



GEORGE SAYLES

Painting by M. G. A. Sayles

George Osborne Sayles 1901–1994

GEORGE OSBORNE SAYLES was born on 20 April 1901 at Unstone in Derbyshire. His father, Larret Pearson Sayles, who had been born in 1867 at Rawmarsh in Yorkshire, had moved to Glasgow and become a dissenting minister by the time of his marriage in 1890. He had then studied theology at the Free Church College in Glasgow between 1890 and 1894. By the time of George's birth he was working as a commercial traveller, though later that same year he was ordained a deacon in the Church of England and became a curate at Whittington in Derbyshire, close to Unstone. In 1902 he was ordained a priest and he went on to hold a second Derbyshire curacy at Heanor (from 1906 onwards), before getting his own parish of Awsworth in Nottinghamshire in 1910. George's mother Margaret, the daughter of Robert Brown, was five years older than his father. She came from Lanark and had been a schoolteacher prior to their marriage. George was the sixth of seven children, though only four survived infancy. His elder brother Clifford and George were the only boys. George was effectively the youngest child of the family as his younger sister was one of those who died. He probably attended a local primary school before transferring to Ilkeston County Secondary School in 1914. He was fortunate to have been just young enough not to be called up for service in the First World War. He did, however, join the Officer Cadet Training Unit of the local Sherwood Foresters during the last year of the war and, had it continued, would probably have found himself at the front.

In 1920 he became a student at the University of Glasgow, having

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been awarded an open bursary to study there. This provided him with financial support for three out of the four years which an Arts degree takes to complete in Scottish universities. Initially, he seems to have intended to read French. During his first year, however, he was required to study two other subjects as well and chose Latin and Constitutional Law and History. It is quite possible that he chose the latter for no better reason than that classes in it lasted for only two terms. He seems, however, to have discovered in consequence that he enjoyed history and performed well in it and in his second year it was Honours History rather than French for which he opted. He completed his undergraduate career in only three years, effectively doing two years work in his final year. This was probably for financial reasons. His father's stipend was not large and there was probably no question of his supporting George for a fourth year at university. It did not prevent him gaining First Class Honours in History in 1923.

As an undergraduate, Sayles had been taught by Professor Dudley Julius Medley (1861–1953), who had been a lecturer and then a tutor at Keble College, Oxford before being appointed to the relatively new Chair in History and Law at Glasgow in 1899. Medley was the author of a successful single volume undergraduate textbook on English constitutional history.¹ It was apparently intended as a replacement for the three volume *Constitutional History* of Bishop Stubbs, both for Oxford students and for students at those other universities where English Constitutional History was studied. However, it differed significantly from the older work not only in its length but also in its chronological range. It was only a single volume rather than three, and it brought the story of the British Constitution much closer to the present than did the work of Bishop Stubbs, which went no further than the end of the Middle Ages. Medley also produced a replacement for Stubbs's *Select Charters*.² Again, Medley's volume covered a much longer period and in the second edition (of 1926) he even included the 1920 Government of Ireland Act and extracts from the Irish Free State Constitution of 1922. He also made far greater concessions to the frailty of the twentieth-century undergraduate by translating documents in Latin as well as those in French. Medley was a formative influence on the young

¹ D. J. Medley, *A Student's Manual of English Constitutional History*. The first edition appeared in 1894 and the final (sixth) edition in 1925.

² D. J. Medley, *Original Illustrations of English Constitutional History*. The first edition appeared in 1910 and a second edition in 1926.

Sayles. By the time Sayles studied with him, a major illness had turned Medley into an indifferent lecturer but it was probably nonetheless from his lectures as well as from his books that Sayles learned of Maitland and his work on the English medieval parliament and it was thus Medley who inspired him with two of his lasting enthusiasms. Medley was also probably responsible for setting the subject of the Ewing prize essay in 1922. Sayles was awarded the essay medal in 1923 for his paper on 'The King's Council in English History'. Forty years later he was himself to acknowledge that it had been his work on this essay that had 'ultimately determined the course of my future historical research':³ here again, then, it was Medley who played a crucial part in determining the future direction of Sayles's historical work.

Even before taking his Finals, Sayles had decided that he wanted to do research in English medieval history and had successfully applied for a Carnegie Research Fellowship to enable him to travel to London for this purpose. His plan was to pursue his interest in the king's council in medieval England and he already knew that what he wanted to investigate was the role of the council in parliament. He had probably already read A. F. Pollard's *The Evolution of Parliament*, which had been published in 1920. In it Pollard had written of the unpublished King's Bench plea rolls of the reign of Edward I in terms that suggested they merited detailed investigation for the light they were likely to shed on the role of the king's council in the administration of justice in Edwardian parliaments.⁴ Sayles came to London in the autumn of 1923 to follow up this suggestion. Pollard, who had become Director of the newly established Institute of Historical Research in 1921, was not himself a medievalist but was willing to supervise Sayles's research and delighted to have his first research pupil from a Scottish university at the new Institute. Sayles received a basic grounding in the techniques necessary for conducting research in medieval records from Hubert Hall, attending the classes he held in King's College London on Palaeography, Diplomatic and Historical Sources. He also received an introduction to the King's Bench rolls themselves from Ernest Jacob, who was then working on plea rolls of a slightly earlier period in connection with his first book, *Studies in the Period of Baronial Reform and Rebellion*, which was to be published in 1925.

³ Quotation from a typescript 'Statement' dated October 1962, compiled for the Institute of Advanced Legal Studies, London among his papers.

⁴ A. F. Pollard, *The Evolution of Parliament* (London, 1920), p. 35.

Sayles spent only a single year in full-time research. In the autumn of 1924 he was offered a junior appointment back at Glasgow as an Assistant in the History Department, evidently an opportunity too good to miss and probably another turning-point in his early career which can be ascribed to Medley. He was promoted to a Lectureship in 1925 and to a Senior Lectureship in 1932. Despite his research interests, Sayles was not required, indeed not allowed, to teach any of the main courses in medieval history. These were taught by D. C. Douglas. His main teaching responsibilities lay instead in the field of Modern European History. He was, however, also permitted to teach one short course on medieval charters for the small number of Honours students and was sometimes given a chance to lecture Honours students on early British history. When he applied for a Chair at Aberystwyth in 1930 the Principal of Glasgow, R. S. Rait, described him as 'an effective and valued teacher', whose teaching had been 'greatly appreciated by his pupils'. It was shortly afterwards that he was approached to apply for a Chair in Medieval History at the University of Cairo. The salary and the status must have been tempting but Sayles declined the offer. Cairo was too far both from his family and from Chancery Lane.

Once he had begun teaching it was only during vacations that Sayles was able to continue research for his thesis. On his return to Glasgow, he had transferred to working on a Glasgow Ph.D. under the nominal supervision of his old undergraduate teacher and head of department, Medley. He was evidently still sanguine at this stage that the King's Bench rolls would contain the information he was seeking, for the title given to the projected thesis when it was approved by the Faculty of Arts in December 1924 was 'Parliamentary Institutions in the Reign of Edward I: A Preliminary Investigation based on the 'Coram Rege' Plea Rolls'. Sayles worked away steadily over the next eight years and he seems to have spent the greater part of each vacation in London, mainly at Chancery Lane. He did not find what Pollard had led him to expect. What he did, however, discover was much to shed light on the history and workings of the court of King's Bench in the reign of Edward I and more generally on the legal history of the period. He therefore decided to utilise this material for a thesis centred on the court of King's Bench instead. In April 1932 Sayles submitted his application for a doctorate (though by now it was for the grander D. Litt., rather than the Ph.D. for which he had originally registered) for a thesis on 'The Court of King's Bench under Edward I, with a selection of cases from the unprinted Plea Rolls' plus other (printed) papers. In June of that same year he was

awarded his doctorate. It was this thesis that Sayles subsequently turned into the first three volumes of *Select Cases in the Court of King's Bench* which were published by the Selden Society in 1936, 1938 and 1939.⁵ Any selection of enrolments from a series of rolls is personal. There are inevitably some enrolments which Sayles omits which another legal historian might have printed and enrolments which he prints which others might have omitted. In general, however, there is little to fault in selection, transcription or translation. Even more valuable are the introductions and appendices to these volumes. The introduction to volume I dealt mainly with the personnel of the court (its justices and officials and the professional lawyers who practised there) and in the appendices to the volume Sayles published the first accurate scholarly lists of the justices not just of the King's Bench but also of the Common Bench and for the reign of Edward II as well as that of Edward I. He also printed a wide range of supporting documentation from a variety of sources dealing with the topics discussed in the introduction. In the introduction to volume II Sayles looked in detail at the way the court worked: the jurisdiction it exercised, the way its processes worked and how cases were pleaded there as well as at the compilation of the plea rolls of the court which recorded all this. This remains the best general introduction to the way royal courts worked during the second half of the thirteenth century. The introduction to volume III was more diffuse, dealing with topics such as the application and interpretation of statutes and the position of the Crown when acting as a litigant, but it picks up much of wider legal interest in the cases printed in all three volumes. The skill with which the editing of these volumes was done is all the more impressive when one remembers that Sayles had become an expert on the court of King's Bench more by accident than by deliberate choice: indeed, he himself described the work which went into these volumes as 'begun largely in ignorance . . . continued in obstinacy and completed with relief'.⁶

His first interest was, and remained, the history of the English parliament during the Middle Ages. While working on King's Bench he was also working through other materials in the Public Record Office which might shed light on the history of parliament and of the king's council during the thirteenth and fourteenth centuries: indeed, his first two short articles in the *English Historical Review* and in the

⁵ *Select Cases in the Court of King's Bench Under Edward I*, vols. I–III (Selden Society vols. lv, lvii, lviii).

⁶ *Select Cases in the Court of King's Bench*, vol. I, p. vii.

Bulletin of the Institute of Historical Research, published in 1925 and 1926, printed parliamentary and conciliar material recently recovered from unsorted Miscellanea at the Public Record Office.⁷ Public Record Office Miscellanea also supplied the material for another short article he contributed to the *Scottish Historical Review* in 1927.⁸ By then Sayles had met the older scholar with whom his name is, and will always be, inseparably linked, H. G. Richardson. The meeting took place in the summer of 1927 in the Round Room of the Public Record Office. Richardson shared Sayles's interest in the English medieval parliament and was himself then preparing his classic paper for the Royal Historical Society on the origins of parliament which was published in 1928. When their discussions indicated the closeness of their views about parliamentary origins and the early history of parliament they decided to pool their scholarly efforts in the field. Thus began a partnership which was to last some forty years. Not long after Richardson's death, Sayles wrote a memoir of Richardson for the *Proceedings of the British Academy*.⁹ This is an invaluable, though inevitably one-sided, source of information about their relationship. It seems clear from this that Sayles had always found Richardson somewhat aloof and distant, lacking small talk and without much personal charm. Initially, however, Sayles had clearly been impressed by Richardson's enthusiasm and energy, and believed that they would be able to achieve great things together. In retrospect, Sayles also noted the obverse of this same trait, Richardson's inability to stick at any one thing for long, 'the constant danger that a new interest, a new path of investigation, would divert his attention'. Sayles was also (in retrospect at least) embarrassed by his collaborator's persistent willingness to enter into formal commitments for the production of scholarly volumes, rendered damaging only by his equally recurrent failure to meet those commitments. The memoir indicates that by then Sayles had discovered this to have been a long-standing character flaw and applied not just to the volumes which they had jointly undertaken but also to several other books which Richardson had promised to produce long before they had met. He

⁷ 'Representation of Cities and Boroughs in 1268', *English Historical Review*, xl (1925), 580–585; 'Parliamentary Representation in 1294, 1295 and 1307', *Bulletin of the Institute of Historical Research*, iii (1926), 110–15.

⁸ 'The Guardian of Scotland and a Parliament at Rutherglen in 1300', *Scottish Historical Review*, xxiv (1927), 245–50.

⁹ 'Henry Gerald Richardson, 1884–1974', *Proceedings of the British Academy*, 61 (1975), pp. 497–521.

cannot have known this when they began their collaboration. In hindsight, Sayles also judged that one reason for this had been that Richardson had been too much of a perfectionist. Sayles remembered with evident exasperation that 'so often I urged him not to get it right but to get it written'. It is a reasonable guess (though it can be no more than this) that for this very reason much of what appeared under their joint names may in fact have been written, at least in rough draft, by Sayles but was then subjected to Richardson's detailed criticism. This was also evidently true of what appeared under Sayles's name alone for the prefaces to his volumes invariably thank Richardson for his invaluable criticism.

In the early years of their collaboration Richardson and Sayles were very productive. They published their first joint article in the *Bulletin of the Institute of Historical Research* in 1928.¹⁰ In it they established the first list of meetings of parliament during the reign of Edward I to be based solely on what they considered to be the only kind of solid contemporary evidence, that of official records. From this they were able to demonstrate the probability that during the first half of the reign there had been a plan to hold regular twice-yearly sessions of parliament and this in turn supported their contention that already by the beginning of the reign parliament had taken recognisable institutional form. They also sounded for the first time one of the major themes which were constantly to recur in their joint work on the English parliament. This was the claim that the essence of parliament was a functional one, 'the dispensing of justice by the king or by someone who in a very special sense represents the king'.¹¹ Parliament might also legislate and consent to taxation and under Edward II it was to deal with an increasing admixture of political and diplomatic business. However, all these matters could be (and sometimes were) dealt with elsewhere and thus were never essential ingredients of its work. Although this article was originally envisaged as a single collaborative venture, by the time it was published it had become the first of three related joint articles published in the *Bulletin* during 1928 and 1929. The second provides a similar list of parliaments for the reign of Edward II.¹² It is only in the third article that they finally reached

¹⁰ 'The Early Records of the English Parliaments: The English Parliaments of Edward I', *Bulletin of the Institute of Historical Research*, v (1928), 129–54.

¹¹ *Ibid.*, 133.

¹² 'The Early Records of the English Parliaments: The English Parliaments of Edward II', *Bulletin of the Institute of Historical Research*, vi (1929), 71–88.

what was ostensibly the subject of all three articles, the records of parliament and more specifically the nature and origins of the so-called 'Exchequer series' of Parliament Rolls of the reigns of Edward I and Edward II.¹³ In it they corrected Stubbs's erroneous assertion that these were journals of parliament and correctly characterised them as no more than a haphazard and incomplete series of files connected with proceedings before both council and parliament. They also insisted, more controversially, that the real history of parliament in this period was the history of parliamentary procedure and its development and of 'the expedition of matters of justice and administration' at parliament: how business came before parliament, how it was classified and by whom, the stages through which it passed, the groups which considered it. Even before this history had been written, however, they confidently predicted that 'the contributions of judges, ministers and clerks to the development of parliament' would be found to be 'out of all proportion greater than the contribution of any other body of men there represented regularly or intermittently' such as 'barons, knights or burgesses'.¹⁴ In two further articles (published in the *Bulletin* in 1930 and 1931) they took the story of parliament as they saw it down to 1377: establishing a reliable list of parliaments for the reign of Edward III based on the official record of proceedings and on writs of summons and insisting, despite their own evidence to the contrary, that justice remained the primary function of parliament even in an era where petitions to the king's council or chancery outside parliament had largely replaced private petitions to parliament.¹⁵ By the time these articles were published they had also taken up their own challenge of investigating not only the personnel involved in parliament but also how the later thirteenth- and fourteenth-century parliament functioned. The results were published in three articles in the *English Historical Review* in 1931 and 1932.¹⁶ During this first period of collaboration they also published a number of other more specialised articles drawing attention

¹³ 'The Early Records of the English Parliaments: The Exchequer Parliament Rolls and Other Documents', *Bulletin of the Institute of Historical Research*, vi (1929), 129–53.

¹⁴ *Ibid.*, 145.

¹⁵ 'The Parliaments of Edward III', Parts I and II, *Bulletin of the Institute of Historical Research*, viii (1930), 65–77 and ix (1931), 1–18.

¹⁶ 'The King's Ministers in Parliament, 1272–1307', *English Historical Review*, xlvi (1931), 529–550; 'The King's Ministers in Parliament, 1307–1327', *English Historical Review*, xlvii (1932), 194–203; 'The King's Ministers in Parliament, 1327–1377', *English Historical Review*, xlvii (1932), 377–397.

to materials relating to the parliamentary history of this period which one or other of them had come across in their researches.¹⁷

From early in their collaboration Sayles had seen that partnership as leading to the production not just of articles but also of a full-length book or books on the English medieval parliament. His original suggestion, made late in 1927, was for a book of documents relating to the working of the English parliament on the model of the *Textes relatifs à l'histoire du parlement* which Charles Langlois had produced to illustrate the workings of the *parlement* of Paris. Richardson cannot have been enthusiastic, for the idea was taken no further. In 1928 their joint plan was apparently for a book on parliament under Edward I and Edward II which was to incorporate material from the articles they were then publishing in the *Bulletin*. It may also have been intended from the first to incorporate the material which later went into the articles published in the *English Historical Review* on the royal officials involved in the running of parliament and on the evolution of the procedures of parliament. During 1928–9 Sayles obtained financial support for this volume from the Glasgow University Publication Fund and from the Carnegie Trust (the latter also promising support for a possible second volume) and by December 1929 he had also interested the Clarendon Press in publishing it. Shortly after this, however, these initial publishing plans were blown badly off course when the two collaborators became involved in Colonel Wedgwood's semi-official project for a 'History of Parliament'. Discussions with Wedgwood led to Richardson and Sayles signing a formal agreement to write the first volume of Wedgwood's *History of Parliament* in August 1933. This was to cover the period down to 1377, and with money from the Pilgrim Trust Richardson and Sayles established an office near Parliament Square in which their team of research assistants could work. It is, however, difficult to know why or how things ever got quite this far. It must quickly have become evident that Wedgwood and Richardson and Sayles had very different ideas about what such a volume should cover. Wedgwood knew that what he wanted were biographies of members of the House of Commons; Richardson and

¹⁷ 'The Parliament of Carlisle, 1307—Some New Documents', *English Historical Review*, xliii (1928), 425–37; 'The Provisions of Oxford: A Forgotten Document and Some Comments', *Bulletin of the John Rylands Library*, xvii (1933), 3–33; 'Parliamentary Documents from Formularies', *Bulletin of the Institute of Historical Research*, xi (1934), 147–62; 'The Parliament of Lincoln, 1316', *Bulletin of the Institute of Historical Research*, xii (1935), 105–107.

Sayles were equally clear that this was a woefully inadequate approach to the subject. They may have hoped to convince Wedgwood that any History of Parliament worthy of that name needed to be much more than a prosopography of members of one of its houses. If so, they failed. In February 1935 they cancelled their agreement. By then, however, the original impetus for producing their own volume on the history of parliament in the thirteenth and fourteenth centuries had apparently been dissipated. All that did appear (in 1935) was an edition of a number of hitherto unprinted parliament rolls and subsidiary documents.¹⁸ This continued the work of Cole and Maitland in printing rolls omitted from the eighteenth-century edition of the *Rotuli Parliamentorum* but it was no more than a useful preliminary to producing a comprehensive history of parliament, not a substitute for it.

It was perhaps inevitable that the collaborators would be drawn by their work on the sources for the history of the English parliament in the fourteenth century into a detailed re-examination and reassessment of the *Modus tenendi parlamentum*. They first began working on the *Modus* in the early 1930s and initially planned a paper on its dating and origins for the *English Historical Review*. The thesis of the paper was to be that the *Modus* belonged to the reign of Richard II and not, as was generally believed, to the reign of Edward II, and also that the English version of the *Modus* was derived from the Irish and not, as previous scholars had believed, the reverse. Discussions with the editor of the *English Historical Review*, Previt -Orton, led to a more ambitious project agreed with the Cambridge University Press in 1935 for a new edition of the *Modus* and of three associated treatises (on the Steward, the Marshal and Trial by Combat) with an extensive introduction. But, although Richardson did some textual work for the volume in 1937, the project seems thereafter to have dropped out of sight. It was not to be revived for some twenty years. Another offshoot of their work on the early history of parliament was a lengthy paper concerned with medieval legislation which appeared in the *Law Quarterly Review* in 1934.¹⁹ This provided a masterly overview of the nature of statute, of the knowledge of statutes by litigants, of the process of drafting and publication of statutes and of the status and development of the official and unofficial collections of statutes made in the thirteenth and four-

¹⁸ *Rotuli parliamentorum Anglie hactenus inediti, MCCLXXIX–MCCCLXXIII* (Royal Historical Society, Camden 3rd ser., 1 (1935)).

¹⁹ 'The Early Statutes', *Law Quarterly Review*, 1 (1934), 201–23, 540–71.

teenth centuries. Although it is possible to make detailed criticisms of parts of this work it is, and is likely to remain, the classic article on the subject.

Richardson and Sayles were also drawn into the investigation of other medieval parliaments. Richardson had from the first emphasised the importance of viewing the English parliament from a comparative perspective and particularly in the light of the apparently very different development of the *parlement* of Paris. The collaborators did not publish any joint work on that institution but among the earliest fruits of their partnership were articles on two other parliaments which showed close resemblances to that of England and which they also thought might be helpful in providing clues to its development. In 1928 they published a paper on the Scottish parliaments of the reign of Edward I.²⁰ Unsurprisingly, they found that the Scottish parliament also had the king's council at its core and that its primary purpose too was the dispensing of justice. This remained their only foray into Scottish parliamentary history, although Sayles was later to serve on the Committee on the History of the Scottish Parliament from shortly after its formation in 1937 until it finally produced two volumes, ironically of a purely prosopographical nature, in 1992. In 1929 they published their first work on the Irish parliament.²¹ This was an institutional study of the Irish parliament in the reign of Edward I with much the same focus as their work on the English parliament: concerned with establishing when parliament met, who was present at its meetings and how it did business. Their most significant work on the Irish parliament was only to be published after the Second World War.

After 1934, when David Douglas left Glasgow for a Chair at Exeter, Sayles began teaching medieval history at Glasgow on a regular basis. It was probably at this time that he produced a first version of his lectures on the history of medieval England from the Anglo-Saxon invasions down to the late thirteenth century which was later to form the basis of his successful undergraduate textbook, *The Medieval Foundations of England*. The mid-1930s were also a time of significant change in his personal life. In 1935 he met his future wife, Agnes, while on a cruise round the Western Isles. She was the daughter of George Sutherland, a partner in a family firm of yarn merchants in

²⁰ 'The Scottish Parliaments of Edward I', *Scottish Historical Review*, xxv (1928), 300–17.

²¹ 'The Irish Parliaments of Edward I', *Proceedings of the Royal Irish Academy*, xxxviii (1929), section C, 128–41.

Glasgow (M'Lennan, Blair and Munsie). They were married in 1936. Their first child, Michael, was born in 1937; their daughter, Hilary, in 1940.

Sayles was too old for military service in the Second World War and the Principal of Glasgow University rescued him from being drafted into war-time service as a Civil Servant in the Board of Trade. He was therefore able to go on lecturing and examining at Glasgow throughout the war. His contribution to the war effort took the form of membership of the local Home Guard and service as an Intelligence Officer to the District Commissioner for Civil Defence in the West of Scotland, whose headquarters were in Glasgow. His duties as Intelligence Officer included the supervision of the responses by the local emergency services and others to air raids. When his brother-in-law, Alec Sutherland, was called up for war service in 1941 he also took over the management of the family firm of M'Lennan, Blair and Munsie.

The first Selden Society volume jointly edited by Richardson and Sayles by coincidence also appeared in 1941.²² The volume seems to have been an almost accidental by-product of their joint work on the early history of parliament. One of the topics they saw as requiring investigation was the origins of petitioning in parliament. This naturally led them to look for the forerunners of this practice in the initiation of litigation by plaint and by bill (rather than by writ, the normal method) in royal courts during the first half of the thirteenth century. Most of the work of selecting the relevant enrolments (which are mainly, but not exclusively, from sessions of the General Eyre) seems to have been done by Sayles alone. The volume also contains an important introduction which places the use of plaints in a wider context and makes a significant contribution to our understanding of the origins of the action of trespass. It was also apparently during the war that Sayles did the main work needed to turn his lectures on early medieval England into *The Medieval Foundations of England*, although this was not published until 1948.

Even before the war was over Sayles had begun to apply for professorial posts away from Glasgow. In 1944 he applied unsuccessfully for a Chair at Liverpool. In 1945 he succeeded in an application for the Chair at the Queen's University, Belfast. He remained in Belfast for the next eight years. At Queen's he taught the main second-year lecture course on the history of medieval Britain, which looked in detail

²² *Select Cases of Procedure without Writ Under Henry III* (Selden Society, vol. lx (1941)).

at a number of topics in British history: for a general textbook survey there was (from 1948 onwards) his own *Medieval Foundations of England*. Sayles's interests had, as we have seen, already taken him into Irish history and while at Queen's he took various steps to encourage its teaching and study. He was also instrumental in gaining support from the Northern Ireland government for a project for the publication under his own general editorship of the surviving fifteenth-century registers of the archbishops of Armagh, one of the major sources for Irish medieval ecclesiastical and social history. Sayles planned to use a typed version of the nineteenth-century transcript of the registers in the Armagh Public Library (which he managed to have temporarily transferred to Belfast and then filmed) as the starting-point for work on the texts. He must have hoped that once these had been collated with the originals progress would be rapid. It turned out, however, that there were major textual problems with the registers which needed to be resolved before any of them could be published since it appeared likely that some, if not all, of them had material that properly belonged to others in the series. In the end only one of the registers (that of Archbishop Mey) was edited in that rarest of objects, a joint thesis, by W. G. H. Quigley and E. F. D. Roberts. This was only completed after Sayles had left Belfast in 1955. The thesis formed the basis of a printed edition published in 1972.²³ Sayles had hoped to retain the general editorship of the series even after he had left Belfast but was replaced by his former colleague J. W. Gray and the whole project seems then to have languished. Fortunately, the Irish MSS Commission has now revived the plan and it seems likely that the remaining registers will at last find their way into print.

While Sayles was in Belfast he also played a wider role in the historical and cultural world of the province and of Ireland: as president of the Ulster Historical Society (between 1946 and 1949); as a member (from 1946) and subsequently as Chairman (from 1949) of the Advisory Committee on the Official War History of Northern Ireland, helping to supervise the writing of a single volume history of *Northern Ireland in the Second World War* published in 1956;²⁴ as a Governor of the Northern Ireland Council for the Encouragement of Music and the Arts (from 1947); as a member of the Irish MSS Commission (from

²³ *Registrum Iohannis Mey: The Register of John Mey Archbishop of Armagh, 1443–1456*, ed. W. G. H. Quigley and E. F. D. Roberts (Belfast, 1972).

²⁴ J. W. Blake, *Northern Ireland in the Second World War* (Belfast, 1956).

1949), only the second member to be appointed from north of the border and a position he retained till his death; and as Fellow of the Royal Irish Academy (from 1952). Shortly before he left Belfast he spent a short period (in 1952) as a Visiting Professor in Louvain and in the winter of 1952–3 made his first visit to North America as a Fulbright fellow. While in North America he visited all the great medievalists of the day and spoke at most of their universities. North America was clearly impressed by George Sayles. His lecture on Edward I at Johns Hopkins was printed *in extenso* (with a photograph of the lecturer) in the *Baltimore Sun*; S. E. Thorne, subsequently a good friend, judged his lectures at Yale (where he gave the Woodward lectures) to have been ‘excellent, well prepared, perfectly delivered and suited precisely to their audience(s)’. Sayles was to return to the United States in 1960–1, just in time to see the Kennedy–Nixon presidential debate on television, and was invited back to New York to be the first Kenan Visiting Professor at New York University for the fall semester of 1967. For this he made his first transatlantic crossing by air. His last visit to North America was in 1969 when he was a Visiting Member of the Institute for Advanced Study in Princeton.

As we have seen, Richardson and Sayles had first published on the Irish parliaments of Edward I in 1929. Although they seem to have continued working on the Irish parliament and more generally on Irish medieval administration during the 1930s it was not until 1943 that Richardson published an article on the so-called Irish ‘Statute Rolls’ of the fifteenth century²⁵ and not until 1947 that they jointly produced a collection of documents relating to the Irish parliament and great council, mainly of a fourteenth-century date, for the Irish MSS Commission.²⁶ The history of the Irish medieval parliament was also the subject of the first joint book (other than books of edited documents) published by the collaborators. This appeared in 1952, more than twenty years after the start of their collaboration.²⁷ The book was written from an unrivalled knowledge and mastery of the primary

²⁵ H. G. Richardson, ‘The Irish Parliament Rolls of the fifteenth century’, *English Historical Review*, lviii (1943), 448–61.

²⁶ *Parliaments and Councils of Medieval Ireland*, vol. I (Irish MSS Commission, 1947).

²⁷ *The Irish Parliament in the Middle Ages* (Philadelphia and London, 1952). The volume was published as no. 10 in the series of Studies presented to the International Commission for the History of Representative and Parliamentary Institutions (*Commission Internationale pour l’Histoire des Assemblées d’États*). Sayles was not, however, invited to become a member of the Commission until 1956. A second edition appeared in 1964 but this was no more than a reprint with minor corrections.

sources on both sides of the Irish Sea and it is unlikely that it will ever be superseded as the standard monograph on the subject. A similarly close acquaintance with the wide range of relevant primary sources is also evident in their indispensable reference work, *The Administration of Ireland*.²⁸ This provided the first reliable lists of royal officials and justices active in the lordship of Ireland for the period down to 1377. Although it did not appear until 1964 most of the work for it had been completed while Sayles was still in Ireland.

Despite his continuing interest in Irish history, by 1953 Sayles had decided that he did not wish to remain in Belfast until retirement. He chafed at the difficulties encountered in travelling to the mainland, especially in summer, and the obstacles that this posed to working in English archives and libraries. He seems also to have been apprehensive about the possible resurgence of political and military activity in Northern Ireland. Thus, when the Burnett-Fletcher Chair of History and Archaeology at the University of Aberdeen fell vacant, he made a successful application for it. Since there were already two established medievalists teaching at Aberdeen (Kathleen Edwards and Leslie Macfarlane) Sayles did not lecture in medieval history while he was there. Instead he returned to lecturing on the subject he had taught during his earlier years at Glasgow, modern European history. His only contact with the teaching of medieval history was through tutorials.

In 1956 the University of Glasgow decided to create several new Chairs, one specifically in Medieval History. This post was not advertised but Sayles was approached to discover if he wanted it and he indicated his interest. Sayles was indeed an obvious candidate. He was a distinguished medievalist who was a graduate of the university and had spent more than half of his teaching career there. The appointment committee, however, was also faced by the claims of an internal candidate, E. L. G. Stones. Stones was much younger than Sayles and had published much less. He was, however, seen by the committee as 'good professorial timber'. Had they been certain that Stones would have succeeded Sayles in his General History Chair at Aberdeen, there is little doubt that the committee would have recommended the appointment of Sayles. They judged, however, probably correctly, that the chances of Stones being appointed to the Aberdeen Chair were small. They therefore left it up to the University Court to make the choice

²⁸ *The Administration of Ireland, 1172-1377* (Irish MSS Commission, 1963).

between the two men. After both had been interviewed it was Stones who got the Glasgow professorship. This was clearly a major professional disappointment for Sayles. He must have relished the possibility of crowning his career by a triumphant return to his undergraduate university, and the blow was all the greater when his successful rival had not achieved as much distinction as himself.

It is not wholly clear when or why Sayles resumed work on the court of King's Bench. In 1957 he wrote as though he had always intended, from the very beginning of his work on King's Bench, to continue on past the end of Edward I's reign and through to 1340. In 1307, he noted, the court had yet to assume two of the more important areas of its classic jurisdiction (proceedings initiated by indictment and by bill) and by taking his enterprise down to 1340 he would reach the period by which the court had reached its classic medieval form.²⁹ There is, however, little evidence of this having been the original scheme in the three volumes which were published prior to the Second World War and, as we have seen, his thesis had dealt only with the functioning of the court during the reign of Edward I. It also seems clear from what he says in 1957 that he had not done any substantial work on the post-1307 period prior to the war and had been kept from doing so by 'the intervention of war and of post-war commitments'.³⁰ The implication seems to be that he had not resumed work on the court until the early 1950s, and perhaps only after his move to Aberdeen. The Aberdeen years produced not only volume IV of *Select Cases in the Court of King's Bench*, which appeared in 1957 and printed selected enrolments from the reign of Edward II, but also volume V of *Select Cases in the Court of King's Bench*, which appeared in 1958 and printed selected enrolments from the period 1327–1340.³¹ Like the pre-war volumes both came with substantial introductions and appendices. These covered many of the same topics as the earlier volumes but also some new ones, such as the identity and functions of the king's legal representatives from the reign of Henry III onwards and the place of equity in King's Bench. The two introductions also in part corrected or amplified things that had been said in the earlier volumes, so that even the legal historian

²⁹ *Select Cases in the Court of King's Bench Under Edward II*, vol. IV (Selden Society, vol. lxxiv (1957)), p. v.

³⁰ *Ibid.*

³¹ *Select Cases in the Court of King's Bench Under Edward II*, vol. IV (Selden Society, vol. lxxiv (1957)); *Select Cases in the Court of King's Bench Under Edward III*, vol. V (Selden Society, vol. lxxvi (1958)).

whose main interest is in the earlier period finds it necessary to consult these volumes as well as the three earlier volumes when looking for Sayles's latest thoughts on the topics which interested him or for relevant documentation.

It was also while Sayles was still at Aberdeen that he and Richardson wrote most, if not all, of their second joint book, *The Governance of Medieval England*, although it was not published until 1963 and just after Sayles's early retirement from Aberdeen. This is a lively but quirky book, written in a polemical and argumentative style and with many interesting things to say. It is less clear that it benefits from being cast in the form of a polemic against the views of Bishop Stubbs, a feature for which Sayles, rather than Richardson, probably bears the responsibility. It certainly gives the volume a dated feeling for few medievalists of the current generation will have read the *Constitutional History* or will readily understand why Richardson and Sayles thought Stubbs such an important target. Nor is it clear that the authors' methodology in rewriting the constitutional history of the period from the Conquest to Magna Carta solely from primary sources and with almost no reference to the work of other scholars (except where they are attacked for their errors in interpretation) is one that adequately expresses their debt to others within their scholarly tradition. What it does capture quite well is their sense of being outsiders and men whose work had not received its proper due. The volume was a *succès de scandale*, selling even better than Edinburgh University Press had expected. The collaborators also projected a second volume which would have covered the period from Magna Carta to the beginning of the Reformation Parliament. Parts of it were certainly written but ultimately the second part of the project was abandoned.

Sayles took early retirement in 1962 when offered generous financial support by the Rockefeller Foundation of New York, allowing him to research and write in London without administrative and teaching responsibilities but with an institutional affiliation with the Institute of Advanced Legal Studies.³² The grants gave him the equivalent of the professorial salary he was foregoing for a five-year period, and were made on the strong prompting of his American friend and colleague, S. E. Thorne. Sayles was persuaded (largely, it seems, by American

³² Papers relating to the two grants he received are to be found in folder 614, box 70, series 401, R.G. 1.2, Rockefeller Foundation Archives, Rockefeller Archive Center, North Tarrytown, New York.

enthusiasm, though also in part by American money) to resume work on the court of King's Bench, the work for which the Harvard Law Faculty had awarded him the James Barr Ames Medal (and Prize) in 1958. Thorne had presented Sayles with the award at the Selden Society annual meeting of 1959 where Sayles gave the talk later published as 'The Court of King's Bench in Law and History'. The award of the medal gave Sayles immense satisfaction, for the same medal had been awarded over half a century earlier to the historian for whose work Sayles had the greatest respect and with whom he was most pleased to be compared, F. W. Maitland. But he did not in the end produce the four further volumes which he had originally projected. What did appear were a sixth volume of *Select Cases in the Court of King's Bench* covering the period from 1340 to 1377 (in 1965) and a seventh volume covering the period from 1377 to 1422 (in 1971).³³ The introductions to these volumes focused mainly on the personnel of the court, though there was also a discussion of the court's movements and of the history of the court of the *aula regis*.

Sayles also continued working on a number of joint projects with Richardson. One was for a single-volume survey of law and legislation in medieval England covering the period from the earliest surviving Anglo-Saxon law-code (that of Aethelberht of Kent) down to the early Tudors. This was planned as a companion work to what was still seen as a two-volume project on the governance of medieval England but also as a revision and expansion of their work of the 1930s on the early statutes. In the end, however, all that appeared (in 1966) was a fragment of the larger work: their slim book, *Law and Legislation from Aethelberht to Magna Carta*, whose main focus was on the law-books and legislation of the eleventh and twelfth century. Much of what they wrote in this book was challenging and controversial: the more controversial of their theses (particularly their arguments challenging the genuineness of part of the legislation of Henry II) has not found general acceptance among specialists but has led to a useful re-examination of the relevant material. Other joint projects made much less progress. In his application to the Rockefeller Foundation Sayles mentioned a volume on *Procedure by Bill in the Later Middle Ages*. This was intended to be a continuation of *Select Cases of Procedure Without*

³³ *Select Cases in the court of King's Bench Under Edward III*, vol. VI (Selden Society, vol. lxxxii (1965)); *Select Cases in the Court of King's Bench Under Richard II, Henry IV and Henry V*, vol. VII (Selden Society, vol. lxxxviii (1971)).

Writ Under Henry III. It would have utilised transcripts of material from the plea rolls which Sayles had procured as early as 1938 and also printed a number of treatises on procedure by bill from this period. Nothing appeared. His applications also talked of working on the history of parliament and finally producing *The Medieval Parliament in England*. Sayles had already attempted to revive the original projected history on a number of previous occasions. It may have been Richardson's work on a paper on 'The Commons and Medieval Politics' for the Royal Historical Society in 1945 which led to renewed negotiations between Sayles and the Clarendon Press and a renewed attempt by Sayles to interest his collaborator in resuming work on their joint volume. In June 1947 Sayles had their joint articles specially mounted on 300 large sheets and noted in the margins his own corrections and additions. He then sent the corrected sheets to Richardson for his amendments and comments. Richardson certainly received the corrected sheets but he did nothing further with them. In 1954 Sayles again wrote to Richardson about their joint enterprise, sketching out some of the main chapters of the proposed book ('Beginning', 'Hero King', 'Edward II' and 'Commons and Peers'). The subject was again mentioned in correspondence between the two collaborators in 1963. By now the proposed volume was also to contain a bibliographical survey of the subject, probably a reworking of parts of their extended, albeit querulous, 1961 essay on 'Parliaments and Great Councils in Medieval England'.³⁴ A new publisher had also been found for the volume. This time it was to be Edinburgh University Press and the book was scheduled to appear in the autumn of 1964. Again the deadline came and went without any text being submitted for it proved impossible to motivate Richardson to return to work on their joint project and Sayles evidently felt he could not proceed without that co-operation. There was a different story in the case of the volume of text and introduction to the *Modus tenendi parliamentum* which had been awaited almost as long. Sayles resumed work on the project in 1959 and by 1963 had produced a text and an introduction incorporating Richardson's work and sent it to his collaborator for comment. Publication of the volume was then scheduled for 1965. The publication date came and went without Richardson returning the draft text. When Sayles looked over Richardson's papers after his death (as his literary

³⁴ 'Parliaments and Great Councils in Medieval England', *Law Quarterly Review*, lxxvii (1961), 213–36, 401–26.

executor) it became plain that Richardson had failed to return the draft not because he had lost interest in the project but because he had gone on working on it. A further project which apparently originated with Richardson and went back to the early 1950s was for a joint volume called *Clio's Web* concerned with the writing of history. By 1962 a major part of this had apparently been written and the joint authors had secured a contract for its publication. In 1964 they considered changing publishers to Penguin (who would have paid more) but Richardson demurred at the 'straight-jacket' of a contractual obligation to deliver the text by September 1965. All that has ever appeared was the short fragment entitled 'Clio's Web' which appeared in a collection of miscellaneous pieces by Sayles published in 1982.³⁵

It was only after the death of Richardson in 1974 and after he had himself retired that Sayles finally managed to bring a number of these projects to at least partial completion. The longest-running was their work on the English medieval parliament. *The King's Parliament of England* (published the year after Richardson's death) was a much shorter book than the one they had planned and with many fewer footnotes, but it was a distillation of the essence of the larger work and in consequence more readable than the planned book would ever have been. Sayles did not go on to write the bigger book, but he did agree to the republication with corrections and additions of the papers which he and Richardson had written over the years on the medieval parliament.³⁶ It contained much of what the bigger book would have contained minus the connecting passages. In his final years Sayles published a third book on the English medieval parliament.³⁷ This was a volume of selected materials in translation, drawn mainly but not exclusively from the Public Record Office, which were intended to illustrate the functions of the English parliament during the period 1258–1350. It resembles the book first suggested by Sayles to Richardson over sixty years earlier. The material is arranged chronologically, parliament by parliament, rather than thematically and it makes no attempt to be exhaustive or to place the material in any wider social or even political context. Its real merit and purpose lies in providing *pièces justificatives* for the view of the functions of the English parlia-

³⁵ G. O. Sayles, *Scripta Diversa* (London, 1982), pp. 1–16.

³⁶ H. G. Richardson and G. O. Sayles, *The English Parliament in the Middle Ages* (London, 1981).

³⁷ G. O. Sayles, *The Functions of the Medieval Parliament of England* (London, 1988).

ment during this period which Richardson and Sayles had so long been propounding. A modern edition of the *Modus tenendi parlamentum* was eventually provided by others, not by Sayles,³⁸ but in 1981 he did finally publish a paper containing the main arguments for a later date and an Irish origin for the *Modus* first formulated half a century earlier.³⁹ Historians have found the arguments interesting but few have been convinced by them. A third joint project was the publication of a new edition and translation of the late thirteenth-century treatise *Fleta*. Richardson had begun work on this during the Second World War. The task was not a particularly difficult one since there was only a single MS of most of the treatise and the main job of the editor was to identify the sources (mainly passages in *Bracton* plus statutes, a register of writs, and passages from *Walter of Henley*) from which the author had compiled his text. Soon after beginning work Richardson had called in his long-term collaborator to assist him. Sayles had a seventeenth-century edition of *Fleta* retyped during the Second World War by typists working for M'Lennan, Blair and Munsie and the two collaborators seem then to have set to work comparing this text with photostats of the original. It was envisaged that the work would be published by the Selden Society in four volumes: the first volume to be an introduction, commentary and index to the whole; the other three to contain text and translation. Volume I, which could only be completed once the other volumes had been finished, will never now appear. Volume II, although already in proof in 1944–5, only appeared in 1955, apparently because of differences between Richardson and the Literary Director of the Selden Society (T. F. T. Plucknett) over the translation of technical terms.⁴⁰ Volume III was in typescript by 1965 but did not appear until 1972.⁴¹ Volume IV, the work of Sayles alone, finally appeared in 1984.⁴² In this final volume there is at least a brief introduction considering, among other things, the date of the treatise, the relationship between *Fleta* and *Bracton* and the authorship of the treatise. In it Sayles stubbornly (albeit loyally) maintained, despite the weight of contrary evidence, Richardson's view that the treatise had no connection with

³⁸ N. Pronay and J. Taylor, *Parliamentary Texts of the Later Middle Ages* (Oxford, 1980).

³⁹ 'Modus tenendi parlamentum' in *Anglo-Irish Relations in the Later Middle Ages*, ed. J. F. Lydon (Dublin, 1981), pp. 123–52 (and reprinted in his own *Scripta Diversa* at pp. 331–60).

⁴⁰ *Fleta*, vol. II, ed. H. G. Richardson and G. O. Sayles (Selden Society, vol. lxxii (1955)).

⁴¹ *Fleta*, vol. III, ed. H. G. Richardson and G. O. Sayles (Selden Society, vol. lxxxix (1972)).

⁴² *Fleta*, vol. IV, ed. G. O. Sayles (Selden Society, vol. xcix (1984)).

Matthew of the Exchequer and did not derive its name from having been written in the Fleet prison.⁴³ It seems doubtful whether it was really worth producing a new edition of a text of which there was already an adequate, if not perfect, seventeenth-century edition available, particularly when there were other contemporary texts (like Gilbert of Thornton's *Summa*) still awaiting publication. The translation and annotations are, however, certainly useful. A fourth and less substantial joint project was an edition of material mainly from the Public Record Office and principally from Ancient Petitions and Ancient Correspondence relating to Ireland and the treatment of Irish affairs by the king's council in England. This had first been accepted for publication by the Irish MSS Commission in 1936 but was finally completed by Sayles alone and appeared over forty years later, in 1979.⁴⁴

Retirement also brought Sayles a number of scholarly honours: a fellowship of the British Academy (in 1962); an honorary doctorate from Trinity College, Dublin (in 1965); an honorary doctorate from his *Alma Mater* Glasgow in 1979 (a second D.Litt. to match the one he had earned for his thesis in 1932); election as a Corresponding Fellow of the Medieval Academy of America (in 1980). Sayles had been a Council Member of the Selden Society since 1941 and a Vice-President between 1953 and 1956. In 1985 he was elected one of its Honorary Members.

George and Agnes Sayles had moved from Aberdeen down to Crowborough in East Sussex, some thirteen miles from Goudhurst (the retirement home of his collaborator, Richardson) in 1962. George's retirement was a productive one until his eyesight began to fail in the mid-1980s. He remained cheerful even then and even in the face of adversities in his family life: the premature death in 1989 of his son Michael, who had become a career officer in the RAF, and the onset of a debilitating disease in his daughter Hilary, which forced her into early retirement from her appointment in the Kunsthistorisch Institut of the University of Utrecht but also brought her home to live close to her parents in Crowborough. George Sayles died in hospital on 28 February 1994 after a fall at home. His widow Agnes survived him for less than two years, dying in December 1995. Their ashes now lie together in the Necropolis in Glasgow.

⁴³ See Richardson's review of Denholm-Young's *Collected Papers on Medieval Subjects* in *Law Quarterly Review*, lxxiii (1947) at 377.

⁴⁴ *Documents on the Affairs of Ireland before the King's Council*, ed. G. O. Sayles (Irish MSS Commission, 1979).

George Sayles did not reach the very peak of his chosen profession and was denied even the Medieval History Chair at Glasgow for which he was so eminently qualified, but the quantity and quality of his scholarly work were recognised in the honours he received in the later years of his career and after his retirement. During his long career as a publishing scholar he produced work of enduring value by himself on the medieval court of King's Bench and in co-operation with H. G. Richardson on the English and Irish medieval parliaments and English medieval legislation. George Sayles is one of the few legal and constitutional historians who have written since Maitland whom it is not wholly inappropriate to compare with him. The quality of Maitland's writing and the sheer breadth and liveliness of his intellectual interests make him much the greater historian but it is no small compliment to Sayles that such a comparison is even thinkable.

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Note. I gratefully acknowledge the assistance I have received in compiling this memoir from the late Mrs Agnes Sayles (George Sayles's widow) and from Miss Hilary Sayles (his daughter), both in giving me access to his papers and in their personal memories; from Professor A. A. H. Duncan, who not only contributed his memories of George Sayles but also conducted research in the archives of the University of Glasgow on my behalf; to the Rockefeller Foundation Archives in the Rockefeller Archive Center, North Tarrytown, New York for sending me copies of the papers relating to grants made to George Sayles; to the Carnegie Trust for the Universities of Scotland for material relating to their grants to George Sayles; to David Sellar for doing research on my behalf in the New Register House in Edinburgh on the Sayles family; to Professor Bruce Lenman for sending me a memoir of George Sayles's time at Aberdeen; and to Professor J. H. Baker and Martin Sheppard for access to their correspondence with George Sayles.