ARCHAEOLOGIA AELIANA.

I.—MUNICIPAL CONTESTS IN NEWCASTLE, 1342-1345.

By Thomas Hodgkin, D.C.L., F.S.A., a vice-president.

[Read on the 26th February, 1908.]

In a recently published Calendar of Patent Rolls (B 6, 1340-1343) there are some entries which have an important bearing on the municipal history of Newcastle-upon-Tyne in the middle of the fourteenth century. It seems probable that these entries may necessitate, to some extent, the re-writing of the history of the mysterious transactions connected with that which has been well called the Municipal Reform Bill of 1342. I have not myself the necessary qualifications for this task, but in the hope that it may be undertaken by some one of our members who has already made the local history of that period a subject of special study, I have made the following notes.

The main entries to which I refer are as follows:

Oct. 16, 1341. Commission to Gilbert Hankyn, Peter Grapere, Robert de Haliwell, and William de Acton, of the safe keeping of the said town [of Newcastle upon Tyne] where [as] the older and better men have duly and according to custom elected John de Denton as mayor of the town and some of the younger men in like manner and contrary to custom have elected one Richard de Acton as mayor. The bailiffs and good men of the town are commanded to aid the said Gilbert, Peter, Robert, and William, whenever called upon by them, and John and Richard are prohibited from intermeddling in the office of mayoralty on pain of forfeiture of all that they can forfeit.

This document seems to amount to the putting of the mayoralty into commission on account of the violent faction fights which have recently taken place between the partisans of John de Denton, the older and probably more conservative citizen, and the young and hot-headed partisans of Richard de

Acton. The king says in effect: 'A plague on both your houses'. For the current year neither of you shall be mayor, but four good men and true whom I have selected for the purpose shall divide between them the authority of chief magistrate.'

The same lesson is repeated by the following edict in even more stringent terms and with a reference to some grievous transgressions in the direction of Free Trade committed by the citizens of Newcastle:

April 6, 1342. Commission to Gilbert de Umfravill, earl of Anegas [Angus], Henry de Percy, Thomas Surteys, William de Shareshall, Thomas de Fencotes, Adam de Bowes, and John de Menevill, to make inquisition touching an information that divers men of Newcastle upon Tyne, as well as of divers parts of the county of Northumberland, have taken to Scotland, as well by sea as by land, victuals, armour, and other things for the comfort and support of the Scots, the king's enemies and rebels, contrary to his inhibition, that there are in the said town alliances and confederacies so that one confederacy strives to elect one man as mayor and another another, whereby grievous dissensions have arisen over the election that the collectors of customs, controllers and trovers, bailiffs escheators, taxers, and collectors of tenths, fifteenths and other quota and subsidies for the king, and other ministers in the town and county, have borne themselves ill in their offices; that many men of these parts take to foreign parts wool and other things whereon custom is due, without payment of custom, and some take these to Berwick upon Tweed where the custom paid is not so large: That some persons have caused wool to be concealed to defraud the king of his contingent thereof, and that ministers, as well of the king as of others, by colour of their office, have committed many oppressions of the people: To find out the names of those who have perpetrated the aforesaid offences, as also of them who made proclamations and alliances, to the disturbance of the peace and terror of the people, to elect a mayor after the king had committed the town, on account of the dissensions over the election of a mayor, to the custody of four good men of the town: And whether John de Denton or Richard de Acton intermeddled with the mayoralty after that the king had inhibited them from this, and to hear and determine the foregoing and any trespasses against the peace in the county at the suit of the king or any other complainant; Also to ordain that the election of a mayor be made by the

¹ My attention has been called by Mr. Craster to a document in *Ancient Petitions* (10,439) from which it appears that John de Denton himself petitioned the king that this measure might be adopted.

commonalty in due form and upheld with due castigation of all hinderers or contrariants in that behalf, and that any election made in opposition be quashed and annulled.

The four good men of the town are obviously those whose names were given in the preceding document: but it seems to be in the king's contemplation that the election of a mayor shall now take place according to the previous custom.

It is noteworthy that this later document was issued simultaneously with the 'mandate' (April 6) chronicled in Welford's History of Newcastle and Gateshead (vol. 1, p. 111), by which certain payments were directed to be made out of a fine of 500l. levied upon the men of Newcastle for transgressions and excesses proved before Thomas of Surtees and his fellow justices. Two days later we have another royal 'mandate' directing that for their own individual 'transgressions and excesses' fourteen of the leading citizens of Newcastle shall be fined different sums varying from 5l. to 400 marks. Among these fineable magnates we find the two competing candidates:

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Richard Acton, for himself and his wife ... ... 240 marks [160l.]

John Denton ... ... ... ... ... 300 marks [200l.]
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and strangely enough two of the boni homines who held the mayoralty in commission are in their very year of joint office also fined:

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William Acton ... ... ... 200 marks [1331. 6s. 8d.]
Robert Halliwell ... ... 200 marks [1331. 6s. 8d.]
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Either the king was in desperate need of money (which, with a renewal of the French war impending, is probable enough) or even the *boni homines* of Newcastle had not escaped from the general fever of faction fighting and anarchy.

Somehow or other, and at present I do not exactly see how, the future historian of Newcastle will have to reconcile these entries with those interesting proceedings as to the 'Reform Bill of Newcastle' which will be found recorded in Mr. Welford's

History (Ibid, p. 114), and, rather more fully in the hon. Miss G. B. Rendel's Newcastle-on-Tyne: Its Municipal Origin and Growth (pp. 31-32).²

Miss Rendel says:

Troubles arose from jealousy between the Merchant Guild [the elder and dominant body] and the newly-developed Craft Guilds. The latter was no longer content to be shut out of the town government, and loudly claimed a share in the authority. This is shown in the 3rd and 4th clauses of a set of articles for the better government of the town, drawn up by the burgesses assembled in full guild, February, 1342. In the following May the king restored the privileges of the town [this would be only a month after the promiscuous fineing of the magnates] and five months later gave his consent to the articles for its better government in the form of a charter.

Mr. Welford records the same event thus:

October 20, 1342. Royal consent given to articles agreed upon by the burgesses of Newcastle assembled in full guild at the hospital of the Virgin, near the West Gate, on the Friday before the feast of St. Valentine [8 February] and sealed with their common seal.

The second clause of these Articles (which was said to be an infringement of the rights of the Merchant Guild) provided that 'Every burgess, poor or sick, of whatever condition, shall be free to board any ship, native or foreign, and to buy whatever merchandise was on sale, and if any merchant shall go on board and purchase any large quantity of goods, every other burgess of the town shall have the right to buy of him for the sustenance of his family at the same price as he gave. Nothing is to be sold from a ship till a plank has been placed connecting the vessel with the shore.'

(As Miss Rendel remarks, 'A good bargain was to be up to a certain extent, the common property of the town, and one burgess was not to enjoy exclusive gain at the expense of the others.')

² There is also a useful account of the municipal revolution of 1342 in the Introduction to Mr. J. F. Gibson's Newcastle-upon-Tyne Improvement Acts and Bye-laws, pp. xxxv-xxxviii,

Clause 3 of these Articles runs thus, and is well illustrated by my extract from the Patent Rolls:

Whereas many quarrels and discussions have arisen concerning the elections of mayors and bailiffs by confederatives and procuratives so that the town with its mayoralty and liberties has fallen into the king's hands, it is ordered that twenty-four of the most honourable, decent, and honest brethren shall be chosen, two from each of the twelve mysteries [namely] merchants of woollen cloth, mercers, skinners, tailors, saddlers, corn merchants or boothmen, bakers, tanners, cordwainers, butchers, smiths, and frillers which twenty-four shall choose four men either of themselves, or of other honest, respectable, and faithful men in the community, which four shall take to themselves other eight, which twelve shall elect other twelve, which twenty-four shall elect the mayor. The mayor so elected and sworn, with the aforesaid twenty-four should elect the bailiffs and other officers.

These elaborate arrangements for combining popular election with selection naturally remind us of similar contrivances in the Italian republics, especially Venice.

The fourth clause provides that:

The town accounts shall be kept by the mayor, bailiffs, and their chamberlains, who are at the end of each week to write them in a [duplicate?] roll one part of which they shall keep, while the other part is to be delivered to the aforesaid twelve mysteries: so that the whole community may know the value of the town at the end of each year. No writing or muniment is to be sealed with the common seal of the town without the consideration, consent, and inspection of the aforesaid twelve mysteries.

May we not see in this machinery for curbing the despotic power of the mayor, the same spirit which inspired the Provisions of Oxford in 1258 and the Ordinances of 1311 for the restraint of the royal prerogatives of Henry III and Edward II. Into the rest of the fifteen Articles for the good government of the town, wisely as they seem to have been framed, I do not propose here to enter: but I may just notice by way of contrast with our modern bridge-structures Article 11:

Whereas Tyne bridge is in places broken, falling, or decayed, while the rents of the same are substracted or withheld: it is ordered that the master

of the bridge, with the aid of the twenty-four brethren of the twelve mysteries and of the whole community shall call in the arrears of payment and apply them to the repairing and restoration of the structure.

I proceed to consider what materials we have for reconstructing the lines of the two rival candidates for the mayoralty of Newcastle in 1341.

I.—Richard de Acton, though apparently the candidate put forward by the young hotheads of the town, was not himself either a very young man or one of obscure birth.

He had already held the office of mayor in 1334/5. He belonged to a well-known Northumbrian family, whose pedigree is given by Mr. J. C. Hodgson in the new History of Northumberland (vol. vii, p. 369). He married Matilda, second daughter of Richard Emeldon, a prominent citizen, who had often filled the office of mayor. His daughter Elizabeth married Roger Widdrington, and from the daughters of that marriage came long lines of Monbouchers, Harbottles, Percys and Fittons, whose descendants are found among many noble families at this day. There was also a connexion by marriage between him and his rival John de Denton, for the latter's daughter Agnes had married William de Emeldon, who was cousin to the wife of Richard de Acton.¹

II.—As to his rival, John de Denton, our information is fuller and more tragic. He was evidently a wealthy and important

For the whole of this paragraph, as well as for much other assistance, I am indebted to our vice-president, Mr. F. W. Dendy, to whose history of Jesmond, in vol. I of the 3rd series of Archaeologia Aeliana (pp. 78-83), as well as to Mr. Welford's History (Ibid. p. 179), I refer the reader. There is still, it seems to me, a difficulty to be cleared up as to the single or double personality of Richard de Acton. Mr. Welford chronicles a Richard Acton who was bailiff of the town in 1307, and again a man of the same name who was member of Parliament in 1371, and thinks that these two entries relate to the same person. With submission to his better judgment, this seems to me so extremely improbable a theory that we are bound to reject it.

citizen, owning half of the manor of Denton and 30 acres of land in that township, besides the manor of Woodhorn, Newbiggin, and probably a good deal of property besides. He was three times mayor of Newcastle before this disputed year, namely, in 1333-4, 1336-7 (possibly also in 1338),2 and he was member for the town in 1331, 1332, and 1340. He had served the king as collector of customs and commissioner of array, and in 1335, when he appeared before the council in order to obtain the liberation of the ship 'La Lancastre' from arrest, he was called by the king 'his beloved merchant, John Denton.' Moreover, it was for good and laudable services rendered in the Scottish wars that the king in 1335 bestowed upon him the reversion of the before-mentioned manor of Woodhorn,3 and in the same year he had been employed in forwarding the earl of Murray, an important Scottish prisoner, to York, and had spent 321. upon the job.4

All this previously gathered information reveals to us in John Denton, not merely an opulent citizen of Newcastle, but a trustworthy and trusted servant of the crown: and this estimate of his position is, to a certain extent, confirmed by an entry in the Patent Rolls for Oct. 1, 1344, which recites that the king has granted him the custody of the town of Mardefen, 5 late held by the earl of Athol, at a rent of 8l. to the exchequer.

Suddenly, however, and probably even before Denton could enter into possession of this new property, the whole prospect is darkened. Still confining ourselves to the information furnished

² See Welford, 1, p. 102.

³ For fuller particulars as to this grant of the reversion of Woodhorn (except the town and port of Newbiggyng) to John Denton 'for good and laudable service in the siege of Berwick, as well as in the war with Scotland, not without costly sacrifices and labours,' see *Arch. Ael.*, 2 ser. 1, 27.

⁴ See Welford, 1, 92, 79, 94, 75, 77, 105, 72, 91, 90, 92, 93.

⁵ Probably Mason, a township near Ponteland.

by the Patent Rolls, in less than seven weeks (Nov. 15, 1344) we read of a commission to enquire concerning the persons who wickedly killed John de Denton. This commission is repeated on May 4, 1345.

To complete the new information furnished by the Patent Rolls as to the case of John de Denton, I have only to add that on Oct. 17, 1345, there was granted to Adam de Alnewyk, friar of the order of Friars Preachers (Dominicans) of Newcastle-upon-Tyne, a pardon in respect of the king's suit against him for the death of John de Denton and any consequent outlawry. This intervention of the Dominican does, indeed, complicate the business. Is it possible that the Denton party, in the faction fight of 1342, had favoured the Franciscans, and consequently his opponents brought all the rancour of the Dominican partisanship into the strife, and that this helped to ensure the doom of hapless John Denton?

So much for the hints as to Denton's fall furnished by the Patent Rolls: but, now, if we turn to the previous information, reproduced in our own Archaeologia Aeliana,⁷ and by Mr. Welford,⁸ we find that the story grows yet darker. It was not only John de Denton's life and property, but his character for truth and loyalty, his reputation as a good citizen that was assailed by his enemies: and the 'murder' as the Patent Rolls do not scruple to call it, was a judicial murder accomplished in some mysterious way under the form of a legal trial.

The document from which we derive this information and which is copied verbatim et litteratim in the third volume of our Archaeologia is to be found in the Plea Rolls for the county of Northumberland for the 26th of October in the 19th year of Edward III (1345). It relates to the trial of Thomas de Gretheved (Greathead) for his alleged share in the murder

⁷ Vol. III, 4to series, pp. 115-118.

⁸ L.c. pp. 125-127.

of John de Denton. His accomplices in the alleged crime are said to have been Richard de Galway, late mayor of Newcastle,9 and Gilbert de Dolfanby, who has been [presumably after trial and condemnation] 'drawn and hung' [for the same offence]. What they did (or are accused of doing) was 'through envy and without cause' to arrest John de Denton at Newcastle-upon-Tyne, on Thursday next after the feast of St. Bartholomew in the 18th year of Edward III (26 August, 1344) and 'falsely, seditiously, and maliciously' to detain him in prison until Tuesday before the feast of the Translation of St. Cuthbert (31 August). this last named day he was brought up before Galloway, Dolfanby, and Greathead, and accused of having, two years before, received at the hands of Alain le Noble, a Scottish enemy of the king, a very large sum of money on condition that he and certain of his accomplices should betray the city of Newcastle into the hands of the Scots on the eve of Christmas (16th year of Edward III, 1342). This was to be accomplished by leaving a certain gate, which is called the Westgate, open for three nights running that the Scots might enter therein. Furthermore, Denton was accused of having sent victuals to David Bruce, encamped at Hydwynlaws with his army, by the hands of his servant Adam Palfreyman on Sunday after the feast of St. Bartholomew in the 15th year of Edward III (26 August, 1341).

(It will be seen that Denton's accusers travelled back two or three years for materials of accusation against him, and that their charges centre round that terrible year 1342, which may be called Newcastle's year of revolution.)

Confronted with these charges, Denton 'remained mute whereupon the three men, Galloway, Dolfanby and Greathead sentenced him to poenitentia and ordered him to remain in

⁹ Richard Galloway was mayor of Newcastle in 1343/4.

prison till he died, as one who refused the law of the land. And thus feloniously did they slay John de Denton without warrant and without cause as aforesaid.'

Such was the offence with which Thomas Greathead was charged. We hear nothing of measures taken against Galloway; possibly he had died in the few months' interval. Dolfanby as we know has been 'drawn and hung.' Greathead is now 'The jurors say on their oath that the aforesaid Thomas Greathead is in no wise guilty of the death of John de Denton by sedition nor of the seditions and felonies imputed Possibly he was a mere subordinate and had only obeyed the orders of his superiors. Yet the whole proceedings look more like a Scottish verdict of 'not proven' than an absolute 'not guilty,' for Greathead's request that he might have the lands and tenements, which had been taken from him on account of his alleged complicity in Denton's murder, restored to him is apparently refused. The justices seem to say to him 'You have got off with your life; be content with that and let us hear no more about your lands and tenements.'

So much for the acquitted 'Gretheved.' But what interests us much more is the mysterious sham-trial (must we not call it so?) of a much more important man, John de Denton, and its terrible result.

We are told that to the charges brought against him, Denton refused to make any reply and 'remaining mute was, by Galloway, Dolfanby, Greathead, and others condemned to poenitentia and also to prison, there to abide until he should die. And thus feloniously did these men feloniously kill the said John de Denton without warrant and without cause as is alleged.'

What is the meaning of this entry coupled with a later entry in the Patent Rolls, shortly to be noticed, which shows that already in January, 1345, Elizabeth, wife of John de Denton,

was a widow. Apparently we cannot escape the conclusion that the late mayor of Newcastle, 'the king's beloved merchant,' suffered the barbarous punishment which, under the old law, might be inflicted on persons who obstinately refused to plead, that of being pressed to death. As is well known, there was a practice sometimes resorted to by an accused person, to escape the legal consequences of a conviction, of standing mute and refusing to plead. In such cases, says Blackstone (IV, 328), 'the prisoner, after trina admonitio and a respite of a few hours, was subject to the barbarous punishment of peine forte et dure, viz., to be remanded to prison and put into a low dark chamber and there laid on his back naked; that there should be placed upon his body as great a weight of iron as he could bear, and more; that he should have no sustenance, save only on the first day three morsels of the worst bread, and on the second day three draughts of standing water that should be nearest to the prison door, and that in this situation such should be alternately his daily diet till he died, or as anciently the judgment ran till he answered.

There is one modification which in the particular case now before us must be made in Blackstone's statement. The practice of loading the prisoner with weights of iron and so pressing him to death, seems not to have been introduced till the 31st year of Edward III (1357) thirteen years after Denton's murder. According to Blackstone this practice was 'intended as a species of mercy to the delinquent by delivering him the sooner from his torment.' Assuredly 'the tender mercies of the wicked are cruel.' 10

¹⁰ Great was the conservatism of our old lawyers. It is strange to reflect that it was not till 1772 (in the lifetime of persons, many of whom I have known) that it was provided by 12 Geo. III, c. 20, that standing mute in felonies should be equivalent to a conviction; and later on by 7 and 8 Geo. IV, c. 28, that if any person, when charged for treason, felony, or misdemeanour should 'stand mute of malice' and refuse to plead, the court might order a plea of 'not guilty' to be entered on his behalf.

It is vain to conjecture what may have been the precise object of the unfortunate Denton in refusing to plead and so submitting himself to this lingering agony. Possibly it was meant as a pretext against an illegally constituted tribunal. Possibly seeing the malice of his enemies and being sure that a conviction was inevitable at their hands, he wished to prevent that forfeiture of his goods, which would follow conviction, and to save some remnant of his property for his wife and children.

What can have been the nature of the court which perpetrated this judicial murder one longs to enquire. Richard Galloway was apparently mayor at the time when it was committed, but who were Dolfanby and Greathead and the others who shared his crime, and why does Galloway, surely the chief criminal, escape, (as he seems to do) from censure, even posthumous censure if he died soon after his victim?

To complete the story of the fortunes of Denton's family, it is only necessary to add that we read in the Patent Rolls (Jan. 23, 1345):

The petition of Elizabeth, wife of John de Denton, now deceased, showing that inasmuch as he has been maliciously killed by some of his enemies without making a will and his goods have been entirely abstracted, she has nothing wherewith to support herself and her children and therefore prays for the continuance of a yearly grant of 251. 16s. 4d. made to her deceased husband out of the customs in the port of Newcastle-upon-Tyne.

This petition was granted 'out of compassion for her estate and in consideration of John's services,' and after her death (which must have happened before 1355) the half of the above annual grant was continued to her son John. As he was under age, the wardship of his body and of all his landed property¹¹ in Newcastle and Denton was committed to William de Acton,

¹¹ This is important, as it shows that there was no legal forfeiture of Denton's landed property, though there may very likely have been a scramble for his personalty.

probably the citizen whom we have already met with as one of the four *boni homines* who held the office of commissioners of the mayoralty in the troublous year 1341-2.¹²

What can have been the cause of such bitter and cruel hatred against an eminent and respected citizen? I dismiss altogether the idea that he was guilty of the treasons alleged against him by the Galloway-Dolfanby gang. His own previous record made the accusation improbable: the action of the government after his death makes them all but impossible.

My first impression on reading the entries in the Patent Rolls was that the murder was in some way connected with the 'grievous dissensions that arose over the election of mayor,' that the shocking event of 1344 was due to the ground-swell after the tempest of 1342. Possibly this may be the true answer, though the fact that Richard de Acton plays no part in these events is slightly against such an explanation.

I lean somewhat to the conjecture, derived from that notice of the Dominican as particeps criminis, that the odium theologicum may be partly responsible for this as for so many other devilish deeds.

But, after all, fear is the most cruel of all the passions. We know how directly during the French revolution the atrocities of the Reign of Terror in Paris were due to the alarm of invasion by the 'bloody standards of tyranny' on the frontier. Whenever a nation is at death-grips with a foreign foe the accusation of what the French called *incivisme*, of sympathy with the enemy's cause, is the most deadly that can be launched against any citizen. The charges brought by the murderers against their victim of complicity with the Scots may a little help us to imagine the chronic state of alarm of Scottish onslaught in which the men of Newcastle lived for ten generations. Possibly

¹² Calendar of Close Rolls, 1354-1360, pp. 126 and 87.

some foolish or even treacherous deed on the part of the servant, Palfreyman, may have lent colour to the accusations hatched by the enemies of his master. Assuredly he was innocent: but one longs that a further and closer study of the local records may shed a clearer light on this bloody mystery.

At any rate, there is still one citizen of Newcastle who will never henceforward pass through Denton Chare without sending one pitying thought after the sad spirit of Newcastle's martyred mayor.

CHRONOLOGICAL APPENDIX.

As it has been impossible to preserve strict chronological order in the above paper, I subjoin a list of the different events mentioned therein in order of date.

As the accession of Edward III took place on the 25th January, his regnal years very nearly, but not quite, coincide with the Julian years However, as none of our events happens to fall in the first twenty-four days of January, I shall disregard this slight difference and shall call the Fifteenth of Edward III, 1341, though it is in strictness 25 Jan., 1341, to 24 Jan., 1342. I treat all the years as beginning 1st of January, not 25th of March.

1341.—15 EDWARD III. Dominical letter G.

Mayors of Newcastle: Sir William Felton to 29 Sept., after 29 Sept. John de Denton till the mayoralty was put in commission.

26 August: Alleged treason of Denton (sending victuals to the Scots).

16 October: Entry in the Patent Rolls: disputes about election of mayor. Mayoralty put in commission.

1342.—16 Edward III. Dominical letter F.

Mayors of Newcastle; None till 29 Sept., then Robert Halliwell.

- 8 February: Articles for better government of town drawn up by burgesses.
- 6 April: Commission to Earl of Angus, Lord Percy, and others to see that neither Denton nor Acton was presuming to act as mayor, and to provide for election of a mayor for next municipal year.
- 6 April: Heavy fines inflicted on leading citizens.

29 Sep.: Robert Halliwell elected mayor.

20 Oct.: Royal Assent given to articles of 8 February.

24 Dec.: Alleged treason of John de Denton: (causing West Gate to be left open for the Scots).

- 1343.—17 EDWARD III. Dominical letter E.

 Mayors of Newcastle: Robert Halliwell, Richard Galloway.
- 1344.—18 EDWARD III. Dominical letters D.C.

Mayors of Newcastle: Richard Galloway, Robt. Shilvington.

- 26 August (Thursday after feast of St. Bartholomew): Arrest of Denton by order of Galloway, Dolfanby, and Greathead.
- 31 August (Tuesday before translation of St. Cuthbert): Examination of Denton. Condemned to poenitentia (date of his death uncertain).
- 1345.—19 Edward III. Dominical letter B. Mayor of Newcastle: Robert Shilvington.
 - 23 January: Petition of Elizabeth, widow of John de Denton.
 - 17 October: Pardon granted to the Dominican friar Adam of Alnwick for his share in the murder of John de Denton.
 - 26 October: Trial and acquittal of Thomas Greathead for his share in the same murder.
- 1354.—28 Edward III. Dominical letter E.
 - 13 July: Wardship of young John de Denton granted to William de Acton.
- 1355.—29 EDWARD III. Dominical letter D.
 - 12 April: Half of the payment from the customs formerly made to his parents, granted to young John de Denton.