



# ENGLISH HISTORICAL DOCUMENTS

*General Editor*

DAVID C. DOUGLAS

VOLUME III  
c.1189–1327

*Edited by*

HARRY ROTHWELL





Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

# ENGLISH HISTORICAL DOCUMENTS

*General Editor*

DAVID C. DOUGLAS

M.A., D.Litt., F.B.A.

*Emeritus Professor of History  
in the University of Bristol*

# ENGLISH HISTORICAL DOCUMENTS

*General Editor:* DAVID C. DOUGLAS, M.A., D.LITT., F.B.A.

## VOLUMES

- I c.500–1042 EDITED BY DOROTHY WHITELOCK
- II 1042–1189 EDITED BY DAVID C. DOUGLAS AND GEORGE W. GREENAWAY
- III 1189–1327 EDITED BY HARRY ROTHWELL
- IV 1327–1485 EDITED BY A.R. MYERS
- V 1485–1558 EDITED BY C.H. WILLIAMS
- V (a) 1558–1603 EDITED BY IAN W. ARCHER AND F. DOUGLAS PRICE
- V (b) 1603–1660 EDITED BY BARRY COWARD AND PETER GAUNT
- VI 1660–1714 EDITED BY ANDREW BROWNING
- VII 1714–1783 EDITED BY D.B. HORN AND MARY RANSOME
- VIII 1783–1832 EDITED BY DAVID C. DOUGLAS
- IX 1833–1874 EDITED BY G.M. YOUNG AND W.D. HANDCOCK
- X 1874–1914 EDITED BY W.D. HANDCOCK
- XI 1914–1957 EDITED BY JOHN STEVENSON (FORTHCOMING)

## GENERAL PREFACE

**E**NGLISH HISTORICAL DOCUMENTS is a work designed to meet a present need. Its purpose is to make generally accessible a wide selection of the fundamental sources of English history.

During the past half-century there has been an immense accumulation of historical material, but only a fraction of this has been made readily available to the majority of those who teach or who study history. The transcendent importance of the original authorities is recognised, but direct approach to them remains difficult, and even some of the basic texts (which are frequently quoted) are hard to consult. A gulf has thus opened between the work of the specialist scholar and those students, both at schools and universities, who best can profit by his labours. Historical studies tend too often today to consist of a commentary on documents which are not included in the available books; and, in the absence of any representative and accessible collection of the sources, the formation of opinion proceeds without that direct study of the evidence which alone can give validity to historical judgment.

The editors of these volumes consider that this situation calls for a remedy. They have striven to supply one by providing what they hope can be regarded as an authoritative work of primary reference.

An enterprise of this nature could be effective only if planned on a large scale. In scope and content, therefore, these volumes differ materially from the conventional "source-books" which usually contain only a restricted number of selected extracts. Here, within much wider limits, the editors have sought to produce a comprehensive *corpus* of evidence relating generally to the period with which they deal. Their aim, in each case, has been to present the material with scholarly accuracy, and without bias. Editorial comment has thus been directed, in the main, towards making the evidence intelligible, and not to drawing conclusions from it. Full account has been taken of modern textual criticism to compile a reliable collection of authentic testimony, but the reader has in general been left to pass his own judgment upon it, and to appraise for himself the value of current historical verdicts. Critical bibliographies have been added to assist further investigation.

The decision to display the texts, when necessary, in an English translation was thus dictated by the general purpose of the work. A translated text can, of course, never be a complete substitute for the original, but those who, today, can utilise a document in Anglo-Saxon, Latin or old French are few and are

decreasing in number. This is doubtless to be regretted. But there seems no adequate reason why the majority of those interested in English history should be arbitrarily deprived of the opportunity to consult the basic sources of their study. In this work, therefore, there is nothing that cannot be used by those who can only read English.

The material to be included in each volume naturally varies according to the needs of each period as assessed by the editors. The years 1189-1327 have long been recognised as marking an age of cardinal importance in English history, and the complex developments which then occurred are reflected in the documents contained in this book. The narrative sources are fully represented, and a central position has been given to texts of constitutional, administrative and legal relevance. New translations have been supplied of many of the famous statutes of the period, including Magna Carta, and life in the manors and in the boroughs of England is likewise illustrated. Special attention has been paid to the Church. Ecclesiastical records have been selected to indicate the work of the secular hierarchy in the dioceses of England, and also the varied activities of the monasteries and of the friars. The development of canon law, and the operations of papal policy find expression in such texts as the canons of the Fourth Lateran Council. Here as elsewhere, as also in his comments and in the maps which illustrate them, the editor has been concerned to stress the community of ideas pervading western Christendom at this time, and to demonstrate how essential were the links between thirteenth-century England and the continent of Europe.

All concerned in this series are fully aware of the magnitude of the undertaking to which they have addressed themselves. They are conscious of the hazards of selecting from the inexhaustible store of historical material. They realise also the difficulties involved in editing so large a mass of very varied texts in accordance with the exigent demands of modern scholarship. They believe, however, that the essential prerequisite for the healthy development of English historical studies is wider acquaintance with the original authorities for English history. And they are content that their work should be judged by the degree to which they have promoted this object.

DAVID DOUGLAS

VOLUME III

ENGLISH HISTORICAL DOCUMENTS

1189-1327



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

ENGLISH  
HISTORICAL DOCUMENTS

1189–1327

*Edited by*

HARRY ROTHWELL

B.A. PH.D

*Emeritus Professor of History  
in the University of Southampton*

 **Routledge**  
Taylor & Francis Group  
LONDON AND NEW YORK

*First published in 1975 by Eyre & Spottiswoode Ltd*  
*Reissued in 1996 by Routledge*  
*4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN*

*Simultaneously published in the USA and Canada*  
*by Routledge*

*605 Third Avenue, New York, NY 10017*

*Routledge is an imprint of the Taylor & Francis Group,*  
*an informa business*

*Copyright © 1975 by Taylor & Francis.*

*All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.*

*Notice:*

*Product or corporate names may be trademarks or registered trademarks and are used only for identification and explanation without intent to infringe.*

*British Library Cataloguing in Publication Data*

A catalogue record for this book is available from the British Library

*Library of Congress Cataloguing in Publication Data*

A catalogue record for this book is available from the Library of Congress

ISBN 978-0-415-14368-4 (hbk)

Complete set 978-0-415-82327-2	Vol. I	978-0-415-14366-0
	Vol. II	978-0-415-14367-7
	Vol. III	978-0-415-14368-4
	Vol. IV	978-0-415-14369-1
	Vol. V	978-0-415-14370-7
	Vol. V (A)	978-0-415-35097-6
	Vol. V (B)	978-0-415-19909-4
	Vol. VI	978-0-415-14371-4
	Vol. VII	978-0-415-14372-1
	Vol. VIII	978-0-415-14373-8
	Vol. IX	978-0-415-14374-5
	Vol. X	978-0-415-14375-2

**Publisher's Note**

The publisher has gone to great lengths to ensure the quality of this reprint but points out that some imperfections in the original may be apparent.

DOI: 10.4324/9781003572213

*matri meae  
in Christo  
dormienti*



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

## ACKNOWLEDGEMENTS

EVERY document in this volume – even No. 38 – is, of course, translated into modern English. Where a translation is not my own, this is indicated in the editorial matter at the head of the document in question. Either the work there given as the source of the document will, in such cases, be found to be a translation into English or, if not, the source of the translation too is given. I am greatly indebted to the scholars, publishers and institutions concerned and am particularly indebted where copyright is still involved. Thus to the Keeper of the Public Records, Public Record Office, London, in respect of access to manuscript material and permission to translate and publish extracts in Nos 70, 72–3 and 78; and to the Controller of Her Majesty's Stationery Office for permission to reproduce (normally brief) passages from the Calendars and other publications of the public records by that office; to the Selden Society and the respective editors (chiefly Professor G. O. Sayles and Mr H. G. Richardson, separately or together) in respect of Nos 67, 108–10, 112–13, 115, 183, 191, 199, 204, 207 and 212–13; to the President of St John's College, Oxford, and the Council of the Royal Historical Society in respect of No. 239; to the Anglo-Norman Text Society and Basil Blackwell in respect of No. 233; to the Society for the Promotion of Christian Knowledge, and J. M. Wilson and C. J. Offer, respectively, in connection with Nos 144, 147, 155, 161, 166–7 and 189; to the Canterbury and York Society and C. Deedes in respect of No. 145; to Dr C. M. Fraser and the Surtees Society in respect of No. 159 and to the Society of Antiquaries of Newcastle-upon-Tyne and J. Conway Davies, R. K. Richardson, and R. J. Whitwell and Charles Johnson, respectively, in connection with Nos 128, 169 and 225; to the Lincoln Record Society in respect of No. 126; to the Wiltshire Archaeological and Natural History Society Records Branch, now the Wiltshire Records Society, and C. A. F. Meekings and M. T. Clanchy in respect of Nos 107 and 205–6; to the Chetham Society and G. H. Tupling in respect of Nos 110 (c) and 135; to the Bedfordshire Historical Record Society and R. F. Hunnisett and A. T. Gayton, respectively, in connection with Nos 110 (b) and 127; to the Bristol Record Society and N. D. Harding in respect of No. 176; to the Southampton Records Series (University of Southampton) in respect of No. 237; to W. O. Ault and the American Philosophical Society in respect of No. 212 (a); to the Jewish Historical Society of England in respect of No. 223; to the *Agricultural History Review* and *The Ancestor*, respectively, in connection with Nos 184 and 192; to the editors and Thomas Nelson and Sons Ltd and the Oxford University Press, respectively, for Nos 1, 9, 13, 17, 21, 86, 109 (b), 148, 150–3, 164 and 199 (a); also to Thomas Nelson and Sons Ltd and the editors for Nos 31, 56, 65, 142 and 172; to the Clarendon Press for Nos 162, 228 and 232; to the Oxford University Press for No. 137; to the Cambridge University Press for Nos 116, 160 and 229; to Butterworth and Co. Ltd for No. 25; to G. Bell and Sons Ltd for No. 101; to the University of Chicago Press for No. 238; to J. M. W. Bean and Manchester University Press for No. 35; to Blackfriars and Eyre and Spottiswoode Ltd for the greater part of No. 231; to Methuen and Co. Ltd for Nos 45, 111 (a) and 233 (d); and to H. G. Richardson and G. O. Sayles and Edinburgh University Press in respect of Nos 98 and 210 (a). I acknowledge with particular pleasure my debt, indeed that of all scholars, to C. E. Lugard not only for a translation but for the Latin text, privately printed, of "Trailbaston" proceedings in Derbyshire (No. 133).

If I have omitted acknowledgement of any other debt it is an oversight and a quite unintentional discourtesy, for which I offer my apologies.

As to the maps, I am obviously indebted to the *South Wales and the Border in the Fourteenth Century* and the *Historical Atlas of Wales* of Professor William Rees for the foundations of my maps of Wales on pp. 424 and 425 and I thank him and Faber and Faber Ltd, the publishers of the *Historical Atlas*. Historical maps of Ireland are rarer still and the map of Ireland c. 1300 (p. 470) even more obviously relies on that of Professor Otway-Ruthven in her *History of Medieval Ireland* (1968), which I am grateful for her permission to use. The map illustrating the Anglo-Scottish war (p. 471) draws on a number of sources and a variety of evidence, but more especially on the maps of Professor G. W. Barrow's *Feudal Britain* (1956) and *Robert Bruce* (1965). I am grateful to him too. On the map of England c. 1300 the basic detail as to roads is inevitably derived from the Gough map in the Bodleian Library and for the purpose I have, with the permission of Bodley's Librarian, used the splendid facsimile edition with introduction (Oxford, 1958). I am indebted to Mr W. Bromage for the professional skill with which he redrew my maps. With the resulting clarity, they are, I believe, a feature of this volume.

To my friend and one-time colleague, Professor G. J. Hand of University College, Dublin, I am more indebted than he is aware, but particularly for helpful discussion with him of some of the knottier passages of Nos 57 and 235. Professor C. R. Cheney and Dr Kathleen Edwards have each helped me with answers to questions I put to them. My greatest debt of all is, however, to the General Editor, Professor David Douglas, and to all concerned with the production of this volume, whether as publishers or printers, unnamed here, for their patience.

Finally to those who use the book. In a work of this size and range I cannot think I have never stumbled over a technicality and I promise my gratitude for rescue from any pits into which I may have fallen.

H. R.

# CONTENTS

GENERAL PREFACE	page iii
ACKNOWLEDGEMENTS	xi
EDITOR'S NOTE	xxiii
ABBREVIATIONS	xxiii
INTRODUCTION	I
i. The period	I
ii. The country and the people	4
iii. Church and people	14
iv. Government	27
v. The politics of government	31
GENERAL BIBLIOGRAPHY	
The main sources and modern works relating generally to English history between 1189 and 1327	37
Part I. SELECT CHRONICLE AND NARRATIVE SOURCES FOR THE HISTORY OF ENGLAND 1189-1327	
INTRODUCTION TO PART I	43
SELECT BIBLIOGRAPHY OF CHRONICLE AND NARRATIVE MATERIAL	44
1. Richard of Devizes, "Of the Time of King Richard I": selected passages from the years 1190-2	51
2. The Chronicle of mr Roger of Howden: selected passages from the years 1190-2	63
3. The "History of William the Marshal" for the years 1216-19	81
4. The "Greater Chronicle" (Chronica Majora) of Matthew Paris of St Albans for the years 1258-9	103
5. The Annals of Burton for the years 1258-9	153
6. The "Chronicles of the Mayors and Sheriffs of London" for the years 1259-66 (Michaelmas 1259 to Michaelmas 1267)	159
7. The Annals of Dunstable for the years 1260-4	197
8. The "English History" of Bartholomew Cotton of Norwich for the domestic crisis of November 1296 to 10 October 1297	209
9. The Chronicle of Bury St Edmunds for the domestic crisis of November 1296 to 10 October 1297	220
10. The Chronicle of Walter of Guisborough for the domestic crisis of November 1296 to 10 October 1297	224
11. The Chronicle of Peter Langtoft of Bridlington for the years 1297 to 1307	230

12. The Chronicle of Lanercost for the years A.D. 1315-23	<i>page</i> 265
13. The "Life of Edward the Second" of the so-called Monk of Malmesbury: selected passages from the years 1315-16 and 1322	282
14. The Pipewell Chronicle on the deposition of Edward II, 1327	287

## Part II. ROYAL GOVERNMENT

INTRODUCTION TO PART II	291
SELECT BIBLIOGRAPHY	292

### A. THE TESTING TIME 1189-1227

15. Form of proceeding in pleas of the crown, 1194	303
16. Franco-Welsh treaty of alliance, 1212	306
17. John's surrender of his kingdoms of England and Ireland to the pope, May and October 1213	307
18. The "Unknown" Charter of Liberties, before 15 June 1215	310
19. The articles of the barons, 15 June 1215	311
20. Magna Carta, 1215	316
21. Pope Innocent III declares Magna Carta null and void, 24 August 1215	324
22. Magna Carta, 1216	327
23. Magna Carta, 1217	332
24. The Charter of the Forest, 1217	337
25. Temporary instructions to justices in eyre because of prohibition of ordeal, 1219	340
26. Magna Carta, 1225	341
27. Charter of the Forest, 1225	347

### B. THE RULE OF HENRY III 1227-67

28. Statute concerning the Jews, 1233	350
29. Hundred Courts: Magna Carta clarified, 1234	350
30. The so-called Statute of Merton, 1236	351
31. Treaty between the kings of England and Scotland, 1237	354
32. The king is refused an aid, 1242	355
33. Form for keeping the peace, 1242	357
34. The so-called "Paper Constitution" preserved by Matthew Paris, 1238-44	359
35. Royal ordinance on alienations by tenants-in-chief, 15 July 1256	360
36. The sworn confederation of seven barons, 12 April 1258	361
37. The so-called Provisions of Oxford, 1258	361
38. Proclamation of 18 October 1258	367
39. Proclamation of 20 October 1258	368
40. The Provisions of Westminster, October 1259	370
41. The Treaty of Paris, 1259	376
42. Commissions under the ordinance of Winchester, September 1265	379
43. The Dictum of Kenilworth, 31 October 1266	380

## C. RECONSTRUCTION 1267-94

44. The Statute of Marlborough, 18 November 1267	page 384
45. The inquests of 1274-5: the commission and the articles of 11 October 1274	392
46. Summons of knights and burgesses to Edward I's first parliament at London on 25 April -, 1275 (Woodstock, 26 December 1274)	396
47. Statute of Westminster I (3 Edw. I), 1275	397
48. Grant of custom on exported wool, woolfells and hides, (not later than 10 May) 1275	410
49. The Statute of the Jewry, 1275	411
50. Petition of the "commonalty" of the Jews, shortly after 1275	412
51. Distrain of knighthood, 1278	413
52. Statute of Gloucester, 7 August 1278	414
53. Statute of Mortmain (" <i>de viris religiosis</i> "), November 1279	419
54. Statute of Acton Burnell, 1283	420
55. Statute of Wales, 19 March 1284, Rhuddlan	422
56. Provision for succession to the Scottish kingship, 1284	427
57. Statute of Westminster II (13 Edw. I), Easter 1285	428
58. Statute of Merchants (13 Edw. I), Easter 1285	457
59. Statute of Winchester (13 Edw. I), Michaelmas 1285	460
60. The writ " <i>Circumspecte agatis</i> ", June-July 1286	462
61. Enquiry into offences by royal officials during the king's absence, 1286-9, 13 October 1289	463
62. The Statute of Consultation, April-July 1290	464
63. "Quo Warranto" (18 Edw. I), 1290	464
64. Statute of "Quia emptores" (18 Edw. I) (Stat. Westm. III), 8 July 1290	466
65. Treaty of Birgham, 18 July 1290	467
66. The "Fifteenth" of 1290 requested from Wales and Ireland also, c. 20 January and 26 October 1291	468

## D. ENGLAND AT WAR 1294-1327

67. "Quo Warranto" proceedings indefinitely postponed, November 1294	469
68. The "Evil toll" (Maltote) of 1294-7	469
69. Articles of Grievance ( <i>Monstraunces</i> ), 1297	469
70. The Eighth and Fifth and Prise of Wool of 30 July 1297, and subsidiary documents	473
71. Royal proclamation, 12 August 1297, Udimore	477
72. The clergy to be taxed "by royal authority" (B. Cotton), 20 August 1297, Winchelsea	480
73. The appearance of Bohun and Bigod and supporters at the exchequer on 22 August 1297	482
74-7. The Confirmation of the Charters, 1297	
74. The additional articles ( <i>Confirmatio Cartarum</i> ), 10 October and 5 November 1297	485

75. "De Tallagio non concedendo"	page 486
76. "Inspeximus" of Magna Carta 1225 by letters patent, 12 October 1297, Westminster	487
77. "Inspeximus" of Charter of the Forest 1225 by letters patent, 12 October 1297, Westminster	488
78. The "Evil toll" (Maltote) of 1294-7 abolished, 23 November 1297	488
79. Provision on sheriffs and their clerks, 14 February 1298	489
80. Ordinance for an enquiry into maladministration of prises by royal officials since the outbreak of the war with France in 1294 (30 March to 4 April 1298)	490
81. Statute "of fines levied" ( <i>de finibus levatis</i> ), 1299	491
82. Statute of Stepney on bad money, 15 May 1299	494
83. "Inspeximus" of Magna Carta 1225 by charter, 28 March 1300, West- minster	495
84. "Inspeximus" of the Charter of the Forest 1225 by charter, 28 March 1300, Westminster	496
85. Articles upon the charters, Lenten parliament, Westminster, March 1300	496
86. The recoinage of 29 March 1300	502
87. A confidential state paper: papal diplomacy, 1300	504
88. Bills presented in the parliament at Lincoln, 1301	510
89. The so-called Confirmation of the Charters of 1301 (14 February 1301, Lincoln)	512
90. Grant to Merchant Vintners of the Duchy of Aquitaine in return for cus- tom on wine, 13 August 1302	512
91. Grant to foreign merchants in return for new custom ( <i>Carta Mercatoria</i> ), 1 February 1303	515
92. Failure of negotiation with native merchants, May to June 1303	518
93. The Trailbaston inquiry, 1304-5	519
94. Henry of Keighley to be committed to the Tower, 5 June 1306	522
95. The problem of public order: to all sheriffs, 16 June 1306	522
96. Keepers of the peace, coinage, and cost of living, 24 December 1307	523
97. The coronation oath of Edward II, 1308	525
98. Articles against Gavaston presented by the earl of Lincoln to the king, March to April 1308	525
99. Commissions to enquire touching all prises, 18 December 1309	526
100. The New Ordinances, 1311	527
101. Arguments for the establishment of home staple towns, 24 April 1319	539
102. Letter of the Scottish barons to Pope John XXII ("Declaration of Ar- broath"), 6 April 1320	541
103. Statute of York, repealing the Ordinances of 1311 (1322)	543
104. Ordinance of Kenilworth, 1 May 1326	544
105. Export of materials for cloth-manufacture prohibited, 1 June 1326	546

## Part III. ROYAL GOVERNMENT IN ACTION

INTRODUCTION TO PART III	page 551
SELECT BIBLIOGRAPHY	555
106. The Great Seal	559
107. The Wiltshire Eyre of 1249: Downton Hundred and Township	560
108. A prison, c. 1269	565
109. "Peine forte et dure", 1306 and 1322	566
110. Sanctuary and Abjuration of the realm, and outlawry	567
111. A sheriff's office, 1278	570
112. The sheriff's gaol	575
113. A sheriff's difficulties, 1307	576
114. "Not guilty", 1266	577
115. A crime unpunished, 1288	578
116. A model judgment, 1302	579
117. The <i>Dictum</i> of Kenilworth in the courts, 1276	580
118. The Household Ordinance of 13 November 1279	581
119. Licences for alienation in mortmain, May 1280	586
120. The escheatrics, 1232-3, 1304	587
121. Wardships and marriages	588
122. A tallage, 1260	590
123. Borrowing	591
124. Royal prises ( <i>ad opus regis</i> )	591
125. Payment for prises, 1256	591
126. A wartime prise: Lincolnshire 1296-7	592
127. A tax on personal property ("movables"): local assessment roll of the Ninth of 1297 for Shillington (Flitt Hundred, Beds.)	597
128. Proceeds of the "evil custom" (Maltote) of 1294-7 in the port of New-castle-upon-Tyne from 29 September 1296 to its abolition on 23 November 1297	599
129. The New Temple	608
130. Siege-engines for reduction of Stirling Castle, 3 January 1304	610
131. The siege of Carlisle, 1315	610
132. Commissions of array	611
133. Trailbaston proceedings at Derby, 4 July 1306	612
134. Notes classifying parliamentary business, 1318	621
135. A parliamentary election, 1320	630

## Part IV. THE CHURCH IN ENGLAND

INTRODUCTION TO PART IV	633
SELECT BIBLIOGRAPHY	634

## A. THE WESTERN CHURCH

136. Canons of the Fourth Lateran Council, 1215 page 643  
 137. The Rule of St Francis, 1223 676

## B. THE COMING OF THE FRIARS

138. A passage from the chronicle of Brother Thomas "of Eccleston", *On the coming of the friars minor to England* 680  
 139. Franciscans at Scarborough, c. 1239-43 684  
 140. Matthew Paris on the friars 685  
 141. The *Annals of Dunstable* on the friars 686

## C. THE UNIVERSITY MOVEMENT

142. Devorguilla's charter to Balliol College, Oxford, 1282 687  
 143. Institutions to rectories, with licence to study and dispensation meanwhile, Winchester diocese, 1299 689  
 144. Ranulph de Calthrop 690

## D. THE BISHOP AND HIS DIOCESE

145. Statutes of a diocesan synod, 1262-5 691  
 146. Episcopal visitation of a diocese: Canterbury diocese, 1292-4 705  
 147. To a negligent archdeacon, 1301 722  
 148. Confirmations [late 12th cent.] 723  
 149. A rural dean's court, 1300 724  
 150. Punishment for violation of sanctuary 729  
 151. Relics 730  
 152. The lay Christian 732  
 153. The Church defied 733  
 154. Simon Luvel provides for his mother, 1199/1201 733  
 155. An episcopal indulgence for contributing to repair the fabric of St Paul's, 1308 734  
 156. A reformer overruled, 1236 734  
 157. Creation of a vicarage, 1304 735  
 158. Creation of a vicarage in an appropriated church in Wales, 1284 737  
 159. A papal provision, 1295 738  
 160. Procurations, 1281 738  
 161. The teaching of theology at Worcester Cathedral Priory, 1305 739  
 162. A new cathedral at Salisbury 740  
 163. Founding a monastery: Selborne (Augustinian canons), co. Hants., 1233 741  
 164. Names "in religion", 1206 751  
 165. A code of monastic signs 751  
 166. An unruly monk, 1317 756  
 167. Testimonial for a candidate for admission to a monastery, 1323 757  
 168. A legate's powers, 1263-4 758  
 169. Pluralism: Archbishop Pecham to Pope Nicholas III, 1280 763

170. Furthering a cause at the papal court, 1281	page 763
171. The affairs of Dunstable priory, 1272-95	766
172. The Scottish church declared independent of the English church, 1192	775
173. A bishop's will: Richard bishop of Chichester (died 1253)	776

## Part V. LAND AND PEOPLE

INTRODUCTION TO PART V	783
SELECT BIBLIOGRAPHY	789
174. Keeping open the port of Hythe, 1230	799
175. Winchelsea, Old and New, c. 1287	799
176. Improvement of the port of Bristol, 1240	801
177. The river Severn, 1308	801
178. The river Trent, 1229	801
179. London Bridge, 1281	802
180. Between London and Westminster, 1315	802
181. Bridge at Doncaster to be of stone, 1247	802
182. The crossing of the river Don at Doncaster, 1311	802
183. The Fen country	803
184. An agreement on water for livestock, 1240	804
185. Salt	804
186. Prospecting for iron-ore in Chippenham forest, 1229	805
187. Safety at sea, 1247	805
188. The weather, 1236-59	806
189. Medieval courtesies	823
190. Salmon fishing, 1305	824
191. A court in difficulty, 1277	824
192. Precautions on losing one's seal, 1267	825
193. Forgery	825
194. A lost ear	825
195. Proof of age	826
196. Death by misadventure, 1267	827
197. A wedding brawl, 1268	828
198. Christmas in Acton Scott, Shropshire, 1287	828
199. Villein status	829
200. A marriage-tangle, 1254	831
201. Provision for a mistress and her children [mid-13th cent.]	832
202. A judicial separation, 1294	832
203. Popular canonisation	835
204. Love-days	835
205. A case for pardon, 1249	836
206. Further pardons for homicide	837
207. Henry of Berwick and his nieces, 1285	837
208. Feudalism and the family	839

209. The <i>Dictum</i> of Kenilworth, 1266-1302	page 840
210. Contracts for military service, 1270-1	841
211. Baronial legislation: county of Chester, 13 January 1260	842
212. The village community	842
213. Fire	848
214. Building by-laws: London, 1189	849
215. Urban sanitation, 1298	854
216. Fairs	855
217. Southampton and the bishop of Winchester's Fair of St Giles	855
218. Weights and measures, 13th-cent.	856
219. Hull, 1230	858
220. Yarmouth and the Cinque Ports, 1277	859
221. "Futures" in wool, 1276	860
222. Concealed interest	861
223. A Jew tries to collect his debts, 1274	862
224. Prospecting for lead in Snowdonia, 1284	863
225. Shipbuilding, 1294	863
226. "Bad" money, 1299-1300	867
227. Rioting in Bristol, 1313	869
228. Usages of the city of Winchester, late 13th cent.	870
229. Provisions for the government of the city of Lincoln, c. 1300	878
230. Some thirteenth-century English places and their associations	881

## Part VI. ILLUSTRATIONS OF THE THOUGHT OF THE PERIOD

INTRODUCTION TO PART VI	889
SELECT BIBLIOGRAPHY OF WORKS ON THE THOUGHT OF THE PERIOD	889
231. Selections from the works of Thomas Aquinas	
(a) on law	893
(b) on government	896
(c) on taxation	898
232. The Song of Lewes	899
233. Select political songs of the period	
(a) The Order of Fair Ease	913
(b) Song of the barons, or, Against Montfort's enemies (1263)	915
(c) Lament for Simon de Montfort (c. 1267-8)	916
(d) Song against the sheriffs (c. 1274-5)	917
(e) The treason of Thomas Turberville (1295-1325)	918
(f) Trailbaston (1305-7)	919
(g) On the king's going back on his undertakings (? 1306-7)	921
234. The Passion of the Judges	922
235. How to hold a parliament (1316-24)	924

CONTENTS

xxi

236. Select passages from <i>Britton</i>	page 934
237. The sea law of Oléron	975
238. The medieval universe	
(a) Extracts from "The Sphere" of John de Sacrobosco	981
(b) Extracts from the Commentary of Robertus Anglicus upon "The Sphere" of Sacrobosco	986
239. Roger Bacon on prophecy as an intellectual enquiry, 1266-7	1001

APPENDICES

I. CONTEMPORARY RULERS 1189-1327	1004
II. SELECT PEDIGREES 1189-1327	
A. Families of the kings of England	1009
B. Baronial and other pedigrees	1012
III. BISHOPS EXERCISING JURISDICTION IN ENGLAND 1189-1327	1021
IV. EASTER TABLE 1189-1327	1025

ILLUSTRATIONS

CHART

The law of inheritance	972
------------------------	-----

MAPS

WALES c. 1200	424
CONQUERED WALES c. 1300	425
IRELAND c. 1300	470
SCOTLAND AND THE NORTH OF ENGLAND to illustrate the Anglo-Scottish War	471
DIOCESAN MAP OF ENGLAND AND WALES, 13th century	642
ENGLAND c. 1300	824
ENGLISH INTERESTS IN FRANCE AND THE LOW COUNTRIES, especially after the Treaty of Paris of 1259	885

INDEX TO TEXTS

1027



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

## EDITOR'S NOTE

The original text of all documents printed in this volume is, unless otherwise stated, in Latin. The place of publication of any book, unless otherwise indicated, is London. The year begins on 1 January unless specially mentioned in a note.

## ABBREVIATIONS

<i>Ann. Monast.</i>	<i>Annales Monastici</i> , ed. H. R. Luard, 5 vols (1864-9), in Rolls series
Bémont, <i>Chartes</i>	Ch. Bémont, <i>Chartes des libertés anglaises 1100-1305</i> (Paris, 1892)
Berry	<i>Statute Rolls of the Parliaments of Ireland</i> , vol. I (entitled <i>Statutes and Ordinances and Acts of the Parliament of Ireland, King John to Henry V</i> ), ed. Henry F. Berry (Irish Record Office, 1907), see Mullins, p. 41
Cant. & York Soc.	Canterbury and York Society for the publication of Episcopal Records
<i>Cal. Chart. Rolls</i>	<i>Calendar of Charter Rolls</i>
<i>Cal. Close Rolls</i>	<i>Calendar of Close Rolls</i>
<i>Cal. Pat. Rolls.</i>	<i>Calendar of Patent Rolls</i>
Camden	Camden Society, see Mullins, p. 239 ff.
	Camden Series of the Royal Historical Society, see Mullins, p. 264
<i>Chron. Maj.</i>	<i>Matthaei Parisiensis, Chronica Majora</i> , ed. H. R. Luard, 7 vols (1872-83), in the Rolls series
<i>E.H.D.</i>	<i>English Historical Documents</i>
<i>Foedera</i>	Record Commission incomplete re-edition of Rymer, <i>Foedera</i> (see Mullins, p. 11), 3 vols in 6, folio (1816-30), vol. I, i and ii (1816)
Glanvill	<i>Tractatus de legibus . . .</i> ("The treatise on the laws and customs of England commonly called Glanvill"), ed. G. D. G. Hall (1965)
Hist. MSS Com.	Reports and calendars issued by the Royal Commission on Historical Manuscripts
K.R. Memor. Roll	Exchequer, King's Remembrancer's Memoranda Roll in the Public Record Office
L.T.R. Memor. Roll	Exchequer, Lord Treasurer's Remembrancer's Memoranda Roll in the Public Record Office
Q.R. Mem. (p. 503 below)	K.R. Memor. Roll
Linc. Rec. Soc. mr	Publications of the Lincoln Record Society <i>magister</i> , master
Mullins	E. L. C. Mullins, <i>Texts and calendars: an analytical guide to serial publications</i> (Roy. Hist. Soc. Guides, 1958)
P.R.O.	Public Record Office

- Parl. Writs* *Parliamentary Writs and Writs of Military Summons of Edward I and Edward II*, ed. Sir Francis Palgrave, 2 vols in 4, Rec. Com. folio (1827-34)
- Plucknett, *Legislation* T. F. T. Plucknett, *Legislation of Edward I* (Oxford, 1949)
- Rec. Com. Publications of the Record Commissioners (*see* Mullins, p. 3)
- Rock, *Church of our Fathers* D. Rock, *The Church of our Fathers as seen in St Osmund's Rite for the Cathedral of Salisbury*, ed. G. W. Hart and W. H. Frere, 4 vols (1903-4)
- Rolls series Chronicles and Memorials of Great Britain and Ireland during the Middle Ages published under the direction of the Master of the Rolls
- Rot. Parl.* *Rotuli Parliamentorum* (Rolls of Parliament), 6 vols, folio and index vol. (*see* Mullins, p. 12), vol. I (1767)
- Rymer Thomas Rymer, *Foedera, conventiones* (etc), *see* Mullins, pp. 11-12
- s.a. *sub. anno, annis* . . . Under the (chronicle) year(s) . . .
- Stat. of the Realm* *Statutes of the Realm*, vol. I (Rec. Com., 1810), *see* Mullins, p. 4
- Stubbs, *Sel. Charters* *Select Charters and other illustrations of English Constitutional History . . . to the Reign of Edward I*, ed. William Stubbs, 9th edn by H. W. C. Davis (Oxford, 1913)

# INTRODUCTION

## (i) THE PERIOD

**T**HE first of the reigns covered by this volume is that of Richard I. Bishop Stubbs wrote of it, "there is abundance of personal adventure and incident, and there is a certain quantity of legal and constitutional material which it is easier to interweave into a general disquisition on such subjects than to invest with a unity and plot of its own."

In a ten-year reign, one who gave so little of his time, and less of his mind, to the business of being king of England cannot be expected to have left much of a mark. But, king apart, it is not true that "there is no great national change, no very pronounced development"<sup>1</sup> in England in these ten years. Human societies do not go into a state of suspended animation except in fairy tales. Processes of great permanent import were at work in England between 1189 and 1199: what they require for their understanding is a larger perspective than the decade itself.

By 1189 the Normans had been settled for more than a century in this country. Already it was difficult to tell, among freemen at any rate, who was of English and who of Norman birth. And in their speech men were coming together. It would be rash to assume anything other than that English remained the language of the majority of men, but what is certain is that French was spreading downwards in society and outwards into the Church and into trade. The end will be a French "after the school of Stratford atte Bow", a long-lingering French in the law-courts, and an English enriched by Englishmen who were also French-speaking, a world language. All that contemporaries knew was that to speak only English was increasingly a mark of rusticity, while the possession of French was no evidence of ancestry.

The assimilation of the conquerors and their speech must be reckoned the greatest of the processes in train at this time. It was helped by another. In his ten-year reign Richard visited England only twice and spent not more than six months there all told. When he was not crusading he was defending his dominions in France, and he died defending them. Their loss, except for Gascony, soon after was decisive for those French families who preferred to stay with their English properties and so become ultimately (even in their own eyes) Englishmen.

The next reign is that of John, who is best known as the king who lost Normandy and from whom Magna Carta had to be wrested. He has had to wait until the twentieth century for even rough justice. We now reject the wild judgments of Wendover and Paris. We no longer equate the testimony of the other chroniclers, as J. R. Green and Stubbs did, with "the sober judgment of history", for we look at the records of the reign as well, and they give a different John.<sup>2</sup> They confirm, in so far as it is their

<sup>1</sup> This too is quoted from Stubbs.

<sup>2</sup> These records were accessible in Green's and Stubbs's day and some of them were in print: see the Introduction to Part II below. But neither made sufficient use even of those which were printed. Stubbs's famous

nature to do so, the man (but not the monster) of the chronicles: a cruel, violent, grasping man, treacherous himself, suspicious of others, genial if he chooses to be, superstitious, a womaniser. As king, however, whatever else he was, he is revealed as no *fainéant*, but a real king with ability in government and a liking for it, intervening personally more perhaps than by that date he need have done, particularly in the processes of justice, travelling his kingdom more than any ruler of this country before him – or since for that matter. But (if we try to balance the credit of the records with the debit of contemporary opinion – for, with all corrections made, there is no denying that the chronicles are almost solidly against him) he would seem to have lacked the highest qualities needed for the kingly office when rule was personal.

The more we know of him, the more we are reminded of his father. He seems to have had much the same merits and demerits, but in meaner measure – which, after all, without the rhetoric, the elaborate comparison with the whole family, is what Stubbs really meant.<sup>1</sup> Like his father he was competent in the arts of war, if not his brother's equal. "No medieval English king before or since his time dealt more successfully", we are taught, "with the Welsh, the Scots, or the Irish." But he failed in France where it mattered most. One may ask whether even Richard, had he lived, could have done any better in the end. Equally idly, one may recognise that the problem in France was not of John's making. He assumed responsibility for it in assuming the crown, and we know from *Glanvill*<sup>2</sup> that while part of a king's function was to be "continually impartial in dealing with his subjects", the other part was "to be always victorious in wars with his enemies". It was not in John to command success. His inadequacy is clearer still in domestic affairs. He showed great ability in administration and his interest in it is unmistakable, but when kings were allowed to rule as well as reign, the real test of kingship was political and Magna Carta is proof that he failed it. Though not all his policies were unjustifiable – his financial exactions, for example, in view of the changing character and ever increasing cost of warfare at that time – he failed to carry opinion, or enough of it, with him. That before representative parliaments this meant carrying the magnates of the country, or enough of them, with him is simply clearer proof of a personal failure. He lacked that trust in men which inspires trust, that blend of honesty and deviousness, the steadiness and the sure judgment of men and of situations, which mark the successful political leader in any age and which kings need when they lead.

Though it began with a minority and ended in civil war, the next reign seems placid by comparison. It was a long reign and an important period. One thinks of Bracton and of Grosseteste; of Salisbury cathedral and the vitality of the clergy who founded it and served it in the first generation; of the friars; of Oxford and Franciscan

---

characterisation of John in the introduction to his edition of Walter of Coventry's *Memoriale* (reprinted, *Historical Introductions to the Rolls Series*, ed. A. Hassall (1902), pp. 439 ff.), despite its mention of "abundant records", is based almost exclusively on chronicles.

<sup>1</sup> *Historical Introductions*, ed. Hassall, pp. 442 and 444: "John, then, as far as I can read his character from his acts, was a mean reproduction of all the vices and of the few pettinesses of his family" and "the faults which come out in this form in him are faults so ingrained in the Angevin family that they can scarcely be regarded, except in the particular manifestation, as distinctive of John".

<sup>2</sup> *Glanvill's prologue* (ed. Hall, p. 1). Cf. pp. 28, n. 1, and 890 below.

philosophy; Flanders and English wool; of the Basings and the Bukerels of London and of Nicholas of Ludlow. But King Henry III escapes one. If he had personality he failed to impose it in thirty years of personal rule. If he had a policy he failed to achieve it. He was not an incompetent: he ran the country, or was responsible for its running, from 1227 to 1258 without serious trouble. But he won no glory and he lost credit with his barons. He failed the tests his father failed. More fortunate than his father, he lived through his troubles. The achievement of this respectable but mediocre king was to confirm in a long reign, after two short and troubled ones, the strength of Henry II's machinery of government and hand it on, easily and unimpaired, to an abler son.

The reign of Edward I is universally regarded as one of the really great reigns of English history. Unlike his father's, which rightly or wrongly gives an impression of drift, there is vigour and a sense of purpose about it. But there is no such agreement about Edward himself. Taught at various times that he was "English to the core" and "the conscious creator of English greatness", opposition to whom, if it was not factious, was mistaken, for "he saw what was best for his age and people, he led the way and kept faith", we are also taught that "no more than Philip the Fair" had he "any conscious intention of taking the people into partnership with him or of promoting any sort of constitutional freedom", that his policy was "on the verge of collapse at the moment of [his] death". The picture of the great general who showed "masterly strategy" at Evesham, "dash" at Kenilworth, "masterly conduct of the great Welsh campaign", "genius" at Falkirk and in organisation took "important steps in the process which led to the English victories at Crécy, Poitiers, and Agincourt", is now contradicted: "he lacked . . . military ability. However good a tactician he may have been, he was a pitiable strategist . . . The art of war is a difficult art, which Edward failed to master".<sup>1</sup> The picture of the faithful husband and wise father, not above a bet with his washerwoman, is also questioned. Perhaps this shows nothing more than the futility of trying to elicit personality from formal records. But there is difference of opinion about the reign too, as part of the reaction from the glorification, adulation even in some cases, of Edward. There is a break, we are taught, at his accession. "Political history imposes the accession of Edward I as the beginning of an age." He broke "with the feudal past" and founded "a new regime upon the basis of prerogative". It was his "rule" to legislate by prerogative and "all the great business of state is coming to pass under prerogative". The idea of the continuity of his reign with that of his predecessor is abandoned. Now prerogative has its place in his reign, but not that place; and it has been rightly answered that "to call [his] policy anti-feudal is to cut him off from the air he breathed, from the medium in which he worked, from the political and legal assumptions of his whole life". Moreover, the sharpness of the contrast between Henry III's reign and Edward's, in legislative activity may turn out to have been illusory, once the records, legal and otherwise, of the father's reign have been properly explored.<sup>2</sup> As to Edward himself, we have no

<sup>1</sup> H. G. Richardson in *E.H.R.*, lxxx (1965), p. 555

<sup>2</sup> For work done and still to be done on the records of the years 1227-58, see the Select Bibliography to Part II below.

Joinville to tell us what he was like, but he was neither a saint like one of his uncles nor brilliant and versatile like another, the Emperor Frederick II: he was (the records do show this) a workaday monarch, possibly a great one, but neither more far-seeing nor more sinister than most other men of affairs outside the pages of a history book.

There is no doubt about the continuity between the reigns of Edward I and Edward II. Indeed, the son would have been less obviously inadequate if he had inherited fewer of his father's difficulties. Thus far Edward II deserves our sympathy, but no more. We need not believe all that was said about him at the time or has been written since: it is as clear as can be that, more than a failure as we have said John and Henry III were failures, he was a positive misfit as king, and the fairest yet severest verdict upon him is by the most sympathetic modern writer on him – "His real offence at the bar of history lies . . . not in his personal preferences but in his failure to subordinate them to his obligations as a king"<sup>1</sup> – a verdict with which one may reasonably suppose his father would have agreed. More important, however, than the monarch, to present thinking, is the reign. It is a lacuna, and therefore a crucial period, in the history of our representative institutions. It has been shown to be a time of administrative reform. Its political history has still to be elucidated. It cries out for workers.

## (ii) THE COUNTRY AND THE PEOPLE

The slow operation of natural forces created these islands on the submerged shelf of Europe's Atlantic seaboard. It determined their resources. It still alters their coastline and decrees their dubious climate.

Much more rapidly but scarcely less mysteriously (so complex is man), human agencies have decided their population, their languages, their social, cultural and economic heritage, their political development – in short, their history.

We are not concerned with the whole of that history. But it is useful – as it is logical – for us to begin with the land.

It has been described as a palimpsest, though our leading landscape palaeographer, Dr W. G. Hoskins, likens it rather to a symphony or chamber music. Whatever the metaphor, man has left his mark. A straight line on the Ordnance Survey map, composed it may be of a stretch of road, a footpath, a hedge, a length of parish boundary, a piece of motorway, a farm-track and a woodland walk, even if interrupted by a river or an aerodrome, may be the line of an old road or the earlier route of an existing one. In appropriate country, parish boundaries between riverside settlements in two adjacent valleys, leading up to and ending at the watershed between, could indicate an earlier, possibly pastoral economy. A field-name or a place-name can be a clue. The O.S. 1/25,000, 2½ inches to one mile, carrying most of the detail of the 6" scale but covering a larger area, is best for following up anything that may have been detected on the 1" map. On the ground itself, where the evidence is, most of it still unmapped, at the right time of year for crop-markings to show, or early or late enough in the day for the shadows to be right, air photography can reveal what is

<sup>1</sup> Hilda Johnstone, *Edward of Carnarvon* (Manchester, 1946), p. 131

otherwise not visible. In built-up areas excavation is usually needed to expose the past. But field work with a map, a trained eye and a prepared mind normally suffices. The historian will naturally prepare himself with a knowledge of such local historical records as may have survived. Thus, from the hamlet where this is written, in what was one of the large manors (and correspondingly large parish) of the medieval bishops of Winchester, a path, now disused, still goes to the then parish church two miles away. Within a furlong is the massive earthen bank of the bishop's deer park, which appears and reappears in the woods – quite unpredictably until the puzzle was solved by an entry in the bishop's pipe roll for the year 1258. There were two parks, the Inner and the Outer, interlocking. Their banks are still not completely traced. This southern, wooded portion of the manor is, today, one of scattered farmsteads, identifiable in the customal of the manor as thirteenth-century clearings. Its northern boundary on the chalk downs which fed the sheep whose wool was sold in 1315 to a London wool merchant, in 1316 to the Bardi of Florence, was the Roman road from Winchester to Old Salisbury.

So much of the landscape of the period 1189–1327, the period covered by this volume, is so obviously man-made – roads; buildings, ecclesiastical, monastic, military and civil, still used or ruined; works which today would be called public, Richard I's development of Portsmouth as a time-saving haven nearer the sea than Southampton, the bishop of Winchester's reservoir and canals to ensure the navigation of the R. Itchen above Southampton for the benefit of his annual fair of St Giles – that it is plain to see. The main effort required is to travel it, with a map ("England c. 1300", below) and perhaps in the company of the author of No. 230, though before setting out it will be well to know what and what not to expect. Travel will be by road, less frequently by river. It will be as safe as the king's peace can make it, but no more. It will, in any case, be slow. There was little improvement in transport between Roman and modern times. The roads will be the Roman ones where they are still usable, for they were well routed. But there are many others. As on the continent centuries of *défrichement*, *Innencolonisation*, so in Britain since the Romans clearance of ancient woodland had greatly increased the area of cultivation and settlement. Figures are hard to come by and harder still to interpret, which is what in this country makes Domesday Book so precious and at the same time so tantalising, but it is clear that the population too had increased, and particularly rapidly since Domesday, i.e. in the century just past. Yet for all the signs of life we shall see, the villages, single farmsteads, the new parish churches, little market towns, the countryside will seem bare and the roads empty compared with today. On no reckoning has England's population been put at a tenth of today's. London, far and away the biggest place in the country, may on a generous estimate have had a population of up to 50,000, Bristol under 20,000, York under 10,000, the rest under (most of them very much under) 5,000. One recalls Maitland's description of the "rusticity" of the county town of Cambridge. The ordinary local market town (*villa mercatoria*) was very often literally a vill, as rural except on market-days as the locality it served. The vast open fields of arable, without the hedges, coverts and cunningly-placed windbreaks of today, emphasised the bareness of even the most settled areas. Elsewhere the woodland will come closer, the

stretches of heath and moor get longer and the signs of habitation fewer as we journey, particularly as we go north or west. One other thing we shall notice. Water will be more of a hindrance to us than either wood or mountains. There had been more land-clearance than drainage since Roman times and the seventeenth century and Vermuyden were still to come. Still, as in Roman times, the rivers flowing into the Wash and all the tributaries of the Humber at their confluence, all flow in their last stages through unreclaimed fens, which the great medieval road to the North, like its Roman predecessor, must still skirt. As the Disinherited after Evesham knew, Ely and Axholme were still islands. The North road on the other side of the Pennines, faced at the Mersey with a similar passage between mountain and marsh, takes the lower of the two Roman crossings of the river, the ford at Warrington (the other being at Stretford for Manchester). River-crossings generally are important, especially when because of undrained valleys there is difficulty too over the approaches.<sup>1</sup> Tide-water, of course, can be a further difficulty.<sup>2</sup>

The fastest way into England was, obviously, at the Narrows as in Roman times, and the Roman lighthouses at Boulogne and Dover (two at Dover) still stood.<sup>3</sup> From Dover the road was Roman, that known by now as Watling Street, through Canterbury and Rochester to London. No. 230 below mentions the castle at Dover. Matthew Paris, the St Albans chronicler, mentions it too. It was being converted between 1181 and 1256 at immense expense from a twelfth-century into the up-to-date thirteenth-century castle we know today. At Canterbury there was the shrine of St Thomas à Becket to be seen. At Rochester the Medway was crossed by a wooden bridge on nine stone piers eked out at either end it would seem across the wide wet valley by what would appear to have been the remains of a Roman causeway. The first glimpse of London would be St Paul's cathedral from the heights above Greenwich, then the river, Southwark and the bridge. This in 1189 was a wooden bridge, quite possibly Roman,<sup>4</sup> with beside it about a hundred feet upstream a new bridge of stone begun thirteen years before but not yet finished. From 1209 when it was completed the stone bridge was London bridge, until it was in its turn superseded and pulled down in 1831. It had no rival until the eighteenth century, and Westminster was reached either by river or across the bridge into the city, out by Ludgate, by the bridge over the Fleet, past the New Temple and the Bar,<sup>5</sup> along the ridge above the Thames<sup>6</sup> to the hamlet of Charing,<sup>7</sup> then south with the bend of the river to Westminster, the abbey and the palace.

The river, less embanked, was broader and shallower than now and had been broader and shallower still. London was where it was because there, near the tidal

<sup>1</sup> No. 182 below for one such case.

<sup>2</sup> Not merely for river-crossings, but also for coastal flats (cf. No. 183 below) and the complicated, interesting situations which can arise where there is a conflict between river-water and tides and a struggle of man with both. For the Channel ports, cf. Nos. 174, 175, and the references there given; for the Fen country, No. 183, and as background, N. Neilson, H. C. Darby, and H. E. Hallam in the Select Bibliography to Part V below; for the marshes of the Humber and the Vale of York, June A. Sheppard in the same bibliography.

<sup>3</sup> That at Boulogne until the middle of the seventeenth century; both stood at Dover until the eighteenth century and one of them (to a height of 13 metres) is still standing.

<sup>4</sup> Miss M. B. Honeybourne's conclusion (p. 39) in her important article, "The pre-Norman bridge of London", *Studies in London History presented to P. E. Jones*, ed. Hollaender and Kellaway (1969).

<sup>5</sup> see no. 180 below

<sup>6</sup> Now the Strand.

<sup>7</sup> cf. No. 230 (line 5) below

limit at that time, there was a hard foreshore for river traffic and trade and the bridge, Roman, Saxon or Norman, wooden or stone, was where it was because there was hard ground exactly opposite on the other, Surrey bank. Elsewhere, below the bridge and for miles above, on both banks, there was marsh or easily flooded meadow. As to the city itself, little remained in 1189 but the walls and the gates – not even the street plan – of Roman London. For a time after the end of Roman rule, though not necessarily immediately (Roman London may have been a very long time in dying), its population had not been enough to fill the walls: now they could no longer contain it. There were suburbs on all the main roads outside the gates. In a more disorderly country these might have been taken in by further walling, as happened twice at Cologne, for instance, in the twelfth century. Instead, their extent was marked by bars, as at Temple Bar, and the city's jurisdiction over them was recognised after 1222. By then, however, newer suburbs beyond the bars were appearing. This was particularly so beyond Temple Bar on the way to Westminster, though we may reasonably suppose that the church of St Martin-in-the-Fields was on the outskirts when it was founded in the early thirteenth century. The pressure showed itself inside the walls too. Empty spaces were filled, plots divided and subdivided. Men built higher and also outward, since letting an upper storey overhang the ground-floor shop gave more space for living quarters: though if a street or a lane or alley were built up on both sides it would obviously be at the expense of light and air and, in medieval conditions,<sup>1</sup> of health too, just as it would certainly increase the risk of fire. Ordinary building was done in timber, roofed (in the words of a London by-law<sup>2</sup>) “with straw and stubble and such like thack” and (the passage goes on) “so that when any house caught fire, the greater part of the city was burnt by fire”. Stone was recognised as safer material for houses as well as bridges, but it was beyond most men's pockets, especially in London, where to the cost of quarrying and dressing had to be added the expense of getting it from a distance.<sup>3</sup> Aware of this and “in order that citizens might build willingly of stone”,<sup>4</sup> the by-law emphasised chiefly the need for at least a stone wall between houses and provided for arrangements between neighbours of different means.<sup>5</sup> Later by-laws and the record of later fires show, however, that “stone walls never became common”.<sup>6</sup> London continued to grow despite the disadvantages of urban life. It was “no mere regional market” in 1189.<sup>7</sup> Fitz Stephen, writing a few years before that, much as he idealises it, is clearly describing a prosperous city. Its river was full of shipping. Besides visiting aliens it had

<sup>1</sup> cf. No. 215 below and, for medieval London, the articles by E. L. Sabine mentioned in the Select Bibliography to Part V below.

<sup>2</sup> No. 214 below

<sup>3</sup> L. F. Salzman (*Building in England*, p. 119) estimated that carriage even a distance of twelve miles would about double the cost. London's sources of supply (*ibid.* pp. 128–30) were farther away than this. The economy of water carriage, cheaper in itself, could be largely cancelled out by unavoidable extra charges involved and by distance, should it be greater than by land.

<sup>4</sup> No 214 below

<sup>5</sup> *ibid.*: “if anyone wishes to build of stone . . . and his neighbour through poverty cannot, or perchance will not . . .”

<sup>6</sup> T. Baker, *Medieval London*, p. 246

<sup>7</sup> Sir Frank Stenton's phrase: *Norman London* (1934), p. 19. This pamphlet contains also a translation of Fitz Stephen's description of London, referred to in the next sentence.

strong resident colonies. It was the one place in England of a size and importance to bear comparison with the great European centres. Like them it developed communal ambitions.<sup>1</sup> By the end of the period covered by this volume it had grown still more and become even more cosmopolitan. But the native element, always great,<sup>2</sup> had been strongly reinforced from the provinces, so strongly from the East Midlands that Londoners' speech was permanently affected,<sup>3</sup> though most parts of England contributed in some measure to the influx. It is symptomatic that so many of the apprentices had a provincial English place-name as their surname, even if, as could be, they themselves were of the second or third and not the incoming generation. Symptomatic too that a growing proportion of the country's trade was handled in London and that the Londoners' share of it was increasing at the expense of that of aliens, but that at the same time new men were breaking into, had indeed broken into, the preserves commercially, politically and socially of the older merchant dynasties.<sup>4</sup>

London was destined to dominate the provinces, as Westminster was in government. England's medieval road system,<sup>5</sup> like the Roman, radiated from it, though as we shall see this was for continuing geographical rather than historical reasons – there is a good measure of identity but no necessary connection otherwise. The road to the north-east was out by Bishopsgate and the suburb to Ware, leaving Waltham Abbey and the Lea valley to the right. This was the Roman Ermine Street. Beyond Ware a road went off through Barkway, Cambridge, Newmarket and Bury St Edmunds to Norwich, keeping as long as possible to higher ground because of the fens. This brought East Anglia too into London's orbit. After Ware and Royston, Huntingdon, Wansford and Stamford, still as in Roman times the lowest practicable crossings of the great Fenland rivers. After Stamford Ermine Street had made for Lincoln, the Winteringham-Brough ferry over the Humber, and York, going east, that is, of the marshes at the confluence of the Humber's many tributaries. There was still a road at least as far as Lincoln in the Middle Ages, slightly lower at spring level to the west of Ermine Street, and a ferry over the Humber, and this kept Lincoln in touch with its enormous diocese and enlarged the market for the county's corn and wool. Traffic for York might still take this road if consignments were bulky and time not vital, after Lincoln to Torksey-on-Trent, then the rest of the way by water, down the Trent and up the Ouse. But it could be held up by storm and contrary winds at the junction of the Trent with the Humber and most traffic left Ermine Street earlier for Grantham to do the whole journey by road, crossing the Trent at Newark, then west of the great water-logged Humber basin via Tuxford, Blyth, Doncaster, Pontefract and Tadcaster to York.

The other road to the north was out by Newgate, via Barnet, St Albans and Dunstable. It went on via Coventry and Lichfield – with an offshoot to the port of Chester – west of the Pennines to Carlisle. It had a military and political importance

<sup>1</sup> Their outcome is traced in G. A. Williams, *Medieval London: from Commune to Capital*.

<sup>2</sup> For early twelfth-century London, Stenton, *Norman London*, p. 16.

<sup>3</sup> From a southern dialect to East Midland, neither a southern nor Northumbrian but a Mercian dialect destined to become the standard English.

<sup>4</sup> For analysis of London names, E. Ekwall's studies, particularly *Studies in the Population of Medieval London*: for analysis of the commercial evidence, Williams, *op. cit.* and the accompanying tables.

<sup>5</sup> see map, "England c. 1300"

of its own not only for campaigns in North Wales but also as the road to the earldoms of Chester and Lancaster, both of which were in this period within the control of the royal family and considered (merely hopefully in one case, as it proved) safer so. But for part of its way it served also as an alternative road to the north-east. Turning off at Stony Stratford to Northampton, then on through Leicester, Nottingham and Worksop to join the north-east road proper above Blyth but before Doncaster, this instead of hugging the fens of the lower reaches of the Ouse, Nene and Welland kept higher ground much nearer their sources on the Midland ridge between them and the waters of the Severn basin. So that quite apart from its advantages as a truly Midland route and the places it thereby linked, it was the better road to or from the north, well above fen and storm-driven tidal water and with easier river-crossings, in winter or bad weather. As his Eleanor Crosses show, after his wife's death near Lincoln in late November, the widowed Edward I sent her body home this way.

There were two roads to the west. They were not alternatives. One went as directly as possible to Gloucester and Hereford, and ultimately to St David's in farthest Wales. The other equally directly to Bristol. From Newgate, across the Holborn,<sup>1</sup> along "Holeburnestrete"<sup>2</sup> past the Old Temple<sup>3</sup> and the leper hospital of St Giles-in-the-Fields and on by what is now High Holborn, Oxford Street and Bayswater Road north of Hyde Park, the former kept in fact the line of the great Roman arterial road to Silchester, but at present-day Notting Hill instead of bearing south with it to Staines went straight on to Uxbridge, going directly from the lower to the upper Thames valley by High Wycombe over the Chilterns to Tetsworth; then from Oxford by Witney, Burford and Northleach over the Cotswolds to Gloucester. Gloucester, important in itself as the centre of a rich district, a manufacturing town and a river port,<sup>4</sup> was then as until quite recently the bridge town of the Severn, with none above it before Worcester, and so at once a gateway for all purposes for all South Wales as well as an outlet for the iron of the Forest of Dean, England's chief source of supply, and the high quality wool of the Welsh Marches. The main Bristol traffic probably left by Newgate too, for it was a better road than that along the Strand from Ludgate, though we must assume that this also was used. If so, it would probably be joined at Charing<sup>5</sup> by traffic from Westminster, increasingly the seat of royal government; then keeping to the higher ground by what is now Piccadilly and Knightsbridge, on through Kensington, it had joined the other Bristol traffic from Newgate by the time it reached Brentford. There, or soon after, as the Gloucester road had already done after Notting Hill, the Bristol road went straight on instead of to Staines – in this case to Colnbrook, Maidenhead and Reading, then up the Kennet valley to Newbury and Marlborough and so on to Chippenham and Bristol. Favoured by nature,<sup>6</sup> Bristol was a sea as well as a river port with a large and still growing<sup>7</sup>

<sup>1</sup> Now beneath Farringdon Street, crossed by Holborn Viaduct.

<sup>2</sup> The usual name for modern Holborn until the fourteenth century (Ekwall, *Street-Names of the City of London*, p. 193).

<sup>3</sup> For the move from Holborn to Thames-side, No. 129 below, editorial note.

<sup>4</sup> The Severn was navigable as far as Shrewsbury. For the river trade, No. 177 below.

<sup>5</sup> See above, p. 6

<sup>6</sup> Bristol's natural advantages are emphasised by E. M. Carus-Wilson at the beginning of her essay on "The overseas trade of Bristol in the fifteenth century", *Medieval Merchant Venturers* (1967).

<sup>7</sup> cf. No. 176 below and J. W. Sherborne, *The Port of Bristol in the Middle Ages*, p. 2

overseas trade, but, doubly favoured, was by no means dependent upon it. It had an Irish and a large coastal trade with South Wales as well, and was also a manufacturing and distributive centre: a western capital as truly as York was capital of the north, but larger and richer; surpassed in size and wealth, in fact, only by London.<sup>1</sup> The main road to the south-west went all the way to St Ives via Kingston and Cobham to Guildford, on to Farnham and Alton, by the notorious<sup>2</sup> Pass of Alton to Alresford and then to Winchester, which if it were early September would be full for the bishop's fair on St Giles's Hill,<sup>3</sup> from Winchester to Salisbury, after 1244 to New Salisbury, where the most remarkable body of clergy in England at that time was building<sup>4</sup> not only a new cathedral but also a new city in the valley below the hill-top castle, cathedral and city of Old Sarum. After that, Shaftesbury, Honiton, Exeter, Okehampton, Launceston, Bodmin and St Ives very much as today.

The principal cross-county roads too are shown on the map "England c. 1300". They bring out particularly clearly the importance of Oxford, Northampton, Coventry and Doncaster in the medieval road system. The clearest representation of the physical features which, we have suggested, governed the road system is the contoured map on the scale of 1/625,000 (about 10 miles to 1 inch) adopted by the Ordnance Survey as the foundation of its *Map of Monastic Britain* (South Sheet and North Sheet), 2nd edition, 1954-5. The bold way in which the Gloucester and Bristol roads from London drive straight to their destinations instead of getting out of the lower Thames basin to higher ground at Silchester before fanning out (as Roman westward traffic had done) is a reminder of how much clearance of the land there had been and how much reclamation of marsh and fen since Roman times.<sup>5</sup> "England c. 1300" does not attempt to show the network of minor roads which new settlements, rural markets, urban trades, the supply of raw materials for them and the provisioning of urban populations (as for instance at Winchester and Lincoln, Nos 228, 229 below), the getting of Cornish tin or iron of the Forest of Dean to market, the cartage to Clifton above York for shipment down the Ouse of Cistercian wool bought by Florentines (for the woolcrops of Fountains Abbey in 1276, No. 221 below), the visitation by a zealous bishop such as Swinfield of Hereford in 1290<sup>6</sup> of the parishes of his diocese, presuppose.

<sup>1</sup> cf. Nos 207, 227, and 13, below. Bristol castle was the administrative centre of the large establishment provided for the young Lord Edward by his father, Henry III, in 1254. On its extent, Powicke, *King Henry III and the Lord Edward*, p. 233. An edition of the accounts of the constables of Bristol castle by Dr Margaret Sharp is awaited.

<sup>2</sup> Notorious in the early thirteenth century (*Royal Letters . . . Henry III*, ed. Shirley, Rolls ser., I, p. 167, and Matthew Paris, *Chron. Majora*, ed. Luard, Rolls ser., V, pp. 55-60) and still notorious in the late fourteenth century, when Langland in *Piers Plowman* tells us that Poverty "could even walk through the Alton Pass without fear of robbery"; cf. No. 230 below, line 48.

<sup>3</sup> cf. Nos 216, 217 below

<sup>4</sup> cf. No. 162 below. By 1225 enough of the east end had been built for services to be held, after which the clergy and more and more of the civil population moved down from Old Sarum and the new town grew as well as the cathedral. The building of the Harnham bridge over the Avon in 1244 brought the road too down to the valley and along it, away from the old through the new Salisbury. The cathedral was advanced enough by 1258 to be consecrated and was completed eight years later. But not with the two-tiered tower or the spire which Constable painted and which we see. They are post-1327 and no part of the original plan.

<sup>5</sup> cf. pp. 5-6 above

<sup>6</sup> Or the other examples mentioned in J. R. H. Moorman, *Church Life in England in the Thirteenth Century*, ch. XIV with references. The chapter gives an account of Swinfield's journey in 1290, based on his Household Roll, in detail.

The map "English interests in France and the Low Countries" (p. 885 below) is best read in conjunction with the *Cambridge Medieval History*, VI (1929), map 58, to which it is the economic counterpart. The two bring together the geographical, feudal, political and economic aspects of the country's relationships with its nearest and most powerful European neighbour, the France of Philip Augustus and his successors. The loss of the Angevin empire, the antecedents of the Treaty of Paris of 1259, the value to the king of England of the cession to him by that treaty of rights in the "Three Bishoprics" area, the opposition on the French side to such cession, particularly by the count of Poitiers-Auvergne, who by marriage was also count of Toulouse, the importance of the rivers of the Gascon wine trade, the importance for economic as well as other reasons of north-south communications through the area, bastide-building, appeals or not to the authority of the French king's *parlement* at Paris, currency questions, the precise implications of the liege homage owed to the king of France: on all these matters a sharper light is thrown. On, too, relations with powers politically or economically within the orbit of France, whether in the Midi or in the Low Countries. Over the period covered by this volume one thinks particularly of Castile, Provence, Flanders and the Flemish market for English wool.

This is to remind oneself of Bristol and Southampton and the annual wine-fleet from Bordeaux in the autumn, of the Flemish hanse in London, of Jean Boinebroke of Douai, Riccardi and Frescobaldi, natives in the trade such as the Basinges of London, the Ludlows, father and son of Shropshire and the Duraunts<sup>1</sup> of Dunstable, and of those who in 1297 claimed that "the wool of England is worth nearly half what the whole land is worth a year".<sup>2</sup> England's has been described as a "colonial" economy in the larger economy of north-western Europe.<sup>3</sup> It is one aspect. Another is that even the whole body of those who lived by trade or manufacture, including those whose business was entirely in home markets as well as those who exported or imported, was small compared with the numbers who lived on the land or on its proceeds. Except, as we have seen, for London and one or two other places, the urban communities in which for the most part they congregated were islands, so to speak, in the ocean of rural society. Relatively they were few, but they were having an influence out of all proportion to their numbers.

Trade and manufacture were, of course, not new, but on a scale which now invited description as commerce and industry they presented both problems and new situations to an agrarian society in which the dominant elements were feudal and ecclesiastical. Here was something too big now to be ignored, but with a different ethos and ethics as well as a host of mundane problems. It could not be assimilated without changes in the old order - in church and state alike. The church proved the less reluctant to change. There was the physical problem of the cure of souls in overgrown communities. At Antwerp about the year 1100 a single priest laboured "in a community which had been transformed from a little fishing village into a town by

<sup>1</sup> Power, *Medieval English Wool Trade*, p. 113 (though the name is John Duraunt, not Thomas) and No. 171 below, s.a. 1275, 1277, 1280-1, 1283-4, 1292 (and see s.a. 1294 for a comment on Laurence, son of Nicholas of Ludlow).

<sup>2</sup> No. 69 below

<sup>3</sup> e.g. Professor Postan in *Cambridge Economic History*, II, p. 233

increase of its trade".<sup>1</sup> In the territorial dioceses of the Middle Ages a parish of a few hundred souls would appear to have been considered manageable. The urban problem was solved not by one minster or central church with a sufficient team of clergy but by division, keeping the country parish as model for size and organisation and creating as many parishes as required. This explains the many City of London churches. London had about a hundred parishes, Norwich over fifty, York and Lincoln about forty and a number of others between ten and twenty.<sup>2</sup> In addition, the church was inspired enough to break with the past and recruit as missionaries and social workers the friars, who believed that service was as sure a way to Heaven as the withdrawal of a Carthusian and sought "their Grande Chartreuse in the wretched slums of overcrowded cities, their mountain-tops of contemplation in the haunts of plague and fever".<sup>3</sup> There was also a moral problem. The church devoted a great deal of attention to the ethics of buying and selling – whether, for instance, it is lawful to sell a thing for more than it is worth, whether a sale is unlawful through a fault in the thing sold, whether a seller is bound to state the defects of a thing sold, whether it is lawful to sell a thing at a higher price than was paid for it; or again, as to the borrowing or lending of money, whether it is a sin to take usury for money lent, whether it is lawful to ask any other kind of consideration for money lent, whether a man must restore profits made out of money got by usury, whether it is lawful to borrow money on terms of usury.<sup>4</sup> Its answers to these questions became too refined for practical purposes. Its teaching could not be and was not literally observed. It acquiesced in much, and indeed itself in its administration and through its members practised perforce much that it never accepted in principle. As the mechanism of the Champagne fairs shows,<sup>5</sup> credit was by now essential to the smooth working of business.<sup>6</sup> Secular authority on the other hand (in its various medieval manifestations) felt contempt rather than concern for traders and artisans. "They stoop," wrote the aristocratic Otto of Freising, uncle of the emperor Frederick Barbarossa, of the overweening Lombard towns, bishop though he was too, "to confer the belt of knighthood and honourable rank on youths of lowly conditions or indiscriminately on artisans engaged in contemptible mechanical industries, whom other nations exclude like the pest from liberal and honourable occupations."<sup>7</sup> Townsmen might be allowed to purchase liberties of their lord, but if they dared to say they were wholly free of him and to appoint their own magistrates they threatened more than him: a "commune" was a revolutionary thing. The communal movement, which went so far in Italy with its civic traditions and in the Empire, had no such success in these islands. London was "the only city or borough . . . that ruled over a district without its own walls"<sup>8</sup> or even approached communal independence, though the movement was not without

<sup>1</sup> J. Westfall Thompson, *Econ and Soc. Hist. of the Middle Ages*, p. 645

<sup>2</sup> Figures from Moorman, *Church Life in England*, p. 5.

<sup>3</sup> The fine words of H. B. Workman, *Evolution of the Monastic Ideal*, p. 272.

<sup>4</sup> The articles of Aquinas's treatment of the subject in *Summa Theologiae*, 2a2æ, Qu. 77 and 78.

<sup>5</sup> R. D. Face's article in *Econ. Hist. Rev.*, n.s. x (1957-8), pp. 427-38, and xii (1959-60), pp. 239-46.

<sup>6</sup> For a brief general survey, Henri Pirenne, *Econ. and Soc. Hist. of Medieval Europe* (1936), ch. IV, sect. 4 on "Credit and the traffic in money".

<sup>7</sup> In the translation of R. G. D. Laffan, *Select Documents of European History*, I, 800-1492 (1930), p. 77.

<sup>8</sup> C. G. Crump, *Legacy of the Middle Ages* (Oxford, 1926), p. 12

its repercussions.<sup>1</sup> In this country as on the continent, however, neither feudal nor ecclesiastical pride could resist opportunities, if they presented themselves; and just as in an earlier age lords had founded churches and monasteries with profit as well as piety or public spirit in mind,<sup>2</sup> so now they were ready to found towns or construct fulling mills on their land or exploit its natural resources of coal or ore or wood or peat, for example, if there was money to be made.<sup>3</sup>

Trade and industry and towns, it can be said, forced themselves on a social order which was neither organised so as to receive them easily nor (even in the church's case) eager to receive them. They succeeded because they made themselves necessary to it. Business acumen, craftsmen's skills, financial expertise, credit and, for long-distance trade, credit instruments, which had made it possible to enlarge the economy, were as necessary for running it. Church and state alike, at all levels, used them and, willy-nilly, were changed by them. Merchants' loans financed at all stages the conquest of Sicily from the Hohenstaufen at the instance of the papacy after the death of the emperor Frederick II; their organisation transmitted as a normal thing papal revenue from all parts of Christendom; Dunstable priory was business-like in managing its affairs,<sup>4</sup> and Simon Lovel did business with St Mary Clerkenwell to provide for his mother for the rest of her days.<sup>5</sup> Kings anticipated revenues by borrowings, financed their wars by them (what consequences, political and constitutional, could follow, the reigns of Edwards I to III in our history show). Among their subjects buying and selling, borrowing and even lending were increasingly practised outside merchant circles. Neither the feudal classes nor feudalism, which was not and never had been as static as theory would make it, were immune. Knights fees had become units of account reckoned in fractions, in England, long before the time of Edward I; knight service commutable and preferred that way. Knights who fought were "strenuous" (*militēs strenui*) to distinguish them from those who lived on their estates and served their shires and were, in any case, too few in number for the duties they were expected to perform, so that men of sufficient substance might be compelled to become knights<sup>6</sup> – the Sir Roger de Coverleys of a later date. Feudal tenures were not yet the archaisms which antique a modern deed of conveyance, but were already obstacles for a clever lawyer to find his way over or round if the wishes or family needs of a large section of thirteenth-century feudal society itself required (as Plucknett, *Legislation of Edward I* has shown they did) a flexibility which the law of lord and vassal and fief did not permit. Transactions in land were in fact general from the king downwards, despite the law, and the money market was open to all people of sufficient substance to enter it. The most brilliant though difficult chapter of Plucknett's

<sup>1</sup> On their great importance for the future of the English borough, J. Tait, *The Medieval English Borough* (Manchester, 1936) ch. IX and especially p. 240.

<sup>2</sup> Ulrich Stutz's classic essay on proprietary monasteries and churches as investments, in English translation in G. Barraclough, *Studies in Mediaeval History: Mediaeval Germany 911-1250*, II (Oxford, 1938), pp. 35-70.

<sup>3</sup> "Six new towns of the bishops of Winchester 1200-55" (Part V below, Select Bibliography, s.v. Beresford); "An industrial revolution in the thirteenth century" (loc. cit., s.v. Carus-Wilson); and (for example) No. 185 below and "The making of the Broads" (Part V below, Select Bibliography, s.v. Lambert, J., and others) and for peat-cutting in the Somerset levels, loc. cit., s.v. Helm.

<sup>4</sup> see below, No. 171

<sup>5</sup> below, No. 154

<sup>6</sup> e.g. No. 51 below

*Legislation of Edward I* is the most illuminating demonstration of the extent to which the townsman, his money and his mentality had commercialised the old order in this country by the 1280s, when the statutes of Acton Burnell (No. 54 below) and of Merchants (No. 58) and the clause *Elegit*, the 18th clause, of Westminster II (No. 57) were worked out for the benefit of creditors – all creditors, not merely merchants native or foreign. Neither the common law nor existing statute law had kept pace with the changes. The problem was to provide effective remedies for a creditor against a defaulting debtor, especially one not amenable either to the pressure of the recognised good custom of merchants or to the special mercantile courts. Trade and industry had by the thirteenth century created a new sort of wealth, property in “movables” as well as landed property, bringing with it a new distribution of wealth, which neither church nor state could afford to ignore. This brought about a revolution in taxation too, the taxing of “movable” wealth, which with the different distribution meant also a new incidence of taxation. This in turn gave possessors of the new wealth political importance – so beginning yet another (if slow) revolution when, along with knights of the shire, burgesses of the cities and boroughs were called in to play, however humbly at first, a part in the counsels of the nation.

### (iii) CHURCH AND PEOPLE

For most of us the phrase “the medieval church” is synonymous with monks, clergy, popes, crusades, church and state, Abelard, heresy, Inquisition – the textbook topics. Implicit, but neglected in the books because we know so little about him, is the lay foundation of the structure, the parishioner.

The church’s concern, of course, was first and foremost with his soul. In the early days, having by the end of the fourth century triumphed with the help of the emperor Constantine in the Graeco-Roman world, it had gone on to convert the Germanic and Slav gentiles too. A vast, sustained effort directed from both Rome and Constantinople was in the end successful. Wulfilas, Boniface, Cyril and Methodius are simply the greatest of many in the European mission field in these centuries. (Incidentally, mention of St Boniface, who was by birth Winfrith of Crediton, should remind us of the great contribution of Anglo-Saxon England to this mission.) By 1189 only pockets of outright paganism were left in Europe.

The church had been active in consolidation too. In the now large territorial dioceses it had developed a parochial system and priesthood, for the cure of the newly-won souls. Its fatherly care was, however, a stern paternalism. The textbook image of an authoritarian, persecuting church is not untrue. It used authority to create a Christian society: governing men into goodness, not merely persuading them. It preserved the learning of the ancient world in the West, as everyone knows, but suppressed what it regarded as dangerous learning. Abelard, whom St Bernard considered “presumptuously prepared to give a reason for everything, even of those things which are above reason”, was silenced. When the “Physics” and the “Metaphysics” of Aristotle were recovered they were at first prohibited. It protected the parishioner as well as the scholar and, possessor, as it believed, of a divinely-revealed

truth, sure of its mission and sure of its message, it could only regard individual deviation, any individual claim (especially by the ordinary layman) to perceive truth as likely to be human error – dangerous alike to the individual and to the community. The penalty for heresy, tempered though it might be, was death. The responsibility for detecting and eradicating it was the bishop's in his diocese. Faced with mass heresy so that the diocesan machinery broke down, as in the Albigensian lands, the church declared a crusade; elsewhere it developed a central, papal inquisition to supplement the diocesan and, if interrogation failed, first allowed torture, then ordered it. This was not just unfortunate and unintended. The highest authority in the church was usually the slowest to act (indeed authority often lagged behind public opinion) but when it acted, it did so deliberately and on principle.<sup>1</sup>

We cannot understand, let alone do justice to such a church unless we appreciate the situation it had to deal with. The delayed, but when it came after three whole centuries, the swift and sweeping success of Christianity brought with it all the problems of position and of unprecedented numbers. The growth was in some ways too rapid. For the first time in its history Christianity now attracted time-servers. Its ranks were no longer purified by pagan persecution. Wealth came, and responsibility, and the thousand and one problems that come from sheer size and the consequent need of organisation. Its leaders were increasingly taken up with business, if they were not corrupted by it. Again, a distinction grew between clergy and laity when in the earliest ministry of the church an ordained Christian, with increased calls for his ministrations, found it increasingly difficult to follow a secular calling, had perforce to be paid for his ministry and, being paid, was in the end required to give up his secular livelihood. An ordained clergy had become also a professional clergy, visibly distinct from the laity. Finally, unprecedented numbers lowered the standards – especially after the wholesale conversion of barbarian peoples beyond the Roman frontiers.

This was the time of SS Anthony and Pachomius, of St Benedict of Nursia, of the monastic movement in Christianity. The spectacle of the secular church – the church in the world – was already too much for many Christians, particularly among the laity. Revulsion from what they considered an over-worldly church was for many one cause at least of their adopting the monastic life, and we know that, despite what happened later, the earliest Christian monasteries were communities of laymen.

The church entered the Middle Ages, therefore, with a twofold problem. On the one hand, some of the best of its laity were leaving it for the monastic life; on the other, an alarming and increasing proportion of the remainder professed Christianity, but for them conversion had not meant any deep change. This was especially true of the mass conversion of barbarians. The medieval church had to find room in its system for the monastic institution. It had also to tolerate for centuries – throughout and indeed beyond the Middle Ages – the barbarian and still half-pagan rites,

<sup>1</sup> At the height of the crisis, the Fourth Lateran Council restated its standard of orthodoxy, took the "momentous step" of making it obligatory on every Christian to show in confession to his parish priest at least once a year his fitness for church membership (A. Hamilton Thompson, *Cambridge Medieval History*, VI, pp. 690-1), strengthened the authority of the bishop for detecting heresy and commanded him to use it (No. 136 below, canons 1, 21, and 3).

superstitions and idolatries, of popular religion. As it presided over tribal marriage until it could make a sacrament of it, so it presided over the ordeals by fire, water, etc. of tribal justice until it felt able to denounce them as superstitious. "It is impossible to efface everything at once," Pope Gregory the Great had warned Augustine, his missionary-bishop in England. In this spirit pagan temples were continued as Christian shrines, heathen festivals turned into church-occasions, and men accustomed to sacrifice to devils allowed to "kill cattle to the praise of God". But medieval man walked in fear of much else besides the fear of the Lord. There were demons that could strike you by the wayside, the women that ride by night, spells, magic, the malevolent in many forms. There were the spirits of places, of trees, rivers and wells to be propitiated, fairies to be invoked, charms for one's crops or for sick cattle and sheep. The church tried in vain to prevent offerings and vows elsewhere than at church, and to stop mummings and dancings or recourse in time of trouble to charms and divinations. It was fighting a paganism that was not yet remote, and that was liable at any moment somewhere or other to get out of control. In this country King Canute in the eleventh century had forbidden in his laws every heathen practice: "it is heathen practice if one worships idols, namely if one worships heathen gods and the sun or the moon, fire or flood, walls or stones or any kind of forest trees, or if one practises witchcraft or encompasses death by any means, either by sacrifice or divination, or takes any part in such delusions".<sup>1</sup> Between 1161 and 1186, that is only a few years before the beginning of this volume, in the diocese of Exeter, Bartholomew, the bishop at that time, still found it necessary to condemn a long list of heathen practices.<sup>2</sup> A century later synodal statutes for the diocese of Winchester mention child-exposure "with or without salt"<sup>3</sup> - this is paralleled in France at the time and explained by the French Dominican, Etienne de Bourbon (d. c. 1261).<sup>4</sup> And under the year 1282, the Lanercost chronicler tells of the parish priest of Inverkeithing, named John, who in Easter week "revived the profane rites of Priapus, collecting young girls from the villages, and compelling them to dance in circles to Father Bacchus". We are told that "out of sheer wantonness, he led the dance . . . and singing and dancing himself like a mime, he viewed them all and stirred them to lust by filthy language" and that "those who held respectable matrimony in honour were scandalised by such a shameless performance, although they respected the parson because of the dignity of his rank". We learn, however, that later in the same year his parishioners turned upon him when he inflicted other indignities on them and he "fell the same night pierced by a knife".<sup>5</sup>

But the typical medieval parishioner was not only in many respects still half-pagan: he was also an illiterate peasant. This was, of course, a major difficulty in putting over Christ's teaching. Mass education is something very new in our civilisation. The church had to wrestle with the ignorance, not as today the sophistication, of the laity. It put its spiritual message over as best it could. We must not assume the sermon,

<sup>1</sup> *E.H.D.*, I, c. 500-1042, ed. D. Whitelock (1955), p. 420

<sup>2</sup> G. G. Coulton, *Life in the Middle Ages* (Cambridge, 1930), I, No. 14 (pp. 33-5)

<sup>3</sup> No. 145 below

<sup>4</sup> Coulton, *op. cit.* No. 54 (p. 93)

<sup>5</sup> *The Chronicle of Lanercost, 1272-1346*, trans. Sir Herbert Maxwell (Glasgow, 1913), pp. 29-30

which, when given, was normally in Latin to an appropriate audience and was as much above the capacity of the ordinary parish priest as it would have been above the heads of his congregation. He, for oral instruction, normally relied on his contacts with parishioners individually in the confessional, though the example and competition of the friars brought about a change. By the time this volume ends in 1327 he is to be found more often giving his parishioners a sermon, and giving it in English. For laity who could read, the church increasingly provided works of edification: vernacular renderings of the Lord's Prayer, paraphrases of the Creed, manuals for confession, tracts on the deadly sins, penitence, and so on. Innumerable friars devoted themselves to such work as well as to preaching. The greatest of the works for this purpose was the *Legends of the Saints* (the "Golden Legend") of a learned theologian whose learned theology is forgotten, but not this, the Dominican archbishop of Genoa, James de Voragine (d. c. 1298). From it and other sources a Nottingham Franciscan, Nicholas Bozon, was translating and versifying saints' lives at the end of the century. For those who could not read, such lives could be set to the church's music and sung to them. Similarly, there was the religious, semi-liturgical drama, of which a good example is the "Adam" play, scenes interspersed at intervals in the liturgy, telling the story of the Fall and the murder of Abel: all – clergy, choir, actors, stage Paradise with Forbidden Tree and serpent, Hell and its pandemonium – in the open air, at the church door and the open space in front of it where Adam and Eve cultivated ceremonial soil, Cain and Abel played their parts, and Hell's demons ran about among the onlookers, the church itself being off-stage for the occasion and serving as dressing room. Again, sculpture, such as the sequence of sixty Old Testament scenes in the chapter house at Salisbury, contributed. Paintings on the walls of Norman churches, and stained glass in the windows of Gothic, also served as "the bible of the illiterate".

There is no way of knowing precisely how much success the church had by these methods. We must not exaggerate "the Age of Faith": there is evidence of indifference too.<sup>1</sup> But many undoubtedly were receptive, showing that the ground was fertile. The simple gospel simply told offered the humble dignity, the oppressed, hope. It generated enthusiasm, sometimes embarrassing such as mob crusades, sometimes unwelcome such as that of the followers of Arnold of Brescia or those of Peter Waldo when they contrasted the existing church with the simplicity and poverty of early Christianity, sometimes plainly heretical, but always sincere. Even the heresy in many cases sprang from nothing more alien or sinister than a desire to live the Christ-like life more perfectly. A church today would be considered healthy which could arouse such fervour and at the same time find energy to reform and reorganise itself.

This the western church did in the eleventh, twelfth and thirteenth centuries. By the eleventh, a sufficiently influential minority in it had realised that it was more enmeshed in the affairs, the social order, the economic activities, and the legalities of the world than ever before. After the disintegration of the Roman empire of the west it had fallen under the control of the barbarian kingdoms, particularly the expanding

<sup>1</sup> cf. Powicke and Cheney, *Councils and Synods*, II, 1205–1313, p. 1,020, on non-attendance at church as one evidence of indifference.

Frankish kingdom. It is realistic, for example, to use the term "the Frankish church". Clovis and his successors appointed its bishops. Missions to the still pagan Germans beyond the Rhine worked under their patronage. In his capitularies Charlemagne legislated for it as well as for his lay subjects, and the pope at Rome was subject to him. Lay control had also established itself in monasticism and at the parochial level, not so much as an abuse as, by Germanic law, a recognised founder's proprietary right. To better thinking such lay appointment to ecclesiastical office, however decently disguised, was a cause of evil in the church, whether evil itself or not. There was once again a spontaneous reaction to the spectacle of a worldly church, once again most easily finding monastic expression – Cluny leading the way. As a monastic movement it persisted and grew into the great monastic revival of the late eleventh and the twelfth centuries. But it was not solely monastic. Ordinary clergy as well as monks worked for reform and after a reforming emperor had reformed Rome itself, after the choice of pope was lifted out of local politics, and especially after Cardinal Hildebrand, a man dedicated to the cause, became Gregory VII, they had the papacy behind them. From then on the Roman church asserted its responsibility to no one except God, its supremacy over other churches, and the authority of its head, the pope, as successor of Peter and then as vicar of Christ, over all other authorities ecclesiastical and lay.

There was little in this that was new as a statement of principle but, as a programme for action in the eleventh century, to lay powers and to most churchmen it was revolutionary. It meant often challenging instead of cooperating with lay rulers. It meant for churchmen a drive against simony and married clergy, centralisation under the bishop of Rome, less lay control but more ecclesiastical discipline.

Lay rulers, except in special cases or special circumstances,<sup>1</sup> would not in fact have papal overlordship: they were equally unwilling to admit that a pope had any right as pope even to arbitrate in temporal matters.<sup>2</sup> Backed by "evil prelates" (the adjective is Hildebrand's), they forced a compromise over the election and investiture of bishops and abbots. Lay appointment at lower levels was so widespread and so entrenched that it had to be approached circumspectly. Popes in the end put their main effort into ensuring proper cure of souls despite it. The clergy proved more amenable. They were stubborn over celibacy, and all too human when it was enforced,<sup>3</sup> but they were ready to accept a high view of their office. Bishops over and above their ordinary duties took on others as agents of the pope, the universal ordinary. The parish clergy, little as there was in other ways to distinguish most of them from their parishioners, accepted the view, even though it meant stricter ecclesiastical control, that the fact of being in orders set them apart. The church claimed a special position and privileges for them as clerks and added to their powers as priests.<sup>4</sup> Gregory VII's successors had not abandoned reform. In waiting until they had a firmer foundation for it in the church itself – a papal authority grounded in law and practice as well as tradition – they had made it possible.

<sup>1</sup> e.g. No. 17 below

<sup>2</sup> e.g. No. 87 below

<sup>3</sup> C. R. Cheney, *From Becket to Langton*, pp. 14-15, 126-7 and 137-8 and, below, Nos 136 (ca. 114) and 145. For clergy in the Canterbury diocese in 1292-4, No. 146.

<sup>4</sup> On this, Cheney, *op. cit.* pp. 104-5 and 156-7.

The achievement of the twelfth century is evident in the Canons of the Fourth Lateran Council of 1215 (No. 136), though reform did not wait for them. It is Cheney's conclusion in *From Becket to Langton* that "English church government was transformed between 1170 and 1213", that "the law of the decretals was being applied in England in the last decade of the twelfth century much as it was applied after 1215", that the Fourth Lateran Council "made no break and caused no change of direction".<sup>1</sup> It does not diminish Innocent III to say this: seen in line, he still towers. Nor are the Canons of the council a less valuable source because they did not initiate the policy they represent, for there is no better formulation of it. They open with a restatement of the Faith, as a standard for true believers, but quite clearly also for the better recognition of heresy and action against it. They continue, after an affirmation of the primacy of the Roman over other patriarchates and churches, with a thoroughgoing survey of that Roman church, its clergy, its organisation and its working, highlighting shortcomings and decreeing remedies. They conclude by fixing a date in 1217 for the talked-of crusade, with equally decisive instructions for mounting it, but their main concern is church reform.

Innocent III's church had the vitality to reform itself and, as we have seen from the English evidence, had in fact already begun to do so. It now, these canons show, had confidence too, and in Innocent it had a man who combined with the qualities which made him pope those which in other circumstances could have made him a great king, and who was a born leader. That he was also by nature an authoritarian, raised at an exceptionally early age to authority in a church which had itself lately become more authoritarian,<sup>2</sup> argued little difference between him and council on policy, and we should expect none.

It is not surprising that the church should have become more authoritarian. Magnificently as it had met most of the demands made upon it in the new conditions of the century just past, in religion itself it had – perhaps because it did not understand it – failed to satisfy the mass enthusiasm as it had satisfied the monastic urge, which it did understand. One reason for this failure, perhaps the basic one, was its lack of confidence as custodian of the truths of a revealed religion in spontaneity in its illiterate and in any case half-pagan laity – an ecclesiastical prejudice which Pope Innocent III shared. In 1201, even in recognising the Humiliati, a Lombard fraternity of devout lay men and women, he had laid it down that in their meetings brethren of approved faith and knowledge of religion licensed by the bishop of their diocese might "set forth words of exhortation to those assembled . . . admonishing them to live good lives and do works of piety: but so that they do not speak of the articles of the Faith and the sacraments of the Church."<sup>3</sup> A second reason was that mass enthusiasm had led to mass heresy, amounting in some dioceses to a loss of control. This was particularly the case in Albigensian areas in southern France, where every conventional method had failed and in the end a crusade – no less – had been declared. It did nothing to diminish alarm that the Albigensian problem, though serious, was a

<sup>1</sup> *ibid.*, p. 176

<sup>2</sup> On the evidence as regards heresy, *Cambridge Medieval History*, VI, pp. 715–16. But the Canons of the Fourth Lateran Council as a whole veritably breathe authority.

<sup>3</sup> cited in Father Cuthbert, *Life of St Francis of Assisi* (1927), p. 335

special case; that much heresy, even there, was misguided, Christian in origin, avoidable given understanding; that much of this stirring manifesting itself in so many forms and in so many districts, excessive and ill-regulated though it might be, was not actually heretical. Besides heresy there was a strong anti-clerical feeling about, even among the faithful: the feeling which the emperor Frederick II would think still worth appealing to in 1227 when in a manifesto he reminded the lay world that "the primitive church was founded in poverty and simplicity".<sup>1</sup> Here was reason for less trust than ever in the laity.

Innocent was not the man to shirk the use of authority: he was prepared to be the mainspring of it indeed (as the Canons of the Lateran Council obviously expect). But the true measure of his greatness is that he also had use for the methods of the priest Dominic and even for those of the layman Francis, so like those of other gossplizers – sharing as he did the belief of the one in the power of the Word itself over men's souls and recognising when he met it in the other the power also of simple faith. He took over the church at the end of the twelfth century and in eighteen years made it ready for the thirteenth. Not underrating past failures and setbacks, planning for the future. We have his "grand design" in the canons of his council: a church reformed, for its critics to be silenced, for its teaching to be credible, its authority unquestionable; heresy eradicated – in addition to the present emergency action locally, a policy for the future for the church generally, for taking action early enough at diocesan level, in the ordinary course, to prevent it from ever again being a danger;<sup>2</sup> a church inflexible of purpose but not set in its ways.

This last point illustrates a neglected aspect of medieval thought, which we are too ready to think of as static but which did in fact allow for change. Passage of time may, for instance, make a law no longer appropriate.<sup>3</sup> There is emergency power in government, for necessity knows no law.<sup>4</sup> Generally, "in a world of change there can be nothing that is altogether and immutably stable"<sup>5</sup> and "it should not be judged reprehensible if men's decrees are varied at some time or other in accordance with changing circumstances".<sup>6</sup> This, of course, need not involve expediency as the word is normally used today. There is not, and was not in medieval thinking, necessarily any compromise with principle or sacrifice of purpose.<sup>7</sup> It need be no more than a readiness to "move with the times": as shown by the council by its refusal in 1215 to continue to countenance ordeals<sup>8</sup> and by Innocent himself in choosing to fight heresy,

<sup>1</sup> See R. G. D. Laffan, *Select Documents of European History 800-1492* (1930), p. 123

<sup>2</sup> This, it will be seen, involved (No. 136, canons 1 and 3) a restatement in the light of current heresies (as the emphasis shows) of the orthodox belief, and an official statement of policy for the future, this requiring not only full cooperation from lay authorities but also a strengthening of existing diocesan procedures.

<sup>3</sup> Augustine: "Temporal law, however just it be, can be justly changed with the passage of time", quoted by Aquinas, who takes up the whole question of law and change (*Summa Theol.*, 122æ, Qu. 97, extracts from which are given below, No. 231).

<sup>4</sup> On this generally, the present writer in *E.H.R.*, lx (1945), pp. 18-23, for the theory; for its practical importance in England and France in 1297, the rest of the article. cf. Aquinas extracts, No. 231 below.

<sup>5</sup> Aquinas, *Summa Theol.* 122æ, Qu. 97 (art. 1)

<sup>6</sup> From the opening sentence of the canons (50-2) of the 1215 council, dealing with marriage. For the full sentence see No. 136 below.

<sup>7</sup> On medieval thinking on this matter there is a valuable article by Ewart Lewis, "Natural law and expediency in medieval political theory", *Ethics*, l, No. 2 (January 1940), pp. 144-63.

<sup>8</sup> No. 136 (canon 18) below; cf. No. 25 also.

harness the enthusiasm his predecessors had let run wild, disarm anti-clericalism and overcome indifference or worse by new methods as well as the church's traditional ways. With him, in supplementing authority by a missionary effort, supplementing the establishment by recruiting auxiliaries, and giving the church hope through them of reaching out to those whom the parochial system was failing to reach, there was no change of purpose, simply greater flexibility in the choice of means.

It is remarkable because of its significance, though it should not surprise us, that the canons show little change in the church's general attitude towards the laity, even its dutiful laity. Canon 1, with its revised statement (there are accretions in the penultimate paragraph) of the belief required for church membership and eternal salvation, and canon 21, with a new compulsory annual test of fitness for membership, may have had chiefly heresy and laxity in mind. But there is nothing elsewhere which shows confidence in even the zealous layman. He had little or no place in church government, none if he was an ordinary layman.<sup>1</sup> Active participation by him in the worship and ministry of his parish had been reduced in the course of the twelfth century – English evidence of this is given by Professor Cheney, who comments, "It is not always realised what a revolution this constituted."<sup>2</sup> There is nothing in the canons of 1215 to reverse this: instead, the greater authority of the parish priest is confirmed.<sup>3</sup> The picture changes again in the fourteenth century<sup>4</sup> and it would be interesting to explore the reasons for this. But for the greater part of the period covered by this volume the layman's role is little more than passive. Layfolk were, essentially, sheep to be shepherded.

At the same time, the church's attitude was benevolent. It cared for them. It stood for social justice for them, as then understood. It had a place for them in the church, if they believed what it taught them to believe and if they submitted to its discipline. They too would be of the universal church of the faithful: "Not only virgins and the continent, but married people too, find favour with God by right faith and good works and deserve to attain to eternal blessedness."<sup>5</sup> And it could be indulgent. Its discipline allowed for human frailty.

The history of the development of the practice of public confession and penance in the early church into the sacrament of penance, and especially into its culmination in 1215 as compulsory private confession to a priest and imposition of the penance by him,<sup>6</sup> could be used as an illustration of the direction the church was taking generally. But its only relevance here is that penances both came to be graded in severity according to the gravity of the sin and quite early in their history could, because of their severity, be partially remitted in deserving cases, the rest of the penance being commuted for some act of piety, such as alms instead of fasting or, in the case of mortal sin and a wealthy penitent, perhaps the founding of a monastery.<sup>7</sup> Such commutation is, of course, the perfectly respectable origin of the indulgence, later so dubious and as Luther showed challengeable. It took on the character of commutation in reverse if,

<sup>1</sup> Cheney, *From Becket to Langton*, pp. 155–60

<sup>2</sup> *ibid.*, pp. 156–7

<sup>3</sup> No. 136 below, canons 1 and 21

<sup>4</sup> Professor Cheney draws attention to this, *op. cit.* p. 160.

<sup>5</sup> No. 136 below, canon 1

<sup>6</sup> *ibid.*, canon 21. For this whole development, *Cambridge Medieval History*, VI, pp. 686–94.

<sup>7</sup> *C.M.H.*, VI, p. 693

for example, gifts for pious purposes were raised from the faithful by promising them remission for a stated time of the penances enjoined upon them by their priest.<sup>1</sup> Plenary indulgence, full remission, first promised so far as we know<sup>2</sup> in 1095 by Pope Urban II to crusaders, was also, strictly speaking, remission of penance but in practice (and practice preceded theory) not so clearly understood and not, even in official statements, so clearly defined. The concluding canon of the Lateran Council of 1215, announcing the benefit of plenary indulgence for the forthcoming crusade, speaks of "full pardon for their sins".<sup>3</sup> Thirteenth-century theologians (the age was not unaware of the danger in unregulated practice<sup>4</sup>) found a rationale for indulgences in a "treasury of merits" theory and this was officially adopted by the church in 1343. We do not need to trace the further development of indulgence practice.<sup>5</sup> The theory is enough. Essentially, it was that Christ gave his whole life, whereas one drop of his blood would have sufficed for the redemption of the human race, and many saints too contributed a superfluity of merit. This "treasury" of merits, so built up, administered in the first instance by the pope as head of the church but a partial power of administering might be conveyed by him to others, could be drawn on to make up the shortcomings of those who could not themselves furnish the full satisfaction required of them. Such was the theory. It appeared after, long after, the practice. Whether or not it was framed according to the practice<sup>6</sup> is not our concern, any more than whether or not it was, as Catholics before Luther claimed,<sup>7</sup> unbiblical. It is a striking enough demonstration of the medieval church's readiness to take medieval man as he was. "It is impossible to efface everything at once," Pope Gregory the Great had advised Augustine of Canterbury, his missionary-bishop in England.<sup>8</sup>

It cared for his material condition too and stood, we have said, for social justice for him, as then understood. This more sophisticated way of saying that it was faithful to Christ's teaching to succour those in distress will be seen to be entirely appropriate. It has also, for the historian, two immediate advantages. On the one hand it is a reminder of the immense change in Christianity in the twelve centuries after Christ, of its changed position in society and of the changes in society itself during that time. On the other hand, it links up with later developments. The history of the treatment of the poor in this country is, academically, a strand of Modern History. We distinguish the Later Poor Law from the Early Poor Law, and begin the early for all practical purposes with the legislation of the Tudors. Before that, except perhaps for a

<sup>1</sup> *C.M.H.*, VI, p. 694. cf. No. 135 below, a grant by the bishop of London of an indulgence of this partial sort in 1308.

<sup>2</sup> *C.M.H.*, VI, p. 694; the "record", however, is not official, still less an official text. Urban's sermon is known only from contemporary chroniclers.

<sup>3</sup> No. 136 below, canon 71. The Latin *peccatum* (sin) was itself ambiguous. It could also mean the penalty for sin (Harnack, *History of Dogma*, VI (New York, 1907), p. 260, n. 1).

<sup>4</sup> No. 136 below, canons 60 and 62; cf. *C.M.H.*, VI, pp. 695-6.

<sup>5</sup> for which, B. J. Kidd, *Documents of the Continental Reformation* (Oxford, 1911)

<sup>6</sup> Harnack, *op. cit.* VI, p. 260

<sup>7</sup> *ibid.*, pp. 267-8

<sup>8</sup> A good deal of English evidence for the church's attitude towards its laity will be found by a careful reading of the texts given in Part IV (D) below, particularly in Nos 145-53. Attention should be drawn also to two articles by Rosalind Hill on public penance and excommunication respectively - for references see the Select Bibliography to Part IV below; and to another item in that bibliography, C. Drew, *Early Parochial Organisation in England . . . the Office of Churchwarden*. This deals with one aspect of the fourteenth-century revival of activity by parishioners (see above p. 21 and n. 4), but, concerned as it is with origins, is centred on the thirteenth-century evidence.

reference to the Black Death, the familiar quotation from More's *Utopia* about "husbandmen" being "thrust out of their own" by enclosures for sheep-farming, and the relief given by monasteries before the Dissolution, it is, or has been until recently, *terra incognita*. We propose to work backwards, from the known to the unknown.

The books stress the modernity of Sir Thomas More. I believe the medievalism of his outlook has been underestimated. As to *Utopia*, the "Utopian" book, Book II, was in fact written before Book I, and it describes a pagan state organised on communist lines and governed by reason. But its author was more than a student of Plato's *Republic*. Book I was obviously written as a preface (not the only preface to be written last) to make his meaning explicit. When he wrote it he was a leading English common lawyer and a future lord chancellor and his message was that "to find citizens ruled by good and wholesome laws, that is an exceeding rare and hard thing" and in England the criminal law, for theft for instance, was at once irrational ("unreasonable") and unjust ("passeth the limits of justice"), "For great and horrible punishments be appointed for thieves, whereas much rather provision should have been made that there were some means whereby they might get their living, so that no man should be driven to this extreme necessity, first to steal, and then to die."

The severity of the laws which More calls unjust is not in doubt. Their brutality by present-day standards, not for theft or any other offence, but merely for being a "rogue, vagabond, or sturdy beggar", is sufficiently illustrated by 39 Eliz. I, c. 4 of 1598, a companion Act of the Poor Relief Act of that year and milder than some of the century:

. . . every person which is by this present Act declared to be a rogue, vagabond or sturdy beggar . . . taken begging, vagrant, wandering, or misordering themselves . . . shall . . . be stripped naked from the middle upwards and shall be openly whipped until his or her body be bloody, and shall be forthwith sent . . . the next straight way to the parish where he was born. . . .

Tudor legislation on the problem of the poor, with some later changes, "determined the main features of national policy in relation to the poor until the reforms which followed the Poor Law Commission of 1834".<sup>1</sup>

It is one of the "common errors in history" still to see new policies in these Tudor laws. The error has been aggravated by attributing them for too long to a particular cause – the dissolution of the monasteries and the consequent failure of monastic relief for the poor. Even J. R. Tanner, while rejecting the dissolution as anything more than a contributory factor, stresses the novelty of Tudor policies time and time again.<sup>2</sup>

Now of course it is not true that only monasteries looked after the needy in the Middle Ages. It is easily shown that medieval society itself felt concern for and accepted a responsibility for its poor. There was a medieval poor law and, in fact, it was not to the monasteries that the poor would look for relief in the first instance. Recent work in this country and America makes it clear that just as the sixteenth century

<sup>1</sup> J. R. Tanner, *Tudor Constitutional Documents* (Cambridge, 1922), p. 472. G. R. Elton's chapter on local government omits Tanner's pages 469–95 (*Tudor Constitution* (Cambridge, 1962), p. 455, n. 1).

<sup>2</sup> Tanner, *op. cit.* pp. 469–73

inherited the problem from the Middle Ages for the most part, so (for the most part) it persisted in medieval attitudes to poverty. The true novelty of Tudor legislation, our Early Poor Law, is that, in a situation in which the older agencies for relief were no longer adequate, the state, of its own secular authority, took over the responsibility. But what it took over was a medieval system of poor relief that had gone wrong. Tudor government can be charged with building on it without putting it right.

What then was the medieval system, before it "went wrong"? The first element was the family. Under the Christian obligation of charity, incumbent on all men, a man's first obligation was to his family – charity literally began at home. This was retained by the state as a legal obligation on parents or children able to do so to "relieve and maintain" "at their own charges".<sup>1</sup> A second element was organised charity: urban craft guilds or religious fraternities in the countryside who helped their members. Manorial custom, too, could provide for the poor. This was found on a group of Cambridgeshire manors and has since been found on Ramsey Abbey estates,<sup>2</sup> though it is too early to say how generally this was the practice. On the Cambridgeshire manors a tenant too old or infirm to perform his services and without family to do them for him had his holding given to another villein and he was allowed a cottage and garden (worked by the other) and the produce of six acres or so of the holding to live on. If he died, leaving a widow and children, his widow was allowed to hold without payment of heriot and hold until death or remarriage, when (by the local custom in this case) the youngest son succeeded. Above all, there was the church's provision for the poor, the only one that can properly be called systematic.

The provision, in one form or another, was as old as the church itself, older than the medieval organisation of the church, older than medieval society, and recent American scholarship has shown how busy theologians and canonists were in the late twelfth and thirteenth centuries working out a properly-grounded yet up-to-date theory of Christian charity. This, it seems, is how they went about it.<sup>3</sup> Gratian's *Decretum* (c. 1140), a concordance of earlier church law, opens with "The human race is ruled by two [principles], namely by natural law and by customs". Natural law he defines as something that is "common to all nations, so that it is held everywhere by instinct of nature, not by any legal enactment – as, for instance, the coming together of men and women, the succession and rearing of children, the common possession of all things [etc.]" Private property he finds room for by his distinction, already quoted, between the two [principles] that rule the human race. "Natural law differs from customs and enactments, for by natural law all things are common to all men. . . . By the laws of custom and legal enactment, this belongs to me, that to another." Commentators on the *Decretum* found a way of reconciling the natural instinct towards common possession with private property by glossing the word "common" –

<sup>1</sup> In the words of 39 Eliz. I, c. 3 (Tanner, op. cit. p. 491).

<sup>2</sup> F. M. Page, "The customary poor law of three Cambridgeshire manors", *Cambridge Historical Journal*, iii, No. 2 (1930), pp. 125–33; J. A. Raftis, *The Estates of Ramsey Abbey* (Toronto, 1957); *Tenure and Mobility*, (Toronto, 1964); and "Social Structures in five East Midland villages", *Econ. Hist. Rev.*, 2nd ser., xviii (1965) pp. 83–100

<sup>3</sup> This and the two following paragraphs are based on Brian Tierney's exposition of the subject in *Medieval Poor Law: a sketch of canonical theory and its application in England* (University of California Press, Berkeley and Los Angeles, 1959).

“according to this law of nature all things are called common, that is they are to be shared in time of necessity”. This sets limits to property rights by attaching to the possession of property an obligation of charity. It does not deny the right to private property, or the rightness of it; what it does deny is the right of a man in all circumstances to say “I can do what I like with my own”, to keep in all circumstances more than suffices for his own needs. There was no obligation on a man to “deprive himself of his own necessities in order to help another in need. He could even retain superfluities, provided others were not in want. But in time of necessity any superfluous wealth of an individual was to be regarded as common property to be shared with those in need.”

What constituted a superfluity of wealth and when almsgiving was a duty and when a voluntary (and therefore a meritorious) act interested these theologians and canonists very much. It became accepted doctrine that to give superfluities was an obligation and, “as the beggar received only what was properly his own”, an act of justice, but to give of one’s necessities was an act of mercy and of merit. But, medieval society not being democratic, a man’s necessities were what his station required: his superfluous wealth was what was beyond that. This it was his duty to share with the poor. By the same token a poor man had a right to a share and in extreme need it was not theft if he took it. We are reminded of Jean Valjean in Victor Hugo’s *Les Misérables*.

Such was the general theory of charity worked out by theologians and canonists, applicable to all property and to all owners. Church property, however, was not a simple case. Exemption was out of the question and was not sought. But after twelve centuries, with the endowment of churches, monasteries and hospitals, the accumulated pieties of the faithful, offerings and fees, and income from tithes, the church had enormous wealth. Moreover, the simplicity of the early church, when the bishop administered the revenues of his diocese and the responsibility for dispensing its charity was his, was no longer possible. He no longer received most of the wealth which accrued to the church in his diocese. For a variety of reasons, legal and feudal as well as the size of his responsibility in the large territorial diocese of medieval centuries, not only had he delegated many matters: there were others where his authority (as over religious houses) was supervisory rather than immediate, and others again where it had to be shared with lay interests. His *familia* had become an elaborate diocesan administration; cure of souls had devolved upon a parochial system and a parochial priesthood. Of ecclesiastical property in his diocese little was now vested in him and over its administration therefore, provided there was no scandal, he had little control. As Gratian’s sources were too early even to be aware of this change, and as, in any case, the church was always reluctant to admit ownership of church property by the bishop or priest who administered it (hence the fictions of giving to God or the patron saint of a church or monastery), it was now difficult to pin down the responsibility for the church’s charity. Canonists, with the help of a pronouncement by Pope Innocent IV, found a way of recognising the facts while preserving the principle:

No prelate, but Christ, has possession and domination of the things of the church . . . that is to say the community of the faithful which is the body of Christ, the head. They are said to

belong to the poor as to sustenance [that is the poor were to be supported from them]. For the common welfare they are divided among the churches of divers places by authority of the supreme pontiff, and administration of them is conceded to bishops and other prelates.

So far so good. It did not solve every problem – how, for instance, to reconcile communal ownership with the idea of a beneficed clergy. But a practical solution was more important than a watertight theory and the theory did preserve the right of the poor. It also squared with the general theory. A cleric had a right to the necessities his status required. The right of the poor was to be relieved out of the superfluities of the benefice. Monastic wealth, of course, continued to be liable, and with the amount of wealth by now vested in parochial benefices it would have been unrealistic not to include them. As to theory, the only other thing that needs to be said is that the total charges on a benefice could vary so much between one benefice and another (even if the revenues were the same and even if, for instance, no provision had to be made for the endowment of a vicarage for a non-resident rector) that, wisely, there was no longer any attempt to require a specific proportion of the revenue to be given to the poor, and as local, e.g. English, evidence shows there could be great variation in practice.<sup>1</sup>

As to practice, it is likely, but we do not know, that the parochial form of ecclesiastical charity was the main form. Yet, because it was closest to the needy and knew best their need, it is likely to have been the most efficient. It is certainly the medieval church's only systematic provision for the relief of want; and, as far as we yet know, it was the only systematic provision in existence in medieval society. The medieval poor law, it would seem, was the law of the ecclesiastical state.

Evidence of its application by the church in England has been assembled by Mr Tierney<sup>2</sup> and can be followed up in Powicke and Cheney, *Councils and Synods*.<sup>3</sup> Its parochial basis is implicit in a mandate of Pope Alexander IV in 1261 on the dislocations of parish life caused by the appropriation of benefices to episcopal, capitular, and especially monastic uses:

Mandate to the bishops of Worcester, Lincoln, Salisbury, Coventry, and Llandaff, on the reported cupidity of religious in getting churches appropriated to them, to the extinction in such churches of divine worship, the loss of episcopal rights, and the closing of the doors of promotion against poor and proficient clerks; the religious in some cases boasting that they have bought such churches. The pope, having received information from the above bishops . . . has ordered that examination should be made into the motive for such appropriations, whether they have been made under the pretext of poverty, and also what benefices have been annexed to episcopal and secular chapter uses, and whether vicarages with sufficient stipends have been instituted, and how many are served by monks themselves; plurality also is to be restrained, and the proportion of proceeds of the churches distant four or five miles from the monasteries to which they are appropriated is to be regulated, an eighth or tenth part being set aside for poor parishioners. The above bishops are to apply fitting remedies. . . .<sup>4</sup>

<sup>1</sup> See Tierney, *op. cit.* p. 78, and the evidence in ch. V.

<sup>2</sup> *ibid.* ch. V.

<sup>3</sup> See Select Bibliography to Part IV below, s.v. "Councils and Synods . . .".

<sup>4</sup> *Cal. Papal Registers: Papal Letters I*, ed. W. H. Bliss, p. 375

Such special problems apart, it is Mr Tierney's conclusion that the "ecclesiastical poor law worked tolerably well in thirteenth-century England".<sup>1</sup>

And yet, the following extract from a coroner's inquest in a thirteenth-century eyre roll creates doubt in one's mind:

Richard of Rye that was ten years old begged for his livelihood through the countryside. He died from weakness and exhaustion, and the jury brought it in Misadventure.<sup>2</sup>

Perhaps it worked with no more anomalies than modern social institutions work, or no more than human institutions at any time.

If so, why did it no longer suffice in the sixteenth century? To answer this we must consider the causes of poverty. "There was no mass unemployment in the high Middle Ages such as we have seen in modern times."<sup>3</sup> The problem in the thirteenth century was distress arising from old age, sickness, death, the ordinary fluctuations of harvest etc. By the fifteenth century, because of the dislocation of, especially, rural society due to processes of economic change as well as calamity and evidenced in the decay of the manorial system, deserted villages, enclosures and the like as well as plagues, the problem of poverty and its relief contained the question, "Can a man who could work be numbered among the poor?" It was a problem of able-bodied and vagrant (because dislocated) poor. There was not a collapse of the medieval system of poor relief, or the secular state could not have taken over the working of it in the sixteenth century. What happened in the fourteenth and fifteenth centuries was that the state stepped in to add its authority. The failure of ecclesiastical authority in these centuries was its failure to do again what it had done so successfully in the thirteenth, rethink its theory of charity – in this case, face the intellectual problem presented by able-bodied poverty. Tudor governments took over the machinery, but did not rethink either.

#### (iv) GOVERNMENT

The period 1189 to 1327 is best known for its constitutional history, but it could be said that it was the fourteenth century, not the thirteenth, that was decisive for our constitutional development and that the real achievement of 1189–1327 was administrative and legal, monarchy but not limited monarchy, the common law not the constitution.

The truth in this will be seen if we let ourselves forget the words "constitution" and "crisis" for a moment and ask ourselves what, from the evidence there is, were the preoccupations of government in the long intervals between 1215, 1258–65, and 1297.

In the first place, it must be said, with being a king; which could mean also restoring authority after civil war, as in the case of Henry II, the regency for Henry III, and Edward I at the outset of their reigns, but at all times meant upholding the laws and customs of the realm (and if necessary making new law) to ensure justice and good

<sup>1</sup> Tierney, *op cit.* p. 109

<sup>2</sup> W. C. Bolland, *The Year Books* (Cambridge, 1921), p. 75

<sup>3</sup> Tierney, *op. cit.* p. 58

government for all men.<sup>1</sup> Feudal monarchy, as we are accustomed to describing monarchy in the middle centuries of the Middle Ages, is best seen (it could almost be defined) as an older monarchical principle of government surviving in a feudalised society. It meant in theory as well as practice very much less than autocracy. The "law of the land" and the "good customs" which it was such a king's function to uphold (and adapt if need be) were some of them older than kingship itself and certainly most of them were not of royal making. Maitland has described the rivals to the king's authority at the beginning of the twelfth century in justice alone, how limited his direct authority was, how long it was to be – even with the idea of the *king's* peace – before "every, [even] the slightest, wrongful application of physical force" was brought "within the cognisance of the royal court".<sup>2</sup> It is also true that in government generally at the beginning of the twelfth century the king was a remote figure whose authority was only occasionally felt directly by most men, and that even in 1327 church, township and manor were still the realities for most of them for most of their life for most of the year.<sup>3</sup> Nonetheless, feudal monarchy in England, thanks first to the Conqueror, then to Henry II, then to adjustment to the loss of Normandy, was stronger than many. At his death in 1189 Henry left a monarchy which stood the test of time and change – even violent change: on top of Richard I's neglect, a minority, wars, two civil wars, and deposition by 1327. It is presupposed in Magna Carta itself. It was not shaken by *feudal* rising in the minority of Henry III as that of France was in the minority of St Louis. It was not as undeveloped as that in Germany of the emperor Frederick II who as he moved about doing justice could only be in one place at once; did so by Swabian law if he was in Swabia, by Saxon if in Saxony, and so on, there being no common law; and kept no record of cases decided, so that a common law could not grow, before a timid decision of a diet at Mainz in 1235 for a judge to be appointed to act in his stead, and a notary to be appointed to make a record to serve as a precedent in like cases. We are inevitably reminded of the justices acting in the king's name, their eyres and their records, already at work in England. Governmentally, fortune and misfortunes had made England an advanced country, not a Sicily, but one of the more centralised states. That said, it should not be necessary to say that it was, of course, still a medieval state equipped for administration with nothing specifically royal, simply the personal household organisation that any of the king's subjects with estates great enough might have,<sup>4</sup> and like all other governments of the day still handicapped, as Charlemagne in his empire five centuries before had been, by poor communications. Space here simply would not allow any detailed account of how much remained to be done – and was done – by 1327 (still less of how it was done) to enthrone the monarchical principle at the expense of the feudal, to draw the older communal institutions of shire and hundred into a centralised royal system, and to

<sup>1</sup> A comparison of the proem to Justinian's Institutes, the prologues to "Glanvill" on the laws and customs of the realm of England and "Fleta", and of these with a careful reading of the material (crisis documents or not, in this case) given below in Part II and Nos 231-5 in Part VI will show that this is more than literary commonplace; that it is the commonplace of government and politics too, and not less significant because it is common to the king and his opponents alike.

<sup>2</sup> Lecture II of his, on the forms of action at common law (*Equity and the Forms of Action* (Cambridge, 1920)).

<sup>3</sup> This point is enlarged upon in the Introduction to Part III below.

<sup>4</sup> For this, see the Introduction to Part III below.

subordinate local custom to common law.<sup>1</sup> An index to the magnitude of it (there is no reason to suppose that the case is exceptional) may be the instance of the hundred of Amounderness in Lancashire where, we learn from a complaint in 1334, the hundred bailiff's work, most of it due to the increase in the volume of royal business, had increased fourfold in a century: "Under Henry III, Alan of Singleton," Miss Cam tells us, "was hereditary bailiff . . . and he did all the work himself, and at his own expense, and so did his son after him, but his grandson found the work grown so much that he appointed a whole-time subordinate to do the work for him, and the process went on till in 1334, Alan's great-great-great-grandson had let the office to a man who employed five others to help him in doing the work . . . In spite of their complaints, the men of Amounderness admitted that at least four were necessary."<sup>2</sup>

A second preoccupation of thirteenth-century government was with good government. We remarked earlier that Magna Carta presupposes monarchy, meaning that its begetters, in their meticulously detailed and undoctinaire way of saying so by reciting grievances instead of principles, required the king to act within the law, as they themselves undertook to act within it<sup>3</sup> towards their men; and this, in the same meticulously detailed and undoctinaire form, the king agreed to for himself and his heirs. Kingship, the institution, is not for them the issue. Their concern is that the king should govern rightly.

There is plenty of evidence that so it remained, whatever means they and their children might be driven to.<sup>4</sup> There is, however, at least as much evidence of royal concern for good government. A king would see it rather as a matter of administration and naturally be less critical than his subjects of royal policies. But he stood to gain from good administration and to lose by bad, and the problem in medieval conditions of controlling from a distance the conduct of local officials, which was not new when Henry II made a clean sweep of his sheriffs in 1170, could never be far from the minds of his successors. The promptings of self-interest would only be reinforced by the evidence of public discontent on the same subject. Miss Cam observed the change in the instructions given to the justices in eyre after 1215.<sup>5</sup> A mixture of motives no doubt, kingly duty, self-interest and political prudence in

<sup>1</sup> There is ample illustration, of course, in Parts II and III below, and much contemporary comment in Part I.

<sup>2</sup> H. M. Cam, *The Hundred and the Hundred Rolls* (1930), pp. 6-7. Indirectly a similar effect seemed to have been caused in London, where at least three-quarters of the civic officials in the early fourteenth century "simply did not exist in the reign of Henry III", we are told by G. A. Williams (*Medieval London* (1963), p. 89), who continues, "The demands of the monarchy governed London's life . . . and for much of the thirteenth century civic 'financial' policy must have been almost entirely a matter of fiscal relations with the Crown."

<sup>3</sup> Below, No. 19 (article 48) and No. 20 (c. 60). *Mutatis mutandis* there is no difference between the barons' Articles and the royal grant, the Charter itself, on this.

<sup>4</sup> The petition put forward at the Oxford parliament in 1258 (*Annales Monastici*, ed. Luard, I, pp. 438-43; more conveniently in Stubbs, *Sel. Charters*, ed. H. W. C. Davis, pp. 373-8), described by the Burton annalist (*Ann. Monast.*, I, p. 438), who gives them, as "articles that need correction in the kingdom" (No. 5 below, p. 154). Articles 16-20 and 22-3 are notable. Then the opening provision of the "Provisions of Oxford" (No. 37 below); No. 39 below, the editorial note as well as the text; No. 40 below, the Provisions of Westminster, 1259. This is a closely-knit group for no more than the first two years of the next big crisis after 1215-25. Relevant texts for subsequent crises will be easily recognisable in the list of contents to this volume apart from the incidental information to be found at other times.

<sup>5</sup> *The Hundred and the Hundred Rolls*, p. 23, but the whole chapter should be read, indeed the whole book as a counterpoise to all the work done on central administration. Chapter I of the same author's *Studies in*

whatever proportions, explains it; but there is equally no doubt about the large measure of common ground between a king and his subjects on the question of official misconduct or, from the evidence of action in this volume alone, about royal concern over the problem. Edward I showed it within ten weeks of his return to this country in 1274,<sup>1</sup> within less in 1289,<sup>2</sup> less still in 1298<sup>3</sup> after his return from Flanders. Only when his prerogative is touched, his prises are involved, or officials of his curia (even "hors de leur place") are impugned, is there between him and his subjects head-on collision.

Good government, however, was more than either the king's own conduct or that of his officials. It was also a matter of keeping the peace between subjects themselves – or at least due process of law between them. The maintenance of order was a constant preoccupation and one which presented special problems in this period.

In the first place there was the problem of the law itself. The Fourth Lateran Council in 1215 forbade clergy to take any part in future in trials by ordeal,<sup>4</sup> thus officially recognising long-held<sup>5</sup> doubts about these as the judgment of God on the innocence or guilt of the accused. The lay power had already shown its doubts. Henry II had banished from the realm for life those with a thoroughly bad reputation even if by ordeal they were innocent.<sup>6</sup> No. 25 below reflects, however, the difficulties created by the Lateran decree. The problem was to find a substitute for the ordeal. The solution evolved was trial by jury as well as indictment by a jury.<sup>7</sup> The Statute of Westminster I (1275)<sup>8</sup> declared it "the common law of the land" that known felons and those manifestly of bad repute should be tried by jury. Significantly, though, the nearest it went to insisting upon jury trial was to authorise pressure to be put on them to agree to it – *prison forte et dure* which became *peine forte et dure* and in the end torture.<sup>9</sup> Public opinion, with all its doubts about ordeals, was slow to say that a man must accept men's judgment rather than God's. Secondly there was the problem of procedure, the prior problem of bringing a criminal to justice. Henry II had found that the old procedure of private accusation ("appeal of felony") was insufficient. Men were reluctant to face the risks to themselves in this and criminals were going scot-free. He had introduced collective accusation as an alternative, presentment or indictment (the distinction is technical) by a jury of the neighbourhood; but this in its

---

the *Hundred Rolls* (Vinogradoff, *Oxford Studies in Social and Legal History*, VI (Oxford, 1921)) surveys the growth in the Articles of the General Eyre from 1194 to 1341. No. 15 below may be compared with No. 45 below.

<sup>1</sup> No. 45 below.

<sup>2</sup> Below, Nos 61 and 234, and chroniclers in Part I

<sup>3</sup> No. 80 below

<sup>4</sup> below, No. 136, c. 18; and on the ordeals, Plucknett, *Concise History of the Common Law* (1948), pp. 111-14

<sup>5</sup> Plucknett, *op. cit.*, pp. 114-16; and the same author's *Edward I and the Criminal Law* (Cambridge, 1960), pp. 68 ff.

<sup>6</sup> The Assizes of Clarendon and Northampton, Nos 24 and 25 in the preceding volume in this series, *E.H.D.*, II, 1042-1189, ed. Douglas and Greenaway; cf. Plucknett, *Concise History*, p. 110; *Edward I and the Criminal Law*, p. 68; for textual questions, H. G. Richardson and G. O. Sayles, *The Governance of Mediaeval England* (Edinburgh, 1963), Appendix IV.

<sup>7</sup> On this evolution, Plucknett, *Concise History*, pp. 116-25. The irrationality of the solution compared with inquisitorial procedures found on the continent and with procedures already used in England on the civil side is emphasised in *Edward I and the Criminal Law*, pp. 70-6.

<sup>8</sup> below, No. 47, c. 12

<sup>9</sup> No. 109 below and, for the sixteenth century, *Concise History*, p. 122

turn was failing and an enormous amount of crime was again going unpunished.<sup>1</sup> The classic case is the attack on two merchants of Brabant in the Pass of Alton, near Winchester, in or shortly before 1249 and the conspiracy of silence in the neighbourhood when an attempt was made to identify the wrongdoers.<sup>2</sup> The failure is admitted in the preamble to the Statute of Winchester (1285)<sup>3</sup> and attributed to juries which "had rather suffer felonies done to strangers to go unpunished than indict wrongdoers the greater part of whom are people of the same district, or at least, if the doers are of another district, their receivers are of the neighbourhood" and this is put down to two things, first they have no fear of breaking their oath as jurymen and secondly there has been no penalty for concealment. Along with a tightening-up<sup>4</sup> of existing machinery, hue and cry, watch and ward, the Assize of Arms, and regulations for making the highways safer, a penalty is therefore now provided. The practice in the case of a homicide, of making the hundred where it happened responsible if it could not produce the killer, was extended to robberies: after a robbery the hundred in which it was committed must either produce those responsible or be itself held responsible, and that within forty days. It did not work. Proof is the "trailbaston" enquiry twenty years later, the commissioners, the articles of the enquiry, and proceedings thereon at Derby relating to a single wapentake of Derbyshire, the Peak District, in 1306.<sup>5</sup> We learn that men, if indicted, have "slipped away" (*se subtraxerint*) – swelling, no doubt, the number of footpads in the Pass of Alton and elsewhere or forming the gangs of thugs (*trailbastons*, "clubmen") we now hear of – or, better still, have avoided indictment by frightening into silence the juries who should have indicted them or suborning the very constables or bailiffs responsible for enforcing the statute of Winchester.<sup>6</sup> Authority given on 16 June 1306<sup>7</sup> to prevent escape by arresting on suspicion, despite Westminster II, c. 13 (which had been ordained to prevent another evil),<sup>8</sup> cannot have had great effect. The overriding impression remains, of a terrorised countryside and a near-breakdown of law and order.

#### (v) THE POLITICS OF GOVERNMENT

The heading of this section probably requires elucidation. We have spoken of constitutional history as a branch of political history, and see no harm done to the political by the present emphasis on social history if this is understood not in any narrow or superficial sense, but as covering the whole activity of man in society. "Political history could then be taken for what it is: the history of the frictions generated in

<sup>1</sup> F. W. Maitland speaks of "an enormous mass of crime" going "absolutely unpunished in the days of King John" (*Pleas of the Crown for the county of Gloucester, A.D. 1221*, p. xxiii).

<sup>2</sup> cf. Pollock and Maitland, *History of English Law* (2nd edn, Cambridge, 1923), II, 655. The story is told vividly by Matthew Paris (*Chron. Majora*, v. 56–60; in a translation in J. A. Giles, *Matthew Paris's English History*, vol. 2 (1853), pp. 294–8). Official record in the unpublished record of the Hampshire eyre in 1249: P.R.O., J.I. 1/776 and K.B. 26/223.

<sup>3</sup> below, No. 59

<sup>4</sup> Through constables in each hundred and liberty, who are to supervise the working of these institutions and the statute and report defects to justices, who shall in turn report to the king and he will provide remedies.

<sup>5</sup> below, Nos 93 (a) and (b) and 133

<sup>6</sup> Articles 7–9 of No. 93(b) are particularly revealing.

<sup>7</sup> below, No. 95

<sup>8</sup> No. 57 below

a society.”<sup>1</sup> We have also said, of King John, that “when kings were allowed to rule as well as reign, the real test of kingship was political” and Magna Carta is proof that John failed it. Not that all his policies were unjustifiable, but “he failed to carry opinion, or enough of it, with him” and, before representative parliaments, this meant carrying the magnates, or enough of them, with him.<sup>2</sup>

In principle, there was a great deal of common ground between a medieval king and his subjects. The object of government was the common good. They could conceivably be in agreement too on what this for them would be. It was less likely (or there would be no political history) that they would always be agreed on whether a particular line of action would be for the common good. But over king and subjects alike there was the law. This Christian theory saw as – ultimately – the Law of God,<sup>3</sup> men of affairs as “the laws and customs of the land”.<sup>4</sup> In either case it set standards and, in principle at least, made politics a matter not of personalities and expedients but of interpreting the law.

In principle, therefore, the area of conflict was much reduced and a further safeguard was the practice of consultation. It was a tradition that a king should take counsel with his magnates, and a prudent king did so. It prevented many a difference of opinion from becoming a straight trial of strength and was, moreover, in line with contemporary thinking,<sup>5</sup> though the king’s freedom to seek counsel where he would, and reject it if he chose, became increasingly a political issue during the period.<sup>6</sup>

If it did come to a trial of strength, as it did from time to time, subjects might win, but their problem was how to bind a king. The pre-parliamentary limitations on monarchy were few. A ruler might promise, as he did and as he or she still does, in the coronation oath. He might amplify his oath in a charter, as Henry I did at his coronation. He might be forced, as John was, to issue a special charter during his reign, longer, detailed, specific, emphatic<sup>7</sup> that it was the outcome of consultation, even accepting a sanction – a right of resistance (call it feudal defiance or common distraint or what you will) to keep John to his promises. There was little left but deposition or tyrannicide or both.

Magna Carta and the Forest Charter which grew out of it (“the Charters”) became a synonym for good government for ninety years. The problem was to enforce them. Oaths and charters were the most binding things men knew. But John sought and got the release from his undertakings which he had sworn not to seek, and his son and grandson got release from theirs. The sanction clause of Magna Carta 1215<sup>8</sup> was dropped from reissues, possibly because like other clauses which were dropped it may have been felt to have gone too far against royalty, but equally likely (and conveniently) because in 1216 it may have been considered not necessary in a charter issued in the name of a boy king who was in tutelage. Still, Magna Carta was a public act, in charter form because no better was known, partaking of law, and given the

<sup>1</sup> See below, in the Select Bibliography to Part II.

<sup>2</sup> See above, in section (i) of this Introduction

<sup>3</sup> as, for example, in No. 231 below

<sup>4</sup> e.g. Stubbs, *Select Charters*, 9th edn, p. 434

<sup>5</sup> As evidenced by Aquinas on law and government (No. 231 below) and the lawyer Bracton (Bk I, c. 1) on custom as law (Stubbs, *op. cit.* p. 412)

<sup>6</sup> See Introduction to Part III below, paragraphs “In No. 106(b) there is . . . had still to be”, and the quotations and references there given.

<sup>7</sup> See below, No. 20, preamble: “. . . on the advice of . . .”

<sup>8</sup> See below, No. 20, c. 61

publicity of law from the outset. Adopted by the regency in Henry III's minority, protected by the church to the extent of excommunicating infringers of it other than the king himself, it became the basis of efforts to secure government acceptable to the governed for the rest of the century. The idea towards the middle of Henry III's reign of elective counsellors in attendance on the king among others of his own choosing, wherever it came from,<sup>1</sup> suggests some concern over royal policy. It was taken up again and acted on in a more stringent form in 1258<sup>2</sup> and was, of course, Simon de Montfort's idea of government in his year of power after the battle of Lewes.<sup>3</sup> In that same year regular publication of the Charters was ordered twice a year.<sup>4</sup> A move towards ecclesiastical, as well as royal, publication failed in 1279,<sup>5</sup> but it was allowed in 1297 in the fullest way and as a regular thing along with excommunication of offenders against the Charters.<sup>6</sup> Again, in 1297<sup>7</sup> it was granted that the Charters should be allowed in pleadings and judgments at common law; in 1300,<sup>8</sup> besides now being published four times a year, to avoid the delays of the common law or the difficulty when there was no remedy at common law elective county commissions elected by the county itself were to be appointed as royal justices with full powers to hear and determine summarily infringements of them; in 1301,<sup>9</sup> in case of conflict between them and statutes the statutes are to be amended or annulled.

Acceptable government was not in fact secured by charter. Edward I was an abler politician than his father and grandfather. But here we must distinguish. Edward was masterful but not reactionary. As Lord Edward he had concurred in the charters his father had granted and as king he never repudiated them, not even in 1297. On the contrary he refuted the very idea that he was opposed to them. Similarly, he never challenged the convention that he should govern with his people. No king before him had consulted his people more: nobody did more than he to establish the "parliamentary" occasion<sup>10</sup> as part of normal practice – even to adopting the novelty of shire and borough representation when it suited him. Far from retreating from this in 1297, he went beyond it: from the earls to the shires. Desperately late already for crossing to Flanders, he took emergency measures, but not without planning a propaganda campaign too, to win the country's support for them.<sup>11</sup>

Events enabled his subjects to impose their ideas. He had to accept an addition<sup>12</sup> – part revision, part supplement – to the charters his father had granted. This, which would have been a further limitation of royal power, he managed to undo<sup>13</sup> before he died. Like his father and grandfather before him, moreover, he got himself released from his undertakings by the pope.

<sup>1</sup> below, No. 34; and see the paragraph beginning "The genesis of No. 106 (b) . . ." in the Introduction to Part III below

<sup>2</sup> No. 37 below

<sup>3</sup> Stubbs, *Select Charters*, 9th edn, p. 401

<sup>4</sup> *ibid.* pp. 405–6

<sup>5</sup> Faith Thompson, *The First Century of Magna Carta* (Minneapolis, 1925), pp. 96–7; together with Powicke and Cheney, *Councils & Synods*, II, 1205–1313 (Oxford, 1964), p. 851; and *Cal. Close Rolls, 1272–9*, p. 582

<sup>6</sup> below, No. 74

<sup>7</sup> *loc. cit.*

<sup>8</sup> No. 85, c. 1, below

<sup>9</sup> No. 89 below

<sup>10</sup> In the sense of an occasion when the king took counsel with a larger number of advisers than usual; cf. the Introduction to Part III below, the paragraph beginning "Discontent with royal government . . ."

<sup>11</sup> No. 70 below; and an article on "The Confirmation of the Charters, 1297", *English Historical Review*, lx (1945).

<sup>12</sup> No. 74 below

<sup>13</sup> On this, the present writer's contribution to *Studies in Medieval History presented to F. M. Powicke*, ed. Hunt, Pantin and Southern (Oxford, 1948).

It is tempting to see in this failure to modernise the Charters and to bind the king by them the reason for a shift of emphasis in the new reign. But, however this may be, a shift there is. In the first place, Edward I had challenged his critics with his coronation oath.<sup>1</sup> In 1308 for Edward II a new clause was added to the coronation oath<sup>2</sup> and, apart from the specific reference to this clause in the interesting "baronial" logic of No. 98 below, his oath is referred to again and again.<sup>3</sup> Secondly, in the New Ordinances of 1311<sup>4</sup> the Charters<sup>5</sup> are still "in the pharmacopoeia" of good government but are "no longer the sovereign remedy". The emphasis is now on the need for good counsel – which steps are to be taken to see is in attendance on the king but which is chiefly to be found (and is to be sought) in parliament. When by 1322 Edward II is able to find the Ordinances of 1311 restrictive<sup>6</sup> (particularly, it would be, as to his choice of ministers) he is still not able to dispense with parliaments.<sup>7</sup> And again, when in 1341 the financial curbs of 1297 (No. 74 below) were revived and imposed on Edward III verbatim it was with the addition of the words "and that in parliament".

The partnership of parliament in royal government was the beginning of an event of world significance, the more as it was accompanied (as it happened, for we must not attribute credit for this) by the establishment of parliament permanently on a representative as well as a baronial basis. This too happened in the first quarter of the fourteenth century. H. G. Richardson's statistics in the first edition of the Royal Historical Society's *Handbook of British Chronology* (1939) may have been over-precise<sup>8</sup> but their revision in the second edition (1961)<sup>9</sup> does not affect the trend they indicated. It was exceptional for representatives to be summoned before 1300,

<sup>1</sup> At Lincoln in 1301 (No. 88 below).

<sup>2</sup> below, No. 97

<sup>3</sup> Nos 98, 100, and 103 below

<sup>4</sup> below, No. 100

<sup>5</sup> i.e. those of 1225 confirmed by Edward I

<sup>6</sup> The Statute of York (below, No. 103) "restricted . . . contrary to what ought to be, to the weakening of his royal lordship, and against the estate of the crown".

<sup>7</sup> *ibid.* "but things which . . . formerly"; cf. the Introduction to Part III below, the paragraph "Discontent . . . still to be".

<sup>8</sup> As Richardson's paragraph on the subject was not retained in the new edition, it is given here: "The position is, perhaps, most clearly expressed by stating that, out of all the parliaments between 1258 and 1300 . . . we have no evidence to show that representatives either of the shires or of the towns attended on more than nine occasions, namely:

Michaelmas 1258	Michaelmas 1275	November 1295
Hilary 1265	Michaelmas 1283	November 1296
Easter 1275	Easter 1290	Michaelmas 1297

The proportion is about one in nine. And although, as will be seen from the explanatory notes, there were a few occasions, other than session of parliament, when popular representatives were summoned, the inclusion of such gatherings even if it were legitimate, would not affect the result; for there were, during this period, many specially full meetings of the council to which the name of parliament is not properly applied and which equally find no place in our list.

After 1300, instead of setting down the parliaments which the commons attended, we find it easier to set down those parliaments for which there is no evidence that the commons were summoned, namely: Midsummer 1302, September 1305, Easter and Michaelmas 1308, July 1309, Candlemas 1310, Hilary 1320, and Michaelmas 1325. Out of thirty-four occasions between 1301 and 1325, the commons were invariably absent on no more than eight. And after 1325, the commons were invariably present." (*Handbook* (1939), pp. 339-40)

<sup>9</sup> *Handbook*, 2nd edn (1961), ed. Powicke and Fryde, pp. 492-544

between 1300 and 1325 it was exceptional for them not to be, thereafter they were normally present.

Over the centuries representation has transformed the partnership between parliament and ruler by now almost beyond recognition. Its early appearance should not in the least surprise us. In his *Making of the English Constitution*, A. B. White saw "something of the representative idea" as "present in almost any kind of government" and considered it "useless to seek the origin of so general a principle". Another American, G. H. Sabine, reminds us<sup>1</sup> of the Germanic folk and its idea of law as the law of the people, not given or made, but customary, which had survived the enormous change of the transition in the earlier Middle Ages from tribal to territorial law (from one's law being determined by one's kindred to one's law being determined by one's locality), and even survived also the revived study of Roman law in and after the eleventh century, so that it was commonplace still in the thirteenth<sup>2</sup> century that law was rather "found and declared" than made, that it was found and declared in the name of the people who lived it and that their approval and consent was necessary for the statement or modification of it. But he reminds us also that this idea was "very vague so far as concerned the procedure of government" and "implied no definite apparatus of representation". It is not that we cannot find the origin of the representative idea: the history of the practice is more important than the history of the theory.

And it should not surprise us after this that there are early instances of representative practice.<sup>3</sup> The important question is *why* the development after the twelfth century of "parliamentary" institutions to implement representation: to put a finer point upon it, why did even rulers (such as Edward I and Philip IV of France) take the initiative in developing (for their purposes) machinery of representation? The question involves social, economic and political, as well as constitutional history. The answer is, on the one hand, in the social history touched on above in the concluding paragraph of section (ii) and, on the other, in royal policies themselves. The part played by the wartime needs of England's three Edwards in the securing of English liberties is too often overlooked.

<sup>1</sup> *A History of Political Theory*, ch. XI

<sup>2</sup> cf. Nos. 231 and 232 (esp. pp. 909-10) below

<sup>3</sup> cf. C. H. McIlwain in *Cambr. Med. Hist.*, VII, ch. 23



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

## GENERAL BIBLIOGRAPHY

This bibliography surveys briefly sources and modern work dealing generally with English history between 1189 and 1327. A very much fuller bibliography of source material and more specialised work on aspects of the period accompanies the Introduction to each Part of this volume.

### A. MODERN WORKS

Since the appearance of *The Political History of England* (ed. W. Hunt and R. L. Poole in 12 vols) and *A History of England* (ed. Sir Charles Oman in 7 vols) much about the same time at the beginning of the century, so much record material has been available and used, in print or manuscript, that the volumes of G. B. Adams and T. F. Tout in the former and of H. W. C. Davis and K. H. Vickers in the latter, while still useful, need to be supplemented. The mid-century *Oxford History of England* (ed. G. N. Clark, 14 vols) is now standard. The volumes *From Domesday Book to Magna Carta* (A. L. Poole), *The Thirteenth Century* (Sir Maurice Powicke) and *The Fourteenth Century* (May McKisack) between them cover 1189 to 1327.

Recent brief surveys of a greater sweep chronologically than this period but which may serve as an introduction to it because of the quality of their authors are F. M. Powicke, *Medieval England 1066-1485* (Home University Library, reprinted 1942); Doris M. Stenton, *English Society in the Early Middle Ages, 1066-1307* (Penguin Books, 1951); Helen Cam, *England before Elizabeth* (2nd edn, 1960); and G. W. S. Barrow, *Feudal Britain: the Completion of the Medieval Kingdoms 1066-1314* (1956); though as an introduction the least useful will be the Powicke volume. It will probably be best read last of them as a commentary on the facts. Barrow is a textbook, but original and fresh. Stenton is excellent.

Powicke's *King Henry III and the Lord Edward* (Oxford, 1947; 2 vols paginated as one) is a masterly study in the grand manner, from which we all can learn. But like all Powicke's work, we get the more the more we bring to it: so not a beginner's book. Whether this quality makes his *The Thirteenth Century* in the Oxford History series a better textbook could be doubted, but it is indispensable. For insight, intellectual power and sheer brilliance of exposition F. W. Maitland's classic, Pollock and Maitland's *History of English law before the time of Edward I* (Cambridge, 2nd edn, 1898 and reprints, in 2 vols; now available in paperback), is not likely to be surpassed. But a work of great distinction and great influence on historical as well as legal-history studies is T. F. T. Plucknett, *Legislation of Edward I* (Oxford, 1949). Another kind of book of major importance is J. C. Holt, *Magna Carta* (Cambridge, 1965), an historical commentary superseding W. S. McKechnie's *Magna Carta* (Glasgow, 2nd edn, 1914), an over-legalistic commentary with which historians and their pupils have had to make do for so long as the only modern treatise. In a different field a work of equal impact, not because it needed to supply but because it has changed historical perspective, is C. R. Cheney, *From Becket to Langton: English Church Government 1170-1213* (Manchester, 1956). Here, inevitably, comes to mind the writing of David Knowles, especially *The Monastic Order in England* (Cambridge, 1940) and *The Religious Orders in England* (3 vols, Cambridge, 1948, 1955, 1959), on the spiritual and religious aspect of the medieval church, not only for its intrinsic quality but for its breadth, never failing to give us the larger background of Christianity in England: altogether, in insight, construction and presentation, an achievement surpassing even that of Powicke in his field.

Of reference books, bibliographies are indispensable. The standard bibliography, Charles

Gross, *The Sources and Literature of English History from the earliest times to about 1485* has long been out of print. A revision, recasting and expansion of it, taking its place, was announced in 1973 by the Oxford University Press: Edgar B. Graves, *A Bibliography of English History to 1485*, sponsored by the Royal Historical Society and by the American Historical Association and the Mediaeval Academy of America. The generous bibliographies in the volumes of the *Oxford History of England*, that of Powicke, for example, in *The Thirteenth Century*, will not, as personal selections of reading rather than formal bibliography, be entirely superseded. Not likely to be superseded are specialised bibliographies such as, for example, those of Kathleen Edwards, *The English Secular Cathedrals in the Middle Ages* (Manchester, revised edition, 1967); W. A. Hinnebusch, *The Early English Friars Preachers* (Rome, 1951); David Knowles in the books already mentioned on the monastic order and the religious orders; W. E. Lunt, "List of sources cited", *Financial Relations of the Papacy with England to 1327* (Cambridge, Mass., 1939) or, indeed, those in the economic field, in the *Cambridge Economic History* volumes.

The Royal Historical Society has published in 5 vols a bibliography of *Writings on British History 1901-1933* (volume II of which deals with the Middle Ages) and from 1934 annual volumes on the whole of the history since about 450. The annual volumes include the publications of societies, the *Writings . . . 1901-1933* did not. This, however, has been corrected by E. L. C. Mullins, *A Guide to the Historical and Archaeological Publications of Societies in England and Wales, 1901-1933* (1968), so that, with this, "every significant book and article issued on the subject during the twentieth century" is recorded. There are similar works by C. S. Terry and C. Matheson recording society publications for Scotland.

Other works of reference valuable for the period 1189-1327 include F. M. Powicke and E. B. Fryde, *Handbook of British Chronology* (2nd edn, 1961), not to be confused with C. R. Cheney, *Handbook of Dates for Students of English History* (1970). Both are indispensable. In the series of Royal Historical Society Guides and Handbooks are: N. R. Ker, *Medieval Libraries of Great Britain* (2nd edn, 1964), which is a list of surviving books which have been identified, with in each case their present location - the result of fascinating detective work; and (though this will be mentioned again as a bibliography of source material) E. L. C. Mullins, *Texts and Calendars* (1958), an "analytical guide to printed texts and calendars relating to English and Welsh history issued in general collections or in series by a public body or private society". Indispensable for the higher clergy of the church in England is the revision and expansion of John Le Neve's *Fasti Ecclesiae Anglicanae* now being published by the University of London Institute of Historical Research, for practical reasons in two series. That for the period 1300-1541 is now complete in 12 vols; the series for the period before 1300 is still in progress. Volume I, *St Paul's, London*, compiled by D. E. Greenway, has already appeared (1968).

For religious foundations: D. Knowles and R. Neville Hadcock, *Medieval Religious Houses: England and Wales* (the 2nd edn, 1971, is essential); D. E. Easson, *M.R.H.: Scotland* (1957); A. Gwynn and R. N. Hadcock, *M.R.H.: Ireland* (1970). There is a very informative "Short Catalogue" of *Medieval Cartularies of Great Britain* (1958), published and unpublished, by G. R. C. Davis.

Of a different kind, *Historic Towns*, I, edited by M. D. Lobel, with maps (Oxford, 1969), is the first volume for the British Isles in a series planned by the International Committee for Town History. In this volume, by working back from modern maps, the medieval lay-out of eight towns is recovered.

Periodicals: Among the more relevant are the national reviews - the *English Historical Review*, the *Scottish Historical Review* (Glasgow, 1903-28 and new series 1947- ), the *Welsh History Review*, *Irish Historical Studies*; also the *Bulletin of the Institute of Historical Research*, *Speculum* (Mediaeval Academy of America), *Annales du Midi*, the *Journal of Ecclesiastical History*, *Economic*

*History Review, Agricultural History Review, Business History, History* (The Historical Association), the *Bulletin of the John Rylands Library, Manchester*.

## B. SOURCE MATERIAL

It is told in the Introductions to Parts I and II below how government and learned societies took over in the nineteenth century the work of editing and publishing the source material for English history – chronicles and records. And we shall see that their achievement was immense, if uneven in quality. The work has continued in the twentieth century. There have been casualties among the societies, but also recruits – new societies, national, like the Canterbury and York Society and the British Society of Franciscan Studies, and active local societies like the Lincoln Record and Surrey Record Societies. Some idea of the present position (as its preface explains it is not an exhaustive list and it does not, of course, include publications after March 1957) may be gathered from Mullins's guide to texts and calendars of source material issued, the E. L. C. Mullins, *Texts and Calendars: an analytical Guide to serial publications* (1958) mentioned in section A. above. The English Historical Society, it will be seen, no longer exists. The Camden Society survives as a Camden series of the Royal Historical Society. The "Rolls" series (*Chronicles and Memorials . . .*), like the earlier Record Commissions an expensive undertaking even for governments, was brought to an end. Official publication is now in the hands of the Record Offices and various Royal Commissions. In the case of the Public Record Office at least, i.e. for England and Wales, the emphasis is on record publication, rightly of course as so much more remains to be done there than on chronicles; and, with the switch to publishing normally calendars of the records instead of the full texts, such progress has been made (for the scholar a matter of more importance than the price of the volumes published) that Exchequer as well as Chancery records are now beginning to be systematically calendared and published. This will, of course, greatly enhance the value of the Exchequer Pipe Rolls, the main burden of publishing which has been carried by a special Pipe Roll Society. If section A. of the Select Bibliography in Part III below is consulted, it will be seen that though more legal than financial records have been printed so far, the situation is not dissimilar for them: a special society again, the Selden Society, still bears the main burden, and systematic official publication has barely begun, whereas in this case, the society's policy is one of selective publication. Local societies who take some of the burden by publishing legal records from time to time, as many do, tend to publish extracts, to translate, to summarise, having regard to their locality, their membership, and economy. So theirs is not systematic record publication either. To say this is, of course, simply to emphasise the scholar's need of such work as urgently on the legal as the financial records, not to belittle local record societies. Their methods, which are usually those suited to their purposes and circumstances, are not the same as their standard of scholarship, which (as, for example and to mention no other, that of the Lincoln Record Society shows) can be of the highest.

The establishment of local record offices, usually though not necessarily on a county basis, to prevent further loss of the records and other source material for the local history of this country by keeping them for the future in official custody (and by accepting custody of earlier material which has survived destruction if offered) will surely be reckoned one of the great services of this century to historical scholarship. The emphasis in some local offices is on the current records, but the professional archivists themselves are usually no less interested in the earlier administration and other evidence of the past of the area they serve. They have won the confidence of owners of older material in very many instances and most offices have by now, by gift, on indefinite loan, or by special arrangement less formally in their care, a considerable amount of material interesting to historians. The Essex and the West Sussex Record Offices have been outstandingly successful in this.

The invaluable work the Selden Society continues to do has been mentioned. In 1960 it published also an essential guide to its publications to that date: A. K. R. Kiralfy and Gareth H. Jones (compilers), *General Guide to the Society's Publications* (1960), a very "detailed and indexed summary of the contents of the Introductions" to vols I-LXXIX. A similarly useful guide to the publications of the original Camden Society, the Camden series and other publications of the Royal Historical Society, including its *Transactions*, to 1968 is A. T. Milne, *A Centenary Guide to the Publications of the Royal Historical Society 1868-1968 and of the former Camden Society 1838-1897* (1968). It is, however, a detailed and indexed list, rather than summary of contents. On the Exchequer Memoranda Rolls: for such of them as have been printed and for plans for further publication, for microfilm and indexes of those as yet unpublished, the Introduction to *Calendar of Memoranda Rolls (Exchequer) preserved in the Public Record Office, Michaelmas 1326 to Michaelmas 1327* (H.M.S.O., 1968), which should in any case be read by those working on earlier rolls, published or unpublished, of the period for its usefulness to them too.

# Part I

## SELECT CHRONICLE AND NARRATIVE SOURCES FOR THE HISTORY OF ENGLAND, 1189-1327



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

## INTRODUCTION

THE characteristic forms of medieval historical writing, annals, chronicles and histories, differ more in scale than in kind. They are dominated by a common chronological framework. A year's entry may be a single fact such as "This year died Frithwald, the abbot" (or nothing at all) or it may run to many thousands of words as with Matthew Paris (No. 4 below). But even Matthew, however much he distorts it, never abandons the chronological form.

Another feature is that annals, chronicles and histories conventionally begin at a date well in the past, the Creation, the Fall of Troy, the Foundation of Rome, the Birth of Christ. They may compromise – English chronicles can be found beginning with the coming of Hengist and Horsa, the Norman Conquest, even the reign of Stephen. But such foreshortenings were, on principle, to be regretted. History was part – the past part – of a divinely ordered plan of the ages, the revelation (to date) of God's Will. Matthew Paris, it must be admitted, lost sight of this pious purpose of historiography in devoting half his chronicle to the last twenty-five years, but at least he observed the convention in beginning at Creation.

A third feature of historical writing in the Middle Ages is that so much of it is compilation. The explanation could, in part, be that a chronicler seeing history as revelation and himself as a recorder adding the evidence of his own day, a continuator, would not be inclined to question the earlier record; but what is most certainly a part is that there was little else he could do but compile. For questioning the past, speculative reason alone was not enough and most of the tools of modern historical scholarship did not then exist. He was almost compelled to accept authority, to use, however disposed he might be to question, the past that was given him, and he is most valuable to us when he is writing what we now call contemporary history and valuable for an earlier time only when the source he himself has used is lost to us.

To read chronicles, then, one must find out what system of chronology they employ, in particular, when they begin their year; and to use them, one must be able to put a value on their testimony. The chronology is usually, in this volume, what one would expect of material of ecclesiastical origin, years of the Julian calendar counted from the year of Christ's birth, but the beginning of the year is not standard, as today. It is far more likely to be 25 December (Christmas), 25 March (the Annunciation) or, more awkwardly, a movable feast, Easter, than 1 January. The chronicler is exceptional who states his practice, but with the help of, for instance, E. A. Fry's *Almanacks* or its successor, C. R. Cheney's *Handbook of Dates*, and by a process of approximation from events of known date mentioned in the chronicle, it can be discovered. Evaluation, on the other hand, requires answers to many questions: authorship, date of composition, sources of information, methods of using it; when part is compilation, how much, source or sources, methods as compiler; where original, means of information then, if any documentary, methods of handling that; general accuracy, reliability, impartiality or lack of it.

The finest period of English historical writing was almost over by 1189,<sup>1</sup> but there was still no lack of quantity. Matthew Paris alone would take up this volume and more. Selection is difficult. To attempt to "cover" the period from one aspect, however important (say, the political history), is simply to compile an artificial chronicle of extracts too short to be useful, out of context, and denatured. Extracts of sufficient length from fewer sources can fail to be representative. I have chosen to illustrate the variety of material of the narrative sort which is available for this period, compromising on "coverage" (since compromise one must) by selecting, in the main, years rather than passages as extracts so that chronicles can be compared, and compared in units that are comparable.

## SELECT BIBLIOGRAPHY OF CHRONICLE AND NARRATIVE MATERIAL

The subject, including the English contribution, is focussed in H. Rothwell, "The Middle Ages", a section of the article on Historiography in *Chambers's Encyclopaedia*. Essential reading is R. L. Poole, *Chronicles and Annals* (1926). It may be supplemented, for present purposes, by W. L. Jones's chapter on "Latin chronicles from the 11th to the 13th centuries" in the *Cambridge History of English Literature*, I (1908); T. F. Tout, *The Study of Medieval Chronicles* (Manchester, 1922); and V. H. Galbraith, *Historical Research in Medieval England* (1951). The subject of J. Taylor, *The "Universal Chronicle" of Ranulf Higden* (Oxford, 1966), a well-organised monograph, falls outside the limits of this volume, but it is a work of great range and should not be neglected. *The Use of Medieval Chronicles* (Hist. Assoc. Pamphlet, 1965) by the same writer is a helpful survey of thirteenth as well as fourteenth century English work; his *Medieval Historical Writing in Yorkshire* (York, 1961), and H. S. Offler's *Medieval Historians of Durham* (Durham, 1958) are useful for historical writing in northern England. The books referred to in the introduction to this section are E. A. Fry, *Almanacks for students of English History* (1915) and C. R. Cheney, *Handbook of Dates for students of English History* (1945). An excellent little guide on chronological matters generally, R. L. Poole, *Medieval reckonings of Time* (Helps for Students of History, 1921), deserves to be reprinted.

Any chronicle had a limited circulation before the days of printing. Most, including even Paris's *Chronica Majora*, "the fullest and most detailed of all medieval chronicles"<sup>2</sup> (and, it could be added, one of the liveliest), were scarcely known outside the communities for which they were written. The occasional copy, or copy of a copy, for another house was their limit. The few multiplied on any scale by hand,<sup>3</sup> because they proved of interest to a growing lay public and there was a market for them, were also, for the same reason, among the first things printed.<sup>4</sup> The dissolution of the monasteries released the rest, but led only gradually to their printing. Among the pioneers in this was Matthew Parker, Elizabeth I's first archbishop of Canterbury. It was to him, for example – though this was not his only service – that Matthew Paris owed his appearance in print.<sup>5</sup> Seven chronicles, all important, were printed together in the *Rerum*

<sup>1</sup> A survey of medieval historiography and England's contribution (pre-Conquest and post-Conquest) to it is given in *Chambers's Encyclopaedia*, art. "Historiography" (medieval section).

<sup>2</sup> See Vaughan, *Matthew Paris*, pp. 153 ff.

<sup>3</sup> Increasingly by trade copyists.

<sup>4</sup> Thus the Brut Chronicle and Higden's Polychronicon, both of which achieved wide manuscript circulation, were printed by Caxton. Taylor, *The "Universal Chronicle" of Ranulf Higden*, p. 13.

<sup>5</sup> For this and later editions of Paris, Vaughan, *op. cit.* pp. 154–5.

*Anglicarum Scriptores post Bedam* (1596), the work of Henry Savile (1549–1622). Over thirty others saw print in the next hundred years: [Roger Twysden], *Historiae Anglicanae Scriptores X* (1652); [William Fulman], *Rerum Anglicarum Scriptores*, I (Oxford, 1684); and Thomas Gale's two volumes, of which the second appeared before the first, *Historiae Anglicanae Scriptores quinque* (Oxford, 1687) and *Historiae Britannicae . . . Scriptores XV* (Oxford, 1691); apart from the individual achievement of Henry Wharton (1664–95) in *Anglia Sacra*. All this was eclipsed in the next generation by Thomas Hearne (1678–1735), who single-handed in circumstances of almost unbelievable difficulty surpassed every predecessor not only in the number of chronicles he edited or re-edited but also in the quality of his editions. Hearne's scholarship, in its field, completes that of the seventeenth century or anticipates that of the nineteenth, as one chooses, but action by government and by learned societies was needed in the nineteenth century to match it. The Surtees Society, the Camden Society and the Caxton Society all sponsored editions of chronicles, but the most successful in this was the English Historical Society between 1838 and 1856. The most ambitious project and, no doubt because its editors were paid by the page, the bulkiest, as it proved, was the government-financed *Chronicles and Memorials of Great Britain and Ireland during the Middle Ages* (the "Rolls" series), which in fifty-four years (1857–1911) issued 99 separate works in 253 volumes – not all chronicles, but enough of them chronicles, edited or re-edited as considered necessary, to enable one to say that the dream of the pioneers is almost realised and that, in editions passable or better, not quite all but nearly all the main chronicle-sources for the study of English history in the Middle Ages are now in print.

The relevant chronicles for the period covered by this volume, grouped according to reigns, are:

#### RICHARD I

Of first importance are the *Gesta Regis Henrici secundi Benedicti Abbatis: The Chronicle of the Reigns of Henry II and Richard I, 1169–1192, known under the name of Benedict of Peterborough*, ed. W. Stubbs (Rolls ser., 2 vols, 1867), and *Chronica Magistri Rogeri de Houedene*, ed. W. Stubbs (Rolls ser., 4 vols, 1868–71). These were once believed to be by different authors, but are now considered to be the work of Hoveden (Howden) in both cases and indeed first and second versions of the same chronicle. (Lady) D. M. Stenton, "Roger of Hoveden and Benedict", *E.H.R.*, lxxviii (1953), pp. 574–82. Cf. F. Barlow, "Roger of Howden", *E.H.R.*, lxxv (1950), pp. 352–60. A translation of the second version, from which extracts from the years 1190–2 are taken (No. 2 below), is *The Annals of Roger de Hoveden*, trans. H. T. Riley (2 vols, 1853).

Other chronicles for Henry II's reign extend into Richard's. The "Imagines Historiarum" of Ralph de Diceto (also edited for the Rolls series by Stubbs, *Radulfi de Diceto . . . opera historica*, 2 vols, 1876: vol. 2 is the relevant volume) continues to 1202. William of Newburgh's "Historia" (*Chronicles of the reigns of Stephen, Henry II, and Richard I*, ed. R. Howlett, Rolls ser., 4 vols, 1884–9) goes down to 1198 (the rest, 1198–1298, is by hands elsewhere). The *Historical Works of Gervase of Canterbury*, ed. Stubbs (Rolls ser., 2 vols, 1879–80), which supersedes Twysden's text in *Scriptores X*, extends into John's reign. Ralph of Coggeshall's *Chronicon Anglicanum* (1066–1223), ed. J. Stevenson (Rolls ser., 1875), increases in authority as it leaves Henry II's reign.

Roger Howden accompanied Richard on crusade. The Latin and French accounts of the crusade, the "Itinerarium Peregrinorum et gesta regis Ricardi" (ed. Stubbs, *Chronicles and Memorials of the reign of Richard I*, vol. I, 1864) and the *Estoire de la Guerre Sainte* by Ambroise (ed. G. Paris, Paris, 1897), are related: see J. G. Edwards in *Historical Essays in honour of James Tait*, ed. Edwards, Galbraith and Jacob (Manchester, 1933), pp. 59–77. Some account of it is given by Richard of Devizes, whose chronicle "Of the Time of King Richard I" has been

re-edited with a translation by J. T. Appleby in the series "Nelson's Medieval Texts" (1963), extracts from which (No. 1 below), however, relate to events in England in the king's absence.

#### JOHN

Again chronicles continue from the previous reign. The *Chronica* of Roger of Hoveden continues to 1201; the "Imagines Historiarum" of Diceto, to 1202; Gervase of Canterbury's "Gesta Regum" (in vol. II of *Historical Works*, ed. Stubbs) covers the first ten years of John's reign; Coggeshall's *Chronicon* (1066-1223) is now at its best and, with the Barnwell annals preserved in the *Memoriale* of Walter of Coventry (ed. Stubbs, Rolls ser., 2 vols, 1872-3) is one of the main authorities for the reign.

With this reign the *Annales Monastici*, ed. H. R. Luard (Rolls ser., 5 vols, 1864-9), a collection of the annals of ten different houses, becomes important. The *Flores Historiarum* of the St Albans chronicler, Roger Wendover, an important source in the lack of Hoveden and Diceto after 1201-2, is better edited by H. O. Coxe, *Rogeri de Wendover chronica* (English Historical Society, 5 vols, 1841-4) than by H. G. Hewlett (Rolls ser., 3 vols, 1886-9), but neither edition is satisfactory. Wendover's influence on modern writing has been too great: his shortcomings, which must have been obvious if Hoveden and Diceto, for example, had given us their accounts of the years after 1201-2, have been exposed by V. H. Galbraith, *Roger Wendover and Matthew Paris* (Glasgow, 1944). R. Vaughan examines textually the relationship between Wendover and Paris in chap. II of his *Matthew Paris* (Cambridge, 1958). A brief but judicious statement on the value of the chronicle evidence as a whole for this reign is J. C. Holt, *King John* (1963), an Historical Association pamphlet.

#### HENRY III

St Albans writing, through Wendover and then Matthew Paris, dominates. For Matthew's revision of Wendover for his "Chronica Majora", the relationship of this to his other historical works, particularly to his own "Flores Historiarum", which circulated more widely and was therefore more influential before printing than his larger work - all matters of extreme complexity - Vaughan's *Matthew Paris* (as above) is essential. Galbraith's *Roger Wendover and Matthew Paris* (for which also see above) is as important for Paris as for Wendover. For the full bibliography of the subject, Vaughan, *op. cit.* pp. 267 ff. The editions of the *Chronica Majora* (ed. H. R. Luard, 7 vols, 1872-3), the *Historia Anglorum* (ed. F. Madden, 3 vols, 1866-9), and the *Flores Historiarum* of Paris (ed. Luard, 3 vols, 1890), all in the Rolls series, are standard. English translations (though from earlier editions) of both the *Chronica Majora* and Paris's *Flores* exist, the former by J. A. Giles under the title *Matthew Paris's English History* (3 vols, 1852-4 - from the year 1235 only), the latter by C. D. Yonge under the title *Matthew of Westminster's Flowers of History* (2 vols, 1853).

For the years 1216-19 the metrical life of the regent, William the Marshal, *Histoire de Guillaume le Maréchal*, ed. and translated into modern French prose by P. Meyer (3 vols, Paris, 1891-1901), "a private production for record, not light reading" (M. D. Legge, *Anglo-Norman Literature and its Background*, Oxford, 1963, p. 170) is indispensable. See No. 3 below.

Coggeshall's *Chronicon* continues into this reign (-1223). Canterbury and Dover annals are preserved in continuations of Gervase of Canterbury's "Gesta Regum" (see above, under John's reign). The annals collected in *Annales Monastici*, ed. Luard (see above, also under John) are indispensable for this reign. For other monastic annals, the need to examine their relations with each other ("they are not separate works of equal value") and for the importance of London chronicles for this reign, the reader is best referred to the appropriate section of Sir

Maurice Powicke's bibliography in *The Thirteenth Century, 1216-1307* (Oxford History of England). Few such annals, however local, domestic, otherworldly even, they may be, can have no interest at all for the modern student of history as this is now interpreted, but those with a concern for the larger world are just what he needs to protect himself from the dangers of looking at that world only from St Albans. Fortunately they reach their best as the crisis of the reign approaches; and when the *Chronica Majora* ceases in only the second year of it we can still follow it, and follow it with more than one pair of eyes. This is illustrated by Nos. 4-7 below. No. 4 gives in a translation based on that of J. A. Giles but thoroughly revised and greatly changed in the light of Luard's edition (see above) the full text of the *Chronica Majora* under the years 1258-9. No. 5 translates the Burton annals for those years. Their different character, their independence of the *Chronica Majora*, and their different contribution are obvious. Nos. 6 and 7 illustrate what can still be done after 1259.

One of the *fables convenues* of the period, not merely of this reign, was that the beginning of history in these islands was the conquest of them from the giants, the only previous inhabitants, by Brutus, a Trojan prince who in the great dispersion after the fall of Troy came here from Spain. Geoffrey of Monmouth's brilliant embroidery of the theme some fifty years before 1189 in his *History of the Kings of Britain*, through Gaimar, Wace and Layamon translated and versified first from the Latin to French then to English, became literature. It also affected the "serious" history which it itself claimed to be. With William of Newburgh's criticisms soon forgotten and Ranulf Higden's doubts not yet expressed,<sup>1</sup> it quickly led to a proliferation of "Brut" chronicles in Latin, French, Welsh<sup>2</sup> and English<sup>3</sup> beginning with or associated with the Brutus story though, of course, their value is as continuations bringing the story down to the writer's own day.

#### EDWARD I

(The reader can again be referred to the "Narrative sources" section of Powicke's bibliography in *The Thirteenth Century*.)

The student of the reign of Edward I is not really well-served with chronicles. The monastic annals so valuable for the last reign are the great stand-by for the early years. All but three of those in the *Annales Monastici*, those in vol. I, continue into Edward's reign.

The *Flores Historiarum* of Matthew Paris is continued into it too, but not at St Albans, and, in any case, it is difficult to use as printed. The "post-Paris" section presents problems relegated to a 100-page appendix in Luard's edition as well as problems of its own relationship to other chronicles, notably those contained in the Rolls series volume *Willelmi Rishanger . . . et quorundam anonymorum Chronica et Annales, 1259-1307*, ed. H. T. Riley (1865). The *Chronica* of Rishanger is in turn related to the *Annales sex regum* of Nicholas Trivet (ed. T. Hog, English Historical Society, 1845). An imposing body of chronicles must, in fact, be regarded as a group until their relationships can be clarified; Trivet and Rishanger, in particular, treated as one where they agree, and not independent authorities as they have been.

V. H. Galbraith, "The St Edmundsbury Chronicle, 1296-1301", *E.H.R.*, lviii (1943), pp. 51-78, strips away the confusions of previous editors of the Bury St Edmunds chronicle and prints the hitherto unedited and, as will be seen, invaluable portion. *The Chronicle of Bury St*

<sup>1</sup> See T. D. Kendrick, *British Antiquity* (1950), pp. 12-15.

<sup>2</sup> The origin of the "Brut y Tywysogion" is discussed by J. E. Lloyd in "The Welsh Chronicles", *Proc. of the British Academy*, vol. xiv (1928). For the best edition of this, a translation, and the *Annales Cambriae*, the other important chronicle of Welsh affairs for this period, see Powicke, *The Thirteenth Century*, p. 754.

<sup>3</sup> The metrical chronicles of Robert of Gloucester and, in the northern dialect, of Thomas of Castleford. The former in a Rolls series edition, the latter unpublished. Cf. *Brut or the Chronicles of England*, ed. F.W.D. Brie (Early English Text Soc., 1906-8).

*Edmunds 1212-1301*, ed. A. Gransden (1964), gives the Latin text from 1212 with English translation.

The Norwich chronicle, the "Historia Anglicana" of Bartholomew Cotton from Hengist and Horsa to 1298 (ed. Luard, Rolls ser., 1859), indispensable for 1291-8, is mostly compilation before that, chiefly from St Albans and Bury St Edmunds sources.

Even the Guisborough chronicle (*The Chronicle of Walter of Guisborough, previously edited as the chronicle of Walter of Hemingford or Hemingburgh*, ed. H. Rothwell, 1957), like Cotton indispensable for its last years, is systematic compilation until the end of the twelfth century and a hotch-potch for a surprising amount of the thirteenth. It is only spasmodically of importance before the twelve-nineties for Edward's reign and then chiefly for his Welsh campaigns.

The student is not well-served for the second half of the reign either, for different reasons. In the first place, because, as we have seen, a number of the available chronicles cannot, until their relationships are clarified, be treated as independent authorities, the chronicle evidence at his disposal for the critical years of this reign, 1296-1301, years of major domestic crisis in time of war, is severely limited. Secondly, limited in effect to three chronicles, Bartholomew Cotton, Walter of Guisborough and the Bury chronicle, he quickly finds himself relying more and more on one. Cotton, quite the most valuable as far as it goes, stops quite suddenly in 1298. In the same year Guisborough shrinks, just as, when for lack of Cotton and also because the centre of government and of politics had shifted to the north, its evidence was all the more desirable. It is in these circumstances that the last years of the Bury chronicle become indispensable. Fortunately they are as valuable as they are brief, but the student of this reign would indeed be in difficulty if he had not also a wealth of documentary evidence.

Nos 8-10 below enable the three major chronicles to be compared for the first of the crisis years. No. 11 is offered by way of contrast, but also as a sample of a chronicle of value as well as interest, and not least among a number of its claims to attention is that it takes into its perspective the whole reign.

## EDWARD II

(One cannot improve on the section on "Narrative sources" in the bibliography to M. McKisack, *The Fourteenth Century 1307-1399*, Oxford, 1959, though, as it is not arranged by reigns, items for 1307-27 have to be dug out.)

The Guisborough chronicle continues into this reign and though brief is valuable down to 1312, where it ends. St Albans annals attributed to Trokelowe and Blanford (ed. H. T. Riley, Rolls ser., 1866) cover most of the reign, as do (from Westminster) the *Flores Historiarum* (vol. III, ed. Luard, 1890), a valuable source. The London annals of St Paul's ("*Annales Paulini*") and the lay London "*Annales Londonienses*" (both in vol. I of *Chronicles of Edward I and Edward II*, ed. Stubbs, Rolls ser., 2 vols, 1882-3) are both important. Of the rest (for which see the McKisack bibliography) the Bridlington "*Gesta Edwardi de Carnarvan*" (in vol. II of *Chronicles of Edward I and Edward II*, as above) is important, particularly for its northern view, and the *Vita Edwardi secundi* to 1325 (ed. and translated by N. Denholm-Young, 1957), anonymous, once attributed to a monk of Malmesbury but believed by its latest editor to be a West Countryman indeed, but of Herefordshire, a royal official and a canon of St Paul's, Mr John Walwayn, D.C.L., is both individual and well-informed and therefore indispensable. See No. 13 below. For the French "Brut" chronicles, mainly unprinted, for this reign the best introduction is J. Taylor, "The French Brut and the Reign of Edward II", *E.H.R.*, lxxii (1957), pp. 423-37. No. 12 below, the Lanercost chronicle for the years 1315-22, is included because it is not over-political, reminding us that, whatever historians may use them for, chronicles could still be

seen as the story of the divinely ordered plan of the ages being gradually revealed to man, and that Divinity does not reveal its plan solely through politics.

## FURTHER READING

- Chaytor, H. J., *From Script to Print* (Cambridge, 1945)  
 Douglas, D. C., *English Scholars, 1660-1730* (2nd edn, 1951)  
 Ker, N. R., *Medieval Libraries of Great Britain: a List of Surviving Books* (2nd edn, 1964)  
 Knowles, M. D., "Great Historical Enterprises: IV, The Rolls Series", *Trans. Roy. Hist. Soc.*,  
 5th ser., vol. 11 (1961), pp. 137-59  
 Legge, M. D., *Anglo-Norman in the Cloisters* (Edinburgh, 1950)  
 McKisack, M., *Medieval History in the Tudor Age* (Oxford, 1971)

(and as examples of twentieth-century chronicle-scholarship at its finest:)

- Galbraith, V. H., "The Chronicle of Henry Knighton", *Fritz Saxl, 1890-1948 . . . Memorial Essays*, ed. D. J. Gordon (Edinburgh, 1957), pp. 136-48  
 — "An Autograph MS. of Ranulph Higden's Polychronicon", *Huntington Library Quarterly*,  
 vol. xxiii, No. 1 (November 1959), pp. 1-18



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

## 1. Richard of Devizes, "Of the Time of King Richard I": selected passages from the years 1190-2

(*The Chronicle of Richard of Devizes of the Time of King Richard the First*, trans. J. T. Appleby (Nelson's Medieval Texts, 1963), pp. 9-13, 27-35, 39-43, 45-6, 48-53, 55, 59-64)

The following extracts from the chronicle of Richard of Devizes, a monk of St Swithun's at Winchester, illustrate the struggle for power that went on in England during Richard I's absence on crusade. Richard had left the government of the country ambiguously divided between the princely bishop of Durham, Hugh of Le Puiset, almost if not quite the most powerful man in the north of England, and a career official, a man of his own making in whom he seems to have had greater confidence, his chancellor bishop William Longchamp of Ely. The rivalry between these two ended in the fall of Longchamp but left his successors, notably Walter of Coutances, another career official, who had intervened on the authority of the absent king, with the problem of curbing the king's brother, John, whose conduct throughout had been devious and to some seemed disloyal.

Richard of Devizes is contemporary, independent and well-informed. Here he is, unusually for him, "judicious and restrained". For a full appreciation of the brilliance, originality and raciness of his comment upon his times his short chronicle must be read as a whole.

[Before setting out on his crusade, the king crossed over to his French possessions.]

In the year of our Lord 1190,

The king crossed over to Normandy, having delegated the care of the whole kingdom to the chancellor . . .

William, bishop of Ely and the king's chancellor, another Jacob by nature, although he did not wrestle with an angel, a remarkable person who made up for the shortness of his stature by his arrogance, counting on his lord's affection and presuming on his good will, expelled Hugh of Le Puiset from the exchequer, because all power always has been, still is, and always will be jealous of anyone sharing it. Scarcely leaving the bishop the bare sword with which the king's hand had girded him a knight, he took away from him the honour of the earldom, which he had held only a short time. And to make sure that the bishop of Durham did not suffer alone, he spared no one and was more savage than a wild beast to everyone. He even persecuted the bishop of Winchester. The custody of the castles and of the county was taken away from him, and he was not even allowed to enjoy his own patrimony. The kingdom was thrown into an uproar, and those who were offended accused the king of bad faith. An appeal by all against the tyrant was carried across the sea to the king, but the tyrant crossed the sea first and defended the whole series of his actions and exactions before the king with a few words. The king instructed him very fully in all the things he was to do, thus forestalling the complaints of the envious. He was back before his attackers had access to the king. Thus he returned to the English no less powerful and prosperous, so that "whatever he wanted to do he did" . . .

When the king returned from Gascony, where he had overcome the brigands by force of arms and demolished the fortifications they were occupying, those whom the chancellor had injured came to him. He made each one feel that he had been satisfied and sent them all back to the chancellor with whatever letters they wanted. . . . The bishop of Durham hastily proceeded to London, but, since he was not received by the barons of the exchequer, he quickly set out, as though he were expecting to stage a

triumph, after the chancellor, who at that time had gone on a military sortie towards Lincoln. When he overtook him, he saluted him on the king's behalf, neither simply nor without a frown. He haughtily began straightway discussing the affairs of the country with him, as though nothing were allowed to be done without his consent. "He burst into bombast and words half a yard long" and, glorying greatly in a power he had not yet received and forgetting whom he was talking to, he discussed matters concerning which he should have kept silent. At the end of his speech, the club was brought forth that put a stop to idle words; the sacred letter of the king, greatly to be revered, was brought forth to be proclaimed. "The mountains are in labour; a ridiculous mouse will be born." It was ordered that complete silence be kept before the king's mandate. "All were still and kept attentive silence." The letter, which would have been more impressive if its contents had not already been known, was read in public. When the chancellor heard it, the cunning man, skilled in hiding his deceit, put off answering for a week and appointed Tickhill as the place for the conference. On the appointed day the bishop of Durham came to the castle and, ordering his attendants to wait outside the gates, went in alone to the chancellor. The one who had kept silent before was now the first to speak, and forced the deceived bishop to read with his own lips a letter that had been written after the first one and that was contrary to what he had hoped for. When the bishop was getting ready to answer, the chancellor said: "The other day, when you were speaking, it was my time to keep silent. Now, in order to make you realise that while you keep silent it is my turn to speak – for my lord the king is still living – you will not leave here till you have given hostages that you will surrender to me all the castles you hold, for I seize you, not as a bishop seizing another bishop, but as the chancellor seizing a castellan." The duped man had neither the firmness nor the means to resist. The hostages were handed over, and at the appointed time the castles were surrendered in order to redeem them. . . . All the others who had crossed over to complain against the chancellor got less than nothing for their pains . . .

In order that he might use either hand as his right hand and in order that Peter's sword might help Caesar's, William, that marvellous bishop of Ely, the king's chancellor and the chief justiciar of the realm, a man with three titles and three heads, received the office of legate to all England, Scotland, Wales and Ireland, obtained from the supreme pontiff at the instance of the king, who would not otherwise set out on the crusade, by Reginald, bishop of Bath. Blessed thus by fate with everything he wanted, he came and went through the kingdom like a flash of dazzling lightning . . .

King Richard exacted an oath from his two brothers, John the legitimate one and Geoffrey the bastard, that they would not enter England within three years of his pilgrimage, the three years to be computed from the day he set out from Tours. However, at his mother's request, he so far dispensed John as to allow him to come to England with the chancellor's permission and to stay there according to his judgment: at the chancellor's pleasure he might either remain in the realm or be exiled from it . . .

[The king left on crusade.]

In the year 1191,

... Walter,<sup>1</sup> archbishop of Rouen, was, as is common among the secular clergy, cowardly and timid. Having saluted Jerusalem from afar, unmasked he laid aside his anger against Saladin. He gave the king, who was going to fight in his stead, everything he had brought with him for the expedition. He also laid aside the cross. Forgetting all shame, he gave as his excuse a devotion that even the most wretched of mothers would bear with distrust. He alleged (that is to say) that the shepherds of the church should preach rather than fight and that it was not fitting for a bishop to bear any other arms than those of the virtues. The king, however, to whom the sight of his money was more necessary than the presence of his person, approved his excuses, as if overcome by his exceedingly lively logic, and sent him back to England with his letters to William the chancellor, to be furnished with a certain number of men and horses from the exchequer for three years. The king added at the end of his letter, for the archbishop's honour and as a general directive, that the chancellor should use his counsel in the affairs of the kingdom . . .

The archbishop of Rouen came to England to the chancellor, by whom he was honourably received and entertained, even much better than the king had ordered. Others followed him with many orders, all of which had the conclusion that the chancellor was to be obeyed by all.

The king especially ordered his brother John, by each of the messengers, to support the chancellor, to help him against all men, and not to break the oath he had sworn to him.<sup>2</sup>

The king of England ordered the chancellor and the convent of Canterbury and the bishops of the province to take counsel together canonically concerning the see, because Baldwin's death<sup>3</sup> had deprived it of a head. Concerning the office of abbot of Westminster, however, now vacant, the chancellor alone was permitted to arrange matters at his pleasure.

John, the king's brother, who had kept his ears open, so that he knew for certain that his brother had turned his back on England, now went about the country, with a larger following. He did not prohibit or restrain his followers from calling him the king's heir.

And as the earth shudders at the absence of the sun, so the face of the realm was altered at the king's departure. Certain nobles became busy; castles were strengthened; towns were fortified, and moats were dug. The archbishop of Rouen, foreseeing the future no better than he who was praised as the father of error, knew how to please the chancellor greatly, but in such a way that he did not displease even his rivals.

Letters were secretly sent (or went) amongst the leaders of the clergy and the people, and the support of each one was solicited against the chancellor. The knights willingly but secretly consented to count John; the clergy, however, more cautious by nature, did not dare openly to swear to the words of either instructor. The chancellor pretended not to be aware of this, scorning to admit that anyone would presume to dare anything against him in any way. At last the lid was taken off the pot. It was

<sup>1</sup> Walter of Coutances, an Englishman despite his name and an experienced official of the previous reign.

<sup>2</sup> i.e. not to be in England in the king's absence without the chancellor's permission.

<sup>3</sup> The archbishop had died while on crusade with the king.

reported to him that Gerard of Camville, a factious man, prodigal of his allegiance, had done homage to count John, the king's brother, for Lincoln Castle, the custody of which was recognised to belong to the inheritance of Nicholaa, the wife of this same Gerard, but under the king. This act was believed to be an offence against the crown, and the chancellor went to punish the one who had committed it. He quickly collected an army and went to those places. First he made an attack on Wigmore, and then he forced Roger of Mortimer (who was charged) with having formed a conspiracy against the king (or the realm) with the Welsh, to surrender the castles and to abjure England for three years. As he went into exile, he was blamed by his accomplices for faintness of heart, for although he was supplied with many soldiers and had abundant castles and provisions, before a blow was struck he surrendered at the mere threats of a priest.

The reproach after the event was too late. Roger left the kingdom, and the chancellor ordered (or caused) Lincoln to be besieged. Gerard was with the count, and his wife, Nicholaa, whose heart was not that of a woman, defended the castle manfully. The chancellor was wholly occupied around Lincoln, when count John, having forced the custodians to surrender solely through fear, occupied Nottingham castle and that of Tickhill, both exceedingly strong. Moreover, he ordered the chancellor to lift the siege, or else he would avenge the injury to his man. It was not fitting [he said] to take their custodies away from law-worthy men of the realm, well-known and free and hand them over to foreigners and unknown men. The chancellor's argument that he had entrusted the king's castles to such men because they were left unprotected against passers-by and that any barbarian who might go by could take them with the same ease that he [John] had done was mere foolishness. He was no longer willing to bear in silence the desolation of his brother's possessions and his realm. The chancellor was greatly disturbed by these messages. He summoned the nobles and the chiefs of the army and said: "Don't believe anything I say, if this man is not seeking to conquer the kingdom for himself. He is too hasty in his presumption, for even if he were bound to share the crown with his brother in alternate years, Eteocles has not yet reigned for a full year." He spoke many words of grief in this fashion. Then his spirits rose again, for he was greater in courage than in body and he conceived things on a grand scale. He sent the archbishop of Rouen to the count to order him in a peremptory manner to give up the castles and to answer for his broken oath to his brother before the king's court. The archbishop, who knew how to keep more than one iron in the fire, praised the chancellor's firmness. Then he went to the count. After he had delivered the chancellor's demands, he put it in the count's ear that, whatever others might say, he should dare something big, "worthy of Gyarus and prison", if he wanted to be someone of importance. In public, however, he advised that the count and the chancellor should come to a conference and that they should put an end to their differences by committing them to arbitrators. The count, more than angry at the presumption of the chancellor's orders, became unrecognisable in all his body. Wrath cut furrows across his forehead; his burning eyes shot sparks; rage darkened the ruddy colour of his face. I know what he would have done to the chancellor if in that hour of fury he had fallen like an apple into the hands of the raging count. Indigna-

tion so swelled in his closed breast that it had either to burst or to vomit forth its venom somewhere. "This son of perdition," he said, "the worst of the worst, who first carried across to Englishmen from the foolishness of the French the preposterous custom of serving on bended knee, would not trouble me as you now see [me troubled], if I had not refused to pay any attention to this new knowledge offered me." He wanted to say stronger things, either true or false, but out of respect for the archbishop's presence he recollected himself and restrained his vehemence. "If I have spoken amiss, archbishop," he said, "I beg pardon." After these frivolous words they turned to serious matters. A discussion was held concerning the chancellor's orders, and each one agreed to the archbishop's advice to have a conference on a day of mediation. The day was fixed for 28 July; the place, outside Winchester. The chancellor agreed to abide by these provisions, and he raised the siege and returned to London. The count, however, distrusting his crafty designs, brought with him 4,000 Welshmen, so that if the chancellor attempted to seize him during the truce, these men, concealed near the conference-place, might quickly check his attempt. Furthermore, he ordered the summons and request to be made that all his men and everyone else who loved him should assemble, ready for war, and go with him at the appointed place and day to the conference, which he had agreed to but distrusted, with the lord of the whole land, so that he might at least escape alive if that man, more than a king and mightier in his own eyes, should do anything contrary to the decision of the tribunal or should not agree to the transaction. The chancellor, on the other hand, ordered a third of the knighthood of all England to come fully armed to Winchester on the appointed day. He took with him, too, the Welshmen from the king's levy, so that if there should be a struggle with the count, he would have equal forces "and spear threatening spear".

An agreement was reached at the conference, as it was proclaimed and published, which brought things to a better end than had been feared. The agreement made between the count and the chancellor was of this nature and made the following provisions:

First, three bishops were named, those of Winchester, London, and Bath, on whose trustworthiness each side relied. The bishops chose, on the chancellor's side, three earls, those of Warenne, Arundel, and Clare, and eight other nominees; and on the count's side, Stephen Ridel, the count's chancellor, William of Wenneval, Reginald of Wasseville, and eight other nominees. All these men swore, some while looking at the holy gospels and others while touching them, that they would provide a settlement of the complaints and differences between the count and the chancellor to the honour of each party and the peace of the realm, and that if any disagreement should arise between them thereafter, they would faithfully put an end to it. The count and the chancellor also swore to agree to whatever the jurors should provide. And these were the provisions:

The custody of Lincoln castle remained in good peace with Gerard of Camville, who was to be received into the chancellor's favour. The count surrendered the castles he had taken. When he received these castles, the chancellor turned them over to faithful liegemen of the king, to wit: to William of Wenneval, Nottingham castle, and

to Reginald of Wasseville, the castle of Tickhill. Each of these men gave a hostage to the chancellor to ensure that he would keep these castles for the king in true peace and faith to the lord king, if he should return alive. If, however, the king should die before he returned, they would give the aforesaid castles back to the count, and the chancellor would return the hostages.

The constables of the castles belonging to the count's honours were to be changed by the chancellor, if the count should show a good reason for changing them. The chancellor would not try to disinherit the count if the king died, but he would, in so far as he was able, advance him to the crown.

This was solemnly done at Winchester, on 25 April<sup>1</sup>. . .

Geoffrey, the brother, but not on the mother's side, of king Richard and count John, who had been consecrated archbishop of York at Tours by the archbishop of Tours at the command of the supreme pontiff, several times sent letters to John, the king's brother and his own, begging that at least with his consent he might be permitted to return to England. When John consented, he made ready to return. The brothers' correspondence did not escape the notice of the chancellor. Taking precautions lest the quality of their innate perversity might increase through their being together, he gave orders to the guardians of the coast that wherever the archbishop, who had abjured England for the three years of the king's pilgrimage, might land within that period, he should not be permitted to proceed onward except with the consent of the jurors to whose arbitration the count and the chancellor had by oath agreed to submit everything that might be a subject of difference between them (or that might afterwards arise) . . .

Geoffrey, archbishop of York, presuming on the consent of count John his brother, got his ship ready and landed at Dover. As soon as he set foot to land he sought a church where he might pray. There is a priory of monks there of the profession of Canterbury, whose oratory he entered with his clerks to hear mass, while his servants were busy round the ships, which were being unloaded.

All his household furniture was already unloaded, when suddenly the constable of the castle reading more into the order of his lord the chancellor than he had commanded, had everything that was thought to be the archbishop's dragged into the town. Some soldiers, also, armed under their cloaks and girded with swords, came into the monastery to seize the prelate. When he saw them, aware of their intention, he took his cross in his hands. Speaking to them first and stretching out his hands to his followers, he said: "I am the archbishop. If you are seeking me, let these men go." The soldiers said: "Whether you are the archbishop or not is nothing to us. One thing we do know: that you are Geoffrey, the son of king Henry whom he begot in some bed or other, who, in the presence of the king, whose brother you make yourself out to be, abjured England for three years. If you have not come into the realm as a traitor to the realm, if you have brought letters releasing you from your oath, either speak or take the consequences." Then the archbishop said: "I am not a traitor, nor will I show you any letters." They laid hands on him there before the very altar. By violence they dragged him, unwilling and resisting, but not fighting back, out of the church. As

<sup>1</sup> inconsistent with 28 July above

soon as he was past the threshold he excommunicated by name those who had laid hands on him, who were present and hearing him and still holding him. He refused a horse offered him, so that he might ride with them to the castle, because it was the property of excommunicated men. Forgetful of all mercy, with their hands they dragged him, on foot and carrying his cross, through the mud of the streets into the castle. After all this, when they wanted in their kindness to act in a more humane manner to their captive, they brought him some better food, which they had prepared for themselves. He, however, made more determined by what he had already borne, spat out their food as that of idolators and would not eat anything except from his own provisions. The story went through the country more quickly than the wind. Those who had followed their lord from afar followed it, reporting and lamenting to everyone that the archbishop, the king's brother, had been thus driven, thus dragged, and thus kept in prison . . .

The archbishop had already been in custody three days, when the chancellor, as soon as the affair was reported to him, gave all his possessions back to him and set him free to go wheresoever he chose. Moreover, he wrote to count John and all the bishops, declaring on his oath that this man had suffered all these injuries without his knowledge. The excuse was of little avail, for what had formerly been sought and purchased with promises was [now seized upon and] retained more tenaciously than if by birdlime, since he, of his own initiative, had furnished his enemies with an accusation against him. Those who had presumed to such temerity and had laid hands on the archbishop were excommunicated individually from every church in the whole realm. The authors of the deed and those who had consented to it were excommunicated in general, so that the chancellor, who was hated by all, might be involved at least in a general curse . . .

Count John, sharpening his jaw-teeth against the chancellor, whom he did not love, laid a most grave complaint before each of the bishops and nobles of the realm concerning the agreement to a (sworn) peace that had been broken by the other party and concerning the seizure, shameful to himself, of his brother. The jurors were begged and adjured to stand by their sworn promise and to act quickly lest the situation become worse, so that the man who had broken faith and betrayed his oath might wipe out by a fitting satisfaction the wrong he had done.

The affair, which up till this time had been conducted in the clouds, now proceeded to certain action. The chancellor was summoned by the valid authority of all of his and the count's mediators to come to answer the count's accusation and to submit himself to the law, at Loddon bridge, on 5 October.

The count, with a large part of the nobles of the realm all favouring him, waited for the chancellor at the conference place for two days. On the third day he sent some of his followers ahead of him to London, while he still waited (at the conference place) to see if the man for whom he was waiting would dare or deign to come. The chancellor, fearing the count and distrusting the judges, delayed for two days to go to the conference place. On the third day (for "as each man's conscience is, so within the breast it conceives its hopes and fears as facts") between hope and fear, he started to go to the conference. Behold! Henry Biset, a man faithful to him, who had seen those of

the count's household who had been sent ahead going by "at full gallop, spurring heavily", came to the chancellor and swore that the count had gone armed on the day before to seize London. Who on that day would not accept as gospel truth whatever he might say, unaware that he was lying? But he did not lie, for he thought that what he said was true. The chancellor, deceived, as any man would be, by this turn of affairs, had all the soldiers who were with him arm immediately, and, thinking that he was following directly after the count, he reached the city ahead of him. Because the count had not yet arrived, he asked the citizens to shut the gates to the count when he arrived, but they refused and called the chancellor a disturber of the land and a traitor.

The archbishop of York, however, with an eye to the future, had stayed there for several days to see the end of the affair, and assiduously stirred up everyone against the chancellor by complaints and prayers. The chancellor, realising for the first time that he had been betrayed, fled to the Tower, and the Londoners kept watch by land and by sea lest he escape. When the count learned of his flight, he pursued the chancellor with his forces. The count was received by the citizens, who came out to meet him with lanterns and torches, for he entered the city by night. Nothing was lacking in the salutations of the fawning populace save that parrot-cry, "Chere Basileos!". . .

On the next day the count and all the nobles of the realm met in St Paul's church. The accusation of the archbishop of York was heard first of all.

After it, anyone was admitted who had anything against the chancellor. The accusers of the absent man had a full and careful hearing, and especially that wordy Hugh, bishop of Coventry, but yesterday his most familiar friend. Since the worst plague is an enemy who was once a friend, he spoke the most severely and gravely of all against his intimate friend and did not cease till everyone said: "We will not have this man to reign over us."

Then the whole assembly without delay declared count John, the king's brother, supreme governor of the whole realm and ordered that all the castles should be turned over to whomever he wanted. Three only (of the least valuable ones), which were at a great distance from each other, they left to the chancellor, already chancellor only in name. The chief justiciar, who was supreme after the count, the itinerant justiciars, the keepers of the exchequer, and the constables of the castles: all were new men, newly appointed. Among others who received something at that time, the bishop of Winchester received all the custodies that the chancellor had taken away from him, and the lord bishop of Durham received the earldom of Northumberland.

On the same day a commune of the citizens of London was granted and instituted, to which all the nobles (of the realm) and even the bishops of that province were forced to swear. Now London first realised that the king was absent from the realm by this conspiracy granted to it, which neither king Richard himself nor his predecessor and father, Henry, would have allowed to be done for a million silver marks. How many evils indeed arise from the conspiracy may be gathered from its very definition, which is this: a commune is the tumult of the people, the terror of the realm, and the tepidity of the priesthood.

When that ill-starred day was drawing near to evening, four bishops and a like number of earls, sent to the chancellor on behalf of the assembly, explained to him to

the letter all that had been done that day. He was filled with horror at the unexpected boldness of the presumptuous men. His spirit failed him. He fell to earth so wan that he emitted foam from his mouth. When cold water had been thrown in his face, he revived. Standing erect, he pierced the messengers with a savage look and said: "The one safety of the vanquished is to expect no safety.' You have vanquished and fettered me when I was unaware. If the Lord God lets me see my lord the king with my two eyes, this day will bring woe to you, you may be sure. In so far as you can, you have already given the count whatever was the king's in the realm. Tell him that Priam is still alive. You who have forgotten your still living king and have chosen another to be your lord, you tell that lord of yours that everything will turn out differently from what he thinks. The castles I will not give up; the seal I will not resign." The messengers left him and reported what had happened to the count, who ordered the Tower to be more closely besieged.

The chancellor was sleepless for the greater part of the night, for the man who "does not turn his mind to study and to honest matters will be racked to sleeplessness by envy or by love". In the meantime his followers racked him more (or not less) than his conscience, begging him with tears, prostrate at his feet, to give way to necessity and not to try to swim against the current. He, harder than iron, was softened by the tearful counsel of those weeping around him. Fainting again and again from sorrow, at last he reluctantly consented that those things be done that he, helpless as he was, was being forced to do. He did not send but, rather, permitted one of his brothers and three men, not ignoble, with him, to announce to the count at that same hour of the night that the chancellor, no matter in what frame of mind, was ready to suffer and to do what had been provided. Let delay be removed, they urged, for "it was always harmful to put things off when they were ready". Let it be done on the next day, lest the wind so change that it might have to be put off for a year. They returned to the Tower, and before daybreak the count notified his party that these things would be done.

"Meanwhile the new-born Aurora left the ocean", and the count with all his party went out to a level place outside London to the east, immediately after sunrise.

The chancellor, too, went there, but not so early as his adversaries. The great men were in the centre; around them was a circle of citizens, and the rabble, estimated at 10,000 men, was looking on from the fringe. First the bishop of Coventry came up to the chancellor and repeated each of the accusations of the previous day, always adding something of his own. "It is," he said, "neither fitting nor enduring that the knavery of one such man should cause so many noble and honourable men to come together from such distant parts for nothing. And because it is better to suffer once than for ever, I will bring all these things to a close with a few words. It does not please us, because it does not suit us, that you should rule any longer in the realm. You will be content with your bishopric, with the three castles we have allowed you, and with the shadow of a great name. You will give dependable hostages that you will surrender all the rest of the castles and that you will not stir up troubles or excite tumults, and (afterwards) you may freely go wherever you will." Many people said many things about these matters, but no one opposed them. Only (the lord bishop) of Winchester,

although he was more eloquent than most, kept silent all the time. At last the chancellor, when with difficulty he got permission to speak, said:

“Am I always to be only a listener, and shall I never answer? Before all else, let each and every one of you know that I do not consider myself guilty of anything that should make me fear the verdict of any of you. I declare that the archbishop of York was seized without my knowledge or consent, and if you will hear it I will prove it either in the civil or in the ecclesiastical courts. If I have done anything concerning the king’s escheats and the women in his gift, Geoffrey son of Peter, William Briwere, and Hugh Bardolf, whom I had as advisers by the king’s appointment, will give satisfaction for me, if they are allowed to speak.

“I am ready to give an account to the last farthing as to why and for what I have spent the king’s money. Although in this matter I fear the king more than I do you, I shall not refuse to give hostages for surrendering the castles, for I must submit to force. I do not relinquish the title that you cannot take away and the reputation that I shall still have. Finally I say, so that you may all know, that I do not lay down any of the duties given me by the king. You, being many, have beset one man. You are stronger than I, and I, the king’s chancellor and justiciar of the realm, judged contrary to all law, give way to stronger men because it is necessary.”

The sun, sinking in the west, put an end to the allegations of the parties. (Two) brothers of the former chancellor and a certain third person, who had shared his secrets as his chamberlain, were received as hostages.

The keys of the Tower of London having been surrendered, the council was dissolved on 10 October.

The chancellor went to Dover, which was one of the three castles of which mention has been made, and the count turned over all the fortified places of the land, which had been surrendered to him, to whomever he pleased and most trusted . . .

Messengers were sent immediately, both by the condemned man and by those who had condemned him, to the king himself in the Promised Land, and they were adequately instructed either to accuse or to excuse.

The chancellor in name only, disturbed by the thought of his lost power and his present condition, tried in every way to get round the prohibition against his crossing the Channel, and in a variety of ways and more than once he made a laughing-stock of himself.

I shall not mention that he was caught and held both in a monk’s habit and in woman’s clothing, but it is well remembered what vast stores of goods and what enormous treasures the Flemings took from him when he landed at last in Flanders. When his crossing over became known, whatever revenues he possessed in England were confiscated. Then there was an ominous contest among the strong. The chancellor laid an interdict on the diocese that had been taken away from him, and he marked down his attackers and bound them by an anathema. Nor was the archbishop of Rouen inferior to him in courage, for in punishment of this presumptuous excommunication of the exchequer officials he ordered William Longchamp to be denounced throughout Normandy and to be held as excommunicate. He did not want to appear afraid of the curse laid upon those who entered upon the aforesaid

diocese, nor did he deign to believe that the sentence of the fugitive prelate could ascend to the throne of his majesty. Therefore the face of the church of Ely was foul; all the Lord's work was silenced throughout the whole diocese; and the bodies of the dead lay unburied along every road. In Normandy, in retaliation, no one of the archbishop's party had any dealings with the chancellor. At his entry every function of the church was suspended; at his leaving all the bells were rung; and the altars where he had celebrated mass were thrown down . . .

The archbishop of Rouen, having been appointed chief justiciar of the realm and supreme in affairs by the count . . .

In 1192,

. . . That matron, worthy of being mentioned so many times, queen Eleanor, was visiting some cottages that were part of her dower, in the diocese of Ely.<sup>1</sup> There came before her from all the villages and hamlets, wherever she went, men with women and children, not all of the lowest orders, a people weeping and pitiful, with bare feet, unwashed clothes, and unkempt hair. They spoke by their tears, for their grief was so great that they could not speak. There was no need for an interpreter, for more than what they wanted to say could be read on the open page [of their faces]. Human bodies lay unburied here and there in the fields, because their bishop had deprived them of burial. When she learned the cause of such suffering, the queen took pity on the misery of the living because of their dead, for she was very merciful. Immediately dropping her own affairs and looking after the concerns of others, she went to London. She requested, indeed commanded, the archbishop of Rouen that the confiscated revenues of the bishop be repaid to the bishop and that the same bishop, in the name of the chancery, be proclaimed throughout the province of Rouen as freed from the excommunication that had been pronounced upon him. And who would be so savage or cruel that this woman could not bend him to her wishes? She forgot nothing and sent word over to Normandy to the bishop of Ely that his public office and private affairs in England had been restored to him as she had requested, and she forced him to revoke the sentence he had laid upon the officers of the exchequer. Thus through the queen's mediation the open enmity between the warring parties was laid to rest, but, unless she were to shatter the hearts of both parties, the habits of thought contracted through an old hatred could not be changed.

Count John sent messengers to Southampton and ordered that a ship be made ready for him immediately, so that he might go over, as it was thought, to the king of the French. His mother, however, fearing that the lightminded youth might be going to attempt something, by the counsels of the French, against his lord and brother, with an anxious mind tried in every way she could to prevent her son's proposed journey. Her maternal heart was moved and pained when she called to mind the condition of her older sons and the premature deaths of both of them because of their sins.

With all her strength she wanted to make sure that faith would be kept between her youngest sons, at least, so that their mother might die more happily than had their father, who had gone before them. All the great men of the realm were called together, therefore, first at Windsor, secondly at Oxford, thirdly at London, and fourthly

<sup>1</sup> The diocese lay under an interdict imposed by its bishop, the disgraced chancellor, William Longchamp.

at Winchester. Through her own tears and the prayers of the nobles she was with difficulty able to obtain a promise that he would not cross over for the time being. The count, when he was prevented from making his intended journey, did what he could. He secretly summoned the king's constables of Windsor and Wallingford and took possession of those castles. When he had received them he turned them over to men sworn to him, to keep for him.

At the order of the archbishop of Rouen, the pillars of the church and the scribes of the law gathered at London to discuss, as is so often the case, little or nothing concerning the affairs of the realm. All were one of mind: to summon count John to account for taking over the castles. But, because each one in turn did not believe that it was his affair, each one, fearing the count, wanted the question to be put by another's mouth rather than by his own.

Everyone aired his views, therefore, to this purpose and in this spirit. Only Aeacus was not there, who everyone agreed should be summoned. But even while, among the matters to be attended to, the former chancellor, as it happened, was being discussed, behold! Crispinus was once more present. Messengers of the chancellor, now legate once more, came before the assembly and saluted the queen, who was present, and all the others, whom they found, as it happened, all together, on behalf of their lord, who had landed safely at Dover the day before. He revealed that the purpose of his legation would be to carry out his orders to the very last clause. "All held their tongues for a long time; their mouths hung open" in great astonishment. At last the desire came to all of them humbly to summon as their ruler and lord that same man whom they had been going to judge as a perjurer and an offender against his lord. Many of the great men, therefore, of whom Echion was one, were urgently and often sent to the count, who was then resting at Wallingford and laughing at their assemblies. Humbly and with smooth faces they begged him to make haste "to attack the he-goat". "My lord," they said, "'he wears a horn; beware!'"

The count, not greatly moved, allowed himself to be humbly begged for a long time. At last, satisfied with the honour paid to him, he came to London with the latest suppliants, whom he liked better than the others. He was sufficiently informed to be able to answer to every "wherefore?" if any questions should happen to be asked. The assembly stood up and made flattering speeches to the newcomer, not observing the order of age and rank. Whoever could first do so ran up first and tried to be seen before the others, wanting to please the prince, for "to have pleased princes is not the least praise for a man". The leaders sat down in council. There was no mention of the castles; the whole complaint and consultation was concerning the chancellor. If the count so advised, they were all ready to proscribe him. They were busy trying to persuade the count to that opinion in every way, "but the beast was to their right". When the count was begged to reply, he said briefly: "This chancellor does not in the least fear the threats or seek the friendship of any or all of you, if he can only have my favour alone. He is to give me seven hundred pounds of silver within the week if I will not meddle between you and him. You see that I need money. 'To the wise, enough has been said.'" He spoke and withdrew, having dropped the conclusion into the middle of his first proposition. The council quickly concluded the matter brought before it. It

seemed wise to each one to coax the man with more than promises, and it pleased each one to give or lend money, but not his own, since the whole would in the end fall into the absent man's treasury. Five hundred pounds sterling were lent to the count from the exchequer by the exchequer officials, and letters against the chancellor were received according to their desire. There was no delay. The queen wrote; the clergy wrote; the people wrote; all with one voice urged the chancellor, for his own safety, to make the leap and cross the sea without delay, unless he wanted to listen to threats and live with armed guards.

The chancellor went pale at the harshness of their orders and turned as white "as one who steps on a snake with bare feet". In departing, however, he made this one manful reply: "Let all who are persecuting me know that they shall see whom they have been afflicting. I am not destitute of all comfort, as they think. Someone is always dinning in my well-rinsed ear with truthful writings. 'As long as I am a pilgrim,' he says, 'bear patiently whatever you are exposed to. To a strong man, every country is his fatherland. Have confidence in one who has been tried by experience; be of stout heart and preserve your spirit for better things. With me the welcome hour will come to you when it is not expected.

"Unlooked-for I shall come and triumph over my enemies, and once more my victory will make you a citizen in my kingdom, which has been forbidden to you and is now disobedient to me. Perhaps some day it will indeed be a pleasure to remember this."

## 2. The Chronicle of mr Roger of Howden: selected passages from the years 1190-2

(*The Annals of Roger de Hoveden*, trans. H. T. Riley, II (1853), extracts from pp. 134-271)

Another account of the struggle for power in England during Richard I's absence on crusade, by a not less well-informed contemporary, and so interesting to compare. A modern account is that by William Stubbs in the Introduction to vol. III of his edition of Howden, *Chronica Rogeri de Houedene*, 4 vols (Rolls ser., 1868-71), or in his *Historical Introductions to the Rolls Series*, ed. A. Hassall (1902), pp. 209 ff.

[Before setting out on his crusade, the king crossed over to his French possessions.]

Immediately after the king had passed over, a dispute arose between the before-named bishops of Durham and Ely, which of them was to occupy the highest place; for the thing that pleased the one, displeased the other. So true it is that "All authority is impatient of a partner"; and, not to go further for an illustration, "The first walls were steeped in a brother's blood"<sup>1</sup>. . .

[In the year of grace 1190] . . . the king appointed William, bishop of Ely, his chancellor, chief justiciary of England; while he made Hugh, bishop of Durham, justiciary from the river Humber to the territory of the king of Scotland. He also compelled Geoffrey, archbishop elect of York, and John, earl of Mortaigne, his brothers, to make oath, touching the Holy Evangelists, that they would not enter England for the next three years, except with his permission. However, he immedi-

<sup>1</sup> "*fraterno prini maduerunt sanguine muri*"; alluding to the death of Remus at the hands of his brother Romulus, or of Celer, his lieutenant, on the walls of infant Rome.

ately released his brother John from the oath which he had made, and gave him permission to return to England, after swearing that he would faithfully serve him.

The king also sent to England William, bishop of Ely, his chancellor, to make the preparations necessary for him and his expedition; and, as he wished to exalt him above all other persons in his dominions, both clergy as well as laity, he sent envoys to pope Clement, and prevailed upon him to entrust to the before-named chancellor the legateship of the whole of England and Scotland . . .

In the meantime, the king's envoys, whom he had sent to Rome to obtain the legateship of England and Scotland for William, his chancellor, returned to him with letters of our lord the pope relative thereto. Accordingly, on the strength of his legateship, the said bishop of Ely, legate of the apostolic see, chancellor of our lord the king, and justiciary of all England, oppressed the clergy and the people, confounding right and wrong; nor was there a person in the kingdom who dared to offer resistance to his authority, even in word.

After Easter, the said chancellor of the king came to York with a great army, for the purpose of seizing those evil-doers who had destroyed the Jews of that city; and, on learning that this had been done by command of the sheriff and the keeper of the tower, he deprived them both of their offices; while he exacted of the citizens of the city a hundred hostages, as security for their good faith and keeping the peace of the king and the kingdom, and that they would take their trial in the court of our lord the king for the death of the Jews. After this, the said chancellor placed in charge of Osbert de Longchamp, his brother, the jurisdiction of the county of York, and ordered the castle, in the old castelry which William Rufus had erected there, to be fortified. The knights, also, of that county who would not come to make redress, he ordered to be arrested.

The said chancellor, by virtue of his legateship, next suspended the canons, vicars, and clerks of the church of St Peter at York, because they had refused to receive him in solemn procession; and laid the church itself under an interdict until the canons, vicars, and clerks of the church of St Peter should come and throw themselves at his feet; he also caused the bells of that church to be laid upon the ground.

In the meantime, Richard, king of England, gave to Hugh, bishop of Durham, leave to return to his country: who, on meeting the chancellor at the city of Ely,<sup>1</sup> presented to him the king's letters, in which the king had appointed him justiciary from the river Humber to the territories of the king of Scotland; on which the chancellor made answer, that he would with pleasure execute the king's commands, and took him with him as far as Suwelle,<sup>2</sup> where he seized him, and kept him in custody until he had surrendered to him the castle of Windsor and others which the king had delivered into his charge. In addition to this, the bishop of Durham delivered to the chancellor, Henry de Pudsey, his son, and Gilbert de la Ley, as pledges that he would keep faith to the king and his kingdom; on which, the bishop of Durham, being liberated from the custody of the chancellor, came to a vill of his, which bears the name of Hoveden.<sup>3</sup> While the bishop was staying at this place for some days, there came to Hoveden

<sup>1</sup> erroneously called "Blie" in the text

<sup>2</sup> Southwell

<sup>3</sup> Howden, in Yorkshire, the native place of our author

Osbert de Longchamp, brother of the chancellor, and William de Stuteville, with a considerable body of armed people, intending, by command of the chancellor, to seize the bishop; however, the bishop gave them security that he would not depart thence, except with the permission of the king or of the chancellor. Accordingly, the bishop of Durham sent messengers to the king of England, to inform him of everything that had happened to him through the chancellor . . .

While Richard, king of England, was staying at Marseilles, there came to him the messengers of Hugh, bishop of Durham; and, on hearing from him the injuries which the before-named chancellor had inflicted on him, the king ordered the earldom of Northumberland and the manor of Sedbergh to be delivered to the bishop of Durham . . .

In the same year, William, bishop of Ely, legate of the apostolic see, chancellor of our lord the king and justiciary of all England, oppressed the people entrusted to his charge with heavy exactions. For in the first place he despised all his fellows whom the king had associated with him in the government of his kingdom, and disregarded their advice. Indeed, he considered no one of his associates in the kingdom his equal, not even John, earl of Mortaigne, the king's brother. Accordingly, he laid claim to the castles, estates, abbeys, churches, and all the rights of the king as his own. On the authority also of his legateship, he came to take up his lodging at bishoprics, abbeys, and priories, and other houses of the religious orders, with such a vast array of men, horses, hounds, and hawks, that a house where he took up his abode for only a single night, was hardly able within the three following years to recover its former state. From the clerks and laity he also took away their churches, farms, lands, and other possessions, which he either divided among his nephews, clerks, and servants, or else, to the loss of the owners, retained possession of them himself, or squandered them away to supply his extraordinary expenses.

Did not this wretched man consider that he should one day have to die? Did he not think that the Lord would demand of each an account of his stewardship, or honourable conduct in his government? But well is it said as to such men as this: "Nothing is more unendurable than a man of low station when he is exalted on high. On every side he strikes, while on every side he fears; against all does he rage, that they may have an idea of his power; nor is there any beast more foul than the rage of a slave let loose against the backs of the free . . ."

[In the year of grace 1191] . . . a serious difference happened in England between the king's chancellor and John, earl of Mortaigne, the king's brother, and the other principal men of the kingdom; which increased to such a pitch that they all wrote to the king relative to the state of his kingdom, and the excesses that the said chancellor was guilty of toward the people of his kingdom. Accordingly, when the king heard of the excesses and annoyances that the chancellor was guilty of towards his people, he sent to England from Messina, Walter, archbishop of Rouen, and William Marshal, earl of Striguil, with commands to the chancellor that in all business of the kingdom he should have the said archbishop of Rouen, and William Marshal, Geoffrey FitzPeter, William Bruere, and Hugh Bardolph, as his associates and witnesses. On their arrival in England, these persons did not dare deliver their letters to the chancellor,

fearing lest they should rather incur his hatred, than derive honour therefrom. For the chancellor set at nought all the king's commands, and would have no one an equal with himself, or any associate in the kingdom . . .

In the meantime, a serious dissension arose in England between the king's chancellor and John, earl of Mortaigne, the king's brother, relative to the castle of Lincoln, which the chancellor besieged, having expelled Gerard de Camville from the keepership and the office of sheriff of Lincoln; which former office the chancellor gave to William de Stuteville, and made him sheriff as well. But while the said chancellor was besieging the castle of Lincoln, the castle of Nottingham and the castle of Tickhill, which belonged to the king, were surrendered to earl John, who immediately sent word to the chancellor that, unless he quickly gave up the siege, he would visit him with a rod of iron.

Consequently, the chancellor, being alarmed at the commands of John, earl of Mortaigne, broke up the siege; and, through the mediation of many of the bishops, and other faithful servants of our lord the king, they appointed a day for an interview, at which an agreement was made between them on the following terms:

"Be it known to all men to whom this present writing shall come, that the dispute that has arisen between the earl of Mortaigne and our lord the chancellor has been, through the mediation of the archbishop of Rouen, and the bishops of Durham, London, Winchester, Bath, Rochester, and Coventry, and other faithful servants of our lord the king, set at rest; inasmuch as the earl of Mortaigne has restored to our lord the king, by the hands of the lord archbishop of Rouen, the castles of Tickhill and of Nottingham, to be given into the charge of William Marshal and of William de Wendenal; that is to say, the castle of Nottingham to William Marshal, and the castle of Tickhill to William de Wendenal; which said castles they shall, having made oath thereto, keep to the honour of and in fealty to our lord the king, until such time as he shall return; and when he shall return, then they shall do therewith according to his will and command. And if, which God forbid, it shall so happen that our lord the king shall depart this life during the pilgrimage, then the said persons shall, without detaining the same or any delay, deliver up the before-mentioned castles to the said earl. And if it shall so happen that, in the meantime, our lord the chancellor shall be guilty of any excesses against the said earl, and, on being requested to make amends for the same without delay, in conformity with the advice and opinion of the said lord archbishop of Rouen and others of the household of our lord the king and of his court, shall refuse so to do, then they shall restore and give up the said castles to the said earl. These other castles also, with the honours thereof granted to him by our lord the king, have been delivered into the charge of faithful servants of our lord the king; that is to say, the castle of Wallingford has been given up to the lord archbishop of Rouen, the castle of Bristol to the lord bishop of London, the castle of the Peak to the lord bishop of Coventry, the castle of Bolsover to Richard of the Peak, and, if the said Richard should decline it, the lord bishop of Coventry is to take it, the castle of Eye to Walter Fitz-Robert, the castle of Hereford to earl Roger Bigot, the castles of Exeter and of Launceston to Richard Revel; who have in like manner sworn that, as they owe fealty to our lord the king, they will faithfully keep the same for his service.

And, further, three castles, which belong to the crown of our lord the king, have been delivered in trust as follows: the castle of Windsor to the earl of Arundel, the castle of Winchester to Gilbert de Lacy, and the castle of Northampton to Simon de Pateshull, who have in like manner sworn that, as they owe fealty to our lord the king, they will faithfully keep the same for his service. It has been further agreed, that bishops, abbots, earls, barons, vavasours, and freeholders shall not, at the will of justices or deputies of our lord the king, be disseised of their lands and chattels, but shall be dealt with by judgment of the court of our lord the king, according to the lawful customs and assizes of the realm, or according to the command of our lord the king. And in like manner the lord John shall cause similar provisions to be made in his lands. And, if any person shall presume to do otherwise, at the prayer of the before-named earl, the same shall be rectified by the lord archbishop of Rouen, if he shall be in England, and by the justices of our lord the king, and by those who have thus sworn to keep the peace; and, in like manner, at their prayer, the said John shall cause due reparation to be made. All new castles built after the departure beyond sea of our lord the king on his pilgrimage, whether begun or whether finished, shall be razed, and no other new ones shall be fortified until the return of our lord the king, except in manors demesne of our lord the king, if need there shall be, or in case such shall be done in the service of some person named by the precept of our lord the king, conveyed hither by letter or by some trusty messenger. Gerard de Camville shall be reinstated in the office of sheriff of Lincoln, and on the same day a proper day shall be appointed for him to make his appearance in the court of our lord the king, there to abide his trial; and if in the judgment of the court of our lord the king proof can be given that he ought to lose that office as also the keepership of the castle of Lincoln, then he is to lose the same; but, if not, he is to keep it, unless in the meantime an agreement can be come to relative thereto on some other terms. And the lord John is not to support him against the decision of our lord the king, nor is he to harbour such outlaws, or enemies to our lord the king, as shall be named to him, nor allow them to be harboured on his lands. But if any person shall be accused of any offence committed against our lord the king, it shall be lawful for the earl to harbour him in his lands so long as he shall offer to make due redress in the court of our lord the king. To maintain and observe this treaty of peace in good faith and without evil intent, the said earl, and chancellor, and fourteen barons, on the two sides, have made oath at the hand of the said lord archbishop of Rouen; namely, on the part of the chancellor, the earl of Arundel, the earl of Salisbury, the earl Roger Bigot, the earl of Clare, Walter Fitz-Robert, William de Braose, and Roger Fitz-Rainfray; and, on the part of the earl, Stephen Ridel, his chancellor, William de Wenneual, Robert de Mara, Philip de Worcester, William de Kahannes, Gilbert Basset, and William de Montacute. And if within the time of the truce anything shall have been taken or intercepted on either side, it shall be lawfully returned and made good. And this treaty has been made, saving in all things the authority and commands of our lord the king; but so that if, before his return, our lord the king shall be unwilling that this treaty shall hold good, the before-named castles of Nottingham and Tickhill shall be restored to the lord John, whatever commands our lord the king may give relative thereto."

In the same year, a short time after the abovementioned treaty of peace made between the chancellor and the earl, Geoffrey, the archbishop elect of York was consecrated by William, archbishop of Tours, by command of Celestinus, the supreme pontiff; and, immediately after his consecration, being unmindful of the oath which he had made to the king, his brother, to the effect that he would not return to England till after the expiration of three years from the time that the king left England, he hastened to return to England. However, on his arrival at Witsand, in Flanders, for the purpose of crossing over to England, he was forbidden on the part of the chancellor to presume to return to England, contrary to the tenor of the oath which he had taken before the king; but the archbishop refused at his command to abandon his purpose; wherefore, the chancellor ordered him to be seized, if he should come into England.

Accordingly, the archbishop of York came over to England, and landed at Dover, in the month of September, while the servants of the chancellor were standing on the shore for the purpose of laying hands on him. Being, however, forewarned of this, before he left the ship he changed his clothes, and mounting a horse in whose speed he had confidence, fled to a monastery of monks in that town. It was about the sixth hour of the day, and the monks had begun mass, and the epistle was being read, in which they had just come to the passage where the holy apostle says, "He that troubleth you shall bear his judgment, whosoever he be",<sup>1</sup> and again, in the same epistle, "I would they were even cut off which trouble you",<sup>2</sup> when the archbishop of York entered the church, putting his trust in the Lord; and he received the same as a pleasing omen, referring it to the lasting quiet of his own holy office, and the approaching confusion of the chancellor.

Upon this, the servants of the chancellor whom he had sent to apprehend him, besieged the church on all sides, so that he could not come forth without falling into their hands; and one day, after the celebration of the mass, while the said archbishop clad in his sacerdotal habiliments, was still standing at the altar, these sinister satellites effected an entrance into the church, and laid violent hands upon him, and dragged him forth from the church. After dragging him out, or rather tearing him away therefrom, they vilely and ignominiously led him through the mud of the streets, and along the lanes, while the people stood shouting after them, "O cowards! Why do you take him in this manner? What harm has he done? He is an archbishop, the brother of a king, and the son of a king!"

However, not attending to the words of the people, they took him to Dover castle, and delivered him into the custody of Matthew de Clare, the constable thereof. When this was told to earl John, the brother of the said archbishop, he enquired of the chancellor if this had been done by his order, on which he admitted that it was, and did not deny it; whereupon the earl gave orders that the archbishop should be set at liberty, which was done accordingly.

On his arrival at London, he made complaint to earl John, and the bishops, and other nobles of the kingdom, respecting the injuries done to him and his people by the chancellor and his men; and the earl gave orders that the chancellor should take his trial in the king's court for the injury which he had done to his brother the archbishop of

<sup>1</sup> Gal. v. 10

<sup>2</sup> Gal. v. 12

York, and to Hugh, bishop of Durham. On the chancellor delaying to do this from day to day, the earl John, and the archbishop of Rouen, and the bishops and principal men of the kingdom, named a peremptory day for his appearance at Reading: on which day there came thither the earl of Mortaigne, and nearly all the bishops, earls, and barons of the kingdom; but though they waited there after the peremptory day, expecting the arrival of the chancellor, he declined to come, or even to send a message. Upon this, earl John, and the bishops who were with him, prepared to set out for London, that being there met by a more considerable number of persons, they might enjoy the benefit of the advice of the citizens of London, what to do as to their chancellor, who had created this confusion in the kingdom, and refused to take his trial.

On the chancellor hearing this, he left Windsor and hastened to London, and, while on the road, it so happened that his household and knights met the knights of earl John, on which a sharp engagement took place between them. In this affair one of the knights of earl John, by name Roger de Planis, lost his life; however, the earl prevailed, and the chancellor and his men taking to flight, he entered London, and took refuge with his people in the Tower of London. Earl John, and nearly all the bishops and earls of England, also entered London on the same day, namely, the third day after the octave of St Michael, and, on the following day, the said earl John, the king's brother, and the archbishop of Rouen, and all the bishops, and the earls, and barons, met the citizens of London in St Paul's churchyard, and there made accusation against the said chancellor of many offences, and especially the injuries he had done to the lord archbishop of York and the lord bishop of Durham.

The associates also of the said chancellor whom the king had associated with him in the government of the kingdom, accused him of many offences, saying that, despising their advice, he had transacted all the affairs of the kingdom according to impulse and his own will. The archbishop of Rouen also, and William Marshal, earl of Striguil, then for the first time produced before the people the sealed letters from our lord the king, in which the king had sent orders from Messina that they should be associated with him in the government of the kingdom, and that, without the advice of them and the other persons so appointed, he was not to act in the affairs of the king and the kingdom, and that if he should do anything to the detriment of the kingdom, or without the consent of the persons before-named, he should be deposed, and the archbishop of Rouen substituted in his place.

It seemed good therefore to John, the king's brother, and all the bishops, earls, and barons of the kingdom, and to the citizens of London, that the chancellor should be deposed, and they accordingly deposed him, and substituted in his place the archbishop of Rouen, who was willing to do nothing in the government of the kingdom except with the will and consent of the persons assigned to him as associates therein, and with the sanction of the barons of the exchequer. On the same day, also, the earl of Mortaigne, the archbishop of Rouen, and the other justiciaries of the king, granted to the citizens of London the privilege of their commonalty; and, during the same year, the earl of Mortaigne, the archbishop of Rouen, and the other justiciaries of the king, made oath that they would solemnly and inviolably observe the said privilege, so long as the same should please their lord the king. The citizens of London also made oath

that they would faithfully serve their lord king Richard, and his heirs, and would, if he should die without issue, receive earl John, the brother of king Richard, as their king and lord. They also swore fealty to him against all men, saving always their fealty to king Richard, his brother. Upon this, the chancellor, being deposed, made oath that he would surrender all the castles throughout England, and immediately surrendered to him the Tower of London; and he delivered it to the archbishop of Rouen, as also Windsor, and some other castles, but not all of them.

On this occasion, Hugh de Nunant, the bishop of Coventry, wrote to the following effect:

*The letter of Hugh, bishop of Coventry, on the deposition of William, bishop of Ely, the king's chancellor*

“The things that are committed to writing are beyond doubt bequeathed to posterity, to the end that the page that is confirmed by the testimony of a few, may either advise for the safety, or redound to the benefit of, many: and may what is here set down be considered as an illustration of the truth of the same. For many things are committed to writing by way of caution, that the same may be done; and many, again, that they may not be done; that so the church of Christ may profit on either side, and may both seek what is to be coveted and shun what is to be avoided. For this reason it is our wish that the fall of the bishop of Ely should, by letters attesting the same, be brought to the notice of all; to the end that in this illustration humility may always find that by which to profit, and pride that which to hold in dread. For he was a great man among all the people of the west, and, as though gifted with a twofold right hand, wielded the power of the kingdom and the authority of the apostolic see, and was in possession of the king's seal over all lands, so as to be enabled to govern according to his own will, and of his own power to bring all things to completion; even in the same degree of estimation as both king and priest together was he held: nor was there any person to be found to dare to offer resistance to his will. For he said and the thing was done, he commanded and all means were discovered. In his hands were the royal treasures, the whole of the king's riches, and the entire exchequer, so much so that all property whatsoever that swam beneath our skies was no longer said to belong to the king, but to him. For there was neither that which is hunted for on land, fished for in the water, or flying in the air, which was not compelled to be at the service of his table, insomuch that he appeared to have shared the elements with the Lord; leaving the heaven of heavens alone to the Lord, and reserving the other three to advantage by the use or rather abuse and luxurious enjoyment thereof. All the sons of the nobles acted as his servants, with downcast looks, nor dared they to look upwards towards the heavens, unless it so happened that they were addressed by him; and if they attended to anything else, they were pricked with a goad, which their lord held in his hands, fully mindful of his grandfather of pious memory, who being of servile condition in the district of Beauvais, had for his occupation to guide the plough and whip up the oxen;<sup>1</sup> and who at length, to gain his liberty, fled to the Norman territory. The grandchildren and relatives of this man, even any females whatsoever who were akin to him, though

<sup>1</sup> This is said in a spirit of caustic malevolence.

sprung from a poor cabin, earls, and barons, and nobles of the kingdom, longed with the greatest avidity to unite with themselves in marriage; thinking it a matter for pride, under any title whatever, to acquire the favour of his intimate acquaintance-ship; nor was there a churl who longed for a field, a citizen who longed for a farm, a knight who longed for an estate, a clerk who longed for a benefice, or a monk who longed for an abbey, who was not obliged to become subservient to his power and influence. And although all England, bending the knee, was ever at his service, still did he always aspire to the free mode of life of the Franks, and removed his knights and yeomen, and all his household, to Oxford; where, slighting the English nation on all occasions, attended by a troop of Franks and Flemings, he moved pompously along, bearing a sneer in his nostrils, a grin on his features, derision in his eyes, and superciliousness on his brow, by way of fit ornament for a priest. For his own aggrandisement and for the glorification of his name, he was in the habit of getting up verses that he had picked up by begging, and adulatory jingles, and enticed jesters and singers from the kingdom of France by his presents, that they might sing about him in the streets; and but lately it was everywhere said that there was not such a person in all the world. And really, if it had been the time of the Caesars, he would with Liberius<sup>1</sup> have had himself styled the living God. But when the king had given him certain earls as his associates, in order that at least the more weighty concerns of the realm might be managed by their counsels in common, he could not at all endure to have any partner therein, as he thought that the greater part of his glory would be thrown into the shade, if he should stand in need of the advice of any mortal being. Therefore he ruled alone, therefore he reigned alone, and from sea to sea was he dreaded as though a God; and were I to say still more, I should not be telling a falsehood, because God is long-suffering and merciful; while he, ruling every thing according to his own impulses, was neither able to observe justice when acting, nor to endure delay in waiting the proper time. Hence it arose that he set at nought all the letters and mandates of his lord; that he might not seem to have a superior, nor be supposed to be subject to any one, having always made every one act as the servant of his own will. Therefore, after England had for a considerable time suffered under so heavy a burden and a yoke so insupportable, at length, while groaning at his deeds, she cried aloud with all her might. Her cries went up to the Lord, and He, rising, looked down on her from on high, who by His own might treads under foot the necks of the proud and haughty, and exalts the humble by the might of His arm. The sun of justice, indeed, may shine upon the good and the bad, still the eyes of the overwise it dazzles, and by the brilliancy of its light brings forth fruit in the minds of the humble. For although this chancellor may perchance have read that it is denied us long to dwell on high,<sup>2</sup> and that 'He who stands must take care lest he fall',<sup>3</sup> and that 'He who exalteth himself shall be abased',<sup>4</sup> and that before a downfall the heart is elated; still, being forgetful of the lot of mankind, which never remains in the same condition, and of the volubility of the wheel that elevates the lowly man, and, when elevated, is wont to depress him, he was never willing to understand that he ought to act virtuously; but meditating iniquity in

<sup>1</sup> a misprint for Tiberius

<sup>2</sup> alluding to I Cor. x. 12

<sup>3</sup> perhaps alluding to Is. xxvi. 5

<sup>4</sup> St Luke xiv. 11, and xviii. 14

his bed, where he was sleeping with the ministers of wickedness, and with youths in his chamber, he added iniquity to iniquity, so as by his pride and his abuses, through the just retribution of God, to precipitate himself into the powerful hands of the Lord; so that now there was no longer any room for mercy for him, but solely for the exercise of power. Nor indeed was there an opportunity for taking compassion on him or sparing him. For it was he himself who dictated the sentence against himself, who goaded vengeance on, who aimed at crimes so great, that he thereby provoked the anger not only of men, but still more, of God. For although the Lord can do all things, still He is unable to condemn a man who is innocent, or to save one who is guilty, nor would He spare him if the guilty man should chance to be obstinate in his guilt. For against an obstinate mind and the forehead of a harlot may be brought the hardness of real adamant, so as to be worn away thereby; for nothing is there so strong but that it must give way before what is stronger. As, therefore, a man so powerful could not be overcome by man, the Father of mercies and the God of consolation came to the aid of the people who supplicated God, and supplanting the hand of mercy in his case, hurled him down from his power, and brought this accuser, or rather destroyer, to such a pitch of giddiness of mind, that he was unable to recover or arouse himself therefrom; but He so hardened his heart, blinded his mind, and infatuated his counsels, that he first besieged the archbishop of York in a church, then seized him, and after seizing him, violently tore him away; after tearing him away, strongly bound him; after strongly binding him, dragged him along; and after dragging him along, threw him into prison. And although there was a concourse of people who exclaimed, 'What has this righteous man and friend of God been guilty of, that he should be taken to prison? His innocent blood is condemned without a cause,' still, pity could not listen where pride reigned, and God was not heard where the tyrant held sway. For the said archbishop was coming from the country of Normandy with his pastoral staff and mitre, and ring, and superhumeral, which in later times has been styled the pall. And although he was the son of king Henry, of happy memory, and the brother of king Richard, who now reigns, and the brother of John, earl of Mortaigne, still, his royal blood could be of no service to him; and although he had been recently consecrated, the recent performance of that sacrament could not avail him. Consequently, it was in public the universal cry of the laity throughout the whole island, 'Perish he who hastens on the ruin of all things! That he may not crush all, let him be crushed. If he has done this in a green tree, what will he do in a dry one?'<sup>1</sup> And behold! Under the guidance of the Holy Spirit, all persons meet together from the north, and from the sea, and from all parts of the whole island, and flock in crowds, that the archbishop may be set at liberty. But the cords of his sins tightening apace around the chancellor, and his conscience strongly accusing him, clad in a coat of mail, he flies from before the faces of men, and hides himself, and shuts himself with his people in the Tower of London. As we entered the city at a late hour, many of his household in arms attacked us with drawn swords, and slew one of our knights, a noble man, and wounded a great number. However, in the morning a council was held by nearly all the nobles of the kingdom, in presence of the lord John, the king's brother, the archbishops of

<sup>1</sup> St Luke xxiii. 31

Rouen and York, and the bishops of Durham, London, Winchester, Bath, Rochester, Norwich, Lincoln, Hereford, St David's and Coventry; and in the presence of all the people of the city, and of the justiciaries of our lord the king, who approved thereof, we did, with the assent of all, agree that such a person should thenceforth no longer rule in the kingdom of England, by whom the church of England was reduced to a state of ignominy, and the people to want; for, to omit other matters, he and his revellers had so exhausted the whole kingdom, that they did not leave a man his belt, a woman her necklace, a nobleman his ring, or anything of value even to a Jew. He had likewise so utterly emptied the king's treasury, that in all the coffers and bags therein, nothing but the keys could be met with, after the lapse of these last two years. On the third day he positively promised, and gave his word by one of his followers, in the presence of all, that he would not leave the island until certain castles which he kept in his own hands, and had given into the charge of some foreigners, unknown and obscure persons, and which were than named, should have been fully surrendered by him and given into the charge of certain persons named; for the performance of which he gave his brothers and his chamberlain as hostages. He then hastened to Canterbury, that there, as became him, he might assume the cross of pilgrimage, and lay aside the cross of the legateship, which for a year and a half since the death of pope Clement, he had wielded to the prejudice of the church of Rome, and to the detriment of that of England. For all the churches of England had that cross put to their ransom; that is to say, had compelled them to submit to the extortion of fines; nor was there any one exempt from feeling the blows of that cross. And then, besides if by chance it happened that he entered the house of any bishop, you will be able to learn from him that his entertainment cost him the price of one or two hundred marks. After he had remained in the castle of Dover some days, unmindful of his profession and of the obligation of his promise which he had given, forgetful also of his brothers, whom, having given as hostages, he was disgracefully exposing to peril of death, he determined to set sail, and as he did not care to do this openly, he hit upon a new kind of stratagem, and pretending to be a woman, a sex which he always hated, changed the priest's robe into the harlot's dress. Oh shame! The man became a woman, the chancellor a chancelloress, the priest a harlot, the bishop a buffoon. Accordingly, although he was lame, he chose to hasten on foot from the heights of the castle down to the sea-shore, clothed in a woman's green gown of enormous length instead of the priest's gown of azure colour;<sup>1</sup> having on a cape of the same colour, with unsightly long sleeves, instead of a chasuble, a hood on his head instead of a mitre, some brown cloth in his left hand, as if for sale, instead of a maniple,<sup>2</sup> and the staff of the huckster in his right in place of his pastoral staff. Decked out in such guise the bishop came down to the sea-shore, and he who had been accustomed much more frequently to wear the knight's coat of mail, wondrous thing! became so effeminate in mind, as to make choice of a feminine dress.<sup>3</sup> Having seated himself on the shore upon a rock, a fisherman, who immediately took him for a common woman, came up to him; and, having come

<sup>1</sup> *hyacinthina* in the text

<sup>2</sup> The *manipulum*, *façon*, or *sudarium*, was either a napkin or a short sleeve worn over the left wrist by the priesthood when officiating.

<sup>3</sup> *animum* is probably a mistake for *amicium*

nearly naked from the sea, perhaps wishing to be made warm, he ran up to this wretch, and embracing his neck with the left arm, with his right began pulling him about, upon which he almost immediately discovered<sup>1</sup> that he was a man. At this he was greatly surprised, and, starting back, in a fit of amazement, shouted out with a loud voice, 'Come all of you and see a wonder; I have found a woman who is a man!' Immediately on this, his servants and acquaintances who were standing at a distance came up, and with a gentle kind of violence pushed him back and ordered him to hold his tongue; upon which the fisherman held his peace and the clamour ceased, and this hermaphrodite sat waiting there. In the meantime a woman, who had come from the town, seeing the linen cloth, which he or rather she, was carrying as though on sale, came and began to ask what was the price, and for how much he would let her have an ell. He, however, made no answer, as he was utterly unacquainted with the English language; on which she pressed the more; and shortly after another woman came up, who urgently made the same enquiry, and pressed him very hard to let her know the price at which he would sell it. As he answered nothing at all, but rather laughed in his sleeve, they began to talk among themselves, and to enquire what could be the meaning of it. Then, suspecting some imposture, they laid hands upon the hood with which his face was covered, and pulling it backwards from his nose, beheld the swarthy features of a man, lately shaved, on which they began to be extremely astonished. Then rushing to the dry land,<sup>2</sup> they lifted their voices to the stars, crying out, 'Come, let us stone this monster, who is a disgrace to either sex.' Immediately a crowd of men and women were collected together, tearing the hood off his head, and ignominiously dragging him prostrate on the ground by his sleeves and cape along the sand and over the rocks, not without doing him considerable injury. In the meanwhile his servants made an attack two or three times on the multitude for the purpose of rescuing him, but were not able, as all the populace were inflicting vengeance upon him with insatiate eagerness, reviling him, inflicting blows and spitting upon him; and after much other disgraceful treatment, they dragged him through the whole of the town, and then, dragging him, or rather dragging him to pieces, they shut him up in a dark cellar with a guard over him, for a prison. Thus was he dragged who had dragged another, made captive who had been the captor, bound who had been the binder, incarcerated who had been the one to incarcerate, that so with the extent of the offence the extent of the punishment might seem to be commensurate. For he became an object of extreme disgrace to his neighbours, of dread to his acquaintances, and was made a laughing-stock for all the people. I only wish that he had polluted himself alone, the priest, and not the priestly office. May, then, the church of Rome make due provision that such great guiltiness may be punished in such a way that the offence of one may not contaminate all, and that the priestly authority may not be lessened thereby. And further, may the king of England take all precaution to

<sup>1</sup> This passage has been necessarily modified in the translation; it stands thus in the text: *Cucurrit ad moustrum et manu sinistra collum complectens, dextera partes inferiores rimatur. Cumque tunicam subito sublevasset, et nimis inverecunde ad partes verecundas manum extendisset audacter, femoralia sensit et virum in faemina certis indicis agnovit.* The story is not told with all these circumstances by all the chroniclers, and no doubt the bishop of Coventry was wishful that it should lose nothing in his way of telling it. The first part of this extract is exceedingly improbable.

<sup>2</sup> *terram*, in contradistinction to the sea-shore

appoint such a person over his realm, that by him the royal dignity may be preserved, and his authority may suffer no diminution through him; but rather that the clergy and the people may have cause to congratulate themselves upon his government."

*The letter of master Peter of Blois on behalf of William, bishop of Ely*

"To his former lord and friend, Hugh, so called, bishop of Coventry and Chester, Peter of Blois, archdeacon of Bath, may he remember God with fear. The excesses of a traitorous faction this day reveal to what lengths malice may proceed, what envy may be guilty of. The bishop of Ely, one beloved by God and men, a man amiable, wise, generous, kind, and meek, bounteous and liberal to the highest degree, had by the dispensations of the Divine favour, and in accordance with the requirements of his own manners and merits, been honoured with the administration of the state, and had thus gained the supreme authority. With feelings of anger you beheld this, and forthwith he became the object of your envy. Accordingly, your envy conceived vexation and brought forth iniquity; whereas he, walking in the simplicity of his mind, received you into the hallowed precincts of his acquaintanceship, and with singleness of heart, and into the bonds of friendship and strict alliance. His entire spirit reposed upon you, and all your thoughts unto him were for evil. 'Woe,' says Ecclesiasticus, 'to a double heart and to wicked lips, and to the sinner that goeth two ways.'<sup>1</sup> The face of the hypocrite veiled the wickedness of the conscience within with a kind of pretence of friendship, and in secret you were inflicting upon an innocent man the injuries caused by a seditious and petulant tongue. Solomon says, 'Curse the whisperer and double-tongued: for such have destroyed many that were at peace.'<sup>2</sup> All his inward thoughts did he pour forth into your bosom: you he looked upon as a second self, and yet you, to find a pretence for causing his fall, thought fit to ply him with the adulation of a betrayer. Oh detestable treachery! Judas betrayed with a kiss, you with words; without, you made a show of the regard of an attentive friend, and your tongue was planning treachery. As you sat, you spoke against your brother, and in the way of the son of your mother did you lay a stumbling-block. 'Woe to that man by whom the offence cometh.'<sup>3</sup> This guilty conduct, indeed, has branded you with the lasting stain of bad opinion, and if by the bounty of nature you had received any commendable points, this fault has done away with them for ever. In like manner, Joab acted valiantly on many occasions, but his treachery to Amasa and Abner, blackened in him all the glories of his valorous deeds. Oh lips of detraction! Oh tongue of abuse and treachery! What, O Lord shall be applied to this treacherous tongue? Would that arrows might be applied thereto, that they might pierce it through and through, and that desolating coals of fire might consume it; would that thou, seraph, who with the live coal from heaven<sup>4</sup> didst purge the lips of the prophet, wouldst with the flames of hell, in purging his whole face and tongue, destroy the same, that so we might be able to sing and say, 'In cleansing him thou hast destroyed him.' Lips consecrated by the gospel, are never ceasing to babble forth their lying words to the winds. That is entirely devoted to vanity which was due and owing to truth. But the man of froward

<sup>1</sup> Ecclus ii. 12

<sup>2</sup> Ecclus xxvii. 31

<sup>3</sup> St Matt. xviii. 7

<sup>4</sup> alluding to Isaiah vi. 6, 7

tongue will not be guided on the earth; wherefore, 'let him that standeth take care lest he fall', for before ruin the heart is exalted. Do you exult, unhappy man, and make it your boast that you have supplanted an innocent man? But know beyond a doubt, that he has been thus laid low for both the downfall and the uprising of many, for the uprising of himself and of his people, and for the downfall of yourself and your accomplices. This punishment will fall upon your own head.<sup>1</sup> For every deceit suffers from its own recoil: from your treachery<sup>2</sup> nought but the fruit of sorrow will you gather; and you have commenced the web, that you may be wrapped in a double cloak. It is Isaiah who says, 'Ye who begin the web and put your trust in the darkness of Egypt, await the day of bitterness.'<sup>3</sup> You publicly make it your boast and vaunt that it was you who created this tumult, that it was you who deceived him when not on his guard, and that it was you induced the multitude to attack with arms an unarmed man, and an innocent man with insidiousness. Why boast of your malice, you, who are so powerful in your iniquity? Why vaunt of your malice, which in most countries, as your infamous character has become circulated, is in the mouths of all classes? But about you and persons like you it may justly be said, 'They rejoice when they have done evil, and they exult at things that bring the greatest disgrace'. Besides, it is the remark of a wise man, that he 'who rejoiceth at the ruin of another, shall be punished';<sup>4</sup> and Solomon says, 'Rejoice not when thine enemy falleth – lest the Lord see it, and He turn his wrath upon thee.'<sup>5</sup> Indeed, it was always the usual accomplishment, and one peculiar to your family, to sow the materials for dissension; and the pestilent branch has contracted its evil qualities from the root of the noxious tree. Oh evil generation! Oh provoking race! 'Oh generation of vipers, who hath taught you to flee from the wrath to come?'<sup>6</sup> Do you think that God will not behold this, and require an account thereof? It was for this same reason that the wicked man caused the anger of the Lord, 'For he said in his heart, he will not require the same.'<sup>7</sup> But, beyond a doubt, the Lord will require it; He will also require to know as to whose misfortunes you are now boasting; and at a future day, by the bounty of the Lord, he shall breathe again. For wisdom will not forsake the righteous man when sold, and in time shall he gain respect. It rather befitted the gravity of your rank to promote peace among the people, to allay sedition, and especially in England, which, receiving you poor enough, amplified you with mighty honours. Also, when speaking to those who were in the Babylonish captivity, he says, 'Seek the peace of the city, in which the Lord has caused you to be carried away captives, for in the peace thereof shall ye have peace.'<sup>8</sup> On another occasion I wrote to you, and with salutary warning entreated you to abstain from such courses. However, the harp of David never fully allayed the madness of Saul; and your hand has been extended to the commission of such deeds as these. Therefore, remember, man, if only man you are, remember, I say, your condition;

<sup>1</sup> *Faba haec recudetur in caput tuum.* It is not improbable that the archdeacon was a reader of Terence.

<sup>2</sup> He puns upon the resemblance between *dolo* and *dolore*.

<sup>3</sup> This may perhaps allude to Is. xix. 9.

<sup>4</sup> alluding probably to Ecclus viii. 7

<sup>5</sup> Prov. xxiv. 17. 18

<sup>6</sup> St Matt. iii. 7; St Luke iii. 7

<sup>7</sup> Ps. x. 13

<sup>8</sup> Jer. xxxix. 7

remember the shortness of this life; remember the strict and dreadful judge; remember the punishment so fearful, so terrible, so interminable, and so intolerable, which is reserved for you to everlasting, if you desist not from such a course of wickedness."

In eight days after this, John, earl of Mortaigne, gave orders that the chancellor should be liberated from prison, and should take his departure. Accordingly, he took his departure, and, crossing the sea, landed at Witsand, in Flanders. But while he was on his road, some nobles of that country, whom he had injured while in England, laid hands upon him, and kept him till he had made satisfaction to them. Proceeding thence, he arrived at Paris, and gave to Mauricius, the bishop, sixty marks of silver, upon condition that he should be received there with a procession, which was accordingly done. After this, he returned into Normandy; but, by the command of the archbishop of Rouen, he was considered there as an excommunicated person, and in every place to which he came, throughout the whole of the archbishopric of Rouen, an end was put to divine service as long as he was staying there.

On this, he sent messengers to pope Celestinus, and to his lord the king of England, informing them, how John, earl of Mortaigne, and his accomplices, had expelled him from the kingdom; and, complaining of the injuries done him, he demanded restitution of what had been taken from him, at the same time making offer, on his part, to obey the law, and further stating, that if his acts and expenditure should not prove satisfactory to his lord the king, he would in all things give satisfaction according to his demands. Upon this, the supreme pontiff was provoked to anger, and wrote, to the following effect, to all the archbishops and bishops of England:

*The letter of pope Celestinus to the prelates of England, in behalf of William,  
bishop of Ely*

"Celestinus the bishop, servant of the servants of God, to his venerable brethren the archbishops and bishops throughout the kingdom of England appointed, health, and the apostolic benediction. Whereas our dearly beloved son in Christ, Richard, the illustrious king of the English, having assumed the cross, and prepared himself for avenging the injuries done to the Redeemer, has therein, like a prudent man and one who seeks the Lord, considered that the cares of governing his kingdom ought to be postponed to the performance of his duty, and has left the same under the apostolic protection: it is, therefore, our wish and our duty, with the greatest zeal, to preserve the integrity and the rights of his realm, and the honour of himself, in the same degree that, trusting in our protection, he has exposed his person and his property to the greatest danger for the upholding of the holy religion, and is known, in obedience to the Creator, to have behaved himself in a praiseworthy manner, the Lord dealing with him and giving good tokens of success, and most zealously, as is manifest from his exploits. Therefore, inasmuch as we have heard that certain attempts have been made upon his kingdom itself, as well as against your venerable father, William, bishop of Ely, the legate of the apostolic see, to whom he has committed the government of his kingdom, both by John, earl of Mortaigne, and certain other persons, which

in themselves contain some grounds of suspicion, and, if they are true, are known to redound in no slight degree to contempt of the apostolic see, we have deemed it our duty at this early period to meet such presumption, inasmuch as from delay very great injury might possibly accrue to the king before-named and the land of Jerusalem, and to ourselves and the Roman church. Wherefore, by these apostolic writings, we do command the whole of you, and in virtue of your obedience enjoin you, that if (as has been reported to us) the said earl or any one else has dared to lay violent hands on the bishop before-mentioned, or to seize him, or to extort from him any oath by means of violence or to keep him in confinement, or in any way to change the state of the kingdom from the position in which it was placed by his serene highness at his departure, in such case, all pretexts and excuses laid aside, you will meet together, and, with candles lighted and bells ringing, all appeals and excuses, and all respect for persons on your part utterly laid aside, publicly announce as under the ban of excommunication the said earl, and all his counsellors, advisers, accomplices, and abettors in the said acts of presumptuous daring. You are also to cause them, when thus excommunicated, to be strictly avoided by all, both in their own lands as also in others which they may have invaded, and you are entirely to forbid the celebration there of divine service, except penance and the baptism of children, all obstacle thereto by appeal being entirely removed; until such time as, the said legate having been released from confinement, as well as from the stringency of his oath, and the kingdom having been replaced in the same position in which it was left by the said king at his departure, envoys shall come to the apostolic see, with the testimony of letters from him and from yourselves as well, for the purpose of absolution. And know for certain that if, in the execution of this our precept, you shall be negligent or remiss, we have resolved, with the help of God, to inflict upon you no less a punishment than if the said injury had been done to our own person, or to one of our brethren. Given at the Lateran, on the fourth day before the nones of December, in the first year of our pontificate.”

Upon the authority, therefore, of these letters of the supreme pontiff, the said bishop of Ely wrote to Hugh, bishop of Lincoln, to the following effect:

“William, by the grace of God, bishop of Ely, legate of the apostolic see, and chancellor of our lord the king, to his venerable brother and most dearly beloved friend, [Hugh], by the same grace, bishop of Lincoln, health, and sincere love and affection. The more full the confidence that we feel in your affection, the greater the constancy we have found in you, so much the more confidently do we entrust to your discreteness, and to that of the church of God, the interests of our lord the king, and our own, to be duly watched over; putting our trust in God as to you, that your brotherly love will, in your pontifical character, show all due regard to the apostolic precepts and our own. We do, therefore, in virtue of your obedience, enjoin, and, on the strength of the authority which has been conferred upon us, command you, that, for the purpose of performing the apostolical mandate issued to all the archbishops and bishops of England, as also to all other your brethren whatsoever, you will with all speed convene the same, to the end that the iniquity of the laity may no longer cast

a slur on the church of God and its priesthood, and lest, through any tergiversation or dissimulation, their malice may be imputed as a crime to yourselves. But as to the order which our lord the pope has given with regard to the person of John, earl of Mortaigne, we have modified the same, deferring the occasion until the Lord's day when '*Esto mihi*'<sup>1</sup> is sung; to the end that, if in the meantime he shall think fit to repent, we may return thanks to God for the same, and in his behalf, in the sight of our lord the pope, and of our lord the king of England, the champion of Him who was crucified, pour forth our affectionate prayers, that he may be deemed deserving of pardon for his offence, and give him our strenuous aid and all efficacious attention, saving always our fealty to our lord the king, and the honour of our priestly office. But, on the lands of those excommunicated, you are to permit the celebration of no divine service, the baptism of children and penance excepted. The names of those who have been excommunicated by our lord the pope, and have been denounced as such by ourselves, of whose doings the evidence is so notorious that it cannot by any equivocation on their part be invalidated, are as follows: Walter, archbishop of Rouen, Godfrey, bishop of Winchester, Hugh, bishop of Coventry, William Marshal, Geoffrey Fitz-Peter, William Bruyere, Hugh Bardolph, Richard Malebisse and his brother Hugh, James and Simon Fitz-Simon, Simon de Avranches, Roger Fitz-Rainfray, Gilbert and Rainfrid his sons, Gerard Camville, earl of Salisbury, John Marshal, earl of Mellent, Gilbert Basset, Thomas Basset, Henry de Vere, Jocelyn Fitz-Rainfray, Stephen Riddel, chancellor of the earl of Mortaigne; whom, both as bishop and as his legate, we do denounce to you as excommunicated; as also master Benedict, who, contrary to the statutes of the king and the kingdom, and against our prohibition, has dared to employ the seal of our lord the king, together with John, archdeacon of Oxford. In addition to this, we do distinctly and in especial order you publicly to denounce, as excommunicated, Hugh, bishop of Coventry, whom we have solemnly excommunicated, not only because in word and deed he has disowned the bishop, and because he gave his bodily oath at the hand of Baldwin, archbishop of Canterbury, of pious memory, as to not holding courts, but also because he has been manifestly a counsellor and adviser to the entire subversion of the realm of England, a disturber of the peace, and a public advocate against the royal dignity and interests: and to cause him to be strictly avoided by all, that in future a sheep so diseased may not be able to blemish and corrupt the flock of the Lord. But Hugh Bardolph, who took no part in our expulsion and confinement, we do except from the said sentence of excommunication, if, immediately upon being warned, he shall surrender the castles of Scarborough, and those throughout the whole of Yorkshire and Westmoreland which he holds in his hands, to William de Stuteville. You are also to forbid all persons in your diocese, under pain of excommunication, to do anything in obedience to those who conduct themselves in England as though they were justices, or in any way to obey a power founded on violence and usurpation. Farewell."

<sup>1</sup> Quinquagesima Sunday; when the introit begins, "*Esto mihi in Deum protectorem*", "Be thou, O God, a protector to me"

The said bishop of Ely also wrote to Hugh, bishop of Lincoln, to the following effect:

“William, by the grace of God, bishop of Ely, legate of the holy apostolic see, and chancellor of our lord the king, to his venerable brother and friend, by the same grace, bishop of Lincoln, greeting. By that authority which has been conferred upon us, we do command you, and in virtue of your obedience enjoin, that you seize and take into your own hands, and retain possession of, the archdeaconry and all the revenues of John, archdeacon of Oxford, until such time as you shall have received commands from the apostolic see, or from ourselves; inasmuch as with his uncle, the Pilate of Rouen, he is disturbing the peace and tranquillity of the kingdom of England, and is seeking to do whatever mischief he possibly can to our lord the king and to his realm, as being an enemy of the realm and to ourselves. For, by the authority of our lord the pope, we have placed him under the ban of excommunication. Farewell.”

The said bishop of Ely also wrote to a similar effect to some others of the bishops of England; though not one of them performed the commands of either the apostolic see or of himself; as they did not consider him as legate, or as the king's chancellor. But the said archbishop of Rouen, and the other justices of England, deprived him of his bishopric, and collected his revenues for the behoof of the king, in return for the king's treasures which he had made away with.

After this, the said justices and all the bishops, earls, and barons of England joined in a letter, and wrote word to the king how his chancellor had laid waste the kingdom of England and his treasures, and how, by the common consent of the kingdom, he had been deposed. On the other hand, the chancellor wrote to the king, signifying how that his brother John had taken possession of his kingdom, and would place the crown on his own head, unless he should make haste and return with all speed . . .

[In the year of grace 1192] During Lent . . . the archbishop of York came to London by command of the king's justices; but when he came to Westminster with his cross, he was forbidden by the bishop of London and the other bishops of England thenceforth to presume to carry his cross in the province of Canterbury. On this, he contumaciously made answer that he would not lay it aside for them; but, listening to the advice of his own people, he hid it from before the face of the people, lest a tumult might arise among the clergy. The bishop of London, however, holding him as an excommunicated person, in consequence of this transgression, suspended the New Temple, at which place the said archbishop of York had taken up his abode, from the performance of divine service and from the ringing of bells, and in consequence, he was obliged to leave the city; but before he left, queen Eleanor, the archbishop of Rouen, himself, and all the nobles of the kingdom, met together and swore fealty and faithful service to Richard, king of England, and his heir, against all men.

During the same Lent, the bishop of Ely, the chancellor, returned to England, by command of the earl of Mortaigne, and remained some days in the castle at Dover, not daring to proceed any further. The earl of Mortaigne, however, in consideration of five hundred pounds of silver which the chancellor had promised him for the res-

toration of his office, tried in every way to induce the chief men of the kingdom to receive the chancellor in his former position; but they refused, and sent word to the chancellor, that if he did not make haste and leave the kingdom with all speed, they would take him prisoner. On hearing this, the chancellor, not daring to stay in England against the will of the chief men, crossed over at the Supper of our Lord . . .

### 3. The "History of William the Marshal" for the years 1216-19

(*Histoire de Guillaume le Maréchal*, ed. Paul Meyer, 3 vols (Paris, Société de l'histoire de France, 1891-1901), vol. 3, pp. 209-69 [French])

This long extract from the metrical life of the regent, William the Marshal, earl of Pembroke, written about 1226 on information given by his squire, John de Erley, is today our main authority for the years 1216-19. The editor, Paul Meyer, gives also a modern French prose rendering, somewhat shortened but omitting little of historical importance: it is this which is here translated.

I must pass rapidly over the war that broke out between the king and his barons, because there were too many circumstances that are not creditable to relate. Harm might come to me because of them. The barons having formed a league came to the king and demanded of him their liberties. He refused: then they made it known that if they did not obtain their liberties they would withdraw from his service and do him all the harm they could. They kept their word and betook themselves to London to act against him. But note well that the Marshal took no part whatever in this movement. He grieved for the excesses into which those on both sides had allowed themselves to be drawn, and had no share in the agreement concluded between the barons and the citizens of London. The barons, having collected at London, sent messengers to summon Louis, the son of the king of France, whom they intended to make king of England. This was folly. Before Louis arrived, the king besieged Rochester. He spent a great deal of money there before he gained possession of it. He went to Dover by sea. Why by sea rather than by land I need not say for that is not my concern. Then he called in some Flemings, knights and serjeants, who thought only of plunder and were less concerned with helping him in his war than with laying waste his land. In five weeks he had exhausted his treasure. That is what must happen: a man who spends without earning anything and associates with evil men, is soon broke. Eventually he took Rochester.

The Londoners brought in Louis, who for a long time was master of the country. He captured Farnham, Winchester, Porchester and Southampton. There the ribalds of France drank very many tuns [of wine]. They were boasting foolishly that England was theirs and that the English, having no right to the land, could only evacuate it. These boasts had no effect. Later I saw eaten by dogs a hundred of them whom the English slew between Winchester and Romsey. That was how they kept the land. In a number of places in England, people did the same or worse, witness Willikin of the Weald.

When the king had no more money, most of those who served him for wages went off with what they had earned. The Marshal however stayed with him in misfortune, serving him faithfully as his lord and his king. From this moment to his