

Urban conflict and legal strategy in medieval England: the case of Bishop's Lynn, 1346–1350

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ABSTRACT: Urban conflict in medieval England often took one of two forms: public confrontation involving ritualistic acts of transgression on the one hand and legal challenges involving litigation on the other. This article explores an urban dispute in the latter category fought at Bishop's Lynn between 1346 and 1350. The rich series of records surviving from this dispute provides a rare opportunity to reconstruct in detail the legal strategies adopted throughout the conflict. The case is significant for the innovative legal challenge adopted by the burgesses, and for the subsequent campaign of misinformation propagated in parliament by the bishop of Norwich.

Between 1346 and 1350, the burgesses of Lynn¹ were involved in a dispute with their landlord, the bishop of Norwich, over the episcopal claim to various liberties in the town. This instance of urban conflict holds special interest for the innovative legal challenge adopted by the townsmen, in particular for their appeal to the Statute of Mortmain, and also for the sustained campaign of misinformation propagated in parliament by the bishop of Norwich. The decision of Edward III to provide the bishop with restitution is also important for our understanding of tenant–landlord relations in a medieval context, given that the bishop's payment to the crown of a heavy fine for a favourable outcome to the dispute was intentionally kept secret. As such, the publicly proclaimed legal judgment in favour of the bishop was designed to conceal what was almost certainly an arbitrary decision made by the crown in favour of a landlord over his urban tenants.

The legal difficulty facing the burgesses of Lynn in 1346 stemmed from the fact that in 1309, the bishop of Norwich had forced the townsmen to recognize that two courts in the town – the husting and the view of

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¹ In the primary documents surveyed by this work, the town was referred to as 'Bishop's Lynn' by the bishop of Norwich, whilst the townsmen referred to the town simply as 'Lynn'.

frankpledge – belonged to the bishop. The husting dealt with pleas of contracts, covenants, trespass and lands,² whilst the view of frankpledge dealt with the presentment and punishment of offences that fell short of felony.³ Both courts were an important part of the fabric of urban government, and for the townsmen their loss represented a forceful assertion of episcopal lordship and the haemorrhaging of civic power to the bishop. The ability of the burgesses to manage their own affairs was greatly impaired as a consequence.

The existence of an indented charter recording the agreement made in 1309, one part of which was in the possession of the bishop, represented a serious obstacle for the burgesses in any attempt to recover the husting and the view of frankpledge. As such, the burgesses of Lynn faced a similar problem to that faced by townsmen elsewhere in urban disputes against their landlords.⁴ For the purposes of the current discussion, incidents of medieval urban conflict might usefully be divided into two broad categories. The first category relates to boroughs where civic autonomy had been granted for a fee farm – an annual monetary payment to the king – such as in the royal boroughs of York, Chester and Norwich. In these places, urban conflict often arose between civic authorities and local ecclesiastical institutions such as cathedral chapters and often related to jurisdictional competition.⁵ As demonstrated by Helen Carrel, these conflicts frequently took the form of public confrontation, involved symbolic acts of transgression and resolution was achieved through

² *Calendar of Patent Rolls Preserved in the Public Record Office, 1345–1348 (CPR)* (London, 1891–1986), 170.

³ F. Pollock and F.W. Maitland, *The History of English Law before the Time of Edward I* (Cambridge, 1952), 580–1; King's Lynn Borough Archives (KL), Unreformed Corporation (C) 17/5.

⁴ A survey of disputes between urban tenants and monastic overlords is provided in the classic study: N.M. Trenholme, *The English Monastic Boroughs: A Study in Medieval History* (Columbia, MI, 1927), and more recently in G. Dodd and A.K. McHardy (eds.), *Petitions to the Crown from English Religious Houses* (Woodbridge, 2010), xxxii–xxxviii. In addition to the episodic studies cited in subsequent footnotes, see E.A. Fuller, 'Cirencester: the manor and the town', *Transactions of the Bristol and Gloucester Archaeological Society*, 9 (1884–85), 298–344; N.M. Trenholme, 'The risings in English monastic towns in 1327', *American Historical Review*, 6 (1900–01), 650–68; J. Röhrkasten, 'Conflict in a monastic borough: Coventry in the reign of Edward II', *Midland History*, 18 (1993), 1–18; R. Goddard, *Lordship and Medieval Urbanisation: Coventry, 1043–1355* (Woodbridge, 2004), 276–89. For cordial relations between civic authorities and ecclesiastical landlords that forms an important contrast to the discussion offered below, see G. Rosser, *Medieval Westminster, 1200–1540* (Oxford, 1989), 246–7; M. Bonney, *Lordship and the Urban Community: Durham and its Overlords, 1200–1540* (Cambridge, 1990), 230–3; G. Rosser, 'The essence of medieval urban communities: the vill of Westminster 1200–1540', in R. Holt and G. Rosser (eds.), *The Medieval Town: A Reader in English Urban History, 1200–1540* (London, 1990), 218.

⁵ P. Flemming, 'Conflict and urban government in later medieval England: St Augustine's Abbey and Bristol', *Urban History*, 27 (2000), 325–43; L.C. Attreed, 'Urban identity in medieval English towns', *Journal of Interdisciplinary History*, 32 (2002), 571–92; G. Rosser, 'Conflict and political community in the medieval town: disputes between clergy and laity in Hereford', in T.R. Slater and G. Rosser (eds.), *The Church in the Medieval Town* (Aldershot, 1998), 20–42; H. Carrel, 'Disputing legal privilege: civic relations with the church in late medieval England', *Journal of Medieval History*, 35 (2009), 279–96.

arbitration and compromise.⁶ Such cases can be contrasted against a second category of urban conflict relating to places where civic autonomy had been restricted, such as Bishop's Lynn before the grant of a fee farm in 1449. This second category of urban dispute is characterized by a tendency towards litigation and, although such conflicts did not preclude ritualistic confrontation,⁷ they often took the form of legal assaults directed against the landlord responsible for limiting the burgesses' degree of self-governance.⁸ Notable examples of this type of conflict have been documented by David Shaw at Wells in 1341, by Gabrielle Lambrick at Abingdon in 1363 and by Christopher Dyer at Shipston-on-Stour in 1398.⁹ If we add the Lynn dispute of 1346 to this list, we see that in all four cases the townsmen essentially faced the same two problems. As Lambrick noted in her study of Abingdon, urban tenants needed to fulfil two preconditions if they were to secure any level of legal success against a restrictive landlord – first, the substance of the charges brought against the landlord must ensure that the case was dealt with outside the ordinary law courts since juries could be easily influenced or coerced causing the case to collapse; and secondly, the case must be seen as one of great importance with the king's interests held to be at stake.¹⁰ The townsmen of Abingdon met these preconditions by initiating a process of impeachment against their landlord, the abbot; at Lynn, the burgesses built a legal case against the bishop of Norwich by appealing to the Statute of Mortmain.

The urban conflict at Bishop's Lynn has been highlighted elsewhere, but the tendency of existing studies has been to focus instead on a related, but essentially separate, conflict that was being fought concurrently by the bishop of Norwich against the abbot of Bury St Edmunds.¹¹ Consequently, the dispute at Lynn has not been considered within the broader historical framework of urban conflict between landlords and civic authorities, whilst the main source of evidence for the dispute – petitions to the crown for legal remedy – has not been explored in detail. Before proceeding to explore the legal strategies adopted throughout the course of the conflict, it is worth providing some contextual background surrounding

⁶ Carrel, 'Disputing legal privilege', 282 and *passim*.

⁷ Towns without a fee farm clearly also experienced confrontation of a public nature, as indeed Lynn itself did; see D.M. Owen, *Making of King's Lynn* (London, 1984), 34–40.

⁸ For an overview of such legal challenges, see L.C. Attreed, 'Arbitration and the growth of urban liberties in late medieval England', *Journal of British Studies*, 31 (1992), 205–35.

⁹ G. Lambrick, 'The impeachment of the abbot of Abingdon in 1368', *English Historical Review*, 82 (1967), 250–76; C. Dyer, 'Small-town conflict in the later Middle Ages: events at Shipston-on-Stour', *Urban History*, 19 (1992), 183–210; D.G. Shaw, *The Creation of a Community: The City of Wells in the Middle Ages* (Oxford, 1993), 114–24.

¹⁰ Lambrick, 'The impeachment of the abbot of Abingdon', 250–76.

¹¹ The most detailed reconstruction of the dispute is R.C. Palmer, *English Law in the Age of the Black Death* (Chapel Hill, 1993), 48–52. See also A.H. Thompson, 'William Bateman, bishop of Norwich, 1344–1355', *Norfolk Archaeology*, 25 (1933), 123–4; W.M. Ormrod, *The Reign of Edward III* (London, 1990), 56, 221–2.

the relationship between the bishop of Norwich and the medieval town of Bishop's Lynn.

Background

The origins of the dispute between William Bateman and the burgesses of Lynn in 1346 can be traced to the foundations of the borough. The medieval town of Bishop's Lynn formed part of the episcopal temporalities of the diocese of Norwich and between 1204, when the town received a borough charter, and 1449, when the burgesses were granted a fee farm, there were intermittent outbreaks of urban conflict between the townsmen and their episcopal landlord.¹² Indeed, the very foundation of the borough was mired with confrontation and, unusually, resulted in not one but three separate borough charters. The first charter from King John granted Bishop John Grey (1200–14) the right to establish a borough and choose any town in England as a constitutional model for Lynn. The second charter was granted to the town by the bishop himself, authorizing the king's charter and reserving his own rights in the town. However, apparently not content with having their rights mediated by the bishop in this way, the burgesses then acquired from the king a third charter outlining specific liberties to be held by them, thereby providing the townsmen with a direct grant 'from the ultimate authority and in the fullest terms'.¹³ Amongst the package of legal privileges outlined in this third charter was the right to hold a weekly husting.¹⁴ As we shall see, the view of frankpledge was acquired by the burgesses later in the thirteenth century.

Against this constitutional backdrop, the dispute of 1346 can be traced more immediately to 1309. Following a trading crisis with the Hanseatic League, Bishop John Salmon (1299–1325) exploited an internal division amongst the townsmen and exacted from the burgesses jurisdictional concessions that both enhanced the bishop's authority over the town and damaged the town's aspirations in the sphere of international trade and shipping.¹⁵ The agreement, drawn up in the form of an indenture on 6 October 1309, stated that the view of frankpledge belonged to the bishop with all its profits, and that the husting was recognized as the bishop's court.¹⁶ This was nothing short of a coup, since hitherto the bishop of Norwich exercised no clear legal claim to either of these liberties. As we have seen, the right to hold a weekly husting, which had returned ameracements amounting to 20s per annum, had been granted to the

¹² Owen, *King's Lynn*, 34–40.

¹³ J. Tait, *The Medieval English Borough: Studies on Its Origins and Constitutional History* (Manchester, 1968), 197–8.

¹⁴ *British Borough Charters* (BBC), vol. I, ed. A. Ballard (Cambridge, 1913), 142.

¹⁵ For the burgesses' aspirations in the arena of international trade, see K. Parker, 'Lordship, liberty and the pursuit of politics in Lynn, 1370–1420', unpublished University of East Anglia Ph.D. thesis, 2004, 33–5.

¹⁶ Owen, *King's Lynn*, 379–80; KL C/10/5 and KL C/10/2, fol. 67.

burgesses of Lynn in their borough charter.¹⁷ The view of frankpledge, meanwhile, had been held by Robert Tateshall (1248–98) under Edward I, who had rented it to the mayor and burgesses of Lynn for an annual payment of 2 marks.¹⁸ As a result of the new agreement, however, the heirs of Robert Tateshall were deprived of their right, and the profits of the view were now leased to the burgesses upon a yearly payment of £40. This sum was actually much closer to the true value of the franchise than the 2 marks paid annually to Robert Tateshall, given that the court returned revenue of £38 in 1346.¹⁹ It was probably the bishop's ability to exercise direct authority over the town as seigneurial lord that allowed him to exact a much higher sum than Robert Tateshall, who had no historic claims in the town and merely inherited the franchise from the D'Aubigny earls of Suffolk.²⁰ By the terms of the new arrangement, the burgesses of Lynn relinquished their right to direct proceedings at the view of frankpledge and it was agreed that the bishop would select members of the community to preside over the court.²¹ Within the context of the intermittent conflict fought between the bishop and the burgesses, Bishop John Salmon secured a significant victory over the townsmen in 1309.

In their attempt to overturn the victory that Bishop John Salmon had secured in 1309, the burgesses of Lynn did not seek primarily to assert their own rights; rather, their case against the bishop rested upon emphasizing the right of the crown to confiscate the bishop's liberties. It has been argued elsewhere that the crown was much more likely to pursue legal claims if it was the king, rather than a third party, who stood to profit directly. Indeed, this was probably a key factor behind the tendency of lay supplicants to present their requests in terms of the mutual benefit to be derived by both the petitioner and the crown.²² However, for the burgesses of Lynn, the alignment of their own interests with those of the crown was not merely a supplicatory tactic but the very foundation of their legal strategy.

Promulgated by Edward I in 1279, the Statute of Mortmain introduced a licensing system in England whereby permanent grants to the church of land or property – in the case of Lynn, profits derived from court – were only permissible upon the payment of a fine to the crown.²³ Property

¹⁷ Owen, *King's Lynn*, 414–18; The National Archives (unless indicated otherwise all manuscript sources are located in TNA), Special Collection (SC) 6/938/15.

¹⁸ *Calendar of Inquisitions Miscellaneous Preserved in the Public Record Office (CIM)*, vol. II, 502, 520. The D'Aubigny earls of Arundel held the leet, and their customs in the town are recognized in the borough charter of 1204, *BBC*, vol. I, 31, 35. Upon the death of Hugh D'Aubigny on 7 May 1243, Robert de Tateshall inherited the leet, along with other properties, as coheir; see V. Gibbs (ed.), *Complete Peerage of England, Scotland, Great Britain and the United Kingdom: Extant, Extinct and Dormant*, vol. I (London, 1910), 239 n. (b).

¹⁹ KL/C 17/4.

²⁰ Adam Clifton, cousin and one of the heirs of Robert Tateshall, petitioned in 1348 in an attempt to regain his claim. *CIM*, vol. II, 520.

²¹ Owen, *King's Lynn*, 379; KL/C 10/5.

²² G. Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford, 2007), 300.

²³ For a discussion of the statute's legal application, see P. Brand, 'The mortmain licensing system, 1280–1307', in A. Jobson (ed.), *English Government in the Thirteenth Century*

alienated in mortmain without licence was liable to forfeiture. By building a legal case upon an appeal to the mortmain legislation, the burgesses of Lynn not only fulfilled the preconditions for a successful legal challenge noted by Gabrielle Lambrick, but also turned their greatest obstacle into an advantage: the indented charter of 1309 now provided proof that Bishop John Salmon had illegally acquired the husting and the view of frankpledge in Lynn. Furthermore, the ingenuity of the burgesses' approach meant that they possessed, in the form of the indented charter 'sealed with the bishop's seal', all the evidence they needed for the successful prosecution of their case. Bishop Bateman was clearly unprepared to defend himself against the accusation that the contested liberties had been acquired in breach of the mortmain legislation, and the bishop's legal counsel were unable to refute the allegation at the inquest held in August 1346.²⁴

It is worth clarifying at this stage that it is unlikely that the entire town of Lynn was united behind the legal challenge against the bishop of Norwich. Although the petitions presented throughout the dispute were made in the name of the town as a whole, there appears to have been a longstanding division in the town between the most powerful burgesses – the *potentiores* – who controlled civic government, and the lesser burgesses – the *mediocres* and the *inferiores*. Essentially, civic government was financed by the guild merchant of Holy Trinity, and, consequently, leading members of the guild also dominated borough politics.²⁵ It was not until the early fifteenth century that major internal confrontation became a recurrent feature of borough politics in Lynn, but there is some evidence of discord in the early fourteenth century relating to the assessment of tallages.²⁶

The civic government of Lynn was prone to pursuing the aspirations that engendered resentment amongst the broader urban community, such as Lynn's failed attempt to challenge the commercial interests of the Hanse, which resulted in a boycott being imposed upon Lynn in 1303.²⁷ In the early fifteenth century, meanwhile, the *mediocres* and the *inferiores* joined forces with the *non burgenses* to challenge a stranglehold on civic power that had been established by the *potentiores*. This was a reaction against the movement towards a more oligarchic form of rule in the borough whereby the jurats and councillors were appointed for life. Significantly, the resulting programme of reform proclaimed the restoration of privileges that had been granted to the *inferiores* by the bishops of Norwich.²⁸ It seems that the bishop of Norwich had long asserted his position as a champion

(Woodbridge, 2004), 87–96. See also H. Chew, 'Mortmain in medieval London', *English Historical Review*, 60 (1945), 1–15. *Statutes of the Realm*, vol. I (London, 1810–22), 51.

²⁴ *CIM*, vol. II, 502.

²⁵ Owen, *King's Lynn*, 39; J.S. Roskell, L. Clark and C. Rawcliffe (eds.), *The House of Commons, 1386–1421* (Stroud, 1992), 515.

²⁶ A. Goodman, *Margery Kempe and her World* (Harlow, 2002), 22; Owen, *King's Lynn*, 39.

²⁷ T.H. Lloyd, *England and the German Hanse: A Study of their Trade and Commercial Diplomacy* (Cambridge, 1991), 40.

²⁸ Roskell, Clark and Rawcliffe (eds.), *The House of Commons, 1386–1421*, 515. For extended treatment of this episode, see K. Parker, 'A little local difficulty: Lynn and the Lancastrian

of the *mediocres* and *inferiores* in the town. In the indented charter of 1309, which had established the bishop's controversial claim to the husting and the view of frankpledge, it was also proclaimed that unequal tallages imposed by the most powerful citizens on the lesser burgesses should cease.²⁹

Within this context of borough politics, it seems likely that there would have been at least some level of underlying apprehension on the part of the lesser burgesses towards the prospect of their town initiating a prolonged legal campaign to challenge the bishop's rights – not only for fear of retribution from the bishop, but also because victory in the dispute might lead to the implementation of exploitative practices by the *potentiores* who controlled civic government. Indeed, in the summer of 1347, in the midst of the legal conflict against the bishop, a serious instance of civil unrest broke out in Lynn as a 'large confederacy of evildoers' boarded ships loaded with corn and victuals for Gascony. Significantly, during this unrest the rebels 'arrested the mayor and many of the good men of the town' and compelled them to lend support to the uprising.³⁰ The political divisions within the borough appear to have been at large here, and it is possible that the ongoing campaign against the bishop worked to enflame these tensions. Nevertheless, despite this instance of civil disobedience, the burgesses of Lynn maintained pressure on the bishop of Norwich and sought to ensure that their legal case did not collapse. It is argued below that the burgesses of Lynn presented a petition relating to their legal challenge against the bishop of Norwich in the parliament of 1348, demonstrating that despite the serious challenge to its authority faced by the civic government in 1347, the burgesses were able to maintain an outward show of unity against the bishop and deliver an important document that sought to counter claims propagated by William Bateman.

Given that Bishop John Salmon had acquired the husting and view of frankpledge in 1309, it is probable that the burgesses of Lynn had sought to challenge the bishop's claim to these liberties before the appointment of an inquiry on 22 June 1346. Indeed, the royal writ appointing inquest commissioners stated that the king had heard the burgesses' complaint about the bishop's illegal possession of the liberties 'many times'.³¹ The success of the burgesses in 1346 is probably explained by Bateman's fall from grace brought about by his part in the dispute with the abbot of Bury St Edmunds. This conflict began in July 1345 and escalated dramatically in December 1345 when Bateman excommunicated the king's messenger.³²

usurpation', in C. Harper-Bill, *Medieval East Anglia* (Woodbridge, 2005), 115–29; M.D. Myers, 'The failure of conflict resolution and the limits of arbitration in King's Lynn, 1405–1416', in D. Biggs, S.D. Michalove and A. Compton Reeves, *Traditions and Transformations in Late Medieval England* (Leiden, 2002), 81–107.

²⁹ Owen, *King's Lynn*, 379.

³⁰ CPR, 1345–1348, 388.

³¹ *Ibid.*, 170.

³² Palmer, *English Law*, 48–52.

Following a protracted legal process, the temporalities of Norwich diocese were confiscated on 20 November 1346.³³ The prevailing conflict between the bishop and the king no doubt added to the efficacy of the legal strategy adopted by the burgesses of Lynn.

For the burgesses, an appeal to the Statute of Mortmain was not without its drawbacks. Interestingly, the clergy had complained in parliament about the confiscation of amortized lands that had been acquired without licence as recently as June 1344. On this occasion, the clergy were provided with a royal guarantee that if they could show their charters of licence they should be 'freely left in peace', and in cases whereby a licence had not been obtained, a 'suitable fine' should be imposed.³⁴ An appeal to the Statute of Mortmain, therefore, held the very real danger that the burgesses' legal challenge would result only in the temporary confiscation of the bishop's liberties. Yet, in the royal writ ordering the inquest it is clear that the townsmen had also asserted their own rights to the disputed liberties.³⁵ In this sense, the legal strategy adopted by the burgesses was designed as a two-stage process whereby the crown would gain immediate profit from the confiscated liberties, and the townsmen would subsequently acquire the liberties – or so it was hoped – on a more permanent basis once their legal claim was recognized. The burgesses would have been greatly encouraged, therefore, when the liberties in Lynn were excluded from the general restoration of Bateman's temporalities on 13 November 1347.³⁶ In light of all this, the clergy's complaint raised in the assembly of June 1344 concerning amortized lands may have provided the burgesses of Lynn, two of whom attended parliament as representatives of the borough, with the idea to proceed against the bishop of Norwich through an appeal to the mortmain legislation.³⁷ In any event, the tactic resulted in some degree of success and Bateman was forced to appeal directly to the crown for recovery of his rights.

Legal strategy

The petitions presented in parliament to the English crown throughout the course of the dispute, both by the bishop of Norwich and the burgesses of Lynn, were an integral part of the broader legal strategies adopted by each of the litigants. Within the burgesses' legal strategy, based as it was

³³ *Ibid.*, 49 n. 126.

³⁴ *The Parliament Rolls of Medieval England, 1275–1504 (PROME)*, ed. Chris Given-Wilson *et al.* (Leicester, 2005), CD-ROM version, Jun. 1344, items 23 (c. 6) and 26.

³⁵ *CPR, 1345–1348*, 170.

³⁶ *Calendar of Close Rolls Preserved in the Public Record Office, 1346–1349 (CCR)* (London, 1896–1913), 338.

³⁷ *Return of the Names of Every Member Returned to Serve in Parliament from the Year 1696 up to 1876* (London, 1879), 139. A legal challenge based on an appeal to the mortmain legislation had been used in Coventry at an earlier date, although in this instance the appeal was a fabrication; see Goddard, *Lordship and Medieval Urbanisation*, 282; Röhrkasten, 'Conflict in a monastic borough', 14.

upon an appeal to the mortmain legislation, petitions were deployed to accomplish two goals: first, to ask for custody of the bishop's confiscated liberties in Lynn; and secondly, to counter spurious claims put forward by the bishop concerning the inquest of August 1346. By contrast, William Bateman used petitions to pursue a false claim that he had been denied the opportunity to defend his case prior to his liberties being confiscated. The bishop's legal strategy was predicated upon the refusal of his legal counsel to demonstrate episcopal claims before the royal justices at the inquest of August 1346. Since the bishop could not demonstrate his legal claims without also proving that the liberties were held in mortmain without licence, this approach allowed him to complicate proceedings, slow down the legal process and buy him time to return to the king's good graces and receive restitution from the crown directly. In this sense, the primary purpose of the bishop's petitions was not to gain remedy as such, but rather to prevent the burgesses of Lynn from gaining a final and favourable resolution from the crown.

The first petition from William Bateman appears to have been presented during the parliament that was held between 11 and 20 September 1346.³⁸ Bateman's petition itself was divided into two separate requests: one concerning the liberties at Lynn and another concerning his broader conflict with the abbot of Bury St Edmunds. Notably, the Bury St Edmunds dispute took precedence in the petition, and Bateman may have assumed that Edward III had authorized the confiscation of the Lynn liberties merely as punishment for his confrontation with the abbot of Bury St Edmunds. In relation to the urban liberties at Lynn, the bishop of Norwich complained that his liberties had been confiscated 'par colour d'une enqueste prise d'office meins duement en absence del dit euesque' ('by colour of an inquest holding office improperly in absence of the said bishop'), with the result that the bishop 'nient fait partie ne appellee' ('made neither party nor appeal'). As we shall see, the particulars of this account are inconsistent with the allegations brought forward by the bishop later in the dispute.

In response to his petition, Bateman was told that the conflict should be resolved before the council in the next parliament.³⁹ However, before the next parliament assembled the episcopal temporalities were confiscated because of the escalating conflict between Bateman and the abbot of Bury St Edmunds. Exploiting the opportunity offered by these events, the burgesses of Lynn presented a petition on 22 November 1346 asking for the custody of the confiscated liberties in their town, to be held by

³⁸ SC 8/246/12274. Bateman's attendance at this assembly is well attested, *PROME*, Sep. 1346, items 3, 7. A petition presented by the burgesses of Lynn sometime around 22 Nov. 1346 described the bishop's petition as having been submitted in the '*droyn parlement*' ('last parliament'), SC 8/243/12125. On the problems surrounding the dating of petitions, see Dodd, *Justice and Grace*, 8.

³⁹ *Ibid.* See also the council's decision that the bishop should attend the next parliament for deliberation of the matter, C 49/7/21.

them as the king's 'ministers' rendering all profits to the Exchequer.⁴⁰ The townsmen also revealed their intimate knowledge of the bishop's actions, and explicitly referred to Bateman's first petition in their own supplication.⁴¹ Clearly, the burgesses of Lynn had kept track of Bateman's activities in September 1346 and used this information to their own advantage. There is no endorsement to the burgesses' petition but it appears that their request was granted, for when the dispute was resolved in 1350, the royal writ recorded that the king's grant to the mayor and burgesses of Lynn 'of the custody of all liberties of their town taken into his hands by pretext of the commission' should be revoked in its entirety.⁴²

The second and most expansive petition from William Bateman was probably presented sometime after the restoration of the episcopal temporalities in November 1347 and before 12 June 1348.⁴³ As we have already seen, in his first petition, Bateman had complained that the inquest had been held in his absence, with the implication being that neither he nor his legal counsel had been present. Now, however, the bishop provided a detailed account of the proceedings: the inquest had been 'trop suspecionouse' ('very suspicious'), because the 'deux parties' ('two parties') who came before the king's justices at the inquest were both drawn from 'gentz de la dite ville' ('people of the said vill [Lynn]'), and 'il y furent xx. ou xxx. enfourmours joutz' ('there were 20 or 30 sworn informers'), also from Lynn, 'dont les uns permes chalangerent pour le Roi' ('some of whom were able to challenge for the king'). This allegation, that the townsmen had been able to pack the inquest with their own supporters, is interesting in light of the fact that in their second petition, the burgesses accused the bishop of attempting to corrupt the inquest by committing exactly the same crime! The bishop went on to explain that his liberties had been seized 'par force del dite enqueste d'office la ou le dit Euesque ne feut appelle ne partie comitre la ley et la custume de la terre' ('by force of the said inquest, where the said bishop was neither appellant nor party against the law and custom of the land'). In light of all these

⁴⁰ SC 8/243/12125.

⁴¹ *Ibid.*

⁴² *CPR, 1348–1350*, 551.

⁴³ On the latter date, a second inquest was held investigating the bishop's rights in Lynn, this time in order to determine the inheritance rights of an heir to Robert de Tattershall who had once held the leet; see *CIM*, vol. II, 520, no. 2072. The leet and view of frankpledge were synonyms, and the fact that the bishop only referred to a leet in his third petition suggests that his second petition was presented before this second inquest had been held. Bateman's second petition may, therefore, have been presented in the parliament that assembled in January 1348. Although there is no trace of his petition on the roll of parliament, Bishop Bateman attended this assembly where he was appointed as a trier of foreign petitions, see *PROME*, Jan. 1348, item 3. If the bishop's petition was presented at this assembly, it would explain the bishop's renewed efforts to regain his liberties in Lynn, because he was granted a general restoration of his temporalities on 13 Nov. 1347; see *CCR, 1346–1349*, 338.

procedural irregularities, Bateman requested that he should be provided with an opportunity to defend his case.⁴⁴

Aside from the inconsistency between Bateman's first and second petitions, his second petition contained an additional inaccuracy. The bishop began his petition by asserting his right to hold the confiscated liberties in perpetuity by a royal grant. However, Bateman's assertion was evidently untrue and directly contradicted the findings of the inquest held in August 1346, namely that Bishop John Salmon had unilaterally acquired the view of frankpledge and husting in 1309 without royal licence. Furthermore, the whole legal strategy adopted by the bishop indicates that he did not hold the liberties by royal grant as he claimed. Nevertheless, the king was prepared to adopt this element of the bishop's account as part of the publicly stated basis for providing restitution, with the resulting letter patent stating that the king's decision had been made, in part, because the bishop and his predecessors had held the liberties 'for no small time'.⁴⁵ Bateman's payment of 650 marks for the restoration of his liberties probably encouraged the king to accept the bishop's account in this regard with little scrutiny, and in this sense, the bishop's misinformation served the function of providing the king with a reason, no matter how tenuous, to declare publicly in the bishop's favour. Evidently, when petitioning for remedy in fourteenth-century England, it could be politically astute to provide the king with a good reason to provide a favourable grant, rather than an accurate reason.

In their second petition, the burgesses conflated the bishop's two accounts – made in his first and second petitions – and sought to refute every allegation that the bishop had made throughout the course of the whole affair. By taking this approach, the burgesses gained the additional advantage of highlighting inconsistencies between the bishop's first and second petitions. Although of an uncertain date, the petition seems to represent a response to Bateman's second petition, and it is possible that both petitions were presented at the parliament of January 1348. The burgesses' petition was split into five discrete and separate paragraphs. The first section provided a general introduction to the petition, following which, the townsmen proceeded to tackle three separate allegations that had been made by the bishop: first that the inquest had been taken without the bishop's knowledge; secondly, that neither the bishop nor his councillors had been provided with the opportunity to defend the rights of the bishop; and thirdly, that the confiscated liberties had been delivered into the keeping of two burgesses from Lynn rather than the sheriff.⁴⁶ Interestingly, the second point, which refuted the bishop's allegation that he had been unable to defend his rights, was actually divided into two separate paragraphs in the petition. Since the two sections essentially dealt

⁴⁴ SC 8/239/11921.

⁴⁵ *CPR, 1348–1350*, 551.

⁴⁶ SC 8/239/11920.

with the same issue, there was no functional reason as to why the material should have been divided in this way aside from enhancing the visual impact of the petition. It seems likely, therefore, that the division of the material merely served to augment the presentational style of the petition and exaggerate the bishop's misconduct by emphasizing a 'history of illicit acts'.⁴⁷ As we shall see, all three of the disputed allegations covered in the burgesses' petition bear some relation to complaints that had been made by the bishop of Norwich, although none were quoted verbatim from the bishop's own petitions.

The first of William Bateman's allegations that the burgesses sought to refute was the suggestion that the inquest of August 1346 had been taken without the bishop being given the opportunity to defend his case. The burgesses recounted that five days before the inquest was due to be held, Bateman arrived at his manor of Gaywood next to Lynn where he remained until the inquest – which took place in the town – had been held. During this time the bishop attempted to pack the jury and disturb the proceedings, with the result that many of the most respected men who were summoned to the inquest were '*absenterent par procurement*' ('absent by procurement'), whilst others were '*ne voleient respoundre pur lour nouns saunz graunt difficulte et reddour*' ('unable to respond to their names without great difficulty and fear').⁴⁸

The second of Bateman's allegations to be tackled by the burgesses was the suggestion that the bishop had been unable to defend his right. As we have seen, this allegation was made in both the bishop's first and second petition. According to the burgesses' account, many of the bishop's legal representatives were present at the inquest and, despite having '*toutpleyn des chartres roulles et autres remembraunces*' ('many rolls of charters and other records'), they had been willing to show '*nulle chartre ne endente ne voleient monstren ne nulle declaracion faire*' ('no charter, nor indenture, nor wished to show any declaration'). The burgesses emphasized that this reluctance on the part of the bishop's counsel was due to the fact that their charters held '*nulle value*' ('no value').⁴⁹ Set in the context of Bateman's petitions, the burgesses' allegation implies that the bishop had been provided with the opportunity to defend his rights, but his legal counsel deliberately refused to defend episcopal claims.

The third and final allegation that the burgesses of Lynn sought to refute was that the husting and the view of frankpledge had been delivered into the keeping of two burgesses of Lynn following the inquest, rather than the sheriff of Norfolk.⁵⁰ There is no trace of this allegation in the bishop's

⁴⁷ For a broader discussion exploring how the layout of petitions could serve a persuasive function, see G. Dodd, M. Phillips and H. Killick, 'Multiple-clause petitions to the English parliament in the latter Middle Ages: instruments of pragmatism or persuasion?', *Journal of Medieval History*, 40 (2014), 176–94.

⁴⁸ SC 8/239/11920.

⁴⁹ SC 8/239/11921.

⁵⁰ SC 8/239/11920.

first petition, whilst in the bishop's second petition the fact that the urban liberties had passed into the keeping of two burgesses received no more than a passing remark.⁵¹ What seems likely is that the burgesses merely raised the issue at this stage to highlight yet another way in which the bishop sought to undermine the inquest. The burgesses explained that because the sheriff of Norfolk was of the bishop's 'robes, feodz et conseil' ('robes, fee and council'), the confiscated liberties were instead entrusted instead to the keeping of the townsmen. Again, the account provided by the burgesses appears to be borne out by other evidence – the chief justice of the King's Bench found that William Middleton, sheriff of Norfolk, was prejudiced against the king in the matter.⁵²

The royal response to both the second petition from the bishop and the counter-petition from the townsmen was that the bishop should be given the opportunity to demonstrate his rights.⁵³ On the face of it, this appears to signify a victory for the bishop. Indeed, the decision ignored entirely the burgesses' primary objective in presenting their petition – to demonstrate that the bishop had been provided with ample opportunity to defend his rights at the inquest. However, despite receiving a generally favourable response to his petition, Bateman was still confronted with the problem of demonstrating his rights to the Lynn liberties without also proving that one of his predecessors had acquired the liberties without royal licence and in breach of the mortmain legislation. The legal challenge was apparently insurmountable, and two years later Bateman approached the king directly for a special act of grace.

The third and final petition from William Bateman must have been presented shortly before the husting and view of frankpledge were restored to the bishop on 16 May 1350.⁵⁴ The manner in which the resulting royal grant followed the general terms of the bishop's request suggests that legal remedy was now expected and a petition was presented as a mere formality to initiate the administrative process necessary to effect the bishop's restitution. In contrast to the expansive account of the inquest provided in his second petition, Bateman now stated simply that the liberties had been confiscated because of a 'suggestion nient veritable' ('false suggestion') that the mayor and burgesses of Lynn were 'solaient avoir allowance si bien en Bank le Roi' ('accustomed to have allowance [i.e. for the liberties] at the King's Bench').⁵⁵ There was no repetition at this stage of the alleged irregularities concerning the inquest of August 1346 that had dominated the bishop's previous petitions. Rather, the bishop now requested the restoration of his liberties by royal charter, and

⁵¹ SC 8/239/11921.

⁵² Palmer, *English Law*, 49 n. 125; C260/57, no. 33; A. Hughes (ed.), *List of Sheriffs for England and Wales: From the Earliest Times to A.D. 1831* (New York, 1963), 87.

⁵³ SC 8/239/11921; SC 8/239/11920.

⁵⁴ CPR, 1348–1350, 551.

⁵⁵ This had formed part of the burgesses initial appeal to the king, CPR, 1345–1348, 170; SC 8/246/12272.

furthermore that the agreement of 1309 between Bishop Salmon and the burgesses of Lynn should forever remain in force 'neint contresteaunt l'office avaunt dite ou l'estatut de mort mein ou autre ordenaunce qe com qe' ('not withstanding the office aforesaid [inquest of August 1346], or the statute of mortmain, or other ordinance whatsoever').⁵⁶ William Bateman had paid 650 marks for the restoration of his liberties, and thus presented his petition safe in the knowledge that the king's favour was forthcoming.⁵⁷ D.M. Palliser has demonstrated that in a charter of liberties attained by the citizens of York in 1396, the manner in which the petition and resulting charter followed practically verbatim suggests that the supplicants knew what they were going to receive beforehand.⁵⁸ Whilst Bateman's third petition and the resulting royal grant do not follow verbatim, the general tenor of the bishop's request was granted, with the liberties restored to the bishop and his successors to be held forever 'according to the form of the charter of acquisition [i.e. the indented charter of 1309]'.⁵⁹

Of particular interest with regards to William Bateman's third petition and the resulting royal grant is the desire on the part of the crown to hide the fact that the bishop had paid 650 marks for the restoration of his liberties. The rationale behind the king's grant to the bishop, as set out in the resulting letter patent, was threefold: first, the grant was a personal act of piety owing to the king's 'devotion to the Holy Trinity, in whose honour the said church [Norwich cathedral] is dedicated'; secondly, it was a reward for the bishop's good service concerning the 'direction of [the king's] business'; and thirdly, the grant gave consideration to the claim that the bishop and his predecessors had held the liberties 'for no small time'.⁶⁰ As demonstrated above, the latter of these justifications was more than a little tenuous, since the bishop had no historic right to liberties, and the 'no small time' clause referred to a period of just 37 years between 1309 and 1346. The two other justifications were entirely unrelated to the actual legal foundations of the dispute between the bishop and the burgesses of Lynn. Meanwhile, there was no mention at all of the 650 marks that the bishop had paid for the resulting royal grant. Indeed, the absence of any mention of the fine was specifically requested. A warrant under the privy seal to move the great seal which initiated the process for the bishop's restitution explicitly stated that the documents produced for the

⁵⁶ SC 8/246/12272.

⁵⁷ C 81/345/20991, cited in J.H. Tillotson, 'Clerical petitions 1350–1450: a study of some aspects of relations of crown and church in the later Middle Ages', unpublished Australian National University Ph.D. thesis, 1969, 292.

⁵⁸ D.M. Palliser, 'Towns and the English state 1066–1500', in J.R. Maddicott and D.M. Palliser (eds.), *The Medieval State: Essays Presented to James Campbell* (London, 2000), 129; although cf. G. Dodd, 'Writing wrongs: the drafting of supplications to the crown in later fourteenth-century England', *Medium Aevum*, 80 (2011), 236–7.

⁵⁹ CPR, 1348–1350, 551.

⁶⁰ CPR, 1348–1350, 551. The 'good service' was a reference to the bishop's employment as a diplomat in the king's service, see Thompson, 'William Bateman', 111–12.

bishop's restitution should be drawn up 'sanz faire mencion de la somme avantdite' ('without making mention of the sum aforesaid').⁶¹ Given the prolonged nature of the legal dispute, and the strength of the burgesses' legal case against the bishop, it would have been politically insensitive for the king to announce at this stage that his power of discretionary justice could be bought by the highest bidder. Therefore, the resulting royal grant was made to look like the reasoned application of discretionary justice; a decision taken by the king to demonstrate his personal piety – possibly in reaction to the outbreak of the Black Death in 1348 which was believed to have divine provenance – and as a reward for good service by the bishop, combined with a legal justification.

Conclusion

In 1346, the burgesses of Lynn adopted an innovative legal strategy to challenge episcopal claims to the husting court and the view of frankpledge. This legal strategy involved an appeal to the Statute of Mortmain, as well as the assertion of the king's right to confiscate the urban liberties that had been acquired illegally by the bishop of Norwich in 1309. Between June 1346 and May 1350, the burgesses retained possession of the bishop's confiscated liberties in Lynn. The duration of the dispute and the difficulty faced by the bishop when attempting to gain remedy from the crown is testimony to the strength of the legal strategy adopted by the townsmen. The case of urban conflict at mid-fourteenth-century Bishop's Lynn adds to a number of existing studies which have demonstrated the variety and sophistication of the legal challenges pursued by medieval townsmen against landlords who were reluctant to allow civic authorities to govern autonomously. At Lynn, as elsewhere, the burgesses were unsuccessful and their legal challenge ultimately resulted in the retrenchment of episcopal lordship, with the bishop of Norwich imposing a fine of 500 marks upon the burgesses if they ever renewed their challenge against episcopal claims.⁶²

The case of Bishop's Lynn also demonstrates a close connection between parliament and urban conflicts fought in the localities of England. Both the bishop of Norwich and the burgesses of Lynn presented petitions to the crown throughout the course of the dispute to support their broader legal strategies. This was nothing new, of course, and many other urban representatives presented petitions or otherwise pursued the public interests of their towns in parliament.⁶³ Nevertheless, the mid-fourteenth-century case of Bishop's Lynn is significant because it demonstrates how

⁶¹ C 81/345/20991.

⁶² *The Register of William Bateman, Bishop of Norwich 1344–1355*, ed. P.E. Pobst (Woodbridge, 1996), 30–3.

⁶³ Dodd, *Justice and Grace*, 266–78. See also G. Unwin, 'The estates of merchants, 1336–1365', in G. Unwin (ed.), *Finance and Trade under Edward III* (Manchester, 1918), 179–225; M. McKisack, *The Parliamentary Representation of the English Boroughs during the Middle Ages*

the burgesses were keeping track of the bishop's own supplications and incorporated this information into their own petitions in an attempt to counter William Bateman's campaign of misinformation. Furthermore, the burgesses' legal strategy may originally have been developed in parliament given that only two years before the conflict began the clergy had made a complaint in parliament against the implementation of the Statute of Mortmain.⁶⁴ This possibility provides a fascinating insight into the relationship between legislation discussed in parliament, and how this could then be distorted and put to an almost antithetical purpose in a local legal dispute over urban liberties.

The legal strategy adopted by the burgesses, fought in both a central and local juridical setting, required substantial diplomatic, political and financial resources to maintain legal pressure on the crown and prevent the bishop from gaining restitution over the course of some four years. This pressure was maintained in the face of political division within the borough, and even if the outbreak of public civil disobedience in 1347 was unrelated to the dispute against the bishop, the episode represented a serious challenge to the authority of the mayor. Yet, the civic government rallied, the legal campaign against the bishop was sustained, and William Bateman was unable to gain remedy from the king for another three years. Ultimately, however, the authority of the bishop was reasserted and subsequently tolerated without serious challenge until the dramatic events of 1377 when Henry Despenser was attacked by the townsmen.⁶⁵ In the early fifteenth century the civic government of Lynn sought to resurrect the policy of their mid-fourteenth-century predecessors and once again attempted to challenge the bishop's legal claims.⁶⁶ The resulting implosion of civic government and political crisis within the borough provides a stark indication of the stakes involved in such an endeavour, and the potential cost of failure.

(Oxford, 1932); J.R. Maddicott, 'Parliament and constituencies, 1272–1377', in R.G. Davies and J.H. Denton (eds.), *The English Parliament in the Middle Ages* (Manchester, 1981), 61–87; Palliser, 'Towns and the English state, 1066–1500', 127–45; Christian D. Liddy, *War, Politics and Finance in Late Medieval English Towns: Bristol, York and the Crown, 1350–1400* (Woodbridge, 2005), 155–75.

⁶⁴ See above, p. 372.

⁶⁵ *The St Albans Chronicle: The Chronica Maiora of Thomas Walsingham, I, 1376–1394*, ed. J. Taylor, W.R. Childs and L. Watkiss (Oxford, 2003), 113–15; CCR, 1377–1381, 85; CPR, 1374–1377, 502.

⁶⁶ Myers, 'The failure of conflict resolution', 81–107; Parker, 'A little local difficulty', 115–29.