


The Will of Sir John Cavendish, 1381, with the causes which led to his death.

By REV. F. BRODHURST, M.A.

IR JOHN CAVENDYSCH, of Cavendysche, near Bury St. Edmunds, in Co. Suffolk, was Chief Justice of the King's Bench, and also Chancellor of the University of Cambridge, as two of his descendants have been—the seventh and eighth Dukes of Devonshire. He was murdered in the Great Peasant Revolt in the year 1381.

Three chief causes of the Great Revolt were—

- 1.—The scourge of the Black Death.
- 2.—The passing of the Statute of Labourers.
- 3.—The heavy taxation through the French Wars.

1.—The Black Death, after devastating the Continent, reached England in 1348. Dr. Cox, in his account of Derbyshire Churches, has noted that it carried off in one family alone—that of Sir William Wakebridge, of Crich—in three months' time, eight members, namely, his father, his wife, three brothers, two sisters, and a sister-in-law. The clergy bravely stayed at their posts, ministering to the dying, and they fell like autumn leaves. The total number of Derbyshire benefices whose incumbents had to be presented to the bishop was at that time one hundred and eight. The average number of institutions each year to these benefices, through vacancies caused by death

or resignation, was, during that century, seven. In 1346 they numbered four; in 1347 only two; and in 1348 eight. But in 1349, when the Black Death reached this county of Derby, the number leapt to sixty-three; and in the following year they numbered forty-one. Seventy-seven beneficed priests of Derbyshire died in that one period, and twenty-two more resigned. Many of the benefices were twice emptied by the scourge. Three successive Vicars of Pentrich all fell in the same year. The Abbots of Beauchief, Dale and Derby, the Prior of Gresley, the Prior of the Dominicans at Derby, and the Prioress of King's Mead, were all victims. In the episcopal registers at York may be seen the names of sixteen hundred and five clergy—acolytes, sub-deacons, deacons, and priests—who were ordained on one day in the year 1351, at S. Mary's Abbey, in York, to fill the vacancies that had occurred in that diocese.

2.—Parliament passed a most unwise act—"The Statute of Labourers." Labour was scarce, much of the land was left untilled. The labourers wished, naturally, to make the most of their labour. The employers wished to obtain that labour as cheaply as possible. By the new act of 1351 the hirer was prohibited from offering, or the labourer from demanding, more than the old average rates of payment that had prevailed before 1348; and the Statute estimated it at its lowest instead of its highest average—at from 2d. to 3d. a day, instead of from 3d. to 4d. There was a standing quarrel between employer and employed which embittered the whole thirty years between the passing of "The Statute of Labourers" and the outbreak of the Peasants' Revolt. The mechanic, who could move freely about, and was not bound to the land like the villein, fared better, and could sell his labour, notwithstanding all statutes to the contrary, at a better price. Langlands' *Piers Plowman* describes him as "waxing fat and kicking." "The labourers that have no land, and work with their hands, deign no longer to dine on the stale vegetables of yesterday; penny ale will not suit them, nor bacon; but they must have fresh meat or fish, fried or baked,

and that hot and hotter for the chill of their maw; unless he be highly paid he will chide, and bewail the time he was made a workman. Then he curses the King and all the King's Justices for making such laws that grieve the labourer."

“ Laboreres that have no londe
to live on but her handes,
Deyned nought to dyne a-day
nyght olde wortes.
May no peny ale hem paye
ne no pece of bakonn,
But if it be fresch flesch other fische,
fryed other bake,
And that chaude or plus chaud
for chillyng of here mawe.
And but if he be heighlich huyred
Ellis wil he chyde
And that he was werkman wrought
waille the tyme.
And thenne corseth he the Kyng
and al his conseilte after
Suche lawes to loke
laborers to greve.”

3.—A third cause of discontent was the war with France. The latter years of Edward III. were blotted with disasters. Englishmen were living on the glories of Crecy and Poitiers, and could not bear to hear of reverses. It was believed their commanders were incapable, and it was known that John of Gaunt, son of King Edward, and others near the Throne, were peculators, and were diverting the taxes into their own pockets; their French dominions were gradually being lost; England was being drained of its money through these costly wars, and all Englishmen, instead of making peace, insisted on continuing the war. But when Archbishop Sudbury of Canterbury, who was Chancellor and Prime Minister, and Sir Robert Hales, who was Treasurer, demanded the sum of

£160,000—an enormous sum in those days—part of it to be raised by a Poll Tax of three groats on each adult man over fifteen years of age, then the Commons were united as one man; and with them were men of a higher grade—not only the villeins and churls, who disliked manorial customs, such as having to give so many days' labour free of charge; townsmen who wanted a charter, especially in monastic towns, such as St. Albans and Bury St. Edmunds; but clergy who felt the sting of poverty, discontented knights and squires, and London aldermen—all took part in it with the most diverse ends in view.

On June 12th, 1381, the Kentish Rebels, under Walter the Tiler, or Wat Tyler, were in the neighbourhood of London. On the morning of June 13th John Ball, the "Mad Priest of Kent," as he was known, preached his famous sermon on Blackheath, using as his text—

"When Adam delved and Eve span,
Who was then a Gentilman?"

It was whilst Ball was preaching on the common that the people heard that the King, Richard II., son of the Black Prince, then a mere boy of some fifteen years, was coming to meet them. He met them on the Greenwich shore. He was in the Royal Barge with the Chancellor, Archbishop Sudbury, and the Earls of Warwick, Salisbury and Oxford, and many more. The bank was covered with some ten thousand insurgents. Some were giving loyal cheers for the King, others were howling for the heads of John of Gaunt, the Chancellor Sudbury, and Sir Robert Hales. The courtiers would not allow the King to land; nothing came of that meeting, and the boats put back to the Tower. By the afternoon the rebels were in possession of London, having been admitted by traitors into the city. The courtiers, some of them old soldiers from the French Wars, seem to have lost their heads and to have made no defence, nor to have gathered the Royalists together. The King and his Council were in the Tower. Lambeth Palace had been pillaged the night before.

The mob made that afternoon for the Savoy, the new mansion of John of Gaunt, the most magnificent private residence in the whole of England. It was stored with all manner of valuables—tapestry, furniture, armour, plate and ornaments, the gifts of his father, Edward III., and the spoil of France. Everything capable of destruction was destroyed. When the whole building had been gutted it was set on fire and burnt to the ground. The insurgents then made their way to the Temple. It belonged at that time to the Knights of S. John. The head of that Order in England was Sir Robert Hales, the King's Treasurer, one of the best hated men at that time. Moreover, the Temple had already become the headquarters of the lawyers. From them were chosen the judges and officials who came into the shires at assize time. It was their parchments which were the ruin of honest men. All lawyers were obnoxious to the mob. The inns and dwellings of the lawyers were sacked, all charters, muniments and records that could be found were destroyed; and this was one of the chief features of the revolt wherever it spread. That night the Fleet and Newgate were destroyed and their inmates let loose. Foreigners were believed to take work and money out of England, so the Commons put out a Proclamation—"Every one who can lay hands on Flemings or other strangers may cut off their heads." Over one hundred and fifty foreigners are recorded to have been murdered; thirty-five Flemings were dragged out of the Church of S. Martin in the Vintry, and beheaded on the same block. Any man suspected of Flemish birth was seized and asked to pronounce the shibboleth "Bread and Cheese." If he answered "Brod and Case" he lost his head.

These things make us understand better the civilization of England at that date, five hundred years ago. It was no better than what it was in China some few years since, as shown in the Boxer Rising. That night the great multitude of the insurgents slept round great watch-fires on Tower Hill and S. Katharine's Wharf, and blockaded the King and his Council in the Tower.

The next morning, June 14th, the King sent a message to the Commons that he would meet them at Mile End, and hear their grievances. At 7.0 a.m. he and his Council rode out of the Tower, all but the Archbishop and the Treasurer, who dare not show their faces. It was a perilous ride. They all held their lives in their hands. When they were well on their way, some of the insurgents slipped back and made for the Tower, which they found no difficulty in entering. The draw-bridge had not been raised, the portcullis had not been lowered. Wat Tyler with his mob rushed in and soon found their victims. The Archbishop, knowing his immediate danger, passed the night in prayer. He with others celebrated mass, and then he chanted the *Commendacione* and the *Placebo*, and the *Dirige* and the seven Penitential Psalms, and last of all the Litany; and when he was at the words "*Omnes Sancti orate pro nobis,*" the murderers burst in upon him. Sudbury faced them boldly: "Here am I, your Archbishop; no traitor nor spoiler am I." The insurgents rushed in upon him, they cruelly buffeted him and silenced him, and dragged him across the Tower Courts to the hill outside, where they beheaded him on a log of wood. Sir Robert Hales, the Treasurer, endured the same fate immediately after. The heads of the victims were mounted on pikes and borne round the city, that of the Archbishop having his mitre fixed by a nail to the skull. They were then set over the gate of London Bridge. All the authorities speak of the Archbishop as an honest and good man; no judge and jury could have condemned him; he was the victim of mob law.

Meanwhile nothing came of the meeting at Mile End; the King, indeed, promised to attend to their grievances and to right their wrongs, and some of the better-minded departed to their homes. But Wat Tyler boasted that he had still thirty thousand men behind him, who were in no hurry to get their charters from the King. The chroniclers state that the whole of that dreadful day, June 14th, from morning to night, was a time of utmost anarchy. Burnings and bloodshed were going on continually.

As the negotiations had failed on the Friday, a messenger was sent to the leaders to resume them on Saturday, and that the King would meet them in Smithfield.

Richard prepared for this meeting, knowing that it might be his death day, by riding down to Westminster, where he received the Sacrament before the high altar. The King shut himself up for a space with an Anchorite, confessed to him, and received Absolution. His followers pressed round the shrine of the Confessor with devout prayers. Then the King with two hundred knights and squires rode to Smithfield, most of them in robes of peace, but with armour hidden under their long gowns.

At Smithfield the King found the insurgents ready to meet him. They were drawn up on the west side of the square; the King and his party went to the east side in front of S. Bartholomew's. The mid-place was clear. Richard ordered Walworth, the Mayor, to proclaim to the multitude that he wished to hear their demands by the mouth of their chief. At once Tyler rode out to him, leapt down from his saddle, made a reverence to the King, then seized his hand, shook it heartily, and said, "Be of good cheer; within a fortnight you will have thanks of the Commons even more than you have at the present time."

Tyler at once claimed more changes, which had not previously been put forth, and which could not possibly be settled off-hand in Smithfield. He took the King's reply as a practical refusal, and grew unmannerly. He called for a flagon of beer, drained it at a draught, and then clambered upon his horse. At this moment one of the King's party said in audible words that he knew Tyler for the most notorious highwayman and thief in the county of Kent. Tyler heard this and unsheathed his dagger and rode in amongst the King's retinue. Then Walworth, the Mayor, thrust himself across his path and cried that he would arrest him for drawing his weapon before the King's face. Tyler replied by stabbing at him, but the Mayor was wearing a coat of mail under his gown, and took no harm. In self-defence Walworth drew his cutlass, struck back

and wounded Tyler in the shoulder, beating him down on to his horse's neck. Then one of the King's squires, named John Standwick by some, John Cavendish by others, son of the Chief Justice, ran him twice through the body with his sword. He was mortally wounded; he turned his horse out of the press, cried "Treason," and fell from his saddle in the presence of the whole assembly. It was the work of a moment. Had the readiness and courage of the boy-king forsaken him, all would have been lost. The insurgents at once were fitting their arrows and bending their bows. The King rode up to them crying out: "Will you shoot your King? I will be your chief and captain; you shall have from me what you seek." Then he led them into the open fields, and had a long discussion, whilst Walworth hurried back to the city, and as men had now begun to realize their danger, he gathered together in a short time some six thousand Royalists. These quickly found the King. Some stood at his back, others deployed right and left, so as to nearly surround the mob. This body of armed men, and the words of Richard, brought them to their senses; their evil passions and hot words toned down; some sank on their knees, others gradually slunk home, leaving the King master of the day.

Whilst the King was still in the fields watching the multitude disperse, Walworth brought him the head of Wat Tyler. His friends had taken him to the Hospital of S. Bartholomew, where Walworth sought him, dragged him out, and had him decapitated, as he had done to so many. Thus ended a memorable scene in the history of England. Walworth and the young squire who had supported him were knighted on the field.

Whilst these scenes were being enacted in London, the insurrection had broken out in Norfolk and Suffolk. John Wraw was here the captain. He was a priest, and had been Vicar of Ringsfield, near Beccles. He had been in communication with Wat Tyler and John Ball, the "Mad Priest of Kent," and the same day (June 12th) that the Kentish men arrived in London he unfurled his banner, sent his messengers around, and called upon all discontented men to join him.

The next morning, June 13th, he was at the head of a large disorganised following. They commenced their march by visiting the Manor House of Overall, which belonged to Chief Justice Cavendish. He was unpopular because he was a lawyer, and all lawyers with their deeds and muniments and assertions of property-rights were made to be hated by the peasants; and Sir John Cavendish was especially so, because he had lately taken over the task of enforcing the Statute of Labourers in the counties of Suffolk and Essex. He had been warned of the approach of the insurgents; he had stowed away his valuables in the church tower of Cavendish, and had escaped. They pillaged his manor, but finding the best part of the booty removed, they sought for and found it in the church, and divided it amongst themselves. That afternoon they reached Bury St. Edmunds. At Bury they were sure to find many adherents, for there was a standing quarrel between the abbey and the town. The Abbot and his monks had prevented the townsmen obtaining a charter; the abbey, moreover, had many manorial rights, and these were what the mob wished to bring to an end. That evening they plundered the houses of the abbey officials and the town residence of Sir John Cavendish. That night Prior Cambridge, who was in charge of the abbey, fled away. But the next day he was captured in a wood near Newmarket. He was dragged to Mildenhall, where he had a mock trial before John Wraw and certain of the Bury men, and beheaded on Saturday, June 15th.

Meanwhile another party were on the track of Sir John Cavendish, and caught him up at Lakenheath, a place not far from Mildenhall. Finding he was pursued, the Chief Justice made for the ferry over the river Brandon. He had nearly reached it when a woman pushed off the ferry boat into mid-stream, so that he was caught at the water's edge, and was at once beheaded by the mob.

And now the chroniclers exhibit to us the civilization of England at that time. Sir John Cavendish had a residence in the town of Bury, and Prior Cambridge was a personal

friend of his. That afternoon (June 15th) the two parties brought the heads of the Chief Justice and the Prior into Bury, and paraded them round the town, sometimes placing the Judge's mouth to the Prior's ear, as if making his confession, at others pressing their lips together for a kiss. Such was the civilization of England in the fourteenth century.

THE WILL OF
CHIEF JUSTICE SIR JOHN CAVENDISH.

Proved 26th August, 1381.

“ In nomine Sanctæ Trinitatis Patris, Filii, et Spiritus Sancti.

“ Ego Joh'es Cavendysche sanæ mentis existens, condo testamentum meum in forma quæ inferius describitur. Imprms lego animum meum Deo omnipotenti, et Corpus meum ad sepeliendum in cancello ecclesie de Cavendysch coram summo altari, prope ubi corpus Aliciæ nuper uxoris meae jacet humatum; et quia lingua Gallica amicis meis et mihi plus est cognita et magis communis et nota quam lingua Latina totum residuum testamenti mei predicti in linguam Gallicam scribi feci ut a dictis amicis meis facilius intelligatur. Primes j'ai ordeigne et devise, etc.

“ Imprimis a Andrew Cavendysche¹ un lit de worstede vermeil on colore tester embroide et poudres de colombynes et aux ridelles de worstede vermeil et bestes pour char et charettes, en toutes le places queux il aura apres moi par descent de heritage, etc. Item a Rose, sa femme un lit vermayl, etc., et un coupe d'argent eu on est emprente une rose; l'est astavoir cet que jeo avois de don de la Countesse de la Marche. Item a Margarete leur file un lit de sapyere poudre des popyngays; Item a la fesaunce du cancell de Cavendysche, en caus que la person allognes on ces executoires le

¹ Andrew Cavendysche was the eldest son of the Chief Justice, and one of the Knights for Suffolk Co. in the Parliament of King Edward III.

voillent commencer dedeins un au procheyn avener apres la Pasche cresuant 40 li. Item a distribuer as poures decrepits avoegles et anxien et as autres que ne procuent travayler pour leurs sustenance de villes on jeo aye terres et tenements et foureynement a Cavendyssche, Penteton, Fakenham, Saxham, cest ascavoir a chascun ayant regarde a sa poverté, et son meschef selon la bone discretionn de mes executeurs 20 li, de q'ueux 10 li, a Cavendyssche.

“ Dated at Bury St. Edmund le vendredi proscheyn devant la feste de Palmes, l'an dne reigne le Roy Richard Seconde apres la conqueste, quart.

“ Probat. 26 die Augus, A.D. 1381.”

NOTE.—It will be noticed that the French language is used. Up to this date French was the language of Parliament and of the Courts of Law, and of the Court itself, owing to the Norman Conquest. It was only about the year 1362¹ that English was allowed to be spoken in Parliament, for in this year it was ordered that English was to be used in Courts of Law, “because the French tongue is much unknown.” The English language as distinguished from Saxon was now gradually being formed and spoken from the writings of such men as Gower, and Chaucer, and Wickliffe.

TRANSLATION.

In the name of the Holy Trinity, Father, Son, and Holy Spirit.

I, John Cavendyssche, now living and of sound mind, do make my will in the form which is described below. Firstly, I leave my soul to Almighty God, and my body to be buried in the Chancel of the Church of Cavendyssch, before the High Altar, near where the body of Alice, my late wife, lies buried; and because the French language is better understood to my friends and to myself, and is more common and known than Latin, the whole of the remainder of my said Will I have caused to be written in French, that it may be the more readily understood by my said friends. First I ordain and

¹ Green's *Short History of the English People*, p. 415.

devise to Andrew Cavendyssche a bed of coral coloured worsted or coloured tester, embroidered and powdered with columbines, and curtains of coral coloured worsted, and beasts for wagons and carts on all the places which he will have after me by descent of heritage. Item to Rose, his wife, a coral coloured bed, etc., and a silver cup, on which is engraved a rose; that is to say the one which I had as a gift from the Countess of March. Also to Marguerite, their daughter, a bed of sapphire blue, powdered with popinjays. Also to the building of the chancel of Cavendyssche, in case that the Parson or his Executors be willing to begin it within the year next ensuing after Easter, 40 li. Also to distribute to the poor, decrepit, blind and old, and to others who cannot work for their livelihood in the towns where I have lands and tenements and stock, at Cavendissche, Penteton, Fakenham, Saxham; that is to say to each one according to their poverty and their mischances, according to the good discretion of my Executors, £20, whereof ten pounds of this to Cavendissche.

Dated at Bury St. Edmunds the Friday next before the Festival of Palm Sunday, the year of the reign of King Richard II. after the Conquest, the Fourth (1381). (His reign commenced in 1377.)