

A Disputed Election to Richard III's Parliament

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On 23 January 1484 the first (and in the event only) parliament to be summoned in Richard III's name at last assembled at Westminster. Following the precedents of 1399, 1461 and 1470 the king sought the sanction of the community of the realm as represented by parliament for his royal title and its condemnation of those, whom their refusal to recognise his right to the throne made guilty of high treason.¹ A parliament had originally been summoned in Edward V's name to meet on 25 June, but on 16 or 17 June was postponed indefinitely.² Following Richard's usurpation of the throne, fresh writs were issued under the new king's seal on 22 September ordering the lords and commons to gather on 6 November, but the outbreak of Buckingham's rebellion caused a further delay: on 2 November parliament was, once more, cancelled.³ A warrant under Richard's sign manual ordering the issue of writs summoning the Lords and Commons for 23 January 1484 was eventually delivered to Chancellor Russell on 9 December 1483.⁴

The election returns for this parliament, like those of the reigns of Edward IV and Henry VII (with the exception of some of those for 1461, 1467, 1472 and 1478), are lost, and although it is possible to establish from local records the names of some of the men who represented various boroughs in the Commons, nothing of the circumstances of the elections themselves has hitherto been known. In the case of at least one constituency, the East Anglian cathedral city of Norwich, some light is shed on the election of 1484 by the record of an election dispute found on the memoranda roll of the king's remembrancer of the exchequer. On 26 January

¹On the parliament and its proceedings more generally, see Rosemary Horrox, '1484 January', in C. Given Wilson *et al.*, eds., *The Parliament Rolls of Medieval England 1275-1504*, 16 vols., Woodbridge 2005, vol. 15, pp. 2-7; the surviving drafts of Chancellor Russell's opening sermons have been much discussed by scholars: Alison Hanham, 'Text and subtext: Bishop John Russell's parliamentary sermons, 1483-1484', *Traditio*, vol. 54 (1999), pp. 301-22; *eadem*, 'Remedying mischiefs: Bishop John Russell and the royal title', *The Ricardian*, vol. 12, (2000-01), pp. 146-60; John Watts, 'The policie in christen remes: Bishop Russell's parliamentary sermons of 1483-84', in G.W. Bernard and S.J. Gunn, eds., *Authority and consent in Tudor England. Essays presented to C.S.L. Davies*, Aldershot 2002, pp. 33-59.

²Michael Hicks, *Edward V*, Stroud 2003, pp. 147, 151, 158-59; The National Archives (Public Record Office) [hereinafter PRO], C81/1529, no. 3; J.P. Collier, ed., *Trevelyan Papers prior to A.D. 1558*, London, Camden Society O.S., vol. 67 (1857), pp. 87-88; Charles Ross, *Richard III*, London 1981, p. 87; Alison Hanham, *Richard III and His Early Historians*, Oxford 1975, pp. 32-33, 38-39.

³PRO, C81/1531, no. 61; Ross, *Richard III*, p. 184.

⁴PRO, C81/1530, no. 6; *CCR 1476-85*, nos. 1152-53.

1484, three days after the opening of parliament, one William Elys appeared before the barons of the exchequer and under oath presented a complaint over the conduct of the election held a few weeks earlier. According to his version of events, the writ ordering the election of two citizens to represent Norwich in parliament had reached the city's sheriffs, Robert Rose and William Ferroure, on 21 December 1483. The intervention of Christmas had prevented an immediate election, which was held as soon as practically possible after the seasonal festivities were over, on Monday after the Epiphany, that is, 12 January 1484. Yet, so Elys further claimed, the sheriffs had then failed to make a proper return of the result of the election, which had seen him chosen one of the MPs for Norwich, and had instead returned another citizen, John Malburgh, in his place.

Election disputes of this nature were not uncommon in fifteenth-century England, and East Anglia in particular had long been a hotbed for electoral discord. Trouble had beset the Suffolk elections to the parliaments of November 1449, 1453, 1455 and 1472, and Norfolk had experienced problems both in 1461 and as recently as 1483.⁵ A series of electoral statutes regulating the electoral franchise, the qualifications of candidates and the timing of parliamentary elections, as well as the correct format of the election return, had been passed by parliament between 1406 and 1446, and it was under their terms that many of the disputed elections in the English counties were challenged in the common law courts. It was, by contrast, rather less common for a parliamentary election in an urban constituency to be brought before the Westminster courts, and the Norwich dispute of 1484 is likely to have owed its airing in the exchequer of pleas to the city's status as a shire incorporate with its own sheriffs. Equally unusually for a law suit over a fifteenth-century election, the barons of the exchequer reached a recorded verdict, exonerating the sheriffs of Norwich of the charge brought against them.

If the exact circumstances of this election dispute are not known, it is conceivable that it arose out of nothing more than resentment on the part of the complainant, a member of a well-established Norwich family, that he should have been passed over for his rival, a man not long settled in the city. Alternatively, it is possible that Elys did not bear Malburgh any particular animosity and that his primary grievance was with the sheriffs against whom he brought his complaint.

From a well-established Norwich family, Elys was the son of the merchant Thomas Elys, an alderman and former mayor who for decades had played a

⁵Hannes Kleineke, ed., *Parliamentarians at Law*, Oxford 2008, pp. 14, 172-79, 196-211; Roger Virgoe, 'Three Suffolk parliamentary elections of the mid-fifteenth century', *Bulletin of the Institute of Historical Research*, vol. 39 (1966), pp. 184-96; C.H. Williams, 'A Norfolk parliamentary election, 1461', *English Historical Review*, vol. 40 (1925), pp. 79-86; N.H. Nicolas, ed., *Proceedings and Ordinances of the Privy Council of England*, 6 vols., London 1834-37, vol. 6, pp. 183-4; Roger Virgoe, 'An election dispute of 1483', *Historical Research*, vol. 60 (1987), pp. 24-44; PRO, E13/158, rots. 59-59d, 62d, 66d, 67, 67d, 73, 75-75d, 85.

prominent part in public life in the city and had sat for it in the parliament of 1463. Probably still a relatively young man at the time of the election, Elys had become a freeman of Norwich only a few months before the parliament was summoned, for a city register records that he was admitted a citizen on 4 September 1483. In the register he is styled 'gentleman *alias* mercer' but he was to make his name as a lawyer rather than in trade. Having gained admission to Lincoln's Inn in 1475, by 1517 he had become recorder of his native city and in 1520 he was appointed a baron of the exchequer. He died in 1534, the lord of several manors in Attlebridge and Taverham, a few miles to the north-west of Norwich. A brass for him still survives in the parish church at Attlebridge, although in his will he asked to be buried in the church of St Peter Mancroft, Norwich.⁶

A man of a much more obscure background, Malburgh had become a citizen of Norwich nine months earlier than Elys, on 10 January 1483.⁷ His admission to the freedom is noted in the city's assembly book as well as its register of freemen. He was admitted free of any entry fine but the reason for this concession is not recorded. Like Elys, he was a 'gentleman' and mercer, although he is also styled 'esquire' in a royal pardon granted to him on 25 February 1484, just two days after the parliament opened. For lack of evidence to show that he was another lawyer, it is not known to what he owed his gentry status. The same pardon shows that he had a connection with the capital, since it refers to him as 'of London *alias* 'of Norwich'.⁸ He was certainly active in London during the 1470s, when he acted as a trustee for other citizens, served as a commissioner of sewers and had dealings with the prominent draper, Sir Thomas Cook. It was from Cook that he bought lands in Bury St. Edmunds, Suffolk, an investment which may represent his earliest association with East Anglia. He was later to acquire holdings at Clare, also in west Suffolk, and at Aylsham in Norfolk, but both these purchases led to disputes and litigation in the chancery. By the autumn of 1482 he was sufficiently identified with East Anglia for the Crown to make him a commission of inquiry in Norfolk and Suffolk.⁹ In the spring of 1485 he became a receiver of estates in Hertfordshire, Essex, Suffolk and Norfolk forfeited by those who had risen

⁶Norfolk RO, NCR 16d, ff. 32, 45v, 88; 17c no. 1, f. 52v; M. Grace, ed., *Records of the Guild of St George in Norwich, 1389-1547*, Norfolk Record Society, vol. 9 (1937), pp. 75-6; T. Hawes, ed., *An Index to Norwich City Officers, 1453-1835*, Norfolk Record Society, vol. 52 (1989), p. 56; J.H. Baker, *Readers and Readings in the Inns of Court and Chancery*, Selden Society supp. ser. vol. 13 (2000), p. 114; B. Cozens-Hardy and E.A. Kent, *The Mayors of Norwich, 1403 to 1835*, Norwich 1938, pp. 28-9; E. Foss, *Biographia Juridica: a Biographical Dictionary of the Judges of England from 1066-1870*, London 1870, p. 232; John Sainty, *The Judges of England, 1272-1990*, Selden Society supp. ser. vol. 10 (1993); PRO, PCC 15 Hogen (PROB11/25, ff. 99v-100).

⁷Norfolk RO, NCR 16d, f. 118; 17c no. 1, f. 52.

⁸PRO, C67/51, m. 8.

⁹CCR 1468-76, nos. 1147, 1555; CPR 1467-77, p. 462; CPR 1476-85, p. 322; PRO, C1/51/249.

against Richard III, although just months later the new government of Henry VII appointed him a customs collector at Bishop's Lynn.¹⁰ Whatever his origins, or the extent of his career outside the city he came to represent in parliament, Malburgh owed his connection with it to his marriage to Joan, the widow of one of its aldermen, William Pepyr, who had died in 1476. Exactly when he married Joan is not known, although it was certainly some years before he was admitted to the freedom of Norwich. Joan was one of Pepyr's executors, and in the autumn of 1480 she and Malburgh, by then husband and wife, were associated with her co-executors, two chaplains, in pursuing legal action at Westminster against various individuals indebted to her former husband's estate.¹¹ Malburgh remained associated with Norwich after the parliament of 1484, although he was never to hold any of the principal offices in the city. He was among the property owners in the city assessed for the income tax or tenth which the parliament of 1489 granted to Henry VII. Perhaps held in the right of his wife, who had borne Pepyr at least four children, the lands and tenements for which he was taxed lay in the parishes of St John Maddermarket, St Cross, St Andrew and St Michael at Plea. He was expected to pay 2s. for these properties, indicating that he was reckoned to derive an annual income of 20s from them.¹² In February 1492 he was among those in the city whom the Crown appointed to collect another subsidy, a commission which came late in life since he made his will on the following 11 December and was dead by 12 February 1493 when it was proved. In the will, which is striking for its lack of any reference to Norwich, he asked to be buried at the Austin friary in Clare and left Joan all his lands in Northamptonshire. The will also shows that he held lands at Poslingford, Chipley and Stansfield in west Suffolk when he died. Joan, who survived him by more than a decade, chose to be buried beside her previous husband in the church of St John Maddermarket, Norwich, in her will of 1508.¹³

¹⁰B.P. Wolffe, *The Royal Demesne in English History*, London 1971, p. 297; *CFR 1485-1509*, nos. 36-7, 80; PRO, C1/102/41-9, 186/37. Presumably he was also the John Malburgh whom Edward IV appointed a customs collector in Exeter and Dartmouth in 1469, although this is impossible to prove: *CFR 1461-71*, pp. 248, 249, 250.

¹¹Norfolk RO, Norwich consistory court (NCC) 140-1 Gelour; PRO, C1/96/64, 141/99; CP40/874, rot. 479.

¹²Maureen Jurkowski, ed., 'Income tax assessments of Norwich, 1422 and 1489', in *Poverty and Wealth: Sheep, Taxation and Charity in Late Medieval Norfolk*, Norfolk Record Society, vol. 71 (2007), pp. 148-49; Norfolk RO, NCC 140-1 Gelour.

¹³*CFR 1485-1509*, no. 417; PRO, PCC 22 Dogett (PROB11/9, ff. 172-72v); Norfolk RO, NCC 127-9 Spyltimbre.

The National Archives (PRO), E159/260, *recorda* Hilary 1 Richard III, rots. 11, 11d, 12d.

In the following, the text of the MS has been printed in full. Common abbreviations have been silently expanded. The use of u and v has been standardised, capitalization modernised and a degree of punctuation introduced. Editorial interventions are indicated by square brackets [], interlinear insertions by angular brackets < >. Marginal glosses are indicated in the footnotes.

Civitas Norwici¹⁴ – Memorandum quod Willelmus Elys venit coram baronibus huius scaccarij in propria persona sua vicesimo sexto die Januarij ultimo preterito,¹⁵ et sacramentum suum prestitit corporale quod, cum auctoritate parliamenti apud Westmonasterium anno regni Henrici, nuper de facto et non de iure Regis Anglie sexti, octavo¹⁶ tenti provisum et ordinatum fuerit quod milites de comitatibus infra regnum Anglie extunc eligendi venturi ad parliamenta adtunc tenenda eligerentur in quolibet comitatu per gentes commorantes et residentes infra eundem comitatum, unde quilibet haberet liberum tenementum ad valenciam quadraginta solidorum ad minus ultra reprisam, et quod illi qui sic eligerentur forent commorantes et residentes infra eundem comitatum. Et illi qui haberent maiorem numerum ex illis qui possent expendere per annum quadraginta solidos et ultra, ut predictum est, retornarentur per vicecomitem de quolibet comitatu milites pro parlamento per indenturas sigillatas inter dictum vicecomitem et dictos electores inde faciendas. Et quilibet vicecomes Anglie haberet potestatem auctoritate predicta examinandi super sacrosancta evangelia quemlibet huiusmodi electorem quantum posset expendere per annum. Et si aliquis vicecomes retornet milites ad veniendum ad parliamentum incontrarium istius ordinacionis, quod justiciarij ad assisas in eorum sessionibus assisarum haberent potestatem auctoritate supradicta ad inde inquirendum. Et si per juratam inventum fuisset coram eisdem justiciarijs et vicecomes inde debite attinctus, quod tunc predictus vicecomes incurreret penam c li. ad solvendum domino Regi. Et similiter quod ipse haberet imprisonment unius anni absque demittendum in ballium vel manucapcionem. Et quod huiusmodi milites pro parlamento incontrarium dicte ordinacionis returnati amitterent feoda sua, proviso semper quod qui expendere non posset xl s. per annum ut supradictum est minime foret quocumque modo electorum huiusmodi militum pro parlamento. Et in quilibet brevi quod extunc exiret ad vicecomites pro eligendo milites pro parlamento sit mencio facta de dicta

¹⁴Marg.: *De Roberto Rose et Willelmo Ferrour, vicecomitibus civitatis Norwici, allocatis ad respondendum domino Regi quare ipsi de c li. per ipsos dicto domino Regi contra formam statuti, ut dicitur, forisfactis onerari non debent.*

¹⁵26 Jan. 1484.

¹⁶1429-30.

ordinacione. Ac cum idem H[enricus], nuper de facto et [non]¹⁷ de iure Rex Anglie sextus, per quoddam statutum in parlamento suo apud Westmonasterium anno regni sui xxiiij^{to} tento editum,¹⁸ recitans per idem statutum quod cum auctoritate cuiusdam parlamenti apud Westmonasterium anno regni patris sui primo tento¹⁹ inter alia ordinatum sit quod cives et burgenses civitatum et burgorum venturi ad parlamentum essent electi homines, cives et burgenses residentes, commorantes et infranchesiati in eisdem civitatibus et burgis et nulli alij, prout in eodem statuto plenius continetur. Qui quidem cives et burgenses electi fuerant quolibet tempore in civitatibus et burgis per cives et burgenses earundem et per nullos alios et vicecomitibus comitatum returnati, et super huiusmodi returnum recepti et accepti per parlamenta ante ea tempora tenta. Aceciam cum auctoritate alterius parlamenti tenti apud Westmonasterium predictum anno H[enrici], nuper de facto et non de iure Regis Anglie sexti, octavo ordinatum fuerit quibus modo et forma milites comitatum venturi ad parlamenta imposterum tenenda essent electi, et qualiter vicecomites eorundem comitatum super hoc facerent returna sua, prout in eodem statuto plenius apparet, virtute cuius statuti elecciones militum venturorum ad parlamenta aliquibus vicibus debite facte fuerant et legitime retornate, usque tunc tarde quod diversi vicecomites comitatum Regis Anglie propter sua emolumenta singulariaque commoda debitas elecciones militum minime fecissent, nec tempore convenienti neque returna bona et vera, et aliqua vice nulla returna de militibus, civibus et burgensibus legitime electis de veniendo ad huiusmodi parlamenta, set returnassent tales milites, cives et burgenses quales nunquam debite fuissent electi, ac alios cives et burgenses, quam huiusmodi qui per maiores et ballivos returnati fuissent eisdem vicecomitibus, et aliqua vice dicti vicecomites minime returnassent brevia de faciendo elecciones²⁰ militum venturorum ad parlamenta, set ea imbesellaverant, et ulterius <nulla> fecerant precepta maiori et ballivis, seu ballivis vel ballivo ubi maior non habetur, de civitatibus et burgis ad eleccionem civium et burgensium venturorum ad parlamenta ibidem faciendum, colore istorum verborum in brevibus illis contentorum, videlicet “quod in pleno comitatu tuo eligi facias pro comitatu tuo duos milites et pro qualibet civitate in comitatu tuo duos cives et pro quolibet burgo in comitatu tuo duos burgenses”, et pro eo quod sufficiens pena et congruens remedium pro parte in huiusmodi casu gravata [in]²¹ statutis illis versus vicecomites maiores et ballivos contra formam eorundem statutorum facientes adtunc minime ordinata

¹⁷ *non* appears to have been erased.

¹⁸ 1445-46.

¹⁹ 1413.

²⁰ MS *ellecciones*.

²¹ MS *et*.

fuissent, dictus Henricus, nuper, ut premittitur, Rex Anglie sextus, premissa considerans, auctoritate eiusdem parlamenti sui apud Westmonasterium dicto anno xxiiij^{mo} tento ordinavit et statuit quod statuta superius recitata debite observarentur in omnibus articulis, et preterea²² quod quilibet vicecomes post deliberacionem alicuius talis brevis sibi factam faceret et absque fraude deliberaret unum sufficiens preceptum sub sigillo suo quibuscumque maiori et ballivis, seu ballivis vel ballivo ubi maior non habetur, in quibuscumque civitatibus et burgis infra comitatum suum, recitando breve predictum eosque per idem preceptum mandando de eligendo, si sit civitas per cives eiusdem civitatis cives, et eodem modo, si sit burgus burgenses, de veniendo ad parlamenta, et quod iidem maior et ballivi, seu ballivi vel ballivus, ubi maior non habetur, legitime returnaret seu retornarent eidem vicecomiti preceptum antedictum per indenturas inde inter eundem vicecomitem et eos de huiusmodi eleccionibus et de nominibus dictorum civium et burgensium sic per eos electorum debite conficiendas. Et super hoc quod quilibet vicecomes faceret bonum et rectum returnum super quolibet huiusmodi brevi, et de quolibet returno per maiorem et ballivos, seu ballivos vel ballivum ubi maior non habetur, sibi facto. Et quod quilibet vicecomes tociens quociens ipse faceret contrarium istius statuti, aut alicuius statuti de eleccionibus militum, civium et burgensium venturorum ad parlamentum ante ea tempora facti, incurreret penam contentam in dicto statuto dicto anno <xxiiij^{mo}> dicti Henrici sexti edito, et ulterius forisfaceret et solveret cuilibet persone imposterum electe militi, civi vel burgensi in comitatu suo ad veniendum ad aliquod parlamentum et non per ipsum vicecomitem debite returnate, vel alicui alteri persone qui in defectu huiusmodi militis, civis, vel burgensis prosequi voluerit, c li., unde quilibet miles, civis et burgensis sic gravatus separatim, seu aliqua alia persona que in eorum defectum prosequi voluerit haberet accionem suam de debito versus dictum vicecomitem, seu executores vel administratores suos, ad demandandum et habendum dictos c li. unacum custagijs suis in illo casu sustentis et expensis. Et quod in tali accione capta virtute istius statuti defendens in nullo modo vadearet legem suam de demanda supradicta, et nullus defendens in huiusmodi accione haberet aliquod essonium eodem modo, tociens quociens aliquis maior et ballivi, seu ballivi vel ballivus ubi maior non est, retornent seu retornet alios quam eos, qui electi fuerint per cives et burgenses civitatum et burgorum ubi tales elecciones essent facte, incurrerent et forisfacerent domino Regi quadraginta libras. Et ulterius forisfacerent et solverent cuilibet persone imposterum electe civi et burgensi de veniendo ad parlamenta et per ipsos maiorem et ballivos, seu ballivos vel ballivum

²²MS *preteria*.

ubi maior non habetur, minime retornate, aut alicui alie²³ persone que²⁴ in defectu talis civis aut burgensis sic electi prosequi voluerit, xl li., unde quilibet huiusmodi civium et burgensium sic gravatorum separatim, seu aliqua alia persona que²⁵ in eorum defectu prosequi voluerit, haberet accionem suam de debito versus quemlibet huiusmodi maiorum et ballivorum, seu ballivorum vel ballivi ubi maior non est, seu versus eorum executores seu administratores, ad demandandum et habendum de quolibet huiusmodi maiore et ballivo, seu ballivis vel ballivo ubi maior non est, xl li. unacum custagijs suis in eo casu expensis. Et quod in tali accione debiti virtute huius statuti capta nullus defendens aliquo modo vadiaret legem suam de dicta demanda, nec haberet aliquod essonium. Et quod quilibet vicecomes non faciens debitas elecciones militum de veniendo ad parliamentum tempore congruenti, scilicet vicecomes in suo pleno comitatu inter horam octavam et horam novenam ante nonam, absque collusione in ea parte. Et quilibet vicecomes minime faciens bona et vera returna de huiusmodi eleccionibus militum de veniendo ad parlamenta in tempore futuro, prout sibi pertinet, modo et forma supradictis, forisfaceret versus dominum Regem centum libras et incurreret penam centum librarum solvendam illi qui versus eundem vicecomitem, executores seu administratores suos, propter hanc causam prosequi voluerit per viam accionis debiti unacum custagijs suis in ea parte expensis, absque vadendo legem de demanda illa seu habendo essonium, ut predictum est, proviso semper quod quilibet miles, civis et burgensis de veniendo ad aliquod parliamentum in tempore futuro tenendum debite electus et non retornatus, ut predictum est, incipiat accionem suam debiti supradicti infra tres menses post huiusmodi parliamentum inchoatum, ad procedendum in dicta secta effectualiter sine fraude, et si ne fecerit, haberet alter qui prosequi voluerit dictam accionem debiti, ut predictum est, ad habendum et recuperandum eandem summam unacum custagijs suis in ea parte sustentis modo et forma antedictis. Ita quod defendens in tali accione nullo modo vadearet legem suam, nec esset essoniatus, ut predictum est. Et si aliquis miles, civis aut burgensis in tempore tunc futuro retornatus per vicecomitem de veniendo ad parliamentum modo supradicto post huiusmodi retornum per aliquam personam expellatur, et alius positus loco suo, quod si talis persona sic loco illius persone expulse posita assumeret super se fore miles, civis et burgensis ad aliquod parliamentum tempore futuro, forisfaceret versus dominum Regem centum libras et centum libras militi, civi et burgensi sic per vicecomitem retornato et postea, ut predictum est, expulso. Et quod huiusmodi miles, civis et burgensis sic expulsus haberet accionem debiti de dictis centum libris versus huiusmodi personam sic

²³MS *alij.*

²⁴MS *qui.*

²⁵MS *qui.*

loco suo positam, executores vel administratores suos, proviso semper quod ipse inchoaret sectam suam infra tres menses post parliamentum inchoatum, et si non fecerit, quod ipse qui prosequi voluerit haberet accionem suam debiti de dictis centum libris versus ipsum sic positum loco illius taliter post huiusmodi returnum expulsi, executores vel administratores suos. Et quod nullus defendens in tali accione vaderet legem suam, nec esset essoniatus. Et quod omnis huiusmodi processus esset in accionibus antedictis, prout fieri consuevit in brevi de transgressione contra pacem communis legis facta. Ita quod milites comitatum pro parlamento imposterum eligendi essent notabiles milites eorundem comitatum pro quibus sic eligerentur, vel aliter tales notabiles armigeri et proceres natu eorundem comitatum, quales essent abiles fore milites. Et quod nullus existens in gradu valetti, vel desub, esset huiusmodi miles comitatus, prout in eodem statuto dicto anno vicesimo tercio edito plenius continetur. Quidam tamen Robertus Rose et Willelmus Ferroure, nunc vicecomites civitatis Norwici, ad quorum manus breve domini Regis nunc de magno sigillo suo de eligendo cives in civitate sua predicta pro parlamento iam instanti, videlicet xxj^{mo} die Decembris ultimo preterito,²⁶ apud civitatem predictam devenit, et postea eleccionem predictam virtute brevis predicti publice proclamari fecerunt, ac cives eiusdem civitatis unanimi consensu et assensu suis Willelmum Elys, concivem²⁷ eiusdem civitatis, unum civium civitatis predictae pro predicto parlamento debite et legitime ibidem, videlicet die Lune proximo post festum Epiphanie domini ultimo preterito,²⁸ eligerunt, prefati tamen vicecomites, statuta predicta minime ponderantes, ex suo malo ingenio et fraude et absque aliqua auctoritate returnaverunt²⁹ in cancellariam dicti domini Regis Johannem Malburgh unum civium pro civitate predicta, loco et vice predicti Willelmi Elys, minime debite aut legitime existentem electum, et prefatum Willelmum Elys, qui prius in civem eiusdem civitatis debite et legitime electus fuit forma predicta, extra returnum predictum penitus et fraudulenter emisit et expulserunt, unde predictus Willelmus Elys petit avisamentum curie in premissis. Super quo concordatum est quod predicti vicecomites premuniantur per breve de scire facias essendi hic etc. ad ostendendum et proponendum si quod etc., quare ipsi de dictis centum libris in statutis predictis specificatis dicto domino Regi respondere et satisfacere non debent. Et ad ulterius recipiendum in premissis quod curia etc. Et preceptum sit coronatoribus civitatis predictae quod prefatis vicecomitibus scire faciant in forma predicta, ita etc. in octabis purificationis beate Marie virginis. Ad quem diem

²⁶21 Dec. 1483.

²⁷MS *concivem*.

²⁸12 Jan. 1484.

²⁹MS *returnarunt*.

coronatores, videlicet Robertus Smyth et Willelmus Aubry, retornarunt breve indorsatum sic: Virtute istius brevis scire fecimus Roberto Rose et Willelmo Ferroure, vicecomitibus infranominatis, quod sint coram baronibus infrascriptis ad diem et locum infracontentos ad ostendendum et proponendum, prout istud breve in se exigit et requirit, per Thomam Hampsted et Johannem Aleyn probos et legales homines de balliva nostra. Et predicti Robertus Rose et Willelmus Ferroure ad eundem diem veniunt per Johannem Barlowe et Edmundum Bohun, eorum attornatos, et petunt auditum informacionis predicte, et eis legitur etc. Qua audita et intellecta, iidem Robertus et Willelmus, protestando quod informacio illa minus sufficiens est in lege ad quam ipsi necesse non habent, nec per legem terre tenentur, respondere, per placita dicunt quod ipsi occasione informacionis illius per dominum Regem nunc, nec per aliquam aliam personam, aliquo modo impeti seu occasionari non debet, quia dicunt quod predictus Johannes Malburgh ac Robertus Thorpe, tunc et continue postea existentes cives civitatis predicte in eadem residentes, virtute brevis predicti eisdem vicecomitibus directi debite et legitime ibidem predicto die Lune electi fuerunt in cives eiusdem civitatis pro parlamento predicto, ac per eosdem vicecomites virtute brevis illius sic cives pro parlamento illo coram domino Rege in cancellaria sua retornati, absque hoc quod predictus Willelmus Elys fuit electus in unum civium civitatis predicte pro parlamento predicto, aut quod ipsi ipsum Willelmum huiusmodi civem retornarunt, vel extra aliquod retorum expulerunt, modo et forma quibus <per> informacionem predictam supponitur, et absque hoc quod habetur aliquod recordum preter informacionem predictam per quod liquere potest quod idem Willelmus fuit electus in civem civitatis predicte pro parlamento illo. Que omnia et singula iidem Robertus Rose et Willelmus Ferroure parati sunt verificare, unde petunt iudicium si dominus Rex, seu aliqua alia persona, ipsos occasione informacionis predicte aliquo modo impetere seu occasionare velit, et petunt quod ipsi de curia hic quieti dimittantur. Et quia curia vult deliberare in premissis antequam ulterius etc., datus est dies hic eisdem Roberto Rose et Willelmo Ferroure eodem statu quo nunc, usque quindenam Pasche, ad quem diem predicti Robertus Rose et Willelmus Ferroure veniunt hic per dictum attornatum suum. Et Morganus Kidwelly, qui pro domino Rege sequitur, pro eodem domino Rege dicit quod predictus Willelmus Elys predicto die Lune proximo post festum Epiphanie domini in informacione predicta specificato electus fuit unus civium civitatis predicte pro parlamento predicto per cives eiusdem civitatis modo et forma, prout per informacionem predictam superius supponitur. Et hoc petit pro eodem domino Rege quod inquiretur per patriam, et predictus Willelmus Elys dicit ut prius et petit similiter. Ideo fiat inde inquisicio. Et preceptum sit coronatoribus civitatis predicte quod venire faciant hic in octabis sancte Trinitatis xviii^{mo} tam milites etc. de visneto dicte civitatis Norwici, quorum quilibet etc., per quos etc., et qui nec etc., ad recognoscendum in premissis.

Et idem dies datus est prefatis Roberto Rose et Willelmo Ferroure. Ad quem diem predictus Robertus Rose et Willelmus [Ferroure]³⁰ venerunt hic per dictum attornatum suum et coronatores, videlicet Robertus Smyth et Willelmus Aubrye, returnarunt breve cum pannello de nominibus juratorum. Et juratores non veniunt. Ideo preceptum sit prefatis coronatoribus quod ipsos juratores distringant per terras etc. ita etc. a die sancti Michaelis in xv dies, vel interim coram dilectis et fidelibus Regis justiciarijs dicti domini Regis ad assisas in comitatu civitatis Norwici capiendas assignatis apud Norwicum, die Lune proximo post festum sancte Margarete virginis proximo futuro,³¹ qui per litteras patentes sub sigillo huius scaccarij assignantur ad inquisitionem illam interim capiendam. Et dictum est prefatis Roberto Rose et Willelmo Ferroure quod expectent diem suum coram prefatis justiciarijs, et quod sint hic³² ad predictam xv^{nam} sancti Michaelis ad audiendum iudicium suum, si etc. Ad quem diem predicti Robertus Rose et Willelmus Ferroure veniunt hic per dictum attornatum suum. Et prefati justiciarij retornarunt tenorem huius recordi, qui est inter inquisitiones et extentos de anno secundo Regis huius in custodia huius Remembratoris existentes, indorsatum sic: Postea, die et loco infracontentis, coram Willelmo Huse, milite, et Willelmo Copley, justiciarijs domini Regis ad assisas in civitate Norwici capiendas assignatis per formam statuti etc., veniunt infranominati Robertus Rose et Willelmus Ferroure in proprijs personis suis et juratores exacti similiter veniunt et super hoc, facta proclamacione pro domino Rege solempniter, prout moris est, siquis justiciarios predictos, servientes domini Regis ad legem, aut attornatum ipsius domini Regis, vel juratores predictos de infracontentis informare vellet, veniret et audiretur. Et nullus ad hoc faciendum se optulit, per quod processum est ad capcionem jurate, unde infra fit mencio, per juratores comparentes, qui ad veritatem de infracontentis dicendum electi, triati et iurati dicunt super sacramentum suum quod infrascriptus Willelmus Elys non fuit electus in unum civium civitatis infrascripte pro parlamento infranominato, prout per informacionem infraspacificatam supponitur. Ideo etc. Et super hoc predicti Robertus Rose et Willelmus Ferroure petunt iudicium in premissis. Et quia curia vult deliberare in premissis antequam ulterius etc., datus est dies hic prefatis Roberto et Willelmo eodem statu quo nunc usque a die Sancti Hillarij in xv dies. Ad quem diem predicti Robertus et Willelmus Ferroure veniunt hic per eorum attornatum et habent diem ulterius ex causa predicta usque a die Pasche in xv dies. Ad quem diem predicti Robertus Rose et Willelmus Ferroure [veniunt]³³

³⁰MS *Rose*.

³¹26 July 1484.

³²MS *hic hic*.

³³*veniunt* omitted in MS.

hic per dictum attornatum suum et habent diem ulterius ex causa predicta³⁴ usque quindenam sancti Johannis Baptiste. Ad quem diem predicti Robertus Rose et Willelmus Ferrour veniunt hic per attornatum suum et petunt iudicium ut prius etc. Super quo, visis premissis per barones habitaque inde matura deliberacione, per eosdem barones consideratum est quod predicti Robertus Rose et Willelmus Ferrour de centum libris ab eisdem superius in informacione predicta exactis et de qualibet inde parcella erga dictum dominum Regem exonerentur et eorum alter exoneretur pretextu premissorum, salva semper accione Regis, si alias etc.

Translation:

City of Norwich – Let it be remembered that William Elys came before the barons of this exchequer in his own person on 26 January last past³⁵ and swore that where by authority of a parliament held at Westminster in the eighth year of the reign of Henry VI,³⁶ late in deed and not of right king of England, it was provided and ordained that the knights of the shires henceforth to be elected within the realm of England to come to the parliaments henceforth to be held should be elected in each county by the people dwelling and residing within the same county, each of whom should have free tenement to the value of at least 40s. beyond reprise, and that those who should so be elected should be dwelling and residing within the same county. And those who should command a majority of those who can spend 40s. a year and more, as is aforesaid, should be returned by the sheriff from each county as knights for the parliament by sealed indentures to be made between the said sheriff and the said electors thereof. And each sheriff of England should have the power by the aforesaid authority to examine over the holy gospels each elector how much he might spend per year. And if any sheriff should return knights to come to parliament contrary to this ordinance, the justices of assize should have the power by the abovesaid authority to inquire into the matter in their sessions of the assizes. And if it should be so found by a jury before the same justices, and the sheriff duly attainted thereof, that then the aforesaid sheriff should incur a penalty of £100 to be paid to the lord king. And likewise that he should suffer imprisonment of one year without finding bail or mainprise. And that such knights for parliament as are returned contrary to the said ordinance should lose their fees, provided always that any who could not spend 40s. a year, as is abovesaid, should in no way be elected such knights for parliament. And in each writ which should henceforth go out to the sheriffs for the electing of knights for parliament, mention should be made of the said ordinance. And where the same H[enry] VI, late in deed and not

³⁴Marg.: *Habent iudicium.*

³⁵26 Jan. 1484.

³⁶1429-30.

of right king of England, by a certain statute issued in his parliament held at Westminster in the twenty-third year of his reign,³⁷ reciting by the same statute that where by authority of a certain parliament held at Westminster in the first year of the reign of his father³⁸ it had among other things been ordained that the citizens and burgesses of the cities and boroughs who should come to parliament should be men, citizens and burgesses residing, dwelling and enfranchised in the same cities and boroughs and no others, as is more fully contained in the same statute. Which citizens and burgesses had at all times been elected in the cities and boroughs by the citizens and burgesses of the same and by no others and returned to the sheriffs of the counties, and by virtue of such a return had been received and accepted by the parliaments held before those times. And also by authority of another parliament held at Westminster aforesaid in the eighth year of H[enry] VI,³⁹ late in deed and not of right king of England, it was ordained in what manner and form the knights of the shires coming to the parliaments to be held thereafter should be elected and how the sheriffs of the same counties should make their returns of them, as appeared more plainly in the same statute, by virtue of which statute the elections of the knights coming to parliament had been at all times duly made and legitimately returned, until then of late various sheriffs of the counties of the king of England for their own benefit and singular advantages had not made due elections of the knights, nor at a convenient time, nor good and true returns, and at times no returns of the knights, citizens and burgesses legitimately elected to come to such parliaments, but had returned such knights, citizens and burgesses as had never been duly elected, and other citizens and burgesses than those who had been returned to the same sheriffs by the mayors and bailiffs, and at other times the said sheriffs had not returned the writs concerning the elections of knights coming to parliament, but had embezzled them, and furthermore had made no precepts to the mayor and bailiffs, or bailiffs or bailiff where there is no mayor, of the cities and boroughs to make elections of citizens and burgesses to come to parliament there, by colour of these words contained in the writs, that is to say "that in your full county court you cause to be elected for your county two knights, and for each city in your county two citizens, and for each borough in your county two burgesses", and because a sufficient penalty and a suitable remedy against the sheriffs, mayors and bailiffs acting contrary to the form of these statutes had then not been ordained in the statutes for the party aggrieved in such a case, the said Henry VI, late, as is aforesaid, king of England, considering the premises, by authority of his same parliament held at Westminster in the said twenty-third

³⁷1445-46.

³⁸1413.

³⁹1429-30.

year,⁴⁰ ordained and established that the statutes recited above should be duly observed in all articles, and furthermore that each sheriff after delivery of any such writ has been made to him should make and deliver without fraud a sufficient precept under his seal to each mayor and bailiffs, or bailiffs or bailiff where there is no mayor, of any cities and boroughs within his county, reciting the aforesaid writ and ordering them by the same precept to elect, if it be a city, by the citizens of the same city citizens, and in the same manner, if it be a borough, burgesses, to come to parliament, and that the same mayor and bailiffs, or bailiffs or bailiff where there is no mayor, should legitimately return the aforesaid precept to the same sheriff by indentures to be duly made thereof between the same sheriff and them, of such elections and of the names of the said citizens and burgesses so elected by them. And over this that each sheriff should make a good and rightful return of each such writ and of each return made to him by the mayor and bailiffs, or bailiffs or bailiff where there is no mayor. And that each sheriff, as often as he should do contrary to that statute or any statute made before that time of the elections of the knights, citizens and burgesses coming to parliament, should incur the penalty contained in the said statute made in the said twenty-third year of the said Henry VI, and beyond that should forfeit and pay to each person thereafter elected knight, citizen or burgess in his county to come to any parliament, and not duly returned by the sheriff, or to any other person who would sue in default of such knight, citizen or burgess, £100, whereof each knight, citizen and burgess so aggrieved, or any other person who would sue in their default, should separately have his action of debt against the said sheriff, or his executors or administrators, to claim and have the said £100 together with his costs incurred and expended in this case. And that in such an action taken by virtue of that statute the defendant should in no way wage his law over the abovesaid claim, and no defendant in such an action should have any essoin, in the same way, so often as any mayor and bailiffs, or bailiffs or bailiff where there is no mayor, should return others than those who should have been elected by the citizens and burgesses of the cities and boroughs where such elections should have been made, should incur and forfeit to the lord king £40. And beyond that they should forfeit and pay to each person thereafter elected citizen and burgess to come to parliament and not returned by the same mayor and bailiffs, or bailiffs or bailiff where there is no mayor, or any other person who would sue in default of such a citizen or burgess so elected, £40. Wherefor each such citizen and burgess so aggrieved separately, or any other person who would sue in their default, should have his action of debt against any such mayor and bailiffs, or bailiffs or bailiff where there is no mayor, or against their executors or administrators, to claim and have from each such mayor and bailiff, or bailiffs or bailiff where there is no mayor, for £40 together with his costs

⁴⁰1445-46.

expended in that case. And that in such an action taken by virtue of this statute no defendant shall wage his law over the said claim in any way, nor shall he have any essoin. And that any sheriff not making due elections of knights to come to parliament at a suitable time, that is to say the sheriff in his full county court between the eighth and the ninth hour before noon, without collusion in that part. And each sheriff not making good and true returns of such elections of knights to come to parliament at a future time, as is his duty, in the abovesaid manner and form, should forfeit to the lord king £100 and should incur a penalty of £100 payable to him who for this cause will sue against the same sheriff, his executors or administrators, by way of an action of debt together with his costs expended in that part, without waging the law of that claim, or having an essoin, as is aforesaid, provided always that any knight, citizen and burgess duly elected to come to any parliament to be held in the future and not returned, as is aforesaid, shall begin his action of the aforesaid debt within three months after the beginning of such a parliament, to proceed in the said suit effectually without fraud, and if he should not do so, another who will sue shall have the the said action of debt, as is aforesaid, to have and recover the same sum together with his costs incurred in that part in the aforesaid manner and form. So that the defendant in such an action should in no way wage his law, nor be essoined, as is aforesaid. And if any knight, citizen or burgess returned in time then to come by a sheriff to come to parliament in the aforesaid manner shall be struck out by any person after such a return and another put in his place, that if such a person so put in place of the person struck out should take upon himself to be knight, citizen and burgess at any parliament in future times, he forfeit to the lord king £100, and £100 to the knight, citizen and burgess so returned by the sheriff and afterwards, as is aforesaid, struck out. And that such a knight, citizen and burgess so struck out should have an action of debt for the said £100 against the person so put in his place, his executors or administrators, provided always that he should begin his suit within three months after parliament has begun, and if he should not do so, that he who would sue should have an action of debt for the said £100 against him so put in place of him so struck out after such a return, his executors or administrators. And that no defendant in such an action should wage his law nor be essoined. And that all such process should be in the aforesaid actions as has been accustomed in the writ of trespass against the peace at common law. So that the knights of the shires to be elected for parliament in the future should be notable knights of the same counties for which they should so be elected or otherwise such notable esquires and noblemen born of the same counties, as should be able to be knights. And that none being of the grade of yeoman or below should be such a knight of the shire, as is more fully contained in the same statute issued in the said twenty-third year.

However, a certain Robert Rose and William Ferrour, now sheriffs of

the city of Norwich, to whose hands the writ of great seal of the lord king that now is concerning the election of citizens in their aforesaid city for the present parliament, came at the aforesaid city that is to say on 21 December last past,⁴¹ and afterwards they caused the aforesaid election by virtue of the aforesaid writ to be publicly proclaimed, and the citizens of the same city by their unanimous consent and assent there, that is to say on Monday next after the feast of the Epiphany of the Lord last past,⁴² duly and legitimately elected William Elys, a fellow citizen of the same city, one of the citizens of the aforesaid city for the aforesaid parliament, yet the aforesaid sheriffs, not considering the aforesaid statutes, of their evil disposition and fraud, and without any authority, returned into the chancery of the said lord king John Malburgh as one of the citizens for the aforesaid city in place of the aforesaid William Elys, not being duly or legitimately elected, and entirely and fraudulently removed and struck out the aforesaid William Elys, who had previously been duly and legitimately elected a citizen of the same city in the aforesaid form from the aforesaid return, wherefore the aforesaid William Elys begs the advice of the court in the premises. Over which it is agreed that the aforesaid sheriffs be warned by writ of *scire facias* to be here etc. to set out and relate if something etc. why they should not answer and satisfy the said lord king of the said £100 specified in the aforesaid statutes. And to receive further in the premises what the court may etc. And let the coroners of the aforesaid city be instructed that they cause the aforesaid sheriffs to know in the aforesaid form, so etc. at the octaves of the Purification of the Blessed Virgin Mary. At which day the coroners, that is to say Robert Smyth and William Aubry, return the writ, endorsed thus: By virtue of this writ we have caused Robert Rose and William Ferroure, the sheriffs named within, to know that they should be before the barons written within on the day and at the place contained within, to show and set out, as this writ orders and requires, by Thomas Hampsted and John Aleyn, decent and law-worthy men of our bailiwick. And the aforesaid Robert Rose and William Ferroure come on the same day by John Barlowe and Edmund Robyn, their attorneys, and ask to hear the aforesaid information, and it is read to them etc. Having heard and understood this, the same Robert and William, protesting that this information is insufficient in law, to which they need not, nor are held by the law of the land, to respond by pleas, say that they must not be impleaded or prosecuted in any way by the lord king that now is or by any other person, on the grounds of this information, for they say that the aforesaid John Malburgh and Robert Thorpe, then and continually afterwards being citizens of the aforesaid city resident in the same, by virtue of the aforesaid writ directed to the same sheriffs were duly and legitimately elected there

⁴¹21 Dec. 1483.

⁴²12 Jan. 1484.

on the aforesaid Monday citizens of the same city for the aforesaid parliament and were so returned by the same sheriffs before the lord king in his chancery by virtue of that writ as citizens for that parliament, without that the aforesaid William Elys was elected one of the citizens of the aforesaid city for the aforesaid parliament, or that they returned William as such a citizen or struck him out of any return in the manner and form supposed by the aforesaid information, and without that any record was made beyond the aforesaid information whereby it is evident that the same William was elected a citizen of the aforesaid city for this parliament. All and singular of which the same Robert Rose and William Ferrour are ready to prove, wherefore they beg judgment whether the lord king or any other person will implead or prosecute them in any way on the strength of the aforesaid information and they ask that they be dismissed quit from the court here. And because the court wishes to deliberate on the premises before further etc. a day here is given to the same Robert Rose and William Ferrour in the same state as now until the quindene of Easter, on which day the aforesaid Robert Rose and William Ferrour come here by their said attorney. And Morgan Kidwelly, who sues for the lord king, says for the same lord king that the aforesaid William Elys on the aforesaid Monday next after the feast of the Epiphany of the Lord specified in the aforesaid information was elected one of the citizens of the aforesaid city for the aforesaid parliament by the citizens of the same city in the manner and form as is supposed above by the aforesaid information. And this he asks for the same lord king that inquiry be made by the country and the aforesaid William Elys says as before and asks likewise. Therefore let inquisition be made thereinto. And let the coroners of the aforesaid city be ordered that they cause to come here at the octaves of Holy Trinity 18, both knights etc. from the vicinity of the said city of Norwich each of whom etc. by whom etc. and who neither etc. to decide in the premises. And the same day is given to the aforesaid Robert Rose and William Ferrour. On which day the aforesaid Robert Rose and William [Ferrour]⁴³ come here by their said attorney, and the coroners, that is to say Robert Smyth and William Aubrye, return the writ with a panel of the names of the jurors. And the jurors do not come. Therefore let the aforesaid coroners be ordered that they distrain the same jurors by the lands etc. so etc. at the quindene of Michaelmas or in the meantime at Norwich on Monday next after the feast of St Margaret the virgin next coming,⁴⁴ before the king's welbeloved and trusty justices assigned to take assizes in the county of the city of Norwich who are assigned by letters patent under the seal of this exchequer to take this inquisition in the mean time. And the aforesaid Robert Rose and William Ferrour are told to await their day before the aforesaid justices and to

⁴³MS *Rose*.

⁴⁴26 July 1484.

be here at the aforesaid quindene of Michaelmas to hear their judgment, whether etc. On which day the aforesaid Robert Rose and William Ferroure come here by their said attorney. And the aforesaid justices return the tenor of this record which is among the inquisitions and extents of the second year of this king in the keeping of his remembrancer, being endorsed thus:

Afterwards, at the day and place contained within before William Huse, knight, and William Copley, the lord king's justices assigned to take assizes in the city of Norwich after the form of the statute etc. come Robert Rose and William Ferroure named within in their own persons and the jurors charged similarly come and over this, proclamation having been made for the lord king solemnly, as is the custom, that if anyone should wish to inform the aforesaid justices, the lord king's serjeants at law, or the same lord king's attorney, or the aforesaid jurors concerning what is contained within, he might come and be heard. And nobody offers himself to do so, wherefore the jury mentioned within is taken by the jurors attending who, chosen, tried and sworn to speak the truth concerning what is contained within, say over their oath that William Elys named within was not elected one of the citizens of the city named within for the parliament named within, as is supposed by the information specified within. Therefore etc. And over this the aforesaid Robert Rose and William Ferroure beg judgment in the premises. And because the court wishes to deliberate in the premises before further etc. a day here is given to the aforesaid Robert and William in the same state as now until the quindene of St Hilary, on which day the aforesaid Robert and William Ferroure come here by their attorney and have a further day for the aforesaid cause until the quindene of Easter day. On which day the aforesaid Robert Rose and William Ferroure here by their said attorney have a further day for the aforesaid cause until the quindene of St John the Baptist, on which day the aforesaid Robert Rose and William Ferroure come here by their attorney and beg judgment as before etc. Over which, the premisses having been seen by the barons and mature deliberation thereof being had by them it is decided that the aforesaid Robert Rose and William Ferroure and each of them be discharged of the £100 demanded from them above in the aforesaid information and of every parcel thereof against the said lord king and each of them on the pretext of the premises, always saving the king's action, if otherwise etc.