat. R. 1330-34, p.29.

(4) Nicolas, vol.II, passim, and D.N.B.

(5) Infra p. 54

(6) Infra p. 59

(7) Infra p. 87

(8) Infra p. 113

the triumph of Edward II and the Despensers in 1322, he may have incurred a certain odium for his services in suppressing the enemies of the government, even if he was not actually one of its supporters in a political sense. It is probably for this reason that Mortimer's conspiracy of ¹³²³~~1326-27~~ included Scrope among the list of "guilty men". His part in the revolution of 1326-27 is very obscure. But enough is known to make it clear that the allegation of Dugdale, that he was out of favour with Edward III at the start of the new reign, is unfounded. A writ was addressed to him as chief justice of the king's bench on 28th January ⁽¹⁾ 1327, and there is no doubt that he took his accustomed place on the bench for the first term of Edward III's reign. ⁽²⁾ Indeed, under Edward III his fortunes rose even higher than before. After his employment in the negotiations with Scotland which led to the Treaty of ⁽³⁾ 1328, he came to be regarded with such favour as a diplomat ⁽⁴⁾ that he was obliged in 1334 to ask for a rest. His labours on the king's bench, however, were not reduced; all that he

(1) Vide infra p. 91

(2) Baronage, Vol. I p. 658, followed by all later accounts.

(3) Infra, p. 135

(4) Infra, p. 135

(5) Infra, pp. 107 seq.

(6) Infra, p. 197

gained was a temporary respite from foreign travel.⁽¹⁾ It was, in fact, impossible for him to abandon his legal duties without laying aside his hope of securing a greater respect for law and order; a hope in which he had (it seems) begun a series of general eyres in 1329-30.⁽²⁾ His own court of king's bench was, if we accept Miss Putnam's attractive suggestion, a key point in the government's programme for the improvement of public order, and he was not the man to neglect its possibilities.⁽³⁾ But in 1338 he had to give way to the needs of an aggressive foreign policy; like many a modern minister who is clearly the best man for two incompatible posts, he surrendered the chief justiceship and went abroad with the king.⁽⁴⁾ Soon he was one of the supreme allied council for the prosecution of the war,⁽⁵⁾ and he died at his post in Ghent in 1340. He left a son Henry who has been styled "first Baron Scrope of Masham" by writers on the peerage. Young Henry, like his cousin Richard, had a distinguished career in the field, serving at Halidon Hill, Sluys, Crécy and Espagnols. One of his sons was that unfortunate Archbishop of York who was beheaded in 1405; a grandson, the third Baron, was the traitor who was executed on the eve of the Agincourt expedition. The barony was restored, however, in 1426 and

(1) Ibid.

(2) Infra, pp. 151 *seq.*

(3) Putnam, Proceedings, p. lxii.

(4) Infra, p. 213

(5) Infra, p. 227

continued in the male line until it fell into abeyance in
 (1)
 1517.

(111)

We now turn to consider the materials available
 (2)
 for a life of Scrope. It will be simplest to begin by giving
 a short criticism of such connected accounts of his life as
 have been attempted hitherto. The earliest seems to occur in
 (3)
 Dugdale's Baronage of England (1675). Though circumscribed
 both by the special interests of that work, and by the limited
 use which could be made of record material at that time,
 Dugdale's work is the foundation of subsequent biographical
 sketches. Unfortunately his inevitable errors, such as the
 assertion that Scrope was out of favour for a spell after
 the revolution of 1326, have been repeated down to and including
 the date of the Dictionary of National Biography. Before
 leaving Dugdale, we should note that four years before the
 issue of the Baronage, he had appended to his Origines
Juridiciales the Chronica Series, a chronological catalogue of
 legal worthies ranging from 1067-1671. This list is still

(1) Nicolas, vol.II passim; D.N.B. It may be of interest to
 add the following words of Nicolas: "In the period of
 three hundred years, during more than a century of which
 the Barony of one branch was in abeyance, the House of
 Scrope produced two earls and twenty barons, one chancellor,
 four treasurers, and two chief justices of England; one
 archbishop and two bishops; five Knights of the Garter and
 numerous Bannerets". (Nicolas, II, p.25).

(2) Henceforward "Scrope" means Geoffrey le Scrope unless
 otherwise indicated.

(3) op.cit. Vol.I pp.657-8.

valuable for its references to documents which have not yet been calendared, and especially to the Liberate Rolls. But it contains many errors, and it is to an error of this sort that we owe the common statement that Scrope, along with three other eminent serjeants, received his first stipend in 1316;⁽¹⁾ this is a misunderstanding of the date of Liberate roll No.92.

We may consider next the biography by Sir Harris Nicolas,⁽²⁾ forming part of his edition of the document commonly called the "Scrope and Grosvenor Roll" (1832). The first volume contains the complete text of the roll, which, considering its importance, is not so well known to historians as it should be. It consists of the report of proceedings in the court of chivalry between Sir Richard Scrope (the son of Geoffrey's brother Henry) and Sir Robert Grosvenor, concerning their dispute over the right to bear the arms 'azure, a bend or'. Because Geoffrey Chaucer was called as one of Scrope's witnesses, the proceedings have for long been fairly well known to students of literature, but it is no credit to historians that the edition of Nicolas is still incomplete, has never been reprinted since the very limited edition of 1832,⁽³⁾ and worst of all, considering the nature of the text,

(1) Chronica Series, p.36. The correct date is 1315.
See Appendix A No.1.

(2) Nicolas, Vol.II, pp.95-105.

(3) For this reason we have reproduced, at Appendix B, the most important passages of the text of the Roll for our purpose. On the importance of the Roll as a primary source see below, pp. 13 & seq.

has no adequate index. The chief value of Nicolas' biography is that it adds to the work of Dugdale the evidence obtainable from the depositions of the witnesses in the court of chivalry; but in general it is a scholarly piece of work and it has never been superseded. Subsequent biographies are few in number and add very little. Lord Campbell did not consider Scrope worthy of mention in his Lives of the Chief Justices of England (1849); but he obviously confused him with his elder brother, since he alleged that Henry was chief justice of the king's bench at a period when the post was certainly held by Geoffrey.⁽¹⁾ We need say little of the lives in Edward Foss's Judges of England (1848-64) and in the Dictionary of National Biography. The former is as good as the average level of a pioneer work which, although indispensable, has been said to⁽²⁾ "clamour for re-editing and amplification"; the latter, by James Tait, is naturally a careful compilation of accepted facts rather than a piece of research. Since the date of the Dictionary there has been no fresh treatment of the subject except for a most useful article by Mr. Charles Clay on the

(1) Campbell, Vol.I, p.86.

(2) Sayles, Select Cases in the Court of King's Bench, Vol.I, p.xlix.

(1)

pedigree of the Scropes.

One thing all the biographies have in common: they are very brief. Nicolas's, the longest, occupies ten pages. But this does not mean that the materials are scanty. The Calendars of Chancery Rolls have many hundreds of references to Scrope as a justice, diplomat, member of the council, landowner and creditor. From them alone one could compile an outline of his career in the public service and ascertain a good deal about his private life. There is, unfortunately, a serious defect in the Calendar of Patent Rolls from our point of view; the commissions of assize and of gaol delivery enrolled on the dorse of the rolls are not calendared. ⁽²⁾ It has thus been necessary to use the original rolls for the later years of Edward II when Scrope was acting as a justice of assize. The Parliament Rolls (in the three publications in which they have appeared) give an invaluable record, stretching from his first appearance as a king's serjeant in 1315, ⁽³⁾ to the climax of his parliamentary career in 1332 when, as chief justice of

(1) C.T. Clay: "The family of Scrupes or Crupe of Whittington, Co. Gloucester". (Transactions of the Bristol and Gloucestershire Archaeological Society, Vol. LXV, pp. 129-140 (1944). I should add that the recently published volume of the new edition of the Complete Peerage contains an article on the Scropes. I am grateful to Mr. Michael W. Hughes, the author, for courteously allowing me to read his MS. in 1946.

(2) This may mean the omission of a total of perhaps 2000 entries in a single year. On other defects of the Calendars for our purpose, see Putnam, Transformation, passim. I am grateful to Mr. Slingsby of the P.R.O. for much useful information on these points.

(3) Infra, pp. 59 - 60

the king's bench, he opened parliament and declared the policy⁽¹⁾ which, there can be little doubt, he had helped to frame.

Palgrave's edition of the Parliamentary Writs provides, as far as 1326, much information, not only on Scrope's parliamentary career but also, in its appendices, on certain aspects of his judicial work.⁽²⁾ Rymer's Foedera is, of course, indispensable for Scrope's diplomatic work. The Report on the Dignity of a Peer is essential for tracing Scrope's career in parliament and council after the end of the reign of Edward II, at which point the Parliamentary Writs of Palgrave comes to an end. The Calendar of Close Rolls, it may be noted, is no substitute since it does not include the names of all those who received an individual writ of summons.

The most important single document concerning Scrope in the Public Record Office is that which at present forms part of Chancery Miscellanea, bundle 6, but which we have already referred to as the "Scrope and Grosvenor Roll", the text of which forms the first volume of Sir Harris Nicolas' work referred to above. The origin of this document is as follows. During Richard II's expedition against the Scots in 1385, Sir Richard le Scrope of Bolton challenged Sir Robert Grosvenor for, as he asserted, wrongly bearing the arms 'azure a bend

(1) Infra, p. 167

(2) Note especially p. 92 infra, note 1.

(1)
 or'. There can be no doubt that the Scropes had used these arms for many years; the photograph of Geoffrey's seal, which appears as our frontispiece, is evidence of the fact. But a settlement of the argument was not to be obtained by simple reference to seals in the family archives; ⁽²⁾ it needed a long suit before the "court of chivalry" to establish the Scropes' rights. Witnesses were summoned before the court, presided over by the constable, at various places during the next few years, and it was not until 1390 that a final judgment ⁽³⁾ was delivered by Richard II himself in favour of Scrope. The roll, unfortunately, is mutilated at the end and this has caused the loss of the evidence of a great many of Grosvenor's witnesses. We are concerned, however, only with Sir Richard le Scrope's witnesses, who reached the surprising total of 246. They appeared before sessions of the court at the following towns; the figures indicate the total number of witnesses at each place: Plymouth (the rendezvous for the expedition of John of Gaunt to Spain) 70; Tiverton 4; Abbotsbury 6; Chester 10; York, Aton, Pickering and Scarborough 65; Nottingham and Leicester 7; Laxton 3. The evidence of so many witnesses from so many different parts of the country (after making allowance

(1) Nicolas, Vol.I, p.184.

(2) In the course of the trial, however, the evidence of armorial seals of the Scrope family was adduced. vide Nicolas, Vol.I, pp.93, 139.

(3) Ib, p.362.

for the fact that some of the meeting places were dictated by military convenience) gives unique value to the roll as a source of information on pedigrees and family history in general. But it must be admitted that the biographer of Scrope is somewhat disappointed by the results. Fourteen witnesses make some reference to him. Seven of these were born in or before 1320, and could therefore be expected to have some knowledge at first hand; of these seven, four were born in or before 1310, and had thus reached the age of thirty or more when Geoffrey died. One, Brian de Stapledon, had gone with Geoffrey on his last overseas mission.⁽¹⁾ All the uncertainty that has arisen over the very ambiguous et plus in statements of age in the roll,⁽²⁾ does not alter the fact that some of these witnesses were old enough have supplied exactly the kind of personal information about Geoffrey's character which we cannot find in ordinary record sources. But it is perhaps foolish to expect very much in any record of legal proceedings except what is strictly relevant to the enquiry. The question was simply, "did the ancestors of Richard le Scrope bear a certain coat of arms?" It was relevant to the case, by medieval standards, to testify to their knightly virtues as well as to the designs on their shields, but no more was allowed by way of personal description. A more serious matter is the

(1) Treaty Roll No.15, m.10.

(2) e.g. J.M. Manly, Canterbury Tales, (1928), p.6;
T.R. Lounsbury, Studies in Chaucer, I, pp. 19 seq.

credibility of some of the evidence given at the trial. It would seem that many of Richard le Scrope's supporters were anxious lest his descent from a family of eminent lawyers should suggest that the Scropes were unwarlike. Thus there is considerable emphasis on the Scropes' attainments in the tournament and on the field of battle; and one witness is at pains to refute those who argued that the law could not be the profession of a gentleman.⁽¹⁾ We find certainly an insistence on Geoffrey's prowess as a knight which is, to a modern reader, rather hard to reconcile with his arduous labours on the bench and at the council table. Indeed there are some cases where the statements of the witnesses can be made to look very doubtful by comparison with other record evidence. For example, Thomas Roos of Kendal, who was over eighty at the time of the trial, testified that Geoffrey was present with the king at the campaign of Stanhope Park in the summer of 1327; but there is record evidence of his being at York at the material time.⁽²⁾ Again, it is almost certain that the statement of William Biset⁽³⁾ that Geoffrey's son Henry fought at Sluys is erroneous. An entry in the Treaty

(1) Nicolas I, p.182: "jeo oy dire q' homme dist q' Monsieur Henry Lescrope nest point graunde gentil homme par cause qil est un homme de la ley, & jeo vous dye certeignement q' son pier estoit fait chivaler a Faukyrke", etc.

(2) Vide Appendix C, sub anno 1327. Nicolas quotes the testimony of William of Aton in support of Roos (I, p.143) but it is too vague to be conclusive.

(3) Ibid. I, p.126.

Roll for 1340-41 shows that Henry accompanied his father on his last voyage from England, some time after the battle had been fought.⁽¹⁾ He could scarcely have been also present on the earlier expedition which led up to the battle. Probably Biset recalled Henry's participation in the later expedition to Sluys in 1345 and confused it with that of 1340.

It is only right to add that other sources confirm some of the assertions which the witnesses make about Geoffrey's military attainments. The statement of William of Aton and of John de Rither⁽²⁾ that he bore arms at Buironfosse is borne out by Hemingburgh.⁽³⁾ The statement that he was knighted during a tournament at Northampton⁽⁴⁾ though it is, on purely a priori grounds, most unlikely (for there is every indication that he was knighted on his appointment as a justice, according to what seems to have been a common custom) receives unexpected support in a wardrobe payment for his expenses at a tournament at Northampton which seems to have taken place at about the same time as his elevation to the bench.⁽⁵⁾ We must therefore accept the evidence of the witnesses on its merits;

(1) Treaty Roll 15, m.10.

(2) Infra, Appendix B, V, VI.

(3) - Hemingburgh, Vol.II, p.347.

(4) Infra, Appendix B, V, VI.

(5) On the difficulties of this matter vide infra pp. 68 *seq.*

it would be wrong to reject any of it simply because of its "aristocratic" bias.

The fate of the private archives of the Scrope family will be discussed when we consider the unprinted sources for the life; but it is proper to mention, while we are dealing with printed materials, the very useful collections of Yorkshire Deeds which have been issued by the Yorkshire Archaeological Society. ⁽¹⁾ They include the documents now preserved in Bolton Hall, and many of those which have found their way to the Westminster Abbey Muniment Room. The Yorkshire feet of fines ⁽²⁾ from 1327-47 are also in print, although unfortunately those of the reign of Edward II are still unprinted. It must not, however, be thought that these publications give anything like a complete picture of the available materials for the history of Scrope's estates. There are many similar documents enrolled on the Coram Rege, De Banco and Assize Rolls whose texts are not extant elsewhere and which have never been systematically ⁽³⁾ printed; and some others exist in unsatisfactory printed ⁽⁴⁾ texts ~~which~~ ^{with} no indication of their origin.

The printed Year Books form a source at once fascinating and enigmatic. Any reader of the "black letter"

(1) Y.A.S., Vols. 39, 50, 63, 65, 69, 76, 83, 102, 111.

(2) ib., Vol. 42.

(3) e.g. Coram Rege R. 274, m.16; 284, m.1; De Banco R. 248, m.1; A.R. 546, m.61.

(4) e.g. Fisher: History and Antiquities of Masham and Mashamshire (1865), Appendix.

edition, in which alone we can find in print the reports of Scrope's professional activities between 1318 and 1337, has good cause to reflect on Maitland's remarks about the disgraceful neglect with which English scholarship has treated the Year Books; ⁽¹⁾

but he is also inclined to sympathise with Mr. H.G. Richardson's argument that it is easy to overestimate ⁽²⁾

their value as historical material. The following table of the printed Year Books for the period of Scrope's career will show where the relevant reports are to be found in print:

Edward I	Reports of various dates from 1292 to end of reign.	Rolls Series, edited by Horwood.
Edward II	(a) Mich. 1307 to Trin. 1318. (b) Mich. 1318 to Mich. 1326.	Selden Society editions. 'Les reports de cases' (1678-80).
Edward III	(a) Hil. 1327 to Mich. 1336. (b) Hil. 1337 to Trin. 1338.	do. Rolls Series, edited by Horwood and Pike.

To the above, one must add the reports of eyres in which Scrope took part; a rather different category and one which is of greater interest to us. ⁽³⁾ The eyre of Kent (6 & 7 Edward II) has been published by the Selden Society; that of London (1321) was printed in 1941 from a single and very poor MS, but the book is so scarce in this country that it

(1) e.g. P. & M., Vol.II, p.673. ✓

(2) T.R.Hist.S., 4th Series, Vol.V, pp.28-51. ✓

(3) cf. Richardson, op.cit., p.49. ✓

is not available even in the British Museum. (1) An independent version of the London eyre in Latin, by Andrew Horn, the City Chamberlain, was printed in the Rolls Series as part of the (2) Munimenta Gildhallae Londoniensis. Finally, the report of the great Northampton eyre of 1329-30, though it exists in some excellent MSS, has never been printed at all.

There is no need to mention the general faults of the "black letter" edition; they are only too familiar. Two points which specially affect our present task may perhaps be stressed. Even the MS Year Books are scarcely noted for their accuracy in distinguishing the names of justices and (3) counsel; the black letter edition inherits this difficulty and, by textual corruption, adds to it. It does not worry the lawyer, but it is a great disadvantage to a biographer. When we reflect that, for many years, Geoffrey and Henry le Scrope were simultaneously active in the courts it will be seen how unsafe it is to assume that any particular 'Scrope' is in fact

(1) ed. R.V. Rogers in Memoirs of the American Academy of Arts and Sciences, Vol. XIX. I am very grateful to Professor Plucknett for lending me his copy. Extracts from one of the B.M. MSS are printed in M. Weinbaum: London unter Eduard I und II (Stuttgart 1933) Vol. II, pp. 113-127.

(2) Mun. Gild., Vol. II, 1, pp. 285-432.

(3) As a rub abbreviations are used for the names of speakers. Hence similar names like Scoburg, Scardeburgh, Shardelowe, Shareshull, were very liable to be confused. Cf. Foss, Judges of England, III, 489.

Geoffrey unless his Christian name is mentioned, (as it is sometimes) or unless other circumstances make his identity quite clear. Equally embarrassing is the unreliability of the chronology of the black letter text. In at least three terms when we know that Scrope was certainly not on the bench he is quoted in the report.⁽¹⁾ Yet when we turn to the modern editions which are available for some periods of his career we are not entirely immune from similar anxieties. The "Scrope" who appears in the Rolls Series edition of the Year Books of Edward I cannot be identified on internal evidence alone;⁽²⁾ the date of Geoffrey's first appearance in the Year Books edited for the Selden Society is not free from doubt;⁽³⁾ and chronological difficulties are by no means unknown even in texts which have been edited in the most impeccable style.⁽⁴⁾ Thus we have to concede the somewhat unsatisfactory nature of the Year Books, even in their best editions, for our particular purpose.⁽⁵⁾

Before we leave the printed sources a word is due to the chroniclers. Few of them mention Scrope. He does not

(1) Michaelmas 1330, Y.B. pl.15; Easter 1332, Y.B., pl.61; Easter 1334, Y.B., pl.55, with which cf. Rot.Parl.ined., p.239.✓

(2) Infra, p. 45

(3) Y.B.S.S., 2 & 3, Ed. II [Vol.19] p.73.

(4) Y.B.S.S., 5 Ed.II (Vol.31), p.x1.

(5) It need hardly be stressed that the Year Books are mainly concerned with 'civil' litigation and do not therefore give very much attention to the doings of the king's bench, where most of Scrope's judicial work was done. On their unreliability in determining matters of fact, see Plucknett Statutes and their interpretation, p.5.

seem to have aroused the same popular interest as Ralph of
 Hengham, ⁽¹⁾ and Hervey of Stanton ⁽²⁾ did in their day. When
 he is mentioned it is because he helped to negotiate a well
 known treaty, ⁽³⁾ or because he was the enemy of the chronicler's
 favourite archbishop; ⁽⁴⁾ not because his character had impressed
 itself on the public imagination. A few references in the
 chronicles, however, are of great interest. It is the Lanercost
 chronicler who reveals that Scrope was the main figure in the
 trial of Harclay at Carlisle; ⁽⁵⁾ record evidence would have
 suggested - wrongly - that he was present only as a junior
 member of a commission headed by the Earl of Kent. Only in
 the Pipewell Chronicle is it recorded that he was one of the
 delegation to Kenilworth in 1327, which witnessed the abdication
 of Edward II. ⁽⁶⁾ Only one source, a French chronicle, reveals
 his presence at the negotiations for peace between England and
 France in September 1340. ⁽⁷⁾ Chronicle, rather than record
 evidence fixes the date of his death, ⁽⁸⁾ and it is a chronicle

(1) Sayles, K.B.I, p.lxviii, and note; and cf. ibid p.lxx for a reference to Spigurnel.

(2) Campbell, Lives of the Chief Justices, I, p.87.

(3) Infra, p. e.g. Chron. Ed.I and Ed.II, II, p. 96

(4) Infra, p. 234.

(5) Infra, p. 83.

(6) Infra, p. 134.

(7) Infra, p. 233

(8) Infra, p. 233

which suggests the extent of the bribes which he received in 1329-30, during the eyre of Northampton.⁽¹⁾ On the whole, however, his career lay out of sight of the chroniclers. Had⁽²⁾ he been robbed on the highway (like one of his colleagues) or thrown into prison (like the justices of 1289 and 1340) he would probably have earned more attention than he did by his efficiency and general avoidance of scandal.

(iv)

We have now to discuss the problems of the unprinted sources. It need hardly be said that our treatment of the bulkier classes of material has had to be eclectic. An exhaustive search of the Memoranda rolls of the exchequer from about 1310 to 1340 would certainly reveal facts which would contribute much to our biography; but such a search has, of course, been quite impossible. Further, a systematic examination of the De Banco Rolls, term by term, from the date when the names of narratores first begin to be given would⁽³⁾ probably clarify the problem, discussed at a later stage, of the date of Scrope's first appearance at the bar. Selection is inevitable among such a bulk of material and our purpose here is to indicate the places where the search has been most fruitful. The Coram Rege and Liberate Rolls taken together

(1) Infra, p. 156

(2) Knighton, Vol.I, pp.460-1.

(3) Infra, p. 45

make it possible to fix the chronology of his career on the bench with far greater accuracy than has so far been attempted. From the former it is possible also to compile the itinerary of the king's bench.⁽¹⁾ The latter provide many details of diplomatic missions, as well as giving evidence of his employment on a number of miscellaneous duties. Unfortunately we can never rely implicitly on the evidence of the Coram Rege Rolls for his whereabouts. One cannot believe, for example, that Scrope sat on the king's bench at York until 9th February 1334 and began work in Edinburgh next morning; yet that is the literal interpretation of the record evidence as it stands.⁽²⁾ The name of the justice at the head of the Coram Rege Roll is no absolute proof of his presence on the bench during that particular term. Nor is the payment of his salary a proof that he earned it in the court; a deputy could do his work there, while he himself was overseas, earning an additional salary as a diplomat.⁽³⁾ Similar difficulties are involved in the use of the Feet of Fines to establish his presence on the common bench; in one case certainly they cannot be treated with any confidence.⁽⁴⁾

(1) See Appendix G below.

(2) See Appendix C below, sub anno.

(3) He was abroad during Easter and Trinity terms, 1334, yet was paid his full salary for both (Liberate 111, m.4).

(4) Infra, p. 87 and cf. Sayles, K.B. I, p.cxxxix.

The Assize Rolls have problems of a different kind. It is well known that the name so applied to the series in the Public Record Office is a most misleading one for so miscellaneous a collection.⁽¹⁾ Which of them are in fact records of Scrope's work as a justice of assize? We may exclude at once certain rolls which bear his name: the eyre rolls of 1329-30, and the rolls recording the oyer and terminer proceedings of 1326 and 1332.⁽²⁾ Reference to the list in Appendix E will show that this leaves seven rolls of proceedings before Scrope among which we must search for the records of his work on the assizes. A closer inspection shows that we can exclude two of these, which record only criminal proceedings against those who had seized rebel property after the campaign of Borough-bridge.⁽³⁾ The resulting total of five rolls can hardly represent the full record of Scrope's work as a justice of assize from December 1320 until the summer of 1324.⁽⁴⁾ Quite apart from their small size, they do not by any means cover all the counties in which Scrope had been commissioned to take the assizes. It seems probable that some rolls have been lost; a conjecture which is perhaps supported by the fragmentary condition of the surviving rolls.⁽⁵⁾ Scrope was not responsible

(1) cf. T.R.Hist.S. V, p.64, and Sayles, K.B. III, p.xc.

(2) Infra, Appendix E.

(3) See Appendix E.

(4) This being the period calculated from his formal commissions on the Patent Rolls, and his payments on the Liberate Rolls.

(5) e.g. A.R. 1115.

for any such loss, for his son asserted after his death that his father had never possessed any assize rolls, gaol delivery rolls, or other documents of like character, except those of the eyre of 1329-30, which had long ago been duly sent to the exchequer.⁽¹⁾ The blame is thus thrown upon Scrope's senior partners in commissions of assize; John of Doncaster⁽²⁾ and William of Herle.⁽³⁾ We may perhaps see in this apparent loss an illustration of the carelessness which occasioned the Statute of 1335, ordering the annual delivery of rolls of assizes, gaol delivery, and oyer and terminer to the exchequer.

That Scrope was very careful about the preparation of his own personal rolls is suggested by the exceptionally full records of the Northampton eyre of 1329-30, (classified now as Assize Rolls 629-636). One of these, No. 633, is not fit for examination and I have not been able to inspect it; but the remainder are in good condition, and ^{the whole series} totals some 750 membranes; a figure which can hardly be equalled by the rolls of any other general eyre. We know little about his clerks, but they seem to have been carefully chosen. One of them, Adam of Stayngreve, who was certainly responsible for the Coram Rege Rolls at one period of Scrope's career,⁽⁴⁾ rose to

(1) Appendix A, No. XVI.

(2) Patent Roll 153, m. 5 d, etc.

(3) A.R. 161 m 2; 425 ms. 1-6, etc. For a case in 1329 when two justices disagreed over responsibility for the 'record' see Sayles K.B. II, p. cxxvi.

(4) Hist. MSS. Commission, Middleton MSS. p. 92.

be a justice first of the common pleas and later of the king's bench, ⁽¹⁾ and another, William of Brocklesby, ⁽²⁾ became a baron of the exchequer. ⁽³⁾ Without pressing the point too far, we may ascribe to Scrope a considerable interest in the preparation and preservation of the rolls of his court. ⁽⁴⁾

The exchequer and the wardrobe accounts between them might have been expected to provide the foundation of our knowledge of Scrope's diplomatic work. Unfortunately, however, this is not the case. We cannot enter here into a full discussion of a problem whose complexities would take us far beyond our proper subject; but we can perhaps indicate a few of the reasons why there is sometimes no financial record of a journey overseas even when other evidence makes it certain that it took place. ⁽⁵⁾

(1) Foss, Judges of England, III, p.509.

(2) I.R. No.253, 10th November.

(3) Foss, loc.cit., p.403.

(4) His private memoranda were destroyed by fire during the disturbances of 1326-27, (vide infra, p. 133); but the Coram Rege rolls, although they were in his possession according the usual custom, did not suffer.

(5) It has often been assumed that lists of payments at the exchequer are equivalent to lists of embassies, e.g. in Bibliothèque de l'Ecole des Chartes, vol.lix, 1898: "Les ambassades anglaises pendant la guerre de cent ans". A complete list of embassies in this period is very desirable; but it would demand the collation of many different sources; cf. M.Salt in E.H.R. Vol.xliv, pp.263-78. It may be noted here that the existence of letters patent appointing an envoy to a mission is no proof that he actually served. It was a common practice to appoint more envoys than were necessary in order to provide for unforeseen contingencies. A quorum was usually stated in the writs (cf. Appendix D, nos.9, 14, 16 etc.), and it is evident that very frequently only the minimum number of envoys actually took part in the mission.

The details of an envoy's accounts may be looked for in three places: the particule compoti preserved in the exchequer (E.101); the foreign accounts (nuncii) contained in the Pipe and Chancellor's Rolls; and in the Wardrobe books, especially under the headings of necessaria and praestita.⁽¹⁾ The second of these was an abbreviated version of the first and may therefore serve to fill a gap in the surviving series of particule.⁽²⁾ Only one of Scrope's twenty-one diplomatic missions has left a trace in the particule;⁽³⁾ and the same account is duly enrolled on the Pipe Roll.⁽⁴⁾ We cannot assert that time has destroyed particule of Scrope's journeys which once existed; for such documents would certainly have left a record on the Pipe Roll before they perished. We may therefore assume that Scrope accounted with the exchequer only once in his diplomatic career. On one other occasion (in 1338) he was paid at the exchequer, before going abroad but he had no time before his death to present an account.⁽⁵⁾ It seems very probable then that he was, as a rule, paid through the wardrobe.⁽⁶⁾ When we turn to the wardrobe books, however,

(1) Cuttino, pp.117 seq.

(2) So the account of Henry Percy in 1328 (Pipe Roll 1 Edward III in 30 d).

(3) Appendix A, No.VI.

(4) Pipe Roll loc.cit.

(5) Appendix D, No.21.

(6) It is no objection to this statement that his companions are regularly paid at the exchequer. Different members of a mission could be paid in different ways.

we do not by any means find the complete answer to our problem. There are, indeed, three wardrobe accounts for Scrope's missions;⁽¹⁾ but even allowing that we may have overlooked some wardrobe accounts, we are left with a considerable gap between the number of missions and the number of payments. One possible explanation, of course, is the fact that the existing wardrobe books are by no means a complete series. Between the sixth and the tenth years of Edward III, for example, we have nothing to compare with the account books of Robert Baldock and of Roger Waltham under Edward⁽²⁾ II. Nor do the enrolled accounts of the wardrobe provide the detail which is necessary to follow the career of a single envoy during the periods when there is no original account book. All these facts may be admitted, and yet we must still feel puzzled to find no surviving account for so many journeys that were undoubtedly made. We need not imagine, however, that Scrope was out of pocket. In many cases, though no account survives, there is other evidence of payment, such as a writ of liberate,⁽³⁾ or an entry in the Issue Roll,⁽⁴⁾ or an original receipt to the Italian merchants.⁽⁵⁾ And it is not without interest to note that in the last few years of his life Scrope received lump sums amounting to

(1) Appendix A, Nos. III, IV; B.M. MS. Stowe 553, f. 26 v.

(2) B.M. MSS. Addit. 9951, Stowe 553.

(3) Appendix D, No. 9.

(4) Ibid., No. 17.

(5) Ibid., No. 16.

(1) £333/6/8 and an annual pension of 200 marks, given in such (2) terms as to suggest that they were compensation for expenses in the service of the crown. His total receipts from these sources were considerably greater than his total salary as chief justice. It is possible, at least, that these payments (3) may be a recognition of his apparently unpaid diplomatic work.

We do not propose to discuss here the value of the (4) unpublished reports of the eyres of 1321, and of 1329-30. We have naturally made use of them, but a proper assessment of their use to the biographer must await the completion of critical editions. We shall conclude our present discussion with a few words on the family archives of the Scropes. Originally these must have included not only charters, letters patent and other like documents of a territorial nature, but also some documents relating to the judicial careers of Henry

(1) Liberate 112, m.3, 114 m.3.

(2) Foedera, II, 11, p.1123.

(3) It is proper to say that I have not made a complete search of the wardrobe debentures (E 404) because their very fragile seals render them subject to restrictions in handling. It is gratifying to hear that it is proposed to calendar these documents. On the matter of apparently unpaid diplomatic work of A. Larson, "The payment of fourteenth century English envoys" (E.H.R., vol.1iv, pp.413-4).

(4) It may perhaps be noted in passing that it is a quarter of a century since Mr. Richardson pointed out how strong a case there is for printing the first (loc. cit., p.50). Nothing has been done since then that can be considered a satisfactory fulfilment of his hopes. The edition of R.V. Rogers, referred to above p.19, is quite unsatisfactory; and the passages printed by Weinbaum in London unto Edouard I & II, are extracts, not a full text. The case for printing the report of the eyre of 1329-30 is even stronger. (Since writing this note I have learned that Miss Cam is preparing an edition of the report of 1321).

and Geoffrey. The latter have entirely perished, and we can infer their existence only by analogy⁽¹⁾ and by the evidence⁽²⁾ of enrolments in the Public Records. A similar fate has has probably overtaken the cartulary which we know was prepared by the Scropes of Masham in later days, and which certainly contained many documents concerning Geoffrey's estates. It is possible of course that the cartulary may have survived unrecognised, and since its recovery would be of considerable interest not only to students of the medieval history of Yorkshire but to others as well, it may be desirable to state briefly what is known about it.

The Bolton branch of the Scrope family survived in the male line until the seventeenth century, and even after the extinction of the name of Scrope, Bolton Castle remained in the hands of the Dukes of Bolton, who were descended from the daughter of the last baron.⁽³⁾ In consequence, there are still at Bolton Castle a number of documents, which have been preserved there since the days of Geoffrey's brother.⁽⁴⁾ The fate of the Masham branch was very different. Clifton Castle,

(1) cf. Hist. MSS Commission, Middleton MSS, p.92. This indenture must have come from the archives of the Willoughby family; it is certainly not Scrope's counterpart, vide infra, p.

(2) Appendix A, No.XVI. The original is not extant. On each occasion of handing over his post Scrope must have entered into a similar indenture, but none has been preserved.

(3) Nicolas, II, p.63.

(4) Vide Y.A.S., Vol.L (1914), passim.

the seat of Geoffrey and his heirs, is a mere ruin, and it seems very probable that the archives once kept there were dispersed, soon after the death of the last baron, in 1517.⁽¹⁾

That, at least, is the inference to be drawn from the appearance of the cartulary in the hands of Sir Robert Cotton, from whom it passed, apparently about 1614, to another great book collector, William Howard.⁽²⁾

After this there is not the smallest indication of its fate, although an investigation of the later history of Howard's MSS. might be fruitful enough.

Our knowledge of its existence is derived from allusions in the MSS. of Roger Dodsworth and in other seventeenth century collections. From these we can deduce that the book had at

least thirty-seven folios. If we could be sure that its arrangement was chronological rather than territorial, the occurrence of a document of the ninth year of Edward III on folio 37⁽³⁾

would suggest that the muniments of the earlier period of the family history were represented in some detail.

Unfortunately, only one document of the whole collection was actually copied by the seventeenth century antiquaries. Rather significantly, it is a text which is not preserved elsewhere,

(1) D.N.B.

(2) Bodley MS Dodsworth 122, f.134: "Liber cartarum transcriptarum de terris Scroporum penes Robertum Cotton militem 1614 modo in manibus domini Gulielmi Howard 1615". Cf. MS Ashmole 1115, f.255 v; B.M. MS Lansdowne 207 C, f.348; Harley 793, f.41. The marginal references in this last case are clearly to Dodsworth's collection.

(3) MS. Ashmole 1115, loc. cit.

and the estate with which it is concerned lies outside
(1)

Yorkshire. It is not only the Yorkshire antiquary who would gain from the recovery of the cartulary.

By a process which has not been explained, a portion of the archives of Clifton Castle found their way in time to the muniment room of Westminster Abbey. A considerable number of these documents have been printed by the Yorkshire Archaeological Society, but the collection covers a wider area than Yorkshire and a good deal remains in manuscript. (2)
Among this latter class are a number of court rolls and bailiffs accounts for Geoffrey's estates in Middlesex, Kent and Surrey. (3) It is of particular interest also to find in the Abbey muniments some original royal charters and letters patent recording grants to Geoffrey. (4) We have not been able to solve the problem presented by the presence of these documents at Westminster — the answer must in any case lie rather in the sixteenth than in the fourteenth century —

(1) Thorpe Constantine, Staffordshire. See below, p.252

(2) The calendars of the abbey muniments published by the Historical Manuscripts Commission (Appendices to first and third reports, 1870 and 1874) have been rendered completely out of date by the calendar and index of E.J.L. Scott (kept in the muniment room in typescript). See L.E.Tanner in T.R.Hist.S. XIX, pp.43-80. I am grateful to Mr. Tanner for assistance in the attempt to discover how the Scrope MSS. came to the abbey.

(3) Westminster Muniments 27845-62, 27866-77.

(4) These are, of course, available also in the chancery enrolments; it is their preservation at Westminster, rather than their substance which is of special interest. An example is Westminster Muniments 1376 (free warren at Clifton), which is summarized in Cal.Charter R. 1300-26, p.363.

but it may be that other private collections, less accessible and less well calendared than the Westminster Muniments, may possess portions of the missing archives of Clifton Castle.

These are, in the main, the materials on which we have to found our life. Their bulk is considerable, but of course mere bulk is in itself no guarantee of their value for our purpose. Two reflections are suggested by a fairly long application to the problem of using them for the present biography. The first is the profound truth of the common opinion that record sources give but a "dusty answer" to anyone who is seeking for traces of a human being beneath the mask of official life. We have discovered literally nothing of Scrope the man. Whether his character was simple or complicated, it has left no clue except for what we may infer by dangerous guesses from his official actions. The second is that only with great difficulty can we discover his influence on institutions and on policy. Even when we have a history of the court of common pleas in which his career began, even when Professor Sayles has carried his study of the king's bench through the years of Scrope's chief justiceship, even when Déprez' pioneer work on Anglo-French relations has been supplemented by that full study of the relevant documents in the chancery miscellanea which we may hope will be carried out by Dr. Cuttino, M. Chaplais, and others, even then it is improbable that we shall be able to say definitely that Scrope was the

author of a given change in legal organization, of a new procedure in the courts, or of a new turn in foreign policy. In some respects, indeed, further research will clearly be rewarded. We possess no accurate list of the English embassies to France in the period when Scrope was active. (1) Again, we have made no attempt in this study to deal with Scrope's contribution to legal doctrine, a subject which a suitably qualified scholar could probably illuminate by careful study of the Year Books, in spite of their concentration upon the court of common pleas. On the whole, however, the result of our work is to give a very clear indication of the difficulty which may be expected in any attempt to draw a convincing picture of a medieval layman who has left no correspondence (2) behind him. We think that the attempt has been worth making, and if it can be repeated for some of Scrope's contemporaries, especially his fellow lawyers, the comparison of their careers will make a valuable contribution to history; but it would be wrong if we did not admit a certain disappointment in the immediate result of our endeavours.

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- (1) Mr. Alfred Larson has shown the unreliability of the list made by MM. Mirot and Déprez. (See E.H.R. lv, pp.423-31). But even when Mr. Larson's corrections have been made, the list is based merely on the exchequer accounts, which are only a part of the story; see above, p. 27 note 5.
- (2) A search of all the volumes of "Ancient Correspondence" in the Public Record Office covering the period 1307-40 has produced only a few unimportant allusions to Scrope.

[I] Richard le Scope = Agnes of Clare, sister of first Earl of Hertford.
(fl. before 1156;
lands in Barton, Lincs.)

[II] Robert le Scope (fl. c. 1166; possibly died at Acre in 1190; lands in Barton,
and perhaps in Flotmanby, Yorks.)

[Nature of connection not
fully established.]

[III] Walter le Scope
of Barton, Lincs.

[IV] Philip le Scope (fl. 1194-1203;
= Alice, lands in
Flotmanby &
Barton)

Latter Scope of Barton.

Two daughters.

[V] Simon le Scope = Ingoliana.
of Flotmanby and
Wensley, Yorks.

[VI] Henry le Scope = Juliana
of Flotmanby & Wensley
alive in 1225

[uncertain whether VII is son or
grandson of VI.]

[VII] William le Scope = Constance.

fl. 1250-1311

[VIII] Henry le Scope, = Margaret
(Chief Justice of K.B.
[Died 1336.]

William
le Scope
Stephen
le Scope
Richard le Scope,
Noted as first
Baron Scope of Bolton.

Engaged in controversy
with Sir Robert Grosvenor.
[Died 1403.]

Latter Barons Scope, the last,
Emmanuel, dying in 1130.
From his illeg. daughter are
descended the Jukes of Bolton.

Henry le Scope,
Noted as first Baron
Scope of Wensley.
Born c. 1312, died 1391

Latter Barons Scope, the last

[IX] Geoffrey le Scope =
(Chief Justice of
K.B.
Died 1340.)

William, d. of
William Ross of
Ingemanshope

Stephen le Scope,
[daughter]
a clerk.

(It seems possible that Stephen and the daughter
shared the place between Henry & Geoffrey.)

(1)

It is desirable to note here that the pedigree
differs at several points from that given by
Nicolas [II, 58 seq., and 134 seq.]; but it does
not profess to be a complete revision, which would
demand further work on the early Yorkshire charters.

Thomas le Scope William le Scope Stephen le
Scope
Geoffrey le
Scope,
a clerk.

Constance le
Scope
= Geoffrey
Luttrell

[brothers]

Isabella le
Scope
= John de
Hothum

[daughter?]
= Peter de la
Mare?
[See p. 242]

PART II.

Life

(1)

When the cellarer of Walton Priory gave evidence on behalf of Richard le Scrope in 1386, he had no hesitation in saying that the library of his monastery contained a chronicle of the time of the Conqueror, in which it was written that the ancestor of the Scropes had come over in 1066. ⁽¹⁾ Unfortunately, he forgot the Christian name of this individual, and his testimony was made even less credible by the fact that the prior of Bardney, and one of his monks, asserted that, according to the tradition of their house, Richard le Scrope was descended from Richard FitzScrob, one of the Norman favourites of Edward the Confessor. ⁽²⁾ Sir Robert Grosvenor pointed out the inconsistency of these two accounts; ⁽³⁾ but from our point of view,

(1) Nicolas, Vol.I, p.103.

(2) Ibid., p.229. There is great confusion in the existing accounts of Richard FitzScrob, Richard Scrupe, and Osbern FitzRichard. We cannot enter into these matters in detail, but it may be pointed out that there seem to be no grounds for Nicolas' assertion that FitzScrob was the son of the Richard Scrupe mentioned in Domesday. (Nicolas, Vol.II, p.4). The heir to Scrupe's estates in Domesday was his son Osbern FitzRichard. (Ellis, General Introduction to Domesday Book, Vol.I, p.460).

(3) Nicolas, Vol.I, p.323. It will be noted, however, that both accounts given the Scropes a Norman ancestry, although they differ about the date of the migration. It seems pretty certain that both monasteries were guessing, inspired by the resemblance in names, and by an obvious desire to give their patron a good pedigree.

it is unnecessary to decide between them, for there is no good evidence for carrying the Scrope pedigree further back than the early twelfth century. There may be a connection between the Yorkshire Scropes and Richard FitzScrob, but it cannot be established by any written evidence; the Scropes may, on the other hand, have come in with the Conqueror, but their claim is as nebulous as are those of most other families.

We begin, therefore, with the Richard le Scrope ⁽¹⁾ who flourished ~~early~~ ⁽²⁾ in the first half of the twelfth century. Of the family name we know very little. It is written "Lescrope" or "Le Scrope" in the fourteenth century, but in ⁽³⁾ earlier documents it appears also as Scrop, or Escrop, the latter being merely a Gallicised version of the former. ⁽⁴⁾ Occasionally the "le" is replaced by "de", but it seems that the latter form is only a scribal error. Hence we can, perhaps, assume that the name began as a nickname or a personal name.

(1) The Roman figures in brackets after the names refer to the genealogy on p. 35 A.

(2) Farrer, Early Yorkshire Charters, II, No. 1217, as interpreted by Clay, op.cit. p. 139. The text given by Farrer is a grant, probably not much later than 1156, to Robert le Scrope, the son of Richard le Scrope and his wife Agnes of Clare. Comparison with the dates of death of Agnes' brothers suggests that Richard must have flourished in the first half of the century.

(3) e.g. Nicolas, Vol. II, p. 65; Monasticon Anglicanum, Vol. VI, p. 286.

(4) e.g. Cal. Pat. Rolls, 1301-7, p. 436.

One may, indeed, incline more towards the latter belief, since the Old Norse personal name "Skroppa" was known in England, giving rise to the place name "Scrooby".⁽¹⁾ The obscurity of Richard, the first known member of the family, is in astonishing contrast to the exalted station of his wife. He seems to have been merely a small landowner in Barton on Humber, Lincolnshire,⁽²⁾ yet he married no less a person than Agnes of Clare, daughter of Richard FitzGilbert of Clare, and sister of the first two Earls of Hertford.⁽³⁾ Their son, Robert, (II) was the ancestor of the Scropes who held land in Barton until 1304.⁽⁴⁾ Unfortunately it is not possible to establish the exact link between Robert and the Yorkshire Scropes, or, indeed, to say at what date the Lincolnshire family acquired its Yorkshire interests. When we first meet the Yorkshire Scropes, there are two brothers, Philip (IV), who early in the thirteenth century was deputy sheriff of Westmoreland and Cumberland, and who held land in Flotmanby, Yorks, and Barton, Lincs; and Simon (V) who held land in Flotmanby and in Wensley, Yorks.⁽⁵⁾ There is nothing but the identity of name and the

(1) Ekwall, Concise Oxford Dictionary of Place Names (3rd edition) p.390. The addition of "le" is a difficulty on this view; but the article could be used loosely in place names such as Chester le Street, Bolton le Sands, and it is not impossible that it was, on occasion, similarly used with personal names.

(2) Monasticon, loc.cit.

(3) Farrer, loc.cit.

(4) Clay, op.cit., p.139.

(5) Pipe Roll 3 John, pp.256, 251; 4 John, pp.155, 254; 5 John, p.253. (I owe these references to Mr. Hughes); Clay, op.cit., p.138.

(6) Rievaulx Cartulary (Surtees Society), p.239.

the close connection of their estates to show that these brothers are descended from Robert (II); but the theory has been accepted as very probable by so distinguished a Yorkshire antiquary as Mr. Clay.⁽¹⁾ Simon was probably the first of

the family to settle in Wensleydale, for he was the first to be buried there.⁽²⁾ His son, Henry (VI) inherited his lands,

and he had a son, William⁽³⁾ ~~(VII)~~. We may infer that this

William is identical with the father of the two justices

Geoffrey and Henry, but it is necessary to observe the

difficulties of this conclusion. First, it is most peculiar

that the Flotmanby-Wensley branch should disappear from view

between 1225, when we last hear of Henry⁽⁴⁾ (VI) and 1280, when

we first hear of William (VII), the father of the justices.⁽⁵⁾

Secondly, we have to account for the fact that, after Henry

(VI) there is no allusion to the lands in Flotmanby. If

William (VII) was indeed the son of Henry (VI) this is not

very easy to explain. Thirdly, there is the question of age.

William was young enough in 1298 to win honour on the field of

Falkirk.⁽⁶⁾ Yet his grandfather Simon was born not later than

(1) Op.cit., p.138.

(2) Nicolas, Vol.I, p.129.

(3) Ibid., ~~and of Vol.II, p.66.~~

(4) Ibid. II, pp.7, 66.

(5) Y.A.S., Vol.LXIII, p.197.

(6) Nicolas, Vol.I, p.182. But see below p. 41 on the credibility of this.

(1)
1184. Although there is nothing impossible in such a chronology, there is room in it for one more generation. Another difficulty is suggested by the statement of the parson of Wensley in 1386 that William's tombstone was so weathered as to be undecipherable. (2) Allowing even for the harsh climate of the north, it seems odd that an inscription cut not earlier than 1311 should be quite illegible in 1386; but (3) it is perhaps explicable if it were on the tomb of an earlier William. (4) We must admit, then, that there is something unsatisfactory about the family tree at this point. One thing, however, is reasonably certain: William le Scrope was the heir of Henry in his Yorkshire estates. If he were not, it would be hard to account for the existence at the present day in Bolton Castle of a charter of Simon le Scrope. (5)

William himself is almost as obscure as his ancestors. He seems to have possessed no more than a small group of manors (6) in Wensleydale, the chief being Castle Bolton, where his

(1) He must have been of age in 1205, vide Nicolas, Vol.II, p.65.

(2) Ibid., Vol.I, p.129.

(3) It seems probable that the lands which Geoffrey acquired in 1311 came by inheritance from his father. (Cal.Charter Rolls, 1300-26, p.184). Cf. the reference to his brother on p.185.

(4) It may be noted that the tombs of the Scropes after William, son of Henry, were so sunk in the earth that they could not be seen. Possibly an unknown Scrope may have been buried among these without attracting notice. (Nicolas, Vol.I, pp.129, 130). It should be noted that the extra generation which Nicolas introduces in his pedigree, is based on a wrong identification between the Yorkshire Scropes and the Gloucestershire Cruces.

(5) Ibid., Vol.II, p.66.

(6) Feudal Aids, Vol.VI, pp.85, 86, 100.

heirs were later to build the seat of the Scropes of Bolton.

(1)
He was bailiff of Richmondshire in 1293. Of his character

we hear a good deal in the depositions of the witnesses of

1386-90, who emphasize that he was a notable warrior ("il

estoit en son temps le plus fort tourneur de tout nostre

(2)
païs"; "un dez plus noblez bohordurez q'homme troverait

en un païs") and who record that he was knighted on the

(3)
field of Falkirk. If so, his valour has left no record

elsewhere. It is not easy to believe that a man who, in a

period of such enthusiasm for the tournament, was reckoned as

the bravest 'tourneur' of his age, would leave no trace of

his prowess except for a few recollections of elderly men

recorded in the reign of Richard II. Unless we are mistaken,

we have here an example of the 'aristocratic' bias of

witnesses who considered, (no doubt rightly), that the court

of chivalry would look more favourably on Sir Richard Scrope,

if he could be shown to be the grandson of a distinguished

warrior.

(11)

The careers of Henry and Geoffrey le Scrope are for many years so closely connected that we must consider them

(1) Y.A.S., Vol.LXIII, p.30.

(2) For the etymology of this word, see N. Denholm Young in Studies in Mediaeval History presented to F.M.Powicke, p.249 note.

(3) Appendix B, Nos.III, V.

(1)

together until the year 1308, when Henry became a justice. After then their ways diverge, and we can leave Henry out of our calculations. It is no more than a guess that both brothers were Yorkshiremen by birth, as well as by descent; nevertheless, we may consider it a probable one, since their father's estates were all in Yorkshire. It is not easy to say when either Henry or Geoffrey was born. Geoffrey must have been of age in 1306, when he is mentioned in the Patent Roll as being attorney to Thomas Meynill; ⁽²⁾ that is, he was born not later than 1285. This would make him fifty-five at his death, and would make his career on the king's bench lie between the ages of thirty-nine and fifty-three - figures which seem reasonable enough, although there is certainly no reason why he should not have been a little older. Henry was, by all accounts, a good deal older than Geoffrey. He seems to ⁽³⁾ have been of age in 1289; ⁽⁴⁾ his health was failing in 1327; and he became a justice fifteen years before Geoffrey. We cannot put his birth any later than 1268 and it may have been earlier by several years. But seventeen years is a long gap, even if William's other two children, Stephen, and a daughter

(1) Cal. Patent Rolls, 1307-13, p.147.

(2) Ibid., 1301-7, p.436.

(3) Cal. Close Rolls, 1288-96, p.111.

(4) "Henry le Scrope has represented that he is no longer equal to such labours as heretofore". (Cal. Pat. Rolls, 1327-30, p.25).

of unknown name, came between them. One is inclined therefore to make Geoffrey at least two years older than his minimum age as calculated above, and to place his birth in 1283 or thereabouts.

How the brothers were educated, and how they came to enter the legal profession are questions which can only be answered in a very tentative way. Certainly they must have left Wensleydale for their preliminary education. Yorkshire had several schools in the early fourteenth century which might have been available in the late thirteenth. Northallerton possessed one such, its master being appointed by the prior of Durham. There was probably another at Ripon,⁽¹⁾ and no doubt York could have provided something better still. Henry, as the elder brother, must have been the first to begin legal studies. We can readily accept the statement of one of the witnesses of 1386-90 that he was put to the study⁽²⁾ of the law at his father's wish, but there seems to be no foundation at all for Lord Campbell's story that he "studied at Oxford and was translated when very young to study the law in one of the societies then forming, which were afterwards⁽³⁾ denominated Inns of Court." The first reference to Henry's career is in the Year Book of 1292 where he appears as a

(1) A.F. Leach, Schools of Mediaeval England, pp.197, 200 and passim; Gibbs and Lang: Bishops and Reform 1215-1272, p.154; Cambridge Mediaeval History V, p.778; K. Edwards, English Secular Cathedrals (1949), pp.196-7.

(2) Nicolas, I, p.142.

(3) Campbell, Vol.I, p.85. But common law was not an unheard of study at Oxford in this period: cf. H.E. Salter: Mediaeval Oxford, p.95, note.

(1) pleader. This shows (if we can assume that the chronology of the report is to be relied upon) that he began his legal studies some years before 1292; evidently while in his teens. Unfortunately at this early date we cannot confirm the references by comparison with the plea rolls; (2) but the general conclusion is pretty clear that Henry began his legal studies as an apprentice in the common pleas several years before 1292, and that he must therefore have left Yorkshire for Westminster when Geoffrey was a mere infant.

Fortunately, it is easier to see how Geoffrey came to follow in Henry's footsteps than it is to trace Henry's own early career. The common pleas settled in York in Michaelmas term 1298, and stayed there until Michaelmas term 1304, both terms inclusive. (3) Henry was certainly in York during that period, in his capacity as a pleader, and he was by now of some considerable standing, since only four years after the end of this period he became a justice. Geoffrey, if our calculations are accepted, would be about fifteen when the York sessions began, and it seems possible that his legal

(1) Y.B. R.S., 20-21 Edward I, pp.305, 312, 361.

(2) In 1292 the De Banco Rolls had not yet begun to name the narratores who received chirographs of fines.

(3) Professor Dunham in the introduction to his edition of the Summa of Hengham, (p.lvii) misstates the duration of the stay in York. The correct dates are given by R.B. Pugh, Feet of Fines relating to Wiltshire (1939), p.xii, based on the fines levied during 1298-1304.

studies began at York under his brother's friendly guidance. If his career was, in fact, begun about fifteen years after Henry's, we should expect to find his name appearing among those of the pleaders in the latest years of Edward I or the very earliest of Edward II. Unfortunately, the identity of surname makes it very difficult to be certain whether the "Scrope" of the Year Books is Henry or Geoffrey until 1308, after which year it is usually possible to distinguish the judge from the pleader. A thorough examination of the names of the 'narratores' who are recorded as having received chirographs of fines in the De Banco Rolls would certainly clarify this point. We have examined a number of these rolls with the object of ascertaining whether Geoffrey le Scrope is mentioned as a 'narrator' before the beginning of the reign of Edward II. Their immense bulk makes it impossible to do more than a fraction of the work which would be required to provide a full list of the 'narratores' of the reign of Edward I, but it does seem fairly clear that the "Scrope" of the Year Books of Edward I must be interpreted as Henry le Scrope, and that Geoffrey did not practise at the bar

(or at least is not recorded as having done so) until the
(1)
early years of Edward II.

To this there is a rather serious objection in the fact that Geoffrey was appointed a king's serjeant not later
(2)
than 1315. If he had been a practising pleader for only six or seven years in 1315, he must have shown unusual ability

- (1) A "Scrope" appears in nine of the nineteen terms for which printed Year Books exist in the reign of Edward I, and also in the report for 20 Edward I (not divided into terms) and in the Middlesex eyre report of 1294. So frequent an appearance in the Year Books of Edward I surely indicates that the name of Scrope was very well known in the courts during the later years of the reign. The task of certainly identifying this Scrope is most arduous. An average De Banco roll of the period for one term may have 450 membranes. The only references to 'narratores' occur when chirographs of fines are delivered, as was pointed out for the first time by Pike (Y.B. R.S. 16 Edward III, II, p.xi). I have made as full a search as possible, but unfortunately the earliest rolls of the series do not name the 'narratores'. The first reference to a Scrope which I have discovered is in De Banco Roll No.149 (Michaelmas term 1304 - not 1303 as in the official List of Plea Rolls) where we find "Et habet cyrographum per Henricum Scrope narratorem" (mm. 62, 69). I have found no references to Geoffrey at all. I have not examined the De Banco rolls of Edward II because they have already been searched for the Selden Society Year Book series. It is quite possible that Geoffrey's name may be found when an exhaustive search is made of the rolls of Edward I; but I doubt it. Professor Plucknett has kindly informed me that he is of the opinion that the Year Book "Scrope" under Edward I is Henry le Scrope. I should add that there is a very tenuous argument to be drawn from a quittance bearing Geoffrey's seal, produced during the trial of 1386-90 by the prior of St. Mary's York and assigned to the reign of Edward I. This might be a receipt to the abbey for a professional fee: cf. Appendix A, No.11. But this is a mere guess.

By a regrettable accident the De Banco rolls between Michaelmas 27/28 Edward I and Michaelmas 33/34 Edward I have been arranged in wrong sequence in the modern list. This fact, which became obvious during the study of the problem discussed above, is the subject of a note at the end of this section (vide p. 52 infra).

- (2) Infra. Appendix A, No.1.

to gain such rapid promotion. Three other serjeants seem to have been appointed at about the same time: William de Herle,⁽¹⁾ John de Stonor, and Gilbert de Touthaby. The first and third of these, at any rate, appear frequently as "narratores"⁽²⁾ from Michaelmas term 1303, and in 1315 they were probably far senior to Scrope. But we may suspect that in the legal profession in the early fourteenth century there were no such rigid rules of promotion as there were in later times. In the fifteenth it was doubtless true that a pleader had to possess sixteen years professional experience before he could proceed to the degree of serjeant.⁽³⁾ We can hardly believe that in the formative period in which Scrope began his career there was any such mechanical rule. On the whole, there seems no good reason to doubt the date which we have suggested for the beginning of Scrope's legal training.

We have no desire to linger in this early period, but it is worth while to note that Scrope would hear at York many pleaders who will figure in our later narrative: Mapletorpe, Willoughby, Friskenev, Touthaby, and Herle, for example, are all mentioned in the Year Books of this period

(1) See Appendix A, No.1.

(2) See De Banco Roll 145, ms. 257, 251.

(3) See Fortescue, De Laudibus Legum Anglie, cap. 50. As a matter of fact, if Scrope began his legal studies in 1299, he could just have completed sixteen years by 1315.

when the common pleas were at York. Of these all but one were to become justices later. From a cursory count of the "narratores" mentioned in the De Banco Rolls of 1303 and 1304, we can show that there were not less than twenty-five at work in the court. This gives some measure of the experience which the young apprentice might be able to gain. We cannot be certain that the enclosure jocularly known as the "crib" had been assigned to the apprentices at the time when Scrope first joined their ranks.⁽¹⁾ In any case the arrangements in vogue in Westminster Hall may not have been adhered to in the new setting of the porch of York Minster where the court sat for at least part of the time.⁽²⁾ It is of some importance, however, that we should say something of the state of the legal profession at the time when Scrope entered it.

Amongst all the confusion which envelops the early stages of the growth of professional pleaders and attorneys one thing is obvious, that nomenclature even as late as the close of the reign of Edward II was very loose.⁽³⁾ Fleta, it is true, has a neat quadripartite division: "in curia regis sunt servientes, narratores, attornati, et apprenticii".⁽⁴⁾

(1) The petition of the apprentices discovered by Mr. G.J. Turner, (Y.B.S.S. 3 & 4 Ed.II, Vol.22, pp.xli-ii) proves merely that the crib was in existence at a date not earlier than 1309. There is no evidence either way about its previous existence.

(2) De Banco R. 149 m. 397. The same membrane also refers to pleas at York Guildhall.

(3) The considerable literature on the subject is very inconclusive. See especially Plucknett, pp.193 seq.; Cohen, History of the English Bar, pp.277 seq.; Sayles, K.B. I, p.xci.

(4) Fleta, II, c.37.

Sayles, however, has pointed out the anomalies which abound: the use of hybrid forms such as "serjeant-pleader" and "serjeant-conteur"; the fact that even in 1321 the same man in the same eyre could be called serjeant and attorney (that Scrope was the man in question is a fact of especial interest to us); and the apparent indifference of those who drafted statutes to the divisions which seem so rigid in Fleta. ⁽¹⁾ It would be idle, in these circumstances, to attempt to define the 'cursus honorum' through which a potential serjeant and justice had to pass when Scrope began his career. Nowadays a man who aims at the bench would not start his career as a solicitor, but the evidence does not enable us to exclude ⁽²⁾ the possibility that Scrope could have practised as an attorney. It is equally possible that he may have performed the work of an attorney while he was an apprentice, for the famous writ ⁽³⁾ of 1292 provides for a common education for both professions. We are involved in even greater difficulties when we try to discover the distinction between the serjeant at law and the ordinary "narrator". In the later middle ages, the former had exclusive right of audience in the common pleas, and ⁽⁴⁾ were thus clearly marked off from other pleaders. In Scrope's day we cannot assert any such rule. A further

(1) Sayles, K.B. I, pp.cv-cvi.

(2) Ibid. cvi; cf. Plucknett, p.196.

(3) Plucknett, pp.195-6.

(4) Ibid., p.200.

difficulty arises over the distinction between king's serjeants and other serjeants. It has been argued that originally all serjeants were the king's, but it would seem that by 1321, at the latest, the king's serjeants formed only part of the total number; otherwise the complaint made in that year, that the king was retaining "the élite of the serjeants"⁽¹⁾ would seem pointless. We know the names of the king's serjeants from the Liberate Rolls in which their salaries are recorded; but we have no enrolments of their writs of appointment⁽²⁾ during the early years of the fourteenth century. When we try to determine the names of the serjeants who were not the king's, we have not even the Liberate Rolls to help us. The case of William de Herle may be taken to illustrate the difficulty.⁽³⁾ His salary as a king's serjeant was paid from 1315 onwards,⁽⁴⁾ and by chance an undated writ of appointment has also survived.⁽⁵⁾ Since some salaries were much in arrears at this period, we

(1) See E.H.R. LXIII, p.20, last paragraph: "les ditz maueys conseillers abbettent nostre Seignur le Rey deretenir le eslite des sergaunz par quey ceux qe vnt apleder al Rey ne poeient auer couenable conseil". The Latin version given by the canon of Bridlington is not quite so explicit, but the French text is the original, and in any case the canon may not have clearly understood these subtle distinctions (Chron. Ed. I and II, II, p.64).

(2) The writs were enrolled by the early years of Edward III; e.g. Cal. Close R. 1330-33, p.78. For the earliest writ (appointing Herle a serjeant) see below, page 4.

(3) Appendix A, No.I. Dugdale wrongly dates this writ 1316 (Chronica Series, p.37).

(4) Coke, Preface to 10th Report (unpaginated). The date 1310 which is sometimes given, depends on Coke's memory.

(5) See Y.B.S.S. 8 Ed. II (Vol.37), p.xiv.

cannot say more than this, that his appointment as king's serjeant was not later than 1315. It is quite uncertain whether he passed through an intermediate stage as serjeant, before his appointment as king's serjeant. The same is true of Scrope. His first stipend as king's serjeant was paid at the same time as Herle's; the difficulties are identical. We cannot dwell on these obscure points at greater length; yet in spite of them all, it is clear enough that the very indefiniteness of the distinctions of function in the contemporary legal world made it easy for an able man to rise quickly in his profession. If the world in which Scrope found himself was "amazingly clever" as Professor Plucknett has said, ⁽¹⁾ it was also, as yet, very open to talent, and unhampered by the existence of a recognized ladder of seniority. We need feel no surprise that, in such circumstances, he was able to rise from insignificance to a leading position at the bar within about ten years.

(1) Plucknett, p.199.

(Note on the sequence of the De Banco rolls from Michaelmas 27/28 Edward I to Michaelmas 34/35 Edward I; vide p.46 ante.)

The fact that the regnal years of Edward I began during Michaelmas term, has caused errors in the dating of certain of the De Banco rolls of that term, through an apparent misapprehension of the system which the clerks used. For example, De Banco roll 149 is headed "anno xxxij^o" and the official List of Plea Rolls (p.35) assigns it to Michaelmas term of the 32nd year beginning in November 1303. Its true date is a year later, the regnal year given on the roll being the year which ends in the term in question. The matter seems to be put beyond doubt by the reference on m 397 to pleas held on the eve of S. Katharine in the 33rd year i.e. 24 November 1304. This explains a number of anomalies in the official list, such as the apparent gap of a whole year between rolls 130 and 131 (p.34). The following is the corrected sequence during the period of disturbance; it seems that the rolls before no.130 are correctly numbered. I am grateful to Mr. R.E. Latham of the P.R.O. for working out the details of the necessary rearrangement:

<u>Present number</u>	<u>Year</u>
130	Mich. 27/28 Ed.I.
132	Hil. 28
133	Easter do.
134	Trin. 28 Ed.I.
131	Mich. 28/29
136	Hil. 29
137	do. (Rex)
138	Easter 29
139	Trin. 29
135	Mich. 29/30
140	do. (Rex)
141	Hil. 30
142	Easter 30
143	Trin. 30
144	Mich. 30/31
146	Hil. 31
147	Easter 31
148	Trin. 31
145	Mich. 31/32

Present numberYear

150
151
152
149

Hil. 32
Easter 32
Trin. 32
Mich. 32/33

154
155
156
153

Hil. 33
Easter 33
Trin. 33
Mich. 33/34

158
159
160
161

Hil. 34
Easter 34
Trin. 34
Mich. 34/35)

(111)

If we are right in our conjecture that Scrope began his legal studies at York at the close of the thirteenth century, we must assume that when the common pleas returned to Westminster for Hilary term 1305,⁽¹⁾ he also travelled south. We have found no confirmatory evidence, such as the acquisition of land or houses in London at this period, but it is probable that at this stage he was not wealthy enough to indulge in such luxuries. We look in vain in the Year Books and the plea rolls for any certain allusion to his name before his appearance as a pleader in 1310.⁽²⁾ When he does make his début, he is already a master of the law, and, if we are to judge from the number of cases in which he is engaged, a practitioner of established reputation. The reason for the lateness of his first appearance is, we may suggest, the natural tendency of the reporters to neglect the speeches of juniors, but it is certainly puzzling that his name does not occur earlier among the recipients of chirographs of fines in the plea rolls.⁽³⁾ It is just possible that, for a time, he

(1) On the date see above, p. 44 and note 3

(2) Y.B.S.S. 2 and 3 Ed.II, (Vol.19) p.167, and elsewhere. Earlier references in 1309 (ibid. p.73, & Y.B.S.S. 1 and 2 Ed.II, (Vol.17) p.121,) are not free from doubt; p.xciv of the latter volume shows that the plea rolls of 1 and 2 Ed.II have no references to Scrope.

(3) Sayles, K.B. I, p.cv.

practised in the king's bench, where he would attract little
 (1)
 attention from the reporters.

There seems to be no evidence that he gained much
 from the presence of his brother on the bench. Cases are on
 record where the two Scropes shared in the argument, (2)
 but there is no obvious sign of those friendly hints which Professor
 Sayles has mentioned as a possible means of unofficial
 (3)
 assistance given by the bench to the bar. We do, however,
 find Geoffrey, in the earliest reports, trying to show chief
 justice Bereford how clever he was, and receiving, more than
 once, the answer appropriate to such temerity. The following
 is an example:

SCROPE. To this writ you ought not to be answered, for at
 the beginning it makes us 'conspirators' and in the final
 clause 'procurers'. Judgment of the variance.

BEREFORD C.J. These seven years I never was put to study a
 writ so much as this; but there is nothing in what you
 say . . . You challenge this writ because of the words
 'they procured', and that is a point in his action, for
 the which he hopes to gain damages against you, and if
 that word were not in the writ, it seems to me that his
 writ would not warrant his count. So say something else.

SCROPE. We will imparl.

(4)

BEREFORD. Go then, and imparl until tomorrow.

After this rebuff Scrope seems to have thought better

(1) Ibid. pp.cv, cvii, and Y.B.S.S. 1309-11 (Vol.22),
 pp.xxii-iii.

(2) e.g. Y.B.S.S. 5 Ed.II (Vol.33), p.133.

(3) Sayles, K.B.I, p.lxxvii.

(4) Y.B.S.S., 1309-10, (Vol.20), pp.195 et seq.

of his argument, for on the next day the defence was not continued. Yet in this, and similar exchanges with the greatest lawyer of his day, Scrope had nothing to lose and a good deal to gain. The audience in Westminster Hall would be more impressed by a daring man who tried too much, than by a cautious one who never tried at all.

In the period when we first find definite proof of his presence in the courts, Geoffrey was also establishing his position in his native county. He married, certainly not later than 1311, ⁽¹⁾ Ivetta, ⁽²⁾ the daughter of a fellow Yorkshireman, William de Roos of Ingmanthorpe and Deighton, ⁽³⁾ and of Eustachia, daughter of Ralph FitzHugh. The marriage did not bring him much in the way of land, but at a later date he gained something from the financial embarrassment of his brother-in-law. ⁽⁴⁾ His eldest son, Henry, was born in,

(1) Inquisitions Post Mortem, Edward II, 27(4). This document, dated 4 Nov. 1311 is badly defaced, but the name of the lady seems to be 'Juliana'. It is more likely that this is an error for Ivetta, than that Scrope was twice married so early. The marriage also seems to be implied in Westminster Muniments No.1974 (1312).

(2) Sometimes written 'Juetta', but the word can be correctly transliterated either way. Cf. F.M. Stenton (Northants Record Society, Vol.IV (1930), p.45), arguing that the name is a feminine diminutive of 'Ivo'; and Charles Johnson, (Antiquaries Journal, Vol.XI, (1931), pp.179-80), arguing that it is a form identical with the surname 'Jowett'. The weight of opinion seems to be evenly divided.

(3) See W.T. Lancaster: Early History of the Ripley and Inglesby Family (Leeds, 1918); and cf. the pedigree on p.35A: above.

(4) Infra. p.252: and cf. Lancaster, op.cit.

or soon after, 1312;⁽¹⁾ and in the same year he acquired a
 a large interest in Clifton-upon-Ure (Wensleydale)⁽²⁾ where he
 built ere long a fortified house;⁽³⁾ Clifton was destined to be
 the seat of the Scropes of Masham until the sixteenth century.
 In 1312 we also find the first evidence of his employment in
 the royal service; on 20th February he attested a writ.⁽⁴⁾ The
 date is one which tempts us to conjecture that he was a member
 of the court party during the struggle for the ordinances.
 We shall see later that he was disliked (to put it no more
 strongly) by Roger Mortimer of Wigmore⁽⁵⁾ for his position
 under the Despenser régime. What then are we to think when
 we find him attesting a royal writ at the very time when
 Edward II and Gaveston (the latter illegally recalled from
 exile) had taken the Great Seal to York and set up there a
 government in opposition to that of the Ordainers?⁽⁶⁾ The
 conjecture is made more reasonable by the fact that during
 the next few years, when the "constitutional" party had resumed
 control, there is no further trace of Scrope's name in any
 administrative documents. It would seem possible (though the

(1) Henry was 28 years old in 1340 (Cal. I.P.M. VIII, pp.206-7.)
 We are not unmindful of the dubious value of this kind
 of evidence; cf. the remarks of C.O. Crump in Bulletin of
the John Rylands Library, VIII, pp.141-2.

(2) Y.A.S. Vol.LXXXIII, p.94.

(3) Westminster Muniments, No.1376.

(4) Cal. Anc. Deeds, Vol.V, No.10844.

(5) Infra, p.91.

(6) Tout, Edward II, p.88; Chapters, II, pp.199-200.

evidence is very scanty), that his advancement at court, which was only just beginning in 1312, was temporarily brought to an end by the eclipse of the royal favourites.

This check, if such it was, to his political career did not in the least injure his professional position. The Year Books bear witness to his regular appearance in court, term by term, and he gained experience of a general eyre in 1313-14;⁽¹⁾ the first of the three in which he was destined to take part before his retirement. When he became a king's serjeant, not later than 1315,⁽²⁾ he was in no way cut off from his private

(1) Y.B.S.S. Vol.29, pp.48, 131.

(2) See above, p. 51, ~~note~~——. We may add here that the payment in Nov. 1315 was, as usual, for the two preceding terms; so his appointment must be not later than Easter term, 1315. This particular writ of Liberate is the first payment to a king's serjeant recorded in the rolls since the time of Edward I. One cannot be certain that all the four serjeants (Horle, Scrope, Toutheby, and Stonor) were appointed at the same time. In any case the simultaneous existence of four king's serjeants does not seem to be previously recorded in the Liberate rolls. It is interesting to recall here the complaint of 1321 about the excessive number of king's serjeants (ante, p. 50). Some caution is necessary, however, in assuming from the evidence of the Liberate rolls that there had been a sudden increase in their numbers. Taken literally, the absence of any stipends between Liberate 82, m. 2 (1306) and Liberate 92, m. 3 (1315), would imply a most unlikely break in the series of king's serjeants. Presumably payments had been made in other ways (cf. Sayles, K.B. I, p.cxiii, n.8); and if so, we cannot argue that the writ of 1315 is evidence of a sudden change.

practice; indeed the prestige of this office may have brought him more business than he had before.⁽¹⁾ But at the same time the scope of his work was now extended to include the legal activities of the council and of parliament. Now he contrived to maintain his former connections in spite of these fresh calls upon his time is a problem which we cannot discuss here. A glance at the itinerary, which begins in 1319, in Appendix C will show how difficult it is. But for the historian this change of habit is a blessing. It brings Scrope at once into the orbit of the Public Records and saves us henceforward from having to resort so frequently to conjecture. From 1315 onwards we are never at a loss for any considerable period, to know what he was doing.

We shall now consider Scrope's activities as a serjeant between 1315 and his promotion to the bench in 1323. He must have inaugurated his new status by taking an oath at the exchequer;⁽²⁾ but whether the gorgeous ceremonies which accompanied the creation of a new serjeant in later centuries were⁽³⁾ usual in the early fourteenth we cannot tell. His first official duties were probably undertaken before the Council at Lincoln in September 1315, where he seems to have argued the

(1) The abbot of Westminster was willing to retain the services of all four king's serjeants at a fee of £1 each per annum (Westminster Muniments 29374, 39399, 29400, 29403). Scrope was one of them (Appendix A, No. II).

(2) Sayles, K.B.I., p. clii.

(3) Pulling, op.cit., p. 226 sq.; Holdsworth, History of English Law, II, pp. 487-9.

king's case in a discussion about the disposal of the estates of the Earl of Gloucester, whose death at Bannockburn in the previous year had left the title in abeyance between his three sisters.⁽¹⁾

In February of the next year he continued the argument in the Parliament of Lincoln.⁽²⁾ Such a problem was,

indeed, very similar to any of a hundred cases between two subjects which he had argued in the courts; but his new duties speedily involved him in criminal cases where he "sued for the king". In the same parliament, for example, he led the prosecution of Hugh Despenser and William de Roos for their breach of the peace earlier during the same session;⁽³⁾

and in April 1316 he appeared before the council to prosecute the rebellious citizens of Bristol.⁽⁴⁾ His speeches on those

occasions, as recorded in the Parliament roll, are less impressive, perhaps, than the reports of earlier years. This is a natural consequence of the change from French to Latin.

No doubt he used French before the council, but the records which survive are a translation into the more formal language and probably a condensed version at that. Nevertheless they already anticipate the aggressive manner of the 'orator regis'

(1) Scrope's appearance at the council is a very probable inference from the comparison of Rot.Parl. I, p.353 with Cal. I.P.M., Vol.V, p.353.

(2) Rot.Parl.I, p.354. These frequent appearances in a new role in 1315-16 certainly suggest that his appointment as a serjeant was of recent date.

(3) Op.cit., p.352.

(4) Op.cit. p.359.

who was to go into action on the king's behalf at the Tower
 of London five years later.⁽¹⁾

Serjeants, as a class, were already important enough to be members of the council, as well as to appear before it in a professional capacity. With his fellow serjeants, Scrope attended a meeting at Nottingham in July 1317 to confer with the Cardinals Jocelin and Luke on matters affecting England,
 Wales, Scotland, Ireland and Gascony.⁽²⁾ At meetings of this sort he would gain acquaintance with the problems of foreign policy to which so much of his later life was to be devoted. It was also becoming a common, if not invariable, habit to summon serjeants to sessions of parliament. Scrope can rarely, in fact, have been absent from a parliament between 1318 and his death, except when he was abroad, or prevented by other
 urgent business at home.⁽³⁾

In 1318 he acquired for the first time, as far as we know, an estate near London large enough to be an appropriate seat for one of the leaders of the bar and a member of the
 council.⁽⁴⁾ This was the manor of Eltham Mandeville in Kent. Originally it had belonged to William de Vesci, Earl of Kildare. On his death, at Bannockburn, the next heir was Gilbert de Aton,

(1) *Infra*, p. 73

(2) *Foedera*, II, 1, p.335.

(3) First summons on 25 August 1318 (*L.R.III*, p.289). Regular writs of summons to serjeants, as a class, begin in 10 Edward III (*L.R. IV*, p.463).

(4) *Cal.Pat.Rolls*, 1317-21, p.159.

the representative of the younger branch of the Vesci family, but there were complications in his title and he had to fight for his inheritance.⁽¹⁾ Scrope seems to have been a professional adviser to Aton, or at any rate to have given him friendly assistance.⁽²⁾ It seems just possible that Aton gave Eltham Mandeville to Scrope as payment for his services, or that he conveyed his rights to him as a lawyer who could put up a better fight for possession than he could himself.⁽³⁾ At all events we have excellent evidence, in the shape of a collection of original accounts and court rolls now in Westminster Abbey Muniment Room,⁽⁴⁾ that Scrope obtained possession immediately. As a country estate not too far from Westminster it would have suited him excellently, though we have no actual proof that he resided there at any time.

London, however, cannot have seen as much of Scrope in the two years after 1318 as did his older home at Clifton⁽⁵⁾

(1) Infra, p. 249

(2) Scrope travelled north to Malton Priory on his behalf in the summer of 1320 (Cal. Pat. Rolls, 1317-21, p. 445).

(3) For an analogy, cf. Scrope's acceptance of Garriston in 1330 (Rot. Parl. II, p. 39, and infra p. 260).

(4) Westminster Muniments Nos. 27846-62. No. 27851 is a bailiff's account beginning on 2 August 1318. Unfortunately the accounts, like all such documents, give no indication of the financial value of the estate to the owner. They are concerned only with the state of account between the owner and the bailiff. cf. the remarks of J. S. Drew in E.H.R. LXII, p. 25.

(5) He had houses also in York City from 1317 onwards: cf. Y.A.S. Vol. LXXXIII, p. 188 seq., and infra pp. 109, 245, n. 3.

on Ure. In April 1318 he was made legal adviser to Roger of Amory in his capacity as keeper of the person of Prince Edward. (1) This involved a visit of inspection to the Prince's estates in Chester and Flint. (2) Soon afterwards he must have gone north to attend the York parliament of October 1318. (3) For the next two years the court was almost continuously at York (4) and as a natural consequence parliament met there as well. For the first three terms of 1319 the common pleas stayed behind in Westminster (5) but in Michaelmas term they, too, went north to York. If we are to trust the Year Book chronology Scrope went back to Westminster for Hilary and Easter terms 1319, (6) but, apart from this, it would seem that he spent most of the period between the middle of 1318 and the beginning of 1320 in his native county. It was, for him, a period of increasing labour in the royal service. He served on special commissions of oyer and terminor, (7) on commissions of survey - one such took him to

(1) Cal.Chanc.Warr, p.485.

(2) Cal.Pat.Rolls, 1317-21, p.134.

(3) L.R. III, p.289.

(4) Tout, Political History of England 1216-1377, p.275.

(5) R.B. Pugh, loc.cit.

(6) Y.B.12 Edward II, Hilary, pp.369, 371; Easter, p.376. There are references to him in other terms which seem impossible to accept literally. e.g. he was summoned to a parliament at York due to meet on 20 October 1318; yet he is recorded as being in court at Westminster during Michaelmas term 1318. Such cases as this make one very suspicious of Year Book evidence; vide ante, p. 21.

(7) e.g. Cal.Pat.Rolls, 1317-21, p.181.

(1)
 the verge of Wensleydale - as an auditor of petitions in
 parliament, (2) and in a number of similar tasks. During most
 of the period the Scots were a constant danger, a danger which
 had a personal interest to a Yorkshireman, even if his home
 was fortified against them as Clifton was. (3) Some private as
 well as public hopes must therefore have animated him when in
 November 1319 he was ordered to proceed to Berwick as one of
 a mission charged with the task of making a truce with the
 Scots. (4) Anxious as he must have been to make a success of
 his new appointment, he could hardly have known that he was
 entering a field to which his talents were so much suited that
 he would be valued as much for his diplomacy as for his skill
 in the law. We must defer until a later chapter our discussion
 of this new venture, and of the similar commissions which soon
 followed upon it. In 1320 his two fellow serjeants, William
 de Herle and John de Stonor became justices of the common pleas. (5)
 Since one, and possibly both of them, were older men, this cast
 no reflection on Scrope's abilities. He himself, a little later
 in the same year, was appointed for the first time to commissions

(1) Ibid., p.476.

(2) Cole, Documents, p.13.

(3) Westminster Muniments No.1376 (license to crenellate).
 Northallerton, not many miles removed from Clifton, was
 burned by the Scots in 1318, (Chron. Ed.I & II, II, p.55).
 The battle of Myton in September 1319 must also have been
 a severe shock.

(4) Appendix A, No.III. The actual commission is not preserved.

(5) Cal.Chanc.Warr., p.510.

(1)
of assize and of gaol delivery, a type of work of which he was destined to perform a good deal in the next four years.

The attempt to follow Scrope's career as an itinerant justice is made more difficult by the absence of any modern study of the organization of the system in his day. (2) The works of the classical writers are careless of anachronisms, and form most misleading guides. Yet it is worth our while, for the sake of comparison, to mention the nature of the fully developed system as we find it described, let us say, in Blackstone, or in the law dictionaries of the period before the sweeping changes of the nineteenth century. We find there a perfectly clear assertion (3) that the itinerant justices sat by virtue of five distinct commissions: of assize, oyer and terminer, nisi prius, gaol delivery, and the commission of the peace. The justices held all of these simultaneously. Their sessions took place twice a year, in the vacations before Easter and Michaelmas terms; and they worked in circuits (4) which had become well established. How much of all this was true when Scrope travelled down from Westminster as an itinerant justice? We can speak only of the evidence of the commissions and rolls which have come to our notice in searching for

(1) Patent Roll No.153 m 5d; Cal.Pat.Rolls, 1317-21, p.548.

(2) No doubt the forthcoming article in English Government at Work, Vol.III, will clear up many of the problems which we discuss here.

(3) Blackstone: Commentaries on the Laws of England, (ed.1857), IV, pp.315 seq.; cf. III, pp.65 seq.

(4) Apparently not mentioned by Blackstone, but see article on circuits referred to below.

Scrope's part in the administration of justice in the provinces. Yet some facts are certain. The same justices were not in Scrope's day, charged with all Blackstone's five commissions. In 1320 there were as yet no justices of the peace. The power of the keepers of the peace, as they were called, to determine cases as well as to hear them was not in existence before 1329,⁽¹⁾ and it was not finally settled upon them until 1368.⁽²⁾ Nor was it the invariable custom - perhaps it was not even the regular one - for the justices of assize to deliver gaols. The statute of 27 Edward I had ordered this,⁽³⁾ but it is evident, from the reassertion of the order in the statute of 2 Edward III,⁽³⁾ that it had not been regularly obeyed. What system there was in the issue of commissions to the justices can only be ascertained from the very numerous entries on the dorsets of the Patent Rolls, the majority of which are uncalendared. After an examination of the entries for the years in which Scrope was active, we can only say that the methods of the chancery are obscure. We find a small number of general commissions of assize, a very large number of special commissions of assize to deal with individual cases, and numerous special commissions of oyer and terminer and of gaol delivery, all issued without any apparent regard for the convenience of the

(1) Putnam, Transformation, passim.

(2) Statutes of the Realm, I, p.129.

(3) Ibid., p.258; and cf. Putnam, op.cit. p.20.

justices or for economy in administration.⁽¹⁾ Nor can we
 recognize a regular system of circuits, even in the general
 commissions. We may recall that the statute of 21 Edward I
 had specified four circuits,⁽²⁾ and that at a later date
 (which cannot be precisely stated) the number had been
 increased to six.⁽³⁾ Neither of those systems can be recognized
 in Scrope's day; possibly because of the disturbed state of the
 country in the later years of Edward II. For example, in
 July 1317 justices were appointed to take the assizes, in
 Worcester, Gloucester, Hereford, Shropshire and Stafford.⁽⁴⁾ In
 October, Warwick and Leicester were added.⁽⁵⁾ In December 1318,
 the "circuit" was changed to Nottingham, Derby, Warwick,
 Leicester, Shropshire and Stafford.⁽⁶⁾ Yet Scrope's first
 commission in December 1320 covered Nottingham, Derby, Lancashire,
 Yorkshire, Westmoreland, Cumberland and Northumberland.⁽⁷⁾ One
 custom can be seen in Scrope's day as it was in Blackstone's:
 the habit of holding assizes in the vacations, when the justices

(1) It may be estimated roughly that the dorse of the Patent Rolls in this period contains about 2000 commissions per year, special and general.

(2) Statutes of the Realm, I, p.112.

(3) Encyclopaedia of the Laws of England, III, s.v. "Circuits and assizes". The six circuits which existed up till 1876 are given in M.S. Giuseppe: Guide to the Public Records, I, p.240.

(4) Pat. Roll 148 m 31d.

(5) Ibid. m 21d.

(6) Pat. Roll 150 m 5d.

(7) Pat. Roll 153, m 5d.

and serjeants were free from duties in the central courts. Summer was the favourite vacation for this purpose, but there is evidence that the other vacations were also used.⁽¹⁾

As a rule, general commissions of assize were issued to three men, of whom two were a quorum. One of them was normally a regular justice in the central courts, and another a serjeant at law;⁽²⁾ but we also find other, non professional persons in the commission who seem to possess local connections in one of the counties of the group. The assize rolls do not make it clear whether it was common for one group of justices to be in simultaneous possession of several types of commission. But we may note the existence of one roll containing proceedings before Herle and Scrope in the capacity of justices of assize, and of oyer and terminer, in Lancaster in 1323.⁽³⁾

Space will not allow a full description of Scrope's work as an itinerant justice before his elevation to the common bench. We must refer to the itinerary in Appendix C for illustration of the extent of his duties in the provinces. We shall comment only on points of special interest. One such is the problem of how (if at all) he executed his first itinerant

(1) The statute of 4 Edward III specifies at least three times a year (Statutes of the Realm, I, pp.261-2). Cf. Appendix C, 1322 (December); 1323 (December); 1324 (April); 1321 (June). It is not clear how the prohibition of oaths in Advent was avoided (C.R.Cheney, Handbook of Dates, p.66).

(2) Two regular justices, of course, could serve. So Herle and Scrope in 1324 (A.R.161).

(3) A.R.425 - a roll of modern constitution, however.

commission. On 2 December he was appointed the junior member of a commission consisting of John of Doncaster (justice of the common pleas), Richard of Berningham (a Yorkshire neighbour of Scrope's and a regular justice of assize in the northern counties, but not apparently a professional lawyer) and himself. (1) The seven counties named in the commission have been listed above. Unfortunately no roll of the pleas has survived - not at any rate among the present "assize rolls". The fact that Scrope was paid as a justice of assize for "Easter in the fourteenth year" (i.e. for the half year before Easter 1321) makes it pretty certain, nevertheless, that the commission took effect. (2) If so, we have to place the sessions between 2 December 1320 and the meeting of the council at London, at which he was present, on 7 January 1321; (3) or else between his departure from the London eyre on 18 March 1321, and his appearance at Gloucester about three weeks later, apparently to spend Easter there with the court. (4) The former period, when we allow for the necessary adjournment for Christmas and Epiphany, seems too short; the latter all lies within Lent. (5)

(1) Supra, p. 67, note 7

(2) Liberate 98 m 4.

(3) L.R. III, p. 302.

(4) See below, p. 75

(5) Cal. Close Rolls, 1318-23, p. 366.

~~(6) cf. ante, p. note~~

We cannot, then, say with certainty that Scrope had experience of work on the bench when he received his appointment as serjeant in the London eyre; but is quite possible, and we should not be surprised if evidence were discovered to prove that he went north immediately after 2 December, returning to London early in the next year.

* * * * *

(iv)

"Item qe les ditz maueys cunseillers unt ordine justice en eyre en Loundres la ou eyre ne se deuoyt mie tenir si non en temps de bon pes et ceo par comun assent de parlement pur ceo qe la crie est tele qe checun qe claime fraunchises mettra son cleim le premier iour del Eyre ou il perdra ces fraunchyses ----- les queux il unt eu et use puis le conquest."

(from the
1321 articles put before the magnates at Sherburn in June,
1931; printed in E.H.R. LXIII, p.20).

The general eyre in London, in which Scrope was now to take a prominent part, was the first which had been held there since 1276.⁽¹⁾ Although the general eyre was a dying institution,⁽²⁾ destined to cease altogether in 1348, the interval of forty-five years from 1276 to 1321 was an unusually long one. The majority of the counties had experienced one of these unpleasant visitations more recently than 1276. Here was a fine

(1) Cam, Studies in the Hundred Rolls, pp.111, 113.

(2) Not, as often stated, in 1341. See Putnam, Proceedings, p.xlvi.

opportunity for Scrope to add to his reputation. As Miss Cam⁽¹⁾ has observed, ~~the~~^{an} eyre offered remarkable scope for a young lawyer, if he were acting on the king's behalf. There was scarcely any limit to the issues which might be raised in pleas of Quo Warranto, even after the statute of 1290 had settled the limit of ~~living~~^{legal} memory. After so long a lapse of time as had occurred in the present case, the situation was more than ever in favour of an enterprising serjeant, and disadvantageous to those who were defending their liberties. Few of the Londoners who were summoned to the Tower in January 1321 could have any recollection of what an eyre was like, or any clear idea of the nature of the attack which was to be expected.

Ignorant as they might be of the details of the customary procedure, the citizens realized well enough that the eyre was not a thing to be taken lightly. Preparations were made at once to meet the expected attack on the rights and liberties of the city. Documents surviving from former eyres were con-⁽²⁾sulted, and legal advisers retained regardless of expense.⁽³⁾ Although no writ is extant appointing Scrope as king's serjeant⁽⁴⁾ in the eyre, we may presume that he received sufficient warning to enable him to prepare his case; possibly he was

(1) Cam: The Hundred and the Hundred Rolls, p.237.

(2) Mun. Gild, II, 1, p.287.

(3) "De bono consilio oratorum se munierunt, non parcentes expensis" (op.cit. p.238).

(4) For such a writ in 1329, cf. Cal.Close R. 1327-30, p.493.

(1)
 given instructions in November 1320. Since Herle and Stonor were now justices, he was the senior king's serjeant. Toutheby, it may be noted, in spite of his being apparently an older man, was Scrope's assistant as King's Serjeant in the eyre.

For a number of eyres we have two sources, the rolls and the reports. In this case, the matter is complicated by the existence of a third, an independent report, in Latin, written probably by Andrew Horn, the city chamberlain. A full examination and critical edition of the reports, including a detailed comparison with the plea rolls, is greatly to be desired. For the biographer of Scrope the plea rolls are of little interest. (2)
 (3) The Latin report, on the other hand, is the most interesting record which we possess of his activities as a lawyer. Its exclusive concern with the rights and liberties of the citizens, however, gives a one-sided impression, which has to be corrected by reference to the French reports. The former describes Scrope only as a king's serjeant; the

(1) The eyre was proclaimed on 20th Nov. 1320 (Mun. Gild. p.287).

(2) The materials for the history of the eyre include the following: (a) Printed: (i) Mun.Gild.II, i, pp.285-432 (ii) Weinbaum, op.cit. Vol.II, pp.113-127 (iii) R.V.Rogers, The Eyre of London, 14 Edward II, (1941) (iv) Placita de Quo Warranto, pp.445-474. (b) Unprinted: British Museum MSS Additional 38131 (of little value), Harley 453 and 1062, Egerton 2811, Royal 10 B VIII; Lincolns Inn Hale 145 and 141; Hale Rogers LR 106. (The printed text of R.V. Rogers uses only the last of these, a poor MS); A.R. 546, 547 A.

(3) He is occasionally mentioned in his capacity as serjeant, but the only entry of real interest is the enrolment of a charter and an indenture granting him the manor of Aynderby Steeple (A.R.546, m 61).

latter make it clear that he undertook private business as
 (1) well. In the brief description that follows we shall attempt
 to use a few episodes of the eyre as an illustration - the
 best that can be found - of Scrope's work during the height
 of his career at the bar.

On 14th January 1321 the justices, Hervey de Stanton,
 William de Herle, Walter de Friskene⁽²⁾y, and John de Motford
 took their seats in the White Tower. Thereupon William Denham
 (acting on behalf of the citizens) rose to make a request.
 Stanton crushed the unfortunate petitioner by pointing out
 that until the royal commission had been read the pleaders
 could not officially know who the justices were, and could not
 (3) therefore petition them. The commission was accordingly
 read, and thereupon the unhappy Denham arose to make his plea
 that the citizens might receive a safe conduct before they
 came into court. The plea was disallowed. This was Scrope's
 cue. He rose to ask why the sheriffs of London were not yet
 present in court. They were, in fact, outside the Tower
 awaiting the result of Denham's plea for safe conduct; but
 Scrope urged that as a punishment for their non-appearance the

(1) e.g. B.M. MS. Harley 453 f.20v, where he argues for a private client.

(2) When the pleas of the crown began, on the 18th day, the justices divided in two benches, in different chambers. (Mun.Gild. II, 1, p.369).

(3) A rendering of this passage has been given, from MS. Harley 1062, by Mr. H.G. Richardson in T.R. Hist. S., V, pp.50-51, with the comment that it shows Year Book reporting at its best.

(1)

liberties of the City should be taken in the king's hands. The matter does not seem to have been pressed; and there followed the formal business of swearing in, the suspension of all other courts in the City during the eyre, and the handing in of their rolls by coroners, sheriffs, and justices of gaol delivery. On the fourth day Scrope returned to the fray. In reply to the writ of Quo Warranto the mayor and citizens presented a written statement of their claims, defending some by royal charters, others by much less impressive evidence. Scrope at once objected that all liberties had to be claimed in writing on the first day of the eyre; that this late submission of the case was a contempt; and that the liberties of the City were therefore forfeit.⁽²⁾ His attack was not successful; but without hesitation he proceeded to an assault on the court of hustings, and especially its methods in the promulgation of outlawry, which, he claimed, were objectionable on many grounds.⁽³⁾ Here he won a more attentive hearing, for the matter was referred to the king and council. Encouraged by the success of his very eloquent speech he soon resumed the attack. A demand that records be brought from Guildhall to the eyre was met, by the mayor and aldermen, with the assertion of a privilege exempting them from such transfer of records. Scrope

(1) Mun. Gild. II, 1, p.289. This version does not include the preceding speeches.

(2) Ibid. pp.307-9.

(3) Mun.Gild., II, 1, pp.336-8; and cf. P & M, II, pp.580-1.

replied that since no courts could meet in the City during the eyre it was essential that pleas be continued in the eyre; and for this purpose the records must be transferred, if there was not to be a grave delay of justice.⁽¹⁾ Before the citizens propounded their reply to this argument, Scrope had temporarily left the eyre:⁽²⁾ it had then lasted for nine weeks in tribulatione et angustia.⁽³⁾ During part of the Easter vacation, which lasted from the second day after Scrope's departure (18th March) until 4th May, he seems to have been in the West of England with the court. Possibly he attended the council at Gloucester on 5th April;⁽⁴⁾ he was certainly present there for the delivery of the great seal to Roger of Northburgh on the 16th.⁽⁵⁾ His name also begins to figure not long after this in the 'notes of warranty' in the chancery rolls.⁽⁶⁾ Obviously he was, by this time, well established at court;⁽⁷⁾ but whether this is merely a testimony to his administrative abilities, or

(1) Mun.Gild. p.375.

(2) Ibid. The reply was received by Scrope's deputy, John Denham, a brother of the 'narrator' who had appeared for the citizens (supra, p. 73).

(3) Ibid., pp.381-2.

(4) Cal.Close Rolls, 1318-23, p.364.

(5) Cal.Close Rolls, 1318-23, p.366.

(6) e.g. ibid., p.434; Cal.Pat.Rolls, 1321-24, pp.89, 90.
Cf. Maxwell Lyte: Historical Notes on the use of the Great Seal of England, pp.141 seq.

(7) It is worth noting that he received the gift of a valuable marriage during the eyre, that of Eustachia, daughter of Henry Percy, first Baron of Alnwick. (Cal.Pat.Rolls, 1317-21, p.568).

or whether we can read into it a proof of his active sympathy with the new group of favourites who were to gain complete control of the government in the next year, is a question on which we have too little evidence to pronounce.

(1)
On May 4th 1321 the eyre reassembled. Its tone was (2)
rather less aggressive than it had been before the recess.
The troubles in South Wales, of which Scrope for one must have (3)
seen a good deal while he was at Gloucester, may have sobered
the minds of justices and king's serjeants alike. Now that
they feared the justices less, the citizens took to quarrels (4)
among themselves. Scrope seized this opportunity to embarrass (5)
them, but after the short Whitsun recess he appeared only (6)
once more, and by then the end of the eyre was in sight. (7)
The next time that he took part in an eyre, Scrope was chief justice
of the king's bench and, in all probability, the planner and (8)
deviser of the proceedings. If Scrope's general eyres of 1329

(1) Mun.Gild., p.383.

(2) Ibid., pp.383-4. "Quasi leones ante pascham, nunc quasi agni facti sunt".

(3) Tout, Political History of England, p.281.

(4) The citizens had patched up their quarrels in panic at the start of the eyre, vide Mun.Gild., p.288.

(5) Ibid., p.401.

(6) Ibid., p.421.

(7) R.V.Rogers, op.cit., p.6, makes the statement that the eyre lasted for thirty-three weeks and three days. This is an error; its duration was twenty-four weeks, four days. (Mun.Gild., p.403).

(8) Infra, p. 151

were an attempt to breathe new life into a dying institution, we may well imagine that his earlier experience in the Tower, did something to convince him of its possibilities. Likewise his own brilliant performance, unreal though his rhetoric seems to modern eyes, was, we may conjecture, not without effect on his prospects of promotion to the bench.

During the eight months which elapsed between the end of the London eyre and the complete victory of the court party over the opposition in the spring of 1322, we have all too little evidence on the one point which most interests us: the place of Scrcpe, if a place he had, in the 'court party'. He was very busy as a justice of assize, especially in his native county.⁽¹⁾ During term he continued his activities in the common pleas.⁽²⁾ But this was routine professional work with no bearing on politics. The real problem is the significance of the reference to him as the king's 'yeoman' ('valettus')⁽³⁾ in August 1321, and of his close connection with the movements⁽⁴⁾ of the court between April and June of the same year. Was he a "favourite", a political supporter of the Despensers; or was he simply a useful civil servant? Without venturing a conclusion at the moment on so little evidence let us pursue the problem into the crucial period of the battle of

(1) Appendix C, sub anno, 1321.

(2) Ibid.

(3) Cal.Charter R., 1317-21, p.434.

(4) He was "with the king in diverse parts of England" between April and June. (Archaeologia, Vol.XXVI, p.345. - Wardrobe Account).

Boroughbridge in March 1322. On 13th March Scrope, acting with the Constable and the Marshal, sentenced Roger of Amory at Tutbury for treason.⁽¹⁾ The constitution of the court shows that it was a court-martial, and indeed the affair was but one incident in the king's victorious campaign which culminated at Boroughbridge. A little investigation of the chronology of events reveals the fact that Scrope must have accompanied the royal army on its journey north. He was at Westminster for Hilary term, which must have ended early in February 1322.⁽²⁾

(1) P.Writs, Vol.II, Div.ii, pt.2, p.261. There is no trace of a commission to the court. The record of proceedings was kept by the Marshal and later enrolled on the Coram Rege roll by the royal command. There was no "trial"; the procedure was a condemnation by record of the king; cf. infra p. 84. The history of courts martial in England is not very clear. It cannot apparently be traced back further than 1296 (Bain, Vol.II, pp.189 seq.) The composition of such courts before the present case does not seem to be recorded. Thus we cannot say whether the employment of a professional lawyer with the constable and marshal was exceptional. In 1379 a protest was made in parliament against the use of military courts in cases of treason. (Rot.Parl. III, p.65). If legal considerations weighed at all in the present case, it is possible that the trial of a magnate before a military court for treason was made a little less startling by the addition of a distinguished lawyer to the tribunal. It is, of course, the usual modern practice to employ a professional lawyer as judge advocate in courts martial dealing with serious offences. On the whole matter vide Vernon Harcourt: His Grace the Steward, p.362 seq.

(2) Appendix C, sub anno, 1322.

The king and his army reached Tutbury on or after 10th March,⁽¹⁾
 and moved on with a very brief delay.⁽²⁾ It is most unlikely
 that Scrope was specially summoned from London to assist the
 constable and marshal; for only three days at the most elapsed
 between the capture of Amory at Tutbury and the sentence of
 the court. If, as it seems, Scrope served with the royal army
 as far as Tutbury, did he remain with it until the victory of
 Boroughbridge? Such a conjecture is made very probable by⁽³⁾
 his appearance in April 1322 as a justice of assize at York,
 and by the fact that in late March and early April of the same
 year his name appears among the 'notes of warranty' in the
 chancery rolls.⁽⁴⁾

We can, therefore, conjecture with some reason that
 Scrope was present with the royal army throughout the campaign
 of 1322, and that he was closely connected with the government
 in the earliest period of the triumph of the Despensers.
 Strictly speaking this proves nothing more than that he was an

(1) Flores Historiarum, III, p.346.

(2) The battle of Boroughbridge took place on 16th March. The distance from Tutbury could hardly be covered in less than three or four days. It is to be noted that Amory died of wounds three days after his capture on 10th March. Thus it is possible that he was dead even before the sentence was passed; at all events he cannot have survived it long (Chron. Ed. I & II, II, p.268).

(3) Appendix C sub anno 1322. It is difficult, however, to account for his appearance in the common pleas at Westminster in Easter term (loc.cit.), except as an instance of the unreliable chronology of the Year books.

(4) Supra, p. 75 n.6.

efficient and reliable servant of the crown; but by any less rigorous standard of proof we may consider it likely that he enjoyed the confidence of the new regime in a more intimate sense; if he was not a 'favourite', he seems at least to have been a close friend of the favourites.

With victory complete, the government set itself to re-establish order in the north. First, it had to dispose of the distinguished prisoners taken in the recent fighting. Scrope was appointed, with the two chief justices and the chancellor, to deliver the gaol at York, which accommodated a large number of them. ⁽¹⁾ We must not, of course, vouch this as proof that Scrope was an ardent sympathiser with the revolution. It was common enough for justices, in this age of frequent revolutions, to serve as agents of one party against another without there being any clear proof of their personal sympathies. John of Stonor, whose connection with politics is singularly remote, was employed in 1330 to punish the adherents of the Earl of Kent; ⁽²⁾ Robert of Mablethorpe sentenced Earl Thomas in 1322, because he had to obey the royal commands and not (if we believe his own statement) because he sympathised with the Earl's enemies. ⁽³⁾ To take another example, Walter of Friskenev ⁽⁴⁾ sentenced the Mortimers in 1323, but the act seems

(1) Cal. Fine Rolls, 1319-27, pp.152 seq.

(2) Cal. Pat. R. 1327-30, p.556.

(3) Foodera, II, ii, p.696.

(4) Cal. Pat. R. 1321-24, p.249.

to have been regarded (even by the victims) as one of a purely professional character, for he was appointed to the king's bench in the first month of the reign of Edward III, when Mortimer was all-powerful.⁽¹⁾

Cautious as we must be in the matter, we cannot fail to note the fact that Scrope succeeded in acquiring later, for his own pocket, the whole of a fine of two thousand marks which he and his colleagues had imposed on one of the prisoners at York, Richard le Waleys.⁽²⁾ This can hardly be explained as a tribute from the crown to the efficiency of a dispassionate lawyer; there is an unmistakable suggestion of a reward for services of a less disinterested type. Two thousand marks was equal to more than thirty years' salary for a chief justice of either bench. It may be a mere accident that the recipient of the fine was one of the justices who had exacted it; but it is a common rule in revolutions for the friends of the victors

(1) Cal.Close R. 1327-30, p.15.

(2) Cal.Fine R. 1319-27, p.152 ; Cal.Pat.R. 1321-24, p.395. It is worth noting that the fine was actually made over to Scrope on the day before his appointment as chief justice of the king's bench. It may well have been a coincidence, but if so it is a remarkable one. The fine was secured to Scrope on the strength of Richard le Waleys's estates of Burgh Wallis and Newton le Willows (Yorks W.R.). On the reversal of Richard's sentence under Edward III the estates were returned to him. (Cal.Pat.R. 1327-30, p.368). It may be added that Scrope also received the estate of Bracken, Yorks, forfeited by Henry Tyeis, a rebel. The grant was made within two months of the battle of Boroughbridge. (Cal.Pat.R. 1321-24, p.107). This too was restored in 1329, although Scrope received compensation. (Cal.Pat.R. 1327-30, loc.cit.)

to profit by the confiscations of the property of the losers.

One would like to be certain that Scrope was able to obey his writ of summons to the parliament of York in May 1322⁽¹⁾ at which the Ordinances were revoked; but his professional engagements may have made it impossible.⁽²⁾ At all events he must have spent most of the rest of the year on his travels as justice of assize in company with John of Doncaster and Richard of Berningham.⁽³⁾ This work took him to Nottinghamshire and Derbyshire as well as to Yorkshire; and for some reason it lasted right through the Michaelmas term of the common pleas.⁽⁴⁾ Early in 1323, however, he was involved in a cause célèbre which had a distinct connection with politics: the sentence upon Andrew Harclay, Earl of Carlisle.⁽⁵⁾

The story of Harclay's negotiations with the Scots is well known.⁽⁶⁾ We need not describe the events leading up to his capture by the king's emissaries at Carlisle on 23rd February. Four days later, a commission was made out in the names of the Earl of Kent, John of Hastings, Ralph Basset, John Pecche,

(1) L.R. III, p.321.

(2) The only difficulty is his recorded appearance in the Year Book for Easter term at Westminster (supra, p. 79 n.3). As we have seen, such references are far from reliable as indication of the whereabouts of the persons mentioned.

(3) Appendix C, sub anno 1322.

(4) Possibly because the war had interrupted sessions earlier in the year.

(5) His name was really "Hartlay" (Tout, Edward II, p.134 note) but I have preferred to use the familiar form.

(6) Vide article in the D.N.B. under his name.

John de Wysham, and Geoffrey le Scrope, ordering them to sentence Harclay according to the tenor of a schedule which was given to them. ⁽¹⁾ On 2nd and 3rd March 1323 the sentence was pronounced and executed at Carlisle. ⁽²⁾ Two points are noteworthy. First, that although in the writ of appointment Scrope was the junior member of the commission, he is the only one mentioned by name in the detailed account of the proceedings given by the Lanercost chronicle. ⁽³⁾ We have no evidence that any of the other members attended, though at least one of them must have done so. ⁽⁴⁾ Secondly, the procedure adopted was a repetition of that used in the condemnation of Amory, although the composition of the court was quite different. Sir James Ramsay has voiced the indignation which many modern readers undoubtedly feel at the condemnation of a distinguished servant of the crown without any of the usual formalities of pleading and proof. ⁽⁵⁾

(1) Cal.Pat.R., 1321-24, p.260.

(2) Chronicon de Lanercost, p.251.

(3) "Dominus Galfridus le Scrobe (sic), justiciarius, ... sedit pro tribunali in castro, et tanquam ex ore et recordatione regis protulit sententiam". (ibid. p.251). The chronicler's information on the trial seems to have come from a good source, as is natural if he was one of the friars minor of Carlisle. (but cf. A.C. Little, E.H.R., Vol.xxxi, pp.269-79). Harcourt, His Grace the Steward, p.301, erroneously refers to Scrope as a 'chief justice' at the Carlisle session. He was, at this stage, of course, still a serjeant.

(4) Two members were a quorum (Cal.Pat.R., 1321-24, loc cit.)

(5) James Ramsay: Genesis of Lancaster, I, p.135.

It is also true that the objection made, a few years later, by Henry of Lancaster to the conviction of his brother "by record of the king"⁽¹⁾ is equally valid when applied to the trial of Harclay. If Thomas of Lancaster should have been arraigned, put to answer, and tried by his peers, so too should the Earl of Carlisle. But it is wrong to imply that conviction by record, which, as Professor Plucknett has⁽²⁾ observed, was entrusted even to the justices of the peace and the coroners, was an utterly illegal procedure in the hands of a king's serjeant. As a method of dealing with treason committed by a peer it was certainly open to some technical objections; but we should not suggest that Scrope, in sentencing Harclay "according to the schedule" was partaking in a cynical act of arbitrary tyranny.

After his duties at Carlisle, Scrope was involved in important negotiations with the Scots, which we shall discuss at a later stage. This task successfully concluded, he began, in company with William de Herle, what was to prove a most arduous judicial circuit in the northern counties. We cannot call it an eyre⁽³⁾ - it was something much less - nor yet a circuit

(1) Plucknett: "The origin of impeachment", p.58. (T.R.Hist.S. 4th Series, Vol.XXIV, p.58).

(2) Ibid., p.57.

(3) It was traditionally part of the business of a general eyre to punish the administrative abuses of local officials, which occupied a large proportion of the time of Herle and Scrope in 1323-4. Cf. H.M. Cam: Studies in the Hundred Rolls, pp.19, 24, 39. But this was no more than a fraction of the vast "engine" of the eyre.

of assize - for it was concerned mainly with pleas of the crown. Yet it included some ordinary assize work. Fortunately a number of the rolls have survived,⁽¹⁾ and from them we have traced the itinerary of the justices, as set out in Appendix C. It will be seen that the proceedings lasted from July 1323, until the end of 1324³. The commissions of the justices were: first, to try persons in the counties of Yorkshire, Lancashire, Westmoreland and Cumberland accused of seizing rebel property which should have been forfeited to the crown;⁽²⁾ secondly, to hear complaints against sheriffs and other local officials;⁽³⁾ and thirdly to take the assizes.⁽³⁾ We may note that proceedings under the first two commissions were not confined to the north of England. Other justices held similar commissions in other counties.⁽⁴⁾ But, since the rebels had been strongly supported in the north, and the fighting there had, no doubt, given rise to all sorts of disorder, the task of the justices in the northern circuit was probably the heaviest of all.

A few illustrations of the proceedings recorded in the three rolls will give an adequate idea of their nature. We first meet Herle and Scrope at Pickering (Yorks) on 26th July 1323.⁽⁵⁾ The jurors of the liberty of Pickering accused five

(1) Vide Appendix E. A.R.161 is the first surviving Assize Roll which bears Scrope's name.

(2) Cal.Fine R. 1319-27, p.225.

(3) A.R.161 m 3.

(4) Vide A.R. Nos.295-6 (Gloucester), 1036-7 (Worcester), 1388-9 (Miscellaneous).

(5) A.R.1117 m 1.

persons by name, and others unknown, of the theft of the chattels of John of Dalton, a rebel, to the value of £200 and upwards. Three of the accused appeared for trial and were acquitted.⁽¹⁾ Next, the bailiff of Pickering was accused of having imprisoned one John Trowel until he agreed to be bound in the sum of £200 in case of his acting against the Earl of Lancaster. The bailiff then produced a charter of pardon dated 1st November 1318 and argued that the offence was committed before that date.⁽²⁾ These two cases illustrate the two sides of the enquiry: its investigation of the fate of rebels' property and of the conduct of local officials. The date 1318 suggests that the enquiries were not limited to offences committed during the recent disturbances, and this belief is confirmed when the scene moves in August, to York, and after a few days in York to Skipton in Craven, and then over the border into Lancashire. For instance, the jurors at York complain of the clerk to the sheriff of York who had, "colore officii sui", seized timber belonging to William of Whitby in the summer of 1318. The clerk's denial that he had been in the sheriff's service in 1318 did not avail him, and he was committed to gaol.⁽³⁾ Similar charges were made at Preston against the sheriff of Lancashire, and the bailiff of Blackburn,⁽⁴⁾ and at Clithero against the tax collectors of the king - the

(1) A.R. 1117 m 1.

(2) Ibid.

(3) Ibid. m 9.

(4) A.R. 425 mm7, 8.

familiar story of self seeking, corrupt officials which may differ in details from place to place, but is always essentially the same, whether in the time of Herle and Scrope, or at any other period since the Inquest of Sheriffs in 1170.⁽¹⁾

In the very middle of this busy circuit, Scrope received letters patent informing him that he had been appointed as a puisne justice of the common pleas.⁽²⁾ The honour was certainly not premature. Even two years before, he had been able to speak as if he represented the whole of the English bar.⁽³⁾ But it seems that the task of the moment was more important than his prospective work on the common bench. Although his name appears in the fines levied at York during the next term after his promotion,⁽⁴⁾ there is good reason to think that he remained with Herle until their joint work was completed.⁽⁵⁾ We even find the pair taking the assizes in Lancaster, after the pleas of the crown had been adjourned (for that county alone)

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- (1) Ibid. For parallels cf. Tout and Johnstone: State Trials of the reign of Edward I (Camden Third Series, Vol. IX), W.S. Thomson: A Lincolnshire Assize Roll for 1298, (Lincoln Record Society, Vol. VI).
- (2) Cal. Pat. R., 1321-24, p. 340. It is to be noted that appointments to the common bench are letters patent, but to the king's bench letters close; cf. infra p. 114 n. 1. This is a reflection of the intimate relationship between crown and king's bench.
- (3) Cohen, History of the English Bar, p. 219; Scrope gives the opinion of "all the serjeants of England".
- (4) e.g. Feet of Fines, Lincoln, 93/2, 8; on the chronological problems of the feet of fines, see Sayles, K.B. I, cxxxix. and R.B. Pugh: Feet of Fines, Wiltshire, Edward I & II (1939) p. xii.
- (5) A.R. 425 ms 1-6.

(1)
 before the king's bench. During the Christmas vacation they
 went to Penrith, where their main concern was with the wrongful
 seizure of rebel property, including that of Harclay himself.⁽²⁾
 Only with the opening of Hilary term 1324, at Westminster,
 can we believe that Scrope was free to assume his new duties,
 as well as his new status and the rank of knighthood which
 went with it.

We have here to take account of the statements made in
 the Scrope and Grosvenor Roll that Scrope was knighted at a
 tournament held at Northampton.⁽³⁾ It seems, at first sight, so
 incredible that a justice engaged in arduous proceedings in
 the north should have had the time and the inclination to
 interrupt the session in order to take part in a tournament in
 a distant town, that we may be inclined to disbelieve the story
 altogether. This attitude is not entirely justifiable. Even
 if it be true that since Hengham's day justices had ceased
 to wear coats of mail,⁽⁴⁾ the medieval man of law was a much
 less sedentary creature than his modern counterpart. In a
 violent age all laymen had to acquire and to maintain some
 skill in arms.⁽⁵⁾ Let us briefly consider the closely connected

(1) A.R. 425, m 13 schedule; for the proceedings adjourned
 before the king's bench vide Coram Rege R. 254 Rex, m.68
 seq.

(2) A.R. 142, m 1.

(3) Appendix B, Nos. V, VI.

(4) Campbell, Lives of the Justices, I, p.77.

(5) On the social importance of tournaments in the thirteenth
 century see Powicke: Henry III and the Lord Edward, I,
 pp.20 seq. It seems unlikely that the situation had rad-
 ically changed by 1323. See also N. Denholm Young in
Studies presented to F.M. Powicke, pp.240-68.

problems of the time and the occasion of Scrope's knighthood.

From an examination of the documents of the later months of 1323, we can narrow down the date of the event to (1) the period between 18th August and 16th November. Now the date of his elevation to the bench was 27th September; or at (2) least that is the date of the writ of appointment. It is worth considering, therefore, whether there is, at this period, any customary connection between the award of knighthood and (3) the conferment of judicial office. A good deal of research would be necessary for a final answer, since the date of knight- (4) hood is very rarely directly given in any record source. But William of Herle received both knighthood and a position on (5) the bench in 1320, and John of Benstead likewise in 1308; (6)

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- (1) Westminster Muniments No. 1995 (18 August 1323) does not style him a knight, though later documents of identical form do so. Y.A.S. Record Series, Vol. LXXXIII, p. 174 (16 November 1323) calls him a knight, as does Westminster Muniments 1999 (1 December 1323). The Eltham Court Roll for Michaelmas 1323-Michaelmas 1324 calls him a knight (*ibid.* 27861) but it was presumably not drawn up until Michaelmas 1324.
- (2) Supra, p. 87, note 2.
- (3) For evidence dating from 1378, see Tout, Chapters III, p. 347 n. Valuable confirmation of the view stated above is also to be found in the long note given in Chapters IV, pp. 413-4. I have recently found a further example, in the Knighthood of William Sharesull (E.101/386/18/5) which was conferred in the year when he became a justice.
- (4) Information has to be sought mainly in wardrobe grants "in aid of expenses". Unfortunately MS Stowe 553 ends a little too early for us to be sure whether Scrope received such a grant.
- (5) Archaeologia, Vol. XXVI, p. 345.
- (6) C.L. Kingsford: "John de Bonstede", p. 339 (in Essays in History presented to R.L. Poole).

(1)
 and many similar cases are cited by Foss. We may therefore consider it probable that the reason for Scrope's knighthood was his recent, or forthcoming, elevation to the bench. How can this be reconciled with the "tournament" story? We should be tempted to dismiss the "tournament" as a confused recollection in the minds of old men, were it not for an entry in the Wardrobe book of 1323 which runs as follows:
 (2)

"Domino Calfrido Lescrope eunti ad tourniamentum Northampton' de dono domini regis in auxilium expensarum suarum . . . xxj die Septembri, xxvj li. xij s. iij d."

The date of this payment is six days before the writ of appointment to the bench. On the strength of this document we must admit that our earlier scepticism is made to look a little foolish, or, at the very least, that we are faced with a remarkable coincidence. It is true that a later entry in the Wardrobe book shows that soon afterwards the king forbade the tournament to take place.
 (3)
 But there may well have been time, between the 21st September and the king's change of mind, for the assembled warriors to enjoy a few days of mimic warfare, and for Scrope to win, in the field, the distinction which he had

(1) Foss, Vol.III, pp.362-3.

(2) B.M. MS Stowe 553, f.128. Four days previously Scrope had given a dappled grey palfrey to the king (*ibid*) but no reason is stated. The fact that Scrope is not styled 'miles' in the wardrobe account may have no significance; such details are often omitted.

(3) MS Stowe 553, f 130v. The precise date is uncertain, but the messenger was paid on 2nd October.

(1)

already earned by his work in the courts.

His appointment to the bench, his elevation to knight-
 hood, and other indications of royal favour, had their inevit-
 able effect in making him a target for the plots of Roger
 Mortimer of Wigmore and his followers who now formed the centre
 of the opposition to the Despensers regime. It will be remembered
 that Roger Mortimer and his uncle had been captured in 1322
 and imprisoned in the Tower. On 1st August 1323 the younger
 Roger had escaped from custody and fled the country. It was no
 secret that he had been assisted by friends in England,
 especially by Adam Orleton, bishop of Hereford, and he soon
 began to organize a plot against the Despensers from his refuge
 overseas. At some date between August and November 1323, he
 sent an accomplice to England for the purpose of contriving the
 murder of Robert Baldock, the chancellor, both the elder and
 the younger Despensers, the Earl of Arundel, and Scrope. The
 plot was detected in time, and its details are known to us from

(1) The hasty alterations of policy which these entries show, are a good indication of the weakness of Edward II's rule.

(2) He and Hugh Despenser the younger are each given the title "secretarius noster" when they go to Nottingham, in 1323, to express the king's displeasure to John Stratford on account of his behaviour at Avignon. (Foedera, II, 1, p.541).

(3) D.N.B.

(4) See note, infra p. 94. The usual date of 1324 is wrong, and makes the plot unintelligible.

(1)
 the record in the Coram Rege roll for Hilary term 1324. When we consider the company in which Scrope found himself by his appearance on this black list, one cannot help feeling that if he was not really an active member of the court party, Mortimer's motives become quite unintelligible. One can scarcely imagine that a puisne justice of the common pleas, however indispensable his professional services were to the government which Mortimer desired to overthrow, would be classed with Baldock, the Despensers and Arundel unless he had political sympathies which involved him closely with them. The only fact which makes us hesitate in saying outright that he was one of the pillars of the regime of 1322-6, is the strange contrast between his fate in the revolution of 1326-7 and that of the other four potential victims of Mortimer's plot. They all died violent (2) deaths at the hands of Isabella and Mortimer and their supporters. Scrope retained his position at the head of the king's bench, and any suspicion of his previous sympathy with the Despensers was easily allayed by the statement that he had served the (3) king faithfully to the best of his ability. The man whom

(1) P.Writs, Vol.II, Div.2, pt.2, p.244. It is of course open to question whether the plot was a fabrication of the government made in order to discredit their enemies. But even if it was, it shows that Scrope was prominent in the court party, for his official position as a puisne justice did not ipso facto make him an obvious target for attack.

(2) Arundel and the Despensers were executed as traitors; Baldock died of injuries received in the riots of 1326.

(3) Infra, p. 271.

Mortimer ranked among his chief enemies in 1323, became one of his chief ministers in 1327: a difficult and perhaps an insoluble problem for his biographers.

It is now time for us to leave Scrope established in his new position as a justice, and to turn our attention to his work as a diplomatist. For this purpose we shall have to go back to the year 1319. The picture of his busy life⁽¹⁾ which we have tried to give in the preceding pages has taken no account of his diplomatic journeys. Since it is impossible to unite the two strands of his work in one narrative, we must leave the itinerary in Appendix C to show how our very diligent lawyer found time to fulfil the duties of an envoy, without any apparent neglect of his profession.

(1) We have made no attempt, it will be appreciated, to indicate the amount of time and energy which he must have devoted to special commissions of oyer and terminer, and to miscellaneous duties of an administrative kind in parliament (e.g. Rot.Parl.I, p.365) and elsewhere (e.g. Cal.Misc.Inq. Vol.II, No.452).

(Note on the true date of the escape of Roger Mortimer of
Wigmore from the Tower. [See p. 91 supra]

Mortimer's plot against Scrope and other ministers of Edward II in 1323 is quite unintelligible on the assumption, which is almost universal, that he was a prisoner in the Tower until 1st August 1324. An examination of the sources makes it perfectly clear that the true date of his escape from the Tower was 1st August 1323, and that the plot was organised, not from his prison cell, but from his safe retreat on the continent. It seems desirable to give full evidence for a conclusion which differs from that of virtually all the modern authorities, and which has some interesting implications, apart from the fact that it makes the story of the plot a credible one.⁽¹⁾

As far as can be seen, only Sir James Ramsay among modern writers has placed the incident in 1323; it is curious that he makes no remark upon the unorthodoxy of this date.

(2) (3) (4)
 Stubbs, Tout, and others have unhesitatingly given the date
 as 1324. The article in the Dictionary of National Biography⁽⁵⁾

(1) J.H. Ramsay, Genesis of Lancaster, Vol.I, pp.139-40. Ramsay's footnote alludes to sources which are mutually inconsistent.

(2) Constitutional History (ed.1896), Vol.II, p.372, note.

(3) Edward II, p.65 n.

(4) See e.g. Complete Peerage, Vol.VIII (1932) p.436. The statement that he rode to Dover, on p.437, is surely very doubtful: cf. the Inquisition recorded in Chron. Ed. I & II p.306, which shows that the escape was made via the Isle of Wight.

(5) By Tout (Vol.xxxix, p.139).

rejects the correct version given by Adam of Murimuth in favour of the wrong one given by Blaneforde. Let us consider the evidence of the original sources. Adam of Murimuth (Rolls Series, p.40) under the year 1323, has the following entry:

"Hoc anno, circa gulam Augusti, dominus Rogerus de Mortuo mari evasit de turri Londoniarum, ubi in carcere tenebatur, et transivit in Franciam per cautelam".

Although Murimuth actually calls this year 1322, on account of his peculiar reckoning from Michaelmas instead of from Lady Day, (1) there is no doubt that he refers to August 1323 by the modern style; for he includes in the same year (2) the execution of Harclay and the truce of Bishopthorpe. The same date is found in the Annales Paulini, (3) in Knighton, (4) in the Flores Historiarum, (5) and in the Croniques de London. (6) Only (7) in the St. Albans chronicle, attributed to Henry Blaneforde, do we find any suggestion that the event took place in 1324. Unfortunately Blaneford's narrative is the fullest and most

(1) Murimuth, p.xiv.

(2) Ibid. pp.38-9.

(3) Chron. Ed. I & II, I, p.305. It should be noted, however, that this chronicle is closely connected with that of Murimuth. vide Stubbs' introduction pp.lviii seq.

(4) Knighton I, p.429.

(5) R.S. III, p.217.

(6) Camden Society, 1844, p.46. The insertion under the regnal year 16 (July 1322-July 1323) is wrong, but the other events of the year show that August 1323 is intended.

(7) Blaneforde, p.145.

detailed of all, and has thus been generally used to the
 (1)
 exclusion of the others.

When we turn to record sources, the evidence of the majority of the chronicles is confirmed in a conclusive manner. On 6th August 1323, the king issued a writ to Stapledon, the treasurer, explaining that Mortimer had escaped, and that Stephen Segrave the constable was suffering so severely from the drug which had been administered to him in order to assist the escape, that he was no longer fit to hold his office. (2)
 The first thought of the government seems to have been that Mortimer had fled to Wales. (3) Later in August the official view was that he was trying to cross to Ireland: ships were believed to be waiting to take him on board, and measures were taken to prevent his embarking, or to seize him if he should succeed in reaching Ireland. (4) By September the government feared that Mortimer was in treasonable correspondence with his allies in England. (5) In October it was known for certain that he had taken refuge in Picardy. (6) In November the constable of the Tower was arraigned before the king's bench for his negligence in allowing the escape. (7)

(1) I can find no reason for the general faith in Blaneфорdo, unless it be that he belonged to St. Albans.

(2) Cal.Close Rolls, 1323-27, pp.13-14.

(3) Cal.Fat.R., 1321-24, p.335.

(4) Cal.Close R. 1323-27, pp.133-4.

(5) Ibid. p.137.

(6) Ibid. p.140.

(7) P.Writs, Vol.II, pt.2, Dw.2, pp.239-40.

There can thus be no conceivable doubt of the true facts. In consequence, the sympathetic mention of Mortimer's imprisonment for two years and more which is often found in biographical notices is not entirely justified.⁽¹⁾ He may have been imprisoned "minus civiliter quam decuit"⁽²⁾ but he had to endure his lot for only a year (July 1322-August 1323). It will be obvious that the change of date means that he had an additional year in which to plan revenge upon the Despensers. When Isabella went to France in March 1325, he had been abroad for eighteen months, not for six, as is usually supposed).

(v)

"Postquam vero haec omnia regi et regno Angliae fuerunt certitudinaliter divulgata, pauperes, et mediocres, et agricultores, in partibus borialibus, non modicum laetabantur quod rex Scotiae libere teneret regnum suum, eo pacto quod ipsi possent victitare in pace; sed rex . . . cum consilio suo mirabiliter est turbatus". (Chronicle of Lanercost, p.249, sub anno 1323).

In an age when the branches of government were still so little specialised, we need not be surprised to find a serjeant at law acting as a diplomat. Though there is room still for much study of the diplomacy of the English kings in the middle ages, it is already evident that they would employ any bishop, abbot, earl, baron, royal clerk, justice, or Italian merchant -

(1) e.g. D.N.B., xxxix, p.139.

(2) Blanforde, p.145.

and this is not an exhaustive list of types - who could put
 their case well in a foreign court.⁽¹⁾ Lawyers had been so
 employed before Scrope, and fellow lawyers were employed with
 him. Henry Spigurnel,⁽²⁾ John de Benstead,⁽³⁾ and John Lovel⁽⁴⁾ had
 set the fashion under Edward I; Herle,⁽⁵⁾ Stonor,⁽⁶⁾ and Ingham⁽⁷⁾
 continued it under Edward II and Edward III. There were obvious
 reasons for this choice of lawyers to perform diplomatic duties.
 Mr. Cuttino has observed that a medieval embassy had to possess
 two sides, a theatrical and a practical.⁽⁸⁾ Noblemen were
 chosen to impress foreign courts by their rank; administrative
 clerks bore the weight of the negotiations, whose complex
 details required a more trained intelligence than that of the
 average professional warrior. We may add a third element (or
 perhaps it should be called a specialized branch of the second),
 which came to the fore as relations between England and her
 neighbours came to turn more and more on legal questions. It
 was more necessary than ever before, to have some envoys

(1) Cuttino, pp.84-99. Diplomacy long remained an open profession. For the state of affairs in the nineteenth century cf. T.R.Hist.S. XVIII, pp.143 seq.

(2) Sayles, K.B. I, pp.lxii, lxvi.

(3) C.L. Kingsford op.cit.

(4) Sayles, K.B. I, p.lx.

(5) e.g. Appendix A, No.III.

(6) e.g. to Valladolid in 1325: Stonor Letters and Papers (Camden Society 3rd Series, Vol.XXIX), p.2.

(7) Cuttino, pp.93-4.

(8) Ibid., pp.95-6.

(1)
 available who realized the importance of precedent, and the difficulties of drawing up agreements which should have the same meaning for quibbling lawyers as for unsuspecting laymen⁽²⁾.

Thus there was an opening in diplomacy for men whose normal profession it was to dispute matters of civil or even of common law.⁽³⁾

Lawyers, almost alone among medieval men, had to live by their wits. Right of birth might lead to a bishopric, and often to an office of state; but it could not lead to a lucrative practice at the bar or to a seat on the bench. A group of peers and clerks could adequately perform the duties of any normal embassy; but in a dispute over the rights of the king of England in Scotland or over the interpretation of the Treaty of Paris of 1259, they would gain much from the advice of a man who had won distinction in a general eyre, or in the daily arguments in Westminster Hall. Hence it was that lawyers often accompanied bishops and earls

- (1) Consider for example the mass of documents, conserved by the custos processuum, whose purport had to be known by an English envoy.
- (2) Cuttino op.cit. p.98.
- (3) The technical training of a common lawyer though of less obvious value than that of a civilian, must have been useful both in the drafting and the interpretation of diplomatic documents. One can hardly help suspecting the influence of Scropo in the documents printed in Foedera II, ii, pp.875-6, even though the actual record is written by a notary. Dr. J.S.Roskell has kindly informed me, however, that by the end of the 14th century the civil lawyers had virtually excluded the common lawyers from the place which the latter had once held in English diplomacy.

when knotty problems of right and precedent had to be discussed at Paris, or at Newcastle or Berwick.

A full study of the composition of English embassies will, when it is undertaken, show how far this practice extended. We can but note here the certain fact that Scrope was employed, between 1319 and 1340, on twenty-three missions, not reckoning others of which the records are doubtful.⁽¹⁾ Whether he was engaged on such work before 1319 is uncertain. We should know nothing of the mission of 1319 itself but for the survival of the record of payment in the warcrobo;⁽²⁾ an earlier mission, of which no trace now exists, may well have been recorded in one of the lost wardrobe account books. In any case, as a member of the council for several years⁽³⁾ before 1319, Scrope must have learned something of the problems of foreign policy; in 1319 he would be new only to the personal side of diplomatic intercourse.

The state of Anglo-Scottish relations in 1319 was not such as to encourage many hopes. Since the year of Bannockburn there had been no rest for the unfortunate inhabitants of the border lands, and the "advanced headquarters" of the government

(1) Vide Appendix D.

(2) Appendix A No. III.

(3) The first writ of summons is dated 1317 but as a serjeant he was probably present before that date, even when he was not acting in a professional capacity. It should be noted that foreign affairs were on the agenda in 1317 (ante, p. 61).

at York were almost within reach of the Scots. In September
 1319 the archbishop of York was nearly captured at Myton. ⁽¹⁾

It was essential to have a truce. In November 1319 Robert
 Baldock left London for the north on his way to meet the Scots.

At York he seems to have been joined by Scrope and Herle, who
 were occupied there in the court of common pleas, and by the
 bishop of Ely, the Earl of Pembroke and others. ⁽²⁾ All the

envoys then went on to Berwick, where they met the Scots.

The negotiations must have lasted for something like a fortnight, ⁽³⁾
 and they ended in the conclusion of a two years truce. ⁽⁴⁾ This

was clearly no more than a breathing space, and in the autumn
 of the next year Scrope was summoned from what seems to have

been a holiday on his Yorkshire estates to take part in a ⁽⁵⁾
 mission which was to seek for a 'final peace'. ⁽⁶⁾ The resulting

discussions at Carlisle in October 1320 were a good example
 of the interminable delays which made the prospect of final
 peace seem impossibly remote. Scrope and his two companions

(1) Chron. Ed. I & II, II, p.57.

(2) Appendix A No.III; Chron. Ed. I & II, II, p.60.

(3) Scrope and Herle left York on 2nd December (Appendix A,
 No.III); the truce was concluded on the 21st. (Foedera,
 II, i, p.416).

(4) Foedera, loc.cit.

(5) He started "de manerio suo de Dalton" i.e. near Rotherham.
 (Appendix A, No.IV). The itinerary for the year allows
 of his having been there since the end of Trinity term.

(6) Appendix A, No.IV.

achieved no more than an agreement to meet again early in 1321.⁽¹⁾
 For Scrope, the mission had meant a long and a hurried journey.
 His duties in the London eyre seem, unfortunately,⁽²⁾ to have
 prevented him from following up what he had begun. The war
 with Lancaster in 1322 interrupted the whole series of nego-
 tiations, and soon the unfortunate Despensers were made to
 realize that the two years truce had expired. In October 1322
 the Scots invaded the north, and Edward himself was nearly
 captured at Byland. In his despair Harclay, the Earl of
 Carlisle,⁽³⁾ began private negotiations with the Scots. The
 official disapproval of his action could not conceal the
 fact that some official alternative was necessary; and so,
 immediately after he had sentenced Harclay at Carlisle, Scrope⁽⁴⁾
 was sent, with Herle, to resume negotiations for a final peace.
 After a visit to London,⁽⁵⁾ undertaken, we may presume, in order
 to examine documents which were not available in the temporary
 seat of government at York, the two lawyers went to Newcastle.⁽⁶⁾

-
- (1) Between 24 September and 13 October he travelled from Dalton to Carlisle and back to London via York. At Carlisle he must have stayed for at least a day or so.
- (2) He was not present at the renewed negotiations in 1321, (Foedera II, i, p.438).
- (3) There is some interesting unpublished material concerning these and other contemporary negotiations with the Scots in a file of drafts for the privy seal for 1322-3, which Bain has only calendared in part.
- (4) Appendix D, No.3.
- (5) B.M.MS¹ Stowe 553 f 26v.
- (6) Bain, Vol.III, No.809.

There they arranged for a full meeting of plenipotentiaries,
 to take place early in May 1323.⁽¹⁾ They were themselves present
 at this second meeting, and were reinforced by magnates -
 Pembroke, and the younger Despensers,⁽²⁾ being the chief. It is
 most regrettable that so little is known about the details of
 the Newcastle negotiations. Mr. Charles Johnson has put forward
 the attractive theory that the terms of the draft truce which
 is now styled "Scottish Documents, Chancery, 23/13/3" may be
 those which were discussed at Newcastle.⁽³⁾ In any case, we
 know that proposals for a final peace were put forward, and
 found too controversial to be handled in a reasonable time.⁽⁴⁾
 It was therefore decided to shelve the larger issues, in favour
 of another truce. If the document which we have mentioned
 did embody the Scots' proposals for the terms of this truce,
 its rejection by the English in favour of the terms which were
 afterwards agreed upon at York, shows that Harclay and his
 sympathisers rather underestimated the strength of the English
 position.⁽⁵⁾ The Scots' main demand, on this supposition, was
 for the recognition of Bruce as King of Scots, but they hoped

(1) Ibid.; Foedera, II, 1, p.521.

(2) Cal. Pat. R. 1321-24, pp.278-9. The influence of Henry de Sully, a Frenchman, was of some importance in arranging these negotiations. (Chron. Ed. I & II, II, p.84).

(3) C. Johnson. "A Preliminary Draft of the Truce of Bishopthorpe" (E.H.R. XXXV, pp.231-3.)

(4) Chron. Ed. I & II, II, p.84.

(5) As pointed out by Mr. Johnson, op.cit., p.232.

for a number of minor concessions as well. Scrope and his colleagues were able to secure the adjournment of the proceedings to Bishopthorpe, where, after further discussions with the English council, the truce was concluded on 30th May.⁽¹⁾ It was designed to last for thirteen years. It seems to have represented a diplomatic victory for the English, not only because of its rejection of much of the original Scottish draft, but also because the English may well have preferred a truce to a peace. Their military position (it could well have been argued) was likely to get better rather than worse. The Scots, on the other hand, were at the height of their strength. The death of Bruce (who was certainly not in good health)⁽²⁾ might soon alter the balance in England's favour. Such arguments were abandoned in the negotiations of 1328; but they may have weighed with the envoys of 1323. Scrope and his colleagues, on this supposition, had been successful in the pursuit of Fabian tactics.

The terms of the truce, however, demanded the resumption of negotiations for a final peace. The English seem - understandably if our conjecture is true - to have been in no hurry,

(1) Foedera, II, i, p.521. The itinerary shows that negotiations at Bishopthorpe probably lasted for a week.

(2) Such is the suggestion of the (unfortunately mutilated) "Malmesbury" life of Edward II; although its language is too rhetorical to command much confidence, it may contain a true suggestion. (Chron. Ed. I & II, II, pp.275-6).

(1)

but, by the close of 1324 meetings were arranged at York. We may, perhaps, be permitted to continue here the story of the Scottish peace beyond the point in Scrope's career which we reached in the previous chapter, for another four years will bring it to its conclusion. From 1324 Scrope was chief justice of the king's bench and much occupied at Westminster; yet, although direct evidence is lacking, he may have spared time in that year to accompany his old colleague Herle, to meet the Scots at York. (2) Both sides stated their case, but no conclusion was reached. The Scots' demands were, indeed, exorbitant, if (3) we can trust the account of the Vita Edwardi Secundi; but it suited the English, on the whole, to maintain the truce of Bishopthorpe. For the rest of Edward II's reign the situation was unchanged. There were alarms and excursions in 1326 when it was rumoured that "James Douglas and other enemies" had (4) invaded the kingdom; but nothing came of them. So matters stood at the accession of Edward III.

(1) Foedera II, i, p.578.✓

(2) Cf. Appendix D, No.4.

(3) They demanded the lands which they had overrun, as far as York. To this the English could well reply that they could, on the same grounds, claim much of Scotland. Yet the other Scottish demands were all met in 1328. (Chron. Ed. I & II, II, pp.276-7.✓

(4) L.T.R. Memoranda Roll, No.102: "Hugo de Croxton presens hic in curia xxj die Julii hoc anno falso retulit in publico quod Jacobus Douglas et alii inimici et rebelles regis de Scotia ingressi fuerunt in Angliam". Cf. Bain, Vol.III, p.160.

Isabella and Mortimer were content at first to confirm
 the truce of 1323,⁽¹⁾ but they evidently felt it necessary to
 reopen negotiations, as soon as possible, for a more permanent
 settlement;⁽²⁾ their motives are not very clear. Scrope, with
 his previous experience, was a natural choice as one of the
 negotiators: with him were Herle, as of old, two other lawyers,
 two barons and three prelates.⁽³⁾ The meetings took place in
 Newcastle and were probably attended by the young king himself.⁽⁴⁾
 The results seem to have been inconclusive, and Scrope returned
 to the king's bench at York. Negotiations having failed, the
 English government decided on force. They broke the truce,
 and sent an army north for the peculiarly futile campaign
 which culminated at Stanhope park.⁽⁵⁾ The story is familiar;
 after waiting for several days in the hope of bringing the Scots
 to battle, Edward's troops were completely outwitted. Although
 one witness at the Scrope and Grosvenor trial asserted that
 Scrope was present at Stanhope park,⁽⁶⁾ we suspect that he was, in

(1) Foedera II, ii, p. 689.

(2) The suggestion that they intended to embark on war with France is not very convincing; the chronicler who gives it is himself sceptical (Chronicon de Lanercost, p. 262).

(3) Foedera II, ii, p. 704.

(4) Knighton I, p. 444.

(5) Best account is in Le Bel, I, pp. 48 seq. Cf. also Ramsay: Genesis of Lancaster, I, pp. 180 seq.

(6) Appendix B, III.

fact, spared that humiliating experience. It is much more likely that he was detained at York, by administrative duties. (1) When the army had returned, Mortimer must have been convinced that further military operations were useless. Scrope, two other lawyers, and a number of magnates and prelates, were appointed to begin discussions with the Scots, which began at Newcastle early in December 1327, and which were destined to lead to the surrender of all the claims which the English had been asserting for more than a quarter of a century. In order to reach Newcastle in time, Scrope must have left York immediately after the close of term. His business in the north was over by 10th December. (2) What was decided we do not know for certain; but the results seem to have encouraged the despatch of a Scottish mission to York in January 1328. (3) We have no details of the composition of the English delegation which met them, but, since the king's bench was in session at York, Scrope could have taken part, so far as his work in court would allow. In February the whole matter was put before a

(1) He was at the head of a commission which sat at York on 4th August (Coram Rege R. 269, m. 38, and schedule). He was at Bishopthorpe on 29th July (Foedera II, ii, p.711). It seems that the army left York early in July (Le Bel I, p.48), and that it was at Stanhope park on 31st July (ibid. p.67). Le Bel was an eye witness. Cf. Hailes: Annals of Scotland I (1779), p.119. Thus Scrope's presence is most improbable. ✓

(2) Foedera II, ii, p.725; time must be allowed for the journey northwards.

(3) Ibid.

(4) Knighton I, p.447. Important evidence on the negotiations of this period has come to light in MS. Harley 4637 C. since the above was written. I hope to discuss it in a forthcoming article.

(1)
parliament, at which he was presumably present. It is quite clear that certain points were still not settled, even at the conclusion of these proceedings. Unfortunately this has not always been made clear in modern accounts of the negotiations. We can say with certainty that the English had already agreed to concede the title of king to Bruce; but the numerous details of the final treaty can hardly have been decided, even if they had been discussed at all. It was therefore necessary to despatch an English mission to Edinburgh. Scrope, who must by now have known more than most of his countrymen about the Scottish problem, was a natural choice as one of the lay delegates, and fortunately he was free from legal duties until the beginning of Easter term - a space of some six weeks. So it came about that he, with the bishops of Lincoln and of Norwich, Henry Percy, and William la Zouche, was responsible for settling the terms of the great surrender which, though it was concluded at Edinburgh, has come to be known, from the place of its ratification, as the treaty of Northampton.

The survival of the exchequer accounts of four out of the five envoys, has made it possible to reconstruct, with unusual completeness, the itinerary of the whole mission. Since

(1) Chron. Ed. I & II, I, p.339; writ of summons in L.R. IV, p.381.

(2) Authorities for this paragraph are given in my article in the Scottish Historical Review, Vol. XXVIII, of which an offprint is attached below, which will be cited as S.H.R. XXVIII.

(1)
 we have printed the substance of the accounts elsewhere, it is not necessary to give more than a mere outline here. Scrope left York on 29th February, and travelled north via Thirsk, Darlington, Durham, Newcastle, and the coast road from there to (2) Edinburgh, where he arrived on 10th March. Of the discussions (3) which took place between that date and the sealing of the treaty we have no knowledge except what can be gleaned from (4) the still unprinted Scotch Roll of 2 Edward III, and even this gives no inkling of the part which Scrope took in the proceedings. We can only draw attention to the analogy of the (5) discussions at Edinburgh in 1334, of which we possess a notarial record proving that in that case he acted as spokesman of the English delegation. After the negotiations were over, he returned south by a somewhat devious route, which enabled him to spend Easter at his home at Clifton, and Easter Sunday (6) and Monday at York, probably in one of his own houses. He reported arrival to the king at Stamford on 11th April; six

(1) See previous note. .

(2) References for this and similar details are given in S.H.R. XXVIII.

(3) Foedera, II, ii, p.734. Scrope's seal survived intact until recent times. The facsimile in National MSS. of Scotland shows that it was identical with the seal of which we give a photograph as our frontispiece.

(4) I hope to print this roll (C 71/12) very shortly in a further article in the Scottish Historical Review, April 1950.

(5) Infra, p. 191

(6) For his York properties see below, p.256.

days later the sittings of the king's bench began at Northampton. During this term he must have witnessed the confirmation⁽¹⁾ in parliament of the treaty which he had negotiated. In the absence of a roll for this parliament we cannot tell whether he delivered the opening speech, as he was to do in⁽²⁾ later years. If he did, it would fall to him not only to explain the proposed reforms in the law which were to be embodied in the statute of Northampton,⁽³⁾ but also to deliver, we may imagine, the official apologia for the treaty.

So ended a long chapter of Anglo-Scottish relations, and one in which Scrope had played no small part, even if we judge only by the time which he had spent in negotiation. What can be said of his influence on the course of events? This at least is certain: successive governments of very different complexions had chosen to employ him in Scottish diplomacy. He had served the "middle party" in 1319-20, the Despensers in 1323-4, and Isabella and Mortimer in 1327-8. In the final stages he was the only one of the English representatives who could look back to the days of the negotiations before the truce of Bishopthorpe. His former colleagues in diplomacy had fallen by the wayside: some, like Pembroke, by natural

(1) Foedera II, ii, pp.740-41.

(2) Infra, p. 167 ; cf. Richardson and Sayles "The king's ministers in parliament" in E.H.R. XLVII, p.390.

(3) Infra, p. 147

causes, others like Robert Baldock and the Despensers by violence. If there was any one steady influence during a period when governments in England changed so rapidly, it must have been his. What, then, was the nature of his influence? Let us anticipate, if we may, some facts which will be discussed in a later chapter. We shall see that, although there is no proof of Miss Putnam's assertion that Scrope's influence was the main factor in determining Mortimer's methods of law enforcement, there can be little doubt that the two men were agreed on the policy of the general eyres of 1329-30, and worked in common to further it. It is at least arguable that the same was true of diplomatic relations. Had Isabella and Mortimer disagreed with Scrope concerning Scotland they would, presumably, not have employed him as a diplomat in 1327-28. We may, therefore, think it probable that Scrope in 1328 was in favour of recognition of Bruce and the surrender of the English claims. As a lawyer he may have appreciated more clearly than a layman the impossibility of the attempt to make one sovereign ruler the

(1)

vassal of another. Even if, in 1323, he had seen some advantage

(1) Tout's remarks are worth noting. "It is hard to see what other solution of the Scottish problem was possible. For many years Bruce had been de facto king of Scots, and any longer hesitation . . . would have been sure to involve the north of England in the same desolation as that which he had inflicted before the truce of 1322 (sic)". (Political History, p.305). In 1323 it was possible to hope that the position would turn in England's favour; by 1328 any such hopes had been dashed.

in delay, he may have learned wisdom from the events of the intervening years. Yet Scrope's personal views on political questions, which have baffled us before now, are as difficult to disentangle from the complex network of foreign policy as they are from the domestic revolutions of his lifetime. In 1334 we shall see him go to Edinburgh again, not this time as the bearer of peace after many years of war, but as the spokesman of the English mission which received Scotland once again into bondage. It seems vain to attempt to explain this as a logical development of his former views. Either he was convinced in 1334 that he had made a mistake in 1328, or he had sunk his personal feelings in loyalty to the wishes of the king, who was free in 1334 from the tutelage under which he had assented to the terms of 1328. Which of these views is correct the available evidence will not allow us to decide.

(vi)

In chapter iv we left Scrope at the beginning of 1324, a few months after his appointment to the common pleas. Since then we have followed his diplomatic career as far as 1328; it is now time to consider his work on the bench during the last years of Edward II and the first year of the next reign. The separation of these two aspects of his work is necessary for a systematic study, but it disguises the strenuousness of an existence which Scrope himself came to regard with considerable dislike. It was not until 1334 that he petitioned for

(1)

release from diplomatic service; but a glance at his itinerary for 1322 or 1323 will show that, even before he was asked to undertake diplomatic work in France, his legal duties did not leave him much leisure for diplomacy. We shall make no attempt to introduce, in the present chapter, any references to the diplomatic work which was described in chapter v; but its existence has to be kept in mind, if we are to appreciate the full extent of Scrope's commitments.

It appears that Hilary term 1324 found him free at last to take up his duties on the common bench at Westminster. (2) Probably he was able to attend the parliament of February 1324, (3) and to witness there the vain attempt of the king to obtain (4) an aid for the ransom of the earl of Richmond, from whom Scrope held more than one estate in Yorkshire. His experience as a puisne justice, however, was destined to end in the same term (5) in which it had begun. On 21st March 1324, he was given the highest post to which a lawyer could aspire: the chief

(1) Infra, p. 197.

(2) The evidence is no stronger than it was for the previous term, but there is no obvious objection, as in the former case, to accepting it. In both terms he appears in the Feet of Fines and he was paid as if he had sat during both (Feet of Fines, Lincs, 93/2, 93/8 for Michaelmas; ibid. 93/25, 93/29 for Hilary; Liberate 100 m 3 for both terms). But strangely he is not named at the head of the De Banco Roll of either term (Nos. 248, 250).

(3) L.R. III, pp. 343, 345.

(4) Blanford (R.S.) pp. 140-1. (5) Thus he was still a justice of common pleas at the date of the meeting (before the end of Feb. 1324) in the exchequer chamber which has often been cited as the first known example of sessions of judges of both benches in the exchequer. (E.H.R. XXI, pp. 726-7). In fact no judge of king's bench was present at the meeting.

(1)
 justiceship of the king's bench. There was nothing unusual,
 by contemporary standards, in such a move from one bench to the
 other. A very similar promotion had taken Hengham to his chief
 justiceship in 1274,⁽²⁾ and Henry le Scrope had jumped at one
 bound from a junior position in the common pleas to be head
 of the king's bench in 1317.⁽³⁾ Nor is there anything unpre-
 cedented in so rapid an advancement from the bar to the chief
 justiceship. If Geoffrey Scrope accomplished this in six
 months, Ralph of Hengham had taken not much more than a year,⁽⁴⁾
 and, when he was dismissed in 1290, his successor, Gilbert de
 Thornton, was promoted from the ranks of the serjeants to fill
 his place.⁽⁵⁾ In all these cases it is evident that experience
 at the bar and in the assizes provided, in themselves, an
 adequate preparation for the chief justiceship of the king's
 bench. Geoffrey's rapid promotion was one move in a series
 of appointments which changed the entire composition of the
 king's bench between 1320 and 1324.⁽⁶⁾ Whether there was any
 set purpose in these changes, one cannot definitely say; but

(1) Cal. Close R. 1323-27, p. 74. For the form of the letter of appointment cf. p. 67 ante, note 2.

(2) Sayles, K.B. I, pp. cxxv, cxx,

(3) Ibid., pp. cxl, cxiv.

(4) Hilary 1273 to middle of 1274. vide note (2) above.

(5) Sayles, op.cit., p. cxxxi. There is no record of his sitting previously on either bench.

(6) Sayles, op.cit., p. cxxiv.

it seems very likely that they were merely a result of the growing age of Henry le Scrope, Lambert of Threckingham, and Henry de Spigurnel,⁽¹⁾ and had no relation to the political intrigues of the time. It is not easy, however, to dismiss a certain suspicion of nepotism in Scrope's case. Henry le Scrope⁽²⁾ had been chief justice of the king's bench since 1317. His immediate successor, on his removal to the post of justice of the forest,⁽³⁾ was Hervey of Stanton; but Geoffrey succeeded Hervey so soon after the completion of his tasks in the northern counties, that one is tempted to assume that the post was being held in readiness for him.⁽⁴⁾ Thus Henry and Geoffrey, between them, held the chief justiceship from 1317 to 1338 with only the briefest intervals. Such a record seems unprecedented, and hard to parallel even in later times. Though it may be due simply to the obvious ability of the brothers, one cannot help suspecting that in 1323-4, if not before, Henry's influence at court was exerted in Geoffrey's favour.

One of the new chief justice's first acts was to issue and enrol on the records of his court the proclamation against

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- (1) These were the three justices of the king's bench in 1320. The first must have been a man of fifty or more, the second had been a justice for twenty years (Sayles, K.B. I, cxxxviii), the third was "decrepid and bowed with age" in 1323 (Cal.Close R. 1327-30, p.334).
- (2) Sayles, op.cit., p.cxxxiv.
- (3) Sayles, op.cit., p.cxxxiv.
- (4) We last hear of his sessions of oyer and terminer in December 1323 (A.R.142, m 1); three months later he becomes chief justice.

(1)
 Roger Mortimer. It being vacation time, he then proceeded
 to Derby, where he sat with Herle as a justice of assize. (2) He
 must have made a rapid journey back to London in time for the
 opening of his first term on the king's bench, which was
 nominally due to begin on April 29th. (3) (4) Professor Sayles has
 observed that a contemporary description exists of the furniture
 of the king's bench, from which we may picture the three
 justices and their clerks sitting on three benches of oak,
 each twenty-seven feet long, with an oak enclosure at the feet
 of the justices, a bar fourteen feet in length, a "scaxxarium"
 twenty feet long and six feet wide, and a door at the entrance
 provided with a screen. (5) We can well imagine that the reporters,
 who ordinarily gathered round the common pleas, would find in
 the arrival of a new chief justice sufficient attraction to
 make them cross Westminster Hall and pay some attention to the
 proceedings of the king's bench, presided over by Scrope,
 his old fellow serjeant Stonor, (6) and Mablethorpe. They would
 hear him pay his brother the compliment of an allusion; (7) and

(1) P.Writs, Vol.II, Div.2, pt.2, p.252.

(2) A.R. 161 m 1. It is a curious fact that Herle's name appears first on the roll, although he was a mere puisne justice. Possibly Scrope was in fact not present. Friskney was included in the commission (ibid. m 3) and may have taken his place, although he is not named at the head of the roll.

(3) See introductory note to Appendix C below.

(4) Coram Rege R.256 m 1.

(5) Johnson and Jenkinson: English Court Hand, Part I, pp.182-3.

(6) Sayles, K.B.I, p.cxxxv. Stonor did not remain long on the bench (ibid.)

(7) Y.B. 17 Ed.II, Easter, p.538.

they seem to have indicated their approval of what they heard by making an unusually large number of references to king's bench pleadings. In these passages we come as close as we ever can to seeing something of Scrope's character. In a difficult matter he is not afraid to reserve judgment ("pur ceo⁽¹⁾ qe le cas chiet en grant difficulte, nous voloms aviser").

An improperly conducted plea he dismisses with a curt "Suez⁽²⁾ autre breve". But he is ready to extemporize at length upon legal minutiae, as also to explain with embarrassing eloquence the folly of an individual who had failed to make use of a⁽³⁾ pardon. If there was little that was new in the matter of these cases, the new chief justice's handling of them seems to have impressed the critical audience who noted the details.

An interesting minor problem arises over the fate of certain of the plea rolls and other records of the king's bench when Geoffrey le Scrope succeeded to the chief justiceship. In 1338, when he retired, Geoffrey possessed a complete series of the Coram Rege Rolls and other documents of the court from⁽⁴⁾ the ninth year of Edward II onwards. In 1333, however, he⁽⁵⁾ possessed none earlier than 1327. It seems a fair inference

(1) Ibid., p.539.

(2) Ibid., p.541.

(3) Ibid., p.526.

(4) Appendix A, No.XVI.

(5) Hist. MSS Commission, Middleton MSS, p.92.

that he must have acquired these earlier rolls and records some years after he became chief justice. In theory, it is possible that he drew them from the treasury between 1333⁽¹⁾ and 1338, but it is much more likely that the death of Henry le Scrope in 1336⁽²⁾ provides the clue. It was common for justices⁽³⁾ to retain their rolls until their death, and the rolls which Geoffrey acquired between 1333 and 1338 are precisely those which we should expect Henry to have possessed at his retirement from the king's bench.⁽⁴⁾ The inconvenience to Geoffrey cannot have been too serious as long as his brother left the rolls in a reasonably accessible place;⁽⁵⁾ but some recollection of it may have been in his mind when in 1338 he scrupulously handed his rolls over to his successor, Richard of Willoughby, before⁽⁶⁾ leaving England for the continent.

The development of the king's bench under Scrope is a subject for a legal historian rather than a biographer, and it

(1) Sayles, K.B. I, p.cxx.

(2) D.N.B. Article on Henry le Scrope.

(3) Sayles, op.cit., pp.cxvii-xviii.

(4) They ran from 9 Edward II to the end of the reign. Henry became chief justice in June 1317 i.e. at the close of 10 Edward II. We may presume that he acquired the rolls of his predecessor, Inge, which covered the period 1316-1317.

(5) For evidence that he did so, cf. *Coram Rege* R. 255, m 66 "Scrutatis rotulis predicti Henrici le Scrope, inveniuntur recordum et processus" etc. The context suggests that the rolls were not in the exchequer.

(6) Appendix A, No.XVI.

would, in any case, be unwise to anticipate what will, no doubt, be said in the forthcoming volumes by Professor Sayles on the king's bench in the period from 1307 to 1340⁽¹⁾. Although we cannot possibly avoid some discussion of these matters, we must emphasize that our remarks are based only on a tentative survey of the many thousand membranes of the Coram Rege Rolls which record the business transacted under Scrope as chief justice. Let us attempt to describe the essential differences between the king's bench as it was in 1307 - a date which we take as a starting point, because Professor Sayles' description of the state of affairs under Edward I has made it unnecessary to go back any further - and as it was when Scrope assumed office in 1324. If one of Edward I's justices had come into court in the later years of Edward II, with no previous knowledge of what had been happening since he retired, he would, we imagine, have noticed two things in particular. First he would have observed that when the king's bench sat outside Westminster it now regularly acted as a court of first instance in criminal cases. In his day, for all the manifold activities of the court, no attempt had been made to interfere with local jurisdiction over felons, whether they were in custody or not. There seems to be no record of the king's bench, in Edward I's time, having delivered gaols in the towns where it was sitting,

(1) Professor Sayles is, I understand, editing two volumes of select cases in the court of king's bench between 1307 and 1340 for the Selden Society, as a sequel to his volumes on the court under Edward I.

nor of its having heard ~~of~~ indictments made by local juries
 'coram rege' as distinct from those made at first before the
 coroners or the sheriffs and adjourned before the king's bench. (1)
 Nor did it hear appeals of felony. (2) It has long been known
 that if we pass to the reign of Edward III we find a very
 different situation. It has been said, for example, that under
 William de Shareshull (who became chief justice in 1350) the
 king's bench rendered the justices of the peace almost super-
 fluous in any county where it was sitting. (3) Now the period of
 this change coincides, to a considerable extent, with that of
 Geoffrey le Scrope's chief justiceship, and it is natural to
 enquire whether he may have been the inventor of the new
 methods. An examination of the rolls shows such an assumption
 to be wrong; the credit must go to his brother Henry. It was
 in Hilary 1319, under Henry le Scrope that the "Rex" membranes
 containing the crown pleas, were first clearly separated from the
 so-called "justices'" membranes which recorded common pleas. (4)

(1) Sayles, K.B. II, pp. xxxv-xxxvi.

(2) Ibid., p. xxxv

(3) Putnam, Proceedings, p. lxi.

(4) Coram Rege R. 235. The statement in Abbreviatio placitorum p. 335 that the first Rex roll dates from Trinity 1319 is an error. It should be noted that the distinction in subject matter is not perfectly maintained; for example the heading "communia placita" is not infrequently found in the Rex membranes.

This preliminary step towards the development of the criminal jurisdiction of the court was followed in the next term by the first "coram rege" gaol delivery, which disposed of eight cases from York castle gaol.⁽¹⁾ The experiment was not resumed until Hilary 1322, when the king's bench delivered the gaols of Shrewsbury and of Gloucester.⁽²⁾ In 1323 the scope of the experiment was widened by the hearing of indictments presented by local juries at Lincoln.⁽³⁾ When Scrope became chief justice it could not be said that it was already the regular practice for the king's bench to hear local indictments and to deliver the local gaol,⁽⁴⁾ but it was certainly no novelty for it to do so. The second development to which we have referred was much more recent; it can, in fact, only be seen unmistakably in the two terms before Scrope's promotion to the chief justiceship. It may be described as the deliberate use of the king's bench for the suppression of crime, not merely in the counties through which it happened to travel, but in those where its presence seemed to be particularly necessary, and to which it was sent with conscious purpose. The phrase of 1352 is well known: "the king will bend his bench where ^{he sees that} there is most

(1) Ibid. 236, Rex, m.11; is it possible that the prospect of a long spell away from Westminster suggested the idea to Henry?

(2) Ibid. 247, Rex, ms 1d, 5d.

(3) Ibid. 251, Rex, m.9d.

(4) e.g. Coram Rege R. 249 (York), 250 (York), 252 (London, Lincoln, York) have no gaol deliveries or local indictments.

(1)
 need"; but this use of the king's bench as a species of eyre
 is clearly older than the reign of Edward III. We believe
 that there is a good case for giving the credit to the energetic
 Hervey of Stanton, who, during the two terms of his chief
 justiceship took the king's bench to eight places outside
 Westminster, carrying out what may well be considered a
 (2)
 miniature eyre. He heard indictments at Salford, Tutbury,
 (3)
 and Derby, and delivered the gaols at Hereford, Gloucester,
 (4)
 Nottingham, and Wigan. More interesting still, he adminis-
 tered a list of thirty articles of enquiry, some of which
 were already familiar in the use of the eyre, even if others
 (5)
 had a purely temporary or political significance. The articles
 were prefaced by a writ whose interest seems to justify the
 full quotation of its second part. After a preamble alluding
 to the felonies and trespasses which had been committed during
 and after the late rebellion, the text proceeds:

(1) Rot.Parl. II, p.238.

(2) Coram Rege R.254, Rex, 255, Rex. It may be noted that under Edward I there is no evidence that the king's bench moved with any ulterior purpose; see Sayles, K.B.II, pp.lxxiii seq. When the king went to Scotland the court remained at Westminster (ibid. p.lxxxiv); there was no attempt to send it on its travels separately.

(3) Coram Rege R. 254, Rex, ms 48 seq., 86 seq., 75 seq.

(4) Ibid. Rex, ms 33, 53; No.255 Rex, ms. 18, 23. It is to be noted that there are no less than 95 membranes in the Rex of roll 254: the largest that we have found in any that we have examined.

(5) No.254, Rex, m.40. Unfortunately we have not space to give a list of these articles.

Nos super huiusmodi malis remedium quod poterimus apponere volentes et ea puniri prout decet, vobis mandamus firmiter injungentes quod in comitatibus Lanc' Derb' et Staff' et alibi in regno nostro quotiens vos infra idem regnum transire contigerit ad placita huiusmodi tenenda, de felonis roberis et transgressionibus predictis ac prisis conspiracionibus conventiculis et confederacionibus ex nunc per singula loca per que transieritis tam infra libertates quam extra cum omni diligencia et modis quibus poteritis inquiratis, juxta articulos vobis inde liberatos et querelas omnium et singulorum in hac parte se conqueri volencium audiat et justiciam et racionem faciatis et omnes illos quos inde coram vobis convincti contigerit tam ad sectam nostram quam aliorum puniat secundum legem et consuetudinem regni nostri sessiones vestras de loco in locum et de die in diem quousque premissa finaliter terminentur modo debita, tam extra dies termini consueti quam infra facientes. Teste (etc.) primo die Octobris anno regni nostri septimo (i.e. 1323), (1)

In his later years as chief justice, Scrope seems to have had in mind a policy very similar to that implied by the above writ. It may even be argued that he saw in the king's bench the successor, for some purposes, of the general eyre.⁽²⁾ But the idea cannot be claimed as his invention, and we shall see very soon that his early years as chief justice were distinguished by a notable conservatism. He was not by nature an innovator, nor was he ready to push ahead with the inventions of others until he was convinced of their value, and (what is more) of their necessity. We are provided with a good illustration of this fact when we look at the rolls of his first four terms. The king's bench had not sat regularly at Westminster for several years; since Easter 1323 it had been

(1) Coram Rege R. 255, m.87d; also on No.254, Rex, m.40d.

(2) Appendix A, No.XIV.

in nine places in the provinces - a record which seems quite
 without precedent.⁽¹⁾ Scrope was content to stay at Westminster⁽²⁾
 for the four terms of which we have spoken, and, if we examine
 the moves which he made during the period up to 1328, with which
 this chapter is solely concerned, we find that on two of the
 three occasions when the king's bench sat elsewhere than at
 Westminster or at the "second capital" of York, it went, not
 to do justice upon provincial criminals, but for other reasons.
 In Easter term 1325 it went from Westminster to Southampton
 via Guildford and Winchester, but, although it used the
 opportunity to deliver the gaols at Southampton and Winchester,
 the purpose of the journey was undoubtedly to enable the court
 to remain close to the king.⁽³⁾ In Hilary term 1326 Scrope took
 his court to Norwich, where it delivered the gaol and heard⁽⁴⁾
 a very considerable number of indictments. Here again the
 same explanation applies; we know, for instance, that the
 chancery was at Norwich at the same time.⁽⁵⁾ The third migration,

(1) See the details of the migrations of the king's bench in Appendix G below. Henceforward we shall not give references for the location of the court.

(2) See ~~previous note~~ below. pp. 290-91.

(3) Coram Rege R. 260, Rex, ms. 30d, 31; Cal. Close R. 1323-27, p.279; writ ordering the court to follow the king.

(4) Coram Rege R. 263, Rex, ms. 24-27, 31.

(5) Placita in Cancellaria, File 1/2(3).

to Warwick, in Easter term 1326, is in rather a different category, and will be considered later in its proper place.⁽¹⁾ There is thus no evidence that in his early years as chief justice Scrope had any intention of using the king's bench as a substitute for the criminal functions of the eyre. Indeed, as late as December 1328, we find a reference to the statute of 1300, (which had ordered that the bench should always follow the king) as if it were obviously the governing principle behind the practice of the day.⁽²⁾ The remarkable mobility of the king's bench in Scrope's later years, which seems to be the result of a deliberate intention to "send it where there was most need", is probably a result of the evident failure of the eyres of 1329-30; it is certainly no proof that Scrope was from the first an enthusiast for the methods of Hervey of Stanton.

Only one change can be clearly discerned in the early rolls of the king's bench under Scrope. They are bulkier than ever before. The following typical figures illustrate this increase in bulk; it will be observed that it was much more pronounced in the "common pleas" section of the roll than in the "Rex" section:

(1) Below, p. 131, and note 2.

(2) Cal. Close R. 1327-30, p.424; cf. Statutes of the Realm, I, p.139.

<u>DATE</u>	<u>NO.</u>	<u>JUSTICE</u>	<u>MEMBRANES</u> (1)
Hil. 1316	223	William Ingo	J 86 (No Rex membranes)
Trin. 1322	249	Henry le Scrope	J 63 R 14.
Hil. 1323	251	do.	J 78 R 10.
Hil. 1324	255	Hervey of Stanton	J 87 R 24.
Hil. 1325	259	Geoffrey le Scrope	J 183 R 35.
Trin. 1325	261	do.	J 173 R 23.
Mich. 1325	262	do.	J 232 R 47.
Mich. 1327	270	do.	J 123 R 17.

This increase in the extent of the "common please" which were tried before the king's bench, was maintained throughout Scrope's tenure of office, except for rare occasions, such as Michaelmas 1326, when a political crisis dislocated legal proceedings. (2) If he was conservative by instinct, the new chief justice was certainly successful in attracting litigation to his court, and energetic in despatching business. (3)

Of Scrope's activities outside the king's bench during the period 1324-28 we know surprisingly little. This is especially regrettable in regard to his work in parliament. The absence of any parliament rolls during the last years of Edward II forces us to resort to conjecture concerning his part in parliamentary proceedings of that period. It would be dangerous to argue, from his speeches in the parliaments of 1332, that he was selected to express the wishes of the crown (4) (5)

(1) We give the figures according to the mediaeval foliation; it is not always correct, the most frequent error being the omission of certain membranes from the reckoning.

(2) See below p. 132.

(3) It is possible that his clerks were more assiduous in the work of enrolment than they had been under previous justices; but if this is the main reason for the increase in the size of the rolls, some credit must go to the justice who directed them.

(4) Cf. Rot. Parl. ined., p. xxxi.

(5) Infra, p. 167

in a similar manner at earlier parliaments. What little evidence there is suggests that, when set speeches were made before the reign of Edward III, they fell to the chancellor and the treasurer rather than to the chief justice of the king's bench.⁽¹⁾ Thus our knowledge of Scrope's political activities becomes more obscure than ever, at the very point when he, like every other prudent Englishman in high office, must have been seriously concerned with his position in the event of a successful rebellion against the Despensors. We have no evidence whatsoever of his relations, if he had any at all, with the force which was gathering round Roger Mortimer in France,⁽²⁾ and which, by the beginning of 1326, was obviously ready to take the first opportunity to launch an invasion. He began that fateful year with the Hilary sessions of the king's bench at Norwich.⁽³⁾ During the session he performed some miscellaneous administrative duties which show that he was obviously enjoying the full confidence of the government.⁽⁴⁾ During the vacation which followed, he was appointed, with Herle, and others, to a

(1) Vide Richardson and Sayles "The king's ministers in parliament" ~~in~~ (E.H.R., vol. xlvii) p. 389.

(2) The royal concern, expressed on 18 March 1326, at the entry of unauthorised letters into the country, is a significant pointer to the possibility of correspondence between the rebels on the continent and their sympathisers at home. We should not be surprised to discover that Scrope had some understanding with Isabella and Mortimer before their landing (Cal. Pat. R. 1324-7, p. 286).

(3) Coram Rege R. 263, m 1.

(4) Ibid. cf. also Cal. Chanc. Warr. p. 575, for a reference to him as one of the chief members of the council.

commission of oyer and terminer in Leicestershire which has
 some points of unusual interest. (1) It must be considered in
 conjunction with an identical commission for the county of
 Stafford, issued at about the same time, (2) with the writs issued
 to the keepers of the peace in twenty-five counties authorizing
 them to inflict grievous amercements on contumacious persons, (3)
 and with a special commission of oyer and terminer touching a
 recent murder in Leicestershire, issued to Henry of Lancaster
 and others. (4) Obviously all these commissions have a similar
 origin: the problem is to estimate Scrope's part in planning
 them.

In the next chapter we shall have cause to discuss the
 chronic state of disorder, especially in the midland counties,
 which was a subject of frequent complaint in the early parliament
 of Edward III. (5) We shall have some reason to believe that
 Scrope planned the measures which were taken to suppress these
 crimes. We shall see that on the whole he seems to have viewed
 the keepers of the peace with some disfavour, (6) and to have
 preferred either the old established methods of the eyre or the

(1) Cal.Pat.R. 1324-27, p.284.

(2) Ibid.

(3) Op.cit. p.285.

(4) Op.cit. p.283. The full texts of all the commissions in
 question are given in P.Writs, Vol.II, Div.2, pt.2, pp.282
 seq. A.R. 477 records the proceedings against the murder-
 ers of Bellers: see ~~note at the end of this section~~, p.176
infra.

(5) Infra, pp. 143 seq.

(6) This has, of course, been ^{argued} ~~pointed out~~ by Miss Putnam in her
Transformation of the Keepers into the Justices.

appointment of special commissioners as 'keepers of the counties'. Now we find in 1326 evidence of an outbreak of violence which has not only the same general characteristics as the later one, but also, apparently, the same instigators. The infamous Richard of Ashby Folville, parson of Teigh (Rutland), whom we shall meet as the leader of a particularly scandalous robbery in 1332,⁽¹⁾ was concerned, with his equally infamous relatives, in the murder of Sir Roger Bellers, a baron of the exchequer, on his way from Kirkby (Lincolnshire) to Leicester in January 1326.⁽²⁾ Steps were at once taken, by a special commission of oyer and terminer to bring the criminals to justice;⁽³⁾ but in 1326, as in 1332, it seems to have been felt that more radical steps should also be taken both against malefactors in general, and against those who maintained and aided them. That Scrope took a prominent part in the measures of 1332, we can tell from his speech in parliament. For his concern in those of 1326, we have to rely mainly on inference.⁽⁴⁾ Certainly he went in person to Leicestershire in March 1326,

(1) Infra, p. 166.

(2) Cal. Pat. R. 1324-27, pp. 283-4. Cf. Tout, Edward II, p. 180. It is impossible to decide which of the many Lincolnshire 'Kirkbys' is meant. Some further details of the career of Richard of Ashby Folville are given infra, p. 173 et seq. Contemporaries regarded the murder of Bellers in a political light. (Tout, loc. cit.).

(3) Ante, p. 126 n. 4.

(4) A.R. 570. m 1.

armed with a commission whose wording has more than a suggestion
 of that of the old commissions of trailbaston. Stonor and
 John of Denham proceeded to Staffordshire with an analogous
 commission, and we have evidence that they held pleas of the
 crown in Oxfordshire, Berkshire, and Buckinghamshire as well.
 Very possibly the records of sessions in other counties are
 lost, or have not yet been identified. But perhaps the most
 interesting aspect of the matter is the issue of writs to the
 keepers of the peace, accusing them of slackness in their
 proceedings against malefactors and against those who maintain
 them, and conferring upon them the power to punish contumacious
 persons by amercements. If Scrope was the organiser of these
 measures, it argues that he had still a considerable faith in
 the potentialities of the keepers of the peace, provided that
 their labours were supplemented by those of professional justices.
 It is certainly astonishing that in a year when the authority

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- (1) Full text in P.Writs, Vol.II, Div.2, pt.2, p.283. Compare with the trailbaston commission of 1305 in P.Writs, Vol.I, Appendix p.408. The language is also familiar enough in commissions of the peace (cf. Putnam, Kent Keepers, p.1); Cf. also Cam: Studies in the Hundred Rolls, pp.76-7, and for a reference to a 'Scrope' as justice of trailbaston see Y.B. 2 Edward III, Trin., pl.14. This may be a later allusion to the sessions of 1326.
- (2) A.R.810.
- (3) Cf. A.R.1395.
- (4) Cf. Putnam: "Ancient Indictments" (E.H.R. vol.xxix, pp.482-3) for the presence of records of "oyer and terminer" in the series of indictments.
- (5) Cal.Pat.R. 1324-27, pp.285-6.

(1)
of the government was so weak, and its reputation so low, the judiciary should have been able to launch a widespread, if inconclusive, attack on the forces of disorder. We cannot prove that Scrope supplied the initiative but it is hard to name anyone else who could have done so.

(2)
In April the king's bench sat at Warwick, but it seems quite possible that Scrope remained in Leicester during some part, at least, of the term. (3) In the summer he had to abandon the sessions of oyer and terminer in favour of other business, (4) whose nature cannot now be ascertained. After this we lose sight of him altogether until the opening of the crucial Michaelmas term, during which the long expected revolution (5) took place.

Scrope seems to have been present at Westminster for the beginning of Michaelmas term on 6th October. (6) Although some

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- (1) The writs of 18 March 1326 referred to above are an apt commentary on the position in general. [See p. 127, note 2]
- (2) Coram Rege R.264, m 1. The king was at Kenilworth: cf. Chron.Ed.I & II, p.xciii, and the chancery enrolments of April 1326 passim. It seems just possible that the move was designed to take the king's bench into the midlands in order to be near the centre of the investigations referred to above.
- (3) The Leicester sittings began early in March. (A.R.470, m 1). Easter would interrupt them within about ten days and it is hard to believe that Scrope never returned to them.
- (4) A.R.470, m 4. John of Denham acted in his place.
- (5) The summer, however, witnessed an important event in his private life: he was granted the castle, manor, and honour of Skipton in Craven, forfeited by Roger de Clifford, on 21 July. (Cal.Fine R.1319-27, p.400 and *infra*, p.255).
- (6) See the interesting speeches printed, from an unpublished Y.B. manuscript, by Bolland: Manual of Year Book Studies, p.25. His name appears on Coram Rege R. no.266, m 1.

business was done, the roll for that term is unusually short. (1)
 Clearly the justices must have adjourned soon after the end
 of the first week. (2) Undoubtedly this adjournment was caused
 by the departure of the king for the west of England, which (3)
 seems to have taken place a few days after the opening of term.
 But the bench made no attempt to follow Edward in his flight
 from the queen. The judges were far too busy in other ways, (4)
 even if their loyalty to the king were certain. The king's
 supporters, if the bishops of Exeter and London can correctly
 be so described at this stage, seem to have hoped that the
 judges would join with them in a last attempt to secure the
 city for Edward. It was arranged that they should meet Scrope,
 Hervey of Stanton (just appointed chief justice of the common
 pleas), (5) Walter of Norwich (chief baron of the exchequer) and
 other 'privati regis' at Blackfriars on 15th October. The

(1) 42 membranes. The headings throughout are "Octave of Michaelmas".

(2) Cf. Appendix A, No. XVI: "non plus propter absenciam justiciariorum".

(3) Cf. V.H. Galbraith "The Historia Aurea" in E.H.R., vol. xliii, p.212. On the events of this period see also the French Brut preserved in Cambridge University Library MS CG 1, 15 [ff 79b-80b].

(4) There seems no doubt that Edward still trusted Scrope at the date of his own departure from London, for he appointed him to send troops to join him (Edward), and to arrange for their payment; a task which Scrope did in fact perform [E159/103, m 115 (Oct.1326)].

(5) Sayles, K.B. I, p.cxli.

mayor and aldermen of the city were summoned to the same
 (1) meeting. Hamo of Chigwell, the mayor, had still sufficient
 (2) zeal for the royal cause to make him obey the summons. But
 his fellow citizens stopped him on the way and forced him and
 the aldermen to go instead to the Guildhall, and make an open
 (3) declaration for the queen. It seems to have been their in-
 tention to proceed thence to Blackfriars and to murder the
 (4) bishops and justices assembled. The bishop of Exeter, however,
 was not at Blackfriars, for the mob found him on his way from
 (5) Newgate to the Tower: and it may well be that Scrope and his
 fellow justices likewise never attempted to keep their appoint-
 ment on that day of tumult and bloodshed. One apparently well-
 informed source asserts that the Londoners sought to murder
 (6) Harvey of Stanton and Scrope. Neither of them suffered
 Stapleton's fate, but there is evidence that the mob found
 (7) some relief for their disappointment by rifling Scrope's house,
 as they did those of the chancellor and other undoubted

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- (1) Galbraith, loc.cit. Cf. Cal.P.& M.R. 1323-1364, pp.41-2.
 The hostility of the citizens to this meeting is the main
 evidence of its purpose. Cf. Chron.Ed. I & II, II, p.xcvi.
- (2) Ibid. p.xcvi.
- (3) Galbraith, loc.cit.
- (4) Anglia Sacra, I, p.366.
- (5) Chron. Ed. I & II, II, p.xcix.
- (6) Memorials of St. Edmund's Abbey (R.S.) II, p.329. I owe
 this reference to Dr. E.B.Fryde.
- (7) Cal.Pat.R. 1327-30, p.240.

(1)
adherents of the court party.

The views of the riotous citizens of London, however, were not identical with those of Isabella and her supporters. Before the revolution had gone much farther, Scrope was acting on the queen's behalf in London; and certainly, by the beginning of 1327, he had so successfully gained her confidence that he was chosen as a member of the delegation which visited Edward II at Kenilworth to witness his formal abdication. On 13th January 1327 he had been one of the large assembly which met in the Guildhall to swear support to the queen against her enemies. He was summoned to Edward III's first parliament, was referred to during its meetings as chief justice, and when the Hilary sessions of the king's bench began, early in

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- (1) Chron. Ed. I & II, loc.cit. It is instructive to contrast Scrope's fortunes at this period, with those of his fellows in the list of Mortimer's enemies in 1323. Robert Baldock was imprisoned and soon died. Arundel, whom Mortimer "hated with a perfect hatred" (Baker, p.25) was beheaded. The Despensers, of course, were hanged as traitors.
- (2) Cal. P. & M.R. 1323-64, p.16. p.17 shows that the citizens were by no means favourable to him.
- (3) M.V. Clarke: Medieval Representation and Consent, pp.187, 194.
- (4) Cal. P. & M.R. 1323-64, p.13. This seems to have been a demonstration designed to placate the Londoners. cf. Anglia Sacra, I, p.367. One of the first actions of the new government was to issue a charter of liberties to London, which confirmed the liberties existing before the eyre of 1321 [Chron. Ed. I & II, I, p.329].
- (5) L.R.III, p.371.
- (6) Rot.Parl.ined., pp.170-1.

February - much delayed by the disturbed state of affairs -
 (1)
 he presided as usual. It is necessary to emphasize this
 continuity in his tenure of office because it has often been
 doubted since Dugdale's unjustified assertion that he was, for
 (2)
 a time, out of favour under the new regime. The evidence is
 quite to the contrary: and since the whole matter is of some
 interest we may perhaps be excused if we devote a few words
 to it before we go any further.

Dugdale's statement runs as follows:

"In 1 Edward III, upon testimony of the prelates, earls, and barons in parliament that he had behaved himself loyally to the late King Edward the Second and since, he obtained a special pardon for the cause of that displeasure which the king had conceived towards him, and was again made chief justice of the king's bench". (3)

There are two separate assertions here: one that Scrope was dismissed from his post and reinstated after a period which

- (1) Coram Rege R.267, m 6. Writs addressed to Scrope as chief justice on 28 January 1327 (m 1). The roll has only seven membranes.
- (2) Dugdale: Baronage, I, p.658.
- (3) cf. ante, p. 9 n. The use which later writers have made of Dugdale's statement deserves mention. Nicolas (II, p.99) embroiders it by saying "on the accession of Edward III Scrope was suspected of having acted traitorously to the late king, but on the testimony etc. . . he obtained a special pardon", and so forth. Foss says (III, p.338) that the king's bench "was left vacant until certain suspicions which had been harboured against him had been investigated" and in another place (p.495) that he was reinstated on February 28, 2 Ed. III (cf. following note). The D.N.B. has a similar story. For an assertion that Scrope's "disgrace" lasted until 1330 vide Hasted, History of Kent, I, p.460. See also Cal.P. & M.R. 1323-64, p.71. The first dissent from the traditional view seems to be that of Miss Cam in E.H.R., vol.xxxix, p.248, note 8; cf. also Tout, Chapters, III, p.9.

(1)
 (to judge from Dugdale's marginal reference) may have lasted for a year or more; the other that Scrope was out of favour with Edward III's guardians, and was pardoned only after proof of his attachment to the new regime. Now we have already seen that there is no evidence for the first, and abundant proof indeed that he served from the beginning of the new reign as chief justice. A reappointment there must indeed have been, (2)
 upon the demise of the crown, but this would be a mere formality. Unluckily no writ of reappointment to the king's bench was enrolled. The omission may doubtless be explained by the confusion of the first period of the reign, and can in no way (3)
 weaken the evidence of the Coram Rege and Liberate rolls. The second assertion of Dugdale is rendered less probable by the destruction of the arguments for the first, but we have to face the existence of the pardon which he cites. Since the (4)
 summary version in the Calendar of Patent Rolls is not entirely (5)
 satisfactory, we have given the full text in an appendix. What

- (1) i.e. to the entry calendared in Cal.Pat.R.1327-30, p.240, which is an allusion to Scrope as chief justice in February 1328.
- (2) Since judges held office "during pleasure" their appointments automatically lapsed on the death of the king; a practice which continued until the statute 1 George III, c 23. Cf. Holdsworth, History of English Law, I, p.195.
- (3) Payments to Scrope as chief justice were made without break at the revolution. (Liberate 103, m 2, 104, m 6).
- (4) Cal.Pat.R.1327-30, p.28.
- (5) Appendix A, No.V.

conclusions can be drawn from this document? Obviously it must be compared with others of a like nature, for we have to consider the possibility of its being 'common form'. On 21st February, for example, Roger Mortimer, the controller of the new government, received a pardon for his escape from the Tower in 1323.⁽¹⁾ No one will argue that he, of all people, was "restored to favour" on that date. Obviously the significance of the document is purely technical, in that Mortimer desired a formal pardon in case at some future date, when he was no longer in control of the king, his enemies should use the offence against him.⁽²⁾ There is certainly a marked vagueness in the terms of Scrope's pardon compared with those given to two of his fellow justices, Mablethorpe, who had incurred displeasure by having sat in judgment upon Thomas of Lancaster,⁽³⁾ and John Inge who was accused of definite adherence to the younger Despenser;⁽⁴⁾ or with that awarded to Thomas of Sibthorpe for suspected sympathies with Despenser and Baldock.⁽⁵⁾ One has the impression that no such specific offences were in mind when

(1) Cal.Pat.R. 1327-30, p.14.

(2) Cf. Foedera II, i, p.538.

(3) Foedera II, ii, p.696.

(4) Appendix A, No.V.

(5) Cal.Pat.R. 1327-30, p.41. On the interesting connection between Scrope and this Thomas vide infra, p. 261. It is possible that it proves some real personal attachment between Scrope and the Despensers.

Scrope's pardon was drafted. So astute a lawyer must have recognised well enough that there might be another change of government ere long - as indeed there was in 1330 - and that a formal assertion of his loyalty was of value, especially when made in public before the assembled parliament. He may well have feared such proceedings as were taken against Adam Orlton in 1334, for his share in the overthrow of Edward II.⁽¹⁾

It may be objected that the words of the pardon which speak of the king's rancour and indignation against Scrope, imply something more than we have suggested. True enough, they are the identical words used of the king's wrath against Inge,⁽²⁾ whose offence seems to have been definite enough. But can we really believe that the government accepted as chief justice for nearly three months a man against whom they felt so strongly as the words of the pardon, if taken literally, would imply? The king was too young to have personal dislikes of any political importance: Mortimer and Isabella were the only members of the government whose opinions can have counted for much. It seems incredible that in the face of their hostility⁽³⁾ Scrope could have remained in office while any charges of substance against him were being considered.

(1) Stubbs, Constitutional History, (4th edition) II, p.403. The concluding sentence of the pardon "nolentes quod . . . gravetur" is probably its most important provision, if our view is correct.

(2) Supra, p. 137 n. 4.

(3) There is a certain irony in the issue of a pardon to Mortimer ~~for offence~~ and at the same time of a pardon to the justice before whom he had been indicted, ~~in his absence, for the same offence.~~

(1)
 Easter term saw the king's bench at York, whither the
 king and the administration had moved to undertake operations
 against the Scots. Normal business was done for the first time
 since Trinity term 1326. After a journey to the border for
 negotiations with the Scots, (2)
 he returned in time for Trinity
 term, (3) and for various miscellaneous duties, which included a
 commission to annul forced gifts made in the previous reign to
 the Despensers, Arundel, Baldock and Stapleton. (4) His activities
 in this and other tasks made it unlikely, as we have seen, (5)
 that he served on any of the campaigns of the next couple of
 months. After a visit to Lincoln for a meeting of the council, (6)
 he returned to York in time for Michaelmas term. (7) The report
 for that term includes some of his speeches. We find him
 acquitting a defendant accused of forging the king's seal, while
 pointing out the weakness of his defence. (8) One of his more
 interesting recorded statements of legal theory occurs when he
 says that law is based on reason and precedent and that the king
 desires his judges to act accordingly. (9) A case of topical

(1) Coram Rege R. 268, m 1.

(2) Supra, p. 106.

(3) Coram Rege R.269, m 1.

(4) Cal.Pat.R.1327-30, p.153.

(5) Supra, p. 107.

(6) L.R. III, p.378. His attendance is not certain.

(7) Coram Rege R.270, m 1.

(8) Y.B. 1 Edward III, Mich. pl.16.

(9) Ibid. pl.21.

interest arose when a man appealed to the king's bench against a decision of the justices of oyer and terminer, on the ground that the case was adjudged in his absence on the king's service in Scotland, and that before his departure ⁽¹⁾ he had obtained a royal writ to stay proceedings. Scrope disallowed the appeal, arguing that the writ could not be allowed to obstruct the due process of law.

Hilary term 1328 should have seen Scrope at the head of an eyre in Kent. ⁽²⁾ This eyre was cancelled before it ever assembled, on the ground that the presence of the justices ⁽³⁾ was required in the York parliament of 7th February. The fact that it was projected only fifteen years after the last Kentish eyre seems, at first sight, in this age of infrequent ⁽⁴⁾ eyres, to suggest that the new government had already been persuaded by Scrope to experiment with the revival of the dying terrors of the eyre. In fact, however, the occasion of the projected Kentish eyre was merely the death of Archbishop Reynolds on 16th November 1327; the writs proclaiming the eyre were issued less than three weeks after that date. This was not an exceptional practice: it had been followed in 1313, 1293, 1279, and 1271; and it was to be followed again in 1334 ⁽⁵⁾ after the death of Meopham. The writs of 1333 make it plain that the purpose of such eyres was the assertion of the royal

(1) Ibid.

(2) Cal. Close R. 1327-30, p. 189.

(3) Ibid., p. 244.

(4) Cam, Studies in the Hundred Rolls, pp. 112-13.

(5) Cam, loc. cit.

rights during the period of vacancy in the see.⁽¹⁾ In any case, Kent was by no means the worst centre in the general wave of disorder which was vexing the country.⁽²⁾ In the changed circumstances, Scrope was able to stay at York for the beginning of Hilary term on the king's bench.⁽³⁾ He was certainly concerned, at the same time, with the discussions in parliament upon the Scottish question.⁽⁴⁾ As we have seen, he travelled north during the vacation to negotiate at Edinburgh,⁽⁵⁾ and we can be fairly sure that he was present in the parliament of Northampton for the ratification of the treaty which he and his colleagues had concluded with the Scots. Yet it is doubtful perhaps whether his main interest in that parliament was centred upon the treaty. The treaty was now past history: the great Statute of Northampton was concerned with the future. At this point, however, we reach the end of our task of the moment, and it belongs to the next chapter to consider how, during the few years immediately after the Scottish peace, Scrope took part in the campaign for a stricter enforcement of the law against crimes of violence.

(1) Cal.Pat.R.1330-4, p.475; Cal.Close R.1333-37, p.138.

(2) Infra, p. 143 et seq.

(3) Coram Rege R.271, m 1.

(4) Supra, p. 108; L.R. IV, p.381.

(5) Supra, p. 109.

(vii)

"Il append al Roi a savoir et a veer coment son poeple est demene, et ceo est la cause pur quel le Roi deit avoir son eyre de vij aunz en vij aunz pur veer q' son poeple soit mene a dreit ---."

(Scrope, at the Northampton eyre,
from Lincoln's Inn MS. Hale 137 (1)
folio 46 r.).

It seems a little unfair that the parliament of Northampton of 1328 should be remembered more for its ratification of the Scottish peace than for the promulgation of a great statute. The former was a very short lived settlement, as well as a humiliating one; the latter became a part of the regular machinery of the criminal law. It would be pleasant to be able to attribute the drafting of the statute to Scrope with some degree of certainty. We can in fact say no more than this: that it is not likely that he was less active in such matters than Brabazon and Hengham had been in their day.⁽¹⁾ His relations with Isabella and Mortimer present another problem of equal difficulty. The period which we are about to consider was one of much activity in the legal sphere, and it is tempting to assume in consequence that Scrope wielded great influence. Miss Putnam has gone so far as to say that "Scrope and Mortimer were in control".⁽²⁾ Such a statement as

(1) See e.g. Holdsworth: Sources & Literature of English Law, p.46. This statement may appear to conflict with Professor Plucknett's remark (in Concise History, pp.295-6) that as we approach the middle of the fourteenth century ... the judges treat legislation as the product of an alien body." I think, however, that Scrope represented the older tradition, of which Professor Plucknett speaks in an earlier passage (p.295).

(2) Putnam, Transformation, p.24.

this may give the impression that there is clear proof of Scrope's dominant position among Mortimer's advisers. This is not the case. The inferences which may be drawn from his speeches in parliament and in the eyre of 1329-30 are favourable enough to such a theory, but they do not establish it. Such speeches could have been made by a justice who was simply carrying out - albeit with great competence and even with enthusiasm - a plan conceived by someone else. We may well wonder who else could have conceived it; Mortimer and his entourage do not provide many candidates for the honour. But it would be wrong to begin with the assumption that in following Scrope's career through the years 1328-1332 we are placing ourselves in a specially favourable position for understanding the policy of the government. The lives of many more of his contemporaries would have to be studied in detail before we could assert that he alone shared with Mortimer the control of the administration.

The starting point for our discussion must be, as it was for the deliberations of Scrope and his contemporaries in parliament, the extent of violence and disorder in England in the early years of Edward III. If we were to judge by the complaints made in parliament, and by the cases recorded in the plea rolls, we should imagine that the law had seldom been so feebly enforced. Such assertions always prompt the question whether we are faced with a true increase in the extent of crime,

or simply with an attitude of mind which was less tolerant
 of crime than it had been in earlier times.⁽¹⁾ We cannot be
 certain of the answer, but we can say with confidence that in
 the later years of Edward II and the earlier years of his son's
 reign there was no lack of machinery to capture and to try
 criminals,⁽²⁾ nor of experiment with new methods. There were the
 keepers of the peace, who had power to hear, but not to
 determine indictments of felony; the justices of gaol delivery;
 and those whom we know by the rather unscientific name of
 justices of oyer and terminer. On occasions which were now
 very rare, but still much dreaded, there were visitations of
 the justices in eyre. All this is to take no account of
 presentments before the sheriffs and the coroners, of which we
 find constant mention in the rolls of the upper courts.
 Possibly, indeed, the cause of law and order was ill served by
 this multiplicity of jurisdictions. If, as has been suggested,
 the fourteenth century malefactor was never sure which court
 would have the privilege of hanging him, he may often have
 escaped notice in the general confusion. Faced with the problem
 of improving the system, the government, in the early years of
 Edward III seems to have hesitated between rival methods. One
 plan was to increase the powers of the keepers of the peace by

(1) Cf. P. and M. II, p.557 as an illustration of the state of
 affairs in the preceding century.

(2) e.g. Putnam, Kent Keepers, pp.xvii-xxi.

(1)
giving them power to determine, as well as to hear, indictments.
The other was less straightforward: it favoured a revival of
the moribund general eyre, and it came also to include the
appointment of commissioners called the keepers of the
counties, who, though often confounded with the keepers of the
(2)
peace, could be considered as dangerous rivals of theirs.
(3)
Scrope has been represented as the leader of the second party.
Though we have pointed out the dangers of too readily making
such inferences, it must be admitted that we should expect
^{one}
~~een~~ who had been so conservative in his treatment of the king's
bench to favour a revival of the eyres; and his recorded
utterances, one of which is placed at the head of this chapter,
and others ~~of~~ which we shall have occasion to quote later,
suggest that he did so.

In the very first parliament of Edward III the former
view had been expressed clearly enough:

"La commune prie souvereynement qe bons gentz et leaux
soient assignez en chescun cunte a la garde de la pees
qe ne sount meintenours de mausbaretz en pays, et qil
eient power de chastier les mesfesurs solom ley et
rosun." (4)

The proposal to extend the powers of the keepers of the peace in
this way was, however, not readily accepted by the government.

(1) It is to be noted that the keepers had received commissions
of gaol delivery in Kent in 1316-17 (Putnam, Kent Keepers,
p.xxi). How far this extended to other counties is not
clear.

(2) cf. Putnam, Transformation, p.30, n.2.

(3) Putnam, Proceedings, pp.xxxviii-xxxix.

(4) Rot.Parl. II, p.11.

The statute of 1327 merely confirmed them in their existing

(1) position. Yet it has been noted that when new commissions

were issued soon afterwards they were expressed in unusual

(2) detail. If Scrope had a hand in the preparation of these,

he can scarcely be accused of any desire to restrict the functions of the keepers as such. The statute of 1327 did not

satisfy the demands of the "radicals" (if we may use such a term for convenience), and when the parliament of Northampton assembled in April 1328, there was a clamour for more energetic

measures. No roll of the proceedings has survived, but a speech made by Scrope himself from the bench a year later, gives a good enough clue to the nature of the complaints:

"A parlement ---- a Northampton pleintz vindrent a notre seigneur le Roi de totes costes de Roialme, qe le peuple fut si malement demene par divers oppressions des grauntz et par extortion de maintenurs et duresses des baillifs et homicides et larcyns faitz de tutz partz en le Roialme, de quoi plusurs de totes partz q' se sentirent gravez prirent de ceo aide et remedie". (3)

It will be noticed that to the complaints about crimes of violence, there are now added the familiar allegations of misdeeds by officials and other highly placed persons. It may have been this agitation in parliament which led to the first

(1) Statutes of the Realm, I, p.257. The words of the petition are closely followed except for the clause "et qil-----resun". The statute has often been erroneously taken as the origin of the office of keeper of the peace.

(2) Putnam, Transformation, p.25.

(3) Cam, General Eyres, p.249.

(1)
 suggestion of a general eyre to restore law and order. If so,
 the plan was not at once put into action. The real achievement
 of the parliament was the enactment of the statute which has
 been called "the focus of Mortimer's measures for peace",
 and which may (as we have said before) owe as much to the
 expert hand of Scrope in its drafting, as the statute of "De
 Donis" did to that of Hengham. There is nothing in its
 provisions which can be called revolutionary. It was intended
 to supplement rather than to supersede the statute of Winchester.
 The itinerant justices were authorised to punish disobedience
 to that statute, and steps were taken to protect them from local
 interference. As a supplement to their activities, provision
 was made for the appointment of justices whose commissions were
 clearly modelled on those of Edward I's justices of trailbaston.

- (1) Unfortunately there is a conflict of evidence over the time and place when the eyres were suggested. Bodley MS. Tanner 13, p.312 (not f 312 as in Miss Cam's transcript given in her article General Eyres, p.250), asserts that the proposal was made "en plein parlement" which could only be at Northampton in April 1328. Cambridge U.L.MS. HL 2.4.f 265, ascribes it to the later council of Windsor (July, 1329). Miss Cam inclines to the former belief, but her argument from the proposed eyre of Kent in 1328 is weakened by the fact that this was the result of the recent death of the archbishop (supra, p. 140) and not of the decision to resort to widespread eyres for the enforcement of the law against felons.
- (2) Putnam, Transformation, p.26.
- (3) cap.6. The reference to this clause in Lodge & Thornton, English Constitutional Documents, p.324 contains a double error (a) The clause does not refer to the keepers of the peace (b) It does not concern proceedings against criminals in general, but only against persons contravening the Statute of Winchester. See also Plucknett in English Government at Work, I, p.122.

(1)
 (cap. 7). After the close of parliament, these justicos set to work in various parts of England, and it seems that they attacked their labours with considerable vigour. (2) We cannot follow their activities here, because Scrope was otherwise engaged. For the first time since he became chief justice, he was ordered to use the king's bench as Hervey of Stanton had done. The writ which instructed him to employ the king's bench as a weapon in the general attack on malefactors is too long to quote in full here. Beginning with a recital, in words almost identical with those of the trailbaston writs of Edward I, of the harm which was being done by felons and disturbers of the peace, who committed crimes and then took refuge in woods, parks, and other diverse places, and observing that matters would go from bad to worse unless a remedy were soon found, it then proceeds:

"Nos, volentes quod in comitatibus in quibus vos placita nostra tenere contigit iusticia super premissis fiat coram nobis, vobis mandamus quod per sacramentum tam militum quam aliorum proborum et legalium hominum de comitatibus predictis, tam infra libertates quam extra, per quos rei veritas melius sciri poterit, diligenter inquiratis qui sunt illi malefactores et eorum scienter receptatores et eis consentientes vim et auxilium prebentes, ----- necnon de omnibus aliis dampnis oppressionibus et aliis gravaminibus quibuscumque, tam tempore domini Edwardi nuper regis Anglie patris nostri, quam nostro, per quoscumque in comitatibus predictis illatis, et felonias predictas ad sectam nostram et transgressionem oppressiones extorsiones

(1) The reference to Edward I in this clause is noteworthy. For so called "trailbaston" proceedings in this period, see the Y.B. references above, (p. 130, n.); Rot. Parl. ined., p. 225; and Holdsworth, History of English Law, I, pp. 273-4.

(2) Cam, op.cit., pp. 244-245.

conspiraciones excessus dampna et gravamina predicta tam ad sectam nostram quam ad sectam aliorum de eisdem conqueri coram vobis et prosequi volencium audiat et plenam et celerem iusticiam inde faciatis, secundum legem et consuetudinem regni nostri." (1)

If we compare this writ with that of 1323, quoted on page 123 above we notice that in two respects it represents a more conservative view of the king's bench. There is no allusion to any list of articles for administration in the counties; and there is no order given about the counties which are to be visited. It may be added that no instructions are included, as they were in 1323, concerning vacation sittings, but we shall see that there is evidence that the justices took action on this without specific orders. Clearly Scrope was not intended to take the king's bench on a progress such as that of 1323-34. On the other hand its contribution to the enforcement of the Statute of Northampton was no haphazard one. Yorkshire had not been included among the counties to be visited by the justices specially appointed under the statute; and it was to York that Scrope took the king's bench in Trinity term 1328. The "Rex" membranes of that term do not contain an enrolment of the letters patent which we have just cited; but their contents in general suggest that the court was acting upon its

(1) Patent Roll 169, m.7d.) The Calendar is inadequate here.
 (15th May 1328)) Compare the words of the Statute of
) Northampton: "qe nostre seignur
 le Roi assigne justices en divers
 lieux de sa terre, ove le Baunk le Roi par aillours".
 (Statutes of the Realm, I, p.259).

instructions. Ten membranes, all except two being written on both sides, contain records of indictments by juries of the various Yorkshire wapentakes for felonies and trespasses.⁽¹⁾ The record of the delivery of the gaol of York adds about half as much again to the bulk of the roll.⁽²⁾ It seems possible⁽³⁾ that the justices were still sitting at York in August 1328. Such activity however was not of long duration. The king's bench returned to Westminster for Michaelmas 1328. Its first instance criminal jurisdiction there was of little importance at any time, and least of all when, by all accounts, the main centre of disturbance was in the midlands. In Hilary term 1329 it sat at Bedford, St. Albans, and Maidenhead, but its attention⁽⁴⁾ to local felonies in these places was almost negligible. This was to be Scrope's last full term on the king's bench for nearly two years. In Easter term, after a brief session at Westminster, the court moved to Canterbury, accompanying the king on his way to do homage to Philip VI at Amiens. Since Scrope was going abroad in the king's retinue⁽⁵⁾ a substitute had to be appointed⁽⁶⁾ as chief justice. This was Robert of Mablethorpe, one of his

(1) Coram Rege R. 273, Rex, ms.19-28.

(2) Ibid., ms.5, 29-34.

(3) Ibid., m.34, "Thursday after St. Bartholomew". This may be an error for "St. Bothulph", but cf. Cal.Pat.R., 1327-30, p.349, where Scrope & Mablethorpe are too busy for other engagements in August 1328.

(4) Coram Rege R. 275, Rex, ms 5, 13d, records two gaol deliveries and one indictment at St. Albans. There are none at the other places. Note the reference to the statute of 1300 in Cal.Close.R.1327-30, p.424.

(5) Cal.Pat.R. 1327-30, p.390.

(6) Mablethorpe was a substitute rather than a mere deputy, as is shown by his receipt of the full chief justice's salary (Liberate 106 m.3). A deputy received only the fee of a puisne justice.

colleagues on the king's bench, to whom he handed over the rolls and other documents, by an indenture dated 24th May.⁽¹⁾ Six days before, the friends of the keepers of the peace had won their demand of 1327, and the keepers became entitled to determine as well as to hear indictments of felony.⁽²⁾ Scrope may perhaps have been convinced, just before he departed, that the suggestion was worth a trial. On the other hand, the experiment of a general eyre had yet to be tried before the traditional methods could be proved wanting, and it is hard to believe that there is no connection between Scrope's return from France sometime in the middle of July 1329,⁽³⁾ and the subsequent discussions at the council of Windsor on July 23rd.^{23rd} Scrope's own allusion to this council, made during the eyre of Northampton, contains a strong suggestion that the large number of justices and sergeants who were present⁽⁴⁾ had been able to persuade the others that the new "justices of the peace"⁽⁵⁾ had proved ineffective and that the time had now come⁽⁶⁾ to try the effect of an eyre throughout the realm. It seems

(1) Coram Rege R.276, m.54. Mablethorpe's name first appears at the head of m 77. We cannot be sure when Scrope actually left the bench, but Mablethorpe was paid for the whole of Easter term (Liberate, loc.cit.).

(2) Putnam, Transformation, p.27.

(3) Appendix D, No.9.

(4) L.R. IV, p.390.

(5) Cam, General Eyres, p.250. "Nyent ----- remedy".

(6) Ibid., "par q1 grauntz-----acorda".

to have been confidently expected that this would bring about a revival of the "good old days" of the thirteenth century:

"En temps des progeniturs cesti Roy, Eyres soleient estre de sept aunz en sept aunz par tut le Roialme, par queux la pees de la terre fut bien meyn-tonu et garde et droit fait as riches et as pources". (1)

It was decided that a beginning should be made in the midlands, and that the eyre should be in two divisions, north and south of the Trent, after the analogy of the pleas
(2)
of the forest. Preparations were begun for the first of the eyres, which were to begin in November 1329, in Northampton-
(3)
shire and Nottinghamshire. So began the last serious attempt to put into motion the vast mechanism of the general eyre.

We cannot attempt to discuss here the details of the history of even the Northampton eyre, over which Scrope presided in person. The bulk of the rolls and MS. reports is great beyond any precedent, and except for extracts in

(1) Ibid. On the seven years period see Cam: Studies in the Hundred Rolls, pp.83 seq.; also infra. p. 208.

(2) Ibid., Extracts II and III.

(3) Cal.Close R., 1327-30, p.493; Cal.Pat.R., 1327-30, p.439.

(1)

the Placita de Quo Warranto, none of them are in print. We shall confine ourselves to some remarks on the part which Scrope took in the eyre of Northampton; it need hardly be said that in the circumstances they cannot pretend to be exhaustive. It may be assumed that he was concerned in the preparation of the new version of the chapters of the eyre, which ^{was} ~~were~~ designed to enforce sections III, XIV, and XV of the Statute of Northampton. (2) The close connection between the statute and the eyre is emphasized by the reference to the statute in the text of the articles. (3) Scrope's presence at Northampton meant a continuation of his absence from the king's bench. To meet this problem, his brother Henry was restored to his

- (1) The rolls of the Northampton eyre are now styled "Assize Rolls 629-636". They amount to some 750 membrances. Their fulness is a credit to Scrope's personal clerk, Adam of Steyngreve (later a justice of the king's bench) who was in charge of the records of the eyre (Cal.Pat.R. 1327-30, p.439), and who handed them in to the exchequer in 1332 (Palgrave: Ancient Kalendars and Inventories of the Exchequer, III, p.158). Placita de Quo Warranto, pp.499-584 consists of extracts from A.R. 634. I have examined the following MSS. containing reports of the eyre. (A complete list of known MSS. can be compiled from the statistics given by R.V.Rogers in his article in E.H.R. LV, pp.574-5):

British Museum : Egerton 2811 (the best); Addit.5924;
Addit. 24,063.

Lincoln's Inn : Hale 137(1) and 137(2).

Bodleian : Tanner 13.

A critical edition of the reports is greatly to be desired.

- (2) Cam, General Eyres, pp.251-2.

- (3) Ibid.

(1)
 old position as chief justice for the next five terms. He was not content to play the part of an elderly deputy, for he took the king's bench into Oxfordshire, where he and his fellows heard presentments by juries of every hundred, so helping to cover one of the midland counties which the eyres had not yet reached. (2)
 The preparations for the eyre in Northampton castle were unfortunately delayed somewhat by a misunderstanding during a vacancy in the sheriffdom, (3) but the proceedings seem to have been in progress by the middle of November. (4) We may infer from the chronicle of Peterborough that, by way of contrast, prospective litigants had not been backward in making their preparations. One passage is worth quoting as an example of the contemporary attitude to a practice which

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- (1) Henry had been made "second justice" in the common pleas in 1327 on the ground of ill health (Cal.Pat.R. 1327-30, pp.7, 25). This post seems to have been regarded, if not as a sinecure, at least as a fit post for tired justices (infra, p.144).
- (2) Coram Rege R.281, Rex, m.10 records a writ very similar to that of 15th May 1328, quoted above, p.144. For Oxfordshire indictments see the same roll, Rex, ms.10, 11; for gaol delivery at Oxford see ms 20d,22.
- (3) Cal.Close R.1327-30, pp.493, 505. The new sheriff did not become keeper of the castle until 16th Nov. 1329 (Cal.Fine R.1327-37, p.154).
- (4) Cal.Fine R., loc.cit.

(1)

we should call bribery but which the medieval man regarded in a totally different light:

"Eodem anno contigit quod justitiiarii itinerantes domini Regis Northamptoniae sedebant. Ad quam quidem villam idem dominus abbas, prior, et quattuor monachi cum familia sua in crastino Omnium Sanctorum (i.e. four days before the opening of the eyre) personaliter accessit, et usque translationem beati martyris (i.e. 7th July, 1330) cum magna familia ibidem moram traxit; et hospitium magnum et onerosum valde tenuit ad justitiiarios et alios nobiles quoscumque ibidem commorantes saepius convivendum; libertates insuper ecclesiae Burgo de quibus prius dubium vertebatur allocari, coram domino Calfrido le

- (1) On the whole question of payments and pensions by private persons to medieval justices see Sayles: "Mediaeval judges as legal consultants" (Law Quarterly Review, Vol.LVI, pp.247-54). For the payment of a pension to Scrope see The Knights Hospitallers in England (Camden Old Series, Vol.LXV, p.204). For a single payment see Appendix A, No.VII. Such payments were common, and no one at the time seems to have had any scruples over them. It is not easy to say whether the abbot of Peterborough received any particular favour in return for the presents mentioned in the extract quoted in the text. We have noted one case where a charter of King Edgar was adduced as evidence in a plea of Quo Warranto. The king's sergeant having then denied the validity of pre-conquest franchises, Scrope replied that many religious houses were founded before the conquest, and still held their franchises (B.M. MS. Egerton 2811, f 320 v.). But this was no more than a fair statement of fact. Good examples of the relation of judge and litigant are found in a letter of the prior of Christ Church Canterbury in 1332, asking one Thomas de Aledon to use his good offices with Scrope in a suit against Dover priory before the king's bench, and in a letter of the prior to Scrope in 1338 asking for his favour in the same case (Litterae Cantuarienses, Rolls Series, I, p.430; II, p.182). There was nothing unusual in this, for the same collection has a similar letter to Willoughby (ibid. II, p.184). See also Hist. MSS. Commission 9th Report, Part I, Appendix, p.79.

Scroup (sic) et sociis suis per diversa placita et onerosa fuerunt allocatae. In quacumque etiam actione contra ecclesiam de Burgo in dicto itinere mota, semper optinuit, nec in aliquo succubuit quovismodo. ----- Memorandum quod idem dominus abbas circa iter Northamptoniae et itinera Bedefordiae et Nottinghamiae nec non circa wardam de Makeseye (1) expendit MCLXXVI lib. XVIII sol. IV den." (2)

It seems unnecessary to comment on this delightfully naïve passage. Scrope's official fee from the exchequer for his services at Northampton was £100. (3) This was equivalent to two and a half years' salary as chief justice of the king's bench, yet we may conjecture that it was but a small part of the profits which he derived, directly and indirectly, from the eyre.

(4)
From the report preserved in MS. Egerton 2811, we can gain some idea of the scene in Northampton castle on the assembly of the first general eyre which had met there in forty-four years:

"All the justices and the great men of the county, and all those of the community who had come by summons of the said eyre being assembled, Sir Geoffrey le Scrope began the proceedings in the following manner: 'Archbishops, bishops, earls, barons, and all others who have come by reason of this eyre, attend to the royal command'. And then he caused to be read the commission in the following form".

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- (1) This refers to the case of Geoffrey de la Mare, son of the hereditary constable of Peterborough abbey (Camden Old Series XLVII, p.130). Geoffrey was a ward of the abbot. A long lawsuit between the abbot and the earl of Hereford, led to a settlement out of court (Duchy of Lancaster, 25/30, dated 18th June 1330). Then the abbot granted the wardship to Scrope "meritis suis exigentibus, filiam suam desponsaturum" (Sparke: Historiae coenobii Burgensis scriptores varii, 1723, p.229). For the significance of this reference see also below, p. 242.
- (2) Sparke, op.cit., pp.226-229. I have omitted all the details of the de la Mare case.
- (3) Liberate 107, m.2.
- (4) f.243r, & following.

There were then read letters patent of 3rd September 1329, appointing Scrope, Lambert of Threckingham, John of Cambridge, John Randolph, John of Radenhall, and others, as justices in eyre, and a further writ associating John of Louth in the commission. The sheriff was ordered to return the writ of summons of the eyre, and it was read. Then Scrope continued as follows:

"Sir Geoffrey ordered the sheriff to render up his rod of office, and he did so; and because they found no fault in him, they returned it to him. And they made him swear that he would loyally serve in the office of sheriff to our lord king and to his justices and people during the eyre, and keep the king's counsel, and would not break this oath for gift or promise by great or small, so help him God and the saints. Then he commanded all the bailiffs of hundreds and of franchises that they lay down their rods, and they did so.(1) Then Sir Geoffrey said: 'Good lords, some of you know, and some do not, the reason why this eyre was ordained. At the parliament lately held at Northampton, complaints reached the king from all sides of the realm that the people were afflicted by diverse oppressions,----- homicides, and thefts -----wherefore the great men there assembled agreed that there be an eyre throughout the land'."

It is not our purpose to discuss the course of the eyre during the months which followed. There are, in fact, few incidents of biographical interest. We must, however, allude to the mysterious conspiracy which developed in the second month of the eyre. It seems that attempts were made, by persons who cannot now be identified, to bring the eyres to an end by spreading rumours that certain magnates were plotting to

(1) The speech from this point has been printed by Miss Cam (op.cit. p.249), and we have therefore not quoted it in full.

introduce foreigners into the realm. A writ was sent to Scrope and his fellow-justices, authorizing them to arrest rumour-mongers by virtue of the well-known clause in the first Statute of Westminster concerning "scandal"⁽¹⁾. At the moment we cannot explain the particular circumstances which gave rise to this alarm; one can only hope for a fortunate discovery of proceedings under this writ in the Eyre Rolls of 1329-30, or perhaps in the Coram Rege Rolls, or elsewhere.⁽²⁾ There is ample⁽³⁾ evidence that some of the felons against whom the eyre was directed, had allies in high places, who would have been capable of organizing a campaign of rumours. Such attempts to bring the eyres to an immediate end by creating a state of alarm were quite unsuccessful. Scrope's labours in Northampton were, indeed, so indefatigable that by the end of 1329 two of his⁽⁴⁾ colleagues had to be relieved of their onerous duties. One suspects that Scrope possessed, like the great Martin of

(1) Foedera, II, ii, p.775; similar writs to the justices in eyre in Nottingham, and to the sheriffs of Stafford, Gloucester, Hereford, and Shropshire. The statute was Westminster I, (1275), c.34.

(2) cf. the entry on the memoranda roll, supra, p. 105, note 4.

(3) Especially the references (e.g. in the Statute of Northampton) to powerful "maintainers". See also the note at end of this chapter.

(4) Cal.Pat.R. 1327-30, p.465.

(1)
 Pattishall, powers of endurance which were too much for his
 colleagues on the bench. He himself, with typical vigour,
 contrived to fit into the Christmas vacation a brief visit to
 France on diplomatic business. (2)
 After reporting the results
 to the king at Kenilworth, (3)
 he returned to Northampton for the
 eyre. We may assume that the eyre met in more than one
 division, (4)
 and that he was not therefore in personal charge
 of all the vast bulk of pleas; nevertheless he must have been
 busy indeed until, sometime towards the end of June, (5)
 the
 proceedings came to an end. Such business as had not been
 completed was adjourned before other courts. (6)
 Since the Bedford
 eyre had just begun, (7)
 it might have seemed that the grandiose
 plan for covering all England with eyres was well under way.
 This was not the case. By the end of 1330 it was becoming

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- (1) Of Martin, one of his fellow justices said that he was so strong that he exhausted all his colleagues (Holdsworth, History of English Law, II, p.231,n.).
- (2) Appendix D, No.10.
- (3) Inference from Appendix A, No.IX.
- (4) See Sayles, K.B. II, p.lxxx. So too in the eyre of 1321 (Mun.Gild. II, 1, p.368).
- (5) Inference from MS. Egerton 2811, f 323, supported by other facts: e.g. (i) The abbot of Peterborough left early in July (supra, p. 155). (ii) Adjournments of unfinished pleas were ordered early in June (Cal.Close R.1330-33, pp.39, 158 (iii) The burgesses of Northampton received their liberties on 3rd August (Cal.Pat.R.1327-30, p.548).
- (6) See previous note.
- (7) Cal.Close R.1330-33, p.30.

plain that the effort could not be sustained. Several explanations are possible. One is the fall of Mortimer in October 1330. Another is Miss Cam's suggestion that the two chief justices, and Scrope in particular, were so essential to the daily business of government, that they could not be spared for long absences from the king's person⁽¹⁾. Yet another possibility is that Scrope and his fellow justices had come to think that the eyres had failed in their prime purpose. They may well have come to question, in particular, the value of holding seemingly interminable pleas of "quo warranto" in counties afflicted with uncontrollable felonies and trespasses.⁽²⁾ We need not assume that the whole truth is to be sought in any one of these explanations. They probably all contain a good deal of truth. What is certain is that 1330 was the year of the virtual death of the general eyre.⁽³⁾ If Scrope retained any of his earlier enthusiasm after then, it was not sufficient to induce him to press for a fresh attempt during his remaining years on the bench. Thus the great plan for an eyre spreading north and south from a centre in the midlands, was abandoned after it had been tried in a mere handful of midland shires.⁽⁴⁾

(1) Op.cit., p.249.

(2) Of the seven rolls of the eyre which are open for inspection, four deal with pleas of "quo warranto". We may admit that unsupervised franchises could be a source of disorder (see Cam, The Hundred and the Hundred rolls, p.239), but the effort here does seem disproportionate (cf. ibid., p.237 ad.fin.).

(3) Eyres were held sporadically as late as 1348 (Putnam, Proceedings, p.lxi), but none, after those of 1329-30, was of any importance.

(4) i.e. Northampton, Nottingham, Bedford, and Derby.

It is natural to ask whether the eyre had achieved any of its objects during the time that it was in session. No question is harder to answer than that which concerns the effectiveness of medieval attempts to enforce the law, either in church or in lay courts. We cannot prove much by pointing to the enormous number of pleas which were heard before the justices in eyre. They are no proof that, when the eyre was over, the state of the midland counties was any better than it had been before. True there had been a great upheaval. Many felons had been hanged, and many more frightened into a temporary improvement of their ways. Some had fled the county in terror of the justices. But it seems to have been recognized, even while the eyre was in session, that before long matters would slip back into their former state. One of the Lincoln's Inn manuscript reports concludes with a speech which provides a pessimistic comment on the ultimate effectiveness of the proceedings at Northampton:

"And then Simon of Drayton made petition to Scrope on behalf of the commonalty in this matter: 'Sir, since many felons (1) of this country have fled on account of the proclamation of this eyre, and will return after your departure, with the felons of the county of Bedford, where the eyre is going to be, if this neighbourhood is not helped by you, we pray that you appoint before your departure guardians of the peace, who may maintain and keep the peace in the state to which you have brought it.' Scrope granted this and did as he was asked." (2)

(1) The MS. has "fols" in one place, and "foux" in another. We have assumed that it is corrupt, and that "felons is meant.

(2) Lincoln's Inn MS. Hale 137(2), f.256 r.

If Scrope had indeed been an opponent of the proposal to increase the powers of the keepers of the peace this request, coming at the end of the eyre, must have been somewhat unwelcome. Yet, from his action in granting the request, we may conclude (setting aside the difficulty of deciding exactly what it was that he did grant⁽¹⁾) that he did not deny the fact that the effect of the eyre was likely to be a transient one.

We have mentioned above the fall of Mortimer in 1330. On that occasion Scrope passed unscathed through the second revolution which had taken place since he became chief justice. The coup d'état took place, it will be remembered, in Nottingham castle on October 19th. Since Scrope had been summoned to a meeting of the council which was due to take place in Nottingham four days before,⁽²⁾ there is every likelihood that he was at⁽³⁾ hand during the final stages of the plot against Mortimer. A priori one would have expected him to have enjoyed little favour under the new régime. He had, after all, helped to negotiate the Scottish treaty, which was so prominent among the

(1) It is not clear how a justice could make such an appointment nor why, in view of the existence of commissions of the peace, it should be necessary.

(2) L.R. IV, p.397. The summons does not, of course, prove attendance, but he was not on the king's bench at Westminster.

(3) cf. Baker, pp.45-6. It is well known that Edward III must have designed the fall of Mortimer as early as the spring of 1330, and possibly earlier: see Crump: "The arrest of Roger Mortimer and Queen Isabel" (E.H.R. XXVI, pp.331-332). Scrope's easy passage through the crisis may be explained, if he was a partaker of this secret.

popular, as distinct from the official, charges against Mortimer. (1)
 One of his colleagues on that mission to Edinburgh is said to (2)
 have been arrested with Mortimer at Nottingham. If this one
 action was insufficient to convict him, he had surely been
 associated closely enough with Mortimer's administration to
 acquire a doubtful character in the eyes of Mortimer's foes.
 Clearly Scrope was able in 1330, as in 1326, to change sides
 with rare dexterity. From the very beginning of the active
 reign of Edward III, he was in high favour. He shared richly
 in the rewards which were given, in the parliament of November (3)
 1330, to those who had deserved well of the new government.
 From now onwards his influence at court seems to be more clearly
 traceable than ever before.

It may be an indication of this, that, in the same
 parliament, the justices of the peace were deprived of their
 newly gained powers, and reduced again to their former status
 as keepers. (4) Early in 1331 commissions of this restricted type

(1) cf. Knighton, I, p.453. The official indictment does not include this charge (Rot.Parl. II, p.52).

(2) Chron. Ed. I & II, II, p.101.

(3) He received once again the Eltham estates, which he had temporarily surrendered to Isabella. In addition, he received "in view of his great place in the kingdom" the estate of Whitgift, Yorks., and he retained the pension of £100 per annum, originally granted in recompense for the loss of Eltham. (Cal.Charter R. 1327-41, pp.196-7; Cal. Pat.R. 1330-34, p.31). At the same time, Henry le Scrope was made chief baron of the exchequer (ibid. p.29).

(4) Statutes of the Realm, I, pp.261-2.

(1)
 were issued, and we may perhaps see a further example of a
 return to orthodox methods, in the appointment of justices of
 oyer and terminer to enforce the Statute of Northampton in the
 (2)
 counties. Each group of justices contained at least one
 professional lawyer; Scrope himself was a member of the York-
 shire commission. Whatever the official designation for these
 justices may have been, they were popularly styled justices of
 (3)
 trailbaston. We possess two rolls of the proceedings in
 Yorkshire. Interesting as they are in themselves, they give no
 proof that Scrope was able to spare time to attend at York for
 more than a brief period, during the six months for which the
 (4)
 justices were in session. His main effort seems rather to
 have been devoted to a most thoroughgoing enquiry by the king's
 bench in Lincoln. The roll of the king's bench for Trinity
 term 1331 deserves some attention as a record of his activities
 on that occasion. The "Rex" portion consists of 52 membranes;
 the largest since Scrope became chief justice. Of these, no
 less than eighteen are occupied with gaol deliveries at Lincoln -

(1) Cal. Pat. R. 1330-34, pp. 136-7.

(2) Cal. Pat. R. 1330-34, pp. 133-4, 138-9.

(3) Knighton, I, p. 460.

(4) A. R. 1124, 1125. As a rule the writs enrolled thereon do not refer specifically to Scrope. There are two exceptions dated 1st and 30th April 1331, but even these do not prove his presence.

the clerks, realizing the exceptional nature of the proceedings, took the unusual course of making up a separate section of the roll devoted solely to these gaol deliveries.⁽¹⁾ Eight further membranes are devoted to the continuation of pleas⁽²⁾ from the Northampton eyre. Lastly there are four membranes dealing with indictments originally made at Lincoln before William de Roos and his fellows, who had sat as justices under the "trail-baston"⁽³⁾ commissions of 1328, to which we have referred above. So we see the king's bench not only acting as a court of first instance, but also taking pains to supervise and to follow up the activities of special commissions which had recently sat in the same place. It is no exaggeration to say that a miniature eyre was held in Lincoln on this occasion. We are not surprised to find that the court was still in session after the usual⁽⁴⁾ day for the end of Trinity term.

Early in the next year (1332) there took place an⁽⁵⁾ unusually scandalous episode in the midlands, which aroused a fresh wave of indignation. Richard of Willoughby, a puisne

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- (1) Coram Rege R. 295 section following "Rex". We have included these in our total of 52.
- (2) Ibid. Rex, ms. 10-13, 31-34.
- (3) ms. 17-20. For the original proceedings before Roos see A.R. 516; the rolls were in Scrope's possession when he left the king's bench vide Appendix A, No. XVI.
- (4) Gaol delivery on 19th July (Rex, m. 41). This is eleven days after the quinzaine of St. John Baptist, the usual day for the end of term.
- (5) Not, however, quite without precedent. William de Bréauté had seized Henry de Braybroke in June 1224, at the close of the assizes. See Norgate, Minority of Henry III, p. 231.

justice of the king's bench and one of the justices of oyer and terminer in Nottingham, Derby, Warwick, and Leicester, was seized on the highway between Melton Mowbray and Grantham on 14th January, and held to ransom.⁽¹⁾ The culprits were Richard of Ashby-Folville the parson of Teigh (of whom we have already⁽²⁾ heard), his rascally relations, and a number of other local malefactors, many of whom were of some social standing. The fortunate survival, in one of the assize rolls, of proceedings against these men makes it possible to add a good deal to the bare account in the chronicle of Knighton, which has hitherto been the only source of information on the matter. A summary of the facts will be found at the end of the present chapter; here we are concerned only with the consequences of so extraordinary a breach of the peace. Scrope himself, no doubt, heard of it from the mouth of his colleague, the victim. It may be too much to attribute the restoration of the judicial powers of the keepers of the peace on 12th February 1332⁽³⁾ to the outcry caused by the affair; but there are clear traces of its repercussions in the proceedings of the parliament of March 1332. After short preliminary addresses by the archbishop of Canterbury and the bishop of Winchester, Scrope arose to make a speech. Unfortunately the roll does not give a full report of what he said,

(1) For authorities and details see note at end of chapter.

(2) Above, p. 129.

(3) Putnam, Transformation, p. 28. The Calendar of Patent Rolls (1330-34, pp. 285-8) is inadequate.

but merely a condensed version in indirect speech. We (1) therefore cannot follow Miss Putnam in calling it "eloquent", but there is no doubt that it implies a confession of failure in the efforts of the previous five years:

"Si pronuncia Monsieur Geffrei le Scrope, par le comandement nostre seigneur le Roi et en sa presence ----- coment le Roi avoit entendu, et si feust ce chose connue as touz, que divers gentz, diffuantz la lei, feurent levez en grant compaignies en destruantz les liges gentz nostre seigneur le Roi, auxi bien les gentz de seinte Eglise, les justices le Roi, come autres; prenantz acuns de eux et detenauntz en prisone, tant qils avoient receu pur lur vies sauver greves fyns et raunceouns a la volunte des ditz mesfesours, et acuns mettantz a la mort -----". (2)

There can be little doubt that Scrope was thinking here of the outrage against Willoughby, who was possibly listening (3) to him as he spoke. He then asked the advice of the assembly. The earls, barons, and other lay magnates, urged the king to establish law and order at home before he began to plan the projected crusade. They suggested, as an immediate step, the appointment of "keepers of the counties" to supervise the work of the keepers of the peace, the sheriffs, and other local officials; to hear and determine felonies; and to punish those who obstructed their work and those who favoured and aided felons. They added the following recommendation:

(1) Op.cit., p.29.

(2) Rot.Parl.II, p.64.

(3) He must have been released by the Folvilles before 28th March (Cal.Close R.1330-33, p.448), and very likely earlier than this. If so he would have been free to attend parliament in the middle of March.

"Que nostre seignur le Roi chivauche en sa terre du counte en counte, et doigne es tout coment les ditz grantz (i.e. the new keepers of the counties) et autres se portent entour le chastement des tielx mesfesours, et face punier ceux qil en trovera coupables ou desobeisantz".
(1)

This proposal was accepted and put into practice with remarkable speed. Commissions were issued to "keepers of the counties"; their wording was strongly reminiscent of Scrope's speech in parliament.⁽²⁾ Before we consider their work we must note a few points of difficulty. First, it is necessary to distinguish clearly between these "keepers" and the old keepers of the peace. Confusion between them has led to the assertion that this enactment of 1332 was the real origin of the justices of the peace.⁽³⁾ In fact the new keepers were distinctly appointed as supervisors of the old, and the language of the new commissions contained a clear declaration of no confidence in the older system.⁽⁴⁾ A second problem concerns Scrope's connection with the new policy. Miss Putnam has suggested that, in part at least, the new appointments were his idea.⁽⁵⁾ But we have seen that, if the parliament roll is to be trusted, the suggestion came from the magnates. Moreover the new keepers, when

(1) Rot.Parl.II, pp.64-5.

(2) Putnam, Transformation, p.29. Once again the Calendar is inadequate.

(3) Cam, General Eyres, pp.248-9. The error was noted by Miss Putnam (op.cit., p.30, n.)

(4) Cal.Pat.R. 1330-34, p.348.

(5) Putnam, op.cit., p.30.

their names were published, turned out to be, on the whole, laymen rather than lawyers. If Scrope was no friend of the lay keepers of old, one can see no particular reason why he should, as a lawyer, have favoured the new appointments. It may, indeed, have been at his instance that a sprinkling of (1) lawyers were included in the list of the keepers of the counties. Yet another problem is the nature of the king's participation in the new war upon the felons. The recommendation of the magnates might on a strict interpretation of the words, be thought to refer merely to the activities of the king's bench, on which (2) the king was still considered to be present in theory, though by 1332 it was little more than a theory. This cannot be the case, for in the two following terms the king's bench remained at Westminster under Willoughby, while Scrope accompanied the (3) king to the midlands. The attempt to construct a royal itinerary from the chancery rolls is notoriously dangerous, but so far as one can trust such evidence it would seem that the king was present, during the next month at least, at the places where Scrope was sitting on a special commission of oyer

(1) The great majority of the keepers were laymen, but we have noted also the names of lawyers, e.g. Sharesnull, John of Cambridge, and Robert of Sadington, and no doubt there are others. (Cal.Pat.R. 1330-34, pp.292-95).

(2) See, however, M. Hastings, The Court of Common Pleas in XV Century England, p.14, and references there given.

(3) Coram Rege Rolls, 288, 289; Cal.Close R. 1330-33, p.448.

(1)
and terminer. It is odd indeed to find the king's bench sitting at Westminster under a deputy, while the chief justice is hearing the pleas of the crown in the provinces under some sort of royal supervision. Nothing could show more clearly that the employment of the king's bench in places "where there was most need" had not yet become an established custom.

We return to consider the effect of the decisions of the parliament of March 1332. For some reason, the bulk of the rolls recording the activities of the keepers of the counties have perished. We possess rolls from Lincolnshire and from Lancashire, (2) but it is clear from entries in the Coram Rege rolls that at one time there were in existence rolls for many other counties. (3) Indeed, as the king's bench moved about the country, it was careful, for many years to come, to pursue indictments which had been begun before the keepers. However, we are not directly concerned with their work, because Scrope was otherwise engaged. He was appointed, with Ralph Neville and two of his most distinguished professional contemporaries, Herle and Stonor, to go to the midlands on a commission of oyer

(1) e.g. April 12th and 24th at Stamford (Cal.Pat.R. 1330-34, pp.272-3). Scrope was hearing pleas at Stamford at the same time (A.R. 1411 B, m.1). An interesting indication of the king's presence at Stamford in April is to be found in Cal.Close R. 1330-33, p.595: Scrope and Ralph Neville hand over a felon to the sheriff of Lincoln at Stamford "in the king's presence". This phrase can probably be taken literally.

(2) A.R. 428, 520.

(3) e.g. Cambridge, Essex, Northants, Wilts; (Coram Rege R. 293, Rex, m.22; 300, Rex, m.2; 303, Rex, m.17.)

(1)
 and terminer. The team of justices was a distinguished one
 and their proceedings showed some sense of urgency, for they
 met at Stamford during Holy Week; a most unusual occurrence. (2)
 After a short adjournment at Easter, they resumed work at
 Melton Mowbray on the Thursday in Easter Week. (3) When we
 examine the entries on the roll we are not surprised by this
 unusual haste. All the indictments on the seven membranes
 which survive relate to the outrage against Willoughby. The
 desire to bring to justice the authors of so singular an
 insult to the majesty of the law is very understandable. The
 remainder of the summer seems to have been devoted to the
 pursuit of other felons in some of the midland and eastern
 shires. (4) We do not know how the work of Scrope and his
 colleagues was related to that of the keepers of the counties,
 nor for how long the king took a personal interest in it.

On 11th September 1332, Scrope returned to Westminster
 to make a speech in parliament. Contrary to all our expectations,
 it contains no allusion to the question of law and order. (5) A new
 interest had occupied the attention of the magnates. The

(1) Cal.Pat.R. 1330-1334, p.295. He was, however, made a
 keeper of the county of Nottingham in September (ibid.
 p.349).

(2) A.R. 1411 B, m.1. Oaths could not be taken infra septua-
gesimam (Cf. Curia Regis Rolls VI, p.209 where a case is
 adjourned on that account until three weeks after Easter).

(3) A.R. 1411 B, m.4.

(4) The proceedings were not adjourned until November 1332 (A.R.
 1411 B, m.1, sched.) The commission covered fourteen
 counties, but the surviving roll deals with only six.
 Possibly other rolls are missing.

(5) Rot.Parl. II, pp.66-7.

previous August had witnessed the triumph of the "disinherited" at Dupplin moor. The whole basis of Anglo-Scottish relations as settled by Scrope and his companions in 1328, had been entirely altered. Scrope now asked parliament whether the king should, in its opinion, remain in the south for the rest of the session, or go north at once. The reply was in favour of the second alternative. This meant a virtual end to the general interest in the campaign against felons. A month later, when the commissions were withdrawn from the keepers of the counties, it was argued that the restoration of order had made them unnecessary.⁽¹⁾ We have little means of estimating the truth of this, but it seems more likely that in fact the magnates expected to be too busy to attend to judicial matters. When York became the centre of government, and the wars in Scotland the main concern of king and baronage alike, few of the former keepers of the counties can have been anxious to stay in their own counties for the purpose of pursuing criminals. Scrope himself became more and more involved in diplomatic duties, and seems to have given comparatively little attention to legal business, apart from his regular duties on the king's bench, for the next couple of years. It is now time for us to return to the year 1328 and consider how he had been employed as a diplomat since the conclusion of the peace with Scotland, and how he was personally affected by the renewal of war in the north.

(1) Cal. Close R. 1330-33, p.610.

Note on the crimes of the family of John of Ashby-Folville
(Leicester).

The felonies and trespasses which were so common in our period (as in most other epochs of the later middle ages, unless we are mistaken) may become more easily explicable if we pay more attention to the criminals, their families, and their sympathisers. A case of particular interest is the criminal record of the family who were responsible for the robbery of Willoughby in 1332. We give below:

(a) A summary of those portions of A.R. 1411 B which throw light on the Willoughby case.

(b) A brief survey of the criminal record of the family of Ashby-Folville, who were responsible for the attack on Willoughby.

The map on the following page shows the more important places mentioned in (a).

(a)

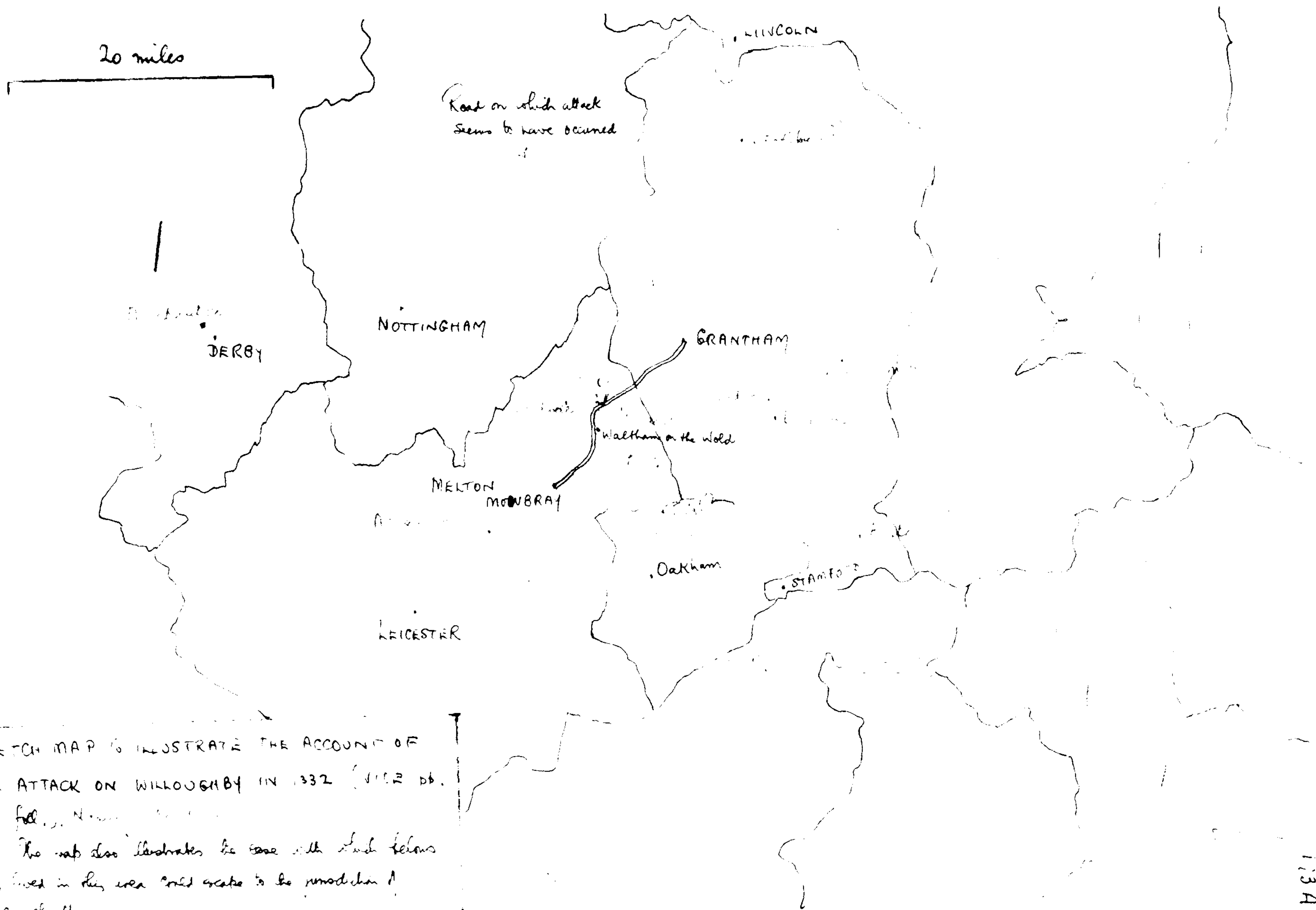
Assize Roll 1411 B. m.1. (1332) Lincolnshire. Jury of the wapentake of Kesteven declared that Richard of Ashby-Folville, (1) the parson of Teigh, Laurence and Walter of Ashby-Folville, Nicholas of Boothby, and Nicholas of Eaton (2) with others unknown, on 14th January 1332 (3) feloniously seized Richard of Willoughby on Sewsterne moor (Co. Leicester), took him to "Morkerhaugh" (Co. Lincs., not identified) and held him there for one night until he had agreed to pay them 1300 marks, which sum he paid before he was released. The sum was shared among the following who were "de vi, auxilio, et assensu", viz. Eustace, Robert, and Thomas of Ashby-Folville, Sir William Marmion, Robert Lovet, parson of the church of Ashwell (4), and fifteen others. Alan

(1) MS. simply "Foleville". I have modernized all place names which can be identified. Others are distinguished by quotation marks.

(2) MS. Eton', which is more likely to be Eaton (Leicester) than Eton (Bucks).

(3) Thus the date 1331 given in D.N.B. article on Willoughby needs correction.

(4) Ashwell, Co. Rutland. This Robert was also concerned in the Bellers murder, see below, p. 176.



SKETCH MAP TO ILLUSTRATE THE ACCOUNT OF
THE ATTACK ON WILLOUGHBY IN 1332 (V. 12 p. 13)
13 full. N. 100. 100. 100.

The map also illustrates the case with which felons
who lived in this area could escape to the woods and
other shelter.

of Baston and John of Irnham, canons of Sempringham, received the felons in the priory of Sempringham, and in a grange "que vocatur Lestenholm, in marisco" after the crime, knowing them to be felons.

m.3. Northamptonshire. Jury of the Liberty of Peterborough declared that Nicholas of Boothby and John of Osgoodby, with others unknown, held Richard of Willoughby in the park of King's Cliff, Northants., (1) until he had agreed to pay "finem et redempcionem", which he did after the feast of St. Hilary, at "Sevenoaks" (2), Northants.

Northamptonshire. Jury of the hundred of Gulsborough declared that James Coterel, Laurence of Ashby-Folville, with his brothers Walter and Richard (parson of Teigh), and Nicholas of Boothby, seized Richard of Willoughby and held him at a place in Northamptonshire called "Sevenoaks" until he had paid a ransom. Eustace of Ashby-Folville was the head of the plot, and shared in the spoils. Robert, parson of Ashwell, received the culprits at Ashwell. To this Robert replied (m.3d.) that there was no place in Northamptonshire called Ashwell where he could have received them (Ashwell is in fact in Rutland). Accordingly he was acquitted.

m.4. Leicestershire. Jury of the hundred of Goscote declared that Richard and Laurence of Ashby-Folville with others unknown seized Willoughby at Branston (Co. Leicester) and took him outside the county.

m.4d. *h.c.* Jury of Framland hundred declared that the parsons of Teigh and of Ashwell, with Robert, John and Laurence of Ashby-Folville, seized Willoughby at Eastwell (Co. Leicester), and took him "de silva in silva" until he had made ransom with them.

m.7. Derbyshire. Jurors declared that Eustace, Laurence, Walter, Robert, and Richard of Ashby-Folville, with others, received 300 marks of Willoughby's ransom in the park of Markeaton, Derbyshire.

The above evidence can be combined with the brief narrative of Knighton (who, as a canon of Leicester may have had access to a local tradition of the episode) to form a story which, though not free from difficulties, has the air of

(1) An interesting illustration of the use of "parks" by felons, as so often stated in the writs to the justices: e.g.

p. 148 above.

(2) No such name is found in The place names of Northamptonshire (1933).

substantial truth. Willoughby was on tour as a justice of "Trailbaston" (Knighton, I, p.460). Early in 1332, his duties took him, we may presume, on the road from Melton Mowbray to Grantham. On the way, somewhere near the borders of Leicestershire and Lincolnshire, he was waylaid by the Ashby-Folvilles and their supporters. The exact place is not certain, for the juries' statements varied between Sowsterne moor, Eastwell, and Branston. Yet all of these lie astride of the road over the wolds, and we may be fairly sure that the attack took place not far from Waltham-on-the-Wold. It is uncertain where Willoughby was taken for "interrogation". Knighton and the Framland jury both say that he was hidden in the woods, and it may be that King's Cliffe and the mysterious "Morkerhaugh" were both used as hiding places. One of the most interesting points is the complicity of the canons of Sempringham. It may be that the fenlands were a refuge for many of the criminals who were driven out of the midlands by the eyres of 1329-30. The complicity of Sir William Marmion is also interesting. One can see how the clergy and the gentry might combine with regular criminals to prevent the capture of the latter and to share in their profits. Such support seems to be implied in the contemporary allusions to "maintenance".

Knighton speaks of a ransom of 90 marks; the jurors say 1300. Possibly Knighton knew only of one share, like that of 300 marks mentioned by the Derbyshire jury.

It only remains to add that the proceedings of Neville and Scrope seem to have been ineffective in bringing to an end the activities of the Folvilles and their connections. Eustace received a formal pardon in 1333, on account of his services in the Scottish war [Coram Rege R. 295, Rex, m.12]; and the details given in (b) below will show that his relatives also continued in their evil ways.

(b)

The following is a brief note on the history of a family which deserves more systematic attention than we can give here. As far as one can tell, the persons with whom we are concerned were all sons of John of Ashby-Folville, who died in June 1310, holding the manor of Ashby-Folville in chief (1). His eldest son was also called John, the others being Eustace, Walter, Robert, Laurence, Richard and Thomas (2). John senior

(1) Cal.Fine R., 1272-1307, p.65.; Cal.I.P.M., V, No.100.

(2) Evidence from numerous entries in the chancery rolls which cannot be given here in detail.

was apparently a man of respectable habits (1); the robbery committed in 1304 by a John de Foleville (2) may reasonably be attributed to his son who was then aged about 18 years (3). The evil influence seems rather to have been that of Alice, the wife of John senior; this lady was arrested in 1326 on suspicion of complicity in the murder of Bellers (4), and she was involved in the Willoughby affair in 1332 (5).

In 1326, as we have seen above, the Folvilles had a share in the murder of Roger Bellers, baron of the exchequer, and, it may be noted, a former associate of Scrope in various administrative tasks (6). The proceedings recorded in the assize roll, however, show that the planning was not done by them, but by Roger la Zouche of Lubsthorpe. Ralph la Zouche, his brother, struck the fatal blow, and Ivo la Zouche of Harringworth, and Robert Lovet the parson of Ashwell were also involved. The Folvilles were represented by Eustace, Robert, and Walter at the scene of the crime; Richard, the parson of Teigh, harboured the malefactors, and John the younger with his mother and his three sisters all came under suspicion. A dramatic touch is given to the affair by the bare statement that the conspirators met Bellers on the road from Kirkby to Leicester, and that Ralph struck him "*cum quoddam cultello in le canelbon usque ad cor*" (7).

The suspicion that the crime was committed with a political motive, probably on behalf of Mortimer, is strengthened by the fact that after the change of régime at the end of 1326 the legal proceedings which had been instituted against the murderers before Thomas le Blount and Henry of Ferrers were allowed to lapse. Not only were pardons issued to four of the Folvilles (8), but John Folville was actually made a keeper of the peace in May 1329 (9). One can but hope that there is a

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- (1) See entries against his name in the index personarum of the P.Writs.
- (2) Cal.Pat.R. 1301-7, pp.285, 289.
- (3) Cal.I.P.M., loc.cit.
- (4) A.R.477, m.2.
- (5) Cal.Close R., 1330-33, p.595.
- (6) J. Conway Davies: Baronial opposition to Edward II, index under "Beler".
- (7) A.R.477, m.2; "Canelbon" means "collarbone".
- (8) Cal.Pat.R., 1327-30, p.10.
- (9) Ibid., pp.429-30.

confusion with some more reputable person of the same name. Although Eustace, Robert, and Walter were summoned before the king's bench in Hilary term 1328 (1) they were later pardoned as a reward for their services during the recent rebellion ----- presumably this refers to the rebellion of William la Zouche (2). It is a further indication of their favour with the Mortimer régime that when Mortimer had fallen from power, orders were issued for the arrest of five of the Folvilles, and for their confinement in Nottingham castle (3). This attempt at firm action seems to have failed, for during the next few years we hear of several robberies, abductions, and murders carried out by Eustace, Robert, and others of the clan (4). Robert seems to have owed his immunity to the influence of the Bohuns (5), and it seems likely that his brothers had similar powerful support. The last episode in the story, as far as we have unravelled it, is the committal of Richard, the parson of Teigh, to the Tower in February 1340, significantly soon after the return of Edward III from abroad (6). One wonders whether he met Willoughby there when the latter was brought from Corfe to London for trial, early in 1341 (7).

(1) Cal.Close R. 1327-30, p.343.

(2) Cal.Pat.R. 1327-30, p.374; Foedera, II, 11, p.756.

(3) Cal.Pat.R. 1330-34, p.61.

(4) Ibid, pp.125, 505, 561; 1334-38, pp.90, 93.

(5) Cal.Pat.R. 1330-34, p.367.

(6) Ibid. 1338-40, p.481.

(7) D.N.B. (Willoughby).

(viii)

In the well known sentence which concludes his analysis of the origins of the Hundred Years War, M. Déprez has observed that "La politique d'action, inaugurée par Edouard III, arrêta le développement normal du traité de Paris, à l'instant où ce développement touchait presque à son terme"⁽¹⁾. There can, indeed, be little doubt of the truth of Déprez' argument that the King of England had to choose between war, and a 'development' of the treaty of Paris which would, in the end, have reduced his domains in France to nothing.⁽²⁾ It is less easy to be sure of the date at which Edward finally committed himself to this choice. Our biography, it is true, is not directly concerned with the problem, but it is desirable, before we begin to describe Scrope's missions to France in those critical years, to appreciate the nature of the policy of which he was the agent. It is generally accepted that from 1327 onwards, the English government was consistently attempting to delay the outbreak of a war which was obviously inevitable,⁽³⁾ until it had prepared a scheme of alliances against France. It is true that the belief was apparently held in some quarters in 1328, that the peace with Scotland had been hurried through

(1) Déprez, p.26.

(2) For recent endorsements of his views see E. Perroy, "Franco-English relations 1350-1400", in History, vol.xxi, p.148; Cuttino, pp.17-18.

(3) Cuttino, p.17.

(1)
mainly in order to leave England free for war with France.

If this report is not simply an invention, it means not that Isabella and Mortimer had any intention of attacking France, but that they were afraid of being attacked by the French while they were still involved in war with Scotland. Such fears were groundless. The diplomatic history of the early years of Edward III's reign shows a desire on both sides to avoid radical measures. France could afford to wait until the treaty of 1259 reached its 'term'; England was willing to use the prospect of a crusade as a diversion from the main

(2)
issue. The real achievements of English diplomacy are to be sought, during this period, not in Anglo-French relations, but in the construction of the fabric of alliances on which Edward was to rely when war broke out in 1337.

It would have been a serious mistake, however, for Edward to employ any but his astutest envoys on the tedious negotiations with France. Legal subtleties were of the very
(3)
essence of the 'development' of the treaty of 1259, and, even if Edward III regarded the whole conception of the treaty as obsolete, he could not afford, while he was yet unready for war,

(1) Chronicon de Lanercost, p.262. It may be noted that the chronicler is himself sceptical of the genuineness of these allegations.

(2) Déprez, pp.82 seq.

(3) It seems scarcely necessary to refer to the evidence of "Diplomatic Documents, Chancery", between 1259 and 1339; they are as much concerned with matters of law as with diplomacy.

(1)

to risk another disastrous misunderstanding like that of 1325,

Scrope was, therefore, like all Edward's best diplomats,

employed with great frequency on overseas missions; so much so

(2)

that in the end he was moved to complain. We may wonder

whether his fatigue was not due, in part at least, to the

endless repetition of arguments which he, as one of the king's

(3)

closest counsellors, knew to be very far removed from reality.

It is evident, accordingly, that we must not expect

to find much evidence of his personal views on the conduct

of relations with France. Nor, unfortunately, have we much

information about his particular contribution to each individual

mission; it is not often that a letter survives from the lost

archives of the privy seal to throw light on his doings after

(4)

he left England. As a rule we know only the nature of his

commissions and the fact of his success or his failure; often

indeed the result is so obscure that even this degree of

knowledge is denied to us.

We must return for a moment to the year 1329. To one

who had helped to negotiate the settlement which deprived

Edward III of whatever claim he ever had to the homage of the

king of Scots, it may, perhaps, have seemed especially irksome

(1) cf. Tout, Political History, p.297.

(2) Infra, p. 197

(3) It is interesting to note that in one of Edward III's earliest letters under the signet, Scrope is referred to as "cher et foyal" (Maxwell Lyte, Great Seal of England, p.103).

(4) e.g. Anc. Corr. 39/56 (1334); vide infra. p. 196. note 4

that the king of France was so insistent on the homage due under the treaty of 1259. Scrope was one of the Englishmen present in the cathedral of Amiens on the day when Edward did homage to Philip VI on 6th June, 1329.⁽¹⁾ It seems to have been his first journey outside the British Isles. After Edward had left for England, Scrope seems to have gone to Abbeville, with his colleague of the previous year, the bishop of Lincoln,⁽²⁾ in order to negotiate a marriage alliance with the French.⁽³⁾ The negotiations were not successful. He was home again in time for the council at Windsor on 23rd July,⁽⁴⁾ at which plans were made for the great general eyres of the autumn. Diplomatic activity remained intense for the rest of the year in spite of

- (1) Appendix D, No.8. Possibly Scrope suggested Edward's cautious language in the act of homage: it is pretty certain that he was concerned in the preliminary discussions of the first few days of June (D6proz, pp.44-45).
- (2) Appendix D, No.9. There is some doubt whether he did not in fact return to England with the king on 11th June, coming back later to Abbeville. His commission was not issued until the king reached England (Foedera, II, ii, p.766). The writ of Liberate of 25th October certainly suggests two separate visits to France. Yet it would be more natural to hold the two meetings in immediate sequence, unless the king desired to consult the council at home before drafting the commissions. I have therefore assumed that there was only one visit. Since the daily rate of payment is not known, we cannot tell how long the negotiations lasted, but £48/13/4 would not cover a foreign mission of more than a couple of weeks, even if it involved only one double sea crossing.
- (3) Proved by the issue of fresh commissions in Jan. 1330 (Foedera, II, ii, p.777).
- (4) Ante, p. 151.

(1)
 the pressure of legal business. On one occasion Scrope's
 presence in France became so essential that he had to leave the
 eyre for a second brief visit to Abbeville. (2) This journey may
 have provided his introduction to the problems of Gascony,
 for we know that it was "the affairs of Aquitaine" which
 engaged him on this occasion, and the earlier discussions at
 Amiens must have centred on the question of the homage rather
 than on Edward's rights in France. (3) He had to return to the
 eyre in January, and he was therefore unable to take part in a
 mission which left for France at the beginning of February. (4)
 After its return, he was called to a council at Oseney which
 discussed foreign policy. (5) No record of its deliberations has

(1) cf. Déprez, p.49.

(2) Appendix D, No.10. Déprez (p.51) makes the impossible suggestion that this journey took place in January 1330; he did not observe that the payment made then, covers the return journey. It cannot have been an advance, paid before the journey began. Probably the wardrobe debenture of 29th December 1329 given in Appendix A No.VIII is evidence that Scrope returned home towards the end of December. The fee of £5 suggests that it was not a lengthy mission, but Neville, Scrope's companion, paid for the retinue and the horses (Wardrobe Debentures 489/528). It is not at all clear why the payment only covers the journey from Canterbury. Dr. Cuttino has pointed out to me that there is some evidence of the existence at Canterbury of a group of clerks who advised envoys en route upon diplomatic questions; but even if Scrope called at Canterbury to consult them, he should still have been paid from the time he left Northampton.

(3) The two were of course by no means unconnected; cf. Déprez, p.51.

(4) Ibid., pp.51-2.

(5) L.R. IV, p.395.

survived, but we possess a memorandum of certain documents which were produced before it, from which it seems that it examined the precedents of the reign of Edward I for an alliance of England with Flanders against France.⁽¹⁾ This may have begun Scrope's acquaintance with the problems of the Low Countries, where he was destined to spend the last two years of his life as one of Edward's council of war. A few days later,⁽²⁾ English envoys left again for France, but he did not go with them. It seems indeed that, from now until 1333, home and Scottish affairs were so pressing that he could not again be spared to go abroad. There is a bare possibility that he went to France with the king in April 1331,⁽³⁾ but although he was one of those nominated in the following September to negotiate with Philip VI for the restitution of the Agenais,⁽⁴⁾ he seems not to

(1) D.D.C., 28/10/3, being a list of documents produced by Elias de Joneston. The allusions to an alliance between England and Flanders, and to the renunciation of homage by the count of Flanders, show that the documents must refer to the period of count Guy of Dampierre and Edward I.

(2) Déprez, p.62.

(3) This was the secret visit of Edward to a rendezvous with Philip VI at St. Christophe-en-Halate (Appendix D, No.11). The chancellor and keeper of the privy seal were with the king, and although there is no evidence of Scrope's presence, the business was such as to warrant it (Foedera, II, 11, pp.815-17; see also the documents from the Paris archives in the P.R.O. transcripts vol.133, section 6, not paged). Moreover Appendix A, No.XI implies that Edward expected Scrope to go with him when he went abroad.

(4) Appendix D, No.12.

have been present at the ensuing discussions at Vincennes. The work of the king's bench, together with his duties as a justice of oyer and terminer in Yorkshire must have occupied him fully enough. He was able, however, to spare time for diplomatic discussions when they took place in so convenient a centre as Westminster. Thus he was able to join Herle in meetings with the delegates from Guelders in October 1331; and there followed a marriage alliance between Reynald of Guelders and Eleanor, a sister of Edward III.⁽¹⁾

During this period of Scrope's temporary absence from the field of Anglo-French diplomacy a new factor arose to complicate the situation.⁽²⁾ This was the project of a crusade. The outbreak of the Scottish war in the autumn of 1332 made such a proposal seem even more impossible than it had done when it was first suggested. The seat of administration was moved to York,⁽³⁾ where Scrope became busily engaged, not only on the king's bench, but also in parliament, which he addressed on the king's behalf in December 1332 and January 1333,⁽⁴⁾ and in helping with preparations for the Scottish campaign.⁽⁵⁾ In July, Edward made a fresh approach to Philip, suggesting a complete revision

(1) Ibid. No.13.

(2) Foedera, II, 11, p.837.

(3) Tout, Chapters, III, p.57.

(4) Rot.Parl. II, pp.67, 69.

(5) Privy seal letter of 2 June 1333, printed in Chronicon de Lanercost, pp.539-40.

of existing treaties, and a re-examination of the tortuous
 proceedings of the processes of Montreuil, Agen and Périgueux. (1)
 Scrope, if he could be spared, was an inevitable choice for
 negotiations of this highly complicated nature. On 30th August
 he was named, with the bishops of Norwich and of Worcester,
 William de Clinton, and two clerks who were both learned in the
 civil law, as an envoy to France. The duties of the mission
 were to discuss the project of a crusade, to arrange a meeting (2)
 between the two kings, and to review the question of Aquitaine.
 Scrope, or one of the bishops, had to be present at the
 discussions; (3) this being the first occasion when we find
 specific mention of his name in this way. It was realized that
 there was no hope of his returning to England in time for
 Michaelmas term, and so it was arranged that Richard de
 Willoughby should act as deputy chief justice. (4) Scrope received
 his salary a fortnight earlier than usual, no doubt in
 anticipation of his departure. (5) On 30th September he and his

(1) Déprez, p.92.

(2) Cal.Pat.R., 1330-34, pp.466-67.

(3) Chanc.Warr. 207/7181. On 18th Sept. it was decided that wider powers were needed, and the chancery was ordered to prepare fresh letters with full details of "adjournments, processes, etc. in the court of France." I have not found any enrolment to correspond.

(4) Cal.Close R., 1330-33, pp.77, 132.

(5) Liberate 110, m.4. The expression "de instanti termino" is unusual.

colleagues were given the additional task of investigating the
 state of the county of Ponthieu. (1) On 1st October he received
 letters of protection. (2) (3) Soon afterwards he left for Dover.

His clerk, Adam of Steyngreve, handed over the rolls and other
 records of the king's bench to Willoughby at York. By a lucky
 chance Willoughby's counterpart of the indenture has been

preserved. (4) It provides an interesting inventory, of a sort
 which is often found enrolled on the memoranda rolls, (5) but of
 which the originals have rarely survived. Scrope's appointment

(1) Déprez (p.93, n.4) seems to have misunderstood Chanc. Warr. 208/7223 as referring to the negotiations in Paris. In fact the wide powers of action without reference to the council which were conferred on Scrope and his colleagues were granted for the reform of Ponthieu: the resulting letters are in Foedera II, ii, p.870.

(2) Cal.Pat.R. 1330-34, p.465.

(3) Exch. Accts. 310/35 shows that the bishop of Norwich left Waltham for Dover on 30th September. Scrope may not have been with him, but presumably he travelled at about the same date.

(4) Hist.MSS. Commission, MSS. of Lord Middleton, pp.92-3, with which cf. Appendix A, No.XVI. The indenture shows that in 1333 Scrope still had in his hands the Quo Warranto rolls of 1329-30. The miscellanea in his custody are of interest: they seem to have included A.R. 516, 854, 862. The descent of the indenture to the Middleton family is proof that it is Willoughby's counterpart; the first Lord Middleton was Thomas Willoughby, a descendant of the justice (op.cit. pp.504-5). Scrope's counterpart may have perished with the archives of Clifton castle.

(5) cf. Sayles, K.B. I, p.cliv, et seq.

soon after his departure, to take charge of the eyres in Kent

(1)

and in Durham is a curious example of the ignorance which

the chancery clerks sometimes showed of the whereabouts of

(2)

important officials: there was no chance, in the circumstances,

of his being available for either duty.

On 28th October, the bishop of Norwich and Scrope wrote

home to the chancellor, in terms which show that they had

(3)

already been in Paris for some days. Their first business had

been to interview the countess of Pembroke (Mary of St Pol, the

widow of the late Aymer de Valence) concerning certain trans-

actions between her and the earl of Richmond. ^{Sir} Mr. Hilary

(4)

Jenkinson has observed that the whole matter is mysterious,

and we have no explanation to offer here, but it is proof that

the envoys did not confine their attention to their official

business with the French court. We may infer that the letters

(1) Cal. Close R. 1333-37, p.138 & p.155. These eyres were the result of the recent deaths of the archbishop of Canterbury and the bishop of Durham. They need not be considered as part of the policy of recent years. When the error was discovered, substitutes were appointed (loc. cit.).

(2) For similar ignorance see Cal. Close R. 1330-1333, p.54 (11th May 1330). At that time Scrope was not acting as chief justice, but he was addressed as such.

(3) Chanc. Warr. 209/7361 B.

(4) See his article in Archaeologia, LXVI pp.401-446: the best life of the foundress of Pembroke college, Cambridge. Mary was the niece of John, duke of Brittany, who died in the following year. She had herself lived in France since 1331. Mr. Jenkinson suggests that the personal property of her late husband may have been one of the subjects of discussion

patent of November 22nd 1333, issued in favour of the earl of Richmond and of Mary of St Pol, were drafted by Scrope and the bishop at Paris in the preceding October and sent to England for engrossment and enrolment.⁽¹⁾

Of the progress of the main business of the mission we have very little news. It seems very possible that Philip VI⁽²⁾ was present in person at some of the meetings; and the fact that there were two lawyers besides Scrope in the English contingent, as well as the special emphasis laid upon proceedings⁽³⁾ in the parlement of Paris when the commissions were drawn up, is an indication that the technicalities of the Gascon situation were the main subject of debate. Some time shortly before Christmas, the discussions came to an end. On 21st December Philip issued instructions to the seneschals of Toulouse, Saintonge, Périgord, and the Agenais, and to the bailiff of Amiens, which may be construed as a gesture of good will intended⁽⁴⁾ to cover the failure of the long negotiations in Paris. Scrope's movements on the return journey are not known, but, if he travelled with his fellow envoys, he must have reached England⁽⁵⁾ early in January, and gone to Wallingford to report to the king.

(1) cf. Chanc. Warr. loc.cit., with Cal.Pat.R. 1330-34, p.465.

(2) He was certainly at Paris on 12th Nov., and on 12th Dec. (Déprez, p.93, n.5).

(3) See above, p. 185 n.3

(4) Foedera, II, ii, p.874.

(5) Sampson reached Wallingford on 9th Jan., the bishop of Norwich on 8th Jan. (Exch.Accts., 310/36, 35).

He had been absent from home for three months, and there are indications that the return journey, made in the heart of winter, was an arduous one. (1)

Immediately after his arrival, Scrope was formally reappointed to the king's bench, (2) and it is probable that he reached Lincoln from Wallingford in time to open the session on 20th January. (3) He may have hoped that the next year would bring a quieter life: in fact it was to be the most laborious of his career. (4) He had been less than a fortnight at Lincoln when he was ordered to accompany a delegation to the Scottish parliament at Edinburgh. (5) Save for Henry Percy none of his colleagues had any experience of Anglo-Scottish diplomacy, and it is no surprise to find that he acted as spokesman for the English envoys when they reached Edinburgh. Few of his many journeys can have been as unpleasant as this. Quite apart from the season of the year, and the fact that he had only just

(1) The bishop was abroad for 101 days; Scrope's account has not survived, but he was probably absent for about the same period. The evidence for the severity of the journey is a payment to Scrope for horses lost in France (Cal. Close R., 1333-37, p.199).

(2) Ibid., p.168.

(3) His name is found at the head of Coram Rege R. 295; normally not an infallible proof of his presence, but after an absence it has some additional weight.

(4) See Appendix C, sub anno; he must have travelled further in this year than in any other of his life.

(5) Foedera, II, ii, p.875.

returned from abroad, he was given very little time for preparation. To reach Edinburgh by the stated time (10th February 1334),⁽¹⁾ he must clearly have left Lincoln before the end of Hilary term on 9th February,⁽²⁾ but he can hardly have left before the issue of his letters of credence on 1st February.⁽³⁾

If we recall that he had taken ten days to reach Edinburgh from York in 1328,⁽⁴⁾ it is obvious that he must have lost no time over the longer journey from Lincoln.

The record of the proceedings in the church of the Holy Rood, Edinburgh, from 10th to 12th February - ironically enough, the scene of the English submission on 17th March 1328 - is of special interest. Only on this one occasion, out of his twenty-nine diplomatic missions, has a full and precise record survived of the part which Scrope had to play.⁽⁵⁾ It is true that the circumstances were exceptional, and called for no particular diplomatic skill. Edward Balliol had no alternative to agreement with the English terms, and the treaty with Scotland was the product of force rather than of debate. It is also true

(1) cf. Foedera, II, ii, p.876.

(2) Coram Rege R. 295 gives no indication of his departure, but it is obvious that he must have left before the end of term.

(3) Foedera, p.875.

(4) Appendix A. No.VI.

(5) Foedera, pp.876-7.

that Scrope's speeches at Edinburgh have survived, not in the original French, but in the formal Latin of the notary, William (1) of Sireston, who accompanied him as official clerk; it is thus ~~very~~ possible that they have reached us in a form more polished than that which Scrope himself gave them. With all allowances for these facts, the following passage from one of (2) Scrope's speeches, if we can imagine it in the French original, may give a very fair idea of how he may have opened formal negotiations on many other occasions. It should be remembered that although rhetoric was an accepted element in the equipment (3) of a medieval diplomat, if Scrope had felt at all uncertain of himself there would have been nothing exceptional in his (4) employing William of Sireston to read his speech for him.

"Vir nobilis, dominus Galfridus le Scrope, miles, et capitalis justitiarius ipsius domini regis Angliae, nuntius et procurator ----- sermonem dirigens ipsi domino regi Scotiae, causam adventus sui ibidem exposuit in verbis Gallicis, hunc in effectum habentibus intellectum:

'Serenissimus princeps et dominus meus Edwardus, Dei gratia Rex Angliae illustris, superior dominus regni Scotiae, desiderans quae praelocuta, concordata, et promissa sunt, inter ipsum, ex parte una, et vos, princeps magnifice, domine Edwarde, eadem gratia, ex alia, effectui mancipari, ad quae tenenda firmiter, et in omnibus adimplenda, quatenus ipsum contingit, vel contingere poterunt, in futurum, ut convenit, est paratus, misit me nuncium et

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- (1) His account for expenses survives as Exch.Accts., 311/7.
 (2) "in verbis Gallicis" (Foedera, II, 11, p.876.
 (3) Cuttino, pp.116-17.
 (4) Ibid., p.86. It seems quite certain from the record that Scrope read his speech in person.

procuratorem suum ad requirendum vos, domine rex illustris, ut praelocuta, concordata, et promissa praedicta, quatenus vos contingunt, faciatis in instanti parlamento vestro, de consensu et assensu parlamenti vestri praesentis, approbari et confirmari, et literas vestras super hiis innovari, et omnia alia et singula sibi fieri, teneri, et compleri, quae in hac parte per vos sunt debita vel promissa.

Et se vos, domine rex, et fideles vestri, gratiam, affectionem, et subsidium, quae dictus dominus meus, rex Angliae inclytus, circa recuperationem regni vestri, non tantum in excessivis sumptibus, et laboribus gravibus gentis suae, sed personam suam propriam, tantis periculis, tam liberaliter quam magnanimiter exposuit, sicut operis evidentia, laudetur altissimus, lucide manifestat, impendit, et apposuit, efficaciter, prout scitis grata consideratione pensetis, ad faciendum praedicta difficiles vos reddere non debetis, cum per Dei, et dicti domini regis Angliae auxilium, honor vobis accidit in regno Scotiae quem habetis.

Quam ob rem ego, nuntius et procurator domini regis Angliae praedictus, nomine procuratorio dicti domini mei, cum instantia debita, domine rex Scotiae, vos requiro quatenus omnia et singula, dicto domino meo per vos, ut praemittitur, facienda, de consensu et diffinitione praesentis parlamenti vestri dicto domino regi Angliae, domino meo, et michi, in persona sua, placeat vobis facere et fieri cum effectum; protestans me paratum, dicti domini mei regis Angliae nomine, vobis facere fieri, quae per dictum dominum meum restant juxta concordata huiusmodi facienda.'

Et ne praedicta concordata vel promissa laterent praelatos, comites, et proceros ----- idem dominus Galfridus, nuntius et procurator, plane recitavit ibidem ----- articulos quae in duabus literis patentibus ----- plenius continentur." (1)

Whatever we may think of Edward III's behaviour in the Scottish question, there can be no doubt that Scrope's statement of Edward's moral claims upon Edward Balliol is as convincing as any diplomat could have made it.

(1) Foedera, II, ii, pp.876-77.

When their task in Edinburgh was completed, Scrope and his companions probably returned to York; a rapid journey would have ensured their arrival in time for the opening of parliament on 21st February, 1334.⁽¹⁾ There is no evidence that diplomatic questions were discussed there, but it is certain that, before the end of the session, it had been decided to send Scrope to France again, for Willoughby was named as his substitute on the king's bench at Warwick during Easter term.⁽²⁾ The commissions which were issued at the end of March⁽³⁾ show that Scrope and William of Clinton alone among the envoys had been members of the delegation which had visited Paris during the winter. The proposed business was complicated. The hoary problems of Aquitaine and the relatively new, but equally difficult matter of the crusade formed the chief subjects for discussion, but provision was also made for the negotiation of marriage alliances, and for the investigation of the affairs of Ponthieu --- this last business having apparently been neglected

(1) Writ of summons to Scrope in Cal.Close R., 1333-37, p.190.

(2) Rot.Parl.ined., p.239; cf. Cal.Close R., p.205. Scrope occurs in the report for Easter term (Y.B. Easter 8 Ed.III, pl.55) where he lays down the principle "nullum tempus occurrit regi": probably an error in chronology in the Y.B.

(3) Full refs. in Appendix D, No.16. It is an example of the technicalities of medieval diplomacy that duplicate letters had to be issued to Stratford, in case his status should be altered by the receipt of the pallium during the journey. When he set out he was "archbishop elect". Since his letters of credence would apparently be void when he achieved the full status of archbishop, he had other letters which styled him "archbishop". In fact he did receive the pallium before the negotiations at Senlis began (see below)

(1)
 or not completed on the previous occasion. At the same time private business was to be done: the duke of Brittany having died on 17th January, 1334, Clinton and Scrope were authorized to assist the recently appointed archbishop of Canterbury (the leader of the mission) in receiving the homage of the new duke on behalf of Edward III, and to discuss with him the (2) problems of his English estates.

Why should Scrope and his fellows have been sent to France once more, so soon after the failure of the mission of the preceding winter? An explanation of a sort is offered by one group of French chronicles, (3) which asserts that Edward was influenced by the banished Robert of Artois, and by his own kinsman the count of Hainault, who advised him to revive at this point the claim to the French throne which had already been made on the death of Charles IV. It is true that Robert of Artois took refuge in England at the very time when the (4) mission was, no doubt, being considered; but the suggestion that he at once persuaded Edward to renew his claim to the throne of France is very dubious. There is no word of the

(1) See above, p. 186

(2) Appendix D, No. 16.

(3) Chronographia, II, pp. 22-23; refs. to other chronicles in footnote ad. loc. These sources are not independent; see Chronographia, I, p. v et seq.

(4) Lucas: The Low countries and the Hundred Years War, p. 178.

matter in the letters of credence issued to Scrope and his
 (1) fellow envoys. Unfortunately one can offer no alternative
 explanation, and it must be assumed that the object was, as
 usual, simply to play for time. There are other problems as
 well. The details of the movements of the envoys and the nature
 of the discussions have been obscured by an unfortunate error
 on the part of Déprez, who confused two separate journeys of
 Stratford to France in 1334, ascribing to the first, actions
 which in fact belong to the second. A discussion of this matter
 (2) is given in a note at the end of this chapter. It will be
 enough here to give the corrected version of the story without
 comment.

With the aid of Stratford's account with the Exchequer,
 supplemented by that of John of Shoreditch, another of Scrope's
 colleagues, we can follow the journey of the envoys in some
 (3) detail. They seem to have left Dover about the end of the
 first week in April, and to have arrived at Whitsand before the
 (4) tenth of the month. From Whitsand they dispatched letters to

(1) Foedera, II, 11, pp.883-5.

(2) Infra, p. 200.

(3) We have to assume that Scrope travelled with his colleagues;
 it is proper to point out that he may in fact have been a
 few days ahead or behind them, as in the journey to
 Scotland in 1328.

(4) Exch. Accts. 311/5, 6. In what follows I have used the
 information given there about the despatch of messengers.
 It has not been considered necessary to attempt a
 discussion of the inconsistencies between the two accounts.

Philip VI, and then moved south via Montreuil to La Rue (in⁽¹⁾ Ponthieu) where Stratford received his pallium from Avignon. A leisurely march, by St. Riquier and Creil, took them to Senlis, where they arrived by 8th May; en route they corresponded with the king in England, as well as with Philip, and others with whom they expected to have dealings during their stay in France.⁽²⁾ They remained at Senlis for a fortnight or more to transact their business. The suggestion of the Chronographia Regum Francorum⁽³⁾ that there were also meetings at Paris, finds no support in the exchequer records, and is probably the result of confusion with Stratford's second mission in the autumn. The minor business of the envoys was soon successfully completed. On 8th May Scrope, acting with Stratford as the king's representative, received the fealty of the new duke of Brittany.⁽⁴⁾ A meeting also took place between Scrope and the archbishop of Rouen, during which the latter handed over certain documents which were to be enrolled on the dorse of the Close Rolls in England.⁽⁵⁾ It was otherwise with

(1) Anglia Sacra, I, p.20. "S. Gregorii" is presumably a misreading, misprint, or scribal error for "S. Georgii"; cf. Le Neve: Fasti Ecclesiae Anglicanae (ed. of 1854) I, p.17.

(2) The messenger sent to Normandy (Exch. Accts. 311/6) was possibly going to the archbishop of Rouen.

(3) II, p.23.

(4) Anc.Corr. 39/56.

(5) Cal.Close R. 1333-37, pp.321-2. The place of meeting is not stated, and I have not been able to find the writ of "dedimus potestatem" whose endorsement would supply the clue. It may have been Senlis, but the Chronographia (II, p.23) says that the archbishop was one of the French delegates who negotiated with Scrope and others "at Paris". This can hardly be accepted: vide the text above.

the purely diplomatic negotiations. Philip himself was at
 (1) Senlis during part of the period of the discussions, and it
 (2) seems that he took a share in them, but we know nothing of any
 concrete result. Towards the end of May, apparently, Scrope
 (3) and his companions retraced their steps. They halted for a
 time in Ponthieu, and no doubt took the opportunity to fulfil
 their commission there, with the aid of the seneschal. Late
 in June they returned home, making the channel crossing by the
 long route from Le Crotoy to Dover. After some delay at Dover,
 caused by lack of horses, they reported to the king at Doncaster
 early in July. They had been abroad for about three months.
 Scrope had now been engaged on diplomatic duties outside England
 for nine months, with only the shortest of intervals. For a
 man of some fifty years old, it was not a small feat of
 endurance.

Once he was safely home again, he showed his dis-
 satisfaction in the most vigorous manner. Within a week of
 arrival it seems that he refused to resume his old post on the
 (4) king's bench. He was given instead the less arduous position

(1) See Viard's itinerary in Bibliothèque de l'École des Chartes,
 LXXIV, p.114.

(2) Stratford's account asserts that discussions took place with
 the king in person.

(3) This and the following details are taken from the two
 exchequer accounts already referred to.

(4) This seems the only reasonable interpretation of the past
 tense used in the letters close printed by Pike in Y.B.R.S.,
 12 & 13 Ed.III, p.lxxxix. Comparison with the warrant,
 given in Appendix A, No.XI, shows that the letter is more
 specific than the warrant seems to justify, and it may be
 unwise to press its words literally; but the matter is put
 almost beyond doubt by the appointment to the common pleas
 On the "status" of chief justice see below, p. 217.

(1)
 of "second" justice of the common pleas, which had been
 accepted by his brother Henry under similar circumstances seven
 years before. (2) With a lawyer's determination to take no risks
 of misunderstanding, he sought a written assurance that he
 should not again be sent overseas without his consent. He gained
 his wish, subject to the limitation that he must be prepared to
 go abroad again in the king's company, if he were required. (3)
 The mood of depression seems to have passed after a quiet
 summer, with no official duties, except for attendance at
 parliament in September. (4) Accordingly, when Michaelmas term
 began, he was once more to be found on the king's bench at
 York, in the position of chief justice. (5) There is no evidence
 that he ever took up his appointment on the common bench. (6)

(1) Ibid., p.xc.

(2) Cal.Pat.R., 1327-30, p.25. This is quite clearly a case of
 tiredness. Such appointments are not unparalleled; cf. the
 apparent degradation of Stonor (Cal.Pat.R., 1330-34, p.102)
 and of Sharshull (ibid. 1343-45, p.570).

(3) Appendix A, No.XI, which may also represent the terms of his
 petition.

(4) Cal.Close R., 1333-37, p.328.

(5) Coram Rege R. 298, m 1. It is odd that he was paid as chief
 justice for Easter and Trinity terms, during both of which
 he was absent from the bench (Liberate 111, m 4); a proof
 of the dangers of trusting the Liberate rolls too implicitly
 as evidence of his service on the bench.

(6) Pike (Y.B., R.S., 11-12 Ed.III, p.xxxvi) errs in asserting
 that Scrope sat on the common bench from the eighth to the
 eleventh year. No stipends are recorded in the Liberate
 rolls for such an appointment; and the occasional references
 in the Year Books may be explained as casual appearances of
 the chief justice of the king's bench on the common bench---
 a thing which was not unknown, vide Y.B. 9 Ed.III, Mich.,
 pl.34. It may be noted that Pike was confused by his
 failure to realize that Henry le Scrope died in 1336.

He was obdurate, however, in the matter of foreign service. During the next four years, although he was not entirely detached from diplomatic business in general, he never went abroad, however urgent the occasion. During the period when Edward III was making the final movements which led to war, he had no direct acquaintance with developments on the continent. Not until the Hundred Years War had begun, did he resume his old position. Then the departure of the king from the realm meant that Scrope, too, had to go ⁽¹⁾ on the journey which led, in the end, to his death "on active service".

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- (1) Tout suggested (Chapters III, p.88) that Scrope was so devoted to diplomatic work that he resigned his post on the king's bench in 1338 in order to give his whole time to it. There is no evidence for this view, and the events of 1334 suggest that in 1338 he went abroad because he had no choice, but with no better reason. Cuttino (p.94) follows Tout's suggestion.

Note on the English embassies to France in 1334.

M. Déprez' great work on the origins of the Hundred Years War is so indispensable that it may seem harsh to submit any of its details to severe criticism. But it is evident that, in some parts of his narrative, the author was unable to give close attention to all of his scattered sources. We give below a summary of his account of the events of 1334, with a note in which the necessary corrections are added. Nothing could show more clearly the need for supplementing M. Déprez' pioneer work with an exhaustive and critical list of embassies, based not only on the exchequer accounts, but also on all the other record and narrative sources. (1)

Summary of Déprez, pp. 95-97.

On 26th March, 1334, Edward, on the advice of his barons and of the count of Hainault and Robert of Artois decided to send fresh ambassadors to France. Some days after this, Edward modified the composition of the embassy; keeping only Clinton and Shoreditch he replaced the others by the archbishop of Canterbury, Montagu, and Scrope. The English envoys met Philip at St. Louis, near Fontainebleau. The archbishop of Canterbury urged friendship between the two princes, and promised that Edward would join the crusade if Philip would, amongst other things, be neutral in the Scottish question. To these offers Philip replied in the most extraordinary manner, saying that the Christian world would never have peace until the king of France should sit as judge in England over the kingdoms of England, France, and Scotland. (It should be noted that Déprez is sceptical about this reply, saying that it is to be accepted only with caution). Indignant at this rebuff, the envoys returned to Edward III early in July, 1334.

The following comments may be made on the above narrative.

(1) The Chronographia Regum Francorum, which Déprez gives as his authority, does not state that Edward acted on the advice of his barons. There seems to be a confusion between the abstract and the concrete sense of the word "consilium".

(1) The great fault of the list compiled by Mirot and Déprez (see bibliography) is that it is based exclusively on the exchequer accounts; but it also has innumerable errors of detail (see the article of Larson in E.H.R. lv, pp. 423-31). The work of Miss Salt (E.H.R. xliv, pp. 263-78) shows how much material is available outside the exchequer accounts.

(2) The change of plan after 26th March affected more than the mere composition of the embassy. The first mission was ordered to deal with the processes of Montreuil, and of Périgord; the second was to deal with the crusade, marriage alliances, and the general problems of Aquitaine. This alteration of plan can hardly be neglected as if it were a matter of detail.

(3) There seems to be no authority for placing the meetings at St. Louis. There may be a misinterpretation of "Seint Liz" in the letter preserved in "Ancient Correspondence", 39/56, and of "Senliz" in "Exchequer Accounts", 311/6, both of which really mean "Senlis". The evidence of Philip's itinerary is quite inconsistent with a meeting of St. Louis.

(4) The mention of Scottish problems, and the grandiloquent speech attributed to Philip, show a confusion in Déprez' mind between the mission of the spring and that of the autumn. Baker (pp.55-6) makes it quite clear that it was on the second occasion that Philip raised the question of Scotland (note particularly his dating after the feast of St. Denis, (i.e. 9th October). This confusion can be traced back to the list of embassies by Mirot and Déprez (Bibliothèque de l'Ecole des Chartes, LIX, p.561, No.XLVI; corrected by Larson in E.H.R. LV, p.426). Curiously enough, the author of the Chronographia makes the same error, asserting that a mission consisting of Stratford, Scrope, and Philip (sic) de Montacute came to grief over the question of Scotland. The mission here is that of the spring, but the stumbling block is that of the autumn. (1)

(1) Chronographia, II, p.23.

(1x)

For a year and more after his return from France in 1334, Scrope made a successful effort to avoid resuming his former activities outside his work on the king's bench. No year since 1315 is so barren of allusions to him as the year 1335. The few data which we have for his itinerary in that year suggest that he spent it mainly at York, where the bench was sitting; no doubt his home at Clifton saw more of him than it had done for a very long time. By 1336 he had begun to regain something of his old energy. The recovery continued in the next year. Although he did not go abroad again in 1337, he undertook a very strenuous series of duties at home, and such commitments increased until the time of his departure for Antwerp in 1338. We shall not attempt to describe the work of these years in detail. It will be enough to mention some points of special interest in his work as chief justice between 1334 and 1338, and to comment on his administrative tasks during these last few years of peace with France, when so many practical problems had to be faced by the king's advisors.

We have already alluded to the problems raised by the movements of the king's bench, and have suggested that, up to the year 1332, there is no real evidence of deliberate policy behind these migrations. The bench stayed at York for all of the following year, except for part of Michaelmas term, and

though it moved to Lincoln for the final weeks of the year, and for the whole of Hilary term 1334, one cannot be certain that its purpose in moving was to deal with felonies committed in Lincolnshire. Lincoln had been visited as recently as 1331, and it would have been more reasonable to go to one of the counties which had experienced neither the attentions of the king's bench nor those of the eyres of 1329-30. If there was deliberate purpose in the move, it may have been the desire to follow closely upon the proceedings of the keepers of the county of Lincoln (Ebulc Lestrangle and his fellows), who had heard a large number of indictments at Lincoln in 1332. Certainly the Coram Rege Roll of Hilary 1334 testifies to the interest (1) which Scrope and his fellows took in these earlier proceedings; and Lestrangle's roll, or rolls, were included in the documents (2) which Scrope handed over to his successor on the bench in 1338. For the next two terms, Scrope was absent in France. Willoughby who acted in his place, took the king's bench to Warwick, and then to Wigan. It was eleven years since the bench had been (3) to Lancashire; and Willoughby followed in Hervey of Stanton's footsteps by making the most of his opportunities. Almost the whole of the "Rex" roll is occupied with criminal cases, and the

(1) Coram Rege R. 295. Rex, ms. 8, 11.

(2) Appendix A, No. XVI.

(3) Ante, p. 122.

(1)

greater part of them are local ones. When Scrope returned to his post at the end of the year the bench sat at York, where it remained for the next four terms. We can already guess the reason for this. It was not until 1336, when, as we have seen, Scrope had recovered his energies, that the migrations were resumed. From then onwards there is some reason to believe that he deliberately set himself to try the value of the king's bench as an itinerant criminal court which might serve some of the purposes which he had hoped to serve by the eyres of 1329-30. This opinion, it must be said, is not based on an exhaustive survey of the rolls, and when such a survey is made, it may be necessary to reconsider the matter; but it is worth while to give a tentative statement here. In the first place there is no doubt that in the next few years the king's bench sat in a wider variety of places than it had done before. One hesitates to say that it moved more frequently, because, as we shall see, it is just possible that, on occasion, it met in two divisions, in different places, and was thus able to cover a wider range without such rapid movements as would have been necessary if it had remained undivided. But a glance at the details in Appendix

(2)

G will show that the bench's migrations in the period 1336-38,

(1) Coram Rege R. 297, Rex.

(2) The evidence for sessions at a particular place is sometimes found in the roll of a later term; hence our list is probably not complete. Corrections of some errors in Miss Putnam's list (Proceedings, pp.29-33) have slightly reduced the number of places at which the bench is known to have sat.

however they were organized, were more extensive than ever before. There can be no question that these movements were in any way connected with the king's itinerary, for Edward was engaged in Scotland during the first part of the period, and we find him, on at least one occasion, directing the bench's⁽¹⁾ movements in England while he himself was at Berwick. Our examination of the rolls suggests that the purpose of its migrations was to exercise its functions as a court of first instance in criminal cases in as many localities as possible.⁽²⁾⁽³⁾ We find it delivering the gaols at Nottingham, Northampton,⁽⁴⁾⁽⁵⁾⁽⁶⁾⁽⁷⁾⁽⁸⁾ Blyth, Tickhill, Oakham, Stamford, Canterbury, and⁽⁹⁾ Colchester; and at many of these places it also heard indictments by local juries. The proceedings at Canterbury in⁽¹⁰⁾ Michaelmas 1337 were particularly thorough. Many of the forty-two membranes of the "Rex" roll were concerned, as always, with

(1) Appendix A, No. XII.

(2) Coram Rege R. 305, Rex, m. 22d.

(3) Ibid., m. 7.

(4) 308, Rex, m. 19.

(5) Ibid., m. 21.

(6) 309, Rex, m. 13.

(7) Ibid., 13d.

(8) 310, Rex, m. 17.

(9) Coram Rege R. 312, Rex, m. 11.

(10) Ibid., 310, Rex, passim.

business outside the county, but in the course of delivering the gaols, not only at Canterbury castle, but also at Maidstone and at Middleton, the justices dealt with well over seventy cases ---- some of which had been begun before Ralph Savage⁽¹⁾ and his colleagues, who had visited Kent as justices of oyer⁽²⁾ and terminer shortly before --- as well as hearing many indictments by Kent juries of persons not in custody.

In the second place there is some evidence in the rolls of deliberate purpose in the movements of the bench. A writ issued at Berwick on Tweed, in June, 1336, which we have given in full in Appendix A,⁽³⁾ orders Scrope and his fellows, who were then holding pleas Coram Rege at Northampton, to go to Nottingham in order to try nine persons specified by name, and others who are not named, who were in custody at Nottingham, on charges of felony. If all the justices are unable to do this, then three, or two of them, of whom Scrope must be one, are to go at once. In fact the whole court seems to have obeyed the order, and the felons were duly tried Coram Rege at Nottingham. The delay caused by the move, together with the presence of other prisoners awaiting trial at Nottingham, seems to have obliged the court to sit for about a week after the usual date for the end of term.

(1) Ibid., Rex, m.17, 17d.

(2) A.R. 390.

(3) No.XII.

The reason for holding the prisoners until the king's bench could try them, was that the indictment had originally been made before the king's bench when it was at Lincoln in the previous (1) year, and the case could not, "by the law and custom of the realm" be terminated except before the king's bench. One may wonder why the prisoners were not sent in pursuit of the court, but no doubt there were technical difficulties, and in any case there was work to be done at Nottingham apart from the trial of these particular felons. What is really significant is the despatch of the justices from one place to another on the specific ground that their services were required, and when the king was obviously not concerned to have them near to his person. A point of secondary interest in the writ is the clear implication that, since there were now four justices of the (2) king's bench, it was not difficult for the court to meet, on occasion at any rate, in two divisions, and at different places. If this procedure had not been possible, there would have been

(1) Date of this previous session not given in the writ, but the inference is very probable.

(2) Professor Sayles' list (K.B. I, pp.cxxix-cxxv) shows that up to 1327 there were normally not more than three, though on isolated occasions there were four (ibid., p.cxxxi). The Liberate Rolls show that from 1327 to 1332 the regular number continued to be three, but that from 1333 to 1336 there were four (Liberate Rolls 110 to 113).

no point in the provision that in the event of it being impracticable for all the justices to leave Northampton, two⁽¹⁾ of them could act. We should remember this possibility when we consider the problems of Scrope's itinerary.

Another writ of this period which bears on the nature of the work of the king's bench, and suggests something rather different from anything which we have so far discussed, is to⁽²⁾ be found on the roll for Michaelmas term, 1337. It begins by asserting that it had once been the custom to hold a general eyre in every county at intervals of seven years, so adding to Miss Cam's list of references to this doctrine the only official⁽³⁾ allusion which seems to have been noticed. This repetition in a royal writ of a statement which had apparently been so often⁽⁴⁾ in Scrope's mouth during recent years, suggests that he was concerned in drafting it. The writ goes on to say that the decay of the general eyre has led to a serious loss of the profits which the crown ought to derive from the chattels of felons and⁽⁵⁾ fugitives. Scrope and his fellows are instructed to summon

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- (1) Since Scrope's presence was essential at Nottingham (see the writ in Appendix A, no. XII), we must assume that ~~the~~ any justices who stayed behind at Northampton were empowered to act without him. For a case in 1332 when the court may have met in two divisions see Appendix C, sub anno. On this occasion there were only three judges available.
- (2) Appendix A, No. XIV.
- (3) Cam, Studies in the Hundred Rolls, pp. 83 seq.; E.H.R. XXXIX, pp. 242-3. None of these sources can be described as official.
- (4) Supra, p. 142, and Cam, E.H.R. XXXIX, p. 250.
- (5) See P. & M. I, pp. 476-7; II, pp. 466-7.

before them, in each county where the king's bench may sit, the coroners and former coroners, their executors and heirs, and any who may happen to possess coroners' rolls.⁽¹⁾ After questioning them, and examining the rolls of the justices of gaol delivery, they are to report on the value of the chattels forfeit to the crown since the last eyre in the county. Here is a clear example of the abandonment of any hope of reviving effectively the old functions of the eyre, and of the way in which the king's bench could be used to fill part of the gap. It is odd that the innovation should have been applied first to the county of Kent, which had experienced an eyre as recently as 1334-35: one of the last eyres of which we have any knowledge.⁽²⁾ But this was probably a mere accident of timing. The intention was to use the same procedure in every county where the king's bench sat in future.

In general, then, we may accept the theory that Scrope, during his last few years on the bench, was experimenting in the direction which led to its eventual assumption of some of the traditional duties of the justices in eyre; a development which Miss Putnam has explored under the chief justiceship of⁽³⁾

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- (1) On the coroners' duties in this matter see Statutes of the Realm, I, pp.411-12. For the relevant passages in the Capitula Itineris, see Mun. Gild. II, 1, p.362.
- (2) The roll suggests that it was on a small scale (A.R.389).
- (3) In her unpublished biography of Sharesbush, on which see my introductory note.

Shareshull, when it came to full fruition.

We need not enter into the details of the work which fell to him outside his judicial duties during these years. It was very miscellaneous. Even as early as the end of 1334 he was summoned to Roxburgh to advise the king on diplomatic matters; (1) and he probably met a French delegation at Newcastle early next year to discuss proposals for peace with Scotland. (2) As time passed, and his activity returned to what it had been before 1334, his services were in demand for a variety of tasks connected with the Scottish war: (3) recruiting, enlisting the support of the northern magnates, (4) raising money, (5) and the stimulation of laggards. (6) He did not yield to even the most tempting provocations (7) to go abroad again; but, short of this, he accepted the most diverse commissions. Indeed his energy in 1337 brought special recognition from a grateful government. (8)

(1) Scrope was ordered to go to Roxburgh as soon as the French envoys arrived in England (Chanc. Warr. 219/8339). In the following March he was paid for a visit to Roxburgh; presumably this was the same occasion (I.R. 279, m.27).

(2) Appendix D, No.17.

(3) Rot. Scotiae, I, p.494 (June 1337).

(4) Ibid., p.489 (April 1337).

(5) Cal.Close R., 1337-39, p.218 (before Dec.1337).

(6) Rot. Scotiae, I, p.499 (Sept. 1337).

(7) He did not even go with his old colleague Burghersh on the mission of 1337, when the retinue filled forty ships (Foedera, II, ii, p.974).

(8) Appendix A, No.XIII. Making all allowance for 'common form' this is an impressive tribute.

Unfortunately we have very little opportunity of assessing his precise contribution to the work of the council in this critical period. There is one exception which deserves to be noticed.

(1)

By chance there survives a draft of a document which was enrolled

(2)

in its final form on the Close Rolls in May 1338. The final

text bears no trace of Scrope's hand in its composition but the

draft makes it quite clear that he provided amendments at an

(3)

earlier stage which were incorporated in the finished text.

The document is an agreement with the Bardi and the Peruzzi -

one of the transactions on which Edward III depended for his

war finance - which was originally negotiated by the council.

Scrope was evidently entrusted with the examination of the draft

from a legal point of view before it was put into its final form.

The agreement is interesting as evidence that Scrope may have

had a prominent place in the royal counsels at a time when

(1) Parl. & Counc. Proc. Chanc. 7/8/2,3.

(2) Cal.Close R., 1337-9, p.412.

(3) The endorsement reads "Fair a remembrer qe ceste note entre nostre seign' le Roi et les marchantz de Bard' et de Peruch' fust fait par lavisement du conseil et puis amende en ascunz pointz par mons' Geffroi Loscrope et livore en Chauncellerie pur engrosser" etc. The "ascunz pointz" seem to be indicated in the draft by a number of interlineations, and by an addition at the end. One of the interlineations is a correction of a blunder; another is an attempt to clarify a long sentence; a third is intended to secure the king's interests if he were able to provide more wool than was specified in the original contract (a lawyer-like precaution). The additional sentence is a guarantee that the king will not fail in fulfilling his engagements to the merchants. Although it is interesting to have a document which may show Scrope's hand in its details, one cannot say that his part in it is very clear.

financial negotiations were an essential part of Edward's preparations for war. It shows how unwise it would be to assume that he had no share in the administrative work which preceded Edward's early expeditions to the continent; but it is, after all, only an isolated piece of evidence.

At almost exactly the same period, the king and his council must have been planning the arrangements for the government of the realm during the absence of the king overseas, which were expressed in the famous Ordinances of Walton - described by Tout as the most important administrative act of the (1) reign. (2) The Ordinances have been fully discussed elsewhere, and we need only recall that they were an attempt to impose a central control upon the administration along the lines which seem to have been conceived by the authors of the exchequer (3) reforms of Edward II's reign. We should naturally like to know whether Scrope was one of the advisors whose counsel led to the drafting of the ordinances. At first sight the answer would seem to be certainly not; the Ordinances were promulgated (4) on 12 July 1338, a full fortnight after he had sailed for (5) Antwerp on his way to meet Louis IV. But this argument, on

(1) Chapters, III, p.69.

(2) Ibid.; Hughes, Early Years of Edward III, pp.45 seq.

(3) Hughes, op.cit., p.58.

(4) Feodora, II, 11, p.1049.

(5) Chancellor's Roll 13 Ed.III, m.46; I.R.299 m.17.

closer examination, seems to be inconclusive. So complicated a measure as the Ordinances could hardly have been the result of a single meeting of the council; as Tout has observed, they were part of a policy which had been under consideration for some time.⁽¹⁾ It is also to be noted that the writ under which the text of the Ordinances was sent to the chancery suggests that the king had been advised mainly by the confidential advisors who were going abroad with him;⁽²⁾ and we shall see later that Scrope was one of the most important of these.⁽³⁾ Moreover, time was to reveal Scrope as a leading opponent of Archbishop Stratford,⁽⁴⁾ who represented the opposition to the principle of the ordinances;⁽⁵⁾ a disagreement which may well have begun when they were first discussed in 1333.

The order to proceed overseas once more on diplomatic duties meant that Scrope had to leave the king's bench. Trinity term 1338 began at Colchester on 14th June,⁽⁶⁾ exactly a fortnight before he sailed.⁽⁷⁾ The early part of the roll bears his name, but he must have been very busy with his preparations for the

(1) Chapters, III, p.79.

(2) Hughes, op.cit., pp.57-8.

(3) Infra, pp. 226, 227

(4) Infra, p. 234

(5) Hughes, op.cit., p.75; Tout, op.cit., p.88.

(6) Coram Rege R. 313, m.2, at the head of which Scrope's name appears.

(7) See note 6 ante. Scrope's name continues until m.13. Willoughby's first appears on m.24 (Eve of Trinity). The names throughout are entered sporadically.

journey, and it cannot have been easy for him to find time to sit on the bench. On 22 June he met Richard of Willoughby, his successor,⁽¹⁾ at Colchester in order to give him the rolls and other documents in his possession.⁽²⁾ The inventory shows that, since 1333, he had handed the rolls of the eyre of 1329-30 to the exchequer, but that he still had in his possession the series of Coram Rege Rolls from 1316 to 1333, as well as a number of miscellaneous documents.⁽³⁾ On 26 June he executed a power of attorney in favour of two of his friends authorizing them to exercise his rights of advowson during his absence overseas.⁽⁴⁾ This document was executed at Nayland in Suffolk, where he had possessed a manor since 1336.⁽⁵⁾ It lies less than ten miles from Colchester where the king's bench was sitting, and it is therefore not impossible that he kept an eye on his legal duties until the last possible moment.⁽⁶⁾

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- (1) I have not found a writ of appointment in the Close Roll.
- (2) Appendix A, No. XVI.
- (3) Ibid.
- (4) B.M. MS. Addit. 5824 f. 5; this MS is a transcript by Cole of the Register of Simon of Montacute, bishop of Ely, which is still unprinted.
- (5) Cal. Chart. R. 1327-41, pp. 355, 378.
- (6) It is impossible to determine the moment of transfer from Scrope to Willoughby by reference to the Coram Rege roll; the clerks had no care for accuracy in such matters. (anto, p. 24~~x~~.)

In fact he was never to return to the king's bench. But there is reason to suppose that the king hesitated to appoint a successor as long as Scrope lived. Although Willoughby received the full salary of a chief justice, and cannot therefore be regarded as a mere deputy,⁽¹⁾ there is a very interesting case which, although it occurred in 1339, may well be considered here as evidence of Scrope's anomalous position after he had gone abroad in 1338. Scrope had acted, on many occasions since then, (under the authority of writs of "dedimus potestatem") as if he still held the position of a justice. So, for example, on 14 March 1339, he received an acknowledgement of debt between two parties for enrolment in England;⁽²⁾ and one of the last of his recorded acts was of this nature.⁽³⁾ But on one occasion at least the legality of such practices was questioned.⁽⁴⁾ In Easter term 1339 a discussion took place in the court of common pleas at Westminster concerning the validity of an acknowledgement which had been made at Antwerp before Scrope, acting under a writ of "dedimus potestatem". Various objections

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- (1) Liberate 116, m 8 (April 1339). In the previous October he received only 20 marks, as a puisne justice (Liberate 115, m 4).
- (2) Cal. Close R. 1338-41, p.113.
- (3) Infra, p. 233, *note* 2.
- (4) De Banco R. 316, m.94. (Extracts are given at Appendix A, No.XV; the report of the case is in Y.B. R.S. 12-13 Ed.III, pp.180-6. The two accounts are in some ways complementary. Pike has discussed the matter in Y.B. R.S.12-13 Ed.III, pp. lxxxv seq., but his account requires some revision. See p.217 n.2 infra.

were raised to the procedure which had led to the completion of the acknowledgement. It was urged that there were flaws in the writs of covenant which the chancellor had issued in England, and that the writ of "dedimus potestatem" was irregularly issued from Antwerp instead of from the chancery at home, and was thus not "of record"; it was also urged by the defendants' counsel that the plaintiff was nonsuited on the writ of covenant because his attorney had appeared at Westminster, not to prosecute the writ, but merely to receive the chirograph. These arguments are all of interest in showing the legal difficulties which arose from the absence of the king and of so many landowners, from the realm. The Walton Ordinances, with their emphasis on financial procedure, had done nothing to meet the problem - and it must have been a very common one - of the litigant who was abroad on the king's service. The fourth objection, however, is that which mainly concerns us. It was argued that, in receiving the acknowledgements of the litigants at Antwerp, Scrope performed a function which could legally be performed only by a chief justice, or by a justice of the common pleas;⁽¹⁾ that he was neither the one

(1) "Secundum legem et consuetudinem regni, nullus huiusmodi cognitionem terrarum seu tenementorum alicuius recipere potest, nisi capitalis iusticiarius Anglie vel aliquis iusticiarius de banco". (Do Banco Roll, loc.cit.)

nor the other and that his action was therefore of no effect. If it were upheld, this objection would certainly have invalidated many like transactions. Stonor and his companions therefore referred the matter to the king, who (no doubt after consultation with Scrope) issued two writs defining his position.⁽¹⁾ The writs are of the highest interest, since they affect our view of Scrope's status not only between 1338 and 1340, but also during his previous absences. They assert that on all occasions when he had gone abroad he had retained his status as chief justice. Moreover it was the king's will that on his return he should continue to hold the same position (sit in reditu suo noster iusticiarius capitalis). Acknowledgments could therefore be made before him exactly as if he were in England, and those⁽²⁾ made previously during his absence abroad were validated.

Why should this arrangement have commended itself to Edward III? In the first place there were obvious advantages in the presence abroad of a member of the council who could transact legal business on behalf of Englishmen who were serving

(1) Extracts in Appendix A, No. XV.

(2) Pike considered that this was a mere legal fiction. But he was hampered by the erroneous view that Scrope had definitely resigned from the king's bench in 1338. In fact there is nothing to show that Scrope's departure in 1338 involved a different arrangement from that employed on previous absences. It is true that he was not paid a stipend after June 1338; but the same applies to his absence in Trinity term 1329, and to his absence (in England) in Easter and Trinity terms of 1332. We may therefore accept the statement of the writs as a definition of the facts, not only in 1338-40, but (as it clearly implies) on previous occasions.

(1)
 with the king. Secondly, as long as Scrope held the status
 of chief justice, Edward may have been able, through him, to
 exercise a control over the administration of law at home which
 might have been somewhat difficult if Willoughby had possessed
 an identical status. It was fifty years since the king's bench
 had been left to function for a long period without the
 presence of the sovereign; (2) and the record of his grandfather's
 experience in 1289 may have warned Edward to be careful. (3) In
 the third place, we may consider it very likely that Scrope's
 authority as a diplomatist was increased by his judicial status, (4)
 and that the king was therefore unwilling to deprive him of his
 position so long as there was diplomatic work to do. Of such
 work there was no lack during the years from 1338-40.

Whatever the king's desires might be, there is evidence
 that Scrope himself hoped to retire from judicial work after
 his return from overseas. Eight days before he sailed for
 Germany he obtained a formal pardon (5) which, after an appreciative

- (1) See, for example, the transaction recorded in Cal.Pat.R.
1338-40, p.409; a recognizance of £100 made before Scrope.
- (2) The court, however, had retained its identity in the
 sovereign's absence: see Sayles, K.B.II, pp.lxiv-v.
- (3) The events of December 1340 seem to prove that such fears
 were justified (Tout, Chapters, III, p.121; but Stonor was
 chief justice of the common pleas, not of the king's bench).
- (4) See the curious statement of Sir Ralph of Ferrers (Appendix
 B, No.VIII). The meaning of "chalance prerogative" is not
 very clear but we may accept the suggestion that a chief
 justice could "do his office" overseas.
- (5) Cal.Pat.R. 1338-40, pp.94-5.

mention of his services to the king and realm, and of his great place in the direction of public affairs, granted him immunity from the consequences of a large variety of crimes, and of a number of technical offences against the crown. He was also given quittance of any outstanding debts to the crown. We need not take the details of this document too seriously. It is not likely that he had in fact committed homicides, robberies, felonies, larcenies, arson, receiving of felons, or any large proportion even of the more venial offences which were specified. But, if he intended on his return to abandon his high position on the bench, he may have had good reason to anticipate that his enemies would take advantage of him. He would no longer⁽¹⁾ be a "grant iustice, vers qui nul homme de lei voille estre". He had seen charters of pardon often enough in court to appreciate their value to a private citizen who had made enemies in the course of his public life. Perhaps he intended to retire to Constable Burton, a manor lying in the centre of his wide Yorkshire estates, where he was building a fortified home and enclosing⁽²⁾ a park. If this was indeed his dream it could not have been more rudely dispelled in the few years of life which remained to him.

(1) For a complaint against Scrope, alleging his unjust use of his position in 1330, vide infra, p. 260

(2) Licence obtained on 8 June 1338 (Cal. Pat. R. 1338-40, p. 94). He had been acquiring interests in the estate since 1320 (infra, p. 260).

(x)

It if it were adequately documented, the period between 1338 and his death would certainly form the most interesting part of the biography of Scrope. Unfortunately, his prolonged absence from England during these years, although it lent an entirely new importance to his work, inevitably caused a sharp decline in the number of ~~references~~ references to him in the records of the chancery and the exchequer. With the disappearance of the bulk of the privy seal correspondence, and of so much of the informal memoranda of Anglo-French (1) diplomacy, we have lost all hope of filling the gap. It is particularly unfortunate that the surviving wardrobe accounts contain very few references to him; one would have expected to find there some record of payments for his services to the crown while he was abroad, and hence of his movements and

(1) Note such references as E 101/389/8/2 (21 Oct. 1340): "Johanni de Waltham deferenti litteras regis sub privato sigillo domino Galfrido le Scrope, existenti apud Oudenarde". The text of this letter might explain why Scrope was at Oudenarde; as matters stand we have only this account as evidence that he ever went there. Cf. also Perroy: Diplomatic Correspondence of Richard II (Camden Third Series), pp.xi seq. For a suggestion that the loss of the informal memoranda is of fairly recent date, see Cuttino, E.H.R. LXIII, p.90.

(1)

of the nature of his employment. It is most disappointing to be thus cut off from detailed information about Scrope at the

(1) It is not easy to say exactly how Scrope kept himself during his two years of foreign service. The same problem must have arisen for others of the royal retinue, but one is not clear that it has ever been seriously considered. Scrope certainly received nothing from the exchequer between the cessation of his stipend as justice, in 1338, and the beginning of his annual pension in 1340 (Liberate 115, m.4; ibid. 117, m.4). The wardrobe accounts do not fill the gap. We do know, however, that he exported wool and also victuals, from Hull to the Low Countries, to meet his needs, and those of his retinue. (Cal.Fine R. 1337-47, p.108; Cal.Close R. 1337-39, p.597). See the map in Darby: Historical Geography of England, p.264, fig.46, for the route from the area of his North Riding estates to the Humber ports, which was used at this very time. I am indebted to Mr. E.B. Fryde for the substance of the following information about known exports of wool by Scrope:

(1) In 1339, he exported 21 sacks in virtue of his having paid subsidy and customs in Antwerp at a reduced (preferential) rate of two marks a sack instead of the usual £2. (E 356/8, m.31).

(2) In the same year he exported 87 sacks, paying the higher rate, at Antwerp. (ibid.)

It is pretty certain that those transactions were not the only ones of their kind which Scrope carried out. In 1339, for example, he was authorized to export 100 sacks at the preferential rate. It is most unlikely that he in fact exported only 21, and voluntarily paid the higher rate for exports above this figure. It is far more probable that his exports were, in fact, at least 187 sacks, in that year. Since the Bardi were paying four marks a sack, he would make a profit of two marks a sack at the privileged rate, and of one mark at the ordinary rate. Furthermore, it was quite possible for him to export wool without advance payment of subsidy. If he did so, (paying, that is, at the port of export), it would leave no record in the enrolled accounts, from which our examples are taken. Since there are very few Customs Accounts (K.R.) of this period, it follows that such exports would be quite untraceable in the records.

Pending further information, then, it seems very likely that Scrope paid his expenses from the proceeds of selling wool. It is possible also that he may have received payment as leader of an indentured retinue (cf. B.I.H.R. XX, pp.111-118).

very climax of his career as a diplomat and royal counsellor; and we feel this especially in the very first period of his absence abroad, when he broke entirely new ground, as far as he himself was concerned, by going to Germany. The general history of this mission is tolerably clear, but all the details of what must surely have been the most important, as well as the most picturesque, of his foreign expeditions, are entirely unknown.

The chain of events which took Scrope to Germany began when the Emperor wrote to Edward III on May 12th, 1338.⁽¹⁾ It seems that immediately on the receipt of this letter Edward decided to send William de Bohun, Earl of Northampton, as the bearer of his reply.⁽²⁾ Bohun at once began his preparations,⁽³⁾ and was ready some weeks before he was actually despatched. The delay may have been caused by the king's hesitation whether to send Scrope with him. As late as 21st June he was being considered for an entirely different commission: to accompany the Archbishop of Canterbury, the bishop of Durham, and others for negotiations with France on a range of subjects with which⁽⁴⁾ his experience since 1329 had made him very familiar. Not until

(1) Foedera, II, ii, p.1046.

(2) Treaty Roll 12, m.14: writ of May 22 ordering ships to be ready for Bohun before 31 May.

(3) He was paid for expenses "moranti super passagio" for over a month (Ward. Deb. 489/290).

(4) Appendix D, No.19.

the very last moment was he finally committed to the German mission, departing on the day on which his letters patent were
(1)
issued. So late a change of plan was not discovered by some of the chroniclers, who included him in the list of those who
(2)
sailed for France with the bishops.

Bohun and Scrope were charged to deliver a letter to the emperor, and to give him verbal information of the king's
(3)
future plans. The latter duty is proof enough that both envoys were in possession of the royal secrets, for if Edward had intended to reveal nothing of consequence, he could have put all of his message in writing. From the surviving records we can gather some idea of the size and composition of Scrope's party. He took with him his son Henry, (aged about 26), his nephew William, his sons-in-law Andrew Luttrell and John de Hothum,
(4)
one of his confidential servants Nicholas Ward, three kinsmen of John de Hothum, and seven other persons of sufficient note to
(5)
receive letters of attorney. Bohun, it may be noted, had a far

(1) Foedera, II, ii, p.1046; Appendix D, No.20.

(2) Baker, p.61; Croniques de London (Camden Soc. 1844), p.70. Hemingburgh, II, p.316, makes Bohun sail with the king in July: a certain error. The only chronicler to state the facts correctly is Knighton, II, p.4.

(3) Foedera, II, ii, p.1046.

(4) Ward had been his "armiger" or "Valettus" for at least twelve years (I.R.219, m.1; 243, m.2).

(5) Treaty Roll 12, m.7. Scrope's family is discussed in a later chapter. His own attorney, it may be noted, was his former clerk, Adam of Steyngreve (C 81/1738/80; cf. supra, p. 26).

larger retinue, totalling 74. There were, in addition, numbers
 of archers and men-at-arms. The whole party, consisting of
 Bohun, Scrope, a following of about ninety persons of note,
 and an escort of a couple of hundred armed men, must have
 required several ships for the crossing. They sailed (probably
 from Harwich) on 28 June, and after a slow voyage, arrived at
 Antwerp on 5th July. Their movements after then are unrecorded.
 Probably they met Lewis IV in the neighbourhood of Coblenz.
 The discussions cannot have lasted long, for Bohun had completed
 his task by 20th July. Scrope does not reappear until he is
 found at Antwerp on 18th August. By then Edward had departed
 on his famous journey to meet Lewis, during which he received
 the dignity of imperial vicar, and it is therefore very
 unlikely that Scrope was with him on that occasion.

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- (1) Foedera, II, 11, p.1039.
- (2) Ward. Deb. 489/290.
- (3) Bohun was paid £238/10 for a month's expenses before departure (ibid.), and Scrope received £300 as an advance (Appendix D, No.20). These figures suggest an unusually large escort. Knighton (loc.cit.) gives the same impression. The ships carried 600 sacks of royal wool (Exch. Accts. 624/28/2; I am indebted to Mr. E.B.Fryde for this reference).
- (4) Appendix D, No.20.
- (5) Déprez (.p.192) suggested Frankfort. But Lewis' itinerary shows that he was near Coblenz from July 12th to 18th, which is about the time when Bohun and Scrope might be expected to arrive. There is no proof that he was at Frankfort before July 22nd, by which time the mission was over (Forschungen für Deutsche Geschichte (1873) p.527; Böhm: Regesta Imperii (Additamentum tertium), 1865, p.435).
- (6) Chancellor's Roll, 13 Ed.III, m.46.
- (7) Foedera II, 11, p.1055.
- (8) Déprez, p.195.

In the meantime, Stratford and his colleagues were in France, negotiating with Philip VI. Their position had soon been seriously compromised by Edward's action in withdrawing their powers to treat with Philip as king of France. ⁽¹⁾ Later, in response to the entreaties of Benedict XII, Edward agreed to appoint a new commission to treat with Philip, but it was not ⁽²⁾ authorized to recognize his royal title. Scrope seems to have gone to Arras, on this obviously futile errand, after his ⁽³⁾ return from Germany, but otherwise most of his time during the next year was spent at Antwerp, where Edward placed his headquarters until the autumn of 1339, when serious military operations began against France. During this period it seems that he had three tasks: to continue the diplomatic campaign, in order to improve the English system of alliances and at the same time to delay open war for as long as was necessary; to negotiate loans on the king's behalf; and to assist in planning the coming campaigns against France. We have seen so much of his diplomatic work, that the first topic may perhaps be dismissed with a mention of the most notable event of the period. In August

(1) Foedera, II, ii, p.1051. Nevertheless, Stratford maintained a regular correspondence with the king when the latter was at Antwerp, and even at Cologne (Exch. Accts, 311/35); so we may suppose that negotiations continued in Paris in spite of difficulties.

(2) Foedera, p.1065.

(3) Appendix D, No.21. There was much correspondence between the envoys at Arras and the king at Antwerp, if we are to judge from the payments made by the bishop of Durham to messengers (Exch. Accts, 311/36). The letters themselves have, no doubt, vanished with the privy seal correspondence.

1339, he went south to Brussels with the bishop of Lincoln, the
 earl of Salisbury, and William Kilsby, ⁽¹⁾ in order to negotiate
 with William, marquis of Jülich. The result was an agreement
 giving the marquis a place in the council, and promising to be
 guided by his advice, together with that of the four councillors
 who had negotiated and sealed the agreement. ⁽²⁾ Here we have
 evidence ---- of which there is confirmation in other documents
 to be considered later ---- that Scrope was one of the inner
 circle of the council. ⁽³⁾ In the business of arranging loans he
 seems to have proved himself highly competent. The wording of
 some of the bonds implies that he was personally responsible
 for negotiating them. For example in April 1339, Edward
 received a loan of 340,000 florins at Antwerp. One sentence of
 the bond runs as follows: "Ieo, Geffroy Lescrope, qui fu au
 faire et acord de totes les choses dedoinz cestes esrites, pur
 record et tesmoignance porter de tut, a meismes cestes lottres

- (1) For the peculiar position of Kilsby in the administration
 see the discussion in Tout, Chapters, III, pp.84 seq.
- (2) D.D.C. 28/10/3; cf. Appendix D, No.24. Tout (Chapters, III,
 p.100, n.) says that the document has lost its seals.
 There are slits in the lower edge, but it is not clear
 why, if it was ever issued to the marquis, it should now
 be in the P.R.O. Possibly it never passed beyond the stage
 of drafting, for, as Tout observes, there is no proof
 that it ever took effect. Tout's date "May 19th" should
 read "August".
- (3) cf. Tout, op.cit. p.99. It was Scrope's duty to swear on the
 king's soul that the agreement would be kept (D.D.C.
loc.cit.)

(1) ai mis mon seal". His appearance as a guarantor of royal bonds, (2) frequently in the company of the bishop of Lincoln, William de Kilsby, and other "secretarii", is quite consistent with our general statement about his position at court. Though we may wonder in what sense his person was regarded as a good financial security by the astute merchants of Flanders, or by the Italian bankers, he would hardly have been acceptable unless he was recognized as a person of substance both in himself and in virtue of his official position.

His influence in the planning of the war is illustrated by a notable document of November 1338, which lies in undeserved (3) obscurity in a printed collection of Dutch sources. In form, it is a convention whereby Edward, at the suggestion of Rainald of Guelders, and of William of Jülich, undertook to be guided, in the pursuit of his military aims, by a council which included Rainald and William, together with the bishop of Lincoln, Kilsby, (4) Scrope, John Darcy, and four others. Evidently Scrope's judgment was trusted not only by the king, but also by some, at

(1) C 67/17/3.

(2) e.g., Exch. Accts. 601/9 for 38816 florins; L.T.R. Mem. Roll, 18 Ed. III, Hilary term "Status et visus", m.4. (I owe these references to Mr. E.B. Fryde); Cal. Pat. R. 1338-40, pp.385, 405, 406; &c.

(3) Nijhoff: Gedenkwaardigheden uit de Geschiedenis van Gelderland, Vol.I (1830), pp.388-390. The printed text has many obvious corruptions, e.g. "lovable" (lonurable), "pemblece" (peniblete), etc.

(4) On the confusions of the Darcy pedigree, see Tout, Chapters, III, p.89, n. This is presumably "le pierre".

least, of the king's foreign supporters. We can hardly doubt that until his death he took a considerable part in planning the war with France. As far as this agreement itself is concerned, it might be unwise to urge that, as a professional lawyer, he was the natural person to have been employed to draft it; but he was certainly nominated, as Edward's (1) representative, to swear that it would be loyally observed.

By the autumn of 1339, the efforts of Edward and his advisers had assembled sufficient resources for an attack on France. Scrope accompanied (2) the armies from Antwerp to Brussels, and thence to Valenciennes, whence, on 20th September, Edward led his troops into the bishopric of Cambrai, whose lord was a supporter of Philip VI. The siege of the town of Cambrai was unsuccessful, but the surrounding country was devastated. We may accept the statement of witnesses at the Scrope and (3) Grosvenor trial, confirmed by the quite independent testimony (4) of Hemingburgh, that Scrope was in the front line of battle.

- (1) "Pour assurer a chascun de eux (i.e., the members of the war council) totes les choses susdites, si avoms, par le conseil et lassent de noz dites freres, charge le dit monsieur Geffrai de jurer en nostre alme sur seintz ewangelles que nous garderoms et ferroms totes les choses susdites" etc. The document was apparently authenticated with the royal privy seal, which was in Kilsby's custody.
- (2) Edward's movements are given in Déprez, ch.VII; Scrope's in Appendix C infra.
- (3) Appendix B, No.VI; No.V is confused, but seems to agree. See also Nicolas I, pp.162, 169.
- (4) Hemingburgh, II, p.347.

His fifty-five years or so need not have been a severe handicap, in a campaign from which each side accused the other of having
 (1) fled. In one incident of the war (the only personal anecdote of Scrope that we possess), he comes to life as a very typical Englishman, convinced of the inferiority of the French and ready to boast of the fact to a neutral observer. Two cardinals, Peter and Bertrand, had been attempting, at the instance of the pope, to keep the peace between France and England for some two years. Immediately before the present campaign, they had referred, not very tactfully, to Edward's attempts to break the "silken thread" which protected France, and had advised him to
 (2) (3) await the help of his German allies. Later, when the Cambrésis was being ravaged by the English, Scrope led Cardinal Bertrand
 (4) to the top of a high tower; it was soon after sunset, and fires were visible, blazing on the French border for fifteen miles. Showing the grim sight to the cardinal, Scrope taunted him with the words "Sir, do you not think that the silken thread
 (5) which surrounds France is broken."

(6)

Early in 1340, Scrope went with the king to Ghent for

(1) Déprez, p.270.

(2) Baker, p.64.

(3) Probably soon after 19th Sept.; cf. Foedera, II, 11, p.1090.

(4) Déprez, p.257, strangely translates prima nocte (Baker, p.65) as un des premières nuits.

(5) Baker, p.65.

(6) Cal.Pat. R. 1338-40, p.406.

the negotiations which led to Edward's assumption of the French crown. He then accompanied him back to England, taking with him two knights ---- probably his son and his nephew ----
 (1)
 eighteen men-at-arms, and sixty-seven horses. He was so busy with public business during his brief stay in England, that he can have had little time for private affairs. At the end of
 (2)
 March he attended parliament. In return for the grant of a ninth and a fifteenth, the king agreed to submit the grievances of the commons to a committee, with a view to the drafting of a statute. The lawyers who served on the committee were Scrope,
 (3)
 Stonor, Parving, and Sadington; its composition is evidence that Scrope was still regarded as chief justice, for Stonor was undoubtedly chief justice of the common pleas, and if Scrope did not possess similar status it is strange that he, rather than Willoughby, who had taken his place on the king's bench, should have been appointed. The result was a statute which may be considered one of the most important of its kind since the days of Edward I. Its twenty-one clauses, with their provisions
 (4)
 for the acceleration of judicial procedure, the restriction of
 (5)
 abuses among local officials, and the abolition of ~~obsolete~~

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- (1) Exchequer, T.R., Misc. Books 203, f.106. The voyage was from Sluys, and Scrope was paid £22/6/8 for the passage. It is not clear why one who had guaranteed so many of Edward's debts should have been allowed to leave Flanders; cf. Tout, Political History, p.344.
- (2) L.R.IV, p.518.
- (3) Rot.Parl., II, p.113. A memorandum, which may relate to their proceedings, is now preserved as C49/66/29.
- (4) Statutes of the Realm, I, pp.282,286.
- (5) Ibid., pp.285, 288.

(1)

of obsolete forms, may be reckoned as Scrope's final contribution to the law, after a professional career of close on forty years. In the same parliament he was granted an annual pension of two hundred marks to assist in the maintenance of

(2)

his new rank as a knight banneret (an honour which had, apparently, been conferred upon him while he was abroad) and to compensate him for his lavish expenditure, especially during

(3)

his service with the king. The terms of the grant deserve full quotation as an appreciation of his services to the crown:

Rex omnibus ad quos, etc., salutem. Attendentes grata et utilia obsequia quae dilectum et fidelem Galfridum le Scrope domino Edwardo nuper regi Angliae genitori nostro et nobis, tam in Anglia praesertim in officio justiciarii et consiliarii ipsius genitoris nostri, nostrique et totius regni nostri Angliae communia negotia laboriose et provide dirigendo quam in partibus Scotiae et etiam in partibus transmarinis se variis periculis exponendo, novimus multipliciter impendisse; necnon labores continuos et indefessos, et sumptus et expensas intolerabiles quos ipse in dicti genitoris nostri et nostris obsequiis sustinuit temporibus antedictis: Nos praemissorum contemplatione ac pro eo quod praefato Galfrido jam districtius diximus injungendo quod se decentius quo poterit parari faciat et nobiscum in proximo passagio nostro ad partes transmarinas se transferet supradictas; et ut ipse jam sumptus et expensas quos cum in obsequiis nostris subire necessario oportebit, et statum banneretti quem a nobis tempore quo in dictis partibus transmarinis ultimo agebamus de praecepto nostro suscepit, ac onera propterea incumbencia valeat facilius supportare, volentes ipsum gratioso prospicere, ut tenemur, de assensu prelatorum-----etc, dedimus et concessimus----

(1) Ibid., p.282.

(2) On this rank see Tout, Chapters, III, pp.296, n.346.

(3) He actually received only one payment in his lifetime (I.R. 310, 9th August). The pension was later converted to a grant of land to his descendants (Rot.Parl. III, p.550).

praefato Galfrido ducentas marcas percipiendas sibi
et heredibus suis ad scaccarium nostrum---- (1)

The words of this grant clearly imply that, at the time when it was made, (May 1340), Scrope was under orders to go abroad again; but before he went, he had to complete a good deal of financial and diplomatic business. It was some weeks after the king's departure for Flanders before he himself was free to sail. His fleet consisted of six ships, and it sailed from Orwell. With him were the young John of Stonor (son of Scrope's old colleague the justice), John of Hothum, and fourteen others of note, as well as members of his own family. He seems to have arrived in time to be present at the siege of Tournai, the main event of the autumn campaign. Sir Ralph Ferrers asserted (at the Scrope and Grosvenor trial) that Geoffrey had with him on that occasion forty lances. How effective he was

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- (1) Foedera, II, 11, p.1123.
- (2) e.g. to superintend the collection of the recently granted tax (Cal.Pat.R. 1338-40, p.516); to enquire into the export of wool from Yorkshire (ibid., 1340-43, pp.89, 92); to remove the customs collectors at certain ports (ibid., 1338-40, p.517); and to treat with the Scots (Appendix D, Nos.26, 27). Probably he did not attend to all of these; for example Cal.Misc.Inq. II, No.1728 suggests that he neglected the second.
- (3) The king left on 22nd June (Foedera II, 11, p.1129). Scrope cannot have left before August: his letters of attorney are dated August 8th (Treaty Roll 15, m.10). He appears as witness to a charter dated at Nayland on August 19th, along with Stonor and Henry le Scrope, but this is no absolute proof of his presence (Westminster Muniments 1193).
- (4) Treaty Roll 15, m.9: writ to the admiral ordering the preparation of six ships for Scrope at Orwell.
- (5) Ibid., m.10.
- (6) Appendix B, No.VIII.

as a soldier we do not know, but when Edward abandoned hope of the siege and negotiated for a three years truce, he called once more upon his veteran diplomatist. Almost exactly twenty-one years after his first employment of the kind, he was now sent to perform the last of his diplomatic errands. He was accompanied, very appropriately, by his companion on so many similar tasks, the bishop of Lincoln. On 25th September, 1340, a truce was concluded in the chapel of Esplechin, not far from
(1) Tournai. The war was not to be renewed, as events proved, until 1345. With the end of the campaign, Scrope returned with
(2) the king to Ghent. He had only a couple of months to live. There is no serious difficulty in accepting the dates given by Archbishop Stratford's biographer, who says that on December 2nd 1340, the death of Scrope at Ghent relieved Stratford of one of his chief enemies, and that two days later, by a coincidence which seemed to be an act of Divine providence, another

(1) Foedera, II, ii, p.1135. The names of the English envoys have to be supplied from Chronographia, II, p.160.

(2) Cal.Close R. 1339-41, p.641. On the day after the truce he witnessed an acknowledgement of debt at Orchies (Orken!), vide C 202/ B 48 (Chancery, unsorted writs). I cannot explain his presence there, for it is not on the way from Esplechin to Ghent. Possibly the identification is incorrect.

(1)

foe, the bishop of Lincoln, also died. The king was then in England, carrying out his famous attack on Stratford and the other ministers whom he blamed for starving him of supplies during the recent inglorious campaign. Stratford's biographer alleges that Edward's return to London, and his onslaught on the ministers, was inspired by Scrope and the Bishop of Lincoln. (2)

What we have said about the close association of Scrope with the king's plans during the previous two years makes it seem likely enough that he resented the conduct of Stratford during the king's absence from England. He would probably have liked to accompany Bohun (his former colleague on the mission to Germany), Kilsby, and the other "secretarii" who went with the king to London in November. But for some reason - possibly (3)

(1) Anglia Sacra I, p.21. Baker, p.73, and Murimuth, p.120, say "about Christmas". Unfortunately Tout (Chapters III, p.123) seems to have misconstrued the very awkward Latin of "Birchington", taking it to mean that both Scrope and the bishop died on Dec. 2nd. It will only bear the meaning given in the text: "Die vero secundo mensis Decembris, Dominus T. (sc. G.) le Scrope, principalis consiliarius regis, et Henricus Lincolnensis episcopus, in ea parte consiliarii (i.e. in the matter of the king's punitive journey to England) ut creditur, die lunae sequenti (i.e. 4th Dec.) qui ipsius archiepiscopi facti sunt hostes in capite, et multa illicita ordinarunt, ut creditur, contra eum, apud Gaunt in Flandria dios clausurunt extremos. Sicque dictus archiepiscopus a duobus inimicis suis fuerat ex dei providentia liberatus".

The writs to the escheators were issued on 11th Dec. (Cal.Fine R. 1337-47, p.198), and one inquest is dated at Crantham on 18th December (Cal. I.P.M. VIII, p.203) but these dates can hardly be taken literally. On the other hand, his death is presumably later than that of the bond completed at Ghent on 27th Nov. (Cal.Close R. 1339-41, p.641).

(2) Text in previous note; cf. Stubbs, Constitutional History (1896), II, p.404, n.

(3) For the names of the king's companions on this occasion, see Tout, op.cit., p.120.

the onset of illness, or the importunities of the royal
 (1) creditors, or the necessity of watching the king's business
 during his absence - he did not go.

His body was taken from Ghent to be buried in the abbey
 of Coverham, (a monastery lying in the heart of his native North
 Riding,) of which he seems to have been a notable benefactor.
 (2)
 He was laid in a "high tomb", situated in the nave in front of
 (3) the rood screen; probably the most prominent tomb in the church.
 (4) Later, his son Thomas, and another of his family who cannot now
 (5) be identified, were laid beside him. Unfortunately there is
 nothing left at Coverham which can be recognized as part of
 (6) the tomb. With the death in 1517 of Geoffrey, the last baron
 Scrope of Masham, and the dispersal not many years later of the
 monks whose duty it was to remember their benefactor of two
 centuries before, the relics of the founder of the family were
 abandoned to their fate. We cannot but regret the loss of

(1) cf. the arrest of the earl of Derby in 1340 (Foedera, II, 11, p.1143).

(2) Infra, p. 262.

(3) Appendix B, No.1.

(4) So far I have found no evidence for Nicolas' statement that Thomas died in his father's lifetime (Nicolas II, p.105).

(5) Appendix B No.1.

(6) I am very grateful to Prof. Hamilton Thompson for this information. There is no trace of the rood screen or the quire screen, and the only surviving effigy which might be of Scrope's time is hopelessly mutilated. See also the paper on the abbey by W.M. I'Anson in Yorkshire Archaeological Journal XXV, pp.273-301.

Geoffrey's effigy; to possess even a conventional representation of so inscrutable a person would be a means of making his personality a little less unreal in our imagination.⁽¹⁾

Few facts remain to be told in order to complete the story. Scrope left a will,⁽²⁾ but the unfortunate gap in the archiepiscopal registers at Lambeth between 1327 and 1349,⁽³⁾ seems to have deprived us of its text. Before the end of 1340, his eldest son, Henry, now a man of 28, received seisin of his father's heritable estates.⁽⁴⁾ Early next year the executors were ordered to send to the exchequer all the plea rolls which had been in Geoffrey's possession at his death.⁽⁵⁾ On 7th May, 1341, Henry appeared at the exchequer, and had no difficulty in proving that his father had surrendered all his coram rege and eyre rolls, and that he had never possessed any rolls of assizes, gaol delivery, oyer and terminer, or of pleas of the forest because he had never been the senior justice in any of

- (1) From the surviving effigy of Scrope's contemporary Willoughby at Willoughby church, Notts., we may gain some idea of what a justice's effigy could be like. See the reproduction in C. Stothard, Monumental Effigies (1817), 78.
- (2) As is clear from the references to his executors; cf. n. 5 below.
- (3) I am grateful to Dr. Irene Churchill for her assistance in this matter.
- (4) Cal.Pat.R. 1340-43, p.74.
- (5) Cal.Fine R. 1337-47, p.210.

(1)

these types of commission----a statement which our study of his legal career entirely substantiates. With this final rendering of accounts, we may conclude our survey of Scrope's public life. It remains to describe the growth of his private fortunes during the years of his maturity, and the extent of the inheritance which he left to his son.

(1) Appendix A, No.XVI. From this it would appear that only the senior itinerant justice kept a roll, whereas in the central courts each justice had his own, although as a rule only that of the chief justice has survived (cf. Sayles, K.B. II, pp.xxi, seq.).

PART III.

PRIVATE FORTUNES

Since the time of Scrope's marriage, about the year 1311, and his acquisition of Clifton-upon-Ure, a year later, as his principal seat, we have had no chance to turn aside from his steady flow of public duties to consider the advance of his private fortunes. During all these years, however, he was steadily growing in landed wealth. Although there was nothing exceptional in the gathering together of extensive estates by justices at this period - witness the wealth of such of his contemporaries as Stonor, Sharesnull, and Willoughby, not to speak of his brother Henry - the details of his estates, so far as they can be ascertained, are of sufficient interest to demand their inclusion as an opilogue to our account of his public life. As a preliminary, we must complete our⁽¹⁾ account of his family. His brother Henry died in 1336. He was a much less distinguished man than Geoffrey, but his wealth in land was the basis of the position of his son Richard, known to genealogists as the first baron Scrope of Bolton. The death of his brother meant, since the heir was still a minor, that for the last four years of his life Geoffrey was head of the whole family, and he seems to have taken some care

(1) Nicolas I, p.222. He was buried at Easby Abbey, near Richmond (ibid.).

(1)
for the education of his young nephew. Of his wife Ivetta,
(2)
or Juetta, we hear very little in the later years of his life.
(3)
It has been suggested that he married again before 1331, but
(4)
since there is evidence that Ivotta was alive in 1334, it
is a most unlikely theory. Probably she died before her
husband, for there is no allusion to her dower in the documents
of 1340 and later. By her, Geoffrey had certainly eight,
(5)
and possibly nine children:
(6)
1. Henry, born about 1312 (Nicolas is wrong in saying
(7)
that he was aged 25 in 1340). From an early age he proved to
be a fine soldier. After service in the Scottish wars, during
(8)
which he was knighted, he went abroad with his father in
1338, and again in 1340. He could not have been present at
the battle of Sluys, as was asserted at the Scrope and Grosvenor
(9)
trial. He inherited his father's lands in 1340, and, after

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- (1) He was aged 10 at his father's death. Geoffrey took him abroad in 1338 and 1340 (ante pp. 223, 232).
- (2) For the spelling see above p. 56.
- (3) Nicolas II, p. 104; cf. V.C.H. Herts, III, p. 280.
- (4) Cal. Charter R. 1327-41, pp. 306, 310.
- (5) I give them in the traditional order, but it is not free from doubt; cf. Geoffrey junior, below. A fuller survey of the later history of the family would be necessary to establish the approximate dates of birth of all the children with certainty.
- (6) Ante, p. 56
- (7) Nicolas II, p. 112.
- (8) Ibid., p. 112.
- (9) Ante p. 16

fighting at Crecy and Calais and in many other battles, was made governor of Guisnes and Calais.⁽¹⁾ His military skill was described in glowing terms by the witnesses at the trial, and there is less reason to suspect what was said of him in this respect, than of his more sedentary father.⁽²⁾ He lived to be nearly eighty. One of his sons was the ill-fated archbishop of York who was beheaded by order of Henry IV in 1405; his eldest grandson was executed for treason in 1415. Those disasters did not ruin the family fortunes. The barony was restored in the reign of Henry VI, and continued to exist for another century.

2. Thomas, of whom nothing is known except his burial place.⁽³⁾ Even the statement that he was the second son rests mainly on the coat of arms which he bore,⁽⁴⁾ and ~~he~~ is not entirely certain.

3. William, a distinguished soldier who fought in France, and died during the expedition of the Black Prince to Spain in 1367.⁽⁵⁾

4. Stephen, a good soldier, though less distinguished than his elder brothers. He fought at Crecy and Calais, but nothing

(1) Nicolas II, p.113.

(2) Ibid. I, p.133.

(3) Ante p. 235.

(4) i.e. crescents as a mark of cadency; I am not sure that it is not an anachronism to use this argument.

(5) Nicolas II, p.105.

is known of him after 1359; he may have died young.⁽¹⁾

5. Geoffrey, born before 1322⁽²⁾ and therefore possibly more senior in the family than has been assumed previously. He became a priest, and perhaps studied at Oxford. He died a canon of Lincoln in 1389. His epitaph described him as "G. Scroop, Legista", from which it seems that he inherited something of his father's tastes,⁽³⁾ though in a different branch.

6 & 7. Beatrix and Constance, who before 1325 married two⁽⁴⁾ brothers, Andrew and Geoffrey Luttrell, of Irnham, Lincs. It was the father of these brothers who commissioned the famous Luttrell psalter, on folio 202^v, of which there is a representation of Beatrix le Scrope, standing beside her father-in-law, and wearing a gown of heraldic design, embodying the arms of Scrope and of Luttrell.⁽⁵⁾ Beatrix was alive in 1350, when she visited Rome; but she was dead by 1362.⁽⁶⁾

8. Ivetta, who married John de Hothum, a member of a well known Yorkshire family, and a kinsman of the bishop who built the lantern tower at Ely. John was a minor at the time of⁽⁷⁾

(1) Ibid., p.108.

(2) Y.A.S., LXXXIII, p.173.

(3) Nicolas II, pp.110-11. He was an LL.B. (ibid.).

(4) Ibid., p.111. Nicolas' date 1325 should be 1320 - see his note 3.

(5) cf. E.G. Millar: The Luttrell Psalter (1932), frontispiece.

(6) Ibid., p.4.

(7) Nicolas II, p.111.

the marriage in 1334, and Geoffrey held the wardship until
 (1)
 he came of age.

9. A daughter of Scrope was betrothed to Geoffrey de la
 Mare, the young ward of the abbot of Peterborough, sometime
 (2)
 after 1329. One cannot be certain whether she is a ninth
 child of Scrope, or whether the reference is to an earlier
 betrothal of his daughter Ivetta. It cannot refer to
 Beatrix or Constance, who were married by 1329.

It will be seen that by the end of his life Scrope
 had succeeded in settling his daughters in good circumstances,
 and that he had reason also to be pleased with the progress
 of his sons. He probably had the satisfaction, before his
 (3)
 death, of seeing the birth of a son to Henry. The continuity
 of his family seemed assured; and its position in society was
 guaranteed by the extensive property which he had acquired by
 a steady process of expansion/principally in Yorkshire, but,
 on a smaller scale, in other counties as well. At the end of
 this chapter we give a list of all the estates which are known
 to have been in his hands, in whole or in part, at any period

(1) Westminster Muniments 1234; John de Hothum, bishop of
 Ely, and John de Hothum, knight, grant to Scrope the
 marriage of John, son of John, to Ivetta, and the wardship
 until John is of age (29 Sept. 1334).

(2) Ante, p. 156, *note* 1.

(3) Nicolas hesitates between 1340 and 1342 as the date of
 birth of this grandson (II, pp. 135, 120). But his first
 campaign was in 1356 (*ibid.* p. 120), which makes 1340, or
 even earlier, the better choice. His parents were married
 by 1331 (De Banco R. 284, m. 1) his father being then aged
 19.

of his life. The total is so large that we must consider how he was able to achieve such a position. It was certainly not by inheritance from his father; not only was Geoffrey a younger son, but his father's estates were very small. Did he gain wealth by hoarding his salary and fees from the crown? During the period 1315-1340, during which we have a record of such receipts, he received a total of £1940 odd from this source.⁽¹⁾ Considering the heavy expenses which he had to meet, especially on foreign service,⁽²⁾ this sum, which represents a yearly average of £78, can hardly have been the main source of his wealth. No doubt his unofficial receipts from litigants and prospective litigants were considerable. It is well known that medieval justices received pensions and presents without hesitation,⁽³⁾ and the wealth of Hervey of Stanton,⁽⁴⁾ who was able to lend £800 to the queen in 1326, does not seem to have been regarded as exceptional. We have seen that Scrope may have received "something considerable" from the abbot of Peterborough in 1329;⁽⁵⁾ it can hardly have been

(1) See Appendix F. The total excludes payments made in lieu of royal grants of land, but they are not very considerable

(2) cf. p. 231. ante.

(3) cf. Professor Sayles' article, cited above, p. 155 n. 1.

(4) Cal. Close R. 1327-30, p. 189.

(5) Ante., p. 156 and cf. also the citations from Litterae Cantuarienses (ante. p. 155, n. 1).

the only example of the kind during his career. We may presume that having accumulated cash in this way, and perhaps added something by way of profits from his estates as they grew, Scrope invested it in land, especially perhaps in leases, which were the best means of investing capital in an age when simple usury was frowned upon by the church. There is also some evidence - unfortunately not very conclusive - that he was able to improve his territorial position in Yorkshire, by lending money to his poorer neighbours on the security of their lands, some of which he was able, in the end, to gain outright for himself. Certainly there is one example of his acting without much scruple towards a neighbour, who complained that, because she was wronged by a justice, she could gain no redress in the courts. Certain other transactions have a suspicious flavour about them, although it is hard to prove anything. Whatever the means may have been, the results are clear. A glance at the map of his North Riding estates will show the strong position of Scrope in the valleys of the Ure

(1) Especially from the sale of wool, which was extensively produced in the North Riding.

(2) cf. Plucknett, pp.511-12.

(3) A list of debts of this kind is given below, p. 262.

(4) Infra, p. 260

(5) e.g. see "Bellerby" in list of estates below, and for a case outside Yorkshire see p. 251 infra. It must be emphasised that all such transactions will probably seem innocent enough in the documents. Any pressure applied to the debtor would not be recorded.

(6) Infra, p. 247 b.

and the Swale. Over an area of some 400 square miles his manors were so closely gathered that we can easily see his plan, and can appreciate the success with which he pursued it. Nor was his ambition entirely confined to the district where he was born. The map of his estates outside the North
(1) Riding is evidence that he hoped to make his family a power of note in other areas as well, and that before his death he had gone some way towards his object.

Unfortunately no manorial documents have survived
(2) except from his estates in Kent and in Middlesex, but we can safely guess that so large a number of manors must have had some sort of central administration, possibly located in the North Riding. The export of wool from his Yorkshire estates
(3) was, no doubt, a profitable undertaking. We have no means of estimating its actual value to him; but it may account for the fact that in the last years of his life, when wool was so much in demand for Edward III's war finance, he was noticeably well off in ready cash. In August 1340 he was able to lend
(4) £1233/6/8. This was an exceptional occasion, but we find

(1) Infra, p. 247 A.

(2) Ante, p. 33

(3) cf. the map on p. 247 B infra, with that referred to ante, p. 22, v. It is clear from Cal. Close R. 1337-39, p. 594 (storage of wool in his houses in York), and from Rot. Parl. II, p. 118, as well as from p. 22 ante that he was concerned in the wool trade.

(4) Cal. Close R. 1337-39, p. 494.

also a loan of 600 marks,⁽¹⁾ and smaller sums are quite commonly recorded on the Close Rolls,⁽²⁾ and the Issue Rolls.⁽³⁾ Even as early as 1322, however, he could undertake to pay 500 marks - sixteen years' salary at that point in his career - for a group of North Riding estates.⁽⁴⁾ It is not surprising that at the end of his life he was able to spend two years abroad, maintained only, it would seem, by the proceeds from wool shipped overseas from his Yorkshire estates.⁽⁵⁾

Apart from their financial value, some, at any rate, of his manors must have been useful as residences. His property in the city of London is an obvious case; his houses in York were, no doubt, occupied during the sojourn of the court in the North; his manor at Nayland was convenient when the king's bench was at Colchester, and when he was preparing to embark at Orwell or Harwich; and several others were suitably placed for use when he travelled between the North and the South. The map of his estates shows one significant fact: Almost all of them lay north of a line from London to Chester. In all his years of travel he scarcely ever visited the west of England,⁽⁶⁾ and it seems therefore that he took care never to

(1) Ibid., p.131.

(2) Infra, p. 262.

(3) e.g. £100 lent to the king on his journey to Scotland, I.R.306 m 17.

(4) Infra, p. 258

(5) Ante., p. 221.

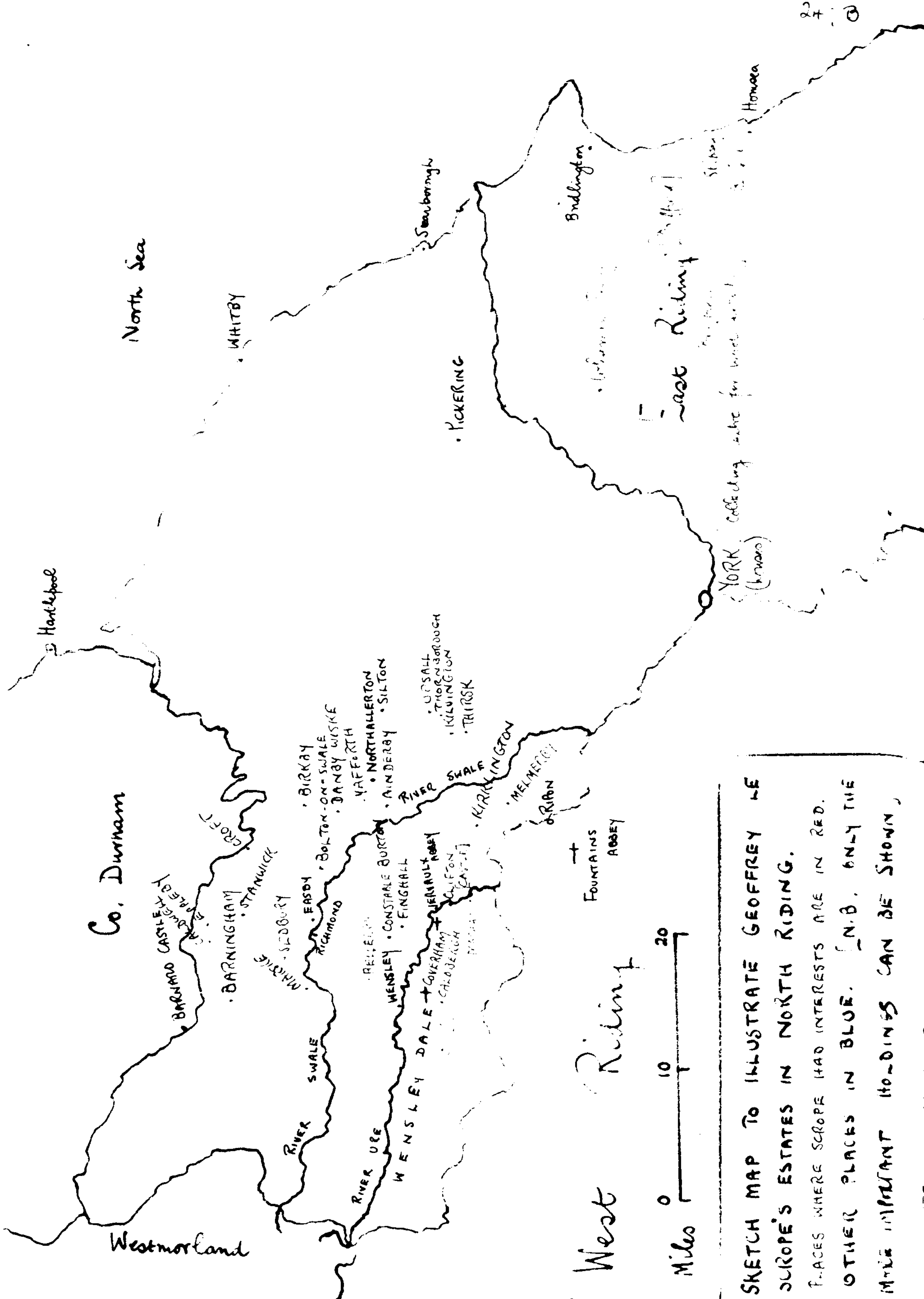
(6) The only certain occasion was his visit to Gloucester in 1321; see Appendix C.

acquire an estate which he would not be able to visit and inspect in the normal course of his travels over a period of say two or three years. If so, he showed the sound business sense which we should expect of him.

We conclude this chapter with an Appendix which attempts to list every estate in which Scrope is known to have held any kind of interest at any period of his life. Some of these he may have ceased to hold before his death, others, in which he had only an expectant interest, may not have come into his family's possession until after his death. The documents do not always enable us to be certain on these points. In our concluding chapter, which follows the list of estates, we add a few remarks on the general interest of Scrope's career, and attempt to indicate the main points at which further work may be expected to clarify its problems.



SKETCH MAP TO ILLUSTRATE GEOFFREY LE SCROPE'S ESTATES. PLACES WHERE HE HAD INTERESTS SHOWN IN RED. OTHER PLACES IN BLUE.



SKETCH MAP TO ILLUSTRATE GEOFFREY DE SCROPE'S ESTATES IN NORTH RIDING. PLACES WHERE SCROPE HAD INTERESTS ARE IN RED. OTHER PLACES IN BLUE. [N.B. ONLY THE MORE IMPORTANT HOLDINGS CAN BE SHOWN]

APPENDIX : LIST OF SCROPE'S ESTATES

The list is arranged by counties, in alphabetical order; and within each county the order is also alphabetical, except in the North Riding of Yorkshire, where an attempt has been made to show the geographical grouping of Scrope's lands by subdividing them (alphabetically) under wapentakes. The grid references (1) are to the plates (scale 2 miles to 1 inch) in Bartholomew's Survey Atlas (1939). For example the reference 43 B4 = plate 43, co-ordinates B4. Wherever possible the places have been identified from the Oxford Dictionary of English Place Names, or the volumes of the English Place Name Society.

It should be noted that the Inquisitions Post Mortem relating to Scrope are unfortunately mutilated and defaced, especially those relating to Yorkshire. They cannot be taken as a complete record of his possessions in 1340.

For reasons of space it has not always been possible to specify the extent of each individual estate, even in cases where the facts are clearly stated in the records.

* * * *

ESSEX

Great and Little Horkesley, (43 B4). Estates here acquired by royal grant in 1336, and still in possession at death. Details under Nayland (Suffolk).

HERTFORDSHIRE

Therfield, (42 B4). Not known when estate here was acquired. In possession at death, (Cal. I.P.M. VIII, p.206).

KENT

Eltham Mandeville, (now part of Eltham, London, S.E.9). On the circumstances of Scrope's acquisition of this manor in 1318 see ante, p. 61. It was his most important estate in

(1) References to the now 'National Grid' would, of course, be preferable, but the necessary maps were not available in the University Library until after this section was in typescript.

the South, and since it was only seven miles from London Bridge, it was near enough for a suburban residence. Gilbert de Aton, who gave it to Scrope, gained his rights in it as the heir of William of Vesey, slain at Bannockburn. The pedigree is in Dugdale, Baronage, I, p.90. Cal.I.P.M. V, p.308, shows the difficulties which Aton had in securing his inheritance, and Chancery Miscellanea 9/5 refers to a "diutina altercacio", leading, in 1316, to a royal commission, which examined the charters in Malton priory in an attempt to settle the matter. What the precise connection between Scrope and Aton was one cannot tell; a conjecture has been suggested above (p. 62 ante).

Scrope's possession was briefly interrupted in 1329 by his surrender of Eltham to the queen. He received it again soon after the death of Mortimer (Cal.Charter R. 1327-41, pp.196-7). He seems to have lost it before his death, for it is not mentioned in the Inquisition.(1)

On the survival of some of the manorial records in Westminster Abbey, see p. 33 ante.

LANCASHIRE

- (a) Billington (65 C4) Certain interests in these estates were
 (b) Chew acquired some time after 1325, when
 Isabella of Hudleston released her
 rights to Geoffrey and his heirs. (Cal.Close R. 1323-27, p.339). It is of interest to note that one of the witnesses to the transaction was Scrope's clerk, Adam of Steyngreve, here described as rector of Thornover. In 1332, Scrope conveyed his interest to Whalley abbey (Cal.Pat. R. 1330-34, p.309). On the value of this gift to the abbey see infra, p. 261.

LEICESTERSHIRE

- (a) Great Bowden)
 (b) Market Harborough) (48 B4). Acquired by royal grant in 1336,
 (Cal.Charter R. 1327-41, p.381).
 The annual value was given as
 £42/13/4. The original mandate to the tenants, bidding them accept Scrope as their lord, is preserved as Westminster Muniments No.1702. Almost immediately afterwards, Scrope granted the manors for life to John de Melbourne, in return for a rent (Cal.Pat.R. 1334-38, p.332).

(1) This statement, and others to the same effect below, is subject to the caution that the surviving Inquisitions may not be complete.

LINCOLNSHIRE

(a) Carlton Scroop (55 D3). In 1317, Scrope received free warren in the lands which he should inherit in Carlton, (not known as Carlton Scroop until much later). There is no evidence of any connection here with the Lincolnshire Scropes. (Cal.Charter R. 1300-26, p.366). At his death he held the manor by the rent of an annual barbed arrow, and it passed to his son. (Cal. I.P.M. VIII, p.205).

(b) Waltham, with Barnoldby le Beck, Holton le Clay (all 63 D1), Waithe (63 D2) and Grainsby (63 D2).

Scrope's interests in this region began in 1320, when he received a £20 rent and the reversion of a £10 rent in Waltham, Barnoldby, and Waithe from Joan de Wauton, with whom he was later concerned in the acquisition of Masham (q.v.) (Cal.Pat.R. 1317-21, p.409). The whole relationship between Scrope and the Wautons is very obscure; it is briefly discussed below (pp. 258-9). In 1323, Scrope improved his position in the district by gaining the manor of Barnoldby, and estates in Grainsby, Waithe, Holton le Clay, and Wriggely (not identified) vide Coram Rege R. 251, m.73. At his death, he still held estates in Barnoldby (Cal.I.P.M. VIII p.205), and they were inherited by Henry.

MIDDLESEX

(a) According to Stow, (Survey of London, ed. Kingsford, I, p.131), Geoffrey le Scrope held "the great old house called the Erber, by the gift of Edward in the 14 of his reign." I have not found other authority for the statement. The house referred to lay on the east side of Dowgate (now London, E.C.4) not far from the church of St. Mary Eothaw. The site is now a little to the west of the north-west corner of Cannon St. station. A house on the same site was later occupied by Sir Francis Drake (Stow, loc. cit.).

(b) Kingsbury, (London. N.W.9). This manor lay about as far from the city as Eltham, but in the opposite direction. Scrope had it by 1325, for Westminster Muniments 27845 consists of a roll of bailiff's accounts for Michaelmas 19 to Michaelmas 20 Edward II, in which he is referred to as the lord. There is no document recording his acquisition of it, nor is the manor mentioned in the I.P.M.

(c) St. Lawrence Jewry, (London, E.C.2). Before 1336, Scrope held property here for a term of years, from Sir Stephen Ashwy (for whom see next entry); in 1336 he acquired it in perpetuity for himself and his heirs (Cal.Close R. 1333-37, p.653). It consisted of "a mansion and a messuage", with houses, gardens, and buildings in Lad lane in the parish of St. Lawrence Jewry, extending from Lad lane to Aldermanbury opposite the church of St. Mary Aldermanbury towards the North. Lad lane is now part of Gresham St. For a map of the area before the Great Fire see Stow, ed. Kingsford, vol.II ad fin. Scrope's property must have lain immediately west of the Guildhall.

(d) Stepney, (London, E.1). Before 1324, Scrope and John de Triple, a citizen of London, had lent 200 marks to one Sir Stephen Ashwy (Coram Rege R. 257, m. 105). In the next year Ashwy granted his estates in Stepney to Scrope and Triple. (m. 97 d). Although the debt was repaid before the grant, one may conjecture that Ashwy had further liabilities towards Scrope and Triple which forced him to part with land. Numerous other loans by Triple are to be found in the Close Rolls. Scrope was one of his executors (Ancient Petitions 71/3539).

It should be noted that "Scrope's Inn" in Holborn took its name from Henry le Scrope, and has no known connection with Geoffrey (E. Williams: Early Holborn (1927), p.304).

NORTHUMBERLAND

(a) Little Benton (70 E5/6). Scrope had a reversionary interest here in 1317 (Cal.Charter R. 1300-26, p.367).

(b) Holywell (76 F5). Scrope and his wife "Juliana" (presumably a scribal error for "Ivetta") held a moiety of this manor in 1311, (I.P.M. Ed.II, 27(4); the calendar does not give the names). Possibly it came to Scrope through his wife; he still held it at his death, for an annual rent of 2 marks (Cal. I.P.M. VIII, p.207). Ivetta and her husband had a reversionary interest also in another part of Holywell in 1317, with right of free warren, (Cal. Charter R. 1300-26, p.367).

(c) Newcastle upon Tyne. In 1333, Scrope possessed a house there, (Cal.Misc.Inq. II, No.1381).

- (d) Whalton (76 D4). Received by Scrope in 1311, (Cal.Pat.R. 1307-13, p.401). In possession at death, held by service of one twelfth of a barony (Cal.I.P.M. VIII, p.207).

NOTTINGHAMSHIRE

- (a) Harworth (62 C3). Here Scrope held a capital messuago at his death (Cal. I.P.M., loc.cit.).
- (b) Muskham (South and North), (55 C1) with Carlton-on-Trent (62 E6) Scrope's concern with these estates began when, in 1312, the executors of Robert Vavasour, who had held a life interest of William Roos, Scrope's late father in law, granted "all their term" to him (Westminster Muniments 1974). We have already noted this as evidence that Geoffrey was married to Ivetta by 1312. In 1322, William Roos, junior, granted South Muskham and Carlton to Scrope and Ivetta for life (ibid. 1992), and in the next year he made the grant heritable (De Banco Roll 248, m.1). In 1328 Scrope received free warren (Cal.Charter R. 1327-41, p.91), which right he defended in the eyre of 1329 (Placita de Quo Warranto, pp.628-9). After Scrope's death, the heir of William Roos argued that the grant of the estates had been only for life, and in this he was supported by the jury (Cal.I.P.M. VIII, p.235). None the less, the manors remained with the heirs of Scrope (cf. Nicolas II, p.138).
- (c) Sibthorne, with Syerston, and Elston (55 B2). Scrope's lands will be considered below, in the discussion of his gifts to religious houses.

STAFFORDSHIRE

Thorpe Constantine (47 C1). (The name is connected with the Cotentin in Normandy). Scrope received the manor in 1335 (MS. Bodley Ashmole 1115, f. 255b - based on the "Scrope cartulary" referred to above, p. 31). He held a rent of £8 there at his death (Cal.I.P.M. VIII, p.207).

SUFFOLK

Nayland, with Leavenheath, and Wissington (43 B4). The town of Nayland, with Leavenheath and Wissington, and with Horkesley (Essex), were given to Scrope in 1336, in part return for his surrender of Whitgift (Yorks, q.v.); the balance was made up by the further grant of Great Bowden and Market Harborough (q.v.). The original charters are preserved as Westminster Muniments 1946b, 1949 and 1952; from which it appears that the value of Nayland and its appurtenances was £97/9/0¹/4 per annum. The manor was in Scrope's possession at his death (Cal.I.P.M. VIII, p.206).

SURREY

Mitcham, (London.S.W.16). Very soon after his appointment as a serjeant-at-law, Scrope gained a messuage and 84 acres in Mitcham in perpetuity (De Banco R. 211 (1315), m.2).

YORKSHIRE(1) EAST RIDINGBUCKROSE WAPENTAKE

Wharram Percy, (71 B6; the village has disappeared, although the church is marked on the map).

Geoffrey gained the advowson and 14 acres in 1322 from Henry Percy (Cal.Pat.R. 1321-24, p.136). In the next year he was given the wardship of Eustachia, the daughter of Peter de Percy and of her lands (Cal.Fine R. 1319-27, p.230; the wrong sex is there ascribed to Eustachia, as is clear from Cal.I.P.M. VI, pp.82-3). For Scrope's alienation of his holding, see below under religious houses. [Haltemprice].

HARTHILL WAPENTAKE

(a) Bracken (67 A2?; identification not entirely certain).

In 1322, Scrope received the manor from the crown, (Cal.Pat.R. 1321-24, pp.106-7 & p.176). It was an escheat, once possessed by Henry Tyeis, one of the rebels of 1321-22 (cf. Stubbs, Constitutional History (1896), II, p.367, n.4; Chron.Ed.I & II, I, p.303). On the reversal of the sentences against the rebels Bracken was returned to the heir of Henry of Tyeis, (Cal.Pat.R. 1327-30, p.368) and Scrope was compensated (ibid.).

- (b) Driffeld (67 C1). In 1336, the manor was held by Mary, Countess of Pembroke, with reversion to Scrope and his heirs, (Cal. Pat. R. 1334-38, p.195). Probably Scrope himself never benefited, for Mary did not die until 1377 (Archaeologia LXVI, p.430).

HOJDERNESS WAPENTAKE

Manor of Cleeton, with Beeford, Hornsea Burton, New Hythe, Skipsea, "Killyng", and "Beghum" (67 D2; the two last not identified; New Hythe has since been lost under the sea). These estates were a royal grant in 1335 (Cal. Charter R. 1327-41, p.329). Their annual value was estimated at £77/6/8.

(2) WEST RIDING

BARKSTON WAPENTAKE

Newton le Willows ("Waleys": 66 D3/4 - but not actually marked on map). In April 1324, Scrope possessed this manor, valued at £14/7/8 annually (Y.A.S., LXIX, p.119). Probably it had come to him in the previous year, by the forfeiture of Richard le Waleys (Cal. Pat. R. 1321-24, p.395; cf. ibid. 1327-30, p.368). In 1329, after the reversal of the sentence on Richard, it was restored (ibid.).

The identification is not entirely certain. Another possibility is Newton le Willows in the North Riding (Hang East wapentake), but against this are the facts that (a) the form "Waleys" is not applied to the North Riding site in any of the contemporary documents recorded in the English Place Name Society's volume on the North Riding; (b) Richard le Waleys' estate seems to have lain in the West Riding (Feudal Aids, VI, p.122). A third suggestion is Newton Wallis (parish of Leedsham), as suggested in Y.A.S., loc. cit.; but this again seems less likely.

Ekwall (Oxford Dictionary of English Place Names), says that Newton le Willows must be "Newton by the Willows", but with due respect for so great an authority, one may perhaps suggest that the form is corrupted from the name of the family of le Waleys, "Willows" being a popular etymology. (cf. "Burgwallis" below).

MORLEY WAPENTAKE

Wadsworth, (65 F4/5). In 1322-23, Scrope acquired a number of holdings here (Y.A.S., LXXXIII, pp.173 seq.). One of these documents (16th Nov. 1323) contains the earliest known reference to Scrope as a knight.

OSGOLDCROSS WAPENTAKE

- (a) Burgwallis (66 D6). One of the estates forfeited by Richard le Waleys (see Newton le Willows above), from whose family it derived its name, vide Ekwall, op.cit., p.71. For references see above.
- (b) Haldenby, with Eastoft, & Ousefleet (67 A5/6). Scrope possessed the manor of Haldenby, and lands in the other two localities, in 1331 (Y.A.S., XLII, p.37). In that year he granted his estates to Gerard of Ousefleet for the life of Gerard (ibid.).
- (c) Whitgift (67 A5), and associated lands. After his surrender of Bracken, Eltham, and the estates of Richard le Waleys, in 1329, Scrope was compensated by the grant of the reversion of Whitgift, with lands in Ousefleet, Swinefleet, Reedness (all 67 A5), Hook, Airmyn (both 66 F5), and Inklesmore (probably in the same region, cf. Cal.Pat.R. 1334-38, p.241). The assent of parliament was given (ibid. 1327-30, p.401; 1330-34, p.31). Until the reversion took place, he was to receive a pension of £100 per annum.

In 1336, he surrendered Whitgift and its associated lands, and was compensated (see Nayland ante).

STAINCLIFF WAPENTAKE

Skipton in Craven (65 E2). In July 1326, Scrope received from the crown the castle, manor, and honour of Skipton, void by the forfeiture of Roger de Clifford (Cal. Fine R. 1319-27, p.400). They were to be held for three years from the next Michaelmas. In fact Scrope lost them early in 1327, when they were given to Henry de Percy (ibid. 1327-37, p.7); a possible indication that, for the moment, Scrope had lost some of his influence at court. It should be noted that the honour of Skipton was spread over several counties (cf. C.T. Clay: Early Yorkshire Charters VII, pp.38-49.)

STRAFFORTH WAPENTAKE

- (a) Dalton (62 B2). Scrope had an interest here in 1318 (De Banco R. 221, m.1), and held the manor by 1320 (ante, p.101, n.5). He was still in possession of lands there at his death (Cal. I.P.M. VIII, p.206).

- (b) Ecclesall (61 F1). Scrope held the manor at his death
(ibid.)
- (c) Thrybergh (62 B2). Scrope held lands here at his death
(ibid.)

TICKHILL WAPENTAKE
Ravenfield (62 B2). Scrope had lands here at his death
(ibid.).

(3) YORK CITY

For references to Scrope's property here from 1317 onwards, see Y.A.S. LXXXIII, pp.188 seq.; and cf. ante, pp. 62 and 109, and 245 note 3.

(4) NORTH RIDING

ALLERTON WAPENTAKE
Birkby (70 C1). Manor held in 1340 (Cal. I.P.M. VIII, p.207). The identification is not entirely certain.

- BIRDFORTH WAPENTAKE
- (a) Milby (70 C5/6). Scrope secured an interest here in 1332
(Y.A.S., XLII, p.44).
- (b) Over Silton (70 D3). Scrope gained the manor in 1327, and free warren in 1328 (ibid. p.5; Cal.Charter R. 1327-41, p.91).
- (c) Kilvington (70 C3/4). Scrope gained the advowson in 1327, and was given free warren in 1328 (references as for (b) above).
- (d) Thirsk (70 C4). Scrope received part of the rent of a mill in 1310; this is the earliest allusion which I have found to any of his possessions (Harley Charters 42 G 31).
- (e) Thornborough (70 C3). Scrope had free warren here (ref. as in (b) above).
- (f) Upsall (70 D3). Of special interest, being later added to Masham as a place from which the Scropes took their territorial title. Geoffrey gained the manor in 1327, and free warren in 1328 (refs. as in (b) above).

GILLING EAST WAPENTAKE

- (a) Ainderby Steeple (70 C2/3). Scrope acquired in 1321; the documents are enrolled on the roll of the London eyre (A.R. 546, m.61). Later in 1321 he was given free warren (Cal.Charter R. 1300-26, p.437). In 1339 the succession was entailed, (see Masham).
- (b) Bolton-upon-Swale (70 B2). Henry le Scrope held this manor of Geoffrey at his death in 1336 (Cal.I.P.M. VIII, p.19).
- (c) Croft (74 A6). As under Bolton-upon-Swale.
- (d) Danby Wiske (70 C2). Scrope held manor for life, though at the inquest this limitation was not correctly stated (Cal.I.P.M. VIII, p.206 and cf. p.276).
- (e) Jolby (74 A6). As under (b); (Cal.I.P.M. VIII, p.20).
- (f) Warlaby (70 C3). Scrope was joint lord in 1316 (Feudal Aids VI, p.183).
- (g) Yafforth (70 C2). As under (b) above, but only a small interest involved.

GILLING WEST WAPENTAKE

- (a) Barningham (73 E6), with Mortham, and Newsham (73 E 5 & 6). Scrope received a remainder in these places in 1332 (Cal.Anc. Deeds, V, p.562; Cal.Pat.R. 1422-29, p.220).
- (b) Caldwell (73 F5/6). Henry le Scrope held this manor of Geoffrey at his death (Cal. I.P.M. VIII, p.19).
- (c) Foppleby (73 F5). As for Caldwell, but only a small interest involved.
- (d) Marske (69 G1/2). As under (c).
- (e) Sedbury (70 A1). Scrope acquired an interest in 1338 (Y.A.S. XLII, p.123). It is possible that this estate should be identified as Sedbergh (West Riding), as is done by the editor of Y.A.S., but the form "Sadbury" given in the document is at least as easy to identify with Sedbury; there is no evidence against a North Riding location, and something to be said for it on general grounds.

- (f) Skeebby (70 A1/2), and Stanwick Park (73 F6): As under (c).

HALLIKEID WAPENTAKE

- (a) Kirklington (70 B4). Scrope was joint lord in 1316 (Feudal Aids VI, p.187).
- (b) Nosterfield (70 B4). Scrope had rights in this manor by 1339; see Masham below.
- (c) Yarnwick (70 B4; not actually marked on map). Scrope held the manor in 1312; (Madox: Formulare No.698). Some lands there had belonged to his father (Cal.Charter R. 1257-1300, p.465). Later in life Geoffrey exchanged the manor for Thornton Watlass (q.v.).

HANG EAST WAPENTAKE

- (a) Clifton-upon-Ure (70 B3/4). The main seat of Geoffrey's descendants. He gained two thirds of the manor for the life of the daughter of Richard of Parva Burton, in 1312 (Y.A.S. LXXXIII, p.94). In 1316 he was in arrears with his rent, but he was well established by 1317, when he received licence to crenellate, and a grant of free warren (Westminster Muniments 1379, 1376; Cal.Close R. 1313-18, p.363). In 1326, Reginald de Clifton released to Scrope all his rights in the manor; this may possibly refer to the remaining third part (Y.A.S. LXXXIII, p.94). In 1339, the succession was entailed (see Masham below).
- (b) Manor of Hunton (70 A2/3), with Arrathorne (ibid.), and Hesselton (see Hang West wapentake). Scrope acquired these in 1322; and it seems likely that his debt of 500 marks to the former owner was the purchase price (Cal.Close R. 1318-23, p.673). The lands were included in the entail of 1339 (see Masham *infra*).
- (c) Masham (70 B3/4), and associated estates. From Masham the later Scropes took their territorial title. It is unfortunate that the history of the transactions which led to the acquisition of Masham is not more clearly recorded. I cannot trace the originals of some of the deeds quoted in translation by Fisher in his History of Masham and Mashamshire (1865); and it is not easy to reconcile them with other evidence.

In Feb. 1328, Joan de Wauton, the owner, granted two thirds of Masham to Richard de Welles on the death of her mother and of Joan of St. Clare who held these lands in dower

(Fisher, op.cit. Appendix, No.II.). Richard seems to have been no more than a go-between, for in October 1328, he appeared at Westminster with Joan de Wauton to negotiate an agreement with Scrope. As a result an agreement was made (enrolled on the Coram Rege roll, (No.274, m.16), which gave Scrope possession; he was granted free warren and two fairs annually (Cal.Charter R. 1327-41, p.91). Next year there is some confusion. In March Scrope gave Masham to Joan for life, with reversion to himself (Fisher, Appendix No.V). In May, however, he received it again in return for an annuity of 100 marks payable to Joan (Y.A.S. XLII, p.26). In 1339, he granted it to John Aldburgh, who re-conveyed it to him, entailed upon his heirs male (Cal.Pat.R. 1424-29, p.219). A similar arrangement was made for the various other manors noted above and below as having been entailed in 1339.

The I.P.M. of 1340 shows that Scrope's holdings in Mashamshire included also Ellingstring, Ellington, Fearby, Healey, Leighton, and Sutton (all 70 A4; Cal. I.P.M. VIII, p.206).

- (d) Thirn (70 A/B3). Scrope had free warren in 1328 (Cal. Charter R. 1327-41, p.91); and it was included in the entail of 1339 (see Masham).
- (e) Thornton Watlass (70 B3). Scrope acquired an interest in 1338 (Y.A.S. XLII, p.129). Later he was given the manor in exchange for Yarnwick (q.v.), and it was entailed in 1339 (see Masham). He held the manor and advowson at his death (Cal. I.P.M. VIII, p.206).

HANG WEST WAPENTAKE

- (a) Agglethorpe (69 F3). Scrope held lands here from Mary of Neville as early as 1311 (Madox Formulare No.698; Cal.Charter R. 1300-26, p.184). They were still in his possession at his death (Cal.I.P.M. VIII, p.206).
- (b) Pellerby (69 G2/3). In 1328, Scrope gained a life tenancy of two thirds of the manor. It was provided that if he died within eleven years, his son Henry was to hold it until eleven years had elapsed; and that if Geoffrey or Henry should be sued for debt, they could retain possession until the debt had been paid from the estate (Cal. Close R. 1327-30, pp.360-61). A few months later,

Scrope gained the manor in perpetuity (Y.A.S. XLII, p.22). The whole transaction seems to suggest that Scrope was in a position to bring pressure on the previous owner. Bellerby was included in the entail of 1339 (see Masham).

- (c) Caldbergh (69 F3). As for Agglethorpe above.
- (d) Carlton-in-Coverdale (69 F3/4). Scrope was joint lord in 1316 (Feudal Aids VI, p.186).
- (e) Constable Burton (70 A3). Scrope gained the reversion of one third of the manor in 1320-1321. (Y.A.S. LXXXIII, p.60). In 1321 he was granted a fair and free warren (Cal.Charter R. 1300-26, p.437). His lands here were included in the entail of 1339. For his house at Constable Burton, see above, p.
- (f) Coverham (69 F3). In 1310-11 Scrope received the whole manor (charter referred to by Whitaker: History of Richmondshire, (1823) I, p.355). It was included in the entail of 1339.
- (g) Finghall (70 A3). An interest acquired in 1332 (Y.A.S. XLII, p.44).
- (h) Garriston (70 A2/3). Scrope received free warron here in 1328 (Cal.Charter R. 1327-41, p.91). His title was evidently doubtful, for in Nov. 1330, Constance of Garriston complained that since Scrope was in possession of her manor she was deprived of her rights, and that no man of law would take up her case against a chief justice (Rot.Parl. II, p.39). What the sequel was is not certain, but in February 1331 Constance abandoned her rights to Henry the son of Geoffrey and his heirs. Whether she was compensated or not is not clear (De Banco roll, No.284, m.1). The manor was included in the entail of 1339.
- (i) Hessolton (70 A3). As for Hunton.
- (k) Iow Bolton (69 F3). Manor held in 1336 by Henry le Scrope of Geoffrey. (Cal. I.P.M. VIII, p.18). The identification of this Bolton ("Parva Bolton") is disputed. We follow the V.C.H., (North Riding) I, p.273 against the North Riding volume of the English Place Name Society (p.266) which identifies it with West Bolton, and Feudal Aids, VI, p.745, which would make it the modern Castle Bolton. An estate here had belonged to Geoffrey's father (ibid., p.85).

- (1) Melmorby (69 F3/4). Scrope had lands here at his death (Cal. I.P.M. VIII, p.206).
- (m) Scrafton (69 F3 ; but not marked on map) In 1316, Scrope was joint lord (Feudal Aids VI, p.186).

SCROPE'S GIFTS TO RELIGIOUS HOUSES

- (a) College of Sibthorpe, Notts. It has been asserted that Scrope founded a chantry of several priests here in the time of Edward II (Tanner, Notitia Monastica, ed.1787, not paged). This statement may be based on the register of Sibthorpe which in 1677 was, according to Tanner, in the hands of Thoroton; but it is almost certainly a mistake. The history of the college of Sibthorpe has recently been admirably summarized by Professor Hamilton Thompson (The English Clergy --- in the Later Middle Ages (1947), pp.247, seq.). As early as 1323, Thomas of Sibthorpe was acquiring land for his new college of chantry priests. It was not until 1327 that Scrope came upon the scene, assigning to the college all the lands which Thomas held of him in Sibthorpe, Syerston, and Elston; shortly after this he made additional gifts in the same places (Cal.Close R. 1327-30, pp.205, 366). For a later reference, see Cal.Charter R. 1327-41, p.450.

It is worth notice that Hugh Despenser the younger was one of those to be commemorated at Sibthorpe (Hamilton Thompson, op.cit., p.258).

- (b) Whalley abbey. In the Whalleyoucher book, Scrope is described as "amicus specialis" (IV, p.989). The gift of Billington and Chew (q.v.) was of particular value since it lay on the opposite side of the river Calder and gave the abbey control of the whole reach of the river.
- (c) Haltemprice priory (House of Augustinian canons, near to Hull). This was a new foundation, dating from 1324 (Dugdale, Monasticon VI, p.519). Scrope gave it assistance by gifts of land in Wharram Percy and in Hook (Cal.Pat.R. 1327-30, p.14; 1330-34, p.225).
- (d) Fountains abbey. Scrope is known to have given a house in York. (Nicolas I, p.140).
- (e) Coverham abbey (Praemonstratensian; North Riding of Yorkshire).

At the Scrope and Grosvenor trial, the abbot referred to Geoffrey as "one of the founders" of his house (Nicolas I, p.97). There is no evidence of his generosity except for the gift of the advowson of Sadbury in 1328 (Cal.Pat.R. 1327-30, p.240). Yet the fact that Scrope was buried in the most conspicuous tomb in the abbey is proof of his influence there during his life.

It is interesting to note that all the gifts which he is known to have made to religious houses date from the period after 1327; possibly because of his brother's failing health and his own advancing age.

LIST OF DEBTS OWING TO SCROPE ENROLLED ON
THE CLOSE ROLLS

This list cannot be anything like a complete record of Scrope's loans, but it may be a useful illustration of the size of the loans which he was able to make. For the sake of brevity we have given the facts in the following summary form: (1) Reference (2) Sum lent (3) Name of debtor (4) County in which were situated the lands and chattels offered as security. An asterisk indicates that the entry has later been cancelled on repayment.

Cal.Close R. 1313-1318.

(1)	(2)	(3)	(4)
p.337(1316)	310 marks	William Riddel	Yorks. & Northumb.
p.345(1316)	£100.	Nicholas Menill	Yorks.

Ibid. 1323-1327.

(1)	(2)	(3)	(4)
p.518(1325)	£200.	Abbot of Byland	Yorks.
p.646(1326)	£300.	Richard de Kymberle	Yorks. & Cambridge

Ibid. 1327-30.

(1)	(2)	(3)	(4)
p.90(1327)	100 marks	Robert Constable	Yorks.
p.207(1327)	25 marks	John de Heselarton	Yorks.
p.223(1327)*	100 marks	John of Wensley	Yorks.
do.	100 marks	John of Hertford.	
		Gilbert Talbot,	Kent
		and others.	

(a) Scrope was joint creditor here with a John de Cherleton. The debt was not paid by 1327, for in that year Scrope appointed an attorney to prosecute (Cal.Close R. 1327-30, p.214).

Ibid. 1330-33.

(1) p.543(1332) (2) £68/8/8.

(3) Robert de Mosle, (4) Yorks.
and others.

Ibid. 1333-37.

p.355(1334) 200 marks
p.359(1334) £120.
p.475(1335) x 50 marks
p.497(1335) £200.
p.556(1336) £60.
p.686(1336) £120.

Abbot of Byland Yorks.
Gawayn de Suthorp Yorks.
Thomas de Blaston Lincoln
John de Lowbray Yorks.
The king (b)
John de Murdak Warwick.
Henry de Sheldon

Ibid. 1337-39.

p.131(1337) 600 marks
p.238(1337) £20.

John de Coggeshale Essex
Ralph de Crumbwell Notts.

Ibid. 1339-41.

p.459(1340) £18.
p.494(1340) £1233/6/8.

Edmund de
Blosmeville Warwick.
William de la
Pole Yorks.

(b) Warrant for repayment to Scrope of this £60 has survived
as E404/502/54.

PART IV.

CONCLUSION

There is no need to enlarge upon the ^{difficulties} ~~defects in our~~ ~~knowledge~~ which have become apparent in the attempt to treat Scrope's life in full detail. We may dismiss with a word the most obvious: the impossibility of discovering anything about his character. We must accept that limitation when we deal with most men of the period, ⁽¹⁾ more especially if they be laymen. A few words may be allowed upon two other matters which seem to deserve brief consideration before we conclude. First the problem of how far his career was exceptional. At many points we have been tempted to suggest that his influence upon events was greater than that usually exerted by chief justices. On other occasions we have perhaps been prone to adopt the opposite standpoint, and to argue that he was simply a good example of what could be achieved by an enterprising lawyer in the fluid conditions current during the early fourteenth century. Such inconsistencies are hard to avoid. They arise not only from the nature of the sources, but also (and this is the more important reason) from the lack of adequate biographies of his fellow justices. There is every reason to believe that if others were given the detailed attention which the records make

(1) cf. M.D. Knowles: Religious orders in England (1948), pp. 7-8.

possible, parallels would be found to some, at least, of the episodes which have puzzled us in the life of Scrope. For example, we have noted, since the above pages were written, that Professor Plucknett has very recently drawn attention to the "diplomatic suppleness" which enabled both Bereford and Inge to pass through a period of political crisis in the early years of Edward II.⁽¹⁾ Such parallels make it less justifiable to stress the ease with which Scrope survived the crises of 1326-7 and 1330. They suggest rather that first class lawyers were too valuable to be cast aside with every change of regime. It is equally possible that the study of his contemporaries may throw into unexpected relief certain aspects of Scrope's career which we have not regarded as remarkable. The whole significance of his life and work could then be estimated in a way which has not been possible in the present biography. It is tempting to indulge in conjecture concerning these matters, but we think it better to await the provision of the essential materials for comparison - perhaps in the form of that revision of Foss's Judges of England which is so clearly one of the major needs of the legal historian at the present day.⁽²⁾

If our first problem arises from the lack of modern biographies of Scrope's fellow justices, the second may be said

(1) Y.B.S.S. 5 Ed. II, (Vol.63), pp.xv-xvi.

(2) See Sayles, K.B. I, p.xli; cf. B.I.H.R. XXI, p.110.

to be the result of our ignorance of much of his environment. The legal history of the reigns of the first three Edwards has still so many gaps that we repeatedly find ourselves at a loss, not only in the years of Scrope's youth, but even during the period of his chief justiceship. The study of the growth of the legal profession, of the methods of legal education in the thirteenth and early fourteenth centuries, of the king's bench under Edward II and Edward III, of the last stages of the general eyre, and of the various types of special commission whose records are scattered throughout the so-called "Assize Rolls" has, in spite of some very notable contributions in recent years, not yet gone far enough to enable us to trace the influence of an individual, however distinguished, on their development. We cannot be sure either of the state of affairs which he found, or of the part which he played in transforming it. To an even greater extent this is true of foreign policy. Here the materials are much less well preserved, and it will never be possible to ascertain with certainty the contribution of individuals to its formation. Yet recent studies have shown how much can still be done to explain the course of Anglo-⁽¹⁾ French relations in the period after the Treaty of Paris, and

(1) It is sufficient to refer here to previous references in our footnotes to Dr. Cuttino's work. M. Chaplais is working on the legal problems of Anglo-French relations; an illuminating article will be found in B.I.H.R. XXI, pp.203-313.

it may fairly be said that when Dr. Cuttino and M. Chaplais have completed their work, we should be able to write an account of Scrope's part in the events of 1329-1340 which will be somewhat less unsatisfactory than we have given above.

In a sense, therefore, our attempt may be judged to be premature. Yet we may still maintain that it has not been entirely unfruitful. As a spectacle of tireless energy in many different spheres, as a study of the earliest stages in the growth of a great baronial house, as an illustration, indeed, of Maitland's dictum which we quoted at the very outset, that the medieval English lawyers were a remarkable race, it has perhaps served its purpose. In conclusion we may perhaps call attention to a matter which deserves investigation, but lies beyond our present scope. It may be a mere coincidence that Scrope was, so far as we can detect his political sympathies (and we have endeavoured to err, if at all, on the side of caution) opposed to the Lancastrian party, and that nearly a century later two of his descendants were executed for treason to the House of Lancaster when it had come to the throne. We are well aware of the highly controversial nature of this topic, but if, as Miss Cam has recently pointed out, the Lancastrian cult was still alive at Pontefract in the
(1)
fifteenth century, may not the descendants of Geoffrey have inherited from him something more than their estates? "The

(1) See Cambridge Historical Journal IX, pp.139-40.

idea that territorial possessions carry with them a continuity of interest and sentiment can be supported with evidence of personal and territorial affinities⁽¹⁾". If the history of the Scrope "honour" could be pursued beyond the point at which we have had to leave it, it might throw light on something of wider interest than local history, and illustrate the political partisanships of the later fourteenth and of the fifteenth century. Such a long vista cannot be explored here, but its existence may serve to justify what may seem to have been an over zealous accumulation of detail concerning Geoffrey's estates.

(1) Ibid., p.139.

Appendix A : Selected Documents

(Note. These are arranged in order of date. The punctuation and capitals are modernized, as is also the distinction of u and v. The long i is retained only in numerals).

I 1315

Payment of salaries to four king's serjeants in November 1315. This document has been wrongly dated 1316 by Dugdale in the Chronica Series, p.37, and many legal historians have inherited the error. It provides a terminus ad quem for dating the writ appointing Herle a king's serjeant, cited by Coke in the preface to his Tenth Report (1727, unpaginated). It is the first entry of the king since the beginning of the reign of Edward II (cf. Liberate 82, m.2). It should perhaps be explained that payment for "Michaelmas last" in this and similar writs means payment for the two preceding terms, i.e. Easter and Trinity, 1315.

P.R.O., LIBERATE ROLL NO.92, m.3.
5 Nov. 1315

Pro Willelmo de Herle. Rex eisdem (i.e. thesaurario et camerariis suis) salutem. Liberate de thesauro nostro dilecto servienti nostro Willelmo de Herle decem libras de termino Sancti Michaelis proximo preterito, de illis viginti libris annuis quas ei concessimus in subvencionem expensarum suarum circa negocia nostra proseguenda et defendenda. Teste rege apud Clypston' quinto die Novembris.

Consimiles litteras de liberate habet Galfridus le Scrope de decem libris de dicto termino Sancti Michaelis. Teste ut supra. Consimiles litteras de liberate de verbo in verbum habet Gilbertus de Touthoby. Teste ut supra. Consimiles litteras de liberate de verbo in verbum habet Johannes de Stonore. Teste ut supra.

II 1319

The Abbot of Westminster pays Scrope his fee for Easter 1319. Herle and Stonor had been paid in the same way in the previous month (Westminster Muniments No.29399 and No.29400)

WESTMINSTER MUNIMENTS NO. 29403 : 3 July 1319

Pateat universis per presentes quod ego Galfridus le Scrope recepi de domino meo Abbate Westmon' viginti solidos sterlingorum feodi mei de termino Pasche anno regni Regis Edwardi filii regis Edwardi duodecimo, de quibus fateor me pacatum, et dictum dominum meum esse quietum per presentes. In cuius rei testimonium presentibus sigillum meum apposui. Datum apud Westmonasterium die Martis proximo ante festum translacionis Beate Thome martyris anno supradicto.

(Damaged red seal, on a tongue).

III 1319

Wardrobe account for Scrope's journey to Berwick on Tweed in Dec. 1319. This is the only evidence of his presence on this mission.

B.M. MS. ADDITIONAL 17362 f 9, v.
(Wardrobe Book 1319/20)

Magistro Roberto de Baldok' archidiacono Midd' venienti ad mandatum Regis de London' usque Eboracum, ad eundum ulterius usque Berewicum super Tweedam una cum aliis nunciis domini Regis, causa tractandi cum Scotis de treugis, pro expensis suis hominum et equorum suorum ab xj die Novembris quo die recessit de London', usque xxvij diem Ianuarii quo die admisit custodiam privati sigilli domini Regis, primo die computato et non ultimo, per lxxvij dies per quos fuit veniendo usque Eboracum eundo usque Berewicum redeundo et morando apud Eboracum, percipiendo per diem xx s. per ordinationem consilii Regis, per compotum factum cum Magistro Ricardo fratre suo apud Westmonasterium vicesimo secundo die Februarii anno presenti xij,

lxxvij li.

Galfrido de Scrope et Willelmo de Herle servientibus de banco, missis usque Berewicum ut supra pro expensis suis a secundo die Decembris anno presenti, quo die recesserunt de Eboraco usque xxx diem eiusdem mensis quo die redierunt ibidem, primo die computato et non ultimo, per xxvij dies cuilibet percipienti per diem dimidiam marcam per ordinationem consilii dicti domini Regis, per compotum factum ibidem eodem die,

xvij li. xij s. iij d.

IV 1320

Wardrobe account for Scrope's journey to Carlisle

B.M. MS. ADDITIONAL 9951, f.5.
(Wardrobe Book)

Galfrido Lescrope misso per Regem usque partes Karlioli in comitiva dominorum Karln' episcopi et Rogeri de Northburgh' pro prorogacione tractatus pacis inter nuncios domini nostri Regis et Scotos habendi, pro expensis suis hominum et equorum suorum a xxiiij die Septembris anno presenti xiiij, quo die iter suum arripuit de manerio suo de Dalton' iuxta Donecastr' versus Karliolum, usque xiiij die Octobris anno eodem quo die rediit London', utroque die computato, per xx dies per quos fuit eundo morando et redeundo, percipi- iendo per diem dimidiam marcam per compotum factum apud Westmonasterium vicesimo septimo die Octobris anno presenti xiiij,

x marce.

V 1327

1327. The full text of the pardon granted to Scrope in March

P.R.O. PATENT ROLL. No. 166, m. 22.

Rex omnibus ad quos etc, salutem. Quia ex testimonio prelatorum comitum baronum et aliorum fidedignorum, accepimus quod dilectus et fidelis noster Galfridus le Scrope bene et fideliter se habuit erga dominum Edwardum nuper Regem Anglie patrem nostrum, et nos et populum nostrum pro posse suo, nos, ad huiusmodi testimonium considerationem habentes, de assensu eorumdem prelatorum comitum baronum et aliorum in presenti parlamento nostro existencium, perdonavimus ei indignacionem et rancorem animi nostri quos erga ipsum prius conceperamus, et ipsum ad benivolenciam nostram duximus admittendum; nolentes quod predictus Galfridus ex causa predicta in persona sua terris tenementis bonis aut catallis suis per nos vel ministros nostros seu alios quoscumque futuris temporibus occasionetur, molestetur in aliquo, seu gravetur. In cuius etc. Teste Rege apud Westmonasterium primo die Martii. Per ipsum Regem.

With this we give, for comparison, an extract from the pardon awarded to John Inge, which appears on the same roll, m 20:

Sciatis quod de gracia nostra speciali perdonavimus Iohanni Inge militi animi nostri rancorem et omnem indignacionem quos erga ipsum conceperamus, ex eo quod idem Iohannes Hugoni le Despens' iuniori nuper inimico et rebeli nostro, et aliis inimicis et rebellibus nostris contra nos et Isabellam Reginam Anglie, matrem nostram carissimam, priusquam gubernacula regni nostri suscepimus adherens fuit, ut dicebatur, et ipsum Iohannem ad graciā et benevolenciam nostram admisimus, nolentes quod idem Iohannes occasione adhesionis predictae . . . occasionetur.

VI 1328

This now appears as an Appendix to my article in the Scottish Historical Review, Vol. XXVIII, of which an offprint is attached below. The number has been retained here in order to avoid frequent alterations in the footnotes.

VII 1328

P.R.O. DUCHY OF LANCASTER MISCELLANEA 9/1, m 33
8 May 1328

Pateat universis per presentes quod ego Galfridus Scrop (sic), miles, recepi de domino Henrico comite Lancast' centum solidos pro feodo meo de termino Pasce, anno regni Regis Edwardi secundo, de qua summa teneor (sic) me esse plene pacatum. In cuius rei testimonium hui (sic) littero acquietancie sigillum meum apposui. Datum apud Norhampton' octavo die Maii anno predicto.

(with a damaged seal)

VIII 1329

P.R.O. WARDROBE DEBENTURES 489 No. 167: 28th July 1329.

(This document is considerably defaced, and some words, indicated in brackets, have been restored by conjecture)

Debentur in garderoba domini nostri regis domino Galfrido le Scrope, militi, pro vadiis et expensis suis eunti in comitiva domini regis predicti usque Ambianum in Picardia, pro homagio ducatus (Acquitanie regi) Francie ibidem faciendo, (et imm)ediats in comitiva domini episcopi Lincoln' usque partes de Abbevill' in Pontivo ad tractandum ibidem (cum consilio) regis Francie, (per compotum) factum cum domino Adam de Steyngref clerico suo apud Wyndesore xxviij die Iulii anno tercio: - Quadraginta et octo libre tresdecim solidi et quatuor denarii.

Endorsed : Persolutum xxxj die Octobris anno quarto, in una tallia et in denariis numeratis, ut patet in pelle eodem die.

IX 1329

P.R.O. WARDROBE DEBENTURES 489 No. 526: 29th Dec. 1329.

Debentur in garderoba domini nostri regis Edwardi tercii post conquestum domino Galfrido le Scrope iusticiario, misso de Cantuaria usque Abbevill' in Pontivo in negociis regis ducatum Aquitanie tangentibus, pro passagio et repassagio suis inter Dovorr' et Whitsand' per compotum secum factum apud Kenilworth' xxix die Decembris anno presenti tercio: - Centum solidi.

Endorsed : Persolvitur xviij die Iunii anno quarto ut patet in pelle eodem die.

The above is the only evidence, apart from an almost identical entry in Liberate roll 106, m.6, for the mission of Neville and Scrope to Abbeville. Neville was paid at the same time (489/528).

X 1334

Scrope receives travelling expenses at Senlis from the Bard: :

P.R.O. EXCHEQUER ACCOUNTS 127/29, m.13: 21st May 1334.

Sachent touz iceux qi cestes lottres verrount ou orrount q'ieo Geffrey Lescrope chivaler ay resceu de nostre seign' le roi par les meyns des marchaunz de la compaignie de Barde vynt et cynk' livres desterlyngs en la ville de Seynt Liz pur mes despenses taunk' come ieo estoi en les parties de Fraunce, pur

les busoignes nostre de seign' le Roi des queles vynt et
cynq' livres ie me tienk' bien paie. En tesmoignance de
queu chose, a ceste presente lettre ay ieo mys mon seal.
Donez a Seynt Liz le xxj iour de May, lan du regne nostre
seign' le Roi Edward tierz apres le conquest utysme.

(with a damaged seal)

XI 1334

After his return from France Scrope is excused further foreign service against his will, unless the King himself goes overseas. This important qualification is omitted from the summary in the Calendar of Patent Rolls, 1330-1334, p.565. We quote the text of the warrant rather than that of the more formal letter patent; the full text of the latter is printed in Year Book (Rolls Series) 12-13 Edward III, p.lxxxix.

P.R.O. CHANCERY WARRANTS FILE 215, No.7962
14 July 1334

Edward par la grace de dieu Roi Dengleterre seign'
Dirlaunde et Ducs Daquitaine a lonurable piere en dieu
I. par la meisme grace Ercevesque de Caunterbirs,
prymat de tut Engleterre, nostre Chauncollier, salut.
Come pur le bone et greable service q' nostre chier et
foial mons' Geffrey Lescrope ad fait aussibien a nostre
treschier seign' et piere come a nous, et pur les grantz
travaux qil ad endurez en nos ditz services aussibien
en nos messageries es parties de dola, come en office de
chief iustice assignez a tenir les ploeze devant nous, lui
eoms grantez qil a tote sa vie eit tiele suete qil ne
soit chargez daler en noz messageries as parties de dela
ne nulle part aillurs hors de nostre roialme contre soen
gre, sauve totes foiz q'en cas q' nous meimes ailloms
hors de nostre roialme pur besoignes q' nous touchent,
q' nous voloms qil voise ovesq' nous, sil faire le purra
bonement, . Vous mandoms q' sur ce facez aver au dit
mons' Geffrey lettres souz nostre grant seal en due
forme. Donez souz nostre prive seal a Notyngham, le
xiiij iour de Iuyl, lan de nostre regne eitisme.

XII 1336

P.R.O. CORAM REGE ROLL 305, REX, m.23 : 26th June 1336.

Edwardus dei gracia (etc.) dilectis et fidelibus suis Galfrido le Scrope Ricardo de Wylughby Thome Bacoun et Roberto de Scardeburgh, iusticiariis ad placita coram nobis tenenda assignatis salutem. Cum Johannes filius Johannes de Manneby de Beverlaco, Robertus de Seton' de Beverlaco Thomas le Taillour de Brandesburton (six others also named) et quidam alii indictati sunt coram nobis de morte Ade Coppandale in comitatu Linc' interfecti, et ipsi ea occasione de mandato nostro capti et in prisa nostra castri de Notingh' detenti existant, quod quidem indictamentum alibi quam coram nobis secundum legem et consuetudinem regni nostri terminari non potest : Nos igitur, volentes super indictamento predicto celeris iusticie complementum fieri prout decet, vobis mandamus quod si vos cum placea (1) nostra predicta ad predictam villam de Notingham' ad presens commode accedere non possitis, tunc tres vel duo vestrum, quorum vos prefate Galfride unum esse volumus, ad predictam villam de Notingham sine dilacione accedatis et super indictamento predicto celeris iusticio complementum fieri faciatis secundum legem et consuetudinem predictas, proviso quod si iidem Johannes Robertus (etc.) aliqua de causa coram vobis deliberari non possunt per quod ad prisonam sunt remittendi, quod tunc eos dicte prisone nostre in castro predicto remitti faciatis ibidem quousque iusticia de eis fiat custodiendos. Mandavimus eciam vicecomiti nostro predicti comitatus Linc' quod ad certos dies et loca quos per breve nostrum de iudicio sub testimonio vestro prefate Galfrido ei scire faciemus venire faciat coram vobis tribus vel duobus vestrum, quorum vos prefate Galfride unum esse volumus, tot et tales probos et legales homines de ballia sua per quos rei veritas in premissis melius sciri poterit et inquiri. Mandavimus eciam constabulario nostro predicti castri nostri in cuius custodia prefati prisiones de mandato nostro existunt, quod in proximo adventu vestro ibidem eosdem prisiones coram vobis tribus vel duobus vestrum quorum vos prefate Galfride unum esse volumus ibidem venire faciat. Teste me ipso apud Borewicum super Twedam xxvj die Junii anno regni nostri decimo.

XIII 1337

Scrope is given £200 in recognition of his services and in aid of his expenses:

- (1) The word "placea" seems to be corrupt. It is known in the sense of 'the place where the court sits'; but one cannot explain 'predicta'. Possibly the true reading is 'cum placitis nostris'. It is curious to find the same corruption in the copy of the writ given on the schedule attached to the same membrane, and in the copy given in Coram Rege roll 309, Rex, m.9.

P.R.O. LIBERATE ROLL 114 m.3 : 8th October 1337

Rex thesaurario et camerariis suis salutem. Considerantes utilia et sumptuosa obsequia que dilectus et fidelis noster Galfridus le Scrope nobis a diu est (1) impendit et in dies impendere non desistit nostra et regni nostri negocia utiliter et salubriter dirigendo, volentes ea de causa ipsum Galfridum prospicere gratiose concessimus ei ducentas libras in auxilium expensarum suarum per ipsum in dictis negociis nostris factarum de dono nostro. Et ideo vobis mandamus quod eidem Galfrido easdem ducentas libras de thesauro nostro solvi et habere faciatis. Teste rege apud Turrin London' xiiij die Octobris. Per ipsum regem.

XIV 1337

The following writ is of special interest because of (a) its official statement of the tradition that there had at one time been a system of septennial eyres (cf. Cam, General Eyres, and Studies in the Hundred Rolls, pp.83 seq.) and (b) its definite instruction to the king's bench to take over certain functions which formerly belonged to the eyre.

P.R.O. CORAM REGE ROLL 310. REX. m.42 : 11th October 1337

Edwardus dei gracia (etc.) dilectis et fidelibus suis Galfrido le Scrope et sociis suis iusticiariis ad placita coram nobis tenenda assignatis salutem. Cum dudum temporibus quorundam progenitorum nostrorum itinera iusticiariorum in singulis comitatibus regni nostri de septennio in septennium teneri communiter consuevissent per quod ipsis progenitoribus nostris de catallis felonum et fugitivorum tunc temporis prout decuit responsum fuit, et postmodum huiusmodi itinera maxime temporibus ipsius patris nostri et nostris fuissent raro tenta sicque catalla felonum et fugitivorum que ad nos et dictos progenitores nostros pertinere dinoscuntur villatis et aliis singularibus personis liberata extitissent inde in itineribus responsuris et tam nos et ipsi progenitores nostri quam villate et alii diversi homines per mortem illorum qui dicta catalla receperunt et inde respondere tenebantur ac etiam propter

(1) The expression is unusual; it must mean "for a long time."

nimum lapsum temporis et diutina eorundem catallorum detencionem dampna sustinuissemus quamplurima et iacturas et graviora exinde nobis et ipsis evenient in futurum nisi super hoc consultius provideatur : nos, tam pro indemnitate nostra quam pro huiusmodi gravaminibus et dampnis evitandis volentes adhiberi remedium in hac parte vobis mandamus firmiter iniungentes quod venire faciatis coram vobis ad certum diem vel dies quem vel quos duxeritis prefigend' omnes coronatores comitatus Kancie et aliorum comitatū in quibus sessiones vestras contigerit vos tenere et etiam alios qui fuerunt coronatores in eisdem comitatibus et superstites adhuc existunt necnon executores et heredes aliorum coronatorum ibidem qui diem suum clausurunt extremum necnon alios quoscumque eorundem comitatū ad quorum manus rotuli dictorum coronatorum devenerunt cum rotulis et memorandis officia huiusmodi contingentibus a tempore ultimi itineris in comitatibus predictis tenti ac alios quos fore videritis convocandos necnon rotulos iusticiariorum in comitatibus predictis ad gaolas deliberandas assignatorum a tempore antedicto et inspe(ctis) et examinatis rotulis et memorandis supradictis et habita super hiis et aliis dictum negocium tangentibus deliberacione diligenti nobis de catallis dictorum felonum et fugitivorum que ad nos spectant vel eorum precio aut valore sine dilacione responderi et illud quod ad nos inde pertinet ad opus nostrum levare faciatis modis et viis quibus melius et celarius videritis expedire. Teste meipso apud Westmonasterium, xj die Octobris anno regni nostri undecimo.

XV 1339

Scrope's status as a justice after he retired from the King's Bench in 1338, is illustrated by the very interesting case of John v. Thomas Pabenham. Here we give only brief extracts, consisting of the royal writs which stated the official view of the matter.

The circumstances were as follows. Scrope, by authority of a writ of dedimus potestatem dated 18 March 1339, received at Antwerp an acknowledgment whereby John of Pabenham granted two manors to Thomas of Pabenham. In Easter term however, John disputed the acknowledgment in the Courts on various grounds. The only one which concerns us is his contention that Scrope, when overseas, was not a chief justice, nor a justice of the bench, and so could not receive acknowledgments of fines. The case was adjourned until Michaelmas, by which time a royal writ had been obtained, of which the following is the essential portion:

P.R.O. DE BANCO ROLL 318, m.94,
Easter Term 1339

Nos, considerantes qualiter dictus Galfridus, pluries postquam capitalis iusticiarius noster extitit, missus fuit in nostris negociis ad partes cismarinas(1) alio in loco suo interim subrogato, qui quidem Galfridus tunc in dictis partibus diversas cogniciones de huiusmodi maneriis (2) virtute mandatorum nostrorum sibi inde directorum recepit, super quibus cognicionibus fines in curia nostra recte sunt levate, et est intencionis nostre quod sicut idem Galfridus in ultimo recessu suo extitit, sic sit in reditu suo noster iusticiarius capitalis, sicque ea que per ipsum de mandato nostro iam facta sunt debent sicut alia valida reputari.
(dated 27 July 1339).

The case was again adjourned till Easter term 1340, when a further royal writ explained the matter yet again. The text of this is given in a schedule sewn to the dorse of the membrane, and its essentials are contained in the following passage:

Velle nostrum esse quod status capitalis iusticiarii quem prefatus Galfridus tempore recessus sui a partibus Anglie habuit, in robore suo permaneret usque ad reditum suum ad easdem partes, ita quod ea que officium illud tangebant et per eum in dictis partibus transmarinis interim de mandato nostro fieri contingeret, vim optinerent et effectum.
(dated 12 April 1340).

XVI 1341

A writ of 20 February 1341, calendared in Cal. Fine Rolls 1337-1347, p.210, ordered Scrope's executors to transmit to the exchequer all the rolls of assizes, gaol delivery, oyer and terminer, and of pleas of the forest, which were in their hands. No mention is made of Coram Rege rolls; they had been given to Willoughby in 1338, as will be seen below. The sequel

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- (1) The King was of course still overseas when this writ was composed.
- (2) Possibly a scribal error for "maneriis".

to this writ is recorded in the ~~very~~ interesting passage which follows. The indenture may be compared with that of 1333 which is printed in Hist. MSS Commission, Middleton MSS. p.92; from which it seems that in 1333 Scrope had in his possession none of the rolls of the reign of Edward II which are specified below. Why this should be in an interesting problem, on which we have commented above (p.).

P.R.O. MEMORANDA ROLL L.T.R. No.113;
Communia de termino Pasche, Recorda, m.4.

Quod quidem breve Henricus le Scrope filius et executor testamenti ipsius Galfridi ostendit curie hic vij die Maii hoc anno, asserendo prefatum Galfridum numquam fuisse capitalem iusticiarium ad assisas capiendas, gaolas deliberandas, nec ad felonias et transgressiones seu alia quecumque audiendas et terminandas, neque ad placita foreste unde aliqua rotuli recorda seu memoranda penes ipsum remanere deberent, set solomodo fuit capitalis iusticiarius Regis in itinere Norht' et ad placita coram Rege in Banco Regis, et inde dicit prefatum Galfridum liberasse Ricardo de Wylughby omnes rotulos, recorda, processus, indictamenta, brevia, essonia, panella, et omnia alia memoranda Bancum Regis contingencia prout plenius patet in quadam parte indenture inter ipsos Galfridum et Ricardum facte quam ostendit curie hic et cuius tenor sequitur in hec verba:

Hec indentura facta inter dominum Galfridum le Scrope militem ex parte una et dominum Ricardum de Wylughby militem ex parte altera testatur quod idem dominus Galfridus die lune proximo ante festum nativatis Sancti Iohannis Baptiste anno regni Regis Edwardi tercii post conquestum duodecimo liberavit dicto domino Ricardo rotulos recorda processus indictamenta et omnia alia memoranda Bancum domini Regis contingencia subscripta, videlicet;

Rotulos placitorum et recorda de toto anno regni Regis Edwardi filii Regis Edwardi nono.

Item, rotulos placitorum et recorda de toto anno eiusdem Regis decimo;

Item, rotulos placitorum et recorda de toto anno eiusdem Regis undecimo;

Item, rotulos placitorum et recorda de toto anno eiusdem Regis duodecimo;

Item, rotulos placitorum, recorda, et brevia de toto anno eiusdem Regis terciodecimo;

Item, rotulos placitorum, recorda, et brevia de toto anno eiusdem Regis quartodecimo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis quintodecimo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis sextodecimo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis decimo septimo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis decimo octavo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis decimo nono;

Item, rotulos placitorum, et essonia, de octabis Sancti Michaelis et brevia de octabis et quindena Michaelis de anno eiusdem Regis vicesimo, et non plus, propter absenciam iusticiariorum;

Et quedam brevia de termino Hillarii tunc proximo sequenti per que nichil fiebat propter dimissionem Regis;

Item, rotulos placitorum recorda brevia et essonia de terminis Hillarii, Pasche, Trinitatis, et Michaelis anno regni Regis Edwardi tercii a conquestu primo, set nichil de brevibus de termino Hillarii eiusdem anni primi eo quod Rex pater Regis nunc eo tempore se dimisit;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis secundo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis tercio;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis quarto;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis quinto;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis sexto;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis septimo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis octavo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis nono;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis decimo;

Item, rotulos placitorum recorda brevia essonia et panella de toto anno eiusdem Regis undecimo;

Item, rotulos placitorum recorda brevia essonia et panella de terminis Hillarii et Pasche anno duodecimo;

Item, brevia assisarum coram Rege captarum et retorn' et eciam billas originales transgr' et precepta earundem coram Rege per diversos terminos de annis regni Regis Edwardi filii Regis Edwardi quintodecimo, sextodecimo, decimo septimo, decimo octavo, et decimo nono. Et eciam de annis regni Regis Edwardi tercii

a conquestu primo, secundo, tercio, quarto, quinto, sexto, septimo, octavo, nono, decimo, undecimo et de terminis Hillarii et Pasche anno duodecimo. Liberavit eciam dictus dominus Galfridus dicto domino Ricardo brevia coram domino Rege retornata in octabis et quindena Sancte Trinitatis anno regni eiusdem domini Regis Edwardi tercii post conquestum duodecimo. Item diversas presentaciones de felonis et transgressionibus in diversis comitatibus per diversa tempora dies et loca coram Rege in diversis bagis. Item, pixidos cum diversis scriptis in curia Regis coram Rege propositis (1) et deditis. Et unam bagam cum recordo de Sancto Edmundo. Et unam cum rotulis Willelmi le (sic) Roos, cum commissione eiusdem, et cum rotulis R. de Neville et E. Les-traunge (2). Et unam bagam cum diversis sigillis de sulfure contrafactis. Et unam parvam bagam cum appello Willelmo de Wantyng (3). Et quoddam sigillum de stangno sigillo Regis contrafacto.

In cuius rei testimonium huic indenture predicti domini Galfridus et Ricardus sigilla sua apposuerunt. Datum apud Colcestr' die et anno supradictis.

Et quoad rotulos de itinere predicto dicit quod dictus Galfridus liberavit eos diu ante mortem suam thesaurario et camerariis de scaccario etc., prout iidem thesaurarius et camerarii testantur. (4)

(1) See, e.g., A.R. 854.

(2) See A.R. 1411 B, and A.R. 520.

(3) See Cal. Close R. 1333-37, p. 503.

(4) Actually on 28th March, 1332; see Palgrave: Ancient Kalendars and Inventories of the Exchequer, III, p. 158.

Appendix B : Extracts from the "Scrope and Grosvenor Roll"

In view of the frequent allusions which we have made to the text of the "Scrope and Grosvenor Roll", we give below the chief passages concerning William and Geoffrey le Scrope. The "Record Type" version of Nicolas has been extended in all cases where there is no reasonable doubt.

I. Nicolas, I, 97. Evidence of the abbot of Coverham.

". . . . demandez sil ad ascuns sepulturez de lour auncestrez en son abbey dit q' oil un mons' Geffrey Lescrope q' portast lez armez dazure ove un bende dor ove un labell dargent le quel mons' Geffrey est enterrez en le corps de lour esglise devaunt le haut croys en un haute tombe ove un chivalroit armez en mesmez armez & un de sez fitz q' gist a bas desoutz un plate peer ove un escochon de sez armez ove differencez de troys crossantz dazure en la bende q' homme appelloit Thomas Lescrope & un autre de son lynage & noun al autre costie a bas sur la terre quel Geffray Lescrope est un de lour fundours & en sa esglise en plusours placez en verrure dez fenestres lez armez dazure ove un bende dor ove un labell dargent. . ."

II. Ibid. I, 105. Evidence of Sir Robert Roos of Inghamthorpe.

". . . . il vist mons' Geffrey le Scrope a Andwarp' estre armez en lez armes dazure ove un bende dor ove un labell dargent. Et le dit mons' Geffrey fuist uncle au dit mons' Richard & fuist adount de la retenu du Roy ove dys chevaliers en sa compaignie".

III. Ibid. I, 132. Evidence of Sir Thomas Roos of Kendal.

"Mons' Thomas de Roos de Kendale del age de ^{xx}iiij ans & puis armez de lx ans product pour la partie de mons' Richard Lescrope jurroz & examinez demandez si lez armez dazure ove un bende dor appartaignent ou deyvent appartaignir du droit & de heritage a mons' Richard Lescrope dit q' oil qar il dit qil ad veu mons' Geffray Lescrope armez en mesmez lez armes & ceo en penoun a Stanowpark' Et celuy mons' Geffrey avoit a son pier William Lescrope come il ad oy dire de cez auncestres celuy mons' William Lescrope estoit le puis noble tourneour en son temps & tourneast en cez armez dazure ove un bende dor & come il ad oy dire de cez auncestres devaunt qil estoit fait chevalier un dez puis noblez

bohordurez q' homme troverait en un pais & noble
servaunt et esquier pour lez armez en tournementz. . .
Et il dit auxi qil ad este en diversez tournementz en
Englitterre a Dunstaple a la Neumarket & a Gylford' & la
il ad vou & conu mons' Geffrey Lescrope tourneyer en cez
armez a la tournement de Gilford & estre a banore & a la
prochein tournement de Neumarket le dit mons' Geffrey
Lescrope armez en cez armoz dazure ove un bende dor ove
un labell blanc".

IV. Ibid.I, 139. Evidence of the prior of St. Mary's, York.
". . . . Item le dit priour monstra un veille
acquittance desouz le seal de Geffray Lescrope queux sount
lez armez entiers quelle acquittance est sanz date & ount
mys le noun Edward le Roy mes meny le secund no le tierce
& par celle cause appiert bien q' la quitance fuist fait
en le temps de primer Edward. . ."

V. Ibid.I, 142. Evidence of Sir William Aton.

". . . . Et le dit mons' Henry usast costez armez
pour lez soens come son pier avoit usez devaunt luy en
tournementz & en autrez lieux come la manere estoit
adunt gar come il ad oy dire de soun piere & de cez
unclez & de cez auncestres q' le pier de mons' Henry
Lescrope q' fuist justice le quele Henry estoit pier a
mons' Richard qorest & le piere de mons' Geffrey Lescrope
frier au dit Henry Lescrope q' fuist auxi justice du Roy
q' leur pier avoit a noun mons' William Lescrope & il
estoit en son temps le plus fort tourneur de tout
nostre pais & tudys tourneast en cez armez dazure ove
un bende dor & estoit bone esquier & bon servaunt en
armez quaut il estoit esquier & bon bohordour. Et
outre ceo il vist le dit frer mons' Geffrey Lescrope q'
fuist fait chivalor a la tournement de Northampton en
temps le Roy Edward le second celui Geffrey en son temps
estoit noble chivaler & tournea a celle tournement en
mesmez lez armez ove un labell blanc & fist molt noble-
ment & a baner & desouz sa banere tourneyrent autres
chivalers dez queux leur nouns ne sount my meytendant en
memoir Et apres le temps du Roy Edward le second Edward
le tierce q' mort est q' Dieu assoile comenceast a
guerrir en Escoce & la estoit armez le dit mons' Geffrey
& a banere & de dela lez guerrez commencerent en Fraunce
al voiage du Roy a Borenfos & de Burenfos (sic) le Roy
alast al siege de Tyrney & la estoit de la retenu du Roy
le dit mons' Geffrey a banere armez en mesmez lez armez
ove un labell blanc. . . ."

VI. Ibid.I, 144. Evidence of John de Rither.

" a Northampton a un tournement fait en le temps le Roy Edward le secund tourneast un mons' Geffray Lescrope q' fuist fait chivaler adount & la fuist a banere & cez armez estoient dazure ove un bende dor ove un label dargent & desouz luy & cez armez estoient faitz chivalers mons' Johan Hodom del counte de Cauntebrigg' mons' Johan Tempest frier a mons' Richard Tempest & mons' Thomas de Blount tourneya adount desouz luy & estoit cousyn a counte de Warwyk' Et le dit mons' Geffrey Lescrope avoit graunt pris & portoît grand noun pour son fait a col tournament Et en lez guerrez q' le noble Roy Edward q' morrust darroin alast primerment pour guerrier le Roy de Fraunce fist un voiage en Pycardie a Burenfos & la le dyt Johan Ryther vist mons' Geffrey Lescrope a banere & armez en lez armez dazure ove un bende dor ove un labell dargent & estoit de retenue de Roy, puis apres al siege de Tourney le dit mons' Geffrey estoit alla dit siege. . . "

VII. Ibid.I, 152. Evidence of Sir Cervase of Clifton.

" il ad .veu a Andwarp' mons' Geffrey Lescrope armez en lez armez dazure ove un bende dor ov un labell dargent & fuist adount de la retenu de Roy ove xl hommes darmes."

VIII. Ibid. I, 155. Evidence of Sir Ralph of Ferrers.

" Lez auncestres du dit mons' Richard ount eu grand pris en cestez tournementes a Norhampton' a Gyldeford a Neumarket & a Dunstaple Et depuis en son tempe qil ad este armez en lez guerres du Roy q' mort est al siege de Tourney la il vist mons' Geffrey Lescrope armeez en mesmez lez armez dazure ove un bende dor ove un labell blanc & le dit mons' Rauf dist q' custume ad este de auncien temps q' a lez roiales viagez q' le Roy fait & en lieu ou le Roy chalange prerogative q' le Roy doit prendre son chief justice de Banc le Roy pour fair son office come autres officiers fount en leurs offices & la estoit mons' Geffrey Lescrope chief justice du Roy & le Roy fist luy lever banere adount a mesme le siege & le dit mons' Geffrey avoit adount de sa retenue a mesme la viage xl launcez desouz sa banere a quelle viage chescun liege & gentils avoient ascuns de leur sanc ou affinite."

Appendix C.

Outline Itinerary of Scrope from 1319 to 1340

This itinerary begins in the year of Scrope's first diplomatic mission, and continues until his death. It must be emphasised that the degree of certainty varies considerably from one entry to another. At one extreme are categorical statements of his whereabouts at a particular place and time (e.g. 16th April 1321 below), of which there can be little doubt. At the other, are entries based only on a writ of summons to parliament, with no confirmation from the roll. On such occasions there is no real certainty, for, as Richardson and Sayles have shown, a justice was not necessarily bound to attend parliament if, in order to do so, he had to leave his court (Bulletin of the Institute of Historical Research XII, p.105). At first, an additional column was planned, with observations on the probability of each doubtful entry; but the plan had to be abandoned for reasons of space. It is hoped that, in spite of such uncertainties, the itinerary has its interest as an indication of the approximate extent of Scrope's journeyings, on official business, during the last twenty years of his life.

Two special difficulties arise over the entries which deal with Scrope's work on the bench. First, we are not sure how far we have been led into error, during the later years of his life, by assuming that when the king's bench is recorded as sitting in more than one place during one term, it must be supposed to have moved during the term. On the possibility that it was, in fact, able to meet in two divisions, see above, p. . Secondly, there is the problem of the dates at which Scrope began work at the beginning of each term, and ceased work at the end. It is well known that business did not start on the nominal first day. But, although Professor Sayles has investigated the duration of the terms of the king's bench, no one has performed a similar service for the common pleas in the early fourteenth century. (For discussions of these subjects see Powicke: Handbook of British Chronology, p.420; Sayles, K.B. II, pp.lxxix-lxxx; Hastings: The Court of Common Pleas in XV Century England, p.24.) Since I am not entirely certain that Scrope was never in court before the fourth day, I have given the nominal day for the opening of term, with the addition of a cautionary circa. The records of gaol deliveries on the Coram Rege Rolls have suggested the need for similar treatment of the close of term. Finally, I have not given any definite dates for the terms of the Common Pleas, although probably they were the same as those given by Miss Hastings for the fifteenth century (op.cit., pp.269-70).

Date	Place	Authority	Remarks
<u>1319</u> May	York	<u>L.R. III, p.292</u>	Parliament
Michaelmas term	York	<u>Y.B. 13 Ed.II,</u> Mich., pp.396, 397	Common pleas were at York in Michaelmas & Hilary terms 1319-20
2 December - 30 December	York to Berwick and back	B.M. MS Addit. 17362 f.9v.	To meet the Scots envoys
<u>1320</u> Hilary term	York	<u>Y.B. 13 Ed.II</u> Hilary, p.402	See note on Michaelmas 1319 <u>supra.</u>
Easter term	Westminster	<u>Ibid., Easter</u> p.405	
Trinity term	Westminster	<u>Ibid., Trinity,</u> pp.407,408	
24 September	Dalton (Yorks W.R.)	B.M. MS Addit. 9951 f.5.	Starting point for journey to Carlisle
c. 29 September	Carlisle	<u>Cal.Close R.</u> <u>1318-23, p.328</u>	To meet the Scots envoys
10 October	York (?)	<u>Cal.Pat.R.,</u> <u>1317-21, p.528</u>	Witness to a charter; pres- ence very improbable
13 October	London	B.M. MS Addit. 9951 f.5.	Return from Carlisle
Later in October	Westminster	<u>Rot.Parl.I,</u> p.370; cf. <u>Cal.Close R.</u> <u>1318-23, p.333</u>	Acts in Parlia- ment as King's Serjeant.

1321

7 January	Westminster	<u>L.R.III</u> , p.302	Meeting of Council
14 January, and following term	Tower of London	<u>Mun.Gild.(R.S.)</u> , Vol.II, pt.1, p.289 et seq.	Acts in the eyre as King's serjeant
16 April	Gloucester	<u>Cal.Close R.</u> 1318-23, p.366	Witness to delivery of Great Seal
Easter term	Westminster	<u>Y.B.</u> , 14 Ed.II, Easter, pp.426, 427	
(1) 9 June	Yorkshire (probably Beverley)	A.R.1115, m.15	(2) Justice of assize
after 15 July	Westminster	<u>Rot.Parl.ined.</u> p.92	
August	Notts)? Derbyshire)	Pat.Roll, no.155 m.16 d.	Referred to as justice of assize
30 September	York	A.R.1115, m.22d.	Justice of (3) assize.
Michaelmas term	Westminster	<u>Y.B.</u> 15 Ed.II, Mich., p.441	

1322

Hilary term	Westminster	<u>Y.B.</u> 15 Ed.II, Hilary, p.458	
13 March	Tutbury	<u>P.Writs</u> , Vol.II, div.11, pt.2 p.261	To pronounce sentence upon Roger Amory

- (1) Scrope was travelling with the King 'in diverse parts of England' between April and June (Archaeologia, Vol.XXVI, p.345).
- (2) During the preceding winter, Scrope must have been engaged in assizes in the northern counties, but the rolls have not survived, and thus we cannot ascertain the dates and places of the sessions. See Patent Roll no.153 m.5d, and Liberate Roll no.98, m.4.
- (3) The dorse of Patent Roll no.155 has many special commissions of assize issued to Scrope in Co. York during 1321.

19 April	York	A.R.1115, m.21	Justice of assize
Easter term	Westminster	<u>Y.B., 15 Ed.II,</u> <u>Easter, p.464</u>	<u>Cf. Cohen, History</u> <u>of the English Bar,</u> <u>p.219</u>
2 May	York	<u>L.R. Vol.III,</u> <u>p.321</u>	Parliament
May and June	Yorkshire, Notts and Derby	<u>Cal.Close R.,</u> <u>1318-23, p.449;</u> <u>Pat.Roll no.156,</u> <u>m. 11 d.</u>	Justice of assize
Trinity term	York	<u>Y.B. 15 Ed.II,</u> <u>Trinity, p.468</u>	Common pleas were at York from Trin- ity 1322 until Michaelmas 1323 inclusive
11 July	York	<u>Cal.Fine R.,</u> <u>1319-27, p.153</u>	Justice on commiss- ion of gaol delivery
26 July	York	A.R. 1115, m.26	Justice of assize
24 September	Blyth (Notts)?	A.R. 679 m.1	do.
27 September	Derby	A.R.160, m.1	do
14 November	York	<u>L.R. Vol.III,</u> <u>p.329</u>	Parliament
7 December	Blyth (Notts)	A.R.679, m.1	Justice of assize
10 December	Chesterfield	A.R.160, m.2	do.
<u>1323</u>			
2 and 3 March	Carlisle	<u>Chronicon de</u> <u>Lanercoast,</u> <u>p.251</u>	Sentence pronounced on Harclay
5 April	London	B.M. MS Stowe 553, f.26v.	Begins diplomatic mission
c. 22 April	Newcastle	<u>Bain, Calendar</u> <u>of Docs.relat-</u> <u>ing to Scot-</u> <u>land, Vol.III,</u> <u>no.809</u>	Negotiations with the Scots

c. 6 May	Bamburgh	Bain, <u>Calendar of Docs. relating to Scotland</u> , Vol.III, no.809	Negotiations with the Scots
22 May to 4 June	Bishopthorpe	MS. Stowe 553, f.26 v; <u>Foedera II</u> , i.p.521; <u>Cal.Chanc.Warr.</u> p.539	do
Trinity term	York	<u>Y.B.</u> , 16 Ed.II, Trinity, p.485	
26 July	Pickering	A.R. 1117 m.1	Justice of oyer and terminer
12 August (?)	York	<u>ibid.</u> m.8	Justice of oyer and terminer
19 August	Skipton in Craven	<u>ibid.</u>	do.
20 August	Clithero	A.R. 425, m.7	do.
22 to 24 August	Preston	<u>ibid.</u> m.1, m.8	do.
2 September	York	Coram Rege R. 266, m.2	do.
late September (?)	Northampton (?)	B.M. MS.Stowe 553, ff.128, 130v.	Tournament
(1) c. 12 October	Lancashire	A.R.425, m.13 schedule; Stowe 553 f.131	Justice of oyer and terminer
(2) November	Yorkshire	<u>Cal.Close R.</u> , 1323-27, p.46	do.

(1) The Feet of Fines and the De Banco Rolls record Scrope as being on the bench at York in Michaelmas term (Lincoln 93/2,8) and this is consistent with Y.B., 17 Ed.II, Michaelmas, p.504. But it seems unlikely that he was actually present.

(2) At some date before 22 November, and possibly after 27 September, Scrope went to Nottingham to meet Bishop Stratford (Foedera, II, i.p.541).

7 December	Lancaster	A.R. 425, m.5	Justice of assize
17 December	Penrith	A.R.142, m.1	Justice of oyer and terminer

1324

(1) Hilary term	Westminster	Feet of Fines, Lincs, 93/25, 29; <u>Y.B.</u> 17 Ed. II, Hil. p.516	Justice of common pleas
23 February	Westminster	<u>L.R. Vol.III,</u> pp.343,345	Parliament
21 April	Derby	A.R.161, m.1	Justice of assize
(2) c. 29 April) to) c. 25 May)	Westminster	Coram Rege R. 256	Sessions of king's bench
27 May	Westminster	<u>Cal.Close R.,</u> <u>1323-27, p.184</u>	Council
c. 17 June to) c. 8 July)	Westminster	Coram Rege R., 257; cf. <u>Foedera</u> II, 1, p.557	Sessions of king's bench
(3) c. 6 October) to) c. 25 November)	Westminster	Coram Rege R. 258	do.

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- (1) There seems no good reason to doubt here the evidence of the Feet of Fines.
- (2) Throughout it is assumed that the King's Bench opened on its nominal first day, even when this was a Sunday. It is, in fact, probable that the first three days were nominal, vide Holdsworth, History of English Law, III, 675, and cf. p. 285 above.
- (3) Scrope was commissioned on 8 November 1324, to treat with the Scots. (Foedera II, 1, p.578). There is no evidence that he performed this duty.

<u>1325</u>				
c. 20 January)	Westminster	Coram Rege R.	Sessions of	
to)		259	king's bench	
c. 9 February)				
	(1)			
c. 21 April	Westminster	Coram Rege R.	Sessions of	
		260, m.1	king's bench open	
6 May	Winchester	<u>ibid.</u> Rex m.31	Gaol delivery	
			"coram rege"	
21 May	Southampton	<u>ibid.</u> Rex m.30d	do.	
c. 9 June to)	Westminster	Coram Rege R.	do.	
c. 8 July)		261		
19 July	Westminster Hall	<u>Cal. Close R.,</u> <u>1323-27, p.502</u>	Council	
c. 6 October)	Westminster	Coram Rege R.	Sessions of	
to)		262	king's bench	
c.25 November)				
18 November	Westminster	<u>L.R. Vol.III,</u> <u>p.368</u>	Parliament	
<u>1326</u>				
19 January	Norwich	Placita in Can- cellaria File 1/2 (3)	Inquest held in Chancery	
c. 20 January)	Norwich	Coram Rege R.,	Chief justice of	
to)		263; cf. <u>Cal.</u>	king's bench	
c. 9 February)		<u>Close R.,</u> <u>1323-27, p.458</u>		
3 March	Leicester	A.R.470, m.1	Pleas of the crown	
c. 6 April to)	Warwick	Coram Rege R.	Sessions of	
c. 2 May)		264	king's bench	

(1) The court also sat at Guildford during this term;
the exact date is uncertain (Coram Rege R. 260 m.1).

c. 25 May to) c. 8 July) (1)	Westminster	Coram Rege R. 265	Sessions of king's bench
c. 6 October	Westminster	Coram Rege R. 266. cf. <u>Bolland, Manual of Year Book Studies, p.25</u>	Sessions of king's bench open
15 October	Blackfriars, London	C.U.L. MS.Gg I. 15 f.80; <u>Historia Aurea in E.H.R. Vol.43, p.212; cf. Anglia Sacra I, p.366</u>	Meeting of council; see above p. 133
November	City of Lon- don	<u>Cal.P.& M. R.</u> p.16.	
<u>1327</u> 7 January	Westminster	<u>L.R. III, 371</u>	Parliament
13 January	Guildhall, London	<u>Cal.P. & M. R.</u> p.13	See above p. 134
20 January	Kenilworth	M.V.Clarke, <u>Medieval Repres- entation and Consent, p.194</u>	Witness of the abdication of Edward II.
(2) 7 February	Westminster	Coram Rege R. 267	Sessions of king's bench open
(3) c. 26 April to) c.22 May	York	Coram Rege R. 268	do.
c. 18 May	Scottish March	<u>Foedera, II, 11, p.704</u>	Diplomatic mission

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- (1) Exact duration of sessions is not certain, but the roll records only the pleas of the octave of Michaelmas. Cf. Appendix A No.XVI. Probably the court rose after the first week.
- (2) Duration of session uncertain, but very little business is recorded.
- (3) Scrope must have left early, if he really fulfilled his commission to treat with the Scots.

1 June	York	<u>Cal. Close R.</u> <u>1327-30, p. 206</u>	
c. 14 June to) c. 8 July) (1)	York	Coram Rege R. 269	Sessions of king's bench
29 July (1)	York	<u>Foedera II,</u> <u>11, p. 711</u>	See above p. 107 note 1.
4 August	York	Coram Rege R. 269, m. 38, schedule	do.
15 September	Lincoln	<u>L.R. III, p. 378</u>	Council
c. 6 October) to) c. 25 November)	York	Coram Rege R. 270	Sessions of king's bench
late November to December	Newcastle (?)	<u>Foedera II, 11,</u> <u>pp. 723, 725</u>	Diplomatic mission
<u>1328</u>			
c. 20 January) to) c. 9 February)	York	Coram Rege R. 271	Sessions of king's bench
7 February	York	<u>L.R. IV, p. 381</u>	Parliament
29 February) to) 10 March (2))	York to Edinburgh	Exch. Accts. 310/5	Mission to Scotland
11 to 19 March	Edinburgh	<u>ibid.</u>	do.
20 March to) 11 April (2))	Edinburgh to Stamford	<u>ibid.</u>	Return to King
c. 17 April) to) c. 13 May)	Northampton	Coram Rege R. 272	Sessions of king's bench

(1) These two entries seem to make it impossible that he was present on the campaign of Stanhope Park in late July and early August, as asserted in the passage given at Appendix B, No. III.

(2) The full itinerary for the outward and return journeys is given in my article in S.H.R. Vol. XXVIII.

24 April	Northampton	<u>L.R. IV, p.384</u>	Parliament
8 May	Northampton	Duchy of Lancaster Miscellaneous (P.R.O.) 9/1/33	
c. 5 June to c. 8 July	York	Coram Rege R. 273	Sessions of king's bench
31 July	York	<u>L.R. IV, p.386</u>	Council
c. 6 October) to) c. 25 November) (1)	Westminster	Coram Rege R. 274	Sessions of king's bench
16 October	Salisbury	<u>L.R. IV, p.388</u>	Council
November (?)	City of London	<u>Cal.P. & M.R., p.71</u>	
<u>1329</u> c. 20 January) to) c. 9 February)	Bedford, St. Albans, (2) Maidenhead, Westminster	Coram Rege R. 275	Sessions of king's bench
c. 7 May to 24 May (3)	Westminster, Canterbury	Coram Rege R. 276, m.1 and m.54	do.
26 May	Dover-Whitsand	<u>Foedera II, 11, pp.764-5; Cal. Close R. 1327-30, p.547; Deprez, p.43, n.7.</u>	In company of the king
6 June	Amiens	<u>ibid.</u>	do.
June-July	Abbeville	E404/499/167	Diplomatic mission
23 July	Windsor	<u>L.R. IV, p.390; cf. E.H.R., vol. XXXIX, p.245</u>	Council

- (1) It seems possible that Scrope was excused attendance, in view of his duties at Westminster; cf. Bulletin of the Institute of Historical Research, XII, p.105.
- (2) The only definite date which can be established here is that of the sessions at St. Albans on 28th January (Coram Rege R. 275, Rex, ms 5, 13d).
- (3) This is the date on which the rolls were handed over. It is of course possible that Scrope left the bench before then.

27 July	Windsor	<u>Cal.Close R.</u> <u>1327-30, p.563</u>	
6 November to mid December(?)) Northampton	A.R.629, m.1	General eyre
before 29 December (?)	(1) Canterbury to Abbeville and back	E.404/489/526	Diplomatic mission
29 December	Kenilworth	<u>ibid.</u>	Not certain
<u>1330</u> January (?) to June	Northampton	B.M. MS Eger- ton 2811, f.323; <u>Cal.Close R.</u> , <u>1330-33, p.39</u>	Continuation of eyre
11 March	Winchester	<u>L.R. IV, p.391</u>	Council
9 July	Oseney	<u>ibid.</u> , p.395	do.
15 October	Nottingham	<u>ibid.</u> , p.397	do
26 November	Westminster	<u>ibid.</u> , p.399	do.
(2)			
<u>1331</u> c. 20 January to) c. 9 February)	Westminster	Coram Rege R. 283	Sessions of king's bench
c. 14 April) to) c. 10 May)	Westminster	Coram Rege R. 284	do.
c. 2 June to) c. 19 July)	Lincoln	Coram Rege R. 285; for termin- al date see Rex (gaol delivery) m.7	do.

(1) The problems of this mission are discussed in Appendix D infra.

(2) For a possible visit to York in order to hear the pleas of the crown in this year, see p.164 ante.

30 September	Westminster	<u>Cal. Close R.,</u> <u>1330-33, p.332</u>	Parliament
c. 6 October) to) c.25 November)	Westminster	Coram Rege R. 286	Sessions of king's bench
<u>1332</u>			
20 January	Westminster	<u>L.R. IV, p.406</u>	Council
c. 20 January) to) c. 9 February)	Westminster	Coram Rege R. 287	Sessions of king's bench
16 March <u>et seq.</u>	Westminster	<u>Cal. Close R.,</u> <u>1330-33, p.534;</u> <u>Rot. Parl. II,</u> <u>pp.64-6</u>	Parliament
13 April	Stamford	A.R.1411 B, m.1.	Pleas of the crown
23 April	Melton Mowbray	<u>ibid.</u> m.4	do.
(1) 25 April	Derby(?)	<u>ibid.</u> mm.6, 7	do.
9 September	Westminster	<u>Rot. Parl. I, p.66</u>	Parliament
3 October	Stamford	A.R.1411 B, m.3d.	Pleas of the crown
c. 6 October) to) c.25 November)	York and Stamford (2)	Coram Rege R. 290; 309 Rex m.7d	Sessions of king's bench

(1) From April to August Scrope was 'in diverse parts of the Kingdom' in the King's company. (Cal. Close Rolls, 1330-33) p.448.

(2) If the reference to sessions at Stamford is not an error, it may mean that Willoughby presided over the king's bench at York, while Scrope held pleas 'coram rege' at Stamford, along with the pleas recorded on A.R.1411 B. The membranes of Coram Rege R. 290 show much confusion between the names of Scrope and Willoughby; this may be an indication that the court was sitting in two divisions.

4 December <u>et seq.</u>	York	<u>Rot.Parl.II,</u> <u>p.67; Foedera</u> <u>II,11,p.848</u>	<u>Parliament</u>
20 <u>1333.</u> January	York	<u>L.R.IV,p.418;</u> <u>Rot.Parl.II,</u> <u>p.69.</u>	Parliament
c. 20 January) to) York c. 9 February)		Coram Rege R. 291	Session of king's bench
c. 18 April to) York c. 14 May)		Coram Rege R. 292	do.
c. 6 June to) York c. 8 July		Coram Rege R. 293	do.
August (?)	Carlisle(?)	<u>Cal.Pat.R.,</u> <u>1330-34,p.499</u>	Very uncertain
(1) early October	Dover to	Exch.Accts.,	Journey to France
(?)	Whitsand(?)	310/35	on diplomatic mission
28 October	Paris	Chancery Warr- ants, file 209/7361 B.	do.
(1) November and December	in France	Exch.Accts., 310/35,36	do.
<u>circa</u> <u>1334</u> 8 January	Wallingford	Exch.Acc., 310/35,36; cf. <u>Cal.Close R.</u> <u>1333-37,p.168.</u>	Return from abroad

(1) These are inferences from the accounts of two other envoys on the same mission.

(1) 20 January	Lincoln	Coram Rege R. 295	Sessions of king's bench open
10-12 February (2)	Edinburgh	<u>Foedera</u> II, ii, p.876	Mission to Edward Balliol
21 February	York	<u>Cal. Close R.</u> 1333-37, p.190	Parliament
<u>circa</u> 10 April (3) (3)	Dover to Whitsand	Exch. Accts. 311/5,6	Mission to France
15 April (3)	Montreuil	<u>ibid.</u> 311/6	do
17-20 April (3)	Le Gard (Ponthieu)	<u>ibid.</u>	do.
23 April (3)	La Rue	<u>Anglia Sacra</u> I. p.20	do.
25 April (3)	St. Riquier	Exch. Acct. 311/6	do
1-4 May	Creil	<u>ibid.</u>	do.
8-23 May	Senlis	Anc. Corr. Vol. 39, Nos. 56 & 57; Exch. Accts. 127/ 29; <u>Cal. Close R.</u> 1333-37, p.322; Exch. Accts. 311/6	do.
(3) early July	Doncaster	Exch. Accts. 311/5,6	

(1) He cannot have stayed until the end of the term on 9 February; the roll does not allude to his departure, but it probably took place about 1 February (Foedera, II, ii, 875). Even this would involve a hurried journey. It is of interest to see Willoughby's name, not Scrope's, in the Year Book account of this term, p.8.

(2) Physically possible, but no proof of his attendance; the reference is to the writ of summons.

(3) Inferences from the accounts of other envoys on the same mission.

19 September	Westminster	<u>Cal. Close R.</u> , 1333-37, p.328	Parliament
c. 6 October) to) York c. 25 November)		Coram Rege R. 298.	Sessions of king's bench
December(?)	Roxburgh	Chanc. Warr. file 219/8348 A; I.R. 279, m.27	
31 December	York	<u>Cal. Pat. R.</u> , 1334-38, p.60	
c. ¹³³⁵ 20 January) to) c. 9 February)	York	Coram Rege R. 299	Sessions of king's bench
February (?)	Newcastle	See Append. D. <u>sub. dat.</u>	To meet Scots and French
26 March	Nottingham	<u>Cal. Close R.</u> , 1333-37, p.468	Council
c. 30 April) to) c. 26 May)	York	Coram Rege R. 300	Chief justice of king's bench
26 May	York	<u>Cal. Close R.</u> , 1333-37, p.481	Parliament
6 June	York	<u>ibid.</u> p.493	Delivery of great seal
c. 18 June to) c. 8 July)	York	Coram Rege R. 301, m.1.d	Sessions of king's bench
c. 6 October) to) Lincoln(1) c. 25 November)		Coram Rege R. 302; also 311, Rex, m. 5d.	Sessions of king's bench

(1) The court was at York as late as the octave of Martinmas (Rex, m.26). If it really then moved to Lincoln, the sittings cannot have lasted long. The entry in Roll 311 may, however, be an error.

1336

c.20 January) to (1)) c.18 February)	Lincoln	Coram Rege R. 303; N.B. Rex, m.20	Sessions of king's bench
early in 1336 (?)	Newcastle	Parl.and Counc. Proc.Chanc.7/1; Cal.Pat.R. <u>1334-8, p.223.</u>	Commission of survey
early in 1336 (?)	Berwick	E 403/288 s.d. 6 May	Diplomatic mission (below, p. 312)
11/ March	Westminster	<u>Rot.Parl.Ined.</u> p.240	Parliament
c. 17 April) to) c. 13 May)	Lincoln	Coram Rege R. 304; N.B. Rex, m. 23d.	Sessions of king's bench
c. 2 June - c. 21 June (?)	Northampton	Coram Rege R. 305, m 2, Rex 7, 7d, 13, 13d.	Sessions of king's bench
25 June	do.	<u>Rot.parl.ined.</u> p.240.	Council
29 June	do.	<u>Cal.Close R.</u> <u>1333-37, p.686</u>	Present in chancery
c.13 July) to) c.18 July)	Nottingham	Coram Rege R. 305, Rex 23, 22 d, 24	Adjourned sessions of king's bench. (See p.206 <u>ante</u>).
23 September	do.	<u>L.R. IV, p.463</u>	Council
c. 6 October) to) c.25 November)	Nottingham, Lincoln, York and Blyth	Coram Rege R. 306, 309. Rex, 7, 15	Sessions of king's bench

(1) An unusually late session, no doubt on account of heavy pressure of business.

(1)
1337.

c.20 January) to) c.15 February)	York, (2) [Lincoln]	Coram Rege R. 307, m.2, Rex 24d; 310 Rex 10	Sessions of king's bench
3 March	Westminster	<u>L.R. IV, p.472;</u> <u>cf. Foedera II,</u> <u>11, p.463</u>	Parliament
6 April	York	<u>Foedera, loc.cit.</u>	Meeting of magnates
c. 4 May to) c. 16 May)	York	Coram Rege R. 308, m.2; <u>ibid.</u> Rex m.13d.	Sessions of king's bench
26 May	Tickhill	<u>ibid.</u> Rex m.21	Gaol delivery 'coram rege'
30 May	Stamford	<u>L.R. IV, p.474</u>	Council
3 June	Blyth	Coram Rege R. 308, Rex m.19	Gaol delivery 'coram rege'
c. 22 June	Stamford	Coram Rege R. 309	Sessions of king's bench open
5 July	"Bradcroft" (not identified)	<u>ibid.</u> Rex.m.13	Gaol delivery 'coram rege'
10 July	York	<u>Foedera II, 11,</u> <u>p.979</u>	Negotiations with magnates
11 July	Stamford	Coram Rege R. 309, Rex m.13d	Gaol delivery 'coram rege'
21 July	Westminster	<u>L.R. IV, p.475</u>	Council
10 September	York	<u>Cal.Pat.R.,</u> <u>1334-38, p.504</u>	Meeting with magnates

(1) It is certain that some of the commissions of this year could not have been executed; the difficulties are self evident.

(2) The Lincoln session seems doubtful. It rests on the authority of Coram Rege R. 310 Rex m.10, but since the king's bench was at York on 15 February (later than the usual closing date) we cannot be sure that there is not an error.

26 September	Westminster	<u>L.R. IV, p.481</u>	Council
c.6 October to c.25 November)	Canterbury	Coram Rege R. 310	Sessions of king's bench
12 November	York	<u>Foedera II,</u> 11, 1006	
<u>1338.</u>			
c.20 January to c. 9 February)	Canterbury and Westminster	Coram Rege R. 311	Sessions of king's bench
3 February	Westminster	<u>Cal.Close R.</u> <u>1337-39, p.290</u>	Parliament
c.26 April to c. 22 May)	Colchester	Coram Rege R. 312	Sessions of king's bench
14 June to <u>circa 22 June</u>)	Colchester	Coram Rege R. 313; Appx.A, No.XVI.	do.
26 June	Neyland	B.M. MS Addit. 5824, f.5.	Executes power of attorney
28 June - 5 July	Passage to Antwerp	Chancellor's Roll, 13 Ed.III, m.46; I.R.No.299, m.17; Knighton II, p.4	
mid July (?)	Coblentz(?)	<u>vide ante p.</u>	To meet Lewis IV.
18 August(?)	Antwerp	<u>Foedera II, 11,</u> 1055	
10 November	Antwerp	Nijhoff, I, pp.388-90	Appointed to Allied Council of War
November or December (?)	Arras	Foedera, II, 11, 1065, 1066; cf. Exch.Accts. 311/36; Cal. <u>Close R. 1346-49,</u> p.167	Negotiations with Philip VI.

<u>1339</u> 18 March	Antwerp	De Banco Roll No.318, m.94	
<u>circa</u> 9 April	Antwerp	<u>Cal.Pat.R.,</u> <u>1338-40,p.371</u>	
10 May	Antwerp	<u>ibid.</u> p.335	
15 July	Brussels	Exch.Accts. 601/9	Guarantor of a bond
<u>circa</u> 19 August	Brussels	Chancery Mis- collanea, 30/8(8)	
19 September (?)	Valenciennes	<u>Cal.Pat.R.,</u> <u>1338-40,p.395.</u>	
c.20 Septem- ber	The Cambresis	Baker, p.65	
October	Buironfosse	Appx.C,Nos.V, VI; Heming- burgh II,p.347	
12 December (?)	Antwerp	<u>Cal.Pat.R.,</u> <u>1338-40,p.405</u>	
<u>1340</u> 20 January	Ghent	<u>Cal.Pat.R.,</u> <u>1338-40,p.406</u>	
January or February	(1) Sluys to Orwell	Misc.Bks T.R., No.203, f.163	
29 March	Westminster	<u>L.R.IV,p.518;</u> <u>Rot.Parl.II,</u> <u>p.113</u>	Parliament
23 April	Westminster	<u>Cal.Close R.,</u> <u>1339-41,p.467</u>	Delivery of great seal

(1) No direct evidence for Orwell, but it was the king's port of arrival.

(1) 12 June	York	<u>Cal. Pat. R.,</u> <u>1338-40, p. 516</u>	
12 July	Westminster	<u>L. R. IV, p. 524;</u> <u>Rot. Parl. II,</u> <u>p. 118</u>	Parliament
19 August(?)	Noyland	Westminster Muniments 1193	Doubtful
early September	Tournai	Appx. C, Nos. V, VI, VIII.	
25 September	Esplechin	<u>Chronographia</u> <u>Regum Fran-</u> <u>corum, II, p. 160</u>	
26 September	Orchies(?)	Chancery Files (C 202) B 48	
October(?)	Oudenarde(?)	Exch. Accts. 389/8 m 2.	
2 December	Ghent	<u>Anglia Sacra I,</u> Death 21	

(1) At an uncertain date, which must be in 1340, Scrope negotiated with the Scots (Cal. Patent Rolls, 1361-64, p. 252; Foedera II, ii, 1122). It seems possible that he did this between 12 June and 12 July.

APPENDIX D.

SUMMARY OF SCROPE'S DIPLOMATIC MISSIONS

This is an attempt at a complete list of Scrope's diplomatic missions. It is possible that an exhaustive search of the Wardrobe accounts would add a few more, but since it is usual for a mission to be recorded in one source, the number of omissions cannot be large.

Scrope's presence on the missions numbered 5, 11, 12, 18, 19, and 27, must be regarded as very doubtful. For the remainder it is reasonably certain, but it must be understood that the frequent loss of all record of his having been paid for his services, (1) has made absolute certainty, in many cases, quite impossible.

(1) DECEMBER 1319. NEGOTIATIONS WITH THE SCOTS (BERWICK-ON-TWEED).

On 11 Nov. 1319, Robert Baldock left London for York on his way to treat with the Scots. At York, he met Scrope and Herle, who were there, no doubt, for Michaelmas term in the common pleas, and accompanied them to Berwick, leaving York on 2nd Dec. On 1st Dec., the bishop of Ely, the Earl of Pembroke, Hugh Despenser the younger, and Badlesmere, were also appointed to treat with the Scots (Foedera II, i, p.409); the connection of this commission with the work of Scrope and his companions is not clear. A truce of two years duration was concluded on 21st Dec. (ibid. p.416; cf. Chronicon de Lanercost p.240, and Chron. Ed. I & II, vol.II, p.60). The envoys then went back to York, arriving on 30th Dec.

Scrope's Wardrobe account is given above, in Appendix A, No.III. He was paid a total of £9/6/8, receiving one-third of the daily rate allowed to Baldock.

(2) MICHAELMAS 1320. NEGOTIATIONS WITH THE SCOTS (CARLISLE).

On 15th Sept. 1320, the archbishop of York, the bishop of Carlisle, Robert Baldock (later replaced by Roger of Northburgh) and Scrope, were appointed to treat with the Scots, for a final peace, at Carlisle, on Michaelmas day. Two could act as a quorum. (Cal.Pat.R., 1317-1321, p.504).

(1) See above, p. 27

In fact, only the bishop of Carlisle, Roger of Northburgh, and Scrope, took part in these discussions. Scrope left his manor at Dalton, near Rotherham, on 24th Sept., bound for Carlisle. After the business was over, he returned to London, arriving there on 13th Oct. The only result was an agreement to hold further talks at Newcastle early in 1321 (Foedera II, i, p.438). Scrope was not nominated, (ibid. p.438), no doubt because he was busy in the eyre of London. On the whole mission, see the Wardrobe account given in full at Appendix A, No.IV. Scrope was paid at the same rate as in serial No.1 above.

(3) APRIL & MAY, 1323. NEGOTIATIONS WITH THE SCOTS.
(NEWCASTLE AND BISHOPTHORPE).

On 1st April 1323, Herle and Scrope were appointed to treat with the Scots concerning the way in which the Earl of Moray and others might come to England to treat for a final peace, (Cal.Pat.R. 1321-24, p.278). On 5th April they left London for Newcastle, (B.M. MS. Stowe 553, f.26v), whence they wrote to the chancellor on, or soon after 22nd April, asking for a document under the great seal to be sent to them (Bain, Vol.III, No.809). Early in May, the main body of envoys from both sides was at Newcastle (Foedera II, i, p.521, Cal.Pat.R. 1321-24, p.279, Chronicon de Lanercost, p.252).

Possibly the Scottish proposals are the terms given in "Scottish Documents, Chancery, 22/13(3)", vide C. Johnson in E.H.R. XXXV, p.232. After preliminary discussions, all the envoys, Scottish and English, came south to York, arriving on 22nd May. On 30th May agreement was reached with the English council at Bishopthorpe. A thirteen years truce was agreed upon, during which negotiations for a final peace were to continue (Foedera II, i, p.521; Blaneфорde, p.133; Chron. Ed. I & II, I, p.305).

Scrope's Wardrobe account is in MS. Stowe 553, f.26v. He was paid at the same rate as in 1 and 2 above.

(4) CLOSE OF 1324. NEGOTIATIONS WITH SCOTS. (YORK).

On 8th Nov. 1324, Scrope was appointed, with eleven others, to treat for a final peace with the Scots; a quorum of four was specified (Foedera II, i, p.578). There seems to be no record evidence about their proceedings, but the details given in Chron. Ed. I & II, II, p.276 et seq. leave little doubt that meetings took place at York, where both sides stated their grievances; and that the only result was a return to the terms of the truce of Bishopthorpe. (Cf. also Cal.Close R. 1323-1327,

p.331). No payment to Scrope is recorded, and thus there is no definite evidence of his participation; but Herle was paid by writ of Liberate dated 3rd March 1325, (Foedera II, i, p.594) and he witnessed a document concerning Scrope at York on 1st Dec. (Cal.Close R. 1323-1327, p.331) which suggests the presence of the latter. Possibly Scrope's fee was recorded in the missing wardrobe book of this year.

(5) MAY 1327. NEGOTIATIONS WITH SCOTS. (SCOTTISH MARCH)
(DOUBTFUL)

In April, 1327, nine commissioners, including Scrope, Herle, and two other lawyers, were appointed to treat with the Scots for a final peace, in meetings to be held on the Scottish march (Foedera II, ii, p.704). There is no record evidence of their meetings; but Knighton says that Edward III and many magnates came to Newcastle after Ascension day (i.e. after 21st May) to negotiate with the Scots. Presumably this refers to the same proceedings, (Knighton, I p.444). No payment to Scrope is recorded, possibly for the reason given in 4 above.

(6) NOVEMBER 1327 TO FEBRUARY 1328. NEGOTIATIONS WITH SCOTS.
(NEWCASTLE AND YORK).

On 23rd Nov., 1327, thirteen commissioners, including Scrope, and two other lawyers, were appointed to treat for a final peace with the Scots. Six members were a quorum (Foedera II, ii, p.723). Discussions took place at Newcastle, and were over by 10th Dec., (ibid p.725), but the results are not recorded. Early next year, Scottish delegates came to York (ibid, pp.728-9; Knighton, I, p.447). The whole problem was then put before the parliament of York, at which Scrope was presumably present (Cal.Close R. 1327-30, p.244). Final agreement was not reached, but it was at last in sight (Chron. Ed. I & II, II, p.339).

There is no record of payment to Scrope for the journey to Newcastle; but the remarks in 4 and 5 above are applicable here.

(7) MARCH AND APRIL 1328. THE TREATY OF "NORTHAMPTON".
(EDINBURGH).

The itinerary of all save one of the envoys on this occasion is given in my article in S.H.R., Vol.XXVIII, of which a copy is attached below. Scrope was paid £80 by the Exchequer, the daily rate being £2. This was his first

diplomatic stipend from the Exchequer, and the only one for which his account has survived. The full text of the account is given in the article referred to.

(8) MAY AND JUNE 1329. VISIT TO FRANCE WITH EDWARD III.
(AMIENS).

Edward III was abroad from 26th May to 11th June 1329, in order to perform homage to Philip VI. (Powicke, Handbook of British chronology, p.38). Scrope was certainly present at the ceremony in Amiens cathedral (Foedera II, ii, p.765), and was paid, on his return, for his journey "with the king". (Appendix A, No.VIII). It seems possible, however, that he remained, after the king had left, to begin the negotiations which follow:

(9) JUNE/JULY 1329. NEGOTIATIONS WITH FRANCE. (ABBEVILLE).

On 16th June, 1329, the bishop of Lincoln, Scrope, and two others, (quorum of two), were appointed to treat for a double marriage alliance with France (Foedera II, ii, p.766). The negotiations took place at Abbeville [wardrobe debenture quoted in Appendix A No.VIII] and were completed before 28th July 1329, which is the date of the debenture. They seem to have been a failure, since fresh negotiations were opened for the same purpose in 1330 [Foedera p.777]. For missions 8 and 9 Scrope received £48/13/4. in all. [Appendix A loc.cit.].

(10) LATE IN 1329. NEGOTIATIONS CONCERNING AQUITAINE.
(ABBEVILLE).

Before 29th December 1329, Scrope and Ralph Neville had completed a journey from Canterbury to Abbeville and back, via Dover and Whitsand, to deal with the affairs of Aquitaine. Nothing else is known of the mission. (Wardrobe Debentures 489/526 & 528). Scrope received £5, Neville £24, the latter apparently paying the expenses of the retinue and the horses. Text of the debenture is in Appendix A, No.IX.

(11) APRIL 1331. JOURNEY TO MEET PHILIP VI. (ST. CHRISTOPHE-
EN-HALATE) (DOUBTFUL).

Between 4th and 20th April Edward III was absent on a secret journey to France (Murimuth p.63; Chron. Ed. I & II, I p.353; Lescot p.23; Foedera II, ii, p.815). He met Philip VI at St. Christophe-en-Halate (cf. Philip's itinerary in

Bibliothèque de l'École de Chartes, vol.LXXIX, p.103) and had with him the Chancellor and the keeper of the privy seal (Tout, Chapters III, p.57.n.). There is no direct evidence of Scrope's presence, but it seems possible because (i) the king is known to have considered him indispensable when he went overseas (vide Appendix A, No.XI). (ii) Diplomatic work of a complicated nature was done during the journey (Foedera II, ii, pp.815-7). (iii) The greater part of the period lay within the law vacation. I have found no record of payment to any of the party.

(12) AUTUMN 1331. NEGOTIATIONS WITH FRANCE. (VINCENNES).
(DOUBTFUL).

In Sept. 1331, Scrope was present at a discussion upon foreign affairs, at which it was agreed that eight delegates, himself included should negotiate with France for the restoration of Agenais. (Rot.Parl.II, p.61). In November the meetings took place at Vincennes, (Déprez, p.81), but it seems probable that Scrope was not there (Foedera II, ii, p.827), although no doubt he discussed matters with the envoys before they left. Two of their accounts are preserved (Exch.Accts., 310/22; Pipe roll 5 Ed.III m.67).

(13) OCTOBER 1331. NEGOTIATIONS WITH GUELTERS. (WESTMINSTER).

On 20th October 1331, Scrope, Herle, and two bishops, met the envoys of Guelters at Westminster, and concluded a marriage alliance (Foedera II, ii, p.834). Since he did not have to travel, there was no payment to Scrope.

(14) SEPTEMBER 1333 TO JANUARY 1334. NEGOTIATIONS WITH FRANCE.
(PARIS).

On 30th August, 1333, Scrope, with two bishops, and three others, (a quorum of two, of whom one had to be a bishop or Scrope) was appointed to treat with Philip VI about a crusade, a possible meeting of the two kings, and the problems of Aquitaine. (Cal.Pat.R., 1330-34, pp.466-7; Déprez, p.96, n.1). On 18th Sept., the chancery was told to issue new and more specific letters (Chancery Warrants 208/7213). On 30th Sept. there was added a commission to investigate the affairs of Ponthieu (Foedera II, ii, p.870; Déprez, p.93, n.4 is in error upon this point). The mission lasted until January (vide Appendix C under date). The accounts of two of Scrope's colleagues survive (Exch.Accts. 310/35 & 36). Scrope himself was paid £50 before 25th Feb. 1334 (Cal.Close R. 1333-37, p.218).

(15) FEBRUARY 1334. VISIT TO THE SCOTTISH PARLIAMENT.
(EDINBURGH).

On 1st Feb., 1334, Scrope, with four others, was appointed to seek the approval of the Scottish parliament for the agreement already made between Edward III and Edward Balliol (Foedera II, ii, p.875). This was done on 10th February and the two following days, in the chapel of Holyrood (ibid., p.876).

Only one account seems to be preserved: that of the English notary who accompanied the envoys (Exch.Accts. 311/7). There is no evidence of payment to Scrope.

(16) APRIL TO JUNE 1334. NEGOTIATIONS WITH FRANCE. (SENLIS).

On 30th and 31st March, 1334, commissions were issued as follows:

- | | | |
|------------------------------|---|---|
| (a) 1. Archb. of Canterbury. | (1) To treat with France | <u>Foedera II</u> , |
| 2. William of Montacute. | concerning Aquitaine. | ii, p.883. |
| 3. William of Clinton. | (11) To treat with France | <u>Cal. Pat. R.</u> |
| 4. Geoffrey le Scrope. | concerning a crusade. | 1330-34, p.532 |
| 5. John of Shoreditch | | <u>Chronographia</u> |
| (quorum of two) | | II, p.23. |
| (b) 1 and 4 above | To treat with Duke of Brittany about his lands. | <u>Foedera</u> , p.882
<u>Cal. Pat. R.</u>
p.534. |
| (c) 1, 3, and 4 above. | To receive the fealty of the Duke of Brittany. | <u>Foedera</u> , p.883 |
| (d) 1, 3, 4, & 5 above. | To examine the condition of Ponthieu. | <u>Foedera</u> , p.884 |
| (e) 1, 3, 4, & 5 above. | To treat for two marriage alliances between England and France. | <u>Foedera</u> , pp. 883, 885. |

Scrope's presence on this mission is proved by his payment through the Bardi (Appendix A, No.X), and by the reference to him in a letter from the Archbishop of Canterbury (Anc.Corr. 39/56). While abroad he received the fealty of the Duke of Brittany on behalf of the king, (ibid.), and it seems pretty certain that he was at Senlis for the diplomatic discussions in which Philip VI himself took part (Philip was

at Senlis on 19th and 22nd May, at least: vide Viard, op.cit. p.114). During the journey to Senlis, John Stratford received the pallium at Rue in Ponthieu (Anglia Sacra I, p.20: "Gregorii" is presumably a misprint for "Georgii"). Scrope was paid an advance of £80 at the Exchequer on 8th March, but there is no record of his subsequent account (I.R. No.271, m.4).

Chronographia, II, p.23, asserts that discussions took place also at Paris. There is no confirmation of this in Stratford's very detailed account, (311/6), or in that of John of Shoreditch (311/5), and it seems possible that there is confusion with a later mission in the same year. Déprez (p.97), has also confused the two missions, quoting the speech which Philip VI made to the second as if it were made to the first (cf. Baker, p.65). It is not clear what authority Déprez has for speaking of discussions at St. Louis on the former occasion (p.97); possibly he has misread Saint Liz as "St. Louis".

At some point in the journey, Scrope met the Archbishop of Rouen, and received from him documents for enrolment on the Close Roll (Cal.Close R. 1333-37, pp.321-2).

After his return from this journey, Scrope received exemption from further foreign travel, unless in the company of the king (vide Appendix A, No.XI).

(17) EARLY 1335. NEGOTIATIONS WITH FRENCH ENVOYS IN ENGLAND.
(NEWCASTLE?)

On 12th Dec. 1334, Edward III wrote from Roxburgh, asking the Chancellor to come to him, with Scrope and others, as soon as the French envoys were sighted (Chancery Warrants 219/8339). Soon after Epiphany 1335, Philip VI sent the bishop of Evreux and Peter of Tyerzlieu to negotiate peace with Scotland (Murimuth, p.75; Foedera II, ii, p.903). After the Purification (2nd Feb.) the king went to Newcastle to meet the envoys (Knighton I, p.472). Scrope was paid at the Exchequer on 13th March for a visit to Roxburgh and Newcastle (I.R. No.279, m.27). It seems very possible therefore, that he was involved in the discussions.

(18) LATE 1335. NEGOTIATIONS WITH SCOTS. (NEWCASTLE)
(DOUBTFUL).

On 16th Nov., 1335, Scrope and five others were appointed to discuss the matters at issue with Andrew de Moray and his adherents, at Newcastle (Foedera, II, ii, pp.925-6). Safe conducts were issued for Scots, (ibid.), but there is no further evidence of Scrope's connection with the matter.

(18a) EARLY 1336. NEGOTIATIONS WITH SCOTS. (BERWICK).

On 6th May 1336, Nicholas de la Beche was paid for a journey from Newcastle, in the company of Scrope, to negotiate with the Scots at Berwick. (Issue Roll 288, s.d.). Beche was one of Scrope's colleagues in the commission referred to in the preceding entry (No.18); but it is impossible to tell whether the payment refers to No.18 (the place being changed from Newcastle to Berwick) or to a different commission.

(19) JULY 1338. NEGOTIATIONS WITH FRANCE. (ARRAS, PARIS).
(DOUBTFUL).

On 21st June 1338, the archbishop of Canterbury, the bishop of Durham, Scrope, and three others were appointed to discuss a wide range of subjects with Philip VI (Foedera, II, ii, pp.1043-4). Since the king himself was going overseas, Scrope could not avoid this task but it seems that the appointment was soon superseded by no.20 below. The two bishops certainly sailed from Dover on 11th July, and took part in discussions at Arras and at Paris (Exch. Accts. 311/35, 36). Geoffrey le Baker's statement (p.61) that Scrope went with them is probably an error; but there is a curious entry in the register of Ralph of Salop (Somerset Record Society, p.326), dating apparently from August 1338, and recording the payment of envoys to the Roman court "crossing with Geoffrey le Scrope". Cf. also Croniques de London, p.70 (Camden Society, 1844). On the whole, however, it is very unlikely that Scrope took part.

There is no record of payment that can be clearly connected with this mission, but cf. no.21 below.

(20) JULY 1338. MISSION TO EMPEROR LEWIS IV. (COBLENZ ?).

On 28th June, William de Bohun and Scrope were appointed to take royal letters to Lewis IV, and to explain Edward III's intentions (Foedera II, ii, p.1046). Bohun sailed on the same day for Antwerp, (Chancellor's roll 13 Edw. III, m.46), and arrived there on 5th July (ibid.). It seems that Scrope sailed with him (I.R. No.299, m.17; cf. Knighton II, p.4). The itinerary of Lewis IV makes it probable that the meeting took place at or near Coblenz: see p.224 ante.

Scrope received advances totalling £300 from the exchequer and the Bardi; the largest sum that he ever received for any one duty (I.R. loc.cit.). Presumably he had a large retinue; cf. the account given by Knighton, loc.cit.

(21) LATE 1338. NEGOTIATIONS WITH FRANCE. (ARRAS).

Cal. Pat. R., 1361-64, p.252, records a payment to Scrope of £59 for a mission to Arras with the bishop of Lincoln, for which he never accounted. Since these two, with five others, were appointed to treat with France on 15th November 1338, (Foedera II, ii, p.1065), and we know that negotiations took place at Arras at the end of the year (Exch. Accts. 311/36), it seems probable that Scrope was present there. No doubt the lack of accounts for this and for later missions is a result of his absence from England between 1338 and 1340.

(22) JANUARY 1339. NEGOTIATIONS WITH FLANDERS. (PLACE UNKNOWN).

Known only from letters of 4th Jan. 1339, appointing Scrope and others to treat with Louis of Flanders. No record of payment. (Foedera II, ii, p.1106, wrongly entered under 1340).

(23) JULY 1339. NEGOTIATIONS WITH FRANCE. (PLACE UNKNOWN).

Known only from letters of 1 July 1339, appointing the archbishop of Canterbury, Scrope and others to treat with Philip "of Valois" (Foedera II, ii, p.1084). No record of payment.

(24) AUGUST 1339. NEGOTIATIONS WITH WILLIAM OF JULIERS. (BRUSSELS).

On 19th August, 1339, the bishop of Lincoln, Scrope, and two others concluded an agreement with William, Marquis of Juliers, Scrope being authorised to swear on the king's soul that it would be kept. (D.D.C., 28/10/3: for remarks on this document, see Tout, Chapters, III, pp.99-100). In an abbreviated form this was confirmed on 28th Nov. (Foedera II, ii, p.1099). No record of payment.

(25) NOVEMBER 1339. NEGOTIATIONS WITH FLANDERS. (PLACE UNKNOWN).

Known only from letters of 13th and 15th Nov., repeating the essentials of no.22 above. No record of payment.

(26) SUMMER 1340. NEGOTIATIONS WITH SCOTS. (PLACE UNKNOWN).

Scrope was in England from February, to August, 1340. On 28th April he was appointed, with four others, to treat for a final peace with the Scots. (Foedera II, ii, p.1122).

In Cal.Pat.R., 1361-64, p.252, it is recorded that Scrope was formerly paid £66 for a mission to Scotland. This, and the following, are the only possible occasions for a visit to Scotland between 1338 and the date of his death.

(27) SUMMER 1340. NEGOTIATIONS WITH SCOTS. (PLACE UNKNOWN).
(DOUBTFUL).

On 26th May 1340, the same commissioners were appointed to treat with the Scots for the release of the Earl of Moray (Rotuli Scotiae I, p.592). The writ addressed to the sheriff of Yorks suggests that he did not take part (Foedera II, ii, p.1130). But if he did the payment in no.26 might refer to this mission as well.

(28) SEPTEMBER 1340. NEGOTIATIONS WITH FRANCE. (ESPLECHIN).

On 25th Sept. 1340, the bishop of Lincoln, Scrope, and four others, concluded, at Esplechin, a three years truce with France. (Chronographia II, p.160).

Appendix E.

Scrope's career on the bench

This appendix is intended merely to correct the numerous errors, and supply some of the omissions, in the existing accounts of Scrope. It does not attempt more than a summary statement.

(1)

I As an itinerant justice.

- (a) Commissions of assize. Scrope's first commission is dated 2nd December 1320; it covered the counties of Nottingham, Derby, Lancaster, York, Westmorland, Cumberland, and Northumberland (Patent Roll 153, m. 5d). His last recorded session as justice of assize took place in April 1324 (A.R. 161, m. 1). He was never senior justice in a commission of assize (cf. p. ante.).

The following rolls relate to his work as justice of assize: A.R. 160, 161, 425 (part only), 679, 1115.

- (b) Commissions of oyer and terminer. A.R. 142, 425 (part only), and 1117, record proceedings before Herle and Scrope in the Northern counties in 1323.
A.R. 470 records proceedings in Leicestershire in 1326.
- (c) Commission to hold pleas of the crown in Lincolnshire and the neighbouring counties in 1332. A.R. 1411 B records proceedings under this commission between April and October, 1332.
- (d) Chief justice in the eyre in Northampton, 1329-30. Proceedings recorded in A.R. 629-636.

II As justice of the common pleas

Appointed 27th September 1323 (Cal. Pat. R. 1321-24, p. 340). His name appears in the Feet of Fines during the next two terms (e.g. Lincoln 93/2, 8 (Michaelmas); 93/25, 29 (Hilary)). He was also paid for both terms (Liberate 100,

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- (1) Only general commissions are given. The number of special commissions recorded on the dorse of the Patent Rolls, and in the Calendars, is far too great for them to be included here.

m.3). His presence on the common bench during the former term is, however, unlikely, in view of his commitments elsewhere (cf. Appendix C sub.dat.).

III As chief justice of the king's bench

Appointed on 21st March 1324 (Cal.Close R. 1323-27, p.74). Served until June 1338, except when absent on duty elsewhere. For his handing over to Willoughby in 1338, see Appendix A, No.XVI. The periods of absence were as follows:

- | | | |
|-------------------------------|--------------------|-----------------------|
| (a) Trinity term | to Michaelmas term | Coram Rege R. |
| 1329 | 1330 | 277-282 |
| (both terms included) | | |
| (b) Easter and Trinity terms, | 1332. | <u>ibid.</u> 288, 289 |
| (c) Michaelmas term, | 1333. | " 294 |
| (d) Easter and Trinity terms, | 1334. | " 296, 297 |

This gives a total of eleven terms absence in fourteen years.

His substitutes on these four occasions were:

- (a) Trinity term, Robert of Mablethorpe.
Remainder of period, Henry le Scrope.
- (b), (c), and (d), Richard de Willoughby.

During some of these periods the deputy received only the salary of a puisne justice; on other occasions he was given the full salary of a chief justice.

IV As "second" justice

On this appointment in 1334, see above, p. 198

Appendix F.Summary of payments made to Scrope, 1315 to 1340

This includes all fees and other payments from official sources, but not fees from private persons, nor any income from his estates. No doubt both these sources were very lucrative.

(a) Salary as king's serjeant

This was £20 a year, paid in two portions, at Michaelmas (covering Easter and Trinity terms) and at Easter (covering Michaelmas and Hilary terms). The phrase "for Michaelmas last" or "for Easter last" therefore means "for the two preceding terms".

The total under this heading is £20 for eight and a half years i.e. £170.

(b) Salary as justice of the common pleas

This was 40 marks a year, paid as above. Scrope received it for half a year i.e. £ 13/6/8.

(c) Salary as chief justice of the king's bench

£40 a year, paid as above. Total £470.

(d) Salary as justice in eyre in Northampton. £100.(e) Salary as justice of assize.

£20 a year. Total £ 75.

All these payments appear from the Issue Rolls to have been regularly made.

(f) Payments for diplomatic services. £764/13/4.(g) Ex gratia payments in aid of various expenses £357/13/4.

TOTAL : £1040/13/4.

This gives an average of £78 per annum.

It should be added that a few months before his death he was granted an annual pension of 200 marks. ~~It is difficult to say whether he received much financial profit from the grant of forfeited lands in 1324 (above, p.)~~.

Appendix G.The migrations of the king's bench, 1322-1338.

Miss Putnam has printed a list of the places where the king's bench met between 1327 and 1485 (1). The following list is given in order to extend Miss Putnam's list back as far as 1322, and to correct a few errors which are to be found in it. For the sake of brevity we have made no reference to sessions held at Westminster, unless the court also met elsewhere during the same term.

<u>Year</u>	<u>Term</u>	<u>K.B. Roll</u>	<u>Place</u>	<u>Name of chief justice</u>
1322	Hil.	247	Shrewsbury; Gloucester	Henry le Scrope
	East.	248	York	do.
	Trin.	249	York	do.
	Mich.	250	York	do.
1323	Hil.	251	Lincoln	do.
	East.	252	London; Lincoln; York	do.
	Trin.	253	York	do
	Mich.	254	York; Wigan; Notts; Derby; Tutbury	Hervey of Stanton do.
1324	Hil.	255	Worcester; Hereford; Gloucester; Westminster	Hervey of Stanton do.
1325	East.	260	Westminster; Guildford; Winchester; Southampton	Geoffrey le Scrope
1326	Hil.	263	Norwich	do.
	East.	264	Warwick	do.
1327	East.	268	York.	do.
	Trin.	269	York	do.
	Mich.	270	York	do.

(1) Putnam, Proceedings, pp. 29-33.

1328	Hil.	271	York	Geoffrey le Scrope
	East.	272	Northampton	do.
	Trin.	273	York	do.
1329	Hil.	275	Bedford; St. Albans; Maidenhead; Westminster	do.
	East.	276	Westminster; Canterbury	do.
1330	East.	280	Banbury	Henry le Scrope
	Trin.	281	Banbury; Oxford	do.
1331	Trin.	285	Lincoln	Geoffrey le Scrope
1332	Mich.	290	York; (1) Stamford ?	do.
1333	Hil.	291	York	do.
	East.	292	York	do.
	Trin.	293	York	do.
	Mich.	294	York; Lincoln (2)	Willoughby
1334	Hil.	295	Lincoln	Geoffrey le Scrope
	East.	296	Warwick	Willoughby
	Trin.	297	Wigan	do.
	Mich.	298	York	Geoffrey le Scrope
1335	Hil.	299	York	do.
	East.	300	York	do.
	Trin.	301	York	do.

(1) Vide. Roll 309, m. 7d. (Rex). If this is not an error, it seems likely that Stamford (Yorks.) is referred to. There seems to be no reason why a Yorkshire jury should go to Stamford (Lincs.) in a term when the court had sat at York. But cf. p. 296 ante.

(2) Roll 309, Rex, m. 10d.

1335	Mich.	302	York; Lincoln (1)	Geoffrey le Scrope
1336	Hil.	303	Lincoln	do.
	East.	304	Lincoln	do.
	Trin.	305	Northants; Notts.	do.
	Mich.	306	Notts.; Blyth; York; Lincoln (2)	do.
1337	Hil.	307	York; Lincoln (3)	do.
	East.	308	York; Blyth; Tickhill	do.
	Trin.	309	Stamford; "Bradcroft" (4)	do.
	Mich.	310	Canterbury	do.
1338	Hil.	311	Canterbury; Westminster	do.
	East.	312	Colchester	do.
	Trin.	313	Colchester	do.: later in term Willoughby
	Mich.	314	Cambridge; St. Albans; Westminster; Lambeth	Willoughby

(1) Roll 311, Rex, m.5d.

(2) Roll 309, Rex, ms. 7, 15. (I take the reference to Blyth from Miss Putnam's list, since the roll is not now open for inspection).

(3) Roll 310, Rex, m.10.

(4) I cannot identify this place. Miss Putnam's statement that the court sat also at Nottingham and Stamford bridge seems to be based on misunderstandings of Roll 309, Rex, ms.9, 13d.

**DAMAGED
TEXT
IN
ORIGINAL**

SIR GEOFFREY LE SCROPE, CHIEF JUSTICE OF THE KING'S
BENCH 1324 - 1338 .

(Summary of thesis submitted for the degree of Ph. D
by E.L.G. Stones.)

It has long been recognized that there are ample materials for the revision and expansion of Edward Foss's Lives of the Justices (1848-64). The present thesis may be regarded as a specimen of what may be ascertained of the life and public career of one particular mediaeval justice. The choice of Geoffrey le Scrope was decided by the exceptional variety of his employment. Not only was he chief justice for fourteen years, but he also served with distinction as a diplomat under Edward II and Edward III, and was one of the principal members of the council of both kings. This variety adds much to the interest of his life, and also helps the biographer by extending the range of the document in which Scrope's work can be traced. These sources are too numerous to be described here, although they are discussed in some detail in the thesis. It may be said here, however, that they are mainly to be found in the Public Record Office, and that the bulk of them are still unprinted. A selection from the unprinted sources is given in Appendix A to the thesis.

Scrope was born in or before the year 1285. His father was Sir William le Scrope, bailiff of Richmondshire, a person of comparatively little wealth or influence, and it is all the more remarkable, therefore, that Geoffrey and his elder brother Henry were able to rise to eminence ~~both~~ in the legal profession and to great landed wealth, especially in their

native county of Yorkshire. It seems possible that Geoffrey may have begun his legal studies when the law courts were settled at York between 1298 and 1304. He can first be clearly identified as a pleader in 1310, and he became a king's serjeant in 1315. After a very successful career as serjeant, he was made a puisne justice in 1323, and chief justice of the king's bench in 1324.

As chief justice he was much concerned in the well known campaign against the felons of the midlands in 1328 — 1332, the central event of which was the series of general eyres in the midland counties, over one of which he presided in person. With remarkable vigour he contrived to combine his busy life as chief justice with his work as one of the most skilful diplomats of the period. So far as can be ascertained, he began diplomatic work as early as 1319, in which year he took part in negotiations with the Scots. In later years the most notable of his diplomatic missions were concerned with the truce of Bishopthorpe (1323), the treaty of Northampton (1327-8), the negotiations after the homage of Edward III to Philip VI in 1329, and a most arduous series of missions in 1333-34, after which he successfully petitioned for exemption from further travel abroad, unless the king were going himself. In 1338, however, when the king went overseas, Scrope went with him, and was continuously abroad (with one short interval) until his death at Ghent in December 1340.

During the whole period of his public life, Scrope was steadily acquiring estates, chiefly but by no means exclusively in Yorkshire. A full list of these is given in the thesis. His ~~xxx~~ descendants inherited this landed wealth, and the

male line continued in unbroken succession until its extinction in 1517.

It is natural to ask whether so important a public figure as Scrope had any marked influence on the policy of the kings and their advisers in the period when he was active. Alike in legal, political, and diplomatic history, this question, raises difficult problems to which no simple answer can be given, but an attempt is made in the thesis to consider them in the light of all the evidence, and to reach such conclusions as the materials will allow.

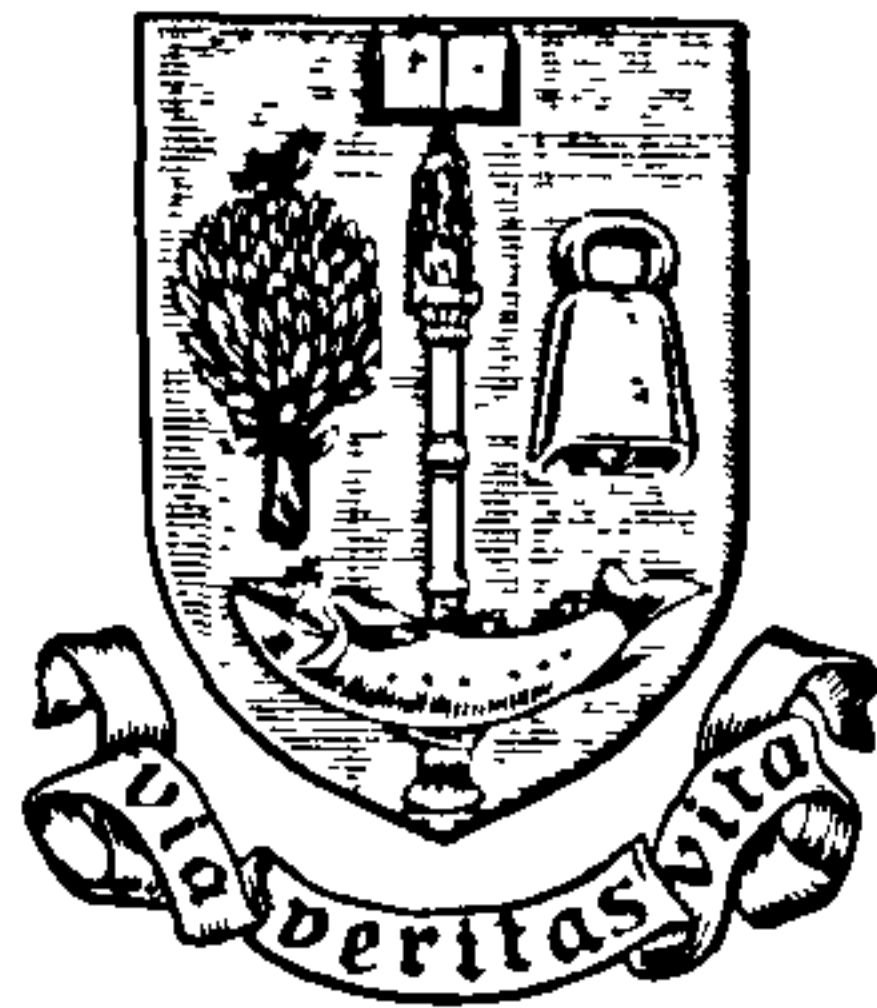
The Appendices give, in addition to the collection of documents already referred to, an itinerary of Scrope from 1319 to 1340, a summary of the diplomatic missions of those years and a brief survey of the chronology of his career on the bench.

17 6 JUL 1980

13 July 1980

FROM
PROFESSOR E. L. G. STONES

34 Alexandra Road,
Parkstone
Poole
Dorset BH14 9EN
Telephone: 0202 742803



DEPARTMENT OF HISTORY
THE UNIVERSITY
GLASGOW, W.2

Geoffrey le Scrope

Dear Mr Heaney,

You have in the library a copy of my Ph.D. thesis of 1950 on the above subject. Recently, in weeding out documents of my own, I have found the letters of which I enclose copies, from Dr Constance Fraser, which give further information which ought to be made available to readers of the thesis. If possible, I would like you to put these letters inside the covers of the thesis. I hope that this will not be a nuisance to you. I am sending copies also to the Bodleian Library, to which I have presented the other copy of the thesis itself,

With kindest regards,

Yours sincerely,

The Librarian,
Glasgow University Library

(I have secured the sheets of the letters with paste, since staples of steel will rust, and copper staples seem unobtainable here)

Durham

I have recently been looking through my transcripts of the Bursars and Manorial Accounts at Durham, and noticed that the names of Geoffrey and Henry le Scrope occur with some frequency. Henry le Scrope was retained in the council of the prior of Durham in 1300-1 with a pension of 20s. at both Martinmas and Whitsuntide. There is also a payment of 2s. to his boys (garclones) for the same year. Geoffrey le Scrope was in receipt of hospitality from the convent of Durham from 1328, probably in connection with journeys to Edward III in Scotland. The references are generally in the form of allowances of oats for his horses from Bearpark (1328) and Newton Ketton (1333, 1334, and 1335). Sometime after Martinmas 1333 the horses of the prior of Finchale and John Fossour, then chamberlain of Durham and later prior, were allowed $2\frac{1}{2}$ bushels of oats for the journey 'to the burial of the wife of Sir Geoffrey le Scrope' (Ketton, 1333/4). The Bursar's Account for 1336/7 records the gift of the prior of Durham to "William de Sutton, harper to Sir G. le Scrope of 6s.8d. on the occasion of the great feast given by the prior to Bishop Richard de Bury on 12 January 1337. In the Bursar's Account for 1340/1 there are several references including ' housings for two palfreys given to W. de Bohun and G. le Scrope' (m.4), the expenses of the subprior of Durham and six of his "fellows" travelling to Coverham for the burial of Sir G. le Scrope (57s.9d.) and the cost

of a silken cloth bought from the sacrist and offered by them at the same funeral (30s.) (m.5). The following year the Bursar paid Geoffrey's executors £20 for arrears of his pension from the convent (m.1d.). As there is no other surviving reference to this pension, it can seldom have been paid during his lifetime. There is a further reference in 1342 when Walter Gategang, one of the prior's chaplains, went to 'Wyhghton' to treat with Sir H. le Scrope about the arrears of his father's pension (m.4). This, I think, is a remarkable demonstration of the social tittle-tattle that may be extracted from accounts!

Northumberland.

27. 3. 57.

Dear Professor Stokes,

I have received a letter from Mr. G. G. Simpson about his work on the Scottish Barons, 1250-1330. It sounds a very interesting subject and I shall do my best to help him with the Durham material. For his sake I wish that references to Bruses, Comyns and Balliols were as numerous as they are to Scopes!

This seems a suitable overture to the fact that I have collected up several more of these latter, viz., ^(Durham) Butars' accounts 1332/3, m. 4, Prior's gifts to squires and 'boys' of sir G. de Scrope, 29s. 10d.; and ditto, 1333/4, m. 1d., Prior's gift to Richard Maescall for veterinary assistance for the horse of sir G. de Scrope, 2s., hemp (canob) for the same horse, 5½d., and the fee of Richard

Marescall', 6s. 8d.; and the expenses of entertaining the wife of sir G. de Scrope at Elvethall, 9s. 8d. I may add from the printed evidence of the Hostiller's account (Durham account Rolls I, 117 [Lurter's Society 99]) that she stayed there on 5 September 1334, when she also cost the hostiller 10s. She must have travelled with her husband! From the Bursar's account I have also gained a most attractive reference to Robert, the son of sir William de Herle, who apparently came north the same year with the king. The party consisted of himself, two squires, a chaplain, a chamberlain, and eleven varlets, and cost the convent of Durham 34s. in douceurs in pouches and gloves.

Yours sincerely,

G. M. Fraser.