

SOME OF HUMPHREY STAFFORD'S MILITARY INDENTURES

Humphrey Stafford (1402-60) was born to a position of prominence among the peers of fifteenth-century England. Not yet a year old when his father died, Humphrey became the sixth Earl of Stafford in 1403, and upon the death of his mother Anne, in 1438, he was considered as Earl of Buckingham. In 1444 Humphrey was created Duke of Buckingham by Henry VI. His landed resources matched his titles, for he was among the best endowed of the English nobility. The Stafford family estates were scattered throughout England, Wales, and Ireland, and through his mother Humphrey acquired yet more, as she was heiress to the lands of Thomas of Woodstock, Edward III's youngest son, and of his wife, Eleanor, who shared the inheritance of Humphrey Bohun, Earl of Hereford and Essex. Humphrey Stafford spent his life in active service to the house of Lancaster, and died fighting for Henry VI at Northampton, but he generally avoided being deeply involved in the factional baronial politics of Henry VI's reign. His avoidance of controversy has meant that Humphrey's life has yet to be the subject of careful study, and this examination of some of his indentured retainers is a step toward a fuller biography. In his career Humphrey served extensively in France, as Captain of Calais, Lieutenant-General of Normandy, and on numerous diplomatic missions. In England he was at various times in his life Warden of the Cinque Ports, Lieutenant of the Marches, and Constable of Dover and Queensborough Castles.

In the fifteenth century, the social, political, and military position of an individual was related to the number and prominence of his adherents, clients, or retainers. Humphrey Stafford was not exceptional in seeking persons to form a retinue to accompany him in his business and travels, a retinue established through the instrument of an indenture made between him and each retainer to define the terms of the relationship.

The use of indentures was nothing new in the fifteenth century.¹ It had evolved out of the older landed feudal relationship, through the *fief-rente*, to the indenture system. The *fief-rente* and the indenture are superficially similar since both involved service in return for a money fee, but the *fief-rente* must be classed as feudal whereas the indenture is non-feudal, since the grantee gave neither homage nor fealty while the recipient of a *fief-rente* gave both.² Money and mutual need were the crux of an indentured relationship. The *fief-rente* and the indenture are obviously akin, and the *fief-rente* forms the link between

¹ See N. B. Lewis, "An Early Indenture of Military Service, 27 July, 1287", *Bulletin of the Institute of Historical Research*, XIII (1935-36), 85-89; *idem*, "An Early Fourteenth Century Contract for Military Service", *ibid.*, XX (1943-45), 111-18.

² B. D. Lyon, *From Fief to Indenture* (Cambridge, Mass., 1957), p. 11; *idem*, "The Feudal Antecedent of the Indenture System", *Speculum*, XXIX (1954), 510; *idem*, "The Money Fief under the English Kings, 1066-1485", *English Historical Review*, LXVI (1951), 164-8.

feudalism and what has been called bastard feudalism or new feudalism, that is, relationships based upon indentures. The *fief-rente* and the indenture existed side by side in England in the thirteenth, fourteenth, and fifteenth centuries, though the *fief-rente* was in decline for three-quarters of a century before its disappearance from England by 1450.³

Several developments contributed to the emergence of the indenture, rather than the *fief-rente*, as the primary means to obtain military service. The use of the commission of array as a supplement to or substitute for the feudal host familiarized local gentry with a contractual basis for levying soldiers in the various shires. A more definite movement away from the use of the feudal host or the *fief-rente*, as well as from the commission of array, was reflected in the use of more efficient non-feudal contractual agreements between kings and military captains, whereby the captain agreed to raise a specified number of troops who would be paid wages ultimately drawn from the royal coffers for a set period of service in a campaign.⁴ If a king contracted with captains to raise forces it should be expected that the magnates of the kingdom would utilize contracts or indentures to secure their personal followings, and hence the new or bastard feudalism involving a retinue secured by a magnate through indentures promising favour and a fee in return for service.

Though similar, a distinction should be made between indentured relationships made to muster forces to fight for the duration of a war and the binding of a military retainer to his lord, as most indentures state, for life. Still other indentured relationships could be mentioned, such as those providing for household or administrative personnel and those where an individual gave favour and support to his lord and accepted livery and fee. This final sort of retainer was the source of the great outcry against "livery and maintenance" and was attacked by a statute in 1390 which prohibited the granting of liveries by men below the rank of banneret.⁵ Subsequent statutes brought further controls to the practice of retaining, but retaining itself was too useful and well-established to be abandoned.⁶

³ Lyon, *Fief to Indenture*, p. 245.

⁴ J. E. Morris, *The Welsh Wars of Edward I* (Oxford, 1901), pp. 68-76. Lyon, *Fief to Indenture*, pp. 251-3.

This method of raising troops became particularly important in the reign of Edward III. See H. J. Hewitt, *The Organisation of War under Edward III* (Manchester, 1966); A. E. Prince, "The Indenture System under Edward III", *Historical Essays in Honour of James Tait* (Manchester, 1933); *idem*, "The Payment of Army Wages in Edward III's Reign", *Speculum*, XLIX (1944), 137-60; *idem*, "The Strength of English Armies in the Reign of Edward III", *E. H. R.*, XLVI (1931), 353-71; J. W. Sherborne, "Indentured Retinues and English Expeditions to France, 1369-1380", *E. H. R.*, LXXIX (1964), 718-46.

The influence of *Quia Emptores* upon the emergence of bastard feudalism through its outlawing of subinfeudation has been judged contributory rather than inceptional by J. M. W. Bean, *The Decline of English Feudalism, 1215-1540* (Manchester, 1968), pp. 306-10.

⁵ N. B. Lewis, "The Organization of Indentured Retinues in Fourteenth Century England", *Transactions of the Royal Historical Society*, 4th series, XXVII (1945), 29-30. R. L. Storey, *The End of the House of Lancaster* (London, 1966), p. 10. B. Wilkinson, *Constitutional History of England in the Fifteenth Century, 1399-1485* (London, 1964), pp. 338-9.

⁶ W. H. Dunham, Jr., "Lord Hastings' Indentured Retainers, 1461-1483", *Transactions of the Connecticut Academy of Arts and Sciences*, XXXIX (1955-57), 67-89.

In examining the indentured retainers of Humphrey Stafford we are in contact with the legitimate use of the indenture by a magnate to provide himself with a feed retinue, although historians' use of the term "bastard" feudalism for such retainues hardly connotes legality. The instrument of an indenture "was a compact between X and Y by which X grants Y an annual fee in return for which Y promises some form of service commonly for as long as both live but not binding upon the heirs of either".⁷ The recruitment of feed retainers has been variously evaluated by modern commentators. The system has been viewed as a force for stability in society at least as secure as the feudal tenurial ties which antedated it but without the inflexibility of being hereditary.⁸ W. H. Dunham viewed it in the same light, leaving room for human inconstancy.⁹ From the other side bastard feudalism has been called "a parasite institution, . . . cut off from its natural roots in the soil, and far removed indeed from the atmosphere of responsibility, loyalty and faith . . .",¹⁰ and as "a retrograde step".¹¹ Since the indentures of Humphrey Stafford under consideration date from 1440 to 1451, we are involved with the period of which Dr Storey wrote, and his argument that the availability of armed retainers to the magnates of England was a significant element in the coming of civil war in the reign of Henry VI is well enough stated that the institution of retaining does indeed seem a detrimental one for social order.¹² Still, as Dr Storey suggests, had Henry VI ruled as well as reigned, the quarrels among the magnates of the kingdom might have been kept within tolerable limits and Lancaster need not have given way to York. The contingency of an incompetent upon the throne is not itself sufficient cause for the condemnation of an institution which in other situations functioned satisfactorily. Views of bastard feudalism have consistently been coloured by the episodes of civil war in fifteenth-century England, a kingdom with a centuries-old tradition of looking to its king for leadership. Under Henry VI the beacon of leadership flickered dimly, and retaining was not the only social, political, or military institution which underwent consequent changes. Humphrey Stafford had retainers who were indeed involved in the civil wars of Henry VI's reign, but they were also engaged in the foreign war with France which to contemporaries was an activity as laudable and proper as a suitable retinue for a peer.

The nine indentures between Humphrey Stafford and his retainers to be examined are taken from the so-called "Red Book of Caus Castle",¹³ a varied

⁷ K. B. McFarlane, "Bastard Feudalism", *Bulletin of the Institute of Historical Research*, XX (1943-45), 164.

⁸ Lewis, "Organization of Indentured Retainues", *Trans. R. H. S.*, 4th series, XXVII, 36-7, 39.

⁹ Dunham, "Hastings' Indentured Retainers", *Trans. Conn. Acad.*, XXXIX, 7-14.

¹⁰ H. M. Cam, "The Decline and Fall of English Feudalism", *History*, New Series, XXV (1940), 225.

¹¹ Storey, *End of Lancaster*, p. 10.

¹² *Ibid.*, pp. 15-17, 28.

¹³ National Library of Wales, Peniarth MS. 280D.

I am informed by Mr B. G. Owens, Keeper of Manuscripts and Records, that Peniarth MS. 280D is the compilation of the seventeenth-century antiquary, Robert Vaughan.

collection of administrative documents including letters, acquittances, homages, warrants, and indentures. The earliest military indenture in the "Red Book" is dated 20 April 1440, and is between Humphrey Stafford and Sir Edward Grey.¹⁴ Not to be confused with Sir Edmund Grey who was created Earl of Kent in 1465, Sir Edward was a Warwickshire gentleman, who was appointed a Justice of the Peace in that county each year from 1443 through 1446.¹⁵ Sir Edward bound himself for life to wear the Earl's livery and to ride with the Earl with additional men both in England and beyond the sea when summoned "upon reasonable warning" for an annual fee to be drawn from Oakham (Rutland) and Tysoe (Warwickshire), to be paid at Michaelmas and Easter. The fee set was £40, the largest of the fees paid in the nine indentures, and provision was made for the fee to be increased to a hundred marks (£66 13s. 4d.) should Sir Edward's degree be raised from bachelor to baron. As a bachelor, Sir Edward was to ride with the Earl with an esquier, three yeomen, a groom, and a page, all mounted, but as a baron Sir Edward was to be better accompanied with two esquiers, four yeomen, a groom, and two pages, all mounted. The indenture also provided that the Earl could contract with Sir Edward to raise additional soldiers and archers with wages and transportation costs to be paid by the Earl. The indenture stated that Earl Humphrey was to have a third of the prizes of war which might fall to Sir Edward in the form of prizes, ransoms, or other winnings, as well as a third share of the third part which would come to Sir Edward from profits which his men might take in the events of war. The share provided for Earl Humphrey from the prizes of his men was not unusual, for the division of spoils by thirds and thirds of thirds had become the custom in the royal armies of Edward III, and the third as the basis for dividing plunder was much earlier the custom in Wales and Scotland.¹⁶

The indenture with Sir Edward Grey was much more elaborate than the indenture made with John Curzon of Derbyshire.¹⁷ Curzon (1395-1460) is sometimes called John Curzon of Kedylston to distinguish him from his father, John Curzon of Croxall (d. 1449), and, though the indenture is not specific, it may be assumed that it was the younger Curzon who accepted a £10 annual fee from the manor of Naseby (Northamptonshire) to be a part of Humphrey Stafford's retinue with a complement of two yeomen and a page. Curzon's indenture required service only in England. Curzon was a prominent figure in the Derbyshire gentry as a Justice of the Peace there from 1431 until his death, as a member of several royal commissions, and, like his father before him, as a Member of Parliament.¹⁸ Curzon served in Parliament both before and after

¹⁴ *Ibid.*, ff. 6-7.

¹⁵ *Calendar of Patent Rolls (1441-1446)*, p. 480.

¹⁶ D. Hay, "The Division of the Spoils of War in Fourteenth Century England", *Trans. R. H. S.*, 5th series, IV (1954), 91-109.

¹⁷ N. L. W., Peniarth MS. 280D, f. 11.

¹⁸ J. C. Wedgwood, *History of Parliament . . . 1439-1509* (London, 1936-38), I, 245-6.

It might be noted that Curzon's son and heir, Thomas, was one of the retainers of William, Lord Hastings. Dunham, "Hastings' Indentured Retainers", *Trans. Conn. Acad.*, XXXIX, 118.