

A SOCIAL AND ECONOMIC STUDY OF THE CINQUE
PORTS REGION, 1450-1600

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1450- 1600.

ABSTRACT

The Cinque Ports are the only example of a fully-developed confederate structure in English history. As a result, historians have tended to consider the fortunes of the region as a whole and have stressed the factors which unified the member ports. This approach has, however, tended to ignore the individuality of each of the members. This study attempts to redress the balance by considering the impact of the confederate bond upon the individual members and, by so doing, to demonstrate that the concept of confederation was extremely limited and applied only in certain narrow and carefully-defined areas.

This study, therefore, examines several aspects of life within the confederation. It traces the origins and development of the ports and attempts to explain why the confederation was declining in importance by the fifteenth century. It then considers the economy of the region and investigates the evidence for overall economic decline during the fifteenth and sixteenth centuries. The central theme of this study is, however, an examination of the internal government of the member ports and the extent to which the development of institutions within each town was influenced by membership of the confederation. The governmental structure of each head port is investigated and particular attention is paid to modifications which were introduced and the circumstances which caused these changes. A similar examination is then made of the pattern of government within the corporate and non-corporate limbs and the structure of the governing class throughout the confederation is also discussed.

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This study then turns to an examination of the links between the members of the confederation. It considers the financial relations between head port and limb and examines the significance of disputes between the two parties. The central institutions of the confederation - the office of warden and the Brodhull - are then examined and particular emphasis is laid upon the nature and extent of their powers over the members of the confederation.

In considering each of these themes, this study intends to show that the internal affairs of each of the members were little affected by membership of the Cinque Ports confederation and seeks to demonstrate the extremely limited nature of the confederate bond.

A SOCIAL AND ECONOMIC STUDY OF THE CINQUE
PORTS REGION, 1450-1600

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In May 1972 Mr. G. D. Brindle was enrolled by the Faculty of Arts as a Ph.D. candidate under Ordinance General No. I2 with effect from October 1971.

I hereby declare that this thesis has been composed by me, that the work of which it is a record has been done by me, and that it has not been accepted in any previous application for a higher degree.

Graham D. Brindle

I hereby declare that the conditions of the Resolution and Regulations (Ph.D.) have been fulfilled.

Ann J. Kettle, Supervisor

TABLE OF CONTENTS

Abbreviations and Short Titles	p. vi
Introduction	p. viii
Chapter I - <u>The Early History of The Ports</u>	
Introduction	1
Origins of the Confederation	3
The Ports in the Later Middle Ages	14
Conclusion	21
Chapter II - <u>The Economy of the Ports</u>	
Introduction	26
Geographical Background	29
The Size of the Ports	35
International Trade	48
The Fishery	63
Other Aspects of Shipping	74
Internal Trade and Industry	86
Conclusion	103
Chapter III - <u>Town Government in the Cinque Ports</u>	
(i) The Head Ports in the Fifteenth and Early Sixteenth Centuries	107
(ii) The Head Ports in the Later Sixteenth Century	147

(iii) The Growth of Faction and Intervention by the Central Authorities	176
(iv) The Member Ports	203
(v) The Personnel of Government	247
Chapter IV - <u>Financial Relations between Head Port and Limb</u>	
Introduction	296
Romney and Lydd	303
Romney and Old Romney	307
Dover and Faversham	309
Sandwich and Fordwich	311
Sandwich and Deal	312
Sandwich and Brightlingsea	314
Hastings and its Limbs	315
Conclusion	316
Chapter V - <u>The Lord Warden</u>	
Introduction	318
Nomination of Barons to Parliament	324
Intervention in Local Government	329
The Court of Chancery	333
The Court of Admiralty	337
The Warden and the Liberties of the Ports	340
Conclusion	343
List of Wardens	346

<u>Chapter VI - The Brodhull</u>	
Introduction	348
Functions of the Brodhull	351
Procedure and Composition of the Brodhull	378
The Guestling	385
Conclusion	391
<u>Chapter VII - Conclusion</u>	393
<u>Appendices</u>	401
<u>Bibliography</u>	409

Abbreviations and Short Titles

<u>A.P.C.</u>	<u>Acts of the Privy Council</u>
<u>Arch. Cant.</u>	<u>Archaeologia Cantiana</u> (Proceedings of the Kent Archaeological Society)
<u>B.I.H.R.</u>	<u>Bulletin of the Institute of Historical Research</u>
B.L.	British Library
Camden, <u>Britannia</u>	R. Gough (ed.), <u>Camden's Britannia</u> (London, 1806)
<u>C.C.R.</u>	<u>Calendar of the Close Rolls</u>
<u>C.Ch.R.</u>	<u>Calendar of the Charter Rolls</u>
<u>Cal. Inquis. Misc.</u>	<u>Calendar of Inquisitions Miscellaneous</u>
<u>C.P.R.</u>	<u>Calendar of the Patent Rolls</u>
<u>C.S.P.D.</u>	<u>Calendar of State Papers Domestic</u>
<u>C.S.P.V.</u>	<u>Calendar of State Papers Venetian</u>
<u>E.H.R.</u>	<u>English Historical Review</u>
<u>Ec.H.R.</u>	<u>Economic History Review</u>
E.S.R.O.	East Sussex Records Office
<u>Foedera</u>	T. Rymer, <u>Foedera, conventiones, literae et cuiusque genera, acta publica inter reges Angliae</u> (London, 1704-35)
E. Hasted, <u>History of Kent</u>	E. Hasted, <u>History and Topographical Survey of the County of Kent</u> , facsimile reprint of 1797 edition with a new introduction by A. Everitt (Wakefield, 1972)
<u>H.M.C.</u>	<u>Report of the Royal Commission on Historical Manuscripts</u>

- K.A.O. Kent Archives Office
- Leland, Itinerary L. Toulmin Smith (ed.), The Itinerary of John Leland in or about the years 1535-43 (London, 1907-10)
- L. & P., Hen VIII Letters and Papers Foreign and Domestic of the Reign of Henry VIII
- Murray, Constitutional History K.M.E. Murray, The Constitutional History of the Cinque Ports (Manchester, 1935)
- P.R.O. Public Record Office
- P.R.S. Pipe Roll Society
- R.S. Rolls Series
- S.A.C. Proceedings of the Sussex Archaeological Society
- Thielemans, Bourgogne et Angleterre M. Thielemans, Bourgogne et Angleterre: Les Relations Politiques et Economiques entre les Pays-Bas et L'Angleterre, 1435-67 (Brussels, 1966)
- T.R.H.S. Transactions of the Royal Historical Society
- V.C.H. Victoria County History
- White & Black Books A Calendar of the White and Black Books of the Cinque Ports, 1432-1955, F. Hull (ed.) (London, 1966)

Introduction

I am far from thinking that any one history should be told of all our English boroughs. ¹

F.W. Maitland's oft-quoted dictum may appear a somewhat incongruous introduction to a study of the Cinque Ports region as the Cinque Ports are the only example of a fully-developed confederate structure in English history. The perceptive nature of this observation is, however, central to the theme of this study. Historians such as Burrows and Murray ² concentrated on the factors which unified the Cinque Ports and stressed the origins and early history of the confederation, the peculiar privileges enjoyed by its members, and the ports' distinctive institutions such as the office of warden and the Brodhull. Such studies have provided valuable insights into the constitutional history of the confederation but their emphasis upon the unifying elements of the confederate structure as a whole has tended to distract attention from the individuality displayed by its constituent members. As long ago as 1894, Mrs. A.S. Green remarked upon the variety shown by the towns which comprised the membership of the Cinque Ports confederation: 'the Cinque Ports was...a confederacy

1. F.W. Maitland, Township and Borough (Cambridge, 1898), 36.
2. M. Burrows, The Cinque Ports (London, 1888); K.M.E. Murray, The Constitutional History of the Cinque Ports (Manchester, 1935).

where a certain outward uniformity was but the screen of endless diversity, and towns bound together by special duties and privileges were widely separated from one another in all the conditions of government.'¹ This study attempts to explore this 'endless diversity' by considering the impact of the concept of confederation upon the individual member ports and, by so doing, seeks to achieve a realistic assessment of the meaning and significance of the confederate bond.

The later fifteenth and sixteenth centuries are a particularly fruitful field for such a study. During this period, significant changes occurred in the pattern of urban life throughout England as a whole and, as a result, the period has been variously described as one of 'conflict and stability', 'crisis and order' and 'transition'.² It was, however, also the period in which the confederate structure of the Cinque Ports reached its fully-developed form. It is, therefore, possible to examine the significance of the confederate bond at a time when the ports were subject to the forces of change and, thereby, to assess how important a part was played by the concept of confederation in determining the internal development of each of the members.

1. A.S. Green, Town Life in the Fifteenth Century (London, 1894), i, 398-9.
2. J.R. Lander, Conflict and Stability in Fifteenth-Century England (London, 1969); P. Clark & P. Slack (eds.), Crisis and Order in English Towns, 1500-1700 (London, 1972); P. Clark & P. Slack, English Towns in Transition 1500-1700 (London, 1976)

In order to make such an assessment, this study examines several aspects of life within the Cinque Ports. It traces the origins and development of the confederation and attempts to explain the reasons why the ports were declining in importance by the fifteenth century. It then examines the economy of the ports and considers the evidence for economic decline in the fifteenth and sixteenth centuries. The problems involved in such an appraisal are numerous¹ but, by considering such diverse factors as the geographical situation and size of the ports, international trade, the fishery and other aspects of shipping, and local trade and industry much may be learned of the economic state of the confederation as a whole and the relative fortunes of its constituent members.

Valuable information about the meaning of the confederate bond may also be gathered from a study of the internal government of the member ports and the extent to which the development of institutions within each town was influenced by membership of the confederation. The governmental structures of each of the head ports are therefore examined and particular attention is paid to modifications introduced in each of the towns and the varied circumstances which resulted in such changes. A similar examination is then made of the pattern of government in the corporate and non-corporate limbs. Finally, in

1. R.B. Dobson, 'Urban Decline in Late Medieval England', T.R.H.S., 5th series, xxvii (1977), 1-22.

answer to W.G. Hoskin's plea for a study of the personnel of the governing class,¹ the origins and backgrounds of the ruling groups within the confederation are analysed.

Further insights into the importance of the concept of confederation may be gleaned from a study of the internal organisation of the confederation. In this context, an examination of the financial relations between head port and limb is especially instructive. The financial arrangements between specific towns are, therefore, considered in detail and the significance of disputes between head port and limb is assessed. The functions and effectiveness of the ports' distinctive institutions also illustrate the impact of the confederate bond upon the member ports. Accordingly, the significance of the office of warden and the Brodhull are examined and particular stress is laid upon the nature and extent of their powers over the members of the confederation.

In considering each of these themes, this study attempts to demonstrate the limited extent to which individual towns were influenced by membership of the Cinque Ports confederation. Variety, or 'endless diversity', characterised the internal affairs of the member ports. The concept of confederation was extremely limited and applied only in certain narrow and well-defined areas.

1. W.G. Hoskins, 'Foreword', in P. Clark & P. Slack (eds.), Crisis and Order in English Towns, 1500-1700, p. vii.

Guide to Sources¹

In 1934, K.M.E. Murray pointed out that the history of the Cinque Ports had been little studied and suggested that this neglect was 'probably due in part to the formidable amount of archive material, not only in London, but also in the archives of the ports themselves, the latter often uncatalogued and sometimes entirely unsorted.'² These problems have been greatly eased by the establishment of regional archives and the greater part of manuscripts relating to the Cinque Ports are now lodged in the relevant county record offices.

The East Sussex Records Office houses material illustrative of the history of several of the Cinque Ports. The most extensive collection of relevant manuscripts are those of the town of Rye and the researcher is here greatly aided by the comprehensive catalogue compiled by R.F. Dell.³ The most instructive of these sources is a series of court books which spans the second half of the sixteenth century and provides interesting details of the internal government of Rye at the time. The economic affairs of the town are illustrated by a series of chamberlains' accounts of the fifteenth and sixteenth centuries and papers relating to Rye harbour supply evidence of the town's maritime activities and the problems caused by the gradual

1. See bibliography for full details of sources discussed below.
2. Murray, Constitutional History, pp. vii-viii.
3. R.F. Dell (ed.), The Records of Rye Corporation (Lewes, 1962)

retreat of the sea. Information about the internal government of Winchelsea is provided by court books of the sixteenth century. The earlier court books of the town have not survived but this loss is mitigated by the survival of two volumes of extracts from these sources which were transcribed in the late eighteenth century. Such good fortune has not befallen the records of Hastings. Almost all the early records of the town were destroyed by a fire in the late sixteenth century or were lost at a later date. The only survival of any value to this study is a nineteenth-century transcription of the town's charter of incorporation. The history of Pevensey is to some extent illuminated by a sixteenth-century ratebook relating to the town and surrounding area while details of the internal affairs of Seaford are provided by its charter of incorporation and a court book of the sixteenth century.

The Kent Archives Office also houses archive material which illustrates the history of both head ports and limbs. The records of Romney include an almost unbroken series of town accounts from the late fourteenth to the sixteenth century and several borough court books have also survived. Further valuable information is provided by miscellaneous papers and correspondence relating to the warden and documents which illustrate the relationship between Romney and its limbs. The most important survival in the records of Sandwich is a series of court books which spans the whole of the period under consideration and various papers also survive to illustrate the relations between Sandwich and its limbs and the organisation of trade

within the town. The records of Sandwich also include a copy of the sixteenth-century general custumal which attempted to introduce a uniform pattern of electoral arrangements throughout the confederation and this has proved a particularly valuable source for an assessment of the significance of the confederate bond. The records of Faversham are the fullest of any of the sub-ports and provide interesting insights into the status of a corporate limb within the confederation. Documents of the early fourteenth century supply evidence of the troubled relations between the town and abbot of Faversham and compositions between Faversham and Dover provide details of the relations between a head port and a limb. The internal government of Faversham is illustrated by the town custumal while sixteenth-century documents relating to the grant of a charter of incorporation are of considerable interest. The internal affairs of Tentenden are also illustrated by a surviving custumal and miscellaneous Cinque Ports documents demonstrate the importance of the office of warden.

Further manuscripts relating to the history of the Cinque Ports are lodged in the central London repositories. In the Public Record Office, details of the troubled history of Dover in the later sixteenth century are revealed by State Papers Domestic of the period. The same source provides indications of the economic fortunes of the confederation and wills proved in the Prerogative Court of Canterbury are a valuable aid in assessing the varied backgrounds of the personnel of the governing class within the ports. The British

Library also contains archive material of considerable value to this study. Several volumes of Dover accounts have been deposited there and registers of municipal courts and minutes of assemblies provide further information about the internal affairs of the town. Sixteenth-century harbour and passage accounts are of particular value as they permit a detailed examination of the importance of shipping interests to the economy of the port. Information relating to the affairs of Romney and Sandwich is also to be gathered from the sources available while a second copy of the general customal of the ports corroborates information already found in the records of Sandwich.

A variety of printed sources also provide evidence of the fortunes of the confederation. The customals of several of the ports have been printed and supply details of the governmental institutions of each town. The calendars of manuscripts deposited in the Public Record Office contain a mass of information relating to many aspects of life within the confederation. The reports of the Historic Manuscripts Commission also contain extracts from the records of a large number of the ports while its Calendar of the White and Black Books of the Cinque Ports, edited by F. Hull, is an invaluable aid to an understanding of the scope of the confederate structure. The internal affairs of Lydd are clarified by A. Finn's examination of the town's fifteenth-century chamberlains' accounts and the publications of the Harleian Society provide insights into the importance of inter-marriage within the governing class.

A wide selection of secondary works have also been consulted. The most reliable guide to the history of the confederation as a whole is K.M.E. Murray's analysis of the constitutional history of the ports but a considerable quantity of information is also derived from the studies of a large number of local historians. The history of Sandwich is greatly illuminated by the materials collected by W. Boys and a more recent examination of the history of the town by D. Gardiner is also highly informative. The history of Dover has benefited from the attentions of several historians and this study draws heavily upon the works of J. Lyon, S.P.H. Statham and J.B. Jones, while the extensive researches of W.D. Cooper are frequently utilised as a basis for the study of the history of Winchelsea and its surrounding district. Secondary works relating to the other head ports are of less immediate value to this study. The history of Hastings has been detailed by W.G. Moss, T.H. Cole and J.M. Baines but, in each case, the lack of surviving evidence for the fifteenth and sixteenth centuries dictated against a thorough investigation of town affairs during this period. L.A. Vidler's survey of Rye is also limited in scope and little of value has been written about the history of either Hythe or Romney. Among the limbs, Faversham has received the greatest attention from historians. E. Jacob's study of the town, written in 1774, is still of considerable assistance and the more recent researches of K.M.E. Murray add greatly to an understanding of the town's relations with the Cinque Ports. The history of Folkestone, Fordwich and Deal were outlined by S.J. Mackie, C.E. Woodruff and

S. Pritchard and, again, these works provide significant details of the internal affairs of each town. Little has been written about many of the smaller ports but, in the case of those located in Kent, interesting details are provided by E. Hasted's monumental study of the history of the county.

This study also draws upon a variety of other works, too numerous to cite individually. A particular debt is, however, due to P. Clark, P. Slack and C. Platt, whose studies in urban history have been frequently consulted, and E.M. Carus-Wilson, O. Coleman and M.K. James, whose investigations into England's export and import trade have provided invaluable assistance for a study of the economy of the Cinque Ports region.

CHAPTER I

The Early History of the Ports

The Cinque Ports confederation, in its developed form, consisted of a group of towns or villages along, or near to, the south-east coast of England which shared a common obligation to provide the crown with a specified service of ships. The original five ports from which the name of the confederation derives were Hastings, Romney, Hythe, Dover and Sandwich but, throughout the centuries, over 30 other members were linked with the original five in order to assist them in the performance of their naval service. The most important of these additions were Winchelsea and Rye which were given the special status of 'Ancient Towns' and shared the rights and privileges of the original head ports. The remaining members were divided into corporate and non-corporate limbs. The part played by the corporate limbs in the ship-service of the confederation was recognised by a royal charter while the obligations of the non-corporate limbs were unofficial since they were founded upon private arrangements with one of the head ports.

Although the exact composition of the confederation varied at different stages in its development, the following table shows its developed structure;¹

1. Red Book of the Exchequer (R.S., 1896), ii, 714-6; S. Jeake, Charters of the Cinque Ports (London, 1728), 27, 120; Foedera, III, i, 460; K.A.O., NR/CPC 1; K.M.E. Murray, The Constitutional History of the Cinque Ports (Manchester, 1935), 240-5.

<u>HEAD PORT</u>	<u>CORPORATE MEMBERS</u>	<u>NON-CORPORATE MEMBERS</u>
Hastings	Pevensey Seaford	Bulverhythe Hydneye Petit Iham Beaksbourne Grange
Romney	Lydd	Old Romney Bromehill Dengemarsh Oswaldstone
Hythe	--	West Hythe
Dover	Faversham Folkestone	Margate St. Johns St. Peters Goresend Birchington Kingsdown Ringwold
Sandwich	Fordwich	Deal Walmer Sarre Stonor Ramsgate Brightlingsea
Rye	Tenterden	--
Winchelsea	--	--

The rather rigid arrangement suggested by this table is misleading for, as will be shown, the members of the confederation exercised a large degree of independence in many matters.¹ Nevertheless, the development of such a confederation in England was, in itself, a remarkable occurrence. It is therefore worthwhile to consider the origins and early history of the organisation in order to set the scene for a more detailed consideration of the meaning of the confederate structure in the fifteenth and sixteenth centuries.

Origins of the Confederation

The essential reason for the existence of the Cinque Ports confederation was the common performance of ship-service to the crown, in return for which the members of the confederation were granted various rights and privileges. The precise form of this ship-service had been long established by the fifteenth century when it was described thus:²

...seeing that they from year to year owe the king service overseas, that each port should find 57 ships within the summons of 40 days, 20 men to

1. See below pp. 107-237.

2. C.C.R., 1468-76, 399.

each ship and a master, armed and well arrayed, to do the king's service; to set out at the cost of the above ports for fifteen days, and after fifteen days there, they shall abide at the king's cost if their service be still needed by him, to wit the master of the ship shall receive 6d. a day, the constable 6d., and such of the others 3d. a day, as by tenour of the charter of liberties to the said barons granted by the king's ancestors is shown in the chancery rolls.

Although such obligations are known to have been of considerable antiquity, it is difficult to establish at what date they became the general duty of the confederation as a whole. A similar form of ship-service appears to have been performed by the head ports in the pre-conquest period. Domesday Book records that the burgesses of Dover owed 20 ships to the king, each with a crew of 21 men, a steersman and his assistant, for fifteen days annually and that the town owed this obligation because the king had granted it soc and sac.¹ The naval obligations of Sandwich were recorded

1. S. Henshall & J. Wilkinson (eds. and trans.), Domesday or an Actual Survey of South Britain (London, 1799), 1.

by Domesday as being exactly the same as at Dover and, once again, the burgesses received important privileges in return for their naval service.¹ It appears probable that Romney, Hythe and Hastings also owed ship-service to the king, differing from Dover and Sandwich only in the number of ships they were obliged to provide.² Certainly, in the case of Hastings, strong supporting evidence is provided by the Anglo-Saxon Chronicle. It is recorded that men of Hastings served the king in a military capacity on board their own ships at as early a date as 1049,³ which suggests that the town owed similar service to that of Dover and Sandwich. The case for pre-conquest origins is further supported by evidence which suggests that Fordwich and other towns also owed ships in the reign of Edward the Confessor, and may even have acted as member ports aiding the head ports in fulfilling their obligation to the crown.⁴ It is, however, inadvisable, to describe this loose association as a confederation for, at this stage in the organisation's development, there were still no common institutions or other machinery of confederation.

The connections between the ports appear to have become much

1. S. Henshall & J. Wilkinson (eds. and trans.), Domesday or an Actual Survey of South Britain, 15.
2. C.W. Hollister, Anglo-Saxon Military Institutions (Oxford, 1962), 118-9.
3. D. Whitelock, D.C. Douglas & S.I. Tucker (eds. and trans.), The Anglo-Saxon Chronicle (London, 1961), 114.
4. Murray, Constitutional History, 22-3; C.W. Hollister, Anglo-Saxon Military Institutions, 119.

closer during the twelfth and thirteenth centuries. A reference to the ports under the title 'Cinque Ports' in the pipe roll of 1160-1¹ suggests that there was an official organisation at this time, while the evidence of twelfth-century charters granted to individual ports supports the view that the organisation was regarded as a unit in the early twelfth century.² The growth of such an organisation posed special administrative problems for the members were spread throughout two counties and did not fit into the normal administrative framework of the country. The sheriffs were unsuitable as intermediaries between the ports and the crown but it was obvious that an official was needed to supervise the ports and organise coastal defence and the navy. This function was at first fulfilled by the constable of Dover Castle and, after a series of experiments during the thirteenth century, this office was combined with the office of Warden of the Cinque Ports. From the fourteenth century, the warden became the sole channel of communication between the central government and the ports.³

The development of the office of warden was only one indication of the increasingly formal nature of the confederation. Further

1. P.R.S., iv (1885), 56, 59.
2. Murray, Constitutional History, 12-6, 231-5.
3. Ibid., 77-88.

evidence of the developing confederate structure is provided by a charter issued in 1260 which for the first time referred to the common service of the ports and the common privileges which they enjoyed as a result:¹

Know ye that for the praiseworthy services which our barons of the Cinque Ports have devotedly rendered to us in our recent passage to the parts of France and in our return from the same parts and in other passages, We, by the advice of our magnates who are of our counsel, have granted to them, and do confirm by this our charter, for us and our heirs, that they, concerning all the lands that they at present possess, shall be quit of all summonses before our justices in eyre for any manner of pleas in whatever counties those lands are situate. So that by reason of the common summonses to be made for the eyres of our justices, the said barons shall not be bound to come before the said justices in eyre, unless any of them specially sues any person or is sued by any.

1. A. Ballard & J. Tait (eds.), British Borough Charters 1216-1307 (Cambridge, 1923), 166.

It is not possible to establish an exact date at which the loose association of ports of the pre-conquest period was transformed into a fully-developed confederate structure. Indeed, it is more accurate to view this change as a gradual process. The foundations of the organisation were undoubtedly established before the conquest and the connections between the ports appear to have been strengthened during the twelfth and thirteenth centuries. It seems probable, however, that Miss Murray's assessment of the confederation's gradual development was fairly realistic and that it is unwise to speak of anything as definite as a confederation before the late thirteenth century.¹

While the provision of ship-service was the major reason for the development of the confederation, the association of the ports was not entirely the result of royal initiative. From an early period, the portsmen had shared common interests which tended to encourage a degree of co-operation among them. Geography gave the men of the Cinque Ports primarily maritime interests and the concept of joint action would have been no novelty to men accustomed to sailing together during the long fishing season on the North Sea. This joint action was further encouraged by the rights which they shared at Yarmouth and particularly by their

1. Murray, Constitutional History, 27.

duty of regulating the activities of portsmen during the Yarmouth herring fair.¹ In addition, the ports' situation on a coastline constantly open to attack made the problem of defence a matter of great concern to all of them; centuries of experience of Danish attacks would have demonstrated the desirability of united action.² It was therefore not surprising that successive kings, seeking to strengthen their naval forces, turned to towns which were already accustomed to some degree of joint action, and that the Cinque Ports were selected to perform heavy naval duties.

The common interests shared by the portsmen and the strategic importance of the members due to their geographic position demonstrate the reasons why they were selected by the crown to perform heavy naval service. However, these circumstances do not explain why each member of the confederation was willing to undertake such heavy obligations. It is therefore necessary to consider the specific benefits which each port received from being a member of the confederation. It has already been observed that the ports were granted rights and privileges in return for performing ship-service and these privileges were obviously a major incentive towards closer association among the ports.

1. Ballard & Tait, British Borough Charters 1216-1307, 129; see below pp. 348-51, 354-60.
2. V.C.H. Sussex, ii, 127.

Among the more unusual privileges granted to the confederation was that of honours at court, the main element of which was the right of the barons of the Cinque Ports to bear a canopy over the king and queen at coronations.¹ This right was apparently of ancient origin for an account of the coronation of Richard I states that a canopy was borne over him by barons of Dover and the Cinque Ports quod de consuetudine antiqua in coronatione regis habuerunt.² This right was of less immediate value than some of the other privileges granted to the ports but it was obviously highly-prized. This is well illustrated by the proud claim to be found on the seventeenth-century gravestone of Thomas Delves in St. Clement's Church at Hastings:³

He had ye honor of being one of the barons of this
antient towne and port who carried the canopy over
King Charles ye second at his coronation.

The manner in which the order of precedence of the barons at coronations was precisely stated and the procedure for disposal of the canopy meticulously detailed also shows the importance which the portsmen attached to this duty.⁴

1. T. Ross, 'Coronation Services of the Barons of the Cinque Ports', S.A.C., 15 (1863), 178-210.
2. Chronicles and Memorials of the Reign of Richard I (R.S., 1865), ii, 308.
3. W.G. Moss, The History and Antiquities of the Town and Port of Hastings (London, 1824), 116.
4. F. Hull (ed.), A Calendar of the White and Black Books of the Cinque Ports 1432-1955 (Hist. MSS. Comm., JP 5), 641-2; H.M.C., v, 496.

Another unusual privilege was the rights enjoyed by the portsmen at Yarmouth. Again, the precise origin of these rights is difficult to determine but it appears certain that they were of considerable antiquity.¹ Prime among them was 'den and strand', the right of the portsmen to dry their nets and land on the shore of Yarmouth during the North Sea fishing season.² This right was all the more important in that, by the end of the thirteenth century, it had come to include the administration of justice at the annual herring fair.³

In addition to these unusual rights, the members of the confederation were also granted a number of mercantile privileges in the form of a general freedom from toll. In the charter granted to the ports by Edward I in 1287 these rights were recited:⁴

So that they be quit of every toll and of every custom, to wit, from all lestage, tallage, passage, quayage, rivage, sponage and all wreck and from all sale, purchase and repurchase throughout all our land and realm.

While this list of exemptions represented a fairly complete

1. M. Burrows, The Cinque Ports (London, 1888), 167.
2. Ballard & Tait, British Borough Charters 1216-1307, 129; Murray, Constitutional History, 6.
3. See below pp. 348-51, 354-60.
4. Ballard & Tait, British Borough Charters 1216-1307, 260.

catalogue of the rights it was possible for towns to acquire, they were, however, far from unique at this time and were counterbalanced by exceptional services.¹

The Cinque Ports also enjoyed a privileged position in the matter of taxation. In the thirteenth and early fourteenth centuries, they retained the right of self-assessment and, in common with religious bodies such as the Templars, compounded for their taxes in a lump sum.² Strenuous efforts were made to increase the extent of their immunity from taxation. In the fourteenth century for example, several attempts were made to obtain exemption from liability to subsidy³ and, in 1341, it was agreed, 'not without some difficulty', that the barons of the ports should be quit of tallages and taxes granted by the commonalty of the realm, provided that they maintained their naval services.⁴ Further claims to exemption followed⁵ and, in 1465, their quittance from all aids, subsidies, tallages, contributions, scots, and from fifteenths and tenths granted by parliament, was recognised by charter.⁶ By the end of the fifteenth century, the extent of the immunities claimed by the portsmen had become increasingly unrealistic. As a result,

1. Ballard & Tait, British Borough Charters 1216-1307, 254-62.
2. Murray, Constitutional History, 219.
3. Ibid., 220.
4. C.C.R., 1341-3, 97.
5. e.g. C.C.R., 1349-54, 89-90; C.C.R., 1377-81, 33.
6. S. Jeake, Charters of the Cinque Ports, 80-2.

a limit of £500 was established in 1491,¹ and further attempts were made during the following century to reduce the rights of the confederation in the field of taxation.²

The ports also enjoyed a number of jurisdictional privileges including soc and sac, thol and theam, infanganthef and utfanganthef, freedom from suit to shire and county courts and freedom from summonses before justices in eyre unless the suit directly involved a portman.³ While these rights were far from unique in the thirteenth century, they were nevertheless highly prized and the last-mentioned was thought particularly valuable.⁴ These jurisdictional rights were defended by the portsmen with extreme tenacity and every effort was made to ensure that portsmen did not have recourse to foreign courts, since such action might have endangered the rights of the confederation as a whole.⁵

The privileges enjoyed by the ports were an obvious reason why other communities wished to enter into membership of the confederation. A new member often gained much. Even the smallest of settlements attached to the confederation could enjoy the general liberties granted to it. In addition to the commercial advantages

1. White & Black Books, 108-9; K.A.O., NR/Fac 5, f.101.

2. See below pp. 352-4.

3. Ballard & Tait, British Borough Charters 1216-1307, 148, 166.

4. Ibid., p. lx.

5. See below pp. 366-71.

of a share in the herring fishery, an advantageous position at the Yarmouth fair, and freedom from toll, the members of the confederation possessed judicial liberties normally enjoyed only by much larger towns. Small communities gained significance by association with the confederation. They were then backed by the powerful influence of the ports and, in several cases, enlisted this support in a struggle with their legitimate overlords.¹

While a small community could gain considerably through association with the confederation, these benefits were not gained without sacrifice. The head ports often demanded heavy financial contributions from their limbs and, in many cases, exercised considerable powers of government over them.² For most of the ports, however, such a sacrifice appears to have been thought worthwhile.

The Ports in the Later Middle Ages

The thirteenth century may be viewed as the period of the Cinque Ports' greatest power and influence. From this fact can be traced the beginnings of a permanent confederate structure, as the king sought a means to control his subjects and the portsmen, themselves, conscious of their power, drew together in an attempt

1. See below pp. 374-6.
2. See below pp. 237-46, 296-317.

to gain the greatest possible benefit from their position of strength.

The influence of the ports was due to their strategic importance at a time of threatened invasion and civil war and the portsmen were eager to gain the greatest possible advantage from this fact, regardless of national loyalties. In the campaign against Louis of France in 1216 and 1217, they first gave their support to Louis and then changed sides to win a notable victory against the French off Sandwich in 1217.¹ Their part in the Barons' War was also inconsistent. The loyalties of the ports were largely determined by motives of self-interest and their continued rebellion after the collapse of the baronial party in 1265 prolonged confusion within the country.²

The influence of the ports was further enlarged by a policy of fairly indiscriminate piracy. Respect for the portsmen was inspired in part by fear due to the 'saturnalia of piracy and murder' in which they engaged.³ Official records of the time provide many examples of these piratical activities. When the Jews were expelled in 1290, many were attacked in mid-ocean by men of the ports, robbed of their money, and inhumanly slain and thrown into the sea; others

1. Murray, Constitutional History, 35-6.
2. Ibid., 36-40.
3. V.C.H. Sussex, ii, 131.

were left on a sandbank which was later completely submerged by the sea.¹ In 1293, a pitched battle with Norman sailors provided Philip IV with the excuse to seize the English possessions in France,² while, in 1305, a ship of Sandwich was charged with robbing the very merchants it had been ordered to protect.³

It is possible that some of these cases and the numerous other examples to be found in the records of the period may have been distorted or exaggerated but it is difficult to dismiss them all. Certainly, such activities seem incompatible with Burrows' opinion that the portsmen were the 'responsible guardians of the Channel.'⁴ Such charges must be kept in perspective, however, for the men of the Cinque Ports were far from alone in engaging in these activities. Piracy was a recognised weapon in naval warfare. The practice of granting full licence to pirates during wartime had the desired effect of a full-scale and very efficient plundering of the enemy, but the difficulty of enforcing truces was great and gave much encouragement to unofficial warfare. The portsmen's feud with Bayonne⁵ and with their bitter rivals of Great Yarmouth⁶ are good examples of this. The activities of the portsmen were not unique but their fierceness

1. Annales Monastici (R.S., 1869), iv, 327.
2. Chronicon Henrici Knighton (R.S., 1889), i, 334-7.
3. C.P.R., 1301-7, 358.
4. M. Burrows, The Cinque Ports, 119-20.
5. C.P.R., 1232-47, 188; C.C.R., 1272-9, 420-1.
6. F.W. Brooks, 'The Cinque Ports' Feud with Yarmouth in the Thirteenth Century', Mariner's Mirror, xix (1933), 27 et seq.

and lack of scruple was sufficient to inspire fear in many.

It was from these circumstances that the confederation gained its great significance. As efficient guardians of the Channel, the portsmen were vital to the king; as a result, he could not afford to antagonise them. The events of the thirteenth century, in which the excesses of the portsmen went virtually unpunished, provide ample illustration of the difficulties of controlling such unruly subjects.¹ Reassured by their knowledge of their importance on the national scene, it was far from surprising that the portsmen attempted to exploit such a situation to their own advantage, and the end of the thirteenth century saw attempts to force the crown into extending the privileged position of the ports. In 1299, for example, the portsmen addressed their king in an almost threatening manner;²

And let the King's Council be well assured that if wrong or grievance be done to them in any way against justice, they will forthwith forsake their wives and children and all they possess, and go to make their profit on the sea wheresoever they think they will be able to acquire it.

1. Murray, Constitutional History, 31-41.
2. R.G. Marsden (ed.), Documents Relating to the Law and Custom of the Sea (Navy Records Soc., xlix, 1915), i, 54-6.

Such a threat seems hardly to fit in with the picture painted by Burrows of the Cinque Ports as the loyal and devoted servants of the crown, of men who earlier in the century had 'advanced to their place on the roll of English heroes.'¹ More plausible is Miss Murray's assessment that they received a reputation as national heroes more by luck than resolution; their services were worth more to the English king than to his foreign enemies and he could give greater inducements than it was in the power of his enemies to offer.²

The Cinque Ports occupied a position of considerable importance on the national scene during the thirteenth century. Their monopoly of naval power and effective control of the Channel meant that the portsmen could bargain with the crown from a position of strength, on occasion going so far as to threaten their sovereign in order to improve their situation. These circumstances changed during the fourteenth century. The monopoly of naval power exercised by the ports was lost and never recovered and, as a result, the importance of the confederation declined severely.

Ironically, a factor in this decline was the geographical situation of the ports, for the south-east coast of England was

1. M. Burrows, The Cinque Ports, 96.
2. Murray, Constitutional History, 34.

exposed to the effects of what Burrows has termed the 'Eastward Drift' - shifting tidal patterns which severely affected many harbours along the coast. The silting-up of harbours which resulted from this phenomenon, coupled with the severe storms which badly hit several of the ports, made it extremely difficult for the portsmen to maintain their earlier importance.¹ The changing fortunes of war also exposed the ports to new hardships. From the 1330s onwards, French raids upon the south coast of England became increasingly frequent. Far from being the guardians of the Channel, the Cinque Ports now became a target for such raids and several members of the confederation appear to have suffered heavily from the depredations of the French.²

Alongside these misfortunes, the changing pattern of warfare was making the special position of the Cinque Ports increasingly anachronistic. The ports were obliged to provide 57 ships for a period of 15 days. Such a limited term of service was far from suitable for the regular patrol work or large expeditions which were becoming the normal pattern of war at sea. Similarly, each of the ships supplied by the ports was to have a crew of 21 men and a boy, which suggests that the vessels were of very limited size. Such

1. See below pp.29-35.

2. C.C.R., 1341-3, 263; C.C.R., 1354-60, 263-9; C.C.R., 1381-5, 519-20; C.P.R., 1377-81, 434; C.P.R., 1381-5, 425-6; H. Nicholas, History of the Royal Navy (London, 1847), ii, 40-1.

ships were too small to use as anything other than auxiliaries to the large ships which, by the end of the fourteenth century, provided the main body of any fleet.

The unrealistic nature of the Cinque Ports' ship-service became apparent during the fourteenth century when specially built royal ships and impressed merchant ships from the western and eastern ports came to form the nucleus of English fleets. Far from being of paramount importance, the Cinque Ports' contribution to the naval expeditions of the Hundred Years War was of little significance. For the seige of Calais in 1347, for example, the ports provided almost twice the number of ships they owed by charter but this represented only a quarter of the southern fleet, while the total force gathered on this occasion was 700 vessels.¹

The confederation could no longer claim to be the main naval defence of the country. This fact was recognised in the writs of summons of 1394 and 1396 which required the ports to provide their full service of 57 ships to 'reinforce' the great fleets gathered for the expeditions to Ireland and France.² The decline in importance of the ports continued during the fifteenth century. Apart from transport duties in the invasions of 1475 and 1492, the

1. V.C.H. Sussex, ii, 138-9.

2. C.C.R., 1392-6, 307-8, 468-9.

last time ship-service was undertaken in anything like full form was in the winter of 1444-5, and this was the only time that the Cinque Ports' fleet was used for strictly naval purposes after 1430.¹

The importance of the Cinque Ports upon the national scene had been due to the vital role they played in the defence of the nation but changes in the techniques of naval warfare made the ship-service of the ports, consisting of small ships for a limited period, unsuitable for major naval enterprises. As Richmond observed, the Cinque Ports' ship-service, by the end of the fourteenth century, was a relic of an earlier and less complicated time and the ports were no longer able to play the part they had done in the twelfth and thirteenth centuries. Their day was done by 1400.²

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The decline of the ports as a major political force had a severe effect upon the fortunes of the confederation, particularly with regard to its relationship to the central government. During the thirteenth century, the vital role played by the ports in the defence of the nation had made it difficult for the king to punish their misdeeds. Indeed, it was implied that any attempt to do so might result in the portsmen selling their services to the king's

1. C.F. Richmond, 'Royal Administration and the Keeping of the Seas', (Oxford D. Phil. thesis, 1962), 169-70.
2. Ibid.

enemies. The reluctance of the crown to punish their piratical activities was a consequence of the great importance of the Cinque Ports' fleet and the necessity to retain the support of the confederation. As the importance of the ports' naval contribution declined, the king became more willing to try to impose a measure of discipline upon the portsmen.

During the fourteenth century, measures were taken to ensure greater control over the ships of the confederation. The Cinque Ports' fleet was placed under the control of an admiral¹ and new rules were introduced which greatly restricted the portsmen's power of independent action; no ship was allowed to leave the fleet or enter an engagement unless ordered to do so.² The choice of admirals reflected a realisation of the problem of enforcing such rules upon the portsmen. In 1345, for example, the writ appointing the earl of Arundel as admiral of the ports stated that he had been appointed because 'no one can chastise or rule them unless he be a great man.'³ The efforts of the admirals appear to have been successful. By the end of the century, a considerable degree of discipline had been imposed upon the Cinque Ports' fleet and the days of the lawless freebooter were over.⁴ This new discipline appears to have continued.

1. Murray, Constitutional History, 211.
2. Black Book of the Admiralty (R.S., 1871), i, 24-7.
3. H. Nicholas, History of the Royal Navy, ii, 191.
4. Murray, Constitutional History, 212-3.

When piracy revived in the fifteenth century, the part played by the portsmen was insignificant when compared to the activities of the pirates of the western ports.¹

Perhaps the best illustration of the change in attitude of the crown towards the confederation is provided by the events which followed Fauconberg's rising of 1471. The extent of the ports' participation in this rising is far from certain but their liberties were nevertheless taken into the king's hand and royal officers sent to investigate their part in the rebellion. As a result of their deliberations, the portsmen appear to have been fined, and their liberties re-granted only after considerable effort.²

The decline in national importance of the ports also had a profound effect upon the constitutional structure of the confederation. The rights and privileges which the portsmen enjoyed were the result of the ship-service they performed and the lessening importance of their naval contribution therefore implied a possible attack upon the privileged position of the confederation. As a result, the ports began to draw more closely together in an effort to preserve their traditional liberties.

1. See below pp.84-6.

2. G.F. Richmond, 'Fauconberg's Kentish Rising of May, 1471', E.H.R., lxxxv (1970), 673-92; K.A.O., Sa/AC 1, f.203v; White & Black Books, 64.

This process is amply illustrated by the development of the Brodhull or Brotherhood, a regular meeting of representatives of the head ports to discuss matters affecting the confederation as a whole. Until the mid-fourteenth century, there was little need for such an assembly but growing hostility to the privileged position of the ports made closer association desirable. The portsmen realised that their privileges were unpopular and far from secure. Consequently, the Brodhull was developed as an institution through which concerted action could be taken in their defence.¹

These circumstances also resulted in the office of warden assuming a greater importance. His position as the sole channel of communication between the Cinque Ports and the central authorities meant that he could be of considerable assistance in maintaining the rights and privileges of the confederation. Such a policy was in his own interests since the profits of his office were inextricably linked with the liberties of the ports but, nevertheless, the confederation became increasingly dependent upon the influence he wielded. In such a situation, it is far from surprising that successive wardens took the opportunity of gradually increasing their power over the portsmen.²

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1. See below pp. 348-78.

2. See below pp. 318-45.

During the thirteenth century, when the influence of the ports was at its greatest, they had associated together in only a loose form. By the mid-fifteenth century, this influence had faded and the ports drew together in a more developed confederate structure. Even at this date, however, the concept of confederation was only of importance in certain limited areas. It is the purpose of this study to consider the meaning of confederation in the fifteenth and sixteenth centuries and the impact of the confederate bond upon the towns and villages which comprised the organisation known as the Cinque Ports confederation.

CHAPTER II

The Economy of the Ports

The history of the economies of English towns has been the source of some disagreement as historians have sought to discern an overall pattern in their varied fortunes. Postan, for example, viewed the fifteenth century as a period of economic stagnation and asserted that English towns, with the exception of London, Bristol and Southampton, were in decline.¹ Bridbury, by contrast, saw the period as one of economic growth and industrial prosperity.² More recently, historians have adopted a less extreme attitude and, rather than attempting to establish an overall pattern, have stressed the varied fortunes of the towns of England. Clark and Slack, while accepting some of Bridbury's assertions, were unwilling to accept the suggestion of overall economic growth, stating merely that there were probably as many growth centres among towns in the later middle ages as there were pockets of urban decay.³ Similarly, in their examination of the sixteenth-century economy, Clark and Slack, while stating that many towns did encounter economic difficulties during the period, have stressed the importance of local variables such as the relationship between a town and its hinterland and with other urban centres in the region, and the impact

1. M. Postan, 'The Fifteenth Century', Ec.H.R., ix (1939), 160-7.
2. A.R. Bridbury, Economic Growth: England in the Later Middle Ages (London, 1962), 23-38.
3. P. Clark & P. Slack, 'Introduction', in P. Clark & P. Slack (eds.), Crisis and Order in English Towns 1500-1700 (London, 1972), 8.

of natural calamities such as plague or fire.¹ Such 'an approach appears more realistic than attempting to establish an overall pattern for the fortunes of English towns during the period under consideration demonstrate considerable variety. As Carus-Wilson has observed, the history of the later medieval English town is 'more interesting and varied than (we) have sometimes been led to suppose, less determined by any one prime moving cause, less easily fitted into any pre-conceived pattern'.²

The fortunes of individual towns illustrate the dangers of attempting to generalise, as well as demonstrating the importance of specific local factors in their economies. Southampton, for example, developed into one of England's busiest commercial centres during the fourteenth and fifteenth centuries. This prosperity, however, was based largely on the visits of Italian merchants and their departure in the sixteenth century caused severe decline.³ At Norwich, a decline in the city's fortunes in the early sixteenth century due to the decay of the worsted market was arrested later in the century by the arrival of Protestant refugees and the setting-up of the 'New Draperies', and by the growing importance of the city

1. P. Clark & P. Slack, English Towns in Transition 1500-1700 (London, 1976), 97-9.
2. E.M. Carus-Wilson, The Expansion of Exeter at the Close of the Middle Ages (Exeter, 1963), 3.
3. C. Platt, Medieval Southampton, The Port & Trading Community A.D. 1000-1600 (London, 1973), 222.

as a social centre.¹ Bristol, by 1500, had re-established the prominent position it had enjoyed in the fourteenth century but soon suffered setbacks as it felt the effects of competition from London, Southampton and Exeter.² Exeter itself expanded rapidly in the late fifteenth and sixteenth centuries as inland clothing towns such as Taunton began to use its port facilities rather than those of Bristol.³

In approaching a survey of the economy of the Cinque Ports region it is therefore necessary to exercise caution. The region is often said to have been in a state of economic decline during the fifteenth and sixteenth centuries but such a statement may well be an over-simplification, for a group of towns scattered over two counties might be expected to display some of the variety which has been noted in English towns in general. In considering the economic fortunes of the region it is therefore necessary to review the history of the members of the confederation in the light of the general economic trends affecting the nation as a whole, but also to bear in mind the specific local circumstances which could influence the fortunes of individual towns. To attempt an exhaustive

1. B. Green, Norwich, the Growth of a City (Norwich, 1972), 19-23; J. Campbell, 'Norwich' in M.D. Lobel (ed.), The Atlas of Historic Towns, ii, (London, 1975), 18a.
2. M.D. Lobel & E.M. Carus-Wilson, 'Bristol' in M.D. Lobel (ed.), The Atlas of Historic Towns, ii, 14a.
3. E.M. Carus-Wilson, The Expansion of Exeter at the Close of the Middle Ages, 31.

examination of the economic activities and interests of all the members of the confederation is however beyond the scope of this study and this survey is limited to a review of the more important aspects of the economy of the region.

Geographical Background

The Cinque Ports confederation consisted of a group of towns and villages situated for the most part on or near to the coast of Kent and Sussex. To the north, much of the land consisted of a series of marshes or of heavy woodland, which to some extent cut off the ports from the rest of the region. To the south was the English Channel, making trade with the continent a natural occupation for the portsmen and allowing access to the rich fishing grounds of the east coast.

The position of many of the ports along the Kent and Sussex coastline had considerable disadvantages, however, for it rendered them vulnerable to the effects of the phenomenon known as the eastward drift. This term was coined by Burrows to describe the complex geological and geographical changes which affected the south coast of England. In its simplest terms, this phenomenon was the result of the peculiar tidal patterns which affected the region, causing a continuous movement of silt in an easterly direction. Depending upon the specific locations of each port, this could result in either the silting up of harbours or in severe coastal erosion. The two effects were not necessarily exclusive; a massive build-up of silt and shingle, such as happened at Dungeness, could alter the whole tidal pattern with the result that over the centuries the same area could be subject to severe coastal erosion and also witness the retreat of the sea to a distance of several miles. In

addition, the situation of the ports on the south coast also rendered them liable to the effects of very severe storms.¹

One of the most significant effects of the eastward drift was that it necessitated the re-foundation of a considerable number of towns. Long before the Conquest, New Romney was founded to replace its neighbour, Old Romney, which had long been completely silted up, and it seems possible that New Romney is one of the oldest, if not indeed the oldest, of the new towns of England.² It has also been suggested that the town of Hastings may have occupied three different sites at various periods. The first of these may well have been at Bulverhythe, to the west of the present site. The silting up of the Aspen valley appears to have caused the foundation of a new port further to the east, in the Priory valley. This second town was in existence at the time of the Conquest but even then was being threatened by the action of the sea, for a new settlement was established even further to the east, in the Bourne valley.³ This town was the 'New Hastings' mentioned in the pipe rolls of 1182 and 1183.⁴

Winchelsea was also affected by this phenomenon; it suffered some severe coastal erosion, and a series of great storms during

1. M. Burrows, Cinque Ports (London, 1888), 5-15; J.A. Williamson, 'The Geographical History of the Cinque Ports', History, xi (1926-7), 97-115; M. Wright, 'The Cinque Port Towns - A Comparative Geographic Study' (unpublished Ph.D. Thesis, London 1965), passim; C. Dawson, History of Hastings Castle, i (London, 1909), 1-6.
2. M. Beresford, New Towns of the Middle Ages (London, 1967), 459.
3. L.F. Salzman, The Story of English Towns - Hastings (London, 1921), 6; M. Beresford, New Towns of the Middle Ages, 494; V.C.H. Sussex, ix, 9.
4. P.R.S., xxxi (1910), 88; xxxii (1911), 138.

the thirteenth century compounded its difficulties. It is claimed that a storm in 1250 resulted in the drowning of some 300 houses and various churches, while further severe storms in 1252 and 1254 inflicted more damage on the stricken town.¹ A great storm in 1287 completed the destruction of the old town and necessitated its removal to a new site.² Maps of the sixteenth and seventeenth centuries illustrate the serious nature of the effects of coastal erosion for, at a considerable distance from New Winchelsea, the site of the original settlement is noted with the simple description 'Old Winchelsea drowned' !³

There are several other examples of members of the confederation being affected by geographical circumstances. Hythe, for example, may be something of a parallel to Romney, for it has been suggested that Hythe was also a secondary development.⁴ This view is based upon the belief that the town was founded when West Hythe, some two miles inland from the new town, was abandoned due to the silting of its harbour. This was certainly the opinion of Hasted, and Leland's reference to West Hythe as Old Hythe indicates that he also subscribed to this view.⁵ If this suggestion is accepted, it appears probable

1. J.B. Jones, The Cinque Ports (Dover, 1937), 85-6.
2. W.M. Homan, 'The Founding of New Winchelsea', S.A.C., 88 (1949), 22.
3. E.S.R.O., Rye MS. 132/7, 8, 11.
4. M. Beresford, New Towns of the Middle Ages, 457.
5. E. Hasted, History and Topographical Survey of the County of Kent, facsimile reprint of 1797 edition with a new introduction by A. Everitt (Wakefield, 1972), viii, 254-7; L. Toulmin Smith (ed.), The Itinerary of John Leland (London, 1909), iv, 46.

that, as in the case of New Romney, the foundation of the new town of Hythe pre-dated the Conquest.¹ A charter was granted to Pevensey in 1207 entitling it to move to another site, but nothing appears to have come of this, despite the silting up of the harbour and the consequent decline in trade.² The small settlement of Bromehill dramatically illustrates the opposite effect as the great storms of the thirteenth century resulted in its almost total submersion; the inhabitants moved to Lydd.³

The implications of these phenomena were still apparent in the fifteenth and sixteenth centuries, the fortunes of many towns being affected to a greater or lesser degree by them. The decay of New Romney and Hythe, for example, was largely the result of geographical factors. Leland described the manner in which the sea had retreated to a distance of almost two miles from New Romney and ascribed the town's decay to this fact,⁴ while contemporary descriptions of Hythe also cite the retreat of the sea as the major cause of its decline.⁵ Winchelsea, having been founded due to the decay of its previous site, suffered the opposite effect for its

1. M. Beresford, New Towns of the Middle Ages, 457.
2. C. Ch.R., iii, 220-1; A.J.F. Dulley, 'The Level and Ports of Pevensey', S.A.C., 104 (1966), 41-3.
3. J.B. Jones, The Cinque Ports, 103-4.
4. Leland, Itinerary, iv, 67.
5. Leland, Itinerary, iv, 64-5; R. Gough, (ed.), Camden's Britannia (London, 1806), i, 321.

harbour was badly affected by silting; seventeenth-century travellers described how the retreat of the sea had caused the town to go into a severe decline.¹

All the major ports within the confederation were affected by the decay of their harbours. In many cases extensive harbour projects were undertaken in an attempt to remedy the situation. Sandwich found a series of such projects necessary in the fifteenth and sixteenth centuries to maintain a navigable haven.² Tradition has it that the natural build-up of shingle in its harbour was aided by a blockage caused by the sinking of a large ship in the harbour mouth but, even if this is untrue, it is still certain that the town suffered greatly as a result of the eastward drift.³ At Dover, massive harbour projects were undertaken in the sixteenth century and, during Elizabeth's reign, it was even suggested that a completely new harbour should be built.⁴ Similarly, at Hastings, as late as the reign of Elizabeth, plans were put forward for the repair of the haven which was in a state of severe decay due to silting.⁵

The town of Rye is unusual among the members of the confederation in that it appears to have maintained a fairly steady

1. J. Brome, Travels over England, Scotland and Wales (London, 1700), 260; C. Morris (ed.), The Journeys of Celia Fiennes (London, 1947), 138.
2. W. Boys, Collections for an History of Sandwich (Canterbury, 1792), 680, 684-5; C.S.P.D., 1547-80, 201, 491.
3. Leland, Itinerary, iv, 48; Camden, Britannia, i, 317.
4. S.P.H. Statham, The History of the Castle, Town and Port of Dover (London, 1899), 98-107; J. Lyon, The History of the Town and Port of Dover (Dover, 1813), i, 148-70; M. Beresford, New Towns of the Middle Ages, 307-8.
5. W.D. Cooper, 'Notices on Hastings and its Municipal Rights', S.A.C., 14 (1862), 82-3.

growth during the fifteenth and sixteenth centuries, a fact that is partly explained by geographical considerations. The severe storms of the thirteenth century appear to have changed the course of the river Rother. Previously, it had debouched at Romney, but the new course established then led it to the sea at Rye.¹ Camden attributed the decay of Romney to this fact,² and it appears probable that it stimulated growth at Rye. The town's harbour did suffer the effects of silting later and a series of harbour projects were undertaken in the sixteenth century.³ The harbour may in fact have been improved by the severe storms of the late sixteenth century, if one accepts Camden's opinion that the sea in this way made ample amends for the mischief it had done at an earlier period.⁴

Geographical factors such as these had a profound effect upon the fortunes of ports throughout the country. Boston and Chester provide examples of towns whose havens were eventually strangled by shingle,⁵ while Grimsby also suffered considerably, the mayor and burgesses claiming that the brisk trade of the port had declined by the end of the sixteenth century due to the decay and silting of the town's haven.⁶ Similarly, many of the members of the Cinque Ports

1. E. Hasted, History of Kent, viii, 439-41; Camden, Britannia, i, 321-2.
2. Camden, Britannia, i, 321-2.
3. C.S.P.D., 1547-80, 119, 202, 402, 472; Rye MS. 99/8, 11.
4. Camden, Britannia, i, 273.
5. P. Clark & P. Slack, 'Introduction', in Clark & Slack (eds.) Crisis and Order in English Towns 1500-1700, 7.
6. E. Gillett, A History of Grimsby (London, 1970), 120.

confederation were seriously affected by the geographical phenomena which prevailed along the south coast of England. Although each port was influenced by specific local considerations and by general economic trends, for almost all of them the effect of the eastward drift and the danger of severe storms were matters of major consequence.

The Size of the Ports

In outlining the geographical circumstances which affected the ports a consistent theme has been the decay of many of the members of the confederation. Contemporary descriptions lend support to the view that many of the ports declined seriously either before or during the period under consideration, but it is possible that some of these reports may be over-stated or misleading. It is desirable to try to establish the population of the various towns since size may be regarded as a rough barometer of their economic fortunes. The problems of historical demography are well known. As Hoskins pointed out, not only are the sources for assessing the size of later medieval towns few, but they are difficult to interpret,¹ while Clark and Slack have found similar problems with respect to towns in the early modern period.² Despite this, it is still possible to paint a general picture of population trends within

1. W.G. Hoskins, Local History in England (London, 1959), 141.
2. P. Clark & P. Slack, 'Introduction', in Clark & Slack (eds.), Crisis and Order in English Towns 1500-1700, 17.

the region, but it should be noted that the conclusions drawn must of necessity be tentative.

The most valuable source for the period is a survey ordered by Queen Elizabeth in 1565, detailing the number of houses in each town, the number of empty houses and the number of people lacking proper habitation. Although returns do not survive for all the ports, the survey illustrates a considerable variation in size among the towns which are represented. In interpreting the returns, a multiplier of between 4 and 5 has been thought to be most acceptable, while the information for Rye, which specifically states that the population of the town was in excess of 2,400, suggests that a multiplier of 4.6 provides a reasonable degree of accuracy.¹ On this basis, the following figures may be reached.

1. J. Krause, 'The Medieval Household: Large or Small?', Ec.H.R., 2nd series, ix (1957), 420-32; P.R.O., SP 12/38/28.

Estimated Population in 1565¹

	<u>Households</u>	<u>Population</u>
<u>Head Ports</u>		
Dover	339	1,560
Hastings	280	1,290
Hythe	122	560
Rye	530	2,440
Sandwich	420	1,940
Winchelsea	109	500
<u>Corporate Members</u>		
Folkestone	120	550
Pevensay	64	300
Seaford	38	175
<u>Non-Corporate Members</u>		
Birchington	42	190
Margate	108	500
Ramsgate	25	115
St. Peters	98	450

These figures demonstrate an interesting variation in the size of the towns at this period, while the comparative sizes of the head

1. P.R.O., SP 12/38/28; B.L., Cotton MS., Julius B IV, ff. 95v-96v.

ports and their members suggests that economic circumstances may have changed considerably since the early years of the confederation. However, they do not, of themselves, demonstrate whether individual ports were experiencing growth or decline and it appears profitable to consider this question before examining the implications of the 1565 survey.

Some of the head ports were undoubtedly in a state of severe decline by 1565 and Winchelsea is a good example. It has already been noted that the severe storms of the thirteenth century resulted in a new town being founded in 1287. This new foundation consisted of 716 building plots arranged in 39 quarters, a church and a friary, and a further 79 plots on the hillside surrounding the town.¹ The exact meaning of this in terms of population is difficult to determine since it is not possible to establish how many of these plots were actually occupied. A historian of the town has suggested that these figures indicate a population of between 4,000 and 5,000 inhabitants,² but this figure seems far too high. Nonetheless, it appears that New Winchelsea was a town of considerable size in the late thirteenth century. The next 300 years seem to have witnessed a process of continuous decline. The town suffered badly from

1. M. Beresford, New Towns of the Middle Ages, 22.
2. W.M. Homan, 'New Winchelsea's 650th Anniversary', Sussex Magazine, Sept., 1942, 261-3.

French raids in the fourteenth century, while the gradual retreat of the sea played a major part in reducing its size.¹

Hythe and Romney provide further examples of decline. Although Hythe is not specifically mentioned in Domesday Book, various entries indicate that it had at least 231 burgesses in 1086 and possibly more.² This indicates a population in excess of 1,000, a town of fair size for the period.³ This early promise was not maintained for by 1565 Hythe was a settlement of less than 600 inhabitants. There were several reasons for this decline. A disastrous fire during the reign of Richard II proved a major setback,⁴ while the population is also thought to have been severely affected by plague during the reign of Henry IV.⁵ Significantly, however, geographical factors were again of great importance, contemporary descriptions stressing the retreat of the sea as the major cause of the town's decline.⁶

The case of Romney is something of a parallel to that of Hythe. The evidence of the Domesday survey is again vague but it appears that there were at least 156 burgesses in the town,⁷ suggesting a population of about 700. For 1381, a surviving poll-tax

1. W.D. Cooper, The History of Winchelsea (London/Hastings, 1850), 69-80, 90-1; C. Morris, (ed.), The Journeys of Celia Fiennes, 138; Leland, Itinerary, iv, 113-4; V.C.H. Sussex, ii, 139-40.
2. H.C. Darby & E.M.J. Campbell, The Domesday Geography of South-East England (Cambridge, 1962), 553.
3. Russell suggests an even larger population; J.C. Russell, British Medieval Population (Albuquerque, 1948), 51.
4. E. Hasted, History of Kent, viii, 235; H.D. Dale, St. Leonard's Church, Hythe since its Foundation (London, 1931), 91-3; H.M.C., iv, 434.
5. H.M.C., iv, 431; J.B. Jones, The Cinque Ports, 76.
6. Leland, Itinerary, iv, 64-5; Camden, Britannia, i, 321.
7. Darby & Campbell, The Domesday Geography of South-East England, 553.

return lists almost 1,000 names, indicating a town of about 1,500 inhabitants.¹ From this point, however, Romney seems to have declined. No information is available for 1565 and the only specific evidence for the later period is a muster return dating from about 1572, which states that there were 72 people in the general band and 56 in the select band.² Such evidence is notoriously unreliable as a guide to population size³ but it does suggest that Romney was by this time a town of no great size. This view is supported by travellers' accounts which stress the decline of the town and the manner in which it had been deserted by the sea.⁴

The other head ports seem to have fared better, being towns of reasonable, if not spectacular, size in 1565. Apart from the 1565 survey, virtually no information of any value is available for the population of Dover or Hastings but, in the case of Sandwich and Rye, the surviving evidence provides a clearer picture. The relevant entries in Domesday Book suggest that Sandwich had a population of about 2,000 in 1086.⁵ The 1565 survey indicates a town of approximately the same size but it seems likely that there were fluctuations in the intervening period. A cess levied in 1471, which lists 527 names

1. K.A.O., NR/Fac 1, ff.1-4; Russell, British Medieval Population, 140-6.
2. C.S.P.D., Addenda 1566-79, 437.
3. L. Boynton, The Elizabethan Militia 1558-1638 (London/Toronto, 1967), 45-8; T.H. Hollingsworth, Historical Demography (London, 1969), 231-2.
4. Leland, Itinerary, iv, 67.
5. Darby & Campbell, The Domesday Geography of South-East England, 552.

in the three parishes of the town, suggests a larger population at that date¹ but, as is discussed below,² the town probably suffered severely from the loss of the Italian trade in the later fifteenth century. The mid-sixteenth century saw a recovery due to an influx of Protestant refugees from the continent, a fact which is reflected in the 1565 survey where it is recorded that, out of 420 households in the town, 129 were Flemish families.³

The town of Rye seems to provide one of the few examples of growth during the period under consideration. The 1565 survey specifically stated that its population was in excess of 2,400⁴ but this does not take account of the influx of Protestant refugees in the later part of the century. A survey of 1572 reveals that at this date there were 641 French and other strangers in the town,⁵ suggesting that the total population may in fact have been over 3,000. There is little useful information for the earlier period but it appears likely that the town was of a smaller size. A muster roll of about 1490 lists 10 jurats and about 170 other names⁶ and, although any estimate of the town's population based on this evidence must be extremely tentative, it seems to indicate a town

1. K.A.O., Sa/AC 1, ff.163-5.
2. See below pp. 57-61.
3. K.A.O., Sa/ZB 3/24.
4. P.R.O., SP 12/38/28.
5. E.S.R.O., Rye MS. 144/18.
6. E.S.R.O., Rye MS, 85/1.

of considerably less than 3,000 inhabitants. The reasons for this growth appear to have been largely geographical. As was noted above, a change in the course of the River Rother may well have stimulated the growth of Rye.¹ The decline of Winchelsea may also have contributed, as it is probable that part of its population may have migrated to its neighbour, Rye.

Several examples of decline or stagnation are also to be found among the corporate members. Pevensey, for example, was one of the oldest members of the confederation but had declined considerably in significance before this period. The town was probably at its peak during the twelfth century. Domesday Book recorded that in 1066 it had 52 burgesses but that this had declined to 27 within a few years, indicating that the town suffered severely from the initial effects of the Conquest. By 1086, a considerable recovery had been made as the number of burgesses had grown to 111, while the establishment of a mint there also reflected the town's new importance.² Such figures suggest a population of about 500 by 1086. The town suffered heavily in the later middle ages from the effects of plague³ and this, combined with changing

1. See above pp.33-4.

2. Darby & Campbell, The Domesday Geography of South-East England, 469.

3. Russell, British Medieval Population, 267-9, 291.

tidal patterns, reduced it to a relatively insignificant size. This decline continued and, by 1565, Pevensey consisted of only 64 houses, representing a population of scarcely 300.

Seaford and Fordwich further illustrate this trend. From being a town of some importance in the Sussex wool trade in the thirteenth century, the effects of tidal changes and a disastrous fire in 1357 reduced Seaford to a position of relative insignificance.¹ The extent of this decline is shown by the 1565 survey which recorded that Seaford had only 38 houses, or about 175 inhabitants. Fordwich also failed to prosper. At the time of the Domesday survey it was termed a small borough possessing 86 burgesses,² indicating a total population of about 400. It does not appear to have experienced any significant growth during the middle ages and, in 1588, the total number of communicants within the town was 140, suggesting a fall in population, while, 50 years later, the number of communicants had fallen even further to just over 100.³

Faversham, on the other hand, seems to have maintained a fairly prosperous existence. Its early prosperity led it to

1. M.A. Lower, 'Memorials of Seaford', S.A.C., 7 (1854), 83.
2. Darby & Campbell, The Domesday Geography of South-East England, 554.
3. E. Hasted, History of Kent, ix, 66.

join the confederation rather than suffer the exactions of its overlord¹ and, during the sixteenth century, its economic condition seems to have remained fairly satisfactory. Certainly, Leland described it as a prosperous market town² and Camden thought it the most flourishing town in the region.³ Later observers also testified to its continued prosperity.⁴ No specific evidence is available to indicate the size of the town but Chalklin suggests that it may have had a population of about 1,000 in the later sixteenth century.⁵

The remainder of the corporate members seem to have been of a fairly moderate size, although little precise evidence is available to indicate either growth or decline. The 1565 survey recorded that Folkestone contained 120 houses, or a population of about 550. Contemporary descriptions suggest that Lydd was much the same size, or possibly even larger. Leland stated that the whole town was contained in one parish but that this was very large,⁶ while Camden confirms this picture of a relative degree of prosperity, describing the town as a 'pretty, populous place'.⁷ It is difficult, however, to make any realistic estimate of size

1. See below pp. 203-5.
2. Leland, Itinerary, iv, 68.
3. Camden, Britannia, i, 313.
4. C. Morris, (ed.), The Journeys of Celia Fiennes, 123; J. Brome, Travels over England, Scotland and Wales, 282.
5. C.W. Chalklin, Seventeenth-Century Kent (London, 1965), 30.
6. Leland, Itinerary, iv, 67.
7. Camden, Britannia, i, 322.

from such descriptions. Similarly, Leland's description of Tenterden as a market town is too vague to be of any real value as a guide to population size.¹

The non-corporate members of the confederation were, with a few exceptions, places of little significance. The 1565 survey reveals only two members with a population of over 400, these being St. Peters and Margate. More typical of the non-corporate limbs were Ramsgate and Birchington, with 25 and 42 households, suggesting that they were little more than small villages. Ecclesiastical returns of c.1580 confirm this picture; Beaksbourne had only 80 communicants and Ringwold and Walmer 60 and 81 respectively, suggesting settlements of a very limited size.²

Deal, however, seems to have experienced a period of growth in the later sixteenth and seventeenth centuries. In the first half of the sixteenth century Leland described it only as a small fishing village³ but, by the close of the seventeenth century, the town claimed to have outstripped many of the corporate members, including Faversham, in terms of both prosperity and population.⁴ Even if this claim is accepted, Deal is exceptional among the non-

1. Leland, Itinerary, iv, 62.
2. E. Hasted, History of Kent, ix, 275; x, 28, 29-33.
3. Leland, Itinerary, iv, 48.
4. S. Pritchard, The History of Deal and its Neighbourhood (Deal, 1864), 194-5.

corporate limbs. By contrast, the general picture appears to be one of settlements which were little more than hamlets or small villages.

* *

The most striking feature to emerge from a consideration of population trends within the Cinque Ports is the remarkably small size of the majority of the members of the confederation. Most of the non-corporate members were little more than tiny villages and, even among the corporate members, only Faversham could be described as a town of more than local significance. Several of the head ports were also remarkably small, only four of them having populations in excess of 1,000 inhabitants in the fifteenth and sixteenth centuries.

Such figures must be kept in perspective, for England in the fifteenth and sixteenth centuries was notable for its lack of urban development. In the early sixteenth century, it appears that there was only one provincial town in England with a population in excess of 10,000 and that no more than twelve to fourteen others exceeded 5,000.¹ The majority of English towns were of a much

1. W.G. Hoskins, 'English Provincial Towns in the Early Sixteenth Century', in P. Clark, (ed.), The Early Modern Town (London, 1976), 93-4.

more limited size, and it has been suggested that the average country town of the 1520s contained no more than 500 to 600 inhabitants.¹ There does not appear to have been any sudden change in this pattern. A century later, the Venetian, Girolamo Lando, once again commented upon this remarkable lack of urbanisation, stating that England 'does not possess many large towns, which may be estimated to number 24, a small number for its size, but has very frequent and populous villages and small towns'.²

When this lack of urban development throughout England as a whole is considered, the small size of many of the members of the confederation appears less remarkable. Several of the members were of average size for country towns of the period while towns such as Dover, Hastings, Rye and Sandwich, although not among the first rank of provincial towns, were nevertheless settlements of some importance. Indeed, Rye in the later sixteenth century may well have been the largest town in Sussex.³ It is true that some of the members appear to have declined sharply from their situation of earlier centuries, Winchelsea providing a good example, but against this picture must be set the growth of Rye and the

1. J. Cornwall, 'English Country Towns in the 1520s', Ec.H.R., 2nd series, xv (1962-3), 61.
2. C.S.P.V., 1621-3, 430.
3. J. Cornwall, 'English Country Towns in the 1520s', Ec.H.R., 2nd series, xv, (1962-3), 61.

continued prosperity of market towns such as Faversham.

Overall, there is little evidence to support the conclusion that the region was in a state of general decline. The members of the confederation appear to fit into the pattern to be observed throughout the country as a whole. Decline in one area was often matched by growth in another, supporting Clark's opinion that, among English towns, there were as many growth centres as there were pockets of urban decay.¹ Significantly however, these changes often meant that the economic balance between head port and member had changed drastically since the early days of the confederation. This change of balance often resulted in disputes and, as will be seen, these disputes were to have considerable significance for the structure of the confederation itself.

International Trade

An important element in the economy of the region was the involvement of many of the members of the confederation in trade with the continent. Again, it is beyond the scope of this study to attempt a detailed analysis of the activities and fortunes of individual ports in this field, and this examination of the ports' involvement in international trade is limited to an attempt to

1. P. Clark & P. Slack, 'Introduction', in Clark & Slack (eds.) Crisis and Order in English Towns 1500-1700, 8.

answer several general questions. What were major commodities of trade, and to what extent was the ports' involvement in each either expanding or declining? How important a role did the ports play in such trade compared with other provincial ports? How was the trade organised? What light does the ports' activities in this field shed on the general economic fortunes of the region?

a) The Commodities of Trade

In considering the volume of trade in particular commodities it is convenient to consider the Cinque Ports as belonging to two different groups, that is the western ports and the eastern ports. This distinction is made necessary by the nature of the enrolled customs accounts for the period, whereby several towns were grouped together under one head port which acted as the centre of customs supervision for an area of coastline. The extent of such an area could vary from time to time but, by the fifteenth century, the division of the coastline had become reasonably consistent.¹ The two customs areas with which this survey is concerned were represented by the head ports of Sandwich and Chichester. Sandwich appears to have been responsible for the stretch of coastline from Faversham

1. E.M. Carus-Wilson & O. Coleman, England's Export Trade 1275-1547 (Oxford, 1963), 7-9, 177.

to Dover, while Chichester's jurisdiction extended from Seaford to Folkestone, an area which included Hastings, Rye, Winchelsea, Romney and Hythe.¹ The enrolled customs accounts therefore did not record the exports of one port but of several; nevertheless, they still provide a picture of the trade of a particular region.

Almost inevitably, the first commodity which must be considered is wool. Sandwich played something of a dual role in this trade. Firstly, the port was involved in the normal wool trade through the Staple at Calais. In addition, however, Sandwich was also one of the ports from which wool was shipped direct to Italy, without having to pass through the Staple.² The general pattern of the period is one of decline, with the notable exception of one decade in the mid-fifteenth century. For the first fifty years of the century, exports of wool from the Sandwich customs area were not of any great volume, rarely exceeding 400 sacks a year. Between 1457 and 1467, however, there was a sudden increase, reaching a peak in 1463-4 when over 2,500 sacks were exported. After 1467, the trade fell back to its previous level and, in the early sixteenth century, exports declined to an almost

1. D. Burwash, English Merchant Shipping 1450-1550 (Toronto, 1947), 146; N.S.B. Gras, The Early English Customs System (Cambridge, Mass., 1918), 105.
2. E. Power, 'The Wool Trade in the Fifteenth Century' in Studies in English Trade in the Fifteenth Century, E. Power & M. Postan (eds.) (London, 1933), 44.

negligible amount.¹ The Chichester accounts are more consistent but again illustrate a drastic fall in the volume of trade. Throughout the thirteenth and fourteenth centuries the Sussex ports appear to have been of some importance in the wool trade, annual exports often exceeding 500 sacks, while Chichester was even appointed a Staple port in 1353.² By the fifteenth century, however, the volume of trade had fallen drastically and, by the beginning of the period under consideration, the role of the western ports in the wool trade had become insignificant.³

Exports of cloth also illustrate a decline in the fortunes of the region. The upsurge of cloth exports on a national level in the fifteenth century was reflected in the accounts of Sandwich, as exports from this customs area increased greatly during the period 1420-70. After 1470, however, they fell to a consistently low level.⁴ The Sussex ports played less of a part in this trade, the volume of cloth exports in the fifteenth century being relatively insignificant. A slight increase occurred in the 1520s, reflecting the national trend, but this was not maintained.⁵

Sandwich was, however, also involved in the other side of the

1. Carus-Wilson & Coleman, England's Export Trade 1275-1547, 55-74, 136-7; see appendix I.
2. V.C.H. Sussex, ii, 188-9; Carus-Wilson & Coleman, England's Export Trade 1275-1547, 9, 36-56, 132-3.
3. Carus-Wilson & Coleman, England's Export Trade 1275-1547, 57-63, 132-3; see appendix II.
4. Ibid., 92-119, 154-5; see appendix III.
5. Ibid., 88-119, 150-1; see appendix IV.

trade in cloth; with London, it was a major port for the import of cloth from the Low Countries.¹ Some four times a year, corresponding to the dates of the continental fairs, ships would arrive laden with a considerable variety of cloth.² Once again, Sandwich's involvement in this trade was at its peak in the fifteenth century, imports increasing by five times during the period 1439-40 to 1462-3.³

Sandwich also appears to have been of importance in the import of wines during the fifteenth century. The records of the imports of non-sweet wine during this period show all the fluctuations of a trade easily disturbed by the fortunes of war. Nevertheless, they indicate a level of imports surpassed only by the ports of London, Southampton, Bristol and Hull.⁴ In general, the volume of imports was at its highest during the first 40 years of the century after which a gradual decline set in although specific years could witness a temporary recovery.⁵ During the period c.1470-1500, the level of imports fell⁶ and remained at this lower level in the early sixteenth century.⁷

The ordinances for the harbour at Winchelsea in 1427 contain

1. M.R. Thielemans, Bourgogne et Angleterre: les relations Politiques et Economiques entre les Pays-Bas et L'Angleterre, 1435-67 (Brussels 1966), 225-31.
2. Ibid., 229-31, 487.
3. Ibid., 227.
4. M.K. James, Studies in the Medieval Wine Trade, E.M. Veale (ed.) (Oxford, 1971), 108-16.
5. Ibid., 108-13; see appendix V.
6. Ibid., 113-6; see appendix V.
7. G. Schanz, Englische Handelspolitik gegen ende des Mittelalters (Leipzig, 1881), ii, 139.

numerous regulations dealing with the sale of wine,¹ but an examination of the customs accounts for the Sussex ports in general and Winchelsea in particular suggests that the impression of brisk activity implied by these ordinances was without any real foundation.² It seems likely that these regulations were somewhat anachronistic and reflected an earlier period when Winchelsea was of considerable importance in the trade, a period before the retreat of the sea brought the town to a decayed state. Certainly, the extensive nature of the wine cellars in the town suggest that it was once of major significance in this trade.³ In the sixteenth century, the volume of wine imported appears to increase,⁴ especially when compared to the declining fortunes of Sandwich in this trade, perhaps reflecting the increased importance of Rye amongst the Sussex ports. Nevertheless, the volume of wine imported was never of great significance compared to the imports of other ports.⁵

While much of the ports' trade was concerned with these major items, there were also numerous shipments of either a less valuable sort or of a less frequent nature. In 1439-40, for example, some 1089 mares and 7 horses left Sandwich, probably destined either for the markets of Calais or the Low Countries.⁶ Or, in 1440, a London

1. W.D. Cooper, 'Notices of Winchelsea', S.A.C., 8 (1856), 202-3.
2. M.K. James, Studies in the Medieval Wine Trade, 108-16; see app. VI.
3. E.S.R.O., Add. MSS. 2399, 2410-2439.
4. G. Schanz, Englische Handelspolitik gegen Ende des Mittelalters, ii, 140.
5. Ibid., 128-45.
6. Thielemans, Bourgogne et Angleterre, 219.

mercator sent tapestries worth £110 from Bruges to Sandwich.¹

The importance of Kent as a centre of the chalk trade was also reflected in the customs accounts. In 1527, for example, six ships from Dutch ports exported chalk to the value of £20 from the port of Sandwich.² The items of trade could range from articles of small value such as needles and thimbles,³ to a shipment of armour and harnesses worth a large sum,⁴ while basic commodities such as wood were also to be found amongst the multifarious cargos passing through the port.⁵

To a much greater extent, the trade of the Sussex ports tended to be dominated by commodities of a relatively humble sort; the main item of their economy was undoubtedly timber, or wood in some form. Even in the fourteenth century, the timber of the Weald had been a significant factor in the economy of the region. At Romney, for example, some 44 ships left harbour in 1371-2, every one carrying wood of some description.⁶ By the fifteenth century, with the decline of the wool trade, the trade in timber had become even more important. Ships from Rozendaal and Dunkirk would arrive, often carrying only ballast, and would carry away loads of firewood

1. Thielemans, Bourgogne et Angleterre, 232-3.
2. L.F. Salzman, English Industries of the Middle Ages (London, 1913), 91.
3. P.R.O., E 122/128/4, f.4.
4. Ibid., f.8v.
5. Ibid., f.8.
6. R.A. Pelham, 'Timber Exports from the Weald during the Fourteenth Century', S.A.C., 69 (1928), 175.

which their own less forested country could not supply.¹ The dumping of this ballast could only have aggravated the problem of the silting up of harbours which so troubled the region.² If these boats did carry cargo, it was generally of a fairly humble character. The records of the Chichester region show boats of small tonnage arriving from Dunkirk, Ostend, L'Ecluse, even from Boulogne and occasionally from Vere and Zierikzee, bringing commodities such as herring, hops, cabbages and onions, and departing loaded with billets.³

b) The Organisation of Trade

Burwash has calculated the number of arrivals and departures at certain of the ports of England in specific years between 1460 and 1520, and the figures she has put forward for the Chichester and Sandwich customs areas suggest a high degree of alien involvement in the trade of the region.⁴ It appears probable, however, that the impression of large-scale activity on the part of alien merchants implied by these figures is a rather over-simplified picture, since there seem to have been considerable differences between the nature of this involvement in the eastern and the western ports and, indeed,

1. R.A. Pelham, 'Timber Exports from the Weald during the Fourteenth Century', S.A.C., 69 (1928), 170-82; D. Burwash, English Merchant Shipping, 1450-1550, 158.
2. R.A. Pelham, 'Timber Exports from the Weald during the Fourteenth Century', S.A.C., 69 (1928), 182.
3. Thielemans, Bourgogne et Angleterre, 329.
4. Burwash, English Merchant Shipping, 1450-1550, 217.

in the length of time for which the activities of aliens were of any great importance.

As was discussed above, the economy of the western ports by the fifteenth century was largely concerned with fairly humble cargoes, and principally with the export of wood. The part played by these ports in the trade in wool, cloth and wine was of little consequence on a national scale, and consequently, the involvement of aliens in such trade was correspondingly small. Certainly, the involvement of aliens in the trade in cloth was of little importance,¹ failing to reflect the national trend which saw about half of the cloth trade in alien hands during the fifteenth and early sixteenth centuries.² Alien shipments of wool from the Chichester region during this period were also extremely rare.³

Much of the trade of this region does appear to have been in the hands of aliens, but the ships involved were normally of small tonnage and the cargoes of relatively little value; the main imports were items such as hops, cabbages and onions, and the dominant export was wood. A good illustration of both the importance of timber to the economy of the region and of the high degree of alien

1. Carus-Wilson & Coleman, England's Export Trade 1275-1547, 88-119, 150-1.
2. Ibid., 13.
3. Ibid., 55-74.

involvement in the trade is to be found in a letter of 1552 from Thomas Barnabe, merchant, to Sir William Cecil, in which he laments:¹

I have sene go out at one tyde out of Rye,
together, 37 hoys laden with wood and tymber,
and never an English maryner amongst them;
which is a wonderful dis-commoditye to this realm.

Alien involvement in the major commodities of trade was much more significant with regard to the eastern ports, and particularly so in the case of Sandwich. From an early period Sandwich was involved in the Italian trade. In the early fourteenth century the Italians appear to have used Sandwich, rather than Southampton, as their chief port of call on the south coast.² By the fifteenth century, many Italian carracks, too clumsy for the journey up the Thames itself, put into Sandwich, the last of the Kentish ports which could be reached safely without a pilot. Here, vessels bound for the capital picked up a lodesman for the last difficult stages of the journey. The Genoese, however, usually trans-shipped their goods at Sandwich into smaller English craft which could more easily complete the journey up the Thames.³ Up to the 1430s, Sandwich was the usual port of call for the Flanders galleys and, even after this

1. H. Ellis, (ed.), Original Letters Illustrative of English History, 2nd Series, ii, 200.
2. A.A. Ruddock, Italian Merchants and Shipping in Southampton 1270-1600 (Southampton, 1951), 29.
3. Ibid., 47-8.

date, masters could choose between anchoring at Sandwich or Southampton, although the latter came to dominate.¹ There was consequently a brisk coastal traffic between London and Sandwich; small vessels of the latter port took cargoes of southern goods from the galleys to the capital and returned laden with English cloth.² The chief function of Sandwich in the Italian trade with England was as a place of trans-shipment.

The port's function as a place of trans-shipment meant that there was an Italian colony established there, but it does not ever seem to have been particularly large. When its actual size may be ascertained in the fifteenth century from the alien subsidy returns, it consisted of three or more merchants with some members of their families, and one or two clerks or servants.³ The main purpose of such a colony was simple. As soon as a London importer received word from Italy that merchandise consigned to him was on a vessel bound for Sandwich or Southampton, he forwarded a letter to his local agent enumerating the merchandise to be collected and giving details of the merchant mark stamped upon the bales.⁴ Belisardo de' Bardi, for example, sent such a letter to Gabrielle

1. C.S.P.V., 1202-1509, 63, 65, 67, 68, 72, 77, 150.

2. See below pp. 81-3.

3. Ruddock, Italian Merchants and shipping in Southampton 1270-1600, 118

4. Ibid., 103.

Pinnelli in the 1440s authorising him to receive 286 balets of woad from the purser of a Genoese carrack arriving at Sandwich and to despatch this cargo in coasting craft to London.¹

There was also a settlement of Gascons at Sandwich. This settlement may have been of a slightly greater size than that of the Italians, for the royal butler expressed his dislike of the number of Gascons who had settled there and been enfranchised.² There is no real reason however why this colony should ever have been of any great size. It was a common practice for merchants of Bayonne to bring wine to England in their ships and sell it direct to the English retailer, a practice which would not have required a high number of resident aliens.³

Alien participation in the major commodities of trade was at its peak in the region during the fifteenth century and declined drastically after the 1470s. Exports of cloth, to a large extent dominated by aliens, demonstrate this point. Alien cloth exports became a major preoccupation of Sandwich about 1420 and continued to be of considerable importance for the next fifty years. The peak year was 1442-3, when alien exports of 6,665 'cloths of assize'

1. Ruddock, Italian Merchants and shipping in Southampton 1270-1600, 103.
2. M.K. James, Studies in the Medieval Wine Trade, 74-5.
3. Ibid., 191.

comprised almost all the cloth exports of the region. This was exceptional in terms of volume of trade but, in several other years, between 2,000 and 3,000 cloths were exported.¹ After 1471-2, however, the volume of alien cloth exports fell drastically, and total exports of cloth never again approached the level of earlier in the century.²

Involvement of aliens in the wool trade was also of relatively short duration. It has already been noted that Sandwich was one of the ports from which wool could be exported direct to the Mediterranean, without having to pass through the Staple. Power felt that this trade with the Mediterranean, which from the fourteenth century was dominated by Italians, was of relatively greater importance than the trade through the Staple at Calais.³ There is good reason, however, to question the stress laid upon the Italian trade when considering the period as a whole. The evidence of the enrolled customs accounts indicates that exports by aliens (which in general is an indication of involvement in the Mediterranean trade)⁴ were at a relatively high level for only a little over three decades, from 1448 to 1482. Even during these

1. Carus-Wilson & Coleman, England's Export Trade 1275-1547, 88-104, 154-5.
2. Ibid., 104-119, 154-5.
3. E. Power, 'The Wool Trade in the Fifteenth Century', in Studies in English Trade in the Fifteenth Century, E. Power & M. Postan (eds.), 41.
4. Carus-Wilson & Coleman, England's Export Trade 1275-1547, 12.

decades, the alien share of the trade only occasionally dominates the total picture. Indeed, in the period, 1457-66, when exports of wool from Sandwich were at their peak, the higher proportion of the trade was in the hands of denizens. Although in certain years alien exports contributed largely towards the total wool exports of the region, the period as a whole illustrates that the trade through the Staple was the normal preoccupation of Sandwich, and that alien interest in the wool trade had declined sharply by the later fifteenth century.¹

The decline of alien interest in Sandwich appears to have been a severe blow to the fortunes of the region. With the withdrawal of the Flanders galleys to Southampton and the decline of other alien involvement in the port, the economic activities of the region seem to have suffered greatly. The remainder of the period shows the foreign trade of Sandwich at a more consistent level and mostly in the hands of native shipowners. With the decline of the alien contribution, however, the volume of imports and exports did not again approach the level of the mid-fifteenth century.

* * *

An examination of the ports' involvement in international trade tends to suggest that, by the end of the fifteenth century,

1. Carus-Wilson & Coleman, England's Export Trade 1275-1547, 55-74.

they were of little consequence upon the national scene. It must be remembered, however, that the majority of the members of the confederation were settlements of limited size and, as such, it would be surprising if they had been of any great significance. The western ports seem to have been of some importance in the wool trade during the thirteenth and fourteenth centuries, and Winchelsea may well have played an important role in the import of wine. It seems reasonable to suggest, however, that the trade in wood was probably of more lasting significance to the economy of the region, the more so when the silting-up of harbours made access difficult for all but the smallest boats. Similarly, among the eastern ports, it seems probable that only Sandwich was heavily dependent upon foreign trade for its livelihood. It is important to realise that Sandwich was exceptional among the ports and that its apparent prosperity during the fifteenth century was due to particular circumstances which did not apply to other members of the confederation.

Even in the case of Sandwich, it is possible that its apparent decline at the end of the fifteenth century with the withdrawal of the Italian trade may not have been so calamitous in its results as at first appears. Sandwich seems to have been used largely as a place of trans-shipment and, consequently, the high level of alien activity in the port during the fifteenth century may not have meant a similar level of prosperity for the townspeople. The fortunes of Southampton provide a parallel to those of Sandwich and a recent assessment of the effect of the loss of the Italian trade on that town has viewed it, not as a disaster for the town, but as 'a retreat in reasonable order from an untenable trading position' giving the

town 'valuable independence from the caprices of international trade and from the whims of those who had used it too much to the advantage of themselves'.¹ If viewed in this light, the apparent decline in the fortunes of Sandwich may be seen, not as a major disaster, but simply as a period of re-adjustment.

Overall, the Cinque Ports did not play a significant part in international trade during the period under consideration. As would be expected in the case of towns of limited size, their economy was largely based on less spectacular pursuits.

The Fishery

The importance of the fishing industry to the members of the confederation is beyond doubt. Contemporary descriptions stress the vital role played by the fishery in the economy of the region. In 1700, for example, a traveller described the manner in which the town of Hastings was enriched by its industrious colony of fishermen,² a description just as appropriate to earlier centuries, while Camden, writing about the Thanet ports, described the inhabitants as being like amphibious animals, making their living by both land and sea.³

The importance of the fishing industry to the ports is amply

1. C. Platt, Medieval Southampton: The Port and Trading Community, A.D. 1000-1600 (London, 1973), 222.
2. Brome, Travels over England, Scotland and Wales, 260.
3. Camden, Britannia, i, 316.

illustrated by surveys of the late sixteenth century. At Hythe in 1565, for example, there was a total of 32 boats, mostly under 20 tons in burden, all of which were engaged in the fishing industry.

These boats were manned by 160 fishermen, out of a total population of about 560.¹ Strong supporting evidence for the importance of the fishery is provided by surviving wills of the later middle ages. At Hythe, of these testators whose occupations are traceable, 61% left either boats or nets.²

A similar situation existed at Hastings. In 1565 the town was said to possess seven crayers of between 40 and 50 tons, which would have been employed either in the coastal or overseas trade. In addition, there were 25 fishing boats of between 5 and 20 tons. These boats appear to have been the main source of employment within the town for, out of a population of 280 households or perhaps 1,290 inhabitants, there were stated to be 146 fishermen householders and 57 servants to fishermen.³ Again, as at Hythe, the evidence of wills gives strong support to these figures, a large number of the testators being described as fishermen.⁴

Rye provides yet another example of the importance of the fishery. Of the 56 boats belonging to the town, only 13 were engaged in trade or merchandising, while 21 fishing boats of between 12 and

1. B.L., Cotton MS., Julius B IV, f.95.

2. A.J. Dulley, 'Four Kent Towns at the End of the Middle Ages', Arch. Cant., 81 (1967), 102-3.

3. P.R.O., SP 12/38/28.

4. e.g. E.S.R.O., A.C.L., A I, ff.73v, 115v, 124, 135, 188.

24 tons were said to go daily to the sea and 24 boats of similar tonnage to engage less frequently in the fishing trade. Of the total of 530 households, there were 225 fishermen householders and 451 inhabitants of the town were described as being servants to fishermen. By comparison, only 60 inhabitants were described as being mariners sailing in merchandise or passage.¹

Similar figures may be quoted for several of the limbs. At Folkestone, there were 25 boats, all of which were used for fishing and, of the 120 householders, 70 were said to be fishermen.² At Ramsgate, where there were only 25 houses, there were nevertheless 14 boats. Seventy men were said to be employed in them, a figure which seems high enough to suggest that some of them were drawn from outwith Ramsgate itself.³ Margate and St. Peters also illustrate the importance of the fishery, especially to a small community.⁴

The two major events in the fishing year were the Yarmouth fair and the Scarborough fair or 'saltfare'. The importance of the Yarmouth fair to the portsmen is a continuing theme throughout the whole of the period under consideration, and the right of administering justice during the Yarmouth fair was the source of considerable

1. P.R.O., SP 12/38/28.
2. B.L., Cotton MS., Julius B IV, f.95.
3. Ibid., f.96.
4. Ibid., f.96v.

dispute between the men of Yarmouth and of the ports.¹ The significance of the Yarmouth fair and of the industry in general is well illustrated by the prominence given to it at meetings of the Brodhull; the election of the bailiffs to Yarmouth was always the first item on the agenda.²

The Yarmouth fair took place in the autumn. The boats left the ports in late September and returned in November. The principal catch was herring which was normally disposed of at the fair itself.³ The other regular deep sea voyage was the Scarborough fair, which occupied most of the same boats in the early summer. Early references to this fair mention herring as the principal catch but, by the late sixteenth century, it had become primarily a line fishery for cod and ling.⁴ At Scarborough, the boats remained on the fishing grounds for most of their stay, and returned to port only once or twice to unload their catch for salting and drying. At Yarmouth however, the boats do not appear to have stayed at sea for more than one or two days at a time.⁵

It is notable that the Cinque Ports played little part in the newer and more distant Scottish and Iceland fisheries, which were to

1. See below pp. 348-51, 354-60.
2. White & Black Books, passim.
3. A.J. Dulley, 'The Early History of the Rye Fishing Industry', S.A.C., 107 (1969), 42.
4. Ibid.
5. Ibid., 43.

a considerable extent the monopoly of the east coast towns. This may be partly explained by the difficulties and dangers involved in these voyages, but the most likely explanation lies in the fact that the inshore fisheries were flourishing and there was therefore little incentive to journey to these distant fisheries.¹ Of these inshore fisheries, the winter herring season and the sprat season were the commonest.² Certain areas had more specialised interests. At Fordwich, for example, fresh-water fishing was a major preoccupation and the trout found in the local waters were particularly esteemed.³

An activity peculiar to the area around Rye and Hythe was the catching of plaice and other flat fish by means of trammel nets, this season extending throughout the summer.⁴ This fishery was subject to various regulations to prevent over-fishing. A Rye ordinance of 1483 prohibited 'dobill tramell withoute any senett be twene' as well as tramelling in the open seas.⁵ This season ran from the beginning of Lent until the departure for Yarmouth but was most active between Easter and late August.⁶

The average fishing boat seems to have been little more than

1. A.J. Dulley, 'The Early History of the Rye Fishing Industry', S.A.C., 107 (1969), 44.
2. Ibid.
3. C.E. Woodruff, A History of the Town and Port of Fordwich (Canterbury, 1895), 201-2.
4. A.J. Dulley, 'The Early History of the Rye Fishing Industry', S.A.C., 107 (1969), 45.
5. E.S.R.O., Rye MS. 60/3, f.122v.
6. A.J. Dulley, 'The Early History of the Rye Fishing Industry', S.A.C., 107 (1969), 45.

15 to 25 tons in burden.¹ Even this represented a considerable investment, however, and ownership was commonly shared among two or three people. One of them was normally the master, while other shares were owned by working fishermen or their widows.² These boats were probably built locally, although little reference is made to shipbuilding in the records of the ports. One surviving example mentions a Rye shipwright who was commissioned to build a boat for three local fishermen in 1609,³ and it seems probable that this was a fairly common procedure.

Details have survived of the size of crews involved at Rye in 1565 which appear to have been typical of the industry in general. The size of crews employed varied according to both the size of the boat and the nature of the voyage undertaken:⁴

1. P.R.O., SP 12/38/28; B.L., Cotton MS., Julius B IV, ff.95-6; Cotton MS., Otho E IX.
2. A.J. Dulley, 'The Early History of the Rye Fishing Industry', S.A.C., 107 (1969), 47.
3. E.S.R.O., Rye MS. 140/54.
4. P.R.O., SP 12/38/28.

Yarmouth and Scarborough Fairs

Boat of 40 tons	18 men	1 boy
Boat of 30 tons	16 men	1 boy
Boat of 20 tons	12 men	1 boy

Fishing at Home

Boat of 30 tons	12 men	1 boy
Boat of 25 tons	11 men	1 boy
Boat of 20 tons	10 men	1 boy
Boat of 15 tons	9 men	1 boy

Despite the relatively small size of the boats they each offered regular employment to a sizeable number of people. As each port normally had a considerable number of such craft, the importance of the industry to the economy of the ports is therefore amply illustrated.

An interesting reflection upon the importance of the fishing industry to the Cinque Ports, and indeed to the country as a whole, is the manner in which efforts were made to ensure that the activities of the fishermen were not unduly affected by the fortunes of war. During the fourteenth century, agreement was reached between fishermen of the south coast of England and their counterparts in France over the terms of ransom to apply in the event of fishing boats being captured. The object of this agreement was to ensure that vessels and crews could return to their normal pursuits at the

earliest opportunity.¹

In 1460, the portsmen were given permission to seek letters of safe-conduct from the king's enemies in order that they could carry on their ' art of fishing ' without molestation; it was stated that their livelihood depended upon this industry and that on several occasions heavy ransoms had been charged when fishing boats had been captured.² By the 1480s it had become normal practice to appoint boats to protect the fishermen of the ports and elsewhere and these boats were often drawn from one of the members of the confederation.³ This practice was still followed as late as 1563 when a series of letters described the manner in which a sizeable craft was to be fitted out for the protection of the herring fleet to Yarmouth.⁴ This preoccupation with the protection of the fishing fleets is a further illustration of the vital role they played in the economy of the country as a whole and of the Cinque Ports in particular.

The most important of the fish markets throughout the ports appears to have been at Rye and details survive regarding its conduct. Traditionally, the market was in the hands of middlemen

1. K.A.O., NR/Fac 2, f.80v.
2. C.P.R., 1452-61, 644.
3. C.P.R., 1485-94, 213, 392.
4. K.A.O., NR/JBf 8.

called 'osts'. No stranger might buy fish from anyone else while, at the same time, the 'osts' and 'feters', who made the baskets in which the fish was measured and transported, were forbidden to have any direct or indirect share in the actual fishing.¹

Apart from the 'osts', only the king's purveyor could deal directly with the fishermen, and his wants had to be supplied first. This official was normally a London fishmonger and tended to favour his own town - resulting in some bitterness among the people of Rye. Matters came to a head in 1523 when William Wulnerstone was appointed as purveyor. The corporation of Rye took exception to the terms of his appointment, and objected even more strongly when the wardens of the Fishmongers' Company of London issued strict regulations for the conduct of the Rye market. They claimed a right of pre-emption for members of the company once the crown and other magnates had been provided for, established maximum prices, arranged for a regular representative to be put in at Rye to look after their interests, and threatened offenders with imprisonment at Newgate.² Not surprisingly, there were violent protests from Rye and the matter was put to arbitration. Fortunately for the town,

1. A.J. Dulley, 'The Early History of the Rye Fishing Industry', S.A.C., 107 (1969), 45.
2. E.S.R.O., Rye MS. 60/6, ff.2-5.

the commission was weighted in its favour; apart from the comptroller of the king's household, it consisted of the lord warden, the mayor of Rye and a local landowner. The fishermen, by 'ther owne agrements', accepted regulations which guaranteed the rights of the king's purveyor in the town but contained no mention of the privileges claimed by the Londoners.¹

Despite this dispute, Rye continued as a major supplier of fish to London. Indeed, in 1561, when the town was seeking aid to repair its harbour, one of the reasons it put forward to justify its petition was that the town had done great service in providing fish for the crown, London and a great part of the country.² Further evidence of the ports' role as a supplier to London is provided by a letter of 1564 from the privy council to the lord warden which directed that fishermen within the ports should exert themselves to provide more fish for London and other markets to furnish the Wednesdays and other fish days.³ This connection with London was of an enduring nature for, as late as 1700, a traveller described how the fishermen of Folkestone took great quantities of fish, which every week were brought up and conveyed away to London

1. E.S.R.O., Rye MS. 60/6, ff.5-6.
2. E.S.R.O., Rye MS. 99/2.
3. K.A.O., NR/CPw 39.

by the rapiers.¹

By the sixteenth century, concern was felt throughout the country as a whole at the way in which fewer men were practising the art of fishing, partly because the seamen thus employed could play a vital part in the defence of the nation in time of war. Various measures were adopted to try to renew the vigour of the industry and it was suggested that a new day of abstinence of meat should be ordained in an effort to avert the serious decay which affected the industry.²

The most obvious symptom of this decay within the confederation was the decreasing importance of the Yarmouth fishery; this change is reflected by the records of the Brodhull in which the Yarmouth fair played an increasingly unimportant part.³ Although reflecting the general decline from which the industry was suffering, the decay of the fishing industry in the Cinque Ports was to a certain extent due to the peculiar circumstances affecting the region, notably the effects of the eastward drift. The best illustration of this is provided by Winchelsea. In the fourteenth century the town had been of major significance in the fishing

1. J. Brome, Travels over England, Scotland and Wales, 273-4.
2. C.S.P.D., 1547-80, 220; P.R.O., SP 12/27/71.
3. See below pp. 354-60.

industry,¹ but the gradual retreat of the sea brought a severe decline. This was amply demonstrated by the fact that in 1586, it was said to have no ships or boats of any description, no masters, and only one able mariner.²

Other Aspects of Shipping

While the economy of many of the ports was heavily dependent upon the fishing industry and, to a lesser extent, upon overseas trade, there were nevertheless several other enterprises which occupied the ships of the confederation.

a) The Dover Passage

A distinct division is made in the records of Dover between the activities of ships engaged in the passage to the continent and those engaged in more conventional trading ventures. Surviving harbour accounts of the 1520s help to illustrate the basic trends of the period since they recorded the arrival of any ships not involved in the passage trade. The most common arrivals were boats from Calais and Boulogne, although occasional arrivals by boats from Dunkirk also occur.³ The importance of the coastal trade is also evident from the large number of ships arriving from Sandwich and

1. A.J. Dulley, 'The Early History of the Rye Fishing Industry', S.A.C., 107 (1969), 38.
2. P.R.O., SP 12/198/8.
3. B.L., Egerton MS. 2,108, ff.20-75.

Whitstable, while arrivals from Hythe and Colchester were not uncommon.¹

The most interesting feature of the commercial activities of Dover was the existence of an organisation known as the Fellowship of the Passage. As early as the Domesday Survey, Dover appears to have enjoyed special rights concerning the transport to passengers to the continent.² In the late thirteenth and early fourteenth centuries the channel traffic greatly increased, due partly to the order that pilgrims must travel to the continent from the port of Dover. The increase in traffic appears to have led to extortionate prices being charged with the result that poorer travellers, unable to afford the cost of the voyage across the channel, expressed their discontent by causing considerable disturbance within the town.³ To remedy this, the Fellowship of the Passage was established in 1312. This Fellowship consisted of 21 master mariners who were to have the right to engage in the passage. The manner of their participation was closely regulated and it was stipulated that each member was to engage in the traffic by turn, making three trips and then taking no further part in the traffic

1. B.L., Egerton MS. 2,108, ff.37-46.
2. Darby & Campbell, The Domesday Geography of South-East England, 546.
3. S.P.H. Statham, The History of the Castle, Town and Port of Dover, 65-7.

until all the members had taken their turn. Anyone contravening this regulation was liable to the heavy fine of 100s.¹

The profitable nature of the traffic is shown by an agreement of 1343 by which the members of the passage company were to make 'voluntary' contributions to the town of 2s. for every ship loaded with freight and 1s. for every ship carrying passengers, in return for the right to engage in the passage traffic.² Even at this early stage of development the danger of the Fellowship becoming a totally closed company was realised; it was stated that anyone able and wishing to partake in the profits of the passage should be free to do so, providing that he paid the necessary contributions to the town.³

During the fifteenth century the monopoly granted to Dover was confirmed on three occasions, in 1440, 1451 and 1467. On each occasion the confirmation was made necessary because the rights of the town had been infringed.⁴ The confirmation of 1467, for example, recited a petition from the town of Dover which stated that, despite the royal orders that Dover should have the monopoly of trade with Calais, other ports within the county of Kent had repeatedly

1. S.P.H. Statham, Dover Charters and Other Documents (London, 1902), 36-7.
2. Ibid., 52-5.
3. Ibid.
4. C.P.R., 1436-41, 392-3; Statham, Dover Charters and Other Documents, 199-203; C.P.R., 1446-52, 427-8; Statham, Dover Charters and Other Documents, 238-43.

infringed the town's rights in this matter.¹

During the sixteenth century further troubles resulted from internal disputes within the fellowship. The regulations stating that members of the fellowship must take their turn by rotation in the cross-channel traffic were evidently being ignored for they were re-issued in 1534-5. Any breach of this ordinance was to entail a fine of 20s. and imprisonment for a period at the discretion of the mayor and jurats of the town.² This re-issue was apparently ineffective for, only a few years later, it was stated again. On this occasion, the re-statement was directed specifically at four members of the fellowship who had presumably been ignoring the regulation and the fine was raised to 40s.³

Records relating to the passage survive for only a limited period, spanning the years 1518-25, but these records do give some indication of both the volume of the traffic involved in the passage to Calais and the structure of the fellowship itself. Two years' figures indicate the volume of the traffic involved. Between 2 June, 1518 and 10 June, 1519 there were 151 departures for Calais, while the period 16 September, 1521 to the end of August, 1522 saw

1. Statham, Dover Charters and Other Documents, 238-43.
2. B.L., Egerton MS. 2,093, f.123.
3. Ibid., f.129.

an even higher number of departures at 163.¹ If a typical month from the latter year is considered, the way in which the members of the fellowship participated to varying degrees is illustrated:²

Ships Employed in the Passage in July, 1522

<u>Ship</u>	<u>Master</u>	<u>Dates of Voyages</u>
Gabriel	Edward May	3, 12, 20 July.
Mary & John	John Brown	7, 16, 20, 24 July.
Christopher Stelman	William Legent	10, 14, 16, 20 July.
John Finneas	John Barber	10, 16, 20, 29 July.
Barbara	James Fox	13, 16, ?24? July (illeg.)
Clement	Christopher Hawke	14, 20 July.
John Evangelist	John a Wode	14, 20 July.

In this month 22 trips were made, divided amongst seven ships, but the order is not consistent with the theory of each ship having its turn by rotation. The 'Mary & John', the 'Christopher Stelman' and the 'John Finneas' all made four journeys, while the 'Gabriel' and the 'Barbara' made three, and the 'Clement' and 'John Evangelist' made only two. The table does illustrate, however, both the regularity of such employment to the shipowners and the manner in which certain

1. B.L., Add. MS. 28,035, ff.1-37, 102-40.
2. Ibid., ff.128-131v.

ships tended to play a major role in the traffic. It seems possible that the number of ships employed wholly in the passage traffic was very small by this period, and that additional ships would enter into the traffic when demand was exceptionally heavy. Some such arrangement is suggested by the fact that in the following month, when an exceptionally heavy volume of traffic is recorded, two ships from outside Dover were employed for the first time.¹

These vessels were all of moderate size as the following table indicates:²

<u>Size of Ships Engaged in the Passage</u>	
<u>Ship</u>	<u>Size</u>
Gabriel	40 tons
Mary & John	40 tons
Christopher Stelman	50 tons
John Finneas	36 tons
Barbara	50 tons

The cargoes they carried were appropriate to their small size, such

1. B.L., Add. MS. 28,035, ff.133v, 134v.
2. B.L., Egerton MS. 2,092, ff.226-8.

as livestock or horses, though often the cargo was designated merely as freight.¹ It was equally common, however, for the ships to be employed in carrying passengers, as in 1518 when the lord chamberlain and his company were transported at a cost of five pounds.² In many of the entries, part of the sum received was stated to have been deposited in the 'ferry-box', from which the required payments were made to the town four times a year.³ Throughout the period under consideration these quarterly payments remained an important part of the town's income.⁴

For many of the ships involved in the passage this activity was only part of their commercial life. There are numerous entries stating that individual ships had temporarily left the passage traffic or had re-entered it, presumably indicating that in the interim period they were engaged in other commercial activities.⁵ There is little to indicate the nature of these absences although on one occasion it was stated that the ships which had withdrawn were engaged in transporting corn around the coast to London,⁶ and it is likely that the coasting trade was a major reason for these absences from the passage.

1. B.L., Add. MS. 28,035, e.g. ff.15-6.
2. Ibid., f.15v.
3. Ibid., e.g. f.63.
4. B.L., Egerton MS. 2,090, ff.101, 106, 110, 115, 120, 123, 127.
5. B.L., Add. MS. 28,035, ff.27, 60v, 72, 91v, 98v, 99.
6. Ibid., f.60v.

It is difficult to estimate with any certainty whether the passage was a profitable occupation throughout the whole period as accounts survive for only a few years. However, it seems reasonable to suggest that, even before the loss of Calais, a combination of increased French hostilities and the progressive decay of the harbour at Dover itself must have caused a severe decline.

b) The Coastal Trade

The coastal trade also provided a fairly regular source of employment for the ships of the confederation. During the fifteenth century the most significant aspect of this trade was undoubtedly the use of Sandwich by Italian merchants as a port of trans-shipment in their trade with London.¹ Numerous examples may be quoted of goods being brought to Sandwich by Italian merchants and then loaded into small boats to be taken to London. Such shipments were apparently a major target for pirates. In 1459, for example, a complaint was made by Venetian merchants that merchandise imported by them and placed in boats at Sandwich to be taken to London had been seized in the Thames by English pirates.² A similar complaint

1. See above pp. 57-9.
2. C.P.R., 1452-61, 494.

was made by Venetian merchants in 1464; in this case it was alleged that boats laden by them at Sandwich and carrying sweet wines, dates and other goods to London, had been plundered by pirates of Sandwich, Winchelsea and Whitby.¹ Or again, in 1467, a boat laden with woad at Sandwich by Genoese merchants was once more attacked by pirates during the voyage to London.²

By the sixteenth century the nature of the coastal trade had changed with the decline of the Italian trade. The growth of London as a centre of consumption provided the ships of the ports with employment in transporting foodstuffs to the capital. A major pre-occupation of the Kentish ports, and particularly of Sandwich, was the transporting of grain from the farmlands of Kent to London.³ As has been seen, a major reason for ships temporarily withdrawing from the Dover passage was probably to find employment in transporting grain to fulfil the needs of the capital.⁴ The importance of the confederation as suppliers of fish to London has also been noted,⁵ again providing employment for small craft. As late as 1700, for example, a traveller described how large quantities of fish were sent each week from Folkestone to London, carried either by the

1. C.P.R., 1461-7, 347.
2. C.P.R., 1467-77, 28.
3. N.S.B. Gras, The Evolution of the English Corn Market, 105-7; P. Clark & P. Slack, 'Introduction', in Clark & Slack (eds.), Crisis and Order in English Towns 1500-1700, 13.
4. See above p.80.
5. See above pp. 72-3.

ripiers or by small smacks.¹

Although the nature of the coastal trade appears to have changed during the period under consideration, it still remained of considerable importance to the portsmen since it provided a fairly regular source of employment for the relatively small craft of the confederation.

c) The Pilgrim Trade

An interesting question with regard to the Cinque Ports is the extent of their involvement in the pilgrim trade to Compostella. An old rhyme about the dangers and discomforts involved in this voyage includes this stanza:²

For when they take to see,
At Sandwyche, or at Wynchelsee,
At Brystow, or where that it bee,
Theyr herts begyn to fayle.

However, despite the implication that some of the Cinque Ports were of importance in the pilgrim trade, there is little concrete evidence to support this view. Throughout the fifteenth century, only five licences to carry pilgrims survive which involve ships from the Cinque Ports. In 1434, two licences were issued to Robert Porter of Winchelsea and one to Robert and William Sutton

1. J. Brome, Travels over England, Scotland and Wales, 273-4.
2. F.J. Furnivall (ed.), The Pilgrims Sea-Voyage (Early English Text Society, xxv (1867)), 37.

of Sandwich.¹ These licences involved, in all, the transport of 150 pilgrims, which was far from exceptional in what was the peak year for the trade in the fifteenth century.² In 1445, a licence was issued to John Langakre of Sandwich to carry 60 pilgrims,³ while the last entry to be found was in 1456, when a licence to carry 80 pilgrims was issued to Simon Farnecombe of Winchelsea.⁴ On this evidence, there appears to be no justification for one author's assertion that thousands of pilgrims embarked for Compostella from the Cinque Ports.⁵

d) Piracy

In addition to their conventional trading activities the portsmen were also heavily involved in the secondary maritime occupation so common throughout England, the lucrative occupation of piracy.

The thirteenth century probably saw this occupation at its peak in the region, due largely to the dominance of the shipping of the Cinque Ports along the south coast at this time.⁶ The fifteenth century saw little improvement and numerous charges were laid against the portsmen, normally for acts of piracy against

1. Foedera, x, 573, 576, 581.

2. Ibid., x, 567-82.

3. Ibid., xi, 79.

4. Ibid., xi, 373.

5. A.G. Bradley, An Old Gate of England (London, 1917), 135.

6. See above pp. 13-8.

the goods of foreign merchants.¹ Nevertheless, many of those engaged in piracy were from a fairly respectable background. William Morfoot of Winchelsea provides a good example: the foremost of the pirates of his town, his career spanned some thirty years from 1420-50, during which time he engaged in periodic acts of piracy. Despite the nature of his pursuits he was nonetheless an influential man in the town, being thought sufficiently respectable to be chosen as member of parliament for Winchelsea in 1428-9.² Another example is John Cole of Sandwich. Although he was heavily engaged in piracy in the mid-fifteenth century, he nevertheless went on to become mayor of his town and to enjoy a distinguished career in the king's service.³

Piracy was still prevalent in the sixteenth century. Several commissions were ordered to investigate alleged acts of piracy within the Cinque Ports, while indictments against portsmen on this charge remained common.⁴ However, there had always been a thin line between acts of piracy and legitimate acts of war, and this distinction still remained vague: a direction from the privy council to the mayor and jurats of Rye to aid all persons freely to fit out their vessels for the annoyance of the enemy in 1557 in all

1. e.g. C.P.R., 1452-61, 167, 304; C.P.R., 1461-7, 35, 202.
2. C.F. Richmond, 'Royal Administration and the Keeping of the Seas' (unpublished D.Phil. thesis, Oxford, 1962), 99-101.
3. See below pp. 253-5.
4. C.S.P.D., 1547-80, 44, 254, 547, 564, 582.

probability was viewed mainly as an opportunity for plunder.¹

Despite their heavy involvement in piracy, the portsmen never approached the degree of organisation and professionalism found in Devon and Cornwall. The portsmen did participate frequently in this 'second industry' of England but, compared with the high degree of organisation of the pirates based around Fowey, their activities were comparatively sporadic. Although more than willing to accept the opportunity of a rich prize if it presented itself, the portsmen for the most part seem to have engaged in piracy as a secondary, although highly rewarding, occupation.²

Internal Trade and Industry

The geographical situation of the Cinque Ports naturally had the result that maritime pursuits were of particular importance in their economic life. Nevertheless, many of the members of the confederation had several other economic interests of a more local nature, either as centres of production or as centres of distribution.

a) Industry

There are several examples of local industries being of significance to particular towns. The most notable of these were

1. C.S.P.D., 1547-80, 93.
2. C.F. Richmond, 'Royal Administration and the Keeping of the Seas', 93-167.

the 'new draperies' established at Sandwich in the later sixteenth century using the expertise of the Protestant refugees who had settled in the town,¹ while Rye also experienced a growth in prosperity as a result of this influx from the continent.² It is possible, however, that, as happened at Norwich, the new techniques introduced by the 'Strangers' were not adopted by natives until a late date, and that most of the 'new draperies' were produced by aliens.³ Tenterden also appears to have been connected with the textile industry and was described as one of the towns in which the cloth industry was first established.⁴ This connection seems to have continued to some degree throughout the whole of the period under consideration.⁵ Hythe also had some interest in this trade: it was recorded that there were fulling mills in the town, and that a small linen industry was established there in the early fifteenth century.⁶

Other towns had more specialised interests. At Folkestone, the quarries were the source of considerable revenue and stone from

1. K.A.O., Sa/AC 4, ff.192, 204v; D. Gardiner, Historic Haven, the Story of Sandwich (Derby, 1954), 174-81; Chalklin, Seventeenth-Century Kent, 123-6.
2. W.D. Cooper, 'Protestant Refugees in Sussex', S.A.C., 13 (1861), 180; E.S.R.O., Rye MS. 144/18.
3. B. Green, Norwich, the Growth of a City (Norwich, 1972), 21-2.
4. Camden, Britannia, i, 322; J.E. Mace, Notes on Old Tenterden (Tenterden, 1902), 14-5.
5. Chalklin, Seventeenth-Century Kent, 121.
6. V.C.H. Kent, iii, 403, 411; H.M.C., iv, 435.

them was used in the sixteenth-century harbour projects at Dover.¹ At Dover itself, the large chalk deposits around the town made it of some significance in the supply of limestone, although this industry did not develop to any great extent until the seventeenth century.² The evidence of customs accounts suggests that the timber industry was of considerable importance to the Sussex ports,³ while, at Faversham, gunpowder was produced from Elizabethan times.⁴

b) Agriculture

There are numerous examples from within the confederation which illustrate the importance of agriculture. At Brightlingsea, for example, there are several examples of livestock being bequeathed in wills, as in the will of John Street who in 1531 left his cows, bullocks, 15 of his sheep, half of his hogs, half of his pigs and half of his poultry to his widow.⁵ On a more fundamental level, fifteenth-century regulations of Sandwich and Romney relating to the removal of 'dung' testify to the presence of livestock,⁶ while a Rye ordinance stating that anyone allowing a cow, ox, beast of burden or swine, or any other irrational animal to enter the churchyard should forfeit 3s.4d. is also an indication of the problems which livestock could cause in a town.⁷

Agricultural interests could be of considerable importance to

1. C.S.P.D., 1547-80, 690; W.A.S. Robertson, 'Medieval Folkestone', Arch. Cant., 10 (1876), p.cxv.
2. Chalklin, Seventeenth-Century Kent, 148.
3. See above pp. 54-5.
4. V.C.H. Kent, iii, 399.
5. E.P. Dickin, A History of Brightlingsea (Brightlingsea, 1939), 189.
6. K.A.O., Sa/AC 1, f.90v; H.M.C., v, 538.
7. H.M.C., v. 489.

a town. Sandwich and Faversham, for example, benefited greatly from the carriage to London of the grain grown in the fertile fields of Kent.¹ Similarly, Romney gained considerable benefits from its situation in the pasture land of Romney Marsh.² The limbs also profited from agricultural interests. A town such as Pevensey, having been deserted by the sea, became largely concerned with agricultural pursuits;³ a traveller in 1700 stated that it chiefly subsisted by the grazing trade,⁴ while Camden described how the inhabitants of the Isle of Thanet made their livings by being 'both fishermen and ploughmen, farmers and sailors ... experts in both professions'.⁵ Lydd provides another example in the form of Andrew Bate, one of its most prominent inhabitants. A wealthy butcher and farmer, he was the source of several complaints by neighbours that his herds of cattle had overrun their pastures.⁶

Although the members of the confederation were distinguished from the rural areas of Kent and Sussex by the liberties and privileges which they enjoyed, they were nevertheless sharers in the agricultural life which was so important to the region as a whole.

c) Local Trades

It appears probable that most of the towns in the confederation

1. N.S.B. Gras, The Evolution of the English Corn Market, 105-6.
2. A.F. Butcher, 'The Origins of Romney Freemen, 1433-1523', Ec.H.R., 2nd series, xxvii (1974), 18.
3. W. Hudson, 'On a Sixteenth-Century Ratebook of the Corporation of Pevensey', S.A.C., 45 (1902), 149-79; E.S.R.O., Pevensey MS. 1/1/F.
4. J. Brome, Travels over England, Scotland and Wales, 259.
5. Camden, Britannia, i, 316.
6. A. Finn (ed.), Records of Lydd (Ashford, 1911), 278-9.

were not dominated by any one specific industry apart from fishing, and that they fit in with the picture drawn by Hoskins of towns largely concerned with the production of necessities for their own consumption and that of the surrounding countryside.¹ In common with other English towns,² the food and drink trade were of considerable importance and butchers, bakers, brewers and fishmongers were subject to strict regulations.³ The importance of these trades is reflected in the chamberlains' accounts of Rye: in 1573, there were 13 bakers and brewers, 9 butchers, 8 vintners and 37 beer-tippers in the town.⁴

Platt has recently pointed out that, by modern standards, every medieval community of any size was exceptionally well-equipped with specialised craftsmen, employed in a wide variety of trades,⁵ and this appears to be a valid description of the larger members of the confederation. At Sandwich for example, guilds or companies of tailors, weavers, shearsmen, barber-surgeons and wax-chandlers existed in the later fifteenth century, while the town records for the sixteenth century also record the existence of coopers,

1. W.G. Hoskins, 'English Provincial Towns in the Early Sixteenth Century', in P. Clark, (ed.), The Early Modern Town (London, 1976), 99-101.
2. W.G. Hoskins, 'English Provincial Towns in the Early Sixteenth Century', in P. Clark (ed.), The Early Modern Town 99-101; J.F. Pound, 'The Social and Trade Structure of Norwich, 1525-75', in P. Clark (ed.), The Early Modern Town, 134-5.
3. 'Custumal of Fordwich', in C.E. Woodruff, History of Fordwich, 215-6; 'Custumal of Sandwich', in W. Boys, Collections for an History of Sandwich, 500-1.
4. E.S.R.O., Rye MS. 65/1.
5. C. Platt, The English Medieval Town (London, 1976), 75.

shoemakers, grocers, curriers and cordwainers.¹ The best example of the wide variety of occupations to be found is, however, provided by Faversham. In 1616, the trades pursued in the town were said to be those of the mercers, grocers, apothecaries, woollen-drapers, salters, haberdashers of hats and small wares, tailors, clothmakers, clothworkers, dyers, weavers, shearsmen, hosiers, barber-surgeons, shoemakers, tanners, curriers, saddlers, collarmakers, glovers, brewers, bakers, innholders, vintners, chandlers, pewterers, brasiers, mariners, stationers, smiths, farriers, cutlers, armourers, joiners, fletchers, carpenters, turners, wheelwrights, coopers, sawyers, masons, brickmakers, bricklayers, emplasterers, painters, butchers, millers, glaziers, basketmakers, costermongers and ropemakers.² Although Faversham was a fairly prosperous town and as such probably showed a greater degree of variety in trades followed than many of the other members of the confederation, it nevertheless illustrates the remarkable variety of occupations to be found in a town which was not dominated by one specific industry.

d) The Ports as Local Markets

In the fifteenth and sixteenth centuries, the absence of mechanical transport and the intense localism of society had the

1. K.A.O., Sa/AC 1, f.280; Sa/AC2, ff.35, 134; Sa/AC 3, ff.109, 145; Sa/AC 5, ff.240, 262.
2. K.A.O., Fa/GI, ff.1-4.

result that the local market was of great importance as a centre of supply and distribution to the area immediately surrounding it.¹ Many of the members of the confederation fulfilled this function and Dover, Faversham, Folkestone, Hythe, Lydd, Romney, Sandwich, Tenterden, Hastings, Rye and Winchelsea may all be described as market towns.²

At Rye from 1404 two markets were held each week, on Wednesdays and Saturdays.³ At Winchelsea, a weekly market was held from 9 a.m. to 2 p.m. each Friday.⁴ In 1700, a traveller stated that Dover had a 'commodious market place, which is well replenished every Saturday with all necessary provision, of which there is brought great supplies constantly out of the country'.⁵ The limbs often fulfilled a similar role and Leland stated that Lydd had a market and described Tenterden as a market town of Kent.⁶

In the larger towns several markets could exist, each devoted to specific commodities. As has been seen, the Rye fishmarket was apparently a thriving enterprise, and, at Sandwich, the appointment of two wardens of the fishmarket and two wardens of the fleshmarket illustrates the same trend.⁷ The importance of Dutch settlers to

1. A. Everitt, 'The Market Towns', in P. Clark, (ed.), The Early Modern Town, 168.
2. Ibid., 175-6.
3. E.S.R.O., Rye MS. 45/10; Rye MS. 60/2, f.1.
4. E.S.R.O., Winchelsea MS. 53, f.29v.
5. J. Brome, Travels over England, Scotland and Wales, 277.
6. Leland, Itinerary, iv, 62, 67.
7. K.A.O., Sa/AC 1, f.220v.

Sandwich was recognised in the 1560s by the grant of two weekly markets for the sale of their cloth.¹ The larger towns might also have the right to hold annual fairs. At Sandwich for example, the right to hold two annual fairs of 30 days duration was granted in 1504, the summer fair to be held between 5 June and 4 July and the winter fair between 8 February and 9 March.²

e) The Ports and London

The trading connections of the ports spread well beyond their immediate environs and ties existed with such towns as Chichester, Southampton, Dartmouth and even Newcastle.³ However, by far the most important connection was that between the ports and London. Although the nature of this trade might change, it was nonetheless of enduring importance. During the fifteenth century, Sandwich was an important place of trans-shipment in the Italian trade with the capital while the ports supplied fish and grain to London in the sixteenth and seventeenth centuries.⁴

There is much evidence of the frequency and importance of trading connections with the capital. Several deeds of gift of goods and chattels have survived.⁵ A typical example was that of Thomas

1. K.A.O., Sa/AC 4, f.204v.

2. K.A.O., Sa/AC 2, ff.124v, 126v; C.P.R., 1494-1509, 402.

3. A.F. Butcher, 'The Origins of Romney Freeman', Ec.H.R., 2nd series, xxvii (1974), 18-9.

4. See above pp. 71-3, 82-3.

5. e.g. C.C.R., 1447-54, 73, 414; C.C.R., 1461-68, 380.

Bygges of Sandwich, merchant, to William Lok, citizen and merchant of London in 1466, where Bygges made a gift of all his goods and chattels and all debts to him due to Lok.¹ Although the exact significance of such gifts is obscure, it seems likely that they represented a credit mechanism to facilitate trading arrangements between the parties concerned.² Other traces of trade between portsmen and merchants of London are found in legal proceedings; for example, in 1455, a Winchelsea merchant was pardoned for his non-appearance to answer a plea of debt by a London mercer.³

It was, however, the London merchants who usually played the dominant role in such trade. The attempts by the London Company of Fishmongers to control the Rye fishmarket illustrates the increasingly dominant role played by London,⁴ while the experiences of Faversham as a major supplier of grain to the capital were also significant. The prosperity of Faversham depended upon its function as one of London's principal suppliers of grain and as a market through which Londoners moved cart-loads of merchandise into the Kentish hinterland. However, once this trade link had been established, the Londoners tended to engage increasingly in direct

1. C.C.R., 1461-68, 380.
2. Calendar of Plea and Memoranda Rolls of the City of London, 1437-57, pp. xxii-xxviii.
3. C.P.R., 1452-61, 187.
4. See above pp. 71-2.

buying and, to a lesser extent, retailing, to the exclusion of local merchants. At Faversham, while the volume of traffic with the capital increased steadily in the two centuries after 1500, the number of local merchants engaged in the trade with London tended to decline.¹

Trading relations with London were not always harmonious. The attempt by the London fishmongers to control the market at Rye aroused considerable bitterness and an entry in the records of the town in 1523 recorded that the regulations issued by them were not worthy of being observed.² The Cinque Ports procedure of withernam caused many disputes and the mayor of London wrote to the privy council in 1583 describing the great disturbances which had resulted in the capital due to the procedure of withernam being enforced against London ships, and threatening that retaliation would be taken against vessels of the confederation unless the situation was remedied.³ The portsmen's claim to trade free of custom was also a source of concern and several disputes arose over the rights of the portsmen to buy and sell free of duty in the capital.⁴ Despite the frequency of such disputes, trade with London remained of major

1. P. Clark & P. Slack, 'Introduction', in Clark & Slack (eds.), Crisis and Order in English Towns 1500-1700, 13; J.H. Andrews, 'The Trade of the Port of Faversham 1650-1750', Arch. Cant., 69 (1955), 125-31.
2. E.S.R.O., Rye MS. 60/6, f.3.
3. C.S.P.D., 1581-90, 104.
4. S. Jeake, Charters of the Cinque Ports, 8-11; K.A.O., Fa/AC 1, f.78; See below pp. 361-2.

importance to the economy of the ports throughout the whole of the period under consideration.

* *

The trading connections of the confederation tended to encourage population mobility; the towns acted as a magnet which attracted migration from the surrounding area. Butcher has demonstrated the importance of this attraction with respect to Romney. Of approximately 400 freemen enrolled in the town in the period 1433-1523 about one-third were drawn from within a radius of five miles from the town, while a large proportion of apprentices were also drawn from the immediate area.¹ Such migration patterns tended to reinforce existing bonds between the town and its hinterland.² Faversham provides a further example and illustrates the important role of a market town, both as a centre of supply and distribution and as a centre of migration for the surrounding area.³

The trading links between the ports and London also resulted in a certain amount of migration between the ports and the capital and vice-versa. For example, William Clederowe, a grocer of London in the late fifteenth century, was a descendant of a Hythe family.⁴

1. A.F. Butcher, 'The Origins of Romney Freemen', Ec.H.R., 2nd series, xxvii (1974), 20, 23.
2. Ibid., 26.
3. P. Clark, 'The Migrant in Kent Towns, 1580-1640', in P. Clark & P. Slack (eds.), Crisis and Order in English Towns 1500-1700, 117-54.
4. C.C.R., 1476-85, 63.

Similarly, Alice Pitlesden, described in 1452 as 'solewoman' of London, was the daughter of a Tenterden family.¹ The reverse of this migration is illustrated by men such as John Baret who, in 1453, was described as 'of Sandwich, late of London, merchant alias mercer',² or Thomas Lynne, citizen and haberdasher of London, described as being 'alias of Sandwich, merchant'.³ Such examples may be multiplied and demonstrate the secondary significance of trading connections between the ports and the capital.

While the attraction of the towns was of considerable importance to the economy of the region, it could nevertheless result in difficult problems for the town authorities. Throughout England as a whole, the problem of the poor migrant and the consequent risk of urban unrest was a matter of major concern. The relevance of this problem to the confederation is illustrated by the attempts which were made to ensure that the poor obtained a supply of food. At Lydd, in the mid-fifteenth century, grain was distributed to paupers on important feast days.⁴ Sandwich in the sixteenth century showed a similar concern and a decree of 1520-1 stated that inhabitants with 20 quarters of wheat in store were to bring one

1. C.C.R., 1447-54, 359.

2. C.P.R., 1452-61, 76.

3. C.P.R., 1452-61, 643.

4. A. Finn (ed.), Records of Lydd, 79, 80, 82, 83, 85.

quarter weekly to the market to be sold at a regulated price.

This wheat was to be distributed amongst the poor people at the discretion of the mayor and jurats.¹ Fifty years later, the needs of the poor of the town were again recognised and a cess levied to raise money to buy wheat for them.²

f) The Organisation of Trade and Industry

Little evidence has survived of a formal gild structure, except in the records of a few of the larger towns. A fairly elaborate gild structure existed at Sandwich in the late fifteenth and sixteenth centuries, with gilds or companies of grocers, tailors, wax-chandlers, weavers, shearsmen, shoemakers, cordwainers, curriers, coopers and barber-surgeons.³ Where details of these gilds or companies have survived they conform to the general pattern of gild organisation throughout the country as a whole: wardens were appointed with powers of search and ordinances were issued regarding the maintenance of standards of production and the serving of apprenticeships.⁴ At Rye, too, there appears to have been a formal gild structure; a petition of c.1570 concerning the decayed state of the harbour was presented by four wardens of the

1. K.A.O., Sa/AC 2, f.278v.

2. Sa/AC 5, f.113v.

3. Sa/AC 1, ff.280, 284; Sa/AC 2, ff.34-35; Sa/AC 3, f.145; Sa/AC 4, f.170; Sa/AC 5, ff.240, 262; Sa/AGO/1 & 2; Sa/ZB 1/18; W.Boys, Collections for an History of Sandwich, 678-97.

4. Sa/AC 1, f.284; Sa/AGO/1 & 2.

seamen,¹ while a decree of 1575, establishing a company of mercers, related that this foundation was necessary because of an increasing tendency for members of one craft to encroach upon the rights of another.²

Less evidence has survived for the other members of the confederation. At Dover, much is known of the regulations governing the Company of the Passage,³ and the pilots or lodesmen of the town were also subject to close supervision,⁴ but little is known about the organisation of other activities within the town. At Seaford, no specific evidence of a formal gild structure survives but a complaint made in 1584-5 that Robert Welfare had used the arts of a tailor without having first served an apprenticeship suggests some degree of formal regulation of industry.⁵ A Romney decree of 1450-1 showed a similar concern about apprentices, stating that they were not permitted to marry during the term of their apprenticeship and forbidding them to play at dice or chequerboard.⁶

Indirect evidence for the existence of craft organisations in several towns is provided by performances of miracle or morality plays, an activity normally organised by the craft gilds. Such plays

1. E.S.R.O., Rye MS. 99/5.
2. Rye MS. 46/5.
3. See above pp. 75-7.
4. K.A.O., CPw/LS 7, ff.1-15v.
5. E.S.R.O., Seaford MS. 141 (unnumbered folios)
6. K.A.O., NR/Fac 3, f.14.

appear to have been performed at Folkestone, Lydd and Hythe,¹ but by far the best example is provided by Romney. In common with the great cycles of York, Beverley, Wakefield and Chester, the plays dealt with a biblical theme, the various stages built being described as 'Pilate's Stage', 'Annas' Stage', 'Pharisees' Stage', 'Herod's Stage', 'Heaven', 'the Cave' and 'Hell'.² Numerous expenses were incurred by the men of Romney in their production and necessary equipment was brought from as far away as London.³

No mention has survived of a formal gild organisation in many of the members of the confederation but this is largely explained by the small size of many of these settlements. Efforts were nevertheless made, encouraged by the central government, to ensure the maintenance of standards of production. A typical example of such legislation is provided by the case of John Sattell, who, at Winchelsea in 1562, was bound in the sum of £40 to make hose which should not 'lye loose or bolsteryd, but to lye just unto their legges, as in auncyent tyme was accustomed'.⁴ It is interesting to note, however, that such regulations may not have been beneficial for it has been suggested that such controls tended to stunt enterprise

1. NR/FAc 3, ff.30v, 58v, 61, 76v, 91, 95.
2. NR/JB 7, f.68.
3. NR/FAc 3, f.114.
4. E.S.R.O., Winchelsea MS. 52, f.150v.

and may, in fact, have exacerbated the economic difficulties of a town.¹

The retailing of goods was also the subject of a multitude of regulations, in general conforming to regulations to be found throughout the country as a whole.² A major preoccupation was to ensure that goods were sold only at appointed places and during specified hours, and prohibitions against the practices of forestalling and regrating occur frequently in the records of several towns.³ At Sandwich, for example, it was the duty of the common sergeant to go to the outskirts of the town on each market day and warn those people coming to buy goods that they must not forestall the market.⁴ Similar regulations applied at Romney where it was forbidden to buy or sell goods between sunset and sunrise,⁵ and in 1456-7 John West was arrested for buying 1,300 herring before sunrise and before they came to the market.⁶

The regulations governing trading tended to discriminate against aliens to the benefit of the freemen of the town. At Sandwich, a succession of regulations were issued which restricted the rights of aliens. In 1438, it was ordered that strangers were

1. P. Clark & P. Slack, English Towns in Transition, 108-9.
2. A. Everitt, 'The Market Towns', in P. Clark (ed.), The Early Modern Town, 184-6; N.S.B. Gras, The Evolution of the English Corn Market, 65-73.
3. e.g. K.A.O., Sa/AC 3, ff.5v, 228; NR/Fac 2, f.136; NR/Fac 3, f.32; Fa/AC 1, f.4v.
4. 'Custumal of Sandwich', in Boys, Collections for an History of Sandwich, 503-4.
5. 'Custumal of New Romney', 26-7, in The Register of Daniel Rough, (Kent Records, xvi, 1945).
6. K.A.O., NR/Fac 3, f.32.

not to be merchants under pain of fine of 40s.¹ In 1456, it was again stated that strangers were not to retail merchandise² while a decree of 1479 asserted that no stranger was to buy in the town, but only resident freemen.³ Such regulations remained common throughout the sixteenth century: a decree of 1503 directed that no persons were to buy or sell in the town until they had been housekeepers for a year and had been sworn to the freedom of the town⁴ while, four years later, it was agreed that foreigners were not to keep open shop in the town until they had been admitted to the freedom.⁵ Similarly, regulations issued at Winchelsea in the sixteenth century concerning buying and selling by strangers were also very restrictive in favour of the freemen of the town.⁶

Efforts were made to regulate prices, with the mayor having the right to act as clerk of the market. At Romney, for example, a butcher was fined 10s. in 1569 because he 'did highe his price of beefe, contrary to the order of the mayor and jurats to him given'.⁷ At Sandwich, there are numerous examples of the prices to be charged by bakers, brewers and chandlers being fixed by the mayor of the town,⁸ and of fines being levied against offenders who had

1. K.A.O., Sa/AC 1, f.42.
2. Sa/AC 1, f.100.
3. Sa/AC 1, f.249.
4. K.A.O., Sa/AC 2, f.115.
5. Sa/AC 2, f.157v.
6. E.S.R.O., Winchelsea MS. 51, ff.28-9.
7. K.A.O., NR/Fac 6, f.149v.
8. K.A.O., Sa/AC 2, ff.269-70, 343, 350v; Sa/AC 3, f.74v.

sold their goods at a higher price than the mayor had specified.¹ The price of beer, in fact, became a major point of contention between the brewers and the town authorities during the sixteenth century; the brewers acted in contempt of the mayor's authority as clerk of the market by selling their beer at a higher price than that ordained and refused to pay the fines imposed upon them for this contempt.²

Conclusion

The traditional picture of the Cinque Ports confederation in the fifteenth and sixteenth centuries is of a region in decline and, at first sight, a review of the economy of the ports seems to lend support to this view. Contemporary descriptions stress the decay of many of the ports, often citing geographical changes as the major cause. Population figures indicate that the confederation consisted of settlements of small or moderate size. Trade figures demonstrate that involvement in overseas trade was at a relatively insignificant level by the end of the fifteenth century. However, it is important to realise that the economy of the confederation was not uniform throughout all its members, and that towns had individual interests. As a consequence of this, there could be considerable variation within the region, both in terms of the

1. Sa/AC 3, ff.180, 195, 203v.
2. Sa/AC 3, ff.131, 177, 218.

level of prosperity enjoyed and in the occupations which dominated the local economy.

The majority of the members of the confederation, particularly the limbs, were, and always had been, relatively small settlements. Consequently, they had little interest in the major commodities of international trade and the apparent decline in imports and exports was of real significance to only a few of the larger ports. For most of the Cinque Ports, the important factors in their economy were the humbler, but equally important, occupations of fishing and agriculture.

The dominant maritime pursuit within the confederation was the fishing industry. It appears probable that this had always been the case; the establishment of the confederation itself was partly the result of the common interests shared by the south coast ports in the Yarmouth fishery. The decline of the fishing industry throughout the country as a whole in the sixteenth century would obviously have been a matter of some concern to these ports but, despite this decline, the surveys conducted in the later part of the century indicate that fishing was still a major employer of labour at the end of the period under consideration.

Coupled with the fishing industry, agriculture was a major occupation in several areas. The small settlements of the Isle of Thanet, for example, appear to have been largely agricultural in

nature, while the same was true of the region around Romney and Lydd. The frequency of town regulations concerning livestock and the large quantities of grain produced in the fields of Kent suggest that the importance of agriculture as a source of employment and income was always considerable for many of the members of the confederation. Along with this, most of these settlements would have had a number of local trades concerned largely with supplying the basic needs of the inhabitants and the surrounding area.

The nature of the local economy could undergo change throughout the centuries, causing fluctuations in the fortunes of a town. At Sandwich, the withdrawal of the Italian trade caused a temporary decline towards the end of the fifteenth century but this was soon compensated for by the influx of Protestant refugees in the sixteenth century and the establishment of the 'new draperies' in the town. The abandonment of the port as a place of trans-shipment for the Italians would also have entailed a fall in coastal traffic but, in the sixteenth century, there was a resurgence of the coastal trade to London, with grain as the major cargo. The growth of London as a centre of consumption was also of considerable importance to Rye, Faversham and Folkestone. For most of the ports, however, it seems probable that changes were less dramatic and that, for most of the period under consideration, the economy of such towns was still dominated by the traditional pursuits of fishing and agriculture.

It is beyond doubt that the Cinque Ports were of less importance on the national scene that had been the case in the thirteenth and fourteenth centuries. This early importance, however, was not so much due to economic factors as to the role the ports played in the defence of the nation, a role which had become anachronistic. It was loss of prestige, rather than severe economic decline, which resulted in the ports losing much of their national significance.

The evidence for an economic decline is far from clear. Several towns did decay, but this was balanced to some extent by a growth in others. For the majority of the smaller members, however, it is doubtful whether the centuries had produced any great change since their economy had always been dominated by fishing and agriculture and their importance always of a purely local nature. On a general level, the region cannot be said to have been in severe economic decline; decline was more apparent than real, due largely to the fact that, as the confederation's role in the defence of the nation became anachronistic, the portsmen refused to accept the new reality and clung to illusions of past grandeur. The decline of the Cinque Ports was not so much a decline in economic terms as a loss of the prestige which had resulted from the ports' special function in the thirteenth and fourteenth centuries.

CHAPTER III

Town Government in the Cinque Ports

- i) The Head Ports in the Fifteenth
and Early Sixteenth Centuries

The whole character of municipal government was thus indefinitely modified by local circumstances...and nothing is more surprising than the variety and intricacy of the political systems with which the medieval burghers were familiar. They adopted indiscriminately any system which commended itself - whether of election direct or indirect, election tempered by nomination, minority representation, public voting, or arrangements by which the voters recorded their will secretly one by one.¹

In approaching a survey of the governmental systems which operated in the head ports of the confederation it is necessary to bear in mind the variety which municipal institutions could display. Although the ties of federation existed among the towns of Hastings, Hythe, Dover, New Romney, Sandwich, Rye and Winchelsea there is no reason to expect a uniform system of government in each of these towns, although the long association which they shared might be expected to result in some similarities. Local circumstances

1. A.S. Green, Town Life in the Fifteenth Century (London, 1894), ii, 274.

played a considerable role in shaping the character of government within a town.

The history of town government in the ports has two aspects which may be described as the internal and external sides of town government: the first is concerned with the institutions of government in each town and the modifications made to this structure, and the second with the relationship between the towns and their overlords. As will be seen, the extent to which towns developed governmental institutions was largely dependent upon the nature of their relationship with their overlords.

The Elective Mayoralties

a) Sandwich

Sandwich was the first of the Cinque Ports to attain a degree of independence in municipal affairs. At a date prior to 1213, during the dispute between king John and the pope, the town took advantage of the confused state of affairs to secure an elective mayoralty.¹ This right was given its first formal recognition in 1248.² The fourteenth-century town customal sets out the manner of election of the mayor in considerable detail:³

1. D. Gardiner, Historic Haven, the Story of Sandwich (Derby, 1954), 15.
2. Close Rolls, 1247-51, 106.
3. 'Customal of Sandwich' in W. Boys, Collections for an History of Sandwich, 428-9; D. Gardiner, Historic Haven, the Story of Sandwich, 57.

Be it known that on Monday next after the feast of St. Andrew the Apostle the townfolk of Sandwich cause the common horn to be sounded by the serjeant at the usual places in this town, namely at fourteen places, and proclamation shall be made by the common serjeant, who is called the wardman, in these words:-

'Ech man of twelf yer oyer more go to St. Clementis cherche, ther oure commune hath niede, an haste, an haste.' When the mayor of the year gone by and the jurats of the town, together with the whole commonalty are gathered in the church aforenamed, and the serjeant comes with his horn, the mayor shall receive from the serjeant his rod and the horn. He shall also receive from the jurats appointed their custodians the keys of the common chest, and placing them beside him shall say to the commonalty, 'In truth, brethren, you know well how I have stood in the service of you all for one year, according to the manner of your election; and if I have exercised the office well and faithfully it pleases me well, but if otherwise it grieves me; and I ask you that if I have sinned against anyone in word or deed he may say so and here I am, prepared to give satisfaction; and that you elect another who has knowledge of this office, and is able and willing in the present year, by God's grace to exercise it successfully, etc.' The commonalty bid him rise and depart, and with him three upright men, nominated on the spot whether or not they are present. Providing

that the four men thus chosen were born within the liberty of the town, for no foreigner can be elected mayor. Then some good man of the commonalty sitting there shall say: 'Honest men, here are four combarons of ours, whom you have chosen before the rest as worthy of the mayoral office; they have gone out; you must pronounce in God's name which of them you wish to have'. And those sitting on the four benches (i.e. the jurats) speak first, and afterwards all the bystanders shall acclaim with a loud voice such a John or such a W.; and when the voice of the many becomes as one voice, or at least the greater part of the community offers general assent, two good men shall rise up and go to the home of the chosen candidate, and tell him on behalf of the whole commune that he may come to take office and make his oath.

At first sight, the text of the mayor's retiral speech suggests a remarkable degree of public-spiritedness, and this led Mrs. Green to comment on the democratic nature of the election ceremony.¹ It seems probable, however, that this judgement was

1. A.S. Green, Town Life in the Fifteenth Century , ii, 429-30.

coloured by what Clark and Slack have described as the early urban historian's search for 'the grail of democracy in the history of the medieval town'¹, and it is doubtful if the election of the mayor was quite so democratic in practice.

During the period 1400-50, the office of mayor was held by only 21 men and at times the concentration of the mayoral office in a few hands was particularly intense. From 1403 to 1416 the office was held by only four different people. Between 1433 and 1446 there were once more only four incumbents and two of them were probably the sons of previous office holders.² Although the electoral procedure appears democratic the lack of variety in the list of mayors casts doubt upon whether it was quite so spontaneous and free from pre-arrangement as the customal suggests. In this context, it is perhaps significant that, when the time came to choose a mayor from the four candidates, the jurats were consulted first before the matter was put to the commonalty. It is possible that this dominance by certain men merely illustrated the fact that they had exercised the office 'well and faithfully', but it appears likely that rule by a limited group was already well established by the

1. P. Clark & P. Slack, 'Introduction' in Clark & Slack (eds.), Crisis and Order in English Towns 1500-1700, 1.
2. W. Boys, Collections for an History of Sandwich, 416-9.

opening of the period under consideration.

The mayor, together with twelve jurats, comprised the main governing body of the town. No details are given in the custumal of how these jurats were chosen but, as happened in the other head ports, they were probably chosen by the newly-elected mayor.¹ Their duties were specified in their oath of office; they were to 'truly advise and counsel the mayor of the town as well in judgements giving, as also in all other things, after the custom and use of the town.'² Sandwich is exceptional among the head ports, however, in that the traditional form of government by the mayor and twelve jurats was modified during the fifteenth century by the introduction of a common council. Although such a development became fairly common in the confederation during the sixteenth century it occurs at an earlier date in Sandwich.

The first indications of a common council in a rudimentary form occur in 1448-9. In that year the commonalty empowered the mayor, jurats and six men from each of the eight wards to make a cess, or levy, upon the inhabitants, and to do other things in their name.³ Five years later, in 1454-5, this experiment was put into a more

1. See below pp. 120, 122, 126.
2. 'Custumal of Sandwich' in W. Boys, Collections for an History of Sandwich, 430.
3. K.A.O., Sa/AC 1, f.76.

definite form when a fully-fledged common council was introduced. The mayor and jurats chose four men from each of the three parishes and those selected in turn chose as many more commoners as they wished. The whole number chosen in this way were sworn to 'assent' to the mayor and jurats when they had warning and, with the consent of the mayor and jurats, they were to make all elections and all scots and lots.¹ In all, 70 people were chosen and they were sworn to defend the franchises of the town as well as taking the accustomed oath of loyalty to the king.² In 1465 further regulations were introduced which reduced the common council from its rather unwieldy size of 70. The whole commonalty elected 16 men from each parish of the town and the mayor and jurats then selected 12 of them and dismissed four. In this way, the council was reduced to 36 men who were to meet at the guildhall each Wednesday.³ It was also ordered that a mayor breaking any decree made at a common assembly was to lose his fee.⁴

During the next decade there was remarkable fluctuation in the structure of town government, apparently reflecting the divisions within the country as a whole.⁵ In 1466, all acts of the common

1. K.A.O., Sa/AC 1, f.96v.
2. Sa/AC 1, ff.96v-97.
3. Sa/AC 1, f.126.
4. Sa/AC 1, f.131v.
5. See below pp. 115-8.

assembly relating to elections made during the terms of office of John Copuldike, Matthew Hygon and John Westclyve (the mayors from 1462 to 1465) were annulled as contrary to the liberties,¹ and the following year a new formula for elections was decreed. On 10 May, 1467 the traditional system of election was restored and all elections were ordered to be made by the free barons, householders and indwellers.² The result of this legislation was in effect to sweep away the innovations of the preceding years. The situation changed again following the resumption of the town's liberties into the king's hands in 1471.³ On their restoration on 8 February, 1471/2 Nicholas Burton was appointed mayor and the common council was restored. The commonalty chose 12 men from each parish, from the most 'discrete' men of the town, to form a common council. This council was to consult with the mayor and jurats for the good of the town and, together, the mayor, jurats and common council had the power to make ordinances.⁴ Anyone attempting to 'break the common council' was to be punished by a fine.⁵

The history of the common council over the next half-century is comparatively lacking in incident. On 3 March, 1478/9 the right

1. K.A.O., Sa/AC 1, f.167.
2. Sa/AC 1, ff.169v-70.
3. See above p.23.
4. Sa/AC 1, ff.205v-6.
5. Sa/AC 1, f.208v.

of the mayor, jurats and common council to make decrees was reaffirmed.¹ This reiteration may have been necessary because the powers of the common council had been called into doubt but there is no direct evidence to indicate this. In 1484, it was enacted that the power of granting process of withernam was to be with the mayor, jurats and common council.² Some 20 years later, on 15 January, 1503/4 the rights of the common council were again confirmed and Edward Appleton was reprimanded for making a motion against it.³

* *

The period of experiment and innovation in the governmental framework of Sandwich coincides with the most troubled period of the conflict known as the Wars of the Roses. It has been asserted that this conflict had relatively little effect on urban politics and that towns 'endeavoured to preserve their neutrality amidst the sporadic violence of fiteenth-century civil war'.⁴ At Sandwich, a different picture is suggested. During the 1460s, there appears to have been a division of loyalties within the governing class of the town between York and Lancaster.

1. K.A.O., Sa/AC 1, f.247.
2. Sa/AC 1, f.299.
3. Sa/AC 2, f.118v.
4. P. Clark & P. Slack, 'Introduction' in Clark & Slack (eds.), Crisis and Order in English Towns 1500-1700, 10.

The first signs of internal divisions occurred in 1464 when Henry Greneshild, who had been mayor in 1458 and 1459, was 'by common consent' imprisoned.¹ On 1 December, 1466 Greneshild was again elected mayor and proceeded to take his revenge. On his election day it was decreed that all acts and statutes made under John Copuldike, Matthew Hygon and John Westclyve were null and void as they contravened the ancient customs of the town.² These three men had occupied the mayoral chair from 1462-5, and Westclyve had been mayor at the time of Greneshild's imprisonment. These dates are significant. The mayoral terms of Copuldike, Hygon and Westclyve coincide with the years of the Earl of Warwick's supremacy and of his paramount influence in Sandwich. The date of Greneshild's re-election is during the period of Warwick's disaffection. Certainly, it seems reasonable to suggest that the developments of these years revolved around the question of the personal loyalties of the individuals concerned.

The seriousness of the split within the governing class is illustrated by subsequent events on Greneshild's election day. Eight of the jurats appointed refused to take their oath of office. Among

1. K.A.O., Sa/AC 1, f.166.

2. Sa/AC 1, f.167.

them were John Copuldike, the enactments of whose terms of office had just been declared null and void, and Richard Cheldesworth, who had occupied the mayoral chair in the year preceding Greneshild's election. The offenders were warned that if their refusal persisted after 10 a.m. on 23 December other jurats would be sworn in their place. Accordingly, on that date, the mayor and the remaining jurats, who were described as 'honest and discreet commoners faithful to the lord king' agreed to deprive the eight non-jurors of their liberties.¹ The following year enactments were made which attempted to enforce greater discipline within the government of the town. Jurats not attending common assemblies were to be fined while, for the same offence, commoners were to be imprisoned.²

After six months of banishment from the chamber, six of the eight non-jurors were re-admitted to the freedom which they had forfeited and seven, including Cheldesworth who had earlier submitted, were sworn as jurats. The return to favour of these recalcitrants was marked by the election as mayor for 1467-8 of one of their number, William Kenet. He was succeeded by John Aldy, another non-juror.³ Further upsets occurred in the following year. Richard

1. K.A.O., Sa/AC 1, f.167.

2. Sa/AC 1, f.170.

3. W. Boys, Collections for an History of Sandwich, 416-9; Sa/AC 1, f.167.

Cheldesworth, another of the offending jurats, was elected deputy mayor by the jurats and the whole commonalty to act in the absence of the elected mayor, John Cole. This absence appears to have been protracted for Cheldesworth remained in office due to the continued absence of Cole. Then Cole was ordered to be arrested and kept in safe custody until he could answer charges laid against him by the commons.¹ The next two mayors, Robert Cok, who was appointed keeper of the town on the suspension of the liberties, and Nicholas Burton, had also been among the rebel jurats.²

Overall, the impression conveyed by the confused internal politics of the 1460s is that the governing class was split along factional lines and control of the government of the town fluctuated between the two parties. In such circumstances it is not surprising that the actual structure of government showed a lack of stability.

b) Dover

Dover also had an elective mayoralty but the town's customal is far less precise than that of Sandwich about the way in which the mayor was elected. There are, however, several elements in the electoral procedure similar to that of Sandwich, at least from the

1. K.A.O., Sa/AC 1, f.196.

2. W. Boys, Collections for an History of Sandwich, 416-9; C.P.R., 1467-77, 276; Sa/AC 1, f.167.

point of view of ceremony. At Dover the common horn was again to be sounded at fourteen places throughout the town to assemble the commonalty for the election, while the common box, the seal and other town muniments were also to be taken to the place of election.¹ Unfortunately, the custumal supplies few details of the actual electoral machinery and records only that the choice of mayor was to be made by the commonalty.

In the custumal there is a puzzling entry which states that no jurat might be put in election.² This clause is not to be found elsewhere in the custumals of the ports and its exact meaning is difficult to explain. It did not have the effect of widening the governing class for the custumal also states that the jurats might refuse to accept the person chosen on the grounds that he was not able or sufficient, and could compel the commonalty to choose a more suitable person in his place.³ Suitable men tended to be drawn from a very limited group; between 1400 and 1450 there were only fifteen different mayors and the pattern of dominance by certain names resembles the situation in Sandwich.⁴ A historian of the town has suggested that the explanation for this puzzling clause lies in the fact that by the fifteenth century it was the custom for the twelve

1. 'Custumal of Dover' in J. Lyon, The History of the Town and Port of Dover, ii, 267.
2. Ibid.
3. Ibid., 268.
4. J.B. Jones, Annals of Dover (Dover, 1916), 289-301; S.P.H. Statham, History of the Town, Castle and Port of Dover, 165-8.

jurats to be re-sworn, instead of a new bench being chosen by the incoming mayor.¹ There is, however, little concrete evidence to support this claim and it is inconsistent with the evidence of the custumal which specifically states that the jurats were to be chosen by the newly-elected mayor.²

The issue is further complicated by an electoral dispute in 1520. Jack Elam was then put forward for election as a commoner. He was elected and sworn by the retiring mayor, but objection was made to the election by several of the bench of jurats who stated that it was contrary to the form set out in the custumal. A meeting of the freemen in St. Martin's Church declared that it could not allow the election to be maligned, and appeal was made to the lord warden. He called a meeting of jurats and freemen in the great hall of the Maison Dieu to consider the matter. After hearing the arguments of the various parties he ratified the election. To justify this action, the warden stated that Elam had been sworn into office immediately after his election and that no one had voiced any objection at that time, and that he could find no provision in the custumal against a commoner being elected mayor.³

1. J.B. Jones, Records of Dover (Dover, 1920), 135.
2. 'Custumal of Dover' in J. Lyon, The History of the Town and Port of Dover, 268.
3. B.L., Egerton MS. 2,093, f.19.

It is reasonable to assume that the objection of the jurats to this election was on the grounds that Elam was not able or sufficient to perform the office as he was a commoner. If so, the stipulation that no jurat could be put in election is even more puzzling. Such a provision would mean that the mayor would have to be drawn from the ranks of the commons, while the jurats appear to have objected to the election of Elam on this very point. In the absence of further evidence this puzzling state of affairs must remain unresolved. However, when the instability of Dover's governmental system in the sixteenth century is considered,¹ it seems possible that this confused situation may have resulted from some innovation to the traditional pattern of government, evidence of which has not survived.

As at Sandwich, the basic organ of government was the mayor and jurats. Again, this structure was modified by the introduction of a common council. The precise date when this body was instituted is difficult to determine. A common assembly of February 1522/3 is described as having been held before the mayor, his brethren and the 36 of the common council.² This is the first mention of such a body in the town records and it is therefore not possible to state a

1. See below pp. 157-61.
2. B.L., Egerton MS. 2.093, f.44.

precise date for its institution or the powers which it held.

c) Winchelsea

The custumal of Winchelsea is also vague about the way in which the mayor was to be elected. It states merely that each year all the inhabitants of the town assembled at the hundred-place and by common consent chose a mayor.¹ The newly-elected mayor, after taking his oath of office, chose twelve jurats 'of the most wise within the town', and together they formed the basis of the governmental structure.² While the custumal supplies few details of the actual electoral machinery, it appears to have been a source of controversy. During the second half of the fifteenth century attempts were made to ensure that the mayoral office should not become the prerogative of a restricted group.

At a hundred held at Winchelsea on 13 April, 1474 there was a 'great difference and disagreement in the election of a mayor, in so much that the voice of the commonalty was divided into two parts, viz: one part for John Coplelike and the other for John Sylton, so that on that day the election could not be held'. The incumbent mayor continued in office until the following Sunday when another hundred was held. It was then decided, by the common assent of the

1. 'Custumal of Winchelsea' in W.D. Cooper, History of Winchelsea, 218.
2. Ibid.

whole commonalty, that Richard Davy, the mayor for the previous year, should remain in office for a further term.¹ This solution was contrary to an ordinance made on 17 April, 1463 which stated that 'no mayor shall hold the office of mayoralty within three years next following that year in which he might have been mayor.'² It was, however, agreed that this departure from the ordinance was not to act as a precedent or alter the force of the ordinance.³

This ordinance was set aside on several other occasions before the end of the century. On 15 April, 1476 John Sylton was elected and assumed the mayoralty for a second successive year, 'contrary to the laudable act and ordinance heretofore established', causing 'great dissensions and variance among the jurats and commonalty'.⁴ At this point the warden intervened and instructed the bailiff and jurats about the course to be adopted, on the grounds that any disturbance of the franchises might endanger the rights of the town. He directed that 36 of the wisest and most discreet inhabitants of the town should be elected. They were then to 'elect and name a discreet person able and convenient, acting and ordained there to be the king's lieutenant, until such time as we shall take further

1. E.S.R.O., Winchelsea MS. 63, f.24.
2. Winchelsea MS. 63, f.29.
3. Winchelsea MS. 63, ff.24-5.
4. Winchelsea MS. 63, f.25.

advice thereupon, according to such authority as we have by reason of our office.¹ The decision the warden reached is not recorded but by July of the same year the office of mayor was occupied by Henry Fyssh, ² and by 1478 the elections had reverted to the normal practice.³

In 1481 the normal practice was again set aside, on this occasion at the request of the crown. At a hundred held on 23 April, 1481 a letter from the king was read which requested that John Sylton, for his services to the crown, be elected mayor for a second successive year.⁴ Great doubts were expressed about the legality of such an action in view of the ordinance of 1463 but the town decided to comply with the king's request. Once again, this decision was not to change the usages of the town or to act as a precedent,⁵ and anyone seeking a similar letter of recommendation from the king was to pay the heavy penalty of £40.⁶ In 1484-5, the same situation arose despite these ordinances. John Sylton had been elected mayor on the death of Richard Davy, in accordance with the ancient custom.⁷ On 22 March, 1484/5 another letter was received from the king directing that Sylton be re-elected. The letter stated that the king

1. E.S.R.O., Winchelsea MS. 63, f.26.
2. White & Black Books, 72.
3. Winchelsea MS. 63, f.27.
4. Winchelsea MS. 63, f.28.
5. Winchelsea MS. 63, f.29.
6. Winchelsea MS. 63, f.30.
7. Winchelsea MS. 63, f.32; 'Custumal of Winchelsea' in W.D. Cooper, History of Winchelsea, 218.

was aware of the ordinance against this practice but, for the common weal of the town, he recommended that Sylton be elected for another term of office. Again, the town acceded to the king's request.¹

Two further examples are to be found of a mayor continuing in office for a second year. On 22 April, 1492 Richard Markham was re-elected 'for diverse considerations and principally because the money paid to the town by diverse advocants and persons remains in the mayor's hands and the residue of the fifteenths granted to the king is not yet collected, and in consideration that the mayor has faithfully exercised his office for the year passed.'² Yet again, it was stated that this action was not to set a precedent but, only four years later, Richard Berkly served as mayor for two consecutive terms. His term of office extended in fact to somewhat over two years. His elected successor, Robert Oxenbregge, was not present to take the oath and the incumbent mayor continued in office until his successor could be sworn.³

d) Rye

As might be expected in two closely related towns, the electoral practices at Rye and Winchelsea were very similar. At Rye, it was the practice for all the commonalty to assemble at the church

1. E.S.R.O., Winchelsea MS. 63, ff.32-4.
2. Winchelsea MS. 63, ff.34-5.
3. Winchelsea MS. 63, ff.36-7; 'Custumal of Winchelsea' in W.D. Cooper, History of Winchelsea, 218.

each year, on the Sunday after the feast of St. Bartholemew, and elect a mayor for the coming year.¹ The newly-elected mayor then took his oath of office, an oath which was typical of the oaths taken in most of the head ports:²

Ye shall bear faith to our sovereign lord the king of England, and to the commonalty of the town of Rye, and the franchises and usages of the said town righteously shall maintain, and the common of the same keep, and right to the poor, as well as to the rich, do administer to your power.

So help you.

Having taken this oath, the mayor then chose twelve jurats who swore a similar oath.³ Together, the mayor and jurats formed the governing body of the town.

Rye also tried to place some limit upon the extent to which the mayoral office could be the monopoly of a limited group. On 16 August, 1504 a decree was passed which closely resembled that passed at Winchelsea in 1463. In this case it stated that it was unlawful for a mayor to hold office for more than one year as in

1. 'Custumal of Rye' in J. Lyon, History of the Town and Port of Dover, ii, 344.
2. Ibid., 344-5.
3. Ibid., 345.

the time of Babylon Grauntford, or to hold office for a second time within three years after the end of a previous term.¹ This decree may have been issued as a result of difficulties experienced in maintaining electoral customs. During the first half of the fifteenth century it appears to have been accepted practice for a mayor to remain in office for a second or even a third consecutive term. From the time of Babylon Grauntford in the 1460s, this practice was far less frequent. Such circumstances lend support to the suggestion in the wording of the decree of 1504 that the latter decree was a re-enactment of a decree issued in the 1460s.²

It is reasonable to suggest that this re-enactment was made necessary by a more frequent disregard for the earlier decree. John Cheseaman held office for two consecutive years in 1499 and 1500, while the next two years provide another example of a repeated mayoralty, that of Robert Wymond.³ He was succeeded, in the year prior to the issue of the decree, by Richard Barkeley, who may be the same person who set aside the customs of Winchelsea in 1498 when he served a second consecutive term as mayor of that town.⁴ The specific circumstances surrounding the apparent re-issue of the

1. E.S.R.O., Rye MS. 60/4, f.145v.

2. L.A. Vidler, A New History of Rye (Cambridge/Hove, 1934), 159-60.

3. Ibid.

4. See above p. 125

decree in 1504 must of necessity remain obscure. However, it was not enforced with any great diligence; in the period 1504-19 the mayoral chair was filled by a total of nine men, with an apparent disregard for the ruling that three years must elapse between terms of office.¹

The Elective Mayoralties and the King's Bailiff

Although the towns of Sandwich, Dover, Rye and Winchelsea all had an elective mayoralty, in certain areas the powers of the mayor and bench of jurats were circumscribed by, or shared with, an official appointed by the town's overlord. The manner in which the bailiffs of these towns were appointed and the rights which they held within each town therefore demand consideration.

In all four towns the right to appoint the bailiff lay with the king, and the form of appointment was set out in considerable detail. Again, the custumal of Sandwich is the most informative. The bailiff was to present to the mayor and commonalty in open assembly a patent under white wax, and it was specifically stated that no attention was to be paid to a patent under green wax or any other form. This patent was read before the mayor and commonalty and the bailiff was then sworn to perform his office with due regard to everything which concerned the liberty of Sandwich.

1. L.A. Vidler, A New History of Rye, 159-60.

Only after the bailiff had produced the necessary commission under letters patent and had duly taken his oath, was he to be formally admitted and allowed to appoint his deputy or serjeant.¹ The form of the bailiff's appointment was basically the same in all of the head ports. In each case the town customals are notable for the pedantic manner in which they state that the commission of appointment must be of the precise form required by custom.²

The duties of the bailiff within the towns were basically two-fold. He was responsible to the crown for the collection of revenues, such as the petty custom, due to it from within the liberties, and his position as the representative of the town's overlord carried with it various rights and duties in the enforcement of justice. Little mention is made in the customals of the bailiff's duty of collecting the king's revenues, other than in that of Sandwich. Here, there is an entry stating that the mayor and jurats ought to try to prevent the bailiff from charging higher duties on goods entering the town than those permitted by custom, since such practices were prejudicial to the town. The town was also to aid anyone suffering such oppression. However, the customal advised

1. 'Customal of Sandwich' in W. Boys, Collections for an History of Sandwich, 440-2.
2. 'Customal of Dover' in J. Lyon, History of the Town and Port of Dover, ii, 268-9; 'Customal of Winchelsea' in W.D. Cooper, History of Winchelsea, 218; 'Customal of Rye' in J. Lyon, History of the Town and Port of Dover, ii, 346.

that it was better if the mayor and bailiff could maintain an amicable relationship, for each in his separate department could benefit from the other's help and advice.¹ Nevertheless, a long list was set out of the duties which the bailiff or his deputy had the right to demand on commodities entering the town, in order that the rights of merchants might be safeguarded.²

The special position of Sandwich as a major sea port was undoubtedly the reason for its concern over matters relating to trade. Elsewhere, however, the custumals were more concerned with the relative positions of the bailiff and the mayor and jurats with regard to the administration of justice. In essence, the relative positions of the two parties were complementary, although the particular duties and rights of the bailiff varied from place to place. At Sandwich, he acted in the capacity of sheriff and was responsible for the conduct of business such as giving notice of sittings to the mayor, issuing summonses and arresting offenders.³ The mayor and jurats were however the judges in all three of the Sandwich courts.⁴ A similar procedure was followed at Dover. The bailiff was responsible for receiving appeals, summoning of courts,

1. 'Custumal of Sandwich' in W. Boys, Collections for an History of Sandwich, 435.
2. Ibid., 435-40.
3. Ibid., 442-6.
4. Ibid., 442-71.

arrest and presentation of offenders and similar matters.¹ Again, it was stated that the mayor, bailiff and jurats might hold all pleas, real and personal, but that judgement lay with the mayor and jurats alone.² At Rye, many of the duties associated with the bailiff elsewhere had been taken over by the mayor. Pleas were held before the mayor and jurats, but many of the matters normally the duty of the bailiff such as the receiving of appeals, arrest of offenders and so on, were the duty of the mayor through his serjeant. The bailiff was responsible for these matters only if the case involved a stranger to the town.³ At Winchelsea, the bailiff was responsible for most matters relating to the conduct of judicial business but again the rights of the mayor and jurats were asserted; the bailiff could not make attachment or detain a man upon suspicion without the express permission of the mayor and jurats.⁴

Overall, this system of co-operation seems to have been the source of little difficulty, probably due to the fact that the people appointed as bailiffs tended to be local men whose interests were unlikely to diverge to any great extent from those of the town itself. At Rye, several of the bailiffs during the fifteenth

1. 'Custumal of Dover' in J. Lyon, History of the Town and Port of Dover, ii, 269.
2. Ibid.
3. 'Custumal of Rye' in J. Lyon, History of the Town and Port of Dover, ii, 349-56.
4. 'Custumal of Winchelsea' in W.D. Cooper, History of Winchelsea, 221-4.

century were men of considerable local importance and often occupied both the office of bailiff and that of mayor at different periods.¹

The only example to be found of a serious dispute between town and bailiff does not occur until the sixteenth century. This was a dispute between Sandwich and Sir Edward Ryngeley, appointed as bailiff in 1524. The basic point of contention was that the town was alleged to have usurped various profits of the bailiwick but much of the trouble seems to have been the result of personal grievances between the parties concerned.² The dispute was ultimately settled by 1532 when the town was sold the bailiwick and, until 1543, the office of bailiff was filled by men nominated by the corporation.³ This dispute was exceptional, however, and to a large extent the result of personal animosities, and was far from typical of the normally fairly harmonious relations between mayor and bailiff in each of the head ports.

Romney, Hythe and Hastings

The towns thus far considered had all attained a fair degree of municipal independence by the opening of the period under consideration. Romney, Hythe and Hastings provide something of a

1. L.A. Vidler, A New History of Rye, 156-7, 159-60.
2. K.A.O., Sa/AC 2, f.328v; D. Gardiner, Historic Haven the Story of Sandwich, 152-5.
3. K.A.O., Sa/AC 3, ff.26v, 41v.

contrast, for they had to wait until a much later date before they were able to achieve a comparable independence.

a) Romney

At Romney, the basic unit of government was the bench of twelve jurats which was elected by the whole commonalty of the town. It was ordered that the common horn was to be blown three times at every corner of the town to summon the commons to make their choice,¹ but no specific details are available concerning the mechanics of the electoral process. The head officer of the town was the bailiff who was still nominated by the town's overlord, the archbishop of Canterbury. This situation appears to have been the source of some irritation to the townsmen.

During the 1390s, considerable time and money was spent in attempts to persuade the archbishop to lease the bailiwick to the town,² but, a century later, the right to have some control over who was to be the head officer of the town was still a source of contention. By the 1480s, Romney had gone considerably further than simply attempting to obtain the right of nomination of the bailiff and had put forward the claim to have an elective mayoralty. The specific circumstances surrounding this claim are obscure. At a

1. 'Custumal of New Romney' in The Register of Daniel Rough (Kent Records Society, xvi), 5; K.A.O., U47/34 Z2, p.5.
2. K.A.O., NR/Fac 2, ff.24, 36, 38.

general Brodhull held at Romney on 27 April, 1484 the representative of Romney, John Chenewe, was styled as mayor of Romney.¹ The chamberlains' accounts of the town for 1484-5 also mention the town having a mayor and expenses are recorded for the making of a silver mace, possibly as a symbol of the mayoralty.²

Heuffer has suggested that the town tried to obtain the right to elect a mayor from Richard III shortly after his accession and that, when these overtures proved unsuccessful, the election was made on a unilateral basis.³ There is, however, a puzzling entry in the White Book which may indicate that the town did have some justification for its actions. It mentions 'a presydent gyven by the kynge to John Chèynue'⁴ but this entry is juxtaposed with a letter dated 1443 and is said to have come from the same old book as the letter and to have been so torn as to be illegible. Such circumstances suggest that this precedent is of considerably earlier date than that of Chenewe's election, despite the similarity of the names.⁵ Whatever justification the town may have claimed for its actions, it did not find a sympathiser in Henry VII for, shortly after Bosworth Field, a payment is recorded to the bearer of a

1. White & Black Books, 89.
2. K.A.O., NR/Fac 3, f.97.
3. F.M. Heuffer, The Cinque Ports, a Historical and Descriptive Record (London, 1900), 139.
4. White & Black Books, 91.
5. Ibid.,

privy seal to depose the mayor.¹

The right of the archbishop of Canterbury to appoint the bailiff was still a source of friction between the townsmen and their overlord in the sixteenth century. An undated letter written between 1516 and 1548 set forth various complaints against William Tadlowe, the bailiff appointed by the archbishop. It alleged that Tadlowe allowed his cattle to graze on the property of others, destroying crops, meadows and pastures and that his unyoked hogs were the cause of further deprivations. If anyone complained about this behaviour he was liable to be arrested and, such was the bailiff's influence, there was little likelihood of a jury supporting the accused for fear of incurring the bailiff's displeasure.²

While this dispute was concerned with the character and behaviour of a particular bailiff, a dispute of 1521 was concerned with more fundamental issues.³ The archbishop alleged that the jurats and inhabitants of Romney would not permit his bailiff to perform his rightful office within the town, despite an order from the lord warden that they should admit and obey him. Further,

1. K.A.O., NR/Fac 3, f.97v.
2. K.A.O., NR/LB 1.
3. K.A.O., Sa/LZ 1.

the townsmen were alleged to have exceeded their rights in that they had held courts to determine pleas real and personal without the bailiff being present. The reply of the townsmen to these charges was far from submissive. They stated that the archbishop could only send a bailiff if the office was vacant and that the present bailiff, admitted some seven or eight years previously, was of good name and fame and had not surrendered his interest and so 'the place is not void'. They further claimed that the bailiff sent by the archbishop stood indicted of felony and that he had not brought a letter of attendance as specified in the custumal. For these reasons the jurats had justifiably refused to admit him.¹ As for the rights of the bailiff in holding courts, it was claimed that the bailiff was an executive officer of the court and not a judge and that his sitting amongst the jurats was of favour and not of right. The outcome of this dispute appears to have been that the jurats gained all their points except that denying the bailiff's right to sit with the jurats in court.²

* * *

The internal politics of Romney, like those of Sandwich,³ seem

1. K.A.O., Sa/LZ 1; cf. 'Custumal of New Romney' in The Register of Daniel Rough, 5-6; K.A.O., U47/34 Z2, pp.6-7.
2. K.A.O., Sa/LZ 1.
3. See above pp.115-8.

to have been affected by national divisions. In the late 1460s the choice of bailiff was clearly influenced by political considerations of more than a local nature. In 1469, Thomas Knyght appeared in court at Romney with a letter of attendance from Dover Castle, and a letter from the earl of Warwick which directed that John Tuder should be removed from the office of bailiff, and that Knyght should be admitted in his place.¹ The deposition of Tuder was of short duration, however, as he was restored to office within a few months.² In this context it is significant that Tuder, who had been deposed as bailiff on the instructions of Warwick, was appointed keeper of the town by Edward IV when its liberties were taken into his hands after Fauconberg's rising.³ In itself, this was not unusual, for the keepers were all men of local importance and normally the men who had held office before the rising. What is unusual is that, while the keepers of the town were normally the named men on the general pardons subsequently issued, in the case of Romney it was not John Tuder but Robert Scrase who was named.⁴ It seems reasonable to suggest that the explanation of this fact may lie in

1. K.A.O., NR/JB 2, f.177.

2. NR/JB 2, f.177v.

3. C.P.R., 1467-77, 266.

4. Ibid., 302-3.

the recognition by the crown of the personal loyalty of Tuder.

b) Hythe

At Hythe, the archbishop of Canterbury, as lord of the manor, once again appointed the bailiff who was the head officer of the town as well as the archbishop's steward. He was assisted in the former capacity by twelve jurors.¹ It appears that the town did gain the right to elect its bailiff from time to time but it is not possible to be certain about either the frequency of this occurrence or about the particular times at which the town had this right.² Only four instances remain on record of the bailiff having been appointed by the archbishop, in 1420, 1454, 1455 and 1539. It is not until 1539 that definite evidence of a continuity of lease of the bailiwick may be accepted as certain, for on 20 September Archbishop Cranmer granted the lease of the bailiwick to the town for a period of 99 years.³ This lease was revoked the following year when the manor came into the hands of the crown. The crown then appointed the bailiffs until 1575, when Elizabeth at last granted Hythe an elective mayoralty.⁴

The issue of the general electoral regulations for all the

1. J.B. Jones, The Cinque Ports, 81; W. Boys, Collections for an History of Sandwich, 811; H.D. Dale, St. Leonard's Church, Hythe from its Foundation, 21-2.
2. F.M. Heuffer, The Cinque Ports, a Historical and Descriptive Record, 139; H.D. Dale, St. Leonard's Church, Hythe from its Foundation, 21-2.
3. H.A. Merewether & A.J. Stephens, The History of the Boroughs and Municipal Corporations of the United Kingdoms (London, 1835), ii, 1137.
4. M. Weinbaum, British Borough Charters 1307-1660 (Cambridge, 1943), 62; Merewether & Stephens, The History of the Boroughs and Municipal Corporations of the United Kingdoms, ii, 1321.

ports in the 1520s lends support to the view that the town had the right of election of its bailiff from time to time for it is stated that elections at Hythe were to be made by a panel of 25 chosen out of the commonalty.¹ It is impossible to say for how long these regulations were enforced but they do not appear to have continued beyond 1539 when the bailiff was appointed by the archbishop as the town's overlord.

While it is not possible to do more than suggest that the town may have held the bailiwick at farm at various times during the fifteenth and early sixteenth centuries, evidence does survive which indicates that the town was not totally without influence in the matter of who was to be its bailiff. A letter written in the 1490s relates a dispute between the town and its overlord, Cardinal Morton, about an unsuitable bailiff.² Heuffer has interpreted this letter as meaning that the town had presumptuously elected a bailiff obnoxious to the archbishop, and that Morton found it necessary to replace him.³ The tone of the letter does not seem consistent with this view. Certainly the statement that 'ye desired me at your last beying at Canterbury withe me to see a better provisione for youe onne that behalf' which precedes the appointment of a new bailiff

1. White & Black Books, 201-2.
2. H.M.C., iv, 430.
3. F.M. Heuffer, The Cinque Ports, a Historical and Descriptive Record, 202.

of whom it was hoped that 'every manne be reasonable contented withe hym' suggests a somewhat different interpretation.¹ It appears more likely that the bailiff had originally been appointed by the archbishop but had been found too overbearing by the inhabitants of the town. They therefore appealed to the archbishop to replace him with someone more acceptable and the archbishop complied with this request.

c) Hastings

According to the custumal, the head officer of Hastings was the bailiff who was elected annually by the commonalty. After his election, the bailiff then chose twelve jurats.² The bailiff appears to have served in a dual capacity. On the one hand he acted as the representative of the king as overlord, as did the bailiffs in the other head ports. On the other, he was the town's popularly-elected head officer.³ Thus, it appears that Hastings had obtained the right so zealously sought by Romney and Hythe.

This right did not go totally unchallenged. In 1445, for example, Henry VI granted the bailiwick of Hastings to Thomas Stoughton, his purveyor of fish, for life. On this appointment,

1. H.M.C., iv, 430.
2. 'Custumal of Hastings' in T.H. Cole, The Antiquities of Hastings and the Battlefield (Hastings, 1884), 161-2.
3. V.C.H. Sussex, ix, 9; W.D. Cooper, 'Notices on Hastings and its Municipal Rights', S.A.C., 14 (1862), 72.

John Tamworth objected that such an action was contrary to the liberties of the Cinque Ports and that he had been duly elected as bailiff by the commonalty in the hundred place.¹ The result of this dispute is not recorded although the fact that John Tamworth, styled as bailiff, was the chief representative of Hastings at a Brodhull at Romney in July of that year may indicate that the right of the town to elect its bailiff was upheld.² Certainly, this right was accepted by c.1525 for the regulations issued then by the Brodhull were said to apply to Hastings, where a panel of 37 was to have the right to choose the bailiff.³

* *

The most significant point to emerge from a survey of town government in the first half of the period under consideration is the extent to which different systems could apply in each town. Although they belonged to the same confederation, the head ports demonstrated considerable variety in internal government. Even within the towns which had attained elective mayoralities the structure of town government was far from uniform. In all four of the elective mayoralities the basic organ of government was the bench of mayor and jurats, but too much can be read into this fact. Round,

1. J.M. Baines, Historic Hastings (Hastings, 1955), 27.
2. White & Black Books, 19.
3. Ibid., 201-2.

for example, saw in the use of the term 'jurats' evidence of direct continental influence on the confederation.¹ This view has largely been disproved,² and it appears more reasonable to view the systems of government within each of these towns as examples of a phenomenon far from unusual throughout England as a whole, than to see the similarities as the direct result of the association of the towns within a confederation.

The municipal institutions which developed within each town were more influenced by local circumstances than by the bonds of confederation. This is amply demonstrated by the extent to which their governmental systems were capable of modification. Sandwich provides the best example of this for, in the later fifteenth century, a number of innovations were introduced into the governmental framework. The most important change was the introduction of a common council at a much earlier date than in any other member of the confederation. These innovations were undoubtedly the result of particular local factors. The middle decades of the century were a troubled period for the town. The ruling group appears to have been split along factional lines and the economic

1. J.H. Round, Feudal England: Historical Studies on the 11th and 12th Centuries (London, 1895), 552 et seq.
2. J. Tait, The Medieval English Borough (Manchester, 1936), 293-5.

outlook was uncertain for the Flanders galley trade was in a state of decline.¹ Such a combination of circumstances explain why Sandwich found it necessary to modify its traditional mode of government. The introduction of a common council at Dover at a later date may also have been in response to particular circumstances affecting the town.

One factor was common to each of the elective mayoralities. Even during the fifteenth century, the trend was towards rule by a limited group. At Sandwich, the apparently 'democratic' spirit of its constitution was to a considerable extent belied by the persistent recurrence of the same persons holding office. At Dover, the list of mayors tells the same story, and the election of 1520 seems to have been the source of a dispute over the choice of a man who was not regarded as suitable by the jurats, although he had been elected by the commonalty. At Rye and Winchelsea, legislation was introduced in an attempt to prevent the mayoral office becoming the monopoly of a small group, but with only limited success. Such a development, however, was not limited to members of the confederation. Wherever townsmen had any share in

1. See above pp. 57-61, 115-8.

the conduct of their affairs it was common for the leadership to be assumed and jealously guarded by the richest among them, and rule by the 'wealthier and discreeter sort' was the normal pattern throughout England.¹ Overall, this development within the four ports was in keeping with the trend throughout the country as a whole, and far from unusual.

Romney and Hythe made fairly slow progress towards municipal independence. Again, this is largely explained by local circumstances as these towns were subject to an ecclesiastic overlord. Sandwich, Dover, Rye and Winchelsea were all part of the royal demesne and, in each case, the principal of relative independence in internal government had been established by the opening of the period under consideration. Hastings, although also part of the royal demesne, had not attained an elective mayoralty. Instead, it had to be content with the right to choose its bailiff who served in a dual capacity, on the one hand as the elected head officer and on the other as a crown servant. The two towns under the overlordship of the archbishop of Canterbury had not attained even this compromise for their head officer was normally appointed

1. C. Platt, The English Medieval Town, 119.

by the archbishop. Their dissatisfaction with such an arrangement was obvious, although it could be tempered on occasion by the nomination of a man agreeable to them. Again, the experience of Romney and Hythe was far from unusual. Seigneurial boroughs, and particularly those under monastic lordship, tended to enjoy a much less privileged position than boroughs on the royal demesne. The exactions of the abbot of Tavistock and the abbot of Cirencester in the thirteenth and fourteenth centuries demonstrate the difficulties that such towns could face, while the contrast between the privileges granted to the burgesses of Coventry in the 'Earl's half' and the 'Prior's half' of the town provides a notable example of the extent to which towns subject to a monastic lord could be held back in their development.¹

The systems of government within the head ports were far from uniform. Sandwich had been able to utilise the confusion arising from the dispute between king John and the papacy in order to free itself of an ecclesiastic overlord and assert its right to an elective mayoralty as early as the first half of the thirteenth century. Dover, Rye and Winchelsea also succeeded in gaining this

1. C. Platt, The English Medieval Town, 138-40; V.C.H. Warws., viii, 151.

right. Hastings, traditionally regarded as the premier of the Cinque Ports, had to be content with a compromise until the late sixteenth century.¹ Romney and Hythe, subject to a powerful overlord, were denied any real independence until an equally late date.² The fortunes of these towns were little affected by membership of the confederation. In common with towns throughout the country, their development was largely determined by particular local circumstances.

1. See below pp. 168-70.

2. See below pp. 166-7

Town Government in the Cinque Ports

- ii) The Head Ports in the Later
Sixteenth Century

The most significant feature of the first half of the sixteenth century was undoubtedly the issue of a general custumal for all the ports. There are at least two surviving versions of the general custumal which date from the year 1527. These were revised versions of a general custumal issued in 1504.¹ The two versions are virtually identical and provide a detailed account of the way in which the member ports were to conduct their internal affairs.

The first few clauses of the general custumal closely resemble those to be found in earlier custumals of individual towns.² They relate how, on the day normally set aside for the appointment of the head officer, the hundred horn was to be sounded throughout the town to call the freemen to the assembly and stress that it was the duty of every freeman who was a resident, householder and indweller to attend the hundred.³ At this point however a radical departure was made from the normal pattern. The mayor or bailiff of the town, together with the jurats, was to impanel 37 of the wisest and most discreet inhabitants. The 37 were then to go apart from the rest of the assembly and choose the head officer for the following year.⁴ It was stipulated, however, that the person chosen must be

1. K.A.O., Sa/ZB 4, ff.1-44v; B.L., Add. MS. 28,530, ff.40v-58.
2. 'Custumal of Sandwich', in W. Boys, Collections for an History of Sandwich, 428-9; 'Custumal of Winchelsea', in W.D. Cooper, History of Winchelsea, 218; 'Custumal of Dover', in J. Lyon, History of the Castle, Town and Port of Dover, ii, 267; 'Custumal of Rye', in J. Lyon, History of the Castle, Town and Port of Dover, ii, 344.
3. K.A.O., Sa/ZB 4, f.1v; B.L., Add. MS. 28,530, f.40v.
4. K.A.O., Sa/ZB 4, f.2; B.L., Add. MS. 28,530, ff.40v-41.

one of the jurats from the previous year.¹ The newly-elected head officer was then sworn into office by the previous incumbent. After taking his oath of office, he then administered the oath to the jurats, who remained the same as in the previous year unless there was a vacancy on the bench for any reason. In this case, the deficiency was filled by a freeman chosen by the head officer and jurats.²

The net effect of these measures was to limit the size of the governing body to an extremely small number, continuing the trend towards oligarchic rule. The head officer each year was to be chosen from the previous year's bench by a body picked by the bench. Since the same jurats were sworn each year these changes meant in effect that the governing body was limited to the same 13 people for an indefinite period until there was a vacancy on the bench through death or any other reason.

The records of the Brodhull also provide information about the way in which this system was to be applied in the various ports. At Hastings, Rye, Dover and Sandwich the number of people to whom the choice of mayor was allocated was 37, as specified in the general

1. K.A.O., Sa/ZB 4, f.3; B.L., Add. MS. 28,530, f.41.

2. Sa/ZB 4, ff.3-4; Add. MS. 28,530, f.41.

customal. At Hythe, the number appointed was to be 25 and, at Winchelsea, 13. These regulations did not apply at Romney where there was said to be no mayor or bailiff by election; the town was to be governed in accordance with its ancient custom.¹

Both the date and the place of the meeting which issued these regulations present some difficulty.² The records of the Brodhull also set another problem. They state that the new regulations were issued because in many towns there had been great dissension over the elections of mayors and bailiffs 'not only at the day of election ... but also after the day in bands, unlawful confederacy, and unlawful assemblies, and after the day by disdain and other great displeasure and grudges ... and also breaking and disturbing of the king's peace and letting of true justice to the great abusing and unquietness of the well disposed people ... to the great slander, rebuke and decay of the said towns.'³

The records of the towns themselves provide little evidence to support this claim, although Gardiner has pointed out that there had for some time been disagreements at Sandwich which had tended to lower the dignity of the mayoral office.⁴ It is possible, however,

1. White & Black Books, 200-1.
2. In the White Book the regulations are said to have been issued at a Guestling held at Dover on 23 August, 1525. Hull has suggested that this is a scribal error and that the meeting took place on 23 August, 1526: White & Black Books, 200; The records of Romney agree that the regulations were issued on 23 August, 1525 but state that the meeting was held at Romney: K.A.O., NR/CpC 9; The records of Winchelsea state that the meeting took place at Romney on 30 April, 1527: E.S.R.O., Winchelsea MS. 51, f.29v; The Sandwich records give the date as 17 July, 1527, again at Romney: K.A.O., Sa/AC 3, ff.29-30.
3. White & Black Books, 201.
4. D. Gardiner, Historic Haven, the Story of Sandwich, 155-6.

that the governing bodies of the ports may have exaggerated the extent of such disturbances in order to justify the establishment of a more limited form of government than that prescribed in the customs of the individual towns.¹ This is basically the view adopted by Mrs. Green. There is, however, strong reason to doubt whether the spirit of democracy which she attributes to the period prior to the issue of the new electoral customs was ever as real in practice as it appeared in theory.²

The attempt to set up one standard form of election within the head ports met with varying degrees of success in each town. In some cases the new regulations were observed for a considerable period while in others they were abandoned after a few years. The significant feature of this variation is the extent to which the internal government of the towns continued to be affected by local considerations. Although they were part of the Cinque Ports confederation, each town was jealous of its right of autonomy in respect of its internal affairs.

a) Winchelsea

At Winchelsea, the new regulations had the effect of setting up a body of 13 to elect the mayor in place of election by the whole

1. Such a procedure was not unknown in England and appears to have been followed by the burgesses of Northampton and Leicester in 1489. V.C.H. Northants, iii, 312-4; C.A. Markham, & S.C. Fox, The Records of the Borough of Northampton, i, 101.
2. A.S. Green, Town Life in the Fifteenth Century, ii, 427-8; See above pp. 108-12.

commonalty.¹ No major officials, such as the bailiffs to Yarmouth, were to be elected except by the 13 prescribed by the Brodhull, thus effectively nullifying the rights of the commonalty as a whole.²

The size of the governing class was soon cut down even further. At a hundred court held on 15 January, 1529/30 it was agreed that a council of three jurats and ten commoners should have full authority to 'hear, determine, judge and acquit all and singular matters that belong to the town of Winchelsea in the name of the whole inhabitants.'³ In effect a council of very limited size had been set up which had assumed the rights traditionally belonging to an assembly of mayor, jurats and commonalty. The town records provide little information about this new council and this may indicate that the system adopted in 1530 was abandoned soon afterwards. There is, however, no specific evidence to show this.

A disputed election of 1568 suggests that the traditional custom of election by all the commonalty may have been re-adopted. In the town records it is stated that Edward Middleton had been elected mayor. This appears to have caused some dissension in the town and, in view of the 'weak support' for Middleton's election,

1. White & Black Books, 201; E.S.R.O., Winchelsea MS. 51, f.29.
2. Winchelsea MS. 51, f.29.
3. Ibid., f.37.

'other freemen' chose William Eglisden to fill the office.¹ The fact that this second election was said to have been made by 'other freemen' may indicate that the town had reverted to a more open form of election. It is equally possible, however, that the restricted form of election established in the 1520s was still in force and that the disputes of 1568 were a protest against the limited franchise; the 'weak support' for Middleton's election may have been due to the fact that he had been chosen by a limited group. Due to a lack of evidence it is not possible to decide between the two possibilities with any certainty.

The electoral regulations issued by the Brodhull had definitely been abandoned by 1573. A decree of 29 March recorded that 'the mayor from henceforth shall always be chosen by all the freemen of this town, anything to the contrary notwithstanding.'² This return to a more open form of election did little to bring stability to the town. By the turn of the century the drift towards oligarchic rule was once more a feature of the government of the town and the resentment this caused resulted in intervention by the lord warden and the privy council.³

1. E.S.R.O., Winchelsea MS. 52, f.188.
2. E.S.R.O., Winchelsea MS. 53, f.32.
3. See below pp.197-8

b) Rye

No mention is to be found in the records of Rye of the new electoral system established by the Brodhull. This may mean that the new method of election had little impact on the town but the town records for the period are of such limited value that no definite conclusion may be drawn. It is certain, however, that the restricted form of election set down in the 1520s had been abandoned by 1546, when the court books begin.¹

Further attempts were made throughout the century to restrict the size of the governing body. Following a scheme put forward at an officers' election day, 5 September 1563, a common council of 24 'prudent commons of the town' was set up which was empowered to act in most cases for and in place of the commons or freemen in assembly.² The powers of this new body were very extensive. Half of the council was to be chosen by the mayor and jurats and half by the assembled commonalty. The council was always to be ready to meet at reasonable warning from the mayor and jurats. The council, or four members of it, were to meet weekly to peruse the chamberlains' accounts. The chamberlains were not to enter bargains or undertake

1. E.S.R.O., Rye MS. 1/1, passim.

2. E.S.R.O., Rye MS. 1/3, f.55v.

works for the town without the assent of the council. The council, with the mayor and jurats, was to hear the chamberlains' accounts annually. When any 'common cause for this town is to be answered' the council was to be called into court to determine the business. If any member of the nobility or other person of influence came to the town or harbour the council was to ensure that the charges for their entertainment were defrayed. It was to meet each Saturday for payment of the labourers and any other payments to be made by the chamberlains. The council, or any six members, was to be privy to all the chamberlains' disbursements. 'For the better order of all things in this town to be reformed' the common council, or at least twelve of them, were to meet each Monday in the common hall and there were to confer on matters 'worthy of reformation'. After their departure the councillors were to give their advice to the mayor in writing 'whereby he may give his brethren to understand the same'.¹

These orders were to be implemented by the following Monday.² The rapidity with which a proposed reform was transformed into reality tends to suggest that the matter was one of some urgency.

1. E.S.R.O., Rye MS. 1/3, ff.55v-6.

2. Ibid., f.56v.

It therefore seems probable that the establishment of a council with such extensive powers was merely a temporary expedient to meet some definite contingency.¹ Although there is no direct evidence, the emphasis in the ordinances upon the duty to closely supervise the activities and accounts of the chamberlains may mean that the state of the town finances was the source of some concern. Whatever the immediate cause, this experiment had no lasting impact. No mention of reforms is to be found in the assembly books and references to the common council soon disappear.

The experiment was revived a decade later. At a common assembly of 26 January, 1574/5 before the mayor, jurats and 38 freemen, a common council of 24 was again instituted. This council was to be elected by the mayor and jurats alone. It was to meet fortnightly on Mondays to discuss town business and the mayor and jurats could not act in important matters without its consent. Decrees approved by the council were to have the validity of those approved by the whole assembly.² In his oath the mayor was required to observe this ordinance and the orders of the common council.³

1. R.F. Dell (ed.), The Records of Rye Corporation (Lewes, 1962), 2.
2. E.S.R.O., Rye MS. 1/4, ff. 187-8.
3. Ibid., f.188.

This ordinance was apparently the source of some dissension within the town. Complaint was made to the lord warden that 'some evil-disposed persons have impugned the same decree and order with a great abuse therein not tolerable.'¹ The warden therefore set up a commission to determine whether the decree was 'mete and necessary' for the good government of the town and to examine those suspected of abusing it. Anyone refusing to be sworn and examined by the commission was to be bound over to appear before him.²

The form of this council was notably more restrictive than that of 1563, especially its method of election. This may have encouraged a further encroachment upon the rights of the commonalty in 1580. It was proposed that the commonalty should make its choice of mayor from three candidates previously selected by the mayor and jurats from within the ranks of the jurats. The mayor and jurats were to swear to uphold and defend this order; refusal to do so was to automatically disqualify the offender from holding public office. All the town officers, such as the burgesses to parliament and the bearers of the canopy at coronations, were to be chosen by the mayor and jurats from among the jurats. Any vacancies in the bench of jurats were to be filled from the common council.³

This was too much for the assembly who, at a meeting on 8 February, 1579/80 stated that 'they may not against their oath

1. E.S.R.O., Rye MS. 47/12.
2. Ibid.
3. Rye MS. 47/22.

consent to break the principal point of their custom time out of mind used by prescription and confirmed by the charter of Magna Carta.¹ The proposal appears to have been abandoned, though the next mayoral election was disputed.² What seems to have been a reaction against too great a limitation of the personnel of government continued into the next decade. On 1 December, 1590 all decrees relating to the common council were declared void.³

c) Dover

The internal government of Dover during the sixteenth century was particularly unstable and the history of the town during the period was punctuated by frequent electoral disputes. Unfortunately, the fragmentary nature of the town records for some of the more significant periods throughout the century makes it difficult to determine the precise course of events. A general picture of the changes introduced to the structure of government may, however, be built up.

The history of the common council is especially confused. It appears to have pre-dated the electoral reforms introduced by the Brodhull since a common assembly of 1522-3 was held before

1. E.S.R.O., Rye MS. 1/4, f.321.
2. Rye MS. 47/24.
3. E.S.R.O., Rye MS. 1/5, f.184v.

the mayor, jurats and the 36 of the common council.¹ This is the first occasion on which a common council is mentioned in the records of the town and it is not possible to determine the precise date at which the body was first established. The town records also fail to provide any information about the general reform of electoral customs promulgated by the Brodhull. By these regulations the mayor was to be chosen from among the jurats by a body of 37.² An insertion in a court book of a later period may indicate that these regulations were enforced within the town since it records a meeting of the mayor, jurats and certain of the 37.³ The date of this meeting makes this suggestion doubtful, however, for it is said to have taken place on 16 August 1526. Although the date of the Brodhull which issued the general electoral regulations is uncertain it seems probable that it was held at a later date than this meeting at Dover.⁴ The 37 mentioned in the town records may therefore be the same body as existed in 1522-3 since the number of members of the common council of Dover tended to fluctuate.

From this point references to the common council are infrequent.

1. B.L., Egerton MS. 2,093, f.44.
2. White & Black Books, 201-2.
3. B.L., Egerton MS. 2,094, f.137.
4. See above p.149, n.2.

At a common assembly of 28 January 1528/9 before the mayor and jurats, and with the assent of the 36 of the common council, it was decreed that no man might revile the mayor and jurats under penalty of 10s.¹ The manner in which the common council gave assent to the decision of the mayor and jurats, rather than the decision being taken by the mayor, jurats and common council, may be an indication that the powers of the common council were extremely limited. Some support for this view may be found in the fact that on the next two occasions on which the common council is mentioned, in 1537 and 1538, it is described as a convocation.² It has been suggested that this body was only convened for special purposes and that its duty was to give a verdict on specific matters laid before it, in the same manner as a jury.³ If this interpretation is accepted, it appears that the common council of this period was a body with very limited duties and powers.

To further complicate matters, there were two distinct types of meeting to conduct town affairs. The more important decisions were taken by the common assembly, which at this period consisted of the mayor, jurats and the 36 or 37 of the common council.⁴ Town

1. B.L., Egerton MS. 2,093, f.81.
2. Ibid., ff.154, 158.
3. J.B. Jones, The Records of Dover, 181-2.
4. B.L., Egerton MS. 2,094, ff.28v, 34, 52.

business was also conducted at meetings known as hornblowings at which the mayor, jurats and all of the commons attended.¹ Even this distinction does not remain clear. During the reign of Edward VI several common assemblies were described as consisting of the mayor, jurats and commonalty, the number of freemen and commoners varying between 26 and 59,² while others consisted of the mayor, jurats and the 36 of the common council.³

It seems probable that these inconsistencies are indications of the unsettled state of affairs in the town since the structure of government continued to fluctuate during the next few years. The common council of 36 is mentioned on 21 January 1554/5 but there is no mention of the body in the following year's records.⁴ By August 1556, it seems that the common assembly of the town was open to all the commonalty; at two meetings during that month the assembly consisted of the mayor, six jurats and 27 commoners,⁵ and the mayor, nine jurats and 45 commoners.⁶ There was a complete turnabout in the following month. On 27 September, the common council of 37 was formally re-established and the original regulations issued by the Brodhull were reiterated in justification

1. B.L., Egerton MS. 2,093, ff.180v, 195, 199, 208v.
2. B.L., Egerton MS. 2,094, ff.42v, 68v, 71v.
3. Ibid., ff.28v, 52.
4. Ibid., f.117v.
5. Ibid., f.149v.
6. Ibid., f.150v.

of this action.¹ There is no further mention of this body until 1560.² On 26 September, the common council of 37 was once more formally established, possibly indicating that the decree of 1556 had lapsed. This council was to meet every fortnight and acts passed by the mayor, jurats and common council were to have full authority.³

The internal government of Dover remained unstable throughout the whole of the century and, during the 1580s, a split in the governing body into opposing factions exacerbated the always delicate state of affairs within the town. Consequently, it appears wise to postpone consideration of this period until the whole question of divisiveness within the governing class and the attitude of the central authorities towards this development are discussed.⁴

d) Sandwich

Sandwich was exceptional among the members of the confederation in that changes were made to the traditional pattern of government at a much earlier date than in the other ports. The period 1450-72 was one of experiment and innovation while the rest of the

1. B.L., Egerton MS. 2,094, ff.154v-155.
2. A historian of the town has suggested that a common council of 37 was established in October 1558: J.B. Jones, The Records of Dover, 135. The commonalty, however, retained the right of electing the mayor, town officers, burgesses to parliament and bailiffs to Yarmouth. No precise source is quoted to justify this assertion and no such decree is recorded in the court books. In view of this, and the remarkably extensive powers retained by the commonalty, it seems wise to treat this suggestion with caution.
3. B.L. Egerton MS. 2,094, f.197.
4. See below pp. 176-86.

fifteenth century was a time of relative stability.¹ During the sixteenth century further modifications were made to the structure of government in the town.

The governmental system established in 1472 appears to have remained in force until the issue of the electoral customs for all the ports. The election of 17 December, 1527 was conducted in accordance with these new regulations, and Vincent Engeham was elected. On this occasion, a fairly detailed version of the procedure involved in the election has survived. The assembly of freemen indwellers was summoned at daybreak on the usual day of election by the sounding of the brand-goose bell. The town clerk then impanelled 37 of them or, if less than 37 freemen were present, he continued with those present as long as they were an odd number. This panel elected the mayor for the coming year, either unanimously or by a majority vote; the mayor had to be one of the previous year's jurats. The retiring mayor placed him in his seat, the oldest jurat held the book, and the oldest officer gave the oath of allegiance. The new mayor then kissed the book and received the staff of office from his predecessor.² The same procedure was followed the next year when Engeham was re-elected.³

1. See above pp. 108-18.
2. K.A.O., Sa/AC 3, f.11.
3. Sa/AC 3, f.19.

Five years later, the election of the mayor was the cause of some disturbance. A complaint was made to the Brodhull in 1533 that the election of Andrew Menesse 'was misused and disturbed, especially by one John Style', who was fined 40s. for this offence.¹ The elected mayor, Andrew Menesse, was also fined 50s. because he had taken the office during the term limited.² The meaning of this is obscure since it does not refer to his holding the mayoral office twice during a specific period, as was forbidden elsewhere. A possible explanation lies in the suggestion by Boys that no one could be elected as mayor until he had served for at least a year on the bench of jurats.³

Possibly as a result of the disturbances of 1533, the method of election prescribed by the Brodhull was soon abandoned. On 6 December, 1535 Thomas Alcock was re-elected mayor by the whole commonalty of freemen, according to the ancient custom.⁴ The common council remained, probably in the form in which it had existed prior to the issue of the general electoral regulations. An attempt was made in 1551 to restore the system prescribed by the Brodhull. A letter was received from the lieutenant of the lord

1. White & Black Books, 218.
2. Ibid.
3. W. Boys, Collections for an History of Sandwich, 777.
4. K.A.O., Sa/AC 3, f.72.

warden announcing that it was the warden's will that the election of the mayor should be governed by the form set down then. The commons stated, however, that they could not comply with this request and would stand by their traditional practices as set down in the custumal of the town.¹ As a result of this request the regulations issued by the Brodhull were formally stated to be totally rejected and repealed.²

There were further troubles in the second half of the century. In 1572, the election of jurats was affected by 'grudges, hatreds and displeasures'. As a result of this, a decree was issued which stated that no jurat could be displaced once he had been elected, unless for urgent reasons approved by the town.³ The exact circumstances surrounding the issue of this decree are not clear. It seems probable, however, that the internal government of the town was being affected by external factors for, at the same time, an ordinance was issued that no official from the mayor downwards was to wear any nobleman's livery, and that any freeman who was a retainer of a noble house was to be debarred from attending meetings of the assembly.⁴ Two years later, in 1574,

1. K.A.O., Sa/AC 3, f.238.

2. Sa/AC 3, f.245.

3. Sa/AC 5, f.2v.

4. Sa/AC 5, f.2v.

further measures were taken to ensure greater discipline among town officers; anyone disclosing matters discussed in the council chambers 'touching on the honour of the mayor and jurats' was to be dismissed from the freedom of the town.¹

Discontent in the town reached its peak in 1595. The election day was marked by disorderly scenes and the meeting broke up in confusion with no members of the common council chosen. This prompted the lord warden to intervene. He justified his actions by saying that the number of freemen of the 'vulgar sort' had so increased that they were able to disrupt the peaceful government of the town by their wilful actions. Consequently, he ordered that the common council of 36 be chosen without delay and, in addition, that a further twelve discreet commoners be added to their number. Town affairs were to be conducted by the mayor, jurats and common council alone. The freemen of the town were to have no right to vote on matters discussed, although they might attend the assemblies 'to hear and see for better experience'.²

Subsequent events illustrate clearly the manner in which the internal government of the town was affected by personal factors.

1. K.A.O., Sa/AC 5, f.162.

2. Sa/AC 6, ff.213-4.

Consequently, they may better be considered below when the question of the growth of factions within town government is discussed.¹

e) Romney

The issue of the general electoral regulations had no effect on the system of government in Romney since the town did not have a mayor or bailiff by election. The traditional system by which the bailiff was nominated by the town's overlord, the archbishop of Canterbury, remained in operation.²

The first major change to this structure occurred in 1562 when the town was granted a charter of incorporation by Queen Elizabeth. The corporation was to consist of a mayor, jurats and commonalty. The mayor was to be elected annually from among the jurats by the jurats and commonalty. The jurats were to be elected from time to time by the commonalty, and were not to exceed 12 in number.³ The years following the incorporation charter were among the most troubled in the town's history but, as with Dover and Sandwich, these troubles are inextricably connected with the theme of the growth of faction and resultant intervention by the central authorities.⁴

1. See below pp. 193-6.

2. White & Black Books, 201-2; See above pp. 133-8.

3. K.A.O., NR/IC 1.

4. See below pp. 186-93.

f) Hythe

As was noted above, Hythe appears to have had the right to elect its bailiff at various periods throughout the fifteenth and sixteenth centuries.¹ The general electoral regulations support this view for the Brodhull ordered that elections at Hythe were to be made by a panel of 25 chosen from the commonalty.² It is impossible to say for how long these regulations were enforced but they did not continue beyond 1539 when the bailiff was appointed by the town's overlord, the archbishop of Canterbury.³

The first major changes introduced at Hythe again followed the granting of a charter of incorporation in 1575.⁴ By the charter, a corporation was established consisting of a mayor, nine jurats and a commonalty. Elections in the town were to be governed by the same regulations as at Dover. This, in itself, is not very helpful since little may be discovered about the system in Dover at this period. The system set up was in all probability similar to that established at Romney in 1562, where the mayor was chosen from within the bench of jurats by the jurats and commonalty.⁵

1. See above pp.138-9.

2. White & Black Books, 201-2.

3. See above p.138.

4. M. Weinbaum, British Borough Charters 1307-1660, 62; H.A. Merewether & A.J. Stephens, The History of the Boroughs and Municipal Corporations of the United Kingdoms, ii, 1321.

5. See above p.166.

g) Hastings

The head officer of Hastings, although styled the bailiff, was elected by the commonalty of the town and the issue of the general electoral regulations had the same effect in Hastings as in the towns which had an elective mayoralty; instead of election by the whole commonalty, the right of choosing the head officer was to be with a panel of 37.¹ There is no way of knowing for how long this system remained in force because of lack of records. Such information as does survive is of little value in isolation. A decree of 1564, for example, suggests a re-assertion of the rights of the freemen, while also indicating that some type of common council may have existed. It stated that 'none but freemen sworn shall be warned to any assembly, or have a voice therein, and that no act be done or passed by less than 24 jurats and freemen.'² The exact significance of this decree is difficult to interpret in the absence of supporting evidence but it does suggest that the regulations issued by the Brodhull had probably lapsed by this time.

On 15 February, 1588/9 the town was granted a charter of

1. White & Black Books, 201-2.
2. J.M. Baines, Historic Hastings, 74.

incorporation by Queen Elizabeth, incorporating it as the mayor, jurats and commonalty of Hastings. Thomas Kay, the incumbent bailiff, was appointed the first mayor and the jurats for the previous year were also confirmed in office. They were to serve until the next election day, when elections were to be held in accordance with the system used before the grant of the charter.¹ This, in itself, is far from helpful since little is known about the earlier history of the town. It seems probable, however, that, by this late date, the system of election was more limited than that prescribed by the customal, where elections were to be made by the whole commonalty.²

In common with most English towns, the grant of a charter of incorporation to Hastings was in response to a petition from the inhabitants of the town.³ This petition was granted to ensure that Hastings should be 'a town or port of peace and quiet, to the terror of evil persons and for the reward of the good.'⁴ It is possible to read much into this pious statement. At this time, the crown was very concerned about the possibility of civil disturbance and sought to avert this possibility by the grant of

1. E.S.R.O., Sayer MS. 3,824, pp.1-6.
2. See above p. 140.
3. E.S.R.O., Sayer MS. 3,824, p.1; S. Bond & N. Evans, 'The Process of Granting Charters to English Boroughs, 1547-1649', E.H.R., xci (1976), 102-20.
4. E.S.R.O., Sayer MS. 3,824, p.1.

charters of incorporation which restricted the size of the governing group. Such charters have been described as treaties of alliance between a crown which wished to see power in the hands of a group small and rich enough to be answerable to it and urban elites determined to perpetuate their local status.¹ It appears likely that the charter granted to Hastings fits in with this pattern and that its effect was to limit the size of the governing group in the town.

This system appears to have operated until the close of the century for the court books record the annual election of the mayor and other officers in the hundred-place.² By 1603, however, the system of election was once more changed. It was decreed that:³

To avoid the great inconveniences which by common experience are found to be by reason of the election of the mayor of this town abroad in the public view of the whole multitude, not only of inhabitants but also of many strangers, assembling at such elections in the open hundred-place, whereby all matters of council are disclosed and may not be kept

1. P. Clark & P. Slack, English Towns in Transition 1500-1700, 128.
2. H.M.C., 13 pt. iv, 355.
3. Ibid., 358-9.

secret ... that from henceforth all the elections of the mayors of this town shall be solemnised, made, done and performed in the court hall as a place more decent, apt and secret for such affairs to be done and used, any old custom, usage or decree to the contrary notwithstanding.

Once again, it is not possible to say who had the right of voting at this assembly but it is significant that the town appears to be moving towards a more closed form of government.

* * *

The dominant theme in the history of English towns in the later fifteenth and sixteenth centuries is the increasingly oligarchic character of their governing bodies. Even in the fifteenth century, this limitation in size of the governing class had been a source of concern to the freemen of the towns. This concern was regularly and simply satisfied by the provision of a larger additional council which, in theory, had to be consulted by the élite. In practice, the common councils did little to check the growth of oligarchy. This development has been well summed up by Tait:¹

1. J. Tait, The Medieval English Borough (Manchester, 1936), 303.

Inadequate systems of election and more generally the use of nomination soon put the common councils out of touch with the mass of the commonalty, and in the end they did no more than broaden the basis of civic oligarchy.

Increasingly, decisions were taken by a small group of powerful men and, by 1600, closed councils with members sitting for life and able to co-opt one another were, with few exceptions, the usual means of government in English towns.¹

The most notable feature of sixteenth-century town government in the head ports was the drift towards oligarchy but this development was far from uniform throughout the ports. At Sandwich, a common council had been set up in the fifteenth century and the regulations issued by the Brodhull during the 1520s further limited the rights of the commonalty; election of the town officers was to be made by a panel of 37 from within a very restricted group. By 1535, however, these regulations had been reversed and the right of electing the mayor was once again given to the whole commonalty. An attempt to

1. P. Clark & P. Slack, English Towns in Transition 1500-1700, 129.

re-establish a restricted form of election in 1551 failed but, by the end of the century, limitations had been introduced which once more gave power to a restricted group. At Winchelsea in the fifteenth century, attempts had been made to ensure that the mayoral office should not become the prerogative of a limited group¹ but the regulations issued by the Brodhull once more had the effect of reducing the size of the governing class. Again, there was an unsuccessful reaction against this trend during the sixteenth century. In 1573, it was decreed that the mayor should once more be elected by all the freemen of the town but, by the end of the century, oligarchic rule had been re-established. At Rye, the restrictive regulations issued by the Brodhull appear to have been abandoned within a few years. A common council was, however, established in 1563, probably in response to difficulties over the town finances. At first, this council was elected partly by the commonalty but, within a few years, the right of election lay with the mayor and jurats alone and further attempts were made to limit the size of the governing group. Again, there was opposition to this development and, on this occasion, it appears to have met with some success; a more

1. See above pp. 122-5.

open form of election was established and the common council abolished. A common council was established at Dover in the 1520s but appears to have been a body with very limited powers. There may well have been opposition to this body for the constitution of the town in the middle of the sixteenth century was notably unstable. Oligarchic rule appears to have been firmly established by the 1580s when, significantly, it was alleged that the mayor had packed the common council of the town with his adherents in order to govern without opposition.¹

By the end of the sixteenth century, town government within the elective mayoralities was normally the prerogative of a limited group. Such a development did not go unopposed but, partly due to support from the central government for such a move,² rule by a rich and powerful élite became the established norm. A similar pattern emerges from a study of Romney, Hythe and Hastings. These towns were granted charters of incorporation in the later sixteenth century and, in each case, the charters tended to favour the development of oligarchic rule.

Although the head ports of the confederation tend to mirror the

1. See below pp. 181-2.
2. See below pp. 176-202.

national trend towards oligarchic rule, it is important to stress that there were many variations in the individual towns. Local considerations continued to be of major importance in determining the governmental structure. This is best illustrated by the attempt during the 1520s to establish a standard electoral procedure for all the ports. This attempt was basically a failure. Although the regulations issued by the Brodhull seem to have applied in most of the ports for a few years, it was not long before individual towns began to depart from the standard formula. As the century progressed the differences between the constitutions of each town tended to become greater as each town adapted its governmental system according to the circumstances which affected it. The modifications introduced were often similar to developments elsewhere in the country but the changes introduced differed in each town in both their nature and the date of their introduction. Any attempt to impose uniformity appears to have been resented by the head ports; each port was determined to retain its independence in municipal affairs. Overall, the bonds of confederacy seem to have had little effect upon municipal politics.

Town Government in the Cinque Ports

iii) The Growth of Faction and Intervention
by the Central Authorities

Men of an unscrupulous disposition ... were to be found in every community in the small, but dominant, official class, self-perpetuating, usually inter-related and always infinitely accommodating, on the conscience of which there was room enough to turn 'eight oxen and a wain'.¹

The last decades of the sixteenth century were notable for the growth of factions within the governing class of several towns in the confederation. Personal animosities became a major factor in the internal politics of the ports, and this development led to concern on the part of the central authorities and ultimately to intervention by them. Although, as the events of the fifteenth century illustrate,² intervention by the crown in local government was not unknown, this development in the later sixteenth century is an illustration of a new policy adopted by the central authorities.

a) Dover

The internal government of Dover had always been somewhat unstable. During the last 30 years of the sixteenth century, this

1. C. Platt, Medieval Southampton, The Port and Trading Community, A.D. 1000-1600, 202.
2. See above pp. 124-5.

instability was complicated by other factors, as the governing class of the town divided into two distinct factions and control fluctuated between them. This resulted in frequent appeals and counter appeals to the privy council and in a previously unparalleled degree of interference within the town by this body.

The first indication of the privy council's interest in the town occurs in 1574 when it interfered with the traditional mode of government to the extent of recommending Thomas Knotte for the office of town clerk there.¹ This was merely a prelude to more drastic intervention. In 1577, to ease 'some strife' among the inhabitants of Dover for the election of a mayor', the council advised that Thomas Andrews should be elected. This request appears to have been ignored and John Robins elected instead, 'whereupon has risen a great tumult to the disquieting of them all.'² The result of this refusal to accept the advice of the council was that the aid of the lord warden was enlisted to ensure compliance with its wishes, and a new election was held. On this occasion, Robert Finnett, the candidate recommended by the council, was elected. This election aroused discontent among a group of

1. A.P.C., 1571-75, 286, 291.

2. A.P.C., 1577-78, 27-8.

townsmen who were ordered to appear before the privy council to answer for their contempt.¹

The continued unrest within the town was the cause of even more drastic intervention in the following year. On 7 September, 1578 an entirely new method of election was established. Each year, on the day of election, the mayor and jurats were to meet between eight and nine o'clock and choose four honest and discreet men from within the bench of jurats. They were to be put in election along with the retiring mayor and the commonalty was to choose the mayor for the coming year from among them. Measures were taken to ensure that this restrictive ordinance was kept; anyone violating it was liable to a fine of £40 and three months imprisonment for each offence, and the oath of the mayor and jurats was to contain an obligation to maintain the ordinance.²

This new ordinance does not appear to have received unanimous approval. It was reported that the orders had been willingly received by the majority of the mayor and jurats and that the election of 10 September, 1578 was the first for 20 years which had been without 'blows and scratchings'. Despite this, there were

1. A.P.C., 1577-78, 91.
2. P.R.O., SP 12/125/62.

still some inhabitants who continued in their 'lewd minds' and sought to stir up dissension about the new order.¹ In reality, this order appears to have been drawn up by a small group within the town in consultation with the privy council, with the object of restricting the mayoral office to as limited a group as possible.²

This new order of election did not quieten the disputes within the town for long. The divisions within the town which had been suggested by the events of the 1570s became more distinct and a series of petitions submitted to the privy council and to the lord warden testify to the increasing bitterness of the struggle between opposing factions for control of the government of the town. On the one side, the prominent figures were Thomas Andrews who had occupied the mayoral office continually throughout the period 1571-4, and Thomas Allen, mayor in 1579-80, while the notable men within the opposing faction were John Garrett, mayor from 1580-2, William Willis and Thomas Watson.

The fortunes of both parties fluctuated during the 1580s.

1. P.R.O., SP 12/125/63.
2. A.P.C., 1577-78, 314, 319; J.B. Jones, Records of Dover (Dover, 1920), 83; P. Clark & P. Slack, English Towns in Transition 1500-1700, 128.

Allen was elected mayor in 1579 in place of Robert Finnett, who had been the first mayor elected by the new method prescribed by the privy council. The following year the opposing faction gained control and Garrett held office for two consecutive years. About September, 1582 fortunes again changed when Andrews secured election.¹ By the following March, however, he had been imprisoned in the Marshalsea and, at the Brodhull of July 1583, Dover was represented by Thomas Watson who was designated as deputy to the mayor, Thomas Andrews.² The party represented by Garrett, Willis and Watson then appear to have established a fairly firm control; Watson held office in 1584-5 and was replaced by Willis in the following year.³

The details of these fluctuations are confused since the evidence which survives consists largely of sets of accusations and counter-accusations levelled by each party at the other. It is possible, however, to piece together a fairly coherent picture of events although, due to a preponderance of evidence put forward by the Garrett faction, the impression gained is perhaps imbalanced.

1. J.B. Jones, Annals of Dover (Dover, 1916), 300-1; S.P.H. Statham, History of the Castle, Town and Port of Dover, 167.
2. P.R.O., SP 12/157/8; White & Black Books, 324.
3. J.B. Jones, Annals of Dover, 300-1; S.P.H. Statham, History of the Castle, Town and Port of Dover, 167.

The first set of accusations dealt with the alleged events of the mayoralty of Thomas Allen. Together with Andrews, a jurat and water-bailiff, he was accused of various corrupt dealings. Notable among these were the claims that on a variety of occasions Allen and Andrews, with the connivance of the deputy bailiff, Thomas Knappe, had permitted the escape of prisoners in return for bribes.¹ It was also claimed that for some 14 years Andrews had been fraudulently diverting to his own use money set aside for the relief of the poor of the town.² These were presumably the accusations levelled against them during the mayoralty of Garrett in 1580-2 which resulted in attempts to suspend Andrews from the bench of jurats. Instead of accepting this judgement, however, Andrews was said to have secured the office of mayor for himself by 'various indirect means' and to have set out to take retribution against those who had accused him.³

At this point the accusations put forward by the ousted party became even more bitter. In addition to repeating the charges of fraudulent dealings, they accused Andrews of manipulating the structure of town government in order to ensure

1. P.R.O., SP 12/148/60, nos. 1-5; SP 12/155/38.
2. SP 12/148/60, no. 8; SP 12/155/38.
3. SP 12/157/13.

complete personal control. After a rather idealistic passage describing how the town had long had a common council of 37 who, for the good of the town, were willing to speak their minds openly and without fear, a petition alleged that Andrews, 'coveting to have absolute rule and reign of the town', had packed the common council with his adherents.¹ Similarly, he was said to have chosen as jurats persons who were manifestly unfit for the office, in order that he might rule the town at his pleasure. Furthermore, he was alleged to have conducted town affairs at a secret meeting in his house rather than in open assembly, in contravention of the town's time-honoured custom.²

The bitterness of the attack on Andrews is largely explained by another charge laid against him by the aggrieved Garrett faction. Out of malice towards those who had sought his removal from the bench of jurats in 1582 Andrews was said to have attempted to prevent them from again holding office. On this particular charge the claims of both factions survive. On the one hand, Garrett's supporters claimed that they had

1. P.R.O., SP 12/157/13; SP 12/155/38; SP 12/148/60, no. 10.

2. SP 12/157/13; SP 12/155/38; SP 12/148/60, no. 11.

absented themselves from court rather than be associated with Andrews' corrupt dealings.¹ On the other, it was claimed that Garrett had contemptuously refused to accept the burdens of the jurat's office and to take the jurat's oath. In accordance with the regulations issued by the privy council in 1578, he was therefore debarred from again holding office in the town.²

The nature of the surviving evidence makes it difficult to determine the accuracy of the charges levelled against Andrews. Nevertheless, it appears that there were grounds for complaint against him for, at some time prior to March 1583, he was removed from office by the privy council and committed to the Marshalsea.³ On his removal, Thomas Watson took office and a new set of accusations were put forward. Although Andrews had been removed from office and ordered to appear before the privy council, he was said to have contemptuously held a court and to have removed records and the town seal from the town hall. As a result, the new town officers were unable to govern.⁴ Additional charges of fraudulently using the revenues of the town were made and it was demanded that the

1. P.R.O., SP 12/157/12, no. 2.
2. SP 12/164/84.
3. SP 12/157/8.
4. SP 12/157/13.

accounts for the previous year, and particularly those relating to the office of pounder, should be audited as soon as possible in order to determine the extent of this corruption.¹ Finally, although Andrews had been committed to the Marshalsea, his supporters were said to have delivered money to him from the treasury of the town; as a result, there was not enough money left to pay the town officers.²

The verdict of the privy council on these allegations largely favoured the faction led by John Garrett. This much is clear from a petition addressed by Andrews to the lords of the privy council in 1583. He stated that, having been committed to the Marshalsea, he had obeyed the council's order that he should write to Dover ordering a new election.³ In addition, a controversy which had arisen over the office of town clerk there had been resolved; the occupant whom Andrews had replaced had been restored to his office.⁴ Despite this Andrews still remained in prison, to his great expense and to the detriment of his other affairs, and he therefore petitioned for release.⁵ The result of this petition is not recorded but other evidence seems

1. P.R.O., SP 12/157/13.
2. SP 12/157/8.
3. SP 12/157/15.
4. SP 12/157/9, 15.
5. SP 12/157/15.

to indicate that the apparent victory for Garrett's faction was far from complete. Throughout 1583-4, further petitions were submitted asking that the accounts of Andrews' mayoralty should be audited and further charges of corruption were laid against Thomas Allen.¹

The significance of the events of 1579-84 lies not so much in the immediate issues and personalities involved as in the fact that they illustrate the extent to which government in Dover had become split along factional lines. It is too simple to dismiss Thomas Andrews as something of a bête noire in the history of the town. He had for long been a prominent figure in Dover and had held the office of mayor continually for five years before the outbreak of this controversy. Indeed, the privy council itself had recommended Andrews as a fit person to be mayor in 1577.

The significance of the upsets lies in the fact that the structure of government within the town was still of a sufficiently unstable nature that a clash between opposing factions could result in considerable confusion. It is also interesting to note

¹ P.R.O., SP 12/169/9; SP 12/170/18.

that the intervention of the privy council did little to calm matters. Indeed, it may be suggested that the restrictive form of election introduced at the council's instigation in 1578 helped to exacerbate the factional strife. Above all, the example of Dover during this period illustrates that restricting the size of the governing class of a town did not of necessity result in a more stable form of government.

b) Romney

The 1580s were also a troubled period at Romney and once again were marked by frequent appeals to the lord warden and to the privy council. Once more, the remedy adopted was to restrict the size of the governing class and again the results of this policy were far from satisfactory.

The first indications of discord within the town occur in a letter from the privy council to the lord warden in 1580-1 which stated that the council had learned that there was liable to be 'some violence due to the dividing of the inhabitants' over the forthcoming election of a mayor. Accordingly, the lord warden and several members of the corporation of the town were ordered to take whatever measures seemed necessary to pacify the town, and to

send any recalcitrants to the council for examination.¹

The records of the Brodhull supply more detail about the disturbances within the town. The major issue was that four jurats, William Epps, Thomas Epps, Robert Thurbarne and Thomas Plomer, had not only been dismissed from the office of jurat but also disfranchised. Their dismissal was alleged to have been largely due to malice on the part of the mayor, William Southland, but it appears that this action may have had some justification. Both William and Thomas Epps were accused of corrupt use of the town revenues, while all four were regarded as the 'principal actors' in the making of freemen without the consent of the mayor. The Brodhull, however, ruled that there was insufficient cause for the jurats' dismissal and ordered their reinstatement. It also directed that 'all strife and controversy' between the parties involved was to cease.²

There were further disturbances the following year. The Brodhull ordered the arrest of John Mynge, the town clerk of Romney, since he had 'behaved himselfe very disorderedly and contemptuously agaynst the libertyes of the Cinque Porttes

1. A.P.C., 1580-81, 339.

2. White & Black Books, 317-8.

whearby much troble and sedition hath growne'.¹ This was only one indication of the Brodhull's dissatisfaction with the state of affairs in the town. A few months earlier, in July 1582, it had refused to admit William Southland as a bailiff to Yarmouth 'for diverse causes which for humanytes sake ar left untouched',² and had ordered that Thomas Masters should be appointed bailiff in his place. In order to permit this, the Brodhull ordered that Masters should be made a jurat of Romney but this had not been done by September of the same year. Romney was therefore ordered to administer the jurat's oath to Masters but seems to have remained obstinate for the matter was referred to a Guestling in the following year.³ By 1583, however, the troubles of the town seemed to have been resolved. At a special Brodhull, three of the main characters involved in these events, William Southland, John Mynge and Thomas Etherick, mayor in 1582, made their submission to the Brodhull and admitted that 'by them the portes have been diversely disquieted'.⁴

The records of the Brodhull contain little further information regarding events in Romney, but a petition submitted to the privy

1. White & Black Books, 322.
2. Ibid., 321, 323.
3. Ibid., 323, 325.
4. Ibid., 326.

council in 1590 demonstrates that the years following the jurats' submission were far from troublefree. The situation within the town resulted in direct and far-reaching interference by the lord warden and the privy council. At the petition of William Southland and others in 1583, it was agreed that the person who had been a jurat longest should be chosen mayor, and that each year the office should devolve upon the next senior of the bench until all had been mayor.¹ The system of election which had been in force since the incorporation of the town in 1562 had also limited the choice of mayor to persons who had been jurats in the previous year but in that case the choice was to be made by the jurats and commonalty.² Even this limited right of choice had now been taken away and the mayoral office became the prerogative of an even more restricted group.

This new order was broken in 1585 and 1586. William Southland, one of those who had originally petitioned for this arrangement, occupied the mayoral chair for two consecutive years, passing over others who had been jurats longer and therefore ought to have occupied the office before him.³ This breach of the

1. B.L., Lansdowne MS. 67/86.
2. K.A.O., NR/IC 1.
3. B.L., Lansdowne MS. 67/86.

ordinance was reported to the lord warden who commanded that it must be adhered to, but the following year it was broken again; Robert Thurbarne became mayor ahead of three jurats who ought to have preceded him. On this occasion, John Mynge, the town clerk, advised that the ordinance should be observed but his advice was ignored and, for making this suggestion, Mynge lost his office and was disfranchised.¹

These contempts came to the attention of the privy council and it appointed commissioners to investigate the behaviour of those within the town who preferred 'their particular before the common good of the town'.² After investigation, the commissioners appointed by the council debarred Southland from ever again holding the office of jurat. This ruling was ineffective; Southland was soon reinstated in contempt of the commissioners' orders and this contempt was compounded by the choice of William Beadle as mayor contrary to the ordinance.³

At this point the measures adopted by the privy council became more severe. A petition had been received from 'the poor oppressed inhabitants' of the town which sought redress for the abuses

1. B.L., Lansdowne MS. 67/86.
2. A.P.C., 1586-7, 308.
3. B.L., Lansdowne MS. 67/86.

perpetrated by Southland and particularly those relating to the heavy taxes which he had imposed. The council once more appointed commissioners to investigate these allegations and to consider what measures might be taken for the better government of the town.¹ Acting upon the commissioners' reports, the council then intervened directly. The commissioners had advised that 'by reason of factions amongst the inhabitants of the town certain good men of honest and discreet behaviour have been disfranchised and disfranchised, and others of no virtue, less credit and sufficiency admitted into the corporation to the utter ruin of the same.'² Consequently, the council ordered that Southland and four of his supporters were to be suspended from the freedom of the town and prohibited from holding any positions of authority. A similar procedure was to be followed against various people who had been admitted to the freedom by Southland. In order that the town might have better government, the council further ordered that 12 named individuals should be sworn as freemen and that six others, notably John Cheseman, should be admitted and sworn as jurats. The order for the election of the mayor was reiterated, and the 12 jurats were named in their order

1. A.P.C., 1587-8, 421-2.

2. A.P.C., 1590, 5.

of seniority on the bench and consequent order of succession to the office of mayor. Further orders were issued concerning the better keeping of the accounts of the town, the restoration of the town lands, and the keeping of the common seal.¹

These orders appear to have been ignored completely. Those persons whom the council ordered to be disfranchised continued to enjoy the freedom and to occupy positions of authority, while those whom it had ordered to be admitted to the freedom and to the office of jurat were refused admission. In addition, despite the re-stating of the orders on the election of the mayor, John Thurbarne was chosen in place of John Cheseman; Cheseman's election had been ordered by the council while Thurbarne was only tenth in seniority in the list of jurats the council had set down.²

Upon this further contempt, the lord warden was told to find out the reasons for these actions but the offending parties did not deign to reply to his letters and instead began to sell some of the town land.³ This action resulted in Southland being committed to the Marshalsea pending the hearing of his case. Following this hearing, Southland, Smith, the town clerk, John Thurbarne, the incumbent mayor, William Thurbarne, Robert

1. A.P.C., 1590, 5-8; B.L., Lansdowne MS. 67/86.

2. B.L., Lansdowne MS. 67/86; A.P.C., 1590, 5-8.

3. B.L., Lansdowne MS. 67/86.

Thurbarne, Thomas Allan and William Beadle, the principal offenders against the orders of the council, made humble submission, confessed their fault and promised to observe the wishes of the council in future.¹ The order for the election of the mayor was confirmed on 22 March, 1589/90² but by the next election day, less than a month later, this order had once more been set aside; William Thurbarne, one of those who had submitted, was chosen as mayor. A warrant was issued for the arrest of the offending parties but only four of them were apprehended, and this only after scenes of some violence.³

The events at Romney follow the same pattern as at Dover. Electoral disturbances resulted in intervention by the privy council and the remedy it adopted was to severely restrict the size of the governing class. Once more, this did not lead to stability within the town. The activities of Southland and his followers caused problems in the town for almost a decade, despite attempts by the privy council, the lord warden and the Brodhull to resolve the situation.

c) Sandwich

Divisions within the governing class were not a new development at Sandwich. As early as the 1460s, the town had been split between

1. B.L., Lansdowne MS. 67/86; A.P.C., 1590, 207-9.
2. A.P.C., 1590, 5-8.
3. B.L., Lansdowne MS. 67/86.

two factions as a result of the Wars of the Roses.¹ A century later, in 1572, the election of jurats was said to have been affected by 'grudges, hatreds and displeasures'.² Factional strife within the town reached its peak, however, at the close of the sixteenth century.

By 1595, the government of the town had degenerated to a state of some confusion. The lord warden intervened and, with the approval of the privy council, he deprived the freemen of the town of any share in government; town business was to be conducted by the mayor, jurats and common council alone.³ This did little to calm the situation and in 1599 further restrictions were introduced. New regulations were issued about the election of the mayor. These were similar to the orders the privy council had ordained at Romney but on an even more restrictive scale. There were always to be four candidates - the outgoing mayor and the three senior jurats - of whom the one who had held office longest was automatically to be elected. The following year, the next senior would fill the chair until all four had served as mayor.⁴ As was found at Romney and Dover, the introduction of these restrictions did little to

1. See above pp. 115-8.

2. K.A.O., Sa/AC 5, f.2v; White & Black Books, 290.

3. Sa/AC 6, ff. 213v-214.

4. Ibid., f.270.

settle the troubles of the town and, indeed, may have exacerbated them.

Again, the complicating factor in the government of the town was the personal animosity which existed between various influential men. A protracted dispute between John Verrall and Robert Griffin was a disruptive factor in the internal politics of the town for several years. During the mayoralty of Griffin in 1599, Verrall refused to take the jurat's oath since he said that 'no justice was done on the bench.' In addition to his refusal to be sworn he showed his disapproval of the incumbent mayor by trying to disrupt meetings of the mayor and jurats, and even went so far as to stir up the commonalty against the limited franchise that had been imposed. For these offences Verrall was expelled from the bench of jurats.¹

The limited form of election was introduced in the same year. By this system, the office of mayor ought to have devolved automatically upon Verrall, who was the senior jurat, but his expulsion from the bench meant that John Bartholemew was elected instead. This procedure resulted in further disputes and in the end the election was cancelled as 'factious and partial'.² Three years later, in 1603,

1. K.A.O., Sa/AC 6, ff.255v-256.

2. Ibid., f.275v.

Verrall was again responsible for a major disturbance within the town. On this occasion, with the complicity of several others, he sought to place himself in the mayoral chair. His attempt to take office was a failure and the candidate elected by the procedure stipulated by the privy council was installed.¹

It appears unnecessary to follow the ramifications of these disputes further since they continued well into the reign of James I and have been recorded in full elsewhere.² The general pattern of events was very similar to that found at Dover and Romney. John Verrall and his brother Christopher caused considerable disturbance to the 'good government' of the town but attempts by both the lord warden and the privy council to exclude them from the government of the town were largely ineffective.

Once again, the same pattern emerges. Disputes and disturbances over elections resulted in the restriction of the power of government to a very small number. The interests of the members of this group were not compatible and instead of a spirit of co-operation within the group personal animosities became a major factor in town government.

1. K.A.O., Sa/AC 6, f.320v.

2. D. Gardiner, Historic Haven, the Story of Sandwich, 157-60.

d) Winchelsea

Winchelsea also suffered from the effects of divisions within its governing class. An entry in the records of the Brodhull for 1580 indicates that this was also a troubled period for Winchelsea. It stated that 'diverse and sondrie strifes, debates, controversies and displeasures have byn of late stirred up' between Goddard White and Thomas Fanne of Winchelsea, jurats, 'by reason whereof sondrie broyles have risen within the saide town'. The Brodhull therefore appointed arbitrators to settle the dispute. The main issue appears to have been dissension over a decree that freemen should invest in overseas trade or else be dismissed from the franchise, as a result of which 'sondrie honest persons ... have been dismissed of their freedom.'¹ The award of the arbitrators suggests that this issue may have caused some friction within the governing group. In addition to ordering that this decree be nullified the arbitrators stated that those who had been disfranchised should be readmitted to the freedom and that the mayor should tender the oath of jurat to Fanne.²

There were further troubles for the town in the early

1. White & Black Books, 315.
2. Ibid.

seventeenth century. In order to remedy the 'many disorders' which had crept into the government of the town the privy council instructed that a new system of election be introduced: as at Dover and Romney, the office of mayor was to devolve upon the jurats in the order of their seniority on the bench.¹ This order was followed in 1607 when Thomas Pelham was elected but the next two elections contravened the regulations. As a result, the orders were re-issued on 6 May, 1609 and anyone attempting to break them was to pay a fine of £5 and be disfranchised.²

Once again, this regulation did not solve the problems of the town. The ruling group tried to consolidate its position by refusing to create new jurats to fill vacancies on the bench and, by 1621, there were only two jurats in the town. This situation resulted in friction between the mayor, jurats and freemen and was only resolved by the intervention of the lord warden and the Brodhull.³

e) Rye

The privy council also found it necessary to intervene in the internal government of Rye on at least two occasions. The first example of the council's interest in the town occurs in the period

1. E.S.R.O., Winchelsea MS. 55, f.151v.

2. Ibid., ff.151v-152.

3. E.S.R.O., Winchelsea MS. 55, ff.241 et seq.; White & Black Books, 425-6.

1556-8. A letter from the council to the mayor and jurats of Rye related that the mayor of the town in 1556-7 had been recommended by the council, and, in the council's opinion, had fulfilled his duties in a satisfactory manner. It therefore recommended that he should be re-elected to serve in the coming year. The restriction against a man serving two consecutive terms was said not to apply since, on several occasions and for similar reasons, it had been known for a mayor to remain in office for a second term.¹ By 1579, however, the council's opinion on this matter had changed. In a letter to the lord warden it stated that a matter of controversy had arisen between the mayor and jurats of the town due to the fact that the mayor had held office for three consecutive terms contrary to the ordinances of the town. As a result of this the town had been badly governed. The lord warden was ordered to investigate these disorders and report on them to the council.²

No further details are available relating to either of these disputes but, nevertheless, the facts that are known again illustrate the council's increasing concern with the internal affairs of the

1. A.P.C., 1556-8, 112.

2. A.P.C., 1578-80, 277.

members of the confederation.

* *

It has already been observed that the head ports of the confederation in general followed the common trend towards rule by a limited group. This trend was assisted by the policy of the central authorities. It became increasingly common during the later sixteenth century for the central authorities to take an interest in the internal government of many provincial towns, and this interest tended to favour the limitation in size of the governing group. As Clark and Slack have noted, the crown was obsessed with the need for small knots of reliable men in every town and promoted this policy by the grant or revision of charters and through widespread conciliar intervention.¹ In Kent and Norfolk, for example, the crown repeatedly interfered in municipal affairs from the 1570s.² Fear of civil disturbance and the wish to maintain a stable form of administration in the towns encouraged the central authorities to favour the growth of oligarchy. There are numerous examples of this happening in the confederation. The privy council attempted to eliminate any possibility of popular disturbance by severely restricting the size of the governing class.

1. P. Clark & P. Slack, 'Introduction', in Clark & Slack (eds.), Crisis and Order in English Towns 1500-1700, 22.
2. P. Clark & P. Slack, English Towns in Transition 1500-1700, 134.

Another characteristic of the period under consideration was the widespread corruption to be found in local government throughout the country as a whole.¹ Favourable leases of corporation property; loans from corporation and charitable funds; the power as magistrate to regulate urban economic life to one's own advantage as merchant or employer; the use of civic office to blackmail enemies and opponents; the opportunity to peculate the city's petty cash: all these were among the common perquisites of civic office.² The activities of Thomas Andrews and Thomas Allen at Dover, William Southland at Romney, and John and Christopher Verrall at Sandwich demonstrate that the members of the confederation were far from immune from such practices and also illustrate the ill-feeling which they could generate within a town.

The growth of oligarchy and its attendant problem of civic corruption may be viewed as a process natural to the boroughs, as wealth and authority became to a certain extent synonymous.³ Such a system may in fact have had its benefits. Weinbaum has asserted that it may be viewed as the means by which an aware and capable group of people received a training which allowed it to take a major part in the growth of the commons in parliament.⁴ It is important

1. P. Clark & P. Slack, 'Introduction', in Clark & Slack (eds.), Crisis and Order in English Towns 1500-1700, 22; P. Clark & P. Slack, English Towns in Transition 1500-1700, 132; C. Platt, The English Medieval Town, 122.
2. P. Clark & P. Slack, English Towns in Transition, 1500-1700, 132.
3. C. Platt, The English Medieval Town, 119.
4. M. Weinbaum, British Borough Charters 1307-1660, pp. xxvii-xxviii.

to note, however, that the limitation of government to a small number did not of necessity result in a more stable form of administration. Even within a limited group there was no guarantee that friction would not arise. The example of the Cinque Ports, and particularly of Dover, Romney and Sandwich, demonstrate that the limitation of the size of the governing class could provide a breeding ground for the growth of factions and consequently have a detrimental effect upon the administration of a town.

Town Government in the Cinque Ports

iv) The Member Ports

The use of the term 'Cinque Ports confederation' tends to suggest that the organisation was dominated by the head ports of Hastings, Hythe, Romney, Dover and Sandwich. This was far from true for the 'Ancient Members', Rye and Winchelsea, shared the rights and privileges of the head ports while, throughout the centuries, most of the head ports acquired sub-ports or limbs to help them in fulfilling their ship-service obligations.

The limbs' association with the confederation can be divided into two categories, those of corporate and non-corporate membership. The corporate limbs' membership was confirmed by a royal charter while the linking of the non-corporate limbs to the confederation was less formal since it was based on a private agreement with one of the head ports. In general, the corporate limbs were settlements of at least local importance at the time of their entry into the confederation while the non-corporate limbs were little more than small villages. However, changing economic circumstances made this distinction far from certain by the fifteenth and sixteenth centuries.

The Corporate Limbs

a) Faversham

Faversham provides an example of a town which sought admission to the confederation with the specific object of improving its domestic position. A remarkable set of town records survive which make it possible to trace the development of municipal institutions within the town and the way in which membership of the confederation influenced this development.

In 1147, the manor of Faversham, which included a fairly prosperous town, was granted by Stephen to the abbot and convent of Faversham.¹ This grant was confirmed by charters of John and Henry III.² These charters gave the abbot, as lord of the manor, the valuable rights of soc and sac, thol and theam, infanganthef, the assize of bread and ale, full jurisdiction over offences in the market-place or fair and all profits.³ In addition, the inhabitants of the town owed the abbot services such as paying a fee to take their pigs to the forest to feed and finding 12d. a year to pay a steersman to take the abbot's corn to London.⁴ Although several manorial services were replaced by a monetary payment,⁵ the authority of the abbot as lord of the manor remained a source of grievance to the inhabitants of what was apparently a prosperous and populous town.⁶

1. W. Dugdale, Monasticon Anglicanum (London, 1823-8), iv, 573.
2. Ibid., 574.
3. Ibid., 573-4.
4. K.M.E. Murray, 'Faversham and the Cinque Ports', T.R.H.S., 4th series, xviii (1935), 59.
5. E. Jacob, History of the Town and Port of Faversham (London, 1774), 9; K.A.O., Fa/ZB 38.
6. Such a situation was far from unusual throughout England as a whole for towns under the control of a monastic overlord were often subject to unpopular exactions. At Tavistock, the abbot appointed the port-reeve from a list of candidates submitted by the portsmen. It was his steward who presided at the borough court. He had the right to take a percentage on corn ground at the town mill, to collect relief on inheritances and to exact watching and carrying services from his burgesses: W.G. Hoskins & H.P.R. Finberg, Devonshire Studies (London, 1952), 183-4, 187-8.

Faversham adopted a remarkable solution to this problem. It sought and obtained admission to the Cinque Ports confederation, an organisation with which the town had little in common either geographically or economically.¹ The entry of the town into the confederation as a corporate member of the port of Dover was formally recognised by a charter of 4 June, 1252.² This charter gave the town most of the privileges common to the confederation, including freedom from toll on all its sales and purchases throughout the realm, soc and sac, thol and theam, and infanganthef. Not surprisingly, the grant of these rights resulted in a bitter dispute between the town and the abbot with the result that, in 1254, the town was forced to renounce its chartered liberties in perpetuity, since they were obviously at variance with the older monastic charters.³

The victory of the abbot does not appear to have been complete since, in 1258, a compromise agreement was reached between the two parties on several of the areas of contention. The claim by both parties to exercise infanganthef was settled by an agreement that the abbot's prison should remain but that there should be two keepers, one appointed by the town and the other by the abbot. The keepers were to be jointly responsible if a prisoner escaped. The abbot's

1. Murray, 'Faversham and the Cinque Ports', T.R.H.S., 4th series, xviii (1935), 64.
2. C.Ch.R., i, 392.
3. Murray, 'Faversham and the Cinque Ports', T.R.H.S., 4th series, xviii (1935), 64.

bailiff presented the prisoners and the keepers were responsible for bringing them to court for trial and for keeping them until execution of judgement.¹ Despite this, there were further disputes in 1282 when each party claimed that the other was infringing the terms of the agreement.²

Taxation had been another cause of trouble and again Faversham made some progress. In 1254, the town had agreed that no tallage or collection might be made except by leave of the abbot.³ By 1258, however, the townsmen were allowed to tax themselves for various purposes, such as the cost of ship-service, or for the aid of the king or the abbot, or for sustaining the liberty. The concessions made by the abbot were far from complete. He reserved the right to fix the day of taxation, to approve the collectors and administer an oath to them, while only his bailiff might make distress and one copy of the roll had to be deposited with him.⁴ The reluctance of the abbot to surrender his accustomed rights is illustrated by the fact that, as late as 1517, 250 years after the first concessions were granted, the chamberlains of the town still had to present their accounts for audit in the presence of the abbot.⁵ The agreement

1. Murray, 'Faversham and the Cinque Ports', T.R.H.S., 4th series, xviii (1935), 64.
2. S.P.H. Statham, Dover Charters and Other Documents, 17, 21, 25.
3. Murray, 'Faversham and the Cinque Ports', T.R.H.S., 4th series, xviii (1935), 65.
4. Ibid.
5. K.A.O., Fa/AC 1, f.15v.

of 1258 did not provide a final solution to the differences between the abbot and the inhabitants of the town. The early years of the fourteenth century were a time of particularly bitter controversy¹ and one dispute resulted in the town having to pay a fine of 500 marks to the king's exchequer for claiming rights to which it was not entitled by charter.²

In general, however, the town gained an increasing degree of independence of its overlord and this is well illustrated by the development of municipal institutions. During the twelfth and early thirteenth centuries, the head officer of the town, styled the alderman, appears to have been appointed by the abbot.³ By the agreement of 1258, the alderman was selected by the abbot from three candidates nominated by the inhabitants of the town and, if there was no suitable nominee, the abbot could refuse to appoint any of the three candidates.⁴ The town was not satisfied with this arrangement and, throughout the remainder of the thirteenth century, asserted the claim to have a mayor. A typical result of this claim is to be found in an indenture between the town and the abbot in the 1290s where the townsmen claimed to have a mayor, while the abbot's side

1. K.A.O., Fa/ZB 16-23.

2. Fa/ZB 12/1 & 2; Murray, 'Faversham and the Cinque Ports', T.R.H.S., 4th series, xviii (1935), 68-9.

3. K.M.E. Murray, 'The Common-Place Book of Faversham', Arch. Cant., 48 (1936), 93.

4. Ibid., 96.

of the agreement referred to the head officer of the town as the alderman,¹ while, in 1305, the abbot again complained that the town had claimed to have had a mayor for the previous three years.²

By the time the custumal of the town was compiled in 1356, the town's claim to have a mayor as head officer appears to have been accepted and the manner of his election was prescribed. The commoners of the town were to choose three of the wisest and most able men of the town who were then presented to the abbot. He then selected one of the candidates to fill the office for the ensuing year. The following Sunday, the newly-elected mayor called a wardmote of all the commoners and, with their assent, chose twelve jurats from among them to aid him in his duties. The jurats were then sworn to maintain the customs and franchises of the town.³ In effect, the right of the head officer to be styled as mayor had been surrendered by the abbot but he was to be elected in the same way as had been agreed in 1258. The custumal, however, does not mention the right of the abbot to refuse all three candidates if he felt they were unsuitable. It may be that this right had also been surrendered but it is equally possible that this clause of the 1258 agreement still applied but was simply not recorded.

1. E. Jacob, History of the Town and Port of Faversham, 18.

2. Ibid.

3. K.A.O., TR 880, f.9v.

The abbot's authority was further curtailed when he lost the right of choosing the mayor from the three candidates nominated by the town. Jones has suggested that the mayor was elected directly by the freemen of the town at as early a date as the reign of Edward I. The mayor then chose his jurats and, together, they proceeded to the abbey where the abbot administered the oath of office.¹ Although it is probable that such a procedure did eventually become normal practice, it is likely that the change occurred at a much later date for the town custom of 1356 still prescribed the mode of election agreed in 1258. The first specific piece of evidence is a memorandum of 1449-50 which stated that all jurats that were at the 'yelehalgrond' (the traditional place of election)² at the choosing of the mayor should go to the abbey and bring home the mayor.³ The wording of this statement may be taken to indicate that the mayor was actually elected at the 'yelehalgrond' rather than three candidates being nominated, but it is not possible to be certain on this point. Even if this was so, it is again not possible to estimate when such a procedure was adopted for the memorandum may be taken as describing a recent innovation or as merely reiterating a practice which had been accepted for some time.

The right of the townsmen to elect their mayor directly had

1. J.B. Jones, The Cinque Ports (1st Edition, Dover, 1903), 79.
2. K.A.O., TR 880, f.9v.
3. K.A.O., Fa/AC 1, f.5.

definitely been established by 1511. In that year, an attempt was made to further restrict the rights of the abbot when Laurence Streynsham, the newly-elected mayor, refused to appear before the abbot to be sworn. He was compelled by the Court of Star Chamber to swear an oath to 'obey the abbot and convent, lords of the town, in all lawful commandments, and truly to maintain and keep to his power the freedom and rights of the monastery.'¹

At the dissolution of the abbey, the town attempted to improve its position by seeking a charter of incorporation from Henry VIII. In common with other English towns,² Faversham considered this a matter of some importance, as is shown by a memorandum of 1545 whereby Thomas Ardern (who was thought to have some influence at court³) was offered a reward if he succeeded in obtaining the grant of letters patent giving corporate status to the town.⁴ How great a part he played in the town's efforts is not known but the town was successful in its endeavour. A petition was presented to the king in 1545 asking that the town be granted a charter and, on 27 January 1545/6, this wish was granted.⁵ John Seath was named as the first mayor of the town under its new constitution.⁶

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1. J.B. Jones, The Cinque Ports, 124.
2. S. Bond & N. Evans, 'The Process of Granting Charters to English Boroughs', E.H.R., xci (1976), 119-20.
3. W. Telfer, 'Faversham's Court of Orphans', Arch. Cant., 81 (1967), 194-5.
4. K.A.O., Fa/AC 1, f.28lv.
5. Fa/AI/3, 5; Fa/I 10, 11.
6. Fa/AC 1, f.4lv.

By 1356, Faversham was governed by a mayor assisted by twelve jurats and this remained the basic system of town government throughout the period, although occasionally the number of jurats would increase to 13.¹ The reasons for the increase in size of the jurats' bench are not known but the change was normally of short duration and was probably the result of specific circumstances rather than any spirit of innovation. This structure was modified by the introduction of a common council. This body is first recorded in 1506,² when the minute-books of the town begin and, at this date, it appears to have been an accepted and established part of the framework of government.³ At the time of its first appearance in the town records the common council consisted of 24 freemen,⁴ and it continued in this form until 1536-7 when it expanded to 37 (although still headed 'The 24' in the town records).⁵ This subsequently changed to 36,⁶ but by 1540 the size of the council had returned to its original 24.⁷ The reasons for these changes are again obscure

1. K.A.O., Fa/AC 1, ff.5v, 12v.

2. Fa/AC 1, f.5v.

3. It is interesting to note that the formation of a common council at Faversham pre-dates the establishment of a similar body in several of the head ports and may have been set up before that of Dover, its own head port; see above pp.112-5, 121-2, 150-71.

4. Fa/AC 1, f.5v

5. Fa/AC 1, f.31v

6. Fa/AC 1, f.34.

7. Fa/AC 1, f.34v.

and they may have been simply experiments in government.

The incorporation of the town in January 1545/6 entailed further modifications to the structure of government. For the 'universal profit and common utility', the corporation was to consist of a mayor (John Seath), twelve jurats and 44 named freemen. The election of the mayor was to take place on the last day of September. The jurats were to choose two of their number and present them to the freemen of the town. Whichever of the two candidates received the greater support was then sworn as mayor, and he then chose his twelve jurats. The common council was retained; half of its members were to be chosen by the commons of the town and half by the mayor and jurats.¹

Two years later, further limitations were placed upon the right of freemen to share in the administration of the town. In September 1548, it was ordained that 'for the making of laws, statutes and ordinances at the Wardmote, none shall be called except the mayor, jurats and the 24, except that they be called thither for special causes.'² Despite this limiting of the size of the governing class, or perhaps because of it, there appears to have been some

1. K.A.O., Fa/AI 5; Fa/I 10, 11; E. Jacob, History of the Town and Port of Faversham, 69-70.
2. Fa/AG 1, f.48.

disorder in the town. In 1553, it was thought necessary to issue an order concerning how to behave at wardmotes. Those attending were warned that they should sit quietly and listen until the opportunity arose for them to speak, and they would then be allowed to speak without interruption; a penalty of 4d. was to be levied on anyone disregarding this order.¹

In Faversham, the basic trend of government was again towards rule by a limited group and this development was once more encouraged by the central authorities. Again, however, it appears that such a limitation of government did not of necessity lead to harmony and concord within the town.

b) Fordwich

The history of Fordwich was similar to that of Faversham in several ways. Unfortunately, the surviving records relating to Fordwich are extremely limited. Consequently, although it seems probable that events in the town may have followed a similar course to those of Faversham, it is not possible to discuss the fortunes of Fordwich in anything other than a general manner.

It has been suggested that Fordwich may have been a member of the Cinque Ports confederation, contributing to the ship-service of Sandwich, during the pre-conquest period.² Although this suggestion

1. K.A.O., Fa/AC 1, f.64.

2. Murray, Constitutional History, 23.

cannot be proved, it is certain that the town belonged to the confederation by 1229 when it was listed in the Ports' Domesday as a member of Sandwich.¹ It is possible, however, that the town was not a member for a period during the twelfth and thirteenth centuries. This is suggested by a charter of Henry II which granted a merchant gild to the town.² Such a grant is unique among the members of the confederation and there is no mention of such a gild after 1229.

Fordwich was subject to the monastery of St. Augustine's, Canterbury and this connection lasted for some 500 years. In the opinion of the town's historian, this connection was not a particularly galling yoke.³ It appears probable, however, that the town may have experienced difficulties similar to those of Faversham. The manner in which the rights of the abbot within the town are carefully set out in the custumal may indicate that there had been areas of contention between the town and its overlord. At Fordwich, the abbot retained his own prison over which the bailiff had custody, and the town accepted no responsibility in the event of a prisoner escaping.⁴ The question of irritating manorial services had also been settled; it was stated that the abbot 'shall not have of any

1. Red Book of the Exchequer (R.S., 1896), ii, 714-6.

2. C.E. Woodruff, A History of the Town and Port of Fordwich, 36, 51-2.

3. Ibid., 12.

4. Ibid., 227.

lands and tenements of his tenants within the liberty any other yearly service besides his 'rent seck' at certain times of the year.¹

Disputes between the town and its overlord occurred at intervals until the dissolution. The financial aid of the other members of the confederation was enlisted on several occasions² but these disputes tended to be concerned with specific financial matters rather than differences over the relative rights of the two parties. Regulation of the town fishery, one of the town's major sources of income, was one of the prime concerns of the corporation during the fifteenth century and, as late as 1520, the relative rights on the river of the town and the monastery had to be redefined in order to prevent encroachments by St. Augustine's.³

The claim of Faversham to have a mayor had been the source of some friction between the town and its overlord but, by 1356, the town's claim had been granted. At Fordwich, the situation was similar and it also gained the right to elect a mayor. The experiences of other towns subject to ecclesiastic overlords suggests that this right would not have been granted easily,⁴ and that the rights of the town, as set out in the fourteenth-century custumal,

1. C.E. Woodruff, A History of the Town and Port of Fordwich, 228.
2. White & Black Books, 18, 24, 176.
3. C.E. Woodruff, A History of the Town and Port of Fordwich, 203.
4. C. Platt, The English Medieval Town, 138-40; see above pp.133-40.

later date at Faversham than at Fordwich. This was in marked contrast to Romney and Hythe which were subject to a bailiff appointed by their overlord until the late sixteenth century.¹ Once again, the explanation of this probably lies in local circumstances. Faversham was relatively prosperous and populous and faced as its overlord only the abbot of a local monastery. By the fifteenth century, Fordwich was of no great consequence but it is likely that in an earlier period its role as a port for Canterbury would have been a source of prosperity. The suggestion that the town may have been associated with the Cinque Ports in the pre-Conquest period also lends support to the view that it had been a town of some consequence. Consequently, it seems probable that both Faversham and Fordwich were able to bargain with their overlords from a position of relative strength and were therefore able to get concessions at an earlier period than many other monastic boroughs.

c) Tenterden

The town and hundred of Tenterden was a late entrant to the Cinque Ports confederation. By letters patent of 1 August, 1449 the town and hundred were granted a charter of incorporation and annexed to the port of Rye to assist it in bearing the burdens of ship-service.² Virtually all the early records of the town were destroyed

1. See above pp.166-7.

2. C.P.R., 1446-52, 276-7.

by a fire in 1661, but those that do survive are of an exceptionally interesting and valuable nature. By far the most important of these survivals is the town custumal, compiled about 1558, which gives details of the system of town government which applied at that date, and which was periodically revised in the years following. It is therefore possible to make a detailed examination of the changes which occurred in the structure of government during the following century.

By the 1449 charter, the town and hundred of Tenterden was incorporated under the title of the 'bayley and commons'.¹ The custumal supplies details of the way in which this bailiff was to be elected. Each year, on 29 August, the commonalty²

may choose of themselves one able and sufficient person within the said franchise dwelling...for to be Bayley of the said town and hundred for the governance and safeguard of the same, which Bayley so chosen has power to hold a court before himself or sufficient deputy within the said town and hundred of Tenterden.

Refusal of this office rendered the offender liable to a fine of £ 10.³

1. C.P.R., 1446-52, 276-7; W. Boys, Collections for an History of Sandwich, 822.
2. K.A.O., Te/C 1, f.24.
3. Te/C 1, f.28v.

After the bailiff had been sworn, the twelve jurats for the coming year were chosen; six were selected by the bailiff and six by the commons.¹ It appears that attempts may have been made to influence the choice of bailiff for a note was inserted in the custumal to the effect that the jurats for the year passed were not to 'intermeddle' with the choice of the new bailiff.² The bailiff and jurats together then chose the common clerk and sergeant.³

On 4 May, 1553 the bailiff, jurats and commons of the town assembled in the court hall 'for the reformation of certain articles and points contained in the custumal of the said town to be reformed and amended for a good and uniform order and rule'. This meeting may have been necessitated by disorders within the town for the assembly was also intended to settle 'divers contencions'.⁴ In any event, the old custumal was declared void and radical changes made to the governmental system.

A common council of 24 wise and discreet persons was set up. It was to be chosen from the ranks of the resident freemen of the town, half by the bailiff and jurats and half by the freemen of the town. This council was to have full authority on the day of election to choose the bailiff for the coming year; the person chosen had to

1. K.A.O., Te/C 1, f.26v.
2. Te/C 1, f.25.
3. Te/C 1, f.27.
4. Te/C 1, f.57.

be one of the jurats of the previous year. The bailiff then chose six jurats from the twelve who had made up the previous year's bench, and the common council chose the other six jurats from among the resident freemen. If vacancies arose in the common council, through death, departure from the town, or election as a jurat, the bailiff and jurats chose resident freemen to fill the places.¹ In addition to its duties in electing the bailiff and jurats, the common council also chose the town clerk and sergeant and eight of them, along with the bailiff and three of the jurats, would each year assess the town scot.²

On 16 August, 1600 the town and hundred were re-incorporated by letters patent as the mayor, jurats and commonalty of the town and hundred of Tenterden.³ New ordinances were made the following July by an assembly of the mayor, nine jurats and 47 freemen. These ordinances confirmed the system of election which had been prescribed by the new charter.⁴ The mayor, jurats and commons were to assemble and there to continue until one of the jurats of the town and hundred aforesaid shall be chosen by the greater part of the commonalty then assembled to the office of mayoralty...for the

1. K.A.O., Te/C 1, ff.57-8.
2. Te/C 1, ff.58, 59v.
3. Te/C 1, f.100.
4. Te/C 1, f.75.

year following. And that the commonalty...then assembled, or the greater part of them, may, shall and ought, before they depart from there, elect and nominate that jurat amongst the jurats of the town and hundred aforesaid which has been longest jurat of the town...and has not before time borne the office of mayoralty, to be mayor of the said town and hundred for one whole year.¹

If all the members of the bench of jurats had previously been mayor then the office was once more to devolve upon the longest-serving jurat 'and so orderly one after the other.'² Vacancies in the bench of jurats were to be filled by resident freemen chosen by the greater part of the commonalty.³

Tenterden is another example of the way in which the power of government tended to be increasingly limited to a small and privileged group. The structure of government in 1449 had been remarkably open and the rights of the freemen extended even to the choice of half the bench of jurats. A century later, these rights had been cut down considerably with the inauguration of a common council which was to take over the rights which had belonged to the whole commonalty. The

1. K.A.O., Te/C 1, ff.75v, 100.

2. Te/C 1, f.75v.

3. Te/C 1, f.101v.

innovations of 1553 restricted the size of the governing class, both in denying the commonalty as a whole a share in the administration of town affairs and in stating that six of the jurats for the coming year had to be chosen from the previous year's bench.

This limitation of the size of the governing class was carried a stage further in 1600 when the office of mayor was to devolve automatically upon the longest serving jurat. This was the same system as had caused so much dispute at Romney¹ and it is significant that in both towns the system was introduced as a result of intervention by the central authorities. Thus, Tenterden provides a clear illustration of two of the dominant themes of the sixteenth century. On the one hand, it demonstrates the move towards rule by an oligarchy which is such a common trend in the history of English towns during this period and, on the other, it illustrates the way in which such a development was encouraged by the central authorities.

d) Seaford

The association of Seaford as a corporate member of Hastings was a relatively late development, although the two ports may have been associated in an informal way since before 1229.² The arrangement was placed on a formal basis on 4 August, 1554 when

1. See above pp.186-93.

2. F.W. Steer (ed.), Records of the Corporation of Seaford (Lewes, 1959), 52.

Seaford was granted a charter of incorporation and annexed to the port of Hastings. Seaford was to aid Hastings in performing its traditional ship-service which had become too onerous due to the 'waste, destruction and poverty' of the head port.¹ It is doubtful if this aid would have been of any great consequence, however, since Seaford, itself, had been experiencing financial problems and had for some time had difficulty in fulfilling its fee farm obligations to the crown.²

The 1554 charter incorporated the town as the 'bailiff and commonalty of the town, parish and borough of Seaford', and laid down that the commonalty should each year, on 29 September, elect a bailiff. The bailiff, or his deputy, was authorised to hold a fortnightly court.³ The bailiff was traditionally the head officer of the town but the right of the commonalty to elect him may have been an innovation for, on at least one occasion, the bailiff had simply been chosen by the king and admitted by letters patent.⁴

Throughout the charter, the corporation is always referred to as the bailiff and commonalty and no mention is made of jurats. In the first entry in the court book of 1562-9, however, jurats are

1. E.S.R.O., Seaford MS. 3, p.1.
2. R. Tittler, 'The Incorporation of Boroughs, 1540-1558', History, 62 (1977), 35-6; M.A. Lower, 'Memorials of Seaford', S.A.C., 7 (1854), 143-7.
3. E.S.R.O., Seaford MS. 3. p.1.
4. C.P.R., 1476-85, 15.

mentioned, apparently as part of the court,¹ and in 1576 the bailiff, John Colvill, chose three men 'to be of assistance with him and minister justice in the town'.² This too may have been an innovation, but the almost total lack of evidence for the period makes definite conclusions impossible. The little evidence that does survive suggests that by and large the elevation of Seaford to corporate status and its more formal association with the Cinque Ports confederation made little significant impact upon the traditional system of government within the town.

e) Pevensay

In contrast to Tenterden and Seaford, the association of Pevensay with the Cinque Ports was of some antiquity. It appears to pre-date the so-called Ports' Domesday of 1229³ for, in the pipe roll of Michaelmas 1207, the barons of the Cinque Ports were charged with a debt of 40 marks for a licence to make a town near Pevensay and to have a market each Sunday and a yearly fair.⁴

Although Pevensay was a member of the confederation, with the various privileges that this entailed, it remained largely subject to its manorial overlord, the queen of England.⁵ Each year, on the

1. E.S.R.O., Seaford MS. 5, f.1.

2. Ibid., f.40.

3. Red Book of the Exchequer (R.S., 1896), ii, 714-6.

4. P.R.S., n.s., xxii (1944), 41; C.Ch.R., iii, 220-1; M. Beresford, New Towns of the Middle Ages, 495.

5. L.B. Larking, 'Customal of Pevensay', S.A.C., 4 (1851), 212.

Monday after Michaelmas, a bailiff (styled the receiver) was elected by the community of the town and lowy (the whole area of privileged land around the castle) of Pevensey.¹ His duties were of a very restricted nature; he was to receive the mandates of the king and the constable of Dover Castle, and the letters of the barons of the Cinque Ports, and to attend to the business of the ship-service and the services of the Cinque Ports.² After taking his oath, the bailiff chose twelve jurats who were also sworn. Three of the jurats were from the town itself and the other nine were chosen equally from the other three quarters of the lowy.³

The use of the description 'town and lowy' in surviving documents is somewhat confusing. It is difficult to decide if the town alone was a member of the confederation or if the other three quarters of the lowy also belonged to the liberty of the Cinque Ports. A sixteenth-century rate-book suggests that the former may have been the case, since many of the larger ratepayers did not contribute when a special tax was levied for such matters as the payment to burgesses to parliament.⁴ Liability to special taxation appears to have depended upon the possession of tenements within the town itself.⁵ Further evidence

1. W. Hudson, 'On a Sixteenth-Century Rate Book of the Corporation of Pevensey', S.A.C., 45 (1902), 153-4.
2. L.B. Larking, 'The Custumal of Pevensey', S.A.C., 4 (1851), 210-11.
3. Ibid., 211.
4. E.S.R.O., Pevensey MS. 1/1/F.
5. Pevensey MS. 1/1/F; W. Hudson, 'On a Sixteenth-Century Rate Book of the Corporation of Pevensey', S.A.C., 45 (1902), 160.

is provided by an indenture of 1541 between Pevensey and its head port of Hastings which provided that contributions to Hastings must arise from a scot levied by the bailiff, jurats and commonalty upon every man's lands lying within the liberty of the town.¹ No specific mention is made of the lowy. Again, this may indicate that the other three quarters of the lowy did not belong to the confederation and therefore did not have to contribute to the expenses of Hastings.

Quite apart from this, the influence of the bailiff or receiver appears to have been slight, except in matters directly connected with the affairs of the confederation. The queen's steward was responsible for holding courts, the assize of bread and ale, and weights and measures.² The queen also had her bailiff or port-reeve who, as well as collecting rents and other dues, was the initiating officer in most disputes and exercised the office of coroner.³ The bailiff elected by the commonalty exercised little authority compared with the bailiff of other towns. Instead, he was an officer with a rigidly defined jurisdiction, filling a need which arose from the town's ambivalent position as part of the queen's manor and as a member of the confederation.

1. W. Hudson, 'On a Sixteenth-Century Rate Book of the Corporation of Pevensey', S.A.C., 45 (1902), 152.
2. L.B. Larking, 'The Custumal of Pevensey', S.A.C., 4 (1851), 212.
3. Ibid., 212-3.

f) Folkestone

Like Pevensey, the town and hundred of Folkestone was connected with its head port of Dover from an early date¹ and the Ports' Domesday provides definite evidence of this connection by 1229.² For most of the period under consideration, the history of the town and hundred of Folkestone is connected with the fortunes of the Clinton family. The 'honour' of Folkestone came into the hands of the Clintons around 1450 and, under the name of Folkestone Clinton and Walton, continued to be held by knight service until Edward, lord Clinton and Saye, and Elizabeth, his wife, conveyed these manors to Thomas Cromwell in 1539. On his attainder, they passed to the crown and, in 1551, they were regranted to their former holder, Edward, lord Clinton and Saye.³ From there the estate passed, in 1554, to Henry Herdson and remained in his family and the related family of Dixwell until 1697.⁴

At various times during this period, considerable pressure was brought to bear on the town by the manorial overlord. The most notable examples of this concern the activities of John, lord Clinton and Saye. In 1464, a dispute arose between candidates for the office

1. Hasted has claimed that Folkestone was united with its head port of Dover before the reign of Henry I, but gives no definite evidence in support of this assertion; E. Hasted, History of Kent, viii, 171.
2. Red Book of the Exchequer (R.S., 1896), ii, 714-6.
3. E. Hasted, History of Kent, viii, 158-9.
4. F. Hull, Guide to the Kent County Archives (Maidstone, 1958), 149.

of prior of the Benedictine priory in the town. One party, Thomas Banne or Banes, was supported by Cicely, Duchess of York, while the other party to the dispute, Henry Ferrers, was supported by lord Clinton, to whom he was related. A series of letters illustrate the way in which the town was put under considerable pressure regarding which candidate should be elected. In a private letter to the mayor, lord Clinton threatened, 'And yit thow shalt right wel know, or els the law shal faile me'.¹ Or again, in a subsequent letter:²

Also sirs, y wille and charge thow that...ye dare not take upon yow to medle of these maters withoute the advice of me and my councele; because hit concernethe myne inheritaunce and also my worship, and also the keping of the liberte and fraunchis of my toune of Folkstone where ye be dwellers.

The outcome of this dispute is not known but its significance lies principally in the claim by lord Clinton that he ought to be consulted in the matter.

Over a century later, in 1585-6, there is more evidence to suggest that the town's relations with its overlord, by this time the Herdson family, were not always peaceful. An entry in the town records states

1. H.M.C., v, 591; C. Jenkins, 'On the Municipal Records of Folkestone', Arch. Cant., 10 (1876), pp.lxxi-lxxvi.
2. H.M.C., v, 592; C. Jenkins, 'On the Municipal Records of Folkestone', Arch. Cant., 10 (1876), pp.lxxi-lxxvi.

that¹

whereas there have been of long time divers and sundry controversies between Thomas Herdson, lord of the manor of Folkestone, upon many matters, questions, causes and demands which the said Mr. Herdson wrongfully demands, and would take from this town almost all our liberty and freedom.

Again, the exact circumstances surrounding this claim and its result are not known but, once again, relations between the town and its overlord appear to have been far from trouble-free.²

According to Hasted, the first charter of incorporation granted to the town dates from 1313 and this charter was confirmed by Edward III.³ Such an early date suggests that this was not a charter of incorporation. Instead, the document to which Hasted referred may well have been the

1. S.J. Mackie, A Descriptive and Historical Account of Folkestone and its Neighbourhood (Folkestone, 1883), 329.
2. Such a situation was not unique to members of the confederation. Throughout the fifteenth and sixteenth centuries, Grimsby was frequently troubled by pressure exerted on it by the local gentry: E. Gillett, A History of Grimsby (London, 1970), 57-62, 94; similarly, Aylesbury and Thaxted encountered considerable difficulty when they attempted to free themselves from the influence of local overlords: R. Tittler, 'The Incorporation of Boroughs, 1540-1558', History, 62 (1977), 30.
3. E. Hasted, History of Kent, viii, 171.

town's fee farm charter but lack of evidence makes definite conclusions difficult. The first specific evidence concerning the system of government within the town is provided by occasional entries in the records of the seventeenth century. The first of these entries describes the way in which the mayor was elected:¹

Md. that on the 8th day of September in the 38th year of the reign of our sovereign lady Elizabeth, being the first day of the nativity of Our Lady, Henry Philpott, mayor, and the jurats and commons of this town of Folkestone did, at the sound of the common horn, assemble themselves together at the cross in the church-yard at Folkestone to elect a mayor for the year to come, according to the ancient usages, liberties and franchises of the said town, time out of mind used. And after the cause of the said assembly notified to the commons, the common chest opened, and the records therein openly showed and the custumal of the said town distinctly read, the said commons departed into the church to their election, and did elect William Read, jurat, mayor of the said town for the year to come, who thereupon took the oath of supremacy and after the oath for the office of mayoralty.

In view of the late date of this election, the role played by the

1. S.J. Mackie, A Descriptive and Historical Account of Folkestone and its Neighbourhood, 38.

commons appears remarkably extensive. The fact that a jurat from the previous year was elected may indicate, however, that the town had adopted the common practice of electing the mayor from within the bench of jurats. Particular emphasis is also laid upon the fact that the election was performed according to the traditional customs of the town. This is again remarkable for, by this date, most of the ports had experienced considerable modification to their traditional governmental systems. It seems unlikely that the traditional system of government within the town would have remained unchanged, particularly when the troubled relations between the town and its overlords are considered,¹ and it may be that innovations were introduced at an earlier date and then abandoned in favour of the traditional system. Such a possibility must, however, remain speculation.

An entry of 1582 reveals at least one innovation - the formation of a common council of 25. This council was to be chosen by the mayor and jurats with the consent of the whole commonalty and was 'to make and agree unto all such necessary laws as shall be thought good by the mayor and jurats of Folkestone'.² Again, the institution of a common council was a comparatively late development and, as in its head port of Dover,³ it appears to have been a body with very limited powers.

1. See above pp.227-9.

2. S.J. Mackie, A Descriptive and Historical Account of Folkestone and its Neighbourhood, 314.

3. See above pp.157-60.

g) Lydd

Throughout its history, Lydd was normally associated with the adjacent district of Dengemarsh, which was itself a non-corporate member of the confederation.¹ The town was a corporate member linked with Romney from 1156² and it is possible that this arrangement may have existed for the previous half-century.³

Lydd was subject to the overlordship of the archbishop of Canterbury and, as a result, the inhabitants of the town were known as the 'archbishop's men'⁴ but little evidence survives of serious difficulties between the town and its overlord.⁵ The first indication of serious friction does not occur until after the dissolution of the monasteries when Elizabeth's claim to lands within the liberty of the town aroused considerable bitterness.⁶

1. Murray, Constitutional History, 240-5.
2. C.Ch.R., iii, 220.
3. K.M.E. Murray, 'Dengemarsh and the Cinque Ports', E.H.R., liv (1939), 665-6.
4. H.M.C., v, 531; C.Ch.R., iii, 220.
5. This may well be due to the lack of surviving records. The adjacent district of Dengemarsh, which had as overlords both the abbot of Battle and the archbishop of Canterbury, had considerable difficulty in asserting its rights as a member of the confederation: see below pp. 244-5.
6. H.M.C., v, 533; K.M.E. Murray, 'Dengemarsh and the Cinque Ports', E.H.R., liv (1939), 670.

The head officer of the town was traditionally the bailiff and he was appointed by the archbishop.¹ By the mid-fifteenth century, when the surviving chamberlains' accounts begin, this right had been surrendered and election was by the commons of the town;² a penalty of 100s. was prescribed for any man refusing to take office.³ The bailiff was assisted in his duties by a bench of twelve jurats who were again elected by the commons alone.⁴ A new system was introduced in 1467. The commons chose six jurats, and the bailiff, together with the newly-elected jurats, chose the remainder of the bench.⁵ This system of election appears to have been abandoned the following year but was re-introduced in 1476 and continued for the remainder of the period covered by the chamberlains' accounts.⁶

The close association between Lydd and Dengemarsh is illustrated by the structure of the bench of jurats. From 1429 to 1463, the jurats were designated as jurats of Lydd or jurats of Dengemarsh; eight jurats were from Lydd and four from Dengemarsh. This distinction ceased to be drawn during the next decade, except for one occasion in 1465, but between 1474 and 1476 it once again appeared. It finally disappeared from the records in 1476 when the new system of election was introduced.⁷

1. A. Finn (ed.), Records of Lydd (Ashford, 1911), p.xv; J.B. Jones, The Cinque Ports, 68-9.
2. A. Finn (ed.), Records of Lydd, 13, 220.
3. Ibid., 13.
4. Ibid., 112-3, 220.
5. Ibid., 217.
6. Ibid., 249 et seq.
7. Ibid., passim.

There was also fluctuation in the size of the bench of jurats. Until the 1460s, the bench had been made up of twelve jurats¹ but, during the 1460s, it varied in size between ten and 14 members.² This might suggest that the town was being affected by political circumstances, as at Sandwich and Romney,³ but the composition of the bench of jurats during this period does not support such a view. The jurats continued to be drawn from a very restricted group and the same families appear to have exercised a dominating influence upon the affairs of the town.⁴

This throws doubt upon the significance of the participation of the commons in elections. At first, the jurats were chosen by the commons alone which suggests that the commonalty enjoyed extensive rights. This was changed to a system whereby the commons elected only half the bench and the remainder was chosen by these jurats and the bailiff. Such a change appears to indicate a limitation of the powers of the commons but, in fact, it had little effect upon the composition of the bench; the jurats still came from a group of little more than 20 people.⁵ There was also little variety in the holders of the office of bailiff; the bailiff was normally a person who had served for some time as a jurat.⁶

1. A. Finn (ed.), Records of Lydd, 1-184.
2. Ibid., 184-249.
3. See above pp.115-8, 136-8.
4. A. Finn (ed.), Records of Lydd, passim.
5. A. Finn (ed.), Records of Lydd, 276 et seq.
6. Ibid.

A common council is mentioned in the records of the town in 1472 but the date of its institution is not recorded.¹ Although this is the first mention of such a body, a common council is not entirely without precedent in the history of the town. In 1448, it was enacted that any jurat who disclosed counsel which he was sworn to keep was to be tried before a body of 24 commoners chosen by the bailiff and jurats. This body had full power to discharge an offending jurat if it saw fit and to elect another in his place.² The powers of the common council of 1472 are not detailed and there is no evidence to indicate whether this was a body of extensive or limited influence. The restricting of the main organ of government to a limited group tends to suggest, however, that the common council was probably of little real significance. The council seems to have made little impact since it is rarely mentioned in subsequent records and it may be that it was instituted as a temporary measure to deal with an immediate problem. Certainly, the request made by Romney at a Brodhull of 1528 (following the issue of the general electoral regulations) that Lydd should have similar arrangements to the rest of the ports - that is 37 honest commons at the discretion of the bailiff and jurats - suggests that the earlier common council had fallen into abeyance.³

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1. A. Finn (ed.), Records of Lydd, 265.
2. Ibid., 136.
3. White & Black Books, 206.

The history of the limbs further indicates that membership of the confederation did not of necessity entail a uniformity of customs among its members. In various areas the members shared common interests which required action within the framework of the confederation.¹ Domestic matters, however, were largely the concern of individual members unless they were liable to endanger the privileges of the whole confederation. It was thus possible to have a considerable degree of variety within the confederate structure. Faversham used membership as the means to escape the traditional ties which bound it to its overlord. Pevensey, on the other hand, was unable to break out of the bonds of the manorial system and Folkestone was still subject to periodic pressures from its overlord. Municipal institutions also developed to varying degrees. Fordwich followed closely the customs which applied in its head port of Sandwich but, elsewhere, the limb developed at a faster rate than its head port. At Faversham and Lydd, for example, common councils were set up at an earlier date than in their respective head ports.

Overall, the member ports mirror trends found in the head ports and elsewhere, particularly the move towards oligarchy and the support by the central authorities for this development. Nevertheless, the paths taken by individual towns tended to be determined by local

1. See below pp. 348-92.

circumstances and not by their role within the confederation.

The Non-Corporate Members

Unlike the more powerful corporate members, the non-corporate members of the confederation were subject to the jurisdiction of their head ports in most matters. Town government was largely controlled by the individual head ports and the head officer of each of the non-corporate limbs was a deputy chosen by the head port. Thus, on 10 March 1464/5, the deputy for Deal was appointed in Deal church by the mayor, jurats and common clerk of Sandwich.¹ On this occasion, the deputy was selected from two candidates nominated by the inhabitants of Deal. Similar arrangements operated in Sarre and Ramsgate² and in Dover's non-corporate limbs in Thanet.³ By the reign of Henry VII, this procedure had been altered as far as the members of Sandwich were concerned. In 1491, the deputies for Deal and Walmer were again selected by the mayor and jurats of Sandwich but the choice was now made from three candidates nominated by the inhabitants of the limb.⁴ An identical procedure was followed at Ramsgate in 1512.⁵ Similar arrangements may have existed between Hastings and its members. In 1655, a hundred to choose a deputy and sergeant for Grange was held

1. K.A.O., Sa/AC 1, f.129.
2. B.L., Add. MS. 33,511, f.14.
3. B.L., Egerton MS. 2,097, f.216v.
4. K.A.O., Sa/AC 2, f.17.
5. Sa/AC 2, f.205v.

under commission from Hastings and before the officers of the head port.¹

The oath taken by the deputy shows the submissive role adopted by the non-corporate member in its relationship with its head port; the oath of the deputy of Brightlingsea is a good example:²

I shall bear faith to our sovereign lord the king, his heirs and lawful successors, and the (e)state of the town of Sandwich, and the liberties of Brightlingsea, a member of the same, to my power maintain and truly keep; all lawful commandments and process from the mayor and jurats of the said town of Sandwich to me directed and delivered I shall truly obey and execute, and true and due return thereof make; and if any harm be pretended against the said mayor and jurats of the port of Sandwich or this member of Brightlingsea, I shall give present warning thereof to the mayor and jurats for the time being, and the same to the uttermost of my power shall let and withstand; not omitting any part of my duty for any reward, malice, hatred or affection.

1. White & Black Books, 493.
2. W. Boys, Collections for an History of Sandwich, 831; E.P. Dickin, A History of Brightlingsea (Brightlingsea, 1939), 269.

This subservience to the interests of the head port must have proved irritating on occasion, especially when the member was itself a town of some importance. In December 1698, Deal petitioned the crown for a charter of incorporation:¹

We are encouraged to believe that, as Folkestone, Faversham, Fordwich &c. have been incorporated, though limbs of ports, and our reasons exceeding theirs, and in all respects inferior to us in population, trade and commerce, the same privilege will be granted to us.

This request was granted the following year when the town was incorporated under the title of mayor, jurats and common council.² Despite the late date, this illustrates the problems which arose when changing economic circumstances made the relationship between head port and member anachronistic, and it is probable that such problems were not unknown prior to 1600.

The head ports appear to have exercised considerable power within their non-corporate limbs. The deputy was aided in the execution of his office by an indefinite number of assistants.³ There is no evidence, however, to indicate whether these assistants were chosen by the deputy, the inhabitants of the limb, or the officers of the head

1. S. Pritchard, A History of Deal and its Neighbourhood, 144-5.
2. Ibid., 147.
3. Three assistants were appointed at Brightlingsea in the mid-sixteenth century; K.A.O., Sa/AC 5, f.226, cap.7.

port. However they were chosen, the deputy and his assistants had very limited powers. At Stonor, for example, the mayor of Sandwich alone gave judgements and held the office of coroner and guardian of orphans, with all rights as in his own town;¹ similar examples of the mayor or his officials holding coroner's inquests and inquisitions also occur at Ramsgate, Deal and Walmer.² This suggests that the rights claimed by Sandwich at Stonor may have been standard to all the non-corporate limbs of the town. At Stonor, byelaws passed by the head port applied to the member³ and this may also have been a standard obligation implied by membership of the confederation. At Brightlingsea in the sixteenth century, the town made its own byelaws which had then to be approved by Sandwich.⁴ The relationship of Brightlingsea with its head port was unusual, however, and it may well be that regulations which applied in this limb were not typical of arrangements within the confederation as a whole.

Brightlingsea was the only member of the Cinque Ports confederation which did not lie within the counties of Kent and Sussex. This remoteness from its head port had various effects upon relations between the two towns. At first, however, Brightlingsea differed little from

1. Murray, Constitutional History, 54.
2. K.A.O., Sa/AC 2, ff.9v, 63v, 123.
3. Murray, Constitutional History, 54.
4. K.A.O., Sa/AC 4, f.366.

the other non-corporate members of Sandwich; its head officer was a deputy appointed by Sandwich, and its situation generally reflected the tight control the head port exercised over all its non-corporate limbs.¹

The first indication that Brightlingsea differed from the standard pattern occurs in 1554-5, when an entry in a Sandwich assembly book recorded that Brightlingsea was to choose a deputy once every two years, according to the indenture.² This indenture has not survived. In view of subsequent events, however, it seems possible that Brightlingsea had complained about the inconveniences which resulted from the remoteness of its head port and that this indenture was some form of compromise agreement. Towards the end of this assembly book, which spans the period 1552-67, an undated series of entries provides further information about internal government at Brightlingsea; all reasonable byelaws had to be confirmed by the head port and, since Brightlingsea had not been incorporated, it could not charge a fee to a newcomer to the town for admission to the freedom.³

At this period, Brightlingsea seems to have been trying to change some of the rules by which it was bound. On 17 January 1567/8, the legal advisors of Sandwich, Sergeants Manwood, Barham and Jefferies,

1. E.P. Dickin, A History of Brightlingsea, 109-11.
2. K.A.O., Sa/AC 4, f.74.
3. Sa/AC 4, f.366.

answered various questions relating to the internal government of Brightlingsea. They reported that 'ordinances and byelaws made by the head port and members by consent at home or by handwriting sent to the port submitting themselves to the same, are to be obeyed and do bind the members.'¹ Several clauses concerned the problem of jurisdiction in a port outwith the normal sphere of influence of the confederation, such as the decision that coroner's inquests belonged to the coroner of the county.² The deputy and his assistants were given the power to punish breaches of the peace but the head port made no further concessions and asserted that the goods of felons or persons outlawed belonged to the head port.³

The method of election of the deputy was also stipulated, but in rather confusing terms:⁴

From henceforth, from time to time forever, the deputy for the year or years preceding shall be in the election with such six assistants as by the inhabitants of Brightlingsea at the time of election shall be named, and so the number must be seven. Out of which number of seven the preceding deputy allows one, such as shall be chosen deputy for the time to come, to continue

1. K.A.O., Sa/AC 5, f.226v, cap.1.
2. Sa/AC 5, f.226v, caps.2, 4.
3. Sa/AC 5, f.226v, caps.3, 5.
4. Sa/AC 5, f.226v, cap.8.

according to former custom and order, and otherwise as custom may serve.

There is no further information about who chose the deputy and, in view of the indenture allowing Brightlingsea to choose a deputy once every two years, it is difficult to decide whether the deputy was chosen from the seven candidates by the authorities of Sandwich or by the inhabitants of Brightlingsea. It appears more likely that Sandwich continued to exercise this right. Throughout the articles, the head port had made few concessions and it appears doubtful if it would have been willing to surrender such an important right.

Brightlingsea soon made further complaints. In 1578, a petition from the limb claimed that the right of the head port to decide civil suits was far from satisfactory since such a procedure brought 'both the defendant and plaintiff no small charge'.¹ As a result of this petition, the deputy and his assistants were granted the power to settle actions of debt without reference to the head port.² Sandwich also made further concessions. Collectors of a cess were allowed to levy a distress on the goods of anyone refusing to pay the sum for which he was assessed. The right of the deputy and assistants to punish breaches of the peace was confirmed and anyone who abused these

1. K.A.O., Sa/AC 5, f.225.

2. Sa/AC 5, f.225v, caps. 1 & 2.

officers was liable to a fine and imprisonment.¹

The system of government within Brightlingsea was also altered. The deputy of Brightlingsea had complained that there were only three assistants and that they were often absent, 'whereby there is great want of redress of things amiss'. The number of assistants was therefore increased to six and the extra three assistants were named in the agreement.² Again, it is not possible to be sure if Sandwich chose these men or whether the head port merely confirmed the choice already made by the inhabitants of the limb. The three new assistants were admitted and sworn by the mayor and jurats of Sandwich, however, which suggests that the head port still maintained considerable control over the internal affairs of its limb.

* * *

The linking of the non-corporate limbs to the confederation also caused problems with the limbs' immediate overlords. At Dengemarsh, conflicting claims to wreck and stranded fish resulted in quarrels between the abbot of Battle and the confederation which lasted from the twelfth to the fourteenth century.³ It has even been suggested that the abbey may have falsified documents in order to

1. K.A.O., Sa/AC 5, ff.225v-226, caps 5, 8.
2. Sa/AC 5, f.226, cap.7.
3. K.M.E. Murray, 'Dengemarsh and the Cinque Ports', E.H.R., liv (1939), 669.

strengthen its case against the ports.¹ In 1490, a dispute arose between the confederation and Christ Church, Canterbury, over the distraining of cattle belonging to William Colyer of Birchington, contrary to the liberties of the ports.² The non-corporate limbs in Thanet also experienced difficulties; in 1467, freemen of Dover and Sandwich dwelling there complained that they were 'vexed' by the officers of the abbot of St. Augustine's.³ Such disputes were not unusual and once again illustrate the reluctance of monastic overlords to surrender their traditional rights.

* * *

The head ports undoubtedly exercised considerable control over their non-corporate members but, because of the informal arrangements between the two parties, it is difficult to form definite conclusions about the way in which this system operated. It is only when arrangements between the two parties were called into question, as in Brightlingsea, that any details of the relative rights of the head port and member may be made out. From this slim evidence, it is nevertheless possible to draw some general conclusions. The internal government of the non-corporate limbs was controlled by the head ports;

1. K.M.E. Murray, 'Dengemarsh and the Cinque Ports', E.H.R., liv (1939), 664-73.
2. Litterae Cantuarienses (R.S., 1889), iii, 314-5.
3. White & Black Books, 56.

the deputy, and possibly the assistants, were chosen by the head ports and the limb was sworn to obey all lawful commands. Even Brightlingsea, despite its remoteness from Sandwich, was unable to secure any real degree of control of its internal government. The head port also retained control over most areas of civil and criminal jurisdiction; the concessions made to Brightlingsea were exceptional and the result of special circumstances.

The non-corporate members of the confederation present a remarkable contrast to the other towns with which they were associated. The governmental systems in the head ports show a considerable degree of variety, despite their association within the confederation. In the corporate members, a similar degree of variety is to be found, largely due to the independence they enjoyed as far as internal government was concerned. The non-corporate members tended to be governed by fairly similar systems; they were almost entirely subservient to the wishes of their head ports. This contrast is easily explained. The non-corporate limbs were in general places of little economic consequence when compared to their corporate fellows, and it is significant that Deal sought corporate status when it began to prosper. The non-corporate member benefited greatly from its association with a head port. Subservience to the head port was the price that it paid for this.

Town Government in the Cinque Ports

v) The Personnel of Government

The drift towards oligarchy has been the dominant theme of this survey of government within the Cinque Ports and it is therefore necessary to consider the composition of the small, privileged groups which controlled the affairs of the member ports. A detailed analysis of the structure of the ruling group within each town is beyond the scope of this study but it is nevertheless possible to attempt an examination of the trends which appear to be common to the majority of the members.

Patronage

The fabric of English society in the fifteenth and sixteenth centuries was complex and social advancement was often dependent upon an intricate web of personal relationships. During the fifteenth century, the 'friendship' of a powerful man often provided the pathway to wealth and power¹ while, by the Tudor period, patronage is said to have become the 'mortar of...society, binding together the greater and lesser men in an edifice of mutual interest'.² The Cinque Ports confederation was not immune to this process and many members of the governing class owed their position to the influence of a powerful patron.

1. C. Ross, Edward IV (London, 1975), 322-30; J.R. Lander, Conflict and Stability in Fifteenth-Century England (London, 1969), 179-80; D.A.L. Morgan, 'The King's Affinity in the Polity of Yorkist England', T.R.H.S., 5th series, xxiii (1973), 1-25.
2. D. Wilson, England in the Age of Thomas More (London, 1978), 62.

The crown was a major source of patronage throughout the period and many appointments within the confederation were made as a reward for faithful royal service. Such a system was mutually advantageous: on the one hand it offered the prospect of lucrative appointments to royal servants while, on the other, it allowed the crown to maintain strong links between court and country through the employment of men 'of sundry shires by whom it may be known the disposition of the countries'.¹

John Nesham or Nysham was a prominent figure in Sandwich. He acted on a piracy commission in the town in 1450² and served as mayor in 1452-3 and 1457-8.³ He was also a crown servant, however, and in 1460 he was granted the office of surveyor of the packers of London for 'good service on both sides of the sea'.⁴ Two years later, he was appointed bailiff of Sandwich and he continued to hold this post until his death in 1468.⁵ John Grauntford, a member of a prominent Rye family,⁶ also benefited from crown patronage. In 1466, he was appointed joint-bailiff of the town in conjunction with his father⁷ and, in 1474, John Grauntford, now a yeoman of the crown, received a

1. A.R. Myers, The Household of Edward IV: The Black Book and the Ordinance of 1478 (Manchester, 1959), 127
2. C.P.R., 1446-52, 434.
3. White & Black Books, 38-9; W. Boys, Collections for an History of Sandwich, 416-9.
4. C.P.R., 1452-61, 637.
5. W. Boys, Collections for an History of Sandwich, 424.
6. His father, Babylon, served as both bailiff and mayor of the town in the period 1459-74; L.A. Vidler, A New History of Rye, 38-9, 156-60.
7. C.P.R., 1461-67, 525-6.

new grant of the bailiwick for himself alone.¹ These appointments led to an even closer involvement in the affairs of the town; from 1477, he attended the Brodhull as a deputy for Rye and in 1480 was elected mayor.² John Sylton was among the most important men in Winchelsea. His father, Thomas, was mayor of the town on three occasions while John, himself, occupied the mayoral chair four times before 1476.³ A man of such local importance was a valuable ally to the crown and, by 1481, John had become a yeoman of the crown and had been granted the office of bailiff in the neighbouring town of Rye.⁴ Crown favour also helped his career in his native town of Winchelsea. In 1481, John Sylton was elected mayor of the town for a second successive term, despite an ordinance forbidding this practice. This election followed a letter from the king in which Sylton's re-election was requested 'for his services to the crown'.⁵ A similar situation arose in 1485 when Sylton was again elected for a second successive term as mayor. Once more, this was the result of crown intervention; another letter from the king had acknowledged that this would contravene the town's ordinances but had recommended that Sylton be elected again 'for the common weal of the Town'.⁶ John Crafford of Sandwich was a regular

1. C.P.R., 1467-77, 448.

2. White & Black Books, 72-80.

3. Ibid., 15-7, 34, 44-9, 57-8, 68-9.

4. E.S.R.O., Rye MS. 60/3, ff. 10v, 42v; C.P.R., 1476-85, 273.

5. E.S.R.O., Winchelsea MS. 63, f.28; see above p.124.

6. E.S.R.O., Winchelsea MS. 63, ff.32-4; see above pp.124-5.

deputy at Brodhulls from 1477 to 1483¹ and, on several occasions during this period, he attempted to resolve disputes which affected the whole confederation.² He became mayor of the town in 1482 and, the following year, represented Sandwich at the coronation of Richard III.³ Again, his influence in local affairs led to him becoming a yeoman of the crown and, in 1484, he was appointed verger of the town and granted custody of the castle.⁴ Two years later, he was appointed as bailiff, in conjunction with William Frost⁵ and, in 1489, he was once more granted this office, on this occasion in conjunction with another royal servant, James Isaak.⁶

It was not only portsmen who benefited from crown patronage. In 1445, Henry VI appointed his purveyor of fish, Thomas Stoughton of London, as bailiff of Hastings and this resulted in a protest from the town that such an action contravened its traditional rights.⁷ A similar situation arose in 1524 when the distinguished soldier, Sir Edward Ryungeley was granted the office of bailiff of Sandwich as a reward for having 'served the king well' in the recent campaign against the Scots.⁸ Relations between the two parties were always contentious

1. White & Black Books, 73-88.

2. Ibid., 75-8.

3. Ibid., 83-5, 641-2.

4. C.P.R., 1476-85, 482.

5. C.P.R., 1485-94, 93.

6. Ibid., 275.

7. J.M. Baines, Historic Hastings, 27; see above pp.140-1, below pp. 280-1.

8. I.S. Leadam (ed.), Select Cases in the Star Chamber (Selden Society, xxv (1911), 292-3.

and a protracted dispute between them was settled only when the town was sold the bailiwick in 1532.¹ Other outsiders appear to have had more success in their dealings with the confederation. The origins of John Copledike are far from clear² but he appears to have had little connection with the town of Winchelsea prior to his appointment as bailiff in 1452.³ This grant seems to have been a reward for loyal crown service for Copledike had been lieutenant of Crottoy in 1445,⁴ and it was followed in 1453 by his appointment as collector of customs and subsidies at Chichester.⁵ He soon became active in the affairs of Winchelsea, however, and was a regular representative of the town at Brodhulls during the 1450s⁶ and chosen as a jurat by 1455.⁷ On 1 July, 1461 John Copledike, bailiff of Winchelsea, was appointed to a commission to investigate alleged acts of piracy⁸ and on 10 July he was once more granted the office of bailiff of Winchelsea for life.⁹ Shortly after this, he became involved in the affairs of Sandwich and represented this town at the Brodhull of 26 January, 1461/2.¹⁰ He was

1. See above p.132.
2. A Copledike family was influential in Lincolnshire in the early fifteenth century but no direct link between the two can be established; Cal. Inquis. Misc., 1399-1422, 223; C.P.R., 1422-29, 172.
3. C.P.R., 1446-52, 550.
4. Foedera, V, i, 141.
5. J.G. Wedgwood, History of Parliament 1435-1509: Biographies, 221-2.
6. White & Black Books, 27-41.
7. E.S.R.O., Winchelsea MS. 435, f.5.
8. C.P.R., 1461-67, 33.
9. Ibid., 95.
10. White & Black Books, 44; see below p. 291.

mayor of Sandwich in 1463¹ and in this capacity was appointed to a commission of oyer and terminer on 27 August, 1463.² On 10 November, 1464 he was once more appointed bailiff of Winchelsea, although on this occasion the grant was made to John Copledike esq. and John Copledike, his son.³ This grant did not terminate his connection with Sandwich, however, for he continued to represent this town at the Brodhulls of 1465 and 1466.⁴

The crown's determination to retain the support of small groups of influential men was equally apparent in the sixteenth century and had a profound effect upon the internal government of the members of the confederation. New charters were granted which encouraged the growth of oligarchy and the privy council intervened on many occasions to ensure that the government of the towns was in the hands of reliable men. Such widespread intervention resulted in serious problems, however, and these had still not been completely resolved by the beginning of the seventeenth century.⁵

Government within the member ports was also subject to interference by other men of influence. In 1469, for example, Thomas Knyght appeared in court at Romney bearing a letter from the earl of Warwick

1. White & Black Books, 47-9.
2. C.P.R., 1461-67, 281.
3. Ibid., 358.
4. White & Black Books, 52-5.
5. See above pp. 176-202.

which directed that John Tudor should be removed from the office of bailiff, and that Knyght should be admitted in his place. This request was granted but Tudor was restored to office a few months later.¹ The importance of an influential patron is further demonstrated by the career of Thomas Ardern. He was granted the office of customer of Faversham as a result of his friendship with Sir Edward North. The townspeople then seem to have cultivated his friendship in the hope that his connections at court might expedite the grant of a charter of incorporation to the town, and, in 1543, Ardern was made a freeman and appointed to the common council.² The following year, he was offered a reward if he used his influence to obtain the desired charter.³ The charter was duly granted in 1546 and, shortly afterwards, Ardern was elected mayor.⁴ He continued to prosper and married the step-daughter of Sir Edward North but the marriage ended in tragedy when Ardern was murdered by his wife in 1550.⁵

The importance of patronage is particularly well illustrated by the career of John Cole of Sandwich. Cole's early life was not entirely respectable as he appears to have been involved in piracy⁶ but

1. K.A.O., NR/JB 2, f.177; see above pp.136-7.
2. W. Telfer, 'Faversham's Court of Orphans', Arch. Cant., 81 (1967), 194-5.
3. K.A.O., Fa/AC 1, f.281v.
4. K.A.O., Fa/AI 3; Fa/I 10 & 11; W. Telfer, 'Faversham's Court of Orphans', Arch. Cant., 81 (1967), 194-5.
5. K.A.O., Fa/AC 1, ff.59v-60; W. Telfer, 'Faversham's Court of Orphans', Arch. Cant., 81 (1967), 194-5; The murder of Ardern provided the theme for an Elizabethan drama; E. Jacob (ed.), The Lamentable and True Tragedie of M. Arden of Faversham (London, 1770)
6. C.P.R., 1446-52, 432; C.P.R., 1452-61, 167, 174, 304.

by the early 1460s, he had nevertheless become an influential shipowner in the town.¹ This fact brought him to the attention of Sir John Howard and, in 1468, Cole supplied him with a carvel and received £ 20 for his services.² The support of this influential Yorkist helped Cole to survive the factional strife in Sandwich at this time - he acted as baron to parliament for Sandwich in 1467 and served as mayor of the town in 1469, 1473 and 1474³ - and also provided the opportunity to embark upon a distinguished career as a royal servant. In 1471, he was granted the office of tronage and pesage at Sandwich and was among those ordered to seize the goods of Thomas Fauconberg.⁴ During the 1470s, he played a major role as a naval administrator for the crown, acting as an organiser, commander and shipowner who provided vessels for expeditions.⁵ Little is known of his later career but he continued to enjoy royal favour: in 1482, he was granted an annuity of £ 20 from the customs and subsidies of Sandwich, being then described as a yeoman of the crown,⁶ while, in 1484, a similar annuity of £ 10 was granted to him.⁷ He retained some connection with his native town, however, as he was selected as one of the canopy-bearers at the

1. C.P.R., 1452-61, 304; A. Finn (ed.), Records of Lydd, 191-2.
2. B. Botfield (ed.), Manners and Household Expenses of England in the Thirteenth and Fifteenth Centuries (Roxburgh Club, 1841), 488-9, 520-1.
3. W. Boys, Collections for an History of Sandwich, 407-10; White & Black Books, 60-1, 68-70; see above pp.115-8.
4. C.P.R., 1467-77, 259, 288.
5. C.F. Richmond, 'Royal Administration and the Keeping of the Seas' (D.Phil. thesis, Oxford, 1962), 413.
6. C.P.R., 1476-85, 258.
7. Ibid., 535.

coronation of Richard III in 1483.¹

The internal affairs of the ports were also subject to the influence of the lord warden. His officers at Dover Castle often advised members of the confederation on legal matters² and the warden exercised considerable control over the appointment of barons to parliament for the ports.³ His influence was particularly apparent at Dover, however, and this is amply demonstrated by the important part played in the government of the town by officers of Dover Castle. Ralph Toke, mayor of Dover in five consecutive years from 1444 to 1449, was marshal and steward of the castle in 1447-8 when he received a gift of capons and fish from the town of Lydd.⁴ His son, Thomas, was clerk of the castle in 1449-50 and also became mayor of the town.⁵ Thomas Gore, another officer of the castle, was mayor on six occasions between 1449 and 1465⁶ and Richard Fyneux, mayor five times in the late fifteenth and early sixteenth centuries, was the son of a steward of the castle.⁷

The process by which castle officials became involved in the government of the town is well illustrated by the example of Thomas

1. White & Black Books, 642.
2. See below pp. 259-61.
3. C. Ross, Edward IV, 343; see below pp. 324-8.
4. White & Black Books, 19-25; J.B. Jones, Annals of Dover, 290; A. Finn (ed.), Records of Lydd, 130.
5. S.P.H. Statham, History of the Castle, Town and Port of Dover, 165-8; J.B. Jones, Annals of Dover, 292; A. Finn (ed.), Records of Lydd, 139.
6. White & Black Books, 26-45; S.P.H. Statham, History of the Castle, Town and Port of Dover, 165-8; J.B. Jones, Annals of Dover, 290.
7. White & Black Books, 121, 129-31, 140-1, 156-7; J.B. Jones, Annals of Dover, 293.

Hextall. The Hextall family originated in Staffordshire where it served the Stafford house. When Humphrey Stafford, Duke of Buckingham, was appointed warden of the Cinque Ports in 1450 he was accompanied to Dover by Thomas Hextall who served him at Dover Castle until Buckingham's death in 1460.¹ During this period, Hextall performed a variety of duties. He acted as the warden's representative at executions; in 1454, he was paid 6s.8d. by Rye for his expenses when 'the thief was hanged' and was also present at an execution at Romney.² In 1453, his position as a prominent official led the Brodhull to invite him to be one of the arbitrators in a difficult dispute.³ In 1456, he was in Lydd to receive the alien subsidy and, while there, he was asked to help in settling a dispute which had arisen between the 'masters of botys of this town and the Portyngalens'.⁴ He was also appointed to numerous commissions; in 1457, for example, he was a commissioner to prepare the defences of Dover Castle⁵ and, in 1459, was appointed to a commission to detain all ships of the earl of Warwick at Sandwich.⁶ His position as clerk of Dover Castle meant that his friendship could be helpful to the portsmen and it was common for gifts to be sent to

1. J.C. Wedgwood, History of Parliament 1435-1509, Biographies, 449-51; J.B. Jones, Annals of Dover, 291.
2. H.M.C., v, 491-2.
3. White & Black Books, 31.
4. A. Finn (ed.), Records of Lydd, 170.
5. C.P.R., 1452-61, 401.
6. Ibid., 525.

try to secure his favour.¹ In 1456-7, for example, Romney paid 10d. for fish bought and given to Hextall, clerk of Dover Castle, 'to have his friendship on a certain inquisition and resumption'.²

Hextall began to play an important rôle in the local politics of Dover in the late 1450s. He was appointed a jurat in 1457 and, by 1459, had been elected mayor of the town.³ The death of Buckingham in 1460 made little difference to his position in the town as he was mayor for three consecutive years from 1468 to 1470.⁴ His discretion during this troubled period was recognised in 1471 when the liberties of the ports were taken into the king's hand following Fauconberg's rising: Hextall was appointed keeper of the town.⁵ A few weeks later, he was one of several solicitors appointed by the Brodhull 'to labour regarding the franchises of the ports'.⁶ The efforts of the solicitors proved successful as the ports were re-granted their liberties and Thomas Hextall was the named individual in the general pardon issued to Dover in November 1471.⁷

He then appears to have become involved in trading ventures. A gift of all goods and chattels was made to Thomas Hextall, 'merchant',

1. A. Finn (ed.), Records of Lydd, 161-9; K.A.O., NR/FAC 3, ff. 26, 30v.
2. H.M.C., v, 543.
3. White & Black Books, 40; J.C. Wedgwood, History of Parliament 1435-1509, Biographies, 449.
4. White & Black Books, 57-61.
5. G.P.R., 1467-77, 276.
6. White & Black Books, 59.
7. G.P.R., 1467-77, 302.

in 1474¹ and trading interests are also suggested by the grant to him of a process of withernem against Lydd in 1477 since this process was normally used for the recovery of unpaid debts.² Such ventures seem to have been profitable for Hextall maintained his position as one of the most prominent men in Dover and occupied the mayoral chair on six further occasions between 1472 and 1482.³ He also remained active in the affairs of the confederation and was often appointed by the Brodhull to resolve difficult disputes.⁴

Hextall died in 1486 and his close attachment to his adopted home is demonstrated by his wish that he be buried in the chancel of the parish church of St. Nicholas at Dover. The bulk of his estate was bequeathed to his eldest son, Edward, who maintained the family's connections with the town and also played a prominent part in its government.⁵

Lawyers and Administrators

Litigation was a commonplace of English society in the fifteenth and sixteenth centuries and the services of trained lawyers were much in demand.⁶ The traditional rights and privileges of the confederation were under strong pressure at this time,⁷ and it is therefore

1. C.C.R., 1468-76, 366-7.

2. White & Black Books, 74.

3. Ibid., 64, 67-8, 74-9, 83.

4. Ibid., 59-84.

5. K.A.O., PRC 32/3/98-9; see below pp. 291-3.

6. E.W. Ives, 'The Reputation of Common Lawyers in English Society 1450-1550', Univ. of Birmingham Historical Journal, vii (1959-60), 130-61; H.S. Bennett, The Pastons and their England (Cambridge, 1951), 171-2.

7. See above pp. 12-3, 21-5.

understandable that members of the legal profession came to play an important rôle in the affairs of the confederation.

One obvious and convenient source of legal advice was available to the confederation in the officers of Dover Castle. In 1444, Richard Nedham, clerk of the castle, was paid 20s. by the Brodhull for his labour in a dispute over ship-service¹ and, two years later, he acted as a baron to parliament for Dover.² He also represented Dover as a deputy to the Brodhull on three occasions between 1446 and 1448.³ The career of John Greneford followed a similar path. He appears to have originated at Winchelsea and acted as a deputy to the Brodhull for this town on four occasions between 1438 and 1442.⁴ During the same period, he spent considerable time in London acting on the ports' behalf in a dispute over liability for taxation.⁵ He then seems to have moved to Dover as he acted as its representative at Brodhulls in 1446 and 1448.⁶ By c.1448, he had been appointed steward of Dover Castle and, in this capacity, he received gifts from Romney and Lydd in order to secure his 'friendship'.⁷ He, nevertheless, continued to act on behalf of the ports. In 1452, his aid was enlisted to 'persue

1. White & Black Books, 19.
2. Ibid., 20.
3. Ibid., 21-4.
4. Ibid., 10-5.
5. Ibid., 11-8.
6. Ibid., 21-2, 24-5.
7. K.A.O., NR/FAC 3, f.4; A. Finn (ed.), Records of Lydd, 122.

for...save conductes' for the fishermen of the ports ¹ and, as late as 1464, representatives of the confederation asked him to examine the new charter and advise them about it.² He was also able to maintain his connections with the town of Lydd: he had been appointed its legal counsel in 1439 and continued to receive an annual fee of 13s.4d. for his services until 1468.³ Thomas Hextall began his association with Dover when he served the warden at Dover Castle during the 1450s. Again, his help and advice was frequently sought by the confederation and the influence of his position provided the means by which he rose to become a prominent figure in the government of the town.⁴

During the fifteenth century, the services of the officers of Dover Castle were enlisted whenever specific problems arose which required specialist advice. By the late sixteenth century, however, their relationship with the confederation had been placed on a more formal basis. In 1574, Robert Vincent, clerk of Dover Castle, was employed to discharge exchequer writs and to give notice of outlawry and was paid an annual fee of £ 3.6s.8d. for this service.⁵ In 1577, he was replaced as 'solicitor to the ports in matter of outlawry, exchequer writs etc.' by Mark Packnam, the new clerk of the castle.⁶

1. White & Black Books, 30.
2. Ibid., 51.
3. A. Finn (ed.), Records of Lydd, 76-250.
4. See above pp. 255-8.
5. White & Black Books, 295.
6. Ibid., 308.

and, in 1607, he was followed in this post by Robert Packnam, presumably his son, who now filled the office of clerk at Dover.¹

Such appointments were not unusual. From the mid-fifteenth century, as cases and suits became both frequent and complex, the ports increasingly relied upon the services of trained lawyers and it was common for them to retain special attorneys on a fee basis.² In 1463, for example, William Kynningthorp (Exchequer), John Goldwell (Common Pleas and Kings Bench), and Thomas Bayon (Chancery) were retained as attornies-general, at annual fees of 20s., 13s.4d. and 6s.8d. respectively,³ and, by 1505, the Brodhull considered it necessary to appoint a 'learned man' as general counsel to the ports at a fee of 40s. a year.⁴ Similar appointments were made throughout the whole of the period under consideration and, at times of particular difficulty, the confederation retained the services of several counsellors.⁵

Many of these counsellors were men of no mean stature. Thomas Bayon was a baron of Rye and played a major rôle in the affairs of the town. He was a regular deputy at Brodhulls from 1454 to 1463,⁶ acted as a bailiff to Yarmouth in 1458,⁷ and was a baron to parliament in 1459.⁸ During the same period, he frequently acted on behalf of the

1. White & Black Books, 386.

2. Such a practice was widespread in the rest of England from the late thirteenth century: G.O. Sayles, 'Medieval Judges as Legal Consultants', Law Quarterly Review, lvi (1940), 247-54.

3. White & Black Books, 48-9.

4. Ibid., 135.

5. Ibid., 117, 127-8, 220, 242, 255, 273-4, 310.

6. Ibid., 33-48.

7. Ibid., 39-40.

8. J.C. Wedgwood, History of Parliament 1435-1509, Biographies, 51.

confederation; between 1454 and 1457, he pursued the ports' claim for the advocants' allowance at the exchequer;¹ in 1457, he acted against Yarmouth in a dispute over the treatment of the ports' bailiffs at the herring fair of the previous year;² and, in 1460, he advised the confederation about the renewal of the common charter.³ Bayon was appointed under-clerk of parliament in 1461 and remained in this office until 1503, at which time he was still transcribing acts of parliament.⁴ This appointment did not sever his links with the confederation, however. He became one of the ports' attorneys in 1463 and continued to receive a fee for his services until 1493,⁵ and he also acted as attorney for Lydd during the 1470s.⁶ During this period, the confederation made frequent use of his legal knowledge. In 1466, for example, he laboured for the discharge of certain customs at Calais.⁷ In 1471, he was one of the ports' representatives who petitioned for the renewal of their liberties following Fauconberg's rising.⁸ In 1476, he again represented the ports in a dispute with the exchequer⁹ and, in 1484, he advised representatives of the confederation about the issue

1. White & Black Books, 32-5.

2. Ibid., 37.

3. Ibid., 42-7.

4. A.F. Pollard, 'The Mediaeval Under-Clerks of Parliament', B.I.H.R., xvi (1938-9), 82-4.

5. White & Black Books, 48-114.

6. A. Finn (ed.), Records of Lydd, 251, 255-7, 268, 299.

7. White & Black Books, 55.

8. Ibid., 64.

9. Ibid., 71.

of a general pardon.¹ These services were of considerable value to the ports and this was recognised in 1483 when Bayon was granted the honour of being one of the ports' representatives at the coronation of Richard III.²

Several other legal advisers also had strong links with the confederation. Thomas Oxenbregge, sergeant-at-law, acted on many commissions in Sussex and gave valuable advice to the confederation on several occasions.³ William Lovelace, also a sergeant, attended the Brodhull as a deputy for both Hythe and Romney,⁴ and served as counsel to the ports from 1557 to 1575.⁵ Roger Manwood was born at Sandwich in 1525⁶ and remained closely involved with the affairs of both town and confederation throughout the whole of a distinguished legal career. He was appointed a 'learned counsellor' of the ports in 1557 and often advised the ports on legal problems,⁷ while also acting as counsel and baron to parliament for Sandwich.⁸ Manwood became a sergeant in 1567⁹ and, following the normal practice, this was soon followed by his appointment as a justice in 1572.¹⁰ His new eminence made his

1. White & Black Books, 89.
2. Ibid., 641-2.
3. See below p. 274.
4. White & Black Books, 258, 273, 300.
5. Ibid., 255-301.
6. W. Boys, Collections for an History of Sandwich, 245.
7. White & Black Books, 255, 265, 275, 277, 285-6.
8. W. Boys, Collections for an History of Sandwich, 245-7; K.A.O., Sa/AC 5, f. 226v; Sa/LC 4.
9. White & Black Books, 273; W. Boys, Collections for an History of Sandwich, 245-7.
10. W. Boys, Collections for an History of Sandwich, 245-7; E.W. Ives, 'Promotion in the Legal Profession of Yorkist and Early Tudor England', Law Quarterly Review, lxxv (1959), 357-63.

advice much sought after and, in 1573, the Brodhull agreed that he should receive £ 3 a year 'not as a fee any longer but as a benevolence'.¹ In 1578, he was knighted and became chief baron of the exchequer on the same day.² He still maintained his links with the confederation, however, and payments of the annual gift of £ 3 continued to be made until his death in 1592.³

* *

Although the advice of eminent lawyers was much sought after, such men represented only a small part of the whole profession of common lawyers. Throughout the towns and counties of England, there existed a multitude of legal experts catering for the needs of individual communities and these men came to form the nucleus of a new professional managerial class which was developing during the later fifteenth and sixteenth centuries.⁴

There are many examples of such men within the members of the confederation and, in many cases, they attained prominence within the governing class. John Worme acted as common clerk of Sandwich from 1504 or possibly earlier⁵ and, in this capacity, he attended meetings of the Brodhull regularly until 1511.⁶ In 1513, he was appointed a

1. White & Black Books, 293.
2. W. Boys, Collections for an History of Sandwich, 245-7.
3. White & Black Books, 325-41.
4. E.W. Ives, 'The Common Lawyers in Pre-Reformation England', T.R.H.S., 5th series, xvii (1967), 147-53.
5. White & Black Books, 131; Boys dated his appointment as town clerk as 1497; W. Boys, Collections for an History of Sandwich, 425.
6. White & Black Books, 131-47.

jurat and continued to hold this office until mid-1518, when he was elected mayor.¹ George Mercer was appointed common clerk of Rye in 1502 and served in this position until 1513.² He was then chosen as mayor of the town for the following year and continued to serve as a jurat until 1518.³ The career of Richard Rogerson followed a very similar path. He was appointed town clerk of Hastings in 1502 and performed this office until 1512 when he became a jurat.⁴ He remained a jurat until 1516, when he was appointed bailiff and, after completing his year in office, he continued as part of the bench of jurats until 1518.⁵ Such examples can be multiplied⁶ but among the most interesting is that of John Mynge of Romney. His early career spanned a troubled period in the history of the town.⁷ He became town clerk in 1579 and, in 1581, he was accorded the title of recorder.⁸ By the

1. White & Black Books, 153-77.
2. Ibid., 129-51.
3. E.S.R.O., Rye MS. 60/4, ff.189, 302; L.A. Vidler, A New History of Rye, 163; White & Black Books, 152-70.
4. White & Black Books, 128-49.
5. Ibid., 162-70.
6. e.g. Thomas Wrake (Hythe), common clerk 1508-9, jurat, 1512-8, deputy-bailiff 1518-9: White & Black Books, 140-75; Thomas Foxley (Dover), chamberlain 1529, deputy clerk 1533, mayor 1541: White & Black Books, 208, 215-6, 226; John Salmon (Sandwich), common clerk 1533-7, jurat 1539 & 1542, mayor 1548: White & Black Books, 214-39; William Roberth (Rye), common clerk 1537-9, 1541-6, mayor 1547: White & Black Books, 221-37; Robert Jackson (Rye), deputy-clerk 1552-5, common clerk 1556-71, jurat 1577 & 1580, mayor 1581: White & Black Books, 246-316.
7. See above pp. 186-93.
8. White & Black Books, 310, 316.

following year, however, he had become deeply involved in the disturbances within the town. His arrest was ordered by the Brodhull on the grounds that he had 'behaved himselfe very disorderedly and contemptuously agaynste the Libertyes of the Cinque Porttes whearby much troble & sedition hath growne...and moreover by miscallinge divers of the Magistrates of the said Porttes to very ill example...' ¹ and , in 1583, he made submission to the Brodhull for these offences. ² He continued to act as town clerk until 1586 when he, himself, fell victim to the vagaries of politics within the town and was deprived of his office and disfranchised. ³ He soon found a new position and, in 1587, was paid £ 4 as his fee as clerk to the bailiffs to Yarmouth. ⁴ Once the disputes within Romney had been resolved, ⁵ he resumed his association with the town. In 1591, he served as deputy-clerk and, by 1593, had attained the rank of jurat. ⁶ This return to favour proved long-lived as he remained part of the jurats' bench until 1604 and, on two occasions, was elected mayor of the town. ⁷

The legal and administrative skills of such men were in great demand and it was not unusual for them to find employment in more than

1. White & Black Books, 322.
2. Ibid., 326.
3. B.L., Lansdowne MS. 67/86; see above pp. 189-90.
4. White & Black Books, 334.
5. See above pp. 190-3.
6. White & Black Books, 338, 341
7. Ibid., 342-78.

one town. This trend is well illustrated by the career of Thomas Caxton. His involvement with the affairs of the confederation appears to have begun at Tenterden: in 1457-8, he was a member of a deputation 'off the paryssh and hundred of Tentyrden, for the making of sertyn stryves and contraversies between the sayd hundred and parysshe aforesaid and John Sutton, mayre, jurats and comons of the towne of Rye'.¹ Shortly afterwards, he moved to Lydd where he acted as common clerk for the next ten years.² His position as common clerk was assumed by Robert Lucas in 1468³ but he continued to rise in prominence in the town. He was made a jurat in 1468,⁴ became one of the two treasurers of the town in 1469,⁵ and, a year later, was appointed as bailiff.⁶ In 1471, he was the named individual in the general pardon issued to the town following Fauconberg's rising.⁷ Caxton's ability then seems to have attracted the attention of the head ports of the confederation. He moved to Romney in c.1474 and acted as common clerk of that town for a short period,⁸ and this was soon followed by his appointment as common clerk of Sandwich.⁹ This appointment was again of short duration and Caxton had returned to Lydd by 1477-8, when he

1. H.M.C., v, 491.
2. A. Finn (ed.), Records of Lydd, 184 et seq.
3. Ibid., 247.
4. Ibid., 249.
5. Ibid., 254.
6. Ibid., 263-4.
7. G.P.R., 1467-77, 303.
8. K.A.O., NR/Fac 3, f.76v; H.M.C., vi, 543-6.
9. H.M.C., vi, 544.

was paid 13s.4d. for writing the custumal of the town.¹ He then seems to have ended his career at Lydd, acting as one of the collectors of the scot in 1479-80² and as town chamberlain in 1483-4.³

Caxton's career was not exceptional, however. John Hales acted as common clerk of Winchelsea from 1505 to mid-1506⁴ but, in December 1506, he attended the Brodhull as a deputy for Tenterden.⁵ He then moved to Hythe where he served as clerk from 1507 to 1513.⁶ Again, this provided the opportunity to rise within the town as Hales became a jurat of Hythe in 1518 and continued in this office until 1521.⁷ Simon Fysse began his career in 1512 as common clerk of Hastings⁸ but, by 1515, he occupied the same office at Winchelsea.⁹ He was soon replaced by William Chappell and may have returned to Hastings as a jurat. Simon Fysse represented this town at a Brodhull in 1518.¹⁰ By 1519, however, he had become firmly established at Winchelsea and served as a jurat from 1520 to 1525.¹¹ John Mores acted as common clerk of Romney from 1522 to 1527¹² and, in 1528, became a jurat of the town.¹³

1. A. Finn (ed.), Records of Lydd, 298.
2. Ibid., 305.
3. Ibid., 312.
4. White & Black Books, 132-6.
5. Ibid., 137.
6. Ibid., 138-52.
7. Ibid., 167-83.
8. Ibid., 149-51.
9. Ibid., 156.
10. Ibid., 157, 170.
11. Ibid., 174-95.
12. Ibid., 184-202.
13. Ibid., 204-5.

He nevertheless moved to Winchelsea and acted as its town clerk from 1529 to 1531¹ but soon returned to Romney and once again filled the position as clerk from 1532 to 1549.² Alexander Welles was appointed common clerk of Rye in 1535³ but, in 1538, attended a Brodhull as deputy-clerk for the neighbouring town of Winchelsea.⁴ He soon returned to Rye and served as common clerk from 1539 to 1540⁵ but this was again followed by a period of employment at Winchelsea, where he was clerk from 1541 to 1542.⁶ In 1543, he acted as clerk for Hastings⁷ but then appears to have permanently settled back at Rye where he served as a jurat for most of the period 1544-57 before being elected mayor in 1558.⁸

The talents of such men were not used merely by individual towns but were frequently employed to the benefit of the confederation as a whole. The common clerk of Romney, for example, normally filled the position of clerk to the Brodhull⁹ and, in 1519, Robert May, the town clerk of Romney, was admitted to the freedom and liberty of the ports as a reward for his 'good and faithful service' in this capacity.¹⁰ Their services were also enlisted whenever the traditional rights and

1. White & Black Books, 207-12.
2. Ibid., 214-40.
3. Ibid., 219.
4. Ibid., 222.
5. Ibid., 223-4.
6. Ibid., 227, 229.
7. Ibid., 231.
8. Ibid., 233-56.
9. Ibid., p. xix.
10. Ibid., 177.

privileges of the ports were challenged. In 1512, George Mercer of Rye 'laboured and diligently serched...the recordes of the Chamber of thonorable Citie of London' to maintain the liberties of the confederation.¹ A year later, Richard Rogerson of Hastings was appointed by the confederation to oppose the imposition of a subsidy within the ports.² In 1524, John Worme of Sandwich and Simon Fysshe of Winchelsea acted for the ports in a dispute with Yarmouth.³ The protracted dispute over the ports' liability to taxation became the concern of John Mynge of Romney in 1596⁴ and, in the same year, he acted with Edmund Michell (a former town clerk of Dover)⁵ in a dispute over the ports' liability to perform ship-service twice in the same year.⁶

The Gentry

From the mid-fifteenth century, there was an increasing tendency for the gentry to exert influence over municipal politics. The growing concern of the gentry with town affairs was demonstrated by their election as burgesses to parliament and many members of landowning families came to occupy important positions within the towns.⁷ There

1. White & Black Books, 149.

2. Ibid., 150.

3. Ibid., 189.

4. Ibid., 349; see above pp. 12-3.

5. Ibid., 300-20.

6. Ibid., 351.

7. M. McKisack, The Parliamentary Representation of the English Boroughs during the Middle Ages (Oxford, 1962), 106-18.

are many examples of this trend within the confederation. The Ashburnhams were one of the most prominent families in Sussex¹ and the Guestling branch of the family were influential in the town of Winchelsea. Thomas Ashburnham, esquire was a jurat of the town from 1509 to 1522 and acted as mayor on three occasions² and John Ashburnham, gentleman was also a jurat from 1515 to 1518.³ The Elphick family were lords of the manor of Sutton in the late sixteenth and seventeenth centuries⁴ and played a major role in the affairs of nearby Seaford. Several members of the family served as jurats during the period 1560-1600 and Thomas Elphick was elected bailiff in 1598.⁵ The family of Lunsford resided at Battle and appears to have been a benefactor of Battle Abbey.⁶ Again, they became involved in local politics and John Lunsford served as jurat and mayor of Hastings during the 1590s.⁷ The best example of this trend within the confederation is, however, provided by the family of Oxenbregge.⁸

The Oxenbregge family resided in Sussex from the early fourteenth century and several members are recorded as contributing to the subsidy in 1332.⁹ They do not appear to have been of importance until the end

1. M.A. Lower, 'Notes on Old Sussex Families', S.A.C., 24 (1872), 2-4.
2. White & Black Books, 141-6, 182-6.
3. Ibid., 156-7, 164-7.
4. M.A. Lower, 'Notes on Old Sussex Families', S.A.C., 24 (1872), 15-6.
5. White & Black Books, 271, 325-7, 355-60.
6. M.A. Lower, 'Notes on Old Sussex Families', S.A.C., 24 (1872), 18-9.
7. White & Black Books, 342-6.
8. See below p. 272.
9. W. Hudson (ed.), The Three Earliest Subsidies for the County of Sussex (Sussex Record Society, x, 1910), 327-8.

1. The facing pedigree was compiled from surviving wills of the Oxenbregge family proved in the Prerogative Court of Canterbury: P.R.O., Prob 11/3/15; Prob 11/8/17; Prob 11/10/7; Prob 11/10/32; Prob 11/11/5; Prob 11/11/7; Prob 11/13/15; Prob 11/14/5; Prob 11/24/8; Prob 11/33/9. Additional information has been gathered from Rye manuscripts relating to land transactions involving members of the family: E.S.R.O., Rye MS. 46/3; Rye MS. 122/16; Rye MS. 126/2. Similar pedigrees are to be found in the following sources: W.D. Cooper, 'Notices of Winchelsea in and after the Fifteenth Century', S.A.C., 8 (1856), 214 et seq.; W.B. Bannerman (ed.), The Visitations of Sussex 1530 and 1633-4 (Harleian Society, 1905), 14-6. In both cases, the pedigrees are incomplete and inaccurate in several details

of the century when Robert (1) married the heiress of the prominent family of Alard and moved to Brede, about seven miles from Rye.¹ His three sons all became important in the county. Robert (2) was a justice of the peace and served on numerous commissions in the early fifteenth century;² Martin owned land at Icklesham³ and John acted as a commissioner of oaths and was described as one of the gentry of the county.⁴ The family's standing in the county was maintained by Robert (3) who owned property in several areas of Sussex as well as in London.⁵ Local legend has ascribed him a fearsome reputation for he is described as a grim ogre who devoured young children for his daily dinner and was finally cut asunder by a wooden saw.⁶ Whatever the origin of this tale, Robert acted on several commissions and may have begun the family connection with the affairs of nearby Rye and Winchelsea.⁷

This connection became definite in the following generation.

1. W.D. Cooper, 'Notices of Winchelsea in and after the Fifteenth Century', S.A.C., 8 (1856), 214-5; T.W. Horsfield, History, Antiquities and Topography of the County of Sussex (London, 1835), 513-4.
2. C.P.R., 1413-16, 219, 246, 345, 408, 413, 424; C.P.R., 1416-22, 432; C.P.R., 1422-29, 443.
3. E.S.R.O., Rye MS. 46/3.
4. W.D. Cooper, 'Notices of Winchelsea in and after the Fifteenth Century', S.A.C., 8 (1856), 215; T.W. Horsfield, History, Antiquities and Topography of the County of Sussex, 513-4.
5. P.R.O., Prob 11/8/17.
6. M.A. Lower, 'Notes on Old Sussex Families', S.A.C., 24 (1872), 22.
7. e.g. C.P.R., 1452-61, 489; C.P.R., 1467-77, 491; C.P.R., 1476-85, 51; Cooper states that he was a jurat of Winchelsea in 1459; W.D. Cooper, 'Notices of Winchelsea in and after the Fifteenth Century', S.A.C., 8 (1856), 216; His name does not appear, however, in the relevant volume of the town records; E.S.R.O., Winchelsea MS. 435, ff. 5-7.

Thomas (1) was a prominent lawyer¹ who appears to have enjoyed crown favour as he was appointed to a wide variety of commissions between 1470 and 1490.² He was also active in the affairs of the confederation and his expert advice was enlisted to help its members uphold their traditional rights.³ In 1486, for example, he attended a special meeting of the Brodhull at Romney in order to examine the customs of each of the member ports.⁴ He was also a deputy to the Brodhull on numerous occasions, although his commitments as a lawyer made these attendances irregular,⁵ and he may be the Thomas Oxenbregge who was one of the ports' barons to parliament in 1489-90.⁶

Adam Oxenbregge, the third son of Robert (3), was also deeply involved in the affairs of Rye. A frequent deputy to the Brodhull from 1482 onwards,⁷ he acted as one of the bailiffs to Yarmouth in that year.⁸ He was mayor of Rye on three occasions, in 1482-3, 1485-6 and 1487-8,⁹ and, in 1483, he was one of the barons attending the coronation of Richard III.¹⁰ He was an important landowner and in his

1. He became a serjeant-at-law in 1495: C.C.R., 1485-1500, 257.
2. C.P.R., 1476-85, 51, 216, 353, 370, 398, 489, 545, 575; C.P.R., 1485-94, 134, 212, 214.
3. H.M.C., v, 495.
4. White & Black Books, 94.
5. Ibid., 73-146.
6. Ibid., 105.
7. Ibid., 85-121.
8. Ibid., 85.
9. Ibid., 87, 94-5, 99-100.
10. Ibid., 641-2; H.M.C., v, 496.

will be bequeathed land in Rye, Winchelsea, Hastings and London, as well as in several villages throughout Sussex,¹ but he may also have been involved in trade as he was owed £ 20 in 1493-4, apparently in connection with a business deal.² His prosperity was reflected in a Rye muster list of c.1489 when his assessment was the highest of any of the named townsmen.³ He also appears to have enjoyed royal favour for he acted as collector of customs at Rye from 1494.⁴ The closeness of his connections with the town is further demonstrated by his wish that he be buried, not at Brede, but in the Lady Chapel of the parish church at Rye.⁵

Several other members of this generation also held positions of importance. Robert (4), the fourth son of Robert (3), acted as a bailiff to Yarmouth in 1495⁶ and frequently represented Winchelsea at meetings of the Brodhull in the late fifteenth and early sixteenth centuries.⁷ He was also mayor of Winchelsea four times during the same period.⁸ Thomas (2), the second son of George Oxenbregge, was a butcher in Rye,⁹ and acted as chamberlain of the town in 1479.¹⁰

1. P.R.O., Prob 11/11/7.
2. E.S.R.O., Rye MS. 137/22.
3. Rye MS. 85/1.
4. Rye MS. 137/22.
5. P.R.O., Prob 11/11/7.
6. White & Black Books, 119.
7. Ibid., 118-29.
8. Ibid., 119-20, 123-5, 128.
9. E.S.R.O., Rye MS. 80/1, no.5.
10. L.A. Vidler, A New History of Rye, 41.

Godfrey, second son of Godard, is described in his will as being 'of London, gentleman'.¹ He, nevertheless, owned lands in Sussex² and, in 1494, was appointed bailiff of Winchelsea.³ On his death in January 1495/6, the bailiwick was granted to his widow, Anne, 'for her services to the king's son, Henry, Duke of York'.⁴

The family's interest in the affairs of Rye and Winchelsea continued into the next generation. William Oxenbregge, the eldest son of Godfrey and Anne, was mayor of Winchelsea in 1549.⁵ Robert and Thomas Oxenbregge attended the Brodhull as deputies for Rye during the 1520s. They were styled as commoners and were probably Robert (7) and Thomas (5), the sons of the Rye butcher.⁶ A Robert Oxenbregge was also appointed bailiff of Rye in 1541.⁷ On this occasion, however, there is no evidence to indicate the branch of the family from which he was descended.

The Oxenbregge family continued in existence for another two centuries⁸ but its connections with the internal affairs of Rye and Winchelsea appear to have ended by the mid-sixteenth century. Several members of the family had been prominent in town affairs but, in keeping

1. P.R.O., Prob 11/10/32.

2. Ibid.

3. C.P.R., 1494-1509, 11; E.S.R.O., Winchelsea MS. 63, ff. 35-6.

4. C.P.R., 1494-1509, 46.

5. White & Black Books, 240.

6. Ibid., 177, 186, 202.

7. L.A. Vidler, A New History of Rye, 54.

8. W.D. Cooper, 'Notices of Winchelsea in and after the Fifteenth Century', S.A.C., 8 (1856), 222 et seq.; W.D. Cooper, 'The Oxenbridges of Brede Place, Sussex, and Boston, Massachusetts', S.A.C., 12 (1860), 203-20.

with the pattern found elsewhere in England, the involvement of such a family in municipal politics was of short duration.¹

Merchants and Traders

A large number of influential men within the confederation are less easily categorised and form a rather nebulous group which may be loosely described as the merchant and trading class. Although the majority of such men were normally listed under the vague style of 'merchant',² this group, in fact, encompassed a wide variety of occupations.

The interests of the confederation were predominantly maritime³ and it is far from surprising that a large number of portsmen made their living at sea. Shipping interests were also of great importance to the governing class within the towns. This trend is particularly evident at Dover where the town accounts record payments made to the owners of ships which performed ship-service in the late fifteenth and early sixteenth centuries. Many of these shipowners were prominent men in the government of the town and filled the office of mayor.

1. See below pp. 292-5.

2. e.g. C.C.R., 1454-61, 478; L. & P., Hen VIII, I, i, 205, 818; White & Black Books, 67, 131-2, 135-41.

3. See above pp. 48-86.

Ship-Owning at Dover¹

<u>Owner</u>	<u>Year(s) of Mayoralty</u>	<u>Name of Ship(s)</u>
Edward Hextall	1490-1;1494-5;1495-6; 1506-7	Little Peter
Edward May	1533-4	Gabriel
Robert Nethersole	1508-9;1512-3	Clement; George; Mary and John
John Pocock	1501-2	Anne
Robert Stelman	1521-2	Christopher
Thomas Vaughan	1515-6;1527-8;1532-3	Harry; James; Michael
Robert Vincent	1485-6;1488-9;1489-90	Peter; Christopher
William Warren	1493-4	Anthony

Many of these ships took part in the Dover Passage² and may also have been involved in the coastal trade to London.³ The importance of shipping to the town is equally apparent in the later sixteenth century. Robert Justice, mayor in 1542-3 and 1551-2, was a 'mariner of good experience'⁴ while John Robbins, mayor in the latter half of 1563, was also a master mariner who owned ships which operated in the passage trade to the continent.⁵

1. B.L., Add. MS. 29,618, f. 148; B.L., Add. MS. 29,619, ff. 208, 226; B.L., Egerton MS. 2,092, ff.226-8; White & Black Books, 95-6, 107-10, 115-21, 125-31, 150-2, 156-7, 161-3, 184, 203-5; S.P.H. Statham, History of the Castle, Town and Port of Dover, 165-8; J.B. Jones, Annals of Dover, 289-301.
2. B.L., Add. MS. 28,035, passim.
3. See above p. 80.
4. J. Lyon, History of the Town and Port of Dover, i, 152-3; White & Black Books, 228-30, 244, 247.
5. J.B. Jones, Annals of Dover, 378.

The same pattern is to be found in the other members of the confederation. Simon Farnecombe, mayor of Winchelsea in 1457-8, was the owner of 'Le Helene' which took part in the pilgrim trade to Compostella.¹ Such enterprises were evidently profitable as his widow was able to establish and maintain an expensive chantry after his death.² John Cole was a prominent ship-owner at Sandwich and his activities ranged from piracy to the export of wool.³ He became mayor of the town in 1469-70 and 1474-6 and enjoyed a distinguished career as a royal servant.⁴ Richard Berkly, mayor of Winchelsea from 1496 to 1498 and mayor of Rye in 1503-4, owned the 'Mary' and the 'Antony' which were appointed to protect the fishing fleets of the ports during the 1490s.⁵ Mark Lockett, jurat and chamberlain of Hastings during the 1530s, was a fisherman⁶ while the influential Beriffe family of Brightlingsea were heavily involved in shipping enterprises throughout most of the fifteenth and sixteenth centuries.⁷

Many other prominent portsmen engaged in overseas trade. Richard Taylor, jurat of Sandwich, traded with Calais and, in 1512, became

1. Foedera, xi, 373; White & Black Books, 37-9; E.S.R.O., Winchelsea MS. 435, f.5.
2. E.S.R.O., Add. MS. 2,383; C.P.R., 1476-85, 57, 127, 249, 283.
3. C.P.R., 1446-52, 381, 432; C.P.R., 1452-61, 167, 174, 304; P.R.O., E 122/128/4.
4. White & Black Books, 60, 68-70; see above pp. 253-5.
5. E.S.R.O., Winchelsea MS. 63, ff. 36-7; C.P.R., 1485-94, 392; White & Black Books, 121-2, 131-2.
6. E.S.R.O., ACL A I, f. 124; White & Black Books, 219.
7. P.R.O., Prob 11/11/10; Prob 11/20/18; Prob 11/33/6; E.P. Dickin, A History of Brightlingsea, 66, 134, 162-4.

involved in a dispute over payment of tolls which resulted in the seizure of part of his goods.¹ Robert Eastday, jurat of Hythe, also had difficulties in his relations with Calais and, in 1528, was granted a withernam for recovery of a debt of £ 60 merchant.² John Pyham, jurat and mayor of Sandwich, and Peter Maister, jurat of Winchelsea, were involved in trade with Flanders where, in 1516, their goods were seized by an officer of the fellowship of merchant-adventurers.³ Trade with London was also common and, again, this occasionally led to disagreements. In 1516, William Gaunte, a former chamberlain of Winchelsea, bought a parcel of woollen cloth at the Blackwell Hall in London but these goods were seized by an officer of the city on the grounds that their sale infringed the city's charter.⁴ Later in the same year, a further dispute arose over the purchase of two violet coloured broadcloths which were again seized by officers of the city. Once again, the portsmen involved were members of the governing class, having filled the offices of jurat and chamberlain at Rye.⁵

Trading connections with London also resulted in migration between the ports and the capital. Portsmen often moved to the capital⁶ and prominent citizens of London settled within the confederation and became influential in the government of the member ports. In 1445,

1. White & Black Books, 148-9, 152, 157, 179.

2. Ibid., 199, 204, 206, 209, 211, 219.

3. Ibid., 183-4, 188, 202-4, 215.

4. Ibid., 151-6, 158-9; see below p. 361.

5. Ibid., 144, 148-9, 155-6, 159; see below p. 361.

6. See above pp. 96-7.

Henry VI appointed his purveyor of fish, Thomas Stoughton, as bailiff of Hastings.¹ This was not Stoughton's only involvement with the affairs of the confederation, however. As a member of the London fishmongers company, he was aware of the importance of the Rye fish-market, and appears to have spent some time there. He owned property in the town during the 1450s² and he may be the Thomas Stockton who represented Rye at a Brodhull in 1448 and acted as a bailiff to Yarmouth in the same year.³ Thomas Fysshe was a prominent man at Winchelsea and was elected mayor of the town in 1487.⁴ It is, nevertheless, doubtful whether he was a native portsman as a deed of gift of 1484 from John Fysshe, citizen and draper of London, to Thomas Fysshe, merchant of Winchelsea, suggests that the latter may have had London origins.⁵

London merchants were particularly prominent in the affairs of Sandwich. In 1471, a deed of gift was made from Thomas Wymark, citizen and grocer of London, to, among others, John Aldy, grocer of London.⁶ Aldy had definite links with Sandwich as the four witnesses to the deed were all important figures in that town⁷ and it is probable that

1. J.M. Baines, Historic Hastings, 27; see above pp. 140-1.
2. E.S.R.O., Rye MS. 124/3, 5.
3. White & Black Books, 24.
4. Ibid., 80-121.
5. C.C.R., 1476-85, 369.
6. C.C.R., 1468-76, 196.
7. White & Black Books, 57-70.

he was the John Aldy who was mayor of Sandwich in 1468-9 and 1476-7.¹ One of the witnesses to this deed, Nicholas Burton, also appears to have had links with the capital. In 1448, William Kerver of Sandwich made a gift of his ship called the 'Trinity' to Stephen Grene and Nicholas Burton, citizens and drapers of London.² Burton then seems to have settled at Sandwich and also to have established connections with Dover for, in 1461, Nicholas Burton of Sandwich was appointed bailiff of the latter town.³ He, nevertheless, became an important figure in Sandwich and was elected mayor in 1472.⁴ John Westclyve, mayor in 1464-5, also had London connections as he directed that he should be buried in a London church⁵ while the London origins of George Rawe, mayor in 1574-5, are also illustrated by the inscription on his tombstone:⁶

Here lyeth the bodyes of George Rawe gent., sometime
mayor and customer of Sandwich, and merchant-adventurer
of London, and Sara his wife.

Many portsmen were involved in the food and drink trade. This is particularly apparent at Dover. As a major port of embarkation

1. White & Black Books, 59, 73.
2. C.C.R., 1447-54; 73; G.V. Scammell, 'Shipowning in England, 1450-1550', T.R.H.S., 5th series, xii (1962), 118.
3. C.P.R., 1461-67, 24; Jones and Wedgwood state that he was also mayor of Dover in 1458-9 but this is not supported by the records of the Brodhull: J.B. Jones, Annals of Dover, 291; J.C. Wedgwood, History of Parliament 1435-1509, Biographies, 140; White & Black Books, 38-41.
4. White & Black Books, 64-6.
5. W. Boys, Collections for an History of Sandwich, 417; White & Black Books, 52-3.
6. W. Boys, Collections for an History of Sandwich, 291; White & Black Books, 300-2.

to the continent the town had to cater for the need of large numbers of travellers and had an unusually large number of inns and victualling houses.¹ Once again, the governing class were well represented in this trade.

Innkeepers at Dover²

<u>Owner</u>	<u>Year of Mayoralty</u>	<u>Name of Inn</u>
John Bowles	1539-40	Arms of England
Thomas Foxley	1541-2	Rose
William Fisher	1544-5	Lion
Hugh Brackett	1548-9	Ship

These were evidently thriving enterprises for Bowles paid cess on considerable quantities of wine to keep his inn supplied.³

The mayors of several other towns were also involved in this trade. In 1564, John Peake, mayor of Winchelsea in 1561-2, 1564-5 and 1570-1, was granted the lease of the town brewhouse for 21 years.⁴ Thomas Collye, mayor of Dover in 1545-6, was a sheep-farmer and beer-brewer⁵ while Thomas Aldy, mayor of Sandwich from 1505 to 1508, also owned a beerhouse.⁶ Henry Boll, mayor of Sandwich in 1522-3 and

1. J.B. Jones, Annals of Dover, 415-7; c.f. J.F. Pound, 'The Social and Trade Structure of Norwich, 1525-75', in P. Clark (ed.), The Early Modern Town, 141.
2. J.B. Jones, Annals of Dover, 296, 415-7; White & Black Books, 224, 226, 229, 234.
3. B.L., Add. MS. 29,619, f.169.
4. E.S.R.O., Winchelsea MS. 52, f.160; White & Black Books, 262-3, 266, 277, 281.
5. J.B. Jones, Annals of Dover, 377; White & Black Books, 235.
6. L. & P., Hen VIII, I, ii, 985; White & Black Books, 135-41.

1525-6, was a victualler and therefore not allowed to exercise the office of clerk of the market ¹ and Andrew Bate, a prominent jurat of Lydd, combined the trades of cattle-breeding and butcher.² Again, not all the members of this group were native portsmen. Abraham Rutten was a citizen and brewer of London but he moved to Sandwich as a result of his marriage to Susannah Van Lent, the daughter of a Sandwich brewer who had, himself, come to the town from Flanders.³ Rutten was granted his freedom in 1590 and he then brewed for the navy, either as an agent or on contract.⁴ He appears to have prospered as he was appointed jurat in 1601 and, by 1608, had been elected as mayor of the town.⁵

Inter-marriage within the Governing Class

The advancement of individual families was an essential feature of government in the boroughs and this process was aided by inter-marriage among the more influential burgess families. As Platt observed, 'Intermarriage between burgess families was to yield cohesive and powerful alliances; the stuff of which borough government was made.'⁶ The significance of this process is well-illustrated by the example of

1. K.A.O., Sa/AC 2, f.359; White & Black Books, 187-8, 198.
2. A. Finn (ed.), Records of Lydd, 278-9, 286-317.
3. W. Boys, Collections for an History of Sandwich, 273-4, 312.
4. Ibid., 273-4.
5. White & Black Books, 368, 387.
6. C. Platt, The English Medieval Town, 104-5.

Elizabethan Exeter where the governing class was dominated by closely-knit dynasties of the wealthiest merchants related to each other, often more than once over, by marriage.¹ It is not possible, within the scope of this study, to attempt an exhaustive examination of the effect of this process within the confederation but there are, nevertheless, many examples to illustrate the importance of inter-marriage to the structure of government in the member ports.

The Oxenbregge family² rose to prominence in Sussex after Robert (1) married the heiress of the Alards, a family which had long been influential in the county.³ His grandson, Robert (3), married Anne, daughter of Adam Lyvelode of London and, as a result, Adam became a freeman of Rye and represented the town as a baron to parliament in 1449-50.⁴ Although no direct evidence survives, family wills suggest that further marriage alliances were formed during the next generation. Links with the Copledike family are suggested by the will of Adam Oxenbregge (dec. 1496); he bequeathed £ 40 to John Copledike and further directed that his lands and tenements in Winchelsea be granted to Jane Copledike and her heirs, if his own children died without issue.⁵ Links with the Hall family of Hastings are also indicated by the will

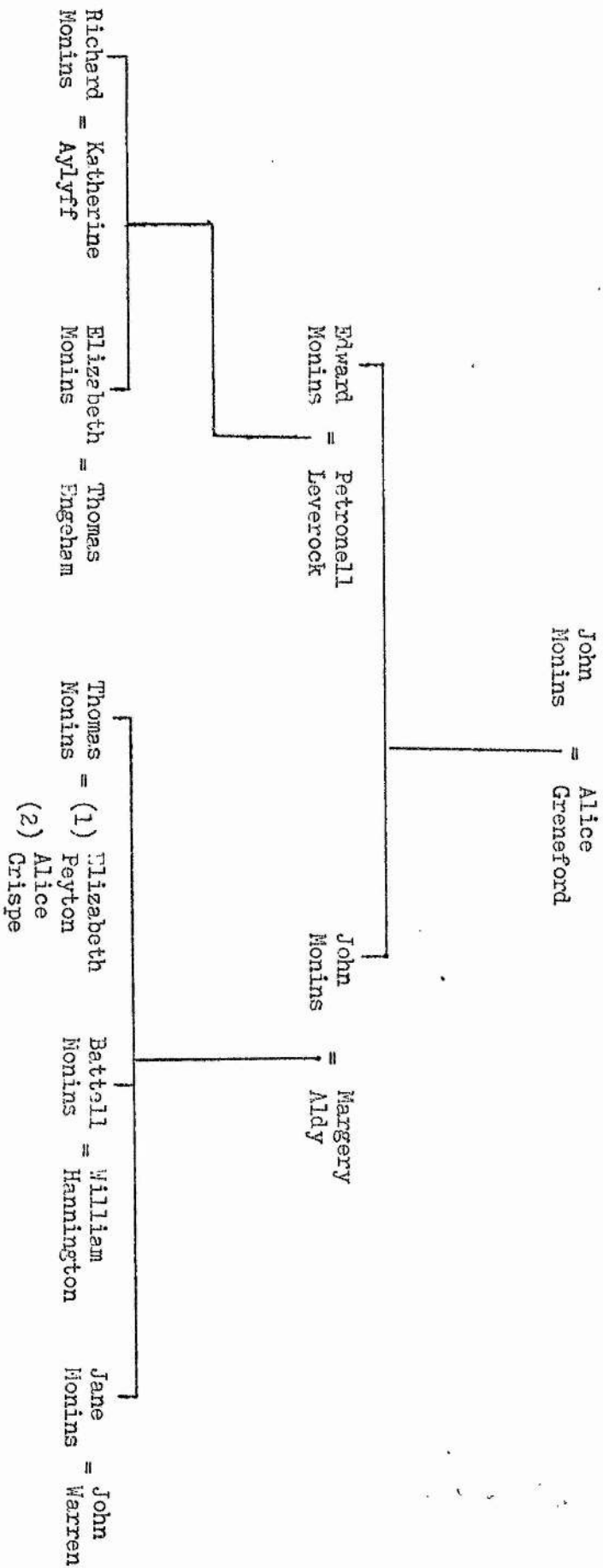
1. W.G. Hoskins, 'The Elizabethan Merchants of Exeter', in P. Clark (ed.), The Early Modern Town, 149.
2. See above pp. 271-7.
3. W.D. Cooper, 'Notices of Winchelsea in and after the Fifteenth Century', S.A.C., 8 (1856), 214-5; T.W. Horsfield, History, Antiquities and Topography of the County of Sussex, 513-4.
4. P.R.O., Prob 11/8/17; E.S.R.O., Rye MS. 60/2, ff. 12, 14, 19; H.M.C., v, 500.
5. P.R.O., Prob 11/11/7; see above pp. 251-2.

of Sir Godard Oxenbregge (dec. 1531); legacies were bequeathed to his 'cousins', Robert and William Hall and Robert Hall acted as one of the executors of the will.¹

The Monins family came to England from Normandy at the time of the Conquest and, by the mid-fourteenth century, had attained a position of considerable importance in the government of Dover.² They remained prominent in the affairs of the town until the seventeenth-century³ and, again, their prestige was enhanced by a series of marriages to influential burgesses.⁴ In the late fifteenth century, John Monins married Alice Greneford, daughter and heir of John Greneford, steward of Dover Castle.⁵ Edward, the eldest son of this union, married Petronell Leverock and their daughter, Elizabeth, in turn married Thomas Engeham.⁶ Thomas was the son of Vincent Engeham who was mayor of Sandwich in 1528-30 and 1540-1 and Thomas, himself, represented Sandwich at a Brodhull in 1533.⁷ John, the second son of the marriage to Alice Greneford, married Margery, daughter and heir of Thomas Aldy of Ash.⁸

1. P.R.O., Prob 11/24/8; The Hall family were prominent in the government of Hastings and several members of the family acted as bailiff and jurats during the fifteenth and early sixteenth centuries: White & Black Books, 79-203.
2. J.B. Jones, Annals of Dover, 286.
3. White & Black Books, 408-68.
4. See below p. 287.
5. W.B. Bannerman (ed.), The Visitations of Kent 1530-1 and 1574 (Harleian Soc., 1923), 26-7; W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592 (Harleian Soc., 1924), 10-11, 136-7.
6. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 10-11, 126, 136-7.
7. White & Black Books, 208-11, 216, 226.
8. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 10-11, 136-7.

Inter-marriage in the Cinque Ports I

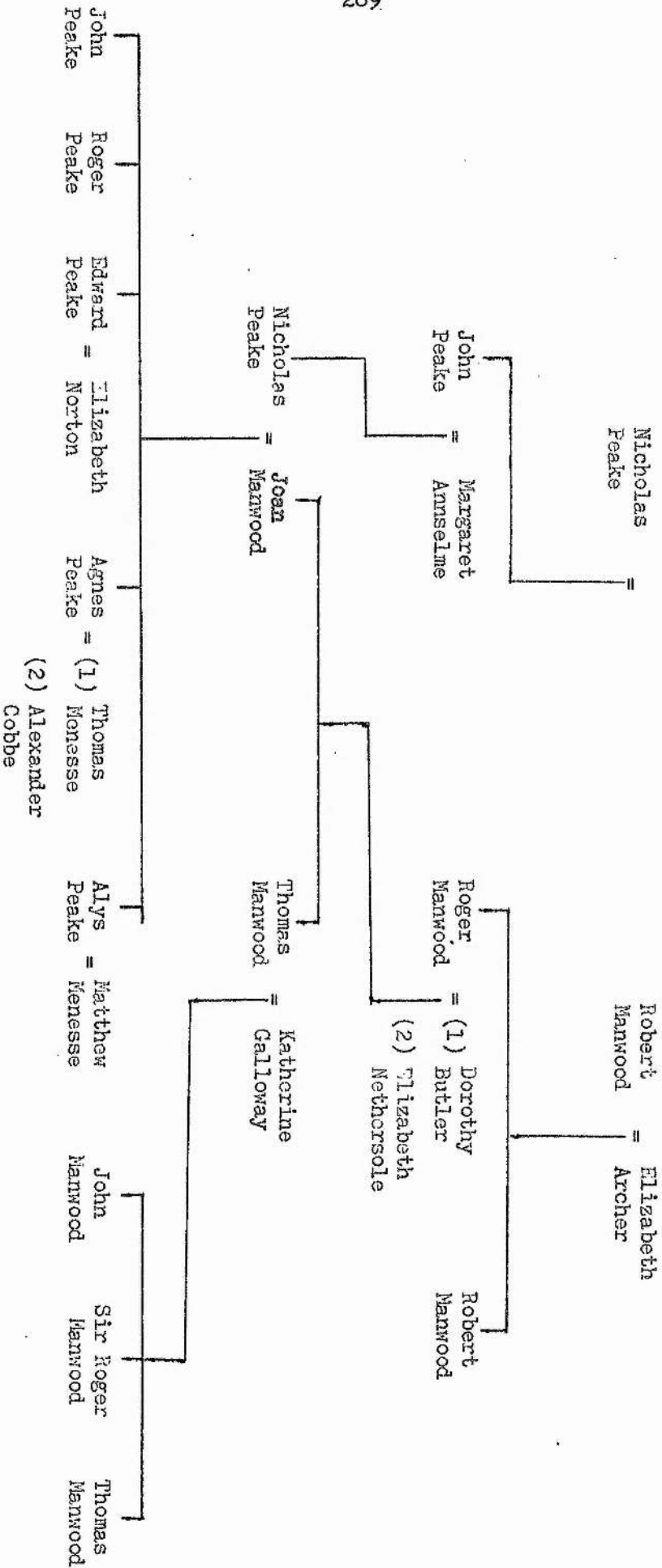


Thomas Aldy was a member of a prominent Sandwich family and acted as mayor of the town for three consecutive years from 1505 to 1508.¹ The children of this marriage again formed important alliances. The eldest son, Thomas, married twice, to Elizabeth Peyton and Alice Crispe, daughter of William Crispe who was lieutenant of Dover Castle.² The eldest daughter, Battell, married William Hannington, mayor of Dover in 1554-5 and 1561-2,³ while another daughter, Jane, married John Warren of Dover.⁴ John was the son of William Warren, a former mayor of the town, and he, himself, was elected mayor on three occasions between 1525 and 1540.⁵

The Manwood family originated at Manwood, near the town of Chichester⁶ but became involved in the affairs of Sandwich when Robert Manwood married Elizabeth Archer, daughter of a former mayor of the town.⁷ These links were strengthened when their eldest son, Roger, married Dorothy Butler,⁸ who was a member of a family which had been of importance in the government of Sandwich from the mid-fifteenth

1. White & Black Books, 135-41; W. Boys, Collections for an History of Sandwich, 417-9, 425.
2. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 10-11, 136-7.
3. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 10-11, 136-7; White & Black Books, 251, 264.
4. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 45.
5. White & Black Books, 115-6, 198, 220-1, 226.
6. W. Boys, Collections for an History of Sandwich, 245.
7. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 135; W. Boys, Collections for an History of Sandwich, 246; White & Black Books, 89; see below p. 289.
8. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 135.

Inter-marriage in the Cingue Ports II



century.¹ On her death, Roger then married Elizabeth Nethersole who was probably a relative of Robert Nethersole, mayor of Dover in 1508-9 and 1512-3.² These marriages greatly enhanced the family's standing within Sandwich and this was soon reflected in the election of Roger as mayor in 1517 and 1526.³ Thomas Manwood, the only son of Roger's first marriage, married Katherine Galloway⁴ and the three sons of this union also became figures of considerable importance. John and Thomas both became mayor of Sandwich while Sir Roger Manwood attained prominence as a lawyer and acted as counsel to the ports.⁵ Joan, daughter of the marriage between Roger Manwood and Dorothy Butler, married Nicholas Peake who also became mayor of Sandwich in 1537-8 and 1544-6.⁶ Edward, the third son of this marriage, was elected mayor of Sandwich in 1575,⁷ while the two daughters, Agnes and Alys, forged links with other important families in the town. Agnes married Thomas Menesse, who was three times mayor during the 1550s, and, on his death, she then married Alexander Cobbe who was chosen as mayor in 1573.⁸

1. W. Boys, Collections for an History of Sandwich, 417-8; White & Black Books, 14 et seq.
2. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 135; White & Black Books, 141-3, 150-2.
3. White & Black Books, 167, 199.
4. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 135.
5. White & Black Books, 253-4, 268, 273; see above pp. 263-4.
6. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 135, 141; White & Black Books, 222, 234-5; W. Boys, Collections for an History of Sandwich, 418-9.
7. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 141; White & Black Books, 306-7.
8. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 141; White & Black Books, 242, 247, 255, 294-5.

Alys Peake maintained the link with the Menesse family when she married Matthew Menesse who was mayor of Sandwich in 1563-4.¹

The best example of this trend, however, is provided by the marital career of one woman, known only by her Christian name of Jane. She married three times but, on each occasion, her husband was a man of considerable importance. Her first marriage was to Richard Cok who was mayor of Sandwich five times between 1440 and 1455.² Julian, the daughter of this marriage, then married Thomas Pynnock, a prominent figure in Sandwich who was also elected mayor in 1491.³ When Cok died, Jane married John Copledike, bailiff of Winchelsea, and, probably as a result of this union, Copledike moved to Sandwich and served as mayor in 1463.⁴ On his death, his widow married for the final time and, on this occasion, her husband was Thomas Hextall, an outstanding figure in Dover affairs.⁵ Edward, son of Thomas Hextall, also played a prominent role in the affairs of the town and was four times elected mayor,⁶ and when he died in 1509 one of the executors of his will was John Copledike, who may have been the son or grandson of Jane's second marriage.⁷

1. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 67-8, 141; White & Black Books, 266.
2. J.C. Wedgwood, History of Parliament 1435-1509, Biographies, 216 citing Pardon Roll (1462), m. 30; White & Black Books, 15-34.
3. W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 108; White & Black Books, 111.
4. J.C. Wedgwood, History of Parliament 1435-1509, Biographies, 216 citing Pardon Roll (1462), m. 30; see above pp. 251-2.
5. J.C. Wedgwood, History of Parliament 1435-1509, Biographies, 449 citing Pardon Roll (1472), m. 20; see above pp. 255-8.
6. White & Black Books, 76-140.
7. K.A.O., PRC 32/9/160.

A notable feature of the structure of the governing class in English towns was the frequency with which burgess families appeared, attained prominence within a town, but, within two or three generations, ceased to play any significant role in town affairs.¹ There are many examples of this trend within the members of the confederation but, in the majority of cases, the reasons for this sudden disappearance are shrouded in obscurity and any explanations must of necessity be speculative.

Babylon Grauntford was appointed bailiff of Rye in 1459 and soon became a dominant figure in the affairs of the town, serving as mayor for four consecutive years from 1463-67 and again in 1474.² His son, John, also acted as bailiff and was elected mayor of the town in 1480.³ Within a few years, however, all mention of the family disappears from the records of the town and confederation. No details are available to explain this change but the most probable explanation is that John died without leaving a male heir to continue the family connection with the town. Lack of a male heir was certainly the reason for the demise of the Hextall family of Dover. Thomas Hextall arrived at Dover as an officer of Dover Castle but became heavily involved in the politics of the town and served as mayor on nine occasions.⁴ His son, Edward,

1. S.L. Thrupp, The Merchant Class of Medieval London, 1300-1500 (Chicago, 1948), 191-233; W.G. Hoskins, 'English Provincial Towns in the Early Sixteenth Century' in P. Clark (ed.), The Early Modern Town, 95.
2. White & Black Books, 40, 49-56, 68-9; L.A. Vidler, A New History of Rye, 156-7.
3. See above pp. 248-9.
4. See above pp. 255-8.

was also prominent in the government of the town and acted as mayor four times but, when he died in 1509, his only direct heir was a daughter, Elizabeth.¹

Although failure of the male line is the most likely explanation for the disappearance of many prominent families from the governing class within the towns, connections were also severed for other reasons. In some cases, surviving sons appear to have entered the service of the crown. John Coplelike was appointed bailiff of Winchelsea in 1452, probably as a reward for faithful service to the king, and he then attained a position of importance in the affairs of both Winchelsea and Sandwich.² His son, John, continued the connection with Winchelsea; he acted as bailiff and was also elected mayor in 1478.³ Within a generation, however, the Coplelike family ceased to play any part in the government of either town and it is probable that the grandson of the first John Coplelike followed the example of his grandfather in seeking advancement through crown service. In 1512, John Coplelike, gentleman usher of the chamber, was granted the office of customer of the Lanterne Gate at Calais⁴ and, in 1515, a John Coplelike served as a captain at Tournai.⁵ John Joseph was bailiff of Romney in 1443 and

1. White & Black Books, 76-140; K.A.O., PRG 32/9/160.

2. See above pp. 251-2.

3. C.P.R., 1461-67, 358; C.P.R., 1467-77, 570; E.S.R.O., Winchelsea MS. 63, f.27.

4. L. & P., Hen VIII, I, i, 522.

5. Ibid., II, ii, 1513.

attended Brodhulls as a deputy and probably a jurat of the town until 1464.¹ Again, his descendants appear to have entered the service of the crown; in 1471, a general pardon was issued to John Joseph, late of the town of Calais 'soldeur', alias of Deal, alias late of Romney² and, in 1505, John Joseph, secretary and recorder of the mayoralty of Calais, was involved in a land transaction in Deal and elsewhere in Kent.³

The disappearance of prominent families from the towns is also explained by the lure and social promise of the countryside. A successful burgess family often invested heavily in rural estates and, within a few generations, these estates became the main focus of family interest. The Robyn family were influential in the affairs of both Romney and Lydd during the late fifteenth and early sixteenth centuries but appear to have invested in property at nearby Ivychurch and to have settled to a life as country gentlemen.⁴ The Buffkin family were prominent in the government of Dover for two generations during the sixteenth century but disappear from the records of the town following the purchase of a family estate at Gore Court.⁵ The Manwoods were

1. White & Black Books, 16-51.
2. C.P.R., 1467-77, 290.
3. C.P.H., 1494-1509, 434-6.
4. White & Black Books, 70-92, 116, 167-85; A. Finn (ed.), Records of Lydd, 190-200, 301-9; A.F. Butcher, 'The Origins of Romney Freemen, 1433-1523', Ec.H.R., 2nd series, xxvii (1974), 22.
5. White & Black Books, 145, 175-240; W.B. Bannerman (ed.), The Visitations of Kent 1574 and 1592, 86-7; J.B. Jones, Annals of Dover, 295.

one of the most important families in sixteenth-century Sandwich but ceased to play an important rôle in the affairs of the town after investing in property at Hackington, near Canterbury.¹

Government in the Cinque Ports tended to be the prerogative of a limited group but, within their numbers, there was nevertheless a considerable degree of variety. The servants of a powerful patron, trained lawyers, children of the gentry, successful merchants, native-born portsmen and outsiders - all could hope to attain a position of influence in the government of one of the member ports. Once such a position had been achieved, it was often consolidated through marriage alliances with other prominent families but, within a few generations, formerly important families often ceased to exercise any significant rôle within the towns. With their departure, the opportunity existed for new names to rise to a position of power. Within the outwardly stable framework of oligarchic rule there were nevertheless constant undercurrents of change.

1. W. Boys, Collections for an History of Sandwich, 245-7; see above pp. 263-4, 288-90.

CHAPTER IV

Financial Relations between the Head Ports
and their Limbs

An examination of the structure of town government in the Cinque Ports has illustrated the limited nature of the confederate bond. Both head ports and corporate members maintained a considerable degree of independence in matters such as internal government and the idea of confederation was relevant only in certain limited and well-defined areas. It is therefore appropriate to consider the areas in which the concept of confederation was of importance.

a) Ship-Service

The duty to perform ship-service for the crown was one of the basic principles on which the confederation was founded and, from an early date, the head ports enlisted the assistance of other ports to help them carry out this burden. Fordwich, for example, may well have been associated with the Cinque Ports in the matter of ship-service from before the Conquest.¹ By the thirteenth century, this arrangement had attained a highly developed form and the Ports' Domesday of this period provides details of the limbs attached to the original five ports to help them in their traditional burden of supplying 57 ships. By the end of the thirteenth century, Hastings had ten member ports, Romney five, Hythe one, Dover three and Sandwich five.² During the next century, details of these arrangements were clarified; in some cases

1. Murray, Constitutional History, 23; C.W. Hollister, Anglo-Saxon Military Institutions, 119.
2. K.A.O., NR/GPc 1; E.S.R.O., Rye MS. 57/1, f.55v; Foedera, III, i, 460; Red Book of the Exchequer (R.S., 1896), ii, 714; S. Jeake, Charters of the Cinque Ports, 27; W. Boys, Collections for an History of Sandwich, 528-9; Murray, Constitutional History, 240-5.

the obligations of the members were formalised by charter while other arrangements remained informal in character.¹ The result of this process is illustrated by a surviving record of 1359 which sets out the service required of each member:²

The Town of Hastings	3 ships
The Lowy of Pevensey	1 ship
Bulverhythe and Petit Iham	1 ship
Beaksbourne in Kent	1 ship
Grange in Kent	2 oars
The Town of Rye	5 ships
The Town of Winchelsea	10 ships
The Port of Romney and Old Romney	4 ships
Lydd	1 ship
The Port of Hythe	5 ships
The Port of Dover	19 ships
Folkestone	1 ship
The Town of Faversham	1 ship
The Ports of Sandwich, Stonor, Fordwich, Deal and Sarre	5 ships
The Total	57 ships

1. Murray, Constitutional History, 45-8.

2. Foedera, III, i, 460; Murray, Constitutional History, 242-3.

This list shows the duties of the various members of the confederation at the time of its greatest importance. Changes were made during the following centuries as more limbs were added to certain of the head ports to enable them to fulfil duties which were becoming over-burdensome. Thus, in 1449, the town and hundred of Tenterden was incorporated with the town of Rye because the latter had ¹

come to such waste and poverty by the tides and the burnings committed by the enemies...that neither the town nor the barons and good men thereof can find their contingent of the fleet.

The charter which incorporated Seaford with the head port of Hastings in 1554 gave similar reasons; the ravages of the sea and the destruction caused by the nation's enemies had reduced Hastings, formerly one of the greatest of the Cinque Ports, to a state of 'waste, destruction and poverty'. As a result, the town could no longer perform its customary ship-service.² Although not explicitly stated, it also appears probable that the linking of various towns and parishes in Thanet to Dover in 1424 was to help the head port fulfil its particularly heavy obligations.³

Changing conditions of naval warfare rendered the ports'

1. C.P.R., 1446-52, 276-7.
2. E.S.R.O., Seaford MSS. 2 & 3.
3. S.P.H. Statham, Dover Charters and Other Documents, 178-81.

ship-service anachronistic and, by the fifteenth century, the small craft of the ports tended to engage in the relatively humble tasks of victualling the king's forces or of providing transport across the Channel.¹ Nevertheless, the obligation of ship-service was ordered by the crown on many occasions during the fifteenth and sixteenth centuries.² It is therefore worthwhile to consider in greater detail the way in which this obligation was fulfilled.

The means by which the confederation supplied its necessary quota of ships was not as straightforward as is suggested by the list recited above. In some cases, member ports did provide and man a ship as part of the contingent demanded of their head port. Lydd, Faversham, Tenterden, Deal and Walmer all supplied one ship towards the total ship-service requirement of the confederation.³ Fulfilling this obligation could cause some difficulty for the member port; on at least two occasions, Lydd entered into negotiations to hire a ship from elsewhere in order to carry out its commitment to its head port.⁴ It was also common for the limb to make a monetary contribution to its head port instead of actually supplying a ship. In 1491-2, for example, Old Romney granted 46s. 8d. to its head port as its contribution towards the expenses of Romney in fulfilling its obligations

1. See above pp.19-21.

2. K.A.O., Sa/AC 1, ff.199, 222v; Sa/AC 2, f.211v; C.P.R., 1485-94, 389-90; C.C.R., 1468-76, 399; C.S.P.D., 1547-80, 103; C.S.P.D., 1581-90, 547, 552; White & Black Books, 62.

3. K.A.O., Sa/AC 2, f.212; K.A.O., Te/C 1, f.17 et seq.; Foedera, III, i, 460; S. Jeake, Charters of the Cinque Ports, 27.

4. A. Finn (ed.), Records of Lydd, 91, 94, 97, 293-4.

to the crown;¹ similarly, Sarre and Ramsgate contributed 30s. towards the costs incurred by Sandwich in 1513-4.² At Dover in 1492-3, a cess was levied to pay for the town's ship-service but the limbs also contributed towards this expense. Out of a total expenditure of £ 136.2s.6d., Margate contributed £ 8.6s.8d., Kingsdown £ 4.10s., and Folkestone £ 2.13s.4d.³ Lydd's difficulty in finding a ship also resulted in the town fulfilling its obligations by making a monetary contribution. In 1470-1, Lydd paid £ 3.6s.8d. out of Romney's total expenditure of £ 10,⁴ and, in 1532, made an additional payment of 46s. to Romney towards the cost of transporting Henry VIII to and from Calais.⁵ Deal also provided financial support for its head port of Sandwich. In 1470-1, Sandwich levied a cess to pay for that year's ship service and assessed Deal's contribution at £ 7.⁶

The increasing frequency with which the limbs fulfilled their obligations through a monetary payment was a response to the changing role of the Cinque Ports fleet. By the end of the fifteenth century, its duties tended to be confined to services such as escorting the king across the Channel, a task which was unlikely to require the provision

1. K.A.O., NR/FAC 3, ff.104-6.
2. K.A.O., Sa/AC 2, f.212.
3. B.L., Add. MS. 29,617, f.78.
4. K.A.O., NR/FAC 3, f.68v
5. K.A.O., NR/FAC 7, f.15.
6. K.A.O., Sa/AC 1, f.199.

of the full 57 ships prescribed by custom. When the ports did contribute to the actual fleet, the small ships they had traditionally supplied were not suited to active naval warfare. The members of the confederation therefore contributed towards supplying a smaller number of ships of larger tonnage. In October 1588, for example, the ports provided only 13 ships but they were probably of a much larger tonnage than that prescribed by custom.¹ Such circumstances made it more practicable for the limbs to pay a proportion of the costs involved rather than supply a ship themselves.

b) Financial Obligations

The most important factor in the relationship between head port and limb was the financial obligation owed by each party.² The contribution made by the limb towards the cost of the ship-service constituted only part of this obligation. The limb was also obliged to contribute towards the general expenses incurred by its head port. These expenses included items such as the payment of burgesses to parliament and the bailiffs to Yarmouth. It had even to pay part of the cost of sending representatives to the Brodhull, although the limb had no actual say in who performed these duties; it was assumed that representatives who acted on behalf of the head port also acted

1. C.S.P.D., 1581-90, 553.

2. Murray, Constitutional History, 54.

indirectly in the interests of the limbs.¹

The payments made by the limbs are recorded in surviving chamberlains' accounts. At Dover for example, the limbs made a standard annual contribution; during the 1460s, the respective payments were £ 3 from Folkestone, £ 2 from Faversham, 26s.8d. from Margate, 16s.8d. from Birchington and Goresend and 8s.4d. from Kingsdown and Ringwold.² These contributions were distinct from, and in addition to, the contributions towards the cost of the ship-service and the limbs made an additional contribution or provided a ship when the head port was called upon to fulfil its obligations to the crown. Lydd's obligations were more onerous as it did not make a standard annual payment but instead paid a proportion of the expenses incurred by its head port. In addition to its ship-service obligations, Lydd also paid the fifth part of its head port's expenses. The extent of this contribution could vary greatly; during three consecutive years in the 1390s, Lydd contributed £ 4.19s.5d., £ 10.7s.3d. and £ 9.7s.3d. respectively.³ The high level of these payments, plus the fluctuations from year to year, eventually resulted in considerable friction between the head port and limb.⁴

1. Murray, Constitutional History, 55; see below pp. 382-5.

2. B.L., Egerton MS. 2,090, ff.101, 106.

3. K.A.O., NR/Fac 2, ff.8, 11, 14.

4. See below pp. 303-17.

Relations between head port and limb were not always trouble-free. Financial arrangements between the two parties had been established at a period when the head ports had been of some national significance. As the importance of the head ports declined the limbs became more willing to argue about the relevance of financial agreements set up centuries before. As a result, disputes arose between the head ports and their limbs and adjustments were made to their long-standing mutual obligations. The apparent order of the confederate structure often obscured undercurrents of discontent.

Romney and Lydd

Financial relations between Romney and Lydd were troubled throughout most of the fifteenth and sixteenth centuries. Lydd was traditionally expected to provide one ship towards the ship-service of the confederation and to pay one fifth of the general expenses incurred by Romney. This arrangement was still operating during the 1440s¹ but Lydd soon made the attempt to reduce the scale of its obligations to its head port. In 1469, Lydd paid its customary fifth of Romney's expenses but refused to pay a charge of 5 nobles assessed by the Brodhull for the 'half-part' of Romney.² This refusal seems to have been symptomatic of the strained relations between the two towns and the financial arrangements between

1. A. Finn (ed.), Records of Lydd, 91, 94, 97, 293-4.

2. Ibid., 281.

them had to be re-defined. On 16 April 1482, an indenture was sealed between the two parties, based upon an award made by independent arbitrators. The first three clauses of the indenture specified the services due from the limb. Lydd was to pay the fifth part of Romney's charges for the burgesses to parliament, provide one ship towards the ship-service of the confederation and make an annual contribution of five marks in lieu of all other charges.¹

The new agreement was made necessary because of the steady deterioration in relations between the two towns. Lydd had refused to pay her contribution in the previous year and the Brodhull ordered that the limb pay four marks to Romney to make up for this omission. Part of this sum was to be paid to Thomas Groce 'for the fish that was taken by the men of Romney', presumably in retaliation for the limb's refusal to pay its customary contribution. This action by Romney appears to have made relations with Lydd even more strained since the Brodhull also ordered the release of men from Romney who were imprisoned at Lydd.²

This award did little to settle the differences between the towns. In 1483, Romney made a payment to the mayor and jurats of Sandwich 'to be our friends against the men of Lydd'.³ Four years later, Romney

1. White & Black Books, 84.
2. Ibid.
3. K.A.O., NR/Fac 3, f.96.

complained that Lydd had broken the agreement of 1482 by failing to pay its annual contribution and demanded that the limb pay the penalty of £ 100 which the Brodhull had prescribed. Lydd was therefore ordered to send representatives to the next Brodhull to explain why the town should not incur 'more grievous pain and punishment for their sinister dealing and inordinate demeanour'.¹ This dispute resulted in another agreement between the towns which was sealed on 9 June, 1487. This agreement attempted to resolve the 'divers controversies and debates...for the claim and exaction of divers subsidies and aids that the jurats and barons of the town of New Romney three times past have claimed and demanded of their combarons of Lydd'. Its terms differed only slightly from the 1482 award. Lydd was still accountable for the fifth penny of the wages of the burgesses to parliament and for one ship but its annual contribution for all other charges was now set at £ 3 instead of five marks. Again, either party breaking this agreement was to forfeit £ 100.²

Relations between the towns appear to have improved and there is little evidence of serious disputes in the century following the 1487 award. In 1566, Lydd complained that Romney was not supplying its limbs with copies of the decrees made at the Brodhull³ but this is

1. White & Black Books, 97.
2. K.A.O., NR/CP 1.
3. White & Black Books, 269.

one of the few recorded examples of disagreement between the two towns in this period. It is possible, however, that relations were not as trouble-free as this lack of evidence implies. This apparent harmony was broken at the close of the sixteenth century. On this occasion, the dispute revolved around the question of whether the village of Bromehill should be assessed for taxation by Romney or by Lydd. Lydd protested that its head port was attempting to assess lands which had formerly paid taxes to the limb and maintained its protests for almost half a century.¹ This dispute again resulted in considerable friction between the two towns and Lydd even attempted to obtain a new charter which would confirm its rights over Bromehill but was unsuccessful due to the vigorous efforts of its head port.² Matters had not been resolved by 1635 when a petition requested a speedy hearing of the case. The petition expressed familiar grievances. Lydd claimed that Romney had broken the 1487 agreement as it had demanded that its limb pay an unfair proportion of the ship-service expenses and also asserted that the amount of ship money asked by the head port was excessive.³ Almost 200 years after the first indications of disagreement, the obligation of the limb towards ship-service and general expenses was still a matter of contention.

1. K.A.O., NR/CPLb 1-90.
2. NR/CPLb 91-7.
3. NR/CPw 138.

Romney and Old Romney

Relations between Romney and Old Romney were also punctuated with periods of disagreement. As at Lydd, the first signs of dispute occurred in the 1460s. An entry in the accounts of the head port for 1461-2 recorded that the men of Old Romney had not paid their contribution for that year and, as a result, it would have to be obtained by distraint.¹ This dispute seems to have been resolved without great difficulty. The men of Old Romney 'afterwards came and paid such contribution, that is 20s., and submitted themselves to the community for their dismissal; and they were forgiven on their (good) behaviour'.²

The annual contribution from the limb did not excuse it from various extra-ordinary charges; in 1462-3, Old Romney contributed towards a subsidy granted to the king for the defence of Calais³ and, in 1492-3, it also made a payment towards the cost of escorting the king beyond the sea.⁴ The liability to pay these extra-ordinary charges appears to have irritated the limb and its complaints resulted in the drafting of a new agreement between the new and old towns on 1 March, 1529/30. Old Romney was to make an annual contribution of 26s.8d. in lieu of all costs, customs and charges, while New Romney was to defend the liberties

1. K.A.O., NR/FAC 3, f.44.

2. Ibid.

3. Ibid., f.48.

4. Ibid., ff.104-6.

of its member and provide copies of the charter, custumal and various other records.¹ This agreement was renewed in 1561.²

In 1595,³ a further dispute arose between the two towns. On this occasion, the point at issue was whether Old Romney ought to contribute towards the cost of the ship-service. The agreements of 1531 and 1561 had excused Old Romney from all charges in exchange for its annual contribution but New Romney now claimed that these agreements were not valid as they had been made in the name of the bailiff and jurats of New Romney;⁴ (New Romney had since been incorporated under the title of mayor, jurats and commonalty).⁵ This dispute dragged on for several years and, in 1601, Old Romney sent a letter which asked that an end be put to the long-lasting disagreement between the towns and requested that New Romney renew the old agreements under its new style of mayor, jurats and commonalty.⁶ The head port would not agree to this and the dispute was taken to the warden's court at Dover. In 1603, this court stated that Old Romney was not a corporate member of New Romney and exemplified the agreements of 1531 and 1561.⁷ The eventual outcome of this dispute is not recorded but it was still the cause of ill-feeling

1. K.A.O., NR/CP 2.
2. NR/CPL 9/9.
3. The dispute between Romney and Lydd over the assessment for taxation of Bromehill also began at this period which suggests that the head port may have been experiencing severe financial difficulties; see above p.306.
4. NR/CPL 9/1-4.
5. See above p.166.
6. NR/CPL 9/5.
7. NR/CPL 9/9.

as late as 1608.¹

Dover and Faversham

The association of Faversham with the Cinque Ports was in some ways a rather unnatural alliance since it had little in common with the confederation either economically or geographically.² The reason for such an alliance was simply to give Faversham the means to escape the demands of its traditional overlord.³ Nevertheless, its entry into the confederation rendered Faversham liable to the usual demands of its head port. It had to provide one ship towards the ports' ship-service⁴ and, in addition, made an annual contribution of 40*g.* to its head port of Dover.⁵ Again, the limb was far from happy with this arrangement and made strenuous attempts to reduce its obligations.

In 1438, an indenture was drafted to define the obligations of each town. No evidence survives to indicate the circumstances which led to this agreement but it appears likely that a serious disagreement had arisen between the two towns as the indenture was based upon the award of three independent arbitrators. Again, the cause of disagreement appears to have been the liability of the limb to pay various extra-ordinary charges for Faversham claimed to have been

1. K.A.O., NR/CPL 9/19.
2. K.M.E. Murray, 'Faversham and the Cinque Ports', T.R.H.S., 4th series, xviii (1935), 64.
3. See above pp.203-13.
4. Foedera, III, i, 460; Murray, Constitutional History, 242-3.
5. B.L., Egerton MS. 2,090, ff.101, 106.

subjected to diversis exactionibus, contributionibus, impositionibus, tallagiis, oneribus, assessionibus et demandis.¹ Faversham now agreed to make an annual payment to Dover in lieu of all general charges but consented to make a reasonable contribution towards a gift for the lord warden at the time of his installation and to bear its customary share of the ship-service. A further concession was also made to the limb. Faversham was granted the right to choose one of Dover's burgesses to parliament at every third parliament - a concession granted to no other member port. Dover was to pay 20d. a day to the person chosen by the limb.²

The terms of this agreement were soon challenged. In July 1462, a general withernam was granted against Faversham for various contempts, including breaches of the composition of 1438. Even then Faversham remained recalcitrant and withdrew all goods from the other member ports to avoid execution of the withernam; as a result, the withernam was extended to the bodies of the mayor and commonalty, as well as their goods.³ Faversham had joined the confederation in order to escape the demands of its overlord, the abbot of Faversham. It was not willing to exchange one overlord for another.

1. K.A.O., Fa/CPz 1; Fa/ZB 2, ff.3-4.

2. Ibid.

3. White & Black Books, 47.

Sandwich and Fordwich

Relations between Sandwich and Fordwich appear to have been relatively untroubled until the mid-sixteenth century. Up to this time, the limb had made an annual contribution of only 3s.4d. to its head port but had been liable to provide Sandwich with one ship towards the ship-service and, in addition had to contribute towards various extra-ordinary charges.¹ The liability to contribute towards the ship-service may have resulted in some disagreement between the towns as the obligations of the limb were reiterated in 1544. Fordwich was to pay the fifth part of the costs 'appertaining to the doling for the transporting of the king's majesty and his navy'.²

Further disputes soon arose over the limb's liability to contribute towards extra-ordinary expenses. In 1559, Sandwich expressed the hope that a speedy solution might be reached in its dispute with Fordwich over the limb's contributions.³ This wish was soon realised and a new composition was sealed on 31 March, 1559/60. The limb's annual contribution was raised from 3s.4d. to 20s. and Fordwich paid its head port £3.6s.8d, presumably as recompense for contributions not paid in previous years. In return for this annual contribution, Sandwich undertook to indemnify Fordwich 'in all charges

1. C.E. Woodruff, A History of the Town and Port of Fordwich, 37-8.

2. K.A.O., Sa/AC 3, f.169.

3. Sa/AC 4, f.158.

ordinary and extra-ordinary by reason of any writ of quo warranto, renewing of charters, coronations of kings and queens, receiving of lord wardens, parliamentary wages and payments to brotherhoods and guestlings'. The limb, however, was still required to pay the fifth part of Sandwich's ship-service expenses.¹ This composition did not provide a lasting solution to the disagreements between the towns. The agreement was lost for a long period and, as a result, Fordwich continued to be charged with a share of any extra-ordinary expenses incurred by its head port.²

Sandwich and Deal

The financial arrangements which existed between Sandwich and Deal are particularly interesting as they illustrate the relationship between a powerful head port and a non-corporate limb. The head ports tended to exercise considerable control over the internal government of their non-corporate limbs³ but the financial obligations between the two parties differed little from those which existed between a head port and a corporate limb.

The first indications of disagreement between Sandwich and Deal occurred in 1482 when Sandwich complained that the limb had not paid its annual contribution.⁴ The reasons for this default are not

1. K.A.O., Sa/AC 4, f.159.
2. C.E. Woodruff, A History of the Town and Port of Fordwich, 38.
3. See above pp.237-44.
4. K.A.O., Sa/AC 1, f.287v.

recorded but subsequent events suggest that Deal was attempting to reduce the level of its obligations. The financial arrangements between the two towns were re-defined in 1494. Deal (along with Walmer with which it was traditionally associated) continued to provide one ship towards the ship-service of the confederation and was to make an annual contribution of 20s., of which Deal was to pay 13s.4d. and Walmer 6s.8d.¹ These obligations were re-stated in 1513.² Deal continued to protest about the level of its obligations and, as a result, the agreement between the two parties was re-iterated in 1560. On this occasion, however, conditions for default were added to the original agreement. If the annual payment of 20s. was not delivered within 14 days of the appointed date Sandwich was to attach 12 men of Deal and Walmer and keep them in prison until the contribution was paid.³

The limb's annual contribution did not excuse it from liability to extra-ordinary charges as Deal and Walmer contributed towards a suit for discharge of the subsidies in 1530.⁴ This liability was again a cause of complaint. On 16 October, 1560, the inhabitants of Deal and Walmer petitioned Sandwich that they might be freed from all contributions and services other than the service of shipping and their

1. K.A.O., Sa/CPm 1.
2. Sa/AC 2, f.212.
3. Sa/CPm 2.
4. Sa/AC 3, f.22.

annual contribution. This request was granted provided that Deal paid its head port a lump sum of £13.6s.8d. but an exception was made of any extra-ordinary charges 'not accustomed' with which Sandwich might be charged at a later date.¹

Sandwich and Brightlingsea

The relationship between Sandwich and Brightlingsea represents something of a special case. The remoteness of the limb from its head port made it difficult for Sandwich to exercise the tight control normally associated with the non-corporate limbs and Brightlingsea was permitted some degree of independent action.² Financial arrangements between the two towns were also the cause of some difficulty during the sixteenth century.

The obligations of the limb were defined in 1491. Brightlingsea was liable to contribute to the expenses of the ship-service, coronation service, wages of burgesses to parliament and other extra-ordinary charges. Her yearly contribution was set at 10s. and the liability for ship-service was to amount to £ 5 on each occasion.³ These payments were evidently made with some reluctance; in 1553, solicitors from Brightlingsea came to Sandwich to pay the arrears in their contributions and to make additional payments towards the expense of

1. K.A.O., Sa/AC 4, f.146v.
2. See above pp.240-4.
3. Sa/AC 2, f.19v

renewing the charter and of coronation service.¹ Six years later, however, Brightlingsea was again in arrears with its contributions.² A further dispute arose in 1568 when Sandwich demanded a payment of 40s. from its limb. Brightlingsea claimed that such a charge could not be granted as a right but consented to pay the 40s. as a benevolence.³ It appears probable that Brightlingsea's reluctance to meet the financial demands of its head port was part of a more general dispute over the system of government in the limb and Brightlingsea's failure to pay its annual contribution on time may have been an attempt to put pressure on its head port. The surviving records, however, contain little to either support or refute this interpretation of events.

Hastings and its Limbs⁴

Little evidence is available to demonstrate the relations between Hastings and Seaford. The only records of value are the charter which incorporated Seaford as a limb of Hastings⁵ and a copy of an indenture of 1604 in the records of Lydd. This indenture specified that

1. K.A.O., Sa/AC 4, f.49.
2. Sa/AC 4, ff.179-80.
3. Sa/AC 4, f.367.
4. The majority of the records of Hastings for this period were destroyed by fire at the end of the sixteenth century and, as a result, there is little surviving evidence to illuminate the relations between Hastings and its limbs.
5. E.S.R.O., Seaford MSS. 2 & 3; see above pp.222-4.

Seaford should make an annual contribution of 20s., a payment of 2s.6d. out of every 20s. paid at the Brodhull, 10s. towards parliamentary charges and 30s. towards the expenses of the representatives at every coronation.¹ The limb also made a contribution to the ship-service of the confederation and... 'usually billeted for one ship and a quarter'.²

Relations between Hastings and Pevensey are also obscure but an indenture of 1541 suggests that disagreements did arise between the two towns. This agreement was said to have been drawn up because 'variances, suits and discords have been had and moved between the two parties of, from and upon (the) yearly charge'. Pevensey agreed to make an annual contribution of five marks and to pay a proportion of the parliamentary expenses incurred by Hastings; 20s. was to be paid to the head port within a month of the start of a parliament or within a month of its prorogation or adjournment.³

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Relations between the head ports and their limbs again illustrate the weakness of the confederate structure. There was no standard formula governing the mutual obligations of the two parties; arrangements between them were regulated by agreements between the towns concerned rather than by a general practice covering the whole of the confederation.

1. Murray, Constitutional History, citing Lydd MS. 2.
2. E.S.R.O., Seaford MS. 398; all that survives of this manuscript is a badly torn fragment which provides no additional information.
3. E.S.R.O., Pevensey MS. 8.

As a result, the loyalties of each limb tended to be towards its head port rather than to the confederation and this relationship was to prove a major obstacle to the setting up of a highly developed confederate state.¹

Relations between head port and limb were punctuated by disagreements as each party tried to secure the best possible arrangement. The liability of the limb to contribute towards extra-ordinary charges was a particular source of grievance and complaints about this led to changes being made in several long-standing agreements. These changes were not achieved easily and disputes over the relative rights and obligations of head port and limb often resulted in considerable friction between them.

The attitudes of the members of the confederation were essentially self-centred. Each town was concerned with the individual benefits which it gained from membership and was anxious to ensure that the obligations incurred by such membership were of a restricted nature. Although all members of a confederation, each town was still primarily concerned with its own interests.

1. Murray, Constitutional History, 204.

CHAPTER V

The Lord Warden

The office of warden evolved to fill a dual need. On the one hand, it provided a means by which towns scattered throughout two counties could be accommodated within the administrative structure of the nation; on the other, it recognised the ports' need for an officer who would represent the interests of the confederation as a whole.¹ The dual nature of the warden's office is clearly demonstrated by the manner of his appointment. On the death or removal of a warden, his successor was appointed by the king but, before being admitted to the office, he swore an oath to 'kepe, holde, upholde and maynteyne the franchises, libertys, customs and usages of the...fve ports.'² The double-sided nature of the warden's role is apparent throughout the variety of functions which he exercised although, on occasion, his actions appear to have been influenced by a degree of self-interest.

a) Legal Functions

Immunity from foreign judges was among the most prized of the liberties of the Cinque Ports. A vital part in the establishment of this right was played by the warden's court of Shepway. This court was at first intended to be an instrument of administration and control by which the ports were linked to the central government;³ it was to become the means by which the ports could support their claim to exemption from foreign courts.

1. See above pp.6, 22-4.

2. 'Custumal of Sandwich' in W. Boys, Collections for an History of Sandwich, 573.

3. Murray, Constitutional History, 60.

The ports' claim to immunity from foreign judges was gradually built up during the thirteenth and fourteenth centuries. In 1260 the portsmen were exempted from summonses before the justices in eyre¹ and by 1276 the barons of the ports claimed that they need not plead or answer appeals except in the court of Shepway.² A typical result of this claim occurred at the Kentish Eyre of 1313 when a prolonged dispute arose over a trespass in Dengemarsh as the accused claimed to be barons of the Cinque Ports and therefore ought to answer only at Shepway.³ During the fourteenth century the emphasis of the ports' claim to immunity changed and the courts of record within the various ports established the right to try all pleas with the exception of treason, treasure trove and withdrawal of naval service.⁴ These matters were referred to the court of Shepway, with the warden as its president.⁵ This increase in the importance of the town courts meant that the court of Shepway attained a new significance as a court of appeal in the event of default of justice. If anyone complained of erroneous judgement in a local court within the confederation, the

1. A. Ballard & J. Tait (eds.), British Borough Charters 1216-1307, 166; See above p.7.
2. C.C.R., 1272-79, 301.
3. K.M.E. Murray, 'Dengemarsh and the Cinque Ports', E.H.R., liv (1939), 671.
4. Murray, Constitutional History, 71; 'Custumal of Dover' in J. Lyon, History of the Town and Port of Dover, ii, 269; 'Custumal of Rye' in J. Lyon, History of the Town and Port of Dover, ii, 349; 'Custumal of New Romney' in The Register of Daniel Rough (Kent Records Soc., xvi), 6-7; K.A.O., U47/34 Z2, p.7.
5. 'Custumal of Dover' in J. Lyon, History of the Town and Port of Dover, ii, 284; 'Custumal of New Romney' in The Register of Daniel Rough, 35; K.A.O., U47/34 Z2, p.46.

warden would investigate the matter and, if he was satisfied that the complaint was worth pursuing, he would order the case to be examined at Shepway. If an error of judgement was found, the warden, with the assent of the representatives of the ports, could reverse the judgement, grant damages to the offended party and punish the town and official at fault. If the complaint was found to be unjustified, the warden could imprison the complainant until he had made satisfaction to the town accused.¹ This development was of great importance for the maintenance of the legal immunity of the members of the confederation as it avoided the need for recourse to foreign courts in order to obtain remedy for unjust verdicts by local officers.

b) The Warden as Admiral

The warden also occupied a special place in the supervision of the ports' naval and maritime affairs. This special position had been officially recognised by the fifteenth century and the warden assumed the title of admiral of the Cinque Ports.²

The most important of the warden's duties as admiral was the responsibility of summoning the ports' ship-service and of ensuring that this service was performed in accordance with time-honoured agreements.³ He was also responsible for more routine maritime affairs

1. 'Custumal of Dover' in J. Lyon, History of the Town and Port of Dover, ii, 282; 'Custumal of New Romney' in The Register of Daniel Rough (Kent Records Soc., xvi), 35; K.A.O., U47/34 Z2, pp.46-7.
2. Murray, Constitutional History, 120-8.
3. C.C.R., 1468-76, 399; C.P.R., 1485-94, 389-90.

within the confederation and this duty could include a wide variety of tasks. In 1517, for example, a jury of the Cinque Ports was held before the warden at Rye to investigate a collision of boats, an accidental drowning and various assaults and, in the same year, a jury at Lydd considered other assaults and a jury at Winchelsea a case of malicious cutting of fishing nets.¹ The warden was also responsible for the suppression of piracy, as in 1564 when he ordered the arrest of a Hastings vessel accused of piracy in the narrow seas.²

The warden had been appointed by the king and his duties therefore involved maintaining the interests of the realm. This involved the duty of supervising the payment of customs dues, and, in this capacity, he issued proclamations against the avoidance of customs³ or investigated illegal exports.⁴ The warden was, however, also expected to protect the interests of the portsmen and would attempt to ensure that the portsmen were not required to pay excessive dues.⁵ He also issued orders against the dumping of ballast or other practices which might aggravate the perennial problem of silting.⁶

The fishing industry which was so vital to the economy of the

1. L. & P., Henry VIII, II, ii, 1149, 1150, 1153.
2. K.A.O., NR/CPw 40
3. C.C.R., 1468-76, 316.
4. C.P.R., 1467-77, 573.
5. Murray, Constitutional History, 129-30.
6. Ibid., 130.

ports was another of the warden's responsibilities and he regulated the fishing seasons and issued other ordinances to control the activities of the fishermen.¹ By the sixteenth century, he was expected to organise the protection of the fishing fleets. In 1563, for example, considerable time and effort was spent to ensure that the herring fleet to Yarmouth was adequately protected against the French.² In addition to these duties, the warden supervised the activities of the lodesmen of Dover³ and was particularly diligent in overseeing the salvage of wrecks around the coast since this was a source of personal profit.⁴

Although many of the duties performed by the warden as admiral were of a fairly routine nature, his right to supervise the maritime affairs of the ports was nonetheless significant. It once again kept the confederation outwith the normal administrative structure of the country and the Cinque Ports became a privileged zone from which the High Court of Admiralty was virtually excluded.⁵

c) The Warden as General Administrative Officer

The relationship between the Cinque Ports and the central authorities posed special problems. This was partly due to the

1. Murray, Constitutional History, 130-1.

2. K.A.O., NR/JBf 8.

3. K.A.O., CPw/LS 7, ff. 1-15.

4. Murray, Constitutional History, 124-6; see below pp.338-9.

5. Ibid., 126-7.

special privileges enjoyed by the portsmen but basically derived from the fact that the members of the confederation were scattered throughout two counties.¹ This problem was solved by making the warden the general administrative officer for all the ports.

From the fourteenth century the warden was the sole channel of communication between the central government and the ports and performed all the duties of a sheriff.² Writs of summons to parliament for the barons of the Cinque Ports were sent to the warden and were couched in the same terms as the writs sent to sheriffs for the summonses of the knights and burgesses of the shires and boroughs.³ In addition to summoning the ports' ship-service, the warden also regulated the military service of the confederation and commissions of muster were directed through him.⁴ He also arranged the collection of the subsidy and other special taxes to which members of the confederation were expected to contribute.⁵ Much of the warden's time was concerned with routine matters, however, as he was responsible for the return of writs of capias, venire facias and distringas sent from the central courts.⁶

1. Until the addition of Brightlingsea in Essex; see above pp.240-6.
2. Murray, Constitutional History, 84-5.
3. C.C.R., 1447-54, 107, 161, 226, 395; C.C.R., 1454-61, 26, 421, 463.
4. K.A.O., NR/JB 7, f.10; L. & P., Henry VIII, I (i), 629; C.P.R., 1494-1509, 67.
5. C.P.R., 1476-85, 353, 394; C.P.R., 1485-94, 243.
6. Murray, Constitutional History, 86.

Again, the warden played a vital part in maintaining the liberties of the ports as it was accepted that no writ was to be accepted in the Cinque Ports unless it had first passed through his hands.¹ In performing the duties normally associated with the sheriffs of the counties the warden filled a role which allowed members of the confederation to be accommodated within the administrative framework of the country while retaining their special relationship with the crown.

* * *

The warden's position as the sole channel of communication between the ports and the central authorities was of considerable importance in maintaining the liberties and franchises of the ports. During the fifteenth and sixteenth centuries, the ports' significance on the national scene declined and attempts were made to curtail the privileges which they enjoyed.² As a result, the confederation became increasingly dependent upon the influence wielded by the warden. This development gave the warden the opportunity of gradually increasing his power over the portsmen and this resulted in a series of protracted disputes.

Nomination of Barons to Parliament

The increase in the warden's power and influence is well illustrated by the patronage which he came to exercise within the

1. Murray, Constitutional History, 85.
2. See above pp. 18-25.

confederation. The best example of this is his claim to nominate the barons or burgesses of the Cinque Ports to parliament.¹

From the mid-sixteenth century, the warden claimed the right of nominating at least one of the two barons to parliament elected by each of the head ports. In 1553 the warden, Sir Thomas Cheyney, sent a letter to Winchelsea which requested that he should have the right to nominate the barons to parliament and, on this occasion, the town found it prudent to grant this request.² This was only one of a series of requests. In the same year, the warden complained about the barons to parliament chosen by Sandwich, apparently because the town had not granted his request for rights of nomination;³ at the same time, a letter was sent to Hastings which stated that 'divers honest and credible men have told me that all my predecessors have appointed the burgesses'.⁴

The apparent refusal by Sandwich to co-operate with the warden demonstrates the reluctance of the head ports to surrender their traditional rights of election. A compromise appears to have been reached by the 1570s by which the warden was given the right of nomination of one of the two barons chosen by each head port. Such a

1. This was not an unusual occurrence for parliamentary elections in towns at this period tended to be dominated by county magnates or their nominees; P. Clark & P. Slack, English Towns in Transition 1500-1700, 174-6.
2. E.S.R.O., Winchelsea MS. 51, f.123.
3. K.A.O., Sa/AC 4, f.31v.
4. J.M. Baines, Historic Hastings, 45-6.

procedure was followed in Winchelsea in March 1570/71 when one baron to parliament was chosen by the commons of the town while the nomination of the other was granted to the warden.¹ Such a system was not without its difficulties, however and, in the same year, Hythe made a strong complaint about the conduct of the warden's nominee in which the town claimed that 'at the last parliament we had not a worse enemy than one of our own burgesses, being no portsman.'² Hythe's concern about being represented by a non-resident was evidently shared by the other head ports as the Brodhull passed a decree in 1572 which prohibited anyone from being elected as baron to parliament unless he was a resident of the ports.³ Despite this decree, the right of the warden to nominate one of the burgesses continued until the end of the seventeenth century; the objection to non-residents being elected was easily overcome by the simple expedient of the nominee being created a freeman at the warden's direction.⁴

By the late sixteenth century, the ports found it increasingly difficult to oppose the warden over this issue. In 1570-71, an attempt by Hythe to retain some freedom of choice in parliamentary elections brought a sharp retort from the lieutenant of Dover Castle which stated

1. E.S.R.O., Winchelsea MS. 53, f.13; Winchelsea MS. 63, f.46.
2. G. Wilks, The Barons of the Cinque Ports and the Parliamentary Representation of Hythe (Folkestone, 1892), 52-4.
3. White & Black Books, 291.
4. Murray, Constitutional History, 96-101.

that the town's actions had been 'moche myslyked' by the warden and hinted at serious consequences if the town did not adopt a more co-operative attitude.¹ Romney experienced similar problems at the end of the century. In January 1592/3, the warden recommended two nominees as burgesses to parliament for Romney, but only one of the nominees was actually elected.² Five years later, the lieutenant of Dover Castle wrote to the town asking that the warden should be given the right to nominate one of the burgesses³ but this was rapidly followed by a letter from the warden which made it clear that he was not content with this arrangement. He thanked the town for granting him the nomination of one of the burgesses and then asked that a warrant under the seal of the town should be returned to him with a blank for the name of the second burgess, in order that he could enter the name of his favoured candidate.⁴ Disagreements between Romney and the warden continued into the seventeenth century. In 1601, the lieutenant of Dover Castle again wrote to the town to thank it for giving the warden the right of nomination of one of the burgesses. The town's acquiescence to this request may well have been in response to pressure on the warden's part for the lieutenant also commented that, in his opinion, the town 'could do no other in view of his

1. G. Wilks, The Barons of the Cinque Ports and the Parliamentary Representation of Hythe, 52-4.
2. K.A.O., NR/AEp 33.
3. NR/AEp 34.
4. NR/AEp 35.

lordship's many favours'.¹ Disagreements between the town and the warden reached their peak in 1604 when the town refused to accept the warden's nominee. As grounds for this refusal, Romney cited the decree issued by the Brodhull in 1572 which prohibited the election of non-residents.² This refusal prompted a long letter to the town from the lieutenant of Dover Castle in which he expressed his concern at the 'spark likely to kindle a fire' which had embittered relations between Romney and the lord warden and warned the town that the dispute would be 'hurtful to none but to yourselves'.³ The veiled hints of the dangers of invoking the warden's displeasure once again caused the town to submit to the warden's wishes.⁴

The same pattern continued into the seventeenth century as the warden gradually extended his control over the parliamentary representation of the ports. Individual ports periodically attempted to assert their traditional rights but, overall, the members of the confederation recognised the need to maintain good relations with the warden and found it prudent to submit to the warden's wishes in order to maintain the benefits of his 'friendship'.⁵

1. K.A.O., NR/AEp 38.
2. NR/AEp 39; White & Black Books, 291.
3. NR/AEp 40.
4. Murray, Constitutional History, 98-100.
5. Ibid., 96-100.

Intervention in Local Government

The warden's claim to nominate barons to parliament was only one aspect of the growing influence which he came to exert over the local affairs of members of the confederation. The right to investigate allegations of default of justice could involve the warden in local disputes and his oath to maintain the franchises of the Cinque Ports meant that he viewed with concern any incidents which might endanger the rights of the confederation as a whole. As a result, he took an increasing interest in matters which had previously been the concern of the individual ports.

The first example of such action occurred in 1476 when the warden intervened in a disputed election at Winchelsea and temporarily set aside the normal electoral system of the town. As justification for this action he asserted the the problem could not be allowed to continue as any disturbance within the town might endanger its chartered rights.¹ The warden also became involved in an electoral dispute at Dover in 1520. On this occasion, the dispute was concerned with the election of a commoner as mayor and a subsequent attempt by several jurats to prevent him taking office. The warden therefore entered the town and investigated the matter before upholding the claim of the newly-elected mayor.²

1. E.S.R.O., Winchelsea MS. 63, ff.25-6; see above pp. 123-4.

2. B.L., Egerton MS. 2,093, f.19; see above pp. 120-1.

The gradual increase in the influence of the warden is also demonstrated by the recognition of his right to create freemen. If he recommended that a stranger should be admitted to the freedom of a port, his wish was granted. Such persons were given the standing of freemen by purchase but did not have to pay the usual fees.¹ This right was of considerable value to the warden in his attempts to control parliamentary elections in the confederation as it allowed him to circumvent the regulation of the Brodhull which prohibited the election of non-portsmen.² The warden could also influence appointments within a town. In 1526, for example, the sergeant-at-mace of Sandwich was recommended for the position by the warden.³

Intervention in local government became more common in the second half of the sixteenth century. During the 1560s, the persistent misbehaviour of William Eglisden of Winchelsea caused the warden to ask for and obtain his dismissal from the freedom of the town.⁴ In 1570, he recommended the removal from office of a jurat of Sandwich.⁵ In 1581, he again intervened in the affairs of Winchelsea when two inhabitants appealed against a fine imposed on them for refusing the office of jurat; the fines were halved at the warden's request.⁶

1. K.A.O., Sa/ZB 4, f.42; B.L., Add. MS. 28,530, f.57v.

2. See above p. 326.

3. K.A.O., Sa/AC 2, f.359.

4. E.S.R.O., Winchelsea MS. 52, f.185.

5. K.A.O., Sa/ZB 2/7.

6. E.S.R.O., Winchelsea MS. 53, ff.162v-163.

The introduction of a general custumal for all the ports was also a matter of concern to the warden. The general custumal attempted to standardise the electoral procedures in each member port but the changes introduced were soon rejected or modified by several members of the confederation.¹ The new electoral procedure was short-lived at Sandwich for the town soon reverted to its traditional pattern of election. The warden's disapproval of this action was demonstrated in 1551 when the lieutenant of Dover Castle wrote to the town to ask that elections should be held according to the regulations laid down in the revised custumal. On this occasion, however, the town rejected the request.² The electoral regulations introduced by the Brodhull were also of short duration at Rye. During the later sixteenth century, however, several modifications were made to the structure of government within the town. The most important of these changes were concerned with the composition and powers of the common council.³ In January 1574/5, a common council with extensive powers was elected on a very limited franchise and this aroused considerable dissension within the town. The town authorities therefore appealed to the warden and he set up a commission to establish whether the decree setting up the common council in this form was necessary for the good

1. See above pp. 147-75.

2. K.A.O., Sa/AC 3, f.238; see above pp.163-4.

3. See above pp. 153-7.

government of the town. Anyone who refused to be sworn and examined was to be bound over to appear before the warden.¹

The warden was particularly active in local affairs during the 1580s when protracted disputes at Romney and Dover resulted in intervention by the privy council. He played a major role in these disputes; on the one hand, he implemented the orders of the privy council while, on the other, he conferred with representatives of the ports about how the disputes might best be ended without endangering the rights of the confederation as a whole. On these occasions, however, his efforts did not produce a speedy solution to the problems of the towns.² Disturbances at Sandwich and Winchelsea also resulted in the warden's intervention. By 1595, the internal government of Sandwich had become a source of major concern. As a result, the warden, with the approval of the privy council, ordered that the freemen of the town should be deprived of any share in its government.³ These restrictions lasted for a considerable time and, in 1623, a petition was sent to the warden which asked that the freemen of the town might have their traditional rights restored.⁴ A similar situation arose at Winchelsea in 1609. The 'many disorders which had crept' into the government of the town aroused the concern of the privy council and the

1. E.S.R.O., Rye MS. 47/12; see above pp. 155-6.

2. See above pp. 176-93.

3. K.A.O., Sa/AC 6, ff.213v-214.

4. D. Gardiner, Historic Haven, the Story of Sandwich, 157-60.

warden therefore ordered that the oldest jurat of the town should automatically be elected as mayor.¹

The Court of Chancery

The warden played an important part in the struggle to maintain the legal privileges of the confederation² but his aid was not without its price as it allowed him to greatly increase the importance of his own courts at Dover. The process by which difficult cases tended to be referred to the warden's courts at Dover has been detailed by Murray and, by the sixteenth century, it had resulted in the warden's court of St. James being recognised as a chancery court.³ This development was of considerable importance because it meant that portsmen no longer had to have recourse to Westminster in order to resolve difficult cases.

The growing importance of the courts at Dover did cause some friction between the warden and the members of the confederation. Complaints about this development were frequent throughout the fifteenth and sixteenth centuries. In 1441, Sandwich ordered that no inhabitant should sue another by writ from Dover Castle under penalty of £4 for a jurat and 40s. for a freeman.⁴ In the same year, the Brodhull decreed that any portsmen having an action within the Cinque Ports ought to

1. E.S.R.O., Winchelsea MS. 55, ff.151v-152; see above pp. 197-8.

2. See above pp. 318-20.

3. Murray, Constitutional History, 102-8.

4. K.A.O., Sa/AC 1, f.26v.

sue within the port where the party dwelled and not at Dover Castle; anyone sued by writ from Dover Castle was to have his expenses borne by the ports in common.¹ The prohibition against procuring writs from Dover Castle was re-issued in 1483 and the penalty for such action was increased to £ 10.² These decrees appear to have had little effect for similar orders had to be issued in the following century. In 1552, Sandwich ordered that any freeman who removed a suit to the chancery court at Dover was to be disfranchised and banished³ while, in 1571, the Brodhull again stated its opposition to the use of writs from Dover Castle.⁴

The continuing disagreements between the ports and the warden were evidently a cause for concern as the Brodhull appointed solicitors in 1570 who were to try to resolve the disputes which had arisen between them.⁵ Their efforts proved successful in 1574 when an agreement was reached between the two parties.⁶ This agreement was largely concerned with procedure in the courts and, in particular, with the fees to be charged, and suggests that the ports' objections were not to the existence of a chancery court as such but rather to abuses in its administration.⁷

1. White & Black Books, 14.
2. Ibid., 88.
3. K.A.O., Sa/AC 4, f.27v.
4. White & Black Books, 285.
5. White & Black Books, 282; K.A.O., Sa/AC 5, f.90v.
6. K.A.O., CP/W 7; E.S.R.O., Rye MS. 58/9; K.A.O., Sa/CPc 4.
7. Murray, Constitutional History, 111-2.

The 1574 agreement was intended to resolve the differences which had arisen between the warden and the ports. At first, it appeared to have achieved this object as the Brodhull ordered that all decrees against the office or jurisdiction of the warden issued in the previous four years were to be made void.¹ Further disagreements nevertheless occurred. In January 1581/2, a special guestling was held at Hythe which complained of the 'enormyties of a Chauncery Court...in Dover'.² Further discussions were held between the ports and the warden and a new agreement was reached which attempted to resolve the remaining points of dispute between the parties. This agreement was again concerned with procedural matters and reflected the ports' acceptance of the need for a chancery court at Dover; it was specifically stated that cases of equity ought to be dealt with at Dover and should not be removed to Westminster.³

Although the portsmen complained about abuses in procedure, the warden's courts performed a valuable role. Throughout the sixteenth century, the chancery court at Dover was frequently used to resolve difficult cases. As at Westminster, the cases dealt with divide into two main classes: those in which no remedy could be obtained owing to the position of the parties involved and those in which common law

1. E.S.R.O., Rye MS. 58/9, cap.17.
2. White & Black Books, 648.
3. Ibid., 648-50.

provided no remedy.¹ Complaints of unjust judgement were common. In 1518, for example, an alleged default of justice in a case in the New Romney court resulted in an application for a writ of certiorari to transfer the case to Dover.² Similarly, during the 1550s, Stephen Dreyson appealed against the verdict of a Romney court.³ Cases between head ports and their members were also dealt with at Dover. In 1595, a dispute arose between Romney and Old Romney over the liability of the limb to pay ship-service contributions to its head port and the case was referred to the warden's court of chancery. On this occasion, a satisfactory solution was not reached as disagreements between the two ports continued into the seventeenth century.⁴ Disputes between towns and their overlords could also be brought to Dover; in 1521, a case between Romney and the archbishop of Canterbury was referred to the court of St. James.⁵ Other matters dealt with included pleas of debt, disputes over contracts and execution of wills, and cases of unfair dismissal from office.⁶

The development of a court of chancery at Dover was of great importance as it was able to provide redress in cases which might otherwise have been referred to Westminster. Although the portsmen

1. Murray, Constitutional History, 115.
2. K.A.O., NR/CPL 1.
3. NR/CPL 4.
4. NR/CPL 9.
5. Murray, Constitutional History, 116.
6. Ibid., 116-7.

objected to abuses in procedure, they were well aware of the need for such a court. This attitude was amply demonstrated in 1599 when Faversham claimed exemption from the court under the terms of its charter. Christopher Hudson, the person responsible for the claim that 'there can be no such court of equity held within the Cinque Ports', was disfranchised and Faversham was fined £40 for supporting his claim.¹ The fine was eventually withdrawn in view of the town's submission² but the ports' attitude towards a serious challenge to the existence of a chancery court at Dover was clear. The court of St. James played an important part in maintaining the legal privileges of the confederation and any threat to it was a matter of great concern.

The Court of Admiralty

The warden's rights as admiral also resulted in periodic differences with the portsmen. Again, however, these disputes tended to be concerned with specific grievances and did not represent a serious challenge to the warden's traditional rights.

The confederation had always stressed the right of local courts to determine cases in the first instance and this concern is evident with regard to admiralty cases. The portsmen strongly resisted attempts to draw all cases to the warden's court at Dover as they felt that cases ought to be heard locally. In 1446, for example, Faversham

1. White & Black Books, 363-4.

2. Ibid., 368.

protested that inhabitants should not be compelled to attend the admiralty court at Dover¹ and, in the same year, men of Romney and Lydd also objected to a mandate to have 18 men in an inquisition on the seashore at Dover.² These protests against attempts to centralise the warden's admiralty jurisdiction at Dover appear to have met with some success. Throughout the period under consideration, the warden frequently held inquisitions to determine admiralty matters in the ports in which the cases were presented.³

One of the most important of the warden's rights as admiral was his claim to findals and wrecks as this was a source of considerable personal profit. This right had been established by the early fifteenth century and the ports' agreement to it was a major concession to the authority of the warden.⁴ Despite this, the warden's rights in this matter were far from definite and, during the sixteenth century, attempts were made to clarify the situation. In 1553, an indenture was drawn up between the ports and the warden which granted the warden a third part of all findals; this indenture replaced similar agreements between the warden and individual ports. It was stressed, however, that this agreement was to be kept secret during the warden's term of

1. K.A.O., Fa/AI 4.
2. K.A.O., NR/Fac 2, f.135v.
3. L. & P., Henry VIII, II, ii, 1120, 1148, 1149, 1153.
4. Murray, Constitutional History, 125.

office and was not to set a precedent for his successors.¹

A similar agreement was reached with Lord Cobham in 1560, shortly after his appointment as warden. He was to receive a free gift of the third part of wrecks with the exception of the ships, goods, wares and merchandise of portsmen. Again, the agreement was to last only during the warden's term of office.² Even this agreement was not uniformly applied; in 1561, Romney granted the warden half its share in all wrecks and findals by land and sea.³ Further disputes between the ports and the warden resulted in these arrangements being called into question and the Brodhull found it necessary to re-state the existing agreements in 1570.⁴ Matters were finally settled in 1574 after lengthy discussions between the warden and representatives of the ports. In the case of wrecks of boats belonging to portsmen the salvors and the town concerned were to have full rights but, in the case of strangers' boats, the warden claimed a half-share.⁵ Both parties appear to have been reasonably content with this arrangement. Further complaints were made during the early seventeenth century but, unlike previous disputes, they were normally concerned with temporary abuses and not with issues of principle.⁶

1. White & Black Books, 215.

2. Ibid., 260.

3. C.S.P.D., 1547-80, 174.

4. White & Black Books, 282.

5. K.A.O., CP/W 7; K.A.O., Sa/CPC 4; E.S.R.O., Rye MS. 58/9.

6. Murray, Constitutional History, 136.

The warden's role as admiral did result in disagreements with members of the confederation. The portsmen were nevertheless aware of the importance of the development of a separate admiralty jurisdiction within the confederation. The admiralty court at Dover provided the means by which the confederation maintained immunity from the jurisdiction of the High Court of Admiralty and this benefit was thought important enough to compensate for the growing influence which the warden exercised over the ports.

The Warden and the Liberties of the Ports

Relations between the warden and the confederation were far from trouble-free but the position he occupied was of considerable importance in maintaining the privileges of the ports. Indeed, the profits of his office were inextricably linked to the privileges of the confederation and it was in the warden's own interests to help in upholding them.¹ It was therefore common for the portsmen to seek the assistance of the warden whenever their liberties appeared to be threatened or if excessive demands were made upon them.

The confederation was particularly concerned that its claim to exemption from subsidy should be maintained. The warden could help greatly in this matter, particularly if the office was held by an influential nobleman. In 1594, when the confederation was having

1. Murray, Constitutional History, 100-101.

difficulty in securing its allowance of £ 500, letters were written to the warden asking for his help.¹ His assistance resulted in the allowance being confirmed and, in January 1597/8, the portsmen expressed their gratitude with a gift of plate worth 100 marks.² Two years later, the exchequer again questioned the right of the portsmen to receive this allowance and the confederation again appealed to the lord warden.³ Once more, the dispute was resolved in favour of the ports and, for the 'great trouble' taken by the warden, he was granted a gift of 200 marks.⁴

The warden's help was also sought when there was any attempt to increase the traditional burden of ship-service. In 1596 for example, the ports were ordered to supply ships against the Dunkirkers although they had provided vessels for an expedition against Cadiz earlier in the same year.⁵ The confederation again appealed to the warden and a representative was sent to the court at Richmond to enlist his support. The warden was apparently sympathetic to the ports' case for the representative wrote to inform them that the warden had been surprised to discover that the ship-service demanded was five times that owed by charter and that he pitied them.⁶ These consultations also seem to

1. White & Black Books, 344.
2. Ibid., 355.
3. Ibid., 360-5.
4. Ibid., 366.
5. Ibid., 351-2.
6. K.A.O., NR/CPC 55.

have had some practical effect as another letter written in the same year informed the ports of an 'abatement' of shipping obtained by favour of the warden.¹ A similar procedure was followed in the seventeenth century. When excessive ship-service was demanded in 1634, the portsmen again wrote to the warden 'craving his honorable and favorable furtherance in discharge of this waightie service'.²

There are many other examples in which the warden was asked to intervene to protect the rights and privileges of the confederation. As early as 1432, suitors were sent to the warden, the duke of Gloucester, to discuss letters which had been sent contrary to the liberties of the ports.³ In 1552, a petition was drawn up which complained about the many writs and processes issued against portsmen contrary to the charters. This petition was presented to the warden, 'seeking his assistance and his pleasure', and representatives from each port were sent to him to discuss its contents.⁴ Or again in 1556, when a writ of Quo Warranto was directed through all the ports, representatives were sent to the warden to ask him to act as an intermediary between the confederation and the crown.⁵

The warden also helped to determine matters of a more local importance. In 1445, when a dispute arose between Dover and the

1. K.A.O., NR/Cpc 56.
2. White & Black Books, 467.
3. Ibid., 1.
4. Ibid., 247.
5. Ibid., 254.

master of the Maison Dieu, the mayor sought the warden's assistance 'in all Haste possyble for to move and styrre his highnes' regarding the matter.¹ In 1598, a dispute over the charging of unjust tolls in the creek at Winchelsea was referred to the warden² and a quarrel over who ought to occupy the bailiff's office at Sandwich was also brought to his attention.³ Or again, in the early seventeenth century, Rye asked the warden to petition the king on its behalf regarding the repair of the town's harbour.⁴

* * *

The warden played a vital role in maintaining the rights and privileges of the Cinque Ports. His actions, however, were determined partly by motives of self-interest as the office of warden could provide a lucrative income. In addition to his salary as a crown official,⁵ the warden established the right to a considerable revenue from other sources such as his claim to a third part of all wrecks and findals within the ports.⁶ He also benefited handsomely from gifts given by the portsmen in return for his help in resolving difficult matters. In the late sixteenth century for example, he helped the ports to maintain their claim to an allowance against the subsidy; the

1. White & Black Books, 34.
2. Ibid., 358.
3. K.A.O., Sa/AC 3, f.23v.
4. E.S.R.O., Rye MS. 99/13.
5. C.P.R., 1446-52, 87; C.P.R., 1452-61, 516; C.P.R., 1461-67, 45; C.P.R., 1494-1509, 26.
6. See above pp. 338-9.

portsmen showed their gratitude with gifts of plate worth 100 marks and a cash sum of 200 marks.¹ It was also traditional to make a gift of 100 marks to the warden on the day of his installation at Shepway in order to 'have his friendship'.²

Gifts from the portsmen to the warden were common and the nature of such gifts varied considerably. Sometimes a sum of money was offered but it was equally common for gifts of food or wine to be sent to the warden. Dover, for example, granted the warden a side of porpoise, 100 oranges and a quantity of wine;³ frequent gifts of a tun of wine or a quantity of fish were also granted by the whole confederation 'in consideration of his good will always shown to the ports'.⁴ Occasionally, the warden's right to traditional gifts resulted in friction with the ports. In the early fourteenth century, Faversham granted the warden a gift of 2,000 herring to show its gratitude for the help given by the warden in a dispute between the town and its overlord. This gift was intended to be a reward for a particular service but, during the fifteenth century, the warden tried to establish it as an annual right and this claim aroused great bitterness in the town.⁵ This case was exceptional, however, and most gifts to the warden appear to have been given freely in order to maintain good

1. White & Black Books, 344, 355, 360-6; see above pp. 340-1.
2. K.A.O., Sa/AG 1, f.208; Sa/LG 4, f.24; NR/Fac 3, f.44v; White & Black Books, 64, 145.
3. B.M., Add. MS. 29,618, f.130.
4. K.A.O., NR/Fac 3, ff.106v, 107v; White & Black Books, 87, 284, 342-3.
5. K.A.O., Fa/I 8; Fa/AI 4.

relations with him.

The frequency of such gifts is an indication that the portsmen were well aware of the important role played by the warden. His rights as a crown official and the extension of his power through the development of his courts at Dover helped to maintain the independence of the confederation from many aspects of the national administration. His influence at court could also be of great importance for maintaining the traditional liberties. Disputes did arise between the ports and the warden but the relationship between the two parties was in general one of tolerance and reflected the realisation on both sides that the existence of such an office was mutually beneficial.

Wardens of the Cinque Ports in the Fifteenth
and Sixteenth Centuries

Date of Appointment

November 12, 1399	Sir Thomas Erpingham ¹
February 28, 1409/10	Henry, Prince of Wales ²
March 22, 1413/14	Thomas Fitzalan, earl of Surrey and Arundel ³
November 27, 1415	Humphrey, duke of Gloucester ⁴
February 24, 1447/48	James Fenys, lord Saye and Sele ⁵
July 16, 1450	Humphrey Stafford, duke of Buckingham ⁶
May 7, 1461	Richard Nevill, earl of Warwick and Salisbury ⁷
May 10, 1470	William Fitzalan, earl of Arundel ⁸
April 5, 1493	Henry, duke of York ⁹
May 27, 1505	Sir Edward Ponynge ¹⁰

1. C.P.R., 1399-1401, 78.
2. C.P.R., 1408-13, 57.
3. C.P.R., 1413-16, 1.
4. Ibid., 374.
5. C.P.R., 1446-52, 87.
6. Ibid., 331.
7. C.P.R., 1461-67, 45.
8. C.P.R., 1467-77, 209.
9. C.P.R., 1485-94, 423.
10. C.P.R., 1494-1509, 427.

November 5, 1510	George Nevill, lord Bergavenny ¹
October 3, 1511	Sir Edward Guldeford ²
June 23, 1534	George Boleyn, lord Rochford ³
May 17, 1536	Sir Thomas Cheyney ⁴
...., 1559	William Brook, lord Cobham ⁵
September 30, 1597	Henry Brook, lord Cobham ⁶

1. L. & P., Hen VIII, I, i, 352
2. Ibid., 473.
3. L. & P., Hen VIII, vii (1534), 337.
4. L. & P., Hen VIII, x (1536), 418.
5. No record has survived of the appointment of William Brook. It must, however, fall within the period January 3, 1558/9 (when the office was vacant) and May 6, 1559 (when he is addressed as lord warden): A.P.C., 1558-70, 37; C.S.P.D., 1547-80, 128.
6. C.S.P.D., 1595-97, 505.

CHAPTER VI

The Brodhull

The most distinctive feature of the Cinque Ports confederation was the Brodhull or Brotherhood, a regular meeting between representatives of the ports to conduct business affecting the confederation as a whole. The assembly had its origins in an old popular court which met at Dymchurch¹ and it developed to become the main instrument of united action within the confederation.

The development of such a body reflected the changing fortunes of the confederation. Until the fourteenth century, there was little need for concerted action on the part of the portsmen but, from this point, the rights and privileges which they enjoyed began to be seriously challenged. The Brodhull was developed to defend these privileges; its main function was to ensure the 'better defence, enjoying and maintenance of such privileges and liberties as to us and our members by charters do apperteign'.²

The first major threat to the privileges of the ports arose in connection with their rights regarding the Yarmouth fishery. The ports had long enjoyed rights of jurisdiction at Yarmouth during the herring fair and these rights were the source of considerable friction with the Yarmouth authorities. By the late thirteenth

1. Murray, Constitutional History, 140.
2. K.A.O., Sa/AC 4, f.467

century the disputes between the two parties had escalated to a state of virtual war. This situation resulted in royal intervention and a series of agreements were drawn up.¹ These proved to be relatively ineffective in settling the dispute but the nature of the compromise reached was nonetheless of considerable significance for the development of the Brodhull. The principle was established that the portsmen must exercise their privileges and rights of jurisdiction in a responsible manner if they wished to retain them. It therefore became necessary for the ports to exercise greater control over their representatives at Yarmouth in order to avoid a situation in which their rights in the town might be endangered. The machinery for such control was found in the development of the Brodhull.

The concern of the central government over the protracted feud with Yarmouth was only one element in a picture of growing hostility to the privileges of the confederation. The extension of the liberties of the ports by the addition of members or limbs led to disputes with local overlords. In addition, the extension of the liberties meant the growth of an area which was immune from

1. H. Swinden, The History and Antiquities of the Ancient Borough of Great Yarmouth (Norwich, 1772), 193 et seq.; F.W. Brooks, 'The Cinque Ports' Feud with Yarmouth in the Thirteenth Century', Mariner's Mirror, xix (1933), 27 et seq.

contributions to the ordinary charges of the county. As a result an increased burden was imposed upon others within the counties of Kent and Sussex. Such developments provoked hostility against the ports and this hostility was reinforced by a growing feeling that the ship-service which was the basis of such rights had become anachronistic and no longer justified the privileges enjoyed by the confederation. This unpopularity was doubly dangerous by the fourteenth century for, by this period, the privileges of the ports were granted by a general charter rather than by individual charters to each member of the confederation. Consequently, an attack on the rights of any member implied an attack on the rights of the confederation as a whole.

All these circumstances demonstrated the need for an instrument of common action to safeguard the traditional rights of the ports, and the speedy confirmation of the charters granting these rights was a matter of particular concern. This need was largely fulfilled by the development of the Brodhull. By a decree of 1357 regular meetings were to be held twice a year to deal with business relating to the Yarmouth fair and to supervise the bailiffs who exercised jurisdiction during the period of the fair.¹ This decree recognised

1. Murray, Constitutional History, 153; W. Boys, Collections for an History of Sandwich, 560-2; C.C.R., 1354-60, 357.

the dangers which might result from mismanagement of the ports' responsibilities at Yarmouth and sought to establish a system of control and supervision. The recognition of a need for united action was taken a stage further in 1392 when it was decided that the Brodhull should be responsible for providing a remedy in cases of encroachment upon the ports' franchises, and that expenses thus incurred should be borne by the ports in common.¹ The portsmen had realised that their privileges were unpopular and far from secure. Consequently, the Brodhull was developed as an institution through which concerted action might be taken in their defence.

Functions of the Brodhull

a) Ship-Service and Exemption from Taxation

The concept of ship-service was central to the existence of the confederation. In general, however, the organisation of this duty was regulated by time-honoured arrangements and 'shipping matters' were only rarely a matter of concern to the Brodhull. The exemption from taxation which was enjoyed as a consequence of this duty was, however, a major concern of this assembly.

1. S.P.H. Statham, Dover Charters and Other Documents, 120-4.

The primary interest of the Brodhull was the preservation of the confederation's traditional rights. An early indication of this concern occurred in 1435 when it was decreed that no member of the confederation was henceforth to admit any more advocants except by license of the Brodhull.¹ Advocants were freemen of the ports living outwith the liberties and contributing to the charges of the confederation. Consequently, they enjoyed the traditional freedom from taxation, and it appears probable that this ruling by the Brodhull was an attempt to restrict their numbers. An increase in numbers implied an increase in the level of exemption claimed by the ports and this might lead to greater government opposition and endanger the ports' traditional rights. It therefore seemed wise to set a reasonable limit to the numbers of advocants who could be admitted to the freedom of the ports.

From 1491 the level of the ports' exemption was limited to £500, and a system was devised whereby this exemption was allocated to the individual ports in proportion to their ship-service burdens.² Despite this agreement, the liability to subsidy remained a source of dispute throughout the whole of the sixteenth century. There are

1. White & Black Books, 5.
2. Ibid., 108; K.A.O., NR/Fac 5, f.101.

numerous examples of individual ports petitioning for exemption from a particular subsidy and of the Brodhull taking similar action on behalf of the confederation as a whole. The Brodhull frequently appointed solicitors to ensure that the rights of the confederation were not infringed. In 1516, for example, Dover was granted £6 by the Brodhull for the defence of its members against the subsidy, while Sandwich received the same sum for the protection of the rights of Ramsgate, Deal and Walmer.¹ The form which these efforts took is illustrated by entries of the same period in the records of Dover where it is noted that the town clerk spent 22 days in London in connection with this matter, while learned counsel were employed to search the pipe rolls for relevant information.²

In 1594 the assistance of the lord warden was requested by the Brodhull to ensure that the agreed allowance of £500 was granted³ and in 1597-8 instructions were given that a fresh bond for £1,000 should be sealed to secure this exemption. On this occasion, it was further decreed that any town exceeding its proportion of this sum would be liable for the whole penalty of the bond.⁴ Further attempts by the exchequer to modify this arrangement in 1599 were again met

1. White & Black Books, 161.
2. B.L., Add. MS. 29, 618, f.116.
3. White & Black Books, 344.
4. Ibid., 355.

by the appointment of learned counsel to ensure that the agreement should 'stand inviolable'.¹ The efforts of these counsellors proved successful, partly due to the assistance of the lord warden. It was therefore decided that a gift of 200 marks should be given to the warden as a reward for his efforts and to ensure his continued goodwill,² while the counsellors were also to receive a gratuity.³

Throughout the whole of the period under consideration, the Cinque Ports' privileged position in the matter of taxation was being threatened by the central authorities. Such threats were a matter of great concern to the whole confederation and the Brodhull therefore spent much time in trying to ensure that the traditional rights of the ports were not eroded.

b) The Yarmouth Fishery

The importance of the Yarmouth fair to the portsmen is clearly reflected in the records of the Brodhull itself. After the formalities of opening the meeting had been dealt with, the first item on the agenda of the Brodhull was the hearing of the reports of the retiring bailiffs to Yarmouth. These reports recorded in minute detail the actions of the bailiffs during the period of the herring fair,

1. White & Black Books, 360.
2. Ibid., 366.
3. Ibid., 370.

recording such matters as the exact time of arrival at and departure from Yarmouth, the dates on which they held courts to administer the law merchant, and so on. On numerous occasions they reported what were regarded as gross infringements of the rights of the confederation. The report delivered on 7 December, 1433, for example, was little more than a catalogue of complaints against the provost and bailiff of Yarmouth for taking upon themselves duties which traditionally belonged to the bailiffs to Yarmouth elected by the portsmen.¹ Such complaints were frequent until well into the seventeenth century, for a meeting of 1453 reported the 'dyverse derogacion and hurte done to our Baylyfes at Yarmouth',² while two centuries later, in 1657, it was recorded that the 'demeanour of the bailiffs of Yarmouth was an affront not only to (the bailiffs) but to the barons of the Cinque Ports'.³

Many of these complaints led to the seeking of legal advice and sometimes to the initiation of legal action. The frequency of such complaints led to the establishment of the office of clerk to Yarmouth. In 1485, John Stephenson, the town clerk of Sandwich, was appointed to this office in order that legal advice and support might

1. White & Black Books, 2-3.
2. Ibid., 31.
3. Ibid., 506.

be readily available to the bailiffs to Yarmouth. His fee was to be 6s.8d. from each town, and it was agreed that a clerk was henceforth to be appointed by the Brodhull each year.¹ By 1573 it had become the practice for the town clerk of one of the two towns supplying the bailiffs to Yarmouth to fill the office of clerk. His fee was raised to £4, and a further increase to £6 was agreed in 1607.²

The reports of the bailiffs to Yarmouth having been heard and approved, the retiring bailiffs were then released from their duties and the meeting turned its attention to the election of bailiffs for the coming Yarmouth fair. Until 1357, the bailiffs to Yarmouth appear to have been elected independently by each member of the confederation, and to have held rights of jurisdiction at Yarmouth only over men from their own town.³ This procedure was changed in 1357 to ensure a greater degree of control over the election of the bailiffs and over the performance of their office. Although still appointed and paid by the individual towns, the bailiffs-elect had now to be presented to a meeting of the Brodhull for approval.⁴

This approval does not appear to have been given lightly for there are numerous examples of a bailiff-elect being rejected as

1. White & Black Books, 94.
2. Ibid., 293, 384.
3. W. Boys, Collections for an History of Sandwich, 529-32; Murray, Constitutional History, 151-2.
4. Boys, Collections for an History of Sandwich, 560-2; Murray, Constitutional History, 153-4.

unsuitable. This could happen for several reasons. In 1448, Robert Stockton was not admitted as bailiff on the grounds that he lived in London.¹ In 1493, Richard Broke's appointment was not allowed because it was claimed that he was a 'villen'.² Ill-health could also prove an obstacle, for, in 1518, the election of John Carpenter was opposed because he was hard of hearing.³ Every effort was made to ensure that those chosen would be capable of performing their duties responsibly. In 1451, it was decreed that no person who was not a mayor, bailiff or jurat should be chosen as a bailiff to Yarmouth and, in 1477, the bailiff to Yarmouth elected by Hastings was not approved on these grounds.⁴ This decree was altered in 1522 when it was decided that no mayor or bailiff should be elected bailiff to Yarmouth during his period of office⁵ but the continuing practice of disallowing bailiffs-elect as unsuitable indicates that the intention behind the decree of 1476 that bailiffs to Yarmouth must be 'of the most worshipful behavvour and lernyng'⁶ was still being observed.

Every effort was made to ensure that the bailiffs performed their duties in a satisfactory manner. It was regarded as a matter

1. White & Black Books, 24.
2. Ibid., 115.
3. K.A.O., CP/Bf 3/6.
4. White & Black Books, 28, 74.
5. Ibid., 185.
6. Ibid., 71.

of the utmost importance that they should remain in Yarmouth for the specified period of 40 days and a fine was imposed if they left early. In 1560, for example, John Cheseman of Romney was fined £6 for not remaining at Yarmouth for the full 40 days.¹ An absence of this duration could prove burdensome and frequent attempts were made to avoid the duties of the office. It was found necessary in 1518 to allow a period of five years grace after a term of office before a man was once again liable for election, and to impose penalties for refusal of the office.² In 1505, Robert Nasby, elected by Sandwich as bailiff to Yarmouth, refused to undertake the office. He was fined 100s. for this refusal and it was stipulated that the same penalty was to be imposed on any person refusing.³ Nevertheless, numerous examples of default are recorded. Little detail is available, but individuals went to great lengths to avoid the burdens of the office. In 1610, John Beadle of Romney 'withdrew himselfe into the forren a moneth at least before the tyme of election to prevent the same'. The Brodhull ordered a new election to be made and Stephen Brett was chosen, but he was 'gone home notwithstanding he was yesterday warned'.⁴

1. Swinden, The History and Antiquities of the Ancient Borough of Great Yarmouth, 195; White & Black Books, 226, 261.
2. White & Black Books, 642.
3. Ibid., 133-4.
4. Ibid., 393.

The Yarmouth service was the source of considerable expense to the confederation. By the early sixteenth century, each bailiff received 'wages' of £6 13s.4d. for his service, and this fee had risen to £15 for each bailiff by 1568.¹ In 1577, an additional allowance of £3 10s. was granted so that the bailiffs 'shall doe and kepe house duringe the tyme of the free faire'.² A further increase was made in 1580, when the bailiffs' fee was raised to £20, although the £3 10s. granted in 1577 was to be part of this payment.³ In addition to these payments, the fee to the clerk to Yarmouth further increased the cost of the Yarmouth service.

The increasing expense of the Yarmouth service was probably a major consideration in the reduction of the number of bailiffs sent each year by the confederation. In the late thirteenth century and the greater part of the fourteenth, the number of bailiffs tended to vary between seven and ten. By the 1370s however, this number had fallen to two, three or four. This practice continued until the early sixteenth century when, after some indecision, it was agreed that only two bailiffs should be sent each year.⁴ This reduction in the number of bailiffs sent to Yarmouth each year

1. White & Black Books, 176, 275.

2. Ibid., 308.

3. Ibid., 315.

4. Swinden, The History and Antiquities of the Ancient Borough of Great Yarmouth, 181-92; White & Black Books, 209, 226.

was symptomatic of the decline in importance of the Yarmouth fishery to the ports. The declining prosperity of the ports, partly due to the silting of their harbours, resulted in a fall in the number of boats involved in the Yarmouth fair. This decline, coupled with the increased expense of sending bailiffs, lay behind the decision of 1663 that the service to Yarmouth ought to be suspended.¹

Throughout the whole of the period under consideration the Yarmouth service remained a major preoccupation of the Brodhull. Efforts were made to ensure that suitable men were chosen to fill the office of bailiff to Yarmouth, and to ensure that their behaviour in this office should not be such as to call into question the rights held by the portsmen within the town. Any infringement of these rights was viewed as a matter of some gravity and legal action might be taken to ensure their maintenance. A threat to the ports' traditional rights at Yarmouth had helped to stimulate the development of the Brodhull, and the defence of these rights remained a major function of this body until the mid-seventeenth century.

c) Trading Privileges

The Brodhull was also zealous in the protection of the trading

1. White & Black Books, 515.

privileges granted to the confederation and any challenge to them was regarded as a serious matter.

There are several examples of disputes arising between the confederation and London over the rights of the portsmen within the city. At a Brodhull of July 1515, it was reported that William Gaunte of Winchelsea had come to the Blackwell Hall in London and bought a quantity of woollen cloth called 'northern coten' worth 20s., following which an officer had seized the cloth under the city's charter as 'foren bought and foren sold'. William then affirmed that he was a freeman of the Cinque Ports and demanded his cloth, but the officer refused unless William bound himself to the chamberlain in the sum of 20s.8d., to be paid unless the ports' charter approved his freedom in London. In April of the same year, three inhabitants of Rye also made purchases at the Blackwell Hall and their purchases were also seized, despite their showing written evidence that they were portsmen. These incidents were regarded as a serious infringement of the trading rights granted by charter and brought immediate action on the part of the Brodhull. Solicitors were appointed who examined the charters of both the Cinque Ports and London. The grant of foreign buying and selling made to the confederation was found to be of greater antiquity than that made to London, and suit was therefore made for recovery of the goods which had been seized. The various charters were recited, together with an extract from the records of the city of London supporting the ports' case, and it was agreed that the goods should be re-delivered to their purchasers.¹

1. White & Black Books, 158-9.

Despite this decision, a further dispute arose in 1580 when Thomas Manwood complained that, contrary to the charters, certain merchants of London had molested him for selling merchandise bought in Spain within the city. The Brodhull therefore decided that he should confer with learned counsel, and that the ports were either to bear his costs in common or to free him to take what action he wished once a report had been received.¹

Disputes with Calais were also common throughout the period. In 1467, for example, it was decided that various men of the ports had been distrained for tolls such as anchorage and stallage, contrary to the charter. On this occasion it was decided to send a letter of complaint to Calais.² Other disputes concerned such matters as the seizure of goods, or unlawful process, and continued up to as late a date as 1555.³

The growth of the chartered companies, and the consequent move towards a monopoly in trading, also threatened the traditional rights of the confederation. In 1516, the seizure of goods by an officer of the Merchant Adventurers stirred up great resentment, and threats were made that the master of the Fellowship or any of his company

1. White & Black Books, 313.
2. Ibid., 56.
3. e.g. White & Black Books, 148, 227, 236-7, 252.

should be attached if the goods were not returned.¹ By the end of the sixteenth century the whole question of the ports' rights of free trading was the cause of considerable trouble, and a committee of solicitors was set up in 1619 to consider the problem.² It appears to have met with little success for in 1630, another complaint was made about the enforcement of a monopoly by merchants of the Eastland Company.³

d) Legal Functions

The Brodhull also exercised a variety of legal functions of which the most common was the regulation of the process of withernam. Withernam was a debt-collecting process when the debtor lived in a different town from his creditor and was used when customary efforts to recover the sum involved had failed. Initially, the process merely involved letters being sent to the town in which the debtor lived, setting out the complaint and requesting that the debtor should be distrained for the sum involved; provision was also made for counter-claims on the part of the debtor. If no satisfaction resulted, judgement of withernam would be awarded by the creditor's town, and the next visitor from the defaulter's town would be arrested and his

1. White & Black Books, 161
2. Ibid., 421, 424.
3. Ibid., 451.

goods distrained to the amount involved in the debt. If he had not goods to the value required, he would be attached until his own town chose to ransom him and take the necessary action of replevin against the original debtor.¹

The confederate nature of the Cinque Ports meant that this process could be extended to a process of general withernam. By this process the goods of a defaulting town's inhabitant might be seized and distrained anywhere within the liberties of the ports. The award of general withernam would be made by the Brodhull. In 1463, for example, a general withernam was granted to Dover against John Weynflete, the dean of Chichester. This case involved a debt of £419 15s.4d. owed by Weynflete to Richard Grayle of Dover. The customary letters had been sent to Chichester requesting that they make distraint for the debt but a reply was received stating that Chichester 'owe not to obey nor execute the wrytinge of the v portes ... nor furthermore wyll not'. Consequently, a general withernam was awarded by the Brodhull for recovery of the debt.²

The abuse of this process could lead to considerable friction with 'foreign' towns and, indeed, between members of the confederation itself. In an attempt to prevent abuses and consequent ill-feeling,

1. White & Black Books, pp. xxvii-xxviii.
2. Ibid., 47.

regulations were introduced to control the use of withernam. In 1456, it was ordered that no portman was to make arrest in fulfilment of withernam of any baron going to another port in response to letters of process. A similar immunity to arrest was granted to all mayors, bailiffs or jurats attending a Brodhull.¹ The increasing use of the process for recovery of debt led to an attempt to restrict its use to cases involving substantial debts. In 1573, it was decreed that letters of withernam should only be sent to foreign corporations for debts of 40s. and upwards, and between members of the confederation for debts of not less than 10s.² The following year further regulations were issued giving detailed instructions on the use of the process.³

Despite these attempts to regulate the use of withernam periodic disputes arose. In 1462, a withernam was granted against Faversham for various contempts, including breach of its composition. In response to this, Faversham withdrew all goods from the other ports in order to hinder the execution of the withernam. The Brodhull therefore ordered that the withernam should be executed on the bodies of the mayor and commonalty of Faversham, as well as

1. White & Black Books, 35, 50-1.
2. Ibid., 292.
3. Ibid., 297-9.

their goods. This procedure was to be followed in all similar cases.¹ Several disputes also arose over the execution of withernam against inhabitants of London and a special Brodhull was summoned in April 1575 to settle the rights of the parties involved.²

* * *

The Brodhull was concerned that disputes between inhabitants of the ports, whether over process of withernam or any other matter, should be dealt with within the liberties of the ports. Since unsatisfactory settlements or protracted disputes might lead to recourse to foreign courts, it was desirable that some means of resolving difficult cases should be available. Consequently, by the mid-fifteenth century, the Brodhull, although having no official standing in law, came to be recognised by the portsmen as a useful body to arbitrate in such matters. The meeting together of deputies from all the ports at the Brodhull provided a convenient opportunity for discussing difficult cases and attempting to resolve them, thus avoiding the risk of endangering the legal privileges of the confederation through default of justice.³

The procedure in such cases had largely been settled by about

1. White & Black Books, 47.
2. Ibid., 300-1.
3. Ibid., p.xxix.

1450. When a suit was reported to the Brodhull, the parties involved were ordered to appear at the next meeting of the assembly, under pain of fine. The obligation to inform them of the order to attend lay with the mayor or bailiff of the towns in which the parties lived and a penalty was prescribed in the event of this warning not being given.¹

Examples of such a procedure are frequent throughout the records of the Brodhull. The majority of such cases arose from disputes over the execution of withernam. In 1448, for example, it was found necessary to summon a special Brodhull to consider a long-standing dispute between Sandwich and Dover over the non-execution of a process of withernam. On this occasion, the parties concerned were bound in £100 to abide by the decision of the special Brodhull.² The summoning of a special Brodhull to consider a difficult case was uncommon, but the principle of cases being decided by arbitrators appointed by the Brodhull was far from unusual. On occasion, a mediator or 'umpire' was appointed in case the arbitrators failed to reach agreement. In 1453, for example, four arbitrators were appointed to decide a case between inhabitants of Dover and Sandwich.

1. e.g. White & Black Books, 113, 168.

2. Ibid., 21, 24-5.

If they failed to reach a decision by the appointed day, an 'umpire' was to settle the matter.¹

The major consideration of the deputies attending a Brodhull appears to have been the avoidance whenever possible of protracted disputes, for such a situation could lead to the case being taken to a court outside the liberties. Consequently, it was common for all legal action to be stayed until such time as a decision had been reached. In 1575, a dispute between Rye and Winchelsea over a withernam was referred to the ports' solicitors. Rye was forbidden to take any action against any resident until a decision had been reached, while the same meeting directed that another process of withernam should be stayed until the next Brodhull in order that the situation might be clarified.² In the event of cases being referred to arbitrators, it was also common for all process to be stayed until they had reached their decision.³

Although there are many examples of such disputes being taken before the Brodhull they constitute only a small proportion of cases between the inhabitants of the ports. . It was only in difficult or protracted cases that the assistance of the Brodhull was invoked.

1. White & Black Books, 31-2.
2. Ibid., 304-5.
3. e.g. White & Black Books, 32.

In such cases the Brodhull provided the means by which disputes might be settled by arbitration, and averted the need to take cases to courts outwith the liberties.

* *

The development of the Brodhull as a means of arbitration is only one indication of the importance the confederation attached to its claim to exemption from all foreign courts. The records of the Brodhull provide further evidence of its determination that the legal immunity of the confederation should not be called into question.

Throughout the fifteenth and sixteenth centuries there was an increasing tendency for portsmen to seek redress of grievances in courts outwith the liberties, a practice which was regarded as a potential threat to the privileges of the confederation. In 1437, a decree of the Brodhull ordered that no resident of the ports or members should sue any other resident in any court out of the liberties of the five ports for any cause within or without the ports. Any person contravening this decree was to forfeit £10, £5 to the town sued and £5 to the person defending the suit. The only exception to this order were to be royal pleas, which did not belong to the ports.¹

1. White & Black Books, 10.

Similarly, in defence of the claim that royal writs did not run in the ports, it was ordered that no portsman should take or receive any kind of writ from any persons within the ports. If anyone was sued for refusal to accept such a writ, then, for the safeguard of the liberties of the ports, his costs would be met by the confederation as a whole.¹ In 1441, it was further ordered that portsmen should sue in their local courts and not at the warden's court of Dover Castle. The costs of anyone sued in this manner were again to be met by the whole confederation.²

Despite these decrees, there are numerous examples of portsmen being summoned before the Brodhull for the offence of suing in the foreign. Consequently, the decree against this practice was restated in 1483.³ This proved ineffective for the use of foreign courts remained common during the following century. The decrees were therefore issued once more in 1580, stating that in future both damages and costs were to be awarded to the aggrieved party.⁴ The lack of success of this measure may be judged by the fact that the decrees of the Brodhull were restated yet again in 1598.⁵ Other decrees issued during the fifteenth century forbade officers

1. White & Black Books, 9-10.
2. Ibid., 14.
3. Ibid., 88.
4. Ibid., 314.
5. Ibid., 359.

to receive writs from foreign courts¹ while as late as 1691 it was claimed that royal writs did not run in the liberties of the Cinque Ports, but should be served through the lord warden.² The whole question of the rights and duties of the lord warden in this context was, in fact, the source of considerable difficulty throughout the whole of the period under consideration.³

e) The Brodhull as a Superior Local Authority

The interests of the Brodhull were many and varied and could lead to intervention in the internal affairs of the individual member ports. Hull has described such intervention as an interesting experiment in local government, in which the Brodhull had the power to regulate local affairs in an autocratic manner and exercised the function of a superior local authority. In particular, he stated that the orders of the Brodhull both commanded and received obedience from the members of the confederation.⁴ There is, however, considerable reason to question such a view.

The powers of the assembly to regulate municipal elections are of particular interest. In 1486, the Brodhull ordered that the franchise in the election of mayors, bailiffs and jurats should

1. e.g. White & Black Books, 44, 88.
2. Ibid., 548.
3. See above pp. 333-7.
4. White & Black Books, pp. xxx-xxxiii.

be restricted to free barons, householders or indwellers.¹ This was far from unusual, however, for resident freemen had long held special rights in towns throughout England as a whole.² The most that can be said of such an order is that it may have been an attempt to standardise procedures throughout the confederation.

This was certainly the motivation behind the electoral regulations issued by a special Guestling of 1526, which stipulated the size of the governing body of each member and the actual process of election.³ These regulations were in fact only part of a wider programme for they derived from a general custom for all the ports issued at this period.⁴ However, it is far from true to say that this system of election was maintained with only slight modification. In fact, the reactions of the individual ports to these regulations were extremely varied. In some cases, they were maintained for a long period while elsewhere they were quickly abandoned or drastically modified. Despite the issue of such regulations, the governmental institutions of the individual ports continued to demonstrate a considerable variety, particularly in the matter of a common council. The members of the confederation, in fact, appear

1. White & Black Books, 96.
2. S. Reynolds, An Introduction to the History of English Medieval Towns (Oxford, 1977), 123-6.
3. White & Black Books, 200-2.
4. B.L., Add. MS. 28,530, ff. 40v-58v; K.A.O., Sa/ZB 4, ff. 1 et seq.

to have been very concerned to retain their autonomy, and were far from willing to accept the rulings of an external body in what they considered to be domestic matters. As has been seen, the intervention of the privy council in the affairs of the ports in the late sixteenth century was of greater significance than the Brodhull's attempts to impose uniformity in the electoral procedures of the confederation.¹

The intervention of the Brodhull in cases involving the unjust dismissal of jurats provides further illustrations of this point. In 1572, it was ordered that no jurat should be removed from office except for 'lawful, urgent or deserved causes'.² Despite this order, examples of unjust dismissal of jurats recurred, at Winchelsea in 1580 and Romney in 1581.³ In the case of Romney in particular, the records of the Brodhull show that considerable efforts were made to remedy the situation. These efforts appear to have been almost totally ineffective for the internal troubles of Romney continued for several years and were only resolved by the determined action of the privy council.⁴

There were cases in which the Brodhull intervened successfully

1. See above pp. 147-202.
2. White & Black Books, 290.
3. Ibid., 315-7.
4. See above pp. 186-93.

in local affairs. In 1482, a dispute between Romney and its member, Lydd, regarding ship-service, costs of barons to parliament and the imprisonment of com-barons, was resolved by arbitrators appointed by the Brodhull.¹ An even more direct interference in municipal affairs occurred in 1606 when the Brodhull determined the case of a disputed election of a bailiff at Hastings.² Such cases are, however, far less frequent than Hull implies.

The only areas in which the powers of the Brodhull to regulate local affairs appear to have been generally accepted were those which involved the rights and privileges of the confederation and, by implication, of the individual ports. As a result, disputes between individual ports and their overlords frequently resulted in action on the part of the Brodhull.

A series of disputes between the town of Fordwich and its overlord, the abbot of St. Augustine's, illustrates the means by which the Brodhull could support one of the members of the confederation. The first indications of such support occurred in 1444 when it was recorded that 'all such bates, pleas and discension that bene moved by the abbot of St. Austyn of Canterbury ageyne the towne of Fordwich...

1. White & Black Books, 84.
2. Ibid., 383.

shall be defended at the comen costes'.¹ In 1448, it was agreed that the costs to be shared in this dispute amounted to £17 and the Brodhull of the following year ordered that this sum should be paid to Fordwich over a period of five years, each port contributing equally.² A second dispute between the town and its overlord in the early sixteenth century resulted in more direct action on the part of the Brodhull. In 1519, it was stated that 'as regards the differences between the abbot of St. Augustine's and the town of Fordwich, letters shall be sent to the lord warden seeking that he sets such ends between them as seems right and that the abbot shall surcease his suit and allow Fordwich its ancient liberties'.³ This dispute does not appear to have been settled for, in 1525, the Brodhull decided to send a letter to the abbot asking that he should deal favourably with Fordwich.⁴

There are numerous other examples of the Brodhull providing aid to individual members, either by sending letters of protest backed by the whole authority of the confederation or by giving financial support. In 1478, for example, it was decided that Sandwich should receive costs in its suit with Canterbury for the maintenance of the

1. White & Black Books, 18.

2. Ibid., 24, 26.

3. Ibid., 176.

4. Ibid., 196.

customs, and these costs were assessed at £4 14s.9d. the following year.¹ Similarly, in 1521, it was agreed that the costs of Romney against the archbishop of Canterbury should be borne by all the ports.² Or again, in 1467, it was stated that, since freemen of Dover and Sandwich living in Thanet were being troubled by the officers of the abbot of St. Augustine's and also by the sheriff of Kent, a letter of protest should be sent to the abbot.³

Little detail is available on the nature of these disputes but it seems likely that they revolved around the problem of disputed jurisdiction. Such disputes could result in a challenge to the legal privileges enjoyed by the whole confederation. In such circumstances it seemed prudent that the Brodhull should intervene to defend the traditional right of the ports. Similar reasoning underlay the right of the Brodhull to control the appointment of the bailiffs to Yarmouth, and its attempts to regulate the appointment of barons to parliament. A major duty of these men was the protection of the traditional rights of the confederation and, as in the case of the bailiffs to Yarmouth, it was important to ensure that those filling the office of baron to parliament were men of good

1. White & Black Books, 75, 79.
2. Ibid., 183.
3. Ibid., 56.

character and ability. Such a supervisory function was most conveniently performed by the Brodhull.¹

The protection of the rights and privileges of the whole confederation also provided the justification for an order of 1484 that a special fund should be set up for the defence of the liberties. It was ordered that each corporation should set aside annually a sum levied on lands, tenements and chattels, including those of foreigners. This tax was to be known as the common fine, and heavy penalties were to be imposed in cases of default.² Such an order constituted direct interference by the Brodhull in the financial affairs of the members, but little objection was raised until the seventeenth century.³

The powers of the Brodhull as a superior local authority were often more apparent than real. Its attempt to impose a uniform system of election throughout the confederation was a failure. The individual ports retained the system only as long as they felt it was worthwhile, and abandoned or modified it if local considerations justified such a course of action. Similarly, the disregard shown by Romney for the orders of the Brodhull illustrates the ineffectiveness

1. White & Black Books, 28, 291.

2. Ibid., 90.

3. Ibid., 395, 512.

of the assembly's powers of enforcement. In general, successful intervention could be made only with the tacit approval of the town concerned. Such approval would be forthcoming in matters where the rights of the confederation as a whole were involved, or in cases where the arbitration of an independent body was convenient. If, however, a town chose to ignore the directives of the Brodhull, there appears to have been little this body could do to punish such recalcitrance. The individual ports were determined to remain autonomous and would permit interference by the Brodhull only in exceptional circumstances, or if such interference appeared to be justified by local considerations.

Procedure and Composition of the Brodhull

Although the records of meetings of the Brodhull supplied by the White and Black Books cannot be said to be exhaustive, they nevertheless give a valuable insight into the procedure and composition of the assembly.

The necessity of supervising the activities of the bailiffs to Yarmouth entailed the meeting of the Brodhull twice a year, in July and December. This pattern had been established in the mid-fourteenth century and appears to have continued until 1437 when it was decided that the December meeting should be transferred to the Tuesday eight days after Easter, in order to deal with the Yarmouth business more conveniently.¹ These two meetings continued until

1. Murray, Constitutional History, 153-5; White & Black Books, p.xii, 10, 14.

1534, when the July assembly became the only regular one.¹ This meeting was held without a break until 1624, when an outbreak of plague prevented its meeting.² Meetings might be held at other times throughout the year, particularly when urgent business necessitated the calling of a special Brodhull, but, in general, the pattern of April and July sessions, followed by July alone, was fairly consistent throughout the period.

The composition of the assembly could vary considerably, although the general trend was towards an increase in the size of deputations, reflecting a realisation of the growing significance of the Brodhull. The first meetings for which details are recorded, in the 1430s, were attended by some 17 to 21 representatives, while the deputations from individual ports varied between one and four. By the end of the fifteenth century the total attendance had increased to between 35 and 40, the normal size of deputation from each port having increased to between five and seven.³

Special circumstances could affect the composition of the assembly. If matters of special importance were to be discussed a larger attendance than normal might be expected. In 1483, for example,

1. White & Black Books, 218 et seq.

2. Ibid., 434.

3. Ibid., passim.

when enquiries about treasonable activities were to be made, the total attendance reached the unusually high figure of 59.¹ Similarly, matters of particular concern to individual ports could result in an increase in the size of their deputations. This tendency is illustrated by the assembly of 1555, when a dispute between the inhabitants of Dover and Hythe and the town of Calais was to be discussed. On this occasion, the deputations from these two members provided 23 out of the total attendance of 52.²

A continuing increase in the size of deputations throughout the sixteenth century led to attempts to limit the size of the assembly. In 1572, it was decreed that in future the representation of each port was to be limited to seven, the head officer, three jurats, the town clerk and two commoners.³ Although this regulation appears to have been designed to restrict the size of deputations to reasonable numbers, it was also an offence to send too small a deputation, for in 1573 Hastings was fined for sending only three representatives.⁴ A further limitation was introduced in 1597 when it was ordered that only five representatives should be sent by each port. Again it was stipulated that each deputation should include

1. White & Black Books, 86.
2. Ibid., 251.
3. Ibid., 290.
4. Ibid., 294.

the head officer, who was to be accompanied by two jurors, the town clerk and the chamberlain.¹ This regulation was still in force two years later when Sandwich was reprimanded for sending six representatives.²

As might be expected, the composition of the Brodhull tended to reflect that of the governing bodies of individual towns, and the same people appear regularly as deputies to the assembly. It was normal for the mayor or bailiff of each of the head ports to attend the Brodhull, although a deputy was sometimes sent in his place.³ The other members of the deputations also show a remarkable degree of consistency. The Frank family of Hastings provides a good example. During the period 1494-1556 the name Edmond Frank appears 17 times in the list of deputies for Hastings,⁴ while John Frank appears no less than 24 times between 1514 and 1559,⁵ and Richard Frank 9 times between 1551 and 1593.⁶ It is probable that they were all members of the same family and, indeed, the time span suggests that more than three generations may be represented in the list. Other families, such as the Oxenbregges of Rye and Winchelsea⁷

1. White & Black Books, 354.
2. Ibid., 362.
3. e.g. White & Black Books, 186-8.
4. Ibid., 115, 124-5, 128-9, 141, 143-5, 151, 153, 156, 182, 184, 243-4, 252.
5. Ibid., 155-6, 180, 188, 195, 210, 212-3, 215-7, 219, 223-5, 229, 231, 234, 243-4, 248, 252, 256-7.
6. Ibid., 243-4, 256, 266, 271-2, 337-8, 341.
7. Ibid., 85-95, 97-103, 106-8, 110-16, 118-20, (Adam Oxenbregge); 118-21, 123-7, 129 (Robert Oxenbregge); 73-5, 80, 98, 100, 104, 106, 108, 112-4, 118, 121, 124-6, 186 (Thomas Oxenbregge); 222, 229, 230, 240 (William Oxenbregge).

and the Menesse family of Sandwich,¹ illustrate the same trend.

The regularity with which the same names appear suggests much about the composition of the assembly, while the regulations of 1572 and 1597 are also significant indications of the type of person who attended the Brodhull. The bulk of representatives were drawn from the official class - head officers, jurats, town clerks etc., with a much smaller proportion of commoners. Even when commoners were sent, it is unlikely that they were entitled to vote. In 1570, the question of whether commoners returned to an assembly had any voice there was referred to learned counsel.² Their reply is not recorded, but the fact that it was specifically stated that the commoners returned were to have a voice at this particular meeting suggests that such a procedure was exceptional. The drift towards oligarchic rule within many of the individual ports was thus reflected in the composition of the Brodhull. As Murray has observed, the Brodhull was a representative assembly, but far from being a popular one.³

Even the representative nature of the assembly is open to question for many of the members of the confederation were represented only indirectly. The deputations attending the assembly were

1. White & Black Books, 187-9, 193, 215-6, 218-9, 222 (Andrew Menesse); 190, 218 (Leonard Menesse); 255, 262, 266, 282, 285, 289, 335 (Matthew Menesse); 242, 247-8 (Robert Menesse); 216, 229, 233, 235, 242, 247-9, 251, 255 (Thomas Menesse).
2. Ibid., 283.
3. Murray, Constitutional History, 169.

sent by the head ports of Hastings, Dover, Sandwich, Romney and Hythe, and the two ancient members, Rye and Winchelsea, and they appear to have had the right to speak for their limbs. Certainly, it was unusual for representatives of the limbs to attend the Brodhull, unless the business to be discussed specifically warranted their inclusion.

Such a situation was a result of the relationship which existed between the head ports and their limbs. The non-corporate limbs were subject to the authority of their head ports in most matters and it was therefore far from surprising that the head ports should claim the right to speak for them.¹ The corporate members were in a rather different position since their relationship with their head ports was normally regulated by special agreements drawn up between them. By these agreements, the limbs normally granted their head ports an annual sum to cover all normal charges, including legal suits in defence of the common liberties.² Consequently, there was little need for direct contact with the limbs, unless exceptional circumstances arose. In such a situation, when extra financial or other support was needed, representatives of the limbs

1. See above pp. 237-44.

2. See above pp. 203-37.

would normally attend the Brodhull.

Such an arrangement does not appear to have been the result of pressure by the head ports but to have been a gradual development found convenient by both head port and limbs. The limbs were saved the trouble and expense of regularly sending deputies to the Brodhull, while still retaining the right to be consulted on matters of special importance. The position of the limbs is, however, an indication of the fundamental weakness of the Brodhull as the instrument of confederate action. The bond between head port and limb was always of greater importance than that between the limbs and the confederation as a whole. The limbs appear to have had no great desire to play a major part in a fully confederate organisation. Indeed, neither the head ports nor their limbs were willing to relinquish their independence to a degree compatible with full confederate action. As has been seen, the powers of the Brodhull as a superior local authority were far from extensive, due largely to the desire of the members to retain their independence. The same reasons dictated against the Brodhull ever becoming the single governing body of the whole confederation. As Murray has observed, the initial promise of the Brodhull was never fulfilled.¹

1. Murray, Constitutional History, 187-9.

Instead of becoming the means by which head ports and limbs, both corporate and non-corporate, were welded into a great organism with one governing body, the Brodhull was of importance only in certain limited areas.

The Guestling

The continuing decline of the ports and the increasing difficulty of upholding their traditional privileges emphasised the need for meetings with a wider representation, but moves towards this were both too little and too late. The later sixteenth century saw an attempt to involve the corporate members more fully in the life of the confederation through the assembly known as the Guestling, but this attempt to realise a truly confederate organisation came at a time when the Cinque Ports had long ceased to be of any great importance on the national scene.

The Guestling appears originally to have been a meeting of the western ports of Hastings, Winchelsea and Rye, and its history may date back to as early as the twelfth century.¹ In this form the Guestling once more demonstrates the importance of local ties within the confederation for, at this period, the Guestling appears to have

1. Murray, Constitutional History, 192.

had no connection with the Brodhull and to have been concerned with purely local matters. It is in this sense that the Guestling was recorded in 1479, when it was stated that the western ports had determined to hold a Guestling at Winchelsea.¹

The next century saw a change in the role of the Guestling as the convenience of such local meetings came to be recognised. By the 1480s, the Kentish ports had adopted the idea and held Guestlings at Dover in imitation of the western ports.² Following this, it was natural for these local meetings to extend the scope of their interest, concerning themselves with matters of general importance to the confederation as well as with local affairs. In 1526, for example, the Brodhull ordered that two Guestlings should be held, for the western ports and the eastern ports, to deal with alleged offences by the fishermen at Yarmouth,³ while another Guestling of the same year considered the reform of the ports' electoral customs.⁴ Two years later, the convenience of the Guestling was again recognised when it was ordered that Guestlings should be held at Dover and at Winchelsea to consider the reformation of the general customal.⁵

The wider scope of interest of the Guestlings meant that they

1. White & Black Books, 78.
2. Murray, Constitutional History, 196.
3. White & Black Books, 198.
4. Ibid., 200-2.
5. Ibid., 206.

frequently discussed matters which had previously been the concern of the Brodhull. From being a meeting concerned with purely local affairs, the Guestling had developed to the point where it may be described as a form of sub-committee of the Brodhull itself. It was therefore a natural development to apply the name Guestling to meetings of the head ports which were in any way unusual. In 1567, a meeting of the head ports was described as a 'Guestling or Brotherhood' since it met at Dover instead of the usual meeting place at Romney.¹ Similarly, a meeting held at Romney in 1556 was called a 'Guestling General' because it met at an unusual time of year.² The meeting might also be special because of the presence of the corporate members as well as the head ports. Thus, a meeting in 1566, attended by representatives of Pevensey, Seaford, Tenterden, Lydd, Faversham and Folkestone, was described as a 'General Guestling or Brotherhood',³ while other meetings in 1573 and 1575, at which the corporate members attended, were described as 'Special Brodhulls or Guestlings'.⁴

1. White & Black Books, 271.
2. Ibid., 253-4.
3. Ibid., 270-1.
4. Ibid., 293-4, 299-300.

The right of the corporate members to attend such meetings is a matter of particular interest. At first they appear to have attended only if their presence was thought necessary by the head ports. This situation changed in 1582 when the internal troubles of Romney¹ led to a special Guestling being called at Hythe. Having agreed that a fine should be levied against Romney, the assembly then decreed that the next general Brodhull should be held at Romney but that it should concern itself solely with the Yarmouth business. Following this a Guestling was to be held at Hythe to consider remaining business, and the corporate members were to attend.²

These new arrangements were the result of a specific difficulty. While the town of Romney was in serious dispute with the confederation it was undesirable that the Brodhull should be held there in its usual form. Accordingly, a Guestling at Hythe would deal with all matters other than the routine business connected with the Yarmouth fair. However, the summoning of the corporate members to this assembly is significant. The troubles of Romney, which had brought about intervention by the privy council and seemed to threaten the rights of the confederation as a whole, were a matter of extreme importance. Consequently, it was

1. See above pp. 186-93.
2. White & Black Books, 322-4.

desirable that they should be discussed by a meeting with as wide a representation as possible. The participation of the corporate members was of little immediate impact since they were dismissed as soon as Romney had submitted to the assembly,¹ but the idea of corporate members attending assemblies where important matters were to be discussed was established.

Meetings of this type became increasingly frequent throughout the 1590s. This was largely due to the increasingly heavy financial burdens faced by the ports at this time, both in connection with the ship-service and in lawsuits to defend the ports' partial exemption from taxation.² The head ports, faced with this heavy expenditure, were particularly anxious to ensure their members' contributions and, indeed, wished to increase them if possible. Such a procedure was unlikely to be accepted by the members without consultation, and this factor underlay the increased number of Guestlings throughout the period. This process of regular consultation was placed on a firmer basis in 1597 when it was ordained that in future a Guestling, at which corporate members would be represented, should be held each year immediately after the

1. White & Black Books, 326.
2. e.g. White & Black Books, 344, 351-2.

general Brodhull.¹ In 1601, it was decided that these annual Guestlings should no longer be held² but, in fact, the pattern established in 1597 proved hard to break for, between 1603 and 1635, the Guestling met on no fewer than 24 occasions.³

By the early seventeenth century the pattern of a Brodhull, at which head ports alone attended, followed by a Guestling, at which corporate members were represented, had been established and a more fully developed confederate structure had belatedly been introduced. It is, however, interesting to note that the regular participation of the members became common only when their financial relations with their head ports were called into question. Previously, the members appear to have been content to be represented by the head ports at the Brodhull, and it was only the increasing financial burdens facing the confederation which brought about their active participation.

The history of the Guestling once more illustrates the limited nature of the confederate bond. The members had no great desire to take an active part in the life of the confederation unless their particular interests were involved. As has been seen, the member's relationship with its head port was always of greater importance

1. White & Black Books, 354.
2. Ibid., 371.
3. Ibid., 376-469.

than the concept of a confederate bond. It was only when this relationship was strained by increasingly heavy financial pressures that the members wished to play an active part in the confederate structure.

* *

The Brodhull was the most distinctive feature of the Cinque Ports confederation but its importance has on occasion been exaggerated. Hull, for example, attributed to it the status of a superior local authority and asserted that it had considerable powers over the members of the confederation.¹ Such as assessment is far from true for the Brodhull's powers applied in only limited areas and its orders were not automatically obeyed. Murray also felt that it was an organisation of major significance and suggested that the declining fortunes of the ports might have been arrested if they had become welded together in a single organism under a central governing body during the fourteenth or fifteenth centuries.² Such a development was far from likely. For most of the ports local ties were always of greater importance than the concept of confederation and they had little desire to associate together in

1. White & Black Books, pp. xxx-xxxiii.
2. Murray, Constitutional History, 188-9.

a closely-knit confederate structure.

The development of the Brodhull was, in fact, a response to a specific need. As the traditional rights and privileges of the confederation began to be challenged, the portsmen found it advantageous to consult together for the defence of the liberties. As the threat to their privileges grew, so the machinery for their defence became more elaborate. It is ironic, but far from surprising, that this machinery reached its fully developed state only at a time when the importance of the Cinque Ports on the national scene had long since faded.

CHAPTER VII

Conclusion

The history of the Cinque Ports spans almost one thousand years but their significance upon the national scene was confined to a much shorter period. The importance of the ports was based on the provision of ship-service to the crown and, during the twelfth and thirteenth centuries, the vital role they played in the nation's defence was recognised by the grant of special privileges. These privileges encouraged other towns to join with the original ports and, by the late thirteenth century, a formal confederation had been established. From the fourteenth century onwards, however, the Cinque Ports confederation was in decline as changing tidal patterns and enemy raids adversely affected individual members, and the changing style of naval warfare rendered their ship-service almost obsolete.

The ports were also of little consequence in the economic life of the nation. The economy of the majority of the members was, and always had been, dominated by the relatively humble occupations of fishing and agriculture and even the larger ports such as Sandwich and Dover ceased to play any major part in international trade after the late fifteenth century. Although the fortunes of individual towns fluctuated, the general picture of the confederation during the period under consideration is that of an organisation of small towns and villages whose importance rarely extended beyond their immediate environs.

Ironically, the concept of confederation reached its full development during this period of decline as the ports closed their ranks against constant attempts to modify their traditional rights and privileges, and this study has sought to examine the impact of the fully-developed confederate bond upon the individual towns and villages which made up the membership of the confederation. Throughout an examination of several aspects of life within the confederation the most significant conclusion to emerge is that the concept of confederation was, in fact, extremely limited in scope and applied only in certain narrow and well-defined areas.

The limited nature of the confederate bond is particularly apparent in the structure of government within the member ports. Membership of the confederation did not result in the development of a uniform pattern and the municipal institutions which developed in each town demonstrated a considerable degree of variety. Although the basic framework of government was similar in several of the head ports it tended to be modified during the period. Such modifications differed in both form and date of introduction in each of the towns and, far from being influenced by the concept of confederation, they were normally a response to particular local circumstances which affected individual towns.

The reluctance of each town to surrender its autonomy in municipal affairs is clearly illustrated by the sequel to the issue of general electoral regulations during the 1520s. These regulations

attempted to establish a standard pattern of election in all the ports but met with very little success. Each town adhered to them for a short time but, within a few years, began to depart from the standard formula laid down by the Brodhull. Further modifications were made to the constitutions of the members in the later sixteenth century but, again, these changes took different forms and were determined by local factors. Towns were jealous of their internal autonomy and, as a result, the attempt to impose a degree of uniformity throughout the confederation was a failure.

Although the concept of confederation had little effect on municipal politics, the history of government in the ports was, nevertheless, characterised by several dominant trends. Such trends, however, are also to be found in towns throughout the length and breadth of England. The most obvious of these developments was the move towards more oligarchic rule. Throughout the fifteenth and sixteenth centuries, government within the ports increasingly became the prerogative of a limited group and, despite the introduction of common councils, rule by an economically predominant élite had become the norm by the end of the period under consideration. The origins of this élite were varied but intermarriage soon formed a bond of common interest among its members. Within this small, privileged group corruption was commonplace but, despite this abuse of power, the growth of oligarchy was encouraged by the central authorities who wished to see the towns ruled by small groups of men on whom the crown

could rely. This policy, however, did not always result in the hoped-for stability of government. At Dover, Romney and Sandwich factional strife arose within the ruling group and the resultant disturbances caused the privy council considerable concern for a lengthy period. The efforts of the confederation to resolve these problems also met with little success as the instructions of the Brodhull and the warden were frequently disregarded by the ruling group in each town.

Although the head ports were little affected by the implications of the confederate bond, the concept of confederation might be expected to have had a greater impact upon the limbs as many of them had joined the confederation with the specific objective of enjoying the privileges granted in return for the provision of ship-service. This is far from true in the case of those corporate members who were also determined to retain their independence in domestic matters. Their attitude to the confederation was essentially selfish: they were happy to enjoy the benefits of membership and would co-operate with other ports when their special privileges were threatened but they also took great pains to ensure that the obligations they incurred as a result of membership were of a limited nature. Each limb sealed a private agreement with its head port in which the limb's obligations were carefully detailed and any attempt by the head port to increase the scale of these charges led to protracted disputes. Although members of a confederation, each town was still primarily concerned with

protecting its own interests.

The non-corporate limbs present a rather different picture as they were largely subject to the dictates of their head ports. Their internal government was controlled by their head ports who also retained control over most areas of civil and criminal jurisdiction. The significance of this control can be exaggerated, however. The non-corporate limbs were normally small villages of little economic consequence and subservience to a head port was a small price to pay for special privileges to which they could not otherwise have aspired. Such subservience was less agreeable to more prosperous communities and it is significant that the growing town of Deal soon attempted to shake of the close control exercised by its head port by seeking corporate status.

In most areas, the concept of confederation was secondary to motives of self-interest and the larger towns were diligent in their efforts to retain a considerable degree of autonomy. This independent spirit was, however, tempered by a vein of pragmatism. The ports were well aware that any reduction in the traditional rights of the confederation as a whole implied a loss of privilege for each constituent member. Any effort by the central government to modify the chartered rights and privileges of the ports was therefore opposed by all the members and allies in this cause were enlisted even if it entailed the surrender of complete autonomy in internal affairs. This sense of realism is particularly apparent in the ports' involvement with the warden and the Brodhull.

The power and influence of the warden increased considerably during the fifteenth and sixteenth centuries. He intervened in the internal affairs of the ports on several occasions and, by the later sixteenth century, exercised a large degree of control over the election of barons to parliament. These developments were the cause of some concern to the ports and periodic disputes arose between them and the warden. Such disputes were normally resolved without great difficulty, however, as both parties were aware of the necessity of maintaining a harmonious relationship. The warden played an important part in the defence of the ports' traditional liberties; the development of his courts at Dover helped to keep the confederation independent from many aspects of the national administration while the warden's influence at court could also be a potent factor in maintaining the ports' chartered rights. Such a policy was in the warden's own interests as the profits of his office were a consequence of the confederation's special status and any reduction in the ports' traditional rights and privileges implied a diminution of his own power and influence. The extension of the warden's influence within the confederation entailed the surrender of some measure of independence on the part of each member but this sacrifice was regarded as more acceptable than the prospect of the loss of the special privileges held by the confederation as a whole.

A similar motive underlay the development of the Brodhull and the Guestling as they provided the means by which the ports could act

together against any threat to their liberties. Their importance in other areas has, however, been exaggerated. Far from being, as Hull suggested, a superior local authority with far-reaching power over the confederation¹ the Brodhull had power in only limited areas and its orders were often ignored by the members if they were not in their own local interests. Participation in this assembly was not the result of a growing confederate spirit but was merely the recognition by the ports that their liberties were best defended by a united effort. The Brodhull was a response to a specific need but it never attained control over the affairs of the confederation except in very limited areas. The history of the Guestling also demonstrates the weakness of the confederate bond. The limbs had no great desire to take an active part in the life of the confederation unless their particular interests were involved and it was only when heavy financial demands were made of them that they began to play an active part in the confederate structure. For most of the ports, local ties were always more important than the concept of confederation and they were willing to act together within the confederate structure only when such action was to their own advantage.

The Cinque Ports are the only example of a fully-developed confederation in English history. As a result, historians have tended to stress the ways in which the ports differed from towns throughout

1. White & Black Books, pp. xxx-xxxiii.

England as a whole and to concentrate on the origins of the ports peculiar privileges and their distinctive institutions such as the office of warden and the Brodhull. This study has attempted to follow a different path and to consider the impact of the confederate bond upon the internal affairs of the member ports. This impact has been found to be extremely limited as the concept of confederation was of importance to the members only in certain narrow and carefully-defined areas. Overall, the history of the member ports was more affected by particular local circumstances than by the implications of the confederate bond.

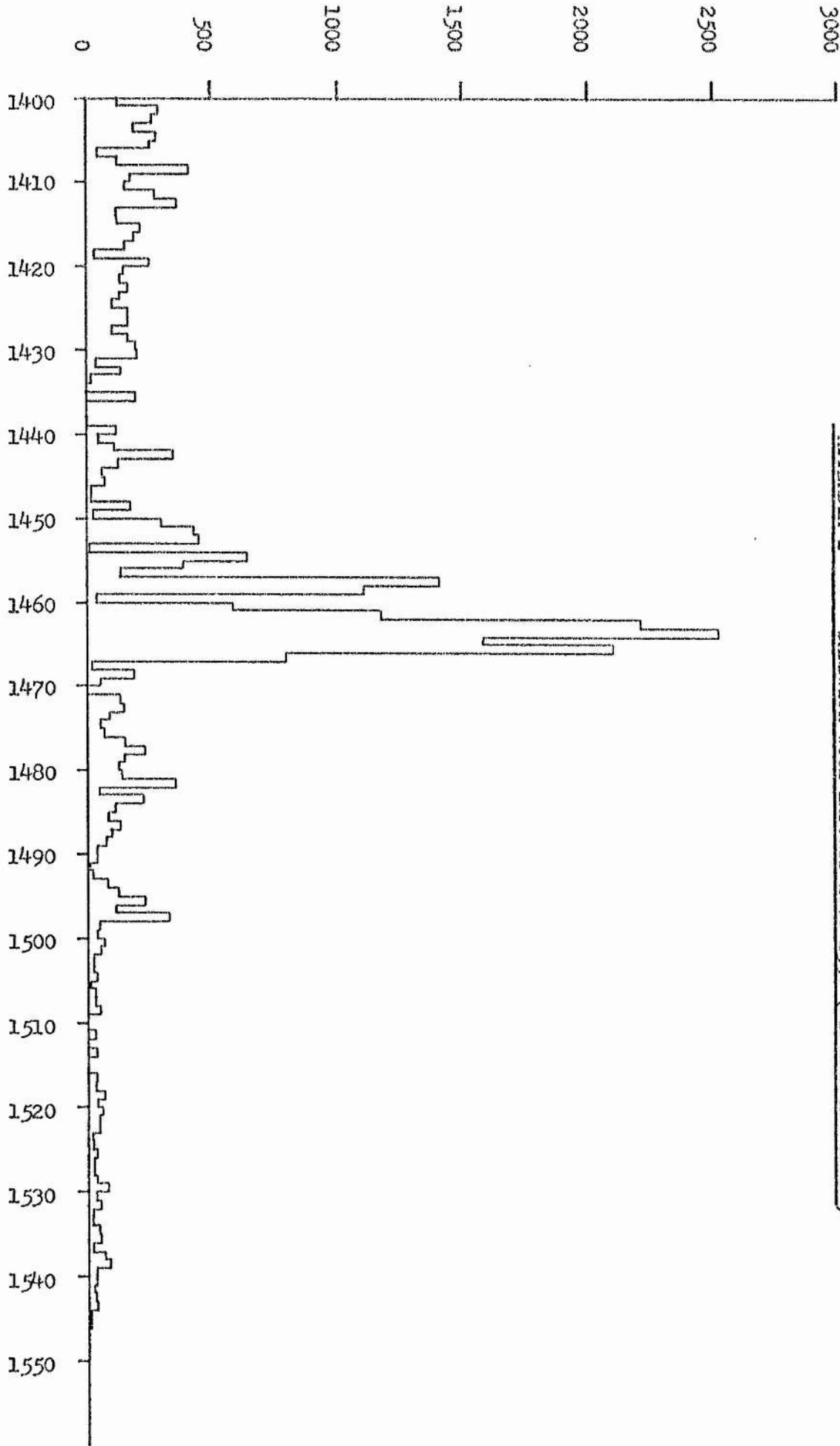
Appendices

Appendices I - VI

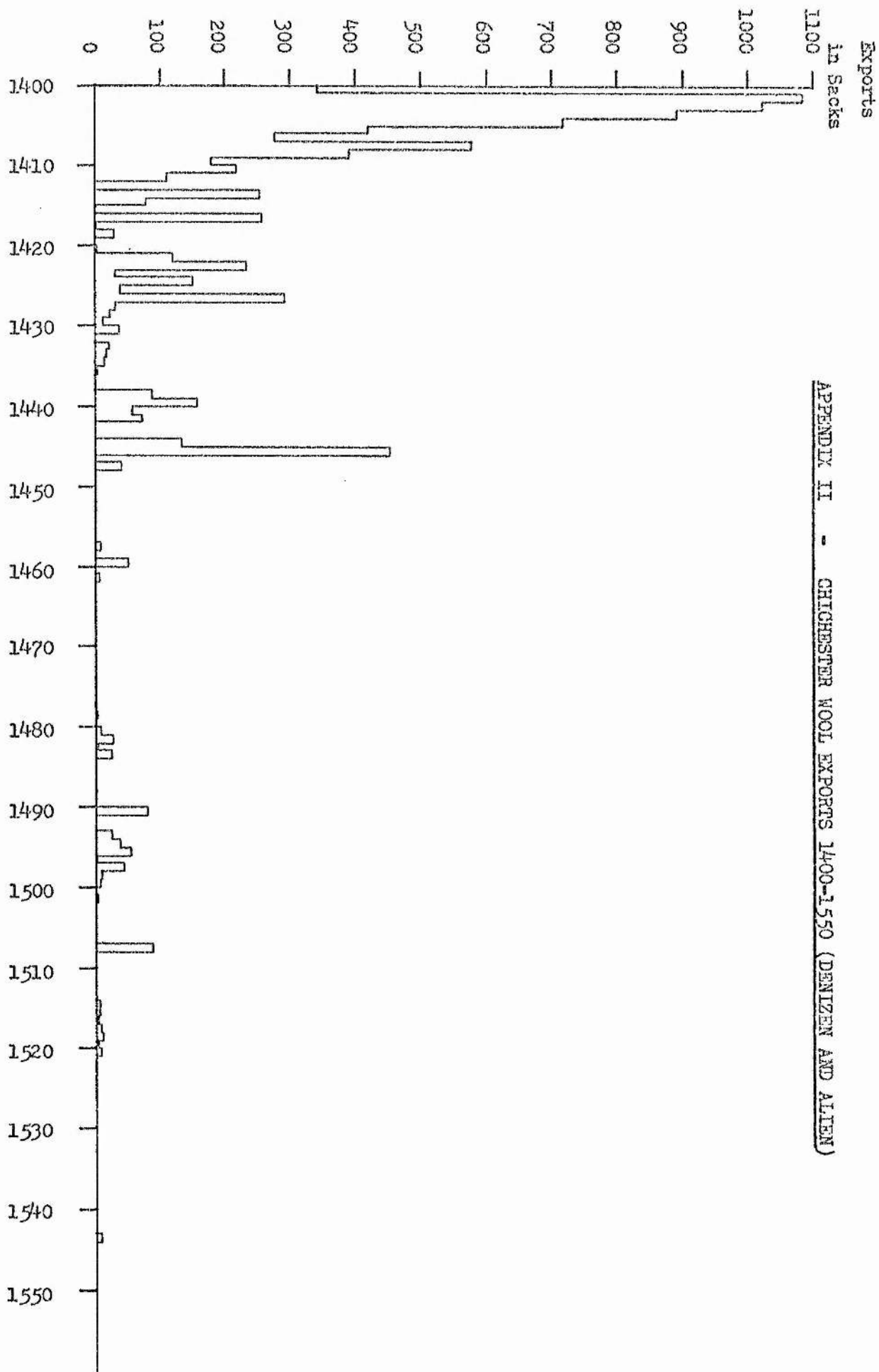
The following graphs were plotted by a System DEC 20 computer using data as detailed below. My grateful thanks are due to Mr. P.P.M. Daft and the staff of the Department of Computer Studies at Dundee College of Technology for their invaluable assistance in their production.

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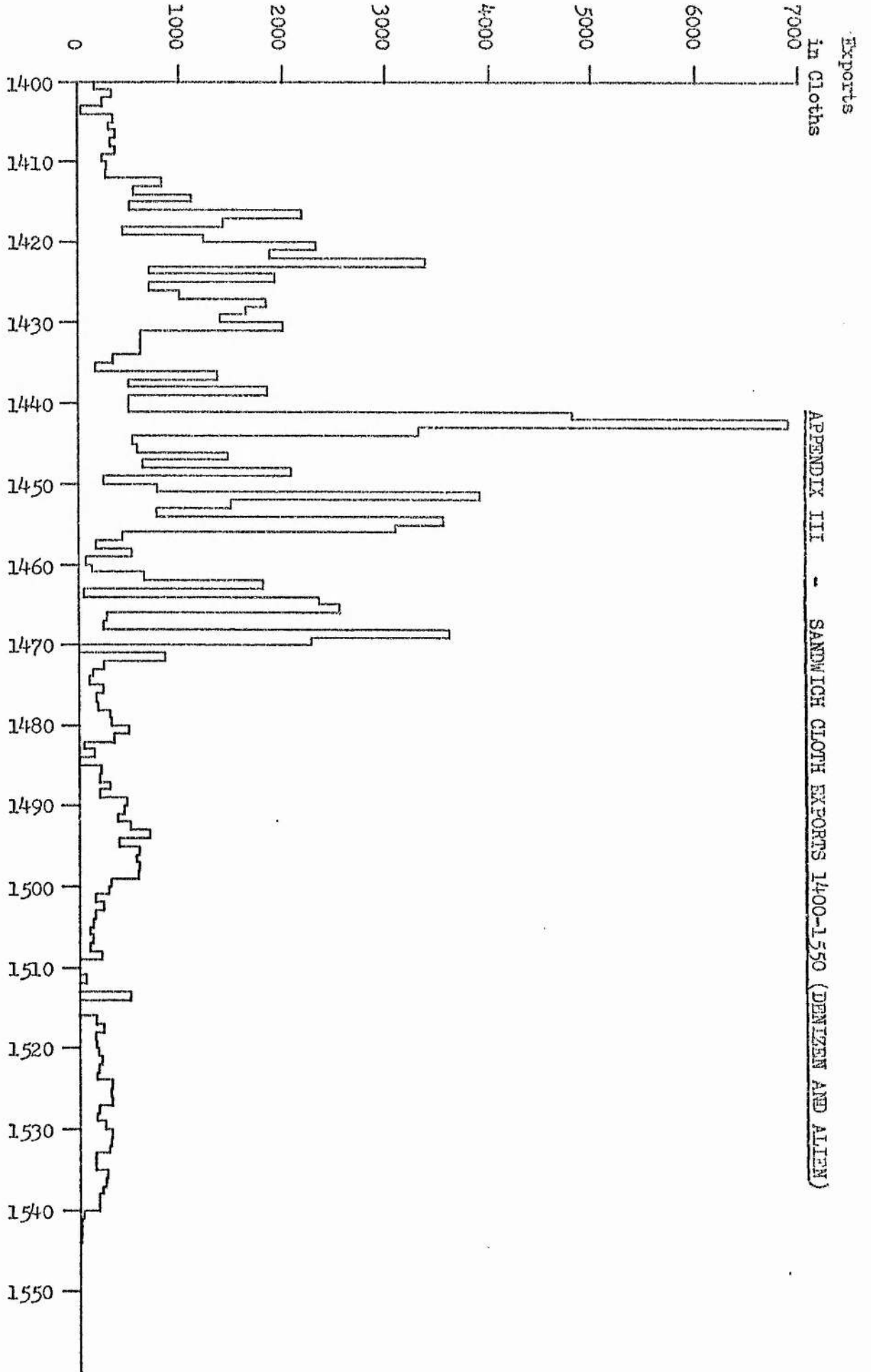
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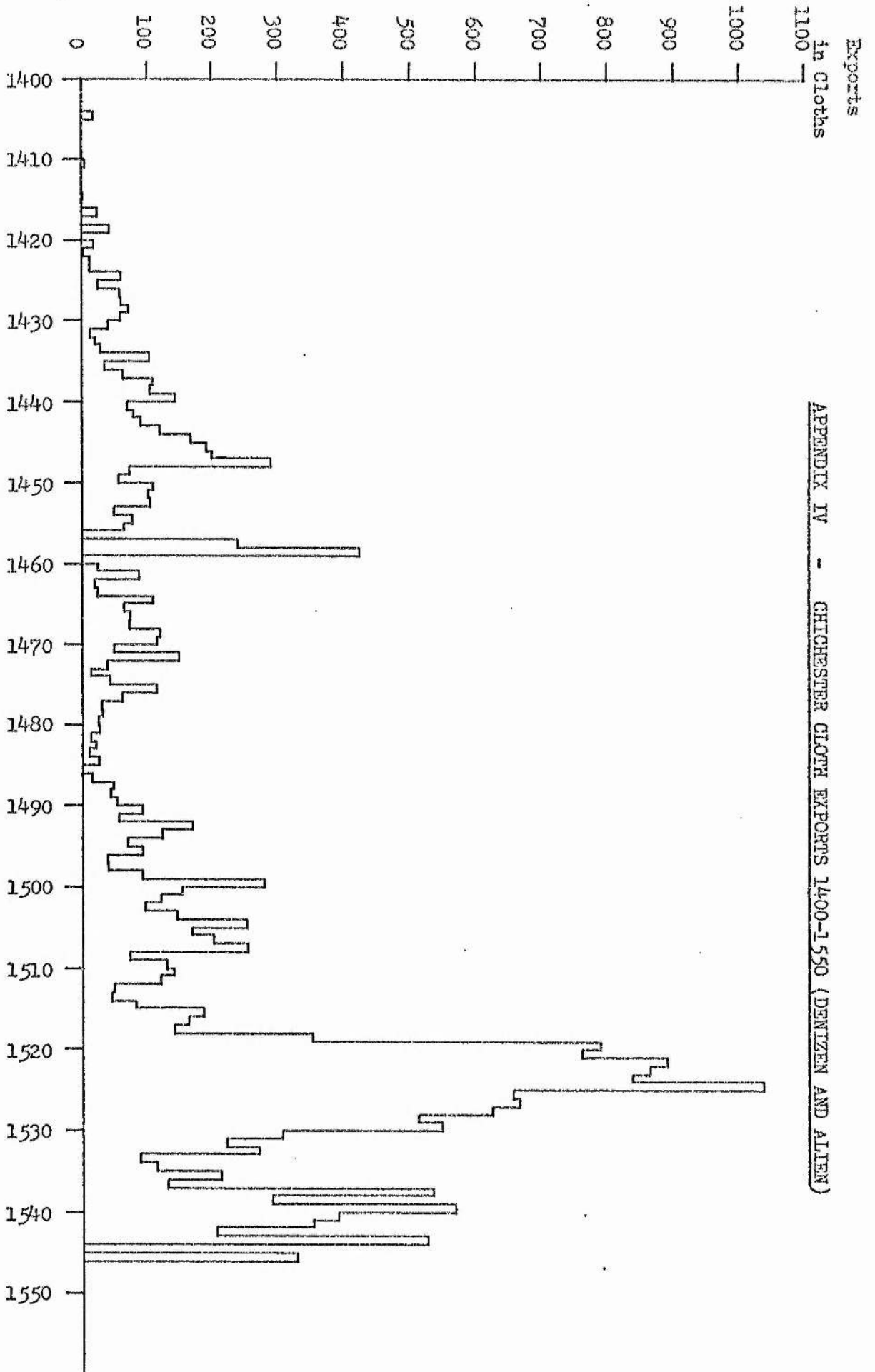


APPENDIX I - SANDWICH WOOL EXPORTS 1400-1550 (DENIZEN AND ALLEN)

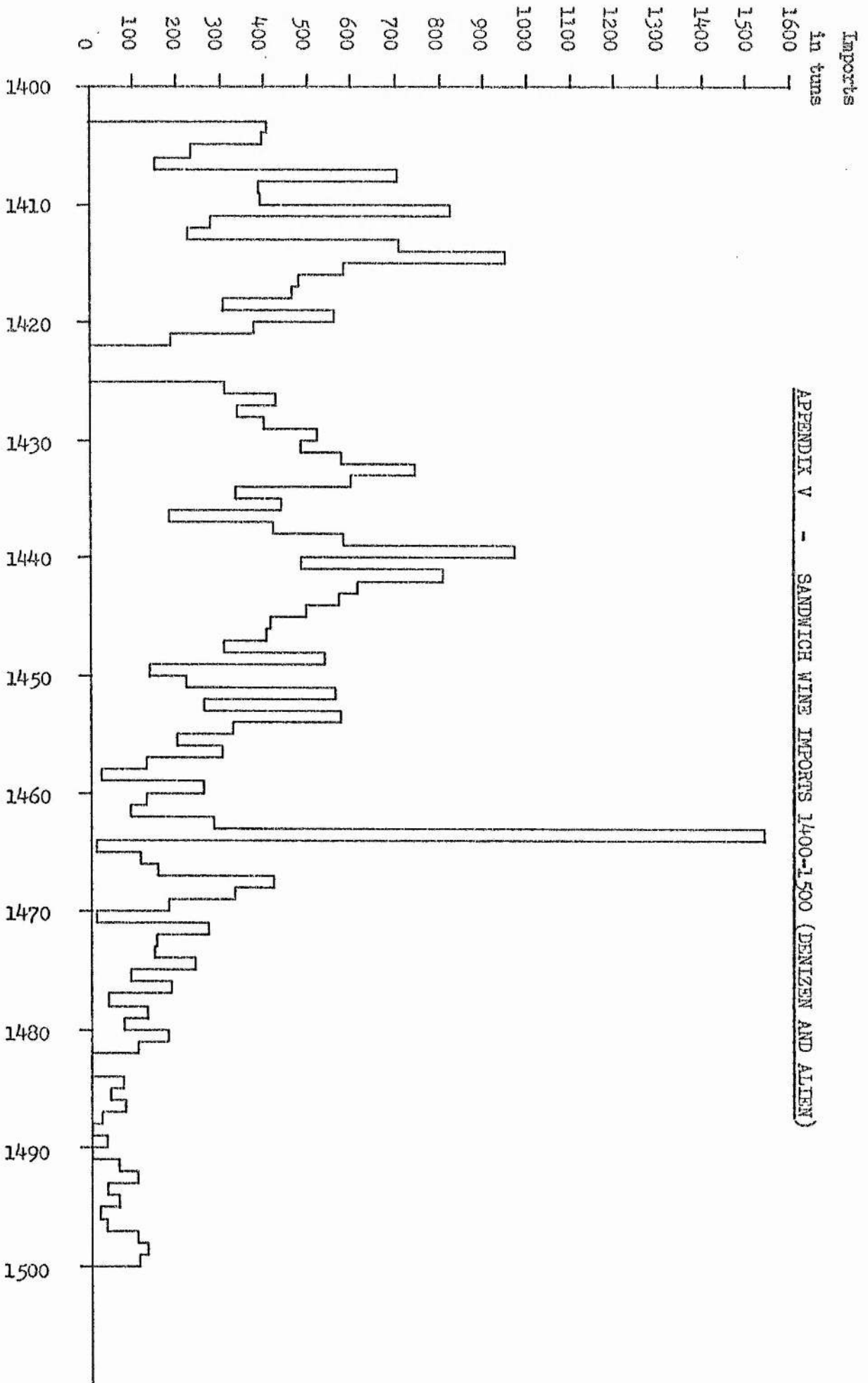


APPENDIX II - CHICHESTER WOOL EXPORTS 1400-1550 (DENIZEN AND ALLEN)

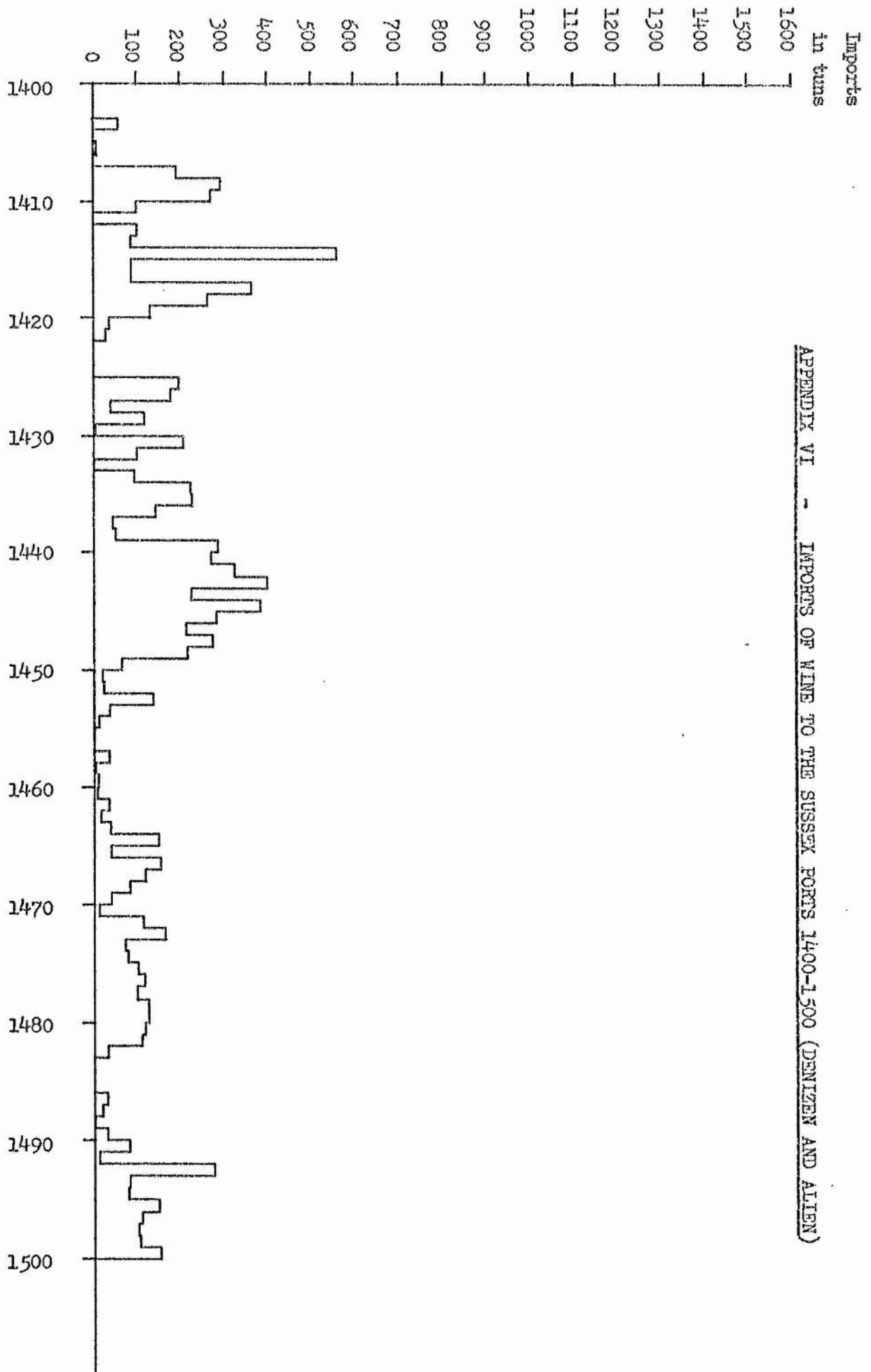




APPENDIX IV - CHICHESTER CLOTH EXPORTS 1400-1550 (DENIZEN AND ALLEN)



APPENDIX V - SANDWICH WINE IMPORTS 1400-1500 (DENIZEN AND ALIEN)



APPENDIX VI - IMPORTS OF WINE TO THE SUSSEX PORTS 1400-1500 (DENIZEN AND ALIEN)

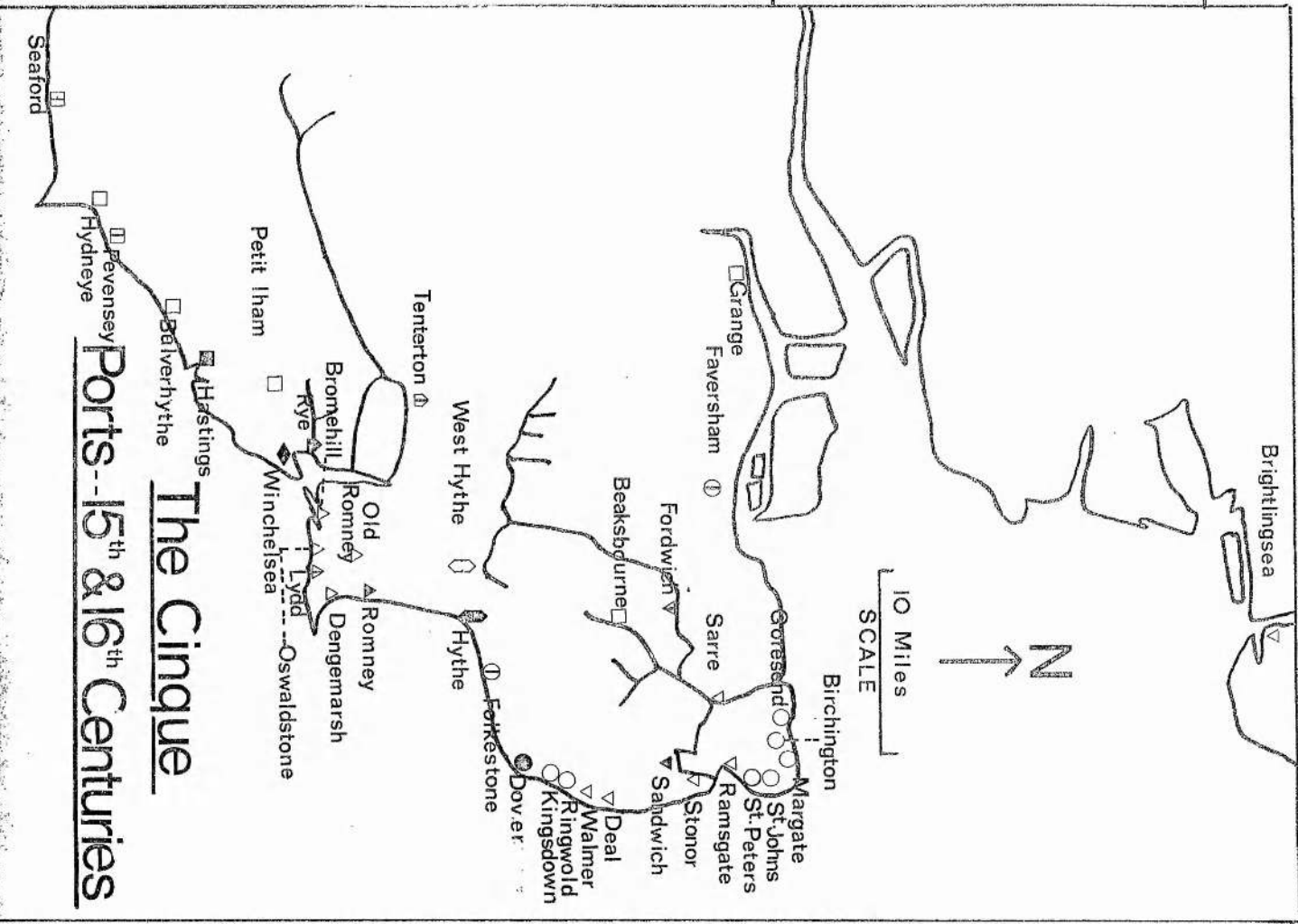
Appendix VIIMap of the Cinque Ports in the Fifteenth
and Sixteenth Centuries

The following map illustrates the membership of the Cinque Ports confederation in the later fifteenth and sixteenth centuries and does not include earlier members such as Northeye and Reculver which had been swept away by the sea at an earlier date.¹ The coastline is based upon Christopher Saxton's map of Kent, Sussex, Surrey and Middlesex, drawn in 1575.

1. Murray, Constitutional History, 44.

	Head port
	Corporate members
	Non-corporate members
	Hastings
	Romney
	Hythe
	Dover
	Sandwich
	Winchelsea
	Rye

KEY



The Cinque Ports - 15th & 16th Centuries

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- Add. MS. 29,619. Miscellaneous corporation papers including extracts from accounts, late 15th and early 16th century
- Egerton MS. 2,090 Chamberlains' accounts, 1465-79 and records of pleas and sessions of the peace, 1466-76
- Egerton MS. 2,092 Chamberlains' accounts, 1509-45
- Egerton MS. 2,093 Register of municipal courts and minutes of assemblies, 1520-47
- Egerton MS. 2,094 Register of municipal courts and minutes of assemblies, 1550-76
- Egerton MS. 2,095 Register of municipal courts and minutes of assemblies, 1576-1605
- Egerton MS. 2,097 Special meetings of Dover corporation held at Margate, 1614-58
- Egerton MS. 2,108 Harbour accounts, 16th century
- b) Romney
- Lansdowne MS. 67/86 Petition to the privy council from the inhabitants of Romney, 1590
- c) Sandwich
- Add. MS. 33,511 Miscellaneous papers and accounts of Sandwich, 1382-1695
- d) Cinque Ports
- Add. MS. 28,530 Miscellaneous papers relating to the Cinque Ports including the general custumal, c.1526

Cotton MS., Julius B IV

Survey of population and shipping in
the Cinque Ports, 1565

Cotton MS., Otho E IX

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and the Cinque Ports (1874)Appendix to Report VExtracts from the records of Rye, Fordwich,
Folkestone, Lydd, Romney and Sandwich (1876)Appendix to Report VIExtracts from the records of Romney,
Faversham and Tenterden (1877)

Appendix to Report XIII, Part IV

Extracts from the records of
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