

ART. XX.—*An Indenture in English of 1431 between Richard, Earl of Salisbury, and Sir Henry Threlkeld (of Yanwath).* By the Rev. FREDERICK W. RAGG, M.A., F.R.Hist.Socy.

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THIS document, which is preserved at Lowther Castle, has a further local interest on account of its language and the persons therein named.

Richard, Earl of Salisbury, was the eldest son of Ralf Neville, Earl of Westmorland, and his second wife Joane. For him, in consideration of the expense he was undergoing in order to accompany him to France, King Henry VI. let special arrangements be made about the succession to his estates and those of his wife which she had brought him in marriage. He was father of the famous Earl of Warwick, the "king maker."

Sir Henry Threlkeld (Thirkeld) appears to be the knight of that name, who by purchase came into possession of Yanwath, and was father of Sir Lancelot, husband to the widow of John, ninth Lord Clifford.

John, Duke of Burgundy, "sans peur," succeeded to the dukedom in 1404. He was head of one of the factions which distracted France during the imbecile reign of Charles VI. When in 1417 Henry V. landed in France, the heads of the rival factions made separate treaties with him, but when he was found to be advancing upon Paris, the Dauphin of the time, leader of the Orleanists, invited John, head of the Burgundian faction, to an interview on the bridge of Montereau, ostensibly seeking reconciliation and concerted action against Henry. There on bended knee doing homage to the Dauphin, John was butchered by one of the Dauphin's men. The Orleanist faction was throughout hostile to the English; the Burgundian,

especially strong in Flanders, with which land England had great trade, was looked upon as friendly. The whole complicated history of the factions is well told in Dean Kitchin's *History of France*, vol. i.

The indenture was drawn up only a few months after the execution of Jeanne d'Arc. The reigning king of France was the Dauphin who was murderer by complicity of John of Burgundy, as well as betrayer of Jeanne.

Nearly all through, the language of this indenture is of the dialect which resulted from the fusion of southern and midland forms and had become the midland English, but the composer here and there slips into a form or uses a word peculiar to the north. He has "ilk" once, "ech" several times, and though he writes "tho that beren tharmes of Fraunce" in true midland fashion, he writes also "tho that calle hem"—dropping the midland terminal "n" as the northern English were wont to do, for in the mixture of races in the north inflections gave way. But he gives one which was long adhered to in the north when he, perhaps unconsciously, writes "as soudeours owes"—"as soldiers owe" (for "ought").

For the terms arranged about the spoil and the prisoners of war, the analogous document translated in *The Stricklands of Sizergh*, by Mr. D. Scott, may be compared. To thrid (=to third) is an expression which may be compared with the expression to tithe—to divide into ten parts and take one part; it was to divide into three parts and take one part. It was often more to the purpose in mediæval warfare to capture than to kill, especially if the prisoner was one whose ransom could enrich. Booty and plunder were much the aim in fighting.

#### THE INDENTURE.

This endenture made betwix the Right Werschipful lord Richard Erl of Salisburi on the<sup>1</sup> on part and Sir Henry Thirkeld on that other part witnessed<sup>2</sup> that he is withhalden with<sup>3</sup> the said Erle fro the fifte day of Juyn next comyng un to the ende of an half yere next folowyng: that is to say under this fourme—himself with 8

men of armes and 22 archers for to be redy to go with the said Erle in the service of our Sufferen lord the Kyng in to his Reme<sup>4</sup> of Fraunce; he beyng, and his said feloschipp,<sup>5</sup> wele and sufficiently horsed and arrayed<sup>6</sup> as it apperteins to their degrees; the which Sir Henry sall receyve for himself 2<sup>s</sup> a day and for ilk of his men of armes 12<sup>d</sup> a day with reward<sup>7</sup> acoustumed offer<sup>8</sup> thafferant<sup>9</sup> of 100 marcs for 30 men of armes for the quarter; and for eche of the said archers 6<sup>d</sup> a day duryng the tyme aforesaid, of which wages and rewardes for hym and his retenue he shal be paid for a quarter in hand<sup>10</sup> and for the second quarter he shal be paid the same day that he sal make his hole<sup>11</sup> mouster of hym<sup>12</sup> and his men of armes and archers at Doveve or at Sandwich, at whyche tyme he shal<sup>13</sup> have for hymself and ech of hys men of armes a basnet<sup>14</sup> or an helmet of stele, lerge and of the neweschapp,<sup>15</sup> hole legge hernays<sup>16</sup> armed with platys or curas<sup>17</sup> for hys body; and ech of his archers shal have at his said moustres or veues<sup>18</sup> a capelyn<sup>19</sup> or a palet,<sup>20</sup> 40 arwes<sup>21</sup> welfethered and hetched,<sup>22</sup> two bowes 12 stringes, a swerd and bokeler, a jak<sup>23</sup> or a pollax;<sup>24</sup> and also he sal treuly answer<sup>25</sup> and paye to the said Erle all manner of thriddes<sup>26</sup> of any thyng geten be hym, and the thriddes of thriddes<sup>27</sup> geten be any of his felowship of wynnynge of werre<sup>28</sup> duryng the sayd viage be hit prisoners mounney<sup>29</sup> gold or silver jouelles<sup>30</sup> prayes<sup>31</sup> or any other wynnynge of werre that owes<sup>32</sup> to be thridded;<sup>33</sup> he having<sup>34</sup> also al the prisoners that shal in the said viage be hym or any of his feloschipp be takyn, paying the thriddes as (said?) afore, sauf<sup>35</sup> only except captanes of grete name and also alle tho that calle hem<sup>36</sup> Kings of Fraunce, Kynges or Kynges sones and al tho that beren tharmes<sup>37</sup> of Fraunce and also al tho that slough or mourdryd John late duc of Bourgogne or were witting consentynge or helpynge thereto, the which prisoners, so except,<sup>38</sup> shal abide unto the said Erle, and resonable agreement shal be made un to hym or them that takes hem: he obeyng deuly al the commaundementes and ordinaunces of the said Erle, his lieuenant<sup>39</sup> or depute, and generally to doe treule in al poyntes, as soudeours owes,<sup>40</sup> unto hys captane; as in keping of watche and ward as often tymes as he shal resounably be called or requered be the said Erle his lieuen(ant) or depute. And if it to be that after thexpyring<sup>41</sup> of the first half yere the said Erle wold have him to serve any longer, he byndes hym to abyde,<sup>42</sup> for which he sal be payed his wages fro moneth to moneth after the custoume of France,<sup>43</sup> if the said Erle and he may accorde.<sup>44</sup> All which covenantes aforesaid the said Sir Henry shal treuly kepe. In witnesse wherof the parties abovesaid enterchangeabli han put her<sup>45</sup> seles. Yeven the xxiii day of Avrill the yere of the Regne of King Henry sixt after the conquest ix. (1431.)

## NOTES TO THE INDENTURE.

- <sup>1</sup> The—we should have expected “that”—“on that on part” answering to “on that other part.”
- <sup>2</sup> Witnessed—we should have expected “witnesseth.”
- <sup>3</sup> Withhalden with—under bond of contract to.
- <sup>4</sup> Reme—realm.
- <sup>5</sup> Feloschipp—band of followers.
- <sup>6</sup> Arrayed—equipped.
- <sup>7</sup> Reward—perquisites. Norman-French, “regarde.”
- <sup>8</sup> Offter—after, according to.
- <sup>9</sup> Thafferant—the afferant, the rate. Norman - French, “afferer,” to assess.
- <sup>10</sup> In hand—at the outset.
- <sup>11</sup> Hole—whole.
- <sup>12</sup> Hym—himself.
- <sup>13</sup> Shal have=is to have; Sir Henry seeing to it.
- <sup>14</sup> Basnet—a light helmet.
- <sup>15</sup> Neweschapp — new shape, pattern.
- <sup>16</sup> Hernays—harness.
- <sup>17</sup> Curas—cuirass.
- <sup>18</sup> Veues—reviews, inspections.
- <sup>19</sup> Capelyn—a steel skull cap.
- <sup>20</sup> Palet—a headpiece lined with fur.
- <sup>21</sup> Arwes—arrows.
- <sup>22</sup> Hetched—notched.
- <sup>23</sup> Jak—this must mean, I think, a strong knife, not the leathern coat called jak.
- <sup>24</sup> Pollax—pole axe, a heavy halberd.
- <sup>25</sup> Answer — account for. A Norman-French indenture of 1379 of analogous import has “Et le dit Johan acounterai a le dit Mons Roger.”
- <sup>26</sup> Thriddes—third portions.
- <sup>27</sup> Thriddes of thriddes—ninths.
- <sup>28</sup> Wynnyng of werre—spoils of war.
- <sup>29</sup> Mouney — money, the ou= long o.
- <sup>30</sup> Jouelles—jewels.
- <sup>31</sup> Prayes—booty, “prey.”
- <sup>32</sup> Owes—ought; *i.e.*, by the rules of partition in war then in vogue.
- <sup>33</sup> Thridded—parted into three portions.
- <sup>34</sup> Having—retaining for himself
- <sup>35</sup> Sauf—save.
- <sup>36</sup> Calle hem—style themselves.
- <sup>37</sup> Tharmes—the armorial bearings.
- <sup>38</sup> Except—excepted.
- <sup>39</sup> Lieuenant—lieutenant, representative.
- <sup>40</sup> As soudeours owès—as soldiers ought.
- <sup>41</sup> Thexpiring—the expiration.
- <sup>42</sup> Abyde—continue in service.
- <sup>43</sup> The custoume of France—the rate of pay given in France. A parallel is given in the indenture in *Scott's Stricklands of Sizerggh*, pp. 53-4. The men taken out by Sir Thomas Strickland would be “paid according to the rate of wages accustomed in the parts where they shall be ordered.”
- <sup>44</sup> Accord—agree.
- <sup>45</sup> Her—their.

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