

GENTRY AND LOCAL POLITICAL SOCIETY IN THE FIFTEENTH CENTURY  
ENGLAND: AN ARBITRATION OF THE STONOR DISPUTE

YUKIO ARAI

OCHANOMIZU UNIVERSITY

1.

Recent local and political studies of the fifteenth century England often refer to an arbitration and compromise of disputes, and they emphasize a role of arbitration to settle disputes within a local political society. Such studies also emphasize a role of gentry to perform an arbitration, because the majority of a local political society consisted of gentry. But they don't explain the gentry's motive to seek an arbitration as if it were an obvious truth. Why did the gentry of a local political society often use an arbitration to settle disputes? This is an attempt to answer this question.

To achieve this aim, I will take two steps. The first step is to reconsider recent articles from the viewpoint of gentry and their society. The second step is to give a concrete example of arbitration and to examine social relationships of all the persons concerned, mainly gentry, and to assess the arbitration in the context of social and political relationships of gentry.

Dr Edward Powell mentions the problem of two conflicting lines of research facing the student of public order in England. These two lines are, according to Dr Powell, the institutional historians and the historians of crime. The legal historians, the former, tend to regard arbitration procedures as alternative forms of dispute resolution and argue that an evidence of arbitration testifies primitive levels of legal thinking and the lack of effective governmental power in the fifteenth century England. The social historians, the latter, tend to regard arbitration as the evidence of social disorder and argue the inadequacies of legal system during the period. But the history of arbitration doesn't come into its own from both lines of research.<sup>(1)</sup>

Dr Powell investigates arbitration procedures among the gentry classes in the fifteenth century England, especially based on his study of Shropshire, and he argues that arbitration procedures continued to perform functions to which the law courts could not aspire. He suggests that litigation and arbitration were not mutually exclusive processes, but that the two might complement one another and combined in an overall strategy for the resolution of a dispute.<sup>(2)</sup>

Although Dr Powell's suggestion is very attractive, but his argument needs to be reexamined more precisely within a

local and political context because, I think, he doesn't fully carry out the investigation of arbitration: the social relationships of all the persons concerned with an arbitration need to be fully investigated.

Dr. Powell points out several features of an arbitration: the use of mediators for the preliminary negotiations, the local prominence and high standing of the arbitrators, and the large retinues allowed the both parties for the loveday -- a formal confrontation for the reconciliation between the two parties or the appointed day of its ceremony --. He argues that, from these features, arbitration was an attempt on the part of the gentry community to contain a violent dispute and to exert pressure on protagonists to accept a peaceful solution.<sup>(3)</sup>

He stresses, in addition, that the most important characteristic of arbitration is the essential role played by members of the local community in promoting the resolution of disputes by compromise. The involvement of the local community means, according to him, its emphasis on peace-making. So the arbitrators' role led them inescapably towards framing a settlement that would be acceptable to both sides in a dispute. The 'losing side' of a dispute was allowed some compensation by the arbitrators to ensure that both parties were satisfied and that no one left empty-handed. Also the arbitrators sought to create lasting new social ties, such as the transfer of a small amount of annuity or the being under a common lord, between recently

conflicting parties.<sup>(4)</sup> He concludes that all these features derived from the local community's demand for the peacekeeping. This argument leads me to some questions: what was the local community of gentry? why did the gentry community need to make peace within their members? The answers may be found out only by the investigation of the social relationships of all the persons concerned with an arbitration. But before the investigation of an arbitration case, we will keep on reviewing recent articles.

2 - b.

Dr Christine Carpenter argues, in her article on law and landowners in late medieval England, that one should examine a dispute -- and an arbitration -- within the context of local political structure. She points out that, while discussions of the impact of high politics on local conflicts in this period have become commonplace, these studies have isolated the dispute in question -- and the arbitration in question -- from the participants' wider involvement in local politics. She argues that an analysis which looks at the relationship between one conflict and its environment may prove illuminating.<sup>(5)</sup>

In her article, Dr Carpenter investigates the dispute on the Mountford inheritance and the attempt to settle it by the arbitration during the mid-fifteenth century Warwickshire.<sup>(6)</sup> The dispute started from the decision of

Sir William Mountford of Coleshill in north Warwickshire, one of the great landowner of the county, to disinherit Baldwin, his heir by his first wife, of the most important family estates, in favor of Edmund, the eldest son of his second marriage. This dispute became the conflict which developed between Warwick and Buckingham for control of the shire, because Baldwin linked to the Earl of Warwick, Richard Nevill, and Edmund linked to the Duke of Buckingham, Humphrey Stafford. According to Dr Carpenter, any magnate wished to increase his worship and to gain the actual power of lordship over the gentry by intervening successfully in disputes as an arbitrator. It was achieved by putting pressure on local officials and juries and, in the last resort, through aiding and abetting violence.<sup>(7)</sup> Although both sides, Warwick and Buckingham, exchanged accusations and other means, Warwick's growing capacity to act as both proctor and arbitrator was bringing him political ascendancy over Buckingham in Warwickshire. In 1454, Warwick's superiority in the county and his association with the Duke of York made it possible to force arbitration on Edmund and his powerful friends -- the Duke of Buckingham -- .

The verdict of the arbitration was remarkably evenhanded, leaving Coleshill with Edmund while allotting Ilmington, the other principal Mountford manor at issue, to Baldwin. But both sides didn't accept this verdict, and the arbitration ended in failure. In late 1456 Warwick went to Calais, and the county's political situation leaned largely

to Buckingham. Baldwin was detained and was forced to agree to release his manors at issue.

The response of the Warwickshire landowners to Baldwin's disinheritance was very surprising one. When Baldwin relinquished his right to manors at issue, not a single Warwickshire landowners would act as cofeoffee for the manors at issue. Moreover, Edmund Mountford, the now one of the most considerable Warwickshire landowners, did not act as feoffee or witness for a single Warwickshire landowning family. On the other hand, even in 1457 Baldwin was witness to a family settlement. Warwickshire landowners, according to Dr Carpenter, thought that Buckingham and Edmund, by their tyrannical action, passed the boundaries of acceptability. So Baldwin was accepted as a member of the Warwickshire landowning society but Edmund wasn't. Dr Carpenter concludes from this affair that landowners had a clear sense of the point at which normal interferences ended and tyranny began.<sup>(8)</sup> It is the arbitration of 1454 that made this point clear.

Dr Carpenter's investigation explains the magnates and lords' motive for intervening in disputes as arbitrators. Also it explains that the gentry had a common sense that, if the award of arbitration was a reasonable one, the disputants ought to accept the award. But why did landowners generally regard that an arbitration should be accepted? What was the motive of the gentry for seeking an arbitration to settle disputes? Dr Carpenter's study can fully not

answer these questions, because Dr Carpenter's main concern is in the relation between the structure of political society and the law.<sup>(9)</sup> To answer these questions, it is indispensable to investigate an arbitration from the viewpoint of gentry, and to examine the relationship among the gentry who appeared in one award of arbitration.

### 3.

In the late-fifteenth century, a family trouble broke out at the Stonors, and the Stonor Letters tells us the whole story of the dispute and the award of the arbitration.<sup>(10)</sup> If we examine the relationship between this conflict and its environment, and also examine the social relationship between the gentry appeared in the award of the Stonor dispute, the motive of the gentry will be explained.

The Stonor family was established at Stonor in Oxfordshire about five miles north of Henley during early in the reign of Edward I.<sup>(11)</sup> During the fourteenth century, the Stonors built up a fortune by successful marriages and their profitable positions as a judge of the central law courts. At the end of the century, the Stonors had considerable estates in Oxfordshire and its neighbor counties.<sup>(12)</sup> The Stonors were one of the wealthy county families among the Oxfordshire knights and esquires.<sup>(13)</sup>

Thomas Stonor, the head of the family, before his death on April 23, 1475, made provision for his three daughters in

his will: each daughter would receive 200 marks at the marriage. To make the large sum of money and to pay all his debts, Thomas ordered to dispose of the family manors.<sup>(14)</sup> Perhaps, I think, the heir William opposed the disposition of lands because it would lead to break down the unity of the family estates, although William's mother Jane, supporting her daughters, intended to dispose of the manors. So the dispute began between mother and son about the performing of Thomas's will, especially about the settlement of estates. After exchanging controversies and variances, the matters in dispute were submitted to three arbitrators: Richard Fowler, Humphrey Forster, and William Danvers, who gave their award on Nov.28, 1475.<sup>(15)</sup>

The award began by the following statement, 'of all the controversies and demands between William Stonor and his mother Jane, both William and Jane compromised to the arbitration. We [arbitrators] arbitrate, ordain, and deem in the following manner...' The bulk of award concerns with the settlement of family estates. The arbitrators permitted William to deduct from his payment the sum which Jane had spent from his manors' income, and a third part of the award is assigned to the statement of the sum and the name of the manors.<sup>(16)</sup> It shows that the main family estates settled to William because it is clear that the named manors belonged to William.

At the moment, we will will look carefully at other noteworthy clauses. William is ordered to pay the following



expenses for his mother: the cost of the funeral of his father, £74.2s.5d., the cost of the probate of the testament, 40s., the expense of his father's household since his father died, and all the debts and costs towards performing his father's last will. Also William is ordered to confirm jointure for life to his mother Jane, and to found sufficient surety to Jane and her coexecutors to secure the performing the last will of his father.

On the part of his mother Jane, it is ordered that she should deliver the basen [the vessel], pots of silver to her son William before Christmas Day, and also she should deliver the blak boke [the account book of her husband] to her son before Easter Day. She should found sufficient surety to William so that she and her coexecutors would maintain all the actions to be taken by the advise of William -- continue lawsuits as collusive actions -- for any matter touching the testament of Thomas.

First of all, from this award, it deserves our attention that the arbitrators gave scrupulous care to last the reconciliation of the two for long time. We can read the care from the arbitrators' order that William should assure Jane of jointure and that Jane should assure William of the handing over the family estates and the household to William. The arbitrators regard the account book and the pots of silver as the symbol for the household of Thomas. It is clear, from the time-lag between the deliberation of the pots and the deliberation of the book, that the arbitrators

consider the feeling of the mother Jane to her satisfaction. The arbitrators avoided being too severe, so that Jane would have enough time to be convinced of.

Secondly, the arbitrators pay the special attention to the unity of the family estates so that the family dispute should not be a live coal to build a fire with. They impose the security on both sides for the execution of the will and the virtual withdrawal of the lawsuits, because the peaceful solution of these two problems is the most important key to the stability of the family estates.

Now we will see the surrounding environment of the Stonors. After the death of Thomas, the head of the family, the dispute over the inheritance began between the heir William and a husband of his sister who was excluded from the inheritance by the will of Thomas.<sup>(17)</sup>

According to Dr Simon Paylmg, the inquisitions *post mortem* could be, and frequently were, exploited in the furtherance of property claims. A disputant could purchase a false return of inquisition from juries and escheators, so that he could easily bring a suit against the heir of the dead.<sup>(18)</sup>

The inquisitions *post mortem* of Thomas were the chance for the outsiders who were watching for the Stonors' fortune. The heir William had to defend his inheritance against enemies by making full use of his legal ability. The memorandum of the expenses of an inquisition *post mortem* tells us that William paid the costs of dinners and that he

bribed the escheators and sheriffs.<sup>(19)</sup> In spite of all his effort, the lawsuits occurred frequently since the inquisitions.<sup>(20)</sup> It is just under the situation of the crisis of the family's fortune that the family dispute was submitted to arbitration.

So far, we have seen the award itself and the surrounding environment of the family. Now let us turn our eyes to the three arbitrators. Who were they? Why did they meddle in the family dispute of the Stonors? To answer these questions, we have to look at the positions of the arbitrators in the Oxfordshire political society, and to look at the relationship between the arbitrators and the Stonors.

The first of the arbitrators, Richard Fowler of Rycote, Oxfordshire, was a lawyer of the Temple, the Chancellor of the Duchy of Lancaster, 1471-1477, and also the Chancellor of the Exchequer, 1469-1471. <sup>(21)</sup> He was a influential Oxfordshire gentleman who had a close connection with the central government. His name often appeared in the legal problems of the county. He was named in a letter(1474) to William Stonor as a 'wurshupfull in your contre [worshipful person in the county]' regarding legal disputes.<sup>(22)</sup>

The Fowlers and the Danvers were relatives. In addition, Richard Fowler married to a sister of William Danvers, the third arbitrator.<sup>(23)</sup> Thomas and William Stonor owed £40, in a bond(c.1471), to Richard Fowler, and the borrowed money from Richard was £33.6s.8d in 1475.<sup>(24)</sup> It

shows that the Fowlers and the Stonors trusted each other and that they were closely connected.

The second of the arbitrators, Humphrey Forster of Harpsden near Henley, Oxfordshire, was a lawyer, one of the Members of Parliament for Oxfordshire in 1467-1468, and the sheriff and one of the Justices of the Peace for Oxon. at the arbitration.<sup>(25)</sup>

He and the Fowlers were related by marriage.<sup>(26)</sup> As he had been the husband of Thomas Stonor's sister, he was an uncle to William Stonor. The Forsters had been the feoffees for the Stonors' estates for generations, and had connected closely to the settlements of the Stonors.<sup>(27)</sup> Humphrey Forster once had been one of the custodians of Thomas Stonor during minority and acted as sureties with Thomas for a bond.<sup>(28)</sup> He was a relative of the Stonors and the Fowlers, and a influential Oxfordshire esquire.<sup>(29)</sup>

The third of the arbitrators, William Danvers of Thatcham, Berkshire, was the younger brother of Thomas Danvers of Waterstock, Oxfordshire. As he was one of the J.P.s for Oxon. with his brother at the arbitration, he worked as a colleague of Humphrey Forster. Later he became the Justices of King's Bench. He and the Danvers were a influential landowner of Oxfordshire.<sup>(30)</sup>

The Danvers were the Stonors' neighbourhood, and William Stonor acted as a witness for the Danvers in a bond(1469), so the Danvers and the Stonors were closely connected, too.<sup>(31)</sup> The Danvers connected with the Fowlers

not only as a relative but also as a colleague in legal matters.<sup>(32)</sup>

First of all, it is clear from these facts that all the three families were, just like the Stonors, prominent gentry of Oxfordshire and played an important role -- sheriff and J.P.s -- in the local political society at the arbitration.

Secondly, not only between the Stonor and these three families but also between these three families, there were several relationships -- by marriage, land settlements, estate management, and local politics -- for generations.

It is within the network of these relationships of the gentry that the Stonors existed. The Stonors, from the late fourteenth to the early fifteenth centuries, met the misfortune to lose one head of the family after another. The neighboring friend families, such as the Fowlers and the Chaucers, had the wardship of the small children of the Stonors. By the advises of these families, the Stonors intermarried with Oxfordshire gentry and conveyed estates to a group of feoffees to uses [left estates in trust with a group of persons] who were also Oxfordshire gentry, so the Stonors could manage to survive.<sup>(33)</sup>

Although the network of the social relationships of the gentry, thus formed, was useful to defend a family estate, it was complex and fragile because only a fluctuation of its smallest unit could become a fluctuation of the network itself. A family dispute was a chance for the outsiders who watched for a fortune, and one family's dispute could cause

a serious trouble of the other gentry because the gentry of a local society were related complicatedly each other. This is why the prominent gentry of the local society, as the arbitrators according to the common sense of the gentry, should meddle in the family dispute of the Stonors. They had to prevent the network from opening a seam for the stability of the local political society of Oxfordshire.

The arbitration was one of the informal measures to maintain public order and to defend the network from a fluctuation, and there were many other informal measures, such as the peace bond, affinity, fraternity etc., to tie a local society of gentry together in the fifteenth century England.<sup>(34)</sup> It may be possible to say that it is such measures that formed and constituted a local political society of gentry.

## NOTES

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