

# The Military Ordinances of Henry V: Texts and Contexts

Anne Curry

As Michael Prestwich observed, ‘it might be expected that Edward I, in whose reign so much was done to reorganise the workings of law in a great series of statutes, would have produced military regulations, but none survive’.<sup>1</sup> For Henry V the situation is otherwise. Even though the king was certainly a great upholder of law and order<sup>2</sup> there are no great statutes, but there are military ordinances. These were first published by Francis Grose in 1773 in the preface to his *Antiquities of England and Wales*.<sup>3</sup> The text in English, headed ‘Ordinances for Warr etc. at the treatie and council of Manuce’, was taken from a seventeenth-century manuscript in the Inner Temple Library, where it was followed by ordinances of the earl of Salisbury (d. 1428) which Grose also printed.<sup>4</sup> Since the ordinances issued by Richard II in 1385 were not known at this point, Grose felt justified in his claim that ‘the most ancient code of military laws for the government of the English army, which has been handed down to us, is that of King Henry V, enacted at Mance’.<sup>5</sup> He added a further observation that Nicholas Upton,

first a soldier in France under the earl of Salisbury, and afterwards about the year 1452, a canon of Salisbury, has in his book, entitled ‘De Studio Militari’, printed a Latin copy of this code, which though in substance the same as the English, contains some articles not there mentioned and slightly differing in others.<sup>6</sup>

<sup>1</sup> M. C. Prestwich, *Armies and Warfare in the Middle Ages. The English Experience* (London, 1996), p. 178.

<sup>2</sup> See E. Powell, *Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989).

<sup>3</sup> F. Grose, *The Antiquities of England and Wales*, 8 vols (London, 1773–76), vol. 1 (1773), pp. 34–46, with the earl of Salisbury’s ordinances between pp. 46 and 50.

<sup>4</sup> ‘A MS of Mr Petyt’s entitled Collectanea, vol. 1, fol. p. 509 & seq’ (*Antiquities of England and Wales*, vol. 1, p. 33, note f), which is now Inner Temple Petyt 538, vol. 33. Grose also notes that there was another copy of Henry’s ordinances in the British Museum but does not provide a reference.

<sup>5</sup> *Antiquities of England and Wales*, vol. 1, p. 33.

<sup>6</sup> *Ibid.* Upton’s work was presumably have been known to Grose through its printed edition, *De studio militari libri quatuor*, ed. E. Bysshe (London, 1654).

A decade later, Grose published a two-volume work entitled *Military Antiquities, Respecting a History of the English Army from the Conquest to the Present Time*. By this point he knew of Richard II's ordinances, 'in Old French among the Cotton Manuscripts in the British Museum marked Nero DVI', and included their full text in an English translation.<sup>7</sup> He remained confused, however, by the place of issue of the ordinances of Henry V which he had printed in his earlier work, suggesting now that they had been 'made at Mans' (i.e. Le Mans). He also commented that there were 'two editions' of Henry's ordinances:

one, probably the original, being by much the most full and explicit is in Latin, printed in Upton *De Re Militari*;<sup>8</sup> the other was till lately only in manuscript, in the English of the time; many copies of it are to be found in different libraries, private as well as public; as it is printed in the preface to the *Antiquities of England and Wales*, a literal translation of that given in Upton is here given.<sup>9</sup>

Grose proceeded to give what we must assume was his own English translation of Upton's text, including its preface.<sup>10</sup> The heading he provided, 'Here begin the statutes of Henry V in time of war', translates Upton's heading, 'Incipiunt Statuta Henrici Quinti, tempore guerre'.<sup>11</sup> Since he had observed that the version of Henry's ordinances which he had printed in *Antiquities of England and Wales* contained several clauses not in Upton's Latin version, he saw fit to summarise the additional clauses in the notes to his translation of Upton's text.<sup>12</sup>

By the end of the eighteenth century, therefore, the ordinances of Richard II and of the earl of Salisbury, as well as two versions of the ordinances of Henry V, were in the public domain, although in all cases through copies and translations rather than medieval originals. In this context it is somewhat strange that when Harris Nicolas produced the first edition of his *History of the Battle of Agincourt* in 1827, he made no reference to either version of the ordinances of

<sup>7</sup> F. Grose, *Military Antiquities respecting a History of the English Army, from the Conquest to the Present Time*, 2 vols (London, 1786–88), vol. 2 (1788), pp. 59–65. He also noted that there was a copy of Richard's ordinances in the College of Arms which was identical save for one additional clause, but again did not give a reference. The source on which Grose drew for the English translation of Richard's ordinances is uncertain but may have been the late sixteenth- or early seventeenth-century text in British Library Harley 1309 folios xxxir–xxxvir. For discussion of Richard II's ordinances see M. H. Keen, 'Richard II's Ordinances of War of 1385', in *Rulers and Ruled in Late Medieval England: Essays Presented to Gerald Harriss*, ed. R. E. Archer and S. Walker (London, 1995), pp. 33–48.

<sup>8</sup> An error for 'De Studio Militari'. The title of Upton's work is, however, problematic, since in one of its earliest manuscripts (BL Cotton Nero C iii) it is described as 'De officio militari'. It is also conflated and confused with the *Tractatus de Armis* of Johannes de Bado Aureo.

<sup>9</sup> *Military Antiquities*, vol. 2, p. 65.

<sup>10</sup> *Military Antiquities*, vol. 2, pp. 66–79. There is no evidence that Grose knew of the early sixteenth-century translation of Upton's work by John Blount (Bodleian Library MS. Eng. d.227).

<sup>11</sup> *De Studio Militari*, ed. Bysshe, p. 134, with the Latin text of the ordinances between pp. 134 and 145.

<sup>12</sup> *Military Antiquities*, vol. 2, p. 66, followed by notes on Salisbury's ordinances on pp. 67–8.

Henry V published by Grose. This was an odd omission as, in his narrative of the campaign of 1415, Nicolas mentioned Henry's issue of disciplinary ordinances shortly after his landing and cited directly relevant passages from the anonymous *Gesta Henrici Quinti* and from Tito Livio Frulovisi's *Vita Henrici Quinti*.<sup>13</sup> Nicolas did include Richard II's ordinances of 1385 from the late sixteenth-century English translation in British Library Harley 1309.<sup>14</sup> However, in the second edition of his *History of the Battle of Agincourt*, published in 1832, he omitted Richard's ordinances, printing instead a text of Henry's ordinances headed 'Theis be statutes and ordenances made by the right noble prince kinge Henry the Fiffth at treaty and counsell of Maunt'.<sup>15</sup> He followed this by a text of 'other ordenance made by therle of Shreusbury and of Perche, lorde of Mounthermer, at his sieges in Mayne and other places'.<sup>16</sup>

Nicolas derived these two texts from a sixteenth-century manuscript in the College of Arms, L5 (now L5 bis).<sup>17</sup> This contained versions of the ordinances of Henry V and the earl of Salisbury which were identical in content to those found in the seventeenth-century Inner Temple manuscript used by Grose.<sup>18</sup> Since the College of Arms manuscript had 'Shrewsbury' rather than 'Salisbury', Nicolas simply moved this error into print without comment.<sup>19</sup> No changes were made for the third edition of his *History of the Battle of Agincourt*, published in 1833.<sup>20</sup> In the same year, Samuel Bentley's *Excerpta Historica* was published, containing identical texts of the ordinances of Henry and the earl of Shrewsbury [*recte* Salisbury] also derived from College of Arms MS L5 bis.<sup>21</sup> It is not surprising that the *Excerpta* included the same versions from the same manuscript as Nicolas had worked closely with Bentley on the *Excerpta*.<sup>22</sup>

Nowhere in his *History of the Battle of Agincourt*, however, did Nicolas hazard a guess as to the dating of Henry V's ordinances, nor did he make any effort

<sup>13</sup> N. H. Nicolas, *History of the Battle of Agincourt* (London, 1827), pp. xciv–xcv.

<sup>14</sup> *Ibid.*, appendix, pp. 107–22, from BL Harley 1309, folios xxxir–xxxvir.

<sup>15</sup> N. H. Nicolas, *History of the Battle of Agincourt*, 2nd edn (London, 1832), appendix VIII, pp. 31–40.

<sup>16</sup> *Ibid.*, Appendix VIII, pp. 41–4.

<sup>17</sup> College of Arms L5 bis is bound with L6 and L8 (*A Catalogue of Manuscripts in the College of Arms. Collections, Volume 1*, ed. L. Campbell and F. Steer (London, 1988), p. 24).

<sup>18</sup> Although the content and the clause headings are identical, the version which Grose used is organised into 40 clauses whilst the College of Arms manuscript uses 43 clauses. The difference is explained by the fact that the former puts into one clause the sections on Holy Church, on arranging lodgings ('herberge') and on prisoners, which are all divided into two clauses in the College of Arms text. There are also differences in spellings.

<sup>19</sup> In other words, he did not know that it had been Salisbury rather than Shrewsbury who had held the title count of Perche.

<sup>20</sup> It is the third edition which is best known and most used since a facsimile edition of it was published by H. Pordes in 1971.

<sup>21</sup> S. Bentley, *Excerpta Historica or Illustrations of English History* (London, 1833), pp. 30–40. This book took the form of a collection of original documents with accompanying commentary.

<sup>22</sup> Bentley's preface, which gives effusive thanks to Nicolas for assistance, shows that the *Excerpta* had been completed in 1831, although the work was not published until two years later.

to explain why they were issued at Mantes. It was in Bentley's *Excerpta* that the 'Mantes ordinances', as we shall henceforth call them, were first assigned to June or July 1419.<sup>23</sup> Bentley gives no explanation for his dating but we can assume that it was based upon what he had read elsewhere of the king's itinerary. Edward Hall's chronicle, for instance, provided an account of Henry's stay in Mantes from Whitsun to July 1419, although nowhere did it mention that the king had issued disciplinary ordinances.<sup>24</sup> Henry V's earliest modern biographer, Thomas Goodwin, whose work appeared in 1704, had also noted Henry's movements during negotiations with the French in the summer of 1419, commenting that he 'kept a splendid court at Mante' but again making no mention of ordinances.<sup>25</sup>

The 'Mantes ordinances' were printed again in an appendix to Twiss's study of the Black Book of the Admiralty in 1871.<sup>26</sup> But whilst Grose, Nicolas and Bentley had all used later copies, Twiss printed his text from a mid-fifteenth-century manuscript, British Library Lansdowne 285. Here the ordinances follow the heading 'Thiez ben statutes and ordinancez made by the right noble prince king Henry the Fifte at the treaty and counseill of Mawnt'.<sup>27</sup> This text, containing forty-three unnumbered clauses, each with its own sub-heading, is identical to that found in College of Arms L5 bis and may therefore be the source from which the latter was copied. British Library Lansdowne 285 was written for Sir John Paston (d. 1479) and is commonly known as his 'Grete Book', the costs of which are detailed in the Paston Letters.<sup>28</sup> The book was later owned by Sir Thomas Wriothesley (d. 1534), who was Garter King of Arms from 1505, and probably passed to Gilbert and William Dethick, who held the same office from 1550 and 1586 respectively.<sup>29</sup> The 'Grete Book' is a typical compilation of the mid-fifteenth century, containing descriptions of ceremonial occasions and feats of arms alongside an English version of Vegetius' *De Re militari* and Lydgate and Burgh's *Book of Governance of Kings and Princes*. The 'Mantes ordinances' are followed by the ordinances issued by the earl of Salisbury for his campaign in Maine and by a summons of a surrender issued by the latter during the siege of Le Mans in 1425.<sup>30</sup> Lester has postulated that all three texts were 'copies of

<sup>23</sup> *Excerpta*, p. 28.

<sup>24</sup> *Hall's Chronicle*, ed. H. Ellis (London, 1809), pp. 90–2.

<sup>25</sup> T. Goodwin, *The History of the Reign of Henry the Fifth, King of England* (London, 1704), p. 219.

<sup>26</sup> *The Black Book of the Admiralty*, ed. T. Twiss, 4 vols (RS, London, 1871), vol. 1, pp. 459–72.

<sup>27</sup> BL Lansdowne 285, fols 144r–150r (old foliation), fols 141r–147r (new foliation).

<sup>28</sup> G. A. Lester, *Sir John Paston's 'Grete Book'. A Descriptive Catalogue, with an Introduction, of British Library MS Lansdowne 285* (Cambridge, 1984), pp. 36–39, and pp. 58–61 on later ownership.

<sup>29</sup> See below, p. 225, for discussion of copies of other versions of Henry's ordinances made by Thomas Wriothesley and by William Dethick.

<sup>30</sup> BL Lansdowne 285, fols 150r–152r and 152v–153v respectively. This combination is exactly as in College of Arms L5 bis, another reason for suggesting a close link between the two documents.

documents connected with [Sir John] Fastolf, possibly acquired from William Worcester.<sup>31</sup> The watermarks on the relevant pages are consistent with those known to be in use in 1437 and also in 1456,<sup>32</sup> although the 'Grete Book' was not fully completed, according to the evidence of the Paston Letters, until the late 1460s.<sup>33</sup>

No earlier text of the 'Mantes ordinances' than British Library Lansdowne 285 has so far been discovered. There has, however, been little questioning of the notion that they belong to the summer of 1419. In his edition of the text, Twiss commented that

these ordinances were probably made by King Henry V in the month of July 1419, when he had his head-quarters at Mantes on the River Seine, and was engaged in negotiating a treaty with the duke of Burgundy and the Queen of France, which is sometimes styled the convention of Meulan, from the town where the French were quartered.<sup>34</sup>

In Wylie's magisterial study of the reign of Henry V, where the third volume dealing with the post-1417 period was completed by Waugh, the authors spoke of the text of the ordinances as belonging to 'the summer of 1419'.<sup>35</sup> Newhall was more circumspect in his 'perhaps in 1419'.<sup>36</sup> For Allmand, 'it was at Mantes, some time during 1419, that Henry issued his main war ordinances'.<sup>37</sup> Prestwich also assigned the ordinances to 1419,<sup>38</sup> whilst Keen accepted the more precise date of July 1419.<sup>39</sup> I have myself been only marginally more circumspect, suggesting that it was 'probably' during Henry's stay in Mantes between the end of May and the middle of August 1419 that he published a series of disciplinary ordinances 'qui ont suscité énormément d'intérêt historique par ce

<sup>31</sup> Lester, *Sir John Paston's 'Grete Book'*, p. 47. Worcester is known to have collected other materials from the wars of the period for Fastolf. See Lambeth Palace MS 506, which is mainly printed in *Letters and Papers Illustrative of the Wars of the English in France during the Reign of Henry the Sixth, King of England*, ed. J. Stevenson, 2 vols in 3 parts (RS, London, 1861–4). Worcester certainly presented 'Fastolf's official copy of the Duke of Bedford's disciplinary ordinances of 10 December 1423 to Edward IV at London on 29 May 1475' (K. B. McFarlane, 'William of Worcester: A Preliminary Survey', *Studies presented to Sir Hilary Jenkinson* (Oxford, 1957), reprinted in K. B. McFarlane, *England in the Fifteenth Century. Collected Essays* (London, 1981), quote at p. 214). Bedford's ordinances, published at the Estates of Normandy, are extant in BL Birch 4101 fol. 65, and printed in B. J. H. Rowe, 'Discipline in the Norman Garrisons under Bedford 1422–35', *EHR* 46 (1931), 201–6.

<sup>32</sup> Lester, *Sir John Paston's 'Grete Book'*, p. 16, drawing on C. M. Briquet, *Les filigranes*, ed. A. Stevenson (Amsterdam, 1968), nos 11,088 (1437) and 11,089 (1456).

<sup>33</sup> Lester, *Sir John Paston's 'Grete Book'*, p. 38, based on payment records.

<sup>34</sup> *Black Book*, vol. 2, p. 459, note 1.

<sup>35</sup> J. H. Wylie and W. T. Waugh, *The Reign of Henry V*, 3 vols (Cambridge, 1914–1929), vol. 2 (1919), p. 20, note 7.

<sup>36</sup> R. A. Newhall, *The English Conquest of Normandy, 1416–1424: A Study in Fifteenth-Century Warfare* (Cambridge, Mass., 1924), p. 222.

<sup>37</sup> C. T. Allmand, *Henry V* (London, 1992), p. 219.

<sup>38</sup> Prestwich, *Armies*, p. 180.

<sup>39</sup> Keen, 'Richard II's Ordinances', p. 34.

qu'elles laissent percevoir de son souci de discipline militaire dans le contexte de la conquête et de l'occupation.<sup>40</sup>

The matter is, however, more complex. Although Henry was indeed present in Mantes in the summer of 1419 he was also there on at least two subsequent occasions. No source has been found to confirm that he ever issued ordinances at Mantes. In contrast, there is chronicle evidence for the proclaiming of ordinances at the opening of the campaigns of 1415 and of 1417. Historians have noted this – Prestwich, for instance, mentioned that Henry issued ordinances in 1415 as well as 1419<sup>41</sup> – but there have been few attempts to identify possible texts. In 1965 Keen spoke of 'Henry V's Agincourt orders' with reference to Upton's Latin text in *De Studio Militari*, but more recently concluded that Upton's version was 'probably slightly later' than the Mantes ordinances.<sup>42</sup> I have tentatively suggested elsewhere that an undated but definitely early fifteenth-century set of ordinances in British Library Additional Manuscript 33,191 may belong to 1415 or 1417.<sup>43</sup> In carrying out fuller investigation of all the surviving texts for this present paper, I am now inclined to put forward other candidates for these earlier campaigns.

The 'Mantes ordinances' have dominated discussions because they exist in several manuscript copies from the fifteenth to the seventeenth centuries, and because they are easily accessible in English in printed form. The existence of other texts has been acknowledged and some have even found their way into print, but historians have tended to dismiss the differences between them and the 'Mantes ordinances' as inconsequential. My intention in this essay is to examine the various texts more closely and to make some suggestions on the chronology of the different versions. The discussion is divided into two sections, *Texts* and *Contexts*. In the first, each of the versions so far discovered will be described in terms of manuscript provenance and history. In the second section the clauses of the different versions will be compared not only with earlier ordinances, including those of Richard II, but also with each other, based upon a concordance in Appendix 2. This will be set against what evidence we have in chronicles and administrative records on the issuing of disciplinary ordinances at various stages in the reign of Henry V.

<sup>40</sup> A. Curry, 'Bourgeois et soldats dans la ville de Mantes pendant l'occupation anglaise de 1419 à 1449', in *Guerre, pouvoir et noblesse au Moyen Âge. Mélanges en l'honneur de Philippe Contamine*, ed. J. Paviot and J. Verger (Paris, 2000), p. 176. Contamine himself considered Henry's ordinances to have been published in 1419 (*War in the Middle Ages*, English translation by M. C. E. Jones (Oxford, 1980), p. 120).

<sup>41</sup> Prestwich, *Armies*, p. 180.

<sup>42</sup> M. H. Keen, *The Laws of War in the Late Middle Ages* (London, 1965), p. 148, note 1.

<sup>43</sup> A. Curry, 'Pour ou contre le roi d'Angleterre? La discipline militaire et la contestation du pouvoir en Normandie au XVe siècle', in *Images de la contestation du pouvoir dans le monde normand*, ed. C. Bougy and S. Poirey (Caen, 2007), pp. 147–62). See n. 65 below.

*Texts*

To date, I have identified four versions which can be directly connected with Henry V. None are dated, and only the Mantes ordinances mention a place of issue. The versions are:

The ‘Mantes ordinances’, in Middle English.

An unpublished version in Middle English in St John’s College Oxford MS 57, which I will call ‘St John’s College ordinances’.

A Latin version included by Nicholas Upton in his *De Studio Militari*, which I will call ‘Upton’s ordinances’.

A version in Middle English with Latin sub-headings, published in Twiss’s *Black Book of the Admiralty* from a manuscript in Lincoln’s Inn, which I will call the ‘Lincoln’s Inn ordinances’.

As noted above, the earliest known text of the Mantes ordinances is in BL Lansdowne 285, Sir John Paston’s ‘Grete Book’. The heading reads: ‘Thiez ben statutes and ordinaunce made by the right noble prince king Henry the Fyfte at the treaty and counseill of Mawnt’. There follow forty-three unnumbered clauses, each with its own subheading.

The ‘St John’s College ordinances’ are found in a mid-fifteenth-century compilation, under the heading ‘Theis ben the statutes and ordenaunces to be kept in the hoost ordeyned and made by our most excellent and soveren lord kynge harry the fyfft’.<sup>44</sup> The ordinances form the last folios of the compilation, with the rest of the book containing, in order, *The Prick of Conscience*, a London chronicle ending 1431–2 and *The Parlement of Fowls*. The paper on which the ordinances are written has been dated by dint of its watermarks to 1457.<sup>45</sup> The scribal dialect suggests an origin in Essex but the patron of the work is not known. The earliest signature on the first folio is that of Thomas Wyghet but there is an unidentified fifteenth-century heraldic drawing on the second folio which bears the inscription ‘Hoole’.<sup>46</sup>

Although Lester considered the text to be identical to the Mantes ordinances in BL Lansdowne 285,<sup>47</sup> it is not. The incipit is different and does not mention Mantes. The clauses are not preceded by sub-headings. Most importantly, nine of the forty-three clauses of the ‘Mantes ordinances’ are omitted. Since the omissions are in a distinct group (BL Lansdowne 285 clauses 28 to 36), it is

<sup>44</sup> *A Descriptive Catalogue of the Western Medieval Manuscripts of St John’s College Oxford*, ed. R. Hanna, using material collected by the late Jeremy Griffiths (Oxford, 2002), p. 76. The ordinances are to be found on fols 236v–240v.

<sup>45</sup> *Ibid.*, p. 75, citing Briquet, *Les filigranes*, no. 2692. Other paper in the book dates largely to 1441–3.

<sup>46</sup> *Descriptive Catalogue*, p. 77. Another signature from the turn of the fifteenth century is Nicholas Holdaornes (Holderness?), which has some linguistic link to ‘Hoole’. The book was given to St John’s in 1621 at the death of John Davenant, late mayor of Oxford, whose son Robert was a Fellow of the College.

<sup>47</sup> Lester, *Sir John Paston’s ‘Grete Book’*, p. 167.

not simply a question of the St John's manuscript being incomplete. Whilst the remaining thirty-four clauses are essentially the same in content as the 'Mantes ordinances', there are variations in spelling and word order.

'Upton's ordinances' are found within his treatise *De Studio Militari*. Nicholas Upton was a scholar of Winchester College who graduated from Oxford in civil law in 1421, the year in which he was also ordained priest, and in canon law in 1427. From 1421–2 he was in France as a bureaucrat in the service of Thomas Montague, earl of Salisbury, and was probably present on the earl's campaigns into Maine as well as at the battle of Verneuil and the siege of Orleans. After the earl's death, Upton was in France at least once more, most likely on the royal expedition of 1430, but from April 1431 he pursued a clerical career in England, first as canon of Wells Cathedral, and from 1440 as a canon of Salisbury cathedral, where he was precentor from 1446 until his death in 1457.

The exact date of his *De Studio Militari* is uncertain. Its dedication to Humphrey, duke of Gloucester, places its completion before February 1447. Internal references suggest that it was composed after the coronation of Henry VI in Paris in December 1431 and is therefore a work of Upton's clerical career, although it contains a handful of allusions to his experiences in France. It was a well-known work in the fifteenth and sixteenth centuries, with several surviving copies,<sup>48</sup> and it found its way into print in 1654.<sup>49</sup> In the early sixteenth century, John Blount of All Souls College prepared an English translation of the whole work, thereby creating his own English version of Upton's Latin ordinances.<sup>50</sup> These were included in a partial edition of Blount's translation which was published by Barnard in 1931, along with the full text of Upton's Latin ordinances derived from the printed text of *De Studio Militari*.<sup>51</sup>

Upton includes Henry's ordinances in an unexpected context.<sup>52</sup> They are not

<sup>48</sup> These are listed in C. G. Walker, 'An edition with introduction and commentary of John Blount's English translation of Nicholas Upton's *De Studio Militari*' (unpublished D.Phil. thesis, 2 vols, University of Oxford, 1998), vol. 2, p. xxiv.

<sup>49</sup> *De studio militari libri quatuor*, ed. E. Bysse (London, 1654).

<sup>50</sup> Only one copy is known of Blount's work, namely Bodleian Library Oxford, MS Engl.misc. d.227. For a full transcription see Walker, 'An edition', vol. 2.

<sup>51</sup> *The Essential Portions of Nicholas Upton's De Studio Militari before 1446, translated by John Blount, Fellow of All Souls (c. 1500)*, ed. F. P. Barnard (Oxford, 1931), pp. 33–48, with the Latin ordinances on pp. 49–58. Barnard's justification for providing the full Latin text of the ordinances is that 'there are indications in Blount's version that he was translating from a somewhat different codex' (p. xiv, note 1). The *Essential Portions* is useless as an edition of Blount's text since Barnard made many cuts (including the passage which preceded the ordinances) but did not indicate where he had done so.

<sup>52</sup> The full text of the ordinances is not found in all of the manuscript copies of *De Studio Militari*. Studies of the work have suggested that there were two main manuscript traditions (Walker, 'An edition', vol. 2, pp. ii–iv). That deriving from BL Cotton Nero C iii, commissioned by Sir Edmund Rede (d. 1487), contains the ordinances in full (fols 42r–45r). This was the textual group used by Bysse in preparing his edition of 1654. What is known as the Baddesworth version (BL Add MS 30,946), dated by its explicit to 1458, contains the same discussion of Edward III's claims, mentioning the statutes of Henry V, but it does not include the text of the ordinances themselves nor the sentence where Upton expresses his intention to include them.

in the first two books which concern the soldier and the nature of war but in book four, the second of two books on the theory and practice of heraldry. With a certain degree of ingenuity Upton makes them relevant to his discussion of the heraldic significance of the lion. Having explained the origins of the lions of the English royal coat of arms with their links to the Plantagenet past, Upton tells us that these arms were used by all kings of England down to the time of Edward III, who added the French royal arms. He gives two justifications for Edward's action: the descent from Isabella, daughter of the French king, and the capture of King John at the battle of Poitiers. The first, he says, has been challenged by French opinion that a woman could neither succeed nor pass on the title. Therefore Upton devotes himself to the second justification, arguing that, although it had been Prince Edward who had captured King John, civil law determined that whatever the son gained should be to the father's advantage. Upton's subsequent explanation deserves quotation in full, both in the original Latin text and in Blount's translation.<sup>53</sup>

Et probandum istud concordat illa statuta antiquissima cap. de prisonariis in item precipimus ut creditur per regem Arthuram in Francia edita et per successores suos tam Reges Francie quam Anglie et specialiter per prefatum Edwardum ac per illum invictissimum ac Christianissimum principem Henricum quintum Regem Anglie ac regentem regnum Francie et heredem apparentem in regno illo Francie ubilibet proclamatum. Que quidem statuta hic insere quia ista approbantur non erubesco. Quorum sequitur capitulum primum.

And for the more proffe and confirmation hereof the old statutes made upon prisoners accord here with in the chapter Item precipimus etc which was made furste as men think by Arthur and his successors bothe kynges of France and of England and specially by the fore saide Edward and also by the most victorious and cristen prince herry the v<sup>th</sup> king of Englonde, gouvernyng then the realme of Fraunce. And proclaimed in every place heyre apparent. Of the same wiche statutes bycause they be good and righteous I ame not abashed to bringe themy forthe, and so here ensueth of heym the furste chapter.

In Upton's Latin text there follows the title, 'Incipiunt statuta Henrici Quinti, tempore guerre', given by Blount as 'Here folowyth the statutes'. They begin with a long preamble (see Appendix 1). There follow fourteen main clauses, each with its own heading and containing several sub-clauses divided by sigilla.<sup>54</sup> These sub-clauses are in many cases close in content to the individual clauses in the 'Mantes' and 'St John's College' ordinances. For ease of comparison I have numbered the main clauses:

The Baddesworth version also presents the four books in a different order. There has been dispute over which of the versions represents Upton's original text.

<sup>53</sup> BL Cotton Nero C iii fol. 42r, printed in *De Studio Militari*, ed. Bysshe, p. 133; Bodleian Library Oxford, MS Engl.misc.d.227, fols 125r–125v, in Walker, 'An edition', vol. 2, p. 110.

<sup>54</sup> Upton then continues with a further explanation of how King John became Edward III's bound man by virtue of his capture.

1. 'de ecclesiis et sacramento eukaristie in debito statu conservandis' (on the keeping of churches and the sacrament of the eucharist in due form)
2. 'de personis ecclesiasticis et mulieribus non capiendis' (on not capturing ecclesiastics and women)
3. 'quibus personis tenebunter omnes obedire' (which persons all are bound to obey)
4. 'de vigiliis et gardis observandis' (on keeping watch and ward)
5. 'de monstis publicis seu ostencionibus' (on public musters or showings)
6. 'de turbationibus et clamoribus publicis' (on public disturbances and cries)
7. 'de equitationibus generalibus' (on general ridings out)
8. 'de hospiciis capiendis et assignandis' (on the taking and assigning of lodgings)
9. 'de prisonariis' (on prisoners)
10. 'de tertiis' (on thirds)
11. 'de spoliis non fiendis' (on not committing despoliation)
12. 'de assaultibus' (on assaults)
13. 'de salvis conductibus' (on safe-conducts)
14. 'de meretricibus ejciendis' (on the expulsion of prostitutes)

Upton mentions Henry's 'statuta' again in the second book of his *De Studio Militari* within the chapter concerning the office of the commander ('de officio ducis belli').<sup>55</sup> As Blount puts it:

But now all thynges perteyne to the constables office or marschall off the realme or hooste, but hyt is by commission for ther powre ys committyd unto them by the graunte captayne off the bateyle. Here at thys tyme bycause I wolde not be tediowse, I lette passe to speke off the most ryghtyowse and juste statutes that the moste excellent and victoriowse kyng henry the vth made in hys warres whyche at the request of my good lorde the yerle of Salysbery I translatyd owte off laten in to englysche.<sup>56</sup>

The implication here is that Henry's ordinances were originally drawn up in Latin and that Upton translated them into English for the earl. It is tempting to take this comment at face value. Upton does, after all, include a Latin version of the ordinances in his work. Since there is a set of English ordinances connected with Salisbury, the idea that Upton provided a translation of Henry's ordinances and even perhaps participated in the drawing up of the earl's own ordinances

<sup>55</sup> BL Cotton Nero C iii, fol. 12v, printed in *De Studio Militari*, ed. Bysshe, p. 32.

<sup>56</sup> Bodleian Library Oxford, MS Engl.misc.d.227, fol. 31v; Walker, 'An edition', vol. 1, p. 12; *Essential Portions*, p. 8.

appears to make sense.<sup>57</sup> There is, however, a major problem with Blount's wording. The original Latin text does not speak of translation from Latin into English but rather the other way round.<sup>58</sup>

Brevitatis eciam causa omitto hoc inserere illa justissima statuta per illustrissimum principem Henricum dei gratia Francie et Anglie regem quintum in guerris suis edita que alias mandato domini mei comitis Sarisberiensis ego de Anglico transluli in Latinum.

It is, of course, possible that Blount used a different Latin text,<sup>59</sup> but it is more likely that he made a simple translation error, no doubt fuelled by the fact that there was a set of ordinances in Latin elsewhere in Upton's work. The issue is very important. If we accept Blount's wording, it suggests that Henry V did draw up military ordinances in Latin. If we accept the wording in the Latin versions of *De Studio Militari*, then Henry's ordinances were produced in English and only translated into Latin by Nicholas Upton. That would explain how and why they were rearranged and grouped into the fourteen main clauses noted above.

Either interpretation raises further questions. If Henry's ordinances were translated from the vernacular, why should the earl have wanted to have a Latin version of them when he could perfectly easily have used the English version? If the ordinances were originally written in Latin, what use would they have been for the majority of captains and soldiers in Henry's army who had not enjoyed a clerical education? The ordinances must surely have been proclaimed to the host in English, since proclamation was ordered within the clauses, in addition to captains being provided with a copy.<sup>60</sup> If they had been in Latin, then Upton would surely not have been the only person translating them into English and we might have expected to find other references to the original Latin ordinances. On the whole, therefore, the likely scenario is that the ordinances were produced in English and translated into Latin at some point before the death of Thomas Montague, earl of Salisbury, on 4 November 1428.

As we shall see, the issue is further complicated by the fourth version of the ordinances which appears to be connected to Henry V. A seventeenth-century

<sup>57</sup> Upton does say that he drew up safe-conducts for the earl (*Essential Portions*, p. 23), but nowhere claims a role in devising Salisbury's ordinances.

<sup>58</sup> BL Cotton Nero C iii, fol. 12v; *De Studio Militari*, ed. Bysshe, p. 32. One late fifteenth-century and two sixteenth-century Latin copies of Henry's 'statuta' extracted from Upton's work include in their heading the same wording: 'de anglico in Latinum' (respectively, BL Additional Manuscript 48,005, fols 100r–103v (which contains an additional clause ordering the wearing of the cross of St George); BL Add MS 48,023, fol. 15r–20r, Add MS 48,079, fols 130r–137v).

<sup>59</sup> The passage which mentions the act of translation is not found in the Baddesworth version of 'De Studio Militari' (BL Add MS 30,946 fol. 95v), but since its ordering is completely different from that of Blount's English version, it cannot have been the text from which he was working.

<sup>60</sup> See Appendix 2, uu, noting also the purpose of giving captains a copy 'so that they might have full knowledge and inform their men of the foresaid ordinances and articles'.

manuscript, Lincoln's Inn MS xlvi, includes a set of ordinances headed 'The statutes and ordinaunces to be keped in time of were'. It contains thirty-five clauses. Since the manuscript also includes what is known as the Black Book of the Admiralty, Twiss chose to include this version of the ordinances in his edition.<sup>61</sup> Matthew Hale, the original owner of the manuscript, had suggested that these were the ordinances of Richard II issued for the Scottish campaign of 1385 but, as Twiss observed, this was unlikely given the considerable differences with the known early French text of Richard's ordinances in British Library Cotton Nero D vi. Twiss's conclusion was therefore that 'in the absence of any historical note of Ordinances of War made by King Henry IV, it seems probably that these ordinances are a translation of a Latin version of King Henry the Fifth's Ordinances'.<sup>62</sup> This assumption was no doubt influenced by what Twiss had read in Grose's *Military Antiquities* on the Latin version linked to Nicholas Upton.

No fifteenth-century text of this version of the ordinances has been found but there are at least two early sixteenth-century copies in the College of Arms in the hand of Sir Thomas Wriothesley,<sup>63</sup> and a late sixteenth-century copy in the British Library in the hand of Sir William Dethick, which was probably copied from one of Wriothesley's texts.<sup>64</sup> There are small differences in spelling between the manuscripts but the content and ordering of the clauses is identical. Although the text is in English, there is occasional use of Latin sub-headings. These are identical to those used by Upton for his main clauses. Furthermore, they are sometimes followed by 'in principio' (beginning), or 'finale' (end), or 'per totum' (the whole). In such cases, they can be seen to fit perfectly with, as relevant, the beginning, end, or whole of Upton's clauses. However, in some clauses there is a closer similarity with the wording of the Mantes and St John's College ordinances. It therefore seems to be a hybrid version whose origins cannot be known. It is included in this present study for comparative purposes.<sup>65</sup>

<sup>61</sup> Twiss, *Black Book*, vol. 1, pp. 282–95. It was this version which Hibbert printed as an appendix to his study of the battle of Agincourt, describing them unequivocally as 'King Henry V's Ordinances of War' (C. Hibbert, *Agincourt* (London, 1964), appendix IV, pp. 160–7).

<sup>62</sup> *Black Book*, vol. 1, p. 282, note 2.

<sup>63</sup> College of Arms MS L8a, fols 33v–38r, and M16 bis, fols 5v–10v. See *Catalogue of Manuscripts in the College of Arms*, pp. 33, 143.

<sup>64</sup> BL Lansdowne 818 fols 29r–32v. The book also contains materials on Henry VIII's activities in France, as well as notes on the sieges of Harfleur and Falaise under Henry V.

<sup>65</sup> I have, however, omitted a further version of military ordinances found in a paper roll in BL Additional Manuscript 33,191a. This gives 41 numbered clauses in English distinguished by Roman numerals but presented without subheadings. Clause xxviii indicates that the ordinances were for an expedition which 'oure foresaid soverayne lord the Kyng makyth in his owne person'. This is similar wording to indentures of the reign of Henry V when the king was leading expeditions in person. It is also, however, close to the wording used for the expedition of 1430 when the young Henry VI crossed to France. This, combined with Malcolm Parkes' dating of the hand to the second quarter of the fifteenth century, led Maurice Keen to postulate that the text belonged to 1430 (Keen, 'Richard II's Ordinances', p. 34, note 8). Although

### Contexts

There are several chronicle references to the issuing of disciplinary ordinances by Henry V in 1415. The author of the *Gesta Henrici Quinti*, which was written within a few years of the event, mentions that, whilst everything was unloaded from the ships at Henry's first landing in France (an action which the chronicler claims was completed by 17 August 1415),

interim regia providencia indixisset exercitui inter alia honestissima statuta sub pena mortis ne ulterius incendia fierent, sicut fiebant in principio, quodque ecclesie et sacre edes cum suis bonis servarentur intacte, et ne quis in mulierem manum mitteret, nec in sacerdotem vel ministrum ecclesie nisi forte armatum seu vim vel impetum facientem.<sup>66</sup>

The same chronicler includes the following passage immediately after his account of the English army starting its march northwards from Harfleur towards Calais on 8 October:

Precipiens inter alia piissima et honestissima statuta sub pena mortis ne quis incenderet, vastaret vel caperet preter solum victualia et necessaria itineris ac rebelles quos inveniret casu fortuito repugnantes.<sup>67</sup>

We could take the *Gesta's* comments as suggesting that Henry issued disciplinary ordinances in two stages, first at the landing and then as he prepared to cross enemy territory towards Calais. Other chroniclers imply that the ordinances were published at a single point. According to the Pseudo-Elmham, Henry's ordinances were issued just before reconnaissance was sent towards Harfleur to see how best the king might lay his siege.

In hoc quoque exordio novae guerrae statuta et praecepta, per ipsum regem, ad honorem Dei et conservacionem exercitus, edita, jussit proclamari per totum ipsum exercitum, et ab omnibus inviolabiliter observari, videlicet ut nemo eccle-

there is room for debate, the reference to a master of ordnance in clause xl also fits with other information we have for the 'coronation expedition' of that year. I intend to discuss this version elsewhere.

<sup>66</sup> 'The king had prudently issued, amongst other most worthy ordinances, a command to the army that under pain of death there should be no more setting fire to places, as there had been to begin with, and that churches and sacred buildings along with their property should be preserved intact, and that no one should lay hands on a woman or a priest or servant of a church, unless he happened to be armed, offered violence, or attacked anyone' (*Gesta Henrici Quinti. The Deeds of Henry the Fifth*, ed. F. Taylor and J. S. Roskell (Oxford, 1975), pp. 26–7). The implementation of the ordinances is revealed by the punishment of the soldier (or soldiers, depending upon which chronicle account one uses) who stole a pyx near Corbie. The wording of these accounts is discussed in Curry, 'Pour ou contre', p. 152.

<sup>67</sup> 'Among other most pious and worthy ordinances [the king] commanded that, under pain of death, no man should burn and lay waste, or take anything save only food and what was necessary for the march, or capture any rebels save only those he might happen to find offering resistance' (*Gesta Henrici Quinti*, pp. 60–1).

sias spoliando quicquam ab eisdem auferret aut pixidem in qua Dominici corporis venerabile sacramentum vel est, seu reponi solebat, sub poena proditorii criminis tangeret, vel ab ecclesiis asportaret. Nullus in exercitu suo viris ecclesiasticis, pacificis, inarmatis, gravamen inferret, seu sexui muliebri aliquid ingereret gravitates. Nemo eciam antiquas discordias sive lites, sub poena, quae incumberet renovaret, sue, in perturbacionem exercitus de transactis vindictam appeteret. Hiis et similibus ad bonam policiam requisites, modo debito stabilites, cuneos quosdam, magna fortitudine pugnatum potentes, ad partes patriae inspiciendas, modos regiminis contemplandos, et ad victualia in exercitum adducenda, sophia regalis emisit.<sup>68</sup>

Tito Livio Frulovisi places the issue of ordinances at the same point but provides a shorter account:

Hic rex Christianissimus edici jubet sub poena laese majestatis ut aedes sacrae illaesae inviolataeque habeantur, nullus et audeat altaris auferre sacra vasa, libros, vel quae officio divino celebrando sunt necessaria, neque vim faciant vel injuriam inermibus ecclesiasticis neque mulieribus.<sup>69</sup>

Putting all of these references together, therefore, we have evidence of a ban on sacrilege and on taking goods from churches, on attacking clergy unless armed, and on committing acts of violence towards women. We also see attempts to regulate the taking of foodstuffs from the native population and to ban burning and laying waste to the territory in which the army found itself, although with an implication that this had been allowed when establishing an initial bridgehead for the landing. In addition, there is reference in the Pseudo-Elmham to an effort to ensure that existing quarrels did not disturb the internal peace and conduct of the army. There is also an indication that there were more ordinances issued than those the chroniclers chose to describe in detail. None

<sup>68</sup> *Thomae de Elmham Vita et Gesta Henrici Quinti*, ed. T. Hearne (Oxford, 1727), pp. 38–9. ‘At the beginning of this new war it was ordered by the king that statutes and precepts drawn up to the honour of God and the preservation of the army should be proclaimed throughout the whole of the army and observed by all without violation, to wit, that no one should despoil churches or take anything away from them, or remove of touch the pyx in which the holy sacrament of the body of our Lord is or was accustomed to be put, under penalty of the crime of treason. No one in his army should cause harm to men of the church, peaceful and unarmed, or inflict outrages against the female sex. No one should renew ancient discords or suits, on the penalty which would apply or seek vengeance in any matters to the disturbance of the army. After these and similar acts necessary for good conduct and established in due form, he in his royal wisdom sent out certain troops, strong in the fight by virtue of their great bravery, to inspect the neighbouring territory, to consider how it was ruled, and to bring victuals to the army.’

<sup>69</sup> *Titi Livii Foro-Julienensis Vita Henrici Quinti*, ed. T. Hearne (Oxford, 1716), pp. 8–9. ‘Here the most Christian king ordered to be issued that, on pain of treason, sacred buildings should be held inviolate, that no one should dare to take from the altar sacred vessels, books, or anything which is necessary for the celebration of the divine office, nor that anyone should attack or injure unarmed clergy or women.’

of the accounts replicates the relevant clauses in Upton's Latin text, although Tito Livio occasionally uses words found in Upton.

Three writers tell us that ordinances were issued at the second landing in 1417. The Pseudo-Elmham and Tito Livio tell us that Henry reissued the ordinances that he had proclaimed at the landing in 1415, but that he also added in new orders for the good government of his men:

Statuta que in prima applicacione apud Kyddecause edita ut praefereatur per exercitum suum proclamari et ab omnibus inviolabiliter observari praecepit. Alia quoque quae ad politicum regimen gentis suae prodesse cognovit in cautelam futurorum discriminum sapientia regia edidit et firmavit (Pseudo-Elmham).<sup>70</sup>

Omnia quae decreta fecerat propter Harifluvium proclamari in exercitu jubet et alia quoque multa quae bona utiliaque credit sibi exercituique suo (Tito Livio).<sup>71</sup>

Walsingham mentions the ordinances in an intriguing context. He does not place the proclamation of ordinances at the initial landing but suggests rather that it was prompted shortly afterwards by the king's concern that a monk had been captured and despoiled by one of the royal household:

Nec mora proclamari fecit per exercitum ne quis religiosum, clericum vel presbiterum nec ullum penitus ecclesiasticum, despoliare seu quovismodo molestare presumeret, nec ad res ecclesiasticas animo rapiendi mittere sub pena suspensionis et laquei. Qua proclamacione per plebanos vulgata, videre rusticos indumentis ecclesiasticorum sumptis passim vagari per exercitum, negocia tractare foralia, impune accedere et recedere, Anglis astu pio deceptis. Nec valebant Anglici rei veritatem evidenter agnoscere rusticis coronas sibi radentibus ut Anglos fallerent efficacius aspectu capitum albatorum. Consequenter insuper fecit rex proclamari ne quis feminam coniugatam viduam sive virginem contra voluntatem auderet opprimere vel bona diripere plebiorum qui se regi submiserant sub pena supra taxata.<sup>72</sup>

<sup>70</sup> *Thomae de Elmham Vita et Gesta Henrici Quinti*, pp. 97–8. 'He ordered that the statutes which had been published at the first landing at Chef de Caux, as mentioned earlier, should be proclaimed to his army and that they should be observed by all without any violation. He issued and confirmed others which by his royal wisdom he thought would proceed to the politic governance of his men as precaution against future hazards.'

<sup>71</sup> *Titi Livii Foro-Julienensis Vita Henrici Quinti*, p. 33. 'All that had been decreed at Harfleur he ordered to have proclaimed in his army and also many others which he considered were to the good and utility of his army.'

<sup>72</sup> *The St Albans Chronicle 1406–1420*, ed. V. H. Galbraith (Oxford, 1937), pp. 110–11. 'At once he [the king] had a proclamation made throughout the army that no soldier should dare to rob any monk, cleric, priest or any obvious ecclesiastic, or molest them in any way or set hands on church property with a view to stealing it, under pain of hanging and the noose. When this proclamation became common knowledge among the country people, you might have seen them wandering here and there throughout our camp wearing clerical garb, engaged in the transactions of the market place, and coming and going as they pleased, with the English outwitted by their holy cunning. The English were unable to see the plain truth of the matter, as the country people had shaved their heads, so that the sight of these shaven heads would more effectively deceive the English. In consequence the king also had it proclaimed that no

There is no doubt, therefore, that Henry issued ordinances in 1417. According to the Pseudo-Elmham and Titus Livius, these contained the ordinances of 1415 along with additional, unspecified, clauses. This fits well with Keen's view that 'for each new host ... a new set of orders was needed.'<sup>73</sup> We know from the Norman rolls that Henry appointed his brother, Thomas, duke of Clarence, as constable on the day of the landing, giving him power to govern and correct the army 'juxta statuta et ordinaciones pro regimine et gubernatione populi exercitus nostri ac juxta leges et consuetudines curie nostre militaris'.<sup>74</sup> The same source tells us of an order to Henry Styng in February 1418 to investigate complaints that men in his company had carried out rapes against the 'statuta et ordinaciones' for the government of the men of the army.<sup>75</sup>

When considering the possible content of Henry's ordinances in both 1415 and 1417 we must remember that he was not working from scratch. Although no texts are extant, there are enough chronicle references to suggest that Edward III issued ordinances at his landing in 1346. As the *Acta Bellicosa* explains:

The English king, feeling for the sufferings of the poor people of the country, issued an edict throughout the army, that no town or manor was to be burnt, no church or holy place sacked, and no old people, children or women in his kingdom of France were to be harmed or molested; nor were they to threaten people, or do any kind of wrong, on pain of life and limb. He also ordered that if anyone caught someone in the act of doing these or other criminal acts and brought him to the king, he should have a reward of forty shillings.<sup>76</sup>

Another chronicle, the *Historia Roffensis*, provides a similar summary of Edward's actions, although it omits the ban on the burning of towns and manors and mentions specifically that those 'who freely enter the king's peace' should not suffer any damage to themselves or their property.<sup>77</sup> The *Acta Bellicosa* suggests that a further proclamation went out as Caen was about to fall into English hands ordering that 'no one was to imprison women, children or clergy

one should dare to rape any married woman, widow, or virgin or to steal the goods of the people who had surrendered to the king under pain of the penalty mentioned above' (*The Chronica Maiora of Thomas Walsingham 1376-1422*, trans. D. Preest, introduction and notes by J. Clarke (Woodbridge, 2005), p. 423).

<sup>73</sup> Keen, 'Richard II's Ordinances', p. 35.

<sup>74</sup> *Rotuli Normanniae in turri Londoniensi asservati Johanne et Henrico Quinto Angliae regibus*, ed. T. D. Hardy (London, 1835), pp. 316-17. 'According to the statutes and ordinances for the rule and governing of the people of our army, and following the laws and customs of our military court.'

<sup>75</sup> *Ibid.*, p. 366. For further mentions of the ordinances in the second campaign, see Curry, 'Pour ou contre', p. 155.

<sup>76</sup> As translated in R. Barber, *Life and Campaigns of the Black Prince* (Woodbridge, 1979), pp. 28-9, and cited in A. Ayton and P. Preston, *The Battle of Crécy 1346* (Woodbridge, 2004), p. 62.

<sup>77</sup> Noted in C. J. Rogers, *War Cruel and Sharp. English Strategy under Edward III* (Woodbridge, 2000), p. 240, note 6, from BL Cotton MS Faustina BV, fol. 91r, discussed in Ayton and Preston, *Battle of Crécy*, pp. 62-3.

or [to ransack] churches or religious houses, on the same terms as before.<sup>78</sup> This is supported by Froissart's similar comments on the siege of Caen.<sup>79</sup>

Military ordinances therefore existed for earlier campaigns – Keen also points to evidence that Robert Knolles issued similar ordinances in 1370<sup>80</sup> – but the earliest extant full text is that for Richard II's expedition to Scotland in 1385. This is in French and contains twenty-six clauses.<sup>81</sup> These do not replicate all of the orders ascribed to Edward III. For instance, there is no ban on arson in 1385. The conclusion we can draw, therefore, is that there was an established core of disciplinary ordinances, but that clauses could be added or removed as deemed appropriate. This is confirmed by comparison with parallel ordinances for naval discipline, where the first extant text is also in French and dates to the reign of Richard II. Here we find core clauses such as bans on sacrilege, rape and arson, and controls on foraging, alongside other clauses relevant to maritime action, such as the need for ships to keep close to the vessel of the admiral during a tempest.<sup>82</sup> We can make the same observation about the ordinances of the army raised to counter Richard II's invasion of Scotland in 1385. These are also in French and have similarities with the ordinances issued by Richard for the same campaign, whilst also containing clauses unique to the circumstances of a joint Franco-Scottish force.<sup>83</sup>

In reviewing the possible texts of Henry V's ordinances, therefore, we should expect to see 'core ordinances' in common with earlier campaigns. This is precisely what we do find. Of the twenty-six clauses in Richard II's ordinances, twenty-two are found in all four of the Henrician texts. These cover protection of the church, churchmen, and women; obedience to the king, constable, marshal and captains; discipline within the host both on the march and in camp; rights in prisoners; and controls on the issue of safe-conducts. There are variations between Richard and Henry's ordinances but these relate either to modifications in punishments,<sup>84</sup> or to clarification of issues,<sup>85</sup> and do not change the meaning and intention of the clauses themselves. In the case of the

<sup>78</sup> Barber, *Life and Campaigns*, p. 33.

<sup>79</sup> See H. J. Hewitt, *The Organization of War under Edward III, 1338–1362* (Manchester, 1966), pp. 97, 123.

<sup>80</sup> Keen, 'Richard II's Ordinances', p. 48, drawing on BL Cotton Calig. D iii, fol. 85 (fol. 115, n.s.).

<sup>81</sup> BL Cotton Nero DVI, a manuscript which dates from the reign of Richard II, printed in Twiss, *Black Book*, vol. 1, pp. 453–8, with discussion in Keen, 'Richard II's Ordinances', pp. 33–48.

<sup>82</sup> Twiss, *Black Book of the Admiralty*, vol. 1, pp. 25–33 (clauses I, XVI, XV, IV, XII respectively), from the earliest manuscript, BL Cotton Nero D vi, which is linked to the Mowbray family and which can be dated to before 1397 (Keen, 'Richard II's Ordinances', p. 33, note 2).

<sup>83</sup> *Acts of the Parliament of Scotland*, ed. T. Thomson and C. Innes, 12 vols (Edinburgh, 1814–75), vol. 1, pp. 190–1, discussed in Keen, 'Richard II's Ordinances', p. 47, with a similar observation that 'ordinances of this kind were designed for one particular host'.

<sup>84</sup> In 1385, the penalty for taking of women and clergy prisoner was death, but under Henry V it was imprisonment (Appendix 2, c).

<sup>85</sup> For instance, in the clauses on crying havoc and 'to horse', Henry's code distinguishes between those who make the cry and those who follow (Appendix 2, j, k).

four clauses in Richard's ordinances which are not copied directly, the topics they concern are covered elsewhere in the Henrician texts.<sup>86</sup>

All of Henry V's texts are longer than that of Richard II. The longest are the 'Mantes ordinances'. Since the tendency was to add new clauses according to changing circumstances, we can assume from the outset that the Mantes version is later than the others. As we shall see in a moment, its additional clauses are indeed appropriate to a late, rather than early, stage of conquest. Setting aside the problem of the hybrid Lincoln's Inn text, this leaves as candidates for the 1415 and 1417 campaigns the 'St John's College ordinances' and 'Upton's ordinances'.

The 'St John's College ordinances' are the shortest in terms of word length and add twelve new clauses to those of 1385.<sup>87</sup> All twelve are also to be found in the 'Mantes ordinances' but only nine are also in 'Upton's ordinances'. This could suggest that Upton is earlier. Both the St John's College and Upton versions include a clause indicating that the ordinances were to be proclaimed to the host and that captains were also to be given a copy (Appendix 2, uu). Richard II's ordinances are silent on how the ordinances were to be publicised. Both the St John's College and Upton's ordinances include a clause (bb) which concerns mustering and bans captains from having soldiers other than those 'withholden for the same voiage' (i.e. expedition). Richard II's ordinances do not contain any reference to mustering, although we know that the practice was established well before 1385. Upton's version provides further clauses on the proper conduct of musters (zz, aaa). In other clauses shared with the St John's College version, Upton's ordinances occasionally give more detail. To give two examples of this: in the clause on holding the army together during *chevauchées* where spoils might be taken (dd), Upton specifies that the leader of the army as well as the immediate captain should benefit from the winnings of those who offend; and in a clause banning the ransoming or selling of prisoners without licence of the captain (gg), Upton extends the punishment to buyers as well as sellers.

The three clauses found in the 'St John's College ordinances' but not in Upton concern the keeping of watch in lodgings (ss), a ban on captains allowing 'ridings' without the licence of the king (vv), and a ban on pillage in areas which have been won or surrendered and where peace has been proclaimed (ff). This last mentioned clause also bans robbery of people who have come into the king's obedience, and who bear a token of the king. This is reminiscent of the 'bullettes' issued to the Normans who came into Henry's allegiance during the

<sup>86</sup> Clause 24 of the 1385 text is not quite the same as in Henry's texts (Appendix 2, x, dd). Clauses 25 and 26 of 1385 seem to repeat what is found in earlier clauses, 5 and 4, and therefore may have been considered redundant (Appendix 2, z, e, d). Clause 22 is unique in its wording, with the reference to taking a bascinet or gauntlet from a prisoner as a sign of his surrender, but is matched in Henry's ordinances by references to pledges (Appendix 2, v, aa).

<sup>87</sup> Appendix 2, aa, bb, cc, dd, ee, ff, gg, rr, ss, tt, uu, vv. Of these, ff, ss and vv are not in Upton's ordinances.

second campaign.<sup>88</sup> The inclusion of this clause suggests, therefore, that the St John's College ordinances more likely belong to 1417 rather than 1415.

Upton's ordinances contain six unique clauses. We have already noted the additional controls on musters (zz, aaa) compared with the St John's College version. When there is a shortage of victuals of fodder and captains consider it necessary to send to a village for this purpose, soldiers must hold themselves ready to go (ww). Merchants riding with or coming to the army were to obey the king, constable, marshal and clerk of the market (xx). All cases were to be determined in the royal court by the constable and marshal, or at least the marshal. This applied to soldiers and other groups accompanying the army, even down to the medical corps and scouts ('exploratores') (yy). Finally, Upton contains a clause banning prostitutes from the host (bbb). These unique clauses would be equally relevant to the invasions of 1415 and 1417 and do not in themselves prove Upton's ordinances to be earlier.

The wording of one core clause (k), which concerns the punishment for crying 'to horse', raises an interesting problem over dating. It is found in all versions from 1385 onwards but all of the Henrician texts add a financial reward for those who acted as informers. In the St John's College, Mantes and Lincoln's Inn versions, which are all in Middle English, this is given as 100 *shillings*. In Upton, the expression is 'centum solidos turonenses videlicet x.s. monete Anglie' which translates as '100 *sous tournois*, which is 10 shillings in the money of England'. Payment calculated in the currency used in Northern France, accompanied by a statement on the exchange rate, would fit with a later period of occupation rather than an initial invasion. That said, it is possible that when Upton drew up his translation of Henry's 'statuta' for inclusion in *De Studio Militari* he consciously (or subconsciously) changed the original wording in the light of later applications of it. Furthermore, a reward of 100 shillings sterling seems far too high. It may be therefore that the Middle English versions were also reflecting payments made in French 'shillings' rather than English.

We are returned, therefore, to the main problem surrounding Upton's ordinances – whether they were translated from English into Latin, or vice versa. They are the only surviving set to be preceded by an introductory passage explaining their formulation (Appendix 1). In its Latin original, it is in a form reminiscent of official documents of the period, yet with some oddities: the expression 'de nostrorum procerum, dominorum, et magnatum consilio', for instance, is not a typical usage. Yet, based on the evidence of the Rolls of Parliament, prefaces of this sort in Middle English are not common until the mid-fifteenth century. A more detailed examination of the linguistic turn of the Latin of 'Upton's ordinances' and their preface would be worth undertaking. Also useful would be fuller comparison with the ordinances of the earl of Salisbury for his campaigns into Maine in the 1420s. One point must suffice here. The

<sup>88</sup> Appointments to captaincies regularly gave power to issue such 'bullettes'. See, for instance, that of Sir Richard Grey as captain of Argentan, 13 October 1415 (*Rotuli Normannie*, p. 180).

only inclusion in any of the Henrician texts of an order concerning prostitutes (bbb) is in Upton's ordinances, where it forms the last clause. (It is not, incidentally, found in the Lincoln's Inn version.) The last clause of Salisbury's ordinances is headed 'for women who usyn bordell the which logge in the oste' and goes further in banning prostitutes from the host.<sup>89</sup> This may suggest that 'Upton's ordinances' do not reflect a single set of ordinances proclaimed by Henry V at a particular point in time but, rather, an amalgam of clauses derived from several sets issued at different points in time.

As we saw, the 'Mantes ordinances' are undated, though they have been customarily assigned to July 1419. Their possible dating can be explored in two ways: first, through discussion of the contexts of Henry V's three presences at Mantes; and, secondly, through a study of the additional clauses found in them. Mantes surrendered to Thomas, duke of Clarence, in early February 1419. Henry came to the town around 26 May, staying there until around 4 August.<sup>90</sup> The reason for his residence at this point was that it allowed ease of access to the field close to Meulan where negotiations between the English and French were held between late May and the beginning of July.<sup>91</sup> For similar reasons, the French court resided at Pontoise during this same period. The French withdrew from the negotiations around 3 July hoping for a reconciliation between the Dauphin and John the Fearless, duke of Burgundy, which was effected on 11 July. Henry sent envoys to Duke John on 19 July in the hope that talks might be restarted but instead the Duke, accompanied by the French royal family, left Pontoise for Paris on 23 July. The truce arranged to facilitate the Anglo-French negotiations expired on 29 July. On the next day Henry ordered the gates of Mantes to be kept shut so that no civilians could leave. At 4 a.m. on 31 July troops under the earl of Huntingdon and Gaston de Foix launched an assault on Pontoise. The town was given up to pillage although the Religieux de Saint-Denis reports that looting was forbidden at the abbeys of St Martin and Maubisson in the suburbs.

It is possible, therefore, that the 'Mantes ordinances' were issued in preparation for this assault. Yet given the secrecy of the raid, the extra clauses added appear antithetical to the circumstances of the taking of Pontoise since they tend to limit soldiers' violence towards civilians, as we shall explore in more detail in a moment. Can the wording of the heading in BL Lansdowne 285 help us with the dating? It states that the ordinances were made by Henry 'at the treaty and counseill of Mawnt'. Should we take this to mean the Anglo-French negotiations? The Brut chronicle speaks of the 'day of trety to which trete the king of Fraunce shuld come hym self and hys Quene and Dame Katerene his

<sup>89</sup> BL Lansdowne 285, fol. 149r. I intend elsewhere to compare Salisbury's ordinances with those of Henry V and other texts from the post-1422 period.

<sup>90</sup> For the dating of all of Henry's visits see Curry, 'Bourgeois et soldats dans la ville de Mantes', p. 176.

<sup>91</sup> Wylie, *Reign of Henry V*, vol. 3, pp. 161–77.

doughtir and the Duke of Burgoyne, with the other counseile of Fraunce'.<sup>92</sup> There were indeed strict security arrangements for the talks, with a specially demarcated middle ground prepared in which the parties could meet, otherwise retiring to tents in their own zones on either side of the field. A later vernacular chronicle also links the two words 'treaty' and 'counsel' in this context: 'And King Harri leet arere ij tentis between ij ditches wherynne bothe kyngis myghte tret apart with their secret counsel'.<sup>93</sup> Chronicles tell us that both sides were allowed small numbers of troops in their own zones, but the clauses of the 'Mantes ordinances' do not fit at all with a context of diplomatic negotiation and temporary truce.

Henry left Mantes for Pontoise on 4 August, moving on to attack Gisors on 18 August. This leaves a very small window of opportunity for ordinances to be issued at Mantes between the very end of July and the first days of August. What has been overlooked is that he returned to Mantes in late September or early October, sending out forces to take Meulan, Monjoie, St Germain-en-Laye.<sup>94</sup> On 26 October, he met at Mantes representatives from Duke Philip of Burgundy, now keen to negotiate following the murder of his father at Montereau on 10 September. Around mid-November Henry left Mantes for Vernon, where he stayed until mid-December. It is possible, therefore, that the ordinances were issued during this second stay as part of the disciplinary control of the army moving up the Seine valley towards Paris.

We must not forget, however, that Henry made a third visit to Mantes in July 1421 shortly after his return from a four-month visit to England. The town was chosen for a meeting with Duke Philip of Burgundy in order to arrange joint military action against the Dauphin at Chartres.<sup>95</sup> Henry arrived at Mantes with part of the army of 4–5000 men which had crossed with him from England in June. Duke Philip came with 'a faire felaship for to have goon with us to the saide secours [of Chartres]', as Henry reported in a letter to London 'given under our signet in oure oost at oure toun of Mante the xii day of Juyl'.<sup>96</sup> As it turned out, while the Mantes meeting proceeded the threat to Chartres diminished. Philip therefore took his troops to pacify Picardy instead, whilst the English moved to secure the southern frontier by taking Dreux, Gallardon and other places.<sup>97</sup> To assist in this, a feudal summons was issued in the duchy of

<sup>92</sup> *The Brut, or The Chronicles of England*, ed. F. W. D. Brie (EETS, 1906), p. 423.

<sup>93</sup> *An English Chronicle of the Reigns of Richard II, Henry IV, Henry V and Henry VI written before the year 1471*, ed. J. S. Davies (Camden Society, 1836), p. 49.

<sup>94</sup> For what follows see Wylie, *Reign of Henry V*, vol. 3, pp. 189–93.

<sup>95</sup> *Ibid.*, p. 325; Newhall, *English Conquest of Normandy*, pp. 281–2.

<sup>96</sup> *Collection générale des documents français qui se trouvent en Angleterre recueillis et publiés par Jules Delpit* (Paris, 1847), p. 231.

<sup>97</sup> There is a reference in the municipal archives of Mantes to the presence in the town of Humphrey, duke of Gloucester, with part of the expeditionary army after the departure of the king: V. E. Grave, *Archives municipales de Mantes. Analyse des registres des comptes de 1381 à 1450: extrait du Bulletin historique et philologique* (Paris, 1896), p. 19.

Normandy ordering fief holders to assemble at Chartres by 23 August.<sup>98</sup> Could the 'Mantes ordinances' have been published in anticipation of joint Anglo-Burgundian action, or for the actual English actions which followed?

Do the ordinances themselves offer any clues to which of Henry's visits to Mantes they belong? This version is the longest of the surviving texts with forty-three clauses, nine of which are unique. All nine are relevant to a later stage of occupation, as they are largely directed to controlling relations with the native population. There was a ban on taking prisoner children under the age of 14 unless of gentle birth (hh), as well as orders that soldiers should not enter the chamber of a woman in childbirth (ii), and that there should be no taking of horses from the agricultural community without recompense (mm). No one was to fortify any place whose defences the king had ordered to be dismantled, nor to compel any area which was already in obedience to the king, or paying *appatis*, to perform the service of *corvée* or of watch and ward (kk). There was also a clause laying down punishment for those who tried to rescue fellow soldiers who had been condemned to death by the king, constable, marshal, or 'judge ordinary or any other officer lawfull' (jj), a reflection of the fact that the English were by this point using local legal systems as well as the military court. All men were to obey the king's sergeants, gate keepers and other officers (pp), a reminder of garrison systems established and to be established as the conquest continued. No one was to rob, pillage, or take over the lodgings of other soldiers in the army (ll).

Thus far the new clauses would fit the circumstances of the summer and autumn of 1419, following the fall of Rouen, which ushered in an increased regard for the native population, and preceding the expansion towards Paris, just as appropriately as the situation in July 1421. But another new clause points to the later date. If a soldier captured an 'enemy', whether English, Welsh, Irish or any other, who had previously sworn allegiance to the king or had been given a 'bullette', he was to take his prisoner to the constable and marshal to face the death penalty (oo). The reward for this action was 100 shillings. This clause reflects problems of desertion as well as of those natives who had accepted English rule then defected, a circumstance which fits better with 1421, following the defeat at Baugé, than that of 1419, when neither desertion nor defection appear to have been common.

Most interesting of all is another new clause concerning nationality. No one was to reproach another because of the country he was of, nor to make any remarks which might lead to violence (nn). The nations listed were English, Welsh, Irish, and, significantly, French. Soldiers from the first three nations had acted together throughout the wars to date.<sup>99</sup> As we have seen, the intention in July 1421 was for joint military action with the duke of Burgundy, the nationality of whose troops would be deemed to be French. An attempt to regulate

<sup>98</sup> *Annual Report of the Deputy Keeper of the Public Records*, 42 (London, 1881), p. 431.

<sup>99</sup> There had been important Irish involvement during the siege of Rouen thanks to a troop brought over by the Prior of Kilmaynham (Newhall, *English Conquest*, p. 114).

relations between soldiers of different nations therefore makes particular sense at this juncture. It is relevant to note that the ordinances drawn up in Scotland in 1385 laid down procedures for dealing with offences committed by Scottish soldiers against their French counterparts and vice-versa.<sup>100</sup> It is therefore tempting to date the ‘Mantes ordinances’ not to July 1419 but to July 1421 and to place them in the context of intended joint Anglo-Burgundian action. In favour of this later date is the fact that the English army at Mantes in July 1421 had been led to France by Henry himself. If ordinances were issued for every new army, then 1421 parallels 1415 and 1417, even though on the earlier occasions the ordinances had been issued at the initial landing. There is another point in favour of linking the ‘Mantes ordinances’ to 1421. As we saw, the title assigning them to this location is given in BL Lansdowne 285, a manuscript commissioned by Sir John Paston and which has possible links with Sir John Fastolf. The latter was active in the area of Mantes in the summer of 1421, having been appointed captain of nearby Meulan on 19 May of that year.<sup>101</sup>

There is, however, a potential problem in assigning a date of 1421 rather than 1419. Throughout the ‘Mantes ordinances’ reference is made to ‘the king’. From the treaty of Troyes of May 1420 Henry was heir and regent of France. If the ordinances were issued in anticipation of joint action with the Burgundians, might we not expect Henry to be referred therein by this last title? Two factors would argue against this expectation. The text which we have is in English and clearly aimed at the English (and Welsh and Irish) troops. In this context, the omission of Henry’s new French title is not surprising, and is supported by the diplomatic forms which continued to be used by Henry in Normandy and the *pays de conquête*, areas which were not to be returned to the French crown until Henry acceded to the crown of France. Furthermore, no set of ordinances, including that of 1385, gives the personal name of the king or any indication of a claim to a second throne, using simply the expression ‘the king’. This is to be expected when ordinances were used and reused across the boundaries of reigns.<sup>102</sup>

The preceding debate concerning the dating of the ‘Mantes ordinances’ has taken it for granted that they were issued at that location. Other than the title in BL Lansdowne 285, however, there is no *proof* of place of issue any more than of date. What this study has demonstrated above all is that Henry issued or confirmed military ordinances on several occasions. Commanders were regularly ordered to ensure the maintenance of the ordinances for the army.<sup>103</sup> There

<sup>100</sup> *Acts of the Parliament of Scotland*, vol. 1, p. 191.

<sup>101</sup> TNA: PRO E 364/749. Although his indenture was for five years, he remained in office only until October 1422 (Bibliothèque Nationale manuscrit français 25766/810).

<sup>102</sup> A study of the diplomatic forms used by Henry after May 1420 suggests that the French heirship and regency was used only in dealings within the French kingdom, on the whole excluding Normandy since the treaty of Troyes did not require Normandy to be returned to the French crown until Henry inherited the double crown.

<sup>103</sup> For instance, Humphrey, duke of Gloucester, on 8 May 1418, and Sir Hugh Luttrell, lieutenant

is a possibility that ordinances were proclaimed following the fall of Rouen in January 1419. On 23 January the earl of Salisbury was given power to enforce disciplinary ordinances in the army as well as to receive the allegiances of those Normans who wished to accept English rule.<sup>104</sup> Henry subsequently ordered all knights and esquires of the duchy to appear personally at Rouen on 7 March 'pour ouir certaines ordonnances que le roy leur vouloit faire faire'.<sup>105</sup> These included decrees on weights and measures, but may also have covered military affairs. On 24 April 1419 the *semonce des nobles* was issued, ordering all liege men (meaning native fief holders as well as those English to whom the king had given land) to Vernon for military service.<sup>106</sup> Although there had been attempts to use the *semonce* in the previous year,<sup>107</sup> it was only from April 1419 that there was substantial service of Norman troops. The clause concerning the maintenance of good 'race relations' would therefore fit with this juncture as much as 1421. Could it be that ordinances were issued at Rouen in March–April 1419, instead of, or perhaps as well as, at Mantes at a later date? We know from the Norman rolls that on 10 April 1419 Henry issued a proclamation banning soldiers in garrison from taking foodstuffs, carts and animals from the local population without prompt payment.<sup>108</sup> We also know that in April 1421 a full disciplinary code was issued for garrison troops paralleling that for armies in the field.<sup>109</sup> In other words, the issuing of disciplinary ordinances was much more common and complex than the antiquarians with whom we began this essay believed.

In conclusion, however, it is not possible at this stage to date with certainty any of the surviving texts of military ordinances for the reign of Henry V. The Upton and St John's College versions are likely candidates for 1415 and 1417 respectively, but there remain problems with both texts. It is possible, for instance, that the 'St John's College ordinances' are simply a cut-down version of the 'Mantes ordinances' rather than an independent version in their own right. Based on the evidence of their clauses, there is no doubt that the 'Mantes ordinances' relate to a later period of conquest but this could be 1421 rather than 1419. What is certain is that the clauses of the various texts offer a fascinating insight into the military ethos of the period. They are equally significant for

of Harfleur, on 15 August (*Annual Report of the Deputy Keeper of the Public Records*, 41 (London, 1880), pp. 713, 716.

<sup>104</sup> *Annual Report of the Deputy Keeper*, vol. 41, p. 708.

<sup>105</sup> Paris, Bibliothèque Nationale manuscrit français 26042/5365; Evreux, Archives Départementales de l'Eure IIF 4096.

<sup>106</sup> Bibliothèque Nationale manuscrit français 26042/5356.

<sup>107</sup> In March 1418 Henry V had issued the *semonce des nobles* in Normandy summoning to arms native fief holders and those English to whom he had granted lands, but there is no evidence that it led to actual military service (Bibliothèque Nationale manuscrit français 26042/5259).

<sup>108</sup> *Annual Report of the Deputy Keeper*, vol. 42, p. 313.

<sup>109</sup> T. Rymer, *Foedera, conventiones, literae et cuiuscunque generis acta publica* (The Hague, 1739–45), vol. 4, part 2, p. 4.

what they reveal about the later memorialisation of success. From the mid-fifteenth century, when the war with France turned to disaster, texts relating to the past glories under Henry V, the earl of Salisbury and the duke of Bedford were deliberately copied for the sake of record as well as in hope of stimulating a revival of commitment. Upton's 'De Studio Militari' provides us with an example of this trend, as do the collections of materials in St John's College MS 57 and BL Lansdowne 285, and, more famously, those made by William Worcester, who was commissioned to the task by Sir John Fastolf.<sup>110</sup>

This deliberate memorialisation, combined with the fact that the ordinances had an oral as well as textual transmission, raises a problem of 'version control' which increases our difficulties in dating and analysing the various texts of Henry V's disciplinary ordinances. This problem is exacerbated by the enthusiasm of heralds and antiquarians in the late sixteenth and early seventeenth centuries for copying the ordinances but without discriminating between the various versions. It is further compounded by the uncritical editing, dependent on the Tudor and Jacobean copies rather than on medieval texts, undertaken by Grose, Bentley, Nicolas and others in subsequent centuries.

We can be certain that Henry V did not invent the idea of disciplinary ordinances for his army, nor was he the last to issue them. That said, it cannot be coincidental that we have so many versions for Henry's campaigns in France. His reputation for the enforcement of military discipline is well evidenced in both chronicle and administrative records. Remembrance of this into the next generation prompted the observations of writers such as Upton and Worcester, and created an image of the king which persisted into later centuries, fanned by Shakespeare (who included the story of the soldier hanged in 1415 for stealing a pyx which dates back to the earliest accounts of the campaign) and by the reiterative copying of the Henrician ordinances. Henry's reputation as a disciplinarian penetrated French perceptions too, as a panegyric in the works of Waurin and Le Fèvre demonstrates. In their opinion, the success he enjoyed in France stemmed from his particular firmness in this regard:

Et la principale cause si estoit par ce que ceulz qui faisoient le contraire et emfraisnoient ses commandemens ou ordonnances il faisoit pugnir tres criminelement sans quelque misericorde, et bien entretenoit la discipline de chevalerie comme jadis faisoient les Rommains.<sup>111</sup>

<sup>110</sup> Most obviously Lambeth Palace Library 506 (see n. 31, above), but also College of Arms MS 9, the chronicle of Peter Basset and others composed for Fastolf drawing on various lists of captaincies, battle presences etc.

<sup>111</sup> 'The principal reason was that he punished with death without any mercy those who went to the contrary and infringed his commands or orders, and he fully maintained the discipline of chivalry as the Romans did of old': *A Collection of the Chronicles and Ancient Histories of Great Britain now called England*, by Jean de Waurin, translated by W. H. Hardy and E. L. C. P. Hardy, 3 vols (RS, London, 1864–91), vol. 2, p. 391. For the French text, see *Recueil des croniques et anchiennes istories de la Grant Bretagne a present nomme Engleterre*, par Jean de Waurin, ed. W. Hardy, 5 vols (RS, London, 1864–91), vol. 2, p. 429; *Chronique de Jean Le Fèvre*,

### Appendix 1

The preamble to the Latin ordinances in Nicholas Upton's 'De Studio Militari', from BL Cotton Nero C iii, printed in *De studio militari libri quatuor*, ed. E. Bysshe (London, 1654), p. 134.

Incipiunt statuta henrici quinti tempore guerre. Summi opificis clementia, que sibi subditos modestos esse disponit pacificos & pudicos, non obstante, quoniam adhuc ipsa effrenata cupiditas, mater litium, inimica pacis, materia jurgiorum, tot indies nova generat litigia, ut nisi justitia ejus conatus vi propria reprimeret & virtutes, ipsiusque questiones implicitas explicaret, universale nostri Christiani exercitus regimen absorberet, bonumque commune extingueretur quo vivimus & regnamus. Ideoque lex & constitutiones ordinantur, ut appetitus noxius sub juris regula limitetur, per quam humanum genus ut honeste vivat, alterum non ledat, & jus suum unicuique tribuat, informatur. Et ut noster exercitus utroque, scilicet, & bellorum & pacis tempore, felice tramite gubernetur: dictumque commune bonum in prosperis conservetur. Ex altera etiam parte, ut dicti nostri exercitus constabularius atque marescallus, in causis coram eis cotidie ventulandis prudentius in singulis judicent & discernant, de nostrorum procerum, dominorum, & magnatum consilio, quasdam constitutiones fecimus, easdem in eodem exercitu nostro promulgantes, publice fecimus proclamari. Statuentes quod omnes & singuli in dicto exercitu nostro capitanei prefatas nostras constitutiones in scriptis habeant, ut publicatio nostra pro sufficienti monitione habeatur ac ut subditi universi in dictis constitutionibus & statutis ignorantiam non pretendant.

Since, in spite of the clemency of the almighty Creator, who has commanded that his subjects should be restrained, pacific and honest, yet unbridled cupidity, the mother of strife, the enemy of peace, the source of contention, every day generates so many new disputes that unless justice with its might restrained its attacks and force and untangled the disputes it causes, it would swallow up the whole discipline of our Christian army, and the commonwealth in which we live and reign would be destroyed, and for this reason laws and statutes are instituted, in order that harmful greed may be limited by the rule of the law, through which humankind is instructed to live decently, not to injure their neighbours and to give to everybody his right, and in order that our army may be happily governed in both war time and peace time and the said commonwealth remain prosperous; and, on the other hand, in order that the constable and marshal of the said army, when dealing with cases brought before them on a daily basis, may judge and discern the more prudently in each case, We, with

*Seigneur de Saint Remy*, ed. F. Morand, 2 vols (Société de l'Histoire de France, Paris, 1876–81), vol. 1, pp. 67–8. Monstrelet gives a similar panegyric but the last phrase on 'la discipline de chevalerie' is excluded (*La Chronique d'Enguerran de Monstrelet*, ed. L. Douet-D'Arcq, 6 vols (Société de l'Histoire de France, Paris, 1857–62), vol. 4, p. 116).

the advice of our nobles, lords and magnates, have publicly proclaimed certain statutes, ordaining that each and every captain in our said army is to have the same statutes in writing, so that our publication is to be considered sufficient warning and no subject shall be able to pretend ignorance concerning the same constitutions and statutes.<sup>112</sup>

### *Appendix 2: Concordance of Clauses*

I have listed all the clauses found in the five versions considered in this essay. For ease of reference, each separate clause has been given a reference letter. The clause is worded as in the first version listed thereafter. Where the other versions follow this wording (small variations have been discounted), only the location of the clause in the version is given. Where there are substantial variations, these are indicated.

#### Abbreviations:

1385: Ordinances of Richard II from BL Cotton Nero D vi, fols 89r–90r, printed in *The Black Book of the Admiralty*, ed. T. Twiss, 4 vols (RS, London, 1871), vol. 1, pp. 453–7.

Mantes: BL Lansdowne 285, fols 141r–147r (new foliation), printed in *Black Book of the Admiralty*, vol. 1, pp. 459–72.

SJC: Ordinances issued by Henry V, from St John's College Oxford MS 57, fols 236v–240v.

Upton: Latin ordinances of Henry V, in Nicholas Upton, 'De Studio Militari', from BL Cotton Nero C iii, fols 42r–45r, printed in *De Studio Militari*, ed. E. Bysshe (London, 1654), pp. 134–45.

LI: Ordinances given in Lincoln's Inn MS xlvi, printed in Twiss, *Black Book of the Admiralty*, vol. 1, pp. 282–95.

a. All of whatever estate, condition or nation to obey king, constable and marshal; forfeiture of body or goods. 1385, 1; Mantes, 1; SJC, 1; Upton, beginning of 3; LI, 1.

b. Not to touch body of Our Lord or vessel in which it is; penalty, to be drawn and hanged, and beheaded. 1385, 2; Mantes, 2 adds 'unless a priest', penalty hanging and drawing only; SJC, 2, as Mantes; Upton, end of clause 1; LI, 2, as Mantes.

c. Not to rob or pillage a church, nor to attack man of church or woman, nor to take prisoner unless armed, nor to rape a woman: hanging. 1385, 3; Mantes, 3 adds 'of goods and ornament belonging to church'; for killing and rape, penalty is death; for taking prisoner, imprisonment and body at king's will; SJC, 3, as

<sup>112</sup> My thanks to Dr Lena Wahlgren-Smith for assistance with this translation.

Mantes; Upton, pillage of church is at beginning of 1, remainder in 2, penalties as Mantes; LI, 4, as Mantes.

d. Not to go forward under banner of lord or master unless they are harbingers (*herbergeours*) whose names are given by lord or master to constable and marshal; penalty hanging. 1385, 4; Mantes, 4, penalty, horse and harness put into ward of constable and marshal until offender has made fine with them and found surety that he will not reoffend; SJC, 4, as Mantes; Upton, first section of 8, penalty arrest and goods in custody of constable and marshal until sufficient fine made; LI, 4, 'titulo de hospiciis capiendis in principio', penalty as Mantes but adds that no man should lodge himself but be lodged by the king's harbinger and obey him, under the same penalty 'e titulo septimo'.

e. Not to take lodgings (*herbergeage*) unless by assignment of constable or marshal and harbingers, and once allocated, not to remove self from it for any reason; forfeit horses and harness and body in arrest and will of king. 1385, 5; Mantes, 5; SJC, 5; Upton, second section of 8, adds that no man should lodge himself but be lodged by the king's harbinger and obey him, under the same penalty; LI, 5, 'titulo de hospiciis capiendis'.

f. To obey captain in keeping watch, guard and foray, and anything else for a soldier to do; loss of horses and harness, body in arrest of marshal until he makes agreement with lord or master according to the award of the court. 1385, 6; Mantes, 6; SJC, 6; Upton, second part of 3; LI, 6.

g. Not to rob anyone of victuals and forage or anything else, nor of victuals and other merchandise which comes for refreshment of host; beheading; rewards of 20 nobles to those who give information to constable and marshal. 1385, 7; Mantes, 8, adds not to rob of any other the livelihood that they have by buying; in second section specifically mentions victuallers, merchants and other persons coming to market with victuals for host; penalty for both is death. No mention of informer. Adds clause that none rob others of either 'horsemeat or man's meat' nor anything else which is acquired from goods of enemy; penalty horse and harness in arrest of constable and marshal until fine be made with them, and body at king's will; SJC, 8, as Mantes; Upton, 11, no one rob any merchant of any goods especially victuals on pain of death. Order extends to 'medici et barbitonsores'. Also no soldier to rob another of his victuals, horse or fodder that he has bought lawfully, on pain of death. No soldier of whatever degree to steal or take away from another what the latter has acquired from the goods of the enemy by his own just labours, such as victuals, hay, straw, oats, wheat, wine, oil and such like, penalty arrest of body to be punished at our will. LI, 8, 'titulo de spoliis non fiendis per totum', as Mantes.

h. In disputes over arms, prisoners, lodging, not to make riot, etc. in the host, nor make assemblies of men; leaders of such assemblies to lose horses and harness and body arrested at will of king; grooms and pages to lose left ear; but if anyone has a grievance they should present it to constable and marshal and right will be done. 1385, 8; Mantes, 9, adds detail that leaders to lose horses and harness until they have made fine to constable and marshal and their bodies to be arrested at king's will; SJC, 9, as Mantes; Upton, fourth section of 8, also

notes that if a more serious offence to be punished by decision of constable and marshal; LI, 9, ‘titulo de hospiciis capiendis etc. Item prohibemus’, as Mantes.

i. Not to make contest or debate in host on account of past or future hatreds, by which deaths arise; those responsible or consenting to be hanged, and if they have cried their own name or that of their lord or master in order to cause men to rise up, those who cry to be drawn and hanged. 1385, 9; Mantes, 10, adds captain before lord and master; SJC, 10, as Mantes; Upton, second section of 6, penalty hanging. Also relevant is fifth section of 8, no man within his lodging or outside to make dispute with another by which death might arise, penalty of forfeiting body and goods. If death occurs, then to be hanged; LI, 11. Divides between two clauses: 10. ‘No man shall make debat in the ooste for any hate in tyme passed or to come, under peyne, etc. Titulo de hospiciis’ is 1385 clause 9 down to ‘hanged’, with 11 as remainder of 1385, 9.

j. Not to cry havoc; penalty of beheading; those starting the cry to be beheaded and have body hung by its arms. 1385, 10; Mantes, 11, those starting the cry to die and the rest to have horse and harness put in ward of constable and marshal until they have made fine, and bodies in prison at king’s will; as Mantes; SJC, 11; Upton, third section of 6, the commencer to be put to death and those who follow to be arrested and goods in ward of constable and marshal until he has made fine with them. LI, 12, ‘et titulo etc. Item si quis inventus fuerit qui clamorem inceperit qui vocatur havok’, as Mantes.

k. Not to cry ‘to horse’ (‘mounte’) or other cries which might bring danger to whole host; penalty of losing best horse if man-at-arms, horse if archer, or if foot archer or groom to have right ear cut. 1385, 11; Mantes, 12, does not draw distinction between kinds of troops; commencer to be put from horse and harness and body arrested by constable and marshal until he makes fine with them, and body and life at king’s will. Informer to have 100 shillings from constable and marshal ‘for his labour’; SJC, 12, as Mantes; Upton, first section of 6, does not draw distinction between kinds of troops; commencer to be arrested and horse and harness to be in ward of marshal until satisfaction made for his trespass; informer to get 100 *sous tournois*, which is 10 shillings in English money; LI, 13, ‘titulo supradicto in principio’, as in Mantes.

l. In any feat of arms where enemy brought to ground by a man who then joins the rout, and where another comes to take the pledge of the enemy, each to have half share in prisoner, but the one who has taken pledge shall have keeping of prisoner giving surety to his partner. 1385, 12; Mantes, 14; SJC, 14; Upton, second element of first section of 9, if an enemy thrown to ground and another takes his faith, the prisoner will be joint between them. He who takes the faith of the prisoner shall have the keeping of him, providing surety to the other for his share, adds before this as first element in first clause, ‘since in conflict and acts of war prisoners are often taken, and because of fear of the enemy a man cannot keep his prisoner in his custody, we wish to put a rule in writing where we declare that whoever takes the faith of an enemy will have that prisoner even if he has not kept that prisoner in his custody to the end of the conflict, unless the said prisoner is not found afterwards to defend himself’; LI, 15.

m. If anyone takes a prisoner and another comes to claim him threatening to kill him if he does not get his share, if he kills the prisoner he will be arrested by the marshal and not released until he makes agreement with the other party, and his horses and harness forfeit to the constable. 1385, 13; Mantes, 15, adds not to be released until he has made a fine after the decision of the constable; SJC, 15, as Mantes; Upton, second section of 9, penalty arrest by constable and marshal and not to be released until he has made fine after decision of the constable and marshal; LI, 16.

n. No one to ride out by night or day unless by licence and knowledge of the chieftains of the battle in which he is, so that the latter might come to their aid if necessary; penalty of losing horse and harness. 1385, 14; Mantes, 41, 'For making of roodes'; Upton, first section of clause 7, no one to make gathering of people to ride out of host to any county, town or fortress without our licence or that of the principal captain, so that they may always return to us for succour, penalty arrest and goods at our pleasure; LI, 32, 'No man make roode without licence. De equitacione generali in principio'.

o. In the case of any news coming to host, no one to move out of array whether in riding out or in the lodgings save by assignment of the chieftains of the battles; penalty of losing horse and harness to constable. 1385, 15; Mantes, 43, omits mention of lodgings, penalty is loss of horse and harness to ward of constable until he has made fine with them and found surety that he will no more offend, and his body to be at king's will; SJC, 33 (last clause), as Mantes but ward of marshal as well as constable; Upton, fifth and final section of 6, 'we prohibit when we are riding that any of our army should leave without our licence, whatever noise or clamours come to our host, penalty forfeit of goods to ward of constable and marshal and body to be arrested at our will, or in our absence at will of the principal captain of our army assigned by us'; LI, 34, 'de turbacionibus et clamoribus etc, finali'.

p. Each to pay third to his lord or master of all kinds of gains of war. Also to apply to those not in pay but lodging under banner or pennon of any captain. 1385, 16; Mantes, 16, adds penalty to lose his share of the winnings to his captain and his body to be in the ward of the marshal until he has made agreement with his master; SJC, 16, as Mantes; Upton, first section of 10, all captains, knights, 'scutiferi, armati et sagitarii' to pay third part to their captain or master without fraud, penalty to lose gains and body to be under arrest until fine made with his master (no mention of marshal). Second section adds that all those under our banner whether in royal wages or not, such as 'medici, mercatores, barbiton-sores', and such like, pay thirds of prisoners and other moveable goods acquired by them to us or the principal captain of our army; LI, 17, those lodging under banner or pennon of any captain described as 'leches, marchaunts, barbours and other as such as they that be', penalty as in Mantes.

q. No one to raise banner or pennon of St George or any other in order to draw men out of the host to go anywhere; if captains do this, penalty to be hanged and drawn; if others, to be beheaded and all goods and inheritances to

be forfeit to king. 1385, 17; Mantes, 17; SJC, 17; Upton, third section of 7; LI, 18, 'de generali equitacione etc'.

r. Everyone of our side, of whatever condition or nation, to bear sign of arms of St George on front and back, on the risk that if he does not do so and is wounded or killed, no one will carry any blame for this. No enemy to bear sign of St George whether he is prisoner or not, under penalty of death. 1385, 18; Mantes, 18, allows prisoners in ward of their masters to bear cross of St George; SJC, 18, also allows prisoners in ward of their masters to bear cross of St George, on pain of death. Not in Upton (although found in copy of Upton in BL Add MS 48,005); LI, 19, also allows prisoners in ward of their masters to bear cross of St George on pain of death.

s. When anyone takes a prisoner he is to bring him to his captain or master or else lose his share to the latter. Captain or master is to take prisoner to king, constable or marshal as soon as they can so that news and plans of the enemy can be known; penalty of losing his share of a third to the man who tells the constable or marshal. That everyone keep careful guard of their prisoner, who is not to ride at large in the host nor to leave his lodging except under escort so that he cannot see the confidential matters of the host; penalty of losing his prisoner, reserving to his lord or master, if the latter is not party to the default, the third of the whole value, the second part to go to the man who first took him and the third part to the constable, with the offender to be arrested and his body at the will of the king. Also not to allow his prisoner to leave the host in search of ransom save by leave of the king, constable, marshal or the chieftain of the battle in which he is. 1385, 19; Mantes, 20, replacing as soon 'as they can' by 'within eight days'; no mention of purpose being to know news and plans of enemy; also omits prisoner knowing confidential matters; third to marshal as well as constable; last section, not to allow prisoner to go out of host without safe conduct; SJC, 20, as Mantes; Upton, third section of clause 9, uses 'without delay'. Adds that if prisoner is a great man in the army and has power to display a banner ('vexillum') under the authority of the king, or if he is of the blood royal, duke, marquis or earl, or principal captain, then he will be prisoner of the principal captain of that part of the host, unless the captor is of equal or greater status to the prisoner in arms or in dignity, or a baron, or notable knight who had previously had a standard, then the principal captain shall come to an agreement with the captor giving him sufficient recompense for the capture. We wish also that the captain of master receiving the prisoner from his soldier, whether lance or archer, present him within eight days to us, our principal captain, or our constable or marshal, under pain of losing his share, which share will be given to the person who reveals the concealment to our constable or marshal. We further order that no one allow his prisoner to stray or go about freely or ride at his own will or remain in his household without good guard, on penalty of losing his prisoner, although the captain shall keep his third if he is not party to the offence. The second part we will adjudicate to the accuser, and the third part we assign to the constable and marshal, and also his arrest and punishment at our will. No prisoner to be allowed to leave without our

safe conduct or at least that of the principal captain, under penalty aforesaid; LI, 21, 'as soon as they can' is included, followed by 'so that he be no other way', but so too is 'within eight days'; no mention of purpose being to know news and plans of enemy; also omits prisoner knowing confidential matters; third to marshal as well as constable; last section, not to allow prisoner to go out of host without safe conduct.

t. Each to pay his watch in the host with as many men-at-arms or archers as assigned to him, and for as long as determined unless by leave of him before whom the watch is kept; penalty of beheading. 1385, 20; Mantes, 21; SJC, 21; Upton, end of clause 4, every captain to have sufficient watchmen in their lodgings especially at night, whether they are riding through countries, or in sieges of castles, fortresses or towns, on penalty of arrest, to be punished at king's will, plus beginning of 4, provision for the watch is to be made daily by the marshal of our host. Captains to help each other in keeping the watch. When they need to take rest, then the others to help to keep watch and save from enemies. None to depart from watch before appointed time without just cause approved by the constable and marshal; LI, 22.

u. No one, save the king, constable or marshal, to give safe conduct to a prisoner or anyone else, not to an enemy to come into the host; penalty of forfeiting all his goods to the king and being arrested, his body at the will of the king; penalty beheading. 1385, 21; Mantes, 22, adds 'for enemy to go from as well as into host', and at end, no one to break the safe conduct of the king on penalty of hanging and drawing, nor the safe conduct of the constable, and marshal, on penalty of death; SJC, 22, as Mantes; Upton, 13, no captain save only the head captain of our host or give enemy or prisoner licence to come to our host or to leave it without our special licence and our safe conduct or that of our constable, if his commission extends to this, on penalty of forfeiting body and goods. Second section forbids any man to grant safe conduct of his own authority under his own or anyone's seal, except the constable if we grant him such power, and no one break safe conduct given by king or constable, under penalty of hanging and drawing and forfeit of all his lands and goods; LI, 23, 'titulo de salvis conductis', adds 'for enemy to go from as well as into host', and at end, no one to break the safe conduct of the king on penalty of hanging and his goods and inheritances forfeit to the king, nor the safe conduct of the constable, and marshal, on penalty of death.

v. If anyone takes a prisoner he should take his faith and his bascinet or gauntlets as a sign he has been taken and put in pledge or that he has delegated the guard to someone else; penalty that if he does not do this and another comes and takes from an unguarded prisoner his bascinet or right gauntlet in gage, that he shall have him. 1385, 22, no direct parallel but see Mantes, 7; see SJC, 7; see Upton, first and second elements of first of 9; see LI, 7.

w. No one to retain a servant who is in covenant to someone else for this 'viage', whether soldier, man-at-arms, archer, or page and groom, after he has been claimed by his master; penalty to be arrested until he makes satisfaction with the complainant by the award of the court, and his horse and harness forfeit

to the constable. 1385, 23; Mantes, 23, ends with horse and harness to be with constable and marshal until he makes fine; SJC, 23, ends with horse and harness to be with constable and marshal until he makes fine; Upton, third part of clause 5, unless by the will of the man who was previously his master; LI, 24, ends with horse and harness to be with constable until he makes fine.

x. No one to go foraging ahead of the lords or anyone who makes the 'stale' for the foragers; penalty if a man-at-arms is to lose horses and harness to constable and his body to be in the arrest of the marshal, if an archer or valet or groom, to have his right ear cut off. 1385, 24; Similarities with Mantes, 24; SJC, 24; Upton second section of 7; LI, 25.

y. No one to lodge save by assignment of the harbingers who are assigned to this duty; penalty if a man-at-arms is to lose horses and harness to constable and his body to be in the arrest of the marshal, if an archer or valet or groom, to have his right ear cut off. 1385, 25.

z. Each lord to deliver the names of their harbingers to the constable and marshal; penalty if anyone advances or takes lodging and his name is not so delivered, he will lose horse and harness. 1385, 26.

aa. At a battle or other deed of arms where prisoners are taken, the man that first takes the pledge of a prisoner may have him and will not need to stay with him to the end of the 'journée', and no one else can take him for his prisoner unless it be proved that the prisoner is his. Mantes, 7; SJC, 7; Upton, first element of first section of 9, since in conflict and acts of war prisoners are often taken, and because of fear of the enemy a man cannot keep his prisoner in his custody, we wish to put a rule in writing where we declare that whoever takes the faith of an enemy will have that prisoner even if he has not kept that prisoner in his custody to the end of the conflict, unless the said prisoner is not found afterwards to defend himself; LI, 7, 'titulo de prisonariis'.

bb. When king chooses to take musters of the host, none to have men with him other than those who were 'witholden' with him for the viage; penalty to be considered false and to lose wages and payment due to him. Mantes, 13; SJC, 13; Upton, second section of 5; LI, 13, 'de moustris ... publicis, etc principio'.

cc. No assault of castle or stronghold by archers or any other of the commons without the presence of a man of estate. If any occurs, and king, constable or marshal is sent for to interrupt it, no one shall continue to make assault thereafter, and if anyone does, the penalty is imprisonment and loss of all profit won in the assault and his horse and harness in ward of constable and marshal. Mantes, 19; SJC, 19; Upton, 12, 'without presence of captain specially ordered'; LI, 20, 'titulo de assaultis', 'a special assigned' is expression used in place of 'a man of estate'. Second sentence reads 'and if any such assault be made without a captain after that proclamation is made by the king or constable and marshal', but penalty is the same save it ends after 'in ward' and does not mention constable and marshal.

dd. No one to depart from the stale without leave and licence of lord and master; penalty to be arrested and in ward of marshal and his life at the king's will, and also to lose all his winnings of the day, but lord and master to keep

their thirds of his winnings, and the lord of the stale to keep the rest, from that day until ordinance is kept. Mantes, 24; SJC, 24; Upton, second section of 7, 'if we order a general riding out, no one to go out of the company of their captain without his licence, penalty arrest and losing of his gains of the day, one third to immediate captain and other two parts to head captain of the riding. We wish this statute to be kept inviolate by all during any ridings'; LI, 25, 'De equitatione generali etc. Item si contingat aliquam generalem equitacionem fieri, ordinamus.' Adds at end, 'if any cry be made every man shall draw himself to the chief captain.'

ee. If any cry arises in the host, when they are lodged, that they should draw themselves to the king or chieftain of the battle leaving their lodging sufficiently well kept, unless the enemy fall on that side, in which case the captain should stay there himself with all his men. Mantes, 25; SJC, 25; Upton, fourth section of 6, adds that this should be fully observed with respect to the 'persona principalis capitanei' in absence of king 'pro illo viaggio'; LI, 26, 'de turbacione et clamoribus etc. item si aliqua turbacio'.

ff. If any country or lordship is won or by free will offered to the king's obedience, no one should rob or pillage there after peace is proclaimed: penalty death. If anyone, whatever his degree, comes into king's obedience, no one should rob him on same penalty, if he bears a token of the king. Mantes, 26; SJC, 26; LI, 27.

gg. None to ransom or sell his prisoner without licence of his captain who has indented with the king under his letter and seal. Penalty is to forfeit his share in the prisoner to his captain and himself to be in arrest of the marshal until he has made agreement with his captain. No one is to buy such a prisoner on penalty of losing what he paid for him and the prisoner to be arrested by his captain. Mantes, 27; SJC, 27; Upton, last section of 9, prisoner will be adjudicated to the captain, the purchasers ('emptores') of prisoners also to be punished by losing the prisoner; LI, 28, 'titulo de prisonariis', prisoner to be given to captain.

hh. No one to take a child less than 14 unless he is the son of a lord, a worshipful gentleman, or captain, when he is to bring him to his lord, master or captain on penalty of losing horse and harness and his share of the child, reserving to lord, master or captain their due unless they were consenting. The latter to bring child to king or constable within eight days. Mantes, 28.

ii. No one to enter chamber or lodging of a woman in childbirth or rob her of goods which she needs for her refreshing, or to make any affray which might endanger woman and her child; penalty is loss of goods, half to the man who accuses him and half to constable and marshal, himself to die unless king gives mercy. Mantes, 29.

jj. If any man is condemned to death by king, constable, marshal or 'judge ordinary or any other officer lawful'; no one should attempt to rescue him to resist the king's judgement; penalty that if the man has been condemned for treason, all those involved in attempt to free him should be beheaded, and in any other

criminal defaults, the man leading the resistance to have the same death as the condemned man, and the rest to be at the king's will. Mantes, 30.

**kk.** No one to build or strengthen any place dismantled by the king or his council without command of those who have the power. No one to compel any area which is in obedience of, or paying *appatis* to, the king to make demands for repairs or watch and ward of the place, on penalty of losing horse and harness and having to make restitution and satisfaction in terms of costs and damages to the area where he has committed the offence, and his body to be at the king's will. Mantes, 31.

**ll.** No one to rob or pillage the lodgings of any one else after they are assigned by the harbingers or to lodge themselves without leave of the person to whom the lodgings are assigned, penalty imprisonment at the ward of the constable and marshal. Mantes, 32.

**mm.** No one to take from anyone, within the king's obedience, ploughing, harrowing, or carting any horse, mare, or other beast of labour without making recompense, on pain of death. No one to impeded any form of labour; penalty to be imprisoned until he has paid fine according to the award of the constable and marshal. Mantes, 33.

**nn.** No one reproach any one because of the country he is of, whether French, English, Welsh or Irish or of anywhere else, and that no one say anything villainous to anyone through which any sudden killing or risings might occur. All such 'barrators' to be at the king's will as to what death they should suffer. Mantes, 34.

**oo.** If anyone takes an enemy who has been sworn or billeted or anyone who owes allegiance to the king (i.e. English, Welsh, Irish or any other), he should bring him to the ward of the constable and marshal as soon as he comes into the host or elsewhere; otherwise, penalty to have the same death as the traitor or enemy should have. But otherwise reward of 100 shillings from king, constable or marshal for bringing such traitors and enemies in. Mantes, 35.

**pp.** All to obey king's sergeants, gate keepers of places or any other officers made by constables, marshals or any other officers appointed, and that no one break the king's arrest; penalty to lose horse and harness and body at king's will, and if he kills or maims them, to suffer death. Mantes, 36.

**qq.** No one, on pain of death, should carry out burning without special command of the king. Mantes, 37; SJC, 28; Upton, fourth section of clause 7, mentions building only ('*edificia, domum vel domos*'); LI, 29, '*titulo de equitacionibus generalis etc finali*'.

**rr.** All to keep the watch in lodgings day and night: penalty is to be arrested until he has made fine and ransom with king and at king's will. Mantes, 38; SJC, 29; LI, 30.

**ss.** If anyone finds wine or other victuals, he should take only as much as he needs and save the remainder for the rest of the host without any destruction; penalty his horse and harness to be arrested until he makes fine with constable and marshal. Mantes, 39; SJC, 30; Upton, third section of 8; LI, 31, '*titulo de*

hospiciis capiendis etc. Item si contingat aliquem in hospicio vel extra hospici-  
cium etc'.

**tt.** Since the king considers the articles written above should be cried in the host, he wills that a copy be given to every lord and governor of men in the host so that they might have full knowledge and inform their men of the foresaid ordinances and articles. Mantes, 40; SJC, 31; Upton, end of preamble; LI, 35, 'titulo primo, incipiunt statuta'.

**uu.** No captain of any ward grant 'roodes' (ridings) without the licence of the king. Mantes, 42; SJC, 32; LI, 33.

**vv.** When there is a shortage of victuals or fodder for horses and the captains think it necessary to send to a village for this, all manner of soldiers should be ready to ride or go for the same at order of their captains, punishment arresting of body and goods. Upton, third section of 3.

**xx.** Merchants who ride with the army or merchants coming to our army to sell should be obedient to king, constable, marshal and clerk of market. Upton, fourth section of 3.

**yy.** All deals, pleas and defaults should be determined in our court by the judgement of the constable and marshal, or in the absence of the constable, of our marshal. Applies to soldiers and merchants as well as 'operarii manuales necessari ut sutores, scissores, barbitonsores, medici et lotrices et nostri exploratores'. Upton, fifth section of 3; see LI, 8.

**zz.** So that watch can be kept duly and without fraud, all captains of our army are to make 'monstraciones seu ostentionibus' before our commissaries of all types of soldiers with their weapons, armour and artillery after the number assigned to them and as often as they are required. Upton, beginning of 5.

**aaa.** Commissioners for musters to enquire that all soldiers show only their own armour without fraud, which we wish particularly to be observed in the case of bows and arrows. If necessary, the commissioners can compel the master or captain to make oath to tell the truth. Upton, last section of 5.

**bbb.** Prostitutes not to be allowed to stay with our host, especially at sieges of towns, castles, or fortresses, but to be located at least one league removed from the army. This also to be observed in towns, castles, fortresses taken by us and our captains, or surrendered to us. Such women are not to stay within towns, castles or fortresses or maintain any house, large or small, on penalty of breaking of their left arm if after one warning they are found at large or hidden in the prohibited place. Upton, 14.