

*Parliamentary History*, Vol. 18, pt. 3 (1999), pp. 237-259

## County Parliamentary Elections in Fifteenth-Century England\*

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*History of Parliament*

It is one of the most striking features of early electoral history that elections were long regulated by the dictates of custom rather than by the law of statute.<sup>1</sup> County elections were older than parliament, and yet parliament was more than a century old before the promulgation of the first statute regulating electoral conduct.<sup>2</sup> The silence of statute is matched by the silence of other sources. The returns made by the county sheriffs to parliamentary writs before the statute of 1406 reveal nothing of the election process itself, and the legal records provide only very occasional and largely unrevealing glimpses of elections at work. The gloom does not begin to lessen until the early fifteenth century when, at the initiative of the Commons, a series of electoral regulations was added to the statute book. For the historian of elections the first of these statutes, enacted in the long and disputatious parliament of 1406, is the most important for it instituted more detailed electoral returns. Even then, however, the late medievalist is almost entirely without the sort of evidence – personal avowals of motive on the part of candidates with detailed descriptions of contests and of the negotiations designed to avoid them – that underpins Kislansky's detailed reconstruction of the electoral process in the seventeenth century.<sup>3</sup> This deficiency is particularly unfortunate in view of the importance of the questions to which better evidence might provide answers. Electoral processes are profoundly revealing of the nature of political society, reflective both of local attitudes towards government and of the political structure of the units of representation. Thus the nature of the constituency represented by late-medieval parliamentary knights of the shire is crucial to our understanding of the period. The idea that they came to parliament principally as the representatives of baronial masters has long been discredited.<sup>4</sup> Certainly many were associates and some even the dependants of greater men, but as

\* Work done for my employer, the History of Parliament Trust, has informed the second part of this paper. I am grateful for permission to draw upon it. I am also grateful to Dr L. Clark, Prof. R. A. Griffiths and Dr G. L. Harriss for their comments on an earlier draft. All MSS cited are in the P.R.O.

<sup>1</sup> The first half of this paper extends and updates an earlier discussion of the same themes: S. J. Payling, 'The Widening Franchise – Parliamentary Elections in Lancastrian Nottinghamshire', in *England in the Fifteenth Century*, ed. D. Williams (Woodbridge, 1987), pp. 167–85.

<sup>2</sup> I have excluded here one of the provisions of the first statute of Westminster of 1275: '*Pur ceo que elections doivent estre franchises, le rey defent sour sa greve foifeture que nul, haut home ne autre, par poer de armes ne par malice ne desturbe de fere franchise election*': *Statutes of the Realm* (11 vols., 1810–28), I, 28.

<sup>3</sup> M. A. Kislansky, *Parliamentary Selection. Social and Political Choice in Early Modern England* (Cambridge, 1986).

<sup>4</sup> K. B. McFarlane, 'Parliament and "Bastard Feudalism"', in *England in the Fifteenth Century. Collected Essays* (1981), pp. 1–21.

M.P.s they were the representatives of their counties rather than of their social superiors and, as such, their selection was the concern of a broad constituency.<sup>5</sup> This image of political life is mirrored in the electoral indentures instituted in 1406. They have much to tell us about the part played by lesser men, even down to the mere 40s. freeholder, in the elections of the fifteenth century.

What is known of parliamentary elections before 1406 can be quickly set down. It is a reasonable speculation that they took as their model the elections of coroners, which had been held in the counties since 1194. This, however, is an insight of limited value for the electoral process is as obscure in the case of coroners as it is that of shire knights. All that can be certainly said of the first parliamentary elections is that they, like those of coroners and verderers, were held in the county court.<sup>6</sup> Sheriffs occasionally noted this fact in their returns, stating that the election had been made 'in pleno comitatu per consensum totius comitatus'. Unfortunately this is the limit of the explicitness of the early returns, and the conduct and effective franchise of these early elections must thus remain matters for speculation. Nevertheless, the evidence is sufficient to suggest that, in the century before 1406, the electoral process underwent significant changes. There is some reason to suppose that, in the era immediately preceding the institution of regular parliamentary elections, the business of the county court was dominated by the great landholders, generally acting *in absentia* through their stewards. And it may be that this dominance continued at least into the early years of parliamentary history and that the choice of early M.P.s was the concern of a very restricted *élite*.<sup>7</sup> There are a few indications that this was indeed the case. The clearest dates from 1318 when Matthew Crawthorne complained that he had been chosen as one of the county knights for Devon, 'by the bishop of Exeter and William, Lord Martin, by the assent of the other good men of that county . . . and presented to the sheriff in full county court', but that the sheriff had returned another in his place, 'against the will of the said community'.<sup>8</sup>

The citation of the bishop and Martin, two of the greatest landholders in the county, may imply that their endorsement should and would have been sufficient to carry the election but for the sheriff's duplicity. This evidence assumes added significance when seen in the context of the anomalous and much-discussed post-1406 indentures for Yorkshire and Devon. Until 1437 the Yorkshire returns, generally but not invariably, took the form of an indenture drawn up between the sheriff and from seven to 12 attorneys representing the great landholders of the county, usually headed by the archbishop of York and the earls of Northumberland and Westmorland.<sup>9</sup> The Devon returns to the

<sup>5</sup> L. Clark, 'Magnates and their Affinities in the Parliaments of 1386-1421', in *The McFarlane Legacy. Studies in Late Medieval Politics and Society*, ed. R. H. Britnell and A. J. Pollard (Stroud, 1995), pp. 127-53; J. R. Maddicott, 'Parliament and the Constituencies, 1272-1377', in *The English Parliament in the Middle Ages*, ed. R. G. Davies and J. H. Denton (Manchester, 1981), pp. 61-87.

<sup>6</sup> The only instruction that early parliamentary writs of summons gave to the sheriffs was that the county members be elected there 'de assensu . . . comitatus'. There is no known account of the election of a coroner or verderer in the era before the statutory regulation of parliamentary elections: R. F. Hunnisett, *The Medieval Coroner* (Cambridge, 1961), pp. 152-3.

<sup>7</sup> The most recent historian of the county court expresses no doubts on this score: R. C. Palmer, *The County Courts of Medieval England, 1150-1350* (Princeton, 1982), pp. 88, 119-20, 129, 293-4.

<sup>8</sup> G. O. Sayles, *The Functions of the Medieval Parliament of England* (1988), p. 339. For other examples seemingly to the same effect: Payling, 'Widening Franchise', p. 171.

<sup>9</sup> *The Parliamentary Representation of the County of York*, ed. A. Gooder (Yorkshire Archeological Society Record Series, XCI, 1935), pp. 2-6. During minorities suit generally passed into the hands of widows, no fewer than four of whom were represented at the election of 1436.

elect. dei coroners del  
county courts 1194

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parliaments of 1407 and 1413 take a parallel form, with the sheriff indenting with the 'stewards' (in this context to be understood as representatives rather than stewards of lands) of the bishop of Exeter, the abbot of Tavistock, the earl of Devon, and other great landed interests.<sup>10</sup> These irregular returns, different in form from those from every other county and soon abandoned even in Yorkshire and Devon, are a matter of diplomatic form and not accurately descriptive of the electoral process,<sup>11</sup> but they do appear to hark back to a more formally constituted county court in which business was ordered by the representatives of a small body of greater suitors. By the early fifteenth century this time had passed. The representatives of baronial interests no doubt continued to play their part on election days, but theirs was not, as it may have been in the early years of parliamentary history, the dominant role.

In any event, if the effective franchise in early elections was restricted to the greater suitors, such a system is unlikely to have prevailed for long. There were powerful theoretical objections to it. The idea that the right to elect entailed responsibility for the conduct of the elected was well established in early fourteenth-century England. As a royal justice told the men of Kent in 1313, they elected a coroner 'at their peril' and 'as his elector and superior' were responsible for defaults if execution could not be made on the coroner's own property. Royal writs for the election of sheriffs in 1338 echoed the justice's words: the electors were warned that they should 'answer for those whom they elect . . . both to the king and the people' and this was sufficient to cause local communities to abandon their demands for elected sheriffs.<sup>12</sup> Indeed, this idea of responsibility was intrinsic to the representative nature of the Commons for the writs of summons (from 1295) insisted that they were to come to parliament with *plena potestas* to bind their constituents to what should be decided there.<sup>13</sup> This is why so much importance was attached to the holding of elections in open county court: even if the knights of the shire were effectively nominated by the greater county suitors, their choice must be registered 'in pleno comitatu', that is, openly and publicly.<sup>14</sup> Further, it is likely that the hardening of the division between Lords and Commons influenced local attitudes to elections. As the *Modus Tenendi Parliamentorum* of the early 1320s pointed out, 'each of the magnates comes for his own individual self to parliament and for no other person', but the knights, burgesses and lower clergy came as representatives of the community, a community on which the burden of taxation fell.<sup>15</sup> This division was enshrined in

<sup>10</sup> *The House of Commons, 1386-1421*, ed. J. S. Roskell, L. Clark and C. Rawcliffe (4 vols., Stroud, 1993), [hereafter *HP 1386-1421*], I, 340.

<sup>11</sup> Neither the Devon nor Yorkshire indentures show that the attorneys or stewards were the only participants in the election: the Devon return of 1413 names 20 other attestors who were representing themselves, while in the Yorkshire return of 1430, although only the attorneys indented with the sheriff, many others are said to have participated in the election. What these 'many others' might mean is graphically illustrated in the Yorkshire indenture of 1442 which names over 450 attestors: C219/15/2.

<sup>12</sup> *The Eyre of Kent 1313-14* (2 vols., Selden Society, XXIV, XXVII, 1909-12), I, 6, 24-5, 92; *The English Government at Work, 1327-36* (Cambridge, Mass., 3 vols., 1940-50), III, 152; *Calendar of Close Rolls, 1337-9*, p. 463.

<sup>13</sup> J. G. Edwards, 'The Plena Potestas of English Parliamentary Representatives', in *Historical Studies of the English Parliament*, ed. E. B. Fryde and E. Miller (2 vols., Cambridge, 1970), I, 136-49.

<sup>14</sup> This same concern for effective representation may inform the provision of the great statute of Westminster cited in n. 2. For the meaning of 'in pleno comitatu': Palmer, *County Courts*, pp. 16-17.

<sup>15</sup> *Parliamentary Texts of the Later Middle Ages*, ed. N. Pronay and J. Taylor (Oxford, 1979), pp. 39, 89-90.

1313: eles. d. in  
coroner & implic  
responsibil to.

1338: in mitto i  
juer d'e lo persone che  
ene now rep. dell' low  
eletti n'o vs. if re els  
u. i' fupole.

the exemption of parliamentary peers and their unfree tenants from contributing to parliamentary wages, and is itself testimony to the inappropriateness of an electoral system dominated by those represented elsewhere.<sup>16</sup>

These theoretical arguments were underpinned and informed by practical developments. In the early decades of the fourteenth century the Commons consolidated their right of consent to taxation and established their petitions as the basis of statute, and these important advances are likely to have had a major impact on the attitude of the localities towards representation and of individuals towards the desirability of a parliamentary seat.<sup>17</sup> In the absence of systematic biographical surveys of the Commons in this crucial period of change, the nature and chronology of this impact can only be very speculatively demonstrated. Even so, from the early years of parliamentary history there are several indications, individually arguable but cumulatively suggestive, that communities had some difficulty in finding suitably qualified representatives: the comparative infrequency of re-election; the return of men not present at their own election; the sheriffs' occasional need to distrain those elected to find sureties for their appearance in parliament; and the election of an M.P. to represent more than one county in the same assembly.<sup>18</sup> Under such circumstances it is hard to conceive of a great clamour to participate in local elections, and it would thus be mistaken to think of the probable baronial dominance of early elections as a case of nascent democracy stifled by overweening magnates. Indeed, it is a curious irony that the era in which the constitution of the county court allowed the great landholders their most direct influence over affairs there corresponded with that in which they had the least incentive to place their men in the Commons. Thomas, earl of Lancaster, for example, 'preferred to have his men on the streets rather than in the debating-chamber', and a study of M.P.s in the reign of Edward II has revealed 'no consistent attempt to secure the return of members favourable to the particular group or party that happened to dominate any given parliament'.<sup>19</sup> This again underlines the comparative insignificance of the Commons at this date: the titled nobility had no special reason to place their men there as a means of either influence or patronage. It may even be that their indifference passively encouraged a wider involvement in elections.

<sup>16</sup> H. M. Cam, 'The Community of the Shire and the Payment of its Representatives in Parliament', in *Liberties and Communities in Medieval England. Collected Studies in Local Administration and Topography* (Cambridge, 1944), pp. 241-2.

<sup>17</sup> There is some evidence that, in the early 14th century, the main concern of the county court was to return men prepared to serve cheaply: *HP 1386-1421*, I, 55n; Sayles, *Medieval Parliament*, p. 413. For the subject of parliamentary wages in general, see Cam, 'Community of the Shire', pp. 236-50. The standard rate of 4s. a day for the county representatives and of half that sum for those of the boroughs was established in 1327.

<sup>18</sup> N. Denholm-Young, *History and Heraldry* (Oxford, 1965), p. 152; N. B. Lewis, 'Re-Election to Parliament in the Reign of Richard II', *E.H.R.*, XLVIII (1933), 372; J. S. Illsley, 'Parliamentary Elections in the Reign of Edward I', *B.I.H.R.*, XLIX (1976), 25-8; *Parliamentary Writs and Writs of Military Service*, ed. F. Palgrave (2 vols. in 4, London, 1827-34), I, 23, 61; II (ii), 271.

<sup>19</sup> S. Walker, *The Lancastrian Affinity, 1361-1399* (Oxford, 1990), p. 237; J. R. Maddicott, *Thomas of Lancaster* (Oxford, 1970), pp. 51-3, 63-4; G. T. Lapsley, 'Knights of the Shire in the Parliaments of Edward II', *E.H.R.*, XXXIV (1919), 167.



This last supposition is certainly consistent with the evidence from the 1330s of a more positive perception of representation by local communities. In 1333 a Lincolnshire jury complained that, on two occasions, the under sheriff of the county had returned himself to parliament, 'by his own authority without the consent of the county', and a Cambridgeshire jury protested in a similar vein in 1338.<sup>20</sup> The latter county also provides evidence of a far wider participation in elections than earlier evidence implies. Regrettably this relates to a rare shrieval election rather than a parliamentary one, but there is no reason to suppose that the effective franchise varied between parliamentary and other local elections. At the county court held at Cambridge on 8 October 1338 a sheriff was elected and his name returned by the county coroners, who took the unprecedented step of appending the names of the leading electors, headed by the bishop of Ely, the wealthy widow, Elizabeth de Burgh, coheirress of the earldom of Gloucester, and two local barons. Of these four, only one was present in person, the other three being represented by their stewards. At first sight this seems strongly supportive of the idea that elections were dominated by the greater suitors, but a schedule attached to the certification of election reveals a rather different picture. It lists the names of some 60 individuals who refused to consent to the making of an election, presumably preferring a royal nominee. Although this list is headed by four of the greater suitors, headed by the abbot of Ramsey, it is largely comprised of men of below knightly rank and even includes the mayor of Cambridge. Further, it concludes with the words 'and many others'.<sup>21</sup> Clearly the election of a sheriff was well attended. The greater suitors acting *in absentia* may still have been the most important constituency but they were only a small proportion of those who were considered as having a say in the election.

This evidence suggests that, by the 1330s, elections were a valued local privilege in which even men of below knightly rank might participate. It is given added weight both by the disappearance of indicators of a reluctance to undertake parliamentary service and changes in the social composition of the parliamentary knights of the shire. As a body, they appear to have been of greater social distinction in the mid-fourteenth century than they had been 50 years before. This is not to say that leading shire gentry did not sit in the parliaments of the 1290s and the early decades of the following century, only that the return of men of relatively modest standing became less frequent as the century progressed.<sup>22</sup> By mid-century, a county seat in the Commons had become what it was to long remain, part of the regular *cursus honorum* of the wealthiest county gentry. This in turn suggests that such seats were subject to greater competition than they had previously been, a conclusion consistent with what appears to have been a wider involvement in the election process. More concrete evidence of increased competition for seats is found later in the century. In the fiercely contentious Good Parliament of 1376 the Commons for the first time presented a petition on the subject

<sup>20</sup> Sayles, *Medieval Parliament*, p. 413; M. M. Taylor, 'Parliamentary Elections in Cambridgeshire, 1332-8', *B.I.H.R.*, XVIII (1940-1), 26; Maddicott, 'Parliament and the Constituencies', pp. 73-4.

<sup>21</sup> C267/10/1. For a mistaken interpretation: Payling, 'Widening Franchise', p. 172.

<sup>22</sup> N. E. Saul, *Knights and Esquires. The Gloucestershire Gentry in the Fourteenth Century* (Oxford, 1981), pp. 120-6; Maddicott, 'Parliament and the Constituencies', pp. 75-6.

of parliamentary elections: they asked that the knights of the shire '*soient esluz par Commune election de les meillours Gentz*' of their counties and that statutory penalties be instituted against sheriffs who failed to hold due election.<sup>23</sup> It is no coincidence that this petition, expressive of a robust tradition of free election, is contemporary with the first appearance of complaints that parliament had been packed. Just as the growing importance of the Commons meant that local communities came to place a new and higher value on this freedom so it also gave external forces a greater interest in undermining it. There can be no doubt that it was this danger that the petitioners were anxious to protect against and that they perceived the chief threat as coming from the crown. It may be that this threat was more apparent than real: the crown probably lacked the resources for wholesale intervention in elections. Nevertheless, complaints about electoral interference were part of the common coin of political dispute over the following 30 years. In the deposition articles of 1399 Richard II was accused of frequently instructing sheriffs to return his own supporters as M.P.s and similar allegations were laid against Henry IV by the rebels of 1403 and 1405.<sup>24</sup> The extension of the crown's electoral patronage incident upon its union with the great estates of the duchy of Lancaster meant that the latter monarch was the greater potential threat.<sup>25</sup> This is the immediate context of the important Commons' petition of 1406. This complained of the undue election of the shire representatives through the partiality of sheriffs, and proposed a detailed and well-considered remedy designed to restrict the returning officer's freedom of action. They requested that, from henceforward, the election return should no longer be made in its customary form of a simple endorsement on the writ of summons of the names of those elected, but rather as an indenture drawn up between the sheriff and the electors, who were to append their seals.<sup>26</sup>

<sup>23</sup> *Rotuli Parliamentorum* (7 vols., 1832), II, 355. Was this a request for the restriction of the franchise or of the group qualified for election? Edwards, endorsed by Roskell, interprets the words of the royal answer, that knights of the shire should be chosen '*par commune assent de tout le Countee*', as a rejection of the petition's request for a restricted franchise: J. G. Edwards, 'The Emergence of Majority Rule in English Parliamentary Elections', *Transactions of the Royal Historical Society*, 5th ser., XIV (1964), 194-6; *HP 1386-1421*, I, 61-2. This is a mistaken interpretation. The petitioners asked not only that the shire knights be chosen by common election '*de les meillours Gentz des ditz Countees*' but that sheriffs be chosen '*en mesme le manere . . . et nemye faitz par brocage en la Courte du Roi*'. If Edwards is correct then the petitioners were asking that sheriffs be elected in the county court by the election of the better sort. And yet the local communities had not embraced the right to elect their sheriffs when given the opportunity in 1300 and 1338 and it had not been requested or offered since. This interpretative difficulty is removed if the ambiguous words are read as 'from the better sort', a demand consistent with the policy of the Commons both before and after 1376. This reading accords more closely with the political context of the petition: the Commons were seeking protection from electoral interference through qualifications for election rather than electing. What then are we to make of the royal reply? *Pace* Edwards, it should be read as an endorsement of the petition's request that the shire knights be chosen by '*commune Election*' rather than certified by sheriffs '*saunz due election*'. I am grateful to Dr G. L. Harriss for his help on this point.

<sup>24</sup> C. Given-Wilson, *The Royal Household and the King's Affinity* (New Haven, 1986), pp. 246-8, 251-3; *HP 1386-1421*, I, 59-61.

<sup>25</sup> For the considerable electoral influence of the duchy before 1399: Walker, *Lancastrian Affinity*, pp. 237-40; *HP 1386-1421*, I, 329-30, 472; G. L. Harriss, 'The Medieval Parliament', *ante*, XIII (1994), 221.

<sup>26</sup> One of the 31 articles enjoined by the Commons upon the royal council at the end of this parliament required that future parliamentary writs should require sheriffs to make proclamation in all market towns of the day and place of elections 15 days in advance of the election: *Rot. Parl.*, III, 588.

1376: l'elepne  
 commu'e ad esse  
 coventio cum n' velis  
 do d'pedes.

1406



While, however, complaints about electoral interference from the crown were the immediate context of this statute, it needs also to be seen against a wider canvas. Not only does it reflect the ever-increasing importance of the Commons, it also provides a firm indication of what is only implied in earlier evidence, namely a growing competition for seats.<sup>27</sup> This competition put the election process under stress from within and added to the pressures on the sheriff as returning officer: if his actions were becoming increasingly arbitrary (and the statute suggests that they were) it was because his position was becoming increasingly difficult.<sup>28</sup> The statute sought to restrict his freedom of action. In so doing it recognized that he was open to external pressures and, in complaining of sheriffs who had made undue elections, made an oblique reference, in a politically acceptable form, to crown and perhaps also baronial interference in elections through sheriffs.<sup>29</sup> But it also acknowledged that sheriffs were open to pressures generated within local gentry communities. This is not to say that they were incapable of acting out of blatant self-interest or as agents of the crown or baronage, only that this may not have been the main difficulty. Kislansky has remarked that instances of shrieval misconduct in seventeenth-century elections often arose out of 'irresolvable conflicts' which the unfortunate sheriff was 'left to adjudicate . . . to the best of his ability', and, while such cases were no doubt more common than earlier, there is no reason to suppose that they were a new phenomenon.<sup>30</sup> Clearly as county seats became more strongly contested, it became the more necessary to establish a statutory mechanism both to limit the sheriffs' ability to make a false return under pressure from a party defeated in a contest and to deter such parties from attempting to exert such pressure. Thus, although the statute was ostensibly aimed at shrieval misdemeanours, the indentures it instituted offered the sheriff some protection: in joining him with the attestors in the certification of the election result to chancery, it not only limited his freedom of action but also that of any defeated candidate who might seek to intimidate or suborn him.

This statute is undoubtedly a vital turning-point in electoral history, but it is important to note that it merely changed the way in which the results of elections were communicated to chancery; it said nothing at all about the election process itself. From this it follows that the early indentures must tell us something about elections held before the statute: they must name among the attestors men of the same type as had participated in the immediate pre-statute elections. In this context the Oxfordshire indenture of 1410 is of particular interest. While in the 20 years immediately following

*Footnote 26 continued* No such injunction was incorporated into subsequent writs, but such an informal procedure must have applied. The Cumberland returns to the two parliaments of 1449 note that proclamation was made by the sheriff 'in omnibus villis et locis eiusdem comitatus consuetis' to summon all knights and free tenants to be at the county court to make the election: C219/15/6, 7.

<sup>27</sup> Significantly the elections of coroners and verderers were not subject to the same statutory regulation, presumably because these sometimes burdensome offices were not subject to the same competition.

<sup>28</sup> The return of the first belted knight as a borough M.P. – Sir Henry Ilcombe at Lostwithiel in 1402 – is indicative of the competition for county seats: *HP 1386–1421*, I, 166.

<sup>29</sup> The sensitivity of the Commons on this issue is also made explicit in a petition of 1413. This asked that elections should not be influenced 'par voice, ne l'assent, ne maundement, de ceuz qui sont absents': *Rot. Parl.*, IV, 8; *Statutes of the Realm*, II, 170.

<sup>30</sup> Kislansky, *Parliamentary Selection*, p. 58.

the statute it is rare for the indenture to name more than 30 attestors, this one names in the region of 200.<sup>31</sup> Although only an isolated instance, other evidence shows that the shorter indentures do not provide exhaustive lists of those present and there can be no doubt that elections in the immediate aftermath of the statute could be occasions for a participation extending well beyond the ranks of the gentry. Thus, by extension, this was probably also the case in the years immediately preceding the statute. More important, however, is the evidence that such general participation became increasingly common in the interval between this statute and the next important electoral statute, that of 1430. After 1410 no surviving indenture names more than 100 attestors until the Wiltshire indenture of 1422, but thereafter the intervals become far shorter: the Gloucestershire and Lincolnshire returns of 1427 both name in excess of 100 attestors and the combined evidence of an indenture and a judicial inquiry shows that more than 200 electors participated in the Buckinghamshire election of 1429. In itself this may not be statistically significant, but its importance is made explicit by the 1430 statute. If the Commons' petition on which the statute is based is to be taken literally, the election process was now being threatened not by the corruption of sheriffs but by the excessive number of people who attended the county court at election time, many of whom, the Commons complained, were poor and without property ('*de null valu'*) and yet claimed an equal voice in the election with the leading shire gentry.<sup>32</sup> As a remedy they asked that the electorate should be restricted to those with an annual income of at least 40s. from freehold land who were resident in the county in which they cast their vote. Equally importantly, they also asked that, in the event of a contest, those with the support of the greater number of electors should be returned. This is clearly connected with the problem of excessive attendance: a great number at a contested election was a particular problem in the absence of a method sanctioned by statute of determining the victors and the more likely to produce the 'Homicides, Riotes, Batteries et divisions' the petitioners claimed to fear.<sup>33</sup> That the problem of excessive electoral attendance should have produced such a sophisticated solution is profoundly revealing of the dynamics of late-medieval elections. Strikingly the petitioners rejected the most obvious solution to the problem, namely the restriction of the county electorate to that comparatively small group of wealthy gentry from whom the parliamentary knights of the shire were predominantly drawn. The franchise they proposed was a comparatively broad one, extending well below the ranks of even the most poorly-endowed gentry.<sup>34</sup> This in turn implies that even yeomen and the wealthier husbandmen were considered to have an undeniable interest in the electoral process. They too bore the burden of parliamentary taxation and contributed to parliamentary wages, and they could not be

<sup>31</sup> C219/10/5.

<sup>32</sup> *Rot. Parl.*, IV, 350; *Statutes of the Realm*, II, 243–4. For evidence that electoral county courts were far better attended than the court's routine meetings: E. Powell, *Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989), p. 75; KB27/629, rex rot. 9d.

<sup>33</sup> It is not improbable that the majority rule had been in operation before 1430 and that the statute merely refined existing practice: Edwards, 'Majority Rule', pp. 178, 191.

<sup>34</sup> A. L. Brown, *The Governance of Late Medieval England* (1989), pp. 191–2. The same franchise may also have applied in coroners' elections, although statute is silent on the matter. Records are scarce, but, in 1477, over 50 men, headed by a knight but also including yeomen and even a weaver, participated in the election of a coroner in Cumberland: C242/13/27 (formerly C202/1204/4).



deprived of that interest without undermining the representative link between parliament and the counties. Such an outcome was undesirable from the perspective of both crown and Commons, and thus the solution to the problem of disturbed local elections lay in combining a franchise sufficiently broad to preserve the representative nature of the Commons with a mechanism by which contested elections could be resolved. Moreover, the nature of the solution strongly implies that the preamble to the petition was more than a mere pretext: in other words, that there was a general clamour for a part in elections which could only be contained within reasonable limits by the imposition of a limited franchise.

The inclusivity of the franchise can be measured. It is possible to arrive at sensible estimates of the number of the enfranchised, county by county, from the returns to the subsidy of 1451. All those with an annual income of 40s. from land, rent or fees were liable for taxation and, despite considerable underassessment and evasion, the surviving accounts can at least provide minimum estimates of the size of the electorate, estimates which can be improved by comparing the surviving lists of individual assesses with contemporary election indentures. Such a comparison produces an estimate of about 625 for the electorate in Nottinghamshire, the best documented of counties for this purpose.<sup>35</sup> If a county of only average wealth could be home to so many 40s. freeholders, the wealthiest counties of England probably had potential electorates in excess of 1000.<sup>36</sup> Such estimates are clearly open to challenge, but the general point is clear: the mid-fifteenth century electorate was sufficiently wide to place it, in theory at least, beyond the reach of easy control by the leaders of county society.<sup>37</sup>

However, to enumerate the electorate is one thing; to judge how it acted on election day, a far more difficult one. The statute of 1430 demonstrates that some elections at least were well attended, and the electoral indentures suggest that they continued to be so (perhaps even increasingly so) after the statute had defined the franchise. There is also evidence to show that attendance was not restricted to the enfranchised. A complaint against the behaviour of a defeated candidate at the Huntingdonshire election of 1450 claims that, in addition to the 124 enfranchised freeholders who voted for the two successful candidates, the election was attended by 300 'goode comuners' of the shire together with 70 freeholders, a large proportion of whom came from outside the county, who supported the defeated candidate.<sup>38</sup> Similarly suggestive is the cancellation of the initial writs of summons to the parliament of 1463, on the grounds that many county elections had 'proceeded right inordinately' and the firm injunction of the new writs that only 40s. freeholders were to participate in the new elections.<sup>39</sup> But why did

<sup>35</sup> Payling, 'The Widening Franchise', pp. 177–8.

<sup>36</sup> See Appendix below.

<sup>37</sup> Brown's estimate of a total electorate of between 10,000 and 15,000 is probably slightly conservative: Brown, *Governance*, p. 191.

<sup>38</sup> J. G. Edwards, 'The Huntingdonshire Parliamentary Election of 1450', in *Essays in Mediaeval History Presented to Bertie Wilkinson*, ed. T. A. Sandquist and M. R. Powicke (Toronto, 1969), pp. 393–5.

<sup>39</sup> *Reports from the Lords' Committee Touching the Dignity of a Peer* (5 vols., 1820–29), IV, 964. It may, however, be that this was merely an excuse for setting aside elections that did not meet with the new king's approval. Suspicion is aroused by the letters he is known to have written more than a month earlier to 'euery jentylman . . . of any repetacion' of Norfolk and Suffolk, urging them to attend 'hys welle be-louyd broder', the duke of Suffolk, on election day: *Paston Letters and Papers of the Fifteenth Century*, ed. N. Davis (2 vols., Oxford, 1971–6), I, 284.

625 electors  
+ 20 nobles

such lesser men trouble to attend? Is the attendance of the disenfranchised an indication that an interest in local political and parliamentary affairs extended even beyond the 40s freeholder? Or did they come at the behest of greater men, whether a candidate or a powerful baron, anxious to turn an election illegitimately by force of numbers? Certainly it can be argued (as it has been of the seventeenth century) that the mere 40s freeholder himself had little or no independent voice in the election process, that his participation was predominantly 'orchestrated from above'.<sup>40</sup> Such a view is consistent with what we know of the strict hierarchical structure of late-medieval society. Moreover, the legal records suggest that elections could be subverted by greater men indulging in the intimidation of numbers when a contest was in the offing. For example, on the day before the Derbyshire election of 1433, Henry, Lord Grey of Codnor, brought 200 men to Derby but was outpaced by the arrival on election day of 300 acting in support of his rivals, Sir Richard Vernon and Sir John Cockayne, who were duly returned. Similarly, the electioneering of Sir James Ormond (later earl of Wiltshire) and his allies in the three weeks before the Cambridgeshire election of 1439 was said by their opponent, John, Lord Tiptoft, to have brought 2000 to the county court. Another example is provided by the Suffolk election of 1453, when the dispute between the Mowbray duke of Norfolk and the Court party in the county allegedly resulted in 600 of Norfolk's armed followers forcing the sheriff illegally to return two of their own.<sup>41</sup> Clearly these followers did not come to the county court to cast an independent vote. None the less, such complaints are comparatively rare and in two of these three cases our knowledge of the disturbances depends on the *ex parte* statements of disgruntled parties. Significantly, on the one occasion such a statement can be compared with independent evidence, the statement is shown to be fabricated. In 1461 the sheriff of Norfolk, Sir John Howard, complained that his under sheriff had been prevented from holding the election by the threats of one of the candidates at the head of a large body of armed men and had only narrowly escaped without injury. Yet only three days after the supposed aborted election the under sheriff wrote in calm tones to another of the candidates, John Paston, telling him of his intention 'to retome the dieu eleccion, that is affir the sufficiente'. Obviously the dramatic events described by Howard never took place but were a fabrication to serve his own ends.<sup>42</sup> Other similar complaints may have been the product of subterfuge rather than fabrication. Again the evidence is from the letters of the Pastons. In 1470, as preparations were made for a contested election in Norfolk, Sir John Paston warned his brother that their rival 'wyll off craffte sende amonge yow . . . vj or more wyth hameyse fore to sclandre yowre felawschep wyth seying that they be ryotous peple and nott of substance'.<sup>43</sup> In any case, whatever the evidential value of allegations of electoral malpractice, they lead to the conclusion not that elections were regularly carried by the intimidation of numbers but that resort to such tactics (at least

<sup>40</sup> Kislansky, *Parliamentary Selection*, p. 138. Inflation had, however, made the 40s freeholder of the 17th century a lesser man than his 15th-century counterpart.

<sup>41</sup> S. M. Wright, *The Derbyshire Gentry in the Fifteenth Century* (Derbyshire Record Society, VIII, Chesterfield, 1983), p. 114; R. Virgoe, 'The Cambridgeshire Election of 1439', *B.I.H.R.*, XLVI (1973), 100-1; *idem*, 'Three Suffolk Parliamentary Elections of the Mid-Fifteenth Century', *ibid.*, XXXIX (1966), 188-91, 194-6.

<sup>42</sup> McFarlane, 'Parliament and "Bastard Feudalism"', pp. 7-9; *Paston Letters*, I, 238.

<sup>43</sup> *Paston Letters*, I, 432.



when they have left any trace in the historical record) often prevented any election from being held.

In short, it seems that the politics of intimidation, even in the fifteenth century, were insufficiently subtle to carry an election. A vehicle for the communal aspirations of a constituency far wider than that of the leading local gentry, the electoral process was too complex to be so simply subverted. As McFarlane long ago remarked, "management" was already a necessary art for those who wished to influence elections.<sup>44</sup> Further, while the view that the 40s. freeholder was a mere cipher in the electoral process is consistent with the comparative infrequency of contested elections and the hierarchical nature of fifteenth-century society, it is not supported by recent work on the political education of those below gentle rank. This has stressed their political literacy: it was they who were the principal audience for the constant stream of royal political, legislative and administrative proclamations made in county courts and market towns.<sup>45</sup> In this and other ways, as Harriss has put it, 'the reverberations of political debate extend[ed] beyond political society to the yeomen and artisans'.<sup>46</sup> Nor should we measure the influence of the electorate by reference to contested elections alone: even those that went uncontested at the county court were decided in the context of the 40s. franchise. In one way, of course, this was a denial of its function: the desire of the county leaders to avoid the potential disturbances and inconveniences of a contest often led them to compromise the election among themselves. In another, however, it was an affirmation: a candidate might withdraw in recognition of the superior electoral influence or management of a rival.<sup>47</sup> In any event, to show that candidates and other interested parties occasionally subverted elections is not to show that lesser men played no part in elections on their own account. The difficulty is finding unequivocal evidence of their role. The Kentish rebels of 1450 were in no doubt they had one: they complained that 'the peple may not have here fre eleccion in chesyng knyghtys of the Shyre but lettres be sent from diverse astates to the gret reulers there the whyche embrase here tenantes and other peple to chese other personys than hem lykyth'.<sup>48</sup> Unfortunately, this is a uniquely explicit statement, although there are some tantalising glimpses to show that the mere freeholder was well aware of the value of his vote to his social superiors. The evidence of the Pastons' correspondence implies that electors were routinely paid for their attendancé. By 1461 the practice was sufficiently established for John Paston to consider it worth remarking (in a letter to his wife) that he would not bear the cost of his supporters at the county court at which his earlier election was seemingly to be confirmed, and in 1472 the aborted candidature of his son, Sir John Paston, cost the family a payment of nearly 10s. to those who had come to support its head. In

<sup>44</sup> McFarlane, 'Parliament and "Bastard Feudalism"', p. 11.

<sup>45</sup> J. R. Maddicott, 'The County Community and the Making of Public Opinion in Fourteenth-Century England', *Transactions of the Royal Historical Society*, 5th ser., XXVIII (1978), 34-6; J. A. Doig, 'Political Propaganda and Royal Proclamations in Late Medieval England', *Historical Research*, LXXI (1998), 253-80.

<sup>46</sup> G. L. Harriss, 'The Dimensions of Politics', in *The McFarlane Legacy*, p. 14. Similarly, Harvey concluded that, in the 15th century, lesser men 'began to act as if they thought they mattered in politics, as if they were part of the political commonwealth': I. M. W. Harvey, 'Was there Popular Politics in Fifteenth-Century England?', in *ibid.*, p. 156.

<sup>47</sup> For a similar point for a later period: Kislansky, *Parliamentary Selection*, p. 138.

<sup>48</sup> I. M. W. Harvey, *Jack Cade's Rebellion of 1450* (Oxford, 1991), p. 187.

1435 two of John, Lord Talbot's men, William Burley and Richard Legett, preferred a different method of influencing an election: they distributed gifts of fish among the Shropshire electors.<sup>49</sup> If this does not show that there was an electorate to be persuaded, it does at least suggest that there was one to be bribed. Such references are, however, regrettably scarce. For the most part evidence of the interest of lesser men in the electoral process is indirect and inferential. It has to be teased from the lists of attestors to which the statute of 1406 gave rise.

There can be no doubt that those named as attestors generally represent only a proportion of those present at the election. The general assumption is that sheriffs contented themselves with naming the most important attenders, and the form of the vast majority of returns strongly supports this view.<sup>50</sup> In this selective approach sheriffs were disregarding the injunction in the 1406 statute that all those present should seal the indenture, but this is no doubt to be explained by the practical difficulty of obtaining and appending a large number of seals to a relatively small document.<sup>51</sup> Attestors are almost invariably named in order of rank with the belted knights (if any were present) named first followed by the esquires and men of lesser rank.<sup>52</sup> It was a common form for the sheriff to record only some tens of names and adding some such formula as 'and many others'. Very occasionally, he took the trouble to be more specific. The Herefordshire return of 1432 names about 170 electors, adding and '*alios homines sufficientes . . . usque ad numerum ducentarum personarum*'.<sup>53</sup> The Surrey return for the parliament of 1437 shows a similar concern for accuracy: it details an election made by eight named attestors and others to the number of 50 and more.<sup>54</sup> These and other similar examples suggest a rough general relationship between the number of electors named and the number present (although the Huntingdonshire indenture of 1450 shows that it was not an invariable one).

There are, however, a small number of returns dating from between the electoral statutes of 1406 and 1430 which depart from this common form. They imply not that the named attestors were the more important of those present at the county court but

<sup>49</sup> *Paston Letters*, I, 96–7, 578; A. J. Pollard, 'The Family of Talbot, Lords Talbot and Earls of Shrewsbury, in the Fifteenth Century', University of Bristol Ph.D., 1968, p. 242.

<sup>50</sup> J. S. Roskell, *The Commons in the Parliament of 1422: English Society and Parliamentary Representation under the Lancastrians* (Manchester, 1954), p. 9; R. Virgoe, 'Aspects of the County Community in the Fifteenth Century', in *Profit, Piety and the Professions in Later Medieval England*, ed. M. A. Hicks (Gloucester, 1990), p. 8.

<sup>51</sup> There was another potential difficulty. Although every indenture purports to have been sealed in the county court on the day of election, independent evidence shows that this was not always the case: Edwards, 'Election of 1450', pp. 390–3. Interesting here are the Derbyshire and Herefordshire indentures of 1431 and 1453. In the first the words '*Hec indentura*', the date of the election and the names of the M.P.s have been added in spaces originally left blank, raising the possibility that the 13 attestors sealed the indenture before the addition of these vital details: C219/14/2. The second, on the other hand, was originally drawn up leaving a blank for the later insertion of the 20 attestors' names needed to fill it: C219/16/2.

<sup>52</sup> It is probably safe to assume that, in the absence of a contest, all the leading gentry present at an election would be named in the indenture. It is possible, however, that in contests the supporters of a defeated candidate might refuse to seal. Mr S. Healy informs me that there is some evidence to this effect for the early-17th century.

<sup>53</sup> C219/14/3.

<sup>54</sup> C219/15/1 (the Sussex return, made by the same sheriff, employs the same words). The Somerset return of 1435 says that the 48 attestors made the election 'with the assent of a greater number of the said county': C219/14/5.

belted knights



that they were a body deputed to act for the whole county in the making of an election. The Devon return for the parliament of 1411 names 13 attestors 'constitutos' to make the election 'ex assensu totius comitatus', and this form is found in other returns for the county and Cornwall, with which it shared a sheriff, in the second decade of the fifteenth century.<sup>55</sup> Similarly, the returns for Northumberland for most of the parliaments which met between 1417 and 1426 imply that the small body of named attestors had been nominated by the county court to make the election.<sup>56</sup> The Kent return to the parliament of 1420 employs different words to the same effect: the 12 attestors made the election 'habentes posse eiusdem comitatus'.<sup>57</sup> It may be that these variations from the norm do not reflect divergent electoral practice, but were rather an answer to the practical difficulty posed by the statutory demand that all the electors seal the return. Nevertheless, it is noteworthy that, after the Northumberland indenture of 1426, there are no further examples in any county of this 'nomination' form of return.<sup>58</sup> It may, therefore, be that these returns represent a solution to another difficulty: the want, in the period before 1430, of any method sanctioned by statute of resolving a contest. Clearly a difference of opinion was easier to resolve among a small body of deputed electors than the wider body assembled in the county court. Even, however, if this speculative suggestion is correct, this solution (on the evidence of the surviving indentures) found favour in only a few counties and was, in any case, seemingly abandoned after the introduction of the majority rule in 1430.

Far more significant than these variations from the norm is a general trend: the rise in the average number of attestors named between the statute of 1406 and the virtual failure of the returns in 1478. Consider, for example, those indentures which list 100 or more attestors. As mentioned earlier, there is a small clutch of these dating from immediately before the statute of 1430. Even so, as can be seen from Table 1 overleaf, only five of the 548 surviving indentures dating between the two principal electoral statutes fall into this category. Compare this with the period from after the second statute until 1478: of 557 surviving indentures, as many as 28 list 100 or more attestors with a tendency for these long indentures to become more frequent as the period progressed.

Similar figures are produced by comparing the number of indentures naming between 50 and 99 attestors: 17 before the statute of 1430, 44 thereafter.<sup>59</sup> This is not to say that increases occurred in every county – for example, no indenture for either Warwickshire or Worcestershire names more than 30 attestors<sup>60</sup> – but the general pattern is very clear. It seems fair to conclude that, in the majority of counties, either the

<sup>55</sup> C219/10/6; C. J. Tyldesley, 'The Crown and the Local Communities in Devon and Cornwall from 1377 to 1422', University of Exeter Ph.D., 1978, pp. 49–51.

<sup>56</sup> Roskell, *Commons in the Parliament of 1422*, p. 10; C219/12/2, 6, 13/1, 3, 4.

<sup>57</sup> C219/12/4.

<sup>58</sup> The Shropshire return to the parliament of February 1449 is an interesting variant. Nineteen attestors are said to have sealed the indenture with the sheriff 'nomine' of the whole county: C219/15/6.

<sup>59</sup> These figures are abstracted from a table drawn up by the late Dr Virgoe and circulated by him at a paper he gave at the Institute of Historical Research on 18 May 1993. He had earlier published the preliminary findings of his work on the indentures: 'County Community', pp. 8–11.

<sup>60</sup> The explanation probably lies in the restraint placed on electoral competition in these two counties by the dominance of the earls of Warwick: Clark, 'Magnates and their Affinities', pp. 129, 132; C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401–1499* (Cambridge, 1992), pp. 341–4.

Table 1. *Indentures naming 100 or more attestors*

Bedfordshire	1453
Buckinghamshire	1429, <sup>61</sup> 1432, 1447
Cornwall	1442, 1467
Cumberland	1453
Essex	1433, 1459
Gloucestershire	1427, 1433, 1472
Herefordshire	1432
Hertfordshire	1437
Kent	1472
Lincolnshire	1427
Norfolk	1435, 1467, 1472, 1478, 1483
Nottinghamshire	Nov. 1449, 1460, 1467
Oxfordshire	1410
Suffolk	Nov. 1449, 1455, 1472
Wiltshire	1422
Yorkshire	1442, Nov. 1449, <sup>62</sup> 1467, 1478

sheriffs were coming to name a greater proportion of those present or, more probably, the enfranchised were becoming increasingly keen to attend elections.<sup>63</sup>

This increased attendance is of particular significance in relation to contested elections. There are three grounds for believing that those indentures which list an abnormally large number of attestors are the product of contests. First, when allowance is made for the frailties of the evidence, there is a significant correlation between known contests and long indentures. Independent evidence shows that five of those returns naming 100 or more attestors – those for Norfolk in 1483, for Suffolk in 1455 and 1472 and for Nottinghamshire in 1460 and 1467 – witnessed elections where there were either three or four candidates, and commissions of inquiry issued to the assize justices after the 1429 Buckinghamshire election and the 1442 Yorkshire election imply that they too were contests.<sup>64</sup> Second, there are *prima facie* grounds for supposing that the contentiousness of an election would be reflected in the number of attestors named.<sup>65</sup> By departing from the common practice of naming only the more prominent

<sup>61</sup> The return names only 83 attestors but an inquiry before the justices of assize shows that the original indenture, suppressed by the sheriff, had named 126: C219/14/1; *HP 1386-1421*, I, 277. Very few names are common to both indentures and it is thus possible the indentures were drawn from the sort of poll lists which underpin the Nottinghamshire return of 1460: Payling, 'The Widening Franchise', pp. 178-9. If so, the sheriff was guilty of returning those defeated at the poll.

<sup>62</sup> This indenture names 15 knights, 40 esquires (not 34 as in *County of York*, ed. Gooder, p. 238) and 45 others: C219/15/7. Only the Lancashire indentures for the parliaments of 1413 and Nov. 1414 name more knights.

<sup>63</sup> The problems of increasing attendance may partly explain the curious injunction in the statute of 1445 that elections should be held between 8 and 11 a.m.: *Rot. Parl.*, V, 116; *Statutes of the Realm*, II, 341. In larger counties this would have prevented the attendance of those who lived far from the election venue unless they were prepared to stay overnight.

<sup>64</sup> Virgøe, 'Election Dispute', pp. 24-44; *idem*, 'Suffolk Parliamentary Elections', pp. 191-3; Payling, 'Widening Franchise', pp. 175, 178-85; *Calendar of Patent Rolls, 1441-6*, p. 108.

<sup>65</sup> This is not to say that indentures which name only a few attestors witnessed uncontested elections. The Huntingdonshire election of 1450 was contested but attested by only five electors: Edwards, 'Election of 1450', p. 392. A similar example is provided by the Kent election of 1455: E13/146, rot. 11; C219/16/3.

men present and troubling to return a more extensive list (even perhaps complying with the injunction in the 1406 statute that all those present be named), the sheriff aimed to give himself additional security should one of the disappointed candidates choose to challenge his conduct of the election.<sup>66</sup> Third, it is a reasonable speculation that the efforts of hopeful candidates in advance of a contest would bring a larger number of electors to the county court than would be the case in uncontentious circumstances.<sup>67</sup> It is thus probably fair to conclude that the increasing frequency of long indentures indicates that contested county seats (at least in the form of contests that went as far as the election day) became more common as the century progressed. Perhaps the statute of 1430 encouraged this trend. By providing a legally-defined mechanism by which contests could be resolved, it may have encouraged both individual candidates to test their electoral strength and a more general acceptance of contests on the grounds that this mechanism made them less likely to result in violent disturbance.

An analysis of the indentures in terms of numbers thus provides some significant insights; another fruitful approach is to examine the longer indentures by the place of residence of the attestors. The returns themselves hardly encourage such analysis for very rarely do they provide the necessary information. In general, only those attestors who share a common name are distinguished by details of residence. Only through a laborious search of disparate sources, such as subsidy tax returns and lists of jurors, can one extract the necessary information. The potential of such an approach is, however, clear from two of those very few indentures in which the sheriff has appended places of residence to all or most of the electors' names. The first example is the Warwickshire election to the parliament of 1447, which saw the court's attack on Humphrey, duke of Gloucester. Of the 16 attestors, nearly all were minor figures from Solihull and its environs, and their presence is easily explained in the context of the election's result. In July 1444 the royal manor of Solihull had been briefly committed to the king's esquire, Edmund Mountfort, and then, two months later, to the more substantial courtier, Sir James Fiennes. Since the former was elected and the latter played a leading part in the attack on the duke of Gloucester, it is easy to see why the county court should have been dominated by Solihull's tenants.<sup>68</sup> The Derbyshire election of 1459, held as the court prepared to take revenge on its Yorkist opponents, is an even more striking example. All 30 attestors, none of whom was drawn from a leading county family, came from the north of the county. Since John Talbot, earl of Shrewsbury, one of the leading courtiers, was a substantial landholder in north Derbyshire, it is not surprising to find that both of those returned, Robert Eyre the younger and Robert Barley, resided there and numbered among his retinue.<sup>69</sup> Similar analysis has been applied to less helpfully revealing indentures. Drawing largely on returns to the benevolence of 1481, Virgoe identified the residences of the majority of the 275 attestors to the contested Norfolk election of December 1482. He showed that a disproportionate number of them came

<sup>66</sup> R. Virgoe, 'An Election Dispute of 1483', *B.I.H.R.*, LX (1987), 27.

<sup>67</sup> For evidence of canvassing: Virgoe, 'Cambridgeshire Election', p. 100; C. H. Williams, 'A Norfolk Parliamentary Election, 1461', *E.H.R.*, XL (1925), 82.

<sup>68</sup> C219/15/4; *Calendar of Patent Rolls, 1441-6*, pp. 244, 296; Carpenter, *Locality and Polity*, pp. 343-4.

<sup>69</sup> Wright, *Derbyshire Gentry*, p. 115.



from the central hundreds of the county, in which all four of the candidates resided, and suggested that the large number of attestors from the hundred of Mitford implies that its lord, John Morton, bishop of Ely, was particularly concerned to influence the result. The long Nottinghamshire indentures of October 1449 and 1460 are even more useful for they show that the elections – the first apparently contested, the second certainly so – were carried by the large number of freeholders from the north of the county who came in support of John Stanhope of Rampton, who was elected on both occasions.<sup>70</sup>

The neighbouring county of Lincolnshire is particularly suitable for a more sustained analysis, not least because Alan Rogers has published brief biographical details of all those who attested returns there between 1407 and 1478.<sup>71</sup> Furthermore, the ancient division of the county into the three parts of Lindsey, Kesteven and Holland, each of which retained an element of administrative independence within the county as a whole, provides a ready framework for such a geographical analysis.<sup>72</sup> Of these divisions, Lindsey was by far the largest. This superiority is reflected in the subsidy returns of 1435–6: they record 186 lay landholders with clear incomes of £5 or more as resident there, as against 123 in Holland and a mere 56 in Kesteven.<sup>73</sup> It is thus not surprising that Lindsey should have dominated the county's parliamentary representation. During the Lancastrian period Lindsey men filled nearly two-thirds of the county's seats and provided 23 of its 40 M.P.s. More interesting, however, for the purposes of this analysis is the predominance of Lindsey men among the much larger constituency of electors. This is very clearly shown in Table 2 opposite.

Three elections stand out as being worthy of particular notice. First is that of October 1427: two Lindsey men, Walter Tailboys of Goltho, the head of one of the greatest gentry families in the county, and a lesser esquire, Patrick Skipwith of Utterby, were returned by an indenture witnessed by as many as 119 attestors. Strikingly, of these as many as 106 were from the parts of Lindsey. This is an extreme example, but at every other election at which two Lindsey men were returned (that is, 1416, 1423, 1425,

<sup>70</sup> Virgoe, 'An Election Dispute of 1483', pp. 29–31, 39; S. J. Payling, *Political Society in Lancastrian England. The Greater Gentry of Nottinghamshire* (Oxford, 1991), pp. 161–5. See also the Warwickshire indenture of 1427: Carpenter, *Locality and Polity*, p. 386.

<sup>71</sup> A. Rogers, 'Parliamentary Electors in Lincolnshire in the Fifteenth Century', *Lincolnshire History and Archaeology*, III (1968), 41–79; IV (1969), 33–55; V (1970), 47–58; VI (1971), 67–81.

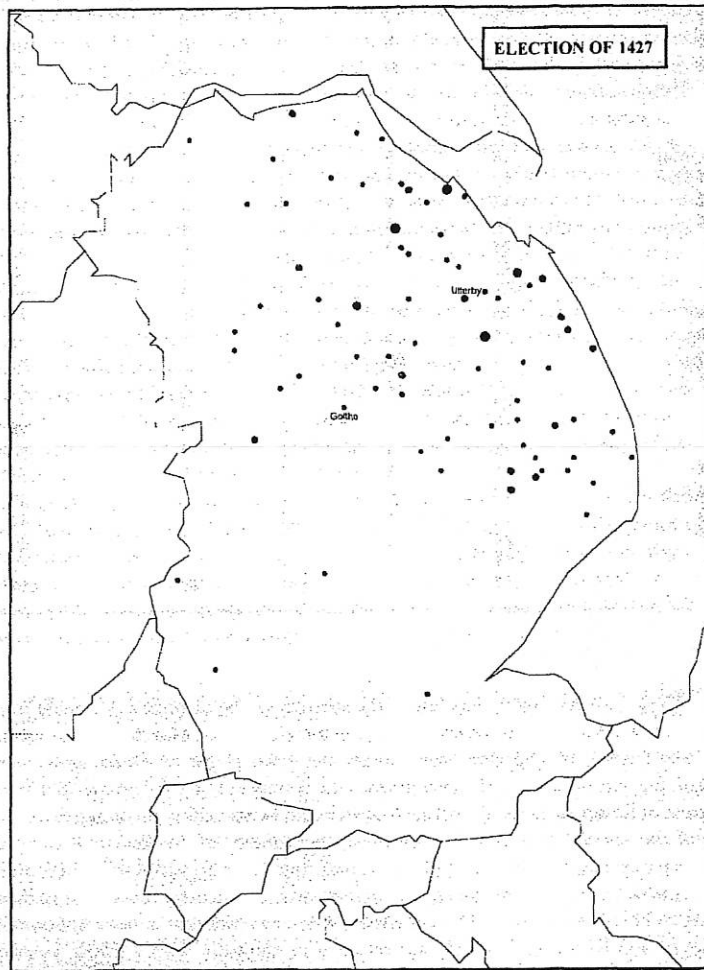
<sup>72</sup> For the distinctiveness of the three parts: J. S. Roskell, 'The Parliamentary Representation of Lincolnshire during the Reigns of Richard II, Henry IV and Henry V', *Nottingham Medieval Studies*, III (1959), 58–9; G. Platts, *Land and People in Medieval Lincolnshire* (Lincoln, 1985), p. 1; C. Holmes, *Seventeenth-Century Lincolnshire* (Lincoln, 1980), p. 84.

<sup>73</sup> E179/136/198. Unfortunately individual assessments for the more comprehensive subsidy of 1450–1 survive only for Kesteven, but the totals for each division tell the same story. The total wealth of the taxpayers resident in Lindsey was £3580, compared with £2224 for those resident in Holland and £1134 for those resident in Kesteven: E179/238/78. The particulars for Kesteven name 150 lay male landholders with annual incomes of 40s. or more: E179/276/44. If the distribution of incomes was similar in the other parts of the county then, judging from these figures, there were over 900 such landholders in the county: see Appendix. The proportion of taxable wealth rated at the higher rate of 1s. (i.e. incomes over £20 but less than £200) rather than 6d. in the pound (i.e. incomes of £20 or under) was far higher in Lindsey and Holland (where one assessee, Robert, Lord Willoughby of Eresby, was taxed at 2s. in the pound) than in Kesteven, and it may therefore be that this number should be revised downwards. None the less, given the underassessment and underenumeration which characterized this tax, there can be little doubt that the total of potential electors was in excess of 1000.

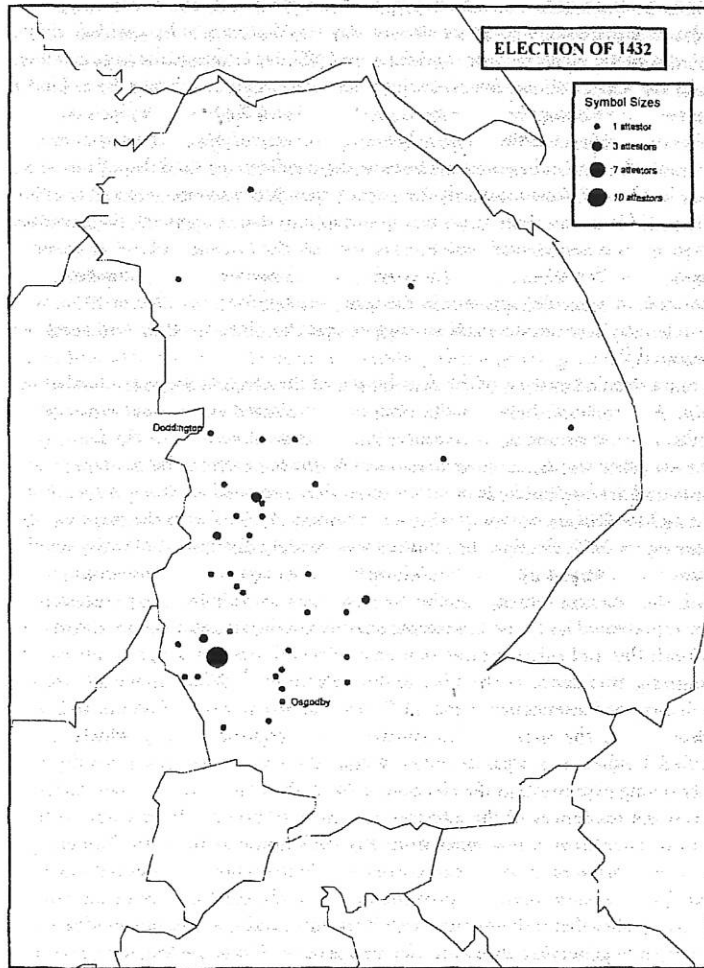
Table 2. *Distribution of Lincolnshire attestors, 1407-60*

	Lindsey	Kesteven	Holland	Unknown	Total
1407	13	1	4	0	18
1411	16	5	3	0	24
1413	18	4	1	2	25
1414 Nov.	15	6	2	0	23
1416	22	0	0	0	22
1420	11	3	2	0	16
1421 May	16	5	1	2	24
1421 Dec.	12	3	1	0	16
1422	12	1	4	3	20
1423	56	3	1	4	64
1425	38	2	2	0	42
1426	22	4	1	3	30
1427	106	5	0	8	119
1429	16	12	19	1	48
1430	24	3	0	5	32
1432	5	55	0	1	61
1433	50	14	17	2	83
1435	22	9	3	0	34
1437	16	8	4	0	28
1442	35	4	11	0	50
1447	21	3	3	5	32
1449 Feb.	17	4	2	1	24
1450	23	2	23	5	53
1453	20	5	1	2	28
1460	11	4	1	2	18
Total	617	165	106	46	934

1426, 1430, 1449 and 1460) very few of the attestors can be identified as coming from the other two parts of the county. Second is the election of March 1432, at which Geoffrey Paynell of Osgodby near Irnham and John Pygot of Doddington were elected, the only occasion in this period when the county's choice fell on two men from the parts of Kesteven. Here 55 of the 61 attestors can be identified as coming from that part of the county, a remarkable statistic in the context of the general scarcity of Kesteven men in the indentures. Indeed, on only four other occasions were there more than six men from Kesteven among the attestors, and, significantly, on all four of them (1429, 1433, 1435 and 1437) Thomas Meres, who had residences at both Aubourn in Kesteven and Kirton-in-Holland, was returned in company with a fellow member from Lindsey. Third is the election of October 1450 which saw the return of one member from Lindsey, John Newport of Riby, and one from Holland, Richard Welby of Moulton, who, with the partial exception of Meres, was the first Holland man to be returned since Sir Robert Roos of Gedney in 1422. It can be no coincidence that there were a greater number of Holland men present than at any other election in the period under review here.







These figures demonstrate a correlation between electors and elected. At least in the cases of the indentures in which this correlation is most clearly apparent, those named as attestors were not simply the most important of those present at a randomly constituted assembly. Two possible conclusions suggest themselves. The most interesting is that attendance at the county court on election day was determined by a widely-diffused knowledge of the identity of the candidates. In 1427, for example, the large number of attestors suggests a contest, but one which concerned only candidates from Lindsey, hence very few electors from the parts of Holland and Kesteven troubled to attend. Another explanation is possible, namely that, in the case of this election, the returning officer named only Lindsey attestors because the candidate or candidates from outside Lindsey had been defeated and only the Lindsey men present were prepared to endorse the elected. However, there is no reason to suppose that, in general, the correlation between electors and elected is to be explained by the omission of the supporters of defeated candidates. Contests were too infrequent to permit of such a conclusion, and the correlation is equally apparent in the case of indentures, like that of 1416, which name relatively few attestors and so suggest that the elections they witnessed went uncontested.<sup>74</sup>

A more detailed analysis of the distribution of the electors suggests a further conclusion. A correlation between the electors and elected is apparent when plotted over the three divisions of the county, but it breaks down when the focus is narrowed. In other words, no close match can be made between the residences of the attestors and the landholdings of either those they returned or those of local barons who may have had an interest in who was returned. As the first of the maps shows, in the case of the 1427 election the attestors were widely distributed over the whole of Lindsey, with a surprising number coming from the parts most remote from Lincoln. Indeed, the one area which, together with the Isle of Axholme, was comparatively poorly represented lay in the immediate environs of the election venue, and it is clear from both this and other returns that ease of travel was not a significant factor in determining attendance at the Lincolnshire elections.<sup>75</sup> What, above all, seems to have determined attendance at the 1427 election was not ties of tenure and neighbourhood with the successful candidates, (but a regional loyalty which strongly identified Lindsey as a separate entity within the county.) Regional loyalty found equally strong expression in the election of 1432: the map shows a closer correlation between the residences of the attestors and those returned – largely due to the 13 men from Grantham, a few miles from Paynell's house at Boothby Pagnell – but, with the exception of its south-east corner, nearly the whole of Kesteven was represented. These ancient divisions give the medieval electoral history of the county a particular quality that it shares only with Yorkshire, and it is thus not an ideal county from which to generalize about the electoral process. None the less, it is a reasonable

<sup>74</sup> Cf. n. 51 above.

<sup>75</sup> Lincolnshire may be an exception in this regard. Proximity to the county court seems to have been a significant factor in determining attendance in Derbyshire (though not in 1459), Northumberland, Warwickshire and Norfolk, and further research will no doubt reveal other examples: *HP 1386-1421*, I, 333, 544; Carpenter, *Locality and Polity*, p. 342; Virgoe, 'An Election Dispute of 1483', p. 31.

inference from the county's indentures that lesser men, or at least their regional loyalties within the county, had a meaningful role in the election process.

In conclusion, it seems that, by the 1330s, if not before, parliamentary elections had become the concern of a wider body than merely the greater county suitors and freedom of election had come to be seen as an important local privilege. Thereafter, as the Commons became increasingly central in the political life of the nation, this freedom came to be compromised by the external threat of crown and powerful barons and by the internal pressure of a growing competition for seats and a wider clamour to participate in elections. This led to the Commons' petitions for statutory reform which began in 1406 with the institution of formal election indentures. Thereafter interest in elections continued to extend down the social scale, and this provoked the statutory definition of the franchise in 1430. But it was a franchise that implied 'a view of politics as a critical appraisal of government by all those whom it touched',<sup>76</sup> and recognized that even the yeoman farmer had a legitimate interest in parliamentary affairs. Moreover, an analysis of the indentures suggests that his role in the electoral process was not entirely bound by the ties of lordship and service. Although the great majority of elections, even at the end of the period under review here, went uncontested and what occurred in the county court was generally more about affirmation than election in the modern sense, the mere 40s. freeholders were regular attenders on election days and, when consensus broke down among the county elite and a contest arose, their votes were decisive. No doubt they generally followed the lead of their greater gentry neighbours, as, for example, they are known to have done in the contested Nottinghamshire election of 1460. Even so, their support still had to be mobilized by the competing candidates and, on occasion, bargained for. As Plumb has remarked of a later period, their very number created 'a factor of uncertainty' in the electoral process and placed a premium on the electoral organization of candidates.<sup>77</sup>

<sup>76</sup> Harriss, 'The Dimensions of Politics', p. 11.

<sup>77</sup> J. H. Plumb, 'The Growth of the Electorate in England from 1600 to 1715', *Past and Present*, no. 45 (1969), 97. See also D. Hirst, *The Representative of the People? Voters and Voting in England under the Early Stuarts* (Cambridge, 1975), pp. 192–3.



Appendix: *Relative size of the electorate, county by county, as reflected in the 1451 subsidy returns*

	Incomes in £			lay male assesseees
	2-20	21-200	over 200	
Yorks.	5221	3821	1716	
Devon	3313	2997	1833	
Lincs.	5074	1597	267	
Nhants.	2178	3309	667	
Soms.	1264	2769	1000	
Essex	3893	1259	nil	
Hants.	1877	2597	nil	
Wilts.	2132	1963	266	399 <sup>78</sup>
Warws.	2263	2072	nil	
Kent	2456	1372	200	603 <sup>79</sup>
Gloucs.	1739	1720	300	
Lancs.	2314	1417	nil	
Leics.	1207	1165	nil	
Staffs.	1639	1293	nil	
Cambs.	1446	1186	267	302 <sup>80</sup>
Oxon.	1354	1492	nil	
Notts.	1449	1291	nil	269 <sup>81</sup>
Herts.	995	1194	369	
Dorset	760	1036	601	
Bucks.	1258	1091	nil	
Worcs.	981	819	nil	
Beds.	1239	543	nil	
Cornwall	1154	506	nil	323 <sup>82</sup>
Derbys.	1211	405	nil	202 <sup>83</sup>
Berks.	940	618	nil	
Herefs.	1122	475	nil	209 <sup>84</sup>
Shrops.	951	333	nil	
Hunts.	393	466	nil	90 <sup>85</sup>
Rut.	205	30	nil	

Compiled from: E179/130/74 (Lancs.); 177/65 (Staffs.); 238/78, pts. 1 (Lincs.), 5 (Gloucs.); E359/29 (all other counties). Figures have been rounded to the nearest £ and counties are listed in order of their total assessment. As a point of comparison the total number of lay male assesseees has been given for each county for which individual assessments survive. Unfortunately, the

<sup>78</sup> This figure includes Salisbury and other parliamentary boroughs: E179/196/118.

<sup>79</sup> This excludes the 19 men assessed in Canterbury but includes the other parliamentary borough of Rochester: E179/124/218.

<sup>80</sup> This excludes Cambridge: E179/81/103.

<sup>81</sup> E179/159/84. A separate commission was issued for the shire incorporate of Nottingham.

<sup>82</sup> This figure includes residents of parliamentary boroughs: E179/87/92.

<sup>83</sup> This excludes the 14 men identified as resident in Derby: E179/91/73.

<sup>84</sup> This excludes those resident in Hereford: E179/117/64.

<sup>85</sup> This excludes Huntingdon: E179/122/70.

particulars of account for the joint shrievalties of Surrey and Sussex and of Norfolk and Suffolk do not distinguish between the component counties. The combined figures for Surrey and Sussex are: £2–£20, £4325; £21–£200, £4512; over £200, £2196. Norfolk and Suffolk had a far higher number of lesser taxpayers: £2–£20, £6473; £21–£200, £1314; over £200, £267.

Several factors need to be borne in mind:

- (i) these figures include income from lands amortized to religious foundations since 1291, although in no county does this amount to a significant sum (e.g. in Nottinghamshire, such lands account for 43 assessments totalling £229: E179/159/84);
- (ii) they also include the income of widows, who, with the exception of the great ladies named in the early Yorkshire returns, never appear as attestors;
- (iii) some of those assessed would not be included within the franchise because they did not have 40s. p.a. from freehold land in the county of their residence, being liable to assessment because of income derived from freehold land outside the county in which they lived or from wages or copyhold land;
- (iv) in some counties, most notably those in the south-west, the assessments include residents of parliamentary boroughs who, strictly speaking, were not part of the county franchise.

A proportion of the taxable wealth of each county was thus derived from those not included in the franchise as defined in the statute of 1430. On the other hand, it is clear that many of the mere 40s. freeholders avoided assessment and their exclusion more than outweighs the inclusion of the unenfranchised. A rough guide to the degree of under-enumeration is provided by those few cases in which it is possible to compare the lists of individual assessments with contemporary election indentures. For example, of the 223 attestors to the Nottinghamshire election of October 1449 only 89 appear among the assesseees, and similarly only 25 of those taxed in Derbyshire are found among the 61 attestors to that county's election of January 1449.<sup>86</sup> These figures suggest that, even allowing for the above caveats, the subsidy returns enumerate something less than half of the electorate, and this conclusion is supported by comparing the Huntingdonshire assessments with the list of freeholders present at the election there in 1450.<sup>87</sup>

There can, in short, be no doubt that the total of taxable income in each county, and particularly the total taxed at the lowest rate (i.e. incomes between £2 and £20 inclusive), provides a minimum guide to the number of enfranchised. When these figures are used for comparative purposes, however, it needs to be remembered that the distribution of incomes varied from county to county. The table above suggests that Kent is the most extreme example: the custom of partible inheritance known as gavelkind ensured that there were an unusually large number of small freeholders there. This no doubt explains why it is Kent that provides the longest indenture of the 15th century: the 1472 election was attested by about 1000 names, more than twice that in any other extant indenture.<sup>88</sup> None the less, in view of the fact that the average assessment of those in the lowest tax band was far nearer 40s. than £20, the table above suggests that Kent was not unique in having an electorate of over 1000: the same could be claimed for Yorkshire, Lincolnshire, Devon, and, perhaps also, Essex (for Lincolnshire see n. 73 above). At the other end of the scale, even the two smallest counties had electorates of over 100. The disputed Huntingdonshire election shows that there were well in excess of 124 men qualified to vote there, and the surviving election indentures for Rutland imply that it too had more than 100 40s. freeholders. Between 1422 and 1460 inclusive 134 men from 103 families attested elections there, with the four indentures between 1450 and 1460 naming as many as 69 different electors.

<sup>86</sup> Payling, 'The Widening Franchise', pp. 177–8; C219/15/6.

<sup>87</sup> E179/122/70; Edwards, 'Election of 1450', pp. 393–4.

<sup>88</sup> C219/17/2.

