

The Ransom of Olivier du Guesclin

OLIVIER DU GUESCLIN is probably best known for the fact that he was the younger brother of Charles V's constable, the legendary Bertrand du Guesclin. The du Guesclin brothers had an unfortunate knack of getting captured. Bertrand himself was captured four times by the English and their allies between 1359 and 1367,¹ while another brother, Guillaume, the youngest, had to be ransomed for 2,000 francs from the king of Navarre and an English esquire called Henry Cornie in 1365.² Olivier's turn came in the winter of 1378-9, during the siege of Cherbourg. Until Bertrand's death in 1380, Olivier spent much of his life in the shadow of his elder brother,³ and the siege of Cherbourg was no exception: it was Bertrand who commanded the besieging French army, Olivier serving as one of his captains. Cherbourg was one of the fortresses in the Cotentin owned by the king of Navarre, Carlos II (the Bad). In July 1378, in return for a promise of English help against Castile, Carlos had agreed to lease Cherbourg to the English for three years,⁴ and during the subsequent French siege in the autumn and winter of 1378-9 it was defended by a joint force of English and Navarrese. The siege was a failure. Although there had been some preliminary skirmishing in the autumn, it was not until early November that the main body of the French army with its heavy artillery arrived. In early December Sir John Arundel, marshal of England, crossed from Southampton to take charge of the defence.⁵ Olivier's capture seems to have occurred within a few weeks, if not a few days, of Arundel's arrival, and soon after this the siege was abandoned, mainly because the weather had turned bitter.⁶

Both Froissart and the author of the *Chronique des Quatre Premiers Valois* treat Olivier's capture as the main event of the siege,⁷ but the accounts of the episode

¹ P. Contamine, *Guerre, État et Société à la Fin du Moyen Âge* (Paris, 1972), p. 578. I would like to thank my friend Dr. Michael Prestwich for his comments and suggestions on the first draft of this paper.

² *Le Compte des Recettes et Dépenses du Roi de Navarre en France et en Normandie de 1367 à 1370*, ed. E. Izarn (Paris, 1885), p. 217.

³ Despite the fact that Bertrand's contemporary biographer records that the two brothers quarrelled in childhood, Olivier seems to have served under his brother on most of the latter's major expeditions (*Chronique de Bertrand du Guesclin par Cuvelier*, ed. E. Charrière (2 vols., Paris, 1839), i. 6; ii. 20, 38, 100, 128, 137; and R. Delachenal, *Histoire de Charles V* (5 vols., Paris, 1909-51), iii. 129; iv. 508 n. 7). *Chronique de Bertrand du Guesclin*, i. 78-95, also records at length an episode which occurred at the siege of Dinan, when Olivier was mischievously captured by an English knight, Thomas de Canterbury, during a period of truce, and Bertrand rode into the English camp to secure his brother's liberty.

⁴ P. E. Russell, *English Intervention in Spain and Portugal in the time of Edward III and Richard II* (Oxford, 1955), pp. 255-8.

⁵ Arundel agreed on 12 Oct. 1378 to take 300 men-at-arms, 200 archers and 60 bailisters to strengthen the garrison, and on 12 Dec. a royal warrant ordered 1,000 marks to be paid to him for the revictualling of the town (see the notes by M. Gaston Raynaud in his introduction to *Chroniques de Jean Froissart*, ed. S. Luce and others (15 vols., Paris, 1869-1975, continuing), ix, pp. lv-lvi).

⁶ Delachenal, v. 221-2; *Chroniques de Froissart*, ix. 98; *Chroniques des Quatre Premiers Valois*, ed. S. Luce (Paris, 1862), p. 277.

⁷ *Chroniques de Froissart*, ix. 95-8; *Œuvres Complètes de Froissart*, ed. Kervyn de Lettenhove (28 vols., Brussels, 1867-77), ix. 96-8; *Chronique des Quatre Premiers Valois*, p. 276. The *Chronique de Bertrand du Guesclin*, i. 78, merely remarks that Olivier 'Puis fust à Chierebourt devant le chastel pris/Et avec les Engloiz de la mer tramis'; while the *Chronique des Règnes de Jean II et de Charles V*, ed. R. Delachenal (4 vols., Paris, 1910-20) does not mention the capture.

which they provide are somewhat divergent. According to Froissart, Olivier had ridden from Valognes (about seven leagues away) with a party of forty soldiers to make a reconnaissance of the town.⁸ Arundel was at the time being shown around Cherbourg by a Navarrese esquire called Jehan Cocq (or Jehans Coc), and when the latter heard that Olivier and his party had been spotted in the woods near Cherbourg, he told Arundel and urged that Olivier be followed. He said he thought he could lead Arundel to a place where Olivier could not escape capture and he suggested that the proceeds of the capture should be shared half and half ('et d(ou) clonquès tout soit moitié à moitié'). 'By my faith', replied Arundel, 'I wish it'. The two men took about a hundred soldiers, laid an ambush for Olivier and his party, and, with cries of 'Our Lady! Arundel!', set upon them. Despite Olivier's desperate attempts to save himself, he and about a dozen of his companions were duly captured.⁹ It was Cocq himself who actually captured Olivier. The unfortunate prisoner was then taken to Cherbourg castle, where he was told that he would pay 'bien quarante mil frans' for his ransom. Froissart is strikingly accurate here: 40,000 gold francs was indeed the sum at which the ransom was set.

Froissart concludes his account of the episode by relating that 'Oliviers de Claiequin' remained a prisoner for a time at Cherbourg in the custody of Cocq but that Arundel shared in the profit. Later Olivier paid the ransoms for himself and for all those who had been taken with him, but it took a long time ('mais ce ne fu mies si tost').¹⁰ There was of course rather more to it than this. The circumstances of Olivier's capture created understandable problems as to the division of his ransom, problems which it took nearly a year to sort out. John Arundel returned to England in March 1379, presumably bringing Olivier with him,¹¹ and he acted as a trier of petitions in the parliament which met at Westminster at the end of the month.¹² It was during this parliament that the question of Olivier's ransom first seems to have been discussed, for on 3 May a sergeant-at-arms of the king was directed 'to arrest and bring before the council in the present parliament at Westminster Oliver Claykyn, knight'.¹³ Unfortunately the records of this parliament contain no notice of any debate concerning the ransom, and the matter seems to have been shelved during the summer. It

⁸ This would seem to place the timing of his capture at a date before the siege began in earnest, which contradicts the evidence of the *Chronique des Quatre Premiers Valois*, which also states that Olivier had about 70 knights and esquires with him, including Olivier de Mauny and the Sire de la Roche, both of whom were also captured. Delachenal, *Charles V.*, followed closely the account of the *Chronique des Quatre Premiers Valois*, apparently ignoring Froissart's evidence. If Delachenal was right about the timing of the siege—and he probably was—then it is unlikely that the capture occurred before December, for John Arundel was certainly in Cherbourg at the time of the capture. Froissart may be wrong in stating that Olivier had come from Valognes; if the capture occurred in December, then the siege was by this time in full swing, and the French would hardly have been encamped 7 leagues away. On the other hand, Froissart's account is full of convincing circumstantial detail, and it is also true that the ease with which an Anglo-Navarrese party was apparently able to ride out of Cherbourg to effect the capture hardly suggests a close investment of the fortress. The evidence of the two chroniclers is irreconcilable.

⁹ The *Chronique des Quatre Premiers Valois* relates that a total of about 60 knights and esquires were captured.

¹⁰ *Chroniques de Froissart*, ix. 98. A variant of Froissart, printed by Kervyn de Lettenhove in *Œuvres de Froissart*, ix. 99, says that Olivier was sent to England, and remained for a long time a prisoner in London; then he was ransomed for a great sum.

¹¹ On 20 Feb. Arundel was still at Cherbourg (T. Rymer, *Foedera*, ed. A. Clarke, F. Holbrooke and J. Caley (4 vols. in 7, 1816-69), iv. 56). On 1 Apr. he was granted an annuity of £100 from the king, perhaps as a consideration for his success in helping to defend Cherbourg (*Calendar of Patent Rolls 1377-81*, p. 347).

¹² *Rotuli Parliamentorum*, iii. 56.

¹³ *Cal. Pat. Rolls 1377-81*, p. 363.

was re-opened, and decided, in October and November 1379. There is clear evidence for the competing claims of a number of parties. On 4 October 1379 Arundel and three other knights, Thomas Percy, Walter Pavely and William Clinton, acting as his sureties, entered into a recognizance with the king for 20,000 gold francs; on 10 October Matthew Gournay and Thomas Trivet, two English knights who had close connections with the king of Navarre, joined in the recognizance. The condition of the recognizance was that

if before Easter next it shall be found or proved that the king ought to have the ransom of Oliver Claykyn, brother of Bartholomew [Bertrand] Claykyn, a prisoner, or part thereof, the persons hereby bound shall content the king of so much as pertains to him, and in case it be not proved before Easter the same shall be null and void; and if the said Oliver shall die before proof so made, they shall not be bound to pay more than a proportion of what they shall receive of him.¹⁴

If the ransom had already been set at 40,000 gold francs, and the recognizance was made out for 20,000 gold francs, it seems the council was hoping to claim half the ransom for the king. Meanwhile the Crown had laid claim to the prisoner's person and lodged him in the Tower. On 6 October the constable of the Tower was ordered to 'bring before the king in chancery on this instant Thursday the king's prisoner Oliver Claykyn'.¹⁵

We do not know what decisions were arrived at when Olivier was brought into chancery, but within a further ten days the English king's claim to a share in the ransom appears to have been invalidated. On 20 October three highly experienced soldiers, Guy Brian, Matthew Gournay and Richard Abberbury, were commissioned by the council to hear the dispute between John Arundel and Carlos of Navarre 'et alios' concerning Olivier's ransom; they were to decide between the claims and report back to the council.¹⁶ The 'et alios' clause could hardly refer to the king, for he would surely have been named in person if his claim was still being considered. It must refer to Jehan Cocq and/or any person(s) to whom he had transferred his rights in the prisoner. As we shall see, it is highly probable that he had in fact sold his rights in Olivier to others.

The normal tribunal for deciding competing claims between rival claimants to a prisoner or his ransom was the court of chivalry, presided over by the constable and marshal, from which appeal lay to the king in chancery.¹⁷ It may have been that the court of chivalry dealt with this case in the summer of 1379, and that Olivier's appearance in chancery in October was as a result of an appeal from that court's decision, but this seems unlikely. The personnel of the court created a problem, for John Arundel himself was marshal of England at this time, and so was unlikely to be allowed to act as both defendant or plaintiff and judge. Moreover, there was some confusion as to whether England had a constable at this time.¹⁸ These circumstances must explain why a commission of three knights was set up to hear the dispute.

¹⁴ *Calendar of Close Rolls 1377-81*, p. 336.

¹⁵ *Ibid.*, p. 328.

¹⁶ Rymer, IV, 72.

¹⁷ G. D. Squibb, *The High Court of Chivalry* (Oxford, 1959), p. 17.

¹⁸ The king's uncle Thomas of Woodstock had been appointed acting constable in 1376, and in fact he was to retain the office until his death in 1397, but he acquired the office in the first place only in right of his wife, and when Richard II confirmed the appointment it was made clear that it was temporary (*Cal. Pat. Rolls 1374-7*, p. 279; Rymer, IV, 1, 5). In 1379, in answer to a petition from the commons requesting a restriction of the activities of the court of chivalry, the lords of parliament replied that, 'since the heirs who claim the office of Constable are of tender age, and in the wardship of the king', they could not deal with the petition, which implies that Woodstock's tenure of the post had still not been confirmed on a permanent basis (*Rot. Parl.*, iii, 65).

The commission reached its decision within three weeks. On 10 November the constable of the Tower was ordered 'to deliver Oliver Claykyn knight, imprisoned in the Tower at the king's command, to the proctors or attorneys of the king of Navarre, the attorneys of John Darundell and to Thomas Tryvet knight'.¹⁹ The English king's claim was clearly dead, and although the decision of the commissioners with regard to the division of the ransom is not recorded here, we know of it from another source. It was as follows: Carlos of Navarre was to have a third (33.3%); Arundel was to have a third of the residue (22.2%); the remainder (44.4%) was to go to two men called Johanco Dartaisso and Amcor de Solle.²⁰ The latter were jointly styled 'masters of the prisoner'.²¹ It may be that Froissart's 'Jehan Cocq' was in fact 'Johanco' Dartaisso, but it is more likely that Dartaisso and de Solle were third parties to whom Cocq had sold his rights in the prisoner. Dartaisso is elsewhere called a Gascon,²² and de Solle may have been one too.²³ This decision was communicated to Carlos of Navarre some time before the end of the year, and on 31 December 1379 he wrote from his castle of Tassaille confirming the agreement, in the following terms:

Whereas an agreement has been made between Thomas Trevet, knight, and Master Pascal Dylardye, clerk, acting on our behalf, Eneco de Sole and Johanco Dartasse, masters of Sir Olyver de Claeckyn, of the second part, and Sir John Darondell, claiming the third part of the ransom of the said Sir Olyver, of the third part, in accordance with which we ought to have the third part of the ransom aforesaid... which agreement we confirm by these presents, we acquit the said Eneco and Johanco as regards the value of the said ransom, and the said Sir Olyver, on condition that the latter pay us the third part of such reasonable amount as shall be determined between the said masters and Sir Thomas and Master Dylardye... our general proctors...²⁴

Once the division of the ransom had been agreed, and the amount of the ransom set, the problem for the claimants was to secure payment. Like most prisoners of the Hundred Years War, Olivier found the raising of his ransom a difficult business, and we do not in fact know just how much of it was ever paid, although some of it certainly was. A variety of factors served to complicate the issue still further, and eventually a dispute arising out of the case came to be heard in the mayor and aldermen's court of the City of London on 19 September 1381. It is from the record of these proceedings that we gain most of our knowledge of the case.²⁵

¹⁹ *Cal. Cl. Rolls 1377-81*, p. 278 (warranted by the council).

²⁰ *Calendar of Plea and Memoranda Rolls of the City of London, 1364-81*, ed. A. H. Thomas (Cambridge, 1929), pp. 297-300.

²¹ *Ibid.*; Rymer, iv, 128.

²² Dartaisso is a character of some interest. Despite apparently sympathizing with the Appellants in 1387-8, he later joined Richard II's household, undertook a diplomatic mission to Italy and the Empire for the king in 1392, and accompanied him to Ireland in 1399. Nevertheless in Nov. 1399 he was retained for life by Henry IV, granted annuities totalling 200 marks *per annum*, and made constable of Dublin for life as well as being showered with other grants and favours in the early years of Henry's reign. See M. Jones, 'The ransom of Jean de Bretagne, count of Penthievre: an aspect of English foreign policy, 1386-8', *ante*, xlv (1972), 20, 25; *The Diplomatic Correspondence of Richard II*, ed. E. Perroy (Camden 3rd ser., xlviii, 1953), p. 114; *Cal. Pat. Rolls 1396-9*, pp. 93, 279, 498; *Cal. Pat. Rolls 1399-1401*, pp. 74, 99, and see index; J. L. Kirby, *Henry IV of England* (1970), p. 100.

²³ I can find no mention of de Solle in the English records except in connection with this ransom.

²⁴ *Calendar of Select Pleas and Memoranda of the City of London, 1381-1412*, ed. A. H. Thomas (Cambridge, 1932), pp. 8-9.

²⁵ *Plea and Memoranda Rolls, 1364-81*, pp. 297-300. Unless otherwise stated, the details of the dispute are derived from this source.

The first, relatively minor, complicating factor was the death of John Arundel. He died, probably on 15 or 16 December 1379, in a storm off the Irish coast while bound for Brittany; the chroniclers had little sympathy for him, claiming that he had turned the expedition into a drunken orgy and received his just deserts.²⁶ Arundel's death did not create any serious problems with regard to the ransom, for by this time it was accepted that rights in prisoners' ransoms could be passed on to a claimant's heirs;²⁷ from now on it was Arundel's executors, foremost among whom was John Mautravers, who undertook responsibility for securing payment of his share of the ransom. A more serious problem was Olivier's inability to raise the ransom quickly, with the result that he had to be kept prisoner in England. This entailed the making of detailed arrangements for his custody, which were as follows. After his delivery from the Tower in November 1379, Olivier was placed in the custody of two men called Reymund Despars and Martin Seyns.²⁸ These two agreed to bear the cost of boarding and lodging Olivier, in return for which they were to receive 5 francs for every 20 francs of ransom the prisoner paid to his captors. This increment was referred to as 'les Marz', or alternatively as 'the fifth part' of the ransom. As a result of this agreement Despars and Seyns also became known as the 'joint-owners' of the prisoner and of a portion of his ransom, and they acquired certain rights over the conduct of the ransom negotiations. It was alleged for instance that 'the prisoner was put to ransom by his masters for 40,000 gold francs with the consent of Reymund and Martin'. This implies that it was only *after* arrangements for the prisoner's custody had been made that the amount of the ransom was set, despite the fact that Froissart says that Olivier was told what would be required of him while he was still at Cherbourg, and despite the sum of 20,000 gold francs mentioned in the recognizance of October 1379, which also suggests that a specific sum was already in the minds of the claimants.²⁹ Perhaps the sum of 40,000 gold francs had been agreed informally at a relatively early stage in the proceedings, but was formalized only after the dispute between the claimants to the ransom had been settled and the arrangements for the prisoner's custody finalized. The agreement with Reymund Despars and Martin Seyns clearly served to increase the total ransom demand from 40,000 to 50,000 gold francs.

Olivier was lodged in the 'tower of Ludgate', presumably in a room over the gate itself, and during 1380 attempts were being made to pay off the ransom. The agreement with his captors had been that the 40,000 francs should be paid in equal instalments on 2 February and 14 April (Easter Sunday) 1381. On 10 September 1380 the English government issued letters of safe-conduct to Gonsalvus de Sotho and Guillelmus Nouell, La Rouche herald, to come to England to pay part of the ransom.³⁰ Whether the two men came to England, and how much of the ransom they paid if they did come, are not known, but judging by subsequent events it cannot have been a large proportion of the total. On 16 December 1380 the council of the new French king Charles VI wrote to his *bailli* of Rouen and Gisors ordering him to raise as much as he could from the king's subjects in Normandy as a contribution to the ransom, since Olivier had

²⁶ *Anonimale Chronicle*, 1333-81, ed. V. H. Galbraith (Manchester, 1927), p. 131; *Chronicon Anglie*, 1328-88, ed. E. M. Thompson (Rolls Ser., 1874), p. 147; for Arundel's date of death see *Calendar of Inquisitions Post Mortem*, xv, 179-89.

²⁷ M. H. Keen, *The Laws of War in the Late Middle Ages* (1965), p. 159.

²⁸ Who they were I have been unable to discover, but from their names they may well have been foreigners.

²⁹ *Chroniques de Froissart*, ix, 97; *Cal. Cl. Rolls* 1377-81, p. 336.

³⁰ Rymer, iv, 98.

given good service to the French Crown, and had remained for a long time in the hands and the prisons of the English.³¹ Nevertheless the prisoner was still unable to meet either of his agreed dates for payment in the first few months of 1381.

Meanwhile Reymund Despars and Martin Seyns had run into financial trouble, perhaps as a result of Olivier's failure to pay 'les Marz' to them, and had had to borrow 'loans of silver and other goods' from two Londoners, Thomas Cherleton and John Hervy, junior. Johanco Dartaisso, Amcot de Solle and Master Pascal Dylarde agreed to stand as sureties, but Despars and Seyns must have found themselves unable to repay the loans, so instead, through Master Pascal their proctor, they sold their rights in 'les Marz' to Cherleton and Hervy, and to safeguard the latter's new rights, 'it was agreed that there should be no diminution of the ransom demanded and that the prisoner should not be removed from the tower of Ludgate without their [Cherleton and Hervy's] consent'. By mid-June 1381 Cherleton and Hervy claimed that they had spent about £90 on Olivier's keep, but the events of that month in London brought the situation to a head. Olivier was still in Ludgate tower at the time of the peasants' revolt, and when the rebels entered London, the masters (Dartaisso and de Solle) and joint-owners (Despars and Seyns),³² 'being afraid that he might be killed and being anxious to set him at liberty', promptly reduced the ransom demanded to 25,000 francs and, presumably, released Olivier from his captivity. A prisoner's master(s) had an obligation to keep him out of harm's way,³³ and if Olivier had suffered death, or even injury, at the hands of the rebels in 1381 (and their xenophobia was manifested in other acts), the ransom agreement might well have been considered invalid. Thus those concerned with his custody were put in a difficult situation in June 1381, and this, coupled perhaps with the difficulties which they had already faced in trying to secure payment of the ransom, probably explains why they were prepared to agree to such a drastic reduction of the ransom demand.

Olivier thus joined a very select group—those members of the nobility for whom the peasants' revolt proved to be a source of profit. On 13 July at St. Albans the king took time off from his chastisement of the rebels to grant letters of safe-conduct for three of Olivier's friends and relations to come to Calais to act as hostages for Olivier, while the latter presumably set about trying to raise the residue of his ransom personally in France.³⁴ On 18 August he was at Paris, where he drew up a new agreement with representatives of Carlos of Navarre agreeing to pay Carlos 7,500 francs as his share of the ransom.³⁵ By December 1381 Olivier was once again campaigning against the English and their allies: in that month he and Pierre de Villaines were sent from La Rochelle to help Juan I of Castile to repel the Anglo-Portuguese invasion, so it is likely that by now the ransom had finally been discharged.³⁶

³¹ British Library, Additional Charter 17987; wrongly dated in the Brit. Libr. Catalogue to 1387, and in *Chroniques de Froissart*, ix, p. lvi, to 1381.

³² Although it is not clear why Despars and Seyns should still have had an interest in the prisoner since they had sold their rights in 'les Marz' to Cherleton and Hervy; it is possible that they had sold only a percentage of 'les Marz' to Cherleton and Hervy, although the record of the proceedings implies that it was the whole of 'les Marz' which changed hands.

³³ Keen, *Laws of War*, pp. 179–80.

³⁴ Rymer, iv, 128.

³⁵ This is almost a third of the new ransom demanded, and perhaps Carlos was prepared to settle for this amount, or he may already have received the balance of 833 francs. On 26 Feb. 1382 Master Pascal, who was still in London, acknowledged receipt of 2,000 of these 7,500 francs before the mayor (*Select Pleas and Memoranda, 1381–1412*, pp. 8–9). One franc was worth 3s 2d sterling at this time, so the original ransom demand for 40,000 francs was equivalent to £6,333 6s 8d sterling.

³⁶ Russell, pp. 326, 426, 481, 489.

By 7 September 1381 three Lombards acting as Olivier's attorneys in London were in receipt of 2,000 francs which had been earmarked for delivery to the claimants of 'les Marz'. It was as a result of this that the case came to be heard in the mayor and aldermen's court on 19 September. The executors of John Arundel also claimed the money, and thus it had been placed in the custody of the Londoner John Philpot until the dispute could be heard. Cherleton and Hervy brought a bill against Philpot initially, requesting that he be directed to hand over the 2,000 francs to them since Despars and Seyns had ceded to them their rights in 'les Marz'. Philpot however was soon eliminated from the proceedings, and the dispute centred upon the arguments put forward by Cherleton and Hervy, as plaintiffs, on the one hand, and Arundel's executors, as defendants, on the other. Cherleton and Hervy began by relating the circumstances by which they had come into possession of rights in 'les Marz' and outlining the reasons for the diminution of the ransom in the summer of 1381. They demanded delivery of the money and damages.

Arundel's executors³⁷ claimed that they had sued Despars and Seyns for sums totalling 950 marks (£633 6s 8d) due on bonds,³⁸ and that since 'by the custom of the City the 2,000 francs in the hands of John Phelipot had been attached as a foreign attachment as being the moneys of the said Reymund and Martin', it should be delivered to the executors in part satisfaction of the debt of 950 marks. The executors thus based their case on an attempt to invalidate Cherleton's and Hervy's claim to 'les Marz'. Their argument was as follows. The prisoner, they claimed, did not in any sense *belong* to the claimants of 'les Marz'; he belonged to the king of Navarre, to themselves as John Arundel's executors, and to Dartaisso and de Solle, his masters; only 'the fifth part, called les Marz' belonged to Despars and Seyns 'for their expenses'. 'By the law of arms', those to whom the prisoner belonged had the right to ransom him without reference to the claimants of the fifth part, 'the latter having no right of interference'. Moreover, 'by the law of arms', a prisoner who did not honour his dates of payment could be put to ransom afresh by his masters for either a greater or a lesser sum, and since Olivier had failed to pay on the agreed dates, he had been put to ransom again at a lesser sum. Since the sale of 'les Marz' by Despars and Seyns to Cherleton and Hervy had occurred before the ransom had been set at 25,000 francs, it was invalidated by the second agreement, which created a new set of conditions for the payment of the ransom. Furthermore, the executors argued, 'by the law of arms', the joint-owners of a prisoner had no right to put him in anyone else's keeping without the consent of his 'co-parceners' and this consent had not been given. The co-parceners here presumably refers to the three parties to whom the prisoner was said to belong, although of these three parties it would appear that only Arundel's executors had failed to give their consent to the transfer of 'les Marz', for Carlos of Navarre (through his general proctor Master Pascal), Dartaisso and de Solle had all been parties to the transfer.

Cherleton and Hervy replied by claiming 'that the said Amcote and Johanco were sole masters of the prisoner and the King of Navarre and Sir John Darundell had no claim to him or his ransom, beyond a third part'. Were this claim to be upheld, it would clearly rebut the executors' contention that their consent should have been a necessary condition for the transfer of the prisoner's

³⁷ John Mautravers appeared personally in court while the others (Robert Rous, Laurence Seybroke, John Frome, John Chelrey, Robert Skarchyf and William Ryvere) were represented by their attorney Richard Forster.

³⁸ Whether this was the subject of a separate dispute arising out of the ransom is not stated, but it seems more than likely that it was.

person from Despars and Seyns to Cherleton and Hervy. They then replied to the claim that the new ransom agreement had replaced the original one and thus invalidated any earlier agreements. This, Cherleton and Hervy claimed, was not a new ransom agreement at all, but 'merely a diminution of the old ransom', occasioned by the peasants' revolt and approved by themselves. A diminution of the old ransom, as opposed to a new ransom agreement, would not invalidate prior agreements. 'In view of the fact that the executors did not deny the sale of "les Marz"', argued Cherleton and Hervy, 'or the authority of Master Pascal to sell them, or the assent of Amcot and Johanco to the sale, or that the prisoner was bound over to pay "les Marz" to the purchasers, or that the prisoner was acquitted of all payments to Reymund and Martin', they claimed that the money should be adjudged to them. 'As regards the law of arms', they concluded, 'they did not acknowledge that the law was as alleged or that they need answer to the allegation'.

Unfortunately the record of the proceedings breaks off at his point, before judgment is given, and the dispute does not seem to re-appear in these or in any other records. It is in fact doubtful whether the mayor and aldermen's court was competent to reach a decision on the basis of the arguments laid before it, for such a decision would have involved interpretations of the law of arms of which probably only the court of chivalry and its appeal court, the king in chancery, were capable. The questions raised by the dispute do however throw some light on the problems involved in the enforcement of the law of ransom at this time.

The first point of interest concerns the division of prisoners' ransoms (and other spoils of war). Professor Hay has shown that a 'variety of usages' prevailed during the early years of Edward III's reign, but that during the middle years of the reign the range of options gradually narrowed down to the 'thirds and thirds of thirds' system which, by the thirteen-seventies, was 'pretty universal'.³⁹ In other words, the prisoner's captor paid a third of any ransom to his commanding officer, and the commanding officer paid a third of this third (together with a third of the ransoms of any prisoners he had captured personally) to the Crown. In the case of a prisoner captured by a man not directly contracted to the Crown, this would leave the captor with 66·7% of the ransom, his commanding officer with 22·2%, and the Crown with 11·1%. Olivier's ransom was not shared out along these lines. We have in fact at least four different suggestions as to how the ransom should be divided: (i) the original agreement between Cocq and Arundel, reported by Froissart, that if they were to be successful in the capture, they should split the profit fifty-fifty.⁴⁰ Whether such an agreement should be regarded as establishing an *ad hoc* brotherhood-in-arms is a moot point. Such agreements could certainly be established for the duration of a single campaign,⁴¹ so perhaps they could be held to apply to a single exploit. If the conversation has been reported correctly by Froissart, the contract which Dartaisso and Arundel thus entered into would not have been broken lightly, but the point was not apparently raised at any subsequent stage of the proceedings. Froissart may well have been giving excessive rein to his lively imagination here. The remaining three options may be taken together. They were: (ii) the English Crown's apparent claim to a half share in the ransom; (iii) Arundel's claim to a third; (iv) the method finally adopted, giving 33·3% to Carlos of Navarre, 22·2% to Arundel (or his executors), and 44·4% to Dartaisso.

³⁹ D. Hay, 'The division of the spoils of war in 14th-century England', *Trans. Royal Hist. Soc.*, 5th ser., iv (1954), 105-6.

⁴⁰ *Chroniques de Froissart*, ix, 97.

⁴¹ M. H. Keen, 'Brotherhood in arms', *History*, xlvii (1962), 7.

⁴² *Plea and Memoranda Rolls, 1364-81*, p. 298.

and de Solle.⁴² What were the circumstances under which such a variety of conflicting claims could be put forward?

There can be little doubt that the main complicating factor was the legal status of Cherbourg. Cherbourg had only been leased to the English: it remained the property of Carlos of Navarre. Yet at the time of Olivier's capture it was under English command, and it was the English government who had appointed Arundel to his post of constable of the castle and town. So who was Arundel's superior? Was it Richard II, in whose name he had been appointed, or was it Carlos of Navarre, whose castle and town he was defending? The position of Jehan Cocq was no less problematical. He was a member (perhaps, the evidence might suggest, the leader) of the Navarrese element of the garrison defending Cherbourg, and as such he would be responsible to his native lord, King Carlos, for the defence of the town. Yet Arundel had been appointed to command the garrison, and was thus his commanding officer,⁴³ which implied that Richard II could also be considered to be his lord. Such problems of double allegiance were often a source of confusion during the Hundred Years War,⁴⁴ and the upshot of such confusion in this case was naturally that all parties concerned put in for whatever they could reasonably hope to get. The main share of the ransom would naturally fall to Cocq or those to whom he had sold his rights. Arundel's claim to a third was no doubt based on his claim to be Cocq's commanding officer, and was thus in accordance with the accepted English usage of the time. We do not know what share Carlos of Navarre claimed, but he seems to have been prepared to settle for the third which he was awarded. The English Crown's claim to a half of the ransom—if this is how the indentures of 4 and 10 October 1379 are to be interpreted—was less obviously justifiable in terms of contemporary usage, although twenty years earlier the Black Prince seems to have been enforcing a claim to a half share of the ransoms of prisoners captured by his soldiers,⁴⁵ and even in the late thirteen-seventies there is evidence to suggest that royal claims to a half rather than a third were still being put forward. For instance, when two of Richard II's chamber knights, Richard Abberbury and John Golafre, indented with the king on 25 February 1378 to keep the castle of Brest (a castle, incidentally, which was in an almost exactly similar position to that of Cherbourg, having been leased by the English from Duke John of Brittany for the duration of the war),⁴⁶ it was agreed that the profits from all ransoms which they could win on land should be handed over to the king, while they could keep a quarter of all spoils won at sea. Less than two months later, on 10 April, this indenture was revised: it was stated instead that, 'because of their great costs and expenses', Abberbury and Golafre could keep a *half* of any ransoms they could win on land, as long as they gave the other half to the king, and, in return for a down payment of £400 to the king, they could also keep all the spoils they won at sea. The royal claim to a half share in Olivier's ransom was not therefore unique.⁴⁷

⁴² The fact that Arundel's name was cried at the capture also suggests that Cocq accepted that he was fighting under Arundel's command: see Keen, *Laws of War*, pp. 111–18.

⁴³ *Ibid.*, pp. 24, 86–8.

⁴⁴ Hay, pp. 104–5.

⁴⁵ M. Jones, *Ducal Brittany, 1364–99* (Oxford, 1970), pp. 147–8.

⁴⁶ Public Record Office, E 101/68/7, no. 171, and E 159/156, *Brevia*, m. 10d, order to the exchequer to account with Abberbury and Golafre. Jones, *Ducal Brittany*, p. 149, quoting E 101/68/7, no. 171, and a different copy of the indenture which I have not examined, has slightly different figures but agrees on the half—the main point for the present purposes. He also implies that 'ransoms' in this context applies to ransoms on the land, the pseudo-taxation cum protection money system through the exploitation of which many of the English garrisons in France maintained themselves, but surely prisoners' ransoms would be included as well?

Here were problems indeed for those whose task it was to interpret the law of arms. The method of division adopted by the commission of three knights clearly accepted certain underlying principles, the most obvious being that the English system of fractions of a third was to be used to apportion the shares. The main difference between the system used here and the system outlined by Professor Hay was that the 'royal third' (Carlos of Navarre's) was a third, not of the commanding officer's third, but of the whole ransom. This may reflect the problem of Cocq's double allegiance; there is no evidence that any *Navarrese* commanding officer of his stepped in to claim a share of the ransom, so we must probably assume that Cocq was directly accountable to his king for his spoils of war, in which case Carlos would hardly have been satisfied with only a 'third of a third'. The elimination of the English Crown's claim to a share in the ransom had apparently been decided before the three knights were commissioned to apportion the ransom, which on the face of it is rather surprising. It was common currency among late medieval fighting men that the spoils of war were a reward for the expenses and risks involved in participating in that war,⁴⁸ and since the English Crown had assumed the majority of both the expenses and the risks involved in the defence of Cherbourg,⁴⁹ it had some justification in claiming to participate in the rewards. It may be that political considerations played a part, for the failure of Trivet's campaign in Navarre during the winter of 1378-9 may have left the English Crown feeling at least morally indebted to Carlos.⁵⁰ The fact that the English king was a minor was also probably a factor in Carlos's favour: a forceful English king in his prime, like Edward III in the thirties-fifties, would no doubt have pressed his claim more strongly.

Another matter of interest is the degree of interference by third parties in the masters' rights over their prisoner. It has for long been recognized that in certain circumstances a master's superior could intervene in order to make his interests felt. The fact that commanding officers and the Crown could claim their thirds was in itself an interference, and often no doubt one which was resented. Political considerations were usually at the heart of such interference. Thus the kings of France had the right to acquire from their masters any prisoners of particular political importance, or who were worth more than 10,000 francs,⁵¹ while the kings of England had a similar right to prisoners whom they thought it 'desirable to take over on economic or political grounds', in return for compensation.⁵² Such a transaction involved a straight transfer of mastership, in which the new master acquired the rights of the old master wholesale,⁵³ and this indeed seems to have happened in this case when Dartaisso and de Solle bought out Jehan Cocq. But interference did not stop there: this case raises a different point, namely, once the mastership of a prisoner had been decided beyond

⁴⁸ Hay, *passim*; Contamine, pp. 515ff; Keen, *Laun of War*, pp. 145ff.

⁴⁹ See *Anglo-Norman Letters and Petitions*, ed. M. D. Legge (Anglo-Norman Text Soc., iii, Oxford, 1941), no. 141. Richard II agreed to return Cherbourg to Carlos as fully stocked with victuals, arms and artillery as on the day on which he entered it; if it was taken by the French while under lease, the English undertook to recover it for Carlos and to reimburse Carlos with towns and castles of similar value and strategic importance while it was in French hands.

⁵⁰ Russell, pp. 249-81.

⁵¹ Contamine, p. 198; P.-C. Timbal, *La Guerre de Cent Ans vue à travers les Registres du Parlement, 1337-69* (Paris, 1961), p. 305.

⁵² Hay, p. 101; and see the case of Sir John Fastolf's prisoner Guillaume Remon, freed for military reasons by John duke of Bedford, the regent, without Fastolf's consent (C. A. J. Armstrong, 'Sir John Fastolf and the law of arms', in *War, Literature and Politics in the Late Middle Ages*, ed. C. T. Allmand (Liverpool, 1976), pp. 46-56).

⁵³ See for instance testimonial letters of Denis Moerbeke ceding his rights in King John of France to Edward III, dated 20 Dec. 1357 (Rymer, III. i. 161).

dispute, was the negotiation of the ransom to be a purely private affair between master and prisoner, in which other interested parties could intervene only to claim their shares of whatever amount was agreed, or did those parties have a right to participate in the negotiations for the actual amount of the ransom? Previous writers on the subject have tended to assume that it was entirely up to the master of a prisoner (be he the original captor or a third party) to set a prisoner to ransom for whatever sum was negotiated privately between them,⁵⁴ but Johanco Dartaisso and Amcote de Solle were allowed no such freedom of negotiation, and in this sense the proceedings do emphasize the extent to which the whole affair came to acquire the aspect of a joint stock enterprise. Thus when Carlos of Navarre agreed to accept a third share of the ransom, it was a third of 'such reasonable amount as shall be determined between the said masters and Sir Thomas and Master Dylardye . . . our general proctors'.⁵⁵ Also it was stated in court that Olivier had been put to ransom 'by his masters for 40,000 gold francs with the consent of Reymund and Martin',⁵⁶ and when the latter's rights in 'les Marz' were bought up by Cherleton and Hervy, 'it was agreed that there should be no diminution of the ransom demanded'.⁵⁷ Indeed this came to be one of the crucial points at issue in the court hearing of 19 September 1381, when Arundel's executors claimed that the prisoner belonged jointly to themselves, to Carlos of Navarre, and to Dartaisso and de Solle; to which Cherleton and Hervy replied that the only people to whom Olivier belonged were his masters, namely Dartaisso and de Solle.⁵⁸ But if no one denied to Dartaisso and de Solle the title of 'masters of the prisoner', in practice the rights which they exercised by virtue of that title had been much reduced by the conflicting interests of those who wanted a share in the exploitation of Olivier's misfortune—an inevitable consequence, perhaps, of a situation in which the financial interests of a number of different parties became involved.

Finally, there is the separate agreement by which Despars and Seyns agreed to pay for Olivier's keep in return for 'the fifth part' of the ransom, called 'les Marz'. It was generally accepted that a prisoner was liable for his own expenses while he lay captive,⁵⁹ and although I am aware of only one other case in which a formal agreement to cover these expenses was made, the terms of that agreement are strikingly similar to the terms of the agreement which Olivier made with Despars and Seyns. This was the case of Guillaume Remon, the commander of Passy-en-Valois, captured by Sir John Fastolf in 1423.⁶⁰ Remon was put to ransom by Fastolf for 20,000 *saluts d'or*, on top of which he was to pay an increment of 20% commonly known as 'les marcs', and he was consequently imprisoned in Rouen at Fastolf's expense. We have here two agreements made forty-four years apart, in which not only the basic principle—that the captor or his associates should take responsibility for payment of the prisoner's expenses in return for a percentage increment on the ransom—was the same, but the terminology used, and the amount of that percentage increment, were identical, and it seems highly probable that such agreements may in fact have formed a fairly standard item in many other ransom agreements. It is also worth noting

⁵⁴ Keen, *Laws of War*, pp. 159–68; Timbal, p. 307.

⁵⁵ *Select Pleas and Memoranda*, 1381–1412, p. 8.

⁵⁶ *Plea and Memoranda Rolls*, 1364–81, p. 298.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, p. 299.

⁵⁹ Keen, *Laws of War*, p. 168; Timbal, pp. 308–9; see also K. B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973), p. 29, for the case of Robert Lord Moleyns, whose original ransom of £6,000 was swollen to more than £9,800 by various extras, including his expenses while captive.

⁶⁰ Armstrong, pp. 47–8.

that as a result of the agreement, Despars and Seyns acquired the title of 'joint-owners' of the prisoner—a title which suggests a degree of standardization. Again, of course, this agreement underlines the increasing formalization of transactions in which a number of interests were involved, but it is worth noting the dangers too: in Olivier's case, the value of 'les Marz' would have been automatically slashed by the reduction of the ransom, while in Guillaume Remon's case the prisoner was freed in a few months on the orders of Fastolf's superior, John duke of Bedford, and Fastolf lost both ransom and increment (although he was later compensated handsomely, at least for the former).

More and more ransom cases are coming to light, and each one seems to have its own story to tell. It has been shown how they ruined some families and founded the fortunes of others,⁶¹ how they came to be used as political footballs,⁶² and how they illuminate the motivation of medieval fighting men and the operation of the law of arms.⁶³ As Professor Hay noted over a quarter of a century ago, the ransom of Olivier du Guesclin is one of the most interesting of all such cases.⁶⁴ It is interesting firstly because it illustrates one of the problems associated with the sort of double allegiance which was a familiar circumstance during the Hundred Years War. More importantly, it does suggest that as the problems of prisoners and their ransoms became increasingly common, more formalized procedures were devised for coping with them, and the number of persons with an interest in exploiting one man's misfortune increased correspondingly. One result of this was that ransoms grew bigger.⁶⁵ Another was that a prisoner's master became in effect a company chairman with a number of shareholders as well as himself to satisfy, instead of a private individual deriving profit from his personal stroke of good fortune or feat of arms.

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⁶¹ See A. Bossuat, 'Les prisonniers de guerre au XVe siècle: la rançon de Guillaume, seigneur de Châteauvillain', *Annales de Bourgogne*, xliii (1951), 7-35; *idem*, 'Les prisonniers de guerre au XVe siècle: la rançon de Jean, seigneur de Rodemack', *Annales de l'Est*, 5th ser., 2nd year (1951), 145-62; K.B. McFarlane, 'The investment of Sir John Fastolf's profits of war', *Trans. Royal Hist. Soc.*, 5th ser., vii (1957), 91-116.

⁶² See M. Jones, 'Jean de Bretagne', pp. 7-26.

⁶³ Keen, *Laws of War*, esp. pp. 156-85; Timbal, pp. 305-74; Contamine, pp. 515ff.

⁶⁴ Hay, pp. 98-4.

⁶⁵ Honore Bouvet, writing in 1587, remarked, 'God well knows that the soldiery of today... take from their prisoners... great and excessive payments and ransoms without pity or mercy...' (*The Tree of Battles of Honore Bouvet*, ed. G. W. Coopland (Liverpool, 1949), p. 155). Contamine, p. 195 n. 68, remarks that, 'it is without doubt during the fourteenth century that ransoms were at their highest'. As has been seen above, Olivier's ransom was increased from 40,000 to 50,000 gold francs as a result of the agreement with Despars and Seyns.