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Retrospective Treason?: The Nessfield Escheats

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INTRODUCTION

As far back as 1838, John Hodgson requested the Society of Antiquaries of Newcastle upon Tyne, to print a set of escheats, copied for him by Thomas Hudson Turner of London from the original Rolls in the Tower of London, which he had considered to be ‘important evidence’ concerning the rebellion of Gilbert de Middleton in 1317. These were published by the Society in the third volume of their first series in 1844, where they have been since then, sometimes referred to, sometimes commented upon marginally, but mostly ignored. They are called the “Nessfield Escheats” after the escheator north of Trent from 1357–1363, William Nessfield. The writ of escheat was a legal right whereby land or property reverted to the landlord. In medieval times, under feudal law, land reverted to the lord if a tenant committed an offence or died without heirs. As the king was the greatest landlord in the country, lands reverted to him if any of his tenants-in-chief committed a felony or died without issue. However, the king had one additional right denied other landlords; this was for the crime of treason, when the lands of a traitor reverted to the Crown and not to the overlord. For this purpose, escheators were appointed by the Crown, to issue writs of escheat and to collect and account for all revenues from these escheated lands, in each county or group of counties. The Nessfield Escheats draw attention to themselves because of the charge of treason contained within them, made some forty years after the event to which they refer. The incident took place in the county of Durham in 1317, when Sir Gilbert de Middleton and his freebooters kidnapped the Bishop-elect of Durham, Lewis de Beaumont

and his brother Henry: an incident that became known as the Gilbert de Middleton Rebellion. A detailed and well-researched account was published earlier last century by his descendant, Sir Arthur Middleton.¹

Although the rebellion is referred to by contemporary chroniclers, and sometimes by modern historians of the fourteenth century, yet almost nothing has been written about the Nessfield Escheats which are based on the treason of the Middleton rebellion. M. McKisack asserts “the cry of treason was never raised again [after 1352] under Edward III”.² and, M. V. Clarke observes that “for over thirty years the cry of treason was never raised in political controversy”.³ W. M. Ormrod writing as recently as 1990 on the reign of Edward III, fails to mention the Nessfield escheats, which were made during his reign in 1358–1363.⁴ Within the last ten years, C. J. Neville has written about the origins, development and refinement of March Law in the northern counties of Northumberland, Cumberland and Westmorland, during the fourteenth and fifteenth centuries. In an earlier article she considers the local sentiment of the inhabitants of the same northern counties to their neighbours, the Scots, and the position of the Scots as national enemies. Another article dealt specifically with the Law of Treason in the northern Border counties in the Middle Ages and how the special war conditions made it necessary for Edward III to define what exactly was to be construed as treason.⁵ However, in her thorough and in-depth research and her analyses of Border/March Law, the use of Common Law in the border lands and the interpretation of the Statute of Treason in the north, she does not mention the rebellion of

Gilbert de Middleton in 1317, nor the Nessfield Escheats based on the treason of that rebellion. This lack of interest by historians in the Nessfield escheats is puzzling, especially as it is of judicial importance and political significance when considering the history of the four northern counties of Yorkshire, Northumberland, Westmorland and Cumberland during the fourteenth century.

What makes the Nessfield escheats so intriguing is their apparent lack of a motive. The charge of treason contained within them is in two parts; the first is for being an adherent of the traitor Gilbert de Middleton and others known to have been associated with him; the second for riding with the Scots with banners unfurled, which was construed as an open declaration of war against the king. In respect of the first charge of being an adherent of Gilbert de Middleton and his associates, after forty years those who had been implicated in the rebellion were long dead and their lands had passed on to others who could not have been connected with the rebellion. Concerning the second part of the accusation, of riding with the Scots, M. Prestwich has stated quite clearly that, there is no evidence of a major Scottish raid in the Durham region in 1317, and furthermore, denies any link between Middleton and the Scots.⁶

Historians who have written about the rebellion are divided about its cause. Sir Thomas Gray, author of the *Scala Cronica*, suggests that the catalyst for the rebellion was the imprisonment of Sir Adam Swinburne, a cousin of Sir Gilbert de Middleton. Sir Arthur Middleton, descendant of Sir Gilbert, gives the cause as the illegal appointment of Lewis de Beaumont to the bishopric of Durham against the wishes of the monks, whose cause Sir Gilbert was championing. He also blames Thomas, earl of Lancaster, for instigating the rebellion, who, when it collapsed, made Sir Gilbert the scape-goat. M. Prestwich suggests that whilst the rebellion may have been triggered by the installation of a new bishop of Durham, the main reason was of a deeper nature. As all those involved had, at one time or another served in the king's household, the rebellion was a reflection of the

malaise at the king's court in London, and the king's unwillingness to protect or defend them against the Scots. Yet another aspect of this uprising is given by J. R. Maddicott, who sees the Middleton rebellion as part of the struggle for power between the earl of Lancaster and the king.⁷ Whatever the cause, the rebels were dealt with rather leniently and, apart from Sir Gilbert and his brother John who were executed as traitors, the others only suffered a brief forfeiture of their lands, which were later restored to them.

Although the Nessfield escheats have been ignored by historians of the fourteenth century, J. G. Bellamy draws attention to them by stating that "Edward III, by means of his own royal record or through inquisitions taken by his escheators, had been finding scores of men of the northern shires guilty of adhering to the Scots and levying war against the English crown as far back as the reign of Edward I".⁸ His foot-note in connection with the above statement is both apposite and revealing, "the chief agent of the crown in this operation was William Nessfield, escheator in Yorkshire Westmorland, Northumberland and Cumberland. The new policy seems to have begun in February 1358 and continued until circa 1360. The subject is worthy of close study; the volume (*CPR1358-1361*) is full of examples of this hitherto unnoticed aspect of the reign of Edward III".⁹

WHO WAS WILLIAM NESSFIELD?

A closer look at the Nessfield escheats should, perhaps, begin with a look at the man, William Nessfield, described by Bellamy as 'the chief agent of the crown in this operation'. Was he an 'agent' of the crown? Or, to re-phrase the question, was he appointed by the crown to do a specific task? Not all escheators were 'agents', but an 'agent' could be an escheator. So, who and what was William Nessfield and from where did he originate? He was not a landowner in either Northumberland or Westmorland, and there is no record of his holding land in

Cumberland. According to Simon Walker, William Nessfield came from Scotton in Yorkshire,¹⁰ and held lands there.¹¹ There is an entry in the records of St. Mary's Abbey, York, which says that "there was a distribution made daily to three poor people at the time of High Mass, for the soul of William Nesfield [*sic*] and his foundation".¹² The date of the foundation is not known. Also in Yorkshire, there is an entry in 1368 referring to William de Nesfield [*sic*] who by right of his wife Christiana, conveyed the manor of Amotherby to William de Newport and Katherine his wife, and the heirs of Katherine.¹³ This may not be the same William Nessfield, escheator north of Trent, as his wife's name is given in the Calendar of Patent Rolls of an earlier date as Ismania;¹⁴ however, Christiana might have been a second wife. Again in Yorkshire, in 1359/60, William Nessfield supervised the transport of 168 pigs of lead from Nidderdale to Hull at a cost of £10 as part of the collection of materials for the king's building works at Windsor.¹⁵

That William Nessfield was a benefactor of the Church is shown by his connection with the Trinitarian Friars of Knaresborough. It also shows his connection with Queen Philippa. In 1348, the minister, William de Daryington, and the friars assigned to William Nessfield and his heirs, a rent of £10,¹⁶ and in 1349–52 they arranged to assign a rent of £6 for wax-lights, bread and wine for the chapel of St Mary of Scotton, where William Nessfield had endowed a chaplain to celebrate mass for the good estate of Queen Philippa and the grantor.¹⁷ In return, the Queen obtained licence for the friars to appropriate the church of Fewston.¹⁸

William Nessfield appears to have been in the service of Queen Philippa before he entered the service of the king, for in 1355, the Queen with the king's express will and the consent of her council, and for his long labour for her in England and Ireland, releases him from all debts etc., that could be put upon him because of his constableness of the castle of Knaresborough; or of any offices in those parts and elsewhere in England and Ireland; all trespasses etc., and for £50 rent which he had granted to her by way of security to have his body day by

day before the council.¹⁹ From the above, it appears that he held the castle of Knaresborough from the Queen, that he had been in her service not only in England but also in Ireland and that he was an important member of her day-to-day council. He was, therefore, a trusted member of her household, but in what capacity he served her in England and Ireland is not given. Also, what is not known is how he advised her i.e. as a lawyer, an administrator of her personal finances or as a member of the staff responsible for the organisation and running of her household.

The degree of trust placed in him by both the king and the queen can be deduced from his appointment in August 1359, when he was made steward, keeper and surveyor of all the lands of the king's son, Edmund of Langley, who was a minor. His duties were of a supervisory nature as he was not expected to 'take the issues and profits nor to make payments', and was not required to render any account.²⁰ That he was not involved with the receipt/expenditure of money is shown by an earlier appointment in 1356, when he was made steward, keeper and surveyor of all the lands endowed by the king for the nuns at Dartford. He was to be paid £40 for his office, but he was not to receive or pay out any money, nor was he expected to render an account for such issues and emoluments.²¹

As well as being escheator north of Trent in 1357, he was appointed to various commissions, such as oyer and terminer, charged with looking into evasions of customs duty on wools, fleeces and hides, investigating fraudulent practices in the woollen cloth trade, and protecting the king's interest in respect of shipwrecks etc. On his release from the office of escheator beyond the Trent in January 1364, he was given 'protection, during pleasure, for William de Nessfield, appointed to sue and expedite divers business of the king lying very near his heart, and for his men, horses and goods'.²² One can only surmise the 'divers business lying very near the king's heart', was the building of the Chapel at Windsor for the Order of the Garter. Whatever it may have been, the appointment shows the trust and favour in

which Nessfield was held by both the King and the Queen. His greatest appointment came after his release from escheator in the north, when he was appointed the king's attorney for the four northern counties on the 4 May, 1364, presumably as a reward for his long and faithful service. The text of this appointment runs:²³

Appointment for life of William de Nessfield as the king's attorney, in all courts and places in the counties of York, Northumberland, Cumberland and Westmorland, in which the king's business is brought, the king willing that he and his deputies have view and copies of inquisitions taken before sheriffs and full power to enquire of lands and goods of felons and fugitives, traitors and outlaws, wreck of sea, wayf and stray and royal fish, wools and other merchandise, and gold and silver, money, plate, vessels and other jewels, taken from the realm without cocket and payment of custom and subsidy due, as well as of forestalleries, and all other things, for the king's advantage; and that he may be the more incited to use diligence in the business, the king has granted him a third part of all forfeitures pertaining to the king at the suit of him or his deputies. By K.

It would appear from the above that as the king's attorney, his powers were greater than the sheriffs, escheators and judges, and it seems almost certain that he must have been a lawyer, well-versed in civil, criminal and mercantile law. In keeping with his powers and responsibility, his reward was equally great, namely, one third of all forfeitures pertaining to the king. From what is known of William Nessfield, it is obvious that he was a close, trusted servant of both the king and queen and was entrusted with the business lying very near the king's heart. So, why did the king, at the time he did, appoint Nessfield his escheator north of Trent for a period of seven years? The appointment of Nessfield differed in two aspects from the conventional appointment of escheators: the usual term for the office of escheator was one to two years; and escheators were mainly drawn from the ranks of the local landowners. His appointment for seven years and his lack of residency in the local communities of the north, suggests his appointment was a special one.

Was Nessfield an "agent of the crown" as hinted at by Bellamy? He may have originated from Yorkshire, but he does not appear to have been a permanent resident there, as he seems to have spent most of his time in royal service in England and Ireland, and at Court in the Queen's service on a daily basis. Nor was he related by marriage to any of the northern landowners. Perhaps this was an advantage in the king's eyes, as he would be free from familial pressures and blood ties, and therefore, less likely to have a personal axe to grind, for unlike John de Coupland he was not acquisitive of land and did not use his position as escheator to carve out a vast estate for himself.²⁴

There is, however, one instance of land acquisition described by Prestwich as "outrageous" which needs clarification. Prestwich refers to the lands in Scotton escheated by Nessfield from six Yorkshire families on a trumped-up charge of treason starting with Simon de Montfort, throwing in any other name with a taint of treason, and ending, of course, with the Scots. "This was all the more heinous because the same lands were granted to him for a fine of £200, which he was later excused by the king", argued Prestwich.²⁵ This was the only time that Nessfield benefitted from an escheat. However, it would appear that direct personal gain was not the purpose of this escheat, for in October 1361, in return for a payment of £30, the king granted him a licence for alienation in *mortmain* by him of all his lands in Scotton to the chapel of St. Mary, Scotton, to celebrate divine service for his soul and for alms and pious works.²⁶

It seems unlikely from the above, that Nessfield's appointment as escheator in 1357, was the usual, customary appointment, but the appointment of the king's man on the king's errand. If the special task was to escheat the lands of those involved in the Middleton rebellion, what was the king's motive for this apparently vindictive action forty years after the event? Not surprisingly northern historians, when they have occasion to mention the Nessfield escheats, are either divided on the subject of the king's motive, or else they ignore it completely. The reason most favoured by historians is that Edward III needed finance for

his continental wars and thus sought to raise money from these escheats. One or two historians have hinted that the motive was to exact punishment with profit, but on the whole the escheats and the motive have been ignored. However, as suggested by Bellamy, the escheats are worthy of close study and by looking at the documents themselves, it is hoped to arrive at a likely motive.

WAS THE MOTIVE TO RAISE REVENUE?

The motive for resurrecting the accusation of treason forty years after the event is suspicious, because the charge of treason against those holding the lands in 1358–1363 was clearly false. The different historians writing the various volumes of the *Northumberland County History*, all hold the view that the escheats were an excuse by Edward III to raise money for his continental wars. In short, they conclude that the escheats were a fund-raising scheme to increase the royal coffers.

Another explanation was that the rebels were not punished enough at the time (1317–18) and that Edward III was casting around for means of raising money and decided upon escheating the estates of those involved and charging a fine for restoration. Bellamy holds this view when he states that Edward III sought “by use of posthumous trial procedure to gain considerable profit”.²⁷ This view is also held by Prestwich who states “a major attempt was made to exact penalties. . . in return for a fine”.²⁸ They both link punishment with profit as the motive. The punishment aspect could be readily understood if only those who were actually involved in the rebellion suffered the punishment. As they were all dead by this time, conducting a trial was like picking over the bare bones of a corpse.

On the surface, the money motive seems perfectly plausible, comprehensible and logical, but a look at the amounts charged in fines suggest that they would not have kept the king and his Noble Order in Garters, let alone finance one overseas campaign, however small.

The Nessfield escheats for the whole of Yorkshire, Northumberland, Cumberland and Westmorland, yielded a mere £2,500, give or take a mark or two – a modest rather than a considerable profit.

Beside the above, there are other arguments against the motive being money. In 1359, an enquiry was instituted to find out why no subsidies had been paid during the reign of Edward III for the regality of Hexhamshire. Archbishop Thoresby could produce no justification for this; but the king of his grace pardoned him and his tenants all their arrears, and further granted that during the life of Thoresby, no such payments should be made.²⁹ This was not the action of a man short of money. In another instance, when in 1358 William Nessfield had escheated the lands of William de Metham, because the owner in 1317, Geoffrey Henknoll had adhered to Middleton and the Scots, the king restored his lands for a fine of £200. However, when the king was informed that Metham had five unmarried daughters he issued a “pardon of £100 of the said £200, because the king has heard on trustworthy testimony that he has five daughters unmarried, to whom he is insufficient to marry unless assisted.”³⁰ Again when the king granted to Nessfield the escheated lands of the six Yorkshire families mentioned above, he pardoned him the £200 fine for good services. There were many other instances where the king remitted part of the fines for good service, usually in the Scottish wars. Many of those whose lands were escheated, had their lands restored without paying a fine at all, while others paid fines as little as 2, 5 or 10 marks. Looking at the fines paid and the total received, it is clear that as a fund-raising exercise, the escheats could not have been regarded as a success. It could be argued that Edward III could not have known this before he embarked upon this enterprise. That may be so, but as he was the person to set the fines, he must have realised that it would not be a money-spinner.

The *coup de grace* to this theory of financial benefit, is given by W. M. Ormrod in his book on the reign of Edward III. In it he writes of William Edington, treasurer of the Exchequer,

1344–56: “Edington inherited a huge debt from his predecessors in the exchequer, and the king’s demands for cash continued to provide him with numerous problems in the later 1340s. But as campaigns proved less costly and revenues increased, the situation gradually began to improve. Indeed, by the end of the 1350s, Edington had transformed Edward III from an embarrassed bankrupt into a wealthy man”.³¹ On the subject of finance for Edward III’s continental wars, he asserts: “Indeed, the financial position had been transformed to such an extent that when Edward III announced his invasion of France in 1359, the government was able to lay out approximately £75,000 in current or anticipated revenue from customs, and did not even find it necessary to approach Parliament for a grant of direct taxation”.³² In the concluding chapter of his book there is no ambiguity in his opinion on the financial position of Edward III, “the task for paying for Edward III’s wars undoubtedly gave the Commons a new political prominence. However it also made the king an extremely wealthy man. If it was the abundance or lack of money that raised or depressed kings, then Edward III’s position was virtually unrivalled in the whole of the Middle Ages”.³³

In the face of such unequivocal statements, it does not seem likely that Edward III was dependent on the fines of 2, 5 or 10 marks or even, the £20, £100 and £200 fines to finance his wars. Nor was he short of money in a personal sense, as stated by Ormrod. Therefore, the amount raised by the Nessfield escheats could not, by any stretch of the imagination, have made the slightest difference to the financial position of the Crown. The escheats, in the main, hit the middle to small landowners and in some cases, the tenants, who after the devastations of the Scots, the bad harvests, the cattle and sheep murrains, the famine and the Black Death, would not have been in a position to pay larger fines, had they been levied. Any hope of raising a vast amount by imposing large fines on this group could not have been very high from the outset; the people would just not have been able to pay. In any case, apart from being a wealthy man in the 1350s, there

were two other reasons why Edward III would not have been short of money. In 1357, he had negotiated with the Scots a ransom of 100,000 marks (£66,666 13s. 4d.) for their king, David II, which was to be paid in yearly instalments of 10,000 marks. At the same time, he was demanding £700,000 from France for the return of their king, John II. He did not get the full amount but settled for £500,000 in 1360.³⁴ Compared with these amounts, the £2,500 garnered from the Nessfield escheats appear trifling.

WAS THE MOTIVE JUDICIAL?

Hence, if punishment as a motive was futile, and money as a motive unnecessary, could the motive have been judicial? Was Edward III testing his new Statute of Treason of 1352? As the accusation of treason raises the question of the legality of the Nessfield escheats, a look at them in the light of the Great Statute of Treason of 1352 and its Amendment of 1360, is clearly necessary. The study of the Statute is important at this stage, for it not only defines what could and what could not, be described as treason, it also raises other points which are crucial to the examination of the Nessfield escheats.

The Statute of Treason of 1352 states very clearly that (a) to levy war against the king in his realm or, to be an adherent of the king’s enemies in his realm, was treason (b) armed robbery or kidnapping for the purpose of ransom, was not treason but a felony and, (c) any escheat resulting from a felony being treated as treason in times past, should revert to the landlord. To quote the Statute (the italics are mine):

(4) or if a man do levy war against our Lord the King in his realm, or be an adherent to the King’s enemies in his realm, giving to them aid and comfort in the realm, or elsewhere, and thereof probably attainted of open deed by the people of their condition. . .that ought to be judged Treason.

(13) And if percase any man of this realm ride armed covertly or secretly with men-or-arms against another, to slay him, or rob him, or take him, or retain him till he hath made fine or ransom for to have his deliverance, it is not

the mind of the King nor his Council, that in such case it shall be judged treason, but shall be judged felony or trespass, according to *the law of the land of old time used*, and according as the case requireth.

(14) And if, in such case, or the like, *before this time any justices have judged treason*, and for this cause the lands and tenements have comen into the King's as forfeit, the chief lord of the fee shall have the escheats of the tenements holden of them, whether that the same tenements be in the King's hands, or in others, by gift or any other manner.*[sic]*³⁵

From the wording of the Statute it would appear that armed robbery and kidnapping had, before 1352, been considered a felony under '*the law of the land of old time used*', or Common Law. Treating these offences as treason was, therefore, contrary to the law of the land. The other point raised by the Statute was that redress was to be made to the landlords for any forfeitures of their lands in the cases where '*before this time the justices have judged treason*'. This clearly refers to cases where a felony or trespass had been judged as treason before 1352 and forfeitures had been made.

After 1352, therefore, the actions of Gilbert de Middleton by robbing the cardinals and kidnapping the bishop-elect and his brother and holding them for ransom, were not treasonable acts, but felonies. Hence, the charge of the kidnapping of the cardinals and the bishop-elect was not relevant to the charge of treason, although it was always linked to it. What was relevant was that Gilbert de Middleton, at his trial,³⁶ was charged with "riding in warlike fashion with his flag unfurled", which was definitely treason, and for which he was given a traitor's death.

Another matter dealt with in the Statute states that the charge of treason could only be brought against a person if it was based on an inquisition "proven by men of like condition" – that is, by men of the person's own standing, his peers. This legal requirement was missing when the lands of William de Dacre were escheated in December 1358 by William Nessfield, and Dacre petitioned the king that his lands had been taken into the king's hands

without the necessary inquisition. The king restored his lands as an act of grace asserting that "he could retain the premises as forfeit if he wished".³⁷ From this it would appear that the legal aspect of this escheat was not the important factor, as the king was willing to disregard the requirements of his own statute.

However, the Statute of Treason in 1352 did not go far enough to clarify the procedure of judging treason. The escheators had either misunderstood the Statute or had deliberately misinterpreted it, for the Commons complained to the King, that the "escheators, which by colour of their Office have seised divers lands and tenements as forfeit to the king for treason surmised in dead persons, which were never attainted of treason in their lives".³⁸ These complaints persuaded the King in 1360 to make an Amendment to his Statute of 1352. The Amendment was entitled 'There shall be no Forfeiture of lands for Treason of dead Persons not attainted'. The relevant section of the Amendment reads as follows:

(5) So always, that in all cases of forfeiture for treason of dead persons not attainted or judged in their lives, their heirs, nor their landtenants shall not be impeached or challenged.³⁹

A look at the charges of treason contained in the Nessfield escheats show them to be contrary to the Statute of Treason of 1352, and its Amendment of 1360. Firstly, the inquisitions, which were a legal requirement, were taken "ex officio", when they should have been officially "proven by men of like condition". Secondly, the escheats did not conform to the new definitions of "high treason" and "petty treason". For the charge of treason to have been made, the present holder of the land should have been an adherent of Gilbert de Middleton, which because of the lapse of time, he could not have been. The lands Nessfield escheated to the crown between 1357 to 1363 had, in some cases, belonged to people who had never been charged with treason in their lives, and this was contrary to the Amendment of 1360. The wording in some of the escheats clearly states "pretending that so-and-so was an adherent of Gilbert de

Middleton". Not only was the name of Gilbert de Middleton used, but that of Walter Selby, Jocelin Deyville, Andrew Harcla and, as mentioned above, that of Simon de Montfort. As Andrew Harcla did not commit treason by making a pact with the Scots until 1322, linking him to the Middleton rebellion of 1317 was clearly false. Also, Simon de Montfort was killed at the battle of Evesham in 1265, and any adherent of his would long since have returned to dust. It is obvious that the charges were pure fabrications, and, as Prestwich points out, "it is questionable whether much credence should be given to these charges".⁴⁰ So, why fabricate the charges? It would appear that the names of known traitors were thrown in as hooks on which to hang the escheats, but the real motive lay elsewhere. Judicially, the escheats were illegal, and the law was flouted by Edward III with impunity, as when he insisted in the Dacre case that he could retain the escheated lands if it pleased him so to do. Having made the Statute of Treason of 1352, Edward III obviously did not feel compelled to observe it. Hence, the judicial or legal motive does not appear to have been Edward III's reason for the Nessfield escheats.

WAS THE MOTIVE POLITICAL?

The final motive that remains to be explored is the political aspect and lies in the second part of the charges of treason. Having shown that the those involved in the kidnapping of the bishop-elect and his party, could not have committed treason as defined by the Statute of 1352, it might be expedient to look at the rest of the wording of the accusation, that is, "and joining the Scots, the king's enemies" or "riding with the Scots with banners unfurled". There is no evidence that those involved had "joined the Scots" or had "ridden with banners unfurled". However, it could be argued that by association with Gilbert de Middleton they had become attainted with his treason. Forty years later these men were dead, and their lands were held by others to whom the charge of treason could, therefore, not be applied.

Edward III would have no memories of the Middleton rebellion, being only four years old at the time, but what he was never likely to forget were the humiliating and angry tears of frustration he shed at Stanhope Park in 1327, when the Scots relished making a fool of the English king and his huge army. In 1317, at the time of the Middleton rebellion, the northern counties had been suffering during the last two decades from destructive Scottish raids. The Scots destroyed crops, burnt buildings, killed people, took hostages, stole cattle and sheep and exacted blackmail from those who had nothing left to steal. King Edward II, beset with problems at court, paid scant attention to the sufferings of his northern subjects, and they, being unable to protect and defend themselves, in many cases co-operated with the Scots. It was the only way to survive.

The wealthy palatinate of Durham made its own truce with Robert Bruce, and in order to avoid devastation paid the blackmail he demanded. It is perhaps too easy to be critical of the passivity of the bishop of Durham and the landowners for not trying to stop Bruce, but life must have at best been precarious, and at worst a sort of hell. After the battle at Bannockburn in 1314, Bruce had complete control of the north. His raids were well planned and organised and calculated to do the most damage. It was under these conditions that the bishop of Durham not only paid the blackmail, but also promised Robert Bruce free access and egress across the bishopric. The Chronicle of Lanercost is quite certain on this point, stating that the Scots refused to accept the £2,000 blackmail unless they might have access and retreat through the lands of the bishopric whenever they wished to make a raid into England.⁴¹ Scammell mentions this, but does not comment on the fact that the bishop did not make any attempt to stop Bruce, but allowed him free access and egress across his lands.⁴² Surely this was a form of treason. It must have greatly assisted Robert Bruce to know that after a raid, perhaps into Yorkshire, his retreat with the booty would not be hindered by the king of England's loyal subjects. If the bishop, with all the wealth and resources at his disposal

could not, or would not, stop the Scots, how much less were those nobles and knights who had nothing like his power and wealth, able so to do. They had even less choice than the bishop. The people of Northumberland, particularly those landowners whose lands lay along the border, would have had no option but to co-operate with the Scots. Their predicament is very succinctly stated by Scammell: "Life could only continue within the immediate Border area with the Scots' permission".⁴³

Thomas Gray, in his *Scalacronica*, lays some of the blame for the success of the Scots on the Northumbrians themselves. According to him, "the (Scots) had subdued all Northumberland by means of the treachery of the false people of the country (1317)".⁴⁴ The author of the *Vita Edwardi Secundi*, questions why the siege of Berwick was abandoned in 1319 when it had cost so much in labour to begin, and hints at the cause being that "Robert Bruce had friends".⁴⁵ This remark is believed to have been aimed at Thomas, earl of Lancaster, who withdrew his Lancastrian contingent thus causing the siege to be raised. The same author tells us that it was the capture of a spy, whose name and identity are unknown but who was caught spying for the Scots, that first alerted the Archbishop of York of the imminent danger to the Queen of England who was at York. He informed the Archbishop that James Douglas was approaching York with a chosen band of men to capture the Queen. He was also able to inform him where they would be hiding, on which day, and at what time they had planned their attack. His information was true, comprehensive and could only have been gained by close contact with the Scots.⁴⁶ The remarkable fact was that, at first, no one believed him, supposing that the Scots would have been too busy defending their own land. For the Scots to have known the whereabouts of the Queen, how well she was defended and, how many men to bring to effect her capture, they must have had a very efficient spy system among the ordinary people, the sort of people who could come and go without attracting any notice.

For the Scots under Robert Bruce, James Douglas and Thomas Randolph to penetrate

so deeply into Yorkshire (Beverley) and Lancashire (Preston), they must have had not only an excellent spy system, but also well organised logistics – that is, places where they could stop to refresh themselves and their horses, and to pick up information gleaned by their informers, for on one occasion they stayed in England for 3 weeks and later for 4 weeks before returning to Scotland with their booty. They usually avoided the garrisoned castles of Norham, Alnwick, Bamburgh and Newcastle on the east March and Carlisle on the west March, preferring to enter England through Tynedale, lately the possession of the Kings of Scotland. There they expected and received, the greatest support, making Haltwhistle, Hexham, Corbridge and Darlington their staging-posts. Along this route the Scots must have had their spies and confederates, their aiders and abettors. In order for Robert Bruce to be able to time and plan his raids he must have had information of where the English were, how many, and what they were doing so that he knew how far he could travel into England without being resisted, and whether he would be able to return safely. On one occasion, indeed, the Scots altered their route home when the English had planned to ambush them after a raid.

Although the Gilbert de Middleton rebellion took place in 1317, the Scots continued to harry the north right up to the truce of 1323. They agreed another truce in 1327, which was followed by the Treaty of Northampton in 1328. So, whether or not Middleton was in league with the Scots is irrelevant, because the raids continued as before and indicate that the Scots were still receiving help from the inhabitants of the northern counties. Even after the death of Robert Bruce in 1329, the Scottish threat did not go away, but continued with the arrival of his son, David Bruce, into Scotland, and lasted until his capture at Neville's Cross in 1346.

The timing of the Nessfield escheats needs to be looked at, for this was an important and significant factor in the king's motive. In 1357 the situation locally, nationally and internationally was as follows. In the north the war with Scotland had not been resolved, and hostilities still existed between the two

countries. It was only eleven years before, in 1346, that David Bruce had led an army into England to help the hard-pressed French king who was besieged by Edward III at Calais. Now, Edward III had just released David Bruce from prison. He was also planning another continental campaign, which he undertook in 1359. Nationally he wanted to safeguard his northern frontier, and internationally he did not want the Scots to assist the French king by invading England again. He could only do this by securing his border with Scotland, and to do this he had to be sure of the loyalty of the northern lords. It was for this reason that he instigated the Nessfield escheats.

This might explain why the charge of treason was made in the escheats as (a), in the absence of an offence, it was only on a charge of treason that the king was able to escheat a landowner's property, and (b) he wanted to make sure that the present owners of the lands owned by the rebels of 1317, were men loyal to him. In some cases the forfeited lands were returned to their owners, in others they were granted to another, but in each case the grant was made in recognition of the person's long service, usually in the Scottish wars. Edward III was trying to secure the frontier by planting men who had proved their loyalty to him. Another aspect of the escheats was the change of tenure of the lands. By escheating the lands and then either restoring them to their owners or re-granting them to others, the king changed the tenure of the lands, for they were now held '*in capite*'. This gave the king a greater control over his tenants-in-chief. Many of these estates had become so sub-infeudated that the tenants seemed to have had more loyalty to their overlord than to the king, who was a remote figure in London. In this the king was following the example of his ancestor Henry I who, in his efforts to conquer the north, created large baronies for his faithful supporters. It was not only to reward them, but primarily, to defend and control this troublesome frontier. Now Edward III was doing the same thing in a different way.

The political aspect of the escheats is, thus, emphasised when they are viewed in the light of the king's war plans, particularly his war with

France. The Nessfield escheats continued all the time the king was overseas, and even after he returned in 1360.⁴⁷ For, although there was a lull in the French war, the Scots remained a continued threat. Nessfield's presence and activities in the north would have maintained the king's power and authority in the region as a warning to any would-be collaborators. He would also have kept the king fully informed of what was happening in the northern counties. It seems certain that Nessfield was sent into the north as his "agent" to root out any treasonable sympathy for the Scots.

There is another curious fact connected with the appointment of William de Nessfield as escheator north of Trent. Although his appointment as escheator for the four northern counties was from 22 May 1357 to 12 May 1363, Lancaster was not added until 7 October, 1361 and lasted till 10 August 1362. All the time that the escheats for treason were being pursued in Yorkshire, Northumberland, Cumberland and Westmorland, (that is from 1358 to 1363), there were no escheats for treason from Lancashire.⁴⁸ The addition of Lancashire in 1361 coincided with his being made Chief Steward by John of Gaunt, the king's son, when he inherited the title and estates on the death of his father-in-law, Henry of Grosmont, Duke of Lancaster in 1361.⁴⁹ As the charge of treason in 1358–1363 could only be applied to the Scots, it is, therefore, understandable that the other counties of England were not troubled by similar escheats.

The career and status of William Nessfield show him to have been an important political Court official. He had been one of the inner circle of advisers to both the King and the Queen and had been appointed many times to positions of trust and high office, with power and authority given directly by the King. He was, without doubt, a big player at Court. For the king to have appointed him escheator for the North in 1358 with the special power invested in him, is an indication of the politically significant task to which he had been assigned. The Nessfield escheats were politically sensitive documents with powerful local and national implications, and were intended

to carry a blunt and tough message to the magnates, knights, gentry and all local landowners, large and small alike, in the counties of Yorkshire, Northumberland, Cumberland and Westmorland. It was implicit in the escheats. The clear message was, that on the merest breath, hint or suspicion of treason, whether proven or not, if it pleased the king so to do, he would take away their lands. It would have been a very foolhardy landowner who assisted the Scots in the face of such a warning.

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