

‘Finding a few ships in readiness, they embarked’: The Earl of Warwick’s Escape from Dartmouth, April 1470

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A recurring theme in the troubled history of England in the fifteenth century, and particularly in the period of civil war between 1459 and 1471 (but of course not exclusive to this period), was the propensity of the opponents of the ruling faction or monarch to evade capture by taking ship and fleeing abroad, where they would regroup and prepare to fight another day. In the autumn of 1459, Richard, Duke of York, his elder sons, and his Neville allies, the earls of Warwick and Salisbury, slipped away from Ludlow castle at night and respectively took refuge in Ireland and Calais; while York and his second son, Edmund, Earl of Rutland, made directly for the coast and sailed for Ireland, Warwick and Salisbury, accompanied by York’s heir, Edward, Earl of March, took the longer route south, and eventually reached Devon, where, with the aid of the local esquire John Dynham, and his widowed mother Lady Joan, they found a ship and headed across the Channel to Calais where Warwick held the captaincy.¹ Ten years later, in April 1470, following the rout of their supporters at the battle of ‘Losecote field’, Warwick and his son-in-law, Edward IV’s treacherous younger brother, George, Duke of Clarence, took ship at Dartmouth and again sailed for Calais. Having been denied entry by some of the commanders of the garrison loyal to Edward IV, they eventually found shelter with King Louis of France.² Their return in September of that same year saw Edward IV himself forced to flee the country and go into exile in the Low Countries.³

What all three of these instances had in common was that the fugitives’ need to escape was unexpected: none of them had a ‘getaway-ship’ prepared and waiting. Rather, such vessels had to be procured rapidly in each case. That they could be found was no foregone conclusion. Even for an ostensibly short voyage across the Channel ships had to be prepared and provisioned and skilled

I am indebted to Dr. Euan Roger who first drew the documents edited in the appendix to my attention, and to Mr. Daniel Wigmore, whose work on the experience of the men of Sandwich between 1457 and 1462 re-awakened my interest in events in the Channel during the years of crisis.

¹ C.L. Scofield, *The Life and Reign of Edward the Fourth, King of England and of France and Lord of Ireland*, 2 vols, London 1923, vol. 1, pp. 41-42; H. Kleineke, ‘Lady Joan Dinham: a fifteenth-century West-country matriarch’ in *Social Attitudes and Political Structures in the Fifteenth Century*, ed. T. Thornton, Stroud 2000, pp. 69-87, at pp. 75-77.

² Scofield, *Edward the Fourth*, vol. 1, pp. 518-20.

³ W.I. Haward, ‘Economic aspects of the Wars of the Roses in East Anglia’, *English Historical Review*, vol. 41 (1926), pp. 170-89, at p. 179.

masters and crews found;⁴ and, since they were entirely dependent on favourable winds and tides, there was no guarantee how long a voyage might take.⁵ Alongside the vicissitudes of wind and water, the ships' owners and masters also faced other risks. The possibility of official or unofficial reprisals for aiding opponents of the ruling faction aside, the voyage itself was potentially fraught with danger, and in the autumn of 1470 Edward IV found himself chased across the north sea by a flotilla of Hanseatic ships.⁶ How, then, did the fugitives find ship owners, and more importantly, masters and mariners, prepared to take them overseas?

Beyond doubt, the venality of the seafaring community had its part to play: merchants, masters and mariners were used to making money where it could be found, be it by legitimate trade, the carrying of paying passengers, or flagrant acts of piracy. Thus, in 1459, so the Burgundian chronicler Jean de Wavrin claimed, Warwick had expended 220 nobles on a ship and the hire of seamen to

⁴ With all his experience of naval warfare, it is improbable that Warwick was an experienced navigator routinely accustomed to steering his own vessels. If Jean de Wavrin's account of his doing so in the emergency of 1459 is factual, it is likely to have represented a deliberate act of bravado intended to instil confidence in his companions. Jean de Waurin, *Recueil des Croniques et Anciennes Istories de la Grant Bretagne, a Present Nomme Engleterre*, ed. W. Hardy and E.L.C.P. Hardy, 5 vols, London, Rolls Series, 1864-91, vol. 5, p. 277. For the provisioning of ships in the period see I. Friel, *The Good Ship: Ships, Shipbuilding and Technology in England 1200-1520*, London 1995; H. Kleineke, 'English shipping to Guyenne in the mid-fifteenth century: Edward Hull's Gascon voyage of 1441', *The Mariner's Mirror*, vol. 85 (1999), pp. 472-76, and the inventories collected in *Naval Accounts and Inventories of the Reign of Henry VII, 1485-88 and 1495-97*, ed. M. Oppenheim, London 1896. On the problems faced even by an adult King when requisitioning shipping, see C. Lambert, *Shipping the Medieval Military: English Maritime Logistics in the Fourteenth Century*, Woodbridge 2011, pp. 19-45; on the crewing of ships, *ibid.*, pp. 184-206. Wavrin's writing, and specifically his attitude to, and image of, the Kingmaker are analysed in detail in Livia Visser-Fuchs's new work: *History as Pastime: Jean de Wavrin and his Collection of Chronicles of England*, Donington 2018, esp. pp. 397-422.

⁵ In the spring of 1471 Edward IV's return to England from his Flemish exile was delayed by adverse winds by nine days, while a few weeks later Queen Margaret of Anjou and the Lancastrian prince of Wales who boarded a ship at Harfleur on 24 March were prevented from crossing by storms time and time again, and in the event only reached England on 14 April, the day of the earl of Warwick's defeat and death at the battle of Barnet: Scofield, *Edward the Fourth*, vol. 1, pp. 568, 582.

⁶ L. Visser-Fuchs, 'Richard in Holland, 1470-1', *The Ricardian*, vol. 6 (1982-84), pp. 220-28, at p. 221. The dangers of the crossing are also illustrated by the experience of other fugitives like Edward IV's future secretary and physician, William Hattecliffe, who was captured and ransomed by the French as he made for Ireland in February 1461, and the temporary mayor of London, Sir Thomas Cook, whose ship was taken by a Hanseatic shipman as he fled from the returning Edward IV in the spring of 1471: Scofield, *Edward the Fourth*, vol. 1, pp. 147, 161-2, 210, 575; A.F. Sutton, 'Sir Thomas Cook and his "troubles": an investigation', *Guildhall Studies in London History*, vol. 3 (1978), pp. 84-108, at p. 106; L. Visser-Fuchs, 'English events in Caspar Weinreich's Danzig Chronicle, 1461-1495', *The Ricardian*, vol. 7 (1985-87), pp. 310-20, at p. 315.

crew it.⁷ Perhaps more important, however, were personal loyalties and by inference the support of individuals of influence among the seafaring community. Not all (if any) of the men who took the Yorkist lords to safety in 1459 were immediately paid for their services, for two years later Edward IV would grant to Lady Joan Dynham £80 'by hir to be employed and delyvered to dyvers of hir tenauntz and servauntz and other maryners by wey of rewarde and recompense for thaire trewe service, labours and diligences whiche at oure last departyng oute of this oure Reaume toward our towne of Calais thai dede for the savegarde of oure persone, conduit and guyding thidre in sauftee',⁸ and the shipmen who spirited Edward IV away to the Low Countries in the autumn of 1470 received no reward other than the king's furred gown. In 1459, it had thus taken the intervention of the local landowner John Dynham and his mother to find a vessel to transport the teenage earl of March and the earls of Warwick and Salisbury to Calais, and in the autumn of 1470 the support that Anthony Woodville, Earl Rivers, enjoyed in East Anglia was crucial in finding sailors prepared to take Edward IV to the Continent.

While the extant narratives provide some evidence of how ships were found in 1459 and in the autumn of 1470, events in the spring of the latter year remain rather more obscure.⁹ The outline of events leading up to Warwick's and Clarence's flight was roughly as follows. In the aftermath of Losecote field, the duke and the earl realised that even Edward IV would no longer ignore their flagrant complicity in the rebellion against his rule, and decided that flight was the safest course of action. They thus set out southwards, and on 3 April reached Exeter, where they were awaited by the duchess of Clarence, Warwick's heavily pregnant elder daughter Isabel. Yet, when the fugitives approached Exeter, they found the city under siege. Some weeks earlier, various members of the Powderham branch of the Courtenay family had staged an uprising to coincide with the renewed northern rebellions orchestrated by Warwick. The King, while himself heading north to deal with the risings in Lincolnshire and Yorkshire, had dispatched John, now Lord Dynham, and his brother-in-law, Fulk Bourghchier, Lord Fitzwaryn, to nip the south-western rising in the bud.

⁷ Waurin, *Recueil des Croniques*, vol. 5, p. 277. An indication of the rates charged is given by the sums laid out by Edward's messenger Nicholas Leventhorpe, sent in the late autumn of 1470 from the king's Dutch exile to northern England. Leventhorpe paid a shipman at Dundee 30s for his own passage and that of a servant, and when this ship proved unable to leave port on account of the weather, another £4 for himself and two servants in a sturdier vessel. R. Horrox, 'Preparations for Edward IV's return from exile', *The Ricardian*, vol. 6 (1982-84), pp. 124-27, at p. 126.

⁸ Kleineke, 'Lady Joan Dinham', p. 76.

⁹ Warkworth's chronicle simply states that Warwick and Clarence 'fledde westwarde to the see syde, and toke there here schippys', *A Chronicle of the First Thirteen Years of the Reign of King Edward the Fourth by John Warkworth D.D.*, ed. J.O. Halliwell, London 1839, p. 9. The Croyland continuator is somewhat more forthcoming, stating that the rebel lords, '[h]aving arrived here before the king could come up with them, and finding a few ships in readiness, they embarked', *Inglulph's Chronicle of the Abbey of Croyland*, ed. H.T. Riley, London 1854, p. 461.

The two lords reached Exeter, only to find themselves trapped within, as another Courtenay, Sir Hugh, of the Boconnoc branch of the family, laid siege to the city. On Warwick's arrival, the siege was raised, but it seems unlikely that the meeting between the earl and the two loyalist lords was anything more than civil.¹⁰ Dynham, who had been instrumental in facilitating the Yorkist lords' flight in 1459, could thus hardly be looked to, once again to arrange a vessel. Time was clearly of the essence, for flush from his victory at Empingham, King Edward had set out on pursuit of Warwick and Clarence at the head of a host of lords and their retainers, and was just days behind.

Some indication of how Warwick overcame this problem is provided by a document among the records of the court of chancery, now in the National Archives. The document in question forms part of the record of a suit brought in chancery in 1477 by Henry, Lord Grey of Codnor, and a number of associates,¹¹ against two Exeter merchants, Robert Russell and Matthew Jubbe, Matthew's wife Joan, who was the widow and executrix of another merchant,

¹⁰ The version of events recorded in John Hooker's 16th-century common-place book is confused. Hooker believed that Dynham and Fitzwarryn had been sent ahead by Warwick to escort the duchess of Clarence to Exeter, and that Sir Hugh Courtenay was an Edwardian loyalist who sought to secure the rebel lords for the king, but royal orders for Courtenay's arrest prove that this was not so. A further garbled account reached Milan by way of an English knight on his way to the Holy Land. H. Kleineke, "þe Kynges Cite": Exeter in the Wars of the Roses', in *Conflicts, Consequences and the Crown in the Late Middle Ages: The Fifteenth Century VII*, ed. L.S. Clark, Woodbridge 2007, pp. 137-56, at p. 144, and cf. also J.A.F. Thomson, 'The Courtenay family in the Yorkist period', *Bulletin of the Institute of Historical Research*, vol. 45 (1972), pp. 230-46, at p. 234; P. Holland, 'The Lincolnshire Rebellion of March 1470', *English Historical Review*, vol. 103 (1988), pp. 849-69, at pp. 860-61; L. Attreed, *The King's Towns. Identity and Survival in Late Medieval English Boroughs*, New York *et al.* 2001, pp. 81, 299; *Calendar of State Papers Milanese, 1385-1618*, no. 185.

¹¹ Most of the merchants associated with Grey in this suit are difficult to identify, but if Richard Tettelawe was the Manchester draper of this name (The National Archives, Kew, hereafter TNA, PL15/38, rots. 6d, 8; F.R. Raines, *History of the Chantries within the County Palatine of Lancaster*, Chetham Society, vol. 59 (1862), pp. 44, 46), it is possible that the others also hailed from the west midlands. Lord Grey himself was probably one of the magnates who emulated their king in seeking to make money by commerce, and thus had an interest in the cargo of the Breton ship. His political allegiances in 1470 are uncertain. In February 1461 he had been part of Queen Margaret's army at the second battle of St Albans, but he possessed close marital ties to both the king and the earl of Warwick, as his wife, Katherine Strangways, was a daughter of Katherine Neville, dowager Duchess of Norfolk, and thus first cousin to both the king and the earl. According to Hooker, he was with the king in his pursuit of Warwick and Clarence after Empingham and came to Exeter in his company, and he may have thus personally encountered the men he would later accuse of piracy. *The Complete Peerage*, ed. G.E. Cockayne *et al.*, 12 vols, 1910-59, vol. 6, pp. 130-2; Ross, *Edward IV*, p. 351; Devon Archives, Exeter, ECA51, f. 316v.

Richard Duke, and Elizabeth, the widow of a further merchant, Robert Smyth. Grey and the others claimed that they had been robbed of £400 worth of cloth from a ship called the *Mary Lantreger*,¹² which had been taken off the Breton coast by a vessel called the *Christopher* of Exmouth, Duke, Russell and Smyth apparently among the crew.¹³ The responses of Matthew and Joan, who denied that Joan was Richard Duke's executrix or had any responsibility for his goods, and Elizabeth, who likewise pleaded ignorance of her late husband's affairs, were bland. More interesting, however, is the answer provided by Russell (printed below). He admitted that he had been responsible for equipping the *Christopher* as her victualler, but claimed that along with a number of other vessels the ship had been taken from the port of Dartmouth against his will by the earl of Warwick, when he had fled the realm in 1470.

The Exeter men named by Grey and his associates were among the leading inhabitants of their city. Richard Duke was the son of William Duke, a former mayor of Exeter, and had been admitted to the freedom of the city in September 1457 during the first of his father's two mayoralties. When William Duke was elected to serve a second term in 1460, Richard served alongside him as one of the city stewards. He subsequently joined the ranks of the council of twenty-four, but rose no higher, probably on account of his apparently untimely death in or not long after 1470.¹⁴ Robert Russell had been admitted to the freedom in August 1459, served as steward in 1467-8, receiver in 1479-80 and as mayor in 1485-6.¹⁵ The most prominent of the men charged by Lord Grey was the mercer Robert Smyth. A freeman from 1448, he served intermittently as a city councillor from 1450 to 1471, as a steward in 1453-4 and 1456-7, and as receiver in 1458-9. In the autumn of 1469 he was elected mayor of Exeter and was thus in post when Warwick came calling in the spring of 1470.¹⁶ Matthew Jubbe only came into the story by virtue of his marriage to Duke's widow, and seems to have attained the freedom of the city by virtue of that marriage in 1475-76, before serving as steward in 1476-77, and as receiver in 1482-83.¹⁷

¹² Lantreger is the Breton name for the vill of Tréguier, located on the point of the Breton coast closest to Devon: Mickaël Gendry, 'Les minihis en Bretagne entre le IX^e et le XII^e siècle: des territoires monastiques sacralisés?', *Annales de Bretagne et des Pays de l'Ouest*, vol. 117 (2010), p. 34.

¹³ TNA, C1/67/65.

¹⁴ *The History of Parliament: Biographies of the Members of the Commons House 1439-1509*, ed. J.C. Wedgwood and A. Holt, London 1936, p. 288; *Exeter Freeman, 1266-1967*, ed. M.M. Rowe and A.M. Jackson, Exeter 1973, p. 52; Devon Archives, Exeter mayor's court rolls 38 Hen. VI-10 Edw. IV.

¹⁵ *Exeter Freeman*, ed. Rowe and Jackson, p. 53; Devon Archives, Exeter mayor's court rolls 7 Edw. IV-1 Hen.VII.

¹⁶ *Exeter Freeman*, ed. Rowe and Jackson, p. 51; Devon Archives, Exeter mayor's court rolls 29 Hen. VI-11 Edw. IV.

¹⁷ *Exeter Freeman*, ed. Rowe and Jackson, p. 58; Devon Archives, Exeter mayor's court rolls 16-23 Edw. IV. Jubbe seems to have had Welsh roots and by the early 1460s owned property in

Little is known of the wider political allegiances of these men. By the end of the 1460s, George, Duke of Clarence, had established an affinity in the south-west, which, in 1470, allowed him and Warwick to stir up a rising in that region in parallel with those they orchestrated in the north. At the heart of Clarence's support were the various cadets of the formerly comital Courtenay family. By contrast, it is not clear to what extent the duke commanded support among the merchant communities of the region. Rather, it would seem more likely that it was Warwick, well known for his exploits at sea, who was respected in the port towns of southern Devon, where privateering was an integral part of life.¹⁸

Yet, and perhaps above all, the citizens of Exeter were highly pragmatic in their dealings with the great men of the realm who might be in the ascendant at one time or another.¹⁹ In the spring of 1470 they, too, faced a dilemma. While the arrival of Warwick and Clarence had put an end to the stand-off between the city's Courtenay besiegers and the loyalist lords within, they were now playing host to two lords in open rebellion against a king who was only days away, and at the head of a large army. To seize the rebel lords was out of the question, so it was imperative that they should be given a means of escape, without, however, incurring the king's wrath by being seen to be doing so. It is thus probable that the city elite held rapid consultations as to what should be done, and eventually agreed to make available vessels in which some of their number had a stake, at least one of which lay ready to sail in the port of Dartmouth.²⁰ Naturally, the Exeter men had to deny that the ship had been

Bristol. Under the terms of a settlement made by Richard Duke's father, William, Joan Duke's Exeter property was hers for her life only and it is probable that following her death Jubbe returned to Bristol, where he served as sheriff in 1495, having been a candidate for the office in the three preceding years. In the interim, it would seem, he had nevertheless found time to marry his wife's daughter, Elizabeth, to his own son and heir, Thomas. Matthew seems to have ended his life in Wales, and when he made his will in September 1500 asked to be buried in the church of St. John the Baptist in Cardiff. His son and heir, Thomas Jubbe, lived on until August 1533, but the focus of his life shifted to Somerset, perhaps as a result of a second marriage to Maud, the sister of Marmaduke Mauncell. Thomas's daughter and ultimate heir, Alice (said to have been aged 40 and more at the time of his death), married Hugh Young, member of a prominent Bristol family. *The Great Red Book of Bristol*, ed. E.W.W. Veale, 4 vols, Bristol Record Society, 1931-53, vol. 3, p. 90; vol. 4, p. 29; TNA, PROB11/13, f. 89v; PROB11/25, f. 33r; C1/143/32; C142/83/297; CFR, xxii. 375, 461, 487, 511, 534; *The History of Parliament: The House of Commons 1509-1558*, ed. S.T. Bindoff, 3 vols, London 1982, vol. 2, pp. 455-56; J.H. Baker, *The Men of Court*, 2 vols, London 2012, vol. 2, p. 953.

¹⁸ H. Kleineke, 'Why the West was wild', in *The Fifteenth Century III: Authority and Subversion*, ed. Linda Clark, Woodbridge 2003, pp. 75-93, at pp. 80-1; C.L. Kingsford, *Prejudice and Promise in Fifteenth Century England*, Oxford 1925, ch. 4; M. Hicks, *Warwick the Kingmaker*, Oxford 1998, p. 286.

¹⁹ Kleineke, "þe Kynges Cite", pp. 146-50; Attreed, *The King's Towns*, p. 299.

²⁰ While Warwick was in no position to concern himself with such niceties, it is probable that the symbolism of the name of the ship provided was not lost on him: the image of the Saint bearing the Christ child safely across the water was a familiar one, and while it was also a common name of a ship, we may at least speculate whether the choice of ship was an act of deliberate flattery on the part of the citizens. For the cult and imagery of St. Christopher see most recently E.E. Pridgeon, 'Saint Christopher Wall Paintings in English and Welsh Churches,

taken with their assent, and it is thus impossible to be certain on this point, but it seems unlikely that excessive coercion was involved: after all, any mariners who did not wish to serve under Warwick could easily have evaded service in their home port.²¹

The subsequent course of events is well known. Having set sail from Dartmouth, Warwick and Clarence rapidly increased their fleet by preying on and taking a number of mostly Burgundian vessels in the Channel. Yet, that is as far as their success went: the fugitives were turned away from Calais while the attempt to extract Warwick's great ship, the *Trinity*, from Southampton harbour ended in the capture and execution of a number of the earl's supporters. In the mean time, two royal flotillas under John, Lord Howard, and Anthony Wydeville, Earl Rivers had gone to sea, recovered some of Warwick's prizes and by the start of May had forced him to seek shelter in the Seine estuary, albeit with a fleet that may now have numbered as many as eighty vessels.²² If the citizens of Exeter had succeeded in ridding themselves of their unwelcome visitors before King Edward reached the city on 14 April, their respite was not to last: just five months later Warwick returned with a flotilla equipped with the aid of French money, and landed his troops at Dartmouth and Plymouth. Exeter and its hinterland now became a bridgehead for the invasion that within weeks saw Edward IV driven into exile, and Henry VI restored to the throne.²³

Once again, the citizens were reduced to prevarication, offering hospitality and gifts to the various Courtenay scions, the duchess of Clarence and Lady Fitzwaryn, as the fortunes of war continued to shift.²⁴ Almost exactly a year after his flight from Dartmouth, on 14 April 1471, Warwick met his death at the battle of Barnet. On the same day, Queen Margaret and the Lancastrian prince of Wales landed at Weymouth and made their way to Cerne Abbey. Here, they were met by the restored Earl of Devon, John Courtenay, and Edmund Beaufort, Duke of Somerset, who conducted them on to Exeter. The city now became the headquarters from which they set about raising a fresh army to replace the force routed at Barnet, 'the whole might' of Devon and Cornwall.²⁵ Eventually, they moved off and marched north towards Bristol, by way of Bath. This time, the city fathers of Exeter hardly dared relax, for once again, King Edward was also on the move at the head of an army. As the two forces

c.1250-c.1500', Univ. of Leicester Ph.D. thesis 2010; *eadem*, 'The function of St Christopher imagery in medieval churches, c.1250 to c.1525: wall painting and brass', *Transactions of the Monumental Brass Society*, vol. 18 (2009), pp. 2-24.

²¹ The central problem in analysing events in Exeter in the spring of 1470 is the loss of the city's receiver's account for 1469-70, an unusual lacuna in an otherwise near-complete run of documentation.

²² Ross, *Edward IV*, p. 146; Hicks, *Warwick the Kingmaker*, pp. 286-7.

²³ Scofield, *Edward the Fourth*, vol. 1, pp. 536, 538.

²⁴ Attreed, *The King's Towns*, p. 110; Devon Archives, Exeter receiver's account 10-11 Edw. IV.

²⁵ Ross, *Edward IV*, p. 169.

converged on the Gloucestershire abbey town of Tewkesbury, the worried governors of Exeter sent one Thomas Bray ‘*ad explorandum que acta fuerunt circa Regem*’ (to find out what had happened about the King).²⁶

In the event, Exeter (unlike Bristol which was made to pay dearly for its support of Queen Margaret on the eve of Tewkesbury) escaped Edward IV’s retribution for its role in 1470-71.²⁷ The reverberations of the events of that year, however, continued to be felt for some years. In May 1476, the attorney general, William Hussey, was pursuing two other merchants, the hosiers Richard Turnour and Walter Geneys, in the court of the exchequer on charges that on 7 May 1471 (three days after the battle of Tewkesbury) they had received from Queen Margaret a jewel worth £300 and a Lancastrian livery collar of esses alone worth another £40. It is hard to know what to make of these claims, but unless the two Exeter men found themselves in Margaret’s company in the ‘poor house of religion’ where she was apprehended about that time, or the valuables had been laid to pledge before the Lancastrian army set out for Tewkesbury and were handed over vicariously or by written instruction, the accusations are likely to have been spurious.²⁸

In the event they were indeed found to be malicious, and motivated by revenge for information that Turnour and Geneys had provided against some of their neighbours in the course of another inquiry, but it is significant that in seeking to blacken their names, those who had made them, nevertheless returned to the events of 1470-1, which were clearly still well remembered.²⁹

²⁶ Devon Archives, Exeter receiver’s account 10-11 Edw. IV, dorset.

²⁷ For Edward’s punishment of Bristol see P. Fleming, ‘Making History: Culture, Politics and the Maire of Bristowe is Kalendar’, in *Reputation and Representation in Fifteenth-Century Europe*, ed. D.L. Biggs, S.D. Michalove and A.C. Reeves, Leiden 2004, pp. 289-316, at pp. 312-13; *idem*, *Time, Space and Power in Later Medieval Bristol*, Working Paper. University of the West of England 2013 (<http://eprints.uwe.ac.uk/22171/>, accessed 14 November 2018), pp. 215-16.

²⁸ Walter Geneys gained the freedom of Exeter in September 1455, having served an apprenticeship with the tailor Richard Rouwill (or Ronwill). He went on to hold civic office as steward in 1462-63 and receiver in 1471-72, serving intermittently as a member of the council of 24 from 1463 to 1473. He was stripped of the freedom along with other members of the city’s tailors’ guild in 1476 in the course of a protracted dispute between the city and the guild over the royal letters that the latter had obtained from Edward IV in 1466. The mayor presiding over the tailors’ disfranchisement, John Atwyll, was the very man who had earlier accused Geneys and Tournour of having received the queen’s jewels. *Exeter Freeman*, ed. Rowe and Jackson, pp. 52, 387; Devon Archives, Exeter mayor’s court rolls 2-13 Edw. IV.

²⁹ TNA, E159/253, *recorda* Easter rot. 18.

Appendix. The Answer of Robert Russell

The documents printed below forms part of a small cache of four items now preserved among the artificial class of Ancient Chancery Proceedings: Petitions (C1) in the National Archives. In the form normal for this class, the individual documents have been bound into flat files. If writs *sub poena* originally accompanied the petition and answers, they have become separated from them. What remains now are

1. The petition of Henry, Lord Grey, Richard Tettelawe, Richard Mosse, John Heghtfeld, Walter Latham, William Thomas and John Barton, to the chancellor (C1/67/65, printed below).
2. The answer of Elizabeth, widow of Robert Smyth (C1/67/64).
3. The answer of Robert Russell (C1/67/63, printed below).
4. The answer of Matthew Jubbe and Joan his wife (C1/67/62).

The documents can be dated by the petition's address to Thomas Rotherham, Bishop of Lincoln, as chancellor, an office which that prelate held from May 1474, with a brief interruption from June to September 1475, and two procedural endorsements on the petition, indicating that the parties were set three successive days (on 3 February, 13 April and 1 June 1478) to produce witnesses, before the matter was brought to trial on 28 June, when the chancellor found the allegations made by Lord Grey and his associates unproven, and acquitted the defendants.

In the text that follows, common abbreviations have been expanded, capitalization standardized, and a degree of punctuation introduced.

TNA, C1/67/65

To the Right Reverent Fader in God the Bisshop of Lyncoln, chaunceller of Englonð

Humble shewith unto your gode and gracious lordship your oratours Henre, lord Grey of Cottenoure, Richard Tettelawe, Richard Mosse, John Heghtfeld, Walter Lathom, William Thomas and John Burton, marchauntes, that where the Monday nexte affore the feste of Seynt Mathewe thappostell the yere of the Reigne of Kynge Edward the thridde the xxvijth³⁰ hit was ordeignet and ennacted by auctorite of Parliament that if eny marchaunt or oder persone prive or estraunge be robbet of his godes uppon the see and the seid godes soo robbet comme in eny parte of Englonð that then the personnes to whom the same godes ben belongyng be receivet to sue for the recovere of suche godes soo robbet in the courte of the Chauncere, soo that the personnes soo robbet make due prove the seid godes to be theirre propre godes and that theirre the seid personnes soo robbet to be restoret of theirre godes without any suyte at

³⁰ 23 Sept. 1353.

the comyne lawe as in the same estatut more pleyntly appereth.³¹ And where your seid suppliauntes were posseset of xxx^{vi} packes of wollen clothe to the value of cccc li. uppon the see in the coeste of Bretagne in a shippe callet the ‘Mare Lantreger’, and soo therof posseset unto the tyme that the seid shippe with all the seid marchaundtez was taken and robbet from theym uppon the see by suche riotouse and evell disposid personnes as then were in a shippe callet the ‘Cristofer of Exmouth’, in the which Cristofer was oone Richard Duke of the Towne of Excestre in the counte of Devonshire, yoman, Robert Smyth and Robert Russell of the same Towne and vitalers of the seid shippe callet the ‘Cristofer’, the whiche shippe callet the ‘Marie Lantreger’ with the seid marchaundies soo robbet comme into Englund at the Porte of Exmouth, and after that the seid godes by subtyll meanes and crafte comme into the possession of the seid Richard Duke, Robert Smyth and Robert Russell, they knowyng the seid godes to be robbet, as is afforseid, and also knowyng the same godes to be the godes of your seid suppliauntes, as affore your lordeship by evident mater redy to be shewet more pleyntly shall appere. Wheroppon your seid suppliauntes have oftentymes requyret the said Robert Russell, yit livyng, and the seid Richard Duke and Robert Smyth in their lives, and after their dethe oone Mathewe Jobbe and Johanne his wif, late wif and executrix to the seid Richard Duke, and Elisabeth, late wif and executrix of the seid Robert Smyth, to the possession of the which Johanne and Elisabeth the seid godes comme, they knowyng theym to be taken and robbet, as is afforseid, of deliveraunce of the seid godes, the whiche to doo they utterly have refuset and yet refuse, ayenst all right and gode consience, to the greate damage of your seid suppliauntes. Wherfor pleasith your gode lordeship, the premysses tenderly consideret, to graunte severall writtes of *sub pena* to be directed to the seid Robert Russell, Mathewe, Johanne and Elisabeth, comaundyng theym and everyche of theym by þe same uppon the payne of cc li. to appere affore the Kyng in the courte of Chauncere at suche a daye as pleasith your lordship to lymet, their to aunswere to the premysses accordyng to the seid estatute and therein to take and doo as feithe and consience woll requyre. And thus for the love of God and in the weye of charitee.

Plegij de prosequendo – Thomas Maron de London, Draper
Willelmus Tarrowe de eadem, Taylour

³¹ The ‘statute’ in question was the Staple Ordinance of 1353, issued by the Great Council of that year, rather than a formal Parliament. ‘Item, nous volons et grantons qe si ascun marchand, prive ou estrange, soit desrobbe de ses biens sur meer, et les biens ensi desrobbez viegnent a ascune part deinz noz ditz roialme et terres, et voet snyr pur les ditz biens recoverir, soit rescue de prover les ditz biens estre les soens par ses merches, ou par sa carte ou coket, ou par bons et loialx marchantz privs ou estranges; et par tielx proeves soient meismes les biens delivres au marchand, sanz autre seute faire a la commune lei.’ *The Parliament Rolls of Medieval England* ed. C. Given-Wilson et al., 16 vols, Woodbridge 2005, vol. 5, p. 76.

[Endorsed]:

Memorandum quod termino sancti Michaelis anno etc. xvij^o dies datus est partibus infrascriptis ad producendum testes ad probandum materiam infracontentam huic inde usque crastinum Purificacionis Beate Marie tunc proximo futurum ex assensu utriusque partis. Memorandum quod termino sancti Hillarij anno etc. xvij^o dies datus est ulterius partibus infrascriptis ad producendum testes ad probandum materiam infracontentam huic inde usque tres septimanas Pasche tunc proximo futuras peremptorie. Ad quas quin tres septimanas dies datus est ulterius ex assensu utriusque partis et in presencia consilij parcium predictarum ad producendum testes in forma predicta usque quindenam Sancte Trinitatis tunc proximo sequentem peremptorie.

[Translation]:

Be it remembered that in Michaelmas term in the seventeenth year etc. (1477) a day was given to the parties named within until the morrow of the Purification of Blessed Mary then next (3 February 1478), with the assent of each party, to produce witnesses to prove the matter contained within. Be it remembered that in Hilary term in the seventeenth year etc. (1478) a further day was given to the parties named within until three weeks from Easter then next (13 April 1478), to produce witnesses to prove the matter contained within. At which three weeks from Easter a further day was given by the assent of each party and in the presence of the counsel of the aforesaid parties to produce witnesses in the aforesaid form until the quindene of Holy Trinity then next (1 June 1478).

Coram domino Rege in cancellaria sua in xv sancte Trinitatis proximo futura.

[Translation]: Before the Lord King in his Chancery at the quindene of Holy Trinity next.

Memorandum quod termino Sancte Trinitatis, videlicet xxvij^o die Junij anno regni Regis Edwardi quarti decimo octavo, ista peticione in infrascriptos Henricum Grey, dominum de Cottenoure, Ricardum Tettelawe, Ricardum Mosse, Johannem Heghtfeld, Walterum Lathom, Willemum Thomas et Johannem Barton marcatores versus infrascriptos Robertum Russell de Exonia et Elizabeth que fuit uxor Roberti Smyth de eadem coram eodem domino Rege in cancellaria sua exhibita ac responsionibus in ea parte factis, necnon examinacionibus testium, deposicionibus, aliisque probacionibus huicinde rite factis et habitis in eadem cancellaria visis, lectis, sepius auditis et ad plenum intellectis, habitaque superinde matura et diligenti deliberacione per venerabilem patrem Thomam, Episcopum Lincolniensis, dicti domini Regis cancellarium, et per auctoritatem curie cancellarie predictae, pro eo quod ea que in hac peticione continentur per predictos Henricum, Ricardum, Ricardum, Johannem, Walterum, Willemum et Johannem minime probantur fore vera aliisque meritis huius cause id exigentibus consideratum et adiudicatum est in eadem curia quod iidem Robertus Russell et Elizabeth de et super contentis et allegatis in hac peticione exonerentur et ab impetitione predictorum Henrici,

Ricardi, Ricardi, Johannis, Walteri, Willelmi et Johannis super eisdem absolvantur et a curia quiete dimittantur sicque ijdem Robertus et Elizabeth per dictum cancellarium et per auctoritatem curie predicte super contentis in hac petitione exonerantur et uterque eorum exoneratur et ab impetitione predictorum Henrici, Ricardi, Ricardi, Johannis, Walteri, Willelmi et Johannis super eisdem absolvuntur et eorum uterque absolvitur necnon ab eadem curia totaliter et finaliter dimissi sunt et eorum uterque dimissus est quieti sine die.

[Translation]:

Be it remembered that in Trinity term, i.e. on 28 June in the eighteenth year of King Edward IV (1478), after this petition by Henry Grey, Lord of Codnor, Richard Tettelawe, Richard Mosse, John Heghtfeld, Walter Lathom, William Thomas and John Barton, merchants, mentioned within, against Robert Russell of Exeter and Elizabeth, who was the wife of Robert Smyth of the same, mentioned within, placed before the same Lord King in his Chancery, and the answers made, as well as the examinations of witnesses, depositions, and other proofs properly made and received, had been seen, read, repeatedly heard and fully understood in the same Chancery, and mature and diligent deliberation had been had over them by the venerable father Thomas, bishop of Lincoln, chancellor of the said Lord King, and by the authority of the court of the aforesaid Chancery, because the things contained in this petition were not proven by the aforesaid Henry, Richard, Richard, John, Walter, William and John to be true, and on account of the other merits of this cause determining it, it was decided and adjudged in the same court that the same Robert Russell and Elizabeth be discharged of and over the matters contained and alleged in this petition, and be absolved of the suit of the aforesaid Henry, Richard, Richard, John, Walter, William and John over the same, and be dismissed from the court quit. And so the same Robert and Elizabeth are discharged by the said chancellor and by the authority of the aforesaid court of the matters contained in that petition, and each of them is discharged, and absolved of the suit of the aforesaid Henry, Richard, Richard, John, Walter, William and John over the same. And they are completely and finally dismissed, and each of them is dismissed, from the same court quit, without a day.

TNA, C1/67/63

This is thaunswere of Robert Russshell to the bill of Henry Lorde Grey, Richard Tettelawe and other named in þe same bill

The said Robert saith that the said bill is not sufficiant in lawe nor conciens to put hym to aunswere unto, but for more pleyne declaracion unto the same the said Robert saith that he with dyvers other vetelyd the said shippe called the 'Cristofore' the whiche shippe so vetelyd beyng and lying in the haven of Dertmouth, Richard, late erle of Warwyke, accompeneyd with grete nombre of peple at suche tyme as the same erle fledde the londe and departed in to

Fraunce, as it is well knowen, toke the said shippe called the 'Cristofore' contrarie to the will of the same Robert and many other shippes there beyng to passe the see and so dude with the same; whiche takyng the said Robert myght not withstonde and what was doon after that with the same shippe, the said Robert knowith not. Withoute that he ever veteled the same shippe before that vetelyng or after. And withoute that that the said shippe called the 'Mary' or merchaundise or goodes thereyn was takyn by the said shippe called the 'Cristofore' to his knowlyche, or that the said Robert ever herde the said shippe called the 'Mary' or merchaundise or goodes thereyn to be takyn as by the said bill is supposed, but by the compleynt of the said nowe complenantez; and withoute that that the same Robert was in the said shippe called the 'Cristofore' or that the said merchaundise or goodes or eny part therof came to the possession of the said Robert in maner and forme as is supposed by the said bill. All whiche maters and eny of theym the said Robert is redy to prove as this courte wull awarde. And praieyth to be dismyssed oute of this court with his resonable costes and damages for his wrongfull vexacion and troble in this behalve susteyned and had.

