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PERSONAL ANIMUS AS AN ELEMENT
IN THE BARONIAL OPPOSITION TO
HENRY III IN 1258

BY

DAVID T. BORUTSKI

A thesis submitted to the Faculty of Graduate Studies of
the University of Manitoba in partial fulfillment of the requirements
of the degree of

MASTER OF ARTS

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T O M Y P A R E N T S

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LIST OF ABBREVIATIONS

- Ann. Mon., Annales Monastici
C.C.R., Calendar of Close Rolls
C.D.I., Calendar of Documents: Ireland
Chron. Maj., Chronica Majora
C.M.H., Cambridge Medieval History
C.P.R., Calendar of Patent Rolls
D.N.B., Dictionary of National Biography
E.H.D., English Historical Documents
Hist. Ang., Historica Anglorum

CONTENTS

INTRODUCTION.....	1
I. THE VIEW OF OTHER HISTORIANS.....	5
II. THE ELECTION OF THE BARONIAL TWELVE.....	20
III. CHARACTERISTICS OF THE BARONIAL TWELVE.....	38
IV. TIES OF FACTION.....	54
V. BARONIAL GRIEVANCES - WARDSHIPS AND RELIEFS.....	77
VI. BARONIAL GRIEVANCES - CIVIL AND CRIMINAL SUITS.....	99
VII. BARONIAL GRIEVANCES - THE PERFIDIOUS NATURE OF THE KING.....	120
CONCLUSION.....	143
APPENDIX - PETITIONS OF THE BARONS.....	146
BIBLIOGRAPHY.....	151

INTRODUCTION

The reign of Henry III spans fifty-six years, a very long time for any monarch and particularly so for one living in the more primitive and rustic milieu of thirteenth century England. Not until the nineteenth century, when Queen Victoria assumed the royal dignity, was Henry's tenure surpassed. During the five and a half decades of his kingship one can distinguish four distinct phases of his government, each of which demonstrates the degree of his effectiveness as ruler. These are: his long minority 1216-1232; the years of his personal government 1232-1258; the period of rebellion 1258-1264; the final years 1264 until his death in 1272. This thesis will concern itself principally with the second phase of Henry's reign, that quarter century in which he exercised authority in a manner that best represents his personal rule. It was in these years that the king's personality became an element underlying baronial discontent.

The period begins with Henry's dismissal of the leading ministers in his court, who, he believed, were responsible for the evil influences of his minority. Thereafter, to ensure that he would never again be influenced by such men, he determined to rule without a ministry. The notion of ruling alone came essentially from the Capetian monarchy and was not wholly without merit. First, in assuming control of

government Henry reasoned, and correctly, that the barons would be less apt to refuse a royal demand than if it was issued by one of his subordinates. A second advantage was that the revenues, formerly administered by his ministers, would now go directly to the royal treasury thus removing the perennial problem of its being squandered by dishonest officials as had been so frequently the case in the past. The revenues consequently saved could be used to defray the ever increasing expense of running the administration. The policy recommended itself for a third reason. The personal grievances of the barons which had been made the pretext of former discontents could not be so easily registered against a king who was his own first minister. The chief disadvantage of ruling alone was that it presupposed a strong ruler, one who was industrious, shrewd, and willing to engage in constant supervision, the very qualities which Henry lacked. Moreover, in the past when royal mandates proved unpopular the blame could be thrown upon the shoulders of some subordinate official who could, if opposition continued, be dismissed. But, when all authority rested with the king it followed inevitably that he alone would bear the brunt of his mistakes.

During the early years of this period the king's ineptitude was not so great as to cause the emergence of a united opposition. Leaderless and content to leave the running of administration to the king, the barons remained quiescent.

So long as Henry squandered his own income and left them more or less alone, they tolerated his blunderings, preferring years of futile bargaining and broken promises to taking control of the administration. The alienation, however, could not proceed indefinitely, especially when the king perpetually violated the charters, associated himself with aliens, and constantly allowed his policy to be controlled by his favourites. Eventually, the complaints became so great and ubiquitous that even his personal presence was not enough to still the discontent. Finally, in the spring of 1258 when a financial and religious impasse of unprecedented magnitude faced the monarch, the barons used the opportunity to force concessions from him. The gathering at Oxford in June of that year was convoked for this purpose.

It is the intention of this thesis to indicate to what extent the members who were elected to represent the baronial side at this assembly were animated by personal or self-serving motives. It is intended to demonstrate that those barons who, in the years preceding 1258, had suffered personal affronts at the hands of the king, and thus in many ways were predisposed to rebel. All bore malice towards the king and were motivated by personal grudges. What effect this had on the baronial "plan of reform" is difficult to assess, but leaving aside personal eccentricities, it is a factor that should not be ignored. The thesis will attempt to explore

this problem and how it fits into the context of the conflict between the king and the barons.

The initial chapter surveys the literature of other historians, particularly in respect to baronial motives. Chapter Two outlines the political and religious dilemma faced by the king, and his attempt to resolve the issue by convoking the meeting at Oxford. Chapters Three and Four describe the characteristics and common interests of those members of the baronial faction in attendance at this meeting. Chapters Five, Six, and Seven scrutinize the abuses and affronts sustained by the individual participants. The conclusion sums up the results and assesses what affect these oppressions may have had on the drafting of legislation for reform.

CHAPTER ONE

THE VIEW OF OTHER HISTORIANS

The barons' revolt of 1258 has attracted the attention of a number of historians in the nineteenth and twentieth century. Most of the literature generated, whether general histories or specialized monographs, examines the political and constitutional changes that resulted from the crisis. Of particular interest was the provisional government established by the baronial faction which, in some ways, became the precursor of parliamentary representation. As to why the twelve who convened at Oxford chose to rebel against Henry, various political, social, and even climatic reasons have been proposed. These have, individually, greater or lesser merit and have won widespread if not universal support. One factor which has received only cursory attention, and is the issue which this thesis attempts to address, is the individual motives of the participants, more specifically: were personal grievances against the king by the faction who represented the baronial side at Oxford a possible cause for the rebellion? The question has not been totally ignored, in fact, several historians have alluded to its probability, though none have given any evidence to support their assumptions.

The earliest work on the rebellion has come from the pen of William H. Blaauw (1844) and was appropriately entitled The Barons' War. About the revolt and its probable antecedents the author suggested, at one point, that the members of the baronial party were moved by designs that were less than noble. "It is not from men of the thirteenth century that we could expect performance of great actions from pure and unmixed motives..."¹ As Blaauw saw it, the barons, an unruly group of individuals at the best of times, were attracted to one another by different degrees of loyalty: some were united in a genuine spirit of patriotism and desired broad and sweeping changes in the relationship between themselves and their king; others were imbued with the characteristic medieval notion of continuity and wished to maintain the present status quo with their rightful sovereign, regardless of the difficulties. And somewhere in the middle of these two extremes were barons whose motives defied categorization, those who possessed no political scruples or ideology whatsoever. Aware of these discrepancies, Blaauw concluded about the latter group, "no doubt ambition, self-interest, and revenge played their part, each at times displayed an almost ostentatious perjury."² But aside from commenting on

¹W. H. Blaauw, The Barons' War, 2nd ed., (London: Nichol & Son, 1844), p. 3.

²Ibid., p. 3.

these differences, he pursued the question no further, focusing instead on the narrative of the events.

In assessing Blaauw's view, one should call to mind the period in which he was writing; he was almost contemporary with the German historian Leopold von Ranke, the founder of history as an academic discipline. It was a time when historical objectivity was in its infancy and certainly had not reached the standards we have come to expect in the twentieth century. Furthermore, his sources were mainly thirteenth century monastic chronicles, which works, while illuminating, are preoccupied with religious issues thereby giving a distorted or exaggerated view of social and political events. The wealth of information contained in the financial and administrative records of the period which has added immeasurably to our knowledge had not, as yet, been edited or made readily accessible to the historian.

Almost four decades after Blaauw, William Stubbs produced his monumental Constitutional History of England (1877). To Stubbs, the baronial revolt was but a highlight in the continuous struggle for rights and liberties first enunciated in the Magna Carta in 1215.³ As for the

³W. Stubbs, Constitutional History of England, 3 Vols. 4th ed. (Oxford: Clarendon Press, 1906), II, p. 1.

reasons why the barons rebelled, he believed the answer lay in the list of grievances presented to Henry at Oxford in 1258. The list, (see appendix I) drafted by the faction representing the barons at Oxford, contains twenty-nine articles for correcting the abuses of the realm.⁴ Chief among the recommendations was the removal of all foreigners from the royal court. Also in need of correction was Henry's failure to respect feudal law of which the most obvious infractions were: his failure to fulfill the Charter of the Forest, the illegal exactions of feudal service, the unlawful bestowal of estates and royal escheats, and the erection of royal castles without baronial consent. In the realm of commerce they demanded an end to the abuse of purveyance and the dealings of the Jews and other usurers who had played so dishonestly into the hands of the rich. In the religious sphere they wanted the king to stop his meddling in Church affairs, especially his intervention in ecclesiastical elections. Of the righteousness of these complaints, Stubbs believed there was no question: the barons had legitimate grievances that needed redress.⁵ He never saw, however, these as pertaining to the barons who met at Oxford; instead he implied that the grievances enunciated by the faction referred to all subjects within the realm. Personal injustices

⁴Ibid., pp. 77-76.

⁵Ibid., p. 77.

on the part of the king against the baronial twelve were not viewed as a contributing factor. It may be that he thought the magnitude of the grievances and the impotence of the barons in effecting change in the years prior to 1258 needed no further provocation.

Stubb's younger contemporary, Thomas Tout, produced, at the turn of the century, a political history of England of the thirteenth and fourteenth centuries subtitled The History of England from the Accession of Henry III to the Death of Edward III: 1216-1377. In it, he attributed baronial dissatisfaction to Henry's mismanagement of the realm. He did not consider grievances as a cause of the revolt as Stubbs had. Rather, he surveyed the dismal record of Henry's government in the decades before 1258.⁶ Chief among the king's political mistakes, he asserted, was Henry's refusal to disassociate himself from his foreign kinfolk, a source of friction further exacerbated by the internecine fighting between the two families present at his court, the Savoyards and Poitevins. Another cardinal error, Tout argued, was Henry's inability to live within his means, consequently

⁶W. Hunt & R. L. Poole, gen. eds., The Political History of England, 12 Vols., (London: Longmans, Green, & Co., 1905), III, The History of England: From the Accession of Henry III to the Death of Edward III, by T. F. Tout, p. 98.

obliging him to seek extraordinary aid to supplement his income. Insofar as he considered the bearing of foreign affairs or events, he identified the king's failure to subdue the sedition and unrest in his continental province of Gascony as being of considerable significance. Lack of success with this, besides providing a constant drain on his resources and men, signaled a military humiliation, especially so in the eyes of the more martial of the English nobility. Likewise, Henry's inability to effectively check the Welsh bore heavily on the needs of the same group. Under their princes Llywelyn and David, widespread inroads were made onto English territory resulting in considerable damage and severe hardship to those English residents along the borders. Conceivably though, the most foolish blunder of all was Henry's ill-fated decision to involve himself and his kingdom in the struggle which had been renewed between the papacy and the Holy Roman Empire. The height of this folly was Henry's ludicrous proposal to embark on a crusade to Sicily in return for the pope conferring the Sicilian crown upon Edmund, his second son. Not only was the project impossible of fulfillment, but it was entered upon without prior consultation with his vassals, a course of action which was in violation of feudal custom.

In addition to these domestic and foreign blunders Tout suggested adverse weather conditions in the years prior to

1258 as a contributing element in the debacle.⁷ A poor harvest in 1257 which seriously limited the corn supply was followed by an extremely harsh and prolonged winter, killing off many of the new lambs. Concurrently, a murrain in the cattle raged unchecked. The upshot of these natural calamities was famine and pestilence which fell with the greatest severity upon the lowest orders in society.

E. F. Jacob, writing after the first great war, looked at the problem from a different perspective. As he saw it, the impetus for opposing Henry came, not from political and social upheaval, but from within, that is, from those just below the aristocratic class in society who were gradually becoming involved in the governmental process. It was a "...greater articulation of community life and from the fact that the social groups now realizing themselves were finding a voice and, to limited extent, a policy".⁸ Though many of the less progressive baronial members would have emphatically denied their very existence, he credited two factors as being responsible for their influence: a higher conception of political government held by Simon de Montfort; and the contemporary lawyers and jurists who had no intention of turning back the clock to rigid feudalism. To Jacob, it was the

⁷Ibid.

⁸E. F. Jacob, "England: Henry III," in Cambridge Medieval History, gen. eds. J. R. Tanner et al., 8 Vols., (Cambridge: University Press, 1929), VI, p. 271. Thereafter cited C.M.H.

fusion of these two concepts, crystalized in the oligarchic movement that caused the revolt.

Such a notion of political awareness, particularly by the baronial members, attracted the attention of constitutional historians, many of whom viewed the events as an important step towards the formation of parliament. For this reason, their emphasis was on the political rights and privileges gained by the barons during the provisional government. J. E. A. Jolliffe, like earlier historians, focussed on the mismanagement of Henry's reign which he believed resulted in an opposition of mistrust rather than grievance brought on by the king's singular lack of political direction in governmental affairs. As to baronial motives, Jolliffe took note of what forces they were exposed to instead of the general plight of the realm. What seemed most aggravating to the barons, in his view, were the justices, the chancellor, the king and his writs of wardship, his incessant demands for aid, and the king's interference in matters they regarded as their own business.⁹ It was these issues which affected them personally and thus contributed to their acute displeasure.

⁹J. E. A. Jolliffe, The Constitutional History of Medieval England, (London: Adam & Charles Black, 1937), p. 284.

Jolliffe also raised the subject of personal monarchy as a possible factor that led to baronial dissatisfaction.¹⁰ What was once considered the accepted mode of rule, indeed divinely sanctioned, was beginning to be seriously questioned by the most astute political minds of the century as throughout Western Europe men concerned themselves with the problems of law, authority, and council, particularly as they related to practical politics.

The issue was especially pertinent to the English kingdom since the Crown had only recently undergone a long minority which inevitably forced many of these very questions upon the ministers and counsellors who governed in Henry's stead. What had evolved was a practical experiment in government which seriously undermined the notion of personal monarchy. That it was a dilemma in the intellectual milieu as well is evidenced by its inclusion in the writings of political theorists of such renowned stature as Bracton and Grossteste.

Last, Jolliffe raised the issue of the volatile political mood in the months prior to the outbreak of hostilities¹¹. Continually pressed for money, the barons were frequently called upon to convene at regular intervals, and

¹⁰Ibid.

¹¹Ibid., p. 285.

in the course of these gatherings worked themselves into a state of fear, mutual loyalty, and anger, all of which contributed to a revolutionary climate. Such a response was not limited to the barons alone, the Church and the lesser feudatories also had had time to clarify their grievances. They, too, were predisposed to rebel should any break in the stability of the realm present itself.

To some degree this view was refuted by Bertrie Wilkinson, who, during the 1940's and 1950's argued that the main reason for the assembly at Oxford was to promote a consensus among the baronial participants for the purpose of setting up a council which would advise the king.¹² Only later, after negotiations had proven futile, did the council transform itself into a revolutionary body. Those grievances most disturbing to the members were the same ones mentioned in the contemporary monastic chronicles: chief of which were the objections to foreigners, and the refusal of Henry to observe the laws laid down in Magna Carta which he had previously sworn to heed on numerous occasions. Wilkinson, nonetheless, was astute enough to realize that these complaints were only the most obvious ones in a much larger pattern of grievances,

¹²B. Wilkinson, Constitutional History of Medieval England: 1216-1399, 3 Vols., (London: Longman Green & Co. Ltd., 1948), I, pp. 129-40.

that is, they were but the starting points for a movement aimed at issuing a set of reforming ordinances (provisions) for the overall improvement of the administration. Whether they were indicative of a genuine desire to reform the government, Wilkinson remained undecided. "It seemed a mistake to interpret them (baronial opposition to external and domestic affairs) in terms of personalities, though personal ambitions played an important part".¹³ In sum, Wilkinson had an exalted opinion of the barons who gathered at Oxford, believing them to have been imbued with a real sense of high endeavor and constructive statemanship.

Such a viewpoint was taken a step further by R. F. Treharne who, extolled the virtues of the baronial members, particularly its leader Simon de Montfort. He credited the participants with far-sighted political motives, namely a desire to implement genuine reforms in the governmental bureaucracy. From the outset, he saw the barons acting in a spirit of real altruism.¹⁴ Their motives were a carefully conceived plan which constituted the first deliberate

¹³B. Wilkinson, The Later Middle Ages in England: 1216 - 1485, (London: Longman Green & Co., Ltd., 1969), p. 70.

¹⁴R. F. Treharne, "The Baronial Plan of Reform", (Manchester: University Press, 1932, reprint ed., 1971, p. 4. Thereafter cited Baronial Plan).

and conscious revolt in English history, one that benefited all classes in society, rich and poor alike. It was the barons' finest hour because they attempted to remove the framing of policy from the king and his counsellors, not to gratify their own personal ambitions, but to reform the whole judiciary system according to contemporary conceptions of justice, law and rightfulness. As to the sincerity of their motives, Treharne believed that the documents drafted by the barons advocating changes which affected their position and status as well as that of the Crown, were proof of this. Baronial altruism was again demonstrated, he argued, by the oath the members swore prior to the implementation of the reforms. These, to him, represented "a trumpet blast of unity in the face of a great and challenging task".¹⁵

He further asserted that although it was true the members were chosen from a small elite group at the pinnacle of the feudal hierarchy, they were not in any way a closed clique; rather the members were simply twelve of the most important earls and barons within the realm who were prompted by the overall motive to effect a general reform of the realm.

¹⁵R. F. Treharne, "The Significance of the Baronial Reform Movement," Royal Historical Society: Transactions, Ser. 4, XXV (1943), p. 70.

But aside from a common goal, Treharne was not so naive as to suggest complete agreement among the individual barons, especially when work of implementing the reforms was begun. He agreed that they were a composite group: some trained soldiers, experienced in matters of warfare, and little else; others great earls experienced in all phases of state business, and thoroughly familiar with all the important fiscal, administrative, legal and judicial problems arising out of their own estates.¹⁶ In short, they were practical men with different opinions on how the state should be governed. And it was this divergence of opinion which became the death-knell of the movement, for as the baronial reforms were put into practice, and their legal and administrative aspects became evident, there were some who could not accept the loss of power and privileges which the changes entailed. This was particularly true of the reforms advocated by the justiciar Hugh Bigod (freely elected by the barons) who, in seeking a more equitable system in applying feudal law, altered certain rights between vassal and lord. But while Treharne was willing to concede the dissolution of unanimity in the later stages of the rebellion, he refused to believe that the barons who convened at Oxford in 1258 bore any malice towards Henry. As he viewed it, personal grievances played an insignificant part in the proclamation of the constitutions presented there.

¹⁶Ibid., p. 37.

By contrast, Sir Maurice Powicke in 1953 argued the opposite: personal differences among the baronial members were a contributing factor "No doubt," he wrote, "they were influenced by personal grievances and grudges. Like any large group of men, the participants were a mixed lot: some were stupid, some perverse, some too hot-tempered, some cynical."¹⁷ Their quarrels with the king though, were mostly domestic arguments, concerns which took place within the great house of the king, and both sides showed a lack of restraint and an unwillingness to compromise. It was an age when men were governed more by instincts and pride than by level-headedness and compromise. Powicke also viewed the leader of the faction differently: where Treharne extolled the merits of Simon de Montfort, he saw the great earl as a man too quick to quarrel, a pursuer of power who sought only to gratify his overweening arrogance and personal ambitions.¹⁸ To him, Montfort took advantage of an opportune moment and advanced his own interest. He could never forgive Simon, whom he regarded as a foreigner, for returning to

¹⁷ M. Powicke, The Thirteenth Century: 1216-1307, (Oxford: Clarendon Press, 1953), p. 77. As far back as 1238 he argues that the barons were united in their opposition to the king over what they believed were violations against their lawful rights.

¹⁸ M. Powicke, R. F. Treharne, C. H. Lemmon, The Battle of Lewes, 1264: Its Place in English History, (Lewes: The Friends of Lewes Society, 1964), p. 15.

to England, reviving the cause of reform, and plunging the realm into civil chaos.

The debate between R. F. Treharne and M. Powicke skillfully argued in an article entitled The Battle of Lewes: 1264 its place in English History (1955) brings to a close the historiography of this event. Although over twenty-eight years have since elapsed, little new information has been added to the period. While some may ignore completely or attach small importance to personal malice on the part of the barons, there are others who contend that indeed it was a factor, if not at the outset then in the subsequent turmoil. The argument, it seems, lies not in its existence, but in its influence and when it became predominant.

CHAPTER TWO

THE ELECTION OF THE BARONIAL TWELVE

On the seventh of April, 1258 Henry III of England called the most prominent barons in the realm to a council at London. Its purpose was to consider the logistic problems associated with his forthcoming crusade to Sicily, in point of fact, the king needed more funds. But once having assembled, the barons, on their own initiative, altered the agenda and discussed a topic much more revolutionary than either they or the king had ever anticipated. They proposed a complete reorganization of the administration, especially of the inner Council, which had become by this date, a closed circle accountable and responsible only to the king himself. What the barons wanted was a return to the earlier aristocratic period of the great officials (prior to 1234) where great administrators like Hubert de Burgh, justiciar, and Ralph Neville, chancellor, ruled, largely free from royal control¹. These officials, though ministers of the Crown, considered themselves the mouthpieces of baronial policy and were only obedient to the king when he followed the counsel of his magnates. In sum, they proposed to reverse Angevin supremacy with its emphasis on centralization and autarchy which, they believed, had overreached itself.

¹R. F. Treharne, Baronial Plan, p. 20.

While the participants, at the outset, showed great enthusiasm in advocating much needed reforms, they quickly lost their zeal. They lacked the necessary foresight to complete their goals and were hampered by a partisan outlook and personal aspirations. The only reason the members maintained their positions for as long as they did was because of the unique situation. Once they had seized the reins of government, there was no other class in a position to oppose them.

Precedent for the movement remains speculative, but one need only turn back a generation to the rebellion against King John to find a similar occurrence. Many of those who opposed Henry at Oxford in 1258, if not present at Runnymede in 1215, were sons of those who were. Perhaps this momentous event had taught them to interpret the traditions of personal loyalty and feudal contract in a broader sense than that understood by the rest of the nobility. They may, as the barons under John did, have come to the realization that the personal rule of a king was more analogous with a tyrannus than a rex, and that the administration of government was not an individual, but a public task, i.e. king and barons in council.²

²M. Powicke, "England: Richard I & John," in C.M.H., VI, p. 219.

Something should also be said of the long minority of Henry, a period when the barons were called upon to unite in a common cause and assist both the papacy and the regency during the turbulent years that followed Henry's coronation. They, as the king's natural advisers, were awarded duties and obligations which previously had been the sole responsibility of the king. Men like William Marshal - awarded the novel title of rector of king and kingdom - and William Brewer and Walter Lacy to name a few, had the difficult task of linking the policies of John with that of his son Henry.³

Thirdly, one should not underestimate the leadership qualities of Simon de Montfort whose idealism, however misguided, was a major influence on the other members. In the years previous to 1258, when Simon had been unavailable as leader, the barons had been ineffectual in implementing changes. And although there is no evidence that it was he who instigated the rebellion, not long afterwards he emerged as the chief protagonist of reform.⁴

³M. Powicke, Thirteenth Century, p. 3.

⁴Bartholomaei de Cotton Historia Anglicana; Liber de Archiepiscopis et Episcopis Anglicae, ed. H. R. Luard, Rolls Series (London: Longman Green Longman & Roberts, 1859), p. 138. Under the year 1259 John Taxter writes "Eo anno Symon de Montforti dux baron factus est."

since the initial aim of the baronial members was less grandiose than either the king, or for that matter, they themselves had planned, the events which form the background of their program deserve careful scrutiny. These have their beginnings eight years earlier, specifically, on the sixth day of March 1250 when Henry yielded to his religious impulses and swore a solemn oath to undertake a crusade to the Holy Land. The decision set in motion a chain of events which united both the religious and secular factions of the realm, and ended the detached alienation between himself and his barons that had characterized most of his earlier rule.

Whether Henry, a pious, albeit unwarlike recruit, was sincere about fighting the Infidel remains debatable. It may be that he was actuated by the general revival of the crusading spirit caused by the success of the French expedition at Damietta in 1249, led by his gallant brother-in-law Louis IX.⁵ Or, there may have been a sinister reason, as Matthew Paris seems to insinuate. On several occasions he observes that the king had used the idea of a crusade as an excuse to

⁵ Jealousy may have been the motive as it was rumoured that Henry expressed his intentions so as to delay the departure of the English Crusaders who were planning to leave immediately with the French king. Matthew Paris, Chronica Majora, ed. H. R. Luard, 7 Vols., Rolls Series (London: H.M.S.O., 1872-83), V, p. 102. Thereafter cited Chron. Maj.

obtain financial assistance from the clergy.⁶ While his remarks are speculative they certainly are not out of character with Henry's earlier behavior, for he, when faced with a difficult situation, was not beyond committing himself to commendable undertakings as a way to avoid an immediate problem. And while a crusade was hardly a solution to the social and political troubles existing in England, his decision was at once a chivalrous act, and raised his prestige at home and abroad.

But the crusader's vow was not an oath taken lightly, especially for a king, and the papacy which gained enormous prestige by providing leadership to such endeavors, was determined to see that all who took the oath fulfilled its terms. To finance the proposed expedition, Innocent IV consented to Henry's request that a tax be levied on the clergy. The assessment, labeled the Valuation of Norwich, was a considerable one consisting of a levy of a tenth of all English

⁶Ibid., pp. 102, 282, 327. The idea of taxing the people as a way of raising money had been around for some time. In 1166 a tax of six pence in every pound's worth of personal property was taken for relief of the Holy Land. In 1188 Richard I financed his crusade by levying a tax consisting of one tenth of all personal property except arms, horses, dress, and personal stones. (Saladin Tithe). See S. K. Mitchel, Studies in Taxation under John and Henry III, (New Haven: Yale Univeristy Press, 1914), p. 6.

English ecclesiastical revenue.⁷ All money collected would be held by papal delegates until a date for the crusade had been established under oath. Henry satisfied this condition in 1252 when he promised to depart on June 24, 1256.

Assured of the king's commitment, Innocent instructed the prelates to collect the tax, a task which proved much more difficult than first anticipated. It seems that those who had agreed to the levy had done so without first consulting the lower clergy and this group, upon whom the burden fell the hardest, would not acquiesce readily to the impost. So ubiquitous was the resistance that the collection fell far short of what was needed and subsequently forced the collectors to compromise and to make individual revisions necessitated by equity. Pope Innocent, nevertheless, was not in the least deterred by the disappointing response, nor did his death in 1254 end the demand; in fact, a change in papal political fortunes made the subsidy even more imperative.

As the tax collectors went about their business in England the papacy became embroiled in a territorial dispute with the Holy Roman Empire which required all the financial

⁷For a detailed account of this tax see W. E. Lunt, The Valuation of Norwich, (Oxford: Clarendon Press, 1926). The title is derived from Walter Suffield Bishop of Norwich, one of three agents assigned by the papacy to oversee its collection.

reserves it could muster. The quarrel, a protracted one, had originated in 1245, and concerned the Norman kingdom of Sicily which Pope Innocent had claimed by right of escheat when he had deposed the German Emperor Frederick II. The deposition was purely academic since the papacy lacked a standing army and was unable to enforce its rights. A strong well-equipped temporal force was needed to return the fief to papal control. Initially, the pontiff approached Earl Richard of Cromwall - brother of Henry III - to lead the force, but he would only do so if the pontiff offered financial assistance and ceded certain of his temporal strongholds. The sheer impracticality of the papal appeal is illustrated by Richard's remarks as recorded by Matthew Paris, "If you do not do so it is the same as saying I will sell you the moon, climb up and take it."⁸ Since the pope wanted to acquire financial assistance rather than give it, he turned his attention to Charles of Anjou, who likewise declined because of the impossible terms. A third appeal was made to Henry and met with the desired response. Undaunted by the stringent conditions, the king foolishly agreed to the proposal. Subsequently, on May 15, 1255 Alexander IV authorized Henry to use the funds appropriated in England for a crusade to the Holy Land, for that of one to Sicily. About

⁸ Matthew Paris, Chron. Maj., V, p. 457.

the change in destination, Matthew Paris wrote, rather cynically, "the pope sent messengers privately to the king to work on his simplicity, offering him the kingdom of Sicily and Apulia instead of a real crusade to the Holy Land."⁹

Indeed, when one reads the terms of the contract it does appear rather one-sided. The conditions, listed in a bull dated April 9, 1255 asseverate that Henry would compensate the papacy for all the expenses which had been incurred in the effort to wrest Sicily from the emperor, which up to that point amounted to the enormous sum of more than one hundred and thirty-five thousand marks (a debt which represented about two years normal income for the Crown); and second, that Henry send an army into Sicily.¹⁰ If these terms were met, and the troops were successful in bringing the populace under papal control, the pope would bestow the crown of Sicily upon Henry's second son, Edmund. Failure to meet these obligations would entitle the papacy to cancel the contract, without any liability to return what had been paid, subject the king to excommunication, and place his kingdom under an interdict. Preposterous as it may seem, Henry

⁹Ibid.

¹⁰Foedera, Conventiones, Literae, et cujuscunque generis Acta Publica, ed. T. Rymer, 3 Vols., 4th ed., (London: Public Records Office, 1816), I, pp. 316-18. Ten thousand marks were due the following Christmas and the remainder on Michaelmas 1256 with the privilege of delaying ten thousand marks of this balance for an additional three months. Thereafter cited Foedera.

agreed to comply with the harsh terms. On October 18, 1255, without prior consultation with the nobility, the king took an oath promising to fulfill the demands.¹¹ Shortly thereafter the investiture of Edmund was performed.

When the extent of the obligations entered into by Henry became fully known, the nobility, lay and ecclesiastical, were enraged; the lay barons rejected the plan outright and refused to extend any financial assistance whatsoever. Feudal custom allowed them to claim that they had not been consulted and might not, therefore, be obliged to aid their lord. The ecclesiastical feudatories, on the other hand, were under the jurisdiction of the papacy for their spiritualities and could not so easily defy a papal ultimatum. But under the leadership of Walter Cantilupe, Bishop of Worcester and Fulk Basset, Bishop of London, both of whom were adamant on the issue, preferring death to compliance, they let their displeasure be known.¹²

¹¹Matthew Paris, Chron. Maj., V, p. 515.

¹²Ibid., p. 525. In the argument which ensued Walter averred that he would rather hang than see the Holy Church subjected to such a ruinous imposition.

Despite protests by the majority of the feudal hosts, payment of the tenth was reluctantly obeyed, although many were recalcitrant and a few were exempt. Of the religious orders, the Cistercians (because of earlier papal grants) remained immune to the exactions, while the Templars and Hospitallers received a temporary respite, and when eventually taxed, no comprehensive evaluation of their revenue was ever accurately done.¹³ Additionally, a deferment was later granted to impoverished communities, to lazar houses, nunneries and hospitals. Those less indigent were subject to harsh measure for, once the goods of a monastic house or church had been pledged, it became liable for the debt as if it had been a loan. Refusal to pay the assessment resulted in the delinquent houses being placed under interdict and their subjects placed under the ban of excommunication.

Such draconian methods, needless to say, proved counter-productive and did not, in the end, ensure the collection of the amount projected. Discouraged by the financial shortfall and the rising opposition, Henry decided he would withdraw from the undertaking, that is, unless he obtained more favourable terms. To negotiate changes he sent an envoy to Rome, but to no avail, Pope Alexander remained adamant, because he himself was under duress by a company of Italian

¹³W. E. Lunt, Valuation of Norwich, p. 64.

creditors who threatened to take possession of certain churches in Rome should the papacy default on its payments. Alexander's sole accommodation to the king's plea was a postponement of the terms until June 1, 1258.

The papal reply arrived back in England in March of that year with Harlotus, the pope's special envoy. The response required Henry to make peace with France; to pay the papacy ten thousand marks at once; to promise to pay an additional thirty thousand more at an undisclosed future date; and to lead an expedition to Sicily no later than the first of March 1259 in the company of a contingent of two thousand knights, six thousand footmen and five hundred crossbowmen.¹⁴ The impossibility of ever meeting these demands brought on the crisis in the spring of 1258. Those who attended the council at London included some of the most powerful nobles in the realm. That they were well aware of the king's predicament and the difficulties of their task is indicated by the solemn oath all swore before beginning the discussion:

We, Richard of Clare, earl of Gloucester
and Hereford; Roger Bigod, earl marshal
and earl of Norflok; Simon de Montfort,
earl of Leicester; Peter of Savoy; Hugh

¹⁴Foedera, I, p. 336.

Bigod; John fitz Geoffrey; and Peter of Montfort make known to all people that we have sworn on the holy gospels, and are held together by this oath, and we promise in good faith that each one of us and all of us together will help each other, both ourselves and those belonging to us against all people, doing right and taking nothing that we cannot take without doing wrong saving faith to our lord the king of England and to the Crown.¹⁵

The most important business at hand was the impending excommunication of Henry, should he fail to fulfill the terms outlined by Harlotus. Of lesser importance, but significant for all that were the ravages of the Welsh led by their chieftain Prince Llywelyn who, having soundly defeated the English in 1257, united the previously separate northern and southern portions of the principality into an indissoluble confederacy and harried the marcher baronies unchecked. A protracted discussion concerning these issues ensued until on April 30 they released this statement, Roger Bigod, acting as spokesman for the assembled barons presented their demands:

When you have touched the sacred and illustrious evangelists (gospels) you (King Henry) will swear an oath together

¹⁵ English Historical Documents, eds. D. C. Douglas & G. W. Greenway, 12 Vols., (London: Eyre & Spottis Wood, 1975), III, p. 361. Thereafter cited E.H.D. The only record of this gathering is a modern version preserved in the archives of the Montfort family deposited in the Bibliothèque Nationale.

with your son and heir Edward that in no way will you presume to impose injury or burden previously unaccustomed, against the laws of your kingdom and your ancestors without the advice of twenty-four wise men elected in England, namely bishops, earls, barons, and you will not hesitate to hand over your royal seal on the advice of the aforementioned men to a recognized man whom they should provide.¹⁶

From this proposal emerged the alliance that ultimately challenged the authority of the king, although few, if any, realized its importance at the time. Henry's reply is embraced in this statement issued on May 2nd:

Confronted with a difficult business that affects both ourselves and our kingdom, we have caused great and loyal men of our realm to be summoned to us at London in the quinzaine of Easter last; and since we were to negotiate diligently with them concerning these affairs, and especially about the furtherance of the Sicilian business; and since they have replied to us that, if we should be pleased to reform the state of our realm by the counsel of our royal subjects, and provided that the lord pope would ameliorate the conditions which he has stated for the Sicilian affair in such a way that we might be enabled to take the matter up effectively, they would loyally use their influence with the community of the realm so that a common aid should be granted to us for that purpose.¹⁷

¹⁶Annales Monastici, ed. H. R. Luard, 5 Vols., Rolls Series (London: H.M.S.O., 1864-69), I, p. 164. Thereafter cited Ann. Mon.

¹⁷R. F. Treharne & I. J. Sanders, Documents of the Baronial Movement of Reform and Rebellion, (Oxford: Clarendon Press, 1973), pp. 73-4.

The barons were obdurate, they would agree to assist the king only on the condition that he would undertake a general reform of the realm, and somehow have the demands of the pope reduced. Given his most recent reply, this latter condition was by no means an attainable goal. Faced then with such straitened circumstances, Henry's acquiescence to the demands of the barons was the act of a desperate man, who acquiesced to the terms because there was no other acceptable option. Thus, he made this reluctant compliance:

Grant to the nobles and magnates of the realm, after oath made on the king's soul by Robert Walerand, that twelve of the council and twelve on behalf of the said nobles shall meet at Oxford at Whit Sunday next, to amend the state of the realm, and the king will fulfill whatever provisions they make, and Edward the king's son has taken his oath to do the like.¹⁸

The baronial demand that twenty-four advisers be appointed was not one willingly accepted by the king. The right to choose his own counsellors was an integral and fundamental aspect of the royal prerogative. Any encroachment on it constituted an interference in the sacred powers of a duly anointed king. The barons recognized this right and

¹⁸Calendar of Patent Rolls: Henry III, 4 Vols., (London: Public Records Office, 1906-13), IV, p. 626. Thereafter cited C.P.R.

never seriously challenged it, that is, until Henry (by his obstinate nature) forced them to act. The problem was this: feudal custom fostered the notion that the most prominent barons of the realm owed advice to the king on major issues, a practice enclosed in the feudal term concilium. For his part, the king, while not legally bound to adhere to the advice was nonetheless expected to give their suggestions and proposals careful consideration. Henry, however, refused to do so. Indeed, after 1234 the baron's position and influence on the royal council gradually waned, being replaced by Henry's closed circle of friends, chiefly foreigners, most of whom were his Poitevin kinfolk. The decision to establish a council consisting of twelve from each side was an attempt to circumvent the reality of foreign control and return it to the barons of English lineage.

The idea of a council composed of twenty-four great and loyal men may have been derived from the executive body which drafted the document known as the Magna Carta forty-three years earlier, but on this occasion, there was a subtle difference.¹⁹ Unlike his father King John who was in the forlorn position of having to face the barons alone, Henry would have his interests (at least in theory) defended by

¹⁹W. Stubbs, Constitutional History, 11, p. 77.

an equal number of representatives. Policy changes, he believed, would be negotiated instead of demanded.

A list of those elected and the subsequent events are known from three sources.²⁰ The first, a contemporary account and perhaps the most reliable of the three, is found in the Annales of Burton. It originally was edited and published by Fulmar in 1626 and again by H. Laurd in the Annales Monastici, the thirtieth number of the Rolls Series, (1857). A second and slightly different version is included in Tiberius B. IV housed in the British Museum. This appears to have been transcribed in the mid-fourteenth century and textual variations suggest that this account was copied from a document which may have been the source of the version in the Burton copy. Lastly, a third version turned up as late as 1933 and seems to be an abstract made by John Selden around 1630. It was copied from a parliamentary roll then in the possession of Sir Edward Coke, since lost, probably in the disastrous fire of 1680 which consumed eight chests of Selden's manuscripts. Fortunately, transcriptions of the abstract have survived in the collections of William Petyt and John Anastis.

²⁰H. G. Richardson & G. O. Sayles, "The Provisions of Oxford: A Forgotten Document and Some Comments," Bulletin of the John Rylands Library, 17 (1933), pp. 291-2.

Those chosen to represent the king's interests were:

Lord Bishop of London - Fulk Basset
 Lord Bishop elect of Winchester - Aymer Lusignan
 Lord Henry son of the king of Alemaniae (Germany) -
 Henry of Almain
 Lord John earl of Warrenne
 Lord Guy Lusignan
 Lord William of Valence - William Lusignan
 Lord John earl of Warwick
 Lord John Mansel
 Brother John of Darlington
 Abbot of Westminster - Richard Crokesley
 Lord Henry Wigham²¹

It would appear that the author of the Annals of Burton omitted Boniface, Archbishop of Canterbury because his name surfaces on the royalists side in subsequent meetings together with many of the eleven. Both Stubbs and Treharne, in their studies on the period include Boniface as the twelfth.²² Given his kinship connections to Henry and his previous support for the Crown, he seems a most likely candidate.

Those chosen to represent the barons' interest were:

Lord Bishop of Worcester - Walter Cantilupe
 Lord Simon earl of Leicester - Simon de Montfort
 Lord Richard earl of Gloucester - Richard Clare
 Lord Humphrey earl of Hereford - Humphrey Bohun
 Lord Roger, the marshal - Roger Bigod
 Lord Hugh Despenser
 Lord John fitz Geoffrey
 Lord Hugh Bigod
 Lord Richard of Grey
 Lord William Bardolf
 Lord Peter of Montfort
 Lord Roger Mortimer²³

²¹Ann. Mon., I, p. 447.

²²W. Stubbs, Constitutional History, p. 77. R. F. Treharne & I. J. Sanders, Documents, pp. 100-01.

²³Ann Mon., I, p. 447.

A cursory glance at those elected to each party show marked differences; the ones protecting Henry's interests were his personal favourites and owed their positions largely to the goodwill of the king. Of the twelve, as many as five were clerics. Those championing baronial interests were the leading and most influential nobles in the realm. Only one was a cleric. It is this group that will be the focus of our attention.

CHAPTER THREE

CHARACTERISTICS OF THE BARONIAL TWELVE

Those elected to represent the side of the barons were an elite group by any standard. Collectively, they included twelve of the most powerful men in the realm whose interests resided not with the community as a whole, but with a baronial faction of whom they were the leaders. This meant that the more numerous middle and lower ranks of society remained largely unrepresented. No doubt their grievances with the royal administration were as pertinent as those of the barons, but they had not, as yet, evolved mechanisms for expressing their discontents. Even if they had, it is unlikely that the barons would have listened. The crisis of 1258 and the subsequent civil chaos, regardless of the social and political implications for all classes within society, remained an elitist affair fought among the upper echelons of the national community.

Those chosen belonged to a class known as comes, a multi-farious term which generally had come to mean, by the thirteenth century, an official in the government, and denoted essentially a social or political rank in society¹. Whoever possessed the honour were the tenants-in-chief of the

¹Revised Medieval Latin Word-List, prepared by R. E. Latham, (London: Oxford University Press, 1965), p. 98.

realm, that is, they held great and valuable estates for which, as a rule, they owed the king military service, usually more than one knight's fee. Within the group one numbers a few who are distinguished by the title of earl. These influenced their colleagues because few unpossessed of that dignity held land or fees either equal in extent or value to them. Since the earls were in receipt of the "third penny", being entitled to a third of the profits of justice from their estates, they retained some facets of their ancient powers, namely the exercise of control over their lands unhindered by royal interference.² There thus existed within the baronial faction, a group which considered itself a class above the rest, a sort of corporate elite of the aristocracy. Comparable to the political system current at that time in France, this element was able to exercise a measure of control over the king simply by virtue of its superior title. Of the twelve we will consider here, only four were of the rank: Simon de Montfort, Richard Clare, Roger Bigod and Humphrey Bohun.

By 1258 the majority of the faction's members were well past middle age, when measured by present day standards.

²R. F. Treharne, Baronial Plan, pp. 84-5. F. Stenton in The First Century of English Feudalism: 1066-1166, 2nd ed. (Oxford: Clarendon Press) gives an excellent summary of the characteristics of this class in the twelfth century, pp. 84-114.

Given the shorter life span of medieval people, they must have appeared to their contemporaries to be well on in years, for, exposed to the tensions and strains of war, famine and plague the majority of the population were worn out and considered to have lived full lives after two score years. Yet as many as nine of the faction were of even more advanced age, some by a considerable margin.

The two most senior members, Richard Grey and Walter Cantilupe, seem clearly to have been in their sixties, both having been born before the turn of the century. The former appears as one of the supporters of King John in the revolt which culminated in the issuance of Magna Carta³. The latter, destined for a long and successful career in the Church, was in receipt of an income from the diocese of Epton as early as 1209.⁴ Beyond their prime also were Humphrey Bohun, aged fifty-eight and an earl as far back as 1220⁵; Simon de Montfort was fifty; William Bardolf appears to have been at least forty-eight and in all likelihood older, as his

³Dictionary of National Biography, eds. L. Stephen & S. Lee, 21 Vols. (London: Smith Elder & Co., 1908-09), VIII, p. 642. Thereafter cited D.N.B.

⁴E. Foss, A Biographical Dictionary of the Judges of England: 1066-1870, (London: John Murray, 1870), s.n. Cantilupe.

⁵Excerpta e Rotulis Finium in Turri Londinensi: Henrico Terito Rege : A.D. 1216-1272, 2 Vols. ed. C. Roberts (London: Public Records Office, 1835-36), I, p. 50. This is the first mention of Humphrey as the earl of Hereford.

father had died in 1209.⁶ John fitz Geoffrey, in his forties, is listed as a member of a contingent going overseas on a military venture in 1229 and again in 1230.⁷ Peter Montfort likewise was approaching very mature years, being first mentioned as a minor in the custody of the king in 1226.⁸ As for the Bigod brothers, Roger and Hugh, they too were well past middle age. Roger was forty-six while Hugh could not have been much younger as he had done homage for his lands in 1221.⁹ Those under forty included Richard Clare, thirty-six; Hugh Despenser, thirty-five; and the youngest of all, Roger Mortimer, twenty-six. Clearly, the group was not a band of young hotheads with a long life ahead of them. As the revolt progressed, Walter Cantilupe, Hugh Bigod, Richard Clare, and John fitz Geoffrey would all die of natural causes before their objective was reached.

All the more powerful, and a number of the lesser barons, were members of important families with considerable social and political stature. Many had come over at the time

⁶W. Farrer, Honours & Knights Fees, 3 Vols., (Manchester: University Press, 1925), III, p. 323.

⁷Calendar of Close Rolls: Henry III, 14 Vols., (London: Public Records Office, 1902-38), II, pp. 311, 362. Thereafter cited C.C.R.

⁸Book of Fees: 1198-1293, 3 Pts., ed. H. C. Maxwell Lyte, (London: Public Records Office, 1920-31), III, p. 323.

⁹Excerpta e Rotulis Finium, I, p. 69.



of the Norman invasion nearly two-hundred years earlier and had held important positions in the administration of the kingdom during the intervening years. Richard Clare's ancestors were kinsmen to William the Conqueror and were in the invasion party in 1066, as were the antecedents of Walter Cantilupe. Both were given liberal rewards for their services: the founder of the Clare family received no less than one hundred and seventy-six lordships¹⁰, while an earlier Walter Cantilupe was appointed to the office of Steward of the Household, one of the more significant positions created by the new Norman administration.¹¹

The progenitors of Humphrey Bohun were likewise related to the Conqueror and accompanied him in the invasion fleet, an earlier ancestor having been called "Humphrey with a beard".¹² His son, through an advantageous marriage arranged by William Rufus, inherited vast tracts of land and subsequently was dubbed "The Great"¹³ Humphrey of the baronial faction was earl of Essex and Hereford, and in

¹⁰ Complete Peerage of England, Scotland, Ireland, Great Britain and United Kingdom Extant Extinct or Dormant, 13 Vols., comp. G.E. Cokayne, ed. V. Gibbs, (London: St. Catherine Press Ltd., 1910-59), III, p. 242. During William's absence Richard de Clare was Joint Chief Justiciar and was responsible for the suppression of the revolt of 1075.

¹¹ E. Foss, Biographical Dictionary, s.n. Cantilupe.

¹² W. Dugdale, The Baronage of England, 2 Vols. (London: Tho. Newcomb., 1675), I, p. 179.

¹³ Ibid.

addition held the important political office of Constable of England.

While the ancestors of Simon de Montfort were unrelated to William I, they did have royal connections, however illegitimate. It appears that an earlier Montfort, whose surname derives from the town where the family had its origin, was a natural son of Robert the Pious, the second Capetian king of France (996-1031).¹⁴ In that age bastardy was not usually a political liability and consequently the family emerged as a major power in European politics. It came to possess extensive holdings on both sides of the channel, assets which were maintained until King John seized its English possessions as retribution for having sided with Philip Augustus during the conflict of 1201-04. In the religious sphere, Simon the elder, father of Simon of the baronial twelve, distinguished himself as an ardent enemy of heresy in the infamous Albigensian crusade (1209-29), a role that would later cost him his life. So prominent did the elder Simon become that a rumor circulated during the controversy with King John that the English barons were plotting to support him as the king of England.¹⁵

¹⁴Ibid., p. 751.

¹⁵Ann. Mon., III, pp. 33-4.

The first Bigod appears to have been a knight in the invasion force who had risen to prominence by warning King William I of a conspiracy against his life. He was well rewarded for his loyalty. Before the king's death the Bigods had become major landholders in the realm, having in hand six lordships in Essex and one hundred and seventeen in Suffolk¹⁶. The family continued to play a prominent part in English politics. In the second decade of the thirteenth century a grandfather, the illustrious William Marshal, Earl of Pembroke, assumed the burden of the regent at an advanced age. By his shrewd and discreet direction the country was guided through the chaos that followed after the death of King John and the early years of Henry's minority. The county of Norfolk to which Roger, the older brother, succeeded as earl, was one of the more productive agricultural regions in England.¹⁷

Though of lesser prominence than the earls, the families of the six barons were by no means nouveaux riches. Indeed, Roger Mortimer could trace his ancestry beyond the Norman invasion: an earlier Mortimer had been a successful general

¹⁶W. Dugdale, Baronage of England, I, p. 132.

¹⁷J. E. Rogers, comp. A History of Agriculture Prices in England: 1259-1400, 7 Vols., ed. A. G. L. Rogers, (Oxford: Clarendon Press, 1866), I, p. 569.

in Normandy (1054) and may have been a relative to duke William.¹⁸ Like the others, he was an active participant in the invasion for which he was amply rewarded. While never a significant political force in England, Roger remained a power to be reckoned with among the Welsh marches, especially after 1247 when he married Matilda de Braose, eldest daughter and co-heiress of William de Braose, a recently deceased powerful Welsh noble. The dowry of his wife, a lady several years his senior, brought to him extensive lands on the marches, as well as holdings in south Wales, England, and Ireland.¹⁹

An antecedent of Peter Montfort, no relation to Simon of the same surname, was also a beneficiary of the Norman conquest. For his distinguished service in the feudal host, he was compensated with a position in the administration of justice for which he obtained lordships in Kent, Romney, Suffolk, and Norfolk.²⁰ While Peter failed to win a prominent position in the administration of Henry III, he seems to have been a knight of some importance, holding fees in four counties: Berks, Northampton, Rutland, and Warwick.²¹

¹⁸W. Dugdale, Baronage of England, I, p. 132.

¹⁹D.N.B., XIII, pp. 1028-29.

²⁰W. Dugdale, Baronage of England, I, p. 407. Peter's

ancestor was an assistant to Odo Bishop of Bayeux.

²¹Book of Fees, II, pp. 845, 852, 856, 942.

Richard Grey, second baron of Condor, found employment in the wars on the continent and in Wales serving under two kings, John and Henry.²² The first mention of the family occurs during the latter half of the preceding century when King Richard bestowed upon the family a manor in Essex.²³ This gift, confirmed by King John, was extended to include the unique privilege of hunting fox and hare on lands belonging to the Crown. When captured by the royalists forces in 1265 - he was a doughty old warrior indeed, having attained a full three score and ten years - his estate was valued at £ 12.²⁴

The earliest record of the Geoffrey family dates from 1184 when a Geoffrey fitz Piers inherited land from his wife's dowry.²⁵ The estate was subsequently enlarged by King John and his status raised to that of earl of Essex, an honour he retained for only a brief period since by 1227 the position had passed to Humphrey Bohun. Despite a diminished rank in the time of Henry III, John fitz Geoffrey enjoyed a successful career, both as a knight and an administrator. In

²² During the controversy over Gascony in the late 40's the king entrusted extraordinary powers to Richard and commissioned him to restore order to that province. C.P.R. IV, p. 10.

²³ W. Dugdale, Baronage of England, I, p. 709.

²⁴ W. Farrer, Honors and Knights' Fees, I, p. 150.

²⁵ W. Dugdale, Baronage of England, I, pp. 703-4

1237 he was admitted to the king's council²⁶ and in 1241 became justiciar of the royal forests in England.²⁷ Four years later Henry appointed him as justiciar for all of Ireland, a position he held until 1256.²⁸ When John died in 1259, shortly after the onset of hostilities, he left to his namesake land valued at £ 300.²⁹

The remaining two members, Hugh Despenser and William Bardolf are of uncertain pedigree. Hugh may have been a descendant of a steward in the king's household from whom he took his surname, the dispenser.³⁰ As for William, a simple knight in the king's service, he inherited the title Lord of Wormegay through the fortunate marriage of his mother. Apparently, she was a woman of some wealth, for, when her husband died in 1209, she bequeathed to the estate the very substantial sum of thirty-one thousand marks, all of which was to be paid within four years.³¹

²⁶ Matthew Paris, Chron. Maj., III, p. 383.

²⁷ John first appears in the position of justiciar on November 21, 1241. C.C.R., IV, p. 375.

²⁸ Annales Cestrienses, (Chronicle of the Abbey of St. Werbert at Chester), ed. R. C. Christie, (London: Record Society, XIV, 1887), p. 71.

²⁹ W. Farrer, Honors and Knights' Fees, III, p. 357.

³⁰ E. Foss, Biographical Dictionary, p. 220.

³¹ W. Farrer, Honors and Knights' Fees, III, p. 323.

In accordance with their respectable blood lines all members, except Walter Cantilupe who pursued an ecclesiastical career, were knighted and enjoyed the status and prestige befitting that rank. Even though knighthood was increasingly becoming more ceremonial and less martial with the addition of innumerable financial and administrative burdens not directly related to personal military service, the honour still retained its significance among many of the aristocracy. It opened, for example, the door to a host of social and political activities, not a few of which were accompanied by lucrative financial compensation. This was especially the case for those fortunate enough to occupy a seat on the king's council, a body to which many of the baronial twelve belonged.

Of the eleven belted knights there were four who received the honour from the king personally, amid great splendor and fanfare. These were, Roger Bigod in 1233³², Hugh Despenser in 1244³³, Richard Clare in 1245³⁴, and Roger Mortimer in 1253.³⁵ At the celebration that followed Hugh's knighthood, the king donated two casks of

³² Ann. Mon., I, p. 90.

³³ Complete Peerage, IV, p. 268.

³⁴ Matthew Paris, Historia Anglorum, 3 Vols., ed. F. Madden, (London: Longmans, Green, Reader & Dyer, 1866-69), II, p. 502. Thereafter cited Hist. Ang.

³⁵ Ann. Mon., I, p. 152.

wine as a special favour³⁶; while during the festivities which accompanied Richard's elevation no less than forty squires were in attendance.³⁷

As members of the knightly class, all found employment in the king's service in one capacity or another, as administrators, as special ambassadors, and as governors of districts or castles. In 1226 Richard Grey was the chief royal official on the Channel Islands³⁸; in 1248 he was appointed seneschal of Wales.³⁹ Simon de Montfort was given the governorship of Gascony, an appointment which he held between 1248 and 1254.⁴⁰ The position was attended with many difficulties and led to a good deal of animosity between himself and the king. Peter Montfort was governor of a castle in Derbyshire in 1251⁴¹; Hugh Bigod held the same position at Pickering castle.⁴²

³⁶C.C.R., V, p. 283.

³⁷Matthew Paris, Hist. Ang., II, p. 502.

³⁸D.N.B., VIII, p. 642.

³⁹C.C.R. VI, p. 44. As possessor of this office Richard was ordered to inquire into the rightful owners of the castle of Tailcheval.

⁴⁰The position was originally awarded to Richard Grey for a two-year term, but it appears he found the task too demanding and soon relinquished the post. C.P.R., IV, p. 10. C. Bémont, Simon de Montfort: 1208-1265, new ed., trans.

E. F. Jacobs, (Oxford: Clarendon Press, 1930), p. 75.

⁴¹W. Dugdale, Baronage of England, I, p. 408.

⁴²D.N.B., II, p. 486.

For a few, notably the earls, the highest political offices were awarded, some by appointment, others through inheritance. Humphrey Bohun, from 1236 on, served as marshal of the king's household and was later Constable of England.⁴³ Roger Bigod inherited the title of Earl Marshal in 1246.⁴³ Simon de Montfort, along with his numerous other appointments, for a time was steward to the king.⁴⁵ Those who possessed the title considered it a great honour. Their chief function was to serve the king at ceremonial feasts. In 1256 Richard Clare was dispatched to Germany with full powers to negotiate with the princes of the Holy Roman Empire for the upcoming election of Henry's brother, earl Richard of Cornwall.⁴⁶

The king's incessant military campaigns, both on the continent and in Wales, offered another opportunity for advancement. On a Welsh expedition in 1257 Richard Clare and Simon de Montfort were given full responsibility for the royalist troops.⁴⁷ In the same year, Peter Montfort was elevated to the position of warden of the marches, and, on

⁴³Ibid., p. 770.

⁴⁴Roger inherited the title through his mother Matilda, the countess of Norfolk and Warren. C.C.R., V, pp. 454-55.

⁴⁵Roger Bigod made a strong protest over Simon being awarded the position and was only appeased after he was offered compensation. Red Book of the Exchequer, 3 Vols., ed. H. Hall (London: H.M.S.O., 1896), III, p. 757.

⁴⁶Ann Mon., IV, p. 112.

⁴⁷For details of this campaign see the Welsh expedition in Chapter 7.

the insistence of Prince Edward, awarded custody of innumerable castles and lands contained therein.⁴⁸ Humphrey Bohun, by virtue of his title Constable of England, led a campaign into Gascony in 1254.⁴⁹ In the course of these intermittent wars against the French and the Welsh, many of the baronial members acted as peace negotiators. Those most frequently mentioned were Simon de Montfort, Roger Bigod, John fitz Geoffrey and Walter Cantilupe.⁵⁰

The procurement of these appointments, which for the most part were contingent solely on the goodwill of the king, doubtlessly made the recipients reluctant to rebel, an understandable response because Henry rewarded those who served him well, sometimes exorbitantly. Of the more significant emoluments one numbers the release (quitclaim) of all debts given to John fitz Geoffrey.⁵¹ Moreover, in remuneration for John's faithful and obedient service as justiciar of Ireland a fee of £ 500 was granted to him for life, and in

⁴⁸W. Dugdale, Baronage of England, I, p. 408.

⁴⁹Matthew Paris, Chron. Maj., V, p. 442. ... "comite Herefordiae, qui constabularius regii exercitus ex antiquo jure fuisse et esse dinoscitur."

⁵⁰C.P.R., III, pp. 90, 463. C.C.R., IV, p. 357. Matthew Paris Chron. Maj., V, p. 659.

⁵¹Calendar of Documents: Ireland, 2 Vols., ed. H. S. Sweetman, (London: Longman & Co., 1875-77), I, pp. 457-8. II, p. 45. Thereafter cited C.D.I.

addition the whole cantred of the Isle of Edomond.⁵² As compensation for participating in the king's expedition to the continent in 1242, William Bardolf had all debts owing to the Exchequer incurred by himself, his mother, and grandfather postponed (stayed) for the nominal fee of fifty marks a year.⁵³ Both Richard Clare and Peter Montfort were allowed by Henry to arrange favourable marriages for their sons: Richard to the king's niece Alice of Angolence⁵⁵, and Peter to the eldest daughter of Roger Bertram, one of the principal northern magnates.⁵⁵ Later on, Peter received a grant of fifty marks and was awarded the castle of Ellesmere.⁵⁶ In 1258 Roger Mortimer was promised a large financial aid (the amount not specified) should he continue the struggle against the Welsh.⁵⁷

Political patronage in the form of favours, appointments and privileges awarded to those fortunate enough to be in the king's good graces are far more numerous and complex than we have just portrayed, but enough of them have been included to indicate a trend. The baronial faction which assembled at Oxford in the spring of 1258 was an aristocratic clique, well

⁵²W. Dugdale, Baronage of England, I, p. 706.

⁵⁵Ibid., p. 681.

⁵⁴Ann. Mon., I, p. 151.

⁵⁵W. Dugdale, Baronage of England, I, p. 408.

⁵⁶C.P.R., IV, p. 628.

⁵⁷D.N.B., XIII, p. 1029.

advanced in age, a large percentage of whom relied on the Crown for political influence and sometimes for financial solvency. Consequently, any insurrection was bound to have severe repercussions upon those who sided with the losers. No doubt they were well aware of this. In fact, as has been mentioned, many had lived through the political and economic chaos which followed the earlier rebellion against John. Yet it is a measure of their determination that they risked all in a rising against his son. We will now turn our attention to some of the less obvious reasons for their actions.

CHAPTER FOUR
TIES OF FACTION

When the representatives of the baronial faction assembled for the first time in June of 1258, its members were adamant in expressing opposition to Henry and his court, the latter composed largely of foreign advisers. Such a display of solidarity in a class normally given to unruly deportment was rare indeed and indicates the breadth and depth of its grievances. But while Henry's years of personal rule gave the barons ample reason to rebel, it should not be overemphasized. The crisis at Oxford was not the first time the king had angered the barons by his capricious policy, nor was it his most serious transgression. In fact, it was precipitated not by any political or constitutional exigency, but because of the monarch's bankruptcy occasioned by an especially inept folly, namely, the proposed crusade to Sicily.

For this reason one has to look elsewhere, and I would suggest that the answer lay with the barons themselves, who for reasons yet unexplained, suppressed their personal differences and interests, and united in common cause. It may be plausibly argued that by doing so several members of the faction had a certain affinity towards one another and/or shared similar goals and aspirations. While insignificant by themselves, these associations, taken together, conceivably

had a bearing on their subsequent behavior which may, in turn, have affected the course of events in 1258. Thus the questions that need to be asked are: what common experiences and affronts were sustained by the baronial twelve; what traits and characteristics were present among them which may have had an influence upon their behavior, particularly at Oxford? It is upon these issues that our attention will now rest.

In attempting to answer these questions one is required to consider the situation in the district along the Welsh frontier commonly called the marches, an area rife with warfare waged between England and the still independent principality of Wales. Here the majority of the members opposed to Henry had their estates. Of the earls, the greatest was Richard Clare, earl of Gloucester and lord of Glamorgan whose seigniory included the strategically important castles of Newport and Usk, as well as land in Netherwent.¹ Another luminary was Humphrey de Bohun of the border shire of Hereford who rose to even greater prominence after his eldest son, also named Humphrey, married Eleanor de Braose, co-heir to the Braose house, one of the two Welsh dynasties², Simon

¹T. F. Tout, "Wales and the March during the Baron's War", Historical Essays, (London: Longmans, Green & Co., 1902), p. 88.

²Ibid., pp. 88-9.

de Montfort's interest in the marches stemmed from his wife's dowry, who as the widow of William Marshal had inherited territory there.³ Through this connection, Simon became lord of Lugwardine. And finally, there was Roger Bigod, who, after inheriting the title of Earl Marshal, procured the castle of Chepstow in the south-east of the marches.⁴

Of the barons, Roger Mortimer of Wigmore and Cleobury was by far the most prominent, especially after he married Maud de Braose, sister to Eleanor of the same Welsh dynasty wherein he acquired the whole lordship of Radnor, as well as a share in Brecon.⁵ In addition, he was lord of Gwrthrennion and held several castles in central Wales. The extent of these holdings made him, for a time, the most powerful baron on the marches, a position complimented by an equally fierce and aggressive personality. Peter Montfort likewise had an interest in the marches; his family had an estate in Warwickshire, and as a knight in the service of King Henry, was regularly employed in the area.⁶ Richard Grey had a family interest too, his brother John held lands in Herefordshire.⁷ Even Walter Cantilupe, the only ecclesiastical

³Ibid., p. 90.

⁴Ibid.

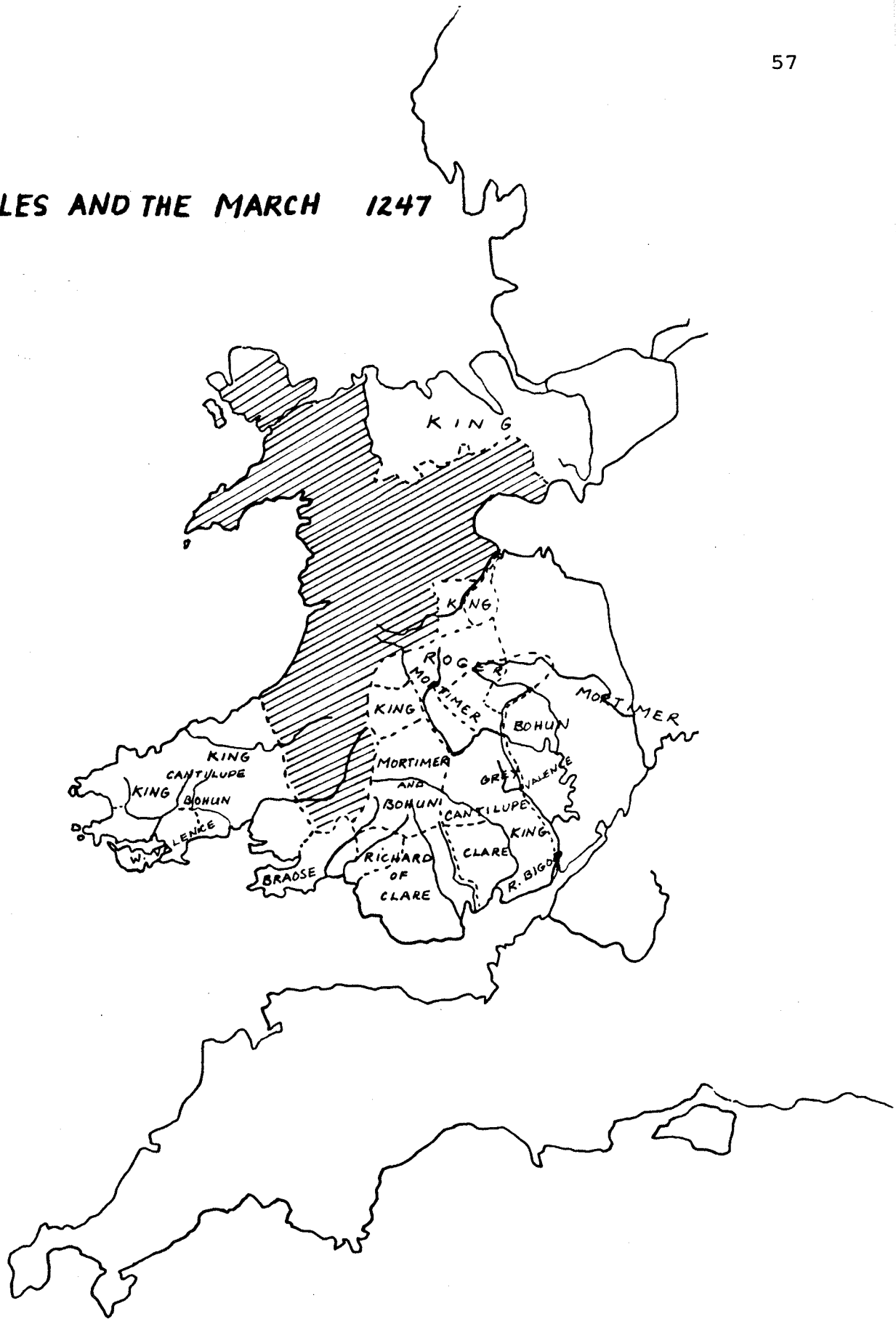
⁵Ibid., p. 89.

⁶Ibid., p. 90. Peter's long service in the region was well rewarded: in 1256 he was the king's representative in the area. Foedera, I, p. 341. In 1257 he was appointed warden.

⁷W. Dugdale, *Baronage of England*, I, p. 408.

⁷T. F. Tout, "Wales and the March", pp. 90-1.

WALES AND THE MARCH 1247



Adapted from a map in "Wales and the March"
by T. F. Tout.

g. Prynne

figure in the baronial party was closely associated with the marches by way of proximity, since his bishopric of Worchester bordered on the marches. He also owned land there, and along with his nephew, Thomas of Cantilupe, inherited the lordships of Abergavenny and Cilgerran.⁸

In sum, eight of the twelve representing the autocratic faction, were for one reason or another, connected with the Welsh marches, an association not without a certain significance on two counts. Firstly, those who held lordships in the region, positioned as they were between the English realm and Welsh principality, exercised a degree of political autonomy with rather unique characteristics. For unlike English or, for that matter Welsh lordships, those on the marches were possessed of almost palatine powers, that is, each had a fortified castle which often served as the lord's principal residence, possessed its own court in which the lord or his representative profited from all fines levied, and administered its own internal system of taxation imposed upon all its tenants, free from royal interference.⁹ In short, the

⁸Ibid., p. 91.

⁹J. G. Edwards, "The Normans and the Welsh March", Proceedings of the British Academy 42 (1956), pp. 169-71. That a lordship was more than a territorial area is shown by its association with the term commote, a Welsh institution known by the various names of arglwydd (lord), tywysog (prince) and brenin (king).

position of the lord in these domains was, for all intents and purposes, supreme.

Secondly, regardless of the natural enmity which existed between the kingdom and the principality, the magnates on the marches did not share in this animosity. Practical politics dictated that each side compliment the other.¹⁰ Welsh chieftains living in the district, intimidated by the more powerful English, needed the assistance of the marcher barons to maintain their independence; conversely, marcher barons faced, with subjects predominately Welsh, needed the aid of the Welsh chieftains to exercise control. As a consequence, the political differences which existed at the higher level became blurred. Local interests took precedence over national priorities. Appeals, if they needed to be made, were submitted to either local marcher lords or Welsh chieftains instead of to Prince Llywelyn (the most powerful Welsh potentate), or to King Henry, both of whom posed a threat to regional autonomy. Any advance by these national leaders would inevitably be at the expense of local independence. Under such circumstances it behooved Welsh chieftains and marcher lords alike, to ensure that the nominal allegiance which both grudgingly acknowledged was not transformed into

¹⁰T. F. Tout, "Wales and the March", p. 79.

unwavering obedience. Such a goal was contrary to the expansionists' plans of the two national leaders.

Henry acted first when in 1246 the Welsh prince David died. Following his death, two claimants for the principality emerged, the brothers Llywelyn and Owain, both sons of Gruffydd, David's elder but illegitimate brother. Together they attempted to rule North Wales, partitioning the lands in accordance with ancient Welsh tradition. Such a division weakened their military strength and allowed the English to make substantial advances. When Henry, firmly in control of South Wales, halted imports into the north, the two aspiring leaders capitulated in return for political recognition. At the Treaty of Woodstock in 1247, they formally surrendered a large part of South Wales and agreed to hold the northern portion from Henry as a fief while the king retained the homage and services of all the nobles and barons who held land there.¹¹

Seven years later Henry precipitated another crisis when he made provisions for his eldest son Edward which arrangement included both the earldom of Chester and all royal land

¹¹Ibid., p. 80.

in Wales.¹² Thereafter, Edward, still a mere boy, became the most powerful of the marcher barons and, when allied with his uncle, William of Valence, a strong partisan of royalist policy, threatened simultaneously the liberty of both the English and Welsh factions on the marches. Edward and his uncle, however, soon over-reached themselves with their ruthless exploitation and disrespect for local customs.¹³ In protest, the Welsh chieftains appealed to Llywelyn who until that time had been inhibited by their opposition. He now championed their cause, styling himself - rather optimistically - Prince of Wales, and sought to extend his influence. Understandably, a too powerful Welsh leader was as much a threat as an authoritative English king, since both endangered local independence. Not surprisingly, both marcher factions remained aloof from the contest, hoping that the two national leaders would be weakened by the subsequent conflicts.

The effects of these struggles were another provocation and coincident with baronial dissatisfaction on other matters. There seems little doubt that they helped to

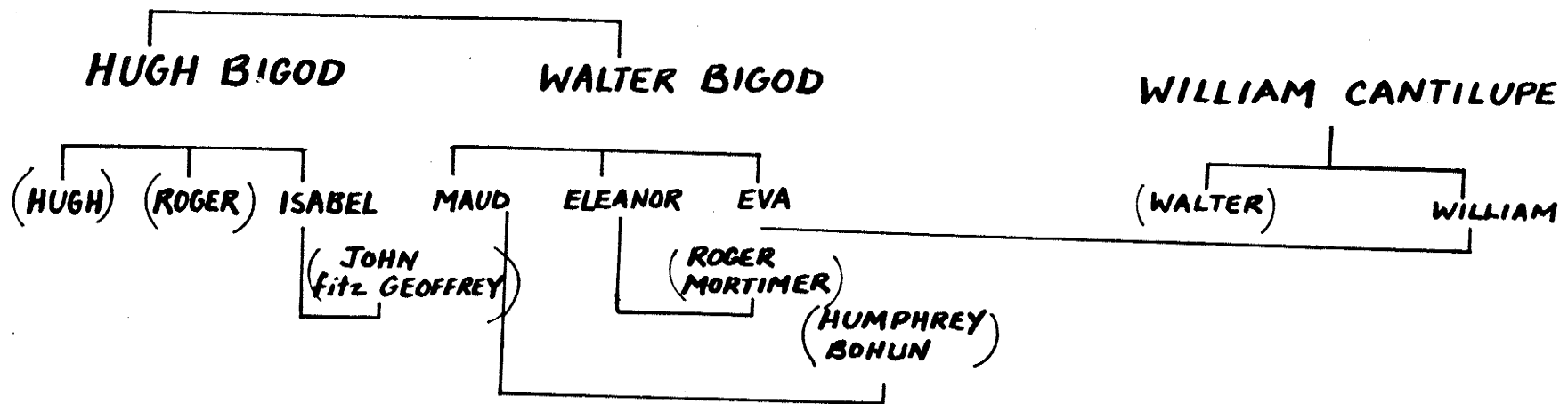
¹²J. E. Lloyd, A History of Wales: From the Earliest Times to the Edwardian Conquest, 2 Vols., 2nd ed. (London: Longmans, Green & Co., 1912), I, p. 708. The terms of the treaty were to remain in force for eight years. See Foedera, I, p. 267.

¹³T. F. Tout, "Wales and the March", p. 84.

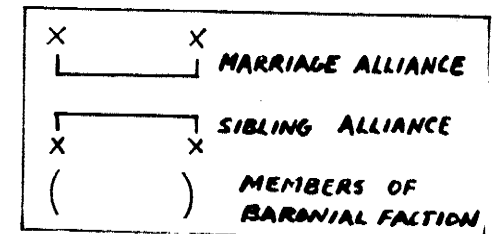
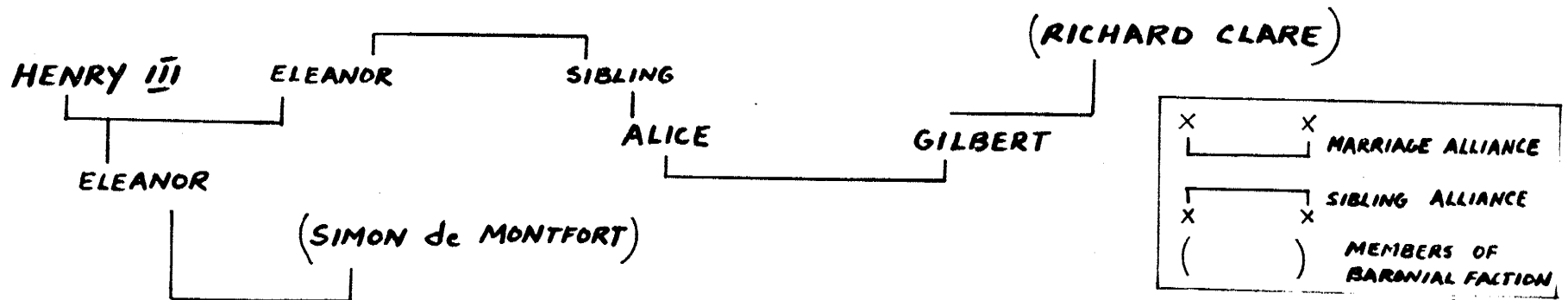
intensify the distrust and antipathy between Henry and those barons who resided on the marches. His intrusion was not only a personal affront to all those who held land there, but also, if left unchecked, was a threat to their cherished political independence.

Common interest on the frontier was not the only bond shared by the baronial faction. Another factor that requires consideration is kinship ties among the members, a thorny problem to say the least since there were some who were related to the royalist faction; in the case of two earls, to the king himself. Such a paradox can be explained in part by the small numbers which comprised the ruling elite. Perhaps less than five percent of the total population were of this class, of whom as many as half were in the service of the Church, and would not, as a rule, be in a position to marry. This meant that the opportunities for doing so were relatively limited, particularly when one considers that most married within their own class, often for political or financial reasons. With so small a membership, it seems inevitable that family ties would transgress political boundaries which were frequently themselves in a fluid state. In some instances it was actually advantageous, for political marriages were used as a means of improving ties among the aristocratic elite of Europe. That King Henry himself was an adherent of this policy is shown by the marriages he contracted with both

BARONIAL FACTION



ROYALIST FACTION



Original

the Scottish and French kings, neither of whom shared an especially harmonious relationship with the English. Henry's sister, Isabel, married King David of Scotland, while the king himself married Eleanor of Provence, the younger sister of the Queen of France.

But lest relationships between kinship and political support be carried too far, one should realize that familial connections by themselves do not necessarily imply cooperation, let alone congeniality. Rather, ruling dynasties faced greater and more frequent threats from within than from without.

With these considerations in the forefront, it should be noted that among the rebel barons, the two Bigods, Roger and Hugh, were the most closely related (brothers) though their behavior would seem to belie the fact. At no time prior to the council at Oxford is there any evidence that they acted in alliance with one another. In the absence of such information it might be asserted that the prominence of Roger and the relative obscurity of Hugh resulted in a certain animosity between the two. Nor is the relationship between Humphrey Bohun and Roger Mortimer grounds for their shared role at Oxford. While they were brothers-in-law, having married sisters, both shared grievances against Henry for his

intervention in the affairs on the marches.¹⁴ Other brothers-in-laws were John fitz Geoffrey and the two Bigods: John had married their sister Isabel. Again there is no evidence that this led to better cooperation.¹⁵ Familial connections by themselves are not in any way indicative of unanimity of political view or stance.

When one considers those related to the king or the faction which supported him, the evidence, while more complete is again inconclusive. The most noteworthy instance that can be adduced is that of Simon de Montfort, who married Eleanor, the younger sister of King Henry, in 1236.¹⁶ The king initially seems to have approved of the marriage, but later so completely reversed his attitude that the young couple was forced to flee into a continental exile. On the other hand, the marriage of Richard Clare's eldest son, Gilbert, only ten years old, to Alice de Lusignan, niece of Henry, appears to have been much better received by the monarch. As for Richard, he was enamoured with the opportunity to become related to royalty, notwithstanding Matthew

¹⁴Calendar of Inquisitions Miscellaneous: Henry III - Edward I, (London: Public Records Office, 1916), p. 55.

¹⁵Complete Peerage, II, p. 590.

¹⁶Ann. Mon., I, p. 106. II, p. 318

Paris' view that he married because of the five-thousand marks promised by the king.¹⁷

The bewildering array of evidence, much of which runs contrary to the notion that kinship and political cooperation were congruent, should make us wary of these connections. Confronted with a similar problem in the earlier revolt against King John, Powicke and Holt concluded that in spite of the inconsistencies, close dynastic ties did seem to be a factor in forming a definite group hostile to the king.¹⁸ While this may be true for the baron's war of 1213, the evidence as it has thus far emerged for 1258 is not substantial enough to warrant a similar statement; kinship appears to have had little bearing on political behavior.

Easier to interpret are the financial problems of the baronial members, the majority of whom were indebted to the Crown. Of the twelve, there is evidence that at least nine were in this predicament in the decades prior to 1258. The member most heavily in arrears was the leader of the faction,

¹⁷ Matthew Paris, Chron. Maj., V, p. 364. "...comes in hoc degener nimis et ab avita declinans nobilitate, consensit...".

¹⁸ M. Powicke, Stephen Langton, (Oxford: Clarendon Press, 1928), p. 212. J. C. Holt, The Northerners: A Study in the Reign of King John, (Oxford: Clarendon Press, 1961), p. 69. Of the two, Powicke is more affirmative.

Simon de Montfort. Twice he appears as a debtor of the Crown. In 1248 he owed an unspecified amount for which he was given respite until the feast of St. Michael (fifteen days);¹⁹ and again in 1254 when he had completed his term as governor of Gascony. During his short period in office there, he incurred debts amounting to nineteen hundred marks, no inconsiderable sum.²⁰ Not until December of 1257 was he finally able to settle his account. John fitz Geoffrey was another who owed a substantial sum. In 1252 Henry ordered him to contribute £1000 to assist Peter of Salbaudria, a member of the royal retinue who was to accompany the king on the crusade. So great was the sum demanded, that Henry, to remunerate him, assigned the profits from the wardships of two minors, Theobald le Butiller and Gerald de Prendregest.²¹

Other debtors included Richard Grey who had obligations in the sum of sixty marks: fifty of which accumulated while he was sheriff of Northumbria in 1236 and ten while in receipt of the custody of Tynam castle.²² Walter Cantilupe owed twelve marks in 1244 for holding markets at Stratford, Bokel

¹⁹C.C.R., VI, p. 43.

²⁰C.P.R., IV, pp. 331, 609. The residue of the debt was given to Prince Edward, the king's eldest son.

²¹Ibid., p. 200.

²²C.C.R., III, p. 444.

and other unnamed places.²³ Walter is again mentioned in 1253 when Henry ordered the sheriff of Kent to prevent him from taking corn and chattel from the village of Derteford because of his debts to the Crown.²⁴ The charges, however, appear to have been unfounded as the order was rescinded. Richard Clare is calandared as owing two hundred and fifty marks in 1243.²⁵ In 1252 he promised the king £11,000 should his son Gilbert not marry Alice de Lusignan, Henry's niece.²⁶ The following year their nuptials were celebrated. During the years 1248 and 1249 Humphrey Bohun was in debt to the Crown for an unspecified sum though on both occasions he was given respite.²⁷ By 1253 the earl appears to have been still in debt as he is given better terms for repayment. Instead of repaying the one loan at the rate of two hundred marks a year and the other at one hundred marks a year, both could now be paid at the rate of fifty marks per year.²⁸ While William Bardolf was not in arrears to the king personally, he did owe £43 to Arrone, son of Abrache, a London Jew and one of the royal financiers.²⁹ The existence of a debt owed by Roger Mortimer

²³C.C.R., V, p. 234.

²⁴C.C.R., VII, p. 468.

²⁵C.C.R., V, p. 305.

²⁶Ann. Mon., I, p. 151. Matthew Paris, Chron. Maj., V, p. 364.

²⁷C.C.R., VI, pp. 49, 135.

²⁸C.P.R., IV, p. 245.

²⁹C.C.R., IX, p. 45.

is indicated by a patent letter dated April 26, 1257 wherein Henry conceded that if Roger delivered forty-four marks of timber to master Alexander, the royal carpenter, the king would allow that sum to be deducted from his debts to the Exchequer.³⁰ In a similar letter also in the patent rolls, the king in 1258 ordered Roger Bigod to let Luke de Lucia, a merchant, have ~~£~~ 100 payable "out of his (Roger's) debts to the Crown".³¹

Those members who were in the auspicious position of having the king owe them money found Henry just as recalcitrant as they were. In 1252 the king owed Humphrey Bohun one hundred marks for back wages and the loss of his horse incurred while engaged in the service of the Crown in Gascony. Not until 1256 does Henry make any amends to pay Humphrey, and then only partially, paying ten marks. No further payments were made despite repeated mandates in 1256, 1257, and 1258.³² When the barons convened at Oxford, the debt appears to have been still outstanding. Another much larger debt incurred by the king was a sum of 5000 sterling owing to the citizens of Bordeaux. For this, Peter Montfort, John fitz Geoffrey, and Richard Grey, all agreed to act as his creditors.³³ Whether Henry paid his debt is not stated.

³⁰C.P.R., IV, p. 552.

³¹Ibid., p. 620.

³²C.C.R., IX, p. 369. C.D.I., II, pp. 63, 86, 88, 93.

³³C.P.R., IV, p. 357.

While financial insolvency cannot be linked directly with baronial discontent, such a factor can hardly be ignored, especially when it is clear that fiscal matters were a recurrent source of exacerbation, as shown by the parliaments of 1237, 1242, 1244, 1248 and 1254³⁴, where this issue was repeatedly raised, to no avail. Perhaps their protests implied a more personal sentiment than what has been previously suggested. The principal bone of contention may, arguably, have been not the sorry financial condition of the realm, but their own indigency and the intolerable fiscal demands being placed upon them. It seems the majority of the members were in this predicament.

When the issue of baronial cooperation is raised we are on firmer ground, particularly when those instances, wherein the feudatories actively collaborated with one another against the king, are considered. Evidence for this is to be seen in each of the numerous councils which were held between 1242 and 1258 when, in a show of defiance over Henry's misgovernment, they refused to grant any further subsidies. And, if those in attendance are not usually identified, we can be reasonably sure that statements such as "all the nobles, both prelates, earls, and barons," or "all the magnates of the

³⁴Matthew Paris, Chron. Maj., III, p. 380. IV, pp. 181-188, 362-63. V, pp. 20-22, 373-77.

whole realm" included the earls and a majority of the barons in question here.³⁵ In the few instances where the information is sufficiently ample, cooperation among members of the baronial rebels is substantiated.

At a council in 1244 for example, in which twelve nobles were elected to consider the king's request for aid, Walter Cantilupe, Roger Bigod, and Simon de Montfort are all named.³⁶ The committee, after some deliberation, refused to assist the king unless the money was expended with the advice of the twelve. Henry rejected the proposal outright, but a compromise was eventually reached. Later, in a further effort to persuade the prelates to contribute their share, John fitz Geoffrey appears siding with Simon de Montfort.³⁷

At another council held in London during the winter of 1248 in which a multitude of lay and clerical magnates were in attendance, Walter Cantilupe, Richard Clare, Humphrey Bohun, and Simon de Montfort are all mentioned.³⁸ Again the king's request for a subsidy was denied as he was taken

³⁵ *Ibid.*, IV, "Imminente vero Purificatione beatae Virginis, totius Angliae nobilitas, tam praelatorum quam comitum et baronum." p. 181. "Eodem vero anno, convernerant regia submonitione convocati Londoniis magnates totius regni, archiepiscopi, episcopi, abbates, priores, comites et barones." p. 362.

³⁶ *Ibid.*

³⁷ *Ibid.*, p. 365.

³⁸ *Ibid.*, V, p. 5.

to task for being unable to manage his fiscal affairs. Interestingly, of the eighteen members who refused the request, none belonged to the royalist faction which met at Oxford in 1258.

A third instance of baronial collaboration against the king is at the trial of Simon de Montfort whereat Henry, siding with the citizens of Gascony, accused the earl of misusing his gubernatorial position. Those baronial members who sprang to his defence include Richard Clare, Humphrey Bohun, and Peter Montfort.³⁹ And from another source - the correspondence of Adam Marsh, a Franciscan monk at Oxford - we know that Walter Cantilupe worked zealously to extricate Simon from his difficulties.⁴⁰

In addition to these examples, there are a number of other instances of cooperation among the barons, although not always inimical to the king's interest. In 1238 Richard Grey

³⁹ Ibid., p. 289. G. Prothero, The Life of Simon de Montfort, (London: Longmans, Green & Co., 1877), p. 98. Humphrey Bohun and Roger Bigod accompanied Simon to the continent after the trial. C.P.R., IV, p. 244.

⁴⁰ Simon and Adam Marsh were good friends as evidenced by the numerous letters between them. Monumenta Franciscana, 2 Vols., ed. J. S. Brewer, "Adae De Marisco Epistolae", I, (London: Longman, Brown, Green Longmans & Roberts, 1858), letters CXXXV-CXLVI. During the trial Adam Marsh acted as an intermediary between the earl and his opponents. C. Bémont, Simon de Montfort: 1208-1265.

and John fitz Geoffrey were sent to Poitou as part of an official delegation.⁴¹ Here they visited earl Richard of Cornwall, the king's brother. The two barons appear to have remained close friends, for, in 1253 John, who was now justiciar of Ireland, made arrangements to find a suitable bride for Richard's son, one with an adequate dowry.⁴² At the burial of William Cantilupe, brother of Walter of the baronial faction, only two earls were present: these were Simon de Montfort and Humphrey Bohun.⁴³ When Walter Cantilupe obtained a charter from the king granting him and his successors free warden in all the demense lands of Hambiri in the Salt Marsh, John fitz Geoffrey, Peter Montfort, and Richard Grey witnessed the event.⁴⁴ In 1257 Simon de Montfort and Richard Clare shared the leadership in a campaign against the Welsh.⁴⁵ A year later, on the eve of the meeting at Oxford, Humphrey Bohun and Roger Mortimer collaborated in setting up defenses between the county of Chester and South Wales for the purpose of protecting the Welsh marches from any further raids⁴⁶.

Collectively, these examples suggest a picture of baronial cooperation in the decades prior to 1258, a coalition

⁴¹C.P.R., III, p. 208.

⁴²C.P.R., IV, p. 202.

⁴³Ann. Mon., III, p. 192.

⁴⁴C.P.R., IV, p. 345.

⁴⁵See the Welsh expedition, chapter 7.

⁴⁶C.P.R., IV, p. 553.

that most probably deepened as Henry continued his policy of ostracizing his English subjects. It never, however, presented itself in such a way as to raise the suspicions of the king. Regardless of their dislike for Henry's relatives and court favourites, the baronial faction was never a closed clique refusing to associate with members of the king's council, whom they would be in opposition to at Oxford. At least not when it was to their advantage. Evidence of baronial and royalist members freely associating with one another is shown on several occasions. At a tournament held at Brackly in 1249, in which many of the knightly community participated, Richard Clare fought with the foreigners.⁴⁷ During a skirmish Richard and William de Valance, the king's brother-in-law, overcame and badly injured William de Odingesseles, a knight belonging to the English community. In 1245 Walter Cantilupe, John fitz Geoffrey, and Roger Bigod were part of a delegation sent to the pope at Lyon to protest papal exactions.⁴⁸ But also in attendance was Philip Basset, a strong partisan of the royalist side. In 1253 Walter Cantilupe accompanied John Mansel, the king's senior clerk, to Castile, where together they made arrangements for the projected marriage of the king's son, Edward.⁴⁹ Likewise,

⁴⁷Matthew Paris, Chron. Maj., V, p. 83.

⁴⁸Ibid., IV, pp. 419-20.

⁴⁹Ann. Mon., III, p. 188.

in 1255 Richard Clare journeyed to Scotland with the same clerk as part of a diplomatic mission aimed at improving relations between the two kingdoms.⁵⁰ Hugh Despenser, along with another royal partisan, Henry of Almain, travelled to Germany in 1257, again on royal business.⁵¹

Why the baronial members associated and collaborated with those so different in political opinion, can be explained by the exigencies of the particular situation where the king, in theory, was the most powerful man in the realm, and by the fact that the members of both factions, regardless of their positions, depended on his patronage to maintain their status. To have opposed him would have been political suicide, resulting in either confiscation or banishment from the kingdom. The plight of Richard Marshal is evidence of what could happen. When he protested Henry's high-handed rule in 1233, the king outlawed him and confiscated his estates.⁵² A year later Richard died in Ireland under circumstances that many believed were the result of royal complicity. Not surprisingly, in the face of sanctions of this magnitude, the baronial members remained cautious and freely associated with those who were clearly supportive of royal policy.

⁵⁰C.P.R., IV, p. 423.

⁵¹Matthew Paris, Chron. Maj., V, p. 653.

⁵²Ann. Mon., IV, pp. 77-80.

Moreover, we should not read too much into the affiliation, seeing it in the light of what happened at Oxford, and the years of civil chaos which followed. In all likelihood, most of the members opposed to Henry in the score of years prior to 1258 were influenced by the immediate situation and acted accordingly. As astute politicians, they opposed the king when it was in their advantage to do so, and cooperated when their interests were not involved. Not until the crisis had reached alarming proportions (March, 1258) did they collectively take a stand. Once begun, they may have felt like Benjamin Franklin did in a later age and in a similar situation, that if they did not all hang together, they would all hang separately. As the rebellion progressed, this proved to be the case.

CHAPTER FIVE

BARONIAL GRIEVANCES - WARDSHIPS AND RELIEFS

The changes demanded by the members of the baronial faction as a prerequisite for their cooperation are recorded in a document entitled "Petitions of the Barons" found in the Annales of Burton.¹ Listed are twenty-nine clauses probably drawn up sometime after the members had met at London in April of 1258. Two months later the clauses were presented at Oxford under oath. Who drafted the document is unknown, but current opinion holds that it was a collective response on the part of the twelve members elected to represent the baronial side. Their intention seems to have been to provide the gathering at Oxford with an agenda once the necessary machinery for government control had been implemented.

In general, the proposals are limited to issues which largely affect only the baronial class, thus affirming the conclusion that the barons were interested mainly in protecting their own status and position within society. No doubt however, the changes, if carried out, would also be of benefit to the lower orders. The document is a practical one

¹Ann. Mon., I, pp. 434-43.

identifying a number of the more obvious abuses of Henry's tyranny, and offers specific remedies for amending them. Little interest is displayed in political theory or speculation. In sum, the proposals illustrate what the baronial members found most offensive about Henry's personal government, and provide a good indication of their dissatisfaction.

A major concern among the proposals, as evidenced by the frequency of their appearance, were violations of the customs regulating inheritance. Slightly more than a quarter of the petitions suggest changes to existing practices, particularly with respect to wardships and reliefs, both of which had been exploited rather successfully by the Crown, much to the chagrin of those who found themselves so obligated.

Lest one view Henry and his court as the instigators of such policies, it would be wise to recall that he was not the first to violate the inheritance issue. Abuse of feudal incidents, whether it be wardships or reliefs, had its beginnings in the reign of William Rufus (1087-1100) when that king's justiciar, Ranulf Flambard, unscrupulously employed the practice for taxing the king's tenants-in-chief, under the colour of exacting a legal due.² Later the

²T. Plucknett, Taswell-Langmead's English Constitutional History, 11th. ed., (London: Sweet & Maxwell Ltd., 1960), p. 47.

administrative reforms of Henry II mitigated the abuse so that the heir was not compelled to redeem his land, but merely required to pay a lawful and just sum. Kings Richard and John, however, were not so scrupulous in their dealings, especially the latter who violated alike the rights of the Church and barons using all means at hand to augment royal income, a course which ultimately brought the wrath of both down upon him. Henry, though not as nefarious in this matter as his father, nonetheless paid scant respect to the customs governing inheritance.

Two chronicles compiled sometime after the event - Ralph Higden's Polychronicon and the Chronicle of Melsa - allude to these abuses, attributing them to about the year 1222, "the magnates of England granted to King Henry the wardship of their heirs and of their lands which was the beginning of many evils in England."³ Curiously, Matthew Paris, a contemporary of Henry, remains silent on the subject.

That the king should resort to such illegal methods is not difficult to understand, in as much as throughout his

³Chronica Monastera de Melsa, ed. F. C. Hingeston, 3 Vols., Rolls Series (London: Longmans Green, Reader & Dyer, 1866), I, p. 433. Polychronicon Ranulphi Higden Monchi Cestrensis, ed. J. R. Lumby, 9 Vols., Rolls Series (London: H.M.S.O., 1865-86), VIII, p. 202.

long reign he showed little aptitude for fiscal management, and scarcely any concern for the rights of others. Within the kingdom, he consumed substantial amounts of wealth, constructing magnificent buildings and collecting beautiful works of art: his most enduring edifice is the Lady Chapel at Westminster Abbey. Abroad, he waged protracted wars, first against the French and then on the Welsh, neither with any degree of success. Apart from seriously undermining his military and political credibility, both ventures left the country in a deepening financial insolvency. The royal advisers, who later became a powerful and independent element within the administration, attempted to cope with the monetary crisis by re-assessing the customary sources of income. Subsequently, there arose a measurable increase in the size of the levies paid for on wardships and reliefs.

So as to better exploit this resource, Henry, beginning in 1231, initiated policies aimed at increasing the efficiency of the exchequer, and adopted a suggestion of Peter Rivaux, an able royalist whose task was to keep account of the escheats (land confiscated for an offense against the Crown) and wardships.⁴ Peter's advice was to appoint two men in every shire who, upon taking an oath to secure their

⁴M. Powicke, King Henry III and Lord Edward, 2 Vols., (Oxford: Clarendon Press, 1947), I, pp. 106-09. C.P.R., II, p. 491.

integrity, were given control over all escheats and wardships which fell due within their respective shires, a responsibility which the sheriffs were ordered to respect. At the same time, Peter Rivaux was appointed to the newly created position of warden of escheats and wardships for all of England. He held the office for only a short while, falling in the great purge of foreigners being charged with misuse of the Great Seal. The office remained, and was made more efficient by the division of the kingdom into two districts, the one north of Trent and the other south. Eventually, wardships, escheats, and other related matters came to be regarded as outside or foreign to the responsibility of the shrievalty. The end result was a more effective and centralized control over all revenues raised in this manner which went directly to the exchequer. While the changes implemented may have resulted in a more equitable and better method of assessment, no king, regardless of his stature, was at liberty to impose, arbitrarily, levies without taking into consideration the customs which dictated what could or could not be demanded.

When the issue of inheritance is considered, it is clear that the rights of all persons holding land were heritable, synthesized in an aphorism of the times "for only God, not man

can make an heir"⁵ According to the Norman custom of primogeniture the first and principal claimant of the deceased's estate was the eldest surviving male. But while recognized, the right could not be exercised unless and until certain obligations were fulfilled and a sum of money (relief) paid. The law embodying this tradition is articulated in the legal tract written by Ranulf Glanvill, entitled The Treatise on the Laws and Customs of the Realm of England, first published in the latter part of the twelfth century. The treatise pro- pounds that a male heir who had reached full age (twenty-one for a military fief) should receive his land after he offers homage and pays a reasonable relief, rationabile relium, which for baronies was negotiable, "for baronies there is no certain figure laid down because the chief baronies in making satisfaction to the lord king for their reliefs are at his mercy and pleasure."⁶ Although the terminology in respect to how much fiscal compensation was to be paid remains vague, excessive reliefs were not tolerated, as evidenced by the baronial response to the conduct of King John, who so angered the barons over this matter that it became one of

⁵Tractatus de Legibus et Consuetudinibus Regni Anglie qui Glanvilla vocatur, ed. & trans. G. D. G. Hall, (London: Thomas Nelson & Son Ltd., 1965), p. 71.

⁶Ibid., p. 108. Glanvill was a law clerk in the court of Henry II. His work is primarily concerned with civil litigation brought before the king's justice.

their major grievances. In the great charter, clause two stated in precise terms what that amount should be:

If any of our earls or barons or others holding of us in chief by knight service dies and at his death his heir be of full age and owe relief he shall have his inheritance on payment of the old relief, namely the heir or heirs of an earl £100 for a whole earl's barony, the heir or heirs of a baron £100 for a whole barony, the heir or heirs of a knight 100s, at most for a whole knight's fee; and he who owes less shall give less according to the ancient usage of fiefs.⁷

In regards to wardships, the law was even more explicit. Glanvill proposes that a lord could take possession of an estate, but only in such a way that no harm came to it "for although lords may take into their hands both fee and heir, it ought to be done so gently that they do no disseisin to the heirs."⁸ And while both the fee and heir were in the lord's possession certain obligations were expected of him, namely - maintenance for the heir; payment of the former occupant's debts; and the preservation of the estate's fiscal and economic integrity.⁹ Failure to observe these conditions, especially the last named, would constitute legal grounds for its forfeiture. When the heir had reached the age of majority the lord was required to return the estate in the same condition as he had received it, "Guardians must

⁷E.H.D., III, p. 317. Latin text printed in Select Charters, edited by W. Stubbs, (Oxford: Clarendon Press, 1913), p. 293.

⁸Tractatus de Legibus, p. 82

⁹Ibid., pp. 82-3.

inheritance to heirs in good condition and free of debt in proportion to the duration of the wardship and the size of the inheritance."¹⁰ Similar to reliefs, this ideal was subsequently enshrined in clauses three, four, and five of the charter:

If, however, the heir of any such be under age and a ward, he shall have his inheritance when he comes of age without paying relief and without making fine.

The guardian of the land of such an heir who is under age shall take from the land of the heir no more than reasonable services and that without destruction and waste of men or goods; and if we commit the wardship of the land of any such to a sheriff, or to any other who is answerable to us from its revenues, and he destroys or wastes what he has wardship of, we will take compensation from him and the land shall be committed to two lawful and discreet men of that fief, who shall be answerable for the revenues to us or to him to whom we have assigned them; and if we give or sell to anyone the wardship of any such land and he causes destruction or waste therein, he shall lose that wardship, and it shall be transferred to two lawful and discreet men of that fief, who shall similarly be answerable to us as is aforesaid.

Moreover, so long as he has the wardship of the land the guardian shall keep in repair the houses, parks, preserves, ponds, mills and other things pertaining to the land out of the revenues from it; and he shall restore to the heir when he comes of age his land fully stocked with ploughs and the means of husbandry according to what the season of husbandry requires and the revenues of the land can reasonably bear.¹¹

¹⁰Ibid., p. 83.

¹¹E.H.D., III, p. 317, Select Charters, p. 293.

These clauses were subsequently included when the charter was re-issued in 1216, 1217, 1225, three occasions on which Henry solemnly promised under oath to observe the regulations or face the ultimate ecclesiastical penalty of excommunication. Additionally, several times thereafter he swore to uphold the charter. He, perhaps more than any of his advisors, knew full well what the law was concerning wardships and reliefs.

Yet Henry paid little heed to his obligations in this regard, tailoring his observations of it so as to fit his immediate need, much to the chagrin of those who were affected. Of the members of the baronial faction, ten had received their inheritance in the period of Henry. Those who did not were Walter Cantilupe and Richard Grey, the two eldest members, having been given seisin by King John.¹²

The remainder, where the evidence exists, appear to have had well-founded reasons for complaint in as much as three of the four earls had not received just or equitable treatment, while three of the barons endured a similar fate, although it should be noted that the evidence for this latter group is much less documented and rather incomplete.

¹²See chapter 3 for the ages of these two members.

When we consider the rights of the earls only Humphrey Bohun, Earl of Essex and Hereford seems to have been respected. This is surprising since his father was an outspoken adversary of King John and had fought against the royalist party at the battle of Lincoln in 1217. Following the baronial defeat, his lands were confiscated although they appear to have been later returned to him because at his death in 1220, on the way to the Holy Land, his Herefordshire estates were once again in his possession.¹³ Humphrey the younger, in 1220, was still a minor and so the lands he stood to inherit were committed by the Crown to William de Briwer, save an allotted portion which was given to Maud, his mother, for her maintenance. The following year Humphrey attained his majority and was created Earl of Hereford. Six years after the death of his maternal uncle, William de Mandeville, the earldom of Essex devolved upon him.¹⁴ Yet, because his mother maintained control of the estate, styling herself Countess of Essex Comitissa, Humphrey did not receive full seisin until 1236, at which time he paid 100 in agreement with the amount printed under clause two of Magna Carta.¹⁵ No irregularities appear on the part of the guardian although the evidence is far from complete. One

¹³W. Dugdale, Baronage of England, I, p. 180.

¹⁴Ibid., p. 180.

¹⁵Excerpta e Rotulis Finium, I, p. 312.

would like to know, for example, the sum paid in relief when Humphrey was created Earl of Hereford in 1221.

The second earl to receive his inheritance under Henry was Roger Bigod, also a minor when his father died in 1225. Initially, the estate was placed under the administration of Hubert de Burgh, Henry's able justiciar, who, Matthew Paris claims "received all the land and honours."¹⁶ His wardship does not seem to have lasted long, for Cokayne asserts that in 1226 the guardianship was awarded to William de Longspee, Earl of Salisbury.¹⁷ In the following year it was transferred to Alexander, King of Scotland when Roger was betrothed to his daughter Isabella. The match, contracted in an effort to improve Anglo-Scottish relations, some three decades later, was contested by Roger on the grounds of consanguinity, a plea which was rejected by the Holy See.

When Alexander became Roger's guardian he immediately received, as a "gift" from Henry, two-thirds of the third penny which amounted to over one-fifth of the earldom of Norfolk. The quid pro quo was the sum of five hundred marks.¹⁸ While there was no tradition specifying the

¹⁶Matthew Paris, Chron. Maj., III, p. 95.

¹⁷Complete Peerage, II, pp. 590-1.

¹⁸C.P.R., II, pp. 68-9. At the time Roger was still a minor.

amount a guardian was to compensate the Crown for a wardship, it appears unlikely anyone would take on the responsibility without expecting to recover all outlays, whether in cash or service. The opportunities for doing so certainly existed since the guardian had exclusive rights over the minor, his marriage, and his lands, all three of which were saleable. Moreover, providing the guardian fulfilled the obligations set forth in clause four of the Magna Carta - a course which was by no means assured - he was not obliged to account to the heir for any profits realized. Whether Alexander exacted a higher fee from the earldom to offset his expenditures remains unknown. There are, however, several entries contained in the Patent Rolls and Scottish State Papers which seem to indicate that both the King of Scotland and the King of England were more concerned with the political and financial rewards of the estate than in seeing that Roger's rights as a minor were respected.

In 1228 Henry sent a letter to Alexander who had just recently restored Roger's estate even though he was under age. In it, he assures the King of Scotland that should Roger die while still a minor, he or his assignee would have all the proceeds of the lands until the heirs of Roger reached their majority.¹⁹ While the letter does not

¹⁹Ibid., pp. 183-84.

imply any malice towards Roger, it does suggest that he or his family would not be taken into consideration regarding any future guardian. It seems that Henry was more interested in appeasing his northern counterpart than ensuring that the rights of one of his leading vassals were protected.

The sum Roger paid in relief for seisin for his estate is not listed, no record of it having survived. There are, however, several other indicators that point to Roger's financial insolvency incurred when he was a minor. The first is a charter dated April 22, 1228 whereby Roger bound himself to pay Alexander King of Scotland 1000 Libras of silver so as to purchase land for his wife Isabella, sister of the Scottish king.²⁰ In addition, Roger promised to pay Alexander two other sums: one for five hundred marks, a previous loan, and a second for six hundred marks, no reason given. Not until these debts had been settled would Roger receive his inheritance.

That Roger experienced great difficulty in meeting these obligations is indicated by a royal mandate asking the knights and freeman of Roger Bigod to give aid because "...their said lord is deeply in debt, both to the King and

²⁰Calendar of Documents Relating to Scotland, 4 Vols., ed. J. Bain, (Edinburgh: H.M. General Register House, 1881), I, p. 183.

the King of Scotland, and cannot free himself otherwise...".²¹ How he came to be in such straits, scarcely two months after receiving his inheritance, appears to have resulted from the excessive demands of the two kings, wardship customs notwithstanding.

Simon de Montfort, the third earl to receive his inheritance from Henry seems clearly to have had well-founded reasons for complaint too, perhaps more so than any other member of the aristocratic party. The lands he stood to inherit had been in another's possession since the early years of the thirteenth century. Simon the elder (his father) had lost his English estates for siding with the French in the 1207 dispute between King John and Philip II, a fate which befell many of the magnates who held land on both sides of the channel. During the civil disturbances which ensued, the confiscated estates were supposed to be returned as a precondition for John's reconciliation with the papacy. Along with other undertakings it was never carried into effect. Instead, in 1215, the honour of Leicester was ceded to Ranulf, Earl of Chester. Three years later, Simon the elder was killed in southern France while participating in the crusade against the Albigensians. His English claims were then taken up by his eldest son, Amaury, who lodged a new

²¹Ibid., p. 186.

complaint charging that as a vassal and knight of the English king,²² his position as Constable of France neither impinged upon the loyalty implicit therein nor was impinged upon by it. Perhaps coming to the realization that he could not serve two masters who were such staunch enemies, he transferred the disputed English claim in 1229 to his younger brother, Simon, in return for a larger share of the continental patrimony.²³ Simon agreed to the settlement and immediately crossed over to England where he made an appeal to the king, but in vain. Henry replied that he could do nothing, because the land in question had since been awarded to Ranulf in a formal charter. As a sign of goodwill and partial compensation he was offered a yearly pension of four hundred marks should he choose to enter into the king's service in England. Simon accepted, and bolstered by his recent appointment to his retinue, approached the Earl of Chester who was then on campaign in Brittany. Writing of the event thirty years later Simon asserted that:

He (Ranulf) received my request in friendly fashion and, in the following August (1231) took me to England with him. He asked the king to receive my homage because said he, I had more right than he to my father's inheritance; he then renounced everything that the king had given him, and so the king of England received my homage.²⁴

²²Layettes du Tresor des Chartes, no. 2008, cited by C. Bémont, Simon de Montfort, p. 4.

²³C. Bémont, Simon de Montfort, p. 4.

²⁴Ibid., pp. 4-5.

How faithfully this account reflects the event is an open question, for the records only indicate that in 1231 Simon finally received what had belonged to him by hereditary right all along.²⁵ The price paid in relief was £10,000, an enormous sum indeed. The editor of the fine rolls, C. Roberts estimated the sum to be equal to £100,000 in the currency of his day, a significant amount of money by any standards of the age.²⁶ Further, much of the Leicester estate during the years before 1231 had been exploited or given away to others, prompting Simon to declare, "it suffered so much destruction of wood and other great damages done by divers people to whom the king had given charge, that it was quite inadequate to support the rank and dignity of an earl."²⁷ By 1234, Simon was having second thoughts about his purchase, for he contemplated buying back the share that he had previously sold to his brother Amaury.²⁸ As for the status and dignity of earl, a title which allowed him to collect a third of the profits of justice, it was not until 1237 that his name appears among those of this rank, six

²⁵ Foedera, I, p. 203, Ann. Mon., I, p. 111.

²⁶ Excerpta e Rotulis Finium, I, p. XV.

²⁷ D.N.B., XIII, p. 732. A large share of the estate had been given to Amicia, younger sister of the Countess of Winchester. I have not been able to verify this account elsewhere.

²⁸ Ibid., p. 732.

years after he had been formally recognized as the rightful heir.²⁹

The fourth and final earl to receive his inheritance from Henry was Richard Clare, a mere boy eight years of age when his father Gilbert died in 1230. Because of his tender years he was immediately placed under the care of Hubert de Burgh who paid out seven thousand marks for the privilege.³⁰ For the next two years, that is, until 1232, Richard remained in Hubert's household, when in a dramatic turn of events the old justiciar incurred the wrath of the king, was summarily dismissed from office, deprived of his estates and eventually outlawed. De Burgh's fall from grace arose out of Henry's personal resentment, a sentiment engineered to a large degree by Hubert's former rival, Peter de Roche. Following his dismissal, custody of Richard was awarded to Peter de Roche while the Clare estates went to Peter's nephew, Peter de Rivaux. Together, they administered his interests, until 1234 when they themselves were ousted,

²⁹ Exactly when Simon received the honour and privilege that came with the title is debatable. Several times between the years 1234 and 1237 he appears not among the earls but next to them. The first mention of Simon as an earl in an official document is in August, 1237 Calendar of Charter Rolls: Henry III, 6 Vols., (London: H.M.S.O., 1903-27), I, p. 230. For a discussion of this problem see C. Bémont, Simon de Montfort, f.n. 4, pp. 6-7.

³⁰ C.P.R., II, p. 412.

victims of a purge against foreigners at the royal court. During the four years Richard was in their custody, Hubert and the two Peters were responsible for administering his estates, yet none of them fulfilled their obligations. Military and political difficulties plagued the Clare lands.

Shortly after Richard and his estates had been put under Hubert's custody, Henry ordered the Welsh chieftains who were Clare vassals to give their fidelity and allegiance to his royal appointee. The Welsh, in protest, revolted and aligned themselves with the pretender for the prinipality, Llywelyn ap Iorwerth, who defiantly overran much of south Wales, including Richard's estates in the lordship of Glamorgan, destroying his castle at Neath in the process.³¹ Llywelyn's successes, following by Henry's less than satisfactory attempt at retaliation, prompted many of the chieftains, formerly liegemen of the Clare family, to give their allegiance to the Welsh victor.

Peter de Riveaux, Hubert's successor as guardian of the Clare interests was no more successful than his predecessor.³² In his time, the Welsh incursions were led by

³¹M. Altschul, A Baronial Family in Medieval England: The Clares 1217-1314, (Baltimore: John Hopkins Press, 1965), p. 63. The Welsh uprising is described in Ann.

Mon., I, pp. 37-9.

³²M. Altschul, A Baronial Family, p. 64.

a particularly aggressive English baron named Richard Marshal whose lands bordered those of the Clares. His objective was to seize the Clare castles and strongholds which were felt to be a threat to his military and political position. Calling up Welsh support on the promise of land and booty should the operation succeed, Richard overwhelmed Peter de Rivaux and effectively replaced him. This offensive so aroused Henry's anger that the marshal was forced to relinquish his control. Declared an outlaw, he fled to Ireland where he soon died under mysterious circumstances.

After his death the Clare estates were put into the custody of Gilbert Marshal, Richard's brother, and for the next few years there were no serious disturbances, even though the conflict between the Welsh and the English over the allegiance of the local chieftains on the Clare estates remained unresolved. In 1240, though not yet of age, Richard recovered from Gilbert the lands of Glamorganshire. The price paid was five hundred marks.³³ Three years later in 1243 he reached his majority and assumed personal control of the rest of his inheritance. He was legally entitled to receive livery and seisin in August of that year, but because Henry was away in Gascony the ceremony was delayed until

³³Ann. Mon., I, p. 117.

Michaelmus (September 29). The sum paid for this was twelve hundred marks, though it is not stated whether the fine included the relief.³⁴ As for the honour of knighthood and the dignity of earl which should have been received in 1243 at the same time, it was not until the summer of 1245 that the rank and the title are used by him.³⁵

As mentioned, a survey of the barons who received their inheritance during the period in question is inconclusive and unsatisfactory to say the least. For the most part, the evidence is sparse because of their inferior status and importance. This is particularly true for Peter Montfort and Hugh Despenser. All that can be asserted for Peter is that he was a minor during the twenties, had been placed in the custody of William de Cantilupe, father of Walter of the baronial faction, and was in custody of the king between 1226 and 1228.³⁶ He appears to have reached his majority shortly thereafter for, within the latter year, he is mentioned as receiving scutage for four knights. Other than this, the records concerning his early years are silent.

³⁴C.C.R., V, p. 44. Rotulorum Originalium in Curia Scaccarii Abbreviato, Vol. I, p. 5, cited by M. Altschul, A Baronial Family, p. 66.

³⁵C.C.R., V, p. 337. "Richardo de Clare, comiti Gloucester et Hertford, heredi predicti Gilberti, Singulis annis habere faciant ad saccarim nomine comites."

³⁶W. Dugdale, Baronage of England, I, p. 408. Book of Fees, I, p. 376.

Hugh Despenser was also a minor, his father having died in 1238, at which time he was placed under the tutelage of Geoffrey Despenser, an uncle. Six years later he became of age and was subsequently knighted.³⁷ When he received his inheritance, and what sum he paid in relief, is unfortunately not known.

Of the remainder, the evidence is more complete and confirms the hypothesis that Henry violated their rights. In the first instance the price John fitz Geoffrey paid as relief in 1227 was three hundred marks (~~£~~ 210), more than double the customarily demanded amount.³⁸ Secondly, William Bardolf, who received livery of part of his lands in 1217, did not receive the honour of Wormegay until long after the day when custom permitted it; its administration, for most of the period, in the custody of his stepfather, Hubert de Burgh. When William finally received the honour, he was well over thirty years of age.³⁹ In the third case, the sum Roger Mortimer paid for his inheritance in 1247 was two thousand marks (~~£~~ 1400).⁴⁰ Furthermore, while the details concerning this transaction are lacking, it would appear that his lands were retained by the king six months longer than they should have been.

³⁷Complete Peerage, IV, p. 268.

³⁸W. Dugdale, Baronage of England, I, p. 706.

³⁹Ibid., p. 681.

⁴⁰Ibid., p. 140

In conclusion, evidence, where it exists, would seem to justify that at least six of the ten members who came into their inheritance during the period of Henry's rule had legitimate grievances. Not only did they pay sums far in excess of the amount set down in Magna Carta, but also their estates were retained either by the king himself or his appointee, in some cases for years, all the while the profits as well as the honour of that position went to the guardian.

CHAPTER SIX

BARONIAL GRIEVANCES - CIVIL AND CRIMINAL SUITS

A second issue of concern to the baronial members, as shown by the number of clauses in the "Petitions of the Barons" was Henry's obtrusive interference in the judicial process. Of the twenty-nine petitions, slightly less than half pertain to those civil and criminal matters which were deemed to be in need of correction. That so much attention was given to them when they had been guaranteed in Magna Carta, a document to which Henry had subscribed on several occasions, is attributable to the administrative changes implemented by the king shortly after assuming control of government in 1234.

In that year, in an attempt to remove the last vestiges of his tutelage, and determined to gain ascendancy over the administration, he dismissed the leading ministers of state, most of whom were native Englishmen and, in their place, appointed personal favourites, subjects of alien extraction and men who, he believed, would be more receptive to his methods of rule.¹ Servants like Hubert de Burgh the

¹For a more detailed account of the administrative changes undertaken by Henry see T. F. Tout, Chapters in the Administrative History of Medieval England, 6 Vols., (Manchester: University Press, 1920, I, pp. 239-317.

justiciar, Ralph Neville the chancellor, and Walter Mauclerk the treasurer, to name only the more prominent ones, were removed on one pretext or another and replaced with subjects of less status and even less independence. Where once ministers exercised semi-constitutional powers and were chosen by a Council composed of the leading barons and prelates, the new appointees, by and large, owed their positions to the king personally. Once appointed, their importance in the administration of the kingdom was substantially diminished. For instance, the office of the justiciar, the one-time vice-regent to the king and perhaps the most powerful of all positions in the kingdom, particularly during the long minority, went into eclipse, as did several other prominent offices of the state. The new men were simply administrative chiefs, completely at Henry's disposal and none remained long in office. Policy decisions, when not decided by the king alone, were now made in a council, the membership of which consisted of career civil servants, a few prelates, some baronial partisans, and aliens, the latter mostly Henry's Poitevin kinfolk. Needless to say, this body did not possess the respect or the status of previous councils. The king had meticulously eradicated all traces of independence within the administration.

From what has been said, it should not be inferred that the new ministers were without merit. On the contrary, those

selected to serve, whether of humble stature or aliens, undertook a thorough reorganization of the administrative and judicial system, and succeeded to a large extent in greatly improving its efficiency. Their contributions were, first, the separation of the Exchequer and Chancery from subjection to the king's court, a modification which allowed both departments an increase in freedom and independence. Secondly, the expansion of the Wardrobe and its promotion to the point where it rivaled both the Chancery and Exchequer in importance. Thirdly, there was the restructuring of the tax system. The older assessments such as scutage and carucage were replaced by aid and tallage, thus preparing the way for parliamentary taxation as the chief means of raising extraordinary revenue.²

In the realm of law the changes were, arguably, more dramatic. The system of eyre or circuit courts which had been in use since the beginning of the century, was greatly enlarged and employed on a regular basis.³ Staffed with

²T. F. Treharne, Baronial Plan, p. 38.

³A. Harding, The Law Courts of Medieval England, (London: George Allen & Unwin Ltd., 1973), pp. 63-5. One of the earliest uses of the eyre was to raise money during the reign of Richard I. Confronted by the king's enormous demands, for his crusade and then for his ransom, the justiciar Hugh Walter turned the Eyre of 1194 into a great source of profit, so much so that a chronicle described it as reducing all of England to poverty.

judges of professional caliber, royal justice was carried into the farthest reaches of the kingdom. The courts in which these cases were tried also underwent a transformation.⁴ Initially, they were separated from the Council, but later they were organized into two different tribunals, the one sitting permanently at Westminster called the Curia de Banco, the other continuing to follow the king around the realm, designated Curia Coram Rege. So popular did these higher courts become, that most of the older and local ones with their antiquated oaths and oath helpers gradually fell into disuse. Consequently, by the middle of the century royal courts became the only judicial institutions of any great importance.

These changes are commendable for their breadth and scope of vision, but because they were implemented by men dependent and answerable only to the king, they were left open to grave criticism. To retain their position, the king's ministers had to be completely subservient to him, regardless of whether his mandate contravened feudal law or custom. No king, not even Henry II, had managed to obtain so much control over his agents. Yet Henry III, partly because

⁴F. Pollock and F. W. Maitland, The History of English Law, 2 Vols., 2nd. ed. (Cambridge: University Press, 1968), I, p. 198.

of an extended tutelage, was quite unfit for such power and responsibility, having neither the skill of the earlier Henry, nor the intelligence of his son, the future Edward I. As king, he did little to win the admiration and respect of his subjects. Instead of permitting his ministers to apply justice and uphold the law as they were trained to do, he interfered in due process, frequently overriding the courts in order to protect both his own and his friends' interests. This was especially noticeable after 1247 when three of his Poitevin kinsmen came to England seeking their fortunes. The ministers, possessing neither the sense nor the independence to resist, acquiesced in his meddling.

Such blatant interference in legal matters no doubt contributed to the strains existing between the king and his barons and occurred at a time when the use of writs were greatly expanding. This led to a variety of offenses being tried within the jurisdiction of the royal courts. Of the many writs brought to their attention, the most fruitful and significant was the writ of trespass, an instrument which came into use almost unnoticed in the 1220's.⁵ This device gave to the Crown the immense residue of civil injuries, among them, claims for damages from personal assaults, trespasses on another's land, defamation, fraud,

⁵A. Harding, Law Courts, p. 76.

negligence, and breach of contract. All came to be labelled as trespasses against the king's peace. Where once the Crown's tenants-in-chief had, more or less, a free rein in their baronies, they now found themselves subject to a number of tribunals and a variety of royal mandates created and issued by the king or his agents.

The first member of the baronial faction to be hailed before a royal tribunal and charged with this offence was Richard Grey, who, while on campaign to the continent in 1236, intruded onto land belonging to the Countess of Flanders, causing greivous injury to the merchants who resided there.⁶ The complaint implicated Richard and his bailiffs as one of a number of alleged aggressors who had taken, without payment, a considerable quantity of merchandise, namely, forty tuns of wine and an equal amount of honey. To appease the Countess and restore amiable relations between the principality and England, Henry promised full restitution, vowing to punish all those found guilty of crimes; transgressors were to lose both their lands and goods. That Richard and his bailiffs were guilty of the trespass is attested to a month after the incident when Henry commanded the royal steward, Hugh de Trublevill, to investigate the affair, and named, among others, Richard Grey who he claimed acted "without orders or good judgement."⁷

In another instance, less well documented, Peter Montfort stood accused in 1251, in the Coram Rege court, of

⁶C.P.R., III, p. 168.

⁷C.C.R., III, p. 613.

violently attacking the town of Preston in the earldom of Rotel.⁸ A year later Roger Mortimer faced a similar charge for intruding "by force and arms" into the manor of Lecheland which belonged to a servant of the king.⁹ For this impropriety Roger was ordered to give surety that he would appear before the king within fifteen days or whenever Henry should again be in England. The bailiffs and servants of Roger Bigod and Richard, the king's brother, were also charged with this infraction for allowing their men to trespass on one another's lands. A royal commission with Roger de Turkelby at its head was named to investigate the matter and punish the guilty party.¹⁰ Humphrey Bohun and William de Valance were involved in a similar incident. In this case, John fitz Geoffrey, then justiciar of Ireland, was appointed to examine the dispute.¹¹

Another development which exacerbated baronial anxieties was the loss or dispossession of lands and chattels for infractions against the customs and laws of the realm, a nebulous charge in as much as the Crown reserved the rights to define what these should be. When such forfeitures were declared they worked not only a financial loss upon the recipient, but demeaned their political stature as well. Usually whatever was repossessed went to the king personally, or, as

⁸C.C.R., VI, p. 526.

⁹C.C.R., VII, p. 220.

¹⁰C.P.R., IV, p. 125.

¹¹C.C.R., VII, p. 492

was all too often the case, to those of his subjects he held in special regard.

Among those who sustained losses of this nature was Simon de Montfort, one of the most affluent barons, who throughout the period under consideration suffered the seizure of lands and chattels on numerous occasions. In 1246, by the king's order, he was compelled to return all lands and tenements belonging to Gilbert de Unfraunwill, a minor in his custody.¹² Two years later, he was summoned to court to answer in a dispute between his bailiffs and those of the king, the former refusing to allow the royal bailiffs to enter onto his property in the vill of Hungerford to collect the king's debts.¹³ In 1249 the reverse situation arose, Simon being ordered to return all the land and chattel taken from a certain royal servant, one Arnaldum Cotin.¹⁴ In the same year, earl Simon and Rustani de Solariis engaged in a dispute which culminated in the seizure of the latter's goods and wine. When word of this reached the king, Henry intervened in favour of Rustani, and demanded that Simon return all he had taken.¹⁵ After considerable

¹²C.C.R., V, p. 436.

¹³Roll & Writ File of the Berkshire Eyre of 1248, ed. M. T. Clancy, Vol. 90, Selden Society (London: William Cloves & Sons Ltd., 1973), p. 309. "...sicut consueverunt tempore antecessorum suorum, ideo loquendum."

¹⁴C.C.R., VI, p. 237.

¹⁵Ibid., p. 231.

delay, Montfort grudgingly obeyed, the while keeping a portion for himself. Three years later in 1252, he was not so fortunate, having to restore the last jot and title of goods seized from the citizens of Gascony.¹⁶ A further aggression surfaced later in 1255 when a violent dispute erupted between Simon's bailiffs and those of Prince Edward over an award of land belonging to Gilbert de Segrave, a minor whose guardian Simon was.¹⁷ The estate was part of a much larger grant intended by Henry for Edward's maintenance when he reached his majority. Instead, Simon's bailiffs gathered about them a great multitude of men and prevented Edward's agents from taking possession. The defiance infuriated the king, who ordered all those who resisted to be apprehended and thrown into prison until the king should arrive, at which time they would be summarily dealt with.

Roger Bigod, justifiably also had reason for complaint in regards to land issues. In his case it was not land already in possession, but estates which he stood to inherit from his mother Matilda, the Countess of Warren. Because her holdings were extensive, extending even to Ireland, the king

¹⁵Ibid., p. 231.

¹⁶C.P.R., IV, p. 159.

¹⁷C.C.R., IX, p. 200. "Et omnes illos quos resistentes invenerit capiat et in prisona regis salvo custodiat, donec rex aliud inde preceperit."

did his utmost to hinder the grant. As she lay dying in 1248, Henry commissioned two of his officials to inquire whether her castle at Striguil would be bequeathed to Roger.¹⁸ Whatever the reply, Henry remained unconvinced of her intentions, for immediately following her demise later in the same year, he ordered John fitz Geoffrey to take into his possession and retain for the Crown all land and tene-ments belonging to the deceased countess so that neither Roger nor anyone else could have seisin.¹⁹ Only after they had done homage, presumably upon payment of a handsome sum, would the land be allowed to devolve. Roger appears to have ignored the mandate in as much as a letter addressed to him in 1251 indicates that he was called into court over a matter of sixty acres of land which the king claimed Bigod had inherited in violation of feudal law.²⁰

In another unrelated instance, Henry found reason to intervene in a contract drawn up between Roger Bigod and William, son of Ade de Heningham. After reviewing the charter, the king, on his own initiative, decided that since Roger could not guarantee the land in question he should compensate William with ten librates of land from his own earldom in either Norfolk or Suffolk.²¹

¹⁸C.C.R., VI, p. 110.

¹⁹Ibid., p. 41.

²⁰C.C.R., VII, p. 179.

²¹C.C.R., VI, p. 184.

Richard Clare was a legitimate complainant too. In 1243, the same year he reached his majority, Henry issued a mandate to his agent, Richard de Lada commanding him to sell all the wheat on the Clare estates, the proceeds from which were to be assigned to the king's personal use.²² Two years later, in a suit between Clare and Robert de Curtenay over the custody of some land, the king delayed proceedings so as to ensure that the Crown received a share from the transaction.²³ Such interventions worked to the advantage of the Crown in another way: by postponing the suit, all profits arising from the estate went to the king until such time as a settlement was reached. In another suit engaging Richard and the abbot of St. Edmund, Henry intervened, sided with the abbot, and awarded him the disputed claim.²⁴ Given Henry's religious piety, and his profound reverence for St. Edward the Confessor, his decision comes as no surprise.

Strife between the king and Humphrey Bohun is less evident, in fact there seems to have been only one instance when they were at odds. In 1252 Henry ordered the earl to return

²²C.C.R., V, p. 114.

²³Ibid., p. 353.

²⁴C.C.R., IX, p. 289. At the royal wedding in 1236 the sword of St. Edward was carried before the king as a sign that he alone had the right to restrain the king should he commit an error. Matthew Paris, Chron. Maj., III, p. 337. In 1241 Henry had a new shrine built for him and on several occasions thereafter Henry is noted as observing his feast day. Ibid., IV, p. 156, V, pp. 47, 94, 324, 395, 649.

some land which he believed rightfully belonged to Ranulph de Thony.²⁵ Humphrey ignored the order provoking the king to re-issue the order the following year. Whether the earl complied is not stated.

Of the lesser men in the faction, the gravest encounter was that sustained by Peter Montfort. In defiance of a royal prohibition, he attended a tournament in Cambridge in 1245 for which all his lands were forfeited.²⁶ These were later restored after his reconciliation with the king.

Roger Mortimer faced difficulties in the matter of inheritance. In 1253, the king summoned Mortimer to court over his claim to the manor of Langerberge, formerly in the possession of his father Hugh, since deceased.²⁷ Roger disregarded the summons and refused to make an appearance. Strangely, the king pardoned him for this defiance and seems not to have proceeded further with the default. The king's leniency appears to have brought Roger round as the next year the ownership question was resolved, though not in a manner Roger would have preferred. Henry recovered the disputed manor for the Crown, then ceded it to his brother, Earl

²⁵C.C.R., VII, pp. 297, 367.

²⁶W. Dugdale, Baronage of England, I, p. 408.

²⁷C.C.R., VIII, pp. 177, 178.

Richard of Cornwall. That royal justice was used to vindicate the settlement is implied by the phrase "through the judgement of his court in the presence of his council".²⁸

In 1251 Henry issued a command for a survey, a perambulation to be made between the boundaries of Walter Cantilupe's land at Alvithecherch and the king's manors at Norton and Bremmegrave.²⁹ While no decision was rendered, the king appears to have remained dissatisfied with the results, for a second and much more thorough survey was begun later in the year which included all the fiefs, lands, and tenements held by Walter and those of his church at Worcester.³⁰

An increase in the number of prosecutions against those who violated the forest laws was another reason for resentment. Vast tracts of forests and wilderness areas, since ancient times, had always been the exclusive domain of the Crown, but after the proclamation of the Greater Charter of the Forest in 1217, the regulations which governed them became much more enforceable. Thereafter, those who were in violation of its regulations were prosecuted with increased

²⁸Ibid., p. 67. "...per iudicium curie sue coram concilio suo."

²⁹C.C.R., VI, p. 538.

³⁰C.C.R., VII, p. 184.

frequency by royal agents. Indicative of this development was the division of the national forest into two regions in 1238, the one north of the Trent River and the other south of it, each with its own official called Capitalis Forestarius.³¹ Their duties beyond and below the Trent were ministerial rather than judicial, but were nonetheless considerable. They were responsible for all poachers; the release on bail of all prisoners detained in custody; the holding of special inquisitions on the expediency of royal grants; and the execution of all administrative duties connected therewith.

Among the barons prosecuted for infringing the charter on the forests was Richard Clare, one of the more insolent offenders. In 1251 and in 1255 he appeared at the royal courts. In the first instance the earl, having had dinner with an official in Rothwell, released in the forest of Micklewood two hounds which subsequently discovered a deer.³² A chase ensued and the animal was killed just north of the town of Rothwell in full view of the forest officials and the town inhabitants. For this offense, Richard was brought before the king's court on charges of

³¹Select Pleas of the Forest, ed. G. J. Turner, Vol. 13, Selden Society (London: Bernard Quaritch, 1901), XIV-XV.

³²Ibid., pp. 98-9

poaching. On the second occasion, while Richard and his entourage were on route to York, he allowed his cook, in the company of others, to kill a doe. When confronted by a forest official with the crime, he is reported to have said disdainfully "I vouch for it well"³³, for which he was again charged with poaching.

In another case, William Bardolf, probably for some previous infraction of which there appears to be no record, was refused permission to hunt or chase animals in the forest of Warren.³⁴ Should he fail to comply with the order, both he and his men were to be taken into custody and held until reparation was made.

For some of the baronial members it was not even necessary to have poached. Peter Montfort, for example, was summoned to court by the Justiciar of Forest, Geoffrey de Langel, in 1250 on the charges that he allowed his dogs to run loose on the manors of Preston, Wenge, Martinestarp, and Lindon.³⁵ The charges were stayed for thirty-five days, until the feast of All Saints (November 1). Later, this deadline was extended until Christmas. Richard Clare and

³³Ibid., p. 13.

³⁴C.C.R., V, p. 477.

³⁵C.C.R., VI, p. 384. "...pro expeditacione canum suorum."

his men faced similar charges in 1251, but these too were stayed for a month.³⁶

Other felonies committed by the barons include the destruction of the forest, a charge faced by Peter Montfort in 1253. Peter, it appears, cut and sold wood from the forest of Roteland, for which an inquisition was ordered to be conducted.³⁷ In 1250 Richard Grey and his men were alleged to have seized a ferry in the forest of Pickering, claiming the vessel had been given to them by the king.³⁸ Geoffrey de Langel, Justiciar of the Forest, thought otherwise, and subsequently charged them with theft. At Henry's request they were allowed to remain in peace until the feast of St. Edward.

As vassals of the king, all members of the faction were expected to perform certain duties and owed particular obligations which might, by arrangement, be commuted by a sum of money, the amount normally specified by the Crown. For some of the magnates, this custom became a source of dissatisfaction. Roger Bigod, in 1252, and Peter Montfort, in 1256, were both at odds with the royal exchequer over the amount

³⁶Ibid., p. 445.

³⁷C.C.R., VII, p. 484.

³⁸C.C.R., VI, pp. 315-16.

they were expected to give. Roger's clamor centered over the old rate of scutage, or what he assumed it to have been.³⁹ Peter, on the other hand, objected to the amount of military service demanded of him by Prince Edward.⁴⁰ Both suits were given a hearing in the royal courts, unfortunately the available records do not disclose a judgement in either case.

Richard Clare was so impoverished in 1251, following the marriage of Henry's daughter Margaret to King Alexander of Scotland - an event in which all vassals were expected to contribute an additional sum - that he was forced to ascertain the value paid by his tenants.⁴¹ For some unknown reason, the same earl, a year later, aroused the suspicion of the king who appointed three agents, Gilbert de Segrave, Nicholao de Turri, and Girardo la Grue to make diligent inquiries into certain liberties and services held by him in the earldoms of Dorset and Somerset.⁴² No action, however, was to be undertaken until an earlier dispute over the earldom of Corfe had been settled.

³⁹C.C.R., VI, p. 514.

⁴⁰C.C.R., IX, p. 338.

⁴¹Ann. Mon., I, p. 146.

⁴²C.C.R., VII, p. 245.

Walter Cantilupe appears to have aroused the ire of the king over matters of jurisdiction. In 1251 Walter, acting in the capacity of Bishop of Worcester, conducted an inquisition into his diocese compelling all freeman and villeins to swear an oath of fealty to him.⁴³ But because he had acted without consulting the Crown, as was the custom, it caused a great scandal. For this reason and because the dignity of the king had been affronted, those so affected by the decree were, by order of the king, not bound to adhere to the inquisition.

While criminal charges against the baronial members were considerably fewer than one might have anticipated, there do exist a number of suits which are notable because of the severity of the penalties attached to them. In most cases it should be noted that the charges were either reduced or allowed to go sine die, an outcome which owed more to the high status of the barons than any other factor. Roger Bigod faced murder charges on two occasions. In 1230 Roger was accused of murdering someone in Norfolk, for which he was given respite for a month.⁴⁴ Again in 1233, the earl and several others were said to have caused the death of Ade, son

⁴³C.C.R., VI, p. 544. "...quia ex hoc scandalum magnum et scisma in plebe generatur."

⁴⁴Memoranda Roll of the King's Remembrancer, ed. C. Robinson, Vol. XLIX (New Series Vol. XI, (London: Princeton University Press, 1933), p. 61.

of Lefsy.⁴⁵ As no further mention is made of either of these suits, and Roger continued to play a prominent role in the kingdom, one is left to assume that in both cases all charges were dropped. William Bardolf was accused of murder also, specifically of having killed John de Aserleye, a crime for which he received a full pardon in 1257.⁴⁶

In 1235, at the age of thirteen, Richard Clare was involved in a revolt staged by the merchants of Melford. Charges against him were filed by the abbot of St. Edmund who subsequently appointed Thomas de Wepsted and Henry de Neketon to represent his side in court held in the presence of the king.⁴⁷ Richard is mentioned again in 1254 when the Master of the Templars in Ireland complained to the king's justices that the earl's sheriffs gave a false judgement in the court at Kilkenny in respect to the presentation to the church of Baligaveran.⁴⁸ Henry's intervention was direct and unequivocal, the men involved were ordered to appear before him to vindicate their innocence.

Humphrey Bohun and several others in 1245 faced equally grave charges by associating with enemies of the king.⁴⁹

⁴⁵C.C.R., II, p. 267.

⁴⁶C.P.R., IV, p. 575.

⁴⁷C.C.R., III, p. 202.

⁴⁸C.D.I., II, p. 48.

⁴⁹C.C.R., V, p. 363.

While they are not identified, the incident took place on the marches and, probably, were the Welshmen, sworn adversaries of the English.

Eight years later, Humphrey seized and unjustly detained the prior of Hereford because of some alleged earlier infraction perpetrated by him.⁵⁰ On Henry's orders the earl was to release the prelate immediately pending a full-scale investigation.

Over and above these charges the administrative records offer several other instances of baronial misdeeds, but for which the information is not nearly so complete. Among these, one notes an incident involving Roger Bigod who, in 1233, somehow incurred the wrath of the king for which Eva de Braos gave surety for his good conduct.⁵¹ When Simon de Montfort refused to attend the Kintbury Hundred's court in 1248 he was amerced⁵², as was Peter Montfort who followed the same course at Bayhurst Hundred's court.⁵³ In 1233 William Bardolf was fined for incarcerating William de Eynford, and given until the Octaves of Hilary to pay.⁵⁴

⁵⁰C.C.R., VII, p. 510.

⁵¹C.C.R., II, p. 262.

⁵²Roll & Writ of the Berkshire Eyre, p. 309.

⁵³Ibid., p. 366.

⁵⁴C.D.I., I, p. 309.

Likewise was Richard Grey, who in 1236 paid one hundred solidi to the Exchequer.⁵⁵ Because of a revolt on Lundy Island for which Walter Cantilupe seems to have been partially responsible, the king directed him to pay ten marks or more.⁵⁶

Aside from the last mentioned charges, the outcome of these civil and criminal suits are not known. The absence, however, of such information does not mean they are without value. They are important for two reasons. First, the charges that arise, touching as they do, both the greater and lesser barons, indicate that all members of the baronial faction, irrespective of their status and position in the realm, were subject to its laws and regulations. Secondly, those who faced such charges, whether prosecuted or not, would face considerable burden, not to mention inconvenience of having to appear in court, or in lieu of that, of having to appoint an attorney to represent them. That such appearances were a duty to be avoided if at all possible, and one resented by most vassals is shown by the numerous exemptions, awarded by the king as a special favour, found in the patent and close rolls of this period. There is no doubt civil and criminal suits were yet another source of baronial embitterment.

⁵⁵C.C.R., III, p. 390.

⁵⁶C.P.R., III, p. 443. Walter's brother William was in charge of the Island at this time. See "The Fortification of Lundy Island" in King Henry III and Lord Edward by M. Powicke, II, pp. 756-8.

CHAPTER SEVEN

BARONIAL GRIEVANCES - THE PERFIDIOUS NATURE OF THE KING

A third cause for baronial discontent was generated by the king himself, specifically by the way he personally governed the realm between the years 1234 and 1258. Prior to the former year, the effect of his personality in the administration of the realm was negligible. Thereafter, following the initial purge of foreigners from the royal court, Henry began to formulate policies of his own. Accordingly, for the next two and a half decades we have to take into consideration the personality of the king. Overbearing, stubborn, and inclined too easily to listen to the advice of court favourites, whose concerns and loyalties lay not always in the best interests of the kingdom, the rapport which should have existed between Henry and his leading vassals never developed. On the contrary, one may epitomize the baronial sentiment as one of strained patience, vacillating between long periods of indifference and occasional outbursts of anger. More often than not the altercations that occur were of the king's own making.

It was not that Henry was an intentionally malevolent ruler, rather it was that he lacked the necessary qualities to govern effectively. His virtues, commendable in any age, were transformed to weakness when he became monarch. He was a devoutly religious man, a lover of art and eloquence, a kind and caring father who rewarded liberally those who

pleased him. But these were not qualities the times demanded. His piety, to cite but one characteristic, made him a compliant tool of papal intrigues; his passion for building and planning beautiful works of art immensely increased the strain on his meagre resources, and, his indulgence to his kinsmen, particularly those of alien origin, was a source of complaint that brought him into perennial conflict with his English subject.¹ He did not even have the faults which made a bad king a strong ruler. While his rages were towering, they lacked the ruthlessness of those of his father. In any event, he could neither tyrannize effectively, nor dragoon men into submission. No vassal, least of all his leading barons, ever feared him as an individual.

These faults were fundamental defects of character which would have made him a failure in any walk of life. He was mean, cowardly and fickle, void of any ability to judge men or events; consequently he lived a hand-to-mouth political existence without any real aims or policies. Matthew Paris, who knew him well, describes him as greedy, deceitful, false, and ungrateful.² In one passage he labels him a begging petty king.³ R. F. Treharne paints an even bleaker picture

¹R. F. Treharne, Baronial Plan, p. 47. Following the death of King John, Queen Isabella returned to the continent and subsequently married Hugh de Lusignan, Count of La Marche. Of the nine children born to them, three sons Guy, Geoffrey, and William sought their fortunes in England, coming over in 1247. See The Lusignans in England: 1247-1258 by H. S. Snellgrove.

²Matthew Paris, Chron. Maj. VII, pp. XXII-XXVIII.

³Ibid., p. XXII.

of the man, "In his whole character there was no spark of magnanimity; among strong-willed intelligent men he was a negligible, contemptible figure, selfish, mean, cowardly, foolish and wholly unreliable."⁴ A monarch possessed of so many defects was bound to arouse the opposition of the barons, especially when he surrounded himself with a court filled with like-minded lackeys.

In reviewing the instances where Henry abused his sovereign power, two of the more unethical examples were his meddlings in the marriages of Richard Clare and Simon de Montfort. Richard, at the tender age of twelve, and under the protection of Hubert de Burgh, fell in love with his guardian's daughter Megotta, also of the same age, and married her secretly in 1232. Their nuptials were not discovered until 1236, two years after Hubert fell from the king's favour, and was dismissed from court. When word of the marriage reached Henry, he broke into an uncontrollable rage, "white with anger"⁵ for, it was his intention that the young Richard would marry one of his Poitevin kinfolk. During an investigation which followed, Henry attempted to implicate his former chief minister with complicity, but was unsuccessful. The whole affair came to an end when, to everyone's surprise, Megotta unexpectedly died. Powicke contends that "the shame of all the gossip and

⁴R. F. Treharne, Baronial Plan, p. 48.

⁵Matthew Paris, Hist. Ang., II, p. 395. "...incanduit ira."

publicity, the doubt cast upon the fact of her marriage, and the separation from her lover, may well have killed her."⁶ Richard's sentiments are unrecorded, but it would not be unreasonable to presume that he nurtured a grudge towards the king whose unwanted and uncalled for intervention was largely responsible for his wife's premature death. Shortly afterwards, and with Henry's tacit approval, Richard was betrothed to Maud de Lacy, daughter of John, earl of Lincoln.

As for Simon, he married Eleanor, the king's younger sister. Born in 1215, the third and second youngest daughter of King John, she was first married to William the Young who died in 1231. Perhaps feeling remorse, and, as yet having no children, Eleanor took a vow of chastity on the advice of her spiritual counsellor Edmund of Abingdon. Although the veil was not taken, she wore a ring that symbolically united her with her spouse, Jesus Christ. Five years later, probably at the festivities associated with the marriage of Henry III, she met Simon de Montfort, who is reported to have fallen in love with her and may even have seduced her.⁷ Whatever the true story, Simon and Eleanor were subsequently married at Westminster on January 7, 1238, the private ceremony being performed by the king's chaplain in an atmosphere of domestic secrecy. That Henry originally sanctioned the match is evidenced by Matthew

⁶M. Powicke, King Henry III and Lord Edward, II, p. 764.

The author gives a full account of the difficulties faced by Hubert de Burgh. pp. 760-68.

⁷C. Bémont, Simon de Montfort, p. 55.

Paris' account of the service "...the king himself surrendering her hand to Simon, earl of Leicester who accepted it..."⁸

When knowledge of the marriage became current among the English baronage, a storm of protests erupted, chiefly because it had taken place without their consent, for custom demanded such consent when it involved so noble a personage as the king's own sister. Two of the more outspoken objectors were the Earl of Cornwall, the king's brother, and Edmund of Abingdon, by then Archbishop of Canterbury. At length, after Simon had bribed the opposition with gifts and favours, the issue subsided.

Having thus silenced baronial opposition at home, Simon hastened to Rome in 1238 so as to regularize his marriage in accordance with canon law, carrying with him patent letters from both the King of England and the German Emperor, Frederick II. Armed with such impeccable recommendations and aided by a large sum of money, he had little difficulty in securing a papal dispensation from the pope concerning his wife's vow of chastity.⁹ After a short sojourn in Italy, where he assisted the German emperor, Simon returned to England to find himself facing another crisis over his marriage, this time one generated by the king.

⁸Matthew Paris, Chron. Maj., III, pp. 470-1

⁹Ann. Mon., I, p. 106.

The altercation began while the earl and his young wife were in London for the churching of the queen. Without warning, Henry broke out in abusive language and treated the newly wed couple as excommunicate, forbidding them to be present at the festival. The two hastened back to their quarters, but were forcibly ejected by royal servants. In fear, both approached the king who, in a heat of passion, addressed them in these words:

You seduced my sister before the wedding; to avoid scandal I gave my consent, in my own despite. You went to Rome to secure that the vow she had taken should not prevent the marriage, and you corrupted the Curia in order to obtain that which was forbidden. The archbishop of Canterbury here present, told the Pope what was the truth, but truth was conquered by the avarice of the Romans and the presents which you lavished on them. Ay, you have failed to pay the money which you promised to return (a former debt to Thomas Count of Flanders for five hundred marks). To crown your folly, you cited me as security by an act of perjury and without telling me aught of it.¹⁰

Fearing a further, and perhaps disastrous outburst, Simon and his wife fled at once to the continent. The quarrel was still unresolved two years later. The chronicles indicate that the earl postponed the consequences of his dispute with the king by embarking on a crusade to the Holy Land.¹¹

¹⁰Matthew Paris, Chron. Maj., III, p. 539. English translation taken from Matthew Paris' English History, Vol. I, trans. J. A. Giles, (London: Henry G. Bohun, 1853, reprint ed. New York: AMS Press, 1968), p. 194

¹¹C. Bémont, Simon de Montfort, p. 62. Matthew Paris, Hist. Ang., II, p. 430. Ann. Mon., III, p. 152.

Reasons for Henry's adamant opposition remain speculative, but one suggestion which seems more plausible than most is by Pauli who believed it to have resulted from the ongoing enmity existing between Pope Gregory IX and the Emperor, Frederick II, which had broken out anew on Palm Sunday, 1239, just prior to Simon's encounter with the king.¹² It appears that the earl, a close friend of the German emperor had recently been received and accredited by him. It may be that Henry, who was always careful to maintain good relations with the papacy, found Simon an embarrassment on his council. Such guile on the part of the king was not without precedent, a few years earlier he had used the same type of contemptible fiction to discredit Hubert de Burgh, another member at his court.

Less obtrusive, but equally provocative, were Henry's dealings with the four earls and Walter Cantilupe, all of whom, owing to their high status and position in society, were in frequent intercourse with the king. One notable incident occurred in 1255 when Roger Bigod became involved in a violent argument with the king because of the earl's stubborn defense of Robert de Ros, who stood accused by Henry of having acted unfaithfully and unjustly towards Margaret, Queen of Scotland, Henry's daughter. Because Roger was adamant in asserting Robert's innocence, Henry reproached

¹²R. Pauli, Simon de Montfort, (London: Trubner & Co., 1876), pp. 40-1

the earl, calling him a traitor in court, a slander which provoked Roger to reply in a great heat:

You lie: I never have been, and never will be a traitor." And added, "What can you do to me now, how can you harm me if you are ruled by justice." At this the king replied, "I can seize your corn and cause it to be threshed and sold; thus you will be subdued and humbled." The earl retorted, "I will cut off the heads of those who thresh it and will send them to you."¹³

At this point, friends on both sides intervened, but the dispute did not stop there. Matthew Paris ends his account with the remark, that "they were not thoroughly pacified as anger and hatred persisted."¹⁴

Occasions of strife between Richard Clare and the king were not wanting either, though in the first contretemp it was not the king's personal fault, but that of his agent. The details concerning the dispute as recorded in the Annals of Theokesberia are lacking save that it began in 1248 at Neubyiam and involved an unnamed royal servant.¹⁵ Immediately afterwards, the earl left for the continent.

More enlightening is another incident which arose out of Richard's refusal to accompany the king on a military expedition into Gascony in 1253.¹⁶ At the height of the

¹³Matthew Paris, Chron. Maj., V, p. 530.

¹⁴Ibid., p. 530. "...sed non penitus pacifacta quin iram et odium parturirent."

¹⁵Ann. Mon., I, p. 137.

¹⁶Ibid., p. 153.

quarrel Richard stormed out of court in a fit of anger, much to Henry's indignation and immediately crossed over to Ireland, perhaps to escape the wrath of the king. His self-imposed leave was but a temporary respite as later in the same year he met Henry at Bordeaux where a reconciliation appears to have been effected. On their return to England, Richard promised Henry assistance on his forthcoming military expedition, providing that the funds granted were not used to acquire any new territory on the continent. At a parliament held in 1254, when Richard acted as spokesman for the barons, he imposed a further condition, to wit, that certain baronial rights and privileges which the king had abused and ignored should be restored too.¹⁷ Henry grudgingly promised to respect their demands, and true to their word an English contingent crossed over into Gascony the following year.

In 1250 evidence shows Simon de Montfort siding with Henry's brother, Richard, in a civil dispute with the Crown. Matthew Paris remarks that the citizens of London approached the two nobles asking them to intercede on their behalf in an argument with the king who was about to alter a charter conceding land and tenements to the abbot of Westminster, which, if implemented, would impose great hardships upon them.

¹⁷Ibid., p. 155.

Siding with the citizens, Richard and Simon severely reproached the king with verbal threats and accused him of disregarding the rights and customs of the townsmen.¹⁸ Matthew Paris however, believed the reasons for doing so were less altruistic than they claimed.¹⁹ Their intimidation appears to have been effectual as the king shortly afterwards revoked the hated and controversial charter.

A more serious argument arose when Henry accused Simon of abusing his authority while he served as governor of Gascony. When he was first appointed there, the king gave him a free hand over its administration, which included complete authority as well as absolute control over all revenues generated in the continental province. Simon's appointment was "not as a mere official removable at the lords will, but as the lord's representative responsible in everything up to the end of the seventh year."²⁰ The province, however, proved to be ungovernable and could only be controlled with a harsh and tyrannous rule. As a consequence, Simon's tenure, to say the least, was highly unpopular. Some of the more affluent citizens, greatly exaggerating their plight, brought complaints to the royal court where Henry gave them a

¹⁸ Matthew Paris, Chron. Maj., V, p. 128. "...impsum regem acriter additis comminationibus corripuerunt et coreptum cornexerunt."

¹⁹ Ibid. He suggests that the two earls intervened because they feared the king would attempt a similar proceeding with them at a later date.

²⁰ C. Bémont, Simon de Montfort, p. 76.

sympathetic hearing. All the while civil unrest in Gascony continued unabated. Indeed political stability deteriorated to the point where Simon suggested to the king that perhaps he should resume control over the seemingly unmanagable province. All he asked in return was that he be reimbursed for the expenses he had thus far incurred while governor. To this, Henry haughtily replied that Simon should bear the burden, a blatant contradiction of the terms which the earl had originally agreed to when he first assumed the governorship.²¹ After a prolonged argument, Henry reversed his position, but only after the queen herself intervened on Simon's behalf. From that time on, there arose an air of coldness between the two men which strained their relationship.²²

Despite the difficulties, Simon retained the position of governor. While he was away from the province for the marriage of Henry's daughter, Margaret, to Alexander, King of Scotland, Gascon representatives journeyed to Henry's court with renewed complaints of Simon's tyranny, accusing the earl of being a traitor who disregarded their rights and committed greivous crimes²³ When Simon heard of these charges he

²¹ Ibid., pp. 96-7. The reference to this statement is from an earlier edition of the book (1884) p. 336. His source is not mentioned.

²² Matthew Paris, Chron. Maj., V, p. 263. When Simon arrived from the continent in the company of Henry's step brother Guy de Lusignan the king gave him a cool reception.

²³ Ibid., p. 276. The delegation accused Simon of convoking councils in a peaceful way and then detaining the nobles who attended, some of whom he imprisoned and starved to death.

was anxious to return from Scotland to defend himself, but Henry refused to allow him. Instead he chose to listen to his accusers, much to the astonishment of the English subjects present at court. In response to this delegation, a commission comprised for the most part of Henry's relatives and court favourites, crossed over to Gascony where they investigated the alleged abuses. When it returned, the members concluded that while it was true Simon had treated certain subjects from Gascony with a lack of humanity and tact, the odious nature of their crimes nevertheless deserved harsh punishment. Henry chose to ignore their findings however, continuing to rant and rail about Simon's tyranny.²⁴ On hearing of his mood, Simon, who was still in Scotland, hastened to court so as to vindicate his innocence. On the 9th of May 1252 there began a trial at Westminster Abbey which was to last for five weeks.

It opened with a multitude of clerks and laymen from Gascony presenting their case before the king. They launched a slanderous attack upon Montfort, accusing him of all kinds of hideous crimes, but in particular, misgovernment, fraud, and oppressive and violent conduct towards the nobles. To the indignation of all the nobles in attendance, Henry allowed these subjects (Matthew Paris labels them foreigners) a favourable hearing, even joining in the accusation himself, attacking and shouting at the earl.²⁵ Convinced that he

²⁴Ibid., p. 289.

²⁵Monumenta Franciscana, I, p. 123. Matthew Paris, Chron. Maj., V, p. 290.

could no longer reason with the king, Simon replied "Sir king, keep to your engagements, observe the gist of your letter investing me with the government of Gascony for seven years, restore me all the money I have spent in your service out of my resources."²⁶ In answer, the king replied angrily "No I will not keep my promises, they have no value since you yourself betrayed me."²⁷ Overcome with rage, Simon rebuked Henry, calling him a liar, saying that it was a shame that such words should be uttered by one who calls himself a king. Henry would have had him arrested forthwith, but the other magnates present would not allow it. After much wrangling on both sides they finally convinced Henry that Simon's opponents had falsely accused the earl. Notwithstanding this disclosure, and without consulting any of the barons, Henry dictated a truce on condition that Simon relinquish the governorship of Gascony. Adam Marsh, a Franciscan monk and an intimate friend of the earl who seems to have been present at the trial, laments that the king had succeeded in undermining Simon's inheritance, weakening his kingdom, and causing disorder in the country.²⁸ Since

²⁶Matthew Paris, Chron. Maj., V, p. 290.

²⁷Ibid., pp. 290-1.

²⁸Monumenta Franciscana, I, p. 128.

the king could not rightfully nor legally depose the earl of his gubernatorial position in Gascony, he decided to buy it back, promising to pay seven thousand marks as well as to shoulder all previous debts. Simon accepted these conditions, resigned the commission of government for Gascony, and departed in disgrace to the continent.

That relations between the two continued to be strained is indicated in a parliament at London in 1254 when Henry requested aid to continue his campaign in Gascony. Not being able to be present himself, he sent Gilbert de Segrave, a royal partisan, to read the mandate. In his message Henry argued that the King of Castile had revealed himself a bitter enemy of the English and was about to invade the continental province. For this reason he requested all nobles to prepare for war and to come to his assistance. Those in attendance at the parliament were greatly alarmed at the king's predicament and promised to depart from Portsmouth immediately, if indeed Gascony was about to be invaded. But while they were debating their strategy, Simon de Montfort returned from overseas and informed the assembly that the threat of invasion had been greatly exaggerated.²⁹ Convinced that the whole scheme was but a ruse to obtain money and assistance, the barons refused to comply with the king's request.

²⁹Matthew Paris, Chron. Maj., VI p. 440.

Walter Cantilupe, self-willed and conscious of his spiritual and temporal importance, appears to have had an on-going dispute with the king throughout the 40's. In 1242, Henry, in a close letter, forbade the bishop to act as a papal delegate in an altercation between Robert Grosseteste, Bishop of Lincoln and the dean and chapter of that church, least he should do harm to the dignity and prestige of the Crown.³⁰

Two years later, Walter, accompanied by Robert Grosseteste and Peter d' Acqua Blanca, Bishop of Hereford, were involved in another dispute. This time it centered over the king's unjust persecutions and tyranny towards William de Raleigh, Bishop of Winchester.³¹ Three years earlier William had been elected bishop by the monks of that chapter against the wishes of the king who had wanted the position for his brother-in-law, William de Valance. Not able to depose William legally, he had treated him with scorn ever since, permitting no one to serve or wait upon him. Anyone who did was declared a public enemy. Because of this continued harassment, the three bishops journeyed to Reading where the king was residing, but Henry, who would always give way to determined opposition, on hearing of their approach fled to Westminster. At length they caught up with him and

³⁰C.C.R., IV, pp. 435-6.

³¹Matthew Paris, Chron. Maj., IV, p. 385.

proceeded to rebuke the king for his tyranny. Henry counteracted with harsh words and requested a delay in the dispute.³² Matthew Paris believed the postponement was in order to allow his messengers to return from the papal court, where they hoped to obtain by guile what could not be done openly.³³ The king's bribe met with no success. When he had heard of William's mistreatment, the pope gave the three protesting bishops authority to place the entire kingdom under an interdict. Threatened with this sanction, Henry yielded and settled his differences with the Bishop of Winchester.

In 1248 Walter appears to have been at odds with the king again as the records indicate that in regards to "all the disputes existing between the king and Walter, Bishop of Worchester" were to be stayed until the festival of the nativity of St. John the Baptist (one month).³⁴

Two years later there arose yet another altercation. It seems Walter became involved in an argument with one William de Beachamp over a jurisdictional matter in his see. Unable to resolve the matter he took his case to the papal court and

³²Ibid., p. 286. "Sed tandem inventus, in verba potius excusationis et oddi resolutus nullatenus eorum exhortationibus est emollitus."

³³Ibid. To the bishop's detriment Henry sent Theobald de Burley and Master Henry de Susa to the papal court with a large sum of money with the promise of more if the Bishop of Winchester was deposed.

³⁴C.C.R., VI, p. 32.

succeeded in gaining its support which subsequently excommunicated William. On Walter's return to England, the king, who had supported the other complainant, was exceedingly angry. Because of this, the Annales de Theokesberia tells us, there began a great dissension between Walter and the king.³⁵

Other sources of contention between the king and barons were the numerous campaigns against Wales and France, the majority of which were conducted in a vain attempt to bolster his stature in the eyes of other monarchs in Western Europe. It appears, however, to have had the opposite effect since none were attended with any real degree of success. In fact, it might be argued that Henry's record as a commander was downright deplorable, a state of affairs which was not at all appreciated by a baronage who was steeped in the chivalric code that associated military valour with honour.

Of the numerous reverses suffered by the English forces, an early but particularly humiliating campaign was an ill fated expedition against the Welsh in 1233 in which Roger Bigod and William Bardolf are known to have participated. Not only did the royalists suffer a major rout, but on the way home Roger, in the company of several other unnamed nobles, had the added ignominy of succumbing to a Welsh

³⁵Ann. Mon., I, p. 139, "...maxima controversia..."

ambush and, as a result lost most of their baggage which included horses, arms, money, bedding, and military orders.³⁶

In 1242 Henry embarked on a larger and much more ambitious campaign against the French; among the English forces are counted as many as eight of the baronial faction. Like the earlier Welsh fiasco, the expedition was not a success. At one point, after suffering a major reverse at the hands of French troops, Henry ordered the English contingent to retreat and take refuge in a nearby town. But when Simon de Montfort heard of the plan he condemned it emphatically and refused to carry out the order. He openly reproached the king charging that he acted like "Charles the Foolish" and that if he had wished to remain secure he should have stayed in England.³⁷ In the end, Henry yielded and beat a hasty retreat to Bordeaux, a move which proved to be advantageous tactically as the French army, hampered by the superior fortifications of the towns and decimated by sickness, abandoned the seige and retreated to the interior of France.

Following their withdrawal, the fatigued English complained bitterly about the hardships they were forced to endure. Roger Bigod, spokesman for a group of the disgruntled, protested to Henry that they had been taken from

³⁶Matthew Paris, Chron. Maj., III, pp. 253-54. Roger is erroneously listed as Hugh.

³⁷C. Bémont, Simon de Montfort, p. 66. The quote is from the earlier version of the book. Charles the Foolish (Simple) was a Carolingian king who reigned from 879 to 929.

their homes without being consulted, removed to a remote region of the kingdom inhabited by traitors (Poitevins), and allowed neither comfort nor assistance.³⁸ Because of this, and owing to the singular lack of military success, they asked and received permission to return to England, that is, if Louis IX of France would allow them free passage. The request was granted and the barons departed. But immediately thereafter, Henry sent word to the Archbishop of York, Walter de Grey, the Kings's representative in England, ordering him to confiscate all the lands and possessions of those who had abandoned the cause in France.³⁹ As a result, those nobles who had returned to England incurred great losses, although the full letter of the law was not carried out owing to the unpopularity of the order. Those who remained with the king on the campaign, of whom Simon de Montfort was one, did so at great personal expense incurring all sorts of hardships and tribulations. Either way, it seems they lost out, being condemned if they stayed and condemned if they left.

By 1244 the scene had shifted to the marches where once against the Welsh had raised the standard of revolt. The chief reason for the uprising was Humphrey Bohun's refusal to

³⁸Matthew Paris, Chron, Maj., IV, p. 228.

³⁹Ibid., pp. 230-31.

allow his brother-in-law, the Welsh prince, David, the just portion of his wife's inheritance.⁴⁰ In addition to Bohun, other baronial participants included Richard Clare, recalled from a military engagement in Scotland, and William Bardolf. Peter Montfort contributed three marks towards the expedition, whether he himself took part is not stated.⁴¹ This venture, like many of the previous ones, was conducted without success. Indeed, it verged on disaster since the English contingent was overwhelmed, losing three nobles and over a hundred foot soldiers.⁴² Henry's reaction to the defeat is unrecorded, but a military setback of that magnitude would do little to restore the already strained relations between himself and those involved in the expedition. One would especially like to know how the king felt towards Humphrey Bohun who, through selfish folly, was largely responsible for the conflict.

Humphrey is mentioned again in 1254. This time, in a dispute arising from a campaign into Gascony in which some of the Welsh mercenaries, conscripted for the expedition according to a local Welsh war custom, made a foray onto lands belonging to the king's enemies, giving themselves up to pillage and collecting booty. Because they were in violation of the rules of war, Henry's Poitevin brothers and Peter

⁴⁰Ibid., p. 385.

⁴¹C.C.R., V, p. 97

⁴²Matthew Paris, Chron. Maj., IV, p. 386.

d'Acqua Blanca, the Bishop of Hereford, acting on behalf of the king, had them arrested and thrown into prison where they were savagely punished. Matthew Paris comments "more than they deserved as the pillage had done little real harm."⁴³ When word of the incident reached Humphrey Bohun, leader of the English troops by virtue of his title, Constable of the king's army, he was indignant, not only because the imprisonment of the Welsh troops was unlawful, but because their confinement had been imposed without his approval or knowledge "in contempt and to the prejudice of his position contrary to the law and custom of the army."⁴⁴ Humphrey brought the matter to the attention of the king, but was greeted with nothing except mockery.⁴⁵ When the other English nobles were informed of this abusive affront on their commander, they were enraged and threatened to attack Henry's relatives, who were still keeping the Welsh mercenaries incarcerated. Fearful of the rising tide of anger, Henry gave way and asked pardon for his errors. Many of the barons, despite the apology, were thoroughly disgusted with the king's behavior and returned home. Those who retreated to England include Simon de Montfort and Roger Bigod.⁴⁶ Of the fate of the Welsh prisoners we hear no more.

⁴³Ibid., V, p. 442.

⁴⁴Ibid.

⁴⁵Ibid. "...nihil nisi sannas reportavit."

⁴⁶Ibid., p. 443.

In 1256 trouble was once more brewing in Wales. The source of this altercation was Roger Mortimer who, in the company of Humphrey Bohun junior, son of the earl in the baronial faction, disregarded a solemn pact drawn up between the regnum and principalium by seizing a castle on the marches formerly under Welsh jurisdiction. In protest, Llywelyn, a powerful Welsh chieftain, sent a formal letter to Henry complaining of the infraction and asking for full restitution over this and other matters.⁴⁷

Whether the provocation led to the uprising the following year is debatable, but in any event, by 1257 the Welsh were again in revolt. Participating in the force sent against them, one counts at least six of the baronial faction. Its leaders were Simon de Montfort and Richard Clare, both of whom proved to be ineffectual commanders.⁴⁸ The Welsh, facing little opposition, pillaged, burned and slaughtered at will. When hostilities ceased, Richard Clare was chosen to negotiate the settlement, but he seems to have been unsuccessful at this task as well, for the chronicle indicates he returned home in disgrace.⁴⁹

⁴⁷Foedera, I, pp. 340-41.

⁴⁸Also on the expedition were Roger Mortimer, Humphrey Bohun, Peter Montfort and John fitz Geoffrey. C.P.R., IV, pp. 538, 580, 576.

⁴⁹Ann. Mon., III, p. 204. "...sine honore."

At a parliament held in London the next year, William de Valance, Henry's brother-in-law, accused Richard of complicity with the Welsh forces, on the grounds that his lands were apparently spared during the recent raids. In addition, William declared that the English campaign had been conducted with the consent and connivance of perfidious people, chief of whom were its two leaders, Richard and Simon; the latter, in particular, was an old traitor and had lied. On hearing of these accusations, both earls were highly vexed and, in response, Simon is reported to have shouted "No, no William, I am not the son of a traitor, nor a traitor myself; our fathers were not alike"⁵⁰ - implying that he regarded William as a foreigner, a somewhat strange accusation since he himself had come over from France two decades earlier. He then attempted to assault William physically, only to be stopped by the king himself, who interceded on his brother-in-law's behalf. Simon regained his composure, but was only temporarily appeased. As for Richard, he too was greatly annoyed. The author of his biography in the Dictionary of National Biography asserts that following this incident the earl became the second leader of the baronial party.⁵¹ Given Henry's frequent altercations with the other members, it is not improbable to assume that personal animosities were a major reason for their concerted effort at Oxford in 1258.

⁵⁰Matthew Paris, Chron. Maj., V, p. 667.

⁵¹D.N.B., IV, p. 394.

CONCLUSION

Having outlined the incidents which may have led to personal animosities between the king and the individual members who represented the baronial faction at Oxford, it remains to be seen whether these had any effect on their subsequent behavior, particularly in respect to the drafting of legislation for reform. The changes the barons wanted implemented were submitted on June 2, 1258 and are known as the "Provisions of Oxford".¹ Their intentions were two-fold: to gain control of the central administration, and to reform it. To achieve the first goal the justiciar, chancellor, and all those who held royal castles were compelled to swear an oath that they would abide the decisions made by the council at Oxford. Furthermore, they decreed that the positions of justiciar, chancellor, and treasurer would henceforth be one year appointments, at which time those holding the positions would have to answer for their conduct before a committee consisting of the king, his council, and their successors. Of the lesser officials, of whom sheriffs and escheators are mentioned by name, they too were restricted to one year terms and subject to the same scrutiny. As well, they were warned to administer their duties justly or to face the consequences "let redress be made accordingly."²

¹Ann. Mon., I, pp. 446-456. Aside from the opening statement which is in latin the text of the document is in old French.

²R. F. Treharne & I. J. Sanders, Documents, p. 109.

Presumably, once control of the greater and lesser officials had been effected, reform would take place. In this regard, the Church, the mint at London, and the household of the king and queen are all cited as being in need of correction. The method by which this was to be done is not stated.

How much of this plan can be attributed to personal resentment against the king on the part of the baronial faction remains an open question. The restrictions on the royal ministers and the administrative reforms, if carried out, would effectively curtail the power of the king and his agents, thus alleviating the problem of personal injustices which had plagued the barons for the better part of two decades. That such a turn of events would be welcomed there is no doubt. Of the earls, all had justifiable reasons for complaint, particularly their leader, Simon de Montfort, who as the chief spokesman at Oxford, would have had some influence in convincing the others to see the tyranny of Henry's rule. Of the barons, the evidence, while less complete is equally supportive. The problem lies in how much influence can we attribute the personal grievances, especially when so complex an issue as curtailing royal power is being considered. Moreover, we have to take into account the diverse personalities of the individual members. For some, the affronts sustained may have been more than enough reason to evoke such a response, while for those of a more temperate nature or a

stronger belief in monarchy it may not have been. Unfortunately, answers to these questions are not easily resolved, nor will they ever be. Few records, if any, explain personal motivation. Yet, in spite of the complexities of the problem, personal grievances is an issue which should be included as a factor in the revolt of 1258. That they existed is undeniable.

APPENDIX I

MAY 1258

The Petition of the Barons¹

While the Lord King Henry was at Woodstock; the magnates of the realm, both high and low, together with the clergy, having been summoned to Oxford with horses and arms to make provision and ordinance for the reform of the kingdom, the following articles were brought forward, under an oath of fealty, as matters requiring correction in the kingdom.

1. In the matter of inheritance, the earls and barons ask that the firstborn son, or daughter, being of full age and having proved his right to do towards his lord what he ought to do, shall have free entry after his father to his father's possessions; and that the chief lord shall have only formal seisin, by one of his bailiffs, whereby nothing may be taken by the bailiff from the profits of the land or from the rents. And let this be done also when a brother, or a sister or an uncle has died in possession without any heir of his body and [succession goes] to his grandson, son of the first-born son, or, if there is no brother, to the children of his brother or sister, and so on, by reasonable relief and by doing homage and [paying] relief to the lord of the fee, always providing that, in the meantime, the lord of the fee shall make no waste, destruction, sale, or alienation of houses or of woods, stewponds, parks, or men holding in villeinage. And if the lord does any of these things and it is proved against him let him be punished in proportion to the offence; and let him at once make good all the losses which the heir may have suffered thereby.

And when an heir who is of full age has undertaken to pay a reasonable relief to the lord king, the lady queen demands queen's gold in consequence, calculated at the rate of one-tenth, whereas it would appear that she ought not to have it except when a fine is made.

2. Further, they ask for a remedy in such a case as this: that, when a minor holds many lands from several different lords, and at the same time holds any land whatsoever from the lord king in chief by knight service or by serjeanty, by reason of which service the lord king has the custody of all the lands and tenements of the said heir, from no matter whom he holds them; then, if the lord king goes to war, for the reason stated, although he holds in his hand many knights' fees belonging to the fees of other lords, he nevertheless demands the full service from the said lords of the fee who hold of him in chief, nor will he make them any allowance in respect of the fact that he holds in his hand the custody of the said fees.

¹Ann. Mon., I, pp. 438-43. English translation taken from Documents of the Baronial Movement by R. F. Treharne and I. J. Sanders, pp. 77-91.

3. Further, they ask that they may have the custody of their lands and tenements which belong to their fees, and of heirs until the heirs come of age, provided that the lord king shall have the right of marriage and the custody of the person of the heir: and this they ask as a matter of common right.

4. Further, they ask that the royal castles shall be committed to the custody of the king's faithful subjects born in the kingdom of England, on account of many dangers which might befall or arise in the realm of England.

5. Further, they ask that royal castles situated on a harbour, into which ships might sail, should be entrusted to true-born Englishmen, on account of many evident perils which could arise were they entrusted to others.

6. Further, they ask in the matter of marriages pertaining to the lord king, that the [women] shall not be married in such a way as to disparage them - that is, to men who are not true-born Englishmen.

7. Further, they ask for remedy of this: that whereas woods and lands lying outside the bounds of the forest were disafforested by a grant to the lord king of a fifteenth of all the goods of the men of England and by the perambulation of sound men, the lord king has now reafforested them arbitrarily.

8. Further, they ask for redress in the matter of newly-arrented assarts made within the bounds of the forest on their own lands and of their own holdings, on account of which the lord king claims for himself the custody of the heirs of any such holdings, and nevertheless claims also all the service due in respect of them.

9. Further, they ask for redress in this: that whereas the forests were disafforested by royal charter and by a fine made between the lord king and the community of the whole realm, in order that everyone might be able to hunt freely everywhere, the lord king arbitrarily grants rights of warren to many persons from this liberty, which grants infringe the grant of the liberty.

10. Further, they ask a remedy: namely that monks be not allowed to have entry into the fees of earls, barons, and other lords without their consent, whereby they would lose in perpetuity wardships, marriages, reliefs, and escheats.

11. Further, they ask for redress in the matter of abbeys and priories founded out of the fees of earls and barons, whereof, at the falling vacant of [the headships of] the said houses, the lord king demands custody, so that they cannot hold an election without the lord king's consent: and this is prejudicial to the earls and barons, since, as intermediate lords, they bear the service due from these houses to the lord king.

12. Further, they ask redress in this: that the lord king sometimes gives the rights of others to many persons by royal charter, stating that these rights are his escheats, on

account of which the grantees declare that they cannot and should not answer [concerning these grants] without the lord king. And when the justices report this to the lord king, no justice is done in these cases.

13. Further, they ask for a remedy in this: that whereas the earls and barons hold their lands in many different counties, and the lord king's justices are on eyre in all the aforesaid counties simultaneously, to take all pleas, and those of the forest, at one and the same time, then unless such earls and barons appear before them on the first day of the common summons, they are amerced at the lord king's will for their absence, unless they hold the lord king's writ of quittance.

14. Further, the aforesaid justices levy a heavy fine for fair pleading in each county court. They [suitors at the court] should not be prosecuted for this, and they ought not to buy justice and [pay money] on many other occasions for pleas of the crown. And if, at the death of a man slain or drowned, all four neighbouring townships do not attend, then all over the age of twelve in the aforesaid four townships are heavily amerced.

15. Further, they ask that no one shall be allowed to fortify a castle on a harbour, or upon an island enclosed within a harbour, unless by the consent of the council of the whole realm of England, since many perils might arise therefrom.

16. Further, concerning the farms of sheriffs and of other free bailiffs, who take counties and other bailiwicks at farm, and who hold their counties at such high farms that they cannot recover these farms from them: for such officials do not amerce men according to the amount of their offences, but rather force them to pay ransoms beyond their means.

17. Further, they say that the sheriffs, at their two tourns a year, demand the attendance in person of earls and barons, who hold their baronies in different places and counties: and if they do not attend in person, the sheriffs amerce them without consideration and judgement, and they do this because every sheriff claims that, on the tourns, he is a justice for the occasion.

18. Moreover, where anyone has any scrap of land, such as two acres, or a little more or less, without any residence nearby, then unless he comes to the tourns on account of this holding, he will be arbitrarily amerced.

19. Further, if any court matter is specially ordered before any chosen justice, such as a case of "novel disseisin" or of "mort d'ancestor", the sheriffs have proclamation made in the markets that all the knights and freeholders of the district shall come on a certain day to a certain place, to hear and to do the king's command, and if they do not come there, the sheriffs amerce them at will.

20. They also seek a remedy for this: that if any earl, baron, bailiff, or any other having liberty in a city or in a township, has arrested a malefactor and offered to delivery him to the sheriff or to his bailiff, to be imprisoned and held until judgement can be passed on him, the sheriff refuses to accept such a prisoner unless the person who has arrested him makes a fine so that the sheriff shall take custody of him.

21. Further in this: that many men coming, on account of the present famine, from different parts of the land, and making their way through the different counties, die of hunger and want; and then according to the law of the land, the coroners hold inquest with the four nearest townships; and when the townships say that they know nothing of the men who have died this way, save that they have died of the aforesaid cause, since there is no presentment of Englishry, the district is amerced before the justices as in a case of "murdrum".

22. Moreover, in the matter of the lord king's prises in fairs, markets, and cities, they ask that those who are appointed to take the said prises shall take them reasonably - that is, as much as is required for the lord king's uses, for complaint is made that the said collectors take two or three times more than is actually handed over for the lord king's use, and that they take the whole of the surplus for their own profit, or keep it for the use of their friends, or even sell part of it.

23. Moreover, complaint is made that the lord king scarcely ever pays for his prises, so that many English merchants are impoverished beyond measure, while alien merchants for this reason refuse to come with their goods into the kingdom, wherefore the land suffers grievous loss.

24. Further, they ask a remedy in the matter of suits newly raised, both in county and hundred courts and in courts of liberties, which were never before performed customarily.

25. Further, they seek a remedy in this: that Jews sometimes [transfer] their debts, and the lands pledged to them, to magnates and other persons powerful in the kingdom, who on this pretext enter the lands of minors, and although those who owe the debt are ready to pay it, with the interest, the magnates put off the matter, in order that by hook or by crook the lands and holdings shall remain in their hands, saying that without the Jew to whom the debt was owed they cannot do anything, and that they know nothing, and thus they continually put off the repayment of the borrowed money so that, by the intervention of death or of some other mischance, evident peril and manifest disherison plainly threaten those to whom the holdings belonged.

26. Further, they ask for a remedy in the matter of Christian usurers, such as the Caursini who dwell in London, since it seems contrary to Christian religion to maintain and favour men of this kidney, especially as they profess and

call themselves Christians. And, moreover, many are impoverished and ruined by their usuries; and they also buy up and corner much merchandise on its way to London both by water and by land, to the great loss of the merchants and of all men of the city, and also to the great loss of the lord king, since, when the lord king tallages the said city, they bear no share along with the citizens, and refuse to bear any share, in tallages and in doing other services to the lord king.

27. Further, they seek a remedy concerning alienated marriage portions, as in cases of this kind: if anyone has given to another a carucate of land as a dowry along with a daughter or a sister, to have or to hold to them and their heirs issuing from the daughter or sister, provided that if the daughter or sister shall die without any heir of her body, the land and all appurtenances shall revert entirely to him who gave the land as a dowry, or to his heirs; and whereas the gift is not absolute but conditional, nevertheless, women, after the deaths of their husbands, in their widowhood, give or sell the dowries, and enfeoff them as they choose, although they have no heirs of their bodies, and so far enfeoffments of this kind have not been annulled. Therefore they ask, that as a matter of equity in right, on grounds of this condition, a remedy shall be provided to annul this kind of enfeoffment, either by writ of entry or by some other competent means, and that in such cases the courts shall be empowered to proceed to judgement in favour of the petitioner.

28. Further, they ask a remedy in this: that the lord king freely grants to the knights of his realm acquittances, so that they shall not be put on assizes, juries, or recognitions, with the result that, in many counties, for lack of knights it is not possible to hold any grand assize, so that pleas of this kind remain unfinished, and petitioners never obtain justice.

29. Further, in many counties it is customary that if anyone brings a writ of right directed to the next chief lord of the fee, and the petitioner, according to the custom of the realm, has proved default of the court of his chief lord, and then goes to the county court and asks that his adversary shall be summoned to appear at the next county court, if the next highest chief lord of the said fee appears, and demands his jurisdiction in the matter, he will get it; and when default of court has been proved, yet the next highest lord of the fee appears, and he similarly demands his court, and will get it: and so with all the chief lords, as many as there may be higher. And this is manifestly contrary to justice, since in the writ it is stated that the chief lord of the fee to whom the writ is directed shall do full right, otherwise let the sheriff do it.

BIBLIOGRAPHY

MANUSCRIPTS

Cambridge. Corpus Christi College. Annales de St. Pauli.
MS 476.

ADMINISTRATIVE RECORDS

Book of Fees. 3 Pts. London: Public Records Office, 1920-31.

Calendar of Charter Rolls. 6 Vols. London: Public Records Office, 1903-27.

Calendar of Close Rolls: Henry III. 14 Vols. London: Public Records Office, 1902-32.

Calendar of Documents: Ireland. Edited by H. S. Sweetman. 2 Vols. London: Public Records Office, 1875-77.

Calendar of Documents Relating to Scotland. Edited by J. Bain. 4 Vols. Edinburgh: H. M. General Registrar House, 1881.

Calendar of Entries in the Papal Registers: Papal Letters. Prepared by W. H. Bliss & J. A. Twemlow. 14 Vols. London: Public Records Office, 1893-1960.

Calendarium Genealogicum. Edited by Charles Roberts. 2 Vols. London: Public Records Office, 1865.

Calendar of Inquisitions Miscellaneous. 7 Vols. London: Public Records Office, 1916-68.

Calendar of Inquisitions Post Mortem. 16 Vols. London: Public Records Office, 1904-74.

Calendar of Liberate Rolls: Henry III. 4 Vols. London: Public Records Office, 1916-59.

Calendar of Patent Rolls: Henry III. 4 Vols. London: Public Records Office, 1901-08.

Curia Regis Rolls: Henry III. 15 Vols. London: Public Records Office, 1922-72.

Excerpta e Rotulis Finium in Turri Londinensi: Henrico Terito Rege A.D. 1216-72. Edited by Charles Roberts. 2 Vols. London: Public Records Office, 1835-36.

Foedera, Conventiones, Literae, et cujuscunque generis Acta Publica. Edited by Thomas Rymer. 4th ed. 3 Vols. London: Public Records Office, 1816.

CHRONICLES, etc.

(A) Rolls Series

Annales Monastici. Edited by Henry Richards Luard. 5 Vols. London: Her Majesty's Stationary Office, 1864-69.

Bartholomei De Cotton Historia Anglicana. Edited by Henry Richards Luard. London: Longman, Green, Longman & Roberts, 1859.

Capgrave's Chronicle of England. Edited by Francis Charles Hingeston. London: Longman, Brown, Green, Longmans & Roberts, 1858.

Chronica Monastera de Melsa. Edited by Edward E. Bond, 3 Vols. London: Longmans Green Reader & Dyer, 1866-68.

Flores Historiarum. Edited by Henry Richards Luard. 3 Vols. London: Her Majesty's Stationary Office, 1890.

Mattaei Parisiensis Chronica Majora. Edited by Henry Richards Luard, 7 Vols. London: Her Majesty's Stationary Office, 1872-83.

Mattaei Parisiensis Historica Anglorum. Edited by Frederic Madden. 3 Vols. London: Longmans & Roberts, 1866-69.

Monumenta Franciscana. Edited by J. S. Brewer. 2 Vols. Longman, Brown, Green, Longmans & Roberts, 1858-82.

Polychronicon Ranulphi Higden Monachi Cestrensis. Edited by Churchill Babington & Joseph R. Lumby. 9 Vols. London: Her Majesty's Stationary Office, 1857.

Red Book of the Exchequer. Edited by Hubert Hall, 3 Vols. London: Her Majesty's Stationary Office, 1896.

Royal Letters: Henry III. Selected and Edited by Walter W. Shirley. 2 Vols. London: Green Longmans & Roberts, 1862-66.

(B) Selden Society

Introduction to the Curia Regis Rolls: 1199-1230. Edited by C. F. Flower. Vol. 62. London: Bernard Quaritch, 1944.

Roll & Writ File of the Berkshire Eyre of 1248. Edited by M. T. Clancy. Vol. 90. London: William Cloves & Sons Ltd., 1973.

Select Cases of Procedure in the Exchequer of Pleas. Edited by Hilary Jenkinson & Beryl R. Formoy. Vol. 48. London: Bernard Quaritch, 1932.

Select Cases of Procedure without Writ Under Henry III. Edited by G. G. Richardson & G. O. Sayles. Vol. 60. London: Bernard Quaritch, 1941.

Select Pleas of the Forest. Edited by G. J. Turner. Vol. 13. London: Bernard Quaritch, 1901.

(C) Camden Series

Liber de Antiquis Legibus Cronica Maiorum et Vice-comitum Londoniarum. Edited by Thomas Stapleton. Vol. 34. London: 1846 reprint ed. New York: AMS Press, 1968.

Rischanger's Chronicle. Edited by James Orchard Halliwell. Vol. 15. John Bowyer Nichols & Son, 1840.

(D) Miscellaneous

Annales Cestrienses. (Chronicle of the Abbey of St. Werbert at Chester). Edited by R. C. Christie. London: Record Society, XIV, 1887.

Bracton: De Legibus et Consuetudinibus Anglica. Edited by George E. Woodbine, Translated by Samuel E. Thorne. 4 Vols. Cambridge Mass: Harvard University Press, 1968-77.

Documents of the Baronial Movement of Reform and Rebellion. Edited by R. F. Treharne & I. J. Sanders. Oxford: Clarendon Press, 1973.

English Historical Documents. Edited by D. C. Douglas & G. W. Greenway, 12 Vols. London: Eyre & Spottiswood, 1975.

Laws and Canons of the Church of England. Translated by John Johnson. 2 Vols. Oxford: Henry Parker, 1851.

Matthew Paris: English History. Translated by J. A. Giles. London: Henry G. Bohun, 1853. Reprint ed. New York: AMS Press, 1968.

Memoranda Roll of the King's Remembrancer. Edited by C. Robinson. 46 Vols. London: Pipe Roll Society, 1933.

Monumenta Germanicae Historica. Edited by Societas Aperiendis Fontibus. Vols. 27, 28. Hanover: Anton Hiersemann, 1865.

Select Charters. Edited by William Stubbs. Oxford: Clarendon Press, 1913.

Tractatus de Legibus et Consuetudinibus Regni Anglie qui Glanvilla Vocatur. Edited and translated by G. D. G. Hall. London: Thomas Nelson & Sons Ltd., 1965.

REFERENCES

Cambridge Medieval History. Edited by J. R. Tanner et al. 8 Vols. Cambridge: University Press, 1929.

Cheney, C. R. Handbook for Students of English History. London: Royal Historical Society Guides and Handbooks, 1945.

Complete Peerage of England, Scotland, Ireland, Great Britain and United Kingdom Extant Extinct or Dormant. Compiled by G. E. Cokayne and Edited by V. Gibbs. 13 Vols. London: St. Catherine Press, 1910-59.

Dictionary of National Biography. Edited by Leslie Stephen & Sidney Lee. 21 Vols. London: Smith Elder & Co., 1908-09.

Foss, Edward. A Biographical Dictionary of the Judges of England: 1066-1870. London: John Murray, 1870.

Revised Medieval Latin Word-List. Prepared by R. E. Latham. London: Oxford University Press, 1965.

MONOGRAPHS

Adams, George Burton. The Origin of the English Constitution. Oxford: University Press, 1912.

Altschul, Michael. A Baronial Family in Medieval England: The Clares 1217-1314. Baltimore: John Hopkins Press, 1965.

Baldwin, James Fosdick. The King's Council in England During the Middle Ages. Oxford: 1913, reprint ed. Clarendon Press, 1969.

Barrow, G. W. S. Feudal Britain. London: Edward Arnold Ltd., 1956.

Beamish, T. Battle Royal. London: Frederick Muller Ltd., 1965.

Bémont, Charles. Simon de Montfort. Translated by E. F. Jacob, Oxford: Clarendon Press, 1930.

Blaauw, William Henry. The Barons' War, 2nd ed., London: Nichols & Son, 1844.

Brundage, James, A. Medieval Canon Law & the Crusader. Madison: University of Wisconsin Press, 1969.

Callus, D. A. ed. Robert Grosseteste: Scholar & Bishop. With Introduction by M. Powicke, Oxford: Clarendon Press, 1955, reprint ed. Oxford: University Press, 1969.

Cam, Helen M. Liberties & Communities in Medieval England. Cambridge: University Press, 1944.

The Hundred and the Hundred Rolls. New York: Burt Franklin, 1930.

Law-finders & Law-makers in Medieval England. London: Merlin Press, 1962.

Chew, H. M. The English Ecclesiastical Tenants-in Chief & Knight Service. London: Oxford: University Press, 1932.

Colvin, H. M. ed. Building Accounts of King Henry III, Oxford: Clarendon Press, 1971.

Denholm-Young, N. Richard of Cornwall. New York: William Salloch, 1947.

Seignorial Administration in England. New York: Barnes & Nobles Inc., 1937.

Dugdale, William. The Baronage of England. 2 Vols., London: Theo. Newcomb, 1675

Ellis, Clarence. Hubert de Burgh. London: Phoenix House Ltd., 1952.

Farrer, William. Honors & Knights Fees. 3 Vol., Manchester: Manchester University Press, 1925.

Gasquet, F. A. Henry III & the Church. London: George Bell & Sons, 1905.

Gibbs, Marion & Lang, Jane. Bishops & Reform: 1215-1272. Oxford: University Press, 1234, reprint ed. London: Frank Case & Company Ltd., 1962.

Hall, H. ed., Formula Book of Ministerial & Judicial Records. New York: Burt Franklin, 1908, reprint ed. New York: Burt Franklin, 1969.

_____. ed. Studies in English Office Historical Documents. New York: Burt Franklin, 1908, reprint ed. New York: Burt Franklin, 1969.

Harding, A. The Law Courts of Medieval England. London: George Allen & Unwin Ltd., 1973.

Hardy, T. D. Syllabus of the documents relating to England and other kingdoms contained in the collection known as "Rymer's Foedera". 3 Vols., London: Longmans Green & Co., 1869.

Harriss, G. L. King, Parliament, and Public Finance in Medieval England to 1369. Oxford: Clarendon Press, 1975.

Hill, Mary C. The King's Messengers. London: Edward Arnold, 1961.

Holt, J. C. The Northerners: A Study in the Reign of King John. Oxford: Clarendon Press, 1961.

Hoyt, R. S. The Royal Demense in English Constitutional History: 1066-1272. Ithaca: Cornell University Press, 1951.

Hunt, William & Poole, Reginald L. eds., The Political History of England. 10 Vols. London: Longmans, Green, and Co., 1905.

Jolliffe, J. E. A. The Constitutional History of Medieval England. London: 1937, 3rd ed. London: Adam & Charles Black, 1954.

Kimball, E. G. Serjenty Tenure in Medieval England. New Haven: Yale University Press, 1936.

Labarge, M. Simon De Montfort. Toronto: The MacMillian Co. of Canada Ltd., 1962.

Lloyd, J. E. A History of Wales: From the Earliest Times to the Edwardian Conquest. 2 Vols., 2nd. ed. London: Longmans, Green & Co., 1912.

Lunt, W. E. ed., Valuation of Norwich. Oxford: Clarendon Press, 1926.

Financial Relations of the Papacy with England to 1327. Cambridge, Mass.: Medieval Academy of America, 1939.

Lyon, Bryce. A Constitutional & Legal History of Medieval England. New York: Harper & Brothers, 1960.

Mitchell, Sydney Knox. Studies in Taxation Under John & Henry III. New Haven: Yale University Press, 1914.

Taxation in Medieval England. Edited by S. Painter, New Haven: Yale University Press, 1951.

Northgate, Kate. The Minority of Henry the Third. London: MacMillan & Co., Ltd., 1912.

Painter, Sidney. Studies in the History of the English Feudal Barony. Baltimore: John Hopkins Press, 1943.

William Marshal Knight-Erant, Baron & Regent of England. John Hopkins Press, 1933.

Pasquet, D. An Essay on the Origins of the House of Commons. Translated by R. G. D. Laffan, Cambridge: University Press, 1925.

Pauli, Reinhold. Simon de Montfort. Translated by Una A. Goodwin, London: Trubner & Co., 1876.

Petit-Dutaillis, C. The Feudal Monarchy in France & England from the Tenth to the Thirteenth Century. Translated by E. D. Hunt, London: Kegan, Paul, Trench, Truber & Co., 1936., reprint ed. New York: Harper & Row, 1964.

Plucknett, Theodore. Taswell-Langmead's English Constitutional History. 11th ed. Boston: Houghton Mifflin Company, 1966.

Pollock, Frederick, & Maitland, Frederick William. The History of English Law, 1895, 2nd ed., 2 Vols., Cambridge: University Press, 1968.

Poole, A. L. Obligations of Society in the 12th & 13th Centuries. Oxford: University Press, 1946.

Powicke, M. Treharne, R. F. Lemmon, C. H. The Battle of Lewes, 1264: Its Place in English History. Lewes: The Friends of Lewes Society, 1264.

Powicke, M. The Thirteenth Century: 1216-1307. Oxford: Clarendon Press, 1953.

King Henry III and the Lord Edward. 2 Vols., Oxford: Clarendon Press, 1947.

Prothero, George W. The Life of Simon de Montfort. London: Longmans Green & Co., 1877.

Ramsay, J. H. A History of the Revenues of the kings of England. 2 Vols., Oxford: Clarendon Press, 1925.

Rogers, James E. A History of Agriculture and Prices in England. 7 Vols., Oxford: Clarendon Press, 1866.

Round, J. H. The King's Sergeants & Offices of State. London: James Nisbet & Co. Ltd., 1911, reprint ed. New York: Barnes & Nobles, Inc., 1970.

Peerage & Pedigree: Studies in Peerage Law & Family History. 2 Vols., London: James Nisbet & Co. Ltd., 1910.

Snellgrove, H. S. The Lusignans in England. Albuquerque: University of New Mexico, 1950.

Stenton, Frank. The First Century of English Feudalism: 1066-1166. Oxford: University Press, 1932, reprint ed. Oxford: University Press, 1961.

Stubbs, William. Constitutional History of England. 3 Vols., 4th ed., Oxford: Clarendon Press, 1906.

Tout, T. F. "Wales and the March During the Barons' War" in Historical Essays, Edited by T. F. Tout & J. Tait, London: Longmans, Green, & Co., 1902.

Tout, T. F. Chapters in the Administrative History of Medieval England. 6 Vols., Manchester: University Press, 1920.

Treharne, Reginald F. The Baronial Plan of Reform: 1258-1263. Manchester: University Press, 1932, reprint ed. New York: Barnes & Noble Inc., 1971.

"The Constitutional Problem in Thirteenth Century England" in Essays presented to Bertie Wilkinson. Edited by T. A. Sandquest & F. M. Powicke, Toronto: University of Toronto Press, 1969.

"The Mise of Amies, 23 January 1264" in Studies in Medieval History Presented to Frederick Maurice Powicke. Edited by R. W. Hunt, et al. Oxford: Clarendon Press, 1948.

Vinogradoff, Paul. Oxford Studies in Social & Legal History. Oxford: Clarendon Press, 1925, reprint ed. New York: Octagon Books, 1974.

Wilkinson, Bertie. The High Middle Ages in England: 1154-1377. Cambridge: Cambridge University Press, 1978.

The Later Middle Ages in England: 1216-1485. London: Longmans Green & Co. Ltd., 1969.

Constitutional History of Medieval England: 1216-1399. 3 Vols., London: Longmans Green & Co. Ltd., 1948.

ARTICLES

Cam, Helen, M. "From Witness of the Shire to Full Parliament." Transactions of the Royal Historical Society, 4th Series 26 (1944): 13-35.

Carpenter, D. A. "The Decline of the Curial Sheriff in England: 1194-1258." English Historical Review 91 (1976): 1-32.

Davis, R. R. "Kings Lords and Liberties in the March of Wales: 1066-1272." Transactions of the Royal Historical Society 5th Series 29 (1979): 41-61.

Edwards, J. G. "The Normans and the Welsh March." Proceedings of the British Academy 42 (1956): 155-177.

Gilson, J. P. "An Unpublished Notice on the Battle of Lewes." English Historical Review 9 (1896): 520-22.

"The Parliament of 1264." English Historical Review 16 (1901): 499-501.

Carpenter, D. A. "Was There a Crisis of the Knightly Class in the Thirteenth Century." English Historical Review 95 (1980): 721-52.

Critchley, J. S. "Summons to Military Service Early in the Reign of Henry III." English Historical Review 86 (1971): 79-95.

Dibben, L. B. "Chancellor and the Keeper of the Seal Under Henry III." English Historical Review 27 (1912): 39-51.

Jacob, E. F. "The Complaints of Henry III Against the Baronial Council in 1261." English Historical Review 41 (1926): 559-71.

_____. "The Reign of Henry III: Some Suggestions." Transactions of the Royal Historical Society 4th Series 10 (1927): 21-53.

Johnson, C. "Notes on Thirteenth Century Judicial Procedure." English Historical Review 62 (1947): 508-21.

Jolliffe, J. E. A. "Some Factors in the Beginnings of Parliament." Transactions of the Royal Historical Society 4th Series 22 (1940): 101-39.

Maitland, F. W. "A Song on the Death of Simon de Montfort." English Historical Review 11 (1896): 314-18.

Niemeyer, N. "An Assessment for the Fortieth of 1232." English Historical Review 24 (1909): 733-35.

Pegues, F. "The Clericus in the Legal Administration of the Thirteenth Century." English Historical Review 71 (1956): 529-59.

Polland, A. F. "Plenum Parliamentum." English Historical Review 30 (1915): 660-2.

Poole, R. L. "The Mad Parliament: 1258." English Historical Review 40 (1925): 402.

Powicke, M. "Distrainment of Knighthood & Military Obligations Under Henry III." Speculum 25 (1950): 457-471.

_____. "The Chancery During the Minority of Henry III." English Historical Review 23 (1908): 220-35.

Richardson, H. G. & Sayles, G. O. "The Provisions of Oxford: A Forgotten Document and Some Comments." Bulletin of John Rylands Library 17 (1933): 291-321.

Round, J. H. "The Revenue of Henry III." English Historical Review 13 (1898): 78.

Roderick, A. J. "The Feudal Relation Between the English Crown and the Welsh Princes." History 37 (1952): 201-12.

Steel, A. "The Place of the King's Household." History 15 (1931): 289-95.

Treharne, R. F. "The Significance of the Baronial Reform Movement." Transactions of the Royal Historical Society 4th Series 25 (1943): 35-73.

_____. "The Nature of Parliament in the Reign of Henry III." English Historical Review 74 (1959): 590-610.

_____. "The Personal Rule of Henry III and the Aims of the Baronial Reformers of 1258." History 16 (1931): 336-40.

_____. "The Battle of Northampton 5 April 1264." Northamptonshire Past & Present 2 (1955): 13-30.

_____. "An Unauthorized Use of the Great Seal." English Historical Review 40 (1925): 403-11.

Wilkinson, B. "The Council and the Crisis of 1233-4." Bulletin of John Rylands Library 27 (1942-3): 384-93.

THESES

Marsch, Frank Burr. English Rule in Gascony: 1199-1259. PHD Thesis, Ann Arbor: University of Michigan, 1912, George Wahr, 1912.

Thorgrimsson, Thor, Plenum Parliamentum in the 14th Century. MA Thesis, Toronto: University of Toronto, 1951.