



From B. LYON, A CONSTITUTIONAL AND LEGAL HISTORY OF MEDIEVAL ENGLAND 2d ed. (New York, 1980) 328.

C. MAP, CHRONOLOGY, AND SHORT DOCUMENTS

Chronology

Henry III — 1216–1272 — 57 years — died at age 65

Edward I — 1272–1307 — 35 years — died at age 68

1232 — end of Hubert de Burgh's justiciarship

1258–59 — Provisions of Oxford, Provisions of Westminster, Treaty of Paris

1264 — Mise of Amiens, Battle of Lewes, Simon de Montfort's Parliament

1265 — Battle of Evesham

1266 — Dictum of Kenilworth

1284 — Statute of Wales

1292 — Judgment for John Baliol, beginning of Scottish wars

1295 — "Model" Parliament 1297 — *Confirmatio cartarum*

1303 — Treaty of Paris with Philip the Fair

Records of the Baronial Crisis (1258–66)

in S&M, pp. 142–50 (No. 47)¹

(A) HENRY III: LETTERS AGREEING TO REFORM ([2 May] 1258)

[That the state of our realm [status regni nostri] be reformed]

The king to all, etc. You are to know that, through an oath given on our behalf² by Robert Waleran, we have granted to the nobles and magnates of our kingdom that, by twelve faithful men of our council already elected and by twelve other faithful men of ours elected on the part of those nobles, who are to convene at Oxford one month after the feast of Pentecost next, the state of our kingdom shall be ordered, rectified, and reformed according to what they shall think best to enact for the honour of God and our faith and the good of our kingdom. And if, perchance, any of those elected on our part are absent, those who are present shall be permitted to substitute others in place of the absentees; and the same shall be done [with regard to those elected] on the part of the aforesaid nobles and faithful men of ours. And whatever is ordained in this matter by the twenty-four elected by both sides and sworn to the undertaking, or by the majority of them, we will inviolably observe, wishing and henceforth straitly enjoining that their ordinance be inviolably observed by all. And whatever security those men, or the majority of them, may provide for the observance of this matter we will fully grant and cause to be granted. We also attest that Edward, our first-born son³ through an oath personally taken, has by his letters granted that he will faithfully and inviolably observe, and will cause ever to be observed, all that has been expressed and granted above, so far as in him lies. Furthermore, the said earls and barons have promised that, on the completion of the business noted above, they will strive in good faith to see that a common aid⁴ is rendered to us by the community of our kingdom. In testimony whereof, etc. . . . Given at Westminster, May 2.

(Latin) Stubbs, *Select Charters*, p. 372.

THE PETITION OF THE BARONS (1258)

in Treharne and Sanders, pp. 77–91 (No. 3) (original in Latin)

While the Lord King Henry was at Woodstock, the magnates of the realm, both high and low, together with the clergy, having been summoned to Oxford with horses and arms to make provision and ordinance

¹ [For a modern edition of these documents, see R. E. Treharne and I. J. Sanders, ed., *Documents of the Baronial Movement of Reform and Rebellion, 1258–1267* (Oxford, 1973), which is the source of one of the documents and some emendations below. CD.]

² *In animam nostram*; kings very commonly named proxies to swear for them.

³ [He was 18 at the time. CD]

⁴ ['aid' being used here in the financial sense. CD]

for the reform of the kingdom, the following articles were brought forward, under an oath of fealty, as matters requiring correction in the kingdom.

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

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

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

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

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

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

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

7. Further, they ask for remedy of this: that whereas woods and lands lying outside the bounds of the forest were disafforested by a grant to the lord king of a fifteenth of all the goods of the men of England⁵ and by the preambulation of sound men, the lord king has now reafforested them arbitrarily.

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

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

⁵ [The reference is to the reissue of Magna Carta in 1225. CD]

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

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

12. Further, they ask redress in this: that the lord king sometimes gives the rights of others to many persons by royal charter, stating that these rights are his escheats, on account of which the grantees declare that they cannot and should not answer [concerning those grants] without the lord king. And when the justices report this to the lord king, no justice is done in these cases.

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

14. Further, the aforesaid justices levy a heavy fine for fair pleading⁶ in each county court. They [suitors of the court] should not be prosecuted for this, and they ought not to buy justice and [pay money] on many other occasions for pleas of the crown. And if, at the death of a man slain or drowned, all four neighbouring townships do not attend, then all over the age of twelve in the aforesaid four townships are heavily amerced.

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

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

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

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

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

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

⁶ [*pro pulchro placitando*, a euphemism, known in French as *beaupleader*, it means making a mistake in pleading. Also called 'miskinning'. CD]

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

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

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

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

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

26. Further, they ask for a remedy in the matter of Christian usurers, such as the Caursini⁷ who dwell in London, since it seems contrary to Christian religion to maintain and favour men of this [kind], especially as they profess and call themselves Christians. And, moreover, many are impoverished and ruined by their usuries; and they also buy up and corner much merchandise on its way to London both by water and by land, to the great loss of the merchants and of all the men of the city, and also to the great loss of the lord king, since, when the lord king tallages the said city, they bear no share along with the citizens, and refuse to bear any share, in tallages and doing other services to the lord king.

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

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

⁷ [Men from Cahors, in southwestern France. CD]

29. Further, in many counties it is customary that if anyone brings a writ of right directed to the next chief lord of the fee, and the petitioner, according to the custom of the realm, has proved default of the court of his chief lord, and then goes to the county court and asks that his adversary shall be summoned to appear at the next county court, if the next highest chief lord of the said fee appears, and demands his jurisdiction in the matter, he will get it; and when default of court has been proved, yet the next highest lord of the fee appears, and he similarly demands his court, and will get it: and so with all the chief lords, as many as there may be higher. And this is manifestly contrary to justice, since in the writ it is stated that the chief lord of the fee to whom the writ is directed shall do full right, otherwise let the sheriff do it.⁸

(B) THE PROVISIONS OF OXFORD (1258)

It has been provided that from each county there shall be elected four discreet and lawful knights who, on every day that the county [court] is held, shall assemble to hear all complaints touching any wrongs and injuries inflicted on any persons by sheriffs, bailiffs, or any other men, and to make the attachments that pertain to the said complaints [for keeping] until the first arrival of the chief justiciar in those parts: so that they shall take from the plaintiff adequate pledges for his prosecution [of the case], and from the defendant for his coming and standing trial before the said justiciar on his first arrival, and that the four knights aforesaid shall have all the said complaints enrolled, together with their attachments, in proper order and sequence—namely, for each hundred separately and by itself—so that the said justiciar, on his first arrival, can hear and settle the aforesaid complaints singly from each hundred. And they shall inform the sheriff that they are summoning all his hundredmen and bailiffs before the said justiciar on his next arrival, for a day and a place which he will make known to them: so that every hundredman shall cause all plaintiffs and defendants of his bailiwick to come in succession, according to what the aforesaid justiciar shall bring to trial from the aforesaid hundred; also as many men and such men—both knights and other free and lawful men—as may be required for best proving the truth of the matter. [This, however, is to be done] in such a way that all are not troubled at one and the same time; rather let [only] as many come as can be [used in cases to be] tried and concluded in one day.

Likewise it is provided that no knight of the aforesaid counties, by virtue of an assurance that he is not to be placed on juries or assizes, shall be excused by a charter of the lord king or be exempt from [the obligations of] this provision thus made for the common good of the whole kingdom.

Elected on the part of the lord king: the lord bishop of London; the lord bishop elect of Winchester; the lord H[enry], son of the king of Germany; the lord J[ohn], earl de Warenne; the lord Guy de Lusignan, the lord W[illiam] de Valence; the lord J[ohn], earl of Warwick, the lord John Mansel; Brother J[ohn] of Darlington; the abbot of Westminster; the lord H[enry] of Hengham.

Elected on the part of the earls and barons: the lord bishop of Worcester, the lord Simon, earl of Leicester; the lord Richard, earl of Gloucester; the lord Humphrey, earl of Hereford; the lord Roger Marshal, the lord Roger de Mortimer; the lord J[ohn] Fitz-Geoffrey; the lord Hugh le Bigot; the lord Richard de Gray; the lord W[illiam] Bardulf; the lord P[eter] de Montfort; the lord Hugh le Despenser. And if it should happen that of necessity any one of these cannot be present, the rest of them shall elect whom they please in place of the absentee, namely, another person needful for carrying on that business.

Thus swore the community⁹ of England at Oxford. . . .

This is the oath [administered] to the twenty-four. . . .

Thus swore the chief justice of England. . . .

Thus swore the chancellor of England. . . .

⁸ [It is striking to find such a patent violation of a principle clearly described in *Glanvill* at this late date. CD]

⁹ *Le comun*—a phrase which is shown by the context to have meant parliament or the baronial party. The oaths, which are here omitted, add nothing to the information given in the following articles. [Notice how many times this word is used in this doc. CD]

This is the oath taken by the wardens of the castles. . . .

These are the men sworn [to be] of the king's council.¹⁰ . . .

The twelve on the king's side have chosen from the twelve on the side of the community the earl Roger Marshal and Hugh le Bigot. And the party of the community has chosen from the twelve who are on the side of the king the earl of Warwick and John Mansel. And these four have power to elect the council of the king; and when they have made the election, they shall designate those [elected] to the twenty-four. And that shall hold on which the majority of these [four] agree.

These are the twelve who have been elected by the barons, on behalf of the whole community of the land, to consider common needs along with the king's council at the three annual parliaments. . . .

These are the twenty-four appointed by the community to consider aid for the king. . . . And if any one of these cannot or will not be present, those who are present shall have power to elect another in his place.

Concerning the state of Holy Church:—It should be remembered that the state of Holy Church is to be amended by the twenty-four chosen to reform the state of the kingdom of England—at what time and place they think best, according to the powers that they hold by writ of the king of England.¹¹

Concerning the chief justice:—[It has been decided] furthermore that a chief justice—or two [chief justices]—shall be appointed; also what power he shall have; and that he shall be [in office] for only one year, so that at the end of the year he shall render account of his term before the king and the royal council and before the man who is to follow him [in office].

Concerning the treasurer and the exchequer:—The same [has been decided] with regard to the treasurer; so that he shall render account at the end of the year. And according to the ordinance of the said twenty-four, other good men are to be appointed to the exchequer whither all the issues of the land are to come, and not elsewhere.¹² And let that be amended which seems in need of amendment.

Concerning the chancellor:—The same [has been decided] with regard to the chancellor; so that he shall render account of his term at the end of the year, and that merely by the king's will he shall seal nothing out of course,¹³ but shall do so by [the advice of] the council that surrounds the king.

Concerning the power of the justice and of the bailiffs:—The chief justice has power to redress the misdeeds of all other justices, of bailiffs, of earls, of barons, and of all other people, according to the rightful law of the land. And writs are to be pleaded according to the law of the land in the proper places. And [it has been decided] that the justices shall accept nothing unless it is a present of bread and wine and like things: namely, such meat and drink as have been customarily brought for the day to the tables of the chief men. And this same regulation shall be understood [to hold] for all the king's councillors and all his bailiffs. And [it has been ordered] that no bailiff, by virtue of his office or of some plea, shall take any fee, either by his own hand or in any manner through another person. And if he is convicted [of so doing], let him be punished; likewise the man who gives [the fee]. And the king, if it is suitable, shall give [fees] to his justices and to his people who serve him, so that they shall have no need of taking anything from others.

Concerning the sheriffs:—As sheriffs there shall be appointed loyal persons, good men who are landholders; so that in each county there shall be as sheriff a feudal tenant of the same county, who shall well, loyally, and justly treat the people of the county. And [it is ordered] that he shall take no fee; that he shall be sheriff for no more than a year in all; that during the year he shall render his accounts at the exchequer and be responsible for his term [of office]; that the king, from the royal income, shall make [allowance] to him in proportion to his receipts, so that he may rightly keep the county; and that he shall take

¹⁰ Fifteen men, of whom eleven were of the twenty-four named above.

¹¹ No. 47A, preceding.

¹² [A reference to 'wardrobe finance'? CD.]

¹³ That is to say, nothing but routine documents.

no fees, neither he nor his bailiffs. And if they are convicted [of such wrongdoing], let them be punished. It should be remembered that, with regard to the Jewry and the wardens of the Jewry, such reforms are to be established as shall carry out the oath in this respect.

Concerning the escheators:—Good escheators are to be appointed. And [it is ordered] that they shall take nothing from goods of deceased persons whose lands ought to be in the king's hands; but that, if a debt is owing to him, the escheators shall have free administration of the goods until they have carried out the king's wishes—and this according to the provision in the charter of liberties.¹⁴ Also [it is ordered] that inquiry shall be made concerning the misdeeds committed there by escheators, and that redress shall be made for such [wrongs]. Nor shall tallage or anything else be taken, except as it should be according to the charter of liberties. The charter of liberties is to be strictly observed.

Concerning the exchange of London:—It should be remembered to establish reforms touching the exchange of London; also touching the city of London and all the other cities of the king, which have been brought to shame and ruin by tallages and other oppressions.

Concerning the household of the king and queen:—It should be remembered to reform the household of the king and queen.

Concerning the parliaments,¹⁵ as to how many shall be held annually and in what manner:—It should be remembered that the twenty-four have ordained that there are to be three parliaments a year: the first on the octave of St. Michael, the second on the morrow of Candlemas, and the third on the first day of June, that is to say three weeks before [the feast of] St. John. To these three parliaments the chosen councillors of the king shall come, even if they are not summoned, in order to examine the state of the kingdom and to consider the common needs of the kingdom and likewise of the king; and by the king's command [they shall come] also at other times, whenever it is necessary. So too it should be remembered that the community is to elect twelve good men, who shall come to the three parliaments and at other times, when there is need and when the king and his council summon them to consider the affairs of the king and the kingdom. And [it has been decided] that the community shall hold as established whatever these twelve shall do—and this is to reduce the cost to the community. Fifteen are to be named by these four men—that is to say, by the earl Marshal, the earl of Warwick, Hugh le Bigot, and John Mansel—who have been elected by the twenty-four to name the aforesaid fifteen, who are to form the king's council. And they are to be confirmed by the aforesaid twenty-four, or by the majority of those men. And they shall have the power of advising the king in good faith concerning the government of the kingdom and concerning all matters that pertain to the king or the kingdom; and of amending and redressing everything that they shall consider in need of amendment or redress. And [they shall have authority] over the chief justice and over all other people. And if they cannot all be present, that shall be firm and established which the majority of them shall enact.

These are the names of the principal castles of the king, and of those who have charge of them. . . .

(Latin and French) *Ibid.* pp. 378 f.

(C) THE PROVISIONS OF WESTMINSTER (1259)

In the year 1259 from the Incarnation of the Lord, the forty-third of the reign of King Henry, son of King John, at a meeting of the lord king and his magnates at Westminster on Michaelmas fortnight, the provisions hereinunder written, by the common counsel and consent of the said king and his magnates, were enacted and published by the same king and his magnates in this form:—

1. With regard to the performance of suit to the courts of the magnates and of other lords who have such courts, it is provided and established by general agreement that no one who is enfeoffed by charter shall henceforth be distrained to perform suit to his lord's court, unless he is specifically obliged by the tenor of his charter to perform the suit; with the sole exception of those whose ancestors were accustomed to perform

¹⁴ Art 26 of Magna Carta, above, p. 4.

¹⁵ Do these seem more like 'parliaments' as we understand them, or like meetings of the king's council? CD

suit of this kind, or who themselves [were accustomed so to do], before the first crossing of the said lord king into Brittany—after the time of which crossing twenty-nine and a half years had elapsed down to the time that this constitution was made. And likewise no one enfeoffed without charter since the time of the Conquest, or by other ancient enfeoffment, shall be distrained to perform suit of this kind, unless he or his ancestors were accustomed to perform it before the first crossing of the lord king into Brittany. . . .

4. With regard to the sheriff's tourn,¹⁶ it is provided that, unless their presence is specially demanded, archbishops, bishops, abbots, priors, earls, and barons, or other men of religion, or women, shall not of necessity come thither. . . . And the tourns shall be held according to the form of the king's Great Charter, and as they were customarily held in the time of the kings John and Richard.

5. It is also provided that neither on the eyres of the justices nor in the [courts of the] counties nor in the courts of barons shall fines henceforth be taken from anybody for miskenning,¹⁷ or for avoidance of trouble on that score. . . .

8. Moreover, with regard to charters of exemption and liberty, [to the effect] that those securing them are not to be put on assizes, juries, or recognitions, it is provided that, if their oath is so essential that without it justice cannot be administered . . . , they shall be forced to swear, saving to them their aforesaid liberty and exemption in other respects. . . .

11. Henceforth no one except the lord king and his ministers shall be permitted, for any cause whatsoever, to levy distrains outside his fief, or on a royal or a common highway. . . .

16. Hereafter no one but the king shall hold in his court a plea concerning false judgment rendered in a court of his tenant; for pleas of this sort especially pertain to the crown and dignity of the king. . . .

18. Without the king's writ,¹⁸ no one may henceforth distrain his free tenants to respond concerning their free tenements or anything that pertains to their free tenements. Nor may he cause his free tenants against their will to take oaths; so that no one may do this without the king's precept. . . .

21. Hereafter itinerant justices shall not amerce vills on their eyres because particular twelve-year-old persons do not come before sheriffs and coroners for inquests concerning a man's death or other matters pertaining to the crown; so long as, nevertheless, enough men come from those vills for satisfactorily carrying out such inquests.

22. No judgment of murder¹⁹ shall henceforth be rendered before the justices in a case that is adjudged merely one of accident; but [a judgment of] murder shall be proper in the case of a man feloniously slain, and not otherwise. . . .

(Latin) *Ibid.* pp. 390 f.

MEETING WITH KNIGHTS OF THE SHIRE AT WINDSOR (1261)

in S&M, p. 150 (No. 48A)

The king to the sheriff of Norfolk and Suffolk, greeting. Whereas on the part of the bishop of Worcester, the earl of Leicester, the earl of Gloucester, and certain other nobles of our realm, three knights have been summoned from each of our counties to be at St. Alban's on the approaching feast of St. Matthew the Apostle, in order with them to deliberate on the common affairs of our kingdom; and [whereas] we and our nobles aforesaid shall come together on the same day at Windsor to treat concerning peace between us and them: we command you on our part to give strict orders to those knights from your bailiwick, who have been summoned before those [nobles] on the aforesaid day, that, avoiding all excuse, they come to us at Windsor on the aforesaid day; and you are also strictly to prohibit them from going elsewhere on the said day, by all

¹⁶ See above, p. 7, n.45.

¹⁷ [See above, note 6. CD].

¹⁸ [Compare *Glanvill's* principle that no man need answer for a free tenement without writ of the lord king. CD.]

¹⁹ nos. 40B, 54D.

means causing them to come before us on the aforesaid day to have a conference with us on the aforesaid matters, so that, as a consequence of this business, they may see and understand that we propose no undertaking but what we know to be for the honour and common benefit of our realm. By witness of the king at Windsor, September 11.

(Latin) *Ibid.*, pp. 394 f.

(D) THE DECISION OF LOUIS IX (1264)

. . . In the name of the Father and the Son and the Holy Spirit. By our [present] decision or ordinance we quash and annul all the aforesaid provisions, ordinances, statutes, and obligations,²⁰—however called, and whatever has followed from them or by occasion of them especially since it appears that the supreme pontiff by his letters has proclaimed them quashed and annulled; ordaining that as well the said king as all the barons and others who have consented to the present arbitration, and who in any way have bound themselves to observe the aforesaid [provisions], shall be utterly quit and absolved of the same. We likewise add that, by virtue or force of the aforesaid provisions or obligations or ordinances, or of any authority already granted by the king on that account, no one shall make new statutes or hold or observe those already made; nor ought any one, through non-observance of the aforesaid [provisions], to be held the enemy, either principal or otherwise, of any one else, or for that reason incur any penalty. . . . We also decree and ordain that the aforesaid king at his own volition may freely appoint, dismiss, and remove the chief justice, chancellor, treasurer, counsellors, lesser justices, sheriffs, and any other officials and ministers of his kingdom and his household, as he was used and able to do before the time of the provisions aforesaid. Furthermore, we repeal and quash the statute made to the effect that the kingdom of England should henceforth be governed by natives and that all aliens should leave the kingdom, never to return, except those whose residence the faithful men of the kingdom commonly agreed to, ordaining by our decision that aliens may safely remain in the said kingdom, and that the king may safely call to his counsel such aliens and natives as shall seem to him useful and loyal, just as he was able to do before the time aforesaid. Likewise we declare and ordain that the said king shall have full power and unrestricted rule within his kingdom and its appurtenances, and shall in all things and in every way enjoy such status and such full power as he enjoyed before the time aforesaid. By the present ordinance, however, we do not wish or intend ill any way to derogate from royal privileges, charters, liberties, establishments, and praiseworthy customs of the kingdom of England existing before the time of the same provisions. . . .

Now this our ordinance or decision we have promulgated at Amiens on the morrow of the blessed Vincent the Martyr, A.D. 1263 in the month of January. In testimony whereof we have caused our seal to be attached to the present letters.

(Latin) *Ibid.*, pp. 396 f.

FIRST PARLIAMENT OF SIMON DE MONTFORT (1264)

in S&M, pp. 150–1 (No. 48B)

The king to Adam of Newmarket, greeting. Whereas the disturbance recently experienced in our kingdom has now subsided and, by the grace of divine co-operation, peace has now been ordained and established between us and our barons; and [whereas], in order that this peace may be inviolably observed throughout our entire kingdom, it has been provided by the counsel and assent of our barons that in each of our counties throughout England keepers of our peace shall be appointed for the defence and security of those parts until other provision for the state of our kingdom may be made by us and our barons; and whereas, relying on your fidelity as well as your industry, we, by the counsel of our said barons, have assigned you as our keeper in the county of Lincoln during our pleasure: we command and firmly enjoin that, in the fealty by which you are bound to us, you there diligently see to the keeping of our peace and to

²⁰ The Provisions of Oxford, concerning which the French king had been called upon to arbitrate the quarrel between Henry III and the opposing party of the baronage.

those matters which pertain to it, as aforesaid. . . .²¹ And whereas in our approaching parliament, it is necessary for us to deliberate with our prelates, magnates, and other faithful men concerning our affairs and those of our kingdom: we command you to send to us on behalf of the entire county aforesaid four of the more lawful and discreet knights of the same county elected for that purpose by the assent of that county, so that they shall be with us at London on the octave of the approaching feast of the Holy Trinity at the latest, in order to deliberate with us on the aforesaid affairs. . . . By witness of the king at St. Paul's in London, June 4.

(Latin) *Ibid.*, pp. 399 f.

SECOND PARLIAMENT OF SIMON DE MONTFORT (1265)

in S&M, p. 151 (No. 48C)

Henry, by the grace of God king of England, lord of Ireland, and duke of Aquitaine, to the venerable father in Christ, R[obert], by the same grace bishop of Durham. Whereas, after the grave peril of the disorders recently experienced in our kingdom, Edward, our dearest first-born son, was delivered as a hostage to assure and strengthen the peace of our kingdom and whereas, now that the aforesaid disorders have—thank God!—been quieted, we must hold a deliberation with our prelates and magnates to make salutary provision for his release, and to establish and consolidate full assurance of peace and tranquillity for the honour of God and the advantage of our whole kingdom, and to consider certain other affairs of our kingdom which we are unwilling to settle without your counsel and that of our other prelates and magnates: [therefore] we command and urge you, in the faith and love by which you are bound to us, that, avoiding all excuse and putting aside all other concerns, you come to us at London on the octave of St. Hilary next, together with us and with our aforesaid prelates and magnates whom we have summoned to the same place, to consider the matters set forth above and to give your counsel [regarding them]. And by no means fail to do this, as you cherish us, our honour, and your own, as well as the common tranquillity of our kingdom. By witness of the king, at Worcester, December 14 [1264]. . . .²²

Similar mandates to the sheriffs throughout England, that by the same form they should cause two of the more lawful, upright, and discreet knights from every county to come to the king at London on the octave aforesaid.

Letters in the same form also to the citizens of York, to the citizens of Lincoln, and to the other boroughs of England, that in the same way they should send two of the more discreet, lawful, and upright citizens or burgesses.

A mandate in the same form to the barons and good men of the Cinque Ports, as is contained in the writ enrolled below. . . .²³

(Latin) *Reports Touching the Dignity of a Peer*, III, 33 f.

(E) THE DICTUM OF KENILWORTH (1266)²⁴

. . . 1. We declare and provide that the most serene lord prince Henry, illustrious king of England, shall have, fully receive, and freely exercise his dominion, authority, and royal power without impediment or contradiction of any one, whereby, contrary to the approved rights and laws and the long established customs of the kingdom, the regal dignity might be offended; and that to the same lord king and to his lawful mandates and precepts full obedience and humble attention shall be given by all and singular the men of the same kingdom, both greater and lesser. And all and singular shall through writs seek justice in the court of

²¹ The writ here includes details regarding the prevention of crimes and disorders.

²² Here follow in the roll the names of the prelates and lay barons summoned by the same form.

²³ This writ is in substance much the same as the one quoted; each of the Cinque Ports is to send four representatives.

²⁴ The final settlement of the Barons' War, dictated by a commission of four bishops, two earls, and six other barons appointed for that purpose.

the lord king and shall [there] be answerable for justice, as was accustomed to be done up to the time of the recent disorders.

2. Furthermore, we ask the same lord king and reverently urge his piety that, for doing and rendering justice, he will nominate such men as, seeking not their own [interests] but those of God and the right, shall justly settle the affairs of subjects according to the praiseworthy laws and customs of the kingdom, and shall thereby strengthen with justice and restore the throne of royal majesty.

3. We likewise ask and urge the same lord king fully to guard and observe the liberties of the Church and the charters of liberties and of the forest, to keep and hold which he is expressly bound by his own oath.

4. Also the lord king shall provide that grants which up to the present he has made of his free will, and not under compulsion, shall be observed; and that he will firmly establish other necessary [measures] determined by his men and at his own pleasure. And furthermore the English Church shall be fully restored to its liberties and customs, which it had and rightly held before the time of such disorders, and shall be permitted to enjoy them freely. . . .²⁵

37. All henceforth shall maintain firm peace, and none shall commit homicide, arson, robbery, or other transgression against the peace. And if any one does so and is convicted, let him have judgment and law according to the custom of the kingdom.

38. Likewise all interested persons shall swear on the Holy Gospels that, on account of the disorders, no one will take private revenge, nor will he procure or consent or tolerate that private revenge should be taken. And if any one takes private revenge, let him be punished by the court of the lord king, and let those who have injured the Church make satisfaction to it.

39. Also, if any one is unwilling to observe this decision, or to undergo judgment by his peers in the court of the lord king, such persons as thus declare themselves and are accordingly disinherited, shall have no right of recovering their lands. And if any one holding lands of disinherited men rebels against the decision, he is to have no just claim, by the gift of the lord king, either to the land or to what is paid for redeeming it. Moreover, if any person does not consent to this decision, he is to be a public enemy of the lord king and of his sons and of the community; the people and clergy, in so far as is permitted by canon law, shall prosecute him as an enemy to the peace of the Church and of the kingdom. . . .

Given and published in the castle of Kenilworth on the day before the Kalends of November in the year of grace 1266, the fifty-first year of the reign of the lord Henry, king of England.

(Latin) *Ibid.* pp. 407 f.

Henry III: Later Documents

in S&M, p. 152-3 (No. 48D)

COUNCIL OF 1268¹

Those same men who were not at Windsor have been ordered to be at Westminster on Wednesday before the quinzime of Easter. . . .²

Writs are to be issued for certain persons of the Cinque Ports whom the lord R[ichard] of Lyburne³ ought to name, and for certain persons of the cities and boroughs: namely, that the bailiffs and six others of the more discreet, better, and wealthier men in the same—that is to say, the nearer of the cities and boroughs—

²⁵ The omitted articles take up in detail the restoration of lawful rights, the cancellation of Simon de Montfort's acts, and the rehabilitation, on various conditions, of those who had been disinherited.

¹ See the article by G. O. Sayles in the review cited below. The following extracts are from a carelessly written memorandum of March, 1268, to which are appended the form of the summons to the boroughs and the form of the letters patent to be returned with the deputies.

² Various persons are named as having received the writ.

³ Constable of Dover Castle and warden of the Cinque Ports.

are to be at London on the quinzime of Easter, to treat and consult with regard to the affairs of the lord king and of the kingdom, which also concern [those men] themselves; and that they should bring with them letters patent of credence addressed to all persons and [respectively] sealed with the communal seals of the same cities and boroughs.

The king to his beloved and faithful his mayor and citizens of York, greeting. Whereas, with regard to arduous affairs concerning us and the estate and community of our kingdom, and especially in the council summoned by the legate⁴ at London on the approaching quinzime of Easter, we wish to have a special deliberation and conference with you and the other faithful men of our said kingdom whom we have caused to be summoned for this purpose, and without whom we are unable to settle those affairs: [therefore] we command and firmly enjoin that in the fealty, homage⁵ and love by which you are bound to us, immediately on sight of these letters and setting aside all other concerns, you cause the said mayor, together with the bailiffs and six of the better and more discreet and more substantial men [of the said city] to come with all haste to us at Westminster, [bringing with them] your letters patent signed with the seal of your community according to the form sent to you enclosed in the present letters; so that they shall be there on the approaching quinzime of Easter at the latest, there in the matters aforesaid to do whatever we shall see fit to provide by the common counsel of our kingdom. And by no means fail to do this. Witness.

[Such letters to] York, Lincoln, Northampton, Stafford, Norwich, Cambridge, Lynn, Oxford, Worcester, Gloucester, Shrewsbury, Hereford, Bristol, Winchester, Southampton, Canterbury, Chichester, Rochester, Bath, Coventry, Lichfield, Exeter, Ely, Bury St. Edmunds, Yarmouth, Ipswich, Dunwich. . . .

To all faithful in Christ before whom these present letters shall come, the mayor, bailiffs, and entire community of the city of York, greeting in the Lord. For the sake of the affairs concerning our lord King H[enry], illustrious king of England, his kingdom, the community of England, and us, [to be considered] in the council called by the legate at London on the approaching quinzime of Easter, we have seen fit to send thither, our mayor, and, our bailiffs, and our citizens or fellow burgesses, so that full faith may be given to them in everything which, with regard to the aforesaid matters, they shall see fit on our behalf to set forth in the council or on the occasion of the council. And we shall hold as established and accepted whatever on our behalf those men do in the aforesaid matters. In testimony whereof, etc. Given, etc.

(Latin) *English Historical Review*, XL, 583 f.

Documents from the reign of Edward I

PARLIAMENT OF 1275

in S&M, pp. 153-4 (No. 49A)

Edward, by the grace of God king of England, lord of Ireland, and duke of Aquitaine, to the sheriff of Middlesex, greeting. Whereas, for certain particular reasons, we have prorogued our general parliament¹ . . . at London with our prelates and the other magnates of our realm . . . until the morrow of the Sunday after Easter next, we command you that you summon to the same place, on the morrow of the Sunday after Easter aforesaid, four knights from your county of the more discreet and lawful, and likewise from each of the cities, boroughs, and trading towns² of your bailiwick six or four citizens, burgesses, or other good men, to consider, along with the magnates of our kingdom, the affairs of the said kingdom. On our part also you are without delay to have those letters of ours that are addressed to various persons in your bailiwick given or sent to them. And by no means neglect to do this and to give us full information touching the execution of this mandate at the term aforesaid. By my own witness at Woodstock, December 26, in the third year of our reign.

⁴ Ottobono, papal legate.

⁵ The wrong form seems inadvertently to have been used by the clerk for the burgesses owed no homage.

¹ Note that in this and the following writs *parliamentum* is used as a synonym of *colloquium*, meaning a conference or deliberation.

² *Ville mercatorie* not market towns; see Ballard and Tait, *British Borough Charters*, II, lii.

(Latin) Stubbs, *Select Carters*, pp. 441 f.

THE NEW CUSTOMS (1275)

in S&M, pp. 154 (No. 49B)

William de Valence, earl of Pembroke [and lord of Ireland], to all faithful in Christ before whom the present writing may come, greeting in the Lord. Whereas the archbishops, bishops, and other prelates of the kingdom of England, as well as the earls and barons, and we and the communities of the said kingdom, at the suggestion and request of the merchants, have for a variety of reasons unanimously granted, for ourselves and our heirs, to the magnificent prince, our dearest lord Edward, by the grace of God illustrious king of England, $\frac{1}{2}m.$ for each sack of wool and $\frac{1}{2}m.$ for every three hundred wool-fells, which make a sack, and $1m.$ for each last of hides exported from the kingdom of England and the land of Wales, to be henceforth collected in each port of England and Wales, both within liberties and without; [therefore] we, at the request and suggestion of the aforesaid merchants, grant, for us and our heirs, that the same lord king and his heirs shall have within each of our ports in Ireland, both within liberties and without, $\frac{1}{2}m.$ from every sack of wool and $\frac{1}{2}m.$ from every three hundred wool-fells, which make a sack, and $1m.$ from every last of hides exported from the land of Ireland, to be collected by the hands of wardens and bailiffs of the said king; saving to us the forfeitures of those who, without the licence and warrant of the said lord king [given] by his letters patent and signed with the seal provided for that purpose shall presume to take wool, wool-fells or hides of this sort through our fiefs, where we enjoy liberties, [for export] out of Ireland. From which [articles] the said lord king and his heirs shall collect and keep the half-mark from wool and wool-fells and the mark from lasts of hides in the manner aforesaid; yet so that in each of our ports, where the writs of the aforesaid king do not run, two of the more discreet and faithfull men of those ports shall be elected, and they having taken an oath with regard to the seizure of wool, wool-fells, and hides in the said ports until the merchants of wool, wool-fells and hides aforesaid have their warrant under the seal of the lord king provided for that purpose shall faithfully collect and receive the said custom for the use of the said lord king, and shall therefor be answerable to him. In testimony whereof we have set our seal to the present writing. Given in the general parliament of the lord king aforesaid, at Westminster, on Sunday, the feast of St. Dunstan the Bishop, in the third year of the reign of the same king.³

(Latin) *Ibid.*, pp. 443 f.

STATUTE⁴ OF GLOUCESTER (1278)

in S&M, pp. 169 (No. 52A)

In the year of grace 1278, the sixth of the reign of King Edward, son of King Henry, at Gloucester in the month of August, the same king, having summoned the more discreet men of his kingdom, both greater and lesser, has made provision for the betterment of his kingdom and the fuller administration of justice, as is demanded by the kingly office. . . .

The sheriffs shall have it commonly proclaimed throughout their bailiwicks—that is to say, in cities, boroughs, trading towns, and elsewhere—that all those who claim to have any franchises by charters of the king's predecessors, kings of England, or by other title, shall come before the king or before the itinerant justices on a certain day and at a certain place to show what sort of franchises they claim to have, and by what warrant⁵ [they hold them]. . . . And if those who claim to have such franchises do not come on the day

³ Similar letters were issued by eleven other barons named in the roll, following the language of a royal ordinance which has come down to us in French (Palgrave, *Parliamentary Writs*, I, 1 f.). On the taxes mentioned in this writ, see Gras, *The Early English Customs System*, ch. iii.

⁴ *Statutum* had not as yet acquired the technical meaning of a legislative enactment in full parliament, as distinguished from an ordinance in council. The word was still vague, being generally applied to especially formal statements of the law; see Holdsworth, *History of English Law*, II, 172f., 244f.; and cf. the examples cited below, no. 62.

⁵ *Quo warranto* here and in the writ employed for legal proceedings of this sort. See especially H. M. Cam, *The Hundred and the Hundred Rolls*, ch. xiv; in which work the student will also find a full account of the inquests that led up to the formulation of this statute—e g., the Articles of 1274, pp. 248 f.

aforesaid, those franchises shall then be taken into the king's hand by the local sheriff in the name of distress; so that they shall not enjoy such franchises until they come to receive justice. . . .

(French) *Statutes of the Realm*, I, 45 f.

ORDINANCE FOR THE HOUSEHOLD (1279)

in S&M, pp. 169–70 (No. 52C)

. . . It is ordained and commanded that the stewards, or one [of them] if both cannot be [there] together, with the treasurer,⁶ or the comptroller if the treasurer cannot be [there], one of the marshals of the hall, and the clerks and serjeants of the offices⁷ shall be present each night for [drawing up] the account of the household. And there by the witness of the ushers of the hall, the servings of food in the hall (*mes de la sale*) are to be checked; and according to the number of the servings and the issues from the pantry, buttery, and kitchen are to be checked. And if there is irregularity, let it be corrected and serjeants be reprov'd. Each night on the margin of the household roll is to be written the [amount of] wine dispensed during the day; so that, by the testimony of this roll which bears the record of the household, we may two or three times a year audit the account of the tuns of wine [dispensed]. Next the wages of the serjeants, squires, and the account any wrongdoing is presented which is not so bad as to require being brought to the king's attention, let it be punished there at the discretion of the stewards and the treasurer—by the withholding of wages or in some other way according to what they may think best—so that the lord [king] shall not be bothered with affairs that can be settled by those officials.

The treasurer, having called to him one of the stewards, or both of them, shall once or twice in every year audit the account of the chamberlain of wines; so that he may clearly know how many pieces come from each port and each ship, and the names of the persons from whom the wines have been taken, parcel by parcel, and how much is through purchase and how much through prise.⁸ And this account is to be audited and checked by the treasurer and one of the stewards in such fashion that the treasurer can present a summary of it in his account at the feast of St. Edmund the King, when he renders his account.

In the same way the treasurer shall draw up the account of the great wardrobe.⁹ . . . And it is to be noted that the treasurer shall henceforth have all articles for the great wardrobe bought at three fairs a year by a certain man, who shall be keeper of the great wardrobe and shall go to fairs to make the purchases; and he shall be put on oath to the king for this particular office. And the usher of the wardrobe shall be comptroller for him, going to fairs with him to view his purchases and at the account witnessing liveries [made by him]. . . . And the aforesaid keeper shall not purchase anything or deliver anything to anybody without the special command of the treasurer, and this in the presence of the comptroller. . . .

The usher of the wardrobe should each day have the wax and candle-wicks weighed—what is to be made [into candles] and what is to be kept. And each night [he should] weigh what is given out in livery and on the morrow reweigh what is left; so that through such weights he may know what has been dispensed each night, and the sum of it all at the end of the year. . . . And the chandler shall have nothing in his charge except what is to be dispensed at night, as delivered to him by the usher.

And whereas it is rightful that the household of Madame [the queen] should be regulated according to the ordinance of the king's household, it is ordered that the steward of Madame, or the man who is in charge of her household, shall each night be present at the account for the king's household, together with the pantler, the butler, the chief cook, and the marshal of her chamber. . . .

⁶ Of the wardrobe, on which see Tout, *Chapters in Medieval Administrative History* II, 27 f. More detailed information concerning most of the officials mentioned here will be found in the Household Ordinance of 1318, no. 57.

⁷ *Mesters* (i.e., *métiers*) such as the pantry, butlery, kitchen, etc.

⁸ See above, [no. 51C] n. 6.

⁹ "So-called not because of its importance, but because it dealt with bulky commodities": Tout, *Place of Edward II in English History*, p. 71.

Furthermore it is ordained that the marshals, or one of them, shall make the circuit of the household each month of the year, or more often if they see fit, to clear it of rascally men and women, and of horses belonging to them so that they shall take no hay, or oats, or wages. And [the marshals] shall do the same for the household of Madame. And the marshals of the hall and the ushers shall also see to it that the hall is well cleared of strange people and of rascals who should not eat [there], and that the hall is served well and for the common good (*comunaument*) and that no knight has more than one squire eating in the hall.

The evening livery of wine and candles shall all be made by the king's men, as well for the household of Madame as elsewhere. And the treasurer and the stewards shall see to it that no liveries are made outside except in a proper place, neither of bread nor of wine nor of candles, and each night they shall examine the liveries for the household of Madame as well as for other places and for the king's house.

Furthermore, it is ordained that no one shall sleep in the wardrobe except the treasurer; Sire Thomas Gunneys [the comptroller];¹⁰ Master William of Louth, the treasurer's clerk, Master Simon, the surgeon; Orlandino,¹¹ when he comes to court, William of Blyborough and sire Stephen of St. George [clerks of the wardrobe]; John Rede, chief usher of the wardrobe, and a footman under him—no others.

And it is ordained that no clerk who holds a benefice of the king shall henceforth receive wages from the king. And it is ordained that no one shall eat in the wardrobe except the under-usher; and the chamberlain, the treasurer, and all the other chamberlains [shall eat] in the hall unless they are lodged apart from the court.

With regard to the king's carriage [service], it is provided that for the wardrobe there shall be three long carts; for the pantry a long cart and a short one, which is to carry the demaine flour and the mills of the saucery;¹² for the butlery a long cart and a short one; for the kitchen a long cart and two short ones.

Twenty men are chosen as serjeants-at-arms . . . , and each is to receive $3\frac{1}{2}m.$ a year for robes. . . . Besides, it is ordained that each squire shall receive 10s. a year for robes, and each serving man (*valet de mester*) 1m. And each groom who receives 2d. a day as wages is to have 10s. for robes; and each groom who receives $1\frac{1}{2}d.$ a day, and all the others who ought to have robes, are to have $\frac{1}{2}m.$ ¹³

(French) Tout, *Mediaeval Administrative History*, II, 158 f.

STATUTE OF MORTMAIN (1279)

in S&M, pp. 169–70 (No. 52B)

The king to his justices of the bench, greeting. Whereas it was formerly enacted¹⁴ that men of religion should not enter upon the fiefs of any persons without the consent and licence of the principal lords from whom those fiefs were immediately held; and whereas since then men of religion have nevertheless entered upon the fiefs of others as well as their own—by appropriating them, buying them, and sometimes by receiving them through gifts of other men—whereby the services which are owed from fiefs of this sort, and which were originally established for the defence of the kingdom, are wrongfully withheld and the principal lords [are caused to] lose their escheats: [therefore] we, seeking in this connection to provide a suitable remedy for the good of the kingdom, by the counsel of the prelates, earls, and other faithful men of our kingdom who are members of our council, have enacted, established, and ordained that no man of religion or any other whatsoever shall buy or sell lands or tenements, or under colour of donation, lease, or other title of any sort shall receive them from any one, or presume artfully and craftily to appropriate them in any way

¹⁰ As appears from other entries in the record.

¹¹ Of Lucca, the king's banker.

¹² Demaine flour was that of superior quality for the king's use; cf. [S&M no. 29], n. 3. On the saucery see below, [no. 57 at n. 29].

¹³ Preceding the ordinance as printed is a memorandum of the wages and liveries enjoyed by the other officials, listed by name. The steward, the marshal, the surgeon, the chaplain, and the chiefs of the wardrobe received 8m. a year for robes, together with various fees, unless they had received lands or benefices. Subordinates usually received 3m. for robes, and wages of 7d. a day.

¹⁴ In the reissue of Magna Carta (above, [§ 5A], n. 45) somewhat extended by the Provisions of Westminster.

whatsoever, whereby land and tenements of this sort may somehow come into mortmain¹⁵—under pain of forfeiting the same [lands or tenements]. . . . And so we command you to have the aforesaid statute read in your presence and henceforth strictly held and observed.

By witness of the king, at Westminster, November 25, in the seventh year of our reign.

(Latin) Stubbs, *Select Charters*, pp. 451 f.

SUBSIDY OF 1282

in S&M, pp. 155 (No. 49C)

The king to the sheriff of Warwick and Leicester, to the citizens, burgesses, merchants, mayors, bailiffs, and communities of the cities, boroughs, and trading towns, and to all other men of the aforesaid counties, greeting. Whereas we have sent our beloved John of Kirkby for the sake of orally explaining to you on our part and in our name, and of expediting through you, certain arduous and especial concerns of ours, which we have entrusted to him: we command and firmly enjoin you, in the fealty and affection by which you are bound to us, that you place firm trust in the same John with respect to the said matters and carry them out in all ways. Moreover we have enjoined the same John without delay to inform us concerning your response and your willingness. In testimony whereof, etc. By witness of the king, at Chester, June 19.¹⁶

The king to his beloved and faithful the mayor and citizens of Hereford, greeting. For the courteous subsidy that you have promised us for the sake of our present expedition into Wales—concerning which we have been informed orally by our clerk, John of Kirkby, whom we sent to you on this account with our letters of credence—we are exceedingly grateful to you, and through the grace of God we will indemnify you in this respect at an opportune time. But since at the present moment we greatly need the money, we command and firmly enjoin you, in the fealty and homage¹⁷ by which you are bound to us, and according to the instructions drawn up under the seal of our clerk aforesaid and delivered to our sheriff of Hereford and to you, to cause the money of the aforesaid subsidy to be levied in all haste and paid to the same sheriff; so that it may be brought to us as we have commanded him through other letters of ours and so that we may have it by the morrow of All Saints at the latest. And by no means neglect this, as you cherish your bodies and all that you have in the kingdom. And strive especially to prevent such an occurrence as that we and our army should presently retreat from the region of Wales through default of that payment of money, on which we are placing full reliance. By witness of the king, at Denby, October 28.

(Latin) *Ibid.* pp 456 f.

PARLIAMENTS OF 1283

in S&M, pp. 155–7 (No. 49D)

The king to the sheriff of Norfolk and Suffolk, greeting. Whereas Llewelyn, son of Griffith, and his accomplices, the other Welshmen, to us enemies and rebels, have so often in our own time and in the times of our progenitors, kings of England, disturbed the peace of our kingdom . . . ,¹⁸ we command and firmly enjoin you to summon to Northampton on the octave of St. Hilary, before us or before such of our faithful men as we may care to depute for this matter all those of your bailiwick fit and able to bear arms who have land worth £20 and who are not with us on our Welsh expedition; also four knights from each of the aforesaid counties, having full authority [to act] on behalf of the communities of the same counties; also from each city, borough, or trading town two men similarly empowered on behalf of their communities—in order to hear and do what on our part we shall cause to be explained to them. And you shall not presume, through love, favour, reward, fear, or any other consideration, to grant pardon or postponement to any one of

¹⁵ Literally, “dead hand”—permanent possession by a church or other corporation.

¹⁶ Similar letters were sent to the sheriffs of all the counties but Cornwall; likewise to all abbots, priors, and men of religion in all the counties except Cornwall: Palgrave, *Parliamentary Writs*, I, 384.

¹⁷ See above, p. 26, n. 8.

¹⁸ A number of rhetorical clauses are omitted.

your bailiwick who has arms worth £20 and is fit and able to bear arms. Nor by any means shall you, on the aforesaid account, summon before us, or before our faithful men aforesaid, any one who does not have land worth more than £20, although he may be fit or able to bear arms. And through the four knights aforesaid you are to inform us or our faithful men aforesaid, on the day and [at the] place aforesaid of the names of all those whom you thus summon. And you are to have there the names of those four knights and this writ. And as you cherish your life and all that you have, do not fail to attend to all these matters. By witness of the king, at Rhuddlan, November 24 [1282].

Similar mandates to the sheriffs of Nottingham, Derby, Shropshire, Stafford, Cambridge, Huntingdon, Essex, Hertford, Buckingham, Bedford, Somerset, Dorset, Surrey, Sussex, Warwick, Leicester Oxford, Berkshire, Kent, Middlesex, Northampton, Rutland, Lincoln, Cornwall, Devon, Wiltshire, Hereford, Worcester, Gloucester and Hampshire, that they should summon, etc., at Northampton. And to the sheriffs of York, Cumberland, Westmorland, Northumberland and Lancashire that they should summon, etc., at York.

The king to the venerable father in Christ, John, by the same grace archbishop of Canterbury and primate of all England, greeting. Whereas Llewelyn . . . ,¹⁹ we command and urge you to summon to Northampton . . . your suffragans and the abbots, priors, and various other heads of religious houses, as well as proctors from the deans and chapters of your collegiate churches and [those] of the suffragans in your dioceses. And you are to be present on the same day and at the same place to hear and do what in this connection we shall cause to be explained to you and to them for the sake of the public good; also to give us your advice and assistance. . . .

Similar letters of the same date addressed to the archbishop of York, to summon his suffragans, etc., before the king at York on the aforesaid octave, or before faithful men whom the king, etc.

The king to the mayor and sheriffs and the whole community of his city of London, greeting. We are exceedingly grateful to you for having liberally granted to us, as a subsidy for our expedition in Wales, a thirtieth of all your movable goods; aside from those which were excluded from the fifteenth recently granted to us, and excepting [the goods of] those three hundred persons in the aforesaid city who gave us a subsidy²⁰ for the sake of the warlike expedition aforesaid, on condition that our magnates would decide to grant the same. And we wish you to know that the same magnates, with respect to themselves, have granted and ratified the subsidy of the said thirtieth, as on our part they were requested to do. And since, as you know, we greatly need the money for the sake of our expedition aforesaid, we have assigned . . .²¹ to lay and assess the said thirtieth and to collect it through themselves and through you, the mayor and sheriffs aforesaid. And so we command you in the said matter to be obedient, responsive, serviceable, and helpful to the same men . . . , according to the instructions which on our part they will give you. In testimony whereof, etc. Witnessed as above, February 28.

The king to the knights and freemen and the whole community of the county of Hampshire, greeting. We are exceedingly grateful to you for having, through the four knights sent to Northampton on the part of the community of the aforesaid county, courteously agreed to give us a subsidy for the sake of our present expedition in Wales, to the same amount as our magnates should provide and agree upon as a subsidy of this sort. And whereas the same magnates . . . have agreed upon a subsidy to us of a thirtieth . . . we have assigned . . .²² to lay and assess the said thirtieth and to collect it by their own agency and with the sheriff of the aforesaid county. And so we command you. . . . By witness of the king at Rhuddlan, February 28.²³

¹⁹ Here and immediately below the writ uses the preceding form.

²⁰ Presumably the subsidy or loan taken to anticipate the parliamentary grant; cf. no. 49C, preceding.

²¹ Three collectors are named.

²² Two collectors are named.

²³ Letters resembling one or the other of these forms were sent to the other counties.

The king to the mayor, citizens, and sheriffs of London. . . .²⁴ And since we wish to have a deliberation with our faithful men as to what should be done with the aforesaid David . . . , we command you to cause two of the wiser and fitter citizens of the aforesaid city to be elected, and to send them to us so that they shall come before us at Shrewsbury on the morrow of Michaelmas next, to talk with us concerning this and other matters. And by no means fail to do this. By witness of the king, at Rhuddlan, June 28.²⁵

(Latin) Palgrave, *Parliamentary Writs*, I, 10–16.

STATUTE OF MERCHANTS (1283)

[Reproduced below, Section 7B.]

STATUTE OF WINCHESTER (1285)

in S&M, pp. 173–4 (No. 49E)

Whereas every day robbery, homicide, and arson are committed more frequently than used to be the case, and felonies escape presentment by the oaths of jurors who would see the felonies committed on strangers pass unpunished rather than accuse the offenders, many of whom are persons of the same country²⁶ . . . ; [therefore] our lord the king, in order to abate the power of felons, has established a penalty in such cases; so that henceforth, through fear of the penalty rather than of the oath, no one will be spared and no felony will be concealed. . . .

Accordingly, inquests shall be held when necessary in a vill by him who is lord of the vill, and afterwards in hundreds, franchises, and counties—sometimes in two, three, or four counties, in cases where felonies are committed on the borders of counties—so that the offenders may be brought to justice. And if the country will not answer for criminals in this way, the penalty shall be such that each country—that is to say, the people living in the country—shall be responsible for the robberies committed and the damages [thus incurred]. . . .

And for better assuring the peace, the king has commanded that in great towns which are walled the gates shall be closed from sunset to sunrise; and that no man shall be lodged in the suburbs, or in the outskirts of the town, except in the daytime—nor even in the daytime unless his host will be responsible for him. And the bailiffs of towns each week, or at least every fortnight, shall make investigation concerning men lodged in the suburbs or in the outskirts of the towns; and if they find anybody harbouring or otherwise lodging persons suspected of being in any respect violators of the peace, the bailiffs shall have Justice done in the matter. And the king has commanded that henceforth all watches shall be kept according to the ancient custom. . . .²⁷

Furthermore, it is commanded that highways from one trading town to another shall be enlarged wherever there are woods, hedges or ditches; so that there shall be neither ditches, underbrush, nor bushes for two hundred feet on the one side and two hundred feet on the other, where men can hide near the road with evil intent; yet so that this statute shall not apply to oaks or to any great trees, so long as they are cleared underneath. . . .

Moreover, it is commanded that every man shall have in his house arms for keeping the peace according to the ancient assize. . . .

Given at Winchester, October 8, in the thirteenth year of the king's reign.

(French) Stubbs, *Select Charters*, pp. 464 f.

STATUTE OF QUIA EMPTORES (1290)

²⁴ The writ contains a long preamble reciting the crimes of the Welsh and announcing the capture of Prince David.

²⁵ Similar letters were sent to twenty other boroughs; to nineteen persons requiring their individual attendance; and to the sheriffs of all the counties ordering the election in each of two knights to represent their respective communities at the same *colloquium*.

²⁶ *Pays* (Latin, *patria*)—the neighbourhood in which a person had his home.

²⁷ What is omitted here and in the second paragraph below is largely a repetition of Henry III's ordinance ([S&M] no. 46H).

[Reproduced above, Section 5B.]

ORDINANCE CONCERNING JUDICIAL CIRCUITS (1293)

in S&M, p. 175 (No. 49G)

Whereas the lord king, in his recent statutes at Westminster²⁸ commanded that in each county certain justices, and no others, should be commissioned for the holding of assizes, juries, and certifications²⁹ at particular times in those counties, and whereas the justices of the two benches,³⁰ as well as the itinerant justices assigned to carry out the aforesaid [commissions] for limited periods, have often, when they were not on eyre, been hindered, both by their offices and by precepts of the lord king directed to them, from coming to the [appointed] places on the days announced by them; and whereas, on account of their absence, justice has long been withheld from many persons and misdeeds have gone unpunished: [therefore] the lord king, desirous that, in so far as he can [provide it], speedy justice shall be rendered to every one in his kingdom for the wrongs done to that person, commands that henceforth eight circumspect and discreet justices shall be commissioned to hold assizes, juries, and certifications throughout the whole kingdom of England—namely, two in the counties of York Northumberland, Westmorland, Cumberland, Lancaster, Nottingham and Derby; two in the counties of Lincoln, Leicester, Warwick, Stafford, Shropshire, Northampton, Rutland, Gloucester, Hereford, and Worcester; two in the counties of Cornwall, Devon, Somerset, Dorset, Wiltshire, Hampshire, Oxford, Berkshire, Sussex, and Surrey; and two in the counties of Kent, Essex, Hertford, Norfolk, Suffolk, Cambridge, Huntingdon, Bedford, and Buckingham. And the assizes, juries, and recognitions of Middlesex shall be held before the justices of the bench. . . .

(Latin) *Statutes of the Realm*, I, 112.

SUBSIDIES OF 1294

in S&M, p. 158 (No. 49E)

The king to the knights and freeholders and the whole community of the county of Cumberland, greeting. Whereas the earls, barons knights, and all other men of our kingdom have now courteously and graciously given us as a subsidy for our war . . . a tenth of all their movable goods, with the exception of those exempted from the fifteenth recently granted to us in the same kingdom³¹ . . . , we have assigned our beloved and faithful Thomas of Newton, Robert of Whiteridge, or one of them, together with a certain clerk, to lay and assess and to levy and collect the said tenth in the aforesaid county and to bring it to our exchequer and there pay it at the following terms. . . . And so we command you. . . .³² By witness of the king at Westminster, November 12, in the twenty-second year of our reign.

The king to his beloved and faithful Robert of Ratford, greeting. Whereas our citizens and good men of Lonelon have graciously conceded to us as a subsidy for our war the sixth of their movables,³³ thus setting an example to the other men in our demesne towns for granting a similar subsidy, we have commissioned you to seek a sixth of this sort from each of our demesne cities and other towns in the counties of Kent, Sussex, Surrey, and Hampshire according to the assessment of the tenth already granted in our kingdom.

²⁸ 28. The reference is to art. 30 of the lengthy enactment known as the Second Statute of Westminster (1285). The article in question provided that for each county two justices should be commissioned to hold assizes three times a year. See Stubbs, *Const. Hist.*, II, 284.

²⁹ Certification was a process by which a vague or insufficient verdict was brought before a court for examination.

³⁰ Cf. 54E.

³¹ The parliament of this year, like that of 1290, included no representatives of the boroughs, which were dealt with by separate negotiation. In 1290 a fifteenth was obtained both within and without boroughs, but in 1294 the latter were prevailed on to give a sixth, in contradistinction to the tenth of the knights and magnates. On the significance of this precedent, and on the general character of the assemblies concerned, see Willard, *Parliamentary Taxes* pp. 3 f.; Stubbs, *Constitutional History*, II, 255 f.

³² The form used is virtually the same as that in the writs of 1283. Similar letters assigned other commissioners in the rest of the counties.

³³ The writ appointing commissioners to levy the sixth in London states that the subsidy has been liberally and freely (*liberaliter et libenter*) granted by the citizens.

And so we command you that, taking with you the sheriffs of the [respective] regions, you personally go to each of our demesne cities and other towns and on our part diligently urge and effectively induce the men of the said cities and towns—by whatever means you consider desirable—to give us the aforesaid sixth according to the aforesaid assessment. And you are without delay to report to us, or to our treasurer and our barons of the exchequer, what you accomplish in this undertaking. In testimony whereof we have caused to be drawn up these our letters patent. By witness of the venerable father [William, bishop of Bath and Wells], November 21, in the twenty-third year of our reign.³⁴

(Latin) Brady, *Treatise of Boroughs*. pp. 63 f.

PARLIAMENTS OF 1295

in S&M, pp. 159–61 (no. 49F), expanded from the originals printed in Stubbs, *Select Charters*, 9th ed. (1913) 479–82.

Edward, etc.. to the venerable father in Christ, R[obert], by the same grace archbishop of Canterbury and primate of all England, greeting. Whereas, with regard to certain arduous affairs touching us and our kingdom, as well as you and the other prelates of the same kingdom, which we are unwilling to settle without your presence and theirs, we wish to hold our parliament and to have a conference and discussion with you concerning these matters, we command and firmly enjoin you, in the fealty and love by which you are bound to us, to come to us at Westminster on the first day of the month of August next, or in any case within the third day following at the latest, in order with us to consider the said affairs and to give us your counsel. And by no means fail to do this. By my own witness at Whitchurch, June 24. By writ of the privy seal.

Similar mandates to the archbishop of York, to the bishops, abbots, and priors, to the masters of the order of Sempringham and of the Knights of the Temple in England, and to the prior of the Hospital of St. John of Jerusalem in England, as noted below: namely. . . .³⁵

The king to his beloved and faithful brother Edmund, earl of Lancaster, greeting. Whereas, with regard to certain arduous affairs touching us and our kingdom, as well as you and the other nobles and magnates of the same kingdom, which, etc. (as above): we command and firmly enjoin you, in the fealty and homage by which you are bound to us, to come to us, etc. (as above to the end). Witnessed as above.

Similar mandates individually by letters close to the following earls and barons: namely. . . .³⁶

The king to his beloved and faithful Gilbert of Thornton, greeting. Whereas, with regard to certain arduous affairs touching us and our kingdom as well as you and others of our council, which, etc. (as above): we command you in the fealty and love by which you are bound to us, etc. (as above in the mandate for the bishops to the end). Witnessed as above.

Similar mandates to the justices of both benches,³⁷ the itinerant justices, the justices assigned as deans,³⁸ the men sworn of the council, the barons of the exchequer, and the other clerks of the council whose names are noted below: namely. . . .³⁹

The king to the sheriff of Northampton, greeting. Whereas we wish to have a conference and discussion with the earls, barons, and other nobles of our realm concerning the provision of remedies for the dangers that in these days threaten the same kingdom—on which account we have ordered them to come to us at Westminster on the Sunday next after the feast of St. Martin in the coming winter, there to consider, ordain,

³⁴ Similar letters assigned other groups of collectors in six other regions; see Pasquet, *Origins of the House of Commons*, App. I (added by G. Lapsley).

³⁵ Besides the archbishop and the heads of the great orders, the list includes eighteen bishops, forty-two abbots, and eleven priors.

³⁶ Ten earls and fifty-three other barons are enumerated.

³⁷ Later known as the courts of king's bench and common pleas; but cf. no. 54E.

³⁸ That is to say, chief justices on the circuits; see nos. 52G, 54E.

³⁹ Besides Gilbert, thirty-eight persons are named.

and do whatever the avoidance of such dangers may demand—we command and firmly enjoin you that without delay you cause two knights, of the more discreet and more capable of labour, to be elected from the aforesaid county, and two citizens from each city of the aforesaid county, and two burgesses from each borough, and that you have them come to us on the day and at the place aforesaid; so that the said knights shall then and there have full and sufficient authority on behalf of themselves and the community of the county aforesaid, and the said citizens and burgesses on behalf of themselves and the respective communities of the cities and boroughs aforesaid, to do whatever in the aforesaid matters may be ordained by common counsel; and so that, through default of such authority the aforesaid business shall by no means remain unfinished. And you are there to have the names of the knights, citizens, and burgesses, together with this writ. By witness of the king, at Canterbury, October 3 [the second parliament of the year].

Similar letters addressed to each of the sheriffs throughout England under the same date.

The king to the venerable father in Christ, R[obert], by the same grace archbishop of Canterbury and primate of all England. As the most just law, established by the foresighted wisdom of the holy princes, urges and lays down that what touches all should be approved by all (*quod omnes tangit debet ab omnibus approbari*), so it is plainly apparent that common dangers should be removed by remedies provided in common.⁴⁰ Surely you know sufficiently [for] it is already made public throughout all the regions of the world how the king of France fraudulently and deceitfully deprived us of our land of Gascony, wickedly detaining it from us. Now, however, not content with the aforesaid fraud and wickedness, he has gathered together a large fleet and a copious multitude of warriors to attack our kingdom, with which he has already hostilely invaded our kingdom and the inhabitants of our kingdom, proposing—if he has the power to correspond to the detestable proposal of the iniquity he has conceived—to wipe out—which God forbid!—the English language from the face of the earth. Wherefore, since darts cause less injury when they are foreseen, and since your fortunes, like those of the other citizens of the same kingdom, are greatly concerned in this affair, we command and firmly enjoin you, in the fealty and love by which you are bound to us, that on Sunday next after the feast of St. Martin in the coming winter you personally be present at Westminster; first summoning (*premunientes*) the prior and chapter of your church and the archdeacons and all the clergy of your diocese, the said prior and archdeacons to be present along with you in person, the said chapter [to be represented] by one fit proctor, and the said clergy by two—which proctors are to have full and sufficient authority from the said chapter and clergy to concern themselves, together with us, with the rest of the prelates and magnates, and with other inhabitants of our kingdom in considering, ordaining, and deciding how such dangers and premeditated evils are to be obviated. By witness of the king, at Wingham, September 30.⁴¹

The king to his beloved and faithful kinsman, Edmund, earl of Cornwall, greeting. Whereas we wish to have a conference and discussion with you and with the other magnates of our kingdom to provide ways to meet the dangers that in these days threaten our entire kingdom, we command and firmly enjoin you, in the faith and love by which you are bound to us, to be present in person at Westminster on Sunday next after the feast of St. Martin-in-Winter next coming, in order to consider, ordain, and decide, together with us, the prelates, and the rest of the magnates, and with other inhabitants of our kingdom, how such dangers are to be obviated.

Similar letters to those noted below: namely. . . .⁴²

The king to the sheriff of Northamptonshire. Whereas we wish to have a conference and discussion with the earls, barons and other magnates of our kingdom concerning the remedies to be supplied for the dangers that in these days threaten our kingdom, to which end we have commanded them that they be with us on the

⁴⁰ The rhetorical preamble includes the famous phrase that “what concerns all should be approved by all,” but it is doubtful whether such flourishes had any constitutional significance.

⁴¹ Similar letters were sent to the other bishops and, with the omission of the *premunientes* clause, to the heads of religious houses and the masters of the military orders.

⁴² The roll lists eight earls and forty-one other barons.

Sunday after the feast of St. Martin-in-Winter next coming at Westminster, to discuss, ordain and do whereby these dangers may be avoided; we command and firmly enjoin you that you have chosen from the aforesaid county two knights and from every city in the same county two citizens and from every borough two burgesses, from the more discreet and more able for the task, and have them come to us at the aforesaid day and place; in such a way that the said knights severally have full power (*plena potestas*) for themselves and for the community of the aforesaid county and the said citizens and burgesses [severally] for themselves and the communities of the aforesaid cities and boroughs from the [county, cities and boroughs, respectively] to do what by common counsel is ordained in the aforesaid matters; in such a way that for default of such power the aforesaid business not remain undone in any way. And have here the names of the knights, citizens and burgesses and this writ. Witness the king at Canterbury, the third day of October [1295].

(Latin) Palgrave, *Parliamentary Writs*, I, 28–31.

CONFIRMATION OF THE CHARTERS (1297)

in S&M, pp. 164–5 (No. 51)

Edward, by the grace of God king of England, lord of Ireland, and duke of Aquitaine, to all who may see or hear these present letters greeting. Know that, for the honour of God and of Holy Church and for the benefit of our entire kingdom, we have granted for ourself and for our heirs that the Great Charter of Liberties and the Charter of the Forest, which were drawn up by the common assent of the whole kingdom in the time of King Henry, our father, are to be observed without impairment in all their particulars. And we will that those same charters shall be sent under our seal to our justices—those of the forest as well as the others—to all sheriffs of counties, and to all our other ministers, as well as to all cities throughout the land, together with our writs providing that the aforesaid charters are to be published and announcement is to be made to the people that we have granted these [charters] to be observed in all their particulars; and that our justices, sheriffs, mayors, and other ministers whose duty it is to administer the law of the land under us and through our agency, shall cause the same charters in all particulars to be admitted in pleas and judgments before them—that is to say, the Great Charter of Liberties as common law and the Charter of the Forest according to the assize of the forest, for the relief of our people. And we will that, if any judgment is henceforth rendered contrary to the particulars of the charters aforesaid by our justices, or by our other ministers before whom pleas are held contrary to the particulars of the charters, it shall be null and void. And we will that these same charters shall be sent under our seal to the cathedral churches throughout the kingdom and shall there remain; and twice a year they shall be read to the people. And [we will] that the archbishops and bishops shall pronounce sentences of greater excommunication against all those who, by deed or aid or counsel, shall violate the aforesaid charters, infringing them in any particular or violating them in any way; and the aforesaid prelates shall pronounce and publish these sentences twice a year. And if the same prelates—the bishops or any of them—prove negligent in making the aforesaid denunciation by the archbishops of Canterbury and York who at the time hold office, they shall be reprov'd in a suitable manner and compelled to make this same denunciation in the form aforesaid.

And whereas some people of our kingdom are fearful that the aids and taxes (*mises*), which by their liberality and good will they have heretofore paid to us for the sake of our wars and other needs, shall despite the nature of the grants, be turned into a servile obligation for them and their heirs because these [payments] may at a future time be found in the rolls, and likewise the prises that in our name have been taken throughout the kingdom by our ministers: [therefore] we have granted, for us and our heirs, that, on account of anything that has been done or that can be found from a roll or in some other way, we will not make into a precedent for the future any such aids, taxes, or prises. And for us and our heirs we have also granted to the archbishops, bishops, abbots, priors, and other folk of Holy Church, and to the earls and barons and the whole community of the land, that on no account will we henceforth take from our kingdom

such aids, taxes, and prises, except by the common assent of the whole kingdom and for the common benefit of the same kingdom, saving the ancient aids and prises due and accustomed.⁴³

And whereas the greater part of the community all feel themselves gravely oppressed by the maltote on wool—that is to say, 40s. from each sack of wool—and have besought us to relieve them [of the charge], at their prayer we have fully relieved them, granting that henceforth we will take neither this nor any other [custom] without their common assent and good will, saving to us and our heirs the custom on wool, wool-fells, and hides previously granted by the community of the kingdom aforesaid.⁴⁴

In testimony whereof we have caused to be written these our letters patent. Given at Ghent, November 5, in the twenty-fifth year of our reign.

(French) Stubbs, *Select Charters*, pp. 490 f.

ARTICLES OF 1300⁴⁵

in S&M, pp. 175 (No. 52H)

. . . Moreover, no common pleas shall henceforth be held in the exchequer, contrary to the form of the Great Charter. On the other hand, the king wills that the chancery and the justices of his bench shall follow him; so that he may always have near him certain men expert in the law, who, whenever the need arises, will know how rightfully to dispatch all such business as may come before the court. Henceforth no writ touching the common law shall be issued under the small seal.⁴⁶

(French) *Ibid.*, I, 138 f.

PARLIAMENTARY BILL OF 1301

in S&M, pp. 165–6 (No. 51B)

Bill of the prelates and nobles delivered to the lord king on behalf of the whole community in the parliament of Lincoln in the year aforesaid:⁴⁷—

. . . Thus the said community is of the opinion that, if it please our lord the king, the two charters, of liberties and of the forest, shall henceforth be entirely observed in all particulars. [Response:] It expressly pleases the king.

And statutes contrary to the said charters shall be annulled and voided. [Response:] It expressly pleases.

And the power of the justices assigned to keep the charters in the counties shall be defined by the counsel of the prelates, earls, and barons. [Response:] It tacitly pleases.

And the perambulation that has already been made and ridden⁴⁸ by view of good men according to the form of the said charter of the forest shall stand and at the same time shall be carried out through prompt disafforestation according to the bounds determined by the perambulators, so that the community may at once be seised of them. [Response:] It expressly pleases.

⁴³ Cf. the first article in what used to be called the Statute *De Tallagio non Concedendo* but which seems rather to have been a petition drawn up by the parliamentary opposition during the crisis of 1297: “No tallage or aid shall henceforth be imposed or levied by us or by our heirs in our kingdom except by the will and common assent of the archbishops, bishops, and other prelates, and of the earls, barons, knights, burgesses, and other freemen in our kingdom.” On this subject see especially Pasquet, *Origins of the House of Commons*, pp. 109, 237 f. See below, p. 166, n. 6; and cf. no. 56, art. 10.

⁴⁴ See no. 49B.

⁴⁵ [Known as *Articuli super cartas*, this was issued as an explanatory supplement to the Confirmation of the Charters (no. 51A).

⁴⁶ Cf. no. 54G, the last excerpt.

⁴⁷ January, 1301. The king had first presented a bill to parliament, asking the latter to assume all responsibility that the new delimitation of the royal forest would not violate his coronation oath, and to provide means whereby the proposed disafforestation could be amended. This parliament bluntly refused to do, sending to the king instead the following articles. On this whole subject see Petit-Dutaillis and Lefebvre, pp. 217 f.; Pasquet, *Origins of the House of Commons*, p. 115.

⁴⁸ There were two steps in the procedure: juries first determined the theoretic extent of the forest; then commissioners fixed the bounds by riding along them.

And offences and trespasses committed by the king's ministers against the tenor of the said charters and prises extortionately taken without consent or payment, against the form of the lord king's statute made at Westminster during Lent just past, shall henceforth cease. [Response:] It expressly pleases.

And any offence by a minister shall be paid for in proportion to the trespass, according to [the judgment of] auditors who are not suspected on account of their past deeds and who are assigned for such purpose by the prelates, earls, and barons of the land, and this matter shall be undertaken at once. [Response:] The lord king wishes to provide another remedy in this connection, rather than through such auditors.

And henceforth sheriffs shall be answerable for their revenues according to the customary practice in the time of his father—which revenues have been and are now to the great impoverishment of the people. And sheriffs shall not be placed under increased charges. [Response:] It pleases the lord king that in this respect a fit remedy shall be provided by common counsel as quickly as is well possible.

And wherever the perambulation has in part been made, but has not been ridden, it shall be done between now and Michaelmas next. [Response:] It expressly pleases.

On condition that the aforesaid matters are carried out and firmly established and accomplished, the people of the realm grant him a fifteenth in place of the twentieth recently granted—yet so that all the matters aforesaid are carried out between now and Michaelmas next; otherwise nothing is to be taken. [Response:] It expressly pleases. . . .

(French and Latin) Palgrave, *Parliamentary Writs*, I, 104 f.

MALTOTE OF 1303⁴⁹
in S&M, pp. 166–7 (No. 51C)

The king to the sheriff of Lincoln, greeting. Whereas we have learned that divers merchants of our kingdom, in order that they may be quit of our prises⁵⁰ and may use and enjoy the various liberties granted by us to foreign and alien merchants, are willing to give us from their goods and merchandise certain new payments and customs, which the said foreign and alien merchants give us from their merchandise within our kingdom and dominions: we [therefore], wishing to have a discussion and conference regarding these matters with the merchants of the said kingdom, command you to summon to our exchequer at York two or three citizens from each city, and two or three burgesses from each borough within your bailiwick, so that they shall be there on the morrow of St. John the Baptist next, with full power on behalf of the communities of the cities and boroughs aforesaid, to accept and to do what shall then be ordered in the foregoing connection by the counsel and assent of us and of them and of the merchants of the said kingdom. And you are then and there to have this writ. By witness of the king, at Newcastle-upon-Tyne, May 7.

Similar letters addressed to each of the sheriffs throughout England,

. . . And the aforesaid Walter, John, and Henry⁵¹ appear for the city of London and . . . for Lincoln. For Winchester . . . ; for Salisbury . . . ; for Exeter . . . ; for Northampton . . . ; for Oxford . . . ; for Leicester . . . ; for Bristol . . . ; for Huntington . . . ; for Hertford . . . ; for Shrewsbury . . . ; for Stafford . . . ; for Lichfield . . . ; for Coventry . . . ; for Warwick . . . ; for Worcester . . . ; for St. Albans . . . ; for Plympton . . . ; for Bodmin . . . ; for Weymouth . . . ; for Canterbury. . . ; for Dunhaved . . . ; for Liskeard . . . ; for Dorchester . . . ; for Yarmouth . . . ; for Norwich . . . ; for Dunwich . . . ; for Lynn . . . ; for Colchester. . . ; for Cambridge . . . ; for Melcombe . . . ; for Chichester . . . ; for Grimshy . . . ; for Rochester . . . ; for the city of York . . . ; for Scarborough . . . ; for Nottingham . . . ; for Kingston-upon Hull . . . ; for Newcastle-upon-Tyne . . . ; for Whitby . . . ; for Richmond. . . All of whom, by virtue of the summons in the aforesaid writ, appeared on June 25 before the council of the lord king at York, and said that by their unanimous opinion

⁴⁹ See above, p. 5, n. 38.

⁵⁰ The exactions of wine and other merchandise to which the king was entitled by ancient custom.

⁵¹ Commissioned by the mayor and community of London in a preceding writ. Similar groups of deputies are named from each of the other boroughs.

and will, on behalf both of themselves and of the communities of the cities and boroughs aforesaid, they would by no means agree to an increased maltote or to the customs mentioned in the aforesaid writ as having been granted to the lord king by foreign and alien merchants, but only to the customs anciently due and used.

(Latin) *Ibid.*, I, 134–5.

MEMORANDUM OF PARLIAMENT (1306)

in S&M, pp. 166–7 (No. 51D)]

Memorandum that, after the lord king had recently ordered that Edward, his first-born son, should be decorated with the belt of knighthood at the feast of Pentecost in the thirty-fourth year of his reign, mandates were issued for the archbishops, bishops, abbots, priors earls, barons, and other magnates to come before the lord king and his council at Westminster on the morrow of Holy Trinity next following, in order to deliberate and ordain with regard to giving the king an aid for the knighting aforesaid and in order to consent to those matters which should further be ordained in that connection, or for them then and there to send procurators or attorneys with sufficient instructions to carry out the aforesaid matters in their place also each of the sheriffs of

England was commanded to cause two knights from his county to come to the said place at the said time and from each city of his bailiwick two citizens and from each borough of the same bailiwick two burgesses or one, etc., in order to deliberate, ordain, and consent as aforesaid. [Accordingly] there came in person before the king and his council at Westminster on that day⁵² . . . ; also through procurators and attorneys⁵³ . . . ; and there came likewise two knights from each county of the same kingdom, two citizens from each city, and two burgesses from each borough, elected by the communities of the same counties, cities, and boroughs in the place of the same communities, to deliberate, ordain, and consent as aforesaid. And when all the aforesaid persons had assembled before the aforesaid council of the king, and it had been explained to them by the same council on behalf of the king that by right of the royal crown aid should be given the lord king on the occasion aforesaid, and besides that the lord king had incurred multifarious expenses and many other obligations toward suppressing the rebellion and malice of Robert Bruce, traitor to the same lord king, and of his adherents in the parts of Scotland, who were then presuming to make war against the king in those parts; the same prelates, earls barons, and other magnates, as well as the knights of the shires, having discussed the matter with deliberation, and considering that aid was owed as aforesaid and that the king had incurred many obligations on account of the aforesaid war, at length unanimously granted to the lord king on behalf of themselves and the whole community of the land a thirtieth of all their movable temporal goods which they should happen to possess on Michaelmas next following, to be taken as a competent aid to the lord king for the knighting of his aforesaid son and also as an aid toward the expenditures that should be made in connection with the aforesaid war. This grant, however, [was made] on condition that it should in no way be held to their own prejudice or to that of their successors or heirs in future times, and that it should never be taken as a precedent in a case of this kind; also that in assessing the aforesaid goods all should be excepted which had been excepted in assessing the fifteenth granted by the community of the kingdom to the lord king in the eighteenth year of his reign for exiling the Jews. Moreover, the citizens and burgesses of the cities and boroughs afore said and others of the king's demesnes, being assembled and holding a discussion on the said matters, in consideration of the obligations incurred by the lord king as aforesaid, unanimously granted the lord king for the reasons aforesaid the twentieth of their movable goods, to be taken as aforesaid.

(Latin) Pasquet, *Origins of the House of Commons*, pp. 234 f.

A RECORD OF PARLIAMENT (1305)

from *Memoranda de Parlamento, 1305*, F.W. Maitland ed. (London, 1893), no. 231, pp. 145–6

⁵² Twenty persons, including the warden of the Cinque Ports “together with certain barons of the same ports.”

⁵³ Twenty-seven named persons “and many other prelates, magnates, and nobles of the realm.”

To our lord the king Adam Kereseye and Joan, his wife, show that when they impleaded Sir John de Ferrers and Avis, his wife, of the manor of Alnescote before Sir Ralph de Hengham [CJCB, 1301-9] and his companions of which Henry de La Mare, cousin of the said Joan whose heir she is, died seised in his demesne as of fee, and the said John and Avis pleading said that our lord the King, who now is, gave the manor aforesaid to Sir Robert Muscegros and his heirs and that they are seised [of it] as of right and heritage [of] the said Avis, daughter and heir of the said Robert, and they showed a charter of our lord the King about it and said that they could not reply without him, for which the parties went quit without day. Wherefore they pray the lord our King, if it pleases him, that the justices proceed in the plea according to the law and usage of the realm notwithstanding the aforesaid charter such that their right not be further delayed nor the said Joan disinherited. [Dorse, in Latin:] If the charter contains a warranty let them supersede, if not, let them proceed and thus let it be commanded to the justices by a writ from the Chancery. // Copied. // Caen [the receiver] // Enrolled.

D. ENGLAND UNDER HENRY III, 1216-1272

in C. BROOKE, FROM ALFRED TO HENRY III, 871-1272
The Norton Library History of England (1961) 224-36

13. HENRY III, 1216-72

WHEN his father died Henry was a boy of nine. His position was exceedingly weak, and it was bound to be a number of years before the new King could rule on his own. But from some points of view his father's early death benefited his cause. Henry had no personal enemies. The Pope found himself guardian of a small child, which strengthened his determination to support John's dynasty. The more chivalrous of the barons gathered round him. Under the shrewd guidance of the legate Cardinal Guala and the experienced regency of William the Marshal, Henry's affairs prospered beyond expectation. Within two years Louis the Dauphin was compelled to abandon his attempt on the English throne and leave the country. The King's supporters had been notably successful, and their efforts to restore order and sort out the confusion caused by civil war helped to make England reasonably peaceful and prosperous.

It is notoriously difficult, however, for a group of regents to act together without friction. The skill of Guala and the prestige of the Marshal kept them in control at first. But Guala left in 1218 and the Marshal died in 1219. In the early twelve-twenties the leading role was played by the Justiciar, Hubert de Burgh, a royal servant well rewarded by John, who had risen from the ranks of the country gentry and was now made Earl of Kent and married to a Scottish princess. But he was not trusted by the greater barons, and his position would have been untenable but for the steady support of Archbishop Stephen Langton. Hubert and Stephen were at this stage very much trusted by the King himself, and they took advantage of this fact gradually to release him from tutelage—thereby in effect strengthening their own position. In 1223 the Pope (acting as Henry's overlord) allowed him the personal use of his own seal, under certain restrictions; early in 1227 Henry declared himself of age and his personal rule effectively began. He was now nineteen and had been king for ten years.

Henry was lavish and artistic: he built palaces and castles and adorned them with the best ornaments, hangings, and furnishings that money could buy. He was also extremely devout. His extravagance, sense of beauty, and piety were especially concentrated on rebuilding and enlarging the Confessor's church at Westminster. He consciously modelled himself on the Confessor; he called his eldest son Edward; and in certain respects he resembled his distant predecessor. Both were devout; shrewd in their way, but lacking the strength and brutality for consistent success in politics or for winning renown on the battlefield. Henry was very self-conscious about his kingship, yet he was never able to throw himself into the essential exercises of kingship as his father and grandfather had done. He had serious weaknesses of character: he could be obstinate, petulant, and mercurial, was extremely sharp-tongued, rather ungenerous. Those whom he trusted, he trusted implicitly; but he was suspicious of most of the world and fearful of treachery. He was shrewd rather than subtle; his piety lacked depth. To compensate for all this, there was a certain quiet simplicity in