

## *An Early Private Indenture of Retainer: The Agreement Between Hugh Despenser the Younger and Sir Robert De Shirland\**

WHEN Michael Jones and the late Simon Walker published their invaluable collection of early private indentures of retainer in 1994, they warned that, for all the apparent thoroughness of their work, they were certain other indentures of retainer remained to be discovered.<sup>1</sup> It is a tribute both to the scale of their endeavours and to the authority of their collection that the indenture published here is probably the first to be added to the tally since the appearance of their volume. The indenture was made on 7 April 1323 and records the entry into the service of the younger Despenser of the Kent knight, Sir Robert de Shirland. It is a document of some interest in that it adds to our understanding of the diplomatic and early development of the practice of retaining by indenture. It is of still greater interest because of the way it sheds new light on the arrogant and overbearing behaviour of the younger Despenser and the harsh treatment which he meted out to his former opponents in the wake of the Contrariant defeat at Boroughbridge.

The document survives as a transcript in a volume of mainly genealogical notes made in 1577 by Robert Glover, Somerset herald. Its terms are brief:

### **British Library, London, MS Egerton 3789, fo. 98v<sup>2</sup>**

Coneue chose soit as totes gentz qe cest escript endente verront ou orront qe le septisme iour d'april l'an du regne nostre Seigneur le Roy Edward fitz au noble Roy Edward seisisme ensi acouynt entre monsr Hugh le Despenser le fitz dune part et monsr Robert de Shirland chevalier dautre part. Cest ascavoir que le dit monsr Robert est demore soy<sup>3</sup> tierz homme darmes au terme de sa vie od le dit monsr Hugh pour counsell et pour Armes de pees et de guerre en Engleterre Escoce et Gales encountre toutes gentz qe purrount viure et mourir et sauve la foy nostre Seigneur le Roy, et le dit Monsr Hugh loyalment seruira et conseilira et totes ses emprises et queeles meyntendrea a tot son feu

\* I am grateful to the *Review's* two anonymous referees for their comments on an earlier draft of this article.

1. M. Jones and S. Walker, eds., *Private Indentures for Life Service in Peace and War, 1278–1476*, in *Camden Miscellany, XXXII*, Camden Society, 5th ser., iii (1994), p. 5.

2. I owe my introduction to this document to Dr Nigel Ramsay, who lists it in his forthcoming catalogue of Glover manuscripts, which he kindly allowed me to see in advance of publication by the Harleian Society. For Glover's career, see N.L. Ramsay, 'Robert Glover (1543/4–1588)', *Oxford Dictionary of National Biography*.

3. Glover appears to have begun writing 'son' but then added a descending tail, converting the word to 'soy'. I am grateful to Nigel Ramsay for his care in checking the text for me.

et son loyal poair, et a luy vendra totes hernesez a son mandement pur raisonnable garnisement, etc.

Fine drawing of Shirland's armorial seal.

The diplomatic of the indenture follows in broad outline the style of such documents as drafted by the Despensers from the late 1310s onwards. That is to say, it takes the form of indented letters patent in French with the opening, *Coneue chose soit as totes gentz qe cest escript endente verront ou orront* .... In the early fourteenth century, particular lords or families developed their own forms of retaining agreement, and this appears to have been the form preferred by the Despensers. A few years earlier, almost the same wording had been employed in the indenture of retainer into which the younger Despenser had entered with another of his men, Sir Hugh de Neville of Essex.<sup>4</sup> In the agreement with Shirland, the terms of retention are set out more briefly than was usual at the time, perhaps because aspects of the agreement had been settled informally in advance. The terms recited required Shirland to serve Hugh in both peace and war by offering him counsel and following him against all men, other than the king, in the carefully specified theatres of England, Scotland and Wales. Exceptionally, no mention was made of a retaining fee or an assignment on a manor; nor are details given of any maintenance to which Shirland might lay claim as a retainer when attending on his lord or when resident in his household. There is nothing to indicate that these omissions are the result of any omissions or mistakes which Glover himself made in transcribing the document. When Glover omitted a passage, as he appears to have done at the very end in respect of some stock formulae, he wrote 'etc.', and he did not employ this abbreviation at any point in the main part of the transcription. The failure to mention either maintenance or a money fee distinguishes the indenture from almost every other such document of its time, and these omissions raise questions to which we shall return.

The indenture was drawn up at a time when the Despensers, father and son, were approaching the peak of their wealth and power in England. In March 1322, their long-standing opponents, the earl of Lancaster and his allies the Marcher lords, had been defeated by the royalists at the battle of Boroughbridge; Lancaster was executed, and the other rebel leaders were either executed or cast into prison. With almost all of their rivals in the nobility eliminated, the Despensers had succeeded in attaining a near-total dominance over Edward II and his affairs. Their ascent to royal favour had begun some four years earlier when the younger Hugh had been appointed to the office of king's chamberlain, a key office at court. By his insensitive bearing in this post, Hugh had given widespread offence to the magnates and royal

4. Private Indentures for Life Service, no. 29.

household staff, and to the earl of Lancaster in particular. From 1319, the same Hugh had incurred the hatred of the lords of the Welsh Marches by his aggressive pursuit of the greater part of the inheritance of the de Clare earls of Gloucester. Through his marriage to Eleanor, eldest of the sisters and co-heiresses of Gilbert de Clare, the last earl, who had been killed at Bannockburn, Hugh had acquired a right to a third of the de Clare estates. Dissatisfied with his allocation and determined to add to his holdings in South Wales and the Marches, he had fixed his eyes on the shares of the other two co-heiresses. The ruthlessness which he showed in dispossessing the other claimants and adding their lands to his own had provoked the formation of a baronial coalition against him. Once that coalition had been crushed at Boroughbridge, however, his own power and that of his father were exercised almost entirely unfettered. The two men and their associates and hangers-on, notably the exchequer baron Sir Roger Belers, enjoyed a near monopoly of royal favour, and the elder Hugh finally acquired the title of earl which he had long coveted. In the shires, the Despensers buttressed their rule by resort to a systematic regime of coercion, violence and intimidation. At the same time, by drawing on their substantial cash hoard, they built up a large company of indentured retainers. Before 1322 they had retained about a dozen knightly retainers in their pay; after that year, however, they appear to have employed at least twice that number.<sup>5</sup> Among the body of gentlemen newly drawn into the family's service was the Kentish knight, Sir Robert de Shirland.

Robert de Shirland was heir to a knightly line which had distinguished itself in royal service for more than a century. His father, Sir Roger, had been a loyal associate of Lord Edward in the 1260s, and his grandfather, Sir Geoffrey, constable of Dover castle and warden of the Cinque Ports.<sup>6</sup> Robert himself was one of the richest and most important knights of his shire. His main holding was the manor of Shirland (or Shurland) in Eastchurch on the Isle of Sheppey, and he held other smaller estates in the same area. He was almost certainly well advanced in years by the time he was taken on by the younger Despenser. He had been active in arms for nearly three decades and was probably, by the early 1320s, near the age of retirement from service in the field.

Robert appears to have experienced his first taste of active service in 1294 when he had travelled to Gascony in the retinue of Henry Lacy, earl of Lincoln; letters of protection were issued in his favour on 18 June, and further letters were issued for him in the following year, pointing to a prolonged stay in the duchy.<sup>7</sup> On the collapse of John Balliol's

5. For lists of knightly retainers of the Despensers, compiled largely from the evidence of charter witness lists and letters of protection, see N.E. Saul, 'The Despensers and the Downfall of Edward II', *ante*, xcix (1984), pp. 1–33, at pp. 6–7.

6. C. Moor, *Knights of Edward I*, Harleian Society, lxxx–lxxxiv (5 vols., 1929–32), iv. 249–50.

7. F. Michel and C. Bémont, eds., *Rôles Gascons* (4 vols. in 5, Paris, 1885–1906), iii. 133, 162, 294, 319. For information on Shirland's military career up to 1314, I am grateful to Dr David Simpkin.

English-backed government in Scotland in 1295 and the subsequent attempt by the English to take over the kingdom, he found an outlet for his energies in the wars on the Scottish front. In 1300 he served on Edward I's expedition to besiege Caerlaverock Castle, again in the company of the earl of Lincoln.<sup>8</sup> In 1303 he joined Edward a second time; this time on his march to the far north of Scotland, serving as a knight in the retinue of the prince of Wales.<sup>9</sup> In 1304 he was one of the company of knights attached to the prince's household who were present at the siege, successfully concluded in July, of Stirling castle.<sup>10</sup> In the last year of the reign, when Edward I was embarking on yet another expedition against the Scots, he again enlisted under Lincoln.<sup>11</sup>

After Lincoln's death in 1311, Shirland performed service principally in the company of the Midlands lord, Sir Richard de Grey of Codnor (Derbyshire). It was under de Grey that he fought at the battle of Bannockburn in June 1314.<sup>12</sup> His role in the desperate encounter is uncertain; he escaped capture, however, and was summoned to attend a muster at Newcastle in August.<sup>13</sup> In 1315 he took part in another expedition against the Scots, this one under the earl of Pembroke, again serving with de Grey.<sup>14</sup> His fine horse, which he had valued, was recorded as worth 50 marks, a figure exceeded in the retinue only by the destrier of de Grey himself.<sup>15</sup> He was to serve under de Grey on two further occasions, in 1318 and at the siege of Berwick in 1319.<sup>16</sup> After this time, it seems unlikely that he saw much, if any, more active service against the king's enemies. His last recorded appearance in the field was on the baronial side at the battle of Boroughbridge in 1322. After 1323 he quickly fades from the scene. His date of death is unknown but seems to have been around 1324.

Shirland's involvement in arms owed much to his ties with magnates who were themselves regularly involved in military service. His father's links had principally been with local knightly or baronial families, notably the Leyburns of Leybourne, near Maidstone, associates of the future Edward I; the arms of Shirland had, indeed, been derived from those of Leyburn.<sup>17</sup> The attachments which Robert was to form were

8. London, T[he] N[atational] A[rchives], C47/2/13, m. 8.

9. TNA, E101/612/11, m. 2d.

10. British Library, Additional MS 8835, fo. 58r; *Calendar of Chancery Warrants, 1244–1326*, p. 223.

11. G.G. Simpson and J.D. Galbraith, eds., *Calendar of Documents Relating to Scotland, V: A.D. 1108–1516* (Edinburgh, 1986), p. 446.

12. TNA, C71/6, m. 3.

13. F. Palgrave, ed., *Parliamentary Writs* (2 vols. in 4, London, 1827–34), vol. ii, pt. ii, p. 428.

14. TNA, C71/7, m. 3.

15. TNA, E101/15/6, m. 2.

16. TNA, C71/10, mm. 5, 12.

17. *C[alendar of] P[atent] R[olls]*, 1266–72, p. 397; G.J. Brault, *The Rolls of Arms of Edward I* (2 vols., Woodbridge, 1997), ii. 391. The Shirland arms were *azure, six lions rampant argent, a canton ermine*.

much wider than those of his father. In his early years, the tie which almost certainly did most to advance his career was that with the earl of Lincoln, which brought him experience in theatres as far afield as Gascony and Scotland.<sup>18</sup> After Lincoln's death, the bond which he forged with Sir Richard de Grey enabled him to maintain his record of regular royal service. Sir Richard de Grey was himself keen to participate in war in order to safeguard his family's claim to banneret status, to which their modest landed endowment only inadequately entitled them.<sup>19</sup> Shirland's link with the family is explained by de Grey's ownership of the manors of Aylesford and Yalding, both near Maidstone and Hoo St Werburgh, by the Medway, which gave them a major stake in Kent society.<sup>20</sup> Shirland and de Grey were evidently close. In 1313 de Grey awarded Shirland a rent of 40 marks per annum for life to be drawn from the issues of Aylesford; five years later, he made a grant to him of marshland in his manor of Hoo, to the value of eighteen marks, and 22 marks of rents in the same manor, again for life.<sup>21</sup>

It was the bonds successively with Lincoln and de Grey which formed the essential thread running through Shirland's military career. There was another, somewhat looser, tie, however, which was to play a role in shaping his life: that with the Kentish lord Sir Bartholomew Badlesmere. Badlesmere was a man whose lordship and power it would have been almost impossible for a gentleman in Kent to avoid since his landholdings in the county were extensive, numbering more than half a dozen manors.<sup>22</sup> Shirland probably owed his initial introduction to this ambitious knight to the earl of Lincoln, whose retainer Badlesmere had become by 1300. Shirland witnessed an *inspeximus* and confirmation of Katherine de Leyburn alongside Badlesmere in 1311 and witnessed another *inspeximus* for Badlesmere himself eight years later.<sup>23</sup> Shirland and Badlesmere moved in overlapping gentry circles, almost inevitably so, given the face-to-face nature of society in early fourteenth-century Kent.

It is Shirland's connection with Badlesmere which provides the key to understanding a curious episode in which both men were involved in 1321 and which, in turn, is important for explaining the forging

18. He is first recorded with Lincoln in 1291: *CPR 1281–92*, p. 434.

19. S. Walker, 'Grey, John, third Baron Grey of Codnor (1305x11?–1392)', *ODNB*.

20. Moor, *Knights of Edward I*, ii, 152–3.

21. *CPR 1307–13*, p. 566, and *1317–21*, p. 196.

22. For a listing of Badlesmere's estates, see *Calendar of Inquisitions Post Mortem*, vii: *Edward III*, no. 104. The manors which Badlesmere held in Kent were those of Leeds, Lesness, Tonge, Chilham, Whitstable, Kingston, Hatfield and Badlesmere itself. In addition, he held a number of knights' fees which had been sub-*infuedated*. He held a further fourteen manors in other counties. He was a substantial figure, and his power in Kent was evidently felt with some force. In 1322, after the crushing of the Contrariant revolt, one Richard de Sellynge petitioned the king for recovery of lands in Sheldwich and Selling of which he had been disseised by Badlesmere and which he had been unable to recover because of Badlesmere's power: TNA, SC8174/3656.

23. *CPR 1307–13*, p. 387, and *1317–21*, p. 435.

of the indenture with Despenser two years later. This was Shirland's involvement as one of a group of witnesses to an alleged act of treason committed by the younger Despenser. The story is told by a local writer, a clerk in the service of Hamo de Hethe, bishop of Rochester.<sup>24</sup>

The writer begins by narrating briefly the sequence of events that had led up to the political crisis of 1322—the king's seizure of the lordship of Gower, his sympathy with the Despensers' territorial ambitions there, and the barons' ravaging of the Despensers' lands in South Wales and the Marches. He says that the king, bowing to opposition pressure, summoned a parliament to meet in London in July and that the barons—Lancaster among them—came along with their armed retinues. On 27 July 1321, at a meeting at Clerkenwell, the Marcher lords secured the agreement of the earls to a petition branding the Despensers as traitors and asking the king in parliament to condemn them to exile. A few days later, there was a second meeting at the house of the Carmelite friars. At this, Bartholomew Badlesmere, 'the leader and initiator of the whole undertaking', proposed 'in the name of all that Hugh Despenser the younger was a proven traitor and enemy of the king'. To sustain his accusation, he brought forward as witnesses Sir Richard de Grey, Sir John Giffard of Brimpsfield and Sir Robert de Shirland. Despenser, Badlesmere went on, had given these three a certain document, which the chronicler transcribed and which turns out to be none other than the famous 'homage et serment' declaration of 1308, distinguishing between the crown and the person of the king—the declaration by means of which Edward II had been forced to dismiss Gaveston in May of that year. The chronicler appears to be suggesting that Badlesmere implied that Hugh was striving to exercise similar coercive power over Edward himself and sought to implicate de Grey, Giffard and Shirland in his attempt. Badlesmere's account of the younger Hugh's wiles was exposed as a fraud, however, according to the chronicler, by none other than the bishop of Rochester (probably the chronicler's informant). Marvelling at what he had heard, the bishop asked de Grey whether he had received this document from Despenser himself. Grey replied that he had not; he had found it among other documents in his purse. From that moment on, the chronicler concludes, the bishop hated the barons' doings and held them in suspicion.

The most plausible interpretation of this episode is to see it as a clumsy attempt on the part of Badlesmere to frame the younger Despenser. Unfortunately for him and his co-conspirators, the bishop's devastating intervention exposed the story as a crude fabrication. Nonetheless, the

24. N. Pronay and J. Taylor, *Parliamentary Texts of the Later Middle Ages* (Oxford, 1980), pp. 166–7. The best discussion of the episode is in J.R. Maddicott, *Thomas of Lancaster, 1307–1322* (Oxford, 1970), pp. 281–2; however, for Giffard's and Grey's ties with the crown, see also M. Prestwich, 'The Unreliability of Royal Household Knights in the Early Fourteenth Century', in C. Given-Wilson, ed., *Fourteenth Century England* (Woodbridge, 2002), ii. 1–12, at p. 3.

opposition still made the declaration the core of their indictment of the Despensers in the parliament which had officially opened on 15 July.<sup>25</sup> Why the opposition clung onto so confused and unconvincing a narrative is not altogether clear. It may have been because they were short of more substantial and convincing arguments to fill out their legal and political armoury. What is clear, however, is the crucial role which Badlesmere played in the whole episode. It was Badlesmere who was responsible for concocting the oddly convoluted story of the approach to the three knights. Almost certainly, too, it was Badlesmere who ensured the central place of the 'homage et serment' declaration in the case which the opposition chose to place before parliament.

We run into fewer difficulties in looking for possible reasons for Badlesmere's violent opposition to the Despensers. Badlesmere was motivated by an acute sense of personal disappointment and betrayal. A decade earlier, he had been a leading figure at court, retained by the king and with a place in the king's household; from 1318 he found himself sidelined by the rise of the two Despensers. Badlesmere was a man of high personal ambition. As the Rochester writer makes clear, his aim was to see the title earl of Kent revived in his favour, yet the perfectly reasonable claims which he had on the dignity, by virtue of being a major Kent landowner, were ignored.<sup>26</sup> The promotion of the king's half-brother, Edmund of Woodstock, to the earldom in July 1321 was probably for him the last straw. A courtier by instinct and a man whose loyalty to the crown had wavered only once before—in the crisis over Gaveston's exile in 1311—he now became a baronial hard-liner, an implacable critic of both king and favourites.

The problems raised by the July episode centre not so much on the role of Badlesmere himself as on that of the three knights who allowed themselves to act as his accomplices. The involvement of the knights has hitherto received little attention, and their relation to Badlesmere has been unexplored. In the light of what we have learned about Shirland's career, however, we can say that at least two of them—de Grey and Shirland himself—are likely to have been men totally committed to the course on which Badlesmere had embarked. They had close personal ties with Badlesmere, and both were, like him, major Kentish landowners; Shirland's lands, indeed, were largely confined to Kent. They are likely to have looked to Badlesmere as a champion of local and county interests, and as an articulate critic of a regime increasingly overbearing in its dealings with local society. The man whose involvement appears, superficially at least, most difficult to account for is Sir John Giffard of Brimpsfield, a Marcher lord and a landowner, not in the south-east, but

25. Strangely, although he was present in London, Shirland was not a member of this parliament.

26. It was 'the earldom ... to which he aspired with all his heart': Pronay and Taylor, *Parliamentary Texts*, p. 168.

in Gloucestershire, the Wye valley and the Welsh borderlands.<sup>27</sup> Giffard, however, was another man of courtier leanings whose natural sense of loyalty to the king had, like Badlesmere's, been offended by the rise of the Despensers. The two favourites' territorial ambitions had had their greatest impact on precisely the area of the country in which his own holdings were concentrated. Badlesmere, moreover, enjoyed kinship links with several of the lords of the Marches. His wife was a de Clare, and his daughter had married the son and heir of Roger Mortimer, lord of Wigmore (in Herefordshire).<sup>28</sup> All three of Badlesmere's accomplices were men personally linked to him or of similar outlook to him; all three shared his intense dislike for the Despensers.

Against this background, to find Shirland forging a tie of retainership, just two years afterwards, with none other than the younger Despenser is bound to appear a surprising turn of events. Shirland was no placeman or unprincipled political hack, much less a pushy, assertive climber anxious to curry favour with the new masters. He was a man with a history of opposition to the favourites' ambitions, and his ties were with men who were likewise opposed. How is his change of political allegiance to be explained? A clue may be found in the terms of the indenture, which we considered earlier. As we noted, the indenture is in many ways a rather unusual document, much briefer than most such agreements of its date. It announced Shirland's retainership by the younger Despenser, his obligation to follow his lord in peace and war and his commitment to uphold and maintain him in all his quarrels and undertakings. It made only limited demands of him in terms of personal service, requiring that he attend as a third man ('tierz homme darmes')—that is to say with two other men—a by no means substantial contingent for a knight of his rank and experience.<sup>29</sup> The indenture made no promise of a retaining fee, or, apparently, of 'bouche de court' or maintenance in the lord's household although the promise of 'garnishment' might be taken to imply such sustenance. The indenture, in fact, offered few rewards at all. It was an emphatically one-sided agreement.

What, in that case, could the younger Despenser have been looking for from his new retainer? It is possible that what he was most anxious to bring about was an expansion of his military household through the absorption of Shirland's sub-retinue, in recognition of Shirland's long and distinguished record in arms; against this, however, has to be set the

27. G.E. Cokayne, ed., *The Complete Peerage*, rev. V. Gibbs, H.A. Doubleday and Lord Howard de Walden (12 vols. in 13, London, 1910–57), v. 644–5.

28. J.R. Maddicott, 'Badlesmere, Sir Bartholomew (c.1275–1322)', *ODNB*. Badlesmere's wife was the earl of Gloucester's cousin, Margaret de Umfraville, née de Clare, the widow of the eldest son of the earl of Angus.

29. The phrase 'tierz home darmes' is used in this period in a list of knights and esquires retained by Thomas, earl of Lancaster, as in 'Monsieur Michel de Haverington soi tierz home darmes' and 'Monsieur Nichol de Leyburne soi tierz home darmes': G.A. Holmes, *The Estates of the Higher Nobility in Fourteenth-Century England* (Cambridge, 1957), p. 141.



fact that Shirland himself was well advanced in years by 1323 and had only a limited active future ahead of him. Another possibility is that Despenser was looking to recruit a potential local office-holder, though here again Shirland's age counted against him; only six years earlier he had obtained a royal exemption from office-holding.<sup>30</sup> The most lasting impression conveyed by the indenture is that it was actually much less a conventional military or political agreement than a kind of controlling mechanism. If the younger Despenser was looking to enlarge his power base in Kent, as he may well have been, he was almost certainly equally concerned to neutralise a threat from someone who had been critical of his dominance in the past and who might turn against him again. The agreement with Shirland can be seen in this way as a hostile takeover bid. It tied the unfortunate new retainer into a relationship of passive dependence on his hated former adversary. It used the language and the diplomatic of an indenture of retainer to create an instrument of control and surrender. The hapless Shirland was, in effect, made the younger Despenser's accomplice and political hostage.

To understand how this turn of events could have come about, we need to appreciate the highly vulnerable situation in which Shirland found himself in the late spring of 1322. In July of the previous year, he had been involved as one of Badlesmere's principal accomplices in the political manoeuvrings which had led up to the assault on the Despensers in parliament. In February and March of 1322, he had been engaged in arms alongside Badlesmere and the Marchers in the hostilities which they had unleashed on the king and his two favourites. The events immediately preceding the outbreak of those hostilities had occurred in Kent. It was the refusal of Badlesmere's wife to admit Queen Isabella to Leeds castle, which her husband held from the crown, that had led Edward to force a showdown with the baronial opposition. Shirland could very likely have been involved in the defence of Leeds—the castle lay not far from his estates—although we have no way of establishing this for certain. What is beyond doubt is that he was captured fighting on the rebel side at Boroughbridge on 16 March and was subsequently cast into prison in the Tower.<sup>31</sup> He appears to have languished in captivity for a little over a year, being released in early April 1323 on the grounds—in the words of the notification on the patent roll—that the king had now been assured of his good conduct.<sup>32</sup> A couple of months earlier, in February, the constable of the Tower had been ordered to arrange for him to be brought before the king once suitable mainpennors had been arranged.<sup>33</sup> The timing of the king's

30. *CPR 1317–21*, p. 41.

31. Palgrave, ed., *Parliamentary Writs*, vol. ii, pt. ii, Appendix, p. 201; *C[alendar of] C[lose] R[olls]*, 1318–23, p. 627.

32. *CPR 1321–4*, p. 247.

33. *CCR 1318–23*, p. 627.

order would suggest strongly that it was at this meeting that Shirland was told that, to secure his release, he would have to enter into an indenture with Despenser. The indenture would provide the necessary guarantee of the euphemistically termed 'good conduct'. It was only by humiliating himself and agreeing to enter into the younger Despenser's service that Shirland was able to recover his freedom.

In the absence of any other indentures with the Despensers from these years, it is hard to say whether the bond with Shirland formed part of a more general policy of seeking to neutralise potential opposition through the mechanisms of retaining. To judge from what little is known of their earlier careers, the great majority of those whom the favourites took on after 1322 appear to have come from less compromising backgrounds than did Shirland. A handful of them had been retainers of the earl of Pembroke, Aymer de Valence, who had died in 1324; most of the other recruits appear to have had no particular affiliations.<sup>34</sup> A group of three retainers of the two favourites, however, stand out for having backgrounds with a certain similarity to that of Shirland. These were Sir Thomas Gobion of Essex, the Gloucestershire esquire John le Boteler of Llantwit and Sir Hugh Turplington of Ireland. Sir Thomas Gobion, probably once a retainer of the earl of Hereford, had joined in the ravaging of the Despensers' estates in 1321, yet only a year later he was to be found accompanying the elder Despenser to Scotland and on the favourites' downfall was to be identified as a close adherent of theirs.<sup>35</sup> John le Boteler of Llantwit was a one-time retainer of the Berkeley family, whose members had fought on the rebel side at Boroughbridge, but who changed sides before the rebellion and was to serve the Despensers as an estate official.<sup>36</sup> Most interesting of all is the case of the third knight, Sir Hugh Turplington. In the 1310s Turplington had been a close associate of Roger Mortimer and had been captured fighting on the rebel side at Boroughbridge; subsequently, he switched to the Despensers, survived their downfall to return to the service of his former master and was to die defending him in Edward III's coup at Nottingham in 1330.<sup>37</sup> The speed with which Turplington reverted to his Mortimer allegiance after the Despensers' downfall points strongly to the possibility that he, like Shirland, had been conscripted into their service. Gobion and Boteler appear, on the evidence available,

34. Those who transferred from the service of Aymer de Valence were Sir Constantine Mortimer and Sir William Lovel.

35. *CPR 1321-4*, pp. 18, 187; Moor, *Knights of Edward I*, ii, 123. Gobion would have been drawn into the service of the earls of Hereford—the de Bohuns—because they had a major estate in the county at Pleshey. Once the family's lordship was extinguished, he would have needed to guard against the ascendancy in the county of the Despensers' retainer, Sir Hugh de Neville. For Neville, who was of banneret rank and who resided at Great Hallingbury, see Cokayne, ed., *Complete Peerage*, ix, 484-5.

36. Saul, 'The Despensers and the Downfall of Edward II', p. 12.

37. Moor, *Knights of Edward I*, v, 59-60; Palgrave, ed., *Parliamentary Writs*, vol. ii, pt. ii, Appendix, p. 201; Holmes, *Estates of the Higher Nobility*, p. 81, n. 8.

to have made free choices; in 1327, at the beginning of the new reign, the former was to be described as a 'willing abettor' of the Despensers' malice.<sup>38</sup> Quite possibly in the case of Turplington, however, we have a former rebel trapped in a similar relationship to that of Shirland.<sup>39</sup>

The manipulation of Shirland and perhaps, too, of Turplington is entirely consistent with what we know of the Despensers' treatment of many others who had incurred their displeasure in these years. The two favourites were unhesitating in resorting to underhand means to achieve their twin aims of political ascendancy and territorial aggrandisement. To compel Elizabeth d'Amory, Sir Roger d'Amory's widow, to surrender her lands, they drew on a mixture of detention, intimidation and legal chicanery. The widowed Elizabeth was seized sometime in the spring of 1322, locked up in a nunnery, and browbeaten into surrendering first her lordship of Usk and then that of Gower.<sup>40</sup> Elizabeth was a lady of some standing and importance. When dealing with victims of lesser status, the Despensers relied chiefly on their army of retainers and estate officials.<sup>41</sup> In Gloucestershire, John le Boteler of Llantwit, one of the favourites' new recruits, seized the ploughbeasts of a freeholder Gilbert de Masynton and drove them to Hugh's manor of Tewkesbury, where he detained them until Gilbert handed over his lands in Hardwicke. Former Contrariant sympathisers were especially vulnerable to such pressure. In 1326 the Gloucestershire esquire Geoffrey d'Abitot complained that he had been seized on suspicion of being a Contrariant, detained in prison and not released until he had handed over his manor of Redmarley d'Abitot. Malicious indictments were regularly brought against those who were suspected of continued sympathy with the former rebels. Thomas Bishopsdon described how one Roger Lumbard had denounced him to the younger Despenser as a rebel sympathiser, resulting in the issue of a commission of oyer and terminer against him and the imposition of an amercement of £100. In the four-and-a-half years of their ascendancy, the dealings of the Despensers with their enemies were invariably characterised by violence, avarice and vindictiveness. Former rebels were rarely, if ever, forgiven; they were apprehended, imprisoned, browbeaten and forced to pay for their errors. The way in which the younger Despenser dealt with Sir Robert de Shirland was entirely true to the family's wider pattern of behaviour.

38. J. Strachey, ed., *Rotuli Parliamentorum* (6 vols., London, 1767–83), ii. 380–1. This petition has not been included in the online *Parliament Rolls of Medieval England*.

39. In 'The Despensers and the Downfall of Edward II', I drew attention to the presence of former Contrariant supporters in the Despensers' retinue after 1322. I explained this apparent fickleness of allegiance in terms of the instability of ties of retainership at a time when political life was unsettled. In the light of the evidence of the Shirland indenture, I would now maintain that some at least of the switches of allegiance were enforced.

40. N. Fryde, *The Tyranny and Fall of Edward II, 1321–1326* (Cambridge, 1979), pp. 110–11.

41. For the examples which follow, see Saul, 'The Despensers and the Downfall of Edward II', at pp. 22–3.

Shirland, as we have seen, was already well past his prime by 1323. Broken in spirit and deprived of hope or prospects, he was not to endure his humiliation for long. The last reference to him occurs in the summer of 1323. On 3 July of that year, he received letters of protection to go abroad on the king's service.<sup>42</sup> On what business he was being despatched is not clear. One possibility is that he was sent on a mission to Gascony, a duchy he had known in the 1290s, and where difficulties were arising in relations with the French. Shirland's disappearance from the records soon afterwards points to his death around that time. Normally in the early fourteenth century a knightly landowner's demise was followed by the temporary seizure of his lands by the escheator and the holding of an inquisition post-mortem. In Shirland's case, strangely, no such procedure appears to have happened; at least, there is no evidence of it, as there should be, on the Fine Rolls. It is unlikely that Shirland held all of his lands from lords other than the king, which would have rendered such a procedure redundant. It is therefore tempting to wonder whether the younger Despenser took advantage of his retainer's death to mount a bid to secure possession of his lands. If he did do so, it would have been another action entirely in character with his behaviour.

Sir Robert de Shirland was to be the last representative of his family's male line. On his death—whenever it occurred—his estates were inherited by his only daughter Margaret, who took them in marriage to her husband Sir William Cheyne. The Cheynes, a branch of a widely ramified gentry family, were to remain in possession of the manor of Eastchurch for the next two-and-a-half centuries.<sup>43</sup>

Robert was to be commemorated in Minster-in-Sheppey abbey, near his family seat, by a monument of quite considerable splendour. Not uncommonly when knightly lineages died out, the last male representative was honoured by a big, eye-catching monument which kept alive not only his own name but that of the whole family. Such was to be the case with the last of the de Shirlands. Sometime in the late 1320s, a large and impressive stone monument was raised to Robert's memory on the south side of the parochial nave attached to the nuns' church at Minster. Since Robert in his last unhappy years would have been in no position to arrange commemoration on any size or scale, the commissioning of the monument was almost certainly undertaken by his daughter. The monument consists of a low tomb chest with the effigy of the deceased on top, tilted forward to face the viewer, and, rising over this, a fine arched canopy, cusped and sub-cusped, with pinnacled buttresses, now

42. *CPR 1321–4*, p. 247.

43. The Kent Cheynes were lords of Keston, near Bromley, and Patribourne, near Canterbury. William, Margaret's husband, was the son of Sir Ralph Cheyne, who is perhaps to be identified as the man of that name who was captured fighting on the Contrarian side at Boroughbridge (Moor, *Knights of Edward I*, i. 204–5). Conceivably the Shirlands and the Cheynes shared a common political outlook.

mutilated, on the sides.<sup>44</sup> Robert was shown cross-legged and dressed in a mail hauberk and sleeved and padded surcoat, grasping a shield in his left hand, with his right hand (the forearm now lost) resting on the pommel of his sword. Beneath his shield was shown his pennon, lain flat and ingeniously turned into the front edge of the base slab, with the pennon fluttering from the top. The entire composition would originally have been adorned with extensive painted decoration, that on the back panel probably depicting a resurrection scene, all of this now lost. Today, there is no obvious means of identifying the knight commemorated; the inscription—assuming there was one—is lost, and so likewise are the shields which would probably have been painted on the front of the chest and perhaps, too, on the architectural surrounds. Weever, writing in the 1630s, was the first to suggest that the person commemorated was none other than Sir Robert de Shirland, observing that the family seat of Shirland lay very close to Minster.<sup>45</sup> C.A. Stothard, in letterpress accompanying his engraving of the monument, published in 1817, noted that the padded surcoat of the effigy had been painted with lions rampant on an azure ground, the arms of de Shirland.<sup>46</sup> The monument can be assigned a date in the 1320s on the evidence of the canopy surrounds, notably the fine ogee cinquefoil cusps, and the presence of a helm as a support under the head.<sup>47</sup> If the person commemorated is actually a de Shirland, as seems certain on the basis of the heraldic evidence, there seems little doubt that that person was Robert and not his father, Roger, who had died before 1290 (Figures 1 and 2).

What is especially interesting about the tomb, and what makes it relevant to an understanding of Shirland's career, is its use of imagery relating to the warhorse. In an English context, this is highly exceptional. While more general chivalric imagery, principally heraldic, is *de rigueur*

44. The cusping in its present form, to judge from its clean-cut condition, is a nineteenth-century restoration. It is closely based, however, on the lost original, which is shown in a drawing by Hogarth, reproduced as a coloured aquatint by Richard Livesay in *An Account of What Seemed Most Remarkable in the Five Days Peregrination of the Five Following Persons ...* (London, 1782). Hogarth had visited Minster in 1732. A copy of the aquatint hangs in the church. I am very grateful to the churchwarden, Andrew Parr, for drawing it to my attention.

45. John Weever, *Ancient Funerall Monuments* (London, 1631), pp. 283–4. Weever was followed in his identification by Hogarth, who referred to the tomb as 'Lord Shirland's' in 1732, and sixty years later by Hasted, the historian of Kent: Edward Hasted, *The History and Topographical Survey of the County of Kent* (2nd edn., 12 vols., Canterbury, 1797–1801), vi, 245–8.

46. C.A. Stothard, *The Monumental Effigies of Great Britain*, ed. J. Hewitt (London, 1876), pp. 71–2. Stothard pondered whether the arms might actually be those of Leybourne, not Shirland; as we have seen, the Shirland arms were derived from those of Leybourne: for discussion, see Brault, *Rolls of Arms of Edward I*, ii, 391, and H. Lawrance, *Heraldry from Military Monuments before 1350*, Harleian Society, xcvi (1946), p. 41. Richard Marks has suggested a possible attribution of the tomb to Sir William de Leybourne, who died in 1310: 'Sir Geoffrey Luttrell and Some Companions: Images of Chivalry, c.1320–50', *Wiener Jahrbuch für Kunstgeschichte*, xlvi–xlvii (1993–4), pp. 343–5. The suggestion, however, is unconvincing on two main grounds: first, the Leybournes, who resided near Maidstone and lent their religious patronage to Leeds priory, had no connection with Minster abbey, and, second, the Minster knight is shown with a pennon attached to his lance, whereas Leybourne, as a banneret, would have been entitled to a square banner.

47. Equally, it can be no later than c.1330 because no plate armour is shown on the effigy.



**Fig. 1.** Tomb monument of Sir Robert de Shirland, c. 1325, in Minster-in-Sheppey Church, Kent (copyright: Nigel Saul).



**Fig. 2.** Tomb monument of Sir Robert de Shirland, c. 1325, in Minster-in-Sheppey Church, Kent (copyright: Nigel Saul).

on knightly monuments of the late Middle Ages, specifically equestrian imagery is not.<sup>48</sup> It is found on only a small minority of examples, all of them early fourteenth century in date; Shirland's forms one of this group. Towards the back of the tomb recess, behind Shirland's effigy, is depicted the head of a horse, carved on the base slab, while below the knight's feet is the mailed figure of his esquire, now mutilated and with the head missing. The particular mode of representation employed finds no direct parallel on any other monument in the group. In the other two or three cases, the esquire is shown holding the reins of the horse, which in turn is shown rearing up next to him.<sup>49</sup> The separate representation of the horse's head on the base slab is, among extant examples, unique. A large amount of local legend has grown up around the tomb monument and its imagery, all of it fanciful and much of it highly inventive.<sup>50</sup> The precise design sources for the horse imagery, however, are difficult to identify.

In the context of discussion of Shirland's last years, the imagery of his monument takes on a considerable significance. Shirland was not buried at Minster Abbey in semi-obscurity, in an unmarked grave or a grave covered by a simple cross slab; he was interred with honour and decorum. His tomb was adorned with the imagery of his most valuable asset, his warhorse. His standing as an elite warrior was being proclaimed. The monument conveys a triumphalist, indeed a highly status-conscious message.

We can be confident that this was a mode of funerary representation of which Shirland would have approved, for it afforded a perfect reflection of his self-image. Although his death had occurred at a time when his personal affairs were in disarray and his family honour besmirched, he was represented on his tomb monument with all the trappings and accoutrements of his knightly profession. In his prime he had excelled, above all, as a fighting knight, a *strenuus miles*. He had never been greatly attracted by local politics or administration. He had not once been called on to serve a term of office as sheriff or keeper of the peace nor had he been appointed to many local commissions.<sup>51</sup> Other than his involvement as an accomplice of Badlesmere in 1321, his

48. For discussion, see N.E. Saul, *English Church Monuments in the Middle Ages: History and Representation* (Oxford, 2009), pp. 211–13.

49. As on the monuments of Sir Richard de Stapeldon in Exeter Cathedral and a knight of the Sleyt family at Old Somerby (Lincs.).

50. According to one legend, Sir Robert, after murdering a priest who refused to bury a corpse without payment, rode out into the water to meet the king, who was moored off Sheerness, to seek a pardon for the offence. On the way back, a witch stopped him, saying that the horse, which had just saved his life by taking him to the king, would be the death of him. He jumped down and chopped the horse's head off—hence its separate representation on the tomb. See Stothard, *Monumental Effigies of Great Britain*, pp. 71–2.

51. His few commissions, all relating to local affairs in Kent, are *CPR 1313–17*, pp. 501, 583, and *1317–21*, p. 607. He was a justice of oyer and terminer on only one occasion, in 1321: *CPR 1317–21*, p. 609. That he had little interest in local administration is suggested by the exemption from office-holding which he secured in 1317: *CPR 1317–21*, p. 41.

only appearance on the stage of national politics had been as a knight of the shire in the parliament of October 1320.<sup>52</sup> He had found his path to fulfilment in the regular performance of military service in the heavily armed cavalry elite that formed the backbone of the Edwardian armies. Shirland's career is illustrative of the intense pride felt by the Edwardian knightly caste in their martial vocation, a pride which in not a few cases found expression in the assembling of grand armorials on the sides of their tomb monuments. Behind the splendour and bombast of Shirland's own monument, however, lay a story of family crisis. Not only was the hapless Sir Robert the last of his line, a fate which would have distressed the head of any noble lineage in the Middle Ages, but there was also the disaster that in old age he had been broken and humiliated by the younger Despenser. The story of his downfall and bondage is only vaguely hinted at in the terms of his indenture of retainer. Nonetheless, reading between the lines, we need have little doubt that that is the personal tragedy which lies behind it.

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52. J. Cave-Browne, 'Knights of the Shire for Kent from A.D. 1275 to A.D. 1831', *Archaeologia Cantiana*, xxi (1895), pp. 198–243, at p. 205.