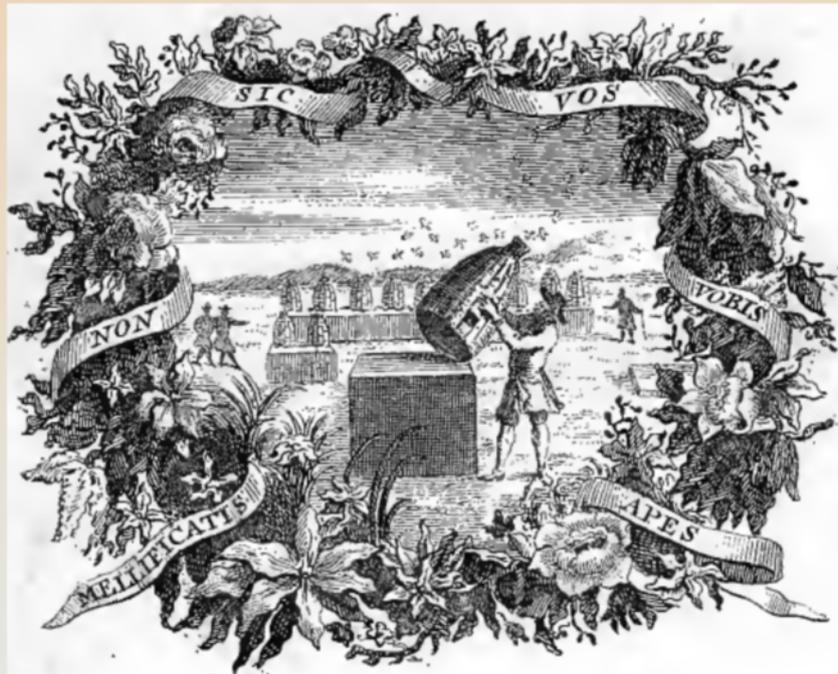


# Rapin's History of England



## Book Eight

THE REIGNS OF KING JOHN, AND HENRY III  
COMPRISING A PERIOD OF SEVENTY-THREE  
YEARS

**The History  
of  
England  
Written in French  
By  
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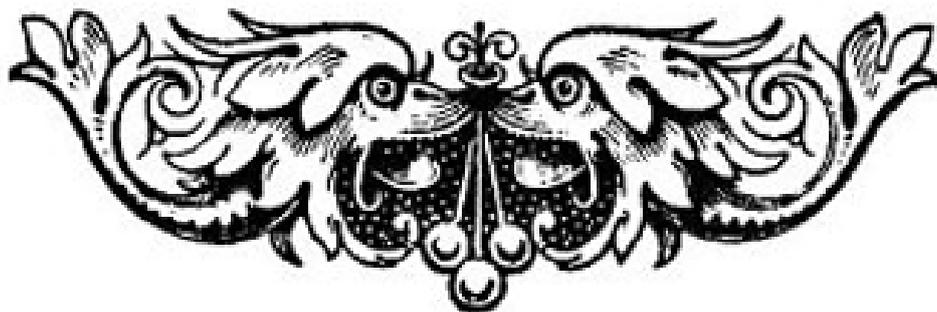
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# Book Eight

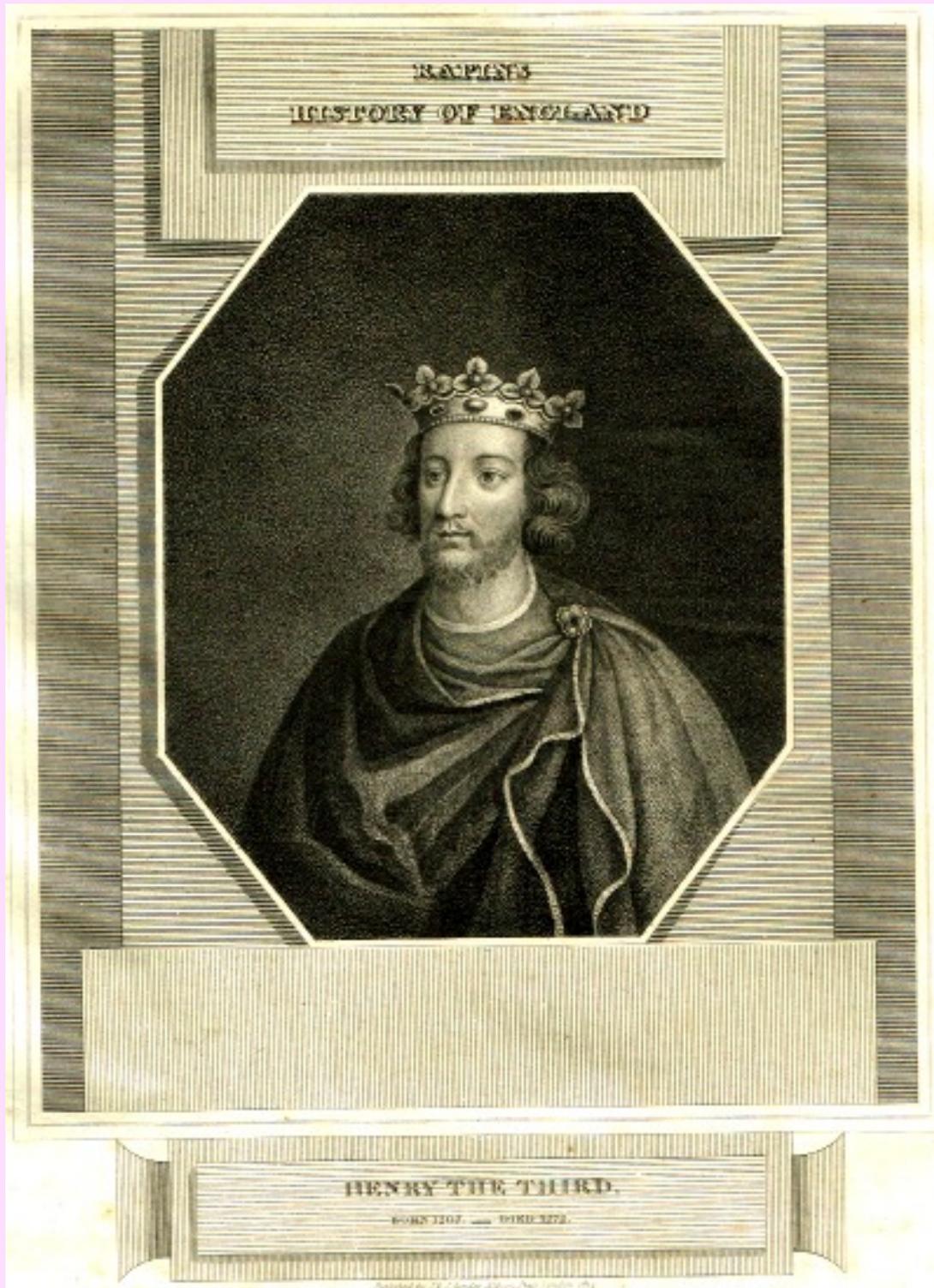
THE REIGNS OF KING JOHN, AND HENRY III  
COMPRISING A PERIOD OF SEVENTY-THREE YEARS





**King John**





**Henry The Third Sirnamed Winchester**



## BOOK VIII

### THE REIGNS OF KING JOHN, AND HENRY III COMPRISING A PERIOD OF SEVENTY-THREE YEARS; WITH THE STATE OF THE CHURCH FROM 1154 TO 1272.

#### Chapter I

#### 7. JOHN SURNAMED LACK-LAND [1]

AD 1199



**T**HOUGH Richard made the prince his brother heir to all his dominions, John's right was not thereby rendered incontestable. In the affair of the succession, two queries presented themselves not easy to be decided. The first was, whether, according to law, Arthur duke of Bretagne, as representing his father Geoffrey, elder brother of John, had as much or more right than his uncle John, who was one degree nearer.

In the second query, the business was to know, whether in case the laws favoured the nephew, Richard had power to dispose of his dominions by a will contrary to custom.

Two things rendered the decision of these queries exceedingly difficult: first, the diversity between the laws of the several states, to which this succession related. Secondly, in the kingdom of England, the largest and most considerable part, the right of primogeniture was neither correctly understood, nor regularly acted upon; consequently, there was no settled law concerning the succession to the crown, by which the kings were allowed or debarred the power of disposing of it as they pleased.

The strongest argument in favour of John was, that, there being no established law, his title was as good as Arthur's; and moreover, he had for him king Richard's will. But on the other hand, in most of the provinces possessed by the English in France, the right of representation in the lineal descent was generally received. This affair would have been liable to great discussions, had it been to be determined in a court of justice, or in the general assembly of the states; but John, not thinking proper to commit his right to the decision of any tribunal, took a course, which to him seemed not so uncertain.

He believed his right indisputable, or perhaps his ambition would not permit him to be more scrupulous to his nephew, than he had been with regard to the king his brother. He therefore judged that diligence was the most effectual means to gain his point. He had with him beyond sea, two men, who seemed proper instruments for his designs by reason of their great interest in England. The first was Hubert, Archbishop of Canterbury, the other William Marshal, afterwards

earl of Pembroke. These two lords being wholly devoted to his service, promised to use all their credit in his favour. Not to lose time, he immediately dispatched them into England, enjoining them to act in concert with the queen his mother, and the chief judiciary, who had been for some time in his interests. Queen Eleanor had a secret reason which biased her in favour of her son: namely, her fear that if Arthur ascended the throne, his mother Constantia would come and seize the administration of affairs, during the minority of her son, then thirteen years of age.

The four persons on whom John relied, served him with zeal and success. The judiciary had great power during the interregnum. The archbishop was at the head of the clergy Eleanor was exceedingly beloved and respected in the kingdom; and William Marshall was greatly distinguished by his merit. After concerting together the properest methods to serve the prince effectually, they laboured to gain the magistrates of the cities and towns. Their aim was, by their help to win the people, that they might afterwards meet with less opposition from the nobles. Their endeavours being crowned with all the success they expected, they thought themselves sufficiently strong to venture upon summoning the lesser nobility to take the oath to John.

There were but few that refused it, both because they imagined it agreeable to the general sentiment of the nation, and were unacquainted with the young duke of Bretagne, who had never been in England. These two first steps being taken, the bishops and barons were summoned to take the same oath; but these were not so easily managed. On pretence of examining into the laws of the realm, they demanded a delay.

In the meantime, believing a civil war unavoidable, they began to fortify their castles, and make preparations to support the most just cause, or, at least, that which to them seemed most agreeable to their interest. These proceedings alarmed the prince's friends. As they knew he was not beloved; they were apprehensive, the barons were determined to oppose him. To prevent this design they convened at Northampton an assembly general, where they used their utmost endeavours to gain those they most suspected. Among other things, they promised in John's name, that he would fully restore all the rights, and privileges of the nobles and people.

This promise, joined to others privately made to the most obstinate, produced the effect they expected. All the lords unanimously engaged to swear fealty to John, and by that means the whole kingdom was well disposed in his favour before his arrival. An embassy sent at this time from the king of Scotland to demand Northumberland, and Cumberland, with their appurtenances, gave some uneasiness to those that were at the helm. However, they found means to satisfy the ambassadors with fair words.

Whilst John's adherents were labouring for him in England, he himself was not idle in France, where he was detained by two important affairs. The first was a negotiation with Robert of Turnham, who had the custody of Richard's treasure in the castle of Chinon. He was at length so fortunate as to gain that officer, who delivered him the money in his keeping, and surrendered to him the two important cities of Saumur and Chinon, of which he was governor. The other affair which kept John beyond sea, was to cause himself to be owned for sovereign by the provinces which the English held in France, where young Arthur his nephew created him great uneasiness.

Besides his natural right to these provinces, it was to be feared, the king of France would assist him with all his forces to take possession. And, indeed, nothing could be more advantageous for that monarch, than to see them rent from the English monarchy. Moreover, all seemed inclined to favour Arthur.

The governor of Angers had already delivered that place to him, and all the lords of Poitou, Touraine, Maine, and Anjou, were resolved to acknowledge him for sovereign, so that John now saw himself as it were excluded from a great part of his brother's inheritance. However, as he had Richard's treasure in his hands, he seasonably used it to gain the principal lords of Normandy.

He levied an army, and laid siege to Mans, which had sided with the duke of Bretagne. This place, not making a long resistance, he believed it necessary to strike a terror into the Normans, by an instance of severity, which should deter them from declaring against him. For that purpose, he ordered the walls of Mans to be raised, and the chief burghers made prisoners. These rigorous proceedings had the desired effect.

However inclined the Normans were to Arthur, they thought it prudent to submit to his uncle, in order to avoid the impending evils. As soon as they had taken this resolution, John came to Rouen, where he was crowned duke of Normandy[2] by the archbishop of that city, who had been a great instrument in disposing the people in his favour.

It was by no means proper for John to think of reducing the other provinces in France, before he had taken possession of the crown of England. Besides that a too long delay might be prejudicial to him, so great an undertaking would be impracticable, without the assistance of the English. He determined, therefore, to pass the sea, and arriving at London the 25th of May[3], he caused himself to be crowned next day in Westminster abbey. Before the ceremony began, Hubert archbishop of Canterbury made the following speech to the lords and people assembled.

No person can have a right to the crown of this kingdom, unless, after humbly invoking God's Holy Spirit, he be first unanimously elected for his extraordinary virtues, and then solemnly anointed king after the example of Saul and David, whom God was pleased to set over his people, though neither was son of a king, or royally descended. The former was chosen for his valour, the latter for his humility and piety; it pleased God that such as were to be clothed with sovereign power, should be eminently distinguished by their virtues. If therefore any one of the family of the late king excels the rest, we ought readily to consent to his election. I speak this in favour of the noble duke John here present, brother to our illustrious king Richard, who died without issue.

This prince, being endowed with all sorts of virtues, and particularly with great valour and prudence, as well in respect of his merits as birth, with the invocation of the Holy Spirit, we elect king.

After this short harangue, the archbishop set the crown on John's head, having first administered to him the customary oath. The bishop of Durham protested against the coronation, as done in the absence of the archbishop of York. But this pretension being founded neither on law nor custom, was not regarded.

Some authors affirm, that the whole assembly was extremely surprised at the archbishop's discourse: adding, that after the ceremony, being asked the reason of so extraordinary a proceeding, he replied, that he foresaw John would bring the kingdom into great confusion, and therefore had judged it proper to let him know, that he mounted the throne by election, and not by hereditary succession, to the end he might always remember, that those who gave him the crown had likewise the power to take it away. If this particular was certain, the right of election would be overthrown by the archbishop's own words.

For there is no need of any private reasons for the use of a right, when it is certainly established. But it is not likely that Hubert had the gift of foreseeing what did not happen till several years after. John was thirty-two years of age when he came to the so much desired crown, but which served only to render him more unhappy.

During the whole of his reign, he met with nothing but misfortunes; having to deal with three irreconcilable enemies, namely, Philip Augustus king of France, Pope Innocent III. and the barons of his own realm. The first stripped him of almost all the provinces held by his predecessors in France. The second wrested from him the crown of England, and though he restored it afterwards, it was upon the terms of a dishonourable homage. And the barons of England compelled him to give up all the prerogatives enjoyed by his predecessors, since William the Conqueror.

As soon as John was crowned, his first care was to reward those who had been instrumental in placing him on the throne. William Marshall was created earl of Pembroke; Geoffrey Fitz-Peter, the judiciary, received the title of earl of Essex; and archbishop Hubert considered, as a recompense, the office of high-chancellor, conferred on him by the king.

Secure of the English, John stayed no longer in the kingdom than was necessary to amuse the king of Scotland. He had no design to comply with his demands; but, however, did not think proper to reject them at such a juncture. He therefore persuaded him to be satisfied with a general promise, till his urgent affairs in France permitted him to enter into negotiation with him.

Constance, mother of Arthur, perceived by John's proceedings, that he designed to seize all the provinces in France possessed by Henry II. and Richard. But as she found herself unable to oppose it, she resolved to put the duke her son under the king of France's protection. To that end, she desired that monarch to give her a meeting at Tours, where she delivered the young duke into his hands, surrendering to him withal, the principal places of Bretagne, Touraine, Poictou, Anjou, and Maine, to hold them for Arthur.

Philip desired nothing so much as the recovery of the provinces enjoyed by the English in France. He had even undertaken several wars to that end, though with little success. It is no wonder, therefore, if he did not fail to embrace so favourable an opportunity. Under colour of acting for Arthur he had now broken the five years' truce made with Richard. He had even made himself master of Evreux, and the province of Maine, whilst the Bretons had surprised Angers, whence Marchad, king John's general, had driven them a little before. News of these things being brought to England, caused John to depart with precipitation, to look after his affairs beyond sea[4].

Upon his arrival at Rouen[5], he assembled an army of English and Normans, which was quickly reinforced with the troops brought by the lords of his party from the other provinces. This great armament surprised Philip. As he was unwilling to run any hazard, he pretended to wish for a negotiation, and for that purpose demanded a truce for fifty days. Instead of improving his advantages, John suffered himself to be deceived by his enemy, and granted him a truce.

Before the truce was expired, the two monarchs had an interview between Butivant and Gaillon to try to adjust their differences. Philip talked very high, and demanded the Norman Vexin for himself, and Poictou, Anjou, Maine, and Touraine for Arthur; for which provinces he had now received that prince's homage. A demand so opposite to John's designs, breaking off the conference, and causing all hopes of peace to vanish, hostilities recommenced on both sides.

Joanna countess of Tholouse and queen dowager of Sicily, sister of king John, died in the beginning of this war at Rouen, where she had come to visit the king her brother. She was buried at Fontevraud, in a very splendid manner, near the kings Henry and Richard her father and brother.

Whilst John was occupied with his sister's funeral, Philip was in Bretagne, where he made himself master of certain places that had declared for John. Among these was the castle of Balun, which Philip ordered to be demolished as soon as it was in his power. This proceeding offending William de la Roche, governor of the young duke, he complained of it as a breach of the treaty made with Philip, in the name of his pupil, in deed, they had agreed that all the places, taken from the enemy, should be delivered into the hands of the duke, as soon as he came of age. But instead of excusing himself, from the circumstances of the war, Philip scornfully replied. It was not to be expected that the consideration of the duke of Bretagne's interest should hinder him from consulting his own.

At the same time, without giving the governor satisfaction, he marched on to besiege Lavardin. But upon king John's approach at the head of a numerous army, he thought fit to retire into Maine;

for the same reason, he found himself obliged also to quit that province and shelter himself in his own dominions.

Mean time, what he had done in Bretagne, and his reply on that occasion, opened the eyes of William de la Roche. This prudent governor, finding Philip had no other view than to use his young master as an instrument to advance his own affairs, thought it his duty to endeavour to blast his designs. Accordingly, he carried away Constance and Arthur from the court of Philip, and after a reconciliation, brought them to King John.

This might have proved fatal to the king of France, if he had not by good fortune, or perhaps by good management, recovered his loss. There were some in the court of king John, who, bribed by Philip, or out of affection to the young duke, intimated to Constance, that her own and her son's life were in danger near a prince, who would be so great a gainer by their death. These intimations often repeated made such an impression on the princess and the young duke, that they privately withdrew from king John's court, and threw themselves into the arms of their former protector.

As Arthur's return furnished Philip with a plausible pretence to continue the war, it caused John to lose all the hopes he had entertained, whilst the young prince was in his custody. In all appearance, this war would be of long continuance. John had strengthened himself with the alliance of the emperor Otho of Saxony his nephew, who promised to make a powerful diversion in his favour. He had likewise gained the earl of Flanders, and by an unexpected turn, all Guienne had just declared for him. These advantages were sufficient to enable him to carry on the war without dreading his enemy. The province of Guienne was so considerable, that John immediately laid aside his other designs to go and take possession.

**AD 1200]** His affairs standing thus advantageously, he imprudently listened to the proposals of peace, insinuated to him from Philip by the cardinal of Capua; and, after a short truce, which brought on a treaty, a peace was concluded (May 22), upon these conditions:-

**That** Philip should give no assistance to the duke of Bretagne, but suffer John to take possession of Poictou, Maine, Touraine, and Anjou, without molestation.

**That** he should restore to John the earldom of Evreux, Berri, Auvergne, and in general whatever was taken from the English, since Richard's death.

**That** immediately after the restitution of Berri and Auvergne, John should resign these two provinces, for a certain time, to prince Lewes son of Philip, and pay him twenty thousand marks of silver for the dowry of Blanche of Castile[6], whom that prince was to marry.

**That** in case John died without issue, he should leave these two provinces to Lewes.

**That** John should not assist, directly, or indirectly, the emperor Otho his nephew, who was at war with France.

This treaty was fatal to the duke of Bretagne. The young prince finding he was too weak to resist the king his uncle, without the assistance of France, quickly lost all the provinces that had declared for him. He even saw himself obliged to do homage for Bretagne to king John, as his predecessors had always done to the dukes of Normandy. However, though the king of France had thus deserted him, he chose rather to stay with him, than to trust himself with an uncle, of whom he had entertained a suspicion, which could not be blotted from his mind. As soon as peace was signed, queen Eleanor set out for Spain to fetch the princess Blanche. As kingdom of France was then under an interdict; she conducted the young princess to Rouen, where the nuptials were solemnized.

All the articles of the treaty being executed, except the delivery of Berri Auvergne to the prince of France, John faithfully formed his engagement. Thus the two courts parted in appearance, in perfect union.

Meanwhile the emperor, offended at the peace made without consulting him, sent ambassadors to the King his uncle to upbraid him, and to demand withal some jewels, left him by king Richard in his will. But as John had no farther occasion for his assistance, he found pretences to dispense with giving him satisfaction

If John faithfully executed, his part of the treaty, Philip was no less punctual to perform whatever he had promised. He beheld with a seeming unconcern the progress of the King of England, who, taking advantage of Arthur's weakness, dispossessed of all the provinces that were given him. Bretagne alone, to which John could lay no manner of claim, remained in subjection to the duke. But whilst John was making all these conquests, he himself was vanquished by the charms, of Isabella of Angoulême, one of the greatest beauties in her time.

She had been contracted to Hugh earl of Marche, but, being then too young, the marriage was not consummated. Several obstacles afterwards intervened, which prevented the consummation, though the contract still remained in force. The violent passion which John conceived for this lady made him with all imaginable ardour seek means to possess her. But his ends could not be attained without very great difficulty.

There were no less than two marriages to break through at once, namely, his own with Avisia of Gloucester, (who, during the nine years they had been together, had never given him any cause to complain) and that of Isabella, with the earl of Marche. However, his new passion putting him in mind, that Avisia was related to him within the degrees forbidden by the canons, and that the archbishop of Canterbury had protested against his marriage, he desired the Pope to annul it.

Whether the Pope were willing to do the king a pleasure, or were glad of an occasion to exert the authority of the church, he appointed the archbishop of Bourdeaux and two other bishops, judges of the case. After a slender examination, the commissioners declared John's marriage with Avisia null and void which done the King demanded Isabella of the earl of Angoulême her father, who gave her to him, without scrupling to break his word, to procure a crown for his daughter:--

A little after the king's marriage, Constance of Bretagne, who was married to Ralph earl of Chester, having lost her second husband, or, as some say, had voluntarily quitted him, espoused for her third Guy de Thouars. She died in 1201, having lived about a year with her new spouse. By this third marriage she left a daughter called Alice, who was duchess of Bretagne, after the death of her brother Arthur.

John thought himself happy in obtaining for a moderate sum, and the resignation of Berri and Auvergn, the provinces in France, enjoyed by his ancestors. But the English deemed the treaty so dishonourable, that they could not forbear murmuring. They considered their king as a slothful and cowardly prince, who was so mean spirited, as to purchase a peace; when all things seemed to promise him a good issue of the war. But these murmurings gave him but little uneasiness. He imagined he had done enough, in depriving the duke his nephew of the protection of France, and reduced him to Bretagne alone, of which also he did not despair of one day dispossessing him.

As soon as he had settled his affairs in France, and secured his new acquisitions, he returned to England, where presently after he convened an assembly of Parliament, and demanded an aid of three shillings upon every hide of land, for the dowry of Blanche of Castile his niece, according to his agreement with Philip. This demand met at first with great opposition. People could not understand what business the English had to pay the dowry of a Spanish princess, to marry her

to a French prince. Nevertheless, as it was the first aid he had demanded, it was not thought proper to deny it.

Meanwhile Geoffrey his natural brother, who was archbishop of York, making light of the consent of the states for this tax, forbade the collectors to levy it within his diocese. He was a turbulent and ambitious person, who, wanting to set himself forward, would have been glad to find himself seconded. John never expected to meet with opposition from that prelate, after the signal service he had done him during Richard's absence, in delivering him from prison, and openly espousing his cause against Longchamp. But however, notwithstanding the reason he had to be displeased with him, he was willing to use him gently, and therefore was contented with requiring him to attend him in France.

But the archbishop refusing to comply with his orders, furnished the king with a pretence to seize his temporalities. This punishment was not capable of humbling his daring spirit. He excommunicated the sheriff of the county of York, with all his officers employed in levying the tax, and laid his whole diocese under an interdict, because the people were not forward to support him. He flattered himself that the whole kingdom would be ready to declare for him. But when he saw nobody stir, and himself left to act alone, he sought means to be reconciled to the king. The present juncture was favourable to him. John, being about to be crowned with his new queen[7], thought it unbecoming, at such a season, to refuse a brother the pardon he desired. Immediately after the king's coronation, Hugh bishop of Lincoln died at London, with the reputation of sanity.

Since the death of Richard, the king of Scotland had been very importunate for the restitution of the two counties, to which he laid claim. At length, he openly threatened to do himself justice by arms. Whereupon, John sent for him to come to Lincoln, where he went to meet him. Before the negotiation began, John required William to do him homage. To which William consenting, the ceremony was performed on a hill, without the city, in the presence of the archbishop of Canterbury, who administered the oath of fealty to the vassal king.

Whilst these two monarchs were at Lincoln, the body of Hugh, late bishop of that city, being removed thither from London, they both went forth to meet it, and for some time bore the coffin on their shoulders.

It was here likewise that the Cistercians, who refused to pay the late tax, sent to the king twelve abbots, who falling prostrate at his feet, humbly implored his mercy. The king, struck with the sight, fell on his knees and asked their blessing, promising them to found an abbey for their order. Some time after he performed his promise, and built the abbey of Bowley called by some Beaulieu, in Hampshire, which he endowed with the privilege of the sanctuary, and with large revenues.

The respect shewn by John to the body of the bishop of Lincoln, and his condescension for the Cistercian monks were not sufficient to gain him the affection of the clergy. He fancied, the ecclesiastics, prepossessed in his favour by the late proofs of his attachment to the church, would industriously decline all occasions of creating him uneasiness. But it was not long before he was sensible his proceedings had not produced the effect he expected. The see of Lincoln being vacant, the king, according to the custom of his ancestors, recommended a person to the canons of that church. But though the prince's nomination had till then been always regarded, this was rejected with outrageous contempt.

Innocent III. who sat then in the papal chair, having resolved to deprive princes of their share in the elections of bishops and abbots, had taken measures beforehand to cause the king's nomination to be rejected. For this reason doubtless, finding themselves secure of the Pope's protection, the canons shewed so little regard for their sovereign. Some time after, John received a fresh mortification.

Hubert archbishop of Canterbury, who had expressed so great an attachment for him, lost it when the rights of the clergy, and the privileges of his see, came to be supported. Hitherto there had been no synod held in England without the king's licence. This was a deference paid the king, without being thought injurious to the church or clergy. But it seems that Innocent III, mounting the papal throne at thirty five years of age, formed the project of depriving princes of every thing that looked like jurisdiction over the church. Hubert, informed of this design, and directed by the Pope, began the first to disregard the king's commands.

He not only convened a synod without asking his leave, but even held it notwithstanding the king's positive prohibition by his judiciary. In all appearance, the little resentment expressed by the king at this boldness, was very prejudicial to him afterwards. It was easy to see, that, terrified by the example of the king his father, he resolved to avoid all occasions of quarrel with the clergy. His enemies[8] made a very ill use of this knowledge on more important occasions. Hubert, not content with thus slighting the orders of his sovereign, endeavoured to equal him in some measure, and even to surpass him in magnificence.

Whilst the king was celebrating the feast of Christmas at Guilford with great solemnity, the archbishop affected to do the same thing at Canterbury, with such pomp and splendour that the king was piqued at it, and considered it as a sort of bravado. To punish in some measure the archbishop's vanity, he caused himself to be crowned again at Canterbury, with the sole view of putting him to a very great expense. But this petty revenge served only to shew how much the king dreaded to attack directly those who were in credit.

If the treaty which John had made with France, gave his subjects an ill opinion of him, his behaviour after his return into England did not help to undeceive them. Most of the barons were not over satisfied of the goodness of his title to the crown. If they had taken the oath to him, it was upon condition he would restore the privileges of the nobles and people. But in vain had they expected the performance of this promise, ever since he was clear of the war, wherein he was at first engaged. On the contrary, they saw him daily usurping an arbitrary power, which made them apprehensive of a design upon their liberties.

They were now highly displeased with the aid, which he had obtained by a sort of compulsion, after that he was seen to take progress into the north, where, on pretence of trespasses on his forests, he had, contrary to the privileges of the people, arbitrarily exacted large sums from the northern counties. To all this he added fresh occasions of complaint, by debauching their wives and daughters, without regard to the quality or merit of those that were dishonoured by these actions. All the things together bred in the minds of the barons a prejudice against him, which induced them by degrees to take measures to avoid greater evils, which they believed themselves threatened with.

They began to hold private conferences, in which they agreed mutually to assist each other, in case any one should be oppressed. At those conferences it was resolved to embrace the first opportunity, to let the king know that they never intended to submit to an absolute power. An opportunity presented sooner than they expected. The Poictevins revolting, and the king designing to go and chastise them, summoned all the barons to appear with their arms at Portsmouth, to attend him into France.

The barons looking upon this as a favourable juncture, made a pretence for assembling at Leicester. A few days after they sent a message to the the king, that before they went over with him, they expected he should restore to them their privileges, pursuant to his promise before his coronation. John was of an impetuous temper, more capable of being governed by counsels, agreeably to his passions, than of hearkening to sober advice.

Several of his ministers advised him to give the barons some satisfaction, or at least some fair promises till their heat was somewhat abated. But he was not so wise or so fortunate as to follow

their advice. He was so provoked at the insolence of the barons, that, without considering he was going to draw on himself their hatred, by his violent measures, he demanded of them their castles, as pledges of their fidelity. At the same time he marched himself, at the head of some troops, against Beavoir castle, which he took in a few days.

This success terrifying the barons, who had not yet taken any measures for their defence, they saw themselves under a necessity of submitting, and, having put their children into his hands as hostages, came to Portsmouth. Whether John pretended to go and chastise the Poictevins, in order to have a pretence to raise money upon the nobility, or was afraid to leave the kingdom at such a juncture, he dispensed with the barons' attendance, for two marks of silver upon every knight's fee. However, he sent the earl of Pembroke with some troops into Normandy, and followed him in person, as soon as he thought lie might do it with safety.

Upon his arrival at Rouen, Philip desired to have conference with him, in which he gave him such marks of esteem and friendship, that a prince of greater penetration than John, would have been deceived. At this interview the treaty was renewed, and several great lords of both courts were reciprocally made sureties. Before they parted, the two monarchs agreed to contribute the fortieth part of their revenues to the Holy-War; and exhorted the wealthiest of their subjects to follow their examples. Philip, not content with caressing John in an extraordinary manner, desired the favour of his company for some days at Paris, where he lodged him in his own palace. In short, he omitted nothing to convince him he had a real affection for him[9].

The friendship which the two monarchs had mutually sworn to preserve seemed likely to prove firm and lasting, since their engagement was entirely voluntary. Yet, it quickly appeared, that Philip's caresses to his friend were only to ensnare him. At the very time he was giving him these marks of affection, he was projecting to deprive him of all his dominions in France. Hugh earl of Marche was his instrument to bring matters to the point desired.

This earl could not, without extreme concern, see king John in possession of a lady who had been designed for him. To this was added a deep resentment of the injury received. Philip, forming his scheme upon the earl of Marche's inclination, spared no pains to excite him to revenge. As soon as the earl was secure of the protection of France, he began by secret cabals to corrupt the Poictevins. He succeeded so well, that in a short time they were all ready to rebel against king John. Upon which Hugh, applying himself to the young duke of Bretagne, gave him to understand, the time was come, that he might with ease wrest from his uncle the provinces he had seized.

Arthur being informed by the earl, that the king of France had engaged to support him, was of opinion that he ought to embrace so favourable an opportunity. The Bretons, his subjects, readily joined in the conspiracy. They imagined[10] that his name was a good omen, and that he would gain as great a reputation as the famous Arthur, whose name he bore. Thus the love, jealousy, and resentment, of the earl of Marche, the ambition of Arthur, and the avarice of Philip, conspired to King John's ruin.

Meantime, he spent his time in diversions and entertainments with his new queen, without the least suspicion of danger. He was roused out of this supine carelessness, by Philip's haughty treatment at a second interview near Gaillon. The French monarch, whose affairs were ripe, talked very high. He demanded for Arthur all king John's provinces in France with reasonable satisfaction for the earl of Marche; and, in case of refusal, summoned him to appear before the court of Peers, and abide by their judgment. John was extremely surprised to hear him talk in so different a strain, from what he had done in their late interview. As he did not think his affairs were in so bad a situation, as to be obliged to purchase a peace upon such hard terms, he refused to comply with Philip's demands, and disdained his citation. His refusal furnished the king of France with the pretence which he wanted to invade Normandy, where he took several places before John could oppose his progress.

Towards the middle of autumn, Philip satisfied with his first campaign, returned to Paris, where he celebrated the nuptials of Mary, his eldest daughter, with Arthur. His aim was thereby to justify his present undertaking, under colour of maintaining the cause of his son-in-law. A few days after, Arthur departed, attended with two hundred lances, to take upon him the command of the revolted Poictevins. When he came near Poictou, he was informed, that queen Eleanor his grandmother was in Mirabel with a weak garrison, upon which, resolving to surprise that place, he marched directly thither, and soon became master of the town. But it was otherwise with the castle, into which the queen had retired.

The resistance he had met with, making him sensible it would be difficult to carry the place with so few troops, he called the earl of Marche to his assistance, who ran to the expedition, as to a certain victory. King John, who had received intelligence of his mother's danger, was marching day and night to her relief. His speed was such, that he approached his enemies before they had made any great progress in the siege. It was in their power to retreat, but the animosity of the two leaders against John, made them resolve to give him battle.

The success answered not their expectations. Upon the first onset, John routed the Poictevin troops, and drove them back to Mirabel, entered the castle with the flying troops, and made a great slaughter. This victory was rendered still more complete, by the taking of the duke of Bretagne, the princess Eleanor his sister[11], the earl of Marche, and two hundred knights, who fell into the hands of the conqueror. John believed he had reason to rejoice at so favourable a success. But the ill use he afterwards made of it rendered it so fatal, that it would have been better for him to have been vanquished.

Arthur was immediately sent to Falaise, and the princess Eleanor his sister to Bristol Castle in England, where she was confined forty years. Philip was so confounded at the news of Arthur and the earl of Marche being made prisoners, that he raised the siege of Argues, begun some days before, and returned to Paris.

John was very impatient to see the duke his nephew, in order to persuade him to renounce the protection of France. He hoped by that means to deprive Philip of the pretence, which he perpetually used, to involve him in wars. To that end, he immediately went back to Normandy, not at all questioning but Arthur, in his present condition, would gladly embrace the opportunity of being reconciled to him. Upon his arrival at Falaise, he caused him to be brought before him, and in a very kind and obliging manner, endeavoured to persuade him to relinquish the king of France.

He represented to him, that Philip; under colour of protecting him, had only his own interest in view; and, by his conduct hitherto, it was easy to see what he was to expect from such a protector. He tried to make him sensible, it was equally his duty and interest, to:adhere to an uncle, who found his own advantage in supporting him, and desired nothing so much as to live in a good understanding with him, and give him marks of his affection. In fine, he bade him consider that, in his present circumstances, his good or ill fortune depended entirely on the person who was suing for his friendship.

The young prince, instead of accepting the king's offers, took the freedom to upbraid him with usurping the crown of England as well as the provinces of France. Without considering that he lay at his mercy, he was so transported with passion, as to threaten, that to the last moment of his life he would never cease seeking occasion to be revenged. After so plain a declaration, John despairing of overcoming his obstinacy, ordered him to be conducted to Rouen, and confined in the new tower, under the care of Robert de Vipont.

It is pretended, that, pursuant to. the advice of some of his counsellors, the king intended to put out his eyes, and render him incapable of having children, in order to free himself from all uneasiness on his account, but was disappointed by those who were to be the agents. However

this be, a few days after the young prince was brought to Rouen, he disappeared on a sudden, and it could never be known for certain what became of him. The king's friends reported, that Arthur, endeavouring to escape out of prison, was drowned in the river Seine. But very few gave credit to this report. On the contrary, it was the general opinion, the prince was murdered by the command of the king his uncle. There are even some historians[12] who relate the circumstances of his death.

They tell us, that John himself in a very dark night came in a boat to the foot of the tower where his nephew was in custody, and causing him to be brought before him, stabbed him with his own hand, and ordered his body to be thrown into the Seine, some leagues below the town[13]. In whatever manner this prince's death happened, it is certain John never fully cleared himself of it. There was so much the more reason to believe him guilty, as he made no inquiry into it. The same year the Pope demanded a fortieth part of all the ecclesiastical revenues in England, towards the charge of the Holy War.

Immediately after the death of Arthur, John returned into England, and caused himself to be crowned a fourth time, after which he re-passed into Normandy. He found, the report of the duke of Bretagne's murder was every where spread, with circumstances very injurious to his reputation and honour. The Bretons especially complained of the tragical death of their sovereign. The king of France, to improve this juncture, exasperated them as much as possible by means of his emissaries. He caused it to be suggested to them, that incase they applied to him as John's sovereign lord, he would do them ample justice, his was sufficient encouragement to the Bretons, who burned with desire to revenge the death of their duke.

Guy de Thouars, husband of the deceased duchess, and guardian of Alice her daughter, assembled the nobility of Bretagne at Vannes upon this occasion. At this meeting it was unanimously resolved to apply to the king of France for justice. Pursuant to this resolution, the bishop of Rennes, and another lord, were commissioned to carry their complaints to Philip, who gave them a very gracious answer. He appeared more incensed against John than the Bretons themselves, and openly declared that neither honour, nor justice, nor conscience, would suffer him to let such a parricide go unpunished. To shew that his threats were not in vain, he himself demanded justice of the court of peers, before whom he displayed the barbarity of the murder committed on the body of the duke of Bretagne, in a place held of the crown of France, and of which the king, of England his vassal was accused.

It was not difficult to obtain what ever he desired. The court ordered John to appear before them, and answer to what was laid to his charge. Upon the receipt of the summons, John immediately dispatched ambassadors to Philip, to represent to him, that their master could not come to France without a safe conduct to which the king answered, He may come in peace. But when the ambassadors demanded a safe conduct for his return, he roundly told them, that depended on the sentence which should be passed upon him.

Then the ambassadors remonstrated, their master was not only Duke of Normandy, but also king of England; and though he himself should think fit to expose his person to so manifest a danger, the barons of the realm would never consent to it: What is that to me? replied Philip, is not the Duke of Normandy my vassal? If he has thought fit to acquire a higher title, ought I upon that account to lose my right of sovereignty? The ambassadors plainly perceiving Philip was resolved to push the affair, retired without making any answer, and returned with all speed to inform their master how the court of France stood affected.

As soon as the time appointed in the summons had expired, Philip caused John to be condemned for non-appearance, and ordered all his dominions in, France to be united to the crown[14]. The English loudly murmured at these proceedings, the more because, the king being actually at war with France, he was under an absolute necessity of not appearing, both by being summoned

before peace was concluded; and denied, a safe conduct for his return. Philip, however, endeavoured to put the sentence in execution[15].

**AD 1203]** Whilst the King of France was making his preparations, John took no measures for his defence. He preposterously considered the sentence as a bravado of Philip's, and not as a fixed resolution to invade his dominions.

Meantime, as soon as the season permitted, the king of France took the field at the head of a powerful army, and as he met with very little opposition, reduced the best part of Normandy to his obedience. The progress of his arms was incapable of rousing king John, who, seeming insensible of his losses, thought of nothing but his diversions[16], as though his affairs had been in the most prosperous condition. When news was brought him that Philip had taken such a place, he only replied with great confidence, I will soon recover it again.

However, without stirring from Rouen, or making the least preparations, he gave his enemy time to secure, and daily enlarge his conquests. In fine, he carried his insensibility so far, that the people said publicly, he was bewitched. It is easy to judge what difficulties Philip would have met with in his undertaking, if he had had to deal with a less slothful enemy, by the resistance of one single place called Castle Gailliard, which cost him a five months' siege[17].

The English barons who attended the king into Normandy, earnestly besought him to exert himself. But ending he was deaf to all their remonstrances, they returned to England, tired with being witnesses of his invincible sloth. Philip, taking advantage of his indolence, daily gained ground. Not content with what he obtained by his arms, he endeavoured, by his emissaries, to stir up in Normandy a general revolt, which might give him opportunity of becoming at once master of all the provinces. He caused it to be intimated to the Normans, that seeing they could hope for no assistance from England, it would be better for them to return freely to the crown of France, whence they had been wrested, than be compelled to it by arms: that by a voluntary submission, they would be sure to preserve their ancient privileges, whereas a resistance, which could not but prove ineffectual, would infallibly deprive them of their liberties.

In however deep a lethargy king John seemed to be buried, his presence kept several of the principal cities of Normandy in obedience. But the moment they saw him about to depart for England, they thought it lawful to provide for their safety. Scarcely had he embarked, before they concluded a treaty with Philip, obliging themselves to own him for their sovereign, provided they were not relieved in a year. But when they heard there were no preparations making in England, most of them came in before the year was expired. Thus, of all Normandy, the city of Rouen only continued obedient to the king of England.

That unhappy prince was far from any thoughts of giving the Normans the assistance they expected. Upon his arrival in England, instead of endeavouring to gain his people's affection, so necessary at that juncture, he charged his barons with deserting him, and occasioning the loss of Normandy. Under this pretence, he extorted from his barons the seventh part of their moveables, and, though he had not the same cause of complaint against the clergy, made them liable to the same imposition. Hubert, Archbishop of Canterbury, was his instrument in oppressing the clergy, whilst the judiciary rigorously exacted the money from the laity.

All England beheld with astonishment the King's indolence[18]. They could not conceive that a prince, who till then had not wanted courage, and appeared exceedingly attached to his interest, could see Normandy lost with so much indifference. So strange a conduct made most of the English imagine, he had some great design in his head, which would be discovered at a proper season. This notion did not a little contribute to his obtaining of the Parliament an aid of two marks and a half of every knights' fee, which was granted in expectation that the money would be usefully employed in the recovery of what he had lately lost.

But instead of using this aid, according to the intention of the Parliament, he laid it out in vain expenses, being satisfied with sending ambassadors to France, to endeavour to procure a peace. Philip, exalted with his good success, was so far from lessening his demands, that he further required the princess Eleanor, sister of the late duke of Bretagne, for his second son with all the territories the English enjoyed in France for her dowry.

This demand could not but be rejected. John not only could never resolve to give his niece such a dowry, but it would have been very dangerous to deliver to Philip, a princess, who, since the death of the duke her brother, had the same claim as he to the crown of England. Thus the negotiation broke off and the English reaped no benefit from the aid granted the king.

Shortly after the departure of the English ambassadors, Philip sent one into England as his champion, who challenged all that should maintain the king his master was in the wrong, for what he had done against John. The court of England did not think fit to commit to the decision of a single combat their right to complain of the king of France's proceedings. However, this valorous champion was given to understand, that as he was so desirous of fighting, a man should be found with whom he might try his strength.

There was then confined in the tower an Irish lord, John Curcy by name,[19] earl of Ulster, a person of a gigantic stature, and of known intrepidity, who was judged very proper to quell the French hector. The prisoner being brought to court, the king asked him, whether he would fight in his cause? No, not in thine, answered the earl fiercely, but the right I will fight to the last drop of my blood. But whilst he was recovering his strength, which was much impaired by a long imprisonment, the French champion hearing of the prodigious strength of his adversary, privately withdrew into Spain, not daring to appear any more either in France or England[20].

Towards the end of autumn, Philip laid siege to Rouen, the citizens whereof seeing no likelihood of being relieved, surrendered upon condition they should enjoy their ancient privileges. But as a famous historian judiciously observes, this precaution proved as feeble against absolute power, as parchment against iron. As soon as Philip was master of Rouen, he ordered the walls to be demolished. Thus all Normandy was reduced under the dominion of France, and united again to that monarchy after a three hundred years separation[21].

After the conquest of Normandy, Philip invaded the rest of the English provinces, which at length were forced to submit to the conqueror, after having in vain expected assistance from England. Of all that John's ancestors enjoyed in France, nothing remained but the duchy of Guienne, which Philip did not think fit to invade.

Queen Eleanor, widow of Henry; He and mother of John, died this year in a very advanced age. She had the mortification, before her death, to behold the decline of the monarchy, to which she had given so great a lustre by the addition of so many provinces.

**AD 1205]** Such serious losses, joined to the murmurs of the English, roused John from his lethargy. When least expected, he seemed resolved strenuously to endeavour to regain both his reputation and the territories conquered by Philip. The Poitevins, dissatisfied with being under the dominion of the king of France, determining to revolt, sent to John for assistance. As he imagined, that all the other provinces were in the same mind, he thought he could never have a fairer opportunity.

Wherefore he summoned all the barons to meet him with their troops at Portsmouth, where he had ordered his fleet to be ready. But as he was about to embark, the archbishop of Canterbury, and earl of Pembroke, threw themselves at his feet, beseeching him to desist from this expedition, which he could not expect to be successful. They represented to him, that neither in Poictou, nor in any other neighbouring province, had he any one place to retire to in case of necessity: that Philip would make war with too much advantage, as he was master of all the fortified towns

that it was exposing posing himself to manifest danger to trust the Poictevins, who, had so often deceived him, and pretended perhaps to invite him to their assistance only to deliver him to his enemy.

In fine, they told him, that in an enterprise of this nature, he so visibly hazarded his own life, with his and the nation's honour, that his faithful subject. could not see it with indifference, but must use their utmost endeavours to divert him from it. These remonstrances making no impression upon him, they talked in a higher strain, and added such threats that he was forced at last to follow their advice. Therefore; suddenly altering his resolution, he contented himself with sending succours to the Poictevins, under the command of the earl of Salisbury, his natural brother.

After which, he dismissed the army and fleet. He had no sooner returned to London, but he repented of following the counsel of the earl and archbishop. But instead of quarrelling with them, he vented his anger on the nobility, from whom he extorted large sums on pretence that they had refused to attend him. He supposed, without any grounds, that the earl of Pembroke and the archbishop of Canterbury spoke for the whole body. This was the second time he had arbitrarily exacted money from his subjects, without the consent of the states. But he did not do it with impunity[23 ].

John had scarcely begun to forget the loss of the French provinces, when the death of the archbishop of Canterbury threw him into fresh troubles. The election of the archbishops had for some time been a continual subject of dispute between the suffragan bishops and the monks of St. Augustin's. The former claimed a right to interpose in the election, as had been several times practised. The monks affirmed, on the contrary, that this right belonged only to them, according to ancient custom, and used their utmost endeavours to keep possession, Immediately after the death of Hubert, some combining together, whether out of fear that the fraternity would not insist on their right, or for some other reason, resolved to elect themselves an archbishop.

To that purpose, meeting at midnight in the cathedral, they chose Reginald their sub-prior, in expectation of having afterwards credit enough to obtain the Pope's, confirmation. The irregular election was transacted with all possible secrecy. The sub prior bound himself by oath not to divulge it, till he had himself informed the Pope of it: so that the other monks had not the least suspicion thereof.

The electors, willing to bring their undertaking to an issue, found means to cause him to be sent to Rome, on some pretence, attended by some of their cabal. But he had not the power to keep the secret. upon his arrival in Flanders, he took upon him the title of archbishop of Canterbury, and the monks his companions had no more discretion than himself. This news coming to the king's ears, he imagined the whole monastery was concerned in the fraud, and prepared to make the monks repent of their rashness in electing an archbishop without his license.

But they cleared themselves, and appeased him by their submissions. The clamours of the monks, who were not in the intrigue, convincing the electors, that, after discovery of their secret, it would be very difficult to accomplish their undertaking, they chose to desist. Then the whole society jointly proceeding to a new election, the king recommended John de Gray bishop of Norwich, who was unanimously chosen[24], placed in the archiepiscopal chair, and invested with the temporalities.

Shortly after, fourteen monks were sent to the Pope, to inform of him of what had passed, and to demand his confirmation of the new archbishop. At the same time, the suffragan bishops of Canterbury sent a deputation also to Rome, to complain of the monks assuming the sole right of electing the archbishop, and to inform his holiness of their reasons against it. Whilst the deputies were on the road, the king, whose courage was somewhat roused, led a considerable army into Poictou, and reduced to his obedience the greatest part of that province. But he was so weak, as

to suffer himself to be once more outwitted by Philip, who, finding himself unprepared, demanded and obtained a truce for two years.

Meanwhile, the sub-prior of St. Augustin's, who had come to Rome, earnestly solicited the Pope to confirm his election. But Innocent, perceiving some irregularity in the affair, took time to consider of it. In the interim, the other deputies being arrived, told him all the circumstances, and petitioned him to confirm the second election. Innocent at length voided both the elections, and ordered the deputies of the monks to proceed to a new choice, enjoining them withal to elect cardinal Stephen Langton, an Englishman, then at his court.

The monks, surprised at this unprecedented order, would at first have disobeyed it. But the Pope told them, as deputies they represented the whole monastery, and the consent of princes was needless for elections made in his presence. Therefore, without giving them time to reply, he commanded them, on pain of excommunication, to elect cardinal Langton for their archbishop. The monks, awed by the presence and threatening of the Pope, complied, though unwillingly, with his orders. There was but one, who had the courage to stand out. This extraordinary election was immediately confirmed by the Pope, who would himself consecrate the archbishop elect.

**AD 1207]** Whilst these things were transacting in Italy, John entirely lost the hearts of his subjects, by extorting from them the thirteenth part of their movables. In vain did the clergy, as far as it concerned them, oppose the act passed in Parliament, and the tax was levied as well upon the clergy as laity, though the former never gave their consent, and the latter granted it by a sort of compulsion. The clergy endeavoured to be revenged by exclaiming against the king's conduct, and rendering him odious to the people.

The archbishop of York himself, the king's natural brother, a prelate of an impatient temper, excommunicated all the collectors of the tax, and withdrew out of the kingdom. If the money which accrued to the king from this tax had been employed in the service of the state, it would have been some satisfaction to the nation. But they had the vexation to see it vainly squandered away, in the reception of the emperor, who had come to visit the king his uncle. His design was to persuade him to break the truce with France. But how urgent soever he might be, it was impossible to bring John to this rupture.

However, to soften in some measure his denial, the king made him a present of five thousand marks, which served to pay the charges of his journey. Innocent very much suspected, that John would not be pleased with Langton's election, extorted by manifest force, and an unprecedented encroachment. To mollify the king, and induce him the more calmly to overlook this encroachment, he therefore wrote him the following letter, which for its singularity deserves to be inserted:-

**POPE INNOCENT TO JOHN KING OF ENGLAND.** "Among the riches that mortals prize as the most valuable, and desire with the greatest earnestness, it is our opinion that pure gold and precious stones hold the first rank. Though we are persuaded your royal excellence has no want of such things, we have thought proper to send you, as a mark of our good will, four rings set with stones.

We beg the favour, that you would consider the mysteries contained in their form, their matter, their number, and their colour, rather than their value. Their roundness denotes eternity, which having neither beginning nor end, ought to induce you to tend without ceasing from earthly things to heavenly, and from things temporal to things eternal. The number four, which is a square, signifies firmness of mind, not to be shaken by adversity, nor elevated by prosperity, but always continuing in the same state. This is a perfection to which yours will not fail to arrive, when it shall be adorned with the four cardinal virtues, justice, fortitude, prudence, and temperance. The first will be of service to you in judgments, the second in adversity, the third in dubious cases, the fourth in prosperity. By the gold is signified wisdom. For as gold is the

most precious of metals, wisdom is of nil endowments the most excellent, as the prophet witnesses in these words, The spirit of wisdom shall rest upon him : and indeed, there is nothing more requisite in a sovereign. Accordingly, Solomon, that pacific king, only asked of God wisdom, to enable him to well govern his people. The green colour of the emerald denotes faith; the clearness of the sapphire, hope; the redness of the ruby, charity; and the colour of the topaz, good works; concerning which our Saviour said, "Let your light so shine before men, that they may see your good works. In the emerald therefore you have, what you are to believe, in the sapphire what you are to hope, in the ruby what you are to love, and in the topaz what you are to practise; to the end you may proceed from virtue to virtue, till you come to the vision of the God of gods in Sion."

Lest John should mistake the meaning of this mystical letter, Innocent sent him soon after, a more intelligible brief[25]; exhorting him to own cardinal Langton for archbishop of Canterbury. He represented to him that he was a native of England, cardinal of the Roman church, and learned in all the sciences. Moreover, he assured him, his exemplary life and Christian virtues would be very advantageous to England, for spiritual, as his prudence and political virtues would be for temporal, concerns. However, as he did not intend to make Langton's election depend on the good pleasure of the king, nor submit it to his examination; in another letter he sent his commands: to the Monks of St. Augustin's and the suffragan bishops of Canterbury, to receive the cardinal for their metropolitan.

As soon as John was informed of the transactions at Rome, he fell into an inconceivable fury. He accused the monks of St. Augustin's of deceiving him, as well in the third as in the first election, and resolved to be re-vowed of them. To that end he sent two knights[26], who entering the monastery with drawn swords, commanded the monks, in the king's name, to avoid the place forthwith, unless they would have their monastery burnt about their ears, and likewise to depart the kingdom within three days.

This terrible threat so frightened the monks, that, without the least reply, they withdrew into Flanders to the abbey of St. Bertin, and other neighbouring monasteries. But this revenge not procuring him all the satisfaction he required, he thought by vigorously exerting himself, he should bring the Pope to revoke what was done. In this belief he wrote: Innocent a very sharp letter, upbraiding him with his injurious annulling the canonical election of the bishop of Norwich, without having the least pretence for it.

Moreover, he complained of his causing to be elected by violence, and contrary to all manner of right, a person educated in France, an entire stranger to him, and who had always held a strict correspondence with his enemies. He added, this encroachment was directly contrary to the prerogatives of his crown, from which he was resolved never to depart, nor from the election of the bishop of Norwich. Then, he plainly told him, if time satisfaction he demanded was denied, he would break off all intercourse with Rome, which was of no small consequence, since it was certain, the holy see received more money from England than from any other Christian state; and for that reason greater regard ought to be paid the king of England than any prince whatever. He concluded with saying there were prelates enough in the kingdom qualified to govern the church, and therefore it was not necessary to have recourse to the Popes, if they so manifestly abused their authority.

Innocent had not undertaken this affair to desist from it on the king's bare expostulation. He returned a very civil and mild answer in appearance, though, in fact, it was more likely to irritate than appease him. He begins with blaming John for answering his humble and kind letter in so rough a manner, that he seemed rather to design to affront him than require the reasons of his conduct. Then he proceeds to extol the merits of cardinal Langton, assuring him he was a prelate of great understanding, and profound learning, and one that had long studied at the university of Paris, where he had taken his degree of doctor of divinity. He adds, that John was in the wrong to complain, since the consent of princes was not requisite at elections made in the presence of

the Pope: that however, out of pure condescension, he had sent two monks to inform him of it, who by contrary winds were detained at Boulogne.

In fine, after trying to prove Langton's election agreeable to the canons, he represented to him that Henry II his father, and Richard his brother, had renounced the right of nominating bishops and abbots; and, therefore, without meddling with elections, he ought to receive, without examination, the prelates judged by the church capable of directing the spiritual affairs of his kingdom. He concludes with this notable threat, that submission to him would be more for his advantage than an obstinate resistance against God and his church, in a cause, for which the blessed Thomas Becket, shed his blood. These last words were terrible to a prince, whose father had suffered so greatly on much the same occasion. But John resolved to use his utmost endeavours, and run all hazards, to free himself from the galling yoke of Rome.

**AD 1208]** The Pope's letter was quickly followed by an order to the bishops of London, Ely, and Worcester, to persuade the king to submit to the orders of the church, and, if they found him contumacious, to put the kingdom under an interdict. The bishops, thus commissioned by the Pope, being obliged to obey him, acquainted the king with his holiness's orders, and entreated him to avoid by submission, a scandal which would fall no less on his subjects than on himself. But the king remained inflexible. He swore[27], that if the kingdom was interdicted, he would forthwith send all the ecclesiastics to seek their subsistence at Rome, and put out the eyes, and cut off the ears and noses of all the Roman priests, that should be found in his dominions.

Then he commanded the three prelates to depart his presence. His passion, already very violent; was increased by the insolence of Simon Langton, brother of the cardinal, Who insultingly pressed him to own his brother for archbishop. The king, tired with his importunities, told him it was very strange, that an Englishman should press him to renounce the prerogatives of the crown. To which Langton insolently replied, nothing can be done in his behalf, unless he would wholly throw himself upon his brother's mercy.

The last year, John had a son by Isabella of Angonleme, to whom he gave the name of Henry[28]. And this year, (January 5.) the queen brought into the world. another, called Richard.

Meantime, the three prelates, who had already addressed the king, finding they could not prevail, pronounced the sentence of interdict upon the whole kingdom, (March 23,) and retired beyond sea. Immediately Divine service ceased in all the churches, and the sacraments were no longer administered, except to infants and dying persons. Public prayers, and all ecclesiastical functions, were laid aside.

The church-yards were shut up, and the bodies of the dead thrown into ditches like dogs, without any priest daring or being willing to assist at the funerals. It might justly be demanded, why the people should suffer for the fault of their sovereign; and certainly it would be difficult to allege reason founded on justice and equity. But the policy of Rome required, that the subjects should be liable to punishment, to the end that considering their king as the sole cause of their evils, they might be the sooner inclined to force him to submit to the Pope's yoke.

The Pope's rigour was insufficient to bring the king to a compliance. On the contrary, John, finding the court of Rome had thrown off all regard for him, resolved to act with the same haughtiness, and make the Pope know he was able to withstand him. Pursuant to this resolution, he confiscated the estates of all the ecclesiastics who obeyed the interdict, and sent orders to the sheriffs to make inquiry after them, and expel them the kingdom.

But the sheriffs perceiving they could not execute the king's orders, without using great violence, durst not push matters so far. So that, notwithstanding the king's intention, none went out of the kingdom but such as having too zealously espoused the Pope's quarrel, chose rather to go into voluntary banishment, than remain exposed to the king's indignation.

However, they who stayed, were in no better circumstances: outrages were daily committed upon them, for which they could find no redress from the magistrates, who always sent them to the Pope for justice.

As in those days there was scarcely a priest but what kept a concubine, the king, under pretence of causing the canons of the councils to be observed, ordered all their concubines to be imprisoned, who were forced to pay great fines for their liberty. Among the great number of ecclesiastics in the kingdom, there were some who, in spite of the interdict, administered the sacraments. But as they were incessantly exposed to the insults of the zealots, the king took them under his protection, and ordered such as should do them any outrage to be hanged upon the next tree.

The Pope was no sooner informed of this, but he excommunicated all who disobeyed the interdict, or executed the king's orders. Such was the wretched state of the people of England. Those that were faithful to their sovereign fell under the Pope's censures, and the king took care to persecute those who submitted to the orders of Rome.

Whilst the kingdom was in this lamentable situation, Henry brother of Otho the emperor came to King John, in the beginning of the year 1209. The design of this journey was, to demand, for the emperor his brother, an aid of money, which the king liberally granted him, though he was himself in extreme want.

The calamities of the English moved neither the king nor the Pope. They both continued inflexible, each, resolving to run all hazards, rather than yield to his adversary. John did not fear the Pope's spiritual thunders with respect to spirituals; but he could not see, without extreme trouble, the generality of the people inclined to the court of Rome. This observation inspiring him with a dread that, sooner or later, some plot would be formed against him, he thought it proper to prevent the designs of his enemies, by raising an army.

For a pretence, he complained that the king of Scotland, contrary to the treaty of Lincoln, had married one of his daughters, without his consent. It was easy to foresee that a prince, who had suffered so many provinces in France to be taken, without any resistance, did not intend vigorously to prosecute this war, upon so slight an occasion. Accordingly he contented himself with the first offers made him by the King of Scotland, to give him fifteen thousand marks, and his two daughters in hostage.

In his return from the northern frontiers, whither he had led his army, he ordered all the hedges to be cut down, and the ditches to be filled up throughout his forests, that the deer might have liberty to feed every where. In all likelihood, the people of those parts having too openly declared for the Pope, he had a mind to punish them for it[29]. When he came to Northampton, he was met by the prince of Wales, who, fearing he intended to carry the war into his country, made haste to prevent him, by his submission. This prince accompanied the king as far as Woodstock, where he did him homage[30].

The continuation of the interdict was a clear evidence to the king, that the Pope had no design to desist from his pretensions, but would, upon this means not succeeding, use more violent methods. Wherefore, He judged it requisite to take care before hand to screen himself from his thunders. Nothing seemed to him more proper to frustrate the designs of the court of Rome[31], than to cause his vassals to renew their homage. He hoped to secure them by that bond, and restrain them from too readily joining with the court of Rome.

Meanwhile, the Pope perceiving that the interdict, which had now continued above a year, did not answer his expectations, resolved to pronounce upon John the sentence of excommunication, and committed the publication thereof to certain bishops[32]. But as these prelates had still great regard for the king, they did not think fit to execute their orders with that readiness which the

Pope desired. However, the news of the king's excommunication was so spread over the kingdom, that not a soul was ignorant of it, though the sentence was not yet published. The archdeacon of Norwich, one of the officers of the exchequer, having notice of it, quitted his office without leave, alleging that his conscience would not suffer him to serve an excommunicated prince.

This proceeding cost him dear. The king, provoked at his disrespect, ordered him to be confined in a close prison, where it is affirmed his death was hastened by violent means. This instance of the king's severity was not capable of preventing Hugh de Wells, lately elected bishop of Lincoln, from wounding the king in a more sensible part. This prelate having obtained leave to be consecrated by the archbishop of Rouen, instead of going to Normandy went directly to Rome, where he received consecration at the hands of cardinal Langton.

Had he been in the king's power, he would, doubtless, have been no more spared than the archdeacon of Norwich. But, the king, seeing all he could do, seized his revenues. The prelate was unconcerned, plainly foreseeing that the king would be obliged in the end to submit to the Pope; whereas by disobeying his holiness he was in danger of losing his bishopric[33].

The excommunication made no impression on the king, who still remained unmoved. Besides, as the sentence was not yet published, and ignorance might be pleaded, the greatest part of the nobility still adhered to their prince. He was not without hopes, that the sentence was only a penal threatening which might be revoked, upon his showing some steadiness. However, he levied a great army, well knowing, nothing was more capable of breaking the Pope's measures than to be always well armed.

Some commotions in Ireland were made the occasion and pretence for this armament, the charges whereof were paid by the Jews, not voluntarily, but by a seizure of their effects[34] John himself embarking with his army[35], safely arrived at Dublin, where he was met by above thirty petty princes, who came to swear fealty to him. After receiving their homage, he marched against the king of Connaught, author of the disturbances that had brought him into Ireland.

This prince being taken prisoner in a battle, the war was ended, and the whole island reduced to the king's obedience as formerly. Before he returned, John caused the laws and customs of England to be established for the future in Ireland, and made the bishop of Norwich his judiciary[36].

It was expected in England, that at his return the army would be disbanded. But, to have a pretence to keep it still on foot, he quarrelled with the prince of Wales. In the meantime, as money was wanted for the maintenance of the troop, he imposed, by his own authority, a tax of a hundred thousand marks upon the estates of the ecclesiastics: After which he marched against the Welsh, and compelled them to deliver twenty eight hostages.

**AD 1211]** The measures taken by John to render himself formidable, created no small uneasiness in the Pope, who could not bear to see the inflexibility. He perceived, that it was equally dangerous to the holy see to give over the contest, and to prosecute it any farther, uncertain of the issue. Before he came to any resolution in this matter, Innocent sent two nuncios into England[37], under colour of procuring peace between the king and his clergy.

However, nothing was farther from his intention, than to endeavour a reconciliation, which could not but be very prejudicial to him. His sole aim was to discover John's designs, that he might take his measures accordingly. The two nuncios being arrived, so wrought on the king, that at length he yielded so far, as to promise the ecclesiastics leave to return to their churches. He further agreed that cardinal Langton should take possession of the see of Canterbury, and promised, that the church of England should have all the liberties, privileges and immunities enjoyed in the time of Edward the Confessor. Had John shown more resolution, or at least, staid till the nuncios had, of themselves, made these proposals, and then seemed to accept these with

reluctance, there might possibly have been a reconciliation upon these terms. But he had to deal with persons more subtle than himself, and whose sole aim was to discover his sentiments, in order to take advantage of it against himself.

When they saw he complied so far, they demanded further the restitution of all that was taken from the ecclesiastics, and full reparation for the damages sustained by them on occasion of this controversy. And because he would not agree to this, which in effect was impossible, the negotiation broke off, and the nuncios returned, after publishing the king's excommunication, which the bishops till then declined.

The Pope saw by John's advances, that he really wanted to be clear of this affair at any rate. He knew, it was only through inability that he had rejected the last article proposed him. As this Pope was very subtle and had great views, he formed the project of reaping advantages, before un-thought of, from this same inability. But as the discovery of his intentions might greatly obstruct their execution, he carefully concealed them, till he had forced the disobedient king to cast himself upon his mercy.

Though he had nothing less in view than the clergy of England's reparation, he continued always to insist on that article, in order to have occasion to carry things to the point he desired. He knew that John was not beloved by the people, and still less by the nobility, who had great cause to complain of him, and were kept in obedience only by their oath of fealty. He believed therefore, that, to alienate entirely the hearts of the English, it was necessary to break that bond by which they still were attached to their sovereign. For that purpose, taking occasion from the king's inability, which he was pleased to stile rebellion and obstinacy, he published a bull, absolving John's subjects from their oath of allegiance, and enjoining them, upon pain of excommunication, to refuse him all obedience.

This terrible blow had so great an effect, that most of the barons, overjoyed at having an opportunity to be revenged of the king, began to combine together to place another on the throne. Some historians even assure us, that the majority signed an address to the King of France, inviting him to England, and promising to own him for their sovereign.

**AD 1212]** Meantime, John, who had no intelligence of their designs, lived in a security that astonished all the world. Far from foreseeing the impending danger, he spent his time in entertainments and diversions, as if he had no affairs upon his hands, and the Pope's bull was of no consequence. At the same time, the Welsh, who could never long remain quiet; making incursions into the English territories, John fell into so great a rage, that he commanded the twenty eight hostages, he had in his power, to be hanged. After which, as if he had nothing else to do, he resolved to carry war into their country and utterly root them out.

Whilst he was preparing for this expedition, the King of Scotland sent him notice of a dangerous conspiracy forming against him in England. But John imagined, none would dare stir, whilst he was at the head of the army. So he continued to march to Chester, with design to begin the war with the Welsh. Upon his arrival at that city, he received fresh intelligence about the conspiracy, which was confirmed from so many different places, that he could no longer doubt. Then it was that his security giving place to his fears, he began to consider the officers of his army as so many secret enemies whom he could not trust.

Possessed with this notion, he dismissed his troops, and shut himself up in Nottingham castle, hiring foreign archers for his defence. Some time after, his fears being somewhat abated, by certain advice, that the barons were in no readiness to execute their designs, he demanded hostages of them as pledges of their obedience. There were but few that ventured to deny him, for fear of being sacrificed to his suspicions, before they were in a state of defence.

Whilst John was anxiously waiting the issue of his enemy's plots, he met with a mortification, which troubled him very much, though he pretended to slight it. One Peter de Pontfract a hermit, who was famous in the kingdom for foretelling things to come, prophesied publicly, that by ascension day following John should be deposed, and the crown transferred to another. The king being informed of it, sent for the Hermit, who in his presence, persisted in what he had said, whereupon he was ordered to prison.

Meantime the Pope, who had no mind to halt in so fair a way, took at Rome all necessary measures to accomplish his project. As he was desirous, it should appear to the world, that zeal for Justice and religion was the sole motive of his actions, he took particular care to shew he had no personal interest in his quarrel with the king of England. The better to hide his design, he caused a petition to be presented him by cardinal Langton, and the rest of the proscribed bishops, humbly entreating him to apply a remedy to the evils, the church of England had so long endured.

This petition furnishing him with a pretence to call a consistory, he made a speech to the cardinals, aggravating to the utmost the injuries king John had done, and daily did do to the church. He concluded with saying, the obstinacy of that prince not being to be conquered by the church's censures, he had called them together to consider of means to make this stiff-necked son return to his duty. The result of the council was, that John being convicted of rebellion against the holy see, deserved to be deposed, and that his holiness should place another king over England.

Pursuant to this advice, Innocent thundered out the sentence of deposition against king John. After that he commissioned Philip king of France to execute the sentence, promising for reward, the remission of all his sins, together with the crown of England to him and his heirs for ever, when once he had dethroned the present tyrant. A few days after, he published a bull, exhorting all Christian princes to promote, as far as in them lay, this expedition, which was solely intended to revenge the injuries done to the Catholic church.

In this bull he took into his protection whoever should contribute either money or other assistance, to subdue the enemy of the church, granting them the same privileges, with those who visited the Holy Sepulchre. Towards the end of this year, Geoffrey archbishop of York, natural son of Henry II. departed this life. He was a prelate of a narrow genius, but proud, pragmatical, and exceedingly passionate, one that would have done a world of mischief, had he been as able as he was willing[38].

**AD 1213]** The commission which Philip received of the Pope set him at the height of his wishes. Not content with depriving king John of great part of his dominions, he devoured already in his imagination the kingdom of England; By his preparations it was evident, how extremely desirous he was to succeed in this undertaking. The ships, of which his fleet was to consist, came from all parts to the mouth of the Seine, whilst the princes his vassals, and the great men of his realm led their troops to Rouen, where he had appointed the rendezvous of his army.

Such vast preparations could not long be concealed from king John, who used his utmost to oppose the threatened invasion. He summoned all the tenants in chief to meet him at Dover with their troops, under pain of forfeiting their fiefs, and being exemplarily punished in their persons. At the same time, he issued orders, that all the ships belonging to his subjects should be ready at the same place, threatening to banish the masters that should fail to be there on any pretence whatever.

His orders were so urgent, and his threats had so sudden an effect, that in a little time he assembled more ships and troops than he could maintain. Upon which account, he was forced to send away part of his fleet, and to keep but sixty thousand of the most warlike men, a sufficient number to defend him from all insults, had they heartily served him. But this prince knew better how to make himself feared, than beloved. Whilst the two monarchs were with equal ardour preparing, the one to attack, and the other to defend; whilst the sea was covered with ships, and both shores

overspread with troops, expecting every moment to enter upon action, the Pope gave his last instructions to Pandulph, one of the aforementioned nuncios, who, upon this occasion, was made legate for England.

His public instructions were to use his utmost endeavours to prevail with King John to submit to the church. But his, private ones were, to put the last hand to the project framed by the Pope. He passed through France, where he beheld Philip's great armament, and commended his zeal and diligence; after which he went to meet the king of England at Dover. When he came into his presence, he represented to him that his enemy's forces were so numerous, that they were sufficient to conquer England, though the whole nation were united for their common defence; but that John was very far from being able to rely on the people's affections.

And to convince him of it beyond all doubt, he discovered to him that Philip had received private assurances, from most of the great men of England, that, instead of opposing his arms, they would assist him to the utmost of their power. This intelligence corresponding with what John had already received, he was visibly shaken, neither could he hide from the legate the fears that had-seized his soul. This was precisely the situation wherein Pandulph intended to put him.

As soon as he saw him thus disposed, he took occasion to intimate to him, that there was but one way to secure himself from the impending danger; and that was to put himself under the Pope's protection, who, as a kind and merciful father, was still willing to receive him with open arms. But, added he, "to deserve this favour, you must become a dutiful son to the church; and to that end must promise to perform faithfully whatsoever the Pope shall enjoin you; who, in imitation of him, whose representative he is on earth, desires not the death of a sinner, but rather that he should turn from his evil ways."

Never was prince in such circumstances as John. Standing between two dreadful precipices he was under a necessity of casting himself down one or other, without having time to consider which was the less dangerous. Pandulph pressed him incessantly to embrace the Pope's gracious offer.

On the other hand, Philip, ready to embark, afforded him no time to consult what course he should take. But what perplexed him most, was the distrust of his army, and his dread of a treachery, the consequences whereof stared him in the face. On which side soever he turned, he saw himself on the point, either of falling into the hands of his most inveterate enemy, or of lying at the mercy of a Pope, whom he had for so long braved, and who was the sole author of his misfortunes.

Of these two extremities the last seemed the least insupportable, because he saw not the Pope's whole design. The legate took care, not to impart to him at first all the conditions required by the Pope, for his favour and protection. He was satisfied for the present, with obliging him by a solemn oath, to obey the Pope in all things for which he was excommunicated[39] to make a full satisfaction to the clergy and laicks for what damages they had suffered on account of the interdict; to pay down, in part of restitution, the sum of eight thousand pounds sterling; to receive into favour the proscribed bishops, and others, particularly cardinal Langton, and the prior and monk of St. Augustin's[40]; to confirm all these things by his letters patent, and cause such bishops and barons as the Pope or his legate should appoint, to stand sureties for him; to declare solemnly, if he, or any other by his order, should violate this agreement, he would for ever lose the custody of vacant churches, and the bishops and barons his sureties, should be authorized to serve the Pope against him. Moreover, he promised to send letters of safe conduct to the archbishop of Canterbury, and the other exiled bishops, that they might return to their respective churches.

Lastly, he swore not to prosecute any person, whether lay-man or ecclesiastic, for any matter relating to the affair in hand.

In the state which John was reduced to, he would have thought these conditions tolerable, had there been nothing added. But the oath, exacted from him, to obey the Pope in all things, included a tacit condition, the extent whereof Pandulph did not think proper to tell him, before he was entirely engaged. When this article came to be explained, the legate plainly told him, his offences against God and the church were of such a nature, that there could be no atonement without a resignation of his crown to the Pope: adding, upon that condition only he could give him absolution.

Such a proposal could not but extremely surprise the unfortunate king; but he was too far engaged to recede. His late proceeding had entirely alienated those of his subjects who still preserved some remains of affection. On the other hand, he perceived, as he could not confide in his troops, he had no other means to resist Philip's powerful attacks. He lay therefore under an indispensable necessity to submit to this hard condition, which unquestionably he would have rejected, could he have known the full extent of his oath. Wherefore, on the morrow, he repaired to Dover church, attended by the legate, and a numerous train of lords and officers of the army, to perform his engagements.

There in the presence of all the people, taking off his crown, he laid it, with the other ensigns of royalty, at the legate's feet, as the Pope's representative. After which, he signed a charter, whereby he resigned to the Pope the kingdom of England, and the lordship of Ireland. He declared in this charter, that, neither out of fear or constraint, but of his own free will, and with the advice and consent of all the barons of the realm, he made this resignation, as having no other way to atone for his offences against God and his church. From that moment he acknowledged himself a vassal of the holy see, and, as such, bound himself to pay the yearly rent of a thousand marks; namely, seven hundred for England, and three hundred for Ireland.

In fine, he agreed that if himself, or any of his successors, denied the submission due to the holy see, he should forfeit his right to the crown. After this, he did homage to the Pope in the person of the legate; who, to show the grandeur of his master, spurned with his foot the money offered him by the king as an earnest of his subjection. They that were present at this shameful ceremony, could not behold such abject submissions without indignation; but not one dared to speak against them: only the archbishop of Dublin protested against them, but to no purpose.

The legate, having obtained whatever he desired, kept the crown and sceptre five whole days; and then restored them to John, with an intimation that he was to consider it as a singular favour from the holy see. So extraordinary a transaction had its natural effect on the people. If hitherto the king had been little regarded, this base submission rendered him entirely contemptible. From that time he was deemed unworthy to wear a crown, which he had so shamefully resigned to another.

On the other side, Innocent's extreme pride gave occasion for reflections to his disadvantage. Though John should seem to have been very sensibly touched with what had happened, he appeared to be the first that forgot it. He even seemed to triumph in preserving his crown in spite of the Hermit's prediction. Though his prophecy was but too fully accomplished, John was so cruel as to order him to be hanged for a false prophet.

Meantime Pandulph, who had no farther business in England, had departed from Dover<sup>[41]</sup>, without taking off the interdict, or giving the king absolution. He was gone to Philip, who considered the conquest of England as a thing certain. When he came to that monarch he enjoined him in the Pope's name, to desist from the intended expedition. He told him, the king of England being now a dutiful son of the church, and the occasion of the armament ceasing, it was no longer necessary to execute the Pope's sentence. Philip was extremely surprised at this discourse<sup>[42]</sup>.

But as he had not acted in this affair from a religious motive, he openly refused to obey the legate's orders. He told him, he had made these preparations against England, at the Pope's pressing

instances, for the remission of his sins, and therefore no contrary orders, nor all the threats in the world, should hinder him from prosecuting his design. Thus resolved, he called a council of the chief lords of the kingdom, and of the princes his vassals who were then about him. As he was extremely provoked with Innocent, the terms he used in speaking of him to the assembly were not very respectful; and the more, as it was greatly for his purpose, to point out the Pope's proceeding in the strongest and most lively colours. His aim was to persuade all the lords to swear, they would not forsake him though the Pope should thunder his censures against him.

The princes and lords who were present at the council, seemed inclined to comply. The earl of Flanders alone opposed it, and in a manner very reproachful to Philip. He represented, that the intended expedition, against the king of England, was in itself neither just nor honourable, and besides had become impracticable, since the Pope refused his approbation. He added, it would be much more agreeable to the rules of honour and equity, to restore to that prince what had been taken from him in France, than to form new projects to make an advantage of his misfortunes. Philip offended at these bold words mixed with reproaches upon his conduct, thought it necessary before all things, to humble the earl of Flanders.

His view was to terrify the rest of his vassals by this example, and withal deprive the king of England of the assistance he might receive from so firm a friend. It may be, he was very glad, that the earl furnished him with an opportunity to free himself from his present embarrassment. He could not, without dishonour, submit to the Pope's orders, neither could he make war upon king John, without exposing his person to an excommunication, and his kingdom to an interdict. Be this as it will, he ordered his fleet to sail to the coast of Flanders, whilst he marched himself with his army to attack the earl by land.

The progress of his arms was at first very considerable. Probably, the earl of Flanders would have been ruined, if John had not sent his naval force to his aid. The earl of Salisbury, who commanded the English fleet, surprising that of Philip, entirely destroyed it. It is said, the English took three hundred ships, and sunk one hundred, and that the French themselves set fire to the rest, to prevent their falling into the enemy's hands. This fatal loss blasted all Philip's grand projects, and obliged him to relinquish his undertaking, and return to Paris.

This victory raised the courage of King John. As he was assured for the future of the Pope's assistance, he resolved to carry the war into France, and try to recover his lost dominions. He was the more encouraged to this enterprise, as the emperor and the Earl of Flanders promised to make a powerful diversion in his favour. Wherefore he caused his army to march to Portsmouth, where he ordered his fleet to meet him. But just as he was ready to embark, the barons sent him word, they could not attend him, unless he were first absolved from his excommunication.

This declaration made him dispatch a safe conduct to cardinal Langton, and the rest of the exiles, that they might come and absolve him. At the same time, he acquainted them, he was ready to perform all his engagements, and particularly those which concerned them. Upon their arrival, the bishops went to the king at Winchester, who, throwing himself at their feet, besought them to have pity on him and the kingdom. The cardinal lifting him up, led him to the church, where in the presence of all the people, he administered to him the following oath:—

"That he would protect the holy church to the utmost of his power; re-establish the good laws of his predecessors, and especially those of king Edward; cause justice to be ministered to his subjects according to the just judgment of his court; restore to corporations and private persons, their rights and liberties; and before Easter next, make full satisfaction for all the damages he had caused."

This done, the king renewed his oath of fealty and obedience to the Pope, according to the tenor of his late charter to the legate; after which, the cardinal gave him absolution. The king appeared

so well pleased to see himself at length freed from so many troubles, that to show the cardinal, he bore him no secret grudge, he made him that very day dine at the same table with him.

This affair being thus ended, John came to Portsmouth[43], where he unexpectedly met with fresh obstacles. When he talked of embarking, his barons, who were there upon his summons, declared they could not go with him. They told him, they had stayed so long at Portsmouth, that all their money, designed for the expedition, was spent, and therefore they were unable to attend him. Though this disappointment heartily vexed him, he thought best to conceal it; and, imagining he should encourage them upon the point of honour, took shipping himself with his own family and sailed for Jersey.

But after waiting there some days, and finding himself forsaken by all, he returned to England, with a resolution to chastise the disobedience of the barons. Upon his arrival, he raised some troops, and marched towards the centre of the kingdom. His design was to have it in his power to prevent them from taking arms, or to oppress those that should first venture to appear. The cardinal archbishop, perceiving his intention, came to him at Northampton, and represented to him, that none of the barons having been legally condemned, he could not make war upon them without violating his late oath.

The king, offended at this remonstrance, answered with a loud voice, he had no need of his advice, and refusing to hear him any more, continued his march as far as Nottingham. Langton, not discouraged at this repulse, followed him next day, and declared, he would excommunicate all that should take arms before the relaxation of the interdict. This threat making the king apprehensive his troops would desert him, he was forced to desist from his enterprise. However he appointed a day for the barons to appear and answer for their disobedience.

Langton's proceedings were sufficient to satisfy the king, he was not heartily reconciled to him. But he had soon a more convincing proof. In an assembly of the lords spiritual and temporal, held at London about the restitution promised by the king, Langton took occasion to speak very warmly against him. He said, "That before he gave the king absolution, he caused him to swear to restore the church, the Nobility, and the commonalty, to their rights and privileges: but it was visible he had not yet made the least step towards the performance of his oath: that on the contrary, he would have made war on his barons, before they were legally tried, which was a clear evidence of his ill designs. And therefore, continued he, it was absolutely necessary for the good of the public, to press him to perform his engagements.

But as difficulties might occur in the particulars to be required of the king, he said, a charter might be used of one of their former kings; of which he had fortunately found a copy, notwithstanding the pains taken to bury it in oblivion. The charter mentioned by the cardinal, was that granted by Henry I. to his subjects, in the beginning of his reign. Authentic copies had been sent to all the principal monasteries, which were lost by the negligence of those who had the custody of them, or perhaps by the means of Henry I. himself, or his successors. This, which perhaps, was the only one left, falling into the cardinal's hands, he publicly caused it to be read before the assembly.

The barons, who had only a confused notion of this charter, were very well pleased with its being found, but more so with the contents. Therefore, without further consideration, they resolved to make it the foundation of their demands. Then they entered into a confederacy, and bound themselves by oath, to use their utmost endeavours to obtain the re-establishment of their ancient privileges, and mutually stand by each other. The cardinal promised to do all that lay in his power to promote their designs. This is the first league or confederacy made in England, in defence of the nation's interests against the king.

Though the barons intended to keep their league private, till a favourable opportunity offered to discover their designs, the king was soon informed of it. He foresaw the consequences, but, as

it was not in his power to break it, believed the only way to be safe, was to put himself under the Pope's powerful protection. Pursuant to this resolution, he sent a trusty messenger to his holiness, to inform him of what passed; and entreat him to grant him his assistance in so pressing a necessity.

His request was attended with a very handsome present, in order, to obtain more readily what he desired. Innocent was overjoyed at the news of the dissension, which was likely to break out between the king and the barons. The resignation extorted from John, was of itself so repugnant to all right, and so full of nullities that it must have fallen to the ground, if the king and his subjects could have been brought to so necessary union. And therefore nothing being more agreeable to the Pope, than to see the king and the barons in no way to support one another, he resolved to make their discord a means, more firmly to establish his authority in the kingdom[44].

To that end, without discovering his knowledge of the confederacy of the barons, about Michaelmas, he sent cardinal Nicolas, bishop of Tuslum, (now Frascati,) as his legate into England, with power to relax the interdict, and reconcile the king and the clergy, concerning the promised restitution. John offering a hundred thousand marks, the legate seemed satisfied with the sum; but the bishops openly rejected this offer, chusing rather to let the kingdom groan under the intolerable burden of an interdict, than recede in the least from their pretensions.

The legate was not displeased with their obstinacy, which gave him an occasion to acquaint the king with the orders he had received from the Pope. He represented to him he could never expect to live in peace, till he had put himself entirely under the protection of the apostolic see: that therefore it was necessary to make a second resignation of his crown, the first being liable to many exceptions: that afterwards the Pope, finding himself indispensably obliged to support him, would infallibly free him from all his troubles.

John finding himself in an ill situation; surrounded with difficulties, and having almost as many enemies as lords in the kingdom, he had no other refuge but the Pope's protection. Accordingly, though this protection could not be obtained but by a second resignation of his crown, he was once more persuaded to that servile compliance. This resolution being taken, he convened a general assembly at Westminster, where, in the presence of all the lords, he solemnly resigned a second time his crown to the Pope; with all the formalities the legate was pleased to require.

He signed also another charter, wherein care was taken to supply all the defects of the former. To render it more authentic, it was sealed with gold, the first being sealed only with wax. Then the king delivered it to the legate, for the use of the Pope his master. It was not difficult for the confederate barons to perceive, that their secret was discovered, and that John's second resignation was the price of the Pope's protection. As nothing was more opposite to their design, of recovering their ancient privileges, than the vassalage to which John had subjected the kingdom, cardinal Langton solemnly protested against it, and laid his protestation upon the altar.

Innocent having notice of Langton's protestation, was extremely incensed, that a cardinal should act so directly contrary to the interests of the holy see. He durst not however fall upon him, for fear of putting the whole kingdom in commotion, and inducing the English to join with Langton in defence of their liberties. Indeed, it was by no means proper, to let the nation feel so soon the weight of their new servitude. On the contrary, it was the court of Rome's interest to let her rights lie dormant a while, that the English perceiving no alteration, might be less inclined to shake off their late yoke.

Meantime, the Pope took occasion to mortify the archbishop, by empowering his legate cardinal Nicholas, to fill all the vacant benefices in England. The legate abused his power shamefully. Not content with conferring the benefices on Italians, on his relations and creatures, he even gave some to persons unborn. Langton, angry that his commission should be given to another, took occasion from the legate's ill conduct, to appeal to the Pope against his proceedings, and

sent his brother Simon to Rome to prosecute the appeal. He found Innocent little inclined to give ear to complaints against a legate, who had just done him such signal services. Besides, Pandulph, who had been sent to Rome with the charter sealed with gold, had very much blasted the credit of the archbishop, and of all the English lords. He represented them as turbulent persons, and extolled the king as the most pious of princes.

This account caused Innocent, regardless of Langton's remonstrances, to dispatch orders to his legate to take off the interdict, which had now lasted above six years. As for the satisfaction demanded by the clergy, he ordered, that the king should pay but forty thousand marks, in lieu of all the restitution, John finding himself freed from an affair which had created him so much trouble, resolved to prosecute the design, which the disobedience of the barons had obliged him to give over.

He hoped to meet with more submission in his subjects, since the Pope had openly declared himself his protector, than whilst he lay under the sentence of excommunication. After making the necessary preparations for so important an enterprise[45], he came to Rochelle with a numerous army, and entering Poitou, subdued that province with the same ease with which it had been taken from him.

Encouraged by this success, he marched into Anjou, and rebuilt the walls of Angers which he had formerly demolished. This sudden attack surprised Philip, who being then employed in the Low-Countries in an important war with the emperor and the earl of Flanders, could not timely enough oppose this new enemy. However his son prince Lewes, raising an army with all possible expedition, advanced towards Anjou, whilst the English were besieging the strong castles of La Roche au Moine. The approach of the French army causing to vanquish John's hopes of being able to continue the siege, he resolved to raise it and give Lewes battle.

But the Poitevins refusing to follow him, he was not only forced to relinquish that design, but even to retreat with some precipitation. Notwithstanding this accident, John had troops sufficient to expect a good issue of the war, had it continued. But the news of the battle of Bovines gained by Philip in Flanders, made him think of retreating. This victory, the most considerable France had ever obtained[46], making John apprehensive that the whole burden of the war would lie upon him, demanded a truce for five years, by the mediation of the Pope's legate.

After being exposed to so many misfortunes, John, as it seemed, thought at the expense of his honour, to pass the residue of his life in peace. But his lot was otherwise. His past conduct mixed with haughtiness, caprice, tyranny, impudence; cowardice, had bred among his subjects such discontent, that could not fail of producing ill effects: As he lost the people's esteem, the barons became less tractable. Their hopes of succeeding in their designs, were properly built on the little affection of the people for their sovereign.

As soon as the king was returned from, his French expedition[47], the barons, who had always their former projects in view, resolved to demand in a body the re-establishment of their privileges. Under colour of a pilgrimage, the chief earls and barons met at St. Edmund's-Bury, where they came to a resolution, to demand of the king the confirmation of the charter of Henry I. This charter, as was observed, contained in substance the liberties enjoyed by the people of England, during the dominion of the Saxon kings. Before they parted, it was agreed, that immediately after Christmas, they would go to the king in a body, and present him their petition. Meantime everyone went to his own home to provide himself with men, horses and arms, to be in condition to compel the king, if there was occasion, to grant their desires.

In the reigns of the first Norman kings, and particularly under William the Conqueror, the English were oppressed. They were so unjustly dealt with, that not an Englishman was left in possession of any considerable fee. The Normans and other foreigners were decked with their spoils. At that time the English, who had so great cause to complain, in vain alleged their privileges; all

ears were deaf to their complaints. On the contrary, the Normans thought it no injustice for the king to use a despotic power, as long as it was for their advantage.

The laws of Edward the Confessor were in such disrepute, that it was almost treason to mention them. But, when once these same Normans saw themselves firmly settled in their new acquisitions, they began to perceive how dangerous it was to live under an arbitrary power, which might deprive them of what the Conqueror had given their ancestors. Therefore by degrees they put on the English genius, wholly addicted to liberty, and insisted to have the Saxon laws re-established. All distinction between the two nations was entirely removed.

Everyone was desirous of being English rather than Norman. Probably this was the chief reason why the Norman language prevailed not in England, notwithstanding the care and pains of William I. to that end. Upon all fair occasions, the Normans spoke like true Englishmen, and earnestly demanded the revival of the laws of Edward. They particularly took advantage of the circumstances of William Rufus, Henry I. and Stephen, when they mounted the throne. As these princes had not properly any right to the crown, they were forced to be indulgent to their subjects, and promise them the re-establishment of their ancient laws. Indeed, what the barons demanded would have been very right in the mouth of an Englishman; but these same pretensions, with respect to the Normans, might be very justly contested.

Accordingly we have seen in the history of these three princes, though they solemnly promised to revive these laws, they never heartily set about the fulfilment of that promise. Nevertheless those solemn and repeated engagements gave the barons of Norman race, a right which they had not before. The circumstances of the three; first Norman kings, when they ascended the throne, were therefore the true cause of these wrong proceedings, which afterwards became so prejudicial to their successors.

They knew their Norman subjects had no right to demand the revival of the Saxon laws, which must have been evidently violated, to settle them in the estates they possessed in England. But necessity compelled these princes to promise what they never intended to perform. The charter of Henry I. was never executed either by himself or any of his successors. What care soever was taken to send copies to the principal monasteries, it was with great difficulty that a single one was found, a hundred years after, and shewn by cardinal Langton to the lords.

If therefore the rights of the barons are originally considered, they must be concluded to be built upon no good foundation, because the principal fiefs were in the hands of the descendants of those, to whom they were granted by William the Conqueror. But on the other side, it must be confessed, that the many solemn promises, of all the kings since the Conqueror, to restore the Saxon laws, commonly called the laws of St. Edward, gave the English-Normans a very plausible right to demand the performance thereof.

From what has been said it may be easily inferred, that if the barons thought themselves entitled to demand the re-establishment of the privileges of the English nation, John believed himself no less authorised to refuse it. This contest remaining undecided during several reigns, both parties had kept up their respective pretensions. When the king was weak or in such circumstances as permitted him not to contend, the barons tried to get the liberties of the English restored, and the prince not knowing what to do better, put them off with fair promises, which he had no design to perform.

But, under able kings, who were in prosperity, the contest was stifled, and the barons waited for a more favourable opportunity to compass their ends. They thought they had now met with one, and resolved to improve it. John's circumstances were just as they wished. Hated and despised by the people, to whom he had given great occasion of discontent, he could never hope to regain their affection. On the other hand, he was without hopes of assistance from king Philip, his most mortal enemy. Much less could he expect any succours from the emperor his nephew, or the earl

of Flanders, who were equally crushed by the battle of Bovines. Neither was it likely, that the king of Scotland would espouse the quarrel of a prince, with whom he was extremely displeased. As for the assistance John might expect from the Pope, as it was to consist only of spiritual arms, the barons were in no concern about it; well knowing such weapons have no edge, but what fear, and the circumstances of time and place give them. But as they had reason to hope, the people would join with them, in defence of their common interests, they were not afraid, that the Pope's thunderbolts would do them much hurt. John therefore was necessarily forced to yield on this occasion; for having lost the French provinces, he had no refuge against the English.

**AD 1215]** Full of these hopes, and holding themselves sure of success, the barons came to the king at London, and demanded in plain and express terms, the re-establishment of the laws of St. Edward, with the other rights and privileges contained in the charter of Henry I. They alleged, that they required only, what he himself had promised with a solemn oath, before he received his absolution, and for that reason, their most humble petition could not be looked upon as an innovation, much less as proceeding from a spirit of rebellion.

This petition, though expressed in the most respectful terms, alarmed the king. As he found they had taken their resolution, in case it was rejected, he believed his best course would be to gain time. He desired them therefore to stay for his answer till Easter, assuring them, he would then declare his intentions. Though it was very easy to see, that the king only sought to amuse them, they were afraid of being blamed, should they refuse this delay and retire[48].

The king taking advantage of this delay, caused the oath of fealty to be renewed by all his subjects, and homage by all his immediate vassals. After which, he took upon him the cross, as if he intended to go to the Holy-Land, to the end he might shelter himself under the church's protection. On the other hand, the Pope being informed of the barons' petition, sent them a letter, exhorting them to continue in obedience to their sovereign. But that did not hinder them from prosecuting their design.

As soon as Easter was come, the great men met at Stanford, consisting of almost all the nobility, and making a powerful army, in which were above two thousand knights, besides other horse and foot, armed with divers weapons. The king, who was at Oxford in expectation of their coming, hearing of their number and posture, did not think fit to expose his person in a conference with them. Before they advanced any nearer, he sent the earl of Pembroke to know, what the laws and liberties were, which they mentioned in their petition.

Upon which, they delivered a long memorial of the laws and customs observed in the time of the Saxon kings; declaring, if the king would not confirm them, they were resolved to compel him, by seizing his castles. John had no sooner read this memorial, but he fell into a violent passion. He said aloud, the barons wanted no less than to deprive him of the government of his kingdom, and swore a great oath, he would never grant his subjects such liberties as would make himself a slave.

The king's answer convincing the barons, that they expected in vain to obtain their demands otherwise than by force, they chose the lord Robert Fitz-Walter for their general, styling him the marshal of the army of God, and of the Holy church. At the same time they marched to Northampton, and besieged the castle fifteen days. That place holding out longer than they expected, they raised the siege and went to Bedford, of which they became masters[49].

**A few days after, they received advice, that a secret negotiation, with some of the chief burghers of London, had succeeded to their wish,** and that one of the gates of the city was to be put into their hands. The hopes of strengthening themselves with the assistance of so rich and powerful a city, whose name alone would give a reputation to their party, caused them to make such speed, that in two marches they came to Aldgate. This gate being opened to them, they entered the city (May 24) at break of day, before the king, who was in the Tower, had the least

notice of their approach. So great an advantage enabling them to undertake any thing, they resolved to besiege the king in the Tower. Whilst they were employed in the siege, which, however, they could not begin without great preparations, they sent circular letters to all the lords of the king's party, and to those that stood neuter. Without any preface, they let them know, their estates would be plundered, and their houses demolished, if they did not come and join with them, in support of the common cause of the kingdom.

These threats had so good an effect, that all the neutral lords sided with the barons. Nay, some on whom the king chiefly relied, deserted him for fear of the impending evils. This defection rendering the king more tractable, he sent the earl of Pembroke to inform the barons, he was ready to grant their demands. This was properly throwing himself upon their mercy. But as matters then stood, he had no other course to take. After a short negotiation, it was agreed, the king and the barons should meet on a day prefixed, in a meadow called Runnymede[50], to conclude this affair.

The barons came in great numbers to the place appointed, whilst the king appeared attended only by five or six lords. Among whom was the cardinal archbishop, who affected to perform the office of mediator, though he was the principal author of the troubles. It was soon agreed, what satisfaction the king should give the barons. As they would make no concessions, it was not in the king's power to deny any thing. Besides, he considered, the higher they ran, in their demands, the more plausible would his pretence be, to retract when a favourable opportunity offered.

And, therefore, without objecting to any of the articles proposed, he pretended freely to grant, what in reality was extorted by force. He signed two charters, wherein the barons inserted whatever they pleased. The first was called the Charter of Liberties or the Great Charter; the other, the Charter of the Liberties of the Forest. By perusing these charters, which will be inserted at the end of this reign, the reader may see what oppressions the English had been liable to since the Conquest, and what privileges they gained on this occasion. From that time these two charters have been the foundation of the English liberties, notwithstanding the endeavours of John himself, and some of his successors, to annul them.

These charters were signed by the king, and all the lords spiritual and temporal of the realm, sealed with the great seal, and confirmed by the king's solemn oath. But for the better securing the observance thereof, there were chosen, with the king's consent, five and twenty barons, to any four of whom, all persons might apply to complain of the breach of the charters.

It was further agreed, that the four barons, who were first to be informed of any grievance, should acquaint the king with it, and if it was not redressed within forty days, should give notice of it to all the barons, for whom in that case it should be lawful to take up arms and seize the king's castles, in order to oblige him to redress the grievance. All violence, however, to the king's person, the queen and their issue, was excepted. But to remove the people's scruples, about taking up arms against their sovereign, the king consented that all persons should swear to assist the barons in all cases relating to the two charters.

Lastly, to all these concessions he added letters patent, directed to all his sheriffs, empowering them to take the oaths of all his subjects, that they would punctually observe the two charters, and if it was necessary, to compel the king to observe the same[51].

The saying of a historian upon the like occasion, is very applicable here, that the king intended not to bind himself with chains of parchment. All the precautions taken by the barons to tie up their sovereign, served only to make him the more eager to find means to free himself from a yoke, which to him seemed intolerable. Those that were about him being mostly foreigners, helped also to exasperate him, by aggravating the pride and insolence of the barons. As they were sensible, that these charters, which set bounds to the regal power, must be prejudicial to them, they never ceased representing to him the injury he had done himself in signing them. In

short, all their discourses tended only to put him upon measures to free himself from the subjection, to which his concessions had rendered him liable. They very easily succeeded in their design: but the greatest difficulty lay in the execution.

This unhappy prince, continually tormented by his own thoughts, and the virulent reproaches of his courtiers, grew so reserved and melancholy, as sufficiently discovered his vexation. He considered with himself, of means to be revenged: but knew not where to have men and money, to that end. And indeed he saw no other remedy than to apply to the barons themselves, against whom he designed to use them.

But it was not easy to deceive them, in their continual jealousy of him. In fine, after turning himself every way, his despair suggested to him a means of raising troops, without having wherewithal to pay them; which was, to send some of his confidantes into France, Germany, and Flanders, with orders to promise such as would enter into his service, the confiscated estates of the rebellious barons, as he called them. He gave these agents likewise a power to make grants beforehand of the lands of the English lords, and to pass the deeds in form.[52]

Whilst his agents were employed in levying troops, John was taking care to secure the court of Rome. He knew, by fatal experience, how capable the Pope's formidable power was, of promoting or hindering the execution of his designs. And, therefore, he sent the Pope a letter, informing him of the constraint put upon him, though, as he assured him, he had protested, that being a vassal of the holy see, he could do nothing without his consent.

With this letter he sent a copy of the charters, and desired the Pope to observe, that all the articles were so many encroachments upon the regal power, and consequently upon the lord paramount. This was flattering the Pope in the most sensible part. Upon this foundation he entreated him to absolve him from his oath, that he might, with a safe conscience, use his endeavours to free himself from so heavy a yoke. After taking these measures, with all possible secrecy, fearing, if he appeared too much in public, his designs might be discovered, or guessed at, he chose the Isle of Wight for his residence. In this retirement he kept himself as it were concealed a considerable time, conversing only with fishermen and sailors, and diverting himself by walking on the sea-shore with his domestics.

When the king was known to be retired to the Isle of Wight, people were in vain inquisitive about the cause of his retreat. Some jested and said, he was become fisherman or merchant, others, that he designed to turn pirate. During three months, he waited patiently for the return of his agents, and the arrival of the foreign troops, which he was made to expect.

He met with no difficulties at the court of Rome, whose interest it was to support him. Innocent fell into a strange passion with the barons, for daring, without consulting him, to cause their king to sign charters of that nature, and put a constraint upon a prince who had taken the cross, and was under the church's protection. In his rage, he swore by St. Peter that let what would be the consequence, their rashness should not go unpunished. At the same time he sent them a letter, enjoining them to renounce what they had extorted from their sovereign, unless they would incur the indignation of the holy see.

But the barons made light of his injunctions, and without fearing his thunders, seized upon Rochester, which cardinal Langton put into their hands. They found there a prodigious quantity of ammunition, laid in by the king, to be used upon occasion. This was probably the reason of their taking that place.

Meantime, the Pope annulling the two charters, and absolving the king from his oath, John's affairs began to have a new face; by the advice he received, that his agents had enlisted great numbers of adventurers in his service. Whereupon, John hastily quitted the Isle of Wight, and went to receive them at Dover. In a short time, he had the satisfaction to see vast numbers arrive

from Brabant, Flanders, Normandy, Poictou, and Gascoigne, all soldiers of fortune, and ready to venture their lives to gain an estate. The number of these adventurers was so considerable, that the historians who mention it, are scarcely to be credited. But by an unexpected accident, one of the leaders, Hugh de Boves, with no less, as it is said, than forty thousand men, perished in the sea. If these had safely arrived, John would, doubtless, have had it in his power to treat the Normans settled in England, in the same manner as William the Conqueror had formerly treated the English.

But, notwithstanding this great loss, there were troops enough left to enable him to trample upon the barons, who little expected such a revolution. His first undertaking, was the siege of Rochester, which, after a long resistance, surrendered, in spite of the barons' endeavours to throw in some succours. He was so exasperated, that he would have hanged the whole garrison, if his generals had not represented to him, that he would expose his own troops to the same cruel usage.

After the taking of Rochester, he divided his army into two bodies. He gave one to his natural brother the Earl of Salisbury, to go and ravage the southern counties, whilst with the other he marched into the northern parts, to make them feel the effects of his vengeance. Never was England in so deplorable a condition: she had two armies of hungry foreigners in her bowels, ravaging the country in a merciless manner. They spared not the houses and lands of the barons, who perceiving themselves not strong enough to appear in the field, were retired to London.

Meanwhile, the Pope thundered out an excommunication against the barons, and ordered Pandulph, and the bishop of Rochester, to enjoin cardinal Langton in his name to publish the bull. But the archbishop, pretending the Pope was imposed upon, refused to comply, till he himself had informed his holiness of all particularly. Upon his refusal, the two commissioners published the excommunication themselves, and suspended the archbishop. The barons not valuing this censure, on pretence that they were not particularly named in the bull, continued their endeavours to defend themselves against the king.

The cardinal archbishop was sent for to Rome, where he was likely to be disclosed, but the Pope relenting, at the entreaties of the other cardinals, only confirmed his suspension. Some time after, he found another occasion to mortify him, by voiding his brother Simon's election, who had been chosen archbishop of York, and putting his enemy, Walter de Grey in his room; from whom however he exacted for his pall ten thousand pounds sterling, for the occasions of the holy see. In fine, after several mortifications at Rome, Langton's suspension was taken off, on condition, he would not return to England till the troubles were entirely appeased.

When Innocent was informed of the barons' pretence for not submitting to the excommunication, he published another bull, wherein they were all excommunicated by name. Their lands were put under an interdict, as well as the city of London, which had taken their part. As the barons expected this second bull, they were resolved not to regard it, and to prevent its being published in London. They alleged in their vindication, that the bull was obtained by false suggestions, and consequently was of no force; that besides, it was not the Pope's business to meddle with temporal affairs, since St. Peter received from Christ only spiritual power, for which reason it was neither just nor right, that Christians should suffer themselves to be governed by the ambition and avarice of the Popes.

**Whilst the barons and Londoners** were taking these vigorous resolutions against the Pope, John continued ravaging the kingdom, and especially the lands of the confederate barons[53]. It is easy to conceive, that the manner of the foreign troops executing his orders, was none of the mildest, and that numberless outrages and cruelties were committed on this occasion, Which increased the animosity of the barons against the king.

Meantime, the confederate barons were in a deplorable condition. Instead of recovering their privileges, they beheld their estates plundered and given to foreigners, whilst the king was with

pleasure glutting his revenge. Their wretched state caused them at last to take a desperate course, which engaged them to hazard their own with the whole kingdom's ruin, to have the satisfaction of being revenged on the king, though at the expellee of the poor people. They acquainted the king of France, that if he would send prince Lewis his son, they would set the crown of England on his head, provided he brought sufficient forces to free them from the tyranny of king John.

Philip did not want much entreaty to accept of the barons' offer. He had once before thought of conquering England, and if the loss of his fleet, much more than the threats of the Pope, had made him desist from his enterprise, he had still a longing desire to accomplish it, if a fair opportunity should offer. And as this, which the rupture between John and the barons furnished him with, seemed very favourable, he embraced it immediately. He only desired the barons to deliver twenty-five hostages for the performance of their promise, to which they readily consented. Upon the arrival of the hostages at Paris, prince Lewis, then in Languedoc, warring against the Albigenses, came to the king his father, to prepare for this important expedition. Some troops were immediately sent to the barons[54], with assurances that he would soon follow in person with a greater supply.

**AD 1216]** The preparations in France, coming to the Pope's ears, he dispatched thither one Gallo, as his legate, to try to put a stop to them. The legate having an audience of the king, forbade him in the Pope's name to carry his arms into England, as being part of St. Peter's patrimony, and threatened all persons whatsoever with. excommunication that should, directly or indirectly, assist the English barons. Philip, regardless of these threats, replied, that England, was no patrimony of St. Peter, for it was evident, king John could not subject his kingdom, without the consent of the states; that an act of such a nature was beyond the power of any king, and that the maxims which the Pope would introduce, were too pernicious to all states to be received.

The Pope's prohibition not interrupting the French armament, Lewis was soon ready to sail for England With a fleet of seven hundred ships. Mean time John, who went to Dover upon the first news of the design of the French, not thinking himself able to hinder their descent, had retired to Winchester so Lewis meeting no opposition, landed his troops at Sandwich without molestation.

After that, he marched against Rochester, which made but a faint resistance. The taking of that city drew after it the whole county of Kent, except Dover castle, where John had left a strong garrison with a brave and faithful governor.

Meanwhile, the Pope sent Gallo his legate orders to repair into England, and solemnly publish the bull of excommunication against the barons. At the same time he commissioned the abbot of St. Augustin's, to denounce prince Lewis excommunicated, the moment he set foot in England. Lewis endeavoured to divert this blow, by representing to the abbot, in a letter, his right to the crown of England. Among other reasons, he alleged, that John mounting the throne only by the consent of the barons, the same authority might depose him and put another in his place.

The abbot not being gained by his arguments, declared prince Lewis and his adherents excommunicated, pursuant to the Pope's. express orders. But this was not sufficient to deter that prince from his enterprise. As soon as he became master of Rochester, he marched to London, where the barons and citizens swore fealty to him, after his solemn oath to restore to all their lost inheritances, and to the nation their ancient privileges.

It does not appear that this prince was crowned. However he certainly acted as king, and disposed of everything relating to the government, as if he had been lawfully invested with the royal authority. He made Simon Langton his chancellor, who being incensed with the Pope, persuaded the barons and Londoners to despise the court of Rome's censures, and notwithstanding the interdict, to be present at divine service, which was celebrated as usual. Lewis readily consented to what was so agreeable to his intentions. When he resolved upon this undertaking, he plainly

foresaw, he should meet with obstacles from the Pope, and therefore was determined not to value his censures.

Lewis's party daily increasing, as he continued his progress, he quickly became master of most of the southern counties. After that he marched towards Norfolk and Suffolk, which also submitted to him. During these successes, he met with no resistance except from William de Collingham, who with a thousand archers, keeping close to the prince's army, fell upon the French that straggled for plunder[55].

Shortly after, Lewis's adherents in the north took the city of York, and desired him to come into those parts to finish the conquest of all the country beyond the Humber[56]. But whilst he was preparing for that expedition, he received a letter from the king his father, reproving him for leaving behind him the castles of Dover and Windsor, which were of greater moment than the northern counties. Upon this he marched back to besiege Dover, whilst the English barons, with their own troops, invested Windsor. About the same time, Alexander the King of Scotland, pursuant to Lewis's summons, came and did him homage in person, for the lands he held of the crown of England[57]. Which done, Lewis and the English barons swore, that they would never make peace without his knowledge. But this promise was not afterwards well performed. A little after, John had the mortification to see himself deserted by the Flemish and Poictevin troops, whom Lewis had found means to entice away from his service.

Whilst these things passed in England, the ambassadors sent by Lewis to Rome, were trying to vindicate their master's claim to the crown of England. They founded his right chiefly upon his marriage with Blanch of Castile, pretending that John being lawfully deposed by the barons the crown had devolved to Blanch his niece.

The French and English troops being employed in the siege of Dover and Windsor, John, who till then thought himself too weak to venture to take the field, left Winchester, and marched into Norfolk and Suffolk, where he committed great ravages. But hearing the barons had raised the siege of Windsor, with intent to give him battle, he retired to an advantageous post near Stanford, where it would have been very difficult to attack him[58].

He took care not to hazard a battle, apprehensive as he was, that the officers of his army, most of whom were subjects of the king of France, would make their peace with Lewis by treachery. He was further induced to avoid fighting, by the advantages he expected from prolonging the war. He believed he had reason to hope, the English would quickly grow weary of the French, who began already to take very much upon them, never troubling themselves to conform to their temper and ways.

John's expectations were not groundless. The barons were extremely grieved to see all the rewards distributed to the foreigners, and their own inheritances bestowed on the favourites of the prince whom they had sent for, as if the English had no right to the conquests that they were making. But all this would not perhaps have been sufficient to engage them to take other measures, if what they learnt from the mouth of the Viscount de Melun, one of Lewis's prime confidants, had not as it were forced them to think of their safety. If certain historians are to be credited, this nobleman being seized by a mortal distemper at London, caused such of the barons as were posted there for the security of the city, to be sent for.

When they came, he told them, he could not forbear discovering a secret, which lay heavy upon his conscience, and if longer concealed from the English, would infallibly drag them to utter destruction. Then he disclosed to them that the prince was resolved to banish all the barons that had taken arms against king John, as traitors to their country. He added, this resolution was taken in a council of sixteen French lords, (of whom he himself was one,) and confirmed by the prince with an oath. He declared upon the word of a dying man, what he said was true, and ought to be the less questioned as he was just going to appear before the tribunal of God.

This secret or pretended secret being whispered about, made a deep impression on the minds of the barons. It had the greater effect, as it agreed with the suspicions which the barons had already conceived of the French. From thenceforward many began to repent of calling in the foreigners, and seriously to think of returning to the obedience of their sovereign. No less than forty privately gave the king assurances of their good intentions. But the rest durst not venture to trust a prince whom they had so grievously offended, and with whose cruel and revengeful temper they were too well acquainted.

Meantime that unhappy prince, not knowing whom to trust, carefully avoided fighting, and incessantly marched from place to place, to break the measures of his enemies. He thought himself safest in the county of Norfolk, where he chose the little town of Lynn to secure his treasures, his crown, sceptre, and other things of value. This town had expressed for him such affection and loyalty, that as a mark of his gratitude he granted it great privileges. Among other things, he made it a mayor-town, and presented the first mayor with his own sword, which is still carefully kept there.

However, as he found himself pressed by the barons, and fearing his treasures were not safe at Lynn, he resolved to remove them to a certain place in Lincolnshire, whither he intended to retire. He very narrowly escaped drowning with his whole army in the large marsh[59], which parts the two counties of Lincoln and Norfolk. Before he was quite over, the tide coming up the river Well stream, which overflows the marshland at high water, put him in extreme danger. But though he escaped himself he could not save his baggage, which was all swallowed up by the waters.

He arrived that night at Swine's Head abbey, where he lodged. His vexation for his loss, which was irretrievable in his present circumstances, threw him into a violent fever, which was heightened by inconsiderately eating peaches[60].

On the morrow, not being able to ride, he was carried in a litter to Sleaford castle, whence the next day he proceeded to Newark. Here finding his illness increase, he made his will, and appointed Henry his eldest son, then but ten years of age, his heir. The care of his salvation employed his thoughts during the rest of his sickness, which put an end to his days on the 18<sup>th</sup> of October 1216, in the fifty-first year of his age, after an unhappy reign of seventeen years, seven months, and ten days. His body was carried to Worcester according to his own order, and buried with little funeral pomp in the cathedral, where his tomb with his effigies upon it is still to be seen[61]. Some say he was poisoned by a monk of Swine's Head abbey; but that is very improbable, as it is not mentioned by any of the contemporary historians[62].

If this prince's character be drawn according to Matthew Paris, his chief historian, he must be represented as one of the vilest wretches that ever lived. But, as we have elsewhere observed, the histories of princes, who have had any contests with the court of Rome, are to be read with great caution. It is better therefore, without regarding the particular sentiments and expressions of the historians, solely to examine the actions of this monarch, in order to discover his temper and inclinations.

It is certain, that we must frame a very disadvantageous idea of him, when we consider his unjust proceedings with regard to his brother Richard: the death of prince Arthur his nephew, of which he never cleared himself: the perpetual imprisonment of Eleanor of Bretagne his niece: his putting away Avisa of Gloucester: his extreme indolence, when Philip was conquering his dominions in France: his base resignation of his crown to the Pope: his breach of faith with his barons: and lastly, his bringing into the kingdom an army of foreign mercenaries, to be revenged of his subjects.

However, were we disposed to undertake his vindication upon most of these articles, it would not perhaps be so difficult as it seems at first sight. But finding in king John scarcely one valuable

qualification, it is not worth while to stay to justify some particular actions. This prince had great failings, which would not have been so visible or so aggravated by historians, had he been contemporary with a king of France of less policy and ambition, with a Pope of less pride and more conscience, and with a nobility of a less turbulent spirit. As for raising taxes, without the consent of the states, it may be said, it was not very unusual since William the Conqueror.

King John's fortune never agreed with his temper. He was a lover of ease and quiet, and his fortune was to be perpetually in action. He was fit neither for prosperity nor adversity. The former rendered him extremely insolent, and the latter surprisingly dejected[63]. So that a middle fortune would doubtless have been most suitable to his temper.

He is accused of exceeding his father Henry II. in lust, a failing which princes are seldom very reproachfully taxed with, unless there is a settled design to defame them for other reasons, He was always unfortunate, and if we may believe the historians, always hated by his subjects. We cannot, however, reconcile this constant hatred of the English, with the great ease wherewith he levied armies when he wanted them, and even whilst he was under the sentence of excommunication. We must therefore distinguish two periods in this prince's reign.

The first includes the time from his coronation, to his resignation of the crown to the Pope. During this space, if he was not in great esteem, at least it does not appear he was so odious, as his ill conduct afterwards rendered him. The second period begins at his resignation, and ends with his life. During this period, his subjects had a strong aversion to him. And yet, if his government be considered separately from his personal qualities, it may be said to be none of the worst.

He was the first or chief that appointed those excellent forms of civil government in London[64], and most other cities of the kingdom. According to Camden, and others, John was the first that coined sterling money. The ceremonies observed in the creation of earls, had him for their author. In fine, he established the English laws in Ireland, and gave the Cinque-Ports the privileges they enjoy at this day[65].

John had no issue by his two first wives. Issabella of Angonleme his third wife, brought him two sons and three daughters. Henry succeeded him. Richard was earl of Cornwall, and afterwards chosen king of the Romans. Of his three daughters, Joanna was married to Alexander II. king of Scotland, Eleanor was married first to William Marshall earl of Pembroke, and after his death, to Simon de Montfort earl of Leicester. The emperor Frederic II. espoused the third, whose name was Isabella[66].

The most remarkable foreign events during this reign, were the taking of Constantinople by the arms of the French and Venetians in 1204, and the Crusade against the Albigenses[67], which gave birth to the inquisition[68].



King John in his coins, gives his face full, in a triangle, with a sceptre in his right-hand, inscribed **JOHANNES REX**. On the reverse, another triangle, with a half moon and a star, and his inscription: **ROBERD. ON, DIVED**, which last words show the money was coined at Dublin or Divelin. This king was the first that had the title of Dominus Hiberni, or lord of Ireland; accordingly

he is stiled on his Great Seal, **IOANNES DET GRATIA REX ANGLIE DOMINUS HIBERNIE** ; and On the Counter Seal, **IOANNES DUX NORMANNTTE ET AQUITANIE COMES ANDEGAVIE**. It is observable that all the pennies. that have the head in a triangle were Irish coins. The Irish harp was anciently of that shape.

**THE CHARTER OF LIBERTIES,  
OR THE GREAT CHARTER GRANTED BY KING JOHN TO HIS SUBJECTS IN  
THE YEAR 1255[68]**

**I. JOHN** by the Grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and earl of Anjou: to the archbishops, abbots, earls, barons, justiciaries, of the forests; sheriffs, governors, officers, and to all bailiffs and other his faithful subjects, greeting. Know ye, that We, (2) in the presence of God, and for the health of our soul, and the souls of our ancestors and heirs, and to the honour of God, and the exaltation of holy church, and amendment of our kingdom, by advice of our venerable fathers, Stephen archbishop of Canterbury, primate of all England, and cardinal of the holy Roman church; Henry archbishop of Dublin, William bishop of London, Peter of Winchester, Jocelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester, bishops; and master Pandulph the Pope's subdeacon and ancient servant, brother Aymerick master of the temple in England, and the noble persons William Mareschall earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galway, constable of Scotland, Warin Fitz-Gerald, Peter Fitz-Herebert, and Hubert de Burgh, seneschal of Poitou, Hugo de Neville, Matthew Fitz-Herebert, Thomas Basset, Alan Basset, Philip de Albiney, Robert de Ropele, John Mareschall, John Fitz-Hugh, and others our liegemen; have in the first place granted to God, and by this our present charter, confirmed for us and our heirs for ever.

**II.** That the church of England shall be free, (3) and enjoy her whole rights and liberties inviolable. (4) And we will have them so to be observed; which appears from hence, that the freedom of elections, which was reckoned most necessary for the church of England, of our own free will and pleasure we have granted and confirmed by our charter, and obtained the confirmation of from Pope Innocent the Third, before the discord between us and our barons, which charter we shall observe, and do will it to be faithfully observed by our heirs for ever.

**III** We have also granted to all the freemen of our kingdom, for us and our heirs for ever, all the under-written liberties, to have and to hold them and their heirs, of us and our heirs. If any of our earls; (5) or barons, or others, who hold of us in chief by military service, shall die, and at the time of his death his heir shall be of full age, and owe a relief, he shall have his inheritance by the ancient relief; (6) that is to say, the heir or heirs of an earl, for a whole earl's barony, by a hundred pounds; the heir or heirs of a barony, for a whole barony, by an hundred pounds; (7) the heir or heirs of a knight, for a whole knight's fee, by an hundred shillings at most; and he that oweth less shall give less, according to the ancient custom of fees.

(a) [His lord shall not have the wardship of him, nor his land, before he hath received his homage; and after such heir shall be in ward, and shall attain to the age of one and twenty years.]

(b) [Yet so, that if he be made a knight (10) while he is under age, nevertheless the lands shall remain in the custody of the lord, until the aforesaid time.]

(c) [Upon the estate.]

(d) [And all these things shall be observed in the custodies of vacant archbishoprics, bishoprics, abbies, priories, churches and dignities which appertain to us; except that these wardships are not to be sold.]

(e) [If it was not assigned before, or unless the house shall be a castle; and if she departs from the castle; there shall forthwith be provided for her a complete house, in which she may decently dwell, till her dower be to her assigned, as hath been said; and she shall in the mean time have her reasonable Estover, (i. e. competent maintenance) out of the common [revenue.] And there shall be assigned to her for

her dower, the third part of her husband's lands which were his in his life time, except she were endowed with less at the church door.]

(a) [And that the debtor be ready to satisfy it.]

(b) [Or will not discharge it when he is able.]

c [And barons of the Cinque ports (4).]

(d) 24. [Assizes of Darreine Presentment to churches shall be always taken before the justiciaries of the bench.]

(e) [Of any other than our own.]

**IV.** But if the heir of any such shall be under age, and shall be in (8) ward (a), when he comes of age, he shall have his inheritance without relief or without fine. (b)

**V.** The warden of the land of such heir, who shall be under age, shall take of the land of such heir only reasonable issues, reasonable customs, and reasonable services; (9) and that without destruction and waste of men or things: (c) and if we shall commit the guardianship of those lands to the sheriff, or any other who is answerable to us for the issues of the land; and if he shall make destruction and waste upon the ward-lands, we will compel him to give satisfaction, and the land shall be committed to two lawful and discreet tenants of that fee, who shall be answerable for the issues to us, or to him whom he shall assign. And if he shall give or sell the wardship of any such lands to any one, and he makes destruction or waste upon them, he shall lose the wardship, which shall be committed to two lawful and discreet tenants of that fee, who shall in like manner be answerable to us, as hath been said.

**VI.** But the warden, so long as he shall have the wardship of the land, shall keep up and maintain the houses, parks, warrens, ponds, mills, and other things pertaining to the land, out of the issues of the same land; and shall restore to the heir, when he comes of full age, his whole land stocked with ploughs and carriages, according as the time of wainage shall require, and the issues of the land can reasonably bear. (d)

**VII.** Heirs shall be married without disparagement, (11) so as that before matrimony shall be contracted, those who are nearest to the heir in blood shall be made acquainted with it.

**VIII.** A widow, after the death of her husband, shall forthwith, and without any difficulty have her marriage, (12) and her inheritance; nor shall she give any thing for her dower, or her marriage, or her inheritance, which her husband and she held at the day of his death: and she may remain in the capital messuage or mansion-house of her husband, forty days after his death: within which term her dower shall be assigned. (e)

**IX.** No widow shall be distrained (13) to marry herself so long as she has a mind to live without a husband. But yet she shall give security that she will not marry without our assent, if she holds of us; or without the consent of the lord of whom she holds, if she holds of another.

**X.** Neither we nor our bailiffs (1) shall seize any land (2) or rent for any debt, so long as there shall be chattles of the debtor's upon the premises, sufficient to pay the debt. (a) Nor shall the sureties of the debtor be distrained, so long as the principal debtor is sufficient for the payment of the debt.

**XI.** And if the principal debtor fail in the payment of the debt, not having wherewithal to discharge it, (b) then the sureties shall answer the debt, and if they will, they shall have the lands

and rents of the debtor, until they shall be satisfied for the debt which they paid for him; unless the principal debtor can show himself acquitted thereof, against the said suretie.

**XII.** [If any one have borrowed any thing of the Jews more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold: and if the debt falls into our hands, we will take only the chattle mentioned in the charter or instrument.]

**XIII.** [And if one shall die indebted to the Jews, his wife shall have her dower, and pay nothing of that debt; and if the deceased left children under age, they shall have necessaries provided for them according to the tenement (or real estate) of the deceased, and out of the residue the debt shall be paid; saving however the service of the lords. In like manner let it be with the debts due to other persons than Jews.]

**XIV.** No Scutage (3) or aid shall be imposed in our kingdom, unless by the Common Council of our kingdom, except to redeem our person, and make our eldest son a knight, and once to marry our eldest daughter; and for this there shall only be paid a reasonable aid.

**XV.** [In the like manner it shall be concerning the aids of the city of London; and] the city of London shall have all its ancient liberties and free customs, as well by land as by water.

**XVI.** Furthermore, we will and grant that all other cities and boroughs, and towns, (c) and ports, shall have all their liberties and free customs; and shall have the Common Council of the kingdom concerning the assessment of their aids, (5) except in the three cases aforesaid.

**XVII.** [And for the assessing of Scutages we shall cause to be summoned the archbishops, bishops, abbots, earls, and great barons of the realm singly by our letters.]

**XVIII.** [And furthermore, we shall cause to be summoned in general by our sheriffs and bailiffs, all others who hold of us in chief, (6) at a certain day, that is to say, forty days (before their meeting) at least, to a certain place; and in all letters of such summons, we will declare the cause of the summons.]

**XIX.** [And summons being thus made, the business shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned come not.]

**XX.** We will not for the future grant to any one, that he may take aid of his own free-tenants, unless to redeem his body; and make his eldest son a knight, and once to marry his eldest daughter; and for this there shall only be paid a reasonable aid.

**XXI.** No man shall be distrained to perform more service for a knight's fee, or other free tenement, than his due from thence.

**XXII.** Common pleas, (7) shall not follow our court, but shall beholden in some certain place: trials upon the writs of Novel Disseisin, and of Mort d'Ancestor, and of Darreine Presentment, (8) shall be taken but in their proper counties and after this manner: We, or (if we shall be out of the realm) our chief justiciary, shall send two justiciaries through every county four times a year; who with the four knights chosen out of every shire, by the people, shall hold the said assizes in the county, on the day, and at the place, appointed. (9)

**XXIII.** And if any matters cannot be determined on the day appointed to hold the assizes in each county, so many of the knights and freeholders as have been at the assizes aforesaid, shall be appointed to decide them, as is necessary, according as there is more or less business. (d)

**XXIV.** A free-man (10) shall not be amerced for a small fault, but according to the degree of the fault; and for a great crime, in proportion to the heinousness of it, saving to him his contenment,(11) and after the same manner a merchant, saving to him his merchandise.

**XXV.** And a villain (e) shall be amerced after the same manner, saving to him his wainage, (12) if he falls under our mercy; and none of the aforesaid amerciamento (1) shall be assessed but by the oath of honest men of the neighbourhood. (A)

**XXVI.** Earls and barons shall not be amerced but by their peers, (2) and according to the quality of the offence.

**XXVII.** No ecclesiastical person shall be amerced, but according to the proportion aforesaid, and not according to the value of his ecclesiastical benefice.

**XXVIII.** Neither a town, nor any person, shall be destreined to make bridges over rivers, unless that anciently and of right they are bound to do it. (b)

**XXIX.** No sheriff; constable, (3) coroners, or other our bailiff, shall hold pleas of the crown.

**XXX.** [All counties, hundreds, wapentakes, and trethings, shall stand at the old ferm, without any increase, except in our demesne lands.]

**XXXI.** If any one that holds of us a lay-fee, dies, and the sheriff our bailiff show our letters patent of summons concerning the debt, due to us from the deceased; it shall he lawful for the sheriff or our bailiff to attach and register the chattels of the deceased found upon his lay-fee, to the value of the debt, by the view of lawful men, so as nothing be removed until the whole debt be paid; and the rest shall be left to the executors to fulfil the will of the deceased: and if there be nothing due from him to us, all the chattels shall remain to the deceased, saving to his wife and children their reasonable shares.

**XXXII.** [If any freeman dies intestate, his chattels shall be distributed by the hands of his nearest relations and friends by view of the church, saving to every one his debts, which the deceased owed.]

**XXXIII.** No constable or bailiff of ours shall take corn or other chattels of any man, (c) unless he presently gives him money for it, or hath respite of payment from the seller. (D)

**XXXIV.** No constable shall destrein any knight to give money for castle-guard, if he himself shall do it in his own person, or by another able man, in case he shall be hindered by any reasonable cause.

**XXXV.** And if we shall lead him, or if we shall send him into the army, he shall be free from castle-guard, for the time he shall be in the army, by our command. (e)

**XXXVI.** No sheriff or bailiff of ours, or any other, shall take horses or carts of any for carriage. (f)

**XXXVII.** Neither shall we or our officers or others, take any man's timber for our castles, or other uses, unless by the consent of the owner of the timber. (g)

**XXXVIII.** We will retain the lands of those that are convicted of felony but one year and a day, and then they shall be delivered to the lord of the fee.

**XXXIX.** All wares for the time to come shall be demolished in the rivers of Thames and Medway, and throughout all England, except upon the sea-coast.

**XL.** The writ, which is called Principe, (4) for the future, shall not be granted to any one of any-tenement, whereby a free-man may lose his cause.

**XLI.** There shall be one measure of wine and one of ale, through our whole realm, and one measure of corn; that is to say, the London-quarter; and one breadth of dyed cloth and Russets and Haberjects, (5) that is to say, two ells within the list; and the weights shall be as the measures.

From henceforward nothing shall be given or taken for a writ of inquisition, (6) from him that desires an inquisition of life or limbs, but shall be granted gratis, and not denied.

**XLIII.** If any one holds of us by fee-farm, or socage, or burgage, (7) and holds lands of another by military service, We will not have the wardship of the heir or land, which belongs to another man's fee, by reason of what he holds of us by fee-farm, socage or burgage: nor will we have the wardship of the fee-farm, socage or burgage, unless the fee-farm is bound to perform military service.

**XLIV.** We will not have the wardship of an heir, nor of any land, which he holds of another by military service, by reason of any Petit-Serjeantry he holds of us, as by the service of giving us daggers, arrows, or the like.

**XLV.** No bailiff for the future shall put any man to his law, (8) (h) upon his single accusation, without credible witnesses produced to prove it.

**XLVI.** No freeman shall be taken, or imprisoned, or disseised, or outlawed, or banished, or any ways destroyed nor will we pass upon him, or commit him to prison, unless by the legal judgment of his peers, or by the law of the land.(9)

**XLVII.** We will sell to no man, we will deny no man, or defer right nor justice.

**XLVIII.** All merchants (k) shall have safe and secure conduct to go out of, and to come into England; (10) and to stay there, and to pass, as well by land as by water; to buy and sell by the ancient and allowed customs, without any evil tolls, except in time of war, or when they shall be of any nation in war with us.

**XLIX.** And if there shall be found any such in our land in the beginning of a war, they shall be attached, without damage to their bodies or goods, until it may be known unto us, or our chief justiciary, how our merchants be treated in the nation at war with -us; and if ours be safe there, they shall be safe in our land.

**L.** [It shall be lawful for the time to come, for any one to go out of our kingdom, and return safely and securely by land or by water, saving his allegiance to us; unless in time of war by some short space for the common benefit of the kingdom, except prisoners and outlaws, (according to the law of the land,) and people in war with us, and merchants who shall be in such condition as is above-mentioned.]

**LI.** If any man hold of any escheat, as of the honour of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hands, and are baronies, and dies, his heir shall not give any other relief, or perform any other service to us than he would to the baron, if the barony were in possession of the baron; we will hold it after the same manner the baron held it: (l)

**LII.** [Those men who dwell without the forest, from henceforth shall not come before our justiciaries of the forest upon summons, but such as are, or are pledges for any that were attached for something of the forest] (m).

**LIII.** We will not make any justiciaries, constables, sheriffs, or bailiffs, but what are knowing in the law of the realm, and are disposed- duly to observe it.

- a) [Of the county.]
- b) [No river for the future shall he imbanked but what was imbanked in the time of king Henry our grandfather.]
- c) [Who is not of the town where the castle is.]
- d) [But if he be of the same town, he shall pay him within forty days.]
- e) [For the fee, for which he did service in the army.]
- f) [Without paying according to the rate anciently appointed, that. is to say; for a cart and two horses, ten pence a day; and for a cart with three horses fourteen pence a day.]
- g) [No demesne cart of an ecclesiastical person, or knight, or any lady, shall be taken by our officers.]
- h) [Nor to an oath.]
- i) [Of his free-hold or liberties, or free-customs.]
- (k) [Unless they be publicly prohibited.]
- l) [Nor will we by reason of such barony or escheat, have any escheat or wardship of any of our men, unless he that held the barony or escheat, held of us in chief elsewhere.]
- (m) 59. [No county-court for the future shall be holden, but from month to month; and where there used to be a greater interval, let it be continued. 60. Neither any sheriff; nor his bailiff. shall keep his turn in, the hundred oftener than twice in a year, end only in the accustomed place; that is, once after Easter, and once after Michaelmas; and the view of frank-pledge shall. be held after Michaelmass, without occasion, (II) and so that every one shall have his liberties, which he had and was wont to have in the time of king Henry our grandfather, or such as he obtained afterwards. 61. But the view of frank-pledge shall be so made, that our peace may be kept, and that the tything be full, as it was wont to be. 62. And the sheriffs shall not seek occasions, (12) but shall be content with what the sheriff was wont to have for making his view in the time of king Henry our grandfather. 63. For the time to come it shall not be lawful for any man to give his land to a religious house, so as to take it again, and hold it of that house. 64. Nor shall it be lawful for any religious house to receive land, so as to grant it to him again of whom, they received it, to hold of him. If any man for the future shall so give his land to a religious house, and be convicted thereof, his gift shall be void, and the land shall be forfeited to the lord of the fee (13) 65. Scutage for the future shall not be taken as it was used to be taken in the time of king Henry our grandfather; [and that the sheriff shall oppress no man, but be content with what he was wont to have.] 66. Saving to the archbishops, bishops, abbots, priors, templars, hospitallers, earls, barons, knights, and all others, as well ecclesiastics as seculars, the liberties and free customs which they had before, these being witnesses, &c.

**LIV.** All barons, who are founders of abbies, and have charters of the kings of England for the advowson, or are entituled to it by ancient tenure, may have the custody of them, when void, as they ought to have.

**LV.** All woods that have been taken into the forest,(a) in our own time, shall forthwith be laid out again,(b) and the like shall be done with the rivers that have been taken or fenced in by us, during our reign.

**LVI.** All evil customs concerning forests, warrens, and foresters, warreners, sheriffs, and their officers, rivers and their keepers, shall forthwith be enquired into in each county, by twelve knights of the same shire chosen by the most creditable persons in the same county, and upon

oath; and, within forty days after the said inquest, be utterly abolished, so as never to be restored  
(c)

**LVII.** We will immediately give up all hostages and engagements, delivered unto us by our English subjects, as securities for their keeping the peace, and yielding us faithful service.

**LVIII.** We will entirely remove from our bailiwics the relations of Gerard de Athyes, so as that for the future they shall have no bailiwick in England. We will also remove Engelard de Cygony, Andrew, Peter and Gyon de Canceles, Gyon de Cygony, Geoffrey de Martyn and his brothers, Philip Mark, and his brothers, and his nephew Geoffrey, and their whole retinue.

**LIX.** And as soon as peace is restored, we will send out of the kingdom all foreign soldiers, crossbowmen, and stipendiaries, who are come with horses and arms, to the injury of our people.

**LX.** If any one hath been dispossessed, or deprived by us without the legal judgment of his peers, of his lands, castles, liberties, or right, we will forthwith restore them to him; and if any dispute arises upon this head, let the matter be decided by the five and twenty barons hereafter mentioned, (1) for the preservation of the peace.

**LXI.** As for all those things, of which any person has, without the legal judgment of his peers, been dispossessed or deprived, either by king Henry our father, or our brother king Richard, and which we have in our hands, or are possessed by others, and we are bound to warrant and make good, we shall have a respite, till the term usually allowed the croises; excepting those things about which there is a suit depending, or whereof an inquest hath been made by our order, before we undertook the crusade. But when we return from our pilgrimage, or if we do not perform it, we will immediately cause full justice to be administered therein.

**LXII.** The same respite we shall have for disafforesting the forests, which Henry our father, or our brother Richard have afforested; and for the wardship of the lands which are in another's fee, in the same manner as we have hitherto enjoyed those wardships, by reason of a fee held of us by knight's service; and for the abbies founded in any other fee than our own, in which the lord of the fee claims a right: and when we return from our pilgrimage, or if we should not perform it, we will immediately do full justice to all the complainants in this behalf.

**LXIII.** No man shall be taken or imprisoned, upon the appeal of a woman, for the death of any other man than her husband.

**LXIV.** All unjust and illegal fines, and all amerciements imposed unjustly, and contrary to the law of the land, shall be entirely forgiven, or else be left to the decision of the five and twenty barons hereafter mentioned for the preservation of the peace, or of the major part of them, together with the foresaid Stephen archbishop of Canterbury, if he can be present, and others whom he shall think fit to take along with him and if he cannot be present, the business shall notwithstanding go on without him. But so that, if one or more of the foresaid five and twenty barons be plaintiffs in the same cause, they shall be set aside, as to what concerns this particular affair; and others be chosen in their room out of the said five and twenty, and sworn by the rest to decide that matter.

**LXV.** If we have disseised or dispossessed the Welsh of any lands, liberties, or other things, without the legal judgment of their peers, they shall immediately be restored to them. And if any dispute arises upon this head, the matter shall be determined in the marches, by the judgment of their peers: for tenements in England according to the law of England : for tenements in Wales according to the law of Wales : the same shall the Welsh do to us and our subjects.

**LXVI.** As for all those things, of which any Welshman hath, without the legal judgment of his peers, been disseised or deprived, by king Henry our father, or our brother king Richard, and

which we either have in our hands, or others are possessed of, and we are obliged to warrant it; we shall have a respite till the time generally allowed the croises: excepting those things about which a suit is depending, or whereof an inquest has been made by our order, before we undertook the crusade. But when we return, or if we stay at home and do not perform our pilgrimage, we will immediately do them full justice according to the laws of the Welsh, and of the parts aforementioned.

**LXVII.** We will without delay dismiss the son of Lewelin, and all the Welsh hostages, and release them from the engagements they entered into with us for the preservation of the peace.

**LXVIII.** We shall treat with Alexander king of Scots, concerning the restoring of his sisters and hostages, and his right and liberties, in the same form and manner as we shall do to the rest of our barons of England; unless by the engagements which his father William late king of Scots hath entered into with us it ought to be otherwise; and this shall be left to the determination of his peers in our court.

**LXIX.** All the aforesaid customs and liberties which we have granted, to be holden in our kingdom, as much as it belongs to us towards our people; all our subjects, as well clergy as laity, shall observe as far as they are concerned, towards their dependents.

**LXX.** And, whereas for the honour of God, and the amendment of our kingdom, and for quieting the discord that has arisen between us and our barons, we have granted all the things aforesaid; willing to render them firm and lasting, we do give and grant our subjects the following security; namely, that the barons may chuse five and twenty barons of the kingdom, whom they think convenient, who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them, and by this our present charter confirmed. So as that, if we, our justiciary, our bailiffs or any of our officers, shall in any case fail in the performance of them, towards any person; or shall break through any of these articles of peace and security, and the offence is notified to four barons, chosen out of the five and twenty aforementioned, the said four barons shall repair to us, or our justiciary if we are out of the realm, and laying open the grievance, shall petition to have it redressed without delay; and if it is not redressed by us, or, if we should chance to be out of the realm, if it is not redressed by our justiciary within forty days, reckoning from the time it has been notified to us, or to our justiciary if we should be out of the realm; the four barons aforesaid shall lay the cause before the rest of the five and twenty barons; and the said five and twenty barons, together with the community of the whole kingdom, shall distrain and distress us all the ways possible; namely, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person, and the person of our queen and children; and when it is redressed, they shall obey us as before.

**LXXI.** And any person whatsoever in the kingdom may swear, that he will obey the orders of the five and twenty barons aforesaid, in the execution of the premisses, and that he will distress us, jointly with them to the utmost of his power; and we give public and free liberty to any one that will swear to them, and never shall hinder any person from taking the same oath.

**LXXII.** As for all those of our subjects, who will not, of their own accord, swear to join the five and twenty barons, in distreining and distressing us, we will issue our order to make them take the same oath, as aforesaid.

**LXXIII.** And if any one of the five and twenty barons dies, or goes out of the kingdom, or is hindered any other way, from putting the things aforesaid in execution, the rest of the said five and twenty barons may chuse another in his room, at their discretion, who shall be sworn in like manner, as the rest.

**LXXIV.** In all things .that are committed to the charge of these five and twenty barons, if, when they are all assembled together, they should happen to disagree about any matter; or some of them, when summoned, will not, or cannot come, whatever is agreed upon or enjoined by the major part of those who are present, shall be reputed as firm and valid, as if all the five and twenty had given their consent, and the foresaid five and twenty shall swear, that all the premisses they shall faithfully observe, and cause with all their power to be observed.

**LXXV.** And we will not, by ourselves, or others, procure any thing, whereby any of these concessions and liberties be revoked, or lessened; and if any such thing be obtained, let it be null and void; neither shall we ever make use of it, either by ourselves, or any other.

**LXXVI.** And all the ill will, anger, and malice, that hath arisen between us and our subjects, of the clergy and laity, from the first breaking out of the dissension between us, we do fully remit, and forgive. Moreover all trespasses occasioned by the said dissension, from Easter in the sixteenth year of our reign, till the restoration of peace and tranquillity, we hereby entirely remit to all, clergy as well as laity, and, as far as in us lies, do fully forgive.

**LXXVII.** We have moreover granted them our letters patent, testimonial of Stephen lord archbishop of Canterbury, Henry lord archbishop of Dublin, and the bishops aforesaid, as also of master Pandulph, for the security and concessions aforesaid.

**LXXVIII.** Wherefore we will and firmly enjoin, that the church of England be free, and that all men in our kingdom, have and hold, all the foresaid liberties, rights, and concessions, truly and peaceably, freely and quietly, fully and wholly, to themselves and their heirs, of us and our heirs, in all things and places for ever, as is aforesaid.

**LXXIX.** It is also sworn, as well on our part, as on the part of the barons, that all the things aforesaid shall faithfully and sincerely be observed.

(a) [By king Richard our brother.]

(b) [Unless they were our demesne woods.]

(c) 51. [No freeman for the future shall give or sell any more of his land, but so that out of the residue, the service due to the lord of the fee may be sufficiently performed.]

Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runingmede, between Windelesore and Stanes, the 15th day of June, in the 17th year of our reign.

## **Notes to Chapter 1**

1.) King Henry his father, first of the Plantagenets, gave him the nickname of Lack-Land, because he left him in his will no lands nor inheritance, but recommended him to be provided for by his elder brother.

2.) On April 25. He was girt with the sword of that dukedom (as M. Paris expresses it) in the cathedral of Rouen; and the archbishop put on his head a golden circle, or coronet, adorned all round with golden roses, curiously wrought.

3.) He landed at Shoreham in Sussex, May 25, and came the next day to London, to be crowned.

4.) He sailed from Shoreham, June 19, with a numerous army.

5.) Philip, earl of Flanders, entered here into a treaty with him.

6.) Daughter of Alphonsus VIII. and Eleanor daughter of Henry II.

7.) They were crowned, October 8.

8.) A. D. 1201

9.) This year Walter de Lacy, a powerful nobleman in Ireland, under pretence of holding a conference with John de Curci earl of Ulster, fell upon him, killed numbers of his men, and pursued him; the earl, in his flight, being invited by Hugh, brother to Walter de Lacy, to take shelter in his castle, was there detained prisoner. But his adherents wasted the lands of Walter and Hugh de Lacy, till the earl was released. However, on Good Friday following, when the same earl was going, unarmed and barefoot in pilgrimage, to a church, he was treacherously taken prisoner by his own people for a sum of money, and delivered to Hugh de Lacy, by whom he was sent prisoner to king John: who thereupon bestowed on this Hugh de Lacy the earldom of Ulster, and lordship of Connaught, which belonged to John de Curci, having been conquered by him; in the reign of Henry II.

10.) A. D. 1202.

11.) She was called the beauty of Bretagne. M. Paris says, most of the nobility of Poictou and Anjou were made prisoners in this battle. Two and twenty of them were imprisoned in Corfe Castle, and there starved to death.

12.) The Ann. Margan. say, that his body was found by fishermen, and privately buried in the monastery of St. Mary des prez.

13.) D'Argentre gives this account of Arthur's death. John leading his nephew after him, like a lamb to the slaughter, brought him from Rouen to Cherbourg, for more privacy and better opportunities to dispatch him. There, late in the evening, followed only by a few, he got on horseback, making the prince ride before him. Then leaving his attendants behind, he went on along the coast, till he had found a place fit for his purpose, which was a high cliff hanging over the sea. Being got there with the prince, he spurred his horse up to him, and with his sword ran him through the body, the poor prince crying in vain for mercy. That done, he pulled him to the ground, and dragging him by the feet to the brink of the precipice, flung him into the sea, not being yet quite dead, nor was the body ever seen afterwards.

14.) P. Æmilius, in his life of Philip, has recorded the sentence to this effect: that John duke of Normandy, being unmindful of his oath to Philip his lord, had murdered his elder brother's son, an homager to the crown of France, within the seigneur of that kingdom; whereupon he is judged a traitor, and as an enemy to the crown of France, to forfeit all his dominions which he held by homage, and that reentry be made by force of arms.

15.) This year king John caused the following assize of bread to be proclaimed through the whole kingdom. It was to be so, as that the bakers might gain in every quarter three-pence, besides the bran, and two loaves at the oven; with the following allowances: for four servants, two-pence; for two boys, a farthing; for salt, a half-penny; for yeast, a half-penny; for candle, a farthing; for wood, three farthings; for boulding, a half-penny. Then follows the assize. When wheat is sold for six shillings the quarter, then a farthing white loaf, well baked, shall weigh sixteen shillings; and a brown one of the same price twenty four shillings. At five shillings and six-pence a quarter, the farthing white loaf shall weigh twenty shillings, and the brown twenty-eight shillings.

At five shillings, the-white twenty-four shillings, the brown thirty-two shillings.

At four shillings and sixpence, the white thirty-two shillings, the brown forty-two shillings.

At four shillings, the white thirty-six shillings, the brown forty-six shillings.

At three shillings and six-pence, the white forty-two shillings, the brown fifty-four shillings.

At three shillings, the white forty-eight shillings, the brown sixty-four shillings.

At two shillings and six-pence, the white fifty-four shillings, the brown seventy-two shillings.

At two shillings, the white sixty-two shillings, the brown four pounds.

At eighteen-pence, the white seventy-seven shillings, the brown four pounds eight shillings.

The reader, to have a correct view of these weights, is to take notice, that silver was then put at twenty-pence an ounce, every pound being at that time a pound weight (whereas now every pound of silver makes about three pounds twelve shillings sterling:) and, accordingly, the weight of every shilling was then the twentieth part of a pound.

16.) M. Paris says, he continued at Caen, feasting magnificently with his new queen, and lying in bed with her every day till noon.

17.) It was defended by Hugh or Roger de Lacy, constable of Chester; who signalised himself in the defence of it. King Richard built it on the rock of Andell, on the Seine.

18.) A. D. 1204.

19.) This was the brave John de Curcy, who, in the year 1177, conquered the kingdom of Ulster in Ireland, and who had been treacherously taken prisoner, as is related in a preceding note.

20.) It is related of this same Earl of Ulster, that afterwards being in France in the English army, Philip, at a conference with John, desired to see some trial of his strength. The earl being come into the presence of the two kings, ordered a large stake to be fixed in the ground, on which was placed a helmet. Then looking round with a menacing aspect, he cut the helmet in two pieces with his sword. The blow was so violent, that the sword stuck so fast in the stake, that none but himself could remove it. Philip asking him, why he looked round so fiercely, he made answer, that in case he had missed his blow, he would have cut off the heads of all the spectators, that no man living might be witness of his shame.

22.) It had been governed by twelve dukes of the Norman race (of which king John was the last) for the space of three hundred and-twenty years.

23.) This year died Peter of Colechurch, who began to build London bridge with stone, and was buried in the chapel upon that bridge.

24.) 1206.

25) It must be observed, that apostolic letters are of two sorts. Some are called briefs, because comprised in a compendious way of writing, and are sealed on wax only, *Cum annulo piscatoris*, that is, with the impression of a signet ring, which the Romanists believe to be the seal of St. Peter the fisherman. The other sort are called bulls, from the leaden bully hanging thereon. Bulla is thought among the ancients to be a golden badge, which persons that jumped over their enemies wore on their breasts like a medal, and it came afterwards to signify a deed, instrument, or wilting described on parchment or vellum, with a piece of lead hanging thereto by a string, and such writing is called a bull, from the lead annexed to it. On this label of lead, the heads of the two apostles St. Peter and St. Paul are impressed from the papal seal, which being affixed to the Pope's letters, they are said to be completely finished. And because they carried the papal thunder of excommunication along with them for non-payment of the Pope's dues, they became a terror to weak people for some ages, till at length from their frequent demands, these fulminations were turned into ridicule. and as they were called bull beggars, they were used as words of scorn and contempt, to frighten children with. Eybenins Cherubinus has made a collection (1638) of these bulls in six folios, which gives a full view of the wonderful craft of the hierarchy, in raising such a structure of power and iniquity.

26) Fulk de Cantelou, and Henry de Cornebelle.

27.) By God's teeth, his usual oath.

28.) He was born at Winchester, October 1. 1207.

- 29.) This year also the king issued a proclamation at Bristol, forbidding the taking of all sorts of feathered game throughout England.
- 30.) This was the first edict of this kind ever made, an unlucky accident happened at this time, which was a great Prejudice to Oxford, and serves to show the flourishing condition of that University in those days, A certain clerk having by chance killed a woman, made his escape. The mayor coming to his lodging, found three other clerks that lived in the same house which they had been no more spared than the archdeacon of Norwich. But, the king, seeing all he could do, seized his revenues. The prelate was unconcerned, plainly foreseeing that hired together. These being seized, were a few days after by the king's orders hanged up, in contempt of the ecclesiastical liberty; upon which near three thousand scholars left that University; some going to Cambridge, others to Reading.
- 31.) He made all the freeholders in England, from twelve years old and upwards, renew their homage.
- 32.) London, Ely and Worcester, who were to have it published every Sunday and holiday in all the churches throughout England.
- 33.) This year the king sent commissioners to Canterbury, to meet the bishops of London, Ely and Worcester; who came to treat of a reconciliation between him and Langton; hut when matters were nearly adjusted, the treaty broke off, and so nothing was brought to a conclusion.
- 34.) **M. Paris says, the Jews of both sexes were seized all over England,** and cruelly treated, till they would ransom themselves according to the king's pleasure. Among the rest, a Jew at Bristol, though cruelly tormented, refusing to ransom himself, the king ordered that his tormenters should every day pull out one his cheek teeth, till he would pay down ten thousand marks. Accordingly they pulled out seven in as many days, but on the eighth day he relented, and so with the loss of seven teeth, parted with the ten thousand marks to save the rest. King John got from the Jews about sixty thousand marks.
- 35.) At Pembroke, and arrived at Dublin, June 6. He returned to England, August 20.
- 36.) John de Grey, who caused the money to be coined of the same weight and fineness as in England; that the like money might be common in both kingdoms. He left there William Mareschal, as lieutenant.
- 37.) Pandulph a sub-deacon, and Durand a knight templar. They met the king at Northampton, on his return from his expedition into Wales.
- 38.) This year also, on July 10, great part of London was burnt down: the fire began in Southwark, and having consumed the church of St. Mary Overy, went on to the bridge; and whilst great numbers of people ran, some to behold, others to quench the flames, the houses on the other end of the bridge took fire; so that the multitudes being thus enclosed, many were forced to leap into the Thames, whilst others crowded into the boats that came to their relief, and were the cause of their own destruction, the boats and people sinking together; so that what with the fire and what with the water, near three thousand persons perished by this unfortunate accident, which happened on the tenth of July.
- 39.) Sixteen of the chief earls and barons of the kingdom, swore on John's behalf, that they would do their utmost to compel him to keep what he had agreed to, if he should happen to depart from it.
- 40.) The bishops of London, Ely, Hereford, Bath, and Lincoln, are mentioned by name, as are Robert Fitz-Walter, and Eustace de Vescie, who had withdrawn from the king into France.

41.) And carried with him eight thousand pounds to be distributed, by way of restitution, among the archbishop, the bishops, and others that had been banished.

42.) Especially as he had spent above sixty thousand pounds in his preparations.

43.) After having appointed the bishop of Winchester, and Geoffrey Fitz-Peter regents of the kingdom.

44.) This year died Geoffrey Fitz-Peter, judiciary of England. He was a generous and learned man, and the main support of the kingdom; so that at his death England became like a ship without a rudder. He had the chief hand in the management of all affairs, and was more feared, than loved by the king. When news were brought to king John of his death, he said, "Now I shall be King and Lord of England."

45.) He embarked, with his queen, at Portsmouth, Feb. 2

46.) This famous battle was fought on the 27th of July, between Tournay and Lisle. Though the allies, viz. the emperor Otho, Ferdinand earl of Flanders, with the dukes of Lovaine and Brabant, had no less than a hundred and twenty thousand men, and though the king of France had not near so many, and was moreover thrown off his horse and trodden under foot, yet at length he entirely vanquished his enemies. Otho was put to flight, and died some time after with grief; five earls were taken prisoners, one of which was William Long-Sword; king John's base brother. No prince after that dared to withstand Philip.

47.) He returned to England, October 20.

48.) Matthew Paris says, the archbishop of Canterbury, the bishop of Ely, and William earl Marshal were sureties for the king, that on the day appointed he would give them satisfaction.

49.) About the same time also the king granted a charter for the freedom of elections to bishoprics and abbies, to chuse their bishops and abbots, without any letters of nomination or recommendation from the king, which was contrary to the usage of his ancestors. So that the nominating to abbies, deves and chapters, fit persons to be elected bishops, was never after fully restored to the crown till the 25th of Henry VIII. The castle was put into their hands by William Beauchamp the owner.

50.) Between Staines and Windsor. Runnemedede, says M. West, signifies the mead of council, because from ancient times treaties concerning the peace of the kingdom had been often held there. Both parties met on the 5th of June, and pitched their tents asunder in the meadow. On the king's side appeared the archbishops of Canterbury and Dublin, with the bishops of London, Winchester, Lincoln, Bath, Worcester, Coventry, and Rochester; Pandulph the Pope's legate, and Almeric, master of the knight's templars in England. And of the laity, William Marshall earl of Pembroke, the earls of Salisbury, Warren, and Arundel; with the barons, Alan de Galloway, William Fitz-Gerald, Peter and Matthew Fitz Herbert, Thomas and Alan Basset, Hugh de Nevil, Hubert de Burgh, seneschal of Poictou, Robert de Roppeley, John Marshall, and Philip de Albiney. As for those on the barons' side, they were scarcely to be numbered. The chief was Robert Fitz-Walter the general.

51.) By another agreement, printed in Dr. Brady's appendix, the city of London was to remain in the hands of the barons mentioned in the note above, till the 15<sup>th</sup> of August that year, and that the archbishop should hold the Tower for the same term.

52.) He ordered that those foreign troops should be at Dover by Michaelmas. Mat. Paris says, the king counterfeited the bishops seal, and wrote in their names to all nations, saying, that all

the English were become apostates; and whoever would invade them, the king, with the consent of the Pope and bishops, would give them the lands of those apostates.

**53.)** He marched through St. Albans, to Dunstable, Northampton, and Nottingham; whilst William earl of Salisbury, and Falcasius with an army of foreigners, ravaged Essex, Hertford, Middlesex, Cambridge, and Huntingdonshire. But in return for these outrages, a strong party of the barons spoiled and ravaged the counties of Cambridge, Norfolk, Suffolk, Essex, and Hertford; or those parts of them at least, that belonged to the king's adherents.

**54.)** Under the command of the castellan of St. Omers, the castellan of Arras, Hugh Chacun, Eustace de Neville, Giles de Melun, Baldwin Bretel, William de Wimes. William de Beaumont, Giles de Hersi, and Bisec de Fersi; who came up the Thames to London on the 27th of February. Some of the English barons holding a tournament with these French noblemen, one of them mortally wounded Geoffrey de Mandeville earl of Essex, to the great grief of his party.

**55.)** Hugh de Neville surrendered to him the castle of Marlborough; and William de Mandeville, Robert Fitz-Walter, and William de Huntingfield reduced Essex and Suffolk to his obedience. In the mean time king John furnished the castles of Wallingford, Corfe, Warham, Bristol, the Devises, &c. with arms and provisions.

**56.)** Lewis marched through the eastern parts of England, and spoiled Essex, Suffolk, and Norfolk, seized upon the castle of Norwich, reduced Lynn, and made all those counties tributary. Gilbert de Gaunt surrendered Lincolnshire to him; and took Lincoln.

**57.)** He also subdued Northumberland for Lewis.

**58.)** From thence he advanced towards the confines of Wales where he took and razed the castles belonging to the barons that sided with Lewis.

**59.)** The. washes between a place called the cross keys in Norfolk, and Forsdike in Holland in Lincolnshire.

**60.)** And also attended with a flux.

**61.)** His tomb of grey marble is placed between the choir and the high altar: the figure of the king as big as the life, and the bishops, St. Oswald and St. Wulstan, at his head in little, with their censers in their hands, are carved in stone, which seems to be as ancient as the time of Henry III. But the altar-tomb on which it is placed is of a modern fabric. There is no inscription.

**62.)** Caxton is the first that mentions it in English, from whom Speed and Baker have borrowed it. He says, that the king hearing it said how cheap corn then was, answered, He would ere long make it so dear, that a penny-loaf should he sold for a shilling. At which a monk there present took such indignation, that he went and put the poison of a toad into a cup of wine, and came and drank to the king, which made him pledge him the more readily. But finding himself very much out of order upon it, he asked for the monk, and when it was told him he was dead, God have mercy upon me, (says the king) I doubted as much. But it is a very improbable story, Walter Hemingford tells it a different way; he says, The abbot persuaded the monk to poison the king, because he would have lain with his sister; and that he did it by a dish of pears which he poisoned all but three, and then presenting them to the king, he bade him taste them himself; which he did, eating only the three that he had marked; and so escaped, whilst the king was poisoned with the rest.

**63.)** King John in the year 1208, by his letters patent, granted the citizens of London liberty and authority yearly to chuse themselves a mayor, which office before continued during life. He also

gave them leave to chuse a Common-Council of the most substantial citizens; and to elect and deprive their sheriffs at pleasure.

**64.)** On consideration that they obliged themselves, and their heirs, to provide the king, upon reasonable summons, fourscore able vessels at their own charges, for the space of forty days, and after that to receive wages of the king.

**65.)** King John's natural issue were: I. Richard, who married Rohesia, heir of Fulbert de Dover, who built Chilham Castle in Kent; by her he had Lora (wife of William Marmoin, from whom are descended the Dimocks of Scrivelby in Lincolnshire, the Ferran of Tamworth and Baddesley, the Willoughbys of Wallaton, and the Astons of Staffordshire,) and Isabella, married to David de Strabolgy earl of Athol, who had with her Chilham, whose heirs general were the lord Burgh and the touches of Codnor. II. Geoffrey Fitz-Roy, who was sent over to Rochelle, and there died. III. Sir John Courcy (as says Robert the monk of Gloucester). IV. Osbert Gifford, to whom his father king John, in the seventeenth year of his reign, commanded the sheriff of Oxfordshire to deliver thirty pounds, the estate of Thomas de Ardern in that county. V. Oliver, called Olivarius frater Regis Henrici tertii, in records of Henry III. He was at the siege of Damietta, with Saher de Quincy earl of Winchester, and William de Albiney earl of Arundel, and others. VI. Joan, wife of Lewellin the great prince of North-Wales, to whom king John gave with her the lordship of Ellesmere in the Marches of Wales. She had issue by him David (who did homage to Henry III. at Westminster, 1229.) and two daughters, Wentelina, wife of Sir Reginald de Brewis, and Margaret, wife of John de Brewis, (son of the said Reginald) by whom she had William de Brewis lord of Gower, &c. from whom many noble families are descended.

**66.)** About the year 1160, one Waldo a merchant of Lyons, applying himself to the study of the scriptures, and finding there were no grounds there for several of the Romish doctrines; particularly transubstantiation, publicly opposed them. His followers, from him called Waldenses, being chased from Lyons spread over Dauphine and Provence. Upon which Philip Augustus is said, in order to stop their growth, to have raised three hundred gentlemen's seats, and destroyed several walled towns. But this, instead of decreasing their numbers, made them overspread a great part of Europe, and multiply so fast, that in less than a hundred years after Waldo, in the small bishopric of Passau alone, there were above eighty thousand. It appears from the articles of their faith, which they drew up and dedicated to the King of France, that they agreed in most points with the present protestants. In 1200, those people in the province of Albigeois in Languedoc, whence they were called Albigenses, stood upon their defence. Upon which Philip Augustus warring against them, drove them into Bohemia and Savoy, and several fled into England. The crusade against them is said to have consisted of five hundred thousand men, who wore their crosses on their breasts, in order to distinguish themselves from those that went to the Holy Land, who wore them on their shoulders.

**67)** Pope Gregory IX. was the first that set on foot this horrid tribunal, and established it at Tholouse, where it was soon pulled down. for its cruelties. Italy and Spain embraced it, but Charles V. endeavouring to set it up in the Low-Countries, lost those provinces by it. This court is in the hands of the Dominicans, and takes cognizance of Heresy, Judaism, &c. The delinquents are imprisoned in dungeons, and never see the light till they accuse themselves and their accomplices, for they never know or are confronted with their accusers. The congregation of the inquisition was established by Paul III. and confirmed by Sixtus V. It consists of twelve cardinals, and abundance of prelates and divines. The cardinals are inquisitors general, and depute substitutes in the provinces. This tribunal was never admitted into France; and, in Spain, it was solemnly abolished, by the Cortes, ix the early part of the present year, 1813.

**68.) 1.)**The notes above referred to by the letters (a and b, &c.) are such paragraphs, or articles, as occur in the Magna Charta extant in Mat. Paris, and are left out in the Cottonian copy. And whatsoever is inserted between these two marks [ ] are such clauses as were omitted in the Magna Charta of Henry III. and all the charters that followed. So that the reader hath at one view, a

faithful translation of the original, as it is extant in the Cotton library, and also in what particulars the charters in Mat. Paris, and that of Henry III. do vary from it.

**2.)** King John was the first of the kings of England, (as Sir Edward Coke observes,) that in his grants wrote in the plural number: other kings before him wrote in the singular number; they used Ego, I; and king John, and all the kings after him Nos, We. 2nd institute. p. 2 That is, all ecclesiastical persons within the realm, their possessions and goods, shall be freed from all unjust exactions and oppressions, but notwithstanding shall yield all lawful duties, either to the king, or to any of his subjects, Coke, *ibid*.

**3.)** No new rights were hereby given unto ecclesiastical persons, but such as they had before, were confirmed unto them, Coke, p. 3.

**4.)** There was never a duke, marquis, or viscount then in England. The first duke was Edward the Black Prince, who was created duke of Cornwall, in 11 Edw. III. Robert de Vere earl of Oxford was created marquis of Dublin in 8. Rich. II. The first viscount on record, and that sat in Parliament by that name, was John viscount Beaumont, created 18 Henry VI. Coke, p. 5.

**5)** For the understanding of this article, it must be observed, that when any of the king's tenants in chief died, the king, as guardian to his heir, seized his lands; which remained in his hands, till the heir was of age. But when the heir came to be twenty one years old, he could sue to have his estates, upon doing homage to the king, and paying a certain composition called relief, which at first was settled, according to every man's degree, from an earl to a farmer. But it seems, that sometimes before king John's reign, there had been a heavy encroachment of an uncertain relief, at will and pleasure, which, under a fair term, was called Rationabile Relevium; a reasonable relief. This clause therefore sets this matter again upon its ancient footing. See Sir Edw. Coke, 2nd Inst. p. 7.

**6.)** The Cottonian copy has a hundred pounds; which seems to be a mistake, for the ancient relief of an earldom, a barony, and the living of knight, was the fourth part of the yearly value of them. Now, the yearly value of a barony was to consist of thirteen knight's fees and a quarter, which, by just account amounted to four hundred marks a year, therefore his relief was a hundred marks, and not a hundred pounds. See Coke, *ibid*. p. 7.

**7.)** As long as the heirs of the king's tenants in chief were under age, they were said to be in a ward. But this wardship was taken away by the statute 12. Chart. IL c. 24.

**8.)** By issues, are meant, the rents and profits issuing out, or coming of the lands or tenements of the ward. By customs, things due by custom or prescription, and appendant to the lands or tenements in ward; as Andowsons, Commons, Stray, &c. also fines of tenants by copy of Court-Roll. By services, the drudgery and labour due from Copy-holders to their lords.

**9.)** By being made a knight, the heir was out of ward as to his body; but his land remained in the custody of the Lord, as is said in this article. See Coke, p. 11.

**10.)** That is, according to their rank, &c. Disparagement in a legal sense, was used for matching an heir in marriage under his degree, or against decency. Coke Littl. 107. Jacob.

**11.)** Maritagium, that is, shall have liberty to marry where she will. It appears by Biacton, that a woman who was heir, could not marry, without the leave and consent of the lords of whom her estates were held; otherwise she forfeited them. Bract. 1.2. p. Coke, p. 16. Compelled by seizing her goods.

**69. 1.)** In this place the Sheriff and his under bailiffs are intended and meant, says Sir Edward Coke, p. 19.

2.) By order of the common law, the king for his debt had execution of the body, lands, and goods of the debtor; so that this is an act of grace, restraining the power, the king had before. Coke, *ibid*.

3.) Scutage was military service, due to the king from the tenants in chief. It is to be understood also of what the feudatories paid the king in lieu of that service, and likewise of the tax which was imposed on each vassal for the service of the public. Since William the Conqueror, the kings had frequently imposed Scutages, without the consent of the states.

4.) The Cinque Ports lay in the county of Kent. They had great privileges, which king John himself had augmented. The governors of them were called barons, as they are at this day.

5.) That is, according to Dr. Brady's explanation, They shall send their Representatives or Commissioners to the Common Council of the kingdom.

6.) It seems to follow from this article, that none but tenants in chief had a right to sit in the Common Council or Parliament. Otherwise it was natural to mention here the representatives of the Commons, had they enjoyed that right in those days.

7.) It may not be amiss to give an abstract of Madox's Hypothesis concerning the divisions of the king's court, and erection of the Bank or Common Bench. That the king's court or palace was anciently the great and principal seat of judicature in this realm, has been observed in a former note on the exchequer. But in process of time, namely, about the end of king John's reign, the judicature of the king's court came to be divided. And by that division, common pleas were reserved to a court then newly erected; which court was called the Bank, because it was fixed at Westminster, at which place the justiciars thereof were to sit and not to follow the king's court. The Bank was, probably, set up in aid of the king's court, as the others formerly were. It has been, indeed, for some time past a received opinion, that the four superior courts holden at this day in Westminster Hall are of coeval antiquity. This may serve to silence needless disputes concerning the pre-eminence of one or other of the king's court, but does not seem to agree with the ancient records. For the name or Style of the Bank, or justiciars of the Bank, does not occur till long after the Norman Conquest, consequently the Bank or Common Bench was a court different from the Curia Regis, and erected at some subsequent time. And as the Bank hath all along, since the time of the first notice of it, dealt only or chiefly in common pleas; so it falls out, that the Curia Regis ceased to deal ordinarily in common pleas, about the same time the Bank is supposed to be erected. Now this division of the king's court seems to have been begun in the reign of Richard I. or king John, and completed in the reign of Henry III. And to this the Great Charter, no doubt, was very conducive. In this article of the Magna Charta therefore, by *Curiam nostram* may be understood the king's court holden in his palace; and by *aliquo certo loco*, the Bank. So that by this clause, the Bank might be erected or rather confirmed and established. It is likely however, the Bank was not erected first in the seventeenth of king John. For there is mention in the twenty third and twenty fourth chapters of that king's charters, of the *Justiciarii nostri de Banco*, which shows, there was a court called the Bank, before, or at least at, that time. In truth, there was a court called the Bank, and *justiciars stiled Justiciarii de Banco* several years before, as appears by records. About the time the common pleas were moving off from the king's court, certain phrases were introduced, that were not before in general use. Such as *Curia Regis apud Westmonasterium*, *Justiciarii Regis de West*, or apud West, Bancus, and *Justiciarii de Banco*. So that it seems likely, that the Bank not being yet completely settled, the person who was the chief justiciar of England, used to sit and act at this time, as well in the Bank, as in the king's court, and the exchequer. Moreover, though there was a Bank in the former part of king John's reign; yet it seems, even at the end of his reign, common pleas were not completely separated from the king's court. For in the clause, *Communa Placita non sequantur nostram Curiam*, it is implied that common pleas did then, in some measure, follow the king's court. Upon which ground it is ordered, they shall not for the future follow the king's court, but be held in *aliquo certo loco*. However this clause in king John's charter, did not presently quite take away from the king's

court the former usage of dealing in common pleas, or completely annexed them to the Bank. For the same clause was in sorted verbatim in the great charter of the 9th Henry III. In the reign of king John, after the erecting of the Bank, the style of the superior court began to alter. By degrees, the phrase Curia Regis, went into disuse. And the pleas and proceedings in that court, were frequently said to be *Coram Rege*, or *Domino Rege*; and in process of time, *Coram Domino Rege ubicunque*, &c. Against what has been said, are urged Glanvil's words, *Coram Justicis in Banco sedentibus* or *residentibus*, which, it is said, prove the Bank was in being in his time, namely, in the reign of Henry II. But Madox shows, these words mean only the justices sitting in the Curia Regis in Banco, upon the bench, that is, in open and solemn court.

8.) A writ of Assize of Novel Disseisin lies, where a tenant, for ever, or for life, is put out and disseised of his lands or tenements. rents, common of pasture, common way, or of an office, toll, &c. that he may recover his right. G. Jacob. A writ of Mort d' Ancestor, is that which lies, where any of a man's near relations die, seized of lands, rents, or tenements, and after their deaths, a stranger, seizes upon them. A writ of Darreine Presentment, lies, where a man and his ancestors have presented to a church, and after it is become void, a stranger presents thereto, whereby the person having right is disturbed. Id—This article tended greatly to the ease of the jurors, and to the saving of charges to the parties concerned; for, before this statute, the writs of Assize of Novel Disseisin, &c. were returnable, either before the king, or in the court of common pleas, and to be taken there.

9.) In all appearance, since the Conquest, the kings had abolished or very much altered this way of trying causes, that they might have the decision of matters in their own power.

10.) By freemen here and in most places must be understood Free-holders, i. e. those that held their lands of the king or some to her lord by a certain relief.

11.) Contenementum is to be understood of the means of a man's livelihood, as the arms of a soldier, the ploughs and carts of a husbandman, &c.

12.) That is, his carts and implements of husbandry.

70.) 1.) Amerciament is derived from the French word *Merci*, and signifies pecuniary punishment of an offender against a king or other lord in his court, that is found to have offended, and to stand at the mercy of the king or his lord. Jacob.

2.) In England there are two orders or degrees of subjects, Peers of the Realm and Commoners. The nobles have for their Peers, all the peers of the realm; and the Commoners are all reckoned Peers of one another.

3.) Is here taken for constable of a castle. They were men in ancient. times of account and authority ; and for pleas of the crown, &c. had the like authority within their precincts, as the sheriff had within his bailiwick, before this act; and they commonly sealed with their portraiture on horseback. Regularly every castle contains a manor, so that every constable of a castle is constable of a manor.

4.) The writ called *Præcipe quod reddat*, from the first words in it, has several uses. It signifies in general an order from the king, or some court of justice, to put in possession one that complains of having been unjustly outed. Apparently several abuses had crept in upon this article.

5.) A sort of coarse cloth.

6.) This was a writ directed to the sheriff, to enquire, whether a man committed to prison on suspicion of murder was committed on just cause of suspicion, or only out of malice and ill will.

7.) To hold in Fee-farm, is when there is some rent reserved by the lord upon the creation of the tenancy. In Socage, upon condition of plowing the lord's land, and doing other inferior offices of husbandry: and in Burgage, when the inhabitants of a borough held their tenements of the king at a certain rent.

8.) To make his law, is as much as to say, to take his oath, &c,

9.) That is, says Dr. Brady, by legal process, &c.

10.) By some ancient laws of England, foreign merchants were forbidden coming into the kingdom, except in fair times, and then were not to stay above forty days.

11.) Sine Occasione, i. e. without oppression, Dr. Brady.

12.) Occasiones, causes to oppress any man, Dr. Brady.

13.) The reasons of these two articles were, because by holding their lands of the church, the service due from the fees, which were intended for the defence of the realm, were unduly withdrawn; and because the chief lords lost the escheats, wardships, reliefs, and the like. Abundance of ways were used to evade the force of this law. But an effectual stop was put to then at last by the statute of Mortmain, 7 Edward II.

71.) (1) Their names, according to M. Paris, were the earls of Clare, Albemarle, Gloucester, Winchester, Hereford, earl Roger, earl Robert, earl Marshall junior, Robert Fitz-Walter senior, Gilbert de Clare, Eustace de Vesci, Hugh Bigod, William de Munbray, the mayor of London, Gilbert de Laval, Robert de Ros, the constable of Chester, Richard de Perci, John Fitz-Robert, William Malet, Geoffrey de Say, Roger de Munbray, William de Huntingfield, Richard de Muntfichet, William de Albiney.

## The End of Chapter 1



## King John Signing Magna Carta





**THE REIGNS OF KING JOHN, AND HENRY III  
COMPRISING A PERIOD OF SEVENTY-THREE YEARS;  
WITH THE STATE OF THE CHURCH FROM 1154 TO 1272.**

**Chapter II (Preface)**

**HENRY III. SURNAMED OF WINCHESTER**

**THE CHARTER OF FORESTS[1]  
GRANTED BY KING JOHN TO HIS SUBJECTS IN THE  
YEAR 1215.**



**J**OH<sup>n</sup>, by the grace of God, king of England, &c. know ye, that for the honour of God, and the health of our soul, and the souls of our ancestors and successors, and for the exaltation of holy church, and for the reformation of our kingdom, we have of our free and good will given and granted for us and our heirs, these liberties hereafter specified, to be had and observed in our kingdom of England for ever.

**I. Imprimis**, all the forests made by our grandfather king Henry, shall be viewed by honest and lawful men; and if he turned any other than his own proper woods into forests, to the damage of him whose wood it was, it shall forthwith be laid out again and deforested. And if he turned his own woods into forest, they shall remain so, saving the common of pasture to such as were formerly wont to have it.

**II. Is the LIV. and LV.** of the great charter put into one chapter.

**III. The archbishops**, bishops, abbots, earls, barons, knights, and free-tenants, who have woods in any forests, shall have their woods as they had them at the time of their first coronation of our grandfather king Henry, so as they shall be discharged for ever of all purprestures, (2) wastes and assarts,(3) made in those woods, after that time, to the beginning of the second year of our coronation; and those who for the time to come shall make waste, purpresture or assart in those woods without our licence, shall answer for them.

**IV. Our inspectors** or viewers shall go through the forests to make a view, as it was wont to be at the time of the first coronation of our said grandfather king Henry, and not otherwise.

**V. The inquisition** or view of lawing (4) of dogs which are kept within the forest, for the future shall be when the view is made, that is, every three years, and then shall be done by the view and testimony of lawful men, and not otherwise; and he whose dogs at such time shall be found unlawed, shall be punished three shillings; and for the future, no one shall be taken for lawing, and such Jawing shall be according to the common assize; namely, the three claws of the dog's forefoot shall be cut off, or the ball of the foot taken out. And from henceforward dogs shall not

be lawed unless in such places where they were wont to be lawed in the time of king Henry our grandfather.

**VI. No forester or bedel** (5) for the future, shall make any ale-shots, (6) or collect sheafs of corn, or oats, or other grain, or lambs, or pigs; nor shall make any gathering whatsoever, but by the view and oath of twelve inspectors; and when they make their view, so many foresters shall be appointed to keep the forests as they shall reasonably think sufficient.

**VII. No swainmote** for the time to come shall be holden in our kingdom oftener than thrice a year; that is to say, in the beginning of fifteen days before Michaelmas, when the agisters, come to agist the demesne woods; and about the feast of St. Martin, when our agisters are to receive their pannage; (7) and in those two Swain-motes, the foresters, verderers, and agisters shall meet, and no other by compulsion or distress; and the third Swainmote shall be holden in the beginning of the fifteen days before the feast of St. John Baptist, concerning the fawning of our does; and at this Swainmote shall meet the foresters and verderers, and no others shall be compelled to be there.

**VIII. And furthermore**, every forty days throughout the year, the verderers and foresters shall meet to view the attachments of the forest, as well as of vert, (8) as venison, by presentment of the foresters themselves; and they who committed the offences, shall be forced to appear before them: but the aforesaid Swainmotes shall be holden but in such counties as they were wont to be holden.

**IX. Every freeman** shall agist (9) his wood in the forest at his pleasure, and shall receive his pannage.

**X. We grant also**, that every freeman may drive his hogs through our demesne woods, freely and without impediment, and may agist them in his woods, or elsewhere, as he will; and if the hogs of any freeman shall remain one night in our forests, he shall not be troubled, so as to lose any thing for it.

**XI. No man** for the time to come shall lose life or limb for taking our venison; but if any one be seized and convicted of taking venison, he shall be grievously fined, if he hath wherewithal to pay; and if he hath not, he shall lie in our prison a year and a day. And if after that time he can find sureties, he shall be released; if not, he shall adjure our realm of England.

**XII. It shall be lawful** for every archbishop, bishop, earl, or baron, coming to us by our command, and passing through our forest, to take one or two deer by view of the forester, if present, if not, he shall cause a horn to be sounded, lest he should seem to steal them. Also in their return, it shall be lawful for them to do the same thing.

**XIII. Every freeman** for the future may erect a mill in his own wood, or upon his own land, which he hath in the forest, or make a warren, or pond, a marl pit or ditch, or turn it into arable, without the covert in the arable land, so as it be not to the detriment of his neighbour.

**XIV. Every freeman** may have in his woods the ayries of hawks, of spar-hawks, falcons, eagles, and herons ; and they shall have likewise the honey which shall be found in their woods.

**XV. No forester for the future**, who is not a forester in fee, paying us rent for his office, shall take cheminage; (10) that is to say, for every cart two-pence for half a year, and for the other half year twopence; and for a horse that carries burdens, for a half year a halfpenny, and then only those, who come as buyers, out of their bailiwick, to buy underwood, timber, bark, or charcoal, to carry it to sell in other places, where they will: and for the time to come there shall be no cheminage taken for any other cart or carriage-horse, unless in those places where anciently it was wont, and ought to be taken; but they who carry wood, bark, or coal upon their backs to

sell, though they get their livelihood by it, shall for the future pay no cheminage but for passage through the woods of other men, no cheminage shall be given to our foresters, but only in our own woods.

**XVI. All persons outlawed** for offences committed in our forests from the time of king Henry our grandfather, until our first coronation, may reverse their outlawries without impediment, but shall find pledges that for the future they will not forfeit to us (11) in our forest.

**XVII. No Castellan or other person** shall hold pleas of the forest, whether concerning vert or venison : but every forester in fee shall attach pleas of the forest, (12) as well concerning vert as venison, and shall present the pleas-or offences to the verderers of the several counties; and when they shall be enrolled and sealed under the seals of the verderers, they shall be presented to the chief forester, when he shall come into those parts, to hold pleas of the forest, and shall be determined before him.

**XVIII. And all the customs** and liberties aforesaid, which we have granted to be holden in our kingdom; as much as belongs to us towards our vassals, all of our kingdom, as well laics as clerks, shall observe as much as belongs to them towards their vassals. (13)

## Notes To The Charter of The Forests

1.) The forests belonging originally to the crown, and the kings had granted several parts and parcels to private men, who had grubbed them up and made arable or pasture. But yet all that was thus grubbed was still called forest. These forests belonging to the king as his own demesnes, or as the sovereign lord, were a continual source of vexatious suits, as well against those which held them of the king, as against the neighbouring freemen, under pretence of the rights of the crown.

2.) i. e. Encroachments upon the king's lands.

3.) Grubbing up wood, and making it arable, without licence.

4.) Cutting off their claws, &c.

5.) Bailiff of the forest.

6.) That is, taking ale to excuse the offender.

7.) Money for the feeding of hogs with mast in the king's forests.

8.) That is, the offences that have been committed in cutting wood, or killing deer.

9.) That is, take in his neighbour's cattle to feed.

10.) Money for passing through the forest.

11.) That is, commit no offence. Dr. Brady.

12.) May seize the body or goods of the offenders to make them appear.

13.) There is no original of this charter extant, nor any copy older than the first of Henry III.





**THE REIGNS OF KING JOHN, AND HENRY III  
COMPRISING A PERIOD OF SEVENTY-THREE YEARS;  
WITH THE STATE OF THE CHURCH FROM 1154 TO 1272.**

**Chapter III  
HENRY III. SURNAMED OF WINCHESTER**

**AD 1216**



WE are about to enter upon a long reign embarrassed with divers events, most of which have little connection with each other. We shall endeavour, in the first place, to represent the state of the kingdom, the particular genius of the king, and the character and pernicious designs of his ministers. Secondly, will be shewn the insatiable avarice and tyranny of the court of Rome.

Thirdly, the barons' league, to oppose the arbitrary and tyrannical power intended to be introduced into the kingdom. And lastly, the barons' abuse of the authority they usurped on that pretence, and the unfortunate successes which rendered all their proceedings ineffectual.

King John left his crown to his eldest son. But the young prince, who was only ten years of age, was very incapable of curing the disorders of so distempered a state. A few lords, who firmly adhered to the service of the king his father, and an army of foreigners, whom John himself never ventured to trust, formed very unlikely instruments to restore the royal family. There was the less room to hope for so favourable a turn, as almost all the peers of the realm, supported with the forces of France, appeared strictly united against the family of the late king. Besides, Lewis's great progress seemed in some measure to promise him the reduction of the whole kingdom.

As soon, however, as John had resigned his last breath the earl of Pembroke assembled the lords, who remained firm to that prince, and presenting young Henry to them, made a speech, beginning with these words:

Behold our king. Then (after a short pause) he represented to them, though the conduct of the late king had given the confederate barons a plausible pretence to complain, it was not reasonable to take the crown from a family, that had worn it so long, much less to give it to a foreigner: As king John's faults were personal, it would be unjust to inflict a punishment on his son, whose tender years rendered him blameless.

He said further, the remedy used by the confederate barons was worse than the disease, since it tended to reduce the kingdom under a dishonourable servitude. And therefore, in the present posture of affairs, nothing was able to deliver them from the impending yoke, but their firm

union, under a prince who was undeniably the lawful heir to the crown. This speech met with applause from the whole assembly, who cried out with one voice, we will have Henry for our king, The Earl of Chester made some opposition at first, but he afterwards desisted, and a day was appointed for the coronation.

The ceremony was performed with little pomp, by the bishops of Bath and Winchester, in the presence of an inconsiderable number of lords with Gallo the legate, who espoused young Henry's interest to the utmost of his power. King John's crown having been lately lost, they were forced to use a plain or chaplet of gold, because they had neither the time nor means to make a better. Before the crown was set on his head, the usual oath was administered to him; which done, the legate caused the young prince to do homage to the holy see.

The ceremonies over, the assembly of the lords chose the Earl of Pembroke, guardian of the king, and declared him protector, or regent of the kingdom. The earl was not ignorant that most of the barons were extremely dissatisfied with the prince they had sent for, and upon that he chiefly built his hopes. The private submissions of forty of them to the king, gave him room to believe, that dissensions were rising among them, and that their example would quickly be followed by the rest. In this expectation he sent letters to all the barons and corporations in the kingdom, to inform them of Henry's accession to the crown, promising withal great rewards to such as would return to their duty.

These assurances, and the regent's known probity, shaking many of the confederate barons, they began to think seriously of making their peace with their lawful sovereign. The excommunication of prince Lewis, published every Sunday, furnished them with a further, and no less powerful motive to change; Thus Lewis's affairs began to decline, at the very time they seemed to be most prosperous. The raising the siege of Dover contributed likewise much to disconcert them. Prince Lewis frequently tried to corrupt Hubert de Burgh, governor of that place; but always found in that brave man a loyalty proof against all temptations. Force had been still less available, for he was repulsed with loss in all his assaults. Lewis at length raised the siege, and invested the castle of Hertford, which made but a faint resistance[1].

The taking of this place, gave the English lord fresh cause of complaint. Robert Fitz-Walter, claiming the custody of the castle as belonging to him by ancient right, had the mortification to be denied, and see a French governor placed there with troops of the same nation. This injustice caused great murmurings among the English barons. They were extremely vexed to behold their own inheritances given to foreigners, without any regard to their complaints.

Meanwhile, continuing his progress, Lewis became master of some other places before he returned to London, where he came not till towards the latter end of the year. Christmas approaching, both sides agreed upon a truce during the holidays. Lewis made use of that opportunity to hold a general assembly at Oxford, whilst the regent held another, though much less numerous, at Cambridge. The king's party proposing that the truce should be prolonged, Lewis at first refused to agree to it. But hearing soon after, that the Pope intended to confirm, in full consistory, the excommunication denounced by his legate, caused him to consent to prolong the truce till a month after Easter. His design was to go to Paris, and consult the king his father[2].

**AD 1217]** This truce was very advantageous to the earl of Pembroke. He wisely made use of it to reinforce his army, with new levies, and to gain by secret practices, some of the confederate barons. On the contrary, it was extremely prejudicial to Lewis, whose absence gave the barons opportunity of taking measures to free themselves from his yoke, by returning to the obedience of their lawful sovereign. Several took that time to treat with the king.

Among whom was William Marshal, eldest son of the earl of Pembroke, who till then had been one of the most zealous partisans of France. The Cinque ports declared likewise for Henry, and sent out a fleet to oppose Lewis's return. But though their fleet fought the French, and destroyed

several of their ships, they could not hinder the prince's landing at Sandwich. He was so exasperated at this bold attack, that he burnt the town where he landed, as being one of the Cinque ports.

Upon the expiration of the truce, the regent sent the earl of Chester to besiege Mont-Sorel in Leicestershire, where was a French garrison. The loss of this place might have proved of great prejudice to Lewis; therefore he put the Earl of Perche at the head of twenty thousand men, with orders to march to the enemy. Upon the approach of this army, the earl of Chester, who was not so strong, raised the siege and returned to the regent. But the French general was not satisfied with this advantage. As he believed the earl of Pembroke unable to withstand such great forces, he formed the design of besieging Lincoln castle, which held out for the king, though the city had declared for the barons, in this march, the French troops committed such terrible ravages, that the historians describe them as an army of devils rather than men.

Whilst the French, were battering the castle with all possible vigour, and the besieged making as brave a defence, the regent assembled all his forces, with a resolution to run all hazards to save that place. He used such expedition, that he reached Newark, within twelve miles of Lincoln, before the besiegers were determined, whether to expect him, or march and give him battle.

Surprised at the sudden approach of the enemy, the French general called a council of war; the result of which was, that, as the castle was reduced to extremities, it was better to keep within the city and continue the siege; as it was easy to defend the walls, till the castle surrendered; after which the earl of Pembroke would only think of retreating, or however, might always be fought. The English army approaching without opposition, the regent caused a body of chosen troops, commanded by Fulk de Brent, to enter the castle at a postern gate, which opened into the fields.

The besiegers, strange as it must appear, seem never to have, thought of that inconvenience. Fulk had no sooner entered, but, pursuant to the measures taken with the regent, he sallied out upon the besiegers, whilst the king's army stormed one of the gates of the city.

The Earl of Perche perceiving himself thus attacked, from two different quarters, exerted his utmost in his defence. But his troops not having room to fight, and besides, being deprived of the assistance of the horse, were quickly put in confusion. On the other side, the royal army, encouraged by the presence of the regent, and the indulgences liberally bestowed by the legate upon all that should be slain in battle, continued in a furious manner to storm the gate. This assault was so vigorous, that, notwithstanding the obstinate resistance of French, the king's troops at length entered the city, whilst Fulk de Brent pressed the enemy on the other side.

The Earl of Perche perceiving all was lost, resolved not to survive the shame of his defeat. He was slain, upbraiding the English of his party, for betraying him by their counsels. After the death of the general, a dreadful slaughter was made of the French troops, who almost all perished. The city of Lincoln, which had uniformly sided with the barons, was abandoned to a general plunder, where the soldiers found an inestimable booty and therefore called it Lincoln fair.

Whilst the Earl of Perche was employed in these parts, prince Lewis made a fresh attempt upon Dover castle; but the news of the defeat at Lincoln made him resolve to retire to London, and take new measures. Upon his arrival, his first care was to send to the king his father for speedy supplies, answerable to his wants. Philip, willing to keep fair with the Pope, pretended he would not interpose any more in his son's concerns. He publicly sent him word, to take care of himself as he could.

However, he ordered it so that Blanch his daughter-in-law, in her own name, quickly got ready a body of troops, with ships to transport them into England. Had these succours safely arrived, they might have repaired Lewis's loss at Lincoln. But his fortune was no better at sea than at land. The commanders of the fleet of the Cinque ports, hearing the French troops were to embark

at Calais, laid wait for them in their passage, and giving them battle, took and sunk the greatest part of the French fleet[3].

These two successive losses threw Lewis into great straits, which were farther increased by the approach of the English army. He had scarcely received news of the defeat of the succours that were coming from France, when he saw himself besieged in London, or at least closely blocked up[4].

So many misfortunes one after another, the discontent of the English, which now shewed itself openly, the Pope's thunders, which, upon the decline of his affairs, began to inspire him with terror, made him sensible it was time to think of retreating. He determined therefore to sue to the regent for peace. But, notwithstanding his ill situation, he intimated to him, that he would consent to none but an honourable peace, that should screen his English adherents from all prosecution. The earl of Pembroke immediately granted his demand. He saw that the using his success with moderation, would restore peace to the kingdom, and put the young king in quiet possession of the crown, which was the sole aim of all his desires. These considerations induced him readily to agree to a treaty of peace upon the following terms:

That all persons who had taken part with Lewis, since the beginning of the war, should be restored to all the rights they enjoyed before the troubles. **That the city of London should have her ancient privileges.** That all the prisoners taken since the first arrival of Lewis into England, should be released. But as to those that were taken on either side, before that time, commissioners should be appointed, to enquire whether those of his party were engaged with him, at the time of their being made prisoners.

That the ransoms already paid should not be returned, and that such as were become due should be punctually paid: but that nothing should be demanded of the prisoners, whose ransoms were not settled. That all the English, of what rank and condition soever, prisoners or others, who took up arms against king John, should swear fealty to king Henry. That the hostages given to prince Lewis for the payment of the ransoms that were become due, should be released immediately, upon payment of the money. That all the places, towns, and castles, in Lewis's possession, should be delivered to the king. That the king of Scotland should be included in the treaty, upon restoring all he had taken during the war, and that the king of England should make the like restitution to him.

The same thing was stipulated in favour of the prince of Wales. That Lewis should cause all the islands to be restored that were taken in his name. That he should renounce the homages received from the subjects of the king of England. That whatever was due to him, and of which the time of payment was expired, should be punctually paid him. That in the first article, where Lewis's adherents are mentioned, ecclesiastics were not included, but with respect to the lay-fees they held before the war.

An historian adds two articles more, which are not found in the treaty. First, that Lewis should use his utmost endeavours to oblige his father to restore whatever was taken from King John beyond sea. Secondly, that in case he could not prevail, he himself should make this restitution whenever he came to the crown. Though these two conditions were not inserted in the treaty itself, it is very likely, they were stipulated in the secret articles, since the French historians do not scruple to own them. Besides, when Lewis came to the crown, the court of England called upon him to perform his promise, and St. Lewis his son had very great scruples on that account.

The treaty being signed, and afterwards confirmed by the authority of the legate, the king and prince Lewis swore to observe it, with the usual formalities. Lewis thus received absolution from the legate; and, every thing being concluded, he set sail for France, after borrowing five thousand marks of the city of London to pay his debts. Immediately after the prince's departure, Henry made his entry into London, where he was received with great pomp, and demonstrations of

universal satisfaction. He took a solemn oath, to maintain the nation in their privileges. Thus, by the prudent management of the regent, the vanquished barons obtained more solid advantages, than they could have expected from a victory, which would have subjected them, and perhaps beyond all redress, to a foreign power.

Of all Lewis's party, the ecclesiastics were the only persons that had no reason to rejoice at the peace, which left them to the Pope's mercy. As soon as the legate was at liberty to proceed against the ecclesiastics, pursuant to the last article of the treaty, he ordered a strict inquiry to be made throughout the kingdom, after those who contemned the interdict. All that were found guilty were suspended, or deprived of their benefices, or constrained to repair their fault by large sums of money.

The king of Scotland, who was excommunicated for doing homage to a foreign prince, embraced the offer of being included in the treaty. He came to Northampton, where he was absolved by the legate, after doing homage to Henry for the fees he held in England. Then he delivered up Carlisle, which he had taken during the troubles.

Pope Innocent III. dying this year, Honorius III. was promoted to the papal chair.

**AD 1218]** The treaty with Lewis, however, gave birth to new troubles, which threw the regent into great perplexities. Those barons that had faithfully served King John, and to whom were given the confiscated estates of the rebels, could not bear the thoughts of restoring them to the old proprietors, according to the tenor of the treaty. On the other hand, the ecclesiastics loudly complained of being abandoned to the legate's persecutions, without the least care being taken of their concerns.

However, the regent was resolved, at any rate, to execute the treaty, believing it to be the only means to root out all disturbances. He accordingly marched with a good body of troops, to bring to reason such as forcibly withheld divers castles and lands from the former owners. Robert de Gaugy was the only one however that stood a siege of eight days, in the castle of Newark, belonging to the bishop of Lincoln. But at length, finding there was no hopes of assistance, he surrendered the castle to the bishop, upon payment of one hundred pounds sterling.

The regent next published, at the instance of the legate, a proclamation, commanding all the excommunicated ecclesiastics that were absolved to depart the kingdom on pain of imprisonment: this severity caused them to make haste and satisfy the legate, who only wanted their money.

All the troubles being thus happily appeased, the English impatiently expected the performance of the king's promises, with regard to their liberties, the effectual re-establishment whereof they had been made to hope. The regent, therefore, sent express orders to all the sheriffs in the kingdom, to see the two charters of King John duly observed, and to punish without mercy all violators thereof.

Whilst the French were in England, Lewellyn, prince of Wales, who was in league with them, had taken several places, of which it would have been difficult to dispossess him, without re-assembling the disbanded troops. This however the regent was willing to avoid, that he might not be forced to disoblige the subjects, by levies of men and money, at a time when it was necessary to gain their affection, by causing them to enjoy the fruits of peace. For this reason, he granted the prince of Wales an honourable and advantageous peace, and procured him the legate's absolution.

This affair being ended, Gallo the legate, who was recalled, set out for Rome[5]. Pandulph, whom we have had frequent occasion to mention in King John's reign, succeeded him in his office. The orders concerning the two charters not having been duly executed, the regent sent itinerant justices into all the counties to cause them to be better observed. Had this great man, who was equally

qualified for war and peace, lived longer, he would have done much for the country; but he died shortly after, lamented by the whole kingdom, which he had freed from slavery, by his prudence and valour[6]. Peter des Roches, bishop of Winchester, was made regent, and Hubert de Burgh, who defended Dover, chief judiciary of England.

**AD 1220]** The coronation of the king had been performed at Gloucester, in the presence of so few lords, and with so little solemnity, that it was thought proper to renew the ceremony with more pomp, in the usual place. Cardinal Langton Archbishop of Canterbury, who returned into England after the troubles were over, set the crown on the king's head, having first administered to him the customary oath[7].

Immediately after his coronation, Henry, attended by the new regent, made a progress into several counties[8]. His design was to make some alteration with regard to the custodies of the castles, committed by the king his father to such as the new regent thought he could not confide in[9]. He met with no opposition but from William Earl, of Albemarle, governor of Rockingham Castle, who, setting up for a petty sovereign, or tyrant, took little or no notice of the orders sent from court. He made a show of defending himself, but surrendered, by capitulation.

This year, the new building of the abbey church of Westminster (then called St. Mary's Chapel) was begun, the king himself laying the first stone.

William de Forz Earl of Albemarle, was very uneasy at the loss of his castle, of which he thought himself unjustly deprived. In revenge of this pretended injury, he fortified himself in his castle of Biham (in Lincolnshire) by means of which he held the whole country round in subjection. Complaints of his oppressions being laid before the Parliament, then assembled at Westminster, he was summoned to appear and answer for himself.

He pretended to obey, and accordingly set out, with design, as was thought, to repair to London Meantime, he took the road for Northamptonshire, and by surprise seized the castle of Fotheringay, where he placed a strong garrison, and then returned to Biham. Upon this news, the Parliament resolved, that an army should be immediately raised, to lay siege to Biham, and the earl punished for his insolence according to the up most rigour of the law. When earl William found the king's army was on the march, he retired into the North, leaving in his castle a governor who surrendered not till after a long resistance. It was believed, the rebel would be pursued, or at least compelled to quit the kingdom but he found means to make his peace by the mediation of the archbishop of York.

The court had made a progress last year to York, where a marriage was agreed upon between the king of Scotland, and the princess Joanna, sister of the king. But as she was in the hands of the earl of March, to whose eldest son she was contracted, it was no easy matter to get her thence. However, after some negotiations, she was sent back to the king her brother; and her nuptials with the King of Scotland were solemnized this year.

Shortly after, Hubert de Burgh, chief judiciary, espoused the eldest sister of that prince: an honour, which by procuring him the alliance of two monarchs, might one day raise some one of his posterity to the throne of Scotland. The term of Pandulph's legateship being expired, he laid down his office, and resided at his see of Norwich, procured him by the Pope in reward of his services.

What care soever was taken by the late earl of Pembroke, and the present ministry, to keep the peace of the kingdom, there were persons who made it their business to disturb it. They laid hold of an opportunity, which a quarrel between the citizens of London and Westminster furnished them with. A great wrestling match being made between the Londoners and the country people, abundance of Westminster men came to the place appointed; and being desirous to dispute the prize, had the mortification to see their neighbours gain the honour of the victory. This honour,

though in itself small, raised the jealousy of the Westminster men, who were exposed to the insulting raileries of the conquerors.

The Steward of the abbot of Westminster, preposterously imagining his master's and his own honour were concerned in the case, undertook to revenge his fellow citizens, and cause them to be even with their neighbours. To that end, he appointed another match at Westminster, to which the citizens of London flocked in great numbers. But as they went without arms, they were rudely attacked by the Westminster men, who wounded several, and put the rest to flight.

This treachery caused a terrible commotion in London. The mob being got together, resolved to be revenged for this outrage; the authority of the mayor not being able to curb them. A citizen of London, one Constantine, an incendiary, who had been a zealous stickler for the French, during the troubles, headed the rabble, and did all he could to inflame their rage. He represented to them, it was in vain to expect justice from magistrates, regardless of the honour of the city; and therefore they ought, without delay, to make their enemies know, the citizens of **London were not to be attacked with impunity.**

His speech meeting with applause, he cried with a loud voice, Monjoye St. Dennis, the watchword of the French; and marching towards Westminster at the head of the mob, caused the Steward's house to be pulled down to the ground, after which he returned in triumph to London. The tumult being appeased, Hubert, chief judiciary, came to the tower, and commanded several of the citizens to appear before him. Constantine was there among the rest, and maintained to the judiciary's face, that the citizens of London had done nothing punishable by the law, and were resolved to stand by what they had done.

Hubert seeing this insolence, dismissed all the rest, and detaining Constantine, ordered him to be hanged next morning, though he offered a thousand marks for his life. The judiciary's severity did not stop here. A few days after, he caused to be seized in their houses the chief rioters, some of whom had their hands, and others their noses and ears cut off, and then were sent back thus maimed into the city. After this he turned out all the magistrates of London, and obliged thirty of the most considerable citizens to be pledges for the good behaviour of the city, to which the communities agreed by a charter, sealed with their common seal.

This rigour might have been justifiable, if Hubert had not acted in an arbitrary manner, and directly contrary to the tenor of the Great Charter, which ordered, pursuant to the ancient custom of the kingdom, that every man should be tried by his peers. Hence he became odious to the nation, and especially to the Londoners, who did not fail to make him feel the effects of their hatred, when it was in their power.

**AD 1223]** These arbitrary proceedings of the chief judiciary obliged the Parliament, which met some time after at London, to request the king, that he would be pleased to cause the Charter of Liberties, which he had sworn to confirm, to be observed throughout the kingdom. This request was not at all relished by those who were then at the helm. Since the death of the earl of Pembroke, the court, with the new ministry, had taken up new maxims, insomuch that what appeared to the former regent to be highly just, seemed the reverse to the present ministers.

When the Parliament presented their petition to the king, one of his counsellors replied, "it was unreasonable to desire the execution of a charter extorted by violence." This imprudent answer gave great offence to the archbishop of Canterbury, who sharply reproved the counsellor, telling him, "if he really loved the king, whose interest he seemed to have so much at heart, he would not seek to involve the kingdom again in troubles, from which it was happily freed." Henry, who was then but sixteen years of age, approved of what the archbishop said, and declared it was his intention to cause the charters of the king his father to be strictly observed. Accordingly, some days after, he sent his orders to all the sheriff's to see them put in execution.

The Parliament, satisfied with what the king had done, granted an aid of three marks for every earl, one mark for every baron, a shilling for every knight, and for every house in the kingdom one penny[10].

Philip Augustus king of France dying (July 2), and Lewis VIII. his son succeeding him, Henry's council thought proper to send ambassadors to the new king, to challenge the performance of his promise with regard to the territories taken by Philip from King John. Lewis answered, he did not think himself obliged to the performance of a treaty which the king of England had first violated, in exacting large ransoms of the prisoners, and neglecting to restore the ancient laws, as was agreed: that for his part, he held Normandy and the other provinces taken from the English by right of conquest, and as their sovereign lord; and in case his right was disputed, he was willing to submit to the judgment of his peers. Some say, he alleged also the death of Constantine, in revenge, as he pretended, for his affection to France, as a reason why he thought himself free from all his engagements; after which he dismissed the ambassadors without further reply.

Whilst these things were transacting, the favour and credit of the chief judiciary were increased to such a degree, that he openly assumed a power to which none in his post had ever pretended. He was not however content, as long as there was one above him, from whom he was obliged to receive orders. This was the bishop of Winchester, who being appointed regent by authority of Parliament, could not easily be removed. As the regency was still to last some years, Hubert thought he had found out an infallible way to shorten it, by obtaining from the Pope a bull, declaring the king of full age.

This same bull authorised Henry to take the reins of the government into his own hands, without being obliged any longer to make use of a regent. The bull likewise enjoined all that had the custody of the king's castles, forthwith to surrender them to the king, to be disposed of according to his pleasure. But how express soever this order might be, the barons refused to comply, because it was directly contrary to the laws of the realm, by which the king was not to be of age till one and twenty.

This artifice not having the success Hubert expected, he invented another. As the Pope's declaring the king of full age was to no purpose, since the barons would not agree to it, and it was impossible to extort their consent as long as they were masters of the castles, he caused the king to demand of him the castles of which he had the custody; to which he submitted, on condition the rest of the barons should do the same.

Accordingly he surrendered to the king the Tower of London, and the Castle of Dover, the two most important places in the kingdom. Some of the barons followed his example, not imagining there was any fraud in this proceeding. But when once the king was in possession of their castles, he restored to Hubert all those he had voluntarily resigned, thus openly deriding their credulity.

A proceeding so unworthy of a prince, began from thenceforward to breed in the barons an ill opinion of the king. They were chiefly incensed against the favourite, whom they looked upon as the principal contriver of the cheat. Most of those that had places at court, not being able to bear the pride and haughtiness of this minister, resigned them, and retired into the country, with a resolution to embrace the first opportunity to be revenged. Meantime, all the lords not falling into the snare, Hubert tried to bring them to obedience, by causing them to be threatened with excommunication. Some were frightened into a compliance; but others resolved to stand their ground, in spite of the king and his judiciary.

**AD 1224]** Lewis VIII. king of France, not content with refusing to perform what he had promised with an oath, confiscated all the territories held by the English in France, and marching directly into Saintonge, where he became master of several places; after which he laid siege to Rochelle, where Savary de Mallion was governor. It is said, this lord, who had received intelligence of the king of France's designs, demanding a supply of money of the court of England, there was sent

him, instead of money, a coffer full of old iron. So shameful a neglect for the preservation of a place, which deserved the whole care of the ministry, so provoked the governor, that he surrendered the city in a few days, and turned to the French. Lewis's pretence for breaking the peace, was, that Henry, as duke of Guienne, did not assist at his coronation. But the true reason was, that he was willing to take advantage of that prince's minority, to expel the English entirely out of his kingdom.

Whilst the king and parliament were employed in considering the ways and means to prosecute this war, the outrages committed by Fulk de Brent interrupted their debates. Fulk, encouraged by William of Albemarle's impunity, tyrannized over his vassals and neighbours, and committed such violence, that he was condemned in a fine of a hundred pounds sterling, by three judges sent down on purpose[11].

His fierce and haughty temper causing him to consider this sentence as a great injury, he resolved to be revenged. He therefore sent William his brother to Dunstable, where the judges were holding the assizes, with orders to seize them by force, and bring them to him. Two of them escaped, but the third, Henry de Braibrock, was taken and carried to Bedford castle, where he suffered a thousand indignities. News thereof being brought to the Parliament, it was unanimously resolved, that this disturber of the peace should be exemplarily punished; and all other business laid aside till that affair was ended.

Pursuant to this resolve, Fulk's brother who commanded in Bedford, being summoned to surrender the town to the king, and refusing to obey, was attacked so vigorously, that he was forced to surrender at discretion. What endeavours soever his friends might use to appease the king, they could not prevent his being hanged, with four and twenty knights found in the garrison; after which, the castle was ordered to be raised to the ground[12].

Meantime, Fulk, who had retired into Wales, upon assurances given him by several lords to support him, finding they were not as good as their word, implored the king's mercy by the mediation of the bishop of Coventry. This prelate, using the same arguments that were alleged by the archbishop of York in behalf of William of Albemarle, obtained the rebel's pardon as to life and limbs. But he could not hinder his being delivered to the custody of the bishop of London till the next year, when the Parliament confiscated his estate, and banished him from the realm. Henry obtained, for the charges of this expedition, an aid of two shillings upon every hide of arable land[13].

**AD 1225]** But he wanted greater sums to carry on the war with France, for the obtaining whereof he called another Parliament, of whom he demanded a fifteenth upon moveables. The Parliament told him, they would readily grant him the aid he required, provided the charters of King John, which had all along been neglected, were punctually observed for the future. The king's circumstances not suffering him to deny their request, he granted it in a handsome manner, and even sent into every county commissioners to see the charters executed. But the effects of these orders were of no long continuance. However, people were so well satisfied of the king's good intentions, that never was tax levied with more exactness. To smooth the way, the bishops excommunicated all that should be guilty of any fraud.

The king made use of the money to raise an army, which was sent into Guienne, under the command of Prince Richard his brother, lately made earl of Cornwall. Richard, having the earl of Salisbury for his lieutenant, made some progress into Guienne, where he took St. Macaire. After that, he besieged the castle of La Reolé, a strong place, which, by its resistance, gave the earl of Marche, general of the French army, time to come to its relief.

The year 1226, began with a Parliament, wherein the king, who was recovered from a dangerous illness, was declared of full age, though he was not yet so old as the law required. But this was not the only business for which the Parliament was called. A legate, lately arrived from Rome,

had an extraordinary proposal to impart to them from the Pope, which concerned the whole kingdom, and especially the clergy. The substance of the proposal was, that since the holy see had long lain under the scandal of doing nothing without money, it was for the honour and interest of all Christians to wipe away this reproach, by removing the cause. He therefore proposed, that to supply the urgent occasions of the holy see, there should be set apart for that purpose, out of every cathedral, two prebendaries; and out of every monastery two monk's portions; and that this grant should be confirmed by Parliament.

He supported his proposals with the most specious reasons he could devise; without promising however, that the Pope would take nothing for his future favours, but only insinuating, he would use more moderation in that respect. It was not very difficult to perceive the Pope's aim; consequently all the legate's eloquence was not able to prevail with the Parliament, who, to his great mortification, did not even vouchsafe to give him an answer.

Meantime, he took a journey into the northern counties, where, under pretence of the right of procurations, he oppressed the churches to such a degree, that they were forced to complain to the Pope, who recalled him, for fear of exasperating the English at so critical a juncture. However, the Pope, who did not despair of obtaining what he had demanded, enjoined the archbishop of Canterbury, to cause the Parliament to meet again, and require a positive answer to the proposal made by his legate. The king having advised with the bishops, sent the Pope word, that, since this affair did not only concern England, but all Christendom too, he was ready to conform to the resolution which should betaken in other Christian countries. This was a civil denial; for it is well known, a legate had made the same proposal in France, but to no purpose.

Meantime, Henry continued his preparations to carry war into France. But he found himself obliged to suspend them; for Lewis engaging to command a Crusade against the Albigenses, had procured the Pope's express orders to all Christian princes, not to give him any disturbance during his expedition. Henry consulting in his Parliament upon these orders, was advised to put off the war till the return of the king of France, who was then besieging Avignon, where entrance was denied him.

This prince died soon after his taking that place, not without suspicion of being poisoned by the Earl of Champagne, who was in love with the queen. Lewis IX. his son, succeeded him, under the guardianship of Blanch of Castile his mother, who, though a foreigner, had interest enough to obtain the regency of the kingdom.

Whilst the English arms were suspended by the superior orders of the court of Rome, Henry began his majority with an act of injustice, for which he had not the least colour. As he durst not demand any money of the Parliament, who had so lately granted him a considerable aid, he bethought himself of an expedient, formerly used by Richard his uncle on the like occasion, after his return from the Holy Land: which was, to oblige all those that had charters to renew them, upon payment of such a sum. This order, the only end whereof was to fill the king's coffers, fell the heaviest upon the monasteries.

**AD 1227]** In the beginning of the next year, the sudden death of the Earl of Salisbury, natural son of Henry II. at a banquet, to which he was invited by the chief judiciary, gave occasion for strong suspicions of that minister[14]. However, no inquiry was made, none daring to attack directly a favourite, who had an absolute sway over the king. As Henry advanced in years, he was observed to have qualities little consistent with a great prince; an extreme avarice, an astonishing fickleness, great caprice and unevenness in his conduct, an unusual easiness to be governed by those about him; and beyond all this, principles of oppression and tyranny, which afforded a terrible prospect.

Though he was declared of age the last year, he kept the bishop of Winchester near his person, for the sake of his advice but Hubert de Burgh would not suffer him to retain him any longer.

He represented to him, that though he was declared of full age, he would always be considered as under the guardianship of a regent, as long as that prelate was at court; and it was for his honour and interest to shew his subjects he was capable of governing by himself. This advice being readily embraced by the king, who perceived not the motive, the bishop of Winchester was ordered to return to his diocese.

The English would have been unconcerned, and perhaps glad at the bishop's disgrace, if it had not been immediately followed by an event, which convinced them, it would have been better that the king's favour had been always divided. As soon as Hubert saw himself without a rival in the ministry, he endeavoured to set himself above the laws, by persuading his master that his sole aim was to render him absolute. It was not difficult to engage in this project a prince who was sufficiently so inclined of himself. Besides the aforementioned renewal of the charters, he had extorted five thousand marks from the Londoners, under pretence of their lending the like sum to Prince Lewis, when he left England.

The town of Northampton was compelled to pay him twelve hundred pounds, on some other no less frivolous pretence. The monasteries had met with no better quarter. Notwithstanding their appeal to the holy see, he had exacted from them large sums, whilst the affair was depending before the Pope. These things were plain indications how little he was disposed to keep any measures with his subjects, and began to cause him to forfeit their esteem. But what he did further, by the violent counsels of his judiciary, entirely alienated their affection.

On a sudden, when it was least expected, he annulled the two charters of the king his father, though he had bound himself by oath inviolably to observe them: pretending he was not obliged to stand to what he had promised during his minority. Hubert, regardless of the murmurs of the people, by whom he was deemed the author of these pernicious counsels, caused himself to be created Earl of Kent, in reward of the great service lately done his master, in freeing him from the yoke of these charters.

The conduct of the king and his minister, bred such discontent among the barons, that it was easy to see their little affection for their sovereign. Prince Richard, who arrived from Guienne soon after the revoking of the charters, improved the present disposition of the barons, to oppose the king his brother. King John having given one Waleran, a German, a certain manor belonging to the earldom of Cornwall, Richard, as soon as he was invested with that earldom, ordered Waleran to appear and produce his title, and in the meantime caused the manor to be seized. Whether Waleran had lost his charter, or thought it defective, he refused to obey the summons.

On the contrary, as if great injustice had been done him, he carried his complaints to the king, who, without examining the affair, ordered the prince's officers to restore the manor. They found means however to be excused till the return of their master. Upon his arrival, Richard represented to the king, that he had done Waleran no wrong in obliging him to shew his original title: that his intent was not to deprive him of his lands by force, but to have the matter decided by the laws, and to that end offered to refer it to the judgment of the peers of the realm.

Henry, offended at this proposal, fell into a passion with his brother, and commanded him to restore the manor in dispute, or depart the kingdom. Richard boldly replied, that he would do neither without the judgment of his peers, and immediately retired without staying for an answer. The judiciary, who never ceased to inspire the king with violent maxims, advised him to take the prince into custody. But whilst Henry considered of taking this step, Richard withdrew from court, and posted to the earl of Pembroke, to consult him upon this affair.

Pembroke approved of what the prince had done, and perceiving this to be a favourable opportunity to check the arbitrary power, which the king had a mind to usurp, believed he ought to improve it. He therefore assured Richard, he was ready to assist him with his life and fortune, and did not question but most of the barons would do the same. Indeed, shortly after, by the

diligence of the earl Marshal, the earls of Gloucester, Chester, Warren, Warwick, Ferrars, and Hereford, with many other barons, joined with Richard, and took up arms, to compel the king to restore the charters he had lately annulled. Hubert was alarmed at this confederacy.

As he foresaw it might be attended with fatal consequences, he chose to procure a reconciliation between the two brothers. To satisfy prince Richard, the chief of the confederates, he got the king to settle upon him the queen their mother's dower, to which he pretended a right; and likewise to augment his appennage with the lands held by the late earl of Boulogne. Richard, content with this liberality, said no more of restoring the charters, and the confederacy was dissolved.

**AD 1228]** Pope Honorius III. died this year, and was succeeded by Gregory IX. Stephen Langton, cardinal, and archbishop of Canterbury, outlived Honorius but a few months. His eyes were no sooner closed, but the monks of St. Augustin, willing to secure the privilege of electing their archbishop, immediately chose Walter de Hemesham, one of their fellow monks.

The king was offended at this election being made without his licence, and refused to confirm their choice, because, as he alleged, the father of this monk was hanged for theft. On the other hand, the suffragan bishops of the province of Canterbury, angry that he was chosen without their consent, refused to accept him, because he had corrupted a nun, by whom he had several children. Upon this he sent agents to Rome, to have the matter decided there. Meabtime the church of Canterbury remained vacant.

This year the Welsh making irruptions into England, the king marched into their country to chastise them. But after harassing his troops to no purpose, he returned without making any progress.

This same year, the Pope thundered out a bull of excommunication against the emperor Frederic II. for neglecting to carry his arms into the Holy-Land, as he had solemnly vowed. How haughty soever this monarch might be, he was forced to bend under the papal power, and performed his vow the next year. Whilst these things passed, the regency of Blanch, mother of St. Lewis, occasioned, in France, disturbances, which Henry might have turned to his advantage, had he known how to improve them. But this prince was not of an enterprising genius. If ever he formed any project, it was always in disadvantageous circumstances, whilst he neglected the most favourable.

The Normans, siding with the confederate barons against the queen regent of France, sent Henry word, that if he would come in person, he should be received with open arms, and put in possession of that rich province. On the other hand, the Poitevins importuned him to come and seize such of their towns as were in the hands of the French, offering him their assistance. At the same time the Gascons sent the archbishop of Bourdeaux to inform him, it was now in his power by taking advantage of the commotions in France, to expel the French out of the places they were possessed of in Guienne. Such pressing invitations, at so favourable a juncture, should have induced Henry to make a vigorous push, for the recovery of what time king his father had lost by his negligence. But, by a blindness imputed to the counsels of the justiciary, he answered, he would stay for a more convenient opportunity.

Meantime, the dispute concerning the election of the archbishop of Canterbury, was carried on at Rome with great warmth, though the Pope was not yet pleased to determine the matter. At length, the king's envoys offering the Pope a tenth of all the moveables in England and Ireland, and this offer opening his eyes, he voided the election made by the monks. At the same time, under colour of preventing any future dispute, he himself conferred the archiepiscopal dignity on Richard Le Grand, chancellor of the church of Lincoln.

Shortly after, Gregory sent one of his chaplains into England to collect the promised tenths, which were to be expended in his war with the emperor. The king assembling the Parliament

upon this occasion, the chaplain laid before them the Pope's letters, strongly urging the performance of what he had been made to expect. All eyes were fixed upon the king, in expectation that he would oppose this exaction, and disclaim his envoys. But when he was seen to keep silence, it was easily perceived, the promise had been made by his order, or at least that he had not the courage to contradict the Pope's will.

The lords, therefore, thought it their duty to shew greater resolution than the king; and they unanimously resolved, not to suffer their lay-fees to be thus liable to the exactions of the court of Rome. However, to satisfy the Pope in some measure, they proposed to give him a certain sum, without inquiring into the effects of each particular person. This method would probably have been taken, had not Stephen de Segrave, one of the barons, voluntarily submitted to the Pope's demands, and drawn in others by his example.

The number of those that suffered themselves to be gained increasing by degrees, the greatest opposers were forced to yield, that they might not incur the indignation of the king and the Pope. The clergy durst still less to venture to resist, for fear of being exposed to the excommunication they were threatened with. The nuncio, having thus attained his ends, produced a full power from his master to collect the tax, which was to be paid out of all moveables whatever. He executed his orders so rigorously, that he caused the tenths of all sorts of fruits, even of such as were yet growing, to be paid him in money.

Neither was this all. That this tax might be levied with the more speed, he obliged the bishops to advance the money for the inferior clergy, empowering them to reimburse themselves in the manner they should think proper. The prelates and abbots therefore were under a necessity of finding ready money. But as several were not able to raise it soon enough, the nuncio had provided against this inconvenience, **by bringing with him certain Italian usurers, who lent them money at an extravagant interest.** Thus did the Pope abuse the king's weakness, who might easily have prevented this exaction, by a vigorous opposition.

For the Earl of Chester, his subject, had the power to hinder this tax from being levied upon his lands, by stoutly maintaining, in spite of the nuncio's clamours, that the Pope had nothing to do with lay-fees, But besides, that Henry was terrified by the example of the king his father, which was ever in his thoughts, he had another reason that induced him to this condescension for the Pope. In his project of rendering himself absolute, and raising money upon his subjects, he was very sensible, that he should need the Pope's protection, and nothing could procure it sooner, than to let him share in these exactions.

The nation had scarcely forgotten the Pope's oppression, when they saw themselves obliged to furnish the king with means to make war upon the king of France. After the disturbances in that kingdom were appeased, and consequently the opportunity of improving them was lost, Henry formed the design of recovering by arms the provinces taken from the king his father. To put this design in execution, he resolved to make great preparations; and for that purpose summoned all the vassals of the crown to meet him, after Michaelmas, at Portsmouth, where he assembled one of the finest armies that had ever been raised in England.

However, this extraordinary armament proved in vain, for when the troops came to be embarked, there were not ships enough to transport them. This disappointment threw the king into such a passion with Hubert de Burgh, who had taken upon him to get all things ready, that he called him Old Traitor. He charged, him with receiving a bribe from the court of France, to put a stop to this design, and in his rage drew his sword to kill him; which he would, probably, have done, if the earl of Chester had not interposed. Whether Hubert acted out of design or negligence: the embarkment was forced to be retarded the whole winter.

During this interval, Hubert found means to be received in favour again, and to have the administration of affairs as before. This same year, the emperor Frederic carried his arms into

Palestine, and compelled the Sultan of Egypt to surrender Jerusalem. He would have pushed his conquests farther, had not the excommunication, denounced upon him by the Pope the last year, weighed more with the templars and hospitallers of the Holy Land, than the valour of that prince.

Their prejudice against him rose to that height, that they plotted to deliver him into the hands of the Sultan, to whom they had even communicated their design. But this prince, though an infidel, abhorring their treachery, was so generous as to discover it to Frederic. This generosity turned more to his advantage, than the having the emperor in his power. By that means he sowed among the Christians of Palestine such discord as was extremely prejudicial to their affairs. Frederic finding he could expect no assistance from the Christians of the Holy Land, and that the Pope diverted to other uses the Crusades designed against the Saracens, made a ten years' truce with the Sultan, and returned into Europe.

**AD 1229]** Though Henry waited with impatience for the spring, in order to transport his army into France, his stay in England during the winter was not in vain. **He procured a considerable present from the clergy, exacted also a large sum from the city of London, and to leave no means untried to raise money, compelled the Jews, who were then very numerous in the kingdom, to pay him a third part of their substance.**

As soon as the spring was come, he embarked with his army at Portsmouth, and landed at St. Maloes, where he was received by the earl of Bretagne, who put into his hands all his strong towns and castles. Meantime the French, having had all the winter to prepare, were posted near Angers, with design to hinder his march into Poitou. Henry gave them time to fortify themselves in their post, whilst he continued at Nants expecting the rest of his troops which were to come from Ireland.

Though by the prudent conduct of the queen-regent of France, the malcontents were humbled, and had promised to remain in quiet, they no sooner saw the king of England in Bretagne, and all Lewis's forces employed in those parts, but they began to stir. Upon which the king and the queen-regent were obliged to quit Anjou, in order to oppose their designs. This was the time for Henry to act vigorously, especially as the Normans pressed him to march into their country, where they were ready to receive him, and assist him to the utmost of their power.

Instead however of marching into Normandy, he went directly to Poitou, and took the castle of Mirabel. After which, as if he intended to shew the French malcontents, they were to expect nothing from him, he came to Guienne, to receive the fealty of the Gascons. In short, after losing much time, he returned into Bretagne, where he employed himself in such a manner, as demonstrated his little inclination for war.

This conduct gave occasion to suspect his ministers, of holding intelligence with the enemy, who had sufficient time to appease the troubles of the kingdom. Accordingly the queen-regent took this opportunity, so unseasonably given her, to be reconciled with the confederate barons. They readily consented to a peace, when they found Henry made no advances to support them.

As soon as the queen-regent had nothing to fear from the barons, she ordered the army to march towards Bretagne, where Henry was lavishing away the remains of his money in entertainments and diversions, as if, in leaving England, he intended only to take a journey of pleasure[15].

Upon the first news of the enemy's approach, finding his treasure spent, and fearing to draw upon himself all the forces of France, he shamefully returned into England[16] and it was with difficulty that he was prevailed with to leave part of his army in Bretagne, under the command of the earls of Chester and Pembroke, whom he had unseasonably engaged in the war. These lords, less timorous than their king, With these few troops, not only hindered the French from entering Bretagne, but made incursions into Anjou and Normandy, whence they carried away a great booty.

Thus ended this expedition. Instead of procuring any advantage to Henry, it served only to render him contemptible to his subjects, who would never more hearken to an expedition against France.

**AD 1230]** During Henry's absence in Bretagne, some commotions happened in Ireland. The King of Connaught, willing to take advantage of the weakness of the English, whose best troops were sent to the king, invaded their territories with a great army, or rather with multitudes of unwarlike people. But he found in Geoffrey de Maris, judiciary of Ireland, a more formidable enemy than he expected, who, killing twenty thousand of the Irish, took their king himself prisoner.

**AD 1231]** Though the king had consumed in needless expenses the sums granted him for the French war, he made that dishonourable expedition a pretence to demand a new aid. The Parliament, prevailed with by the consideration of his great wants, granted him a scutage of three marks upon every knight's fee, held of the crown.

Shortly after, Richard archbishop of Canterbury complained to the king, that upon the death of the earl of Gloucester, Hubert de Burgh had seized the castle of Tunbridge, though it was a fief of the archbishopric. Henry told him, the wardship of the young earl of Gloucester belonging to him, it was his prerogative to dispose of it to his judiciary, during the heir's minority; adding, he thought it very strange that he should call his right in question. This answer not satisfying the archbishop, he excommunicated, without distinction, all such as wrongfully detained the church's lands, and immediately departed to carry his complaints to the Pope.

About the same time, prince Richard, the king's brother, married Isabella, countess-dowager of Gloucester, sister of the earl of Pembroke, who died soon after his sister's marriage. He left his estate by will to Richard his brother, who. was still in Bretagne, where he did the state signal services. A three months' truce giving him leisure to return into England, he demanded his brother's inheritance, seized by the king. Henry, wanting an excuse to enjoy the profits, answered, that he heard his brother's widow was pregnant, and therefore could not dispose of the inheritance till she was delivered. But as he knew the falsehood of this, he sought a more plausible pretence.

He charged Richard with holding criminal correspondence with France whilst in Bretagne; and, without suffering him to vindicate himself, commanded him to depart the kingdom within fifteen days. It was shocking to an English earl to see himself treated in this manner. But it was still more so to the son of that earl of Pembroke, who had set the crown on the king's head, and established him on the throne, in spite of his enemies. Richard indeed quitted England, but it was to pass into Ireland, where he took possession of the castles and lands belonging to his family. Which done, he levied troops, and made himself amends out of the king's demesnes, for what was unjustly detained from him in England. Whether Henry dreaded the consequences of this revolt, or was made sensible that the injustice done the earl was too manifest to be maintained, he recalled him from banishment, gave him possession of his estate, and invested him with the office of earl-marshal, enjoyed by his brother.

Lewellyn prince of Wales, having lately made some incursions into the borders of England, Henry let him proceed for some time. But when he thought the Welsh prince no longer expected to be attacked, he resolved to go in person and chastise him. However, upon the first resistance, his warlike ardour abated, and he returned without effecting any thing.

Though Henry was now in the twenty-fifth year of his age, he had been forced to live unmarried, because all his projects on that account had miscarried. His first design was to espouse Yolante, daughter of the duke of Bretagne, to whom he was engaged by oath. But whether the Pope refused a dispensation, or for some other reason, the design was not executed.

A match was likewise proposed between him and the duke of Austria's daughter, but with no better success. Some time after, he wrote to the archbishop of Cologne, to impart to him his

intent of entering into a strict alliance with the empire, by marrying the daughter of the king of Bohemia. But we do not find this affair was carried any further. He had also the mortification to be disappointed this very year, in his design of espousing the second daughter of the king of Scotland, sister of the judiciary's wife. The jealousy of the English barons put a stop to this marriage. As they could not bear to see the king married to the younger sister of the wife of one of his subjects, they were so urgent with him to divert him from it, that he did not think fit to conclude this affair: Four years after, he would have married the daughter of the earl of Ponthieu; but this project, like the rest, came to nothing. Though he was contracted to her, and ambassadors were dispatched for the Pope's dispensation, he altered his mind whilst they were on the road, and sent them orders not to speak of the affair.

The archbishop of Canterbury so effectually pleaded his cause at Rome, that he obtained an order from the Pope, to take possession of the castle of Tunbridge, during the nonage of the earl of Gloucester. But he could not reap the benefit of this favour: death seizing him as he was returning to England[17]. When the monks of St. Augustin heard the news, they forthwith elected Hugh de Neville, bishop of Chichester, chancellor of the kingdom. The king confirming their choice, invested the prelate with the temporalities of the archbishopric. But the archbishop elect could never obtain the Pope's confirmation, to whom it was represented that he was too much a courtier. The Pope voided the election, and Ordered the monks to chuse a person more devoted to the holy see.

In the beginning of the year 1232, Henry called a Parliament, of whom he demanded an aid, to enable him to pay the debts contracted by his late expedition into France. The earl of Chester replied, in the name of all the barons, that they had assisted him not only with their money, but also their persons, and therefore owed him no further aid. The clergy, who were no better inclined to the king, desiring time to consider of the matter, the Parliament was prorogued till Easter.

Besides, that the king had made an ill use of the aids granted him by the Parliament, he gave the clergy, nobility, and people, another and no less grievous cause of discontent. They saw the king openly favoured the usurpations of the court of Rome, and, by an affected connivance, suffered the Pope to trample daily upon the rights of the church and the kingdom. The Popes, not contented with exacting from time to time, on divers pretences, large sums from the clergy, were manifestly aiming at getting into their hands the collations of all the vacant benefices, and consequently the rights of the patrons were on the point of being abolished.

Moreover, the conferring of almost all the benefices upon Italians, or other foreigners, could not but very much incense the English. This disgust was carried so far, that above fourscore persons of quality entered into a confederacy to dispossess the Italian ecclesiastics, of whatever they held in England. The confederates, having chosen one Robert de Thinge, a knight in the North of England, for their leader, forcibly entered several houses, of these foreigners and, carrying away what things of value they met with, distributed them to the poor.

This was done with so little noise, that not a soul stirred, either to oppose or punish the authors. But the Pope, who was soon informed thereof, wrote a severe letter to the king, in which he commanded him to punish immediately, the disturbers of the church's peace upon pain of excommunication and interdict. These threats obliging the king to issue orders to make strict inquiry after the authors of this violence, he found there were more persons concerned in it than he imagined, and that the bishops themselves were in the plot, or had countenanced it by their silence. However, for the Pope's satisfaction, the chief leader of the confederates was apprehended, and sent to Rome, pursuant to his holiness's order. Some sheriffs and other officers were imprisoned, for neglecting to suppress the riot.

In all likelihood the number and quality of the parties concerned prevented any further prosecution of this affair. During these transactions, the monks of St. Augustine having elected

another archbishop, and their choice not being more agreeable to the Pope than the former, they were enjoined to proceed to a third election.

How great a calm soever there seemed to be for some years in the king's court, a storm was secretly gathering against the judiciary, which proved the more fatal to him, as he was not prepared for it. Ever since the king was perceived capable of entertaining suspicions of his favourite, the enemies of Hubert had not ceased to do him ill offices. Their projects were so well managed, that the king was persuaded to recall the bishop of Winchester to court, and make him one of his counsellors.

This prelate had no sooner the king's ear, but he laboured incessantly the ruin of the favourite; being sensible his own safety depended on the downfall of his rival. As he earnestly sought all occasions to compass his ends, an opportunity soon offered, which he failed not to improve. The prince of Wales having made without opposition several incursions into England, the bishop of Winchester represented to the king, how great a reproach it was, that so despicable a people as the Welsh should thus plunder his subjects, and no endeavours be used to prevent it. The king replied, he was so far from having money to undertake a war, that his treasurers had even told him, his revenues would scarcely suffice for the necessary expenses of his family.

These words furnished the bishop with what he wanted, namely, a pretence to blame the conduct of the prime minister. He told the king, "The want he complained of proceeded from the ill-management of the treasury: that the persons through whose hands the money passed were not called to an account: that the wardship of minors was continually given to private persons without any benefit to his exchequer: that he received no profit from the revenues of the vacant benefices; or from the lands which, by death or confiscation, fell to the crown.

He added, also, that by these means the kings his predecessors were wont to fill their coffers, and consequently stood not so much in need of Parliamentary aid, but lived in a greater independence. Henry, approving this advice, called all his sheriffs, and such as had the management of the treasury, to account, and made Peter de Rivaux, the bishop of Winchester's son, treasurer of his chamber. This was only a trial of the bishop's credit, to pave the way to the execution of his main design.

These changes were followed by some others, tending to remove from court the creatures of the judiciary, whose interest visibly decreased, as his rival's gained ground. In short, the bishop knew so well how to manage the king, that he caused Segrave, his principal confident, to be promoted to the office of judiciary in the room of Hubert, who was turned out, though he had a patent for that dignity during life.

It seldom happens that a favourite falls easy. The hatred of the prince is proportional to his past affection; the former of these two passions hardly ever failing to be as violent as the latter. Princes generally act on these occasions from a principle of pride, very often to themselves unperceivable. As their affection cools, they endeavour to justify their inconstancy, and frequently upbraid the favourite for the very thing which before was the cause of their love. Of this we have a remarkable instance in the ruin of Hubert de Burgh. Never had favourite a greater ascendant over his master. His counsels, which flattered all the king's passions, were regarded, whilst in favour, as so many oracles. But when the king had entertained a prejudice against him, he considered his former advisers as so many treacheries.

Indeed, it would be difficult to vindicate all the action: of this favourite. But, very probably, among the thing laid to his charge, there were many false imputations. Be this as it will, a few days after his removal, the king sent for him, and required him to give an account of all the money that had passed through his hands which being very hard to do, Hubert endeavoured to be excused. He produced King John's charter, declaring he was so well satisfied of his faithfulness, that he discharged him from all accounts. The bishop of Winchester replied, the charter might be valid

as to what passed in the late reign, but was of no force to exempt him from giving an account of his administration, during the present. He added, this was not the only thing he was charged with: that he was accused moreover of several crimes, and particularly of having given the king pernicious counsels, to the great prejudice of his and the kingdom's affairs. Hubert perceiving by these accusations, that his ruin was resolved, desired time to give in his answer; which could not be refused him. For the bishop of Winchester, who stood in need of the barons to condemn him, durst not disoblige them, by denying Hubert a privilege common to him with all the peers of the realm. It may be, they would have made it their own cause, if the court had persisted in denying his request.

Whether Hubert were conscious of his guilt, or despaired of vindicating his innocence before judges, several of whom were his professed enemies, instead of appearing on the day appointed, he took sanctuary in the priory of Merton, whence he hoped none would dare to force him. Some time after, the Parliament being met at Lambeth, an aid of the fortieth part of the moveables of the whole nation was granted to the king[18].

Which done, the lords petitioning that Hubert de Burgh's trial might proceed, he was summoned to appear, but refused to obey. Upon which the king, who was of a violent temper, commanded the mayor of London to force him from his sanctuary, and bring him either dead or alive. The citizens very joyfully embraced this opportunity of being revenged upon Hubert, for whom they had entertained a mortal hatred, ever since his severity in the affair of Constantine. They immediately flocked together, to the number of twenty thousand, with a resolution to execute the king's orders without mercy.

Meantime, some of the chief citizens dreading the consequences of so rash an order, went and advised with the bishop of Winchester, who told them, let what would follow, the king must be obeyed. But the remonstrances of the earl of Chester to the king himself had a better effect. He represented to him, that such a tumultuous assembly might be very dangerous, and raise in the city a sedition which might not be easily appeased.

Moreover he intimated, that so violent an action would be blamed by all the world, and especially by foreigners; who, not being prejudiced, like the English, against the party accused, would think it very strange he should be thus treated, since other means were not wanting to punish him if he were guilty. In fine, he put him in mind of the Pope's resentment, who would never suffer the sacredness of the sanctuary to be violated with impunity. Henry being prevailed with by these reasons, sent a countermand to the mayor of London, who found it very difficult to disperse the mob.

Of all Hubert's friends during his prosperity, there was but one left that ventured to speak in his behalf. This was the archbishop of Dublin, who, by his solicitations, obtained of the king, that he would grant Hubert a longer time to prepare his answer. In the interim, Hubert coming out of his sanctuary, to visit his wife at St. Edmund's-bury, the king, who had notice of it, caused him to be pursued by some soldiers, who found him in a small chapel, at Brentwood, in Essex, where he had taken refuge, with the cross in one hand, and the host in the other: both which being violently wrung from him, they tied his feet under his horse's belly, and in that ignominious manner conducted him to the tower of London.

All churches; as well as what belonged to them, being in those days so many sanctuaries, not to be violated without punishment, the king's attempt alarmed the whole body of the clergy. The bishop of London was no sooner informed of the matter, but he went to the king, and declared he would excommunicate all those that, directly or indirectly, were concerned in the breach of the church's privileges. The king being terrified at these threats, ordered Hubert to be sent back to the chapel from whence he was forced, but commanded withal the sheriffs of Hertfordshire and Essex, upon pain of being hanged, to guard the church so strictly, that the prisoner might neither escape, nor receive victuals from any person.

The archbishop of Dublin perceiving his friend could not long remain in this situation, interceded for him once more, and entreated the king with tears in his eyes, to tell him what he designed to do with the prisoner. Henry replied, he intended to have him condemned for a traitor, unless he would own himself guilty, and abjure the kingdom for ever. Hubert thinking this condition too hard, voluntarily yielded himself to the sheriffs, who carried him to the tower fettered and chained, amidst the shouts of the people, who took a pleasure in insulting over his disgrace.

But whilst he was anxiously expecting the rigorous sentence he was threatened with, his affairs began to have a new face by the fickle temper of the king, who could not long continue in the same mind. Two things farther contributed to this change. First, the death of the Earl of Chester, professed enemy of Hubert, though he disapproved of the illegal ways the king would have taken to destroy him. Secondly, a large sum of money lodged by the prisoner in the hands of the knights Templars, and readily delivered by him to the king upon demand.

Thus Hubert saw the king's anger cool by degrees, when he expected to feel the most terrible effects of his displeasure. This sudden change alarmed the bishop of Winchester, who, dreading the revival of the king's affection for his old minister, made a fresh attempt to complete the destruction of his formidable rival. He took occasion from the money lodged with the templars, to accuse him of fraud and rapine; alleging, it was impossible to heap up such immense riches by lawful means.

This charge was supported by all Hubert's adversaries, who, seeing the king began to relent, came in a body and petitioned his death. But the king resolutely answered, he would never consent to the death of a person, from whom himself and the king his father had received such signal services. He ceased therefore his prosecution, and leaving him in possession of his estate of inheritance, and of such lands as he had purchased with his own money, was contented with depriving him of the rest. As soon as it was known how the king stood affected, some of the lords<sup>[19]</sup>, who till then had not dared to speak for Hubert, solicited the king in his behalf, and so far prevailed, that he was sent to the castle of the Devises, till it should please the king to dispose of him otherwise. Thus ended this affair, which had made so much noise, to the great grief of the bishop of Winchester, who expected Hubert would not have come off without the loss of his head.

John Blund, professor of divinity at Oxford, being elected archbishop of Canterbury, immediately set out for Rome, with the king's license, to obtain the Pope's confirmation. it seemed, that Hubert's disgrace should have obliged the new minister to keep within the bounds of moderation, and behave more gently to the English. But contrary to every one's expectation, it had quite another effect, instead of taking a different course from that of his predecessor, the bishop of Winchester thought only of governing with an absolute power, and withal to screen himself from the plots of those that should oppose his designs.

He intimated to the king, that among the barons there were few really devoted to his service, and that their sole aim was to make themselves independent: adding, it was absolutely necessary to think of means to repress their insolence; but it would be almost impossible to succeed, whilst they were, in a manner, masters of the kingdom, by having in their hands all the places of trust and profit; in a word, whilst they possessed what might most increase their audaciousness: that their power therefore was to be undermined by degrees, by turning them out of their posts, offices, and governments, which might be conferred upon foreigners who should be invited into England, to the end the king might rely on their assistance in case of necessity: that the strong places and posts which gave most credit and authority with the people, being in the hands of such, as were by gratitude and interest devoted to the king, it would be in vain for the English barons to attempt the re-establishment of their pretended rights.

This advice, so conformable to the king's inclinations, could not but be very agreeable, and therefore was immediately put in practice. Quickly after were seen to arrive above two thousand

knights, Gascons and Poitevins, whom the bishop of Winchester, their countryman, and Peter de Rivaux his son, who passed for his nephew, had sent for. These strangers not only were promoted to the most considerable posts and governments, but moreover had the wardships of the young nobility committed to them by the king.

By that means they procured each other very advantageous matches, to the great detriment of all the noble families. This proceeding very much exasperated the barons, who plainly saw the consequences. Besides, they could not bear to see themselves removed from places and posts, to which they had a right to pretend, whilst the king lavished his favours on foreigners. But the bishop of Winchester prevented their murmurs from reaching the ears of the king: or, if he could not avoid it, had the address to hinder their making any impression on his mind.

Richard, earl of Pembroke, first ventured openly to complain of these proceedings. He boldly represented to the king, that in placing his whole confidence in strangers he so alienated the affection of his subjects, that, in the end, their discontent must be attended with fatal consequences. He plainly told him, in case he continued thus to prefer the foreigners before the English, the barons would be forced to seek means to clear the kingdom of these blood-suckers.

The prime minister, who was present, did not give the king time to reply. He told the earl, his insolence deserved correction, in thus pretending to abridge the king of the liberty of employing whom he pleased for the defence of his crown: adding, if the foreigners, now in the kingdom[20], were not sufficient to reduce his rebellious subjects to their duty, a greater number should be sent for. This haughty and imprudent answer caused a general discontent among the barons. From thenceforward they began to withdraw from court, and form a confederacy, to put a stop to the despotic power the king was assuming by the violent counsels of his minister.

Some time after, the king summoning a Parliament, the barons, pursuant to a resolution taken among themselves, refused to meet. They were summoned a second time, but to no purpose. At last, being informed that a fresh troop of foreigners were landed in England, to strengthen the court-party, they met in a body, to consult together what was to be done. The result of their consultation was to send deputies to the king, to let him know, that if he removed not from his person and counsels the bishop of Winchester and the Poitevins, they were resolved to place on the throne a prince, who should better observe the laws of the realm.

So formal a declaration furnishing the prime minister with a plausible pretence to exasperate the king against the barons, he omitted nothing to induce him to use the most violent measures to reduce them to obedience. Henry, blindly giving himself up to the guidance of the bishop, began to adopt this advice, with compelling some of the lords to deliver their children as pledges of their allegiance.

After that, he prepared to prosecute by arms such as refused to submit. When he thought himself in a condition to make himself feared, he called a parliament, with design to cause the most obstinate to be condemned. The barons obeyed the summons, but came so well attended, that they were in danger of no violence. The earl of Pembroke was on the road in order to be present with the rest, imagining it was not in the king's power to have any thing passed to his prejudice. But upon notice that the court designed to take a speedier and surer course, he turned back and retired into Wales.

The precautions of the barons breaking the king's measures, he prorogued the Parliament, lest what he had projected should fall on himself. He now resolved to act with open force. He accordingly summoned all the vassals of the crown to meet him with their troops at Gloucester; but the earl of Pembroke, and some others, did not think fit to obey. Their refusal furnishing him with a plausible reason to attack them, he ordered their estates to be plundered, their parks to be destroyed, their houses to be pillaged, and their spoils to be distributed among his Poitevins. If the barons had held together, the king would never have ventured to proceed to such violence.

But dissension arising among them, some broke the confederacy[21], and left the rest exposed to the king's resentment. The earl of Pembroke perceiving himself too weak to resist, after being deserted by the greatest part of his associates, applied to Llewellyn, prince of Wales, who granted him his protection and assistance.

Meantime, Henry, having received a fresh supply of Poictevin troops, marched as far as Hereford, with design to seize the earl of Pembroke's castles in that county. But his ardour quickly abated, by the resistance he met with from the first castle he besieged. As he was losing his time before the castle, he bethought himself of a device which succeeded. He feigned to be willing, to refer the decision of his quarrel with the barons to the Parliament, which was to meet in October. He even gave his royal word, that he would consider of their complaints; and as his past conduct had rendered his word doubtful, some of the bishops became sureties for the performance of his promises.

Then he required the castle, which he was besieging, to be surrendered to him, promising to restore it to the earl of Pembroke, within fifteen days. These conditions being approved, the castle was delivered to the king: but when the fifteen days were expired, he laughed at the earl's credulity, and refused to stand to his engagement. Such were the instructions of the bishop of Winchester.

The Parliament meeting on the 9th of October, as was agreed, the king was earnestly entreated by all the lords, to replace his confidence in his subjects. It was remonstrated to him, that the administration of the public affairs belonged more naturally to the peers of the realm, than to foreigners, and that he could not prefer strangers without wronging his barons. Above all things, he was desired not to introduce the pernicious custom of treating as rebels and traitors those that were not legally condemned.

The bishop of Winchester, who, on such occasions, never failed to answer for his master, replied so, as plainly shewed what maxims he instilled into the young king. He told them, the peers of England were very arrogant to put themselves upon a level with the peers of France, when there was a wide difference between the one and the other: adding, it was a notorious encroachment upon the royal prerogative, to pretend to deprive the king of the right of making use of what judges he pleased, to punish the disobedient. Upon these words, the bishops unanimously threatened the prelate with excommunication.

But he despised their menaces, alleging, he was not subject to their jurisdiction, as having been consecrated by the Pope. However, lest this reason should be deemed too light, he appealed before hand to his holiness, from the sentence of the bishops. Appeals to the court of Rome were then so sacred, that the bishops not daring to excommunicate him by name, were contented to dart their thunders in general, upon all those who alienated the king's affection from his natural subjects.

The earl of Pembroke finding all his instances for the restitution of his castle were fruitless, besieged and took it in a few days. Upon news thereof, the king fell into a great fury with the earl, and commanded the bishops to excommunicate him. But he had the mortification to be denied. They told him, they did not see lawful cause to excommunicate the earl, who had only recovered his own right, and what the king promised to restore. Henry, unable to prevail with the bishops; resolved to take arms again, and revenge this affront. For that purpose, he summoned all the lords to meet him at Gloucester with horse and arms, the day after All-Saints.

When his army was ready, he marched into Wales, but was no sooner there, than he found himself in extreme want of provisions and forage, the earl of Pembroke having laid waste all the places through which the royal army was to pass. This disappointment obliging him to alter his course; he entered Monmouthshire, where he staid some time to give orders for the subsistence of his army. The earl of Pembroke, understanding that the king and most of the general officers were

lodged in the castle of Grosmont, whilst the army was quartered without in tents, attacked the camp by night, and put the whole army to rout. This accident so confounded the king, who lost in the action five or six hundred horses[21], with almost all his baggage; that, though his army was superior to the earl's, he retired to Gloucester[22].

Pembroke, upon the king's retreat, resolved to besiege the castle of Monmouth, commanded by Baldwin de Guisnes, a Flemish officer of great reputation. Baldwin, not questioning but the earl would approach with a small number of soldiers to take a view of the castle, laid an ambush for him, which, surrounding him on a sudden, took him prisoner. This accident would doubtless have proved the ruin of the earl and his whole party, if, by an unexpected good fortune, as he was carried to the castle, Baldwin had not been desperately wounded by an arrow. His wound obliging his men to halt, in order to assist him, the earl's army had not only time to rescue their general, but likewise to kill or take prisoners all that came out of the town.

Whilst these things passed in Wales, Hubert de Burgh was contriving means to free himself from a new danger which hung over his head. He had received notice that the bishop of Winchester intended to make away with him; and, to compass his ends the more easily, earnestly desired of the king the custody of the castle of the Devises. Hubert's danger obliging him to endeavour to avoid it, he was so fortunate as to gain some of his guards, who gave him an opportunity to escape; and take refuge in a neighbouring church.

When his escape was known, the governor ordered him to be pursued by some of the garrison, who, finding him before the altar, dragged him thence with great violence, and brought him back to the castle. This breach of the privilege of sanctuary appeared to the clergy of so dangerous a consequence, that the bishop of Salisbury made it his own cause. He forthwith repaired to the Devises, and tried to persuade the governor to send back the prisoner to the place whence he was taken.

His solicitations proving ineffectual, he excommunicated the whole garrison, and immediately carried his complaints to the king. He was assisted by the bishop of London, and some other prelates, who were so urgent with the king, that he ordered the prisoner to be any of the king's soldiers to be taken or hurt, by which means only two, (and they by their own fault,) fell by the sword sent to his sanctuary. But this favour was of little benefit to Hubert, since withal the king commanded the sheriff of the county, to prevent any one from bringing him victuals. However, on the morrow he was rescued by a troop of armed men, who afforded him means to make his escape into Wales, where he joined the earl of Pembroke.

The election of John Blund to the see of Canterbury not meeting with approbation at Rome, the Pope declared it void. But for fear the monks should mistake again, he empowered them to chose Edmund, canon of Salisbury. Thus by degrees the Popes became masters of the elections of the archbishops of Canterbury, by annulling them, till those they intended to favour were chosen.

**AD 1234.]** After the king's retreat, the earl of Pembroke continued his progress, and daily gained some advantage. In the beginning of the year he defeated a small army commanded by John de Monmouth, who thought to surprise him, but was himself surprised. After this victory, he ravaged the lands of the king's counsellors[24], lying in the marches of Wales, and burnt the town of Shrewsbury, whilst the king, who was still at Gloucester, durst not take the field.

Instead of opposing the earl's progress, he thought himself unsafe at Gloucester, and therefore shut himself up in Winchester, leaving the counties near the Severn to the mercy of the enemy. Several bishops and others advised him to make peace with the earl. But this weak prince, suffering himself to be entirely governed by the bishop of Winchester, refused to hearken to any accommodation, unless the Earl of Pembroke would come and throw himself at his feet, and declare himself a traitor. The bishop of Winchester caused to be directed to the king's officers in Ireland an order, signed by twelve privy counsellors, to plunder the estates of the earl of

Pembroke, and to take him dead or alive, if he should come into that country. To this order was added a promise, in the king's name, of the earl's confiscated lands in Ireland, if they would faithfully execute what was enjoined them. The governors of Ireland, allured by so fine a bait, promised to use their utmost endeavours, to content the king.

But they wished to be secured by a charter in form, of what was promised them. The bishop, being too far engaged to recede, caused a charter to be drawn, and found means to get it signed by the king, among other papers of little moment. Then, he caused the great seal to be affixed by the chancellor, who probably was in the plot[25].

As soon as the Irish governors received this charter, they began to execute the order. For that purpose they levied an army on some pretence, and, entering the lands of the earl of Pembroke, committed great outrages, in order to draw him into Ireland. This artifice had all the success the bishop of Winchester expected. Pembroke, exasperated at the injuries done him in Ireland, immediately repaired thither with design to take vengeance of those who thus wantonly attacked him. But instead of being revenged, he was basely betrayed by pretended friends, who engaged him in a battle where he lost his life[26] by a stab in the back with a dagger[27].

Whilst the bishop of Winchester was thus using the king's authority, without his knowledge, to free himself from his enemies, the new archbishop of Canterbury was secretly labouring to undermine him. This prelate, out of zeal for the good of the public, and for the king himself, never ceased representing, that it was his interest to remove from his person a minister so odious to all his subjects. He intimated to him, that the foreigners, who alienated his people's affection, would infallibly prove one day the cause of his ruin.

His instances were so urgent; that at length Henry's eyes were opened, and he seemed wholly disposed to reform his conduct. The first effect of this change was the disgrace of the prime minister, who had express orders to return to his diocese. After that, Peter de Rivaux, the treasurer; Segrave, the judiciary; Robert de Passelew, and all the rest of the favourite strangers, promoted by the bishop of Winchester to the principal posts in the state, were turned out. At the same time, they were ordered to prepare to give an account of their management, and of all the money that had passed through their hands. The affairs of the court being thus settled, the king sent the archbishop of Canterbury, with the bishops of Chester and Rochester, into Wales, to negotiate a peace with Llewellyn, which they concluded to the advantage of the state.

The king's happy change restored tranquillity to England, whence it had been some time banished: The new ministers improved this good interval, to make the king sensible of the injury he had done himself, in placing his whole confidence in strangers, who had no affection for himself or his kingdom. The archbishop of Canterbury, who was informed of the particulars of the plot against the earl of Pembroke, showed him a copy of the order and charter sent by the bishop of Winchester into Ireland. Henry, amazed at so great a presumption, protested, he had no hand in the matter. He even seemed to grieve for the death of the earl of Pembroke, and to be extremely incensed against his ministers, who had so notoriously abused his confidence[28].

The day appointed for the old ministers to give in their answers being come, the parties accused chose to take sanctuary in churches, under pretence of being justly apprehensive of some violence from their enemies. The aim of the new ministers, being to convince the king of the unfaithfulness of the old, they ordered it so, that the king removed the pretence for their non-appearance, by granting them a safe conduct. Peter de Rivaux, who appeared first, talked in so arrogant a manner, and so little suitable to his condition, that the king not being able to bear his insolence, ordered him to the tower. He remained there however but three days, being, by the archbishop's advice, sent back to his sanctuary. Segrave required a longer time to give in his answer, which was granted him upon the archbishop's intercession. The bishop of Winchester continued in his cathedral, not daring to trust to his safe conduct; and it was not thought proper to force him thence.

**AD 1235]** Whilst these domestic affairs were transacting, the truce with France being expired, Lewis vigorously attacked the duke of Bretagne. This ally should have been powerfully assisted but Henry was contented with sending sixty knights, and two thousand foot. An aid, so disproportional to his wants, not being sufficient to protect him, he saw himself under a necessity of demanding a three months' truce; which, however, he could not obtain, but on condition, that if within that time the king of England did not come in person to his relief, he should submit to whatever should be required of him.

During this interval, he used his utmost endeavours to prevail with Henry to come into Bretagne; but, not succeeding, he did full homage to Lewis for his territories, which made his subjects give him the nickname of Mauclore, that is, bad scholar. Thus, by his negligence, Henry lost an ally, who might have been of great service to him, in his war with France.

**AD 1236]** In the beginning of the next year, Segrave and Passelew, the king's old ministers, found means to make their peace by a present of a thousand marks each, for which they were discharged from further prosecution.

Shortly after was solemnized the marriage of Isabella, the king's sister, with the emperor Frederic II. Though it was not customary to grant the king an aid for the marriage of a younger sister, the Parliament was so well pleased with his late proceedings, that they granted him two marks on every plough-land.

The bishop of Winchester, who, since his disgrace kept within his diocese, departed from thence by the Pope's order, who sent for him to be near his person, on pretence he wanted his advice in a quarrel between him and the citizens of Rome. It was not at all doubted, but the Pope used this expedient to free him from the king's prosecutions; and, probably, the prelate paid dearly for this favour. He had to deal with a Pope who neglected no opportunity to heap up money. This is evident from a proceeding of his this same year.

The ten years' truce, made by Frederic with the Saracens, being now almost expired, he caused a fresh crusade to be published; as if he intended to make a vigorous push to restore the affairs of Palestine. Upon this news, the zeal of the Christians being roused, great numbers took the cross. But whilst they were preparing to depart, another bull appeared, to dispense with their going, for a certain sum of money.

England being then in profound tranquillity, Henry took this opportunity to espouse Eleanor, second daughter of Raymond Earl of Provence[29]. The nuptials were celebrated with great magnificence and rejoicings, which seemed to presage to the king more happiness than this marriage was attended with. The solemnity of the wedding and coronation[30] of the new queen being over, the king called a Parliament at Merton, where divers statutes were enacted, which long remained in force, but are now for the most part repealed[31].

The war renewed by the king of France ended with his expedition into Bretagne, without any treaty of peace between the two crowns. Henry, who was not of a martial temper, had done nothing towards continuing it, and the queen-regent of France was very glad not to draw the English into France, during the minority of the king her son.

But, though England was not troubled with foreign wars, the kingdom was disturbed at home by the discontents of the nobility, upon the promotion of a new favourite. This was William of Provence, the queen's uncle, elected bishop of Valence, but not yet confirmed by the Pope. This prelate, lately arrived in England, had so gained the king's affection, that nothing was done but by his advice, and the administration of the public affairs was entirely left to him. Such great favour was very displeasing to the English barons, who were reduced to the same condition, whence they thought to have freed themselves by the expulsion of the Poitevins. At a Parliament, assembled this year in April, they so boldly complained of these proceedings to the king, that

he thought fit to retire to the Tower, where he would have had the barons to follow him. But finding none came to him, he returned into the city, and endeavoured to satisfy them upon some of their grievances, in order to induce them to overlook what they deemed the principal.

Though the Parliament granted the king a considerable aid, for the marriage of the empress his sister, it appeared the money was not put to that use. For ambassadors from Frederic came to court, to demand the portion promised their master. If people's reflections on this occasion were not to the king's advantage, those they had cause to make soon after upon his inconstancy, were no less prejudicial to his reputation.

Suddenly, when there seemed to be least reason to expect it, he recalled to court Segrave and Rivaux, whom a little before he had prosecuted for their misdemeanours. Not content with this, he entirely trusted them again, as if he had reason to be satisfied with their former conduct. These pernicious ministers were hardly restored to their posts, but the ill effects of their counsels on the king's mind were perceived. In a parliament, held this year in June, at Winchester, Henry, by virtue of a bull from Rome, would have annulled all his grants during his nonage, because they wanted the Pope's confirmation. A proceeding so directly contrary to the rights and prerogatives of the crown, being looked upon with indignation, the Parliament refused to consent to the revocation of these grants.

As Henry's conduct drew upon him the contempt of his subjects, this contempt proved very prejudicial to him, with respect to foreign princes; and he chose rather to give way to them voluntarily, than involve himself in troubles, from which he saw he could not free himself with honour. For this reason he had deserted the duke of Bretagne, and suffered himself to be bullied. this very year by the king of Scotland, who demanded the county of Northumberland, with such haughtiness as would have met with a mortifying repulse, from any other prince.

Henry, however, made no scruple to purchase a peace with the yearly pension of eighty marks, which were settled on the king of Scotland. He even took a journey to York, on purpose to negotiate this dishonourable treaty, pretending a fear of the Scots making a league with the Welsh. He feigned also to be apprehensive that Gilbert Marshall, earl of Pembroke, who had succeeded his brother Richard, and married the king of Scotland's sister, would improve this opportunity to raise commotions in the kingdom.

**AD 1237]** Meantime, as the king daily perceived the great men to be estranged from him, and that therefore it would be difficult to raise money to fill his empty coffers, he bethought himself of an expedient, which he believed could not fail of success. He called a Parliament, to which all the lords of the kingdom were summoned[32], in order to treat about some weighty affairs of state. As soon as they were met, a certain priest, famed for eloquence, told the lords, "He was commanded to acquaint them with the occasion of their meeting." After a short pause, he added, "That the king having seriously reflected on the abuses crept into the government, was extremely concerned for contributing to the same, by his carelessness and ill conduct: that he acknowledged, with grief, he had made use of imprudent and selfish ministers, who, never regarding the good of the kingdom, to which they were strangers, had drawn him in by their pernicious counsels, to do things contrary to the laws and customs of the realm: that to repair, as far as was possible, the evils occasioned by his own indiscretion, and the unfaithfulness of his ministers, he was determined to be guided no more by the advice of foreigners, but to commit the administration of the public affairs to his native subjects : that he was persuaded, they would labour to the utmost of their power to prevent the oppression of the people, cause justice and the laws to flourish, and restore the crown to its former lustre."

After laying these foundations, the orator continued, "that the king desired his Parliament to consider, that the mismanagement of his treasury, and the debts he had contracted, were not the least of the misdemeanours, his ministry might be charged with: that he hoped they would begin with applying a remedy to this, upon his assurance, that he would consent to any expedients

proposed for the redress of the other abuses: that therefore he required an aid answerable to his present occasions, and to shew he was in earnest, he consented beforehand, that commissioners should be appointed to take care that the money should be disposed of for the necessary uses of the kingdom.

If Henry had been less known, his harangue might have had a sudden effect on the Parliament. But as they were too sensible to what a height he could carry his dissimulation, all these submissive expressions were notable to move them. They answered, "They had often granted aids to the king without ever receiving any reciprocal mark of his affection; that since his accession to the crown, his dominions were considerably lessened, though he had frequently exacted from his subjects very large sums, which were only lavished away upon foreigners."

To this vigorous answer, it was replied from the king, "That his own and his sister's marriage had entirely exhausted his treasure; but if they would grant him a thirtieth part of their moveables, he promised, upon his honour, never to injure or oppress any baron of the realm." The lords were not prevailed with by this promise, which seemed to them of little moment, since they could not rely upon the king's word. And therefore they replied, they had already granted the king an aid for the empress's marriage, but he had diverted it to other uses; and, since he had married without asking their advice, he might defray the expenses of his wedding as he pleased.

This answer, convincing him, that he wanted a stronger engine to wrest from them the aid he demanded, he attacked them in a more sensible part. he promised to re-establish his father's charters, and to satisfy them that he really intended to cause them to be observed, he ordered the execration formerly denounced by cardinal Langton upon the transgressors of these charters, to be published in all the churches. In short, to gain them entirely, he added to his council three lords[33] whom he knew to be very acceptable to the nobility.

So many advances from a sovereign, and especially the re-establishment of the charters, had at length the desired effect. The Parliament, suffering themselves to be deceived by these demonstrations, granted him the aid required. However they clogged it with two not very grateful conditions. First, that, for the future, he should reject the counsels of the foreigners, and adhere to the advice of his subjects. Secondly, that four knights should be chosen in every county to collect and secure the money in some monastery, that it might be restored to every one again, in case the king should break his word. Notwithstanding this precaution, the money was no sooner raised, but the king seized it and squandered it away in useless expenses, even in presents to his favourite foreigners, who remained in his council as before.

Henry's conduct occasioned such loud murmurs, that prince Richard his brother thought himself obliged, to represent to him very strongly, to what danger it would infallibly expose him. But his remonstrances were in vain. Among those that had the greatest ascendant over the king, history particularly mentions Simon de Montfort, son of the famous earl of Montfort, general of the crusade against the Albigenses.

This young man, who, for some disgust, had left the court of France to make his fortunes in England, conformed himself so to the king's humour, that few were in greater favour. We shall have frequent occasion to speak of him, under the title of earl of Leicester. Though Henry little thought of extending his dominion over the neighbouring countries, a happy juncture procured him, before the end of this year, an advantage which the most illustrious of his predecessors had sought in vain. Llewellyn, prince of Wales, grown old and infirm, and finding himself persecuted by his son Griffin, could think of no better means to secure himself from his rebellious practices, than by putting himself under the king of England's protection; to whom he did homage for his dominions.

This proceeding was the more extraordinary, as he himself, as well as his ancestors, had all along exerted their utmost to prevent the acknowledging of this sovereignty.

Whilst the English were loudly complaining of being exposed to the avarice of the king and his foreign ministers, a fresh cause of discontent unexpectedly happened by the arrival of Otho the Pope's legate, who was come to plunder them of what they had left. The clergy justly dreaded these extraordinary legateships; the sole aim whereof was to pillage them: The archbishop of Canterbury very much blamed the king, for suffering the legate to come into the kingdom, without any apparent necessity; and without the knowledge of the clergy and Parliament.

But these expostulations were in vain. It would not only have been difficult to persuade the king to send back the legate, but it even appeared that he himself had privately sent for him. His view was to screen himself, under his protection; from the attempts of his subjects. The Pope took care not to lose this opportunity of sending a legate into England, in expectation, that, by means of the king's authority, he might with impunity rifle the churches.

It was not upon England alone that the legate cast his eyes: his design was to drain Scotland also, which hitherto had been free from the exactions of the court of Rome. He believed he had met with an opportunity at an interview which the kings of England and Scotland had at York, on account of the Scotch king's pretensions. As soon as the conference, where the king of Scotland obtained an augmentation of his pension was ended, the legate, who had found some excuse to be present, told him he designed to go into Scotland, to regulate the affairs of the church.

Alexander answered, he never heard of any legate sent into Scotland, and there was still less occasion for any in his reign; neither would he, in short, allow such an innovation, as long as he sat on the throne. Adding, if, notwithstanding this declaration, he persisted in his design, he warned him beforehand, that he was not absolute master of his own subjects, and perhaps it would not be in his power to protect him, if the people, fierce and ungovernable, should fail in their respect due to the Pope's legate.

These last words were apparently the reason of the legate's altering his mind, and staying with the king of England, whom he found more obsequious. John late earl of Chester dying this year without issue, the king annexed to the crown that earldom, which enjoyed very great privileges, paying, in money, to the earl's sisters what they were to receive from thence, or allowing it out of other lands.

About the same time, Henry received a letter from the emperor Frederic, informing him of the birth of a son by Isabella his wife, to whom he had given the name of Henry. Adding, he designed the kingdom of Sicily for the new-born prince.

**AD 1238]** Simon de Montfort before mentioned, finding himself in great favour at court, ventured to cast his eyes on Eleanor, countess dowager of Pembroke, the king's sister. But as he was justly apprehensive of meeting with great obstacles, he took shorter method, by first securing the princess's heart. He accordingly so managed, that the king was obliged to cause them to be privately married in his own chapel[34].

Prince Richard was extremely incensed at this marriage. He bitterly complained of it to the king, and strongly remonstrated to him, that he was in the wrong to give his sister to a younger brother, whose fortune was no way answerable to a royal family. The king excused himself from the necessity of hastening the marriage; adding, there was now no remedy, since it, was solemnized, and the princess was pregnant. Montfort, perceiving prince Richard was highly exasperated against him, and fearing he would endeavour to annul his marriage, went to Rome, where he found means to have it confirmed by the Pope. He then returned to the king, who gave him a very kind reception.

This marriage was not the only thing Richard thought he had reason to complain of; and, as he seemed to be much concerned for the interest of the public, the barons believed that, under such

a leader, it would not be impossible to obtain of the king the satisfaction they required, especially with regard to the foreigners. In this belief, they entered into a confederacy[35], and having the prince at their head, sent the king word, that they prayed him to remember his promises.

This confederacy, the consequences whereof were dreaded by Henry, caused him to put on a seeming moderation, as he usually did, when he found himself pressed. Instead of shewing any resentment, as they expected, he appointed a day to give them a favourable answer. Persuaded as they were, that the king sought only to amuse them, they came to London on the day appointed, guarded with horse and arms, and ready to compel the king to a compliance.

Henry assured them he really intended to redress all grievance, and, to convince them of his sincerity, told them, he was willing to submit to the arbitration of a certain number of lords, the one half to be named by himself. Commissioners were accordingly chosen on both sides, who drew up certain articles, which were signed by the king and the barons, and confirmed by the legate, who, in all public affairs, endeavoured to interpose his master's authority.

This same legate met not at Oxford, where he went upon some business, with that respect that was paid him at court. Though the University in a body received him with the deference due to his character, the insolence of his domestics was the occasion that certain scholars lost the respect they owed him. Some young students offering to enter into his lodgings, were so uncivilly repulsed by the porter, that they were very much out of humour. Whilst they were in the house, some of them going into the kitchen, found there a poor Irish scholar begging for relief of the cook, who, instead of an alms, threw a ladle full of boiling water in his face.

This barbarous action so provoked a Welsh student, who was witness of it, that, having a bow in his hand, he shot the cook dead on the spot. The legate hearing of the tumult, retired in a fright into the tower of church, where he remained till night, dreading that the insolence of the scholars would even extend to his person. As soon as he thought he might retire with safety, he hastened to the king, and complained of this outrage, laying it to the charge of the whole University, which he had now put under an interdict. The king appeared extremely enraged at this insult upon the legate, and to give him satisfaction, immediately sent the earl of Warren to Oxford, with orders to seize the offenders. This business, which at first made a great noise, was at length hushed by the mediation of the bishops, who prevailed with the University to make all the submissions he required.

Shortly after, Henry sending the emperor a body of troops, under the command of Henry de Turbeville, the Pope, against whom they were employed, was so incensed, that for some time the English ecclesiastics were denied admittance at the court of Rome. This quarrel made the emperor hope, he should gain the king his brother-in-law to his side. Accordingly, being desirous to improve this juncture, he dispatched ambassadors to him, who did all that lay in their power, to persuade him to join with the emperor against the Pope; but it was not possible for them to succeed. The king and the Pope stood too much in need of each other, to remain long at variance.

The death of the bishop of Winchester[36], during these transactions, gave the king opportunity to make the first advances towards a reconciliation with the Pope. Henry, ardently desiring to procure this rich see for the bishop of Valence his uncle, strongly recommended him to the monks, the electors. But, notwithstanding his solicitations, they made choice of the bishop of Chichester, high chancellor of England.

Though the king was disappointed, as to the monks, he despaired not to succeed another way. He knew the Pope wanted nothing more than to see him make advances towards a reconciliation, He therefore sent ambassadors to Rome who, after making some submissions in their master's name, prevailed to have the election of the bishop of Chichester annulled by the apostolical authority. The death of the bishop of Winchester was preceded by that of Joanna, queen of Scotland, sister to Henry[37]

This year, a knight, pretending to be mad, found means to get into Henry's chamber by night, with design to kill him but being disappointed by the king's passing that night in the queen's apartment, he was taken and punished according to his desert. Before he died, he declared that William de Maris was the author of the conspiracy, in which several others were engaged. However, there was no inquiry made.

**AD 1239]** This year the queen was delivered of a prince, called Edward, who in process of time succeeding his father, proved one of the most illustrious monarchs that ever swayed the English sceptre.

The exactions daily imposed by Otho the legate upon the churches compelled the bishops at length to carry their complaints to the Pope. Tired with the perpetual demands of the cardinal, they resolved to meet and consider of some remedy for the evil. They had scarcely begun, however, to treat of their affairs, when the legate came into the assembly, and demanded an aid for the pressing occasions of the holy see. This fresh demand putting them beyond all patience, they peremptorily refused the demand, and broke up immediately.

Otho having with impunity, extorted large sums from England, he had a mind to do the same in Scotland, though he had already been refused entrance. For this purpose he departed, attended by some English barons. Upon his arrival on the borders, he was met by the king, not to do him honour, but to hinder him from proceeding. This opposition, which however he had reason to expect, offended him so, that in his passion he threatened Alexander, who answered him in aloud tone. They would have come to a downright quarrel, if the English lords had not interposed.

They prevailed at length with the king of Scotland, to give the legate leave for this once to enter into his kingdom. But Alexander would not consent to it, except on condition that the legate should acknowledge under his hand and seal, that it was out of a particular condescension for his person, and that this example should not be brought into precedent. All obstacles being removed, the legate came to Edinburgh, where he exacted some money from the Scotch clergy, which was the sole end of his journey.

Henry, who could not without great difficulties, obtain subsidies of the Parliament, neglected no opportunity of extorting money from private persons, by all sorts of means. Hubert de Burgh, whom he had left unmolested some years, was prosecuted afresh, for the same crimes, he had before been charged with, and which were thought to be forgotten. This cause was solemnly tried before an assembly of the barons, where it is said, he vindicated his innocence by incontestable proofs.

However, as he had reason to dread a sentence which the king himself was soliciting against him, he thought it more advisable to compound matters with him, than wait the decision of the judges. Accordingly, he resigned to the king four of his best estates, for which Henry desisted[38].

**AD 1240]** The see of Rome continued its shameless extortions; and the mean spirited Henry most servilely bent his neck to the yoke. In the preceding year, the emperor Frederic having been excommunicated, Henry, though related to him by marriage, and though he might with propriety have held back, immediately ordered the bull of excommunication to be read in all the churches of his kingdom.

When Frederic remonstrated, Henry Unblushingly declared, that, being vassal to the Pope, he could not dispense with obeying him. Still draining the kingdom of its wealth, the Pope ordered to be published, that he had power not only to absolve from their vow, all that had taken the cross, but likewise to oblige them to compound for their absolution by money, under pain of excommunication. On pretence of securing the peace of the church, against the pretended assaults of the emperor, he next required of all the English ecclesiastics the fifth part of their goods; and the king, instead of opposing, promoted this exaction to the utmost of his power.

The bishops at first somewhat exerted themselves, and refused, not only to comply with the legate's demands, but even to contribute any thing towards the pretended wants of the holy see. But the archbishop of Canterbury, afraid of the imperious temper of the Pope, consenting to give, in lieu of the fifth of his goods, a fifth part of his rents, the rest followed his example. This was the last money the archbishop of Canterbury gave the Pope. This prelate, who led a truly Christian life, perceiving it impossible to redress the abuses which were daily introduced, as well into the church as state, retired into France, to the monastery of Pontigniac, where he died this same year. He was canonized by the council of Lyons, some years after his death.

Upon the archbishop's retreat, the court of Rome had no farther regard for the clergy of England. Hardly was this imposition levied, when one Peter Rossi, the Pope's nuncio, arrived with orders to all the bishops and patrons of livings, to prefer to the vacant benefices three hundred Italians, whose names the Pope had sent; with an express prohibition to confer any benefice till the foreigners were all provided for. His principal business was to squeeze money from the monasteries, under pretence that the Pope stood in need of an extraordinary supply to defend the church against her persecutors.

Whilst the clergy were thus exposed to the avarice of the court of Rome, the king sent justices itinerant, through all the counties, under pretence of redressing grievances, and easing the people. But it was soon perceived, that. this was only a means contrived on purpose to oppress several private persons, by fines and confiscations, which brought in very considerable sums to his treasury. This oppression caused loud murmurs amongst the English, who saw themselves exposed at once to the tyranny of the ecclesiastical and civil powers[39].

The king's natural fickleness not permitting him long to love or hate the same persons, he recalled this year the earl of Leicester who departed shortly after for the Holy Land, where he made no long stay. Gilbert earl of Pembroke was likewise received into favour, through the powerful intercession of prince Richard. This prince, having the year before taken the cross, set out for Jerusalem, in company with the earl of Salisbury, and several other lords. Towards the end of this year, the earl of Flanders came to London, and did the king homage for a yearly pension of five hundred marks[40].

In the beginning of the year 1241, England at length was delivered from Otho the legate, recalled by an express order. Hitherto he had found means to be continued through the king's intercession. But now he did not think fit, to desire him to speak in his behalf. He knew the Pope was seized by a distemper of which, probably, he would never recover: and therefore did not care to be in England, when the news of his death should arrive. He had too much reason to fear, that, during the vacancy of the holy see, the money he had amassed might be stopped.

Gregory IX. died quickly after, as the legate foresaw, and the emperor immediately advised the king of it, that he might seize the money levied on the kingdom, for the deceased Pope; but the legate had carried all with him. He was, however, so unfortunate in his return to Italy, as to fall into the hands of the emperor's people, who stripped him of all his riches. Thus the money exacted on pretence of employing it against the emperor turned to the emperor's own benefit.

The death of Gregory IX, caused a schism which lasted till the next year. During this time, Rossi and Supine, whom the legate left in England, as nuncios, continued their extortions without moderation or justice. Supine being gone to Ireland, with the king's permission, exacted from the clergy there fifteen hundred marks, a very large sum at that time for a country where money was extremely scarce.

Thomas earl of Savoy, the queen's uncle, being come this year into England, the king received him with such magnificence, that not knowing how to provide money for this charge otherwise, he forced the Jews to present him with twenty thousand marks, on pain of being expelled the kingdom.

The archbishop of Canterbury dying the last year, as was observed, Henry so exerted himself, that he got Boniface the queen's brother to be elected to the archiepiscopal see. Thus was seen at the head of the church of England a young foreigner, ignorant of the laws, customs, and language, of the kingdom, and consequently incapable of discharging the functions of that dignity as he ought.

Gilbert, earl of Pembroke, dying this year, Walter his brother demanded of the king the investiture of the office of earl-marshal, hereditary in their family. Henry at first in a great passion denied him, alleging, his two brothers were traitors and rebels, and that he himself was present at a tournament contrary to his commands. However, this lord finding means to make the queen his friend, obtained what he demanded.

The affairs of the Welsh employed the king good part of this year. Lewellyn, prince of Wales, departing this life in a very advanced age, left two sons, David and Griffin, who were to share his inheritance. But David seized the whole, and moreover detained his brother in prison. Though, ever since the homage voluntarily paid by Lewellyn, Henry might justly look upon Wales as a fief of the crown, he would not perhaps have concerned himself in this affair, had he not been induced by Griffin's wife.

This princess imploring his protection, promised him, in her husband's name, a present of six hundred marks, and an annual tribute of three hundred, if he would free that prince out of prison, and put him in possession of his right. Henry accepting this offer, sent to David to release the prisoner, and restore him his part of the inheritance, threatening him, in case of refusal, with a fierce war, till he should obey. David not being able to resist, at a time when many of his subjects were inclined for his brother, took, as he thought, a surer course than that of arms.

He out-bid his sister-in-law, and made more advantageous proposals, which were accepted. Accordingly, from Griffin's protector, Henry turned his enemy; and lest that prince should escape, he took upon him to see him safely confined in the Tower of London[41].

The same year the empress Isabella, the king's sister, died in child-bed. Her death was soon followed by that of Eleanor of Bretagne who had been prisoner forty years in Bristol Castle. This princess, though reduced to so wretched a condition, could never be brought, during her long imprisonment, to recede in the least from her right, in order to obtain some favour which she could not expect upon any other terms[42].

Shortly after, Henry was engaged in a troublesome affair, of which he got clear, as usual, with dishonour, and which caused him to forfeit entirely the little esteem his subjects had still left for him. Before prince Richard's departure to the Holy-Land, he invested him with the earldom of Poictou, though France was possessed of good part of it, since the conquests of Philip Augustus. This province being thus divided between the two crowns, Lewis thought likewise he had a right to invest with it his brother Alphonso: which proved the occasion of a war between the two monarchs.

Henry being extremely provoked at Lewis's investing the prince his brother with Poictou, resolved to be revenged, and the more as the queen his mother was concerned. This princess, who, after the death of king John, espoused the earl of Marche her first lover, behaved with the same haughtiness she had assumed whilst queen of England. As the territories of the earl her spouse were in that part of Poictou possessed by France, he had all along done homage to Lewis. But when Alphonso became earl of Poictou, she could not bear to see her husband kneel to a brother of the king of France.

She solicited her husband so earnestly, that at length she prevailed with him to refuse homage to prince Alphonso, though he had positively promised it. This refusal was even accompanied with some offensive words, which made the king of France resolve to chastise the earl's insolence.

The earl, maintaining what he had done, implored the protection of the king of England. He hinted to him, it would be very easy to drive the French out of all Poitou; and, in case he would bear the expense of the war, that province would supply him with troops sufficient for a great army. Henry, pleased with these hopes, summoned a Parliament, and demanded an aid answerable to the expedition. But his subjects were so tired with granting a prince money, who made so ill use of it, that he could obtain nothing.

On the contrary, he was sharply upbraided for lavishing away his settled revenues, and the sums daily exacted from his subjects by unlawful means. Henry, however, persisted in his design, and not being able to prevail with the Parliament to grant him an aid, he squeezed what he could from private persons, by way of gift or loan, or other means, in which he spent the whole winter. After this he summoned all the military tenants of the crown, to meet him at Portsmouth on a day appointed.

But instead of horse and arms, he ordered them to bring each a sum of money, depending upon the earl of Marche's words, that he should find men enough in Poitou. As soon as the season was fair, he embarked at Portsmouth, attended by the queen his mother, and prince Richard his brother newly arrived from the Holy Land[43]. Upon his departure, he committed the regency of the kingdom to the archbishop of York[44].

He landed in Saintonge, where he was joined by some Poictevin noblemen. The earl of Marche met him also, but so thinly attended, that it was visible, he was not in condition to perform his promise. When an army came to be raised in those parts, the officers and soldiers listed so slowly under the English banners, that it was easy to foresee the enterprise would not be successful. The king of France, who was advancing with a numerous army[45], laid siege to Fontenay, one of the strongest places in Poitou.

During this siege, Henry sent ambassadors to him, to demand all that Philip Augustus had taken from the English, and Lewis VIII. had promised to restore: and, in case of refusal, to declare war against him. Lewis, who was sainted after his death, being of a tender conscience, could hardly overcome his scruples, on account of his father's oath to restore these provinces. In this disposition, he gave the English ambassadors an honourable reception, and answered them with great moderation, that he much wondered the king their master could break a truce confirmed by a solemn oath.

Adding, that to shew his sincere desire to preserve a good understanding between them, he offered to renew the truce for six years. In fine he consented to deliver up part of Poitou and Normandy, provided Henry would withdraw his protection from his rebellious vassals; who, for no reason, refused to pay him the obedience due to him. These proposals were as advantageous as Henry could wish them. He might too, by accepting them, have procured for the earl of Marche an honourable accommodation, which Lewis, as he then stood disposed, would not have refused. But suffering himself to be guided by the violent counsels of the queen his mother, and the earl of Marche, he proudly rejected these offers. Some days after, he rashly sent two knights hospitallers to defy Lewis, though he was ill able to support his haughtiness.

Notwithstanding this bravado, Lewis sought to make peace. But at length means were found to remove his uneasiness, by representing to him that his father's oath was no farther binding than as the king of England should perform on his part what he had promised: that the said king had sworn not to exact any ransom from the prisoners, nor to treat ill such of the English as adhered to France: that he had violated both these articles, and this breach of the treaty of London had rendered void the engagements of the other party.

In all appearance, Lewis, as pious as he was, sought not to ease his conscience entirely, but only to appease it for the present, since he was prevailed upon by so poor a pretence. Be this as it will, he continued the siege, and took the city by storm. A natural son of the earl of Marche being

made prisoner with four hundred knights, Lewis was advised to put them all to death. But he replied, the son could not help obeying his father, and the rest their sovereign; and therefore it was not reasonable that the innocent should be punished for the guilty. This first success was followed by several others, which gained Lewis the possession of divers places in that part of Poictou belonging to the English, without Henry's being able to stop his progress. As Henry endeavoured only to avoid fighting, he went and encamped near Taillebourg, on the banks of the Charente, with the river between him and the enemy.

When Lewis had notice of it, he posted himself on the other side of the same river; and, by means of his engines and crossbow men, compelled the English to remove two thousand paces farther. Their retreat gave him an opportunity of easily becoming master of Taillebourg bridge, which was the only way he could come at the English. Mean time, as the day was too far spent to pass his whole army, he was satisfied with guarding the bridge, resolving to attack the enemy at break of day. Henry, who was not strong enough to stand a battle, took the advantage of the night to retire, whilst prince Richard his brother was endeavouring to amuse the French with proposals of a truce, which, however, he could obtain only for the rest of that night[46].

As soon as it was expired, Lewis pursued the English, and overtaking their rear, made them suffer some loss. After this, Henry perceiving he was like to be blocked up in Xaintes, tied to Blaye, where, not thinking himself yet safe, he retired to Bourdeaux.

The king of France's extraordinary successes in this war terrified the earl of Marche. He found that the king of England not being able to protect him, his holding out any longer would but render his condition more deplorable. Therefore resolving, though a little too late, to provide for his safety, he sent his eldest son to the king of France, to try to obtain some tolerable terms. The favourable reception Lewis gave the young lord induced the father to go to his camp, with his wife and children, and, throw himself entirely upon his mercy. Lewis, who was extremely generous, very readily pardoned him, though he had sufficient evidence, that the countess queen had suborned people to poison him.

He was content with having three of their castle for security of their fidelity. In all appearance, he would have enlarged his conquests upon the king of England, who was little able to stand before him, if the plague which arose in his army, and a distemper which himself was seized with, had not prevented him from carrying his arms as far as Bourdeaux. These reasons, and perhaps some remains of his old scruples, caused him to consent to a five years' truce, after having sufficiently chastised his enemy, by the entire conquest of Poictou[47]

**AD 1243]** Though Henry had nothing more to do in France, he would pass the winter at Bourdeaux, where he lavished away the remains of his treasure in entertainments and diversions, as if he had been victorious in the late campaign. Meanwhile, the Gaseons not being willing to maintain an English army in time of peace, and without any necessity, the king found himself obliged to send for clothes and provisions for the soldiers to the archbishop of York, his regent in England: ordering him withal, to confiscate the estates of some English barons, who had retired without leave.

The first of these orders was executed; but the regent prudently declined meddling with the other for fear of raising disturbances in the kingdom during the king's absence. The first supply was hardly received before the king sent fresh orders to the regent, to demand of the Cistercians one year's profit of their wool. The abbots however excused themselves in such manner, as plainly shewed they would not consent without force: The archbishop, continually pressed to send money to Bourdeaux, at length obtained of the Parliament a scutage of twenty shillings upon every knight's fee, which would have been sufficient to free the king from his present straits, had it been well managed.

Henry continued at Bourdeaux with his army, consuming in idle expenses the money sent him from England and, when his coffers were empty, he demanded fresh supplies of the regent. The Only means left, was to borrow money in the king's name of such private persons as were reputed rich. The regent, however, unwilling to expose himself to the odium of such a measure, sent the king word there was no possibility of raising any more money, and therefore it was time to think of returning home. This declaration obliged Henry to prepare for his departure.

He accordingly sent orders to all the barons of England to be ready to receive him at Portsmouth. Before he left Bourdeaux, Henry ratified the five years' truce with France; that dishonourable truce, whereby, besides Lewis's conquests, **Henry was bound to pay him five thousand pounds sterling. He was no sooner at London., but he picked a quarrel with the Jews, who, to appease him, were forced to give him a very considerable sum.**

Henry soon expended what had been thus exacted. The arrival of the countess of Provence his mother-in-law, who came to celebrate the nuptials of her daughter Cincia with prince Richard, furnished him with an opportunity to consume larger sum. The charge he was at on account of this marriage may be estimated by the wedding dinner only, which consisted, as it is said, of thirty thousand dishes.

The holy see, which had been vacant eighteen months, was filled this year by cardinal Senebaldo of Genoa, who took the name of Innocent IV. The new Pope was no sooner consecrated, but he confirmed the excommunication denounced upon the emperor[48].

**AD 1244]** Since Henry's taking into his own hands the administration of the government, not a year passed without his demanding money of the Parliament. He had a mind this year to use the same artifice, but found the nobility and clergy so strictly united, that he despaired of succeeding. He even perceived it was dangerous to suffer them to be assembled too long, knowing they were taking measures to deprive him of the administration of affairs, which they designed to commit to four of their body, who were to transact every thing in his name. He therefore promised in general to reform what was amiss; and, after some fruitless endeavours to divide them, he prorogued the Parliament.

Meanwhile, the clergy had a violent shock to withstand from the new Pope, who sent into England one Martin as his nuncio, to exact money from the ecclesiastics, with power to punish such as were refractory. The nuncio executed his orders so rigorously, that for the least trifle he suspended priests, abbots, and bishops themselves; and thereby became extremely odious both to the clergy and laity. But it was much worse, when he produced the Pope's letter to demand of the clergy an extraordinary aid to discharge the debts contracted by Gregory IX. in his wars with the emperor.

He alleged, this war being undertaken in defence of the Catholic faith, and St. Peter's patrimony, all ecclesiastics, and particularly the English, were bound to contribute to the expense. Before the clergy came to any resolution, the king re-assembled the Parliament, and renewed his demand of an aid, But as he was sensible he should obtain nothing unless he satisfied the barons with regard to their grievances, he promised with an oath to see the two charters punctually observed. He even consented the bishops should excommunicate him, in case he violated his oath. Upon these assurances, the Parliament granted him twenty shillings for every knight's fee.

When the nuncio saw the Parliament had complied with the king, he pressed the bishops and abbots to have the same condescension for their spiritual, as the Parliament had for their temporal, father. But the steadiness of the prelates obliged the nuncio at length to desist. However, he still continued, by virtue of the power received from the Pope, to fill the vacant benefices, which he disposed of in a scandalous manner.

Whilst these things passed, an accident happened, which broke the strict union between the king and the prince of Wales. Griffin, who was confined in the tower of London, endeavouring to escape out of the prison window, fell into the ditch and broke his neck. Whilst he was alive, his brother David never dared to displeas the king, for fear he should support him in his pretensions. But when Griffin was dead, he made an irruption into the borders of England, under colour of being revenged for certain breaches of the late treaty.

The borderers upon Wales, seeing the king took no care to repel this insult, armed themselves in defence of their country; but as they were too weak, and ill conducted, were continually defeated.

At the same time, Alexander II king of Scotland, having lately married a French lady, sent Henry word, he intended to do him homage no longer for the lands held of the crown of England. How little inclined soever Henry was for war, he could not help, on this occasion, exerting himself, so greatly were the English incensed at this bravado. He summoned therefore all the vassals of the crown to meet him at Newcastle, the rendezvous of the army designed against Scotland.

When Alexander resolved to refuse the homage due to Henry, he did not expect it would have involved him in a war. When he saw the English army ready to enter his territories, he became more submissive, and sent ambassadors to Newcastle to sue for peace. Henry received the proposal with joy, and readily consented to a treaty, which afforded him an excuse to lay down his arms. Alexander submitted to the same homage paid by himself and ancestors; a good understanding between the two kings was perfectly restored; and, before they parted, a marriage was agreed upon between Alexander's eldest son of the same name with himself, and Margaret, Henry's eldest daughter.

The army raised for the war with Scotland, not having occasion to act, the king was advised to make use of it to reduce the prince of Wales to obedience. But instead of improving so favourable a juncture, he dismissed the troops, out of impatience to call a Parliament, and demand an aid of money, which however he could not obtain[50].

The prince of Wales so little questioned Henry's using the means he had in his power to chastise him, that, to free himself from the imagined danger, he applied to the Pope, intimating, that he was compelled to declare him vassal, and tributary to the king of England. For which reason, he besought the Pope to annul the treaty, offering to become vassal to the holy see, and to pay him the yearly tribute of five hundred marks. Innocent IV pleased with this proposal, empowered two Welsh abbots to take information concerning the pretended constraint alleged by their prince.

At the same time he commissioned them to annul the treaty, and absolve the prince of Wales from his oath, in case it appeared, he had been really compelled. The two abbots, proud of their power, insolently summoned the king of England to appear before them, as if he had been some private person subject to their jurisdiction. This proceeding extremely enraged the king and his council, as well as the whole nation. Then they were sorry the army was disbanded, but as there was no remedy, it was resolved, another should instantly be raised to chastise the prince of Wales as soon as the season would permit; for it was then the middle of winter. At the same time, the great men conferred together about means to stop the attempts of the court of Rome.

Whilst these two affairs were in hand, the court received intelligence, that the king of France had sent away all the English in his dominions. Though the truce was far from being expired, Lewis thought fit to take this step, to prevent the king of England's subjects in France from being too well informed of the affairs of the kingdom. To that end, he assembled at Paris all who had estates in France; and declaring to them, he thought it not possible to serve faithfully two masters at once, gave them their choice to prefer which they pleased: Those that declared for England were ordered to depart out of France within such a time, with assurance of retaining their lands. Henry did not act with the same justice. As soon as he was informed of Lewis's proceedings, he

seized all the lands held by the French in England, without any regard to the remonstrances of the king of France[50].

Shortly after, the emperor Frederic sent ambassadors to Henry, complaining of the frequent aids of money given the Pope. He ordered him to be told, for the future, he would treat all the English that should fall into his hands as enemies, since he could not deem them otherwise. His complaints had no other effect, than that the clergy took occasion from thence to oppose the exactions of the court of Rome, whose continual pretence Was the war with the emperor.

In the beginning of the year 1245, (January 16) the queen was delivered of another son, christened Edmund. We shall have frequent occasion to speak of this prince before the end of this reign. The war with the Welsh; which was deferred till the spring, was accordingly begun at that time. But the English proceeded with so little vigour, that instead of attacking their enemies, they were hardly able to defend themselves.

The barons at length resolved to free the nation from the tyranny of the court of Rome. Without waiting for the king's protection, who appeared very backward to second them, they issued orders to the wardens of the ports, to stop all persons that should bring any bulls or mandates from the court of Rome. Pursuant to these orders, which were every where obeyed, a messenger from Rome was seized with several bulls about him, empowering the nuncio to exact money from the clergy on divers pretences.

The nuncio complained to the king; who commanded every thing that was seized to be restored to him. But the barons strongly remonstrated to him, how much he wronged his subjects in perpetually countenancing the rapines of the court of Rome. For his conviction, they laid before him the true value of the income enjoyed by the Italian ecclesiastics in England, amounting to sixty thousand marks per annum, a sum exceeding at that time the whole revenue of the crown.

Henry was astonished; but, as he durst not venture of himself to redress this grievance; for fear of the Pope's resentment, he was contented with permitting the barons to write to the general council then assembled at Lyons. Accordingly the barons wrote to the council in the name of the whole kingdom, inserting in their letter; sent by ambassadors on purpose, all the grievances complained of by the English. But as they knew that on such occasions the court of Rome never failed to make use of delays and evasions, they resolved to take a more speedy and effectual course.

For that purpose, they agreed to meet under pretence of a tournament, in order to concert the necessary measures for executing their design. The king, dreading the consequences of this assembly, forbade them to be present at the tournament; but they did not think proper to obey. They met therefore at the place appointed; and, after some conference, sent to the nuncio a knight, who commanded him in their name, forthwith to depart the kingdom.

The knight discharged his commission somewhat roughly, and upon the nuncio's demanding, who gave him this authority? He answered, The whole nation and, in case he staid three days in England, he should infallibly be cut in pieces. Martin failed not to carry his complaints to the king. But Henry, telling him he was not able to protect him, he demanded a passport, and went away immediately, to the great satisfaction of all the people. The Pope, who had never met with such a check in England, was so enraged, that he was heard to say: I see plainly I must make peace with the emperor, that I may humble these petty princes: for the great dragon being once appeased, I shall with more ease be able to crush the smaller serpents.

The English ambassadors being arrived at Lyons, presented their letter to the council, where the Pope presided in person. The letter being publicly read, Innocent was so surprised, that he said not a word in his own vindication. After the ambassadors had waited some time to see if he had any thing to allege against the contents of the letter, one of them gave a particular narrative of

the grievances of their nation. He dwelt chiefly on two articles; the first of which related to the tribute of the thousand marks, which king John promised to pay every year to the holy see. He maintained that king John could not render his kingdom tributary; and his engagement being never confirmed by the barons, was to be deemed null and void. The other article concerned the clause of *Non-obstinate*, inserted by the Pope in all his bulls, a clause entirely destructive of the rights of bishops, abbots; monasteries, and patrons of benefices.

For instance, when the Pope had a mind to dispose of a benefice, he inserted this clause in his bull, *Non-obstinate* (i. e.) notwithstanding the right of patronage or other privilege to the contrary. In vain did the ambassadors expect an answer from the council. The Pope continually hindered the affair from being considered. At length, perceiving they were only amused with continual delays, they presented to the council a protestation against the tribute granted by king John, and withdrew.

During their stay at Lyons, the Pope never made the least step to satisfy them. But when they were gone, he endeavoured to cast a mist before the eyes of the council, by making them believe he intended to redress the grievances complained of. To that end, two bulls were drawn up, the first whereof permitted the English patrons to present whom they pleased to the livings in their gift. By the second it was granted, that when a beneficed Italian died or resigned his preferment, another should not immediately succeed. He made a great flourish on these two bulls, as if he had granted some very signal favours to England.

As to the tribute, Innocent never intended the English nation any satisfaction. On the contrary, when the council broke up, the Pope wrote thundering letters to the English prelates, expressly enjoining them to confirm and set their seals to the charter of tribute granted by king John to the holy see. Though the bishops had very strong reasons to excuse themselves from taking such a step, they durst not disobey, for fear of the threatened excommunication. The king appeared at first displeas'd at the Pope's haughty proceedings, and seem'd willing to oppose his pretensions. But he soon resumed his wonted complaisance for whatever issued from the court of Rome.

Walter earl of Pembroke dying this year without issue male, Anseim his brother, then dean of Salisbury, was his heir, and succeeded him in his office of earl-marshal. But he did not long enjoy it, being seized by death a few months after.

David, prince of Wales, died in the beginning of the year 1246. As he had left no children, the lords of that country chose for his successor Llewellyn his nephew, son of the unfortunate Griffin, killed in endeavouring to escape out of the tower of London. The quarrel with the court of Rome was somewhat suppressed, when the Pope renewed it, by an imposition upon the ecclesiastics, greater and more insupportable than all the former.

The clergy were so awed by the Roman pontiffs, that they durst not stir towards freeing themselves from their yoke. But it was other wise with the lay-barons, who began to consult together and take measures to oppose these oppressions. In a Parliament assembled during Lent, it was resolv'd that the nation's grievances should be committed to writing, and satisfaction demand'd of the Pope in a letter, signed by the king, bishops, and temporal lords. The principal grievances were these:

**I. That the Pope**, not content with the annual payment of Peter-Pence, exacted from the clergy great contributions, without the king's consent, against the customs, liberties, and rights, of the church and realm of England.

**II. That the patrons** of churches could not present fit persons to the vacant livings, the Pope conferring them generally on Italians, who understood not the English language, and carried out of the kingdom the money arising from the income of their benefices.

**III. That the Pope** oppressed the churches by exacting pensions from them.

**IV, That when an Italian ecclesiastic died**, his benefice was immediately bestowed on one of the same nation, as if the Italians had a right to possess such a number of benefices in the kingdom. That whereas the Italians were invested without trouble or charge, the English were forced to go and prosecute their right at Rome, contrary to the indulgences granted to England by former Popes.

**V. That in churches** filled by the Italians there were neither alms, nor hospitality; neither was there any preaching, and the care of souls was entirely neglected.

**VI. That the clause of Non-obstinate**, generally inserted in all bulls, absolutely destroyed all laws, customs, statutes, and privileges of the church and kingdom.

These articles shew that the bulls granted by Innocent at the council of Lyons were not executed, since the same grievances, which they seethed to redress, were still complained of.

The letter of the king and barons had a contrary effect to what was expected. The Pope accused the clergy of extorting it by their importunities, and took occasion from thence to load them with new and unheard of taxes. He not only compelled the bishops to sign the emperor's excommunication, but moreover commanded each to find him a certain number of men well horsed and armed, to serve against that prince, pretending all churches were equally concerned in the war.

After this, instead of reforming the old he introduced a new grievance, by claiming the administration of the goods of ecclesiastics dying intestate. At first the king opposed the execution of all these articles; but the fear of a threatened interdict and excommunication, obliged him, as formerly, to submit to the Pope's pleasure.

This compliance made the Pope so imperious, that he imposed a fresh pillage of a third part of their moveables upon clergymen that resided on their livings; and of one half upon non-residents. The bishop of London was commissioned to execute this new order, with power to excommunicate and suspend the disobedient. But whilst this prelate and some others were met upon this occasion, the king sent them word not to consent to this imposition, whereupon they broke up their meeting. If Henry had as vigorously opposed all the other attempts of the court of Rome, he would have equally succeeded, since the Pope thought not fit to push this matter any further, when he found a resolute opposition[51].

Isabella, countess of Marche, and queen-dowager of England, the king's mother, died this year[52], after living in no great reputation, if we may believe certain historians.

The year 1247, like the last, was spent almost wholly in contests between the Pope and the clergy, the first increasing his oppressions, in proportion as the others vainly strove to secure themselves from them.

To complete the misfortunes of the English, the king's three half-brothers, namely, Gay de Lusignan, William de Valence, and Athelmar,, sons of the earl of Marche, with their sister Alice, came into England. The earl their father sent them to the king, in expectation he would provide for them. When they arrived, they were destitute of all things, and had nothing to subsist upon but the favours of the king their brother. Henry was forced therefore not only to maintain them, but likewise to satisfy their avarice and ambition, with presents, places, and benefices, to the detriment of the English. This same year William earl of Holland, a young prince of twenty years of age, was elected king of the Romans, by the intrigues of the Pope, who had deposed Frederic in the council of Lyons. But his holiness did not find it so easy to put him in possession of the empire, as to procure him the votes of part of the electors.

When Henry demanded a fresh supply of the Parliament assembled in the beginning of the year 1248, he received a very mortifying answer. He was asked, how he could without blushing renew his demands, after so frequent breach of his word. He was upbraided for his immoderate kindness, and excessive liberalities to the foreigners; for his contempt of his native subjects; his negligence in encouraging trade, and protecting merchants, of whom he even exacted impositions which were not due.

Very urgent complaints were made of his keeping in his own hands the vacant benefices, and conferring the prime offices of the state, such as those of chancellor, treasurer, judiciary, on persons not qualified, without ever vouchsafing to consult his Parliament. Henry, perceiving by the boldness of these reproaches, that it would be very difficult to bring the barons to any temper, prorogued the Parliament.

During the prorogation, the pernicious advice of his ministers set him more and more against his subjects, and induced him to be entirely governed by the foreigners. Of this there quickly appeared a clear evidence in the extraordinary courage they inspired him with, of which he was naturally incapable. When the Parliament met, he upbraided the barons, for endeavouring to impose upon him laws, to which they themselves would think it hard to be liable; that every one of them was master in his own family; made use of what counsellors he pleased; put in, and turned out his domestics without controul; but that he alone was treated like a slave by his own subjects.

In short, he declared, that, far from changing his ministry at their pleasure, he meant to be master in his own kingdom; and that it was their duty to obey. As for the other grievances complained of, he returned general answers, without specifying any thing. After that, he told them he expected a speedy aid of money, to enable him to recover the French provinces. This unseasonable haughtiness served only still more to exasperate the barons. They boldly replied, since he designed not to reform what was amiss, they were not so senseless as to continue to impoverish themselves for the sake of foreigners, under pretence of an imaginary war.

This answer leaving the king no hopes, he chose to dissolve the Parliament, for fear they should proceed to more vigorous resolutions. Meantime, as his treasure was quite exhausted, he was forced to sell his plate and jewels, which were soon bought up by the citizens of London. He was extremely incensed, to see the Londoners so readily find money to purchase his jewels, and yet continually plead poverty, when he wanted a supply. This consideration put him so out of humour, that he established a new fair at Westminster, during which, all commerce was prohibited in London[53].

So far was he from hearkening to the complaints of the merchants on this occasion, that he gave them fresh marks of his displeasure, in keeping his Christmas in the city, and compelling them to present him with large new-year's gifts. Shortly after, he demanded also a supply of money; and, in spite of their endeavours to the contrary, they were constrained to give him two thousand pounds sterling[54].

**AD 1249]** But so trifling a sum not sufficing for his wants, he bethought himself to borrow moneys of the barons, bishops, abbots, merchants, and the richer sort of citizens in the kingdom. But as he found he was unable to force people to what he desired, he applied to them in so mean and cringing a manner, that it might have been thought he was begging an alms. Notwithstanding this debasing of himself, he was refused by the greatest part, who pleaded poverty, though he pretended to be under an indispensable necessity of making war upon France. But he could not possibly have invented a worse pretence. Every one knew, he was strictly forbidden by the Pope to disturb the territories of the French king, during his absence, he being gone this year to the Holy-Land. The true reason that engaged him thus in search of money was, his being deeply in debt, without having wherewithal to pay.

Shortly after, the bishopric of Durham becoming void, Henry earnestly recommended Athelmar the youngest of his brothers, though he was far from being of a sufficient age and capacity to govern so large a diocese. Accordingly that objection was made to him by the monks of Durham. They moreover represented to him, that he had often promised to leave to the churches the freedom of elections, and therefore humbly entreated him to let them enjoy the effect of his promises. Henry, offended at these remonstrances, returned in answer, that since they thought his brother too young, he would keep the bishopric in his own hands till he should be of a fit age.

Alexander II. king of Scotland, died this year, leaving Alexander III. his son, of eight years of age, to succeed him.

About this time, the king, being informed that certain Gascon lords were revolted, sent into Guienne Simon de Montfort earl of Leicester, who reduced the rebels to obedience, and gained great reputation.

**AD 1250]** In the beginning of the next year, prince Richard, the king's brother, set out with a magnificent retinue, to confer with the Pope, who was still at Lyons. This journey, and the extraordinary honours paid him by the Pope, afforded matter for divers speculations, which exercised the wits of the politicians. But the real motive thereof was unknown till some years after.

How pressing soever the king's necessities were, he took the cross from the hands of the legate, and vowed to go and war against the Saracens of Palestine. His example was followed by above five hundred knights, and an incredible number of esquires and people of an inferior condition. Finding, however, that he made no haste to depart, those who had taken the cross prepared to go without him; but Henry, whose only object was to raise money, prevailed with the Pope to prohibit them from leaving the kingdom, before he should be ready to head them.

Not daring to demand money of the Parliament, the king at length commissioned a judge, who was entirely devoted to him, to make inquisition in all the counties, concerning trespasses upon the royal forests, and to punish them by excessive fines, or confiscation of estates. By this iniquitous proceeding, a large sum of money was raised.—This year, also, Henry obtained the bishopric of Winchester, the richest in the kingdom, for his brother Athelmar.

The sad news had now reached Europe, of the king of France's misfortune in falling into the hands of the Saracens, who detained him in prison[55]. All France openly charged the Pope with being the cause of their monarch's disgrace, by absolving for money those that had taken the cross, from performing their vow. Amidst these murmurs, Innocent passed his time very uneasily at Lyons, dreading an attempt upon his person.

Even Charles and Alphonso, brothers of St. Lewis, came on purpose to upbraid him in an outrageous manner, and proceeded so far as to threaten him. To free himself from this troublesome state, and from the complaints which perpetually sounded in his ears, he desired leave of the king of England to reside at Bourdeaux. Henry was willing enough to gratify him; but was prevented from doing it by the remonstrances of the clergy and barons. They were apprehensive the Pope would pass from Bourdeaux into England, where his company was by no means desired. The king therefore delayed sending an answer, which the Pope took for, what it was meant, a civil denial.

With the view of rendering clear what succeeds, it is here necessary to mention, that towards the close of the eleventh century, some Norman nobles, sons of Tancreel de Hauteville, conquered the island of Sicily from the Saracens, and Apulia, Calabria, and several other southern provinces of Italy, from the emperors of Constantinople. These first conquerors, from a religious principle, or some other motive, did homage to the Pope for their conquests; and made themselves vassals

and feudatories to the church of Rome, though she gave them nothing, nor had even promoted their undertakings.

The conquests of the Normans were at first divided into several parts, whereof Sicily beyond the Faro, of the island of Sicily, made a kingdom of itself. The rest was divided into dukedoms or principalities, under the name of Sicily on this side the Faro, of which Calabria and Apulia were the chief. This is what was afterwards called the kingdom of Naples.

All these several parts were at length reduced into one kingdom, under Roger I. Tancred's youngest son, who assumed the title of king of Sicily. He had for successor William I. his son, surnamed the Bad, to whom succeeded William II. his son, called the Good, to distinguish him from his father. William the Good dying without issue, the Sicilians thought fit to place on the throne Tancred, base son of Roger I. who added to the title of his predecessor that of king of Naples, or Sicily on this side the Faro.

Clement III, who sat in the papal chair in the time of Tancred, considered the proceedings of the Sicilians as an encroachment upon his rights. He pretended that by the death of William the Good, without heirs, the two Sicilies. were devolved to the holy see, and as lord paramount, he could dispose of them as he pleased. Mean time, as spiritual weapons were incapable of dethroning a prince in possession, Clement sent into Apulia, and Calabria, an army, which at first made some progress.

But death seizing him presently after, prevented him from pushing his enterprise any further. Celestine III. his successor, resolved to prosecute what his predecessor had begun. But perceiving he could not compass his ends with his own forces alone, he deemed it necessary to engage, in this quarrel, some prince who was able to support him. For that purpose, he invested the emperor Henry VI. with the two Sicilies, on condition of the homage, to which the first Norman kings had obliged themselves to the Roman church.

However, it was to be feared, so arbitrary an act, especially in favour of a foreigner, would exasperate the Sicilians, and attach them more firmly to Tancred. To prevent this inconvenience, and give withal some colour of justice to what he had done, he caused Constantia, daughter of Roger I. to be taken out of the monastery of St. Saviour's at Palermo, of which she was abbess. This princess, who was then fifty years old, being brought to Rome, the Pope absolved her from all her vows, and gave her in marriage to Henry, thereby to add a more plausible right to the grant he had made that monarch.

Besides, by means of this marriage, he hoped to sow among the Sicilians seeds of dissension, of which himself and the emperor might make an advantage. Henry, supported by this additional right, immediately headed his army and marched into Apulia, where however he made no great progress, by reason of the pestilence that raged among his troops, and of some other affairs which obliged him to return to Germany. Tancred, therefore, kept the crown of Sicily till his death in 1145. William III. his son succeeded him.

Henry no sooner heard of Tancred's death, but he marched back into Italy, and besieged the city of Naples, which made a vigorous defence. The resistance of the Neapolitans causing the emperor to despair of accomplishing his undertaking by force, he resolved to use artifice.

To that end, he proposed to the king of Sicily to decide their quarrel by a treaty. William's apprehension of losing all his dominions, made him readily consent to be dispossessed of a part, in order to purchase peace, of a competitor much more powerful than himself. By the treaty it was agreed, that the emperor should have the island of Sicily, and William, the kingdom of Naples. Pursuant to this agreement, Henry came to Palermo, and was crowned. But whilst William was preparing to retire to his kingdom, Henry seized his person, and ordered him to be conducted to Germany, where this unfortunate prince was deprived of his sight, and castrated.

Henry being thus without a rival, took possession of the kingdom of Naples, in spite of the endeavours of certain lords of Norman race to the contrary.

The emperor's affairs being thus prosperous, he sent for his empress, who was pregnant, though fifty-two years old. Her time of delivery being come whilst she was on the road, she staid at Gessi, a little town on the frontiers of Ancona, where she ordered all the women of the town, that had the curiosity, to be eye-witnesses of her delivery. To that purpose, she caused a pavilion to be erected in the middle of the market-place, where she was delivered of a prince called Frederic. From that time, Henry kept possession of the two Sicilies till his death, which happened not before the year 1199.

This monarch left his son Frederic, aged eleven years, under the guardianship of his mother Constantia, who immediately caused him to be acknowledged king of the two Sicilies, and to be crowned two years after at Palermo. After that, he was invested by Innocent III. who was then Pope. Constantia his mother dying three years after, left the guardianship of her son to Innocent, who governed the two Sicilies by a cardinal during Frederic's minority. This young prince being arrived at fourteen years of age, married Constantia daughter of Alphonso IV. king of Castile, and two years after was elected emperor, by the opposite party to Otho of Saxony, whom the Pope had excommunicated.

He could not, however, prevail with Innocent to set the imperial crown on his head, the Pope dreading it might be dangerous to the holy see, to raise to the empire a prince of the house of Suabia, which had been so troublesome to his predecessors. It was not till the year 1220, and after the death of Otho, that Frederic was crowned by Honorius III. Constantia his wife, died two years after, leaving him a son called Henry, who in 1223 was elected king of the Romans. Afterwards he married Yolante daughter of John de Brienne, titular king of Jerusalem, who died in 1228, leaving him a son named Conrade. In fine, in 1235, Frederic took for his third wife, Isabella of England, who died in 1241, having brought him two princes, Jordan and Henry, the first of which died a child.

Ever since Richard king of England quitted Palestine, the affairs of the Christians in those parts were in a bad situation. The Saracens taking advantage of the coldness of the Europeans, with regard to the crusades, made great progress, and the Christians never thought of forming any fresh attempts against them. Honorius III who sat in the papal chair, in the beginning of the reign of Frederic II desiring to retrieve the Christians' losses in the Holy-Land, published in the year 1224 a crusade, in which infinite numbers of people of all conditions engaged. An historian assures us that above threescore thousand English took the cross for this expedition, of which Frederic was to be head, both as emperor, and as son-in-law to John de Brienne, titular king of Jerusalem.

Whilst all Europe was preparing for this undertaking, some disputes unexpectedly arising between the emperor and certain cities of Italy, retarded that prince's preparations, who was willing to see an end of these contests before his departure. Gregory IX. successor to Honorius, finding Frederic proceeded but slowly, in comparison of the other Croises, wrote him a letter exhorting him to persevere in his pious resolution. He represented to him that the success of the crusade depended on him, since the management was committed to him. Meantime, the Croises of the several states of Europe repaired in multitudes to the Holy-Land, expecting to be soon followed by their general.

But Frederic chose rather to employ his forces against the revolted cities of Italy, than against the Saracens. Nevertheless, as he was earnestly pressed by the Pope, he pretended to prepare, and even went and embarked at Brindisi. But after being three days at sea, he sailed back to land, on pretence of a sudden illness, which he feigned to be seized with. This news reaching Palestine, above forty thousand of the Croises, who were gone before, returned in the same ships that brought them thither. The Pope enraged to see so fair an opportunity lost by the emperor's fault,

as he pretended, publicly excommunicated him, and sent the bull of excommunication to all the princes of Christendom to be published in their dominions. Frederic, incensed at the Pope's proceedings, took care to justify his conduct to all the potentates of Europe, by letters wherein the Pope was severely handled. But he was not satisfied with so slight a revenge.

By means of a powerful party in Rome, he expelled Gregory thence, and forced him to take refuge at Perugia. However, to shew that his illness was the sole cause of his delay, and consequently the excommunication denounced upon him was unjust and rash, he set out the next year for Palestine. The progress of his arms in that country was so great and rapid, that in a short time he compelled the Sultan of Ægypt to deliver up Jerusalem. He would have pushed his conquests farther, if the knights hospitallers, who were gained by the Pope, had not laid obstacles in his way by their daily plots against him.

On the other hand, Gregory, offended that the emperor, regardless of his censures, should dare to undertake this expedition, before he was reconciled to the church, and without making, as he charged him, preparations suitable to so great an undertaking, renewed his excommunication, for two contrary faults. First, for too long deferring his departure. Secondly, for departing too soon. But the Pope, not content with attacking him with spiritual, employed likewise temporal arms. He sent John de-Brienne, father-in-law to Frederic, at the head of an army, into the kingdom of Naples, with the title of Vicar of the Holy See, to wrest from his son-in-law that part of his dominions.

The quarrel between the emperor and the Pope still increasing, all the cities of Italy sided with one or other. Then were formed the two factions of the Guelfs and Ghibelines, which so long harassed that country, the former for the Pope, the latter for the emperor. Gregory's successors eagerly pursued his project of wresting from Frederic not only the Sicilies, but all Italy, and the empire itself. In fine, Innocent IV having publicly deposed him in the council of Lyons, caused William earl of Holland to be elected emperor in his place. But, notwithstanding this pretended deposition, Frederic kept possession of the throne till his death, about the end of the year 1250.

The same day that Frederic died, he made a will, and left Austria to Frederic his grandson, of which the young prince was already in possession, in right of his mother. To Conrade, his second son, he gave the kingdom of Naples or Sicily on this side the Faro, upon this condition, that if Conrade died without issue, his brother Henry, son of Isabella of England, should succeed him, and in case he died also without heirs, Manfred his bastard should inherit. This same Henry, son of his third wife, was to be king of the Island of Sicily, and Manfred his natural son was to have the principality of Tarentum, with the regency of the two kingdoms, namely, of the first, in the absence of Conrade; and of the second, during Henry's minority.

As soon as Frederic was in his grave, Manfred would have taken possession of the kingdom of Naples, in the name of Conrade. But the Pope's party were so powerful, when they had nothing more to fear from the emperor; that the principal cities, as Naples and Capua, shut their gates against him. This resistance forced him to call his brother Conrade into Italy, who upon Frederic's death assumed the title of emperor, though William earl of Holland was acknowledged by the Pope and his party.

Upon the arrival of Conrade, things had another face, and he made the Neapolitans often repent of espousing the Pope's quarrel. Mean time, Innocent used all possible means to stop his progress. He thundered his censures against Conrade, as he had done against Frederic his father, and by aiding the Guelfs his adherents, he kept up the war in Italy, in expectation of a more favourable juncture. Here we shall terminate this digression, which will be found serviceable when we come to see how far England was concerned in this quarrel.

The year 1251 was ushered in with the first instance of the clause of *Non-obstinate* in the orders of the king, in imitation of the Pope, who had used it long since in his bulls. The bishop of Carlisle

having a lawsuit with a certain baron of his diocese, and being obliged to go to France, obtained an order from the king, that the suit should be stopped till his return. But during his absence, his adversary found means to obtain a second order with this clause, *Non-obstinate*, or Notwithstanding the former order, the baron's cause should not be delayed.

Besides the principles of arbitrary power instilled by Hubert de Burgh and the bishop of Winchester into Henry in his youth, and which he usually made the rule of his conduct, he had another reason to induce him to have but little regard for his subjects. This was the consideration of the advantages gained by the earl of Leicester over the rebels of Guienne. Ever since the earl was governor of that province, he had served his master so faithfully, that in all appearance, he would have nothing to fear for some time, from the inconstancy of the Gascons. As Henry was soon daunted, so a very small matter sufficed to raise his courage.

The chastisement of the Gascons making him imagine, their example would keep the English in awe; he fancied for the future he might use them as he pleased: Accordingly, without regarding the continual murmurs of the barons, on account of the preference given to foreigners, he affected to receive, with excessive civilities, Guy de Lusignan his half brother, whom the Earl of Leicester brought with him, when he came to acquaint him with what was done in Guienne. He made him such considerable presents, that they would have appeared extravagant, even though he had abounded in riches: These things caused the barons to redouble their complaints.

Henry's wants, and his little prospects of drawing a supply from the Parliament, made him forget his expedition to the Holy-Land. But, on a sudden, he was admonished by a letter from the Pope, that it was time to perform his vow. He was then at York, celebrating the nuptials of the princess Margaret his daughter with the young King of Scotland [56].

This wedding was not the sole motive of his being at York. As the prince his son-in-law was very young, he hoped to persuade him to do homage for the whole kingdom of Scotland. He was very urgent with him, but the young prince excused himself very handsomely. He represented to him that he was come to York to be married, and not to debate an affair of that nature; liable to many difficulties, and upon which he could determine nothing, without consulting the states of his kingdom.

However, he did the customary homage for the lands held of the crown of England. Whether Henry thought his pretensions were not well grounded, or was unwilling to disturb the nuptial feast, by insisting on his demand, the affair went no farther. In the next reign, however, these pretensions were the ground of a bloody war between. England and Scotland[57].

**AD 1252]** Henry now seemed willing to prepare in earnest for his voyage to the Holy-Land. As money was the most necessary preparation, he took occasion from this voyage to extort great sums from the Jews, nor were his Christian subjects less spared.

Whilst the king was employed in preparing for his pretended voyage, there came deputies from the Gascons, complaining of being unjustly oppressed by the earl of Leicester. The earl hearing of these complaints, went to the king to justify himself, and denied whatever was laid to his charge. Henry replied, he gave no credit to these accusations; on the contrary, he was resolved to send commissioners into Guienne, to take information concerning the behaviour of the Gascons. To convince him, that these accusations had made no ill impressions on him, he furnished him with money, and ordered him to be prepared to return to Guienne.

The Gascons being informed of the king's design to send the Earl of Leicester back, deputed the archbishop of Bourdeaux, to renew their complaints. Whilst the archbishop was at London, the commissioners, that were sent to Guienne, returned. They reported, that indeed the earl of Leicester had treated a little severely some lords of that country; but, however, had only used them according to their deserts.

Though Leicester was fully cleared by these reports, the king was persuaded by the archbishop of Bourdeaux, that if the earl returned to Guienne, nay, if he were not punished, that province would be irrecoverably lost to the crown of England. This notion was so deeply imprinted on the king's mind, that, to secure the allegiance of the Gaseons, he resolved to sacrifice their governor. He accordingly ordered their accusation to be brought before the peers.

Leicester, though surprised at the king's sudden change, was not idle. He found means to gain prince Richard, the Earl of Gloucester, and several other lords of great credit, who promised to support him. Upon this assurance he appeared in court, and vindicated himself with such strength and evidence, that the archbishop of Bourdeaux was at a loss how to maintain his accusation. Besides, whenever he offered to speak, in defence of what he advanced, he saw the principal lords always ready to improve their friend's arguments.

The king, perceiving the affair was likely to end contrary to his expectation, could not help shewing his uneasiness, and even dropping some expressions very injurious to the party accused. As the earl of Leicester, not content with justifying his actions, boasted moreover of his services, and boldly called upon the king to perform his royal word, by rewarding him according to his promise. Henry sharply replied, he did not think himself obliged to keep his word with a traitor.

This answer had such an effect on the earl, that he bluntly told him, He lied: and were he not a king, he would make him eat his words. After this, the king would have apprehended him; but, finding the earl's friends were ready to oppose it, he was seized with fear, and durst not execute his design. He even suffered them to speak in the earl's behalf, and was outwardly reconciled to him. However, the earl's insolence made so deep an impression upon his mind, that he could never look upon him without horror.

How mortally soever the king hated the Earl of Leicester, he sent him governor again to Guienne, not in favour, but to remove him from England, where his credit was too great. Besides, he was apprehensive the earl would obstruct his design of conferring Guienne on prince Edward his eldest son, which was immediately done after his departure. The Gaseons were overjoyed at this change.

The affront lately received from the Earl of Leicester was not the only thing that disturbed the king. He was still more sensibly touched with the clergy's denial of a subsidy. As he was convinced that a bare demand would be to no purpose, he took care to have it supported by an express order from the court of Rome. Innocent alleging for pretence, that the king could not possibly proceed without an extraordinary aid towards his voyage to the Holy-Land, commanded all ecclesiastics to pay him the tenths of their revenues for three years.

The clergy being assembled upon this occasion, threes or four bishops gained by the king, and particularly the bishop of Winchester his half brother, voted in his favour. But the bishop of Lincoln strenuously opposed it, and got the majority to agree to petition the king, for his son's health, to desist from his demand. The bishop's petition served only to exasperate the king. He sent them word to take care what they did, since they not only opposed their temporal and spiritual sovereign, but also the universal church, and Jesus Christ himself.

But without regarding these menaces, the clergy returned a very offensive answer, and then broke up, without waiting his reply, on pretence that both the archbishops being absent, they could do nothing without the consent of their primates. At this unfavourable juncture, however, Henry undertook once more to have the earl of Leicester tried by his peers, whom he convened for that purpose. This affair ended greatly to his dissatisfaction. Far from condemning the earl, the barons said openly, that the king had done him very great injustice in giving Guienne to prince Edward before the term of his government was expired, and without making him any amends. This declaration, which probably would have been followed by some ungrateful resolution to the king, made him dissolve an assembly which seemed so little inclinable to favour his designs.

**AD 1253]** Whilst these things passed in England, the Emperor Conrade and Pope Innocent IV. continued their wars in Sicily, but to the great disadvantage of the latter, whose spiritual arms were of so little force against a prince that despised them. As the Pope found he was too weak to compass his ends, he imagined that by offering the crown of Sicily to some rich prince, he should easily persuade him to supply whatever was necessary for the conquest.

Of all the princes in Europe on whom he cast his eyes, he saw none better qualified to embark in this undertaking than Richard earl of Cornwall, brother to the king of England. Besides that this prince was master of a large estate, which he knew how to manage better than the king his brother, it was very likely he would be dazzled with the lustre of a crown, that of England seeming to be too remote from him, as the king had two sons.

This resolution being taken, Innocent dispatched one Albert as his nuncio, to offer him the crown of Sicily, on condition that he would wrest it from the sons of Frederic. Richard rejected not the proposal; but insisted on certain previous articles, which the Pope did not relish.

- I. That the conquest of Sicily should be carried on at his and the Pope's joint charges.
- II. That innocent should deliver him up certain places in the kingdom of Naples, as well for his security, as to serve for magazines.
- III. That he should give him hostages for the performance of his word.

These terms agreed not at all with the Pope's designs. He was in hopes that Richard, deeming the bare grant of Sicily a singular favour, would engage to supply what money was necessary for the conquest, and rely on the word of him that made him so noble a present. But when he saw the prince was not willing to be his dupe, and seemed to understand his own interest too well, he dropped the project, and recalled his nuncio.

This negotiation not having the effect he expected, he was obliged to continue the war at his own expense, till he could engage in the undertaking a more easy and less wary prince: Henry thought he had prevented the revolt of the Gaseons by removing the earl of Leicester from the government of Guienne. But it was not long before he perceived the vigilance of that earl, which they considered as an insuperable obstacle to their pernicious designs, to be the real motive of their complaints.

Leicester had no sooner resigned his patent, but a plot was discovered in Guienne, to deliver that province to the king of Castile. Though that prince had never before made known his pretensions to Guienne, when he saw his party strengthened by the earl of Leicester's retreat, he began openly to declare himself. He pretended a grant of that country from Henry II. confirmed by Richard and John.

It is true, indeed, these charters were never produced. But he had artfully persuaded some discontented lords, that they were in his hands. Upon this foundation, he formed in Guienne a powerful party, of which Gaston de Moncade, Viscount of Beam, was head. These pretensions, though apparently very weak, raised commotions in Guienne, which made Henry often repent of removing the Earl of Leicester.

The malcontents, aided by the king of Castile, made such progress, that Henry was forced to go in person to save the country. But there was occasion for money, and it was in vain to allege the war in Guienne, to procure any from his subjects, who were too much dissatisfied with all his warlike expeditions to be prevailed upon by that consideration. It seemed therefore more expedient to keep to his old pretence, namely, his voyage to the Holy-Land, because religion was therein concerned. As soon as the Parliament, called upon that account, was met, the king demanded a large sum to enable him to accomplish his vow. He represented, that having been

hitherto under an impossibility of undertaking the voyage, the Christians of Palestine must have been great sufferers by the delays.

Though the barons were fully convinced, that the king did not intend to go to the Holy-land, they were afraid of giving him some advantage, in case they refused the supply demanded on so plausible a pretence. They resolved therefore to grant an aid, but clogged with conditions, whence they expected some benefit, whether the king executed his project, or, as was suspected, applied the money to other uses. This resolution being taken, they sent deputies to him with their answer, the substance of which was, that in case he would. leave to the churches the freedom of elections, and sincerely observe the king his father's charters, they would do their utmost to content him.

Henry, who expected this message, was prepared with an answer. He told them, he owned that on certain occasions he had carried the prerogatives royal a little too far; but he was firmly resolved never to be guilty of the like fault again. Adding, they might be assured, the charters of king John should be punctually kept. Then addressing himself to such of the deputies, who were all of the clergy, he bade them consider, that among the prelates who then governed the church of England, there were few but what were promoted to their dignities, by means of that prerogative royal they complained of.

He asked them, whether they themselves, at the time of their elections, would have wished for that freedom they now so earnestly demanded? He continued to say, since they desired him to correct what was amiss in the government, they themselves ought to set him a good example, and resign their bishoprics and abbies acquired by illegal ways, and he promised them, their places should be filled with none but persons of learning and probity.

The prelates being confounded at this sharp reproof, had nothing to reply, but that the business at present was not to undo what was past, but to prevent the like evils for the future. As the king's sole aim was to draw money from the Parliament, he did not push matters any farther. Content with having a little mortified the clergy, he said, he was ready to join with the Parliament in all necessary measures for the redress of grievances. Upon these assurances the clergy granted him the tenths of their revenues for three years, and the barons three marks of every knight's fee held immediately of the crown.

The king's promise to observe the charters, was too express not to be executed. Accordingly, he convened, in the great hall of the Palace of Westminster, an assembly, at which were present all the lords spiritual and temporal, with lighted tapers in their hands. The king would not hold one, saying he would lay his hand upon his heart, during the whole ceremony, to show he sincerely consented to what was going to be pronounced: Then the archbishop of Canterbury standing up before all the people, denounced a terrible curse against all, that for the future should oppose, directly or indirectly, the observance of the two charters; and likewise, against those that should violate, diminish, or alter, the laws and constitutions of the kingdom.

The anathema being denounced, the two charters were read aloud, and confirmed by the king, who kept his hand all the while on his breast[58]. This done, every one threw down his taper upon the ground, wishing that the souls of those who violated the charters might thus smoke in hell.

Who would not have thought that the king's assent to a curse so solemnly denounced, was an undoubted proof of his intent religiously to keep his promise? However, the Parliament was no sooner dissolved than he fell to contriving all possible means to break through it. It is said, that he was persuaded to this resolution, by some of his favourites, who told him he would be but the shadow of a king, as long as these charters were in force. But as they perceived he was restrained by the consideration of his oath, they advised him to apply to the Pope, intimating that for two or three hundred marks it would be easy to get it annulled. This weak prince, who generally followed the most pernicious counsels, embraced this immediately.

Meantime, Henry laid out, in the preparations for the war in Guienne, the money granted by the Parliament for the voyage to the Holy-Land. When all was ready, he came to Portsmouth, where his troops were ordered to meet him. Then leaving the regency to the queen and prince Richard, he set sail in August, attended by a great number of lords; who, being his military tenants, were obliged to that service. Upon his arrival at Bourdeaux, he headed his army, and besieged Reolé castle then in the hands of the rebels.

As they depended upon the king's usual indolence, they neglected to fortify the places they had seized. By which means he easily became master, not only of this, but of all the other castles that were in their power. Meanwhile the king of Castile neglecting to support his adherents, Henry imagined he waited for his departure to raise fresh commotions in the province, and was afraid that would be always the case. This belief made him very uneasy, because; to prevent his enemy's designs, he saw himself obliged to keep a standing army in Guienne, without having wherewithal to maintain it.

To free himself from this difficulty, he dispatched an ambassador to Spain, with orders to propose a marriage between Edward his eldest son, and Eleanor sister of Alphonso King of Castile. Alphonso found there was no likelihood of his becoming master of Guienne, since the arrival of the English succours. Besides, he considered the marriage proposed was very advantageous for the princess his daughter. Accordingly, without much solicitation, he agreed to it, and thereupon, resigned to prince Edward all his pretensions to Guienne.

This affair was transacted with great secrecy, Henry intending to use the pretence of the war to obtain a fresh supply from the Parliament. Meantime, the earl of Leicester, who had retired into France, finding Henry engaged in a war with the Gascons, levied some troops at his own charge, and came and offered his service. The arrival of the earl, and the report of a private treaty between Alphonso and the king, alarmed the rebels, and caused them to return to their allegiance.

Henry, pretending to fear the attacks of the Castilians, sent orders to the queen to summon a Parliament, and demand an aid. But the Parliament, having some intimation of the treaty, negotiating in Spain, replied, all the barons would be ready to serve the king with their lives and fortunes, upon the first news of his being invaded by the Castilians. This was not what the king wanted.

However, as he thought the treaty of Burgos was yet a secret, he wrote to the queen and prince Richard, that he was extremely embarrassed, having received certain advice that the king of Castile was preparing to invade Guienne with a numerous army of Moors. And, therefore, he commanded them to press the Parliament to grant an aid answerable to his necessities. But the news of the treaty with Alphonso being confirmed by the earl of Leicester, who had returned into England, the queen durst not press the Parliament: Henry, being thus disappointed, was forced to send **orders to the prince his brother to extort money from the Jews.**

Richard discharged his commission with such rigour, that by his oppression he reduced the miserable **Jews to desire leave to depart the kingdom. But even that being refused them; they were forced to pay the king a greater sum than ever.**

As soon as the queen had notice that her son's marriage was concluded, she hastened to Bourdeaux, with Edward and Edmund her sons, and the archbishop of Canterbury. Immediately after her arrival, prince Edward was sent in great state to Burgos, where he married the infanta Eleanore, and in a few days set out again with his bride for Bourdeaux, where the king and queen waited for them. During their stay in that city, the king confirmed by a new patent the grant of Guienne to the prince his son, to which he added Ireland, and the sovereignty of Wales[59]. Henry having nothing more to do in Gascogne, prepared for his departure. But to avoid the fatigues of the sea, he desired leave of the king of France, who had happily purchased his liberty of the infidels with a great ransom[60], to pass through his dominions, and embark at Boulogne.

Lewis not only very courteously granted his request, but met him at Chartres, and conducted him to Paris, where he entertained him eight days.[61]

Henry made his entry into London[62] with extraordinary pomp, and received from the city a present of a hundred pounds sterling, which the Londoners were wont to give on the like occasions. They gave him, moreover, a rich piece of plate of exquisite workmanship. This did not hinder him however from embracing an opportunity, a few days after, to draw from the city a more considerable sum. A certain priest accused of murder, escaping out of Newgate, where the bishops had confined him, the city was amerced in no less than three thousand marks as a punishment for its neglect. This sentence was deemed the more unjust, as it was proved that the bishop's officers themselves favoured the prisoner's escape.

We must now advert to the affairs of Sicily. We left the emperor Conrade and Pope Innocent very hotly engaged in war. The Pope at length departed from Lyons to repair to Genoa, whence he designed to go and relieve the city of Naples, closely besieged by Conrade. But this resolution being taken too late, the emperor had time to make himself master of the capital, and afterwards of all the rest of the kingdom.

This fortunate success inspired him with the thoughts of seizing likewise the island of Sicily; and, if certain historians may be credited, he accomplished his design by a notorious treachery. It is said, that alluring to Melphi young Henry his brother, to whom Frederic II. bequeathed Sicily, he caused him to be murdered. This prince, says an historian of Naples, of all Frederic's sons, was the worthiest and most hopeful.

Before the death of the young prince, the Pope, who saw his affairs in great confusion by Conrade's progress, dispatched to England the same Albert before spoken of; to offer the king the crown of the two Sicilies. But Henry rejected this offer on account of his nephew, whom he was unwilling to depose. Innocent not succeeding in this project, took occasion from the death of the king of Sicily, to renew Conrade's excommunication, whom he charged with the murder of his brother. But the emperor, whether he were innocent, or thought it would be difficult to convict him of this crime, boldly denied it.

He even wrote to the king of England to acquaint him with the death of the young prince, and to express his extreme grief thereat. Conrade, however, died five months after, poisoned, as was said, by a physician bribed by Manfred his bastard brother. Far from suspecting the hand which gave him his death, he left the guardianship of his son Conrade to the same Manfred.

The death of Conrade, in 1253, entirely changed the face of affairs in the two Sicilies. Manfred under colour of acting for his pupil, who was in Germany, formed the project of becoming master of the two kingdoms. But he found so many difficulties, that he was forced to conceal his design till a more favourable opportunity. Meantime Innocent, who then resided at Perouse, headed an army, and marched into the kingdom of Naples, where the people declared in his favour. Manfred himself, finding there was no opposing the torrent, went to him at Naples.

When he came there, he so artfully dissembled, that the Pope, thinking him really in his interest, admitted him to all his councils, and confirmed to him the emperor his father's grant of the principality of Tarentum. Manfred, finding himself thus in the Pope's favour, began to contrive how to make it subservient to his designs. To that end, he advised him to disperse his troops all over the kingdom, and backed his advice with two reasons; by which Innocent suffered himself to be ensnared. The first was, the necessity of easing the inhabitants of Naples, lest being too much burthened, they should think of revolting. His other reason was grounded upon its being no less important to keep in awe the Germans, left by Conrade in the country, under the command of two Bavarian princes. This stratagem succeeding to his wish, he turned to the two German princes, who probably were no more difficult to be deceived than the Pope. By means of some

secret emissaries, he intimated to them, that he was a friend of Conrade's, and only feigned out of policy to adhere to the Pope.

Then he magnified the Pope's forces in the kingdom; and advised them to go to Germany for recruits: What farther induced these two princes to follow his advice; was the assurance he gave them, that in their absence he would take care of their troops. He told them, he would undertake to engage the Pope to furnish them with necessaries, in expectation of sending them back to Germany, and, in the meantime, would prolong the negotiation till their return. By this double advice, Manfred weakened the Pope's forces, by causing him to disperse them, and freed himself from the troublesome presence of the two German princes, keeping their troops to be employed upon occasion.

The army brought by Innocent into the kingdom of Naples could not be maintained without a great expense, which he could not long bear. Apprehensive as he was, that his troops would quickly disband themselves, if he did not find money to pay them, he made a fresh attempt upon the king of England, and with better success than before. Under pretence of informing Henry of the circumstances of his nephew the king of Sicily's death, he sent a nuncio, to offer him in his name the crown of the two Sicilies for prince Edmund his second son.

He represented to him, that his scruples were no longer seasonable, since the death of the young king his nephew: that besides, he ought to consider this offer as a very particular mark of his esteem and affection, which any prince in Europe would think a great honour. In short, that a crown was a present to be accepted without much deliberation. These tempting offers had the desired effect. Henry, without consulting his brother or the Parliament, from whom he was to expect the necessary aids for this undertaking, accepted this imaginary present, with all thankfulness. From that moment he caused prince Edmund to assume the title of King of Sicily.

After this unwary prince was rashly engaged in this affair, he had never the power or prudence to get clear of the snares laid for him by the Pope on that pretence. Pleased with the flattering prospect, Henry readily sent the Pope all his own money, all that the prince his brother would lend him, and all that he could extort from the Jews or his other subjects. But this not sufficing to satisfy the Pope, he was so very imprudent, as to oblige himself, under pain of being excommunicated and deprived of the royal dignity, to pay all such sums as the Pope should borrow, for accomplishing their enterprise. Innocent, empowered in this unlimited manner, spared not his friend's purse. By borrowing's, real or pretended, he engaged him so deeply, that his ordinary revenue could not possibly answer the expense. This put him frequently under a necessity of making such demands upon the Parliament, as rendered him daily more odious to his subjects.

Innocent was sensible, that it was not in the king's power to perform his engagements. But he hoped, by using the plenitude of his apostolic authority, to furnish him with means sufficient to get money from his subjects. The first of these means was a bull directed to the archbishop of Canterbury and bishop of Chester, empowering them to borrow money of persons of all conditions, in the name of the church of Rome, with orders to pay what sums should be thus raised into the king's hands.

The voyage to the Holy-Land furnished the Pope with a pretence to grant the king two-tenths upon the clergy. But withal he commanded the money to be deposited in a safe place, whence it could not be taken but by, his orders. He pretended it was to prevent the king from putting it to any other use than the expedition to Palestine. But in reality these sums were designed for the projected conquest of Sicily. By a third bull; he granted the king a twentieth part of the church's revenue in Scotland, provided the money could be raised without giving offence. Meantime, as he had himself engaged to contribute to the charges of this intended conquest, he promised to be answerable to prince Edmund for hundred thousand French livres half whereof should be paid

upon his arrival at Lyons. However, the obligation was clogged with this clause, unless the Pope should have occasion for the money himself for the defence of the holy see.

Whilst the Pope continued his negotiations in England land with all possible secrecy, for fear of alarming the Sicilians, Manfred the bastard was taking measures at Naples to procure the crown of the two Sicilies. He practised upon the German troops brought thither by the emperor Conrade, and secured the assistance of the Saracens, who were very numerous in the two kingdoms. As soon as matters were ripe; he waited an opportunity to declare himself openly; and it was not long before one was offered.

Having killed a man that affronted him, at the Pope's court, and being obliged to abscond, he was summonsed to appear and take his trial. Upon his refusal, Innocent ordered his troops to march to the little town of Nocera, inhabited by Saracens, whither his murderer was fled. This was a sufficient pretence for Manfred to assemble his friends, who were already prepared. With the succours that came to him from several parts, he met the troops that were marching, against him, and attacking them with advantage, between Troya and Foggia, killed part, and put the rest to flight. Innocent was much surprised at the defeat of the army, and to find upon his hands a fresh enemy whom he designed his instrument to clear the kingdom of the Germans.

This incident convincing him that Manfred had only amused him, he perceived, since the Germans sided with the Bastard, that it would be difficult to maintain himself in the kingdom with only his own forces. In this belief, he repeated his applications to the king of England, for men and money, with an English general, threatening, in case of refusal, to give the crown of Sicily to another prince. But as this supply was yet very remote, the vexation to see his affairs in so ill a situation, threw him into a fit of sickness, which laid him in his grave. Alexander IV. was elected a few months after Innocent's decease.

**AD 1255]** Alexander, following the steps of his predecessor, resolved to prosecute the war against Manfred, who, concealing his designs, declared for Conrade, for fear of frightening away the Germans, of whom he stood in great need. As the Pope had no less occasion for the succours from England, instead of menacing Henry, as Innocent did, he sent the Bishop of Bononia, with a ring to invest, by that mark, prince Edmund with the kingdom of Sicily. But whilst the legate was on the road, Alexander's affairs were entirely ruined. The Pope borrowing money from all hands, on the king of England's account, found means to draw together an army of sixty thousand men, and gave the command to Cardinal Octavian Ulbaldini Florentinus, with orders to besiege Manfred in Nocera.

The cardinal had for his lieutenant-general the Marquis of Hoemburch, a German, who had long served Innocent IV, but was now corrupted by Manfred. Upon the approach of this army to Nocera, the marquis, who watched an opportunity to engage Octavian in some false step, represented to him, that it was not only needless; but a lessening of his honour, to employ so great an army against a paltry town. Adding, the country adjoining afforded no forage, and besides, as it was Manfred could make no great efforts, since he kept himself thus immured.

The ecclesiastical general, inexperienced in the art of war, looking upon the marquis as an able and faithful soldier, was easily persuaded to divide his army, on the false notion of his enemy's being afraid. He had no sooner committed this error, but Manfred sallied out of Nocera; and, suddenly falling upon the army which was coming to besiege him, entirely put them to rout. The Pope's loss in this action was so great, that he was forced to abandon the country. So Manfred easily became master of the two Sicilies, and was crowned at Palermo, after spreading a report that young Conrade was dead in Germany.

Though Alexander had no refuge in Italy, he did not despair of restoring his affairs by means of the King of England, who little knew of the late revolution in a country where he was so much

concerned. For the bishop of Bononia came to London and, without mentioning what passed in the kingdom of Naples, or Manfred's coronation, invested prince Edmund with the two Sicilies. Henry demanded of a Parliament summoned this year, an aid of money, with the same assurance as if he were labouring purely for the good of the public. Though the Parliament was unconcerned about the success of the affairs of Sicily, they thought to reap some advantage from the king's necessities, by improving this opportunity to procure, in a lasting manner, the observance of the two charters.

To that end, they told the king, they would grant him an aid, upon these two conditions; that the charters should be observed, and the judiciary, treasurer, and chancellor, nominated by the Parliament, without being liable to be turned out but by the same authority. The king not thinking proper to agree to these terms, prorogued the Parliament till Michaelmas.

In the meantime, Henry was obliged, to take a journey into Scotland, on account of the queen his daughter, who complained of her hard usage from those that governed the kingdom, during the king her husband's minority. The presence of the king of England helped very much to settle the affairs of that kingdom, which began to feel the usual effects of a minority. He made but a short stay in Scotland, being impatient to return into England, where the affairs of Sicily called him.

The sums pretended to be borrowed by this, and the former Pope, for the affair of Sicily, were so excessive, that the king saw it impossible to satisfy the creditors. Alexander was not ignorant of it; but reckoning that the English, and particularly the clergy, were responsible for their sovereign, he used all imaginable means to draw money from the unfortunate kingdom, so much exhausted already. His first attempts were made by a nuncio, one Rustand, whom he furnished with several bulls, all tending to exact money from the clergy. The first, produced by the nuncio, was an order to gather a tenth in England, Ireland, and Scotland itself, as well to the Pope's as the king's use.

This bull was expressed in terms which left the clergy no room to cavil. The Pope laid this imposition on them, notwithstanding any former letters, indulgences, privileges, exemptions, or other grants under any form, and for what cause soever, and notwithstanding all objections which could be devised. A second bull gave the nuncio power to change the king's vow to go to the Holy-Land, into that of undertaking the conquest of Sicily; a conquest according to the Pope, much more important than that of Jerusalem.

Henry engaged in this new vow, by a solemn oath on the relics of St. Edward, as he had done with regard to the first. Moreover, the nuncio ordered a crusade to be preached against Manfred, as an enemy to the Christian name, and promised the pardon of their sins to all that should assist the holy see against that excommunicated prince. The publishing of this crusade was of little consequence in England, but the effects were felt in Palestine, as it obliged the Christians there, when they found the succours, intended for them, diverted to other uses, to conclude with the Saracens a truce for ten years. The Parliament, that was prorogued, being met, the kings, solicited in vain for a supply. Henry, therefore, moved them, and took other courses to attain his ends.

**AD 1256]** But what Henry could not do by his own authority, he tried to effect by the Pope's help, who was the more ready to assist him, as his own interest was concerned. It appears, however, that when the Pope was draining England of money for the projected conquest, he suffered Manfred quietly to enjoy his crown without using any effectual endeavours to dethrone him. Thus the conquest of Sicily was only the Pope's decoy, to get large sums from Henry, upon the vain expectation of placing his son Edmund on the throne. In the collection of the public acts, we find, under the year 1255, divers bulls clearly shewing with what greediness the Roman Pontiff exhausted wretched England. In one of these bulls, he orders Henry to pay four thousand pounds to the bishop of Bononia, for the charges of his legateship, as if the court of Rome had no interest in the affair. In another dated the same month, he confirms the change of the king's

vow to go to the Holy-Land, into that of an expedition into Sicily, to the end the money designed for the war against the Saracens might serve to pay the debts contracted for the conquest of that kingdom.

By one of the same kind directed to the archbishop of Canterbury, he makes, by his authority, the same change with regard to the vow of the king of Norway and his subjects. Then he commands them to send into England, for the pretended expedition to Sicily, the money raised for the voyage to the Holy-Land. A third, enjoins all the English, who have received any money for their journey to Palestine, to pay it into the hands of certain commissioners, to be employed in the Sicilian expedition. Though he had before confirmed the change of Henry's vow, he granted him however, by a bull, the twentieth part of the clergy's revenue in Scotland, to be employed in the expedition to the Holy-Land.

This bull bearing date after that, whereby the king's vow was changed, must be considered as a cheat, to make the Scots believe, their money should be expended in the war against the infidels. After this, by a subsequent bull, he absolves the Scots from their vow of going to the Holy-Land, on condition they would send into England a certain sum, to be employed in the conquest of Sicily. He granted the same favour to the English, by a bull, dated in August the same year. Lastly, by another in October, he commanded his nuncio to compel the English prelates, to pay the tenths granted to the king, for the payment of the debt contracted since his engagements with Innocent IV.

The sums borrowed in the king's name amounted, according to the Pope's account, to one hundred thirty five thousand five hundred and forty marks, principal money, besides interest. Alexander was not ignorant that the king's revenue scarcely sufficed for his necessary expenses, and consequently it was impossible to take from thence wherewith to satisfy the pretended creditors. To help the king out of this strait, he caused him to allow that all the extraordinary levies of money in his kingdom should be applied to that use, for which he undertook to find means himself to raise what sums they should want.

It was not so much the purses of the people or barons, as of the clergy, that were to be drained. Besides that the clergy had most ready money, they more tamely submitted to the Pope, than the people would to the king. Accordingly, to oblige the clergy to pay the greatest share of this debt, Alexander made use of a very extraordinary means, suggested to him by the bishop of Hereford[63].

He caused a great number of obligatory notes to be drawn, whereby each bishop, abbot, or prior in England, acknowledged to have received of such a merchant of Sienna, or Florence, or some other place in Italy, the sum of——for the occasions of his church, and bound himself to repay it at such a time. This done, endeavours were used to constrain each to sign one of these notes, as if he had really borrowed the money.

**AD 1256]** Rustand assembled all the prelates of the kingdom, and acquainted them with the Pope's pleasure, that each should sign one of these notes, and bind himself speedily to pay the sum mentioned therein, under pain of excommunication. This proposal so surprised the prelates, that the bishop of London could not forbear saying aloud, that he would lose his life rather than submit to so tyrannical an oppression.

The Bishop of Worcester said as much and, in fine, Rustand had for answer, that the clergy of England would not be slaves to the Pope. The nuncio complained to the king of this bold answer, intimating that the bishop of London was the author of the clergy's disobedience: Henry, who was no less exasperated than the nuncio, fell into a great passion with the bishop, and told him, since he was afraid neither of his, nor the Pope's indignation, he should quickly feel the effects. This threat not being capable of daunting the prelate, he replied, he was very sensible, the king and the Pope were more powerful than he, but in case his mitre were taken from him, he would

clap a helmet in its place. However this firmness was not capable to make the nuncio give over his project. By the help of the bishop of Hereford, he sowed discord among the chief of the clergy, by caressing some, frightening others, and causing accusations to be brought against some, whence he took occasion to excommunicate them.

These censures were the more terrible, because, if within forty days they sued not for absolution, which could not be obtained but by submitting to the Pope's will, all their revenues were confiscated[64].

But what the king and Pope extorted from private persons by these violent ways could not amount to a sum sufficient to answer their occasions. There was a necessity of prevailing with all the clergy to sign the notes, otherwise it was not worth while to commit such flagrant acts of injustice. Wherefore Rustand once more summonsed the prelates upon this affair. But the absence of the archbishop of Canterbury, who was out of the kingdom, and the vacancy of the see of York[65], furnished the prelates with a pretence to desire a delay, which could not be refused them.

They hoped that time would produce some favourable turn to exempt them from paying the money demanded. But the conduct of the nuncio quite destroyed these hopes. He fell into a rage with those who raised any difficulties in this affair, and thought it very strange that the least opposition should be made to the Pope's pleasure. Leonard, a deputy or prolocutor for the clergy, insisting on the injustice of the Pope's demand, Rustand commanded him to say whether he spoke for himself, or in the name of the prelates. Then he wrote down the deputy's words, saying, he would inform the Pope of his insolent expressions. Another clergyman willing likewise to speak a little freely of this matter, the nuncio told him, in a furious tone, that if he had not a regard for the prelates, he would not leave him a hair on his head.

The delay granted the clergy being expired, all the prelates, with the archdeacons, the representatives of the inferior clergy, assembled at London.. As they met purely upon this affair, Rustand renewed his applications the very first day. The clergy replied, by Leonard their prolocutor, that their poverty hindered them from consenting to the Pope's demand, considering it was founded neither upon reason nor justice. The nuncio made answer, there was no injustice in what the Pope claimed, since as all churches belonged to him, he could dispose of their incomes as he pleased.

This extraordinary pretension was replied to by Leonard, saying, "Indeed all churches might be said in some sense to belong to the Pope, but it was only that he should protect and defend them, and not appropriate them to his own use. In like manner, continued he, as we say in England, all things are the king's: yet no man ever imagined the king was proprietor of all the estates of his subjects: so with regard to the lands of the church, it can never be proved that it was the intention of the founders to give them to the Pope."

This reply did but still more exasperate the nuncio, who, however, thought not fit to argue and dispute any longer. He contented himself, with saying, in a menacing tone, " Let every one speak for himself, that the Pope may know who is for, and who against him."

This he said to terrify them: but his violent proceedings had a quite contrary effect. The prelates, full of indignation at this treatment, unanimously replied, they neither could, nor would, submit to so unjust an exaction; that this was their last resolution, and they were ready to suffer death in a cause much more just than that for which the blessed St. Thomas Becket endured martyrdom. The nuncio finding there was no prevailing by threats, grew more calm, and said, he would go himself and talk with the Pope about the difficulties which occurred in the execution of his orders. The clergy sent likewise, in their name, the dean of St. Paul's, to acquaint his holiness with the reasons of their denial. It was at length settled, that each prelate should pay his share in proportion to his revenue: but that the money thus paid should be deducted out of the tenths, which should hereafter be granted to the king. After this decision, the clergy were forced to pay money they

had not borrowed, and to the payment whereof they were bound without knowing any thing of the matter.

Some time after, the same nuncio convened all the abbots of the Cistercian order, and demanded one year's revenue of their wool, to supply the occasions of the Pope and the king. They answered, they could not grant such a demand, unless debated in a general chapter of their order. This reply not satisfying the Italian prelate, he fell into a passion, and swore, if he could not prevail with them in a body, he would so treat them singly, that they should be constrained to comply. He soon performed his threat. For slight or imaginary faults, he attacked them one after another, and caused them to be grievously fined. But this order had such powerful protectors about the Pope, that the nuncio was commanded to desist.

The tyranny exercised by the court of Rome upon the clergy of England was of so strange a nature, that the historian, who relates all these facts, was afraid he should be suspected of inventing them, unless he produced an authentic proof. This doubtless was his view, in inserting at large in his history one of Alexander's bulls, which shews, that nothing was done in the business of the notes but by his express orders. This bull, directed to Rustand, concludes with these words: you shall take care to let the king know that all this is our will and pleasure. Wherefore I set down in these presents, what each abbot and prior shall be bound to pay. **The Prior and Monastery of Durham**, five hundred marks; of Bath four hundred; of Thorney four hundred, &c.—dated at Anagnia the X of the calends of July, in the second year of our pontificate.

Let us return now to the king, who was soliciting with no less earnestness for the aids demanded of the barons, to place the prince his son on the throne of Sicily. The archbishop of Messina had lately come from Rome on purpose, to second the king's demand, with the Pope's letters to the lords, exhorting them to give the king content. But the Pope's eagerness, and the archbishop of Messina's pressing applications, proved quite contrary to their designs. For it was very visible, that the money was to be put into the Pope's hands, otherwise he would not have taken such pains. Besides, the Parliament could not resolve to suffer troops to be sent into Italy, as the Pope and the king desired, persuaded, as they were, that it was exposing them to certain ruin:

These considerations induced them to refuse the king the aid he demanded. To justify their denial, they presented an address; setting forth their reasons.

- I. The difficulty of the projected undertaking.
- II. The poverty of the nation.
- III. The dread of an invasion from the neighbouring states, if the forces of the kingdom were sent so far off.
- IV. This project was formed without the consent of Parliament.
- V. Lastly, the condition annexed to the grant of Sicily left the Pope free to revoke it whenever he pleased, which was reciprocal.

The king, not satisfied with demanding of his Parliament an extraordinary aid, would have moreover the clergy stand bound for the sums, which the Pope pretended were still due to him, and consent that the tenths granted for three, should be continued for five years. These demands were so exorbitant, that the clergy could not resolve to comply with them. But there was not the same regard for the spiritual, as for the temporal, lords. The Pope no sooner spoke with an imperious tone, by the mouth of his nuncio, but the clergy tamely submitted, and gave the king the greatest part of his demands.

How large sums soever were lately drawn out of the kingdom, Henry still continued his exactions, as well upon the citizens of London, as the rest of the kingdom. He made even the Welsh, whom he considered as his subjects, since they were become his vassals, feel the effects of his greediness. The oppressions they endured, on divers pretences, wearing out their patience, they had recourse to arms, and invaded the frontiers of England, whence they carried away a great booty.

Prince Edward would have chastised them; but it was not possible for him to raise a sufficient number of troops to stop their progress. The king's treasury was so exhausted both by the Pope and his own favourites, that not being able to furnish money for this war, he was forced to suffer the Welsh to plunder his borders with impunity. His fondness for his half brothers and the queen's relations was astonishing. He was not satisfied with loading them with immense presents, which disabled him to defend his kingdom, but permitted them to oppress his own subjects, by forbidding the chancellor to issue any writs to their prejudice.

The Pope was not yet content with the vast sums drawn from England. He pressed the king continually to send him money, threatening to revoke the grant of Sicily, if he did not speedily perform what he had promised. Henry excused his not sending troops into Italy, with an English general, because, instead of being able to defray this fresh expense, he could not yet accomplish the payment of the sums demanded by the Pope. But to satisfy him, in some measure, he remitted him five thousand marks, and ordered prince Edward his son, who was to succeed him, to ratify the agreements relating to Sicily. In another letter on this occasion, he acquainted him that the barons of the realm refused to subscribe to the terms that were required of him, thinking them somewhat unreasonable, especially since the affairs of Sicily were altered by the treachery of the Marquis of Hoemburch.

As soon as the Pope heard that the great men began to murmur, he thought it time to get all he could expect from England, plainly foreseeing that the game he was playing would soon be at an end. For that purpose, he sent into England a nuncio, one John de Die, with several bulls, all tending to procure money of the king in order to pay the Pope's pretended debts. By the first, he enjoined the bishops punctually to pay the tenths granted to the king, notwithstanding all letters, indulgences, or privileges whatever.

Another bull granted the king for his voyage to the Holy-land, from which he had already been exempted, all the revenues of the vacant benefices. By a third, he gave him the incomes of non-residents. A fourth granted him the tenths of all the ecclesiastical revenues of the kingdom, according to their extended value; whereas they were wont to be rated according to the ancient taxation. A fifth ordered Rustand to adjudge to the king the chattels of clergymen who died intestate.

By a sixth, he commanded the same nuncio, to tax himself all the ecclesiastics of the kingdom, for the aid they were to give the king, notwithstanding all privileges granted by his predecessors, and all exemptions, or objections whatever. A seventh, excommunicated all the prelates who should not pay their tenths within such a time. There were several others which it is needless to mention, since they all tended to the same end. The importunity of the creditors of Sienna and Florence served always for a pretence of these oppressions.

**AD 1257]** It seemed that in this unfortunate reign, a concourse of malignant influences met in England, to impoverish the nation. Every thing contributed to their misery, and events seemingly the most remote, were found at length to tend to the same end. William. earl of Holland and king of the Romans, being killed in a skirmish with the Frisons, the electors of the empire were divided about the choice of a new king of the Romans. Some, who were the majority, gave their votes for Richard brother to the king of England, and the rest chose Alphonso king of Castile. Richard, more diligent than his competitor, went immediately to be crowned at Aix la Chapelle, and supported his right by his presence in Germany, whilst Alphonso acted only by ambassadors.

However, Richard had no other advantage over his rival but that of being crowned: an honour, which cost him so dear, that Alphonso would have been very sorry to purchase it at that rate.

Richard is said to have carried into Germany seven hundred thousand pounds sterling in ready money[66], an immense sum in those days, which added to what the Pope had drawn out of the nation, made a very great scarcity of money. The meaner sort of people were great sufferers by it, because, the harvest not being very plentiful, they were not able to buy provisions, which were grown very dear[67].

All these evils moved not the king. Infatuated with his Sicilian project, he pressed the clergy for a fresh aid, that of the last year not even sufficing, as he assured them, to pay his debts. As he expected to meet with great opposition from the prelates, he brought into the assembly prince Edward his son, dressed in a Sicilian habit, imagining that, charmed like him with the sight, they would readily grant his demands. But this artifice would have been but of little force, had not the prelates again been awed by the nuncio, who compelled them by his threats to grant the king forty two thousand pounds sterling.

To all the calamities which England laboured under during the course of this year, must be added the war with Wales, which was vigorously carried on by the Welsh, and very faintly by England. Prince Edward, who undertook to chastise these turbulent people, was forced to retreat before them with some loss. Their daily progress obliged the king to march against them. But, upon his approach, they retired to their mountains, having themselves laid waste their borders, and thereby prevented Henry from proceeding. But this was not all. When he imagined the Welsh at a distance, and seized with fear, they so effectually took advantage of his negligence, as to surprise him and cut in pieces a good part of his army; after which, he thought only of retiring.

It must be surprising, that at such a juncture, Henry should think of terrifying the king of France. However, without considering his weak estate, he sent ambassadors to him, to demand the restitution of Normandy, and the other provinces in France taken from the English. Lewis, who was better acquainted with his affairs than himself, fore bore however to insult him, contenting himself, with roughly denying so unseasonable a demand.

Meantime Rustand the nuncio, who was gone to Rome for new instructions, soon returned into England, with power to excommunicate the king, if, pursuant to his engagements, he did not speedily undertake the projected conquest. Henry, surprised at these menaces, and not knowing which way to satisfy the Pope caused his son Edmund humbly to entreat him, to make the terms more easy on which he had accepted the grant of Sicily.

This petition proving of no great effect, Henry was at length forced to appoint ambassadors to go to Rome, and renounce, in the name of the prince his son, the grant of this imaginary crown, which had already cost him so dear. But this was not what the Pope wanted. Far from receiving this renunciation, he sent a new nuncio, one Arlot, empowering him to make some alteration, in the agreement upon this affair. But withal he ordered him to use his utmost endeavours, to engage the king more deeply; by procuring him some fresh grants, which cost him nothing, since they were made at the clergy's expense.

For that purpose, he charged his nuncio to publish a new bull, enjoining the bishops to pay the tenths granted to the king, under pain of excommunication; notwithstanding all objections, all appeals, and all letters obtained, or to be obtained to the contrary. Besides the tenths, and other aids frequently paid by the clergy to the king on this account, the Parliament had furnished considerable supplies, and yet there appeared no bottom to this gulf; which swallowed up all the riches of the kingdom.

**AD 1258]** It was not possible but so many oppressions would at length wear out the patience of the English. The barons at length began to hold secret conferences together, to consider of proper

expedients to reform the government, and especially to exclude the foreigners. The king quickly furnished them with an opportunity to execute their designs, by calling a Parliament, of whom he demanded, according to custom, a powerful aid for the affair of Sicily. The Parliament, pursuant to the resolution already taken by the principal barons, instead of granting his demand, vehemently complained of the breach of his promises, and of all the grievances in general, spoken of in the course of this reign.

Henry perceiving, that a haughty carriage would be in vain on this occasion, fell to his old artifice of appeasing the lords, by acknowledging himself guilty, and promising to reform what was amiss. But they told him plainly, that without leaving it to him, they designed to reform the government themselves, so as to fear no more his breach of faith. Therefore, under pretence of the difficulties in this affair, the Parliament was prorogued, and the city of Oxford appointed for the place of the next session. And as he was apprehensive, that in the mean time, the barons would make preparations, which he found he could not prevent, he gave them a positive promise, that as soon as they met, he would join with them in the desired reformation.

He signed likewise a charter, whereby he consented, that the articles to be reformed, should be drawn up by four and twenty lords, of whom he should chuse twelve, and promised to observe whatever should be settled by these commissioners. To give the greater authority to this charter, he caused prince Edward his son to sign it with him. Without relying on the king's protestations, the barons summoned all their military tenants, and on the day appointed, came to Oxford, well attended and resolutely bent to compel the king to perform his word.

The first thing was the election of the four and twenty commissioners, who were to draw the articles of the intended reformation. The king chose twelve[68], and the other twelve were elected by the barons[69], who made Simon de Montfort earl of Leicester, president of this council. The election being over, the four and twenty drew up some articles, to which the Parliament reserved to themselves a power to add from time to time, such others as should be deemed necessary for the good of the state. They were in substance as follow:—

**I. That** the king should confirm the great charter, which he had sworn so often to observe without any effect.

**II. That** the office of chief judiciary should be given to a person of capacity and integrity, that would administer justice, as well to the poor as the rich, without distinction.

**III. That** the chancellor, treasurer, justices, and other officers and public ministers should be chosen by the four and twenty.

**IV. That** the custody of the king's castles should be left to the care of the four and twenty, who should intrust them with such as were well affected to the state.

**V. That** it should be death for any person of what degree or order soever, to oppose, directly or indirectly, what should be ordained by the four and twenty.

**VI. That** the Parliament should meet at least once every year, to make such statutes as should be judged necessary for the welfare of the kingdom[70].

It is certain that twelve deputies, or representatives of the commons, were present in this Parliament: but whether by permission, or right, whether it were a new regulation, or the commons had their representatives in the former Parliaments, is not clear. The greater weight of evidence is in favour of their opinion, who believe this to be the first time that the representatives of the commons were admitted to sit in Parliament. If the commons had a right to sit there, it would be very strange, that they should nominate but twelve representatives for the whole

kingdom. Moreover, all the historians agree that these twelve were not commoners, as now reputed, but all barons, stiled immediate tenants of the crown[71].

Amongst the number of writers, who, from the conquest to the end of the reign of Henry III. have spoken of Parliaments, not one has distinguished the commons, as making a distinct body, or separate house from the barons. It may be added, as a precedent, by no means favourable to the antiquity of the right of the commons, that in France it was not till the reign of Philip the Fair, that the third estate was admitted into the general assembly of the states.

The Parliament approving the articles drawn by the four and twenty, the king was obliged to give his assent to them, and cause all necessary orders, for putting them in execution, to be dispatched. Prince Edward likewise solemnly swore to observe, and cause them to be observed, to the utmost of his power. Thus Henry, for his too great neglect of his subjects, found himself at last forced to divide with them the government of his kingdom, or rather to resign the whole into their hands.

The articles agreed on, then called the statutes or provisions of Oxford, met at first with some opposition. The earl of Warren refused to sign them. Prince Edward, who swore to them against his will, wished to go from his oath. Henry, son to the king of the Romans, openly protested, they were of no force, till the king his father, then in Germany, consented to them. This protestation drew a very mortifying reply from the Earl of Leicester.

Without regarding his quality, the earl plainly told him, if the king his father refused to join with the barons, he should not enjoy one foot of land in England. But the greatest opposition was from the foreigners, and particularly the king's half-brothers, and the queen's relations. Especially William, bishop elect of Valence, was chiefly concerned, because the whole royal authority, now reduced within narrow bounds by these statutes, was properly in his hands. Accordingly he publicly declared, he would not deliver up the castles, of which he had the custody: But the earl of Leicester, naturally impetuous, immediately replied, he should part either with the castles or his head.

This threat being supported by the rest of the barons, the Poitevins resolved to shut themselves up in Winchester. Their flight was no sooner known, but the barons mounted their horses and pursued them, but it was not possible to overtake them. However, as at such a juncture, it was difficult for foreigners, so universally hated as they, to procure a sufficient protection, they consented to depart the kingdom, provided they might have a safe-conduct. This condition being readily complied with, they were brought to London; and, a few days afterwards, they embarked at Dover, and returned into their own country. The barons being thus rid of the foreigners, agreed before their separation, upon an oath of association, to stand by the provisions of Oxford with their lives and fortunes.

In a Parliament assembled at Winchester, the barons resolved to send commissioners to the city of London, to invite them to join in their association. This was easily obtained; the Londoners having still more reason to complain of the king than all the rest of the kingdom. This affair being ended, and the Parliament judging it necessary to proceed in a legal way against the foreigners, who were expelled the kingdom, passed an act for their perpetual banishment.

However, as Athelmar, bishop of Winchester was in the number of the banished, there was a necessity of making some excuse to the Pope, since the bishops had been long exempted from the civil jurisdiction. There was occasion likewise to justify to the Pope the conduct of the Parliament, both with regard to the affair of Sicily, and the late alterations in the government of the kingdom. It was resolved therefore, that the barons should write to the Pope, to inform him of what had passed. Their letter was to this effect: "That they had been prevented, for several good reasons, from yielding to his admonitions, with respect to the conquest of Sicily. First, because the king had engaged in that undertaking, without their advice, and without considering

the state of the kingdom, which was by no means able to bear the expense of such an expedition. Secondly, because the condition on which the king had accepted the grant of Sicily, for the prince his son, were too hard and impracticable. Nevertheless, if the Pope would mitigate them, they were ready to prosecute that affair, to the utmost of their power.

Then, they vindicated the Oxford provisions, alleging the king's incapacity and easiness to give himself up to the guidance of such, as had no concern for the good of the kingdom. They insisted chiefly upon this, shewing by strong reasons, that it was not proper the kingdom should be governed by foreigners. They mentioned the bishop of Winchester in particular, as the principal author of the evils England laboured under.

They affirmed, this prelate was guilty of divers enormous crimes, which induced him to desire leave to depart the kingdom, being conscious he could not possibly render, a good account of his actions. Above all, they accused him of advising the king to break his word and oath, which could not but be construed as a settled design to disturb the peace of the kingdom. And therefore, they would never suffer him to return again, and supposing they did, the people were bent to oppose it.

To give the more weight to their apology, they sent their letter to the Pope by the hands of some of their own body, who were commissioned to display more fully the outrages of the bishop of Winchester, and, the rest of the royal relations[72].

The Pope was not satisfied with these reasons. He wanted to continue to draw money from the king, on the old pretence of the business of Sicily; and what the barons had lately done laid an insuperable obstacle in the way of his designs. However, not to exasperate them, he delayed sending an answer; and contented himself with privately assuring the king of his protection. But withal, as if Henry had been in a condition to supply him with money, he pressed him to pay the arrears due to the Italian merchants, of which he pretended, the interest alone amounted to a vast sum. He was willing however to give him some short time, which was no sooner expired, but the bishop of London received an express order, to excommunicate all the debtors of the Italian merchants, of what quality soever. But times being altered, his orders, no longer countenanced by the government, remained unexecuted. For the same reason, the conquest of the kingdom of Sicily was now deemed a chimerical project, tending only to the ruin of England.

Meantime, Henry, stripped of all his authority, saw himself forced to assent to whatever the governors were pleased to prescribe him, and to sign all the orders presented to him, for the observance of statutes, which deprived him of all his prerogatives. Though the earl of Leicester was his brother-in-law, yet of all the barons he considered him as his greatest enemy, and the chief author of his disgrace.

The constraint he was under did not hinder him from discovering to the earl himself, what he thought of him. One day as he was going to the Tower by water, a sudden storm obliging him to land at the first stairs, it happened to be Durham house, where the earl of Leicester then lay. He was reprieved, at his coming out of the boat, by the earl himself, who, to hearten him after his fright, told him, he need not be afraid, for the storm was over. I am beyond measure afraid of thunder and lightning, replied the king with a severe look, but, by God's head, I fear thee more than all the thunder in the world.

**AD 1260]** It was not without reason that the king stood in fear of the earl of Leicester. This earl, who was the head of the confederates, took with the rest all possible measures to hinder him from freeing himself from the slavery to which he was reduced by his imprudence. Their resolution not to let go their authority, manifestly appeared in their answer to the king of the Romans. This prince communicating to them by letter his design of returning to England, to assist them in appeasing the troubles of the kingdom, received this mortifying answer: That they would not suffer him to enter the kingdom, unless he swore to observe the Oxford provisions.

Richard received the deputies sent on this occasion, very haughtily, and protested he would not take the oath required of him. Afterwards, however, he assented; and, upon his arrival at Dover, he took: the oath, in the presence of the king and a great number of barons, who came to meet him.

Those who now held the reins of the government made it a rule, to keep peace with the neighbouring princes, lest a foreign war should destroy what had been so happily begun. They accordingly resolved to conclude a firm and lasting peace with France, by sacrificing to him all the king's pretensions to Normandy and Anjou. The earl of Leicester took upon him to go and propose this at Paris. The French, chusing to regard the earl of Leicester as sufficiently authorised, though they were not ignorant of the situation of affairs in England, concluded a treaty with him, which Henry was forced to sign. He was even persuaded to meet Lewis at Abbeville, where the states of France were assembled, and to renounce in their presence, all his pretensions to Normandy and Anjou. Lewis in return gave up le Limosin, and le Perigord, with all that France possessed beyond the Garonne, on condition he would do him homage, and take his seat among the peers of the realm as duke of Guienne.

Whilst the king was in France, the four and twenty who governed England, thought it time to rid the country of the prodigious number of Italian ecclesiastics, who possessed all the richest benefices of the kingdom. They accordingly issued a proclamation, enjoining all farmers of the foreign benefices, to pay the revenue into the hands of certain persons appointed to receive them, on pain to the offenders, of seeing their houses razed to the ground. Thus England was freed for a time from these Italian leeches.

The earl of Leicester, either because he thought himself more capable, and more zealous than his companions; or, as his enemies charged him, was led by his ambition to aspire to the supreme power, usurped all the authority committed to the four and twenty. The earl of Gloucester, in consequence, tried by degrees to form a party against him. He began first with privately blaming his conduct, and spreading a report that he was in league with prince Edward, to place him on the throne in his father's lifetime.

This pretended project reaching the king's ears, then at St. Omer, he was so terrified, that he could not think of returning to England, for fear of being confined, or perhaps something worse. Edward, however, so fully and respectfully cleared himself, that he entirely effaced his father's suspicions. The earl of Gloucester finding these indirect ways did him more harm than good, directly attacked the earl of Leicester, accusing him of many misdemeanours committed as well in Guienne as in England. Upon this foundation, he demanded a day to be fixed for hearing his accusation against him. However, on the day appointed, seeing the earl of Leicester boldly appeared to make his defence, he was afraid either of wanting evidence, or at least of his adversary's party proving too strong.

So pretending some of his witnesses were absent, he desired the affair might be adjourned. This quarrel might have been attended with fatal consequences, had not the king of the Romans used his interest to end it, and appease the prince his nephew, who was exceedingly incensed with the earl of Gloucester. As soon as this affair was over, Richard set out for Germany, where he had some expectations of being owned for emperor by all the electoral princes. But quickly finding, it was not in his power to dispel the factions that divided the Germans, he relinquished this project, and returned to England. Here he found the king and queen of Scotland, who were come to visit the king. A few days after, arrived also John de Dreux Duke of Bretagne, to espouse Beatrix the king's second daughter.

Though the governors had no great regard for the king's person, they did honour to his royalty, by a magnificent reception of these illustrious guests. Henry, in this painful situation, privately invited Athelmar his brother, bishop of Winchester, who was gone to Rome, to return to England. The bishop was now on the road for England, where he would doubtless have caused great

disturbances, had not death seized him at Paris. This accident, however, hindered not the king from pursuing his design, of throwing off the barons yoke. The unexpected breach between the earls of Leicester and Gloucester, who were only outwardly reconciled, putting him in hopes of succeeding in his project, he desired the Pope to absolve him from his oath concerning the Oxford provisions. His holiness readily granted him this favour. But Alexander dying before the dispensation could be sealed, he was forced to stay till the holy see was filled.

Urban IV being as compliant as his predecessor, Henry soon pulled off the mask. The Parliament being assembled at London, he suddenly repaired thither, and plainly told them, "That before he was made to sign the Oxford Provisions, they had obliged themselves to pay his debts, and increase his revenue, and since neither of these articles had been performed, he did not look upon himself as bound to keep his word." He added, "That he no longer intended to make use of the councillors imposed upon him, and who treated him rather like a slave than a king." After this brief declaration, he retired to the Tower, the governor whereof he had gained, and seized upon all the treasure lodged there. This first step being taken, he turned out by proclamation all the officers and magistrates chosen by the four and twenty, and nominated others in their room.

Prince Edward, then at Paris, having notice of what passed in England, returned with all speed, to endeavour to prevent the impending evils. The barons impatiently waited his return; and to prepare the way for him, they presented an address to the king, praying him to observe his oath, and offering on their part, to amend such articles as should be found too severe upon him in the Oxford Provisions. Henry, pretending nothing could be done till his son's arrival, returned no answer to this proposal, which by no means agreed with his projects. He was no less impatient than the barons, to see the prince.

But he was extremely surprised, when he found, the prince, at his return, openly blamed him for breaking his word. This was followed by something still more grievous. The earls of Leicester and Gloucester, upon whose dissension he relied, were sincerely reconciled, to prevent their common ruin, and swore once more to the Oxford Provisions. The barons' party being considerably strengthened by this union, they sent the king word, if he would not voluntarily remove from about his person all evil counsellors, they would find means to compel him. Henry returned them no answer, but continued in the Tower, whence he durst not stir, for fear of being delivered into their hands.

In this situation, he saw no remedy, but to treat with the barons. But this prospect lasted not long. Henry, thinking to make his cause better, by urging the Pope's authority, gave occasion to widen the breach, by unadvisedly showing the bull, which absolved him from his oath. The discovery of this secret did him an irreparable damage. The barons, plainly seeing that there was no reliance upon an accommodation, to which the most solemn oath could give no manner of force, formed a design to surprise the king in Winchester. Henry, receiving timely notice, retired again to the tower.

In the meantime, the barons, continuing to take measures to oppose the king's designs, prevailed with the governors of the Cinque ports to fit out a fleet to guard the coasts, lest succours should come from some foreign prince.

Everything manifestly tended to a civil war. But, whilst the king and the barons were equally desirous to avoid the blame of beginning the war, the king of the Romans improved this disposition, to try to procure a peace. His mediation being accepted, he prevailed with the king his brother, to promise, that he would confirm the Oxford Provisions, and with the barons to depart from such articles as were most displeasing to the king. The earl of Leicester refused to consent to this agreement, and chose to retire into France. Among the barons who signed this agreement, there were several no less dissatisfied with it. But as the majority gave their consent, they chose rather to accept it, than be deemed alone the cause of the troubles. By this treaty,

England seemed to be restored to its former tranquillity. But the fire which lay concealed under the cinders, soon rekindled, and burst out into new flames.

During this calm, the affairs of Guienne obliged Henry to go over to Bourdeaux, Where falling ill of quartan ague, he stayed longer than he designed. Richard earl of Gloucester dying in the meanwhile, his son Gilbert immediately repaired to Guienne, to be invested with his fathers inheritance. Henry having no kindness for that lord's woes solicited some time before he would do him that justice. And it was not till after receiving a considerable present, that he sent him away satisfied.

The king's absence afforded Leicester's friends an opportunity to renew their cabals, and unite the party divided by the late treaty. They compassed their ends the more easily, as the king gave the barons a plausible pretence to complain, by delaying to confirm the Oxford Provisions. When the earl of Leicester was informed that this party began to revive, he speedily returned into England, where his presence entirely restored the courage of those who, out of fear or weakness, had signed the late agreement[73].

Upon this the king came over in great haste, but it was now too late. The barons had resolved to put themselves in a condition not to fear his inconstancy. Immediately after his return, they presented an address to him, calling upon him to confirm the statutes of Oxford, pursuant to his agreement, and threatening in case of refusal, to take such measures as would not be agreeable. They were in hopes, that fear would oblige him to grant their demand, and it was a great surprise to them to find themselves called rebels, and threatened with the severest punishments. It will doubtless seem strange, that the king, in his present circumstances, should behave thus haughtily. But he had a private reason unknown to the barons. During his voyage to Guienne, he had gained the king of the Romans and prince Edward. The latter had now raised some foreign troops, under colour of employing them against the Welsh, but in reality to oppose them to the barons.

The war however did not break out so soon. There were still some negotiations, but which served only to widen the breach, and give the barons time to prepare themselves. During this interval, Edward carried the war into Wales, where however he did nothing considerable, for want of money to pay his troops. In this situation, the prince not being able to resolve to disband his army, and not having wherewithal to satisfy them, suddenly came to London, and without communicating his design, led a company of armed men to the **New Temple, and took out of the treasury of the templars ten thousand pounds sterling, deposited there by the citizens.** This violence raised loud murmurs among the parties concerned: but their complaints were in vain. The prince had caused the money to be conveyed to Windsor Castle, whence it would be very difficult to take it by force.

Whilst these things passed in England, Urban IV. altered his measures with respect to Sicily, and took no care to give any notice to Henry. The revolution in England causing him to consider that kingdom as an exhausted fund, he turned to France, and entered into a negotiation with Charles earl of Anjou, to place that prince on the crown of Sicily. To prepare Henry for this change, he wrote him a long letter, wherein, after reproaches for what the holy see had done for him, he complained of the non-performance of his promises. In short, he let him know, he should be forced to seek another prince for speedier and more effectual supplies.

The negotiation between the king and the barons still continued; but proceeded very slowly, both parties having no other intention but to lay upon each other the blame of the rupture. At length the earl of Leicester convened an assembly of the barons, where it was unanimously resolved to maintain the Oxford Provisions by arms. This resolution being taken, they chose the Earl of Leicester for general, and each went and drew together the troops which were already prepared, in the uncertainty of the success of the negotiation.

The foreigners, dispersed in the kingdom, first felt the effects of this rupture. The people were so exasperated against them, that, without distinguishing the innocent from the guilty, they persecuted all that could not speak good English, that mark alone being sufficient to render them odious.

On the other hand, the earl of Leicester plundered without mercy the estates of the king's favourites and counsellors, and publicly declared, he would hearken to no proposals of peace, till they were all entirely destroyed. As soon as the king had no army to withstand the barons, he remained in the tower of London, whilst they became masters of Gloucester, Hereford, Bridgenorth, Worcester, and other places near the Severn. **These conquests were followed with the declaration of the City of London in their favour.**

Though these happy beginnings gave the barons great reason to hope well of their enterprise, they believed, that to gain the people still more to their side, it was necessary to show, they had taken up arms with grief, and were ready to lay them down with joy. To that end, they presented to the king a petition drawn up in very respectful terms, wherein they offered to consent, that a free Parliament should review the Oxford Provisions, and annul such articles as were found too prejudicial to the royal authority. But withal, they desired, that the king should confirm the rest, and the kingdom be governed by the natives, as was practised in all other countries.

This petition had no effect upon the king, who, though blocked up as it were in the Tower, expected every moment the prince his son to come and relieve him. This too was what the barons feared; and therefore to prevent the design of prince Edward, they posted themselves at Thistleworth, through which place he must necessarily pass to deliver the king. The barons' precaution caused the king to alter his resolutions. As he began to despair of being relieved, he found himself obliged to send them word, he would confirm the Provisions of Oxford. This was all the barons wanted, so that a treaty containing four principal articles, was easily concluded, namely:-

- I. That the king's castle should be put into the hands of the barons.
- II. That the Provisions of Oxford should be inviolably observed.
- III. That all foreigners, except such as should be allowed of by the unanimous consent of the barons, should be banished the realm.
- IV. That the administration of affairs should be committed to the king's natural subjects, approved of by the barons.

This agreement would have restored peace to the kingdom, had the king consented to it with design to perform it. But as his sole view was to free himself from his troublesome state, it was not long before he broke it. The insolence of some Londoners did not a little contribute to his taking this resolution. One day, as the queen was going by water to Windsor, the mob, just as she was going to shoot the bridge, hallooed at her in a manner very mortifying for a queen. They not only set upon her by foul reproaches, but some were so brutish as to cast dirt and stones at her. The king was extremely incensed at this insult, and it served to confirm him in his resolution, of making a vigorous effort for the recovery of his authority. He began therefore to store with arms and provisions the castles that were still in his power.

Matters standing thus, it was hard to say whether the kingdom was in peace or war. During this state of uncertainty, prince Edward thought it necessary to store with provisions Bristol castle, of which, the king his father had entrusted him with the custody. To that end, he came to Bristol, and would have obliged the citizens to find him what provisions he wanted. This demand, made perhaps a little too haughtily, raised a sedition among the townsmen, which forced the prince to retire hastily into the castle. He was no sooner there, but the inhabitants resolved to besiege him,

or at least, to keep him so closely blocked up that he should not escape. This resolution threw Edward into a great straight. He got out of it however by a device, which indeed freed him from the present danger, but soon brought him into another, whence he could not so happily disengage himself. He sent for the bishop of Worcester and intimated to him, that he intended to adhere to the barons; but desired first to talk with the king his father, to persuade him to give them entire satisfaction: that not being able to execute this design, by reason of his being thus blocked up, he entreated him to be security for him, and accompany him to London, to be a witness of his conduct.

The bishop being persuaded of the prince's sincerity, told the citizens of Bristol, it would be for the good of the common cause to let Edward go; to which they consented, and the blockade was raised. Accordingly the prince set out, in company with the bishop, who did not question but this journey would prove successful. But when they came near Windsor, Edward clapping spurs to his horse rode away from the bishop, without taking leave, and shut himself up in the castle.

However, this fraud did not turn so much to the prince's advantage, as he expected. The bishop, provoked at the deceit, carried his complaints to the barons, who immediately resolved to lay siege to Windsor. This castle was so ill provided with every thing necessary for a good defence, that Edward thought it not in his power to stand a siege. But on the other hand, he could not resolve to lose the place. As he depended much upon his address, he imagined, it would not be impossible to amuse the barons by a negotiation, which would leave him in possession of the castle upon certain terms, the performance whereof would be in his power.

For that purpose, he went himself to the earl of Leicester, who was advancing towards Windsor. He met the general at Kingston upon Thames, where he held a conference with him. But, just as he was preparing to return, without coming to any agreement, he was seized, and by that means forced to accept of what terms were imposed on him. He was required, to surrender the castle of Windsor to the barons, and to order the garrison, consisting wholly of foreigners, to depart the kingdom.

The war seemed on the point of rekindling with greater fury than ever; but as the king was not ready, and as it was the barons' interest to let him begin the the hostilities, some peaceable persons took the opportunity to mediate a truce, which was followed by a peace on the same conditions with the former. But this treaty, which restored not tranquillity, was soon broken by the king. The earl of Leicester, considering of what importance it would be, to have the metropolis on his side, marched towards it through the county of Surrey, in hopes that his friends would be able to open the gates of the bridge. But the king having notice of this design, left the Tower and encamped with his troops about Southwark, with intent to oppose the enemies' passage.

The earl of Leicester, who relied more on the assistance of the citizens, than on his own forces, vigorously attacked the king's troops, in expectation that the Londoners would favour his entrance. During the fight, some citizens of the king's party, perceiving the city was in motion to assist the earl, locked up the bridge gate, and threw the keys into the river. This contrivance had nearly proved fatal to the Earl of Leicester, who for some time was in great disorder, having brought with him but few soldiers, for fear his design should be discovered. At length the gates being broke open, the citizens sallied out in multitudes to his assistance, the king was forced to retire, and the earl entered the city.

**AD 1264]** The advantage gained by the barons was attended with the usual effect, the king made them proposals of an agreement. But as all the treaties hitherto concluded, were fruitless, because the king complained of being forced to accept of too rigorous terms, it was agreed on both sides, to refer all their differences to the arbitration of the king of France. Lewis accepting the mediation, Henry, attended by prince Edward, met him at Amiens, where the states-general were assembled. The sentence pronounced by Lewis, upon these, differences, was favourable to Henry. He declared the Provisions of Oxford to be null, and void; restored the king to his ancient power;

adjudging that he might nominate all the great officers of the crown; and that foreigners were as capable of offices and dignities, as the English themselves. But he added one clause, which destroyed the whole, by declaring, it was not his intent to abrogate the privileges granted to the English, by their kings, before the Parliament of Oxford. The barons looked upon this clause, as a manifest contradiction, because they pretended, the Provisions of Oxford were enacted only to corroborate their privileges. This furnished them with a pretence to reject the award, and renew the war.

The account of what passed between the two parties, till the famous battle of Lewes, is clogged with so many confused circumstances, that it would be a useless attempt to render it intelligible. During the interval between the renewal of the war, and that battle, Henry gained several advantages over the barons; and also by means of the prince his son, and the king of the Romans, gained several of them, who considerably strengthened his party. Moreover he became master of Oxford, whence he expelled the scholars, for showing too much partiality to the barons.

The town of Northampton was taken by storm by the king's troops, where fifteen barons, and sixty knights were made prisoners. The king desired to hang them all; but the advice of his generals, and the fear of reprisals, diverted him from proceeding to that extremity. The taking of Northampton, was followed by that of Nottingham. Then the king marched into Kent, where he obliged the barons to raise the siege of Rochester, and retire to London.

The king was equally susceptible of presumption and fear, according to the posture of his affairs. Flushed with the success, which his arms had hitherto been crowned with, he resolved to march directly to London. He did not question but the city, discouraged by his late advantages, would declare in his favour. Perhaps his hopes would not have been groundless, if, since his being on the throne, he had treated the citizens more civilly. But the remembrance of their ill-usage, prevented them from exposing themselves to the like danger. The Earl of Leicester taking occasion from the king's approach to exasperate them against him, persuaded them to go out of the city, and offer him battle. Henry, surprised at this, retired farther off, and encamped at Lewes in Sussex.

**The Earl of Leicester, with the confederate barons, reinforcing their army with a strong body of Londoners, marched out of the city in pursuit of the king.** They advanced towards Lewes, and encamped about six miles from the king's army. They then sent the king word, that they had taken arms, not to withdraw their allegiance, but only to reform what was amiss in their government; that they humbly besought him to join with them in that work, protesting he should find them as faithful as those, who under colour of serving him, sought only his ruin, by endeavouring to set him against his most dutiful subjects, by their infamous calumnies.

How respectful soever this letter might be, it touched those about the king too sensibly, to be received with moderation. The king of the Romans and prince Edward were so offended at it, that they answered it with the lie, defiance, and threats, and prevailed with the king to send the like answer. The barons, without farther ceremony, then sent the king word, that they renounced the fealty they owed him, and considered him no more, but as an enemy to the state.

The Earl of Leicester, advancing with his army, drew it up in order of battle, near the king's. The royal army was divided into three bodies, of which that on the right, was commanded by prince Edward, the king of the Romans was on the left, and Henry himself headed the main body. The barons' army was divided into four bodies. The first was led by Henry de Montfort the general's son. The earl of Gloucester commanded the second. The third was headed by the earl of Leicester. The fourth wholly consisting of Londoners, was, on the left, commanded by Nicholas Segrave.

The two armies being thus drawn up, prince Edward began the fight with attacking the Londoners; who not being able to stand so vigorous a charge, immediately fled. The prince, animated with a desire of revenging the affront done the queen his mother by the London mob, pursued them

above four miles, without giving them any quarter. But this revenge cost him dear. Whilst he pursued his victory, with more eagerness than discretion, the earls of Leicester and Gloucester gained the same advantage over Henry, and the king of the Romans. The barons being very sensible; what their lot would be, in case they were vanquished, attacked, with a fury mixed with despair, the royal troops, who took to flight, after a faint resistance, leaving the two kings in the hands of their enemies. Henry surrendering himself to the earl of Leicester, and Richard to the earl of Gloucester, were conducted to the priory of Lewes, situated at the foot of the castle, which was kept by some of the king's troops.

To this place the soldiers of the royal army fled, in order to retire into the castle. But when they saw the town in the power of the barons, the two kings made prisoners, and in all appearance, themselves on the point of being surrounded, they threw down their arms, and surrendered at discretion[74].

Prince Edward, returning in triumph from the pursuit of the Londoners, was extremely surprised to see the royal army dispersed, and to hear, the two kings were prisoners. His first thoughts were, to exert his utmost to set them at liberty. But the prince's soldiers, dismayed at the defeat of the rest of the army, and the captivity of the two kings, showed no inclination to renew a fight which to them seemed too unequal. Mean time the earl of Leicester drew his army together again, with all possible expedition. At first he thought only of defending himself, justly dreading to be attacked in his present disorder. But when he saw he had time to rally his troops, his only concern was, to hinder the prince from escaping. To that end, he sent him proposals, to amuse him, whilst by several detachments he took care to prevent his retreat.

This negotiation, which lasted but a few moments, was ended by these articles: that the statutes of Oxford should be inviolably observed; yet so, that they might be amended by four bishops or barons chosen by the Parliament: and if these four commissioners should not agree, they were to stand to the arbitration of the earl of Anjou, brother to the king of France, assisted by four French noblemen. Thus far, all went well with the prince; but the last article was the worst, namely, that himself and Henry his cousin, son to the king of the Romans, should remain as hostages in the custody of the barons, till all things were settled by authority of Parliament. How hard soever this article was, Edward was forced to consent to it. These articles, called the Mise, that is to say, the agreement of Lewes, were signed by Edward, and confirmed by the king.

The Earl of Leicester having the king and almost all the royal family in his power, took all the advantages that his policy could suggest to him. He made the king send orders to the governors of his castles to surrender them to the barons. He caused him to sign commissions to the sheriffs of the several counties, empowering them to take up arms against all that should dare to disturb the state, that is, against the king's own friends.

As the barons had no other view in the agreement of Lewes, but to secure the person of prince Edward, they, were not very forward to perform it. On the contrary, they drew up a new plan of government, and resolved to have it confirmed by the Parliament which was to meet on the 22<sup>nd</sup> of June. The posture of the affairs of the kingdom rendered the calling of this Parliament liable to many difficulties. Indeed it was done in the king's name, who could not oppose it. But the victorious barons were not willing, those of the contrary party should be summoned, under pretence, they were still in arms against their country.

On the other hand, a Parliament consisting only of part of those who had a right to sit there, seemed to want a lawful authority. It might be objected, that it was only an assembly of private persons. These difficulties put the barons upon contriving how to make this assembly more general, and give it a greater air of authority. To this end, they made the king sign commissions, appointed in each county certain officers or magistrates called conservators, on pretence they were designed for preserving the privileges of the people. These officers, who depended wholly on the barons, were invested with great authority. Their commission powered them to do whatever

they should judge proper, to preserve entire the rights and liberties of the subjects. This step being taken, the king was made to sign new orders to the conservators, to send up four knights of each county to sit in the ensuing Parliament, as representatives of their respective shires.

The new Parliament failed not to approve of the projected form of government, namely, that the Parliament should appoint three wise and discreet commissioners, who should have power to chuse a council of nine lords, to whom the administration of the public affairs, should be committed. That the king by the advice of the commissioners, might change when he pleased, some, or all of the nine counsellors. That in case the three commissioners should not agree in changing or chusing the counsellors, the majority should decide it.

That the resolutions taken by the nine counsellors should be in force, provided they were approved by any six of them. But if it happened, that six of them should not agree, the business in question should be brought to the three commissioners, who should determine it as they thought fit. That the king might change or turn out the three commissioners, provided it was with the consent of the community of barons. Lastly, that the nomination of all the public officers should belong to the nine counsellors. This ordinance was to take place till the Parliament should unanimously agree to annul or alter it.

The last year, Urban IV. appointed for his legate in England cardinal Guido bishop of St. Sabine. This legate at his arrival in France received a letter from the earl of Leicester, informing him, it was no proper time for this legateship, and that neither the nobles nor the people were disposed to receive him. Though the legate was extremely offended at this refusal, he durst not continue his journey. Nevertheless he proceeded as far as Boulogne, where he summoned all the English bishops to appear, and give an account of their conduct. The bishops not thinking fit to obey the summons, he denounced against them the sentence of excommunication, from which they appealed to the Pope.

At length the affairs of the kingdom being settled according to the barons' desire, they thought it necessary to give the legate some satisfaction. To that end, they sent four bishops to acquaint him with their reasons for denying him entrance into the kingdom. These envoys found the legate extremely incensed against the barons. For answer, they had orders to return into England, publish the sentence of excommunication against the Earl of Leicester, and put the city of London with all the Earl of Gloucester's lands under an interdict.

The bishops sending word to England of the orders received from the legate, were met at sea by people, who pretending to be pirates, took away all their papers, and threw them overboard. This proceeding convincing the legate, it would be difficult to cause his master's authority to be regarded at such a juncture, he returned to Rome, where quickly after he was raised to the papal throne under the name of Clement IV.

Meantime, the Earl of Leicester, who was at the head of the government, was under some trouble. The queen was making great preparations in France to deliver the king her spouse. On the other hand, the insurrection of some lords, bordering upon Wales, made him uneasy. He was apprehensive that the Welsh would intermeddle in the quarrel, and assist the king's party. It was dangerous to leave the coasts open to the invasion of the foreigners, who being then in Flanders, waited only for a fair wind to embark. But it was no less inconvenient, to suffer the insurrection, which began to appear in the marches of Wales, to grow to a head.

To prevent these dangers, he resolved to go in person against the rebels, whilst he ordered the militia of the kingdom to assemble in Kent, and oppose the, queen's landing. His good fortune equally freed him from both these perils. Having gained to his interests Llewellyn prince of Wales, who might have given him: some trouble, he vanquished the rebels, and compelled them to throw down their arms. He was no less fortunate with regard to the dreaded invasion. The contrary winds held so long, that the foreign troops on the other side of the water, were forced

to return home; upon the approach of winter, without the queen's reaping the least benefit from the great expenses she had been at. All this while the king remained in the custody of the earl of Leicester, who disposed of him just as he pleased, making him act against his own interests, under colour that it was for the good of the public.

The barons, who had taken up arms against the king, merely on account of the exorbitant power he would have assumed, could not but be jealous of the earl of Leicester, which was no less absolute. The earl of Gloucester, above all the rest, was highly displeased. He looked upon Leicester as a man taking large steps towards the throne, under the specious pretence of the public good. For this reason he was afraid, in promoting his advancement, of furnishing him with arms to his own, as well as to the destruction of others, who were no less jealous of his greatness.

The disgrace of Robert de Ferrars Earl of Derby, gave him cause to make these reflections. This earl, who was no friend to Leicester, was sent to the Tower, not so much for a punishment of the crime laid to his charge, as for an example to such, as should dare to censure too openly the conduct of the principal governor. On the other hand, the Earl of Gloucester fancied he saw, in the cold and reserved behaviour of Leicester towards him, a secret purpose to destroy him when an opportunity should offer. He was not only no longer called to the private councils, but also had no farther share in the affairs, than what could not be denied to one of the greatest peers of the Realm.

These reasons, and more than all this<sup>[75]</sup>, his envy at Leicester's greatness, led him to countenance the malcontents in, the marches of Wales, in order to employ them in opposing .the ambitious. designs, of him whom he now considered as an enemy. The cabals which he openly made, convincing Leicester, that he ought to omit nothing to destroy the designs of so dangerous an enemy, he caused an order to be sent to all that had lately taken up arms against the establishment, to retire into Ireland. But they instead of obeying, withdrew upon the lands of the Earl of Gloucester, where they met with protection.

Meantime, the earl of Leicester's enemies published in all places, that his rigorous treatment of the king, and also of the king of the Romans and prince Edward, was but too evident a proof of his pernicious designs. As these reports began to be prejudicial to the earl, he thought it necessary to efface these impressions, by letting the people see, he was far from forming the ambitious projects ascribed to him by his enemies. To that purpose, he summoned a Parliament, declaring it was to consider of means to restore prince Edward to liberty. The calling of this Parliament was remarkable, for that each county was ordered to send, as their representatives, two knights, and each city and borough, as many citizens and burgesses.

When the Parliament met, the Earl of Leicester, who disposed in great measure of the votes, caused an order to be passed for the release of prince Edward. But it was: clogged with a condition that rendered the favour of no use, namely, that he should remain with the king his father, and obey him in all things. This condition was a plain sign, it was only intended to dazzle the eyes of the public. And indeed, to ordain that Edward should be set at liberty, and yet continue with his father, who was himself a prisoner, was no better than changing or at most, enlarging his prison. Pursuant to this order, the prince was taken out of Dover castle, where he had been confined ever since the battle of Lewes, and delivered to the king. In the meantime Henry continued in the custody of Leicester, who carried him about with him, and took all imaginable care to prevent his prisoners from escaping.

The late scene served only to increase the Earl of Gloucester's suspicions. He would not however have broken yet, if an opportunity had not offered, where it would have been dangerous to dissemble. The two eldest sons of the Earl of Leicester proclaiming a tournament for all the young nobles, the earl of Gloucester did not think fit to be present. He believed, this was only a device to draw him into some snare. Whether his suspicions had any foundation, or his prejudice made him consider them as plain proofs, he openly confederated with the lords of the marches

of Wales, enemies to Leicester, and fortified his castles, as preparing for war. This proceeding furnishing his enemies with a plausible pretence to fall upon him, a proclamation was issued forthwith, declaring the earl and his adherents traitors and enemies to the state. Pursuant to this declaration, Leicester put himself at the head of an army, in order to punish these pretended enemies of the king. With this design he marched towards the Severn, and afterwards came to Hereford, carrying his two prisoners with him.

His great care to secure the king and the prince his son, did not hinder the earl of Gloucester from projecting Edward's escape. He thought it expedient to get the prince out of his hands, to oppose the authority of the lawful heir to the crown, to that of the captive king. He communicated his design to Roger Mortimer, one of the lords marchers, who furnished him with means to put it in execution. Mortimer having many friends at Hereford, made Edward a present, by a third hand, of a very swift horse, and withal acquainted him with the use he was to make of it, and the design laid for the recovery of his liberty.

To second the project, the prince feigned himself ill, and desired leave to ride. The Earl of Leicester, who suspected nothing of the matter, granted his request, though with great precaution. Besides his usual guard, he ordered some gentlemen to keep always near him, and to have their eye upon him. Edward being come into the fields, immediately **breathed** two or three horses. Then he called for that lately presented him, and as if he had a mind to use him gently to his rider, walked him at some distance from his guard, being accompanied by the gentlemen who kept close to him.

When he had come to a certain place which he had before carefully remarked, and which seemed proper for his design, laying the reins on his horse's neck, and clapping spurs to his sides, he so surprised those that attended him, that he was at a good distance before they were recovered from their astonishment. However they rode after him till they saw a troop of horse, sent by the Earl of Gloucester to favour his escape. Edward being thus freed, went and joined the earl of Gloucester, who received him with great joy and respect. Nevertheless, he plainly told Edward, he could not promise his assistance, unless he would oblige himself by oath, to use his utmost endeavours to restore the ancient laws, and to banish all foreigners from about the king's person. Edward promised and swore it, in the presence of several barons, and then took the command of the troops raised by the Earl of Gloucester.

Though the Earl of Leicester was very sensible of what consequence the prince's escape might be, he continued, as before, to govern in the king's name. He did one thing however very beneficial to the kingdom, in taking from the Popes, the pretence, so long and so successfully used by them, to enrich themselves at the expense of the English. As he found the people had not for the Pope the same esteem and deference as formerly, he ordered a commission to be drawn up, empowering him to renounce in the king and prince Edmund's name, all pretensions -to the crown of Sicily. By virtue of this power, he made an authentic renunciation, of which he took care to give the Pope notice in a letter from the king.

Meantime the earl, foreseeing how fatal prince Edward's escape might prove to him, caused very severe orders to be published to all the king's subjects, to oppose to the utmost of their power, prince Edward, the Earl of Gloucester, and their adherents, who were all stiled traitors to the king and state. Notwithstanding this, many barons, officers, and soldiers, came and offered their service to the prince, who, in a short time, saw himself at the head of an army, superior to that of the confederates.

The Earl of Leicester, who, a little before, had all the forces of the kingdom at his disposal, could not prevent Edward from becoming master of Gloucester and several other places. He was even forced to give ground to that young prince, who followed him from place to place, and to use all his policy and experience to avoid a battle. As he was a good general, he took timely care to post himself so, as to be able to retreat, whenever he should be pressed. Meanwhile, he sent repeated

orders to his son Simon, to quit the siege of Pevensey, which detained him in Kent, and come and reinforce him. Simon obeyed, and with his little army began to march with extraordinary expedition, to join him. But as he drew near Evesham, where his father was encamped, Edward having notice of his coming, suddenly fell upon him with all his forces, and cut in pieces this little body, which could not resist him.

This victory animating the young prince with fresh ardour, he immediately returned to attack the father, before he had received the news of his son's defeat. He so deceived the watchfulness of the old general, by this sudden resolution, that he was very near the enemy when the earl imagined it was his son coming to his assistance. Leicester's surprise was so great, that he could not help shewing it. However he put every thing in a good posture of defence, perceiving that a retreat would be still more dangerous than a battle.

The fight began about two in the afternoon, and lasted till night, notwithstanding the hasty flight of the Welshmen, who deserted the earl at the very first onset. He sustained however, by his courage and conduct, the efforts of Edward, who fought with an astonishing valour, well knowing that the good or ill-fortune of his life depended on the success of that day. At length, after a long resistance on the side of the barons, the earl of Leicester and his son Henry being slain on the spot, their troops were disheartened, and the prince obtained a full and complete victory. His joy at this success was the greater, as, during the heat of the battle, he had the satisfaction to deliver the king his father, from the captivity he had been in ever since the battle of Lewes.

The earl of Leicester, who durst not suffer his prisoner out of his sight, had been so cruel, as to expose him to the danger of the battle, in which, he was wounded in the shoulder. It is even said he was like to be killed by a soldier, who knew him not, if an officer had not run to his assistance, upon his crying to the soldier, don't kill me, I am Henry of Winchester thy Sovereign. Edward, who was not far from the place, being informed of his father's peril, ran thither immediately. He left him to a strong guard, and just asking his blessing, returned to the Battle.

This battle was fought near Evesham on the 4th of August 1265, fourteen months after the battle of Lewes, wherein the king lost his liberty. The body of the earl of Leicester being found among the dead, Roger Mortimer was so inhuman as to mangle it in a barbarous manner[76]. At last he cut off the head and sent it to his wife, as a certain token of his being revenged of his enemy. Such was the end of Leicester, who, though a foreigner, found means to make himself the most considerable peer in the kingdom, and was even suspected of aspiring to the throne.

The defeat of the confederates entirely changed the face of affairs. Those who a little before were persecuted, became persecutors in their turn. The king, who was naturally revengeful and greedy of money, was extremely impatient to be revenged of those who had offended him, and to seize their spoils. To that end he called a Parliament, which wholly consisting of his creatures, granted him the confiscation of the estates of the rebels. **The city of London was not spared. The Parliament having decreed that she deserved to forfeit all her privileges, she was left to the king's mercy, who took away her gates, chains, magistrates, and exacted a large sum of money from the citizens, to restore again what he had taken from them.**

The confederate barons seeing themselves exposed to a revenge, which probably would have no bounds, were in the greater consternation, as they saw no remedy in this their distress. Simon de Montfort, eldest son of the Earl of Leicester, did not question but he should be attacked one of the first, considering the king's hatred to the earl his father and his whole family. In this belief, he endeavoured betimes to make Richard king of the Romans his friend, whom he had in custody in Kenelworth castle, by releasing him without demanding a ransom. This example turned to the advantage of several prisoners of the battle of Lewes, who were likewise set at liberty with the same view by their keepers.

Mean time, the king was revenging himself on those that had taken arms against him, by seizing their estates, which he kept to his own use, or bestowed them liberally on his favourites. Instead of troubling himself about the consequences, he entirely gave way to his passion, without considering, that people reduced to beggary are not far from despair. Simon de Montfort, perceiving his case desperate, left the castle of Kenelworth, with a strong garrison, and assembling some of the remains of his father's army, threw himself into the isle of Axholme in Lincolnshire. As it was easy to fortify that place, he soon put it in condition to serve for refuge to himself and friends. Great numbers resorted to him daily, who at length began to make their enemies uneasy.

**AD 1266]** Whilst the court was preparing to hinder the consequences of this new revolt, the queen arrived from France, where she had retired with prince Edmund her son, after the battle of Lewes. She was quickly followed by a legate, who, a few days after his coming, convened a synod, and solemnly excommunicated the late earl of Leicester and all his adherents, as well dead as alive. Clement IV finding the English tired with supplying money for the conquest of Sicily, thought it convenient to save the honour of the holy see, which had somewhat suffered by prince Edmund's renunciation.

For that purpose he gave the king notice by his legate, of a bull of Urban his predecessor, revoking the grant to the prince his son. He had kept this bull private, because he was willing to see the issue of a negotiation with Charles Earl of Anjou, to whom he actually gave this very year the investiture of the two Sicilies. Henry, who had quitted his pretensions, only as forced to it by the Earl of Leicester during his captivity, could not without regret see himself obliged to renounce his hopes.

As Montfort's retreat to the Isle of Axholme, might be attended with such consequences, as required prevention; prince Edward was sent with an army into those parts. It was no easy matter to dislodge the malcontents, from a place so strongly fortified both by art and nature. However, the prince failed not to accomplish it. After an obstinate defence, the besieged were constrained to surrender, on condition their lives and limbs were spared. As to their estates, it was agreed they should submit to the judgment of the king of the Romans, and prince Edward.

This capitulation being signed, Montfort was brought to the king, and found a powerful mediator in the king of the Romans: This prince affirmed, that after the battle of Evesham, the garrison of Kenelworth would have murdered him, if Montfort had not hindered it at the peril of his king to his own life. Then he entreated them to pardon him, in consideration of his having generously released him, without demanding a ransom. It is said, Henry, moved with Montfort's good offices to the king his brother, was inclined to restore him entirely to favour, if the Earl of Gloucester had not openly opposed it.

So that, as it was necessary to keep fair with Gloucester, as well as with the king of the Romans, it was resolved in council, that Montfort should have liberty to depart the kingdom, and the king should grant him a yearly pension of five hundred marks, provided he delivered up Kenelworth castle. But it was not in his power to perform this condition, because the garrison refused to obey him. All the other rebels in Axholme were pardoned, upon their swearing, never more to bear arms against the king: an oath which was afterwards very ill kept. This affair being over, the kingdom immediately enjoyed some tranquillity.

Montfort seemed pretty well satisfied with his lot. But shortly after, whether out of inconstancy, or because he had not wherewithal to subsist, he joined himself with certain pirates of the Cinque Ports, who gave him the command of their ships, with which he plundered without distinction, all the Merchant men that came in his way. As it plainly appeared, that the inhabitants of the Cinque Ports countenanced these piracies, the king sent prince Eduard to chastise them. But the prince found means to reduce them to their duty, without using force, namely, by promising them a general pardon, and the confirmation of their privileges, for which they renewed their fealty to the king.

How successful soever the king's arms might be, it could not be said, that peace was fully restored to the kingdom, since Kenelworth castle was still in the hands of the malcontents. There was likewise, in the northern counties, a troop of armed -men, who obliged the king to send against them Henry, eldest son of the king of the Romans. This young prince made such speed, that he surprised the rebels, and killing the greatest part, dispersed the rest. He could not however seize the ringleaders, who joining with other malcontents, and particularly those of Axholme, became masters of the Isle of Ely in Cambridgeshire. From thence they made continual inroads into the-neighbouring counties, committing great ravages.

At the same time, another rebel, Adam de Gurdun, taking up arms in Hampshire, Edward marched into those parts, where he had occasion to give sensible proofs of his courage and generosity. In a battle with the rebels, Adam, who was strong and valiant, attacked the prince hand to hand, and obliged him to use all his dexterity and valour. This single combat was not interrupted, till Adam, being down on the ground, was forced to yield himself prisoner to the prince. This act of bravery in Edward was immediately followed by another of generosity, which gained him no less honour. Without suffering himself to be transported with a desire of revenge upon a man who had put him in so great danger, he generously gave him life and liberty. Adam, sensibly touched with this favour, served him faithfully ever after.

The garrison of Kenilworth was become so formidable, and withal so odious, by their outrages committed in the neighbouring country, that the king's council. resolved, this castle should be immediately invested, and the siege of Ely put off to another time. The king was extremely incensed with the governor of Kenelworth for insolently cutting off the hand of his herald, sent to summon him to surrender. His desire to punish him, made him resolve to go in person to this siege, imagining his presence would strike the greater terror into the besieged. But they defended themselves so stoutly, that after a six months' siege, there was no appearance of forcing them to capitulate; This vigorous resistance was the reason, that the siege was turned into a blockade. Meantime, the king continued in the town, of which he was master, expecting that hunger would compel the garrison to surrender.

**AD 1267]** During the blockade, Henry called a Parliament at Kenelworth, to consider means to reduce the rebels of Ely, either by offering them an easy composition, or by force, in case they rejected the proffered favour. To this end the Parliament drew up certain articles, containing the terms on which the king was to grant a general pardon. These terms were very moderate, considering the present circumstances. To have possession of their estates again, some were to pay five years' value, some three; others but one. But whether the malcontents could not depend upon the king's word, or thought these conditions too hard, they refused to accept them. They even took occasion from thence to increase their outrages, and had the boldness to make an excursion as far as Norwich, whence they carried away above twenty thousand pounds sterling[77].

Those of Kenelworth, though closely blocked up, and forced to eat their horses, relying on the assistance promised by Simon de Montfort, held out so long a siege with an invincible resolution. At length, when they could scarcely withstand any longer the hunger by which they were pressed, seeing no likelihood of assistance, they capitulated to deliver up the castle, in case they were not relieved within forty days. Meantime, they were to be furnished with provisions. This term being expired, they came out of the castle so pale and meagre, that it could not be conceived, that a garrison in so wretched a condition should have the assurance to demand such a capitulation.

The taking of Kenelworth, and his hopes of speedily reducing the rebels of Ely, made the king forget his past misfortunes, as well as the prince his son's engagement for him with the earl of Gloucester. Edward himself, though more particularly concerned, by reason of his oath, was more intent upon reducing the malcontents of Ely to the king's obedience, than upon executing his promises. The earl of Gloucester observed with extreme regret, that as the king's affairs prospered, the father and son acted with less moderation, and were ready to stretch the prerogative royal beyond the bounds prescribed by the laws. What he had done for the king and prince, was

not so much to enlarge the royal power, as to prevent the Earl of Leicester from paving his way to the throne. The king's conduct, who was returning to his former courses, convincing him, that if the malcontents were once reduced, it would be very difficult to confine the sovereign within the bounds of an authority limited by the laws, he thought it necessary to oppose his progress in time. Thus resolved, he retired to his own estate on the borders of Wales, where he made a league with Llewellyn, and some neighbouring barons. After this, he sent word to the malcontents of Ely, that he would endeavour to relieve them.

It could not be but his absence and preparations should give some umbrage to the court. Nevertheless, as he concealed his designs under the pretence of a quarrel with Mortimer[78], he still left room to doubt of the motives of his armament. Meantime, whereas policy and good sense required, that the king should try to give some satisfaction to so considerable a lord, all his thoughts were engrossed, about means to reduce the rebels of Ely; not so much to restore the public tranquillity, as out of impatience to render himself as much or more absolute than ever. He plainly perceived, he could not attain his ends, whilst a body of rebels were in arms in the midst of his dominions. Wherefore, he convened a Parliament, to take measures about quelling the malcontents. The earl of Gloucester's refusal to be present, made the king uneasy, who sent some lords to admonish him to come and take his seat.

These lords found the earl very busy in raising an army; and as they shewed their surprise at it, he told them for their satisfaction, that the troops were designed against Mortimer his enemy. Nay, he scrupled not to give a writing under his own seal, whereby he engaged never to bear arms against the king. By this means, he removed all suspicions, that were entertained of him. This fear being vanquished, the king and Parliament thought of nothing more, but how to besiege Ely. The resolution that was taken, of vigorously pushing this siege, furnishing the king with a plausible pretence to demand an aid, the Parliament granted him a very considerable supply. Although the legate had not the same reasons, he pressed the clergy to grant the same aid to the Pope. This unseasonable demand extremely provoked the prelates. They not only refused to comply, but committed to writing the reasons of their denial.

As soon as the Parliament broke up, the king took the field at the head of his army. He advanced as far as Cambridge, where he halted to send and summon the rebels of Ely, to return to their duty. But their answer plainly discovered, they were not easily to be frightened. This resolution, and the situation of the Isle of Ely, which had formerly very much embarrassed William the Conqueror, somewhat abated his warlike ardour, and caused him to wait the coming of the prince his son, who was then at York.

Whilst the king was at Cambridge, the earl of Gloucester headed the army, raised on his own lands, and in Wales. He forthwith marched towards London, and with such expedition, that he entered the city. before they had time to hinder him, and even before they knew whether he acted for, or against the king. It is however probable, the magistrates and principal citizens, were not ignorant of his designs. Be this as it will, the earl, leaving every one to make his own conjectures, approached the Tower, the custody whereof, was by the king, committed to the legate.

He summoned him to deliver it up immediately; alleging, it was not a post to be trusted in the hands of a foreigner, much less of an ecclesiastic. The legate, surprised at this unexpected summons, made a show of defending himself. But as he wanted provisions, and the earl had strictly forbidden the sending in any, he was quickly constrained to surrender. As soon as the earl was master of the Tower, he pulled off the mask, and published a manifesto, declaring he had taken up arms, to obtain reasonable terms for the malcontents.

Moreover, he complained of the king and prince, affirming, his design was to oblige them to the better performance of their promises. Surprised at this fresh revolt, Henry sent pressing orders to the prince his son, to come and join him immediately. He did not think himself in a condition to come off with honour in an affair of this nature, if forced to a battle. These orders meeting the

prince in his return from the north, where he had finished his affairs, obliged him to march with all possible speed to the king's relief. As soon as they were joined, they advanced together towards London, and encamped at Stratford, within three miles of the city. The universal esteem for Edward among the nobles and people, rather than their affection for the king, caused in a very short space, the army to be considerably increased. For this reason the earl of Gloucester continued in London, whence he durst not stir, for fear of engaging at a great disadvantage.

He had been in hopes, the whole kingdom would side with him, and the king be suddenly deserted by his own troops. But finding he had relied upon uncertain assistance, and that his friends began to forsake him, he applied himself to the king of the Romans, by whose intercession he obtained much better terms than he had reason to expect. He was not only forgiven upon laying down his arms, but had the satisfaction also to have **the city of London included in his pardon**, which otherwise would doubtless have been severely punished. He would fain have procured the same favour for the rebels of Ely; but the king and prince being inexorable in that respect he was forced to abandon their interests.

Edward now approached the Isle of Ely; and, as the malcontents had no prospect of relief; they chose to surrender, before they were reduced to extremity. The only condition granted them, was the saving their lives and limbs. By this were extinguished the troubles, that had for five years tormented the kingdom.

Henry, having an army ready, resolved to correct the insolence of the prince of Wales, who, during the late troubles, had assisted the rebels. To this end, he advanced as far as Montgomery, where Llewellyn sent ambassadors to sue for peace. His offer to pay the king thirty two thousand marks, and to do him homage for his principality, was an inducement to hearken to his proposals. But, besides what he had offered, he was farther obliged to deliver up certain castles, convenient for the king[79].

**AD 1268]** The peace of the kingdom being thus restored, the king summoned a Parliament, where Ottobon, the Pope's legate was present. He informed the assembly that the Pope was resolved to publish a Crusade, in all the Christian states, and took occasion from thence to exhort the English, to contribute their money and persons towards this expedition; the sole end whereof, was the glory of God and the good of the church. The tranquillity which England began to enjoy, caused great numbers to engage in this undertaking, especially when they saw prince Edward, and Henry, son of the king of the Romans, receive the cross at the hands of the legate.

The earls of Warwick and Pembroke, and above a hundred and twenty knights, followed the example of these two princes, besides an infinite multitude of persons of inferior quality. The legate having no further business in England, returned to Rome, and the king of the Romans took his third journey to Germany.

Whilst the Croises were preparing for their voyage, the king assembled a Parliament at Marlborough, where a body of statutes were enacted, which made a considerable figure among the laws of England.

Before we proceed to the events of the next year, it will be necessary to take notice of the death of the Pope Clement IV. which was followed by a vacancy of three years. it was also this year that the famous battle near the lake of Celano, was fought between Charles of Anjou, the new king of Sicily, and Conradin, son of the emperor Conrade. Young Conradin having the misfortune to be vanquished and taken prisoner, Charles was so cruel as to cause his head to be struck off.

The crusade was not only published in England, but in all Christian states, and particularly in France. St. Lewis was to be head of it. The ill success of his expedition into Egypt, not being able to cool this monarch's zeal, he had never ceased, since his return, to think of means, how to carry war once more into the country of the infidels. Prince Edward's late taking the cross, put

Lewis in hopes of better success, if he could persuade him to join with him. To that purpose, he desired him to come to Paris, where he communicated to him his project. Edward wished for nothing more, than to join forces with so powerful a prince, and to command under him. But he intimated to him, that he could not be ready soon enough, for want of money for the voyage. Lewis, glad to find there was no other objection, lent him thirty thousand marks, for which Edward mortgaged to him the revenues of, Bourdeaux, for seven years. This agreement being made, Edward returned into England. The king his father had now assembled a Parliament, which granted him a twentieth part of the moveables of the kingdom, part whereof was to be employed towards the charges of the Prince's expedition:

**AD 1269]** A little before the departure of the Croises, Henry caused the relics of Edward the Confessor, for which he had a particular veneration, to be removed. The ceremony, to which all the considerable men of the kingdom were invited, was performed with great pomp. The shrine of the saint, adorned with precious stones, was carried on the shoulders of the king himself, and his brother the king of the Romans[80], with the princes, and chief lords, and placed in the new church of Westminster, which was just finished, and rendered the most stately church then in Europe[81]

**AD 1270]** The calm England enjoyed for some time, was near being disturbed by the suspicions the earl of Gloucester entertained of prince Edward. The earl not believing the prince was heartily reconciled to him, kept from court, and from the Parliaments. This behaviour made the king very uneasy, who was afraid the earl had still a design to break the peace. But the king of the Romans freed him from his fears, by procuring a perfect reconciliation between these two enemies.

Whilst these things passed in England, the king of France altered his design. Instead of going directly to the Holy-Land, he sailed to Africa, at the instance of Charles king of Sicily, his brother, who was at variance with the king of Tunis. He expected the African. prince to pay him the same tribute as his predecessors paid to the emperor, with all the arrears that were due. To support these pretensions, Lewis landed his arms in Africa, and was preparing to besiege Tunis. But the Moorish king chose rather to promise to pay what was demanded, than hazard the loss of his dominions.

Lewis had sailed for Africa, when Edward departed from Portsmouth to take up the princess his spouse at Bourdeaux, whence they went together and embarked at Aigues Mortes, where their fleet waited for them. They joined the king of France before Tunis, where he was staying for the performance of the treaty made with the Moors. How urgent soever Edward was with this monarch, to persuade him to continue his voyage to Palestine, he could not prevail with him to stir before he had received full satisfaction from the king of Tunis.

As Edward was not concerned in that affair, he resolved to pass the winter in Sicily, with design to proceed for the Holy-Land in the beginning of the spring. He had scarcely left the coasts of Africa when the pestilence broke out in the French camp, and raged in such a manner, that it not only swept away the private soldiers, but also the principal officers. The king himself being at last seized with it, resigned his breath in the arms of his eldest son Philip, who then thought of nothing but returning to France.

Though by Lewis's death, Edward lost all hopes of making any great progress in Palestine, he continued his voyage, and arrived there, according to his vow. Meantime, Philip's return to France giving him some cause to fear for Guienne, he resolved to send thither his cousin Henry, son of the king of the Romans, to watch the motions of the French. This young prince, posting to Bourdeaux, passed through Viterbo, a city in the Pope's dominions, where he had a mind to make some stay which cost him his life. Guido de Montfort, son to the late earl of Leicester, being then at that place, and seeing the prince go into a church, followed him, and murdered him before the high altar, in revenge of his father's death, slain in the battle of Evesham[82]. But the murderer's pretence to vindicate this infamous action, could not be more unjust, since neither

this prince, nor his father the king of the Romans, were present at that battle, being then both under confinement.

**AD 1271]** Edward's progress in the Holy-Land was not great. However, with the few troops he had, he let the Saracens see what they were to expect from him, in case he should be assisted with more forces. His valour, fame, and the reputation of king Richard his great uncle who had performed such famous exploits in that country, so terrified the infidels, that, to free themselves from their fears, they sent an assassin to dispatch him. The villain, under colour of settling a correspondence between Edward and the governor of Joppa, who feigned a desire to turn Christian, found means to be admitted into the prince's presence, and frequently to discourse with him.

At last, one day as he was alone in his chamber, he was just going to stab him with a dagger in the belly, if Edward had, not warded off the blow with his arm, where he received a dangerous wound. The assassin, enraged at this disappointment, was about to redouble his blow with greater violence; but Edward gave him such a kick on the breast, that he beat him down backwards, and leaping upon him at the same time, wrested the dagger out of his hand, and killed him immediately. The prince's wound was much more dangerous than it appeared to be, by reason the dagger was poisoned.

The wound beginning to gangrene, made all despair of a cure; but happily for him, there was then in the army a skilful surgeon who delivered him from this danger. Some affirm, he owed his life to the tender love of Eleonora, his spouse, who ventured to suck the venom out of the wound. But this circumstance is mentioned by no author of time. This princess was brought to bed at Acre of a daughter, called Joan de Acre, from the place of her birth, according to the custom of those days[83].

Whilst Edward was in Palestine, Theobald, archdeacon of Liege, who attended him thither, received the news of his election to the papal throne. He set out immediately for Rome, where he assumed the name of Gregory[84]

**AD 1272]** Edward's army daily diminished, either by sickness or several battles with the Saracens, without his having any hopes of supplies from France or elsewhere. This consideration obliged him, though with great reluctance, to propose to the Sultan a truce, which after a short negotiation was concluded for ten years, ten months, and ten days, both parties being to keep what they possessed. Edward then embarked his troops, and set sail for England.

During his absence, the king his father enjoyed a perfect tranquillity, which was disturbed only by the death of the king of the Romans his brother. It is said this prince's grief for the tragical death of his son, threw him into a fit of sickness, which laid him in his grave. Edmund, his other son, succeeded him as earl of Cornwall, with which title he was invested by the king his uncle[85].

Shortly after, there was a sedition at Norwich, occasioned by a quarrel between the citizens and monks, in which the cathedral and monastery adjoining were reduced to ashes by the townsmen. Henry, resolving not to let this riot go unpunished, went in person to Norwich, where he caused the offenders to be severely punished[86].

In returning to London he was seized at St. Edmundsbury with a languishing distemper, which not seeming to be dangerous, hindered him not from continuing his journey to London. But his sickness increasing after his arrival, he died in a few days, aged sixty-six years, whereof he had reigned fifty-six years, and twenty days. He ordered that his body should be interred near the shrine of Edward the Confessor, in the abbey-church of Westminster[87].

This prince's character so visibly appears in all the circumstances of his life, that it will be heedless to draw it more fully. His narrow genius, his easiness to be governed by proud and self-interested

counsellors, his inconstant and capricious temper, and the notions of arbitrary power instilled into him from his very youth, were the real cause of the troubles which disturbed his reign. Too weak when there was occasion for steadiness; and too haughty when it was necessary to stoop and accommodate himself to the times, he seemed to study incessantly to act contrary to his own interests. Nothing can be said of his courage, since he never gave any sensible proof of it. But he may be justly commended for his continence, and aversion to every thing that looked like cruelty, being always satisfied with punishing the rebels in their purses, when he might have spilt their blood on the scaffold.

He was exceedingly greedy of money, but it was to squander it away so idly, that the vast sums he levied upon his subjects made him none the richer; How pressing soever his necessities were, he could not help lavishing his money upon his favourites, not considering his great pains to obtain aids from his Parliament. This profuseness, and the immense sums fruitlessly employed on the unfortunate affair of Sicily, were the principal causes of the mortifications and disgraces he was exposed to during the whole course of his life[88].

Four things especially render this reign remarkable, The first is, the readiness wherewith the barons in league against John returned to the obedience of their young sovereign, the moment they thought their privileges out of danger. The second is the patience of the barons, for above forty years, though the little reward Henry had for them, and the continual breaches of his oaths, gave them but too much cause to complain. the third place it is to be observed, that to the troubles which distracted this reign, the English are indebted for the liberties and privileges they still enjoy at this day.

If the barons of those days had been more passive, it may be very justly supposed, that the two charters of king John would have been buried in eternal oblivion. If their revolt proved in the end fatal to themselves, at least it was beneficial to their posterity, since the kings, successors of Henry, dreading to expose themselves to the like danger, durst not any more venture to revoke these charters, which are the foundation of the liberty of the English. Accordingly they had time to be so strongly established by degrees, that there was no annulling them.

Let the earl of Leicester be exclaimed against ever so much, let him be called impious and wicked for daring to take up arms against his sovereign, at least it must be confessed that his ambition produced happy effects for the whole English nation. The fourth remarkable thing is, the tyranny of the Roman Pontiffs, who, abusing their power, treated the clergy of England with inconceivable rigour.

Of nine children Henry III had by Eleonora of Provence his wife, only two sons and two daughters survived him, the rest dying in their infancy[89]. Edward his eldest son was his successor Edmund. his second son, after a vain expectation of the crown of the two Sicilies which the Pope had flattered him with, was earl of Lancaster, Leicester, and Derby, lord of Monmouth, and high steward of England. Margaret his eldest daughter, was married at nine years of age to Alexander III. king of Scotland, to whom she left but one daughter of her own name, Wife of Eric king of Norway. By this marriage came a princess of the same name, of whom we shall have occasion to speak in the following reign. Beatrix, second daughter to Henry was married to John de Dreux Duke of Bretagne.[90]

The coins of Henry III. are sufficiently distinguished, by having always his number (III.) added to his title, as **HENRICUS. REX III** or **REX TERCI**. His head is full faced and crowned, whereof there are two parts; one with a sceptre, the other without: The crown (instead of the five points as formerly) consists of, a thick line, raised, at each end, with a cross in the middle above the line, and three pearls below. Instead of the four pellets, on the reverse, in the form of a cross, are three in form of a triangle, and a large double line cross, continued to the outer rim. This king was the first that coined half-pence and farthing's round, before which time they used to break the penny into halves and quarters. **The Manuscript Chronicle of the city of London** says, this

king, in 1258, coined a penny of pure gold of the weight of two sterlings, and commanded it should go for twenty shillings. If this be true, these were the first pieces of gold coined in England. But none of these are to be found. The clippers made such havoc with the money in this reign, that there was hardly a penny to be seen, which had not lost the letters on both sides ; so that the king was obliged to command all traders to receive and pay money by weight. This was chiefly owing to the Italian bankers, sent hither under the Pope's protection.



### Notes to Chapter III

- 1.) He also took the castle of Berkhamsted in the same county, but not without some difficulty, the besieged making a sally, in which the standard of William de Mandevill was taken.
- 2.) Walter of Coventry says, the Pope ordered his nuncio in France to hold a synod at Melun, and put the kingdom under an interdict, unless Philip recalled his son out of England. Upon which the king presently ordered him to come over, and be himself in person at the synod.
- 3.) This sea engagement was about the twenty-fourth of August. As the English had but forty, and the French eighty large ships, the King's fleet durst not attack them in the front, but tacking about, and getting to the windward, they bore down upon them and made great slaughter of them with their archers; but what contributed most to their victory, was their having great quantities of quick-lime in powder, which, being cast into the air, was blown by the wind into the Frenchmen's eyes, and blinded them. The commanders of the English fleet were Philip de Albiny and John Marshal. The French admiral was one Eustace, who from a monk turned pirate, and at last was made admiral of the French fleet. M. Paris says, Richard, base son of king John, cut off his head.
- 4.) W. Marshall the regent, gathered a numerous army, and besieged him both by land, and by water.
- 5.) Though the kingdom was reduced to the lowest degree of poverty, he carried off twelve thousand marks with him. This year in May, Stephen Langton, archbishop of Canterbury, returned to England.
- 6.) He died about the middle of March, and his body was deposited, on the 16th of the same month, in the church of the knight's templars, now the temple church.
- 7.) Walter of Coventry says, the king was crowned with St. Edward's crown on the 7th of May.
- 8.) King Henry took a tallage this year, of two shillings upon every carucate.
- 9.) A. D. 1221.
- 10.) Walter of Coventry, and the Annals of Waverley say, it was a poll-tax for the succours of the Holy-Land. And, besides the sums mentioned by Rapin, the last inform us, that every

free-holder paid one penny, and whoever had chattels to the value of half a mark, paid likewise a penny; but this tax was soon after abolished.

11.) Matthew Paris says, he had thirty verdicts given against him in trials of Novel Disseizin, in each of which he was fined a hundred pounds, that is in all three thousand pounds.

12.) So that of all that strong and noble structure, no sign, except the mount, remains; but the site and lands about it were restored to William de Beauchamp, who laid claim to the same.

13.) And gave the great men that accompanied him in this expedition, leave, to take a scutage of two marks from every knight's fee held of them.

14.) He was son of Henry II. by Rosamond. His body was buried at Old Sarum, and from thence removed to the new city, and interred in a monument, on the North, side of the chapel of our lady, in the cathedral church, in a tomb of wood richly painted, diapered and gilt: his effigies lies thereon of grey marble, in his coat of mail, his sword by his side, and upon his antique shield are six lions rampant embossed the like number of lions are painted also upon his surcoat, but by reason of the many foldings thereof, are not easily perceived. He married Ela, daughter and heir to William Fitz-Patrick earl of Salisbury, by whom he had four sons and four daughters. He was succeeded by his eldest son William Longespee, second of the name, Earl of Salisbury. Sandford's *Genealog*.

15.) M. Paris says, the earls and barons spent their whole time in feasting and drinking; and the soldiers sold their horses and arms, that they might have something to make merry withal.

16.) He landed at Portsmouth, October 26; and kept his court at Christmas at York, where the king of Scots came to him.

17.) He died at St. Gemma three days' journey from Rome, on August 3<sup>d</sup>

18.) For the payment of the debt he owed the duke of Bretagne.

19.) Richard earl of Cornwall, the king's brother, William earl of Warren, Richard earl-marshal, and William earl of Ferrars, became sureties for his good behaviour.

20.) A. D. 1233.

21.) Richard earl of Cornwall forsook the earl of Pembroke; and the earls of Chester and Lincoln were bought off from him with a sum of money, by the bishop of Winchester.

22.) This happened on November 12. The earl would not suffer any of the king's soldiers to be taken or hurt, by which means only two, (and they by their own fault,) fell by the sword.

23.) But left John of Monmouth, and Ralph de Thoney, to stop the enemy's progress.

24.) He, and his associates, made it a rule, not. to plunder the lands of any, but the king's evil counsellors, by whose means they had been banished. Llewellyn, prince of North-Wales, joined him, with all the forces he could raise.

25.) M. Paris says, they stole the seal from Ralph bishop of Chichester the chancellor; who was not concerned in this treacherous fraud.

26.) He died April 16, and was buried at Kilkenny.

- 27.) A parliament was held in February this year at Westminster; and it was during the session, that Edmund archbishop of Canterbury, and several of his suffragans, made that representation to the king, which is related here.
- 28.) The king went as far as Gloucester to meet the archbishop of Canterbury, and the rest that had been to make peace with Llewellyn and, on May 29, restored the exiled lords to his favour, namely, Hubert de Burgh, (to whose wife he had restored already eight manors) Gilbert Basset, Richard Sward, Gilbert Marshall, the Earl of Pembroke's brother, whom he appointed marshal; and all these he nominated for his counsellors.
- 29.) They were married at Canterbury, Jan. 14, and the queen was crowned the 20th at Westminster.
- 30.) Matthew Paris has given us a very particular description of the coronation, and what each person performed in their respective functions, among which is this remarkable passage, that the earl of Chester, (as lord high constable,) carried the sword of St. Edward, called Curteine, before the king, in token, That he is earl of the palace, and hath by right a power of restraining the king if he should act amiss.
- 31.) M. Paris says, the same day, after the coronation, the king went from London to Merton, a monastery in Surrey, where he met his great men, and enacted the provisions of Merton, which are the most ancient body of laws after Magna Charta, and divided into eleven articles or chapters.
- 32.) By his writs, which are the first mentioned in the historians.
- 33.) The earl of Warren, William Ferrars, and John Geoffrey, who swore they would never be corrupted by gifts to deviate from truth, but would always give the king good and wholesome advice.
- 34.) In St. Stephen's chapel at Westminster. They were married January 7.
- 35.) Which consisted of Gilbert earl Marshall, all the earls and barons of England, and the generality of the people of the kingdom. Of the nobility, Hubert earl of Kent, alone, remained faithful to the king.
- 36.) He died at Farnham, June 9, and was buried in Winchester Cathedral. He founded the monastery of Hales in Gloucestershire, and Tickford in Buckinghamshire, for Premonstratensians Selburne in Hampshire, for Augustine monks; and an hospital at Portsmouth.
- 37.) She was married to Alexander II. king of Scots, at York, in the presence of her brother, June the 25th, 1221, and coming to visit king Henry died March the 4th, 1238, and was buried at Parente, a nunnery, in Dorsetshire, founded by Richard bishop of Durham.
- 38.) This year king Henry repaired and fortified the Tower of London.
- 39.) This year, about Easter, king Henry removed Simon the Norman, and Geoffrey the Templar, who were joint-commissioners of the Great Seal, because they refused to affix it to a grant, made by the king to Thomas earl of Flanders, of a toll of four-pence upon every bag of wool, brought from England into his dominions. The seal was given to Richard abbot of Evesham.
- 40.) The king made him besides a present of five hundred marks extraordinary.
- 41.) This year king Henry placed the body of Edward the Confessor in a rich and curious shrine.
- 42.) She died a virgin, and was buried in the church of the nunnery, of Ambresbury, to which monastery she gave the manor of Melkesham. Sandf. Geneal.—This year also, November 9, died Stephen de Segrave in Leicester abbey, where he had lain hidden since his disgrace.

43.) And about three hundred soldiers.

44.) And at the same time restored to his favour Richard, bishop of Chichester, the chancellor; Ralph Fitz-Nicolas, and others. But Richard, abbot of Evesham, resigned the great seal. About that time a marriage was concluded between Alexander the king of Scotland's eldest son, and Margaret daughter of king Henry: in consideration of which, the custody of that part of England which borders upon Scotland was committed to the king of Scots.

45.) Consisting of above four and twenty thousand men. At the beginning of this war were seized the persons and goods of the English merchants in the French dominions, and of the French in the English dominions, to the great injury of trade; which seems not to have been practised before.

46.) As soon as he had obtained it, he returned to King Henry, and advised him to make his escape with as much speed as he could, other wise he would be taken prisoner. Thereupon the king took horse that night, and never stopped till he came to Xaintes.

47.) This year died Richard de Burgh, and Hugh de Lacy, two barons of note.

48.) This year, May 12th, died the famous Hubert de Burgh, at Banstude, and was buried at London, in the monastery of the Friars Preachers.

49.) This Parliament met November 3: upon their refusing the king money, he extorted fifteen hundred marks from the citizens of London; under pretence that they had sheltered one Walter Bukerel, that had been banished.

50.) M. Paris says, that the French king gave the English in his dominions the liberty of relinquishing either their estates in France, or those in England. And that they were forced to do one or the other. But it does not appear, he gave any assurance to those who quitted France, that they should retain their lands. The hardship on Henry's part, was, that he left the French in his kingdom no choice, but seized their lands to his own use.

51.) So likewise in the case of administering to The clergy that died intestate, upon the king's prohibition and the mediation of the cardinals, this Pope revoked the order.

52.) She was daughter and heir of Ailmer, earl of Angoulesme (by Alice, daughter of Peter lord Courtenay, fifth son of Lewes le Gros, king of France,) and after king John's death remained to Hugh Brun earl of Marchr, and lord of Lusignan, and Valence in Poictou, by whom she had several children advanced by Henry III. their half brother. Isabella, after her second husband's death, took the veil in the monastery of Foutevraud, and there dying, was interred in the abbey church. The arms of queen Isabella are enamelled in several places upon the tomb of William de Valence earl of Pembroke her son, in the chapel of St. Edmund in Westminster abbey, being Lozengy, Or, and Gules.

53.) It was to last fifteen days, and began October 13. All fairs that used to be kept at that time; such as that of Ely, &c. were prohibited all over England.

54.) **At this time the money was so shamefully clipped, even within the inner circle, by the Jews, Flemings, and money-changers;** that an order was issued out, enjoining, that money should be taken only by the weight, and no pieces should pass, but what were round. And in the new money that was coined, to prevent clipping, the cross and letters were ordered to reach quite to the edge of each piece. This order occasioned much confusion, and proved a great obstruction to trade, for some time.

55.) He was taken in a battle near Damietta, in which all the knights Templar were slain, except three, and all the knights hospitaliers, except four. There fell likewise in the same baffle the

following persons of note, Ralph de Cuscy, Hugh earl of Flanders, Hugh Brun earl of Marche, the earl of Ponthieu, William Longsword, Robert de Vere, and about eight thousand two hundred soldiers, or, according to others, eighty thousand.

**56.)** On Christmas-Day, king Alexander III. was knighted by Henry, and married early next morning.

**57.)** This year part of Wales was wholly subdued, and received' the English laws, and that part of it which borders on Cheshire was committed to the government of Alan de Zouche, who answered to the king eleven hundred marks a year.

**58.)** And said after all was performed, So may GOD help me, I inviolably observe all these things, as I am a Man; as I am a Christian, as I are a knight, as I am a crowned and anointed king. M. Paris seems to intimate that only the bishops had tapers in their hands, for he makes the king say he would not hold. one, because he was no priest.

**59.)** Before the king's return, upon stating his accounts, it appeared that the expenses of his expeditions amounted to twenty thousand seven hundred pounds, besides lands, wardships, &c. given to foreigners, and thirty thousand and two hundred marks-spent upon his Poictevin brothers. Being told, says Matthew Paris, of this great expense, by one about him, he replied, Oh, for the head of God, say no more of it; the very relation makes men stand amazed.

**60.)** Four hundred thousand livres, about £171,000 Sterling.

**61.)** Henry was attended by a thousand brave horse with noble riders, and there were with him his own queen and his sister the countess of Cornwall, who were met by the queen of France and her sister the countess of Anjou. Thither came also the old countess of Provence, mother to all these ladies.

**62.)** He landed at Dover, about a week after Christmas.

**63.)** Peter Egeblank, a foreigner.

**64.)** This year, among other arbitrary acts, the king took a tallage of five hundred marks from the citizens of London; and invaded all the possessions of Robert de Ros, a man of note.—And also issued out a proclamation, that all who were worth fifteen pounds a year in land, should take upon them the order of knighthood, and that those who would not should buy it off with money.

**65.)** Walter de Grey, who had been archbishop near forty years, died the last year, and was succeeded by Sewal dean of the church of York.

**66.)** M. Paris says, he was so rich, as to be able to spend a hundred marks a day for ten years together.

**67.)** The author of Walter of Coventry's Julius says, provisions were so scarce, that he himself saw the people fighting for the carcasses of dead dogs, and other carrion, and eat the wash that was set for the hogs. But M. Paris observes, that this was owing not so much to the scarcity of corn, as to the want of money, corn having several times been dearer than it was now, and yet none died with hunger, as many did at this time.

**68.)** The bishops of London and Winchester; Henry, son to the king of the Romans; John, earl of Warren Guido de Lusignan, and William de Valence, the king's half brothers; John, earl of Warwick; John Mansel, friar; J. de Derlington, abbot of Westminster; Henry de Wengham, dean

of St. Martin's London; the twelfth is omitted, but supposed to be either Peter of Savoy, or James Audley.

**69.)** The bishop of Worcester; the earls Simon of Leicester, Richard of Gloucester, Humphrey of Hereford, Roger of Norfolk, earl-marshal; the lords, Roger Mortimer, John Fitz-Geoffrey, Hugh Bigod, Richard de Gray, Roger Bardolf, Peter de Montfort, and Hugh Despenser.

**70.)** The annals of Burton, where the order is drawn up in form, say, the four and twenty Ordained, that there should be three Parliaments in the year; the first, eight days after Michaelmas; the second, the morrow after Candlemas-day; and the third, on the first of June.

**71.)** In the same annals is the act for the election of the twelve, which was drawn up in French in this form: "Be it remembered, that the community have chosen twelve wise men, who shall come to Parliaments, as also at other times, when there shall be need, and the king or his council shall command or send to them, to treat of the business of the king and realm; and the community will hold for established what these twelve shall do; and this shall be done to spare the cost and charges of the community." The names of the twelve are entered in, the said annals thus: "These are the twelve who are chosen by the barons to treat in three Parliaments every year with the king's council, for the whole community of the land, upon the common business; namely, the bishop of London, the earl of Winchester, the earl of Hereford, Philip Basset, John de Baliol, John de Verdun; John de Gray, Roger de Sumerie, Roger de Montalt, Hugh Despenser, Thomas de Roger Gresley, and Ægidius de Argentun."

**72.)** To this letter eleven great men put their seals, and witnessed it in the name of the whole community. Eight of them were of the number of the four and twenty, and the other three were William de Forz, earl of Albemarle, Peter of Savoy, earl of Richmond, and James Audley. This letter was sent by four skilful and eloquent knights, who added many other crimes committed by the bishop of Winchester and his brothers, namely, homicide, rapine, oppression, and injury, and that Geoffrey de Lusignan, one of the brothers, roasted the king's cooks and tortured him to death. M. Paris.

**73.)** Upon his arrival, the earl appeared at a great council held by Philip Basset the judiciary, and produced a brief from the Pope, wherein he confirmed the Provisions of Oxford, and recalled the king's absolution, declaring he was deceived in granting it. This brief was publicly read in the council, contrary to the will of the judiciary, (lately put in by the king) but as soon as the earl had published it, he went back into France. This passage is found in no other writer, except the Manuscript Chronicle of St. Augustin; and, if true, gives us the reason of the so sudden change in the barons' humour, from what it was in the beginning of this year, and shews the cause of what happened the next. But if the absolution were recalled, it was shortly after re-confirmed.

**74.)** This battle was fought on the 14th of May. About five thousand persons fell on both sides.

**75.)** AD 1265.

**76.)** The bodies of the Earl of Leicester, his son Henry, and Hugh Despenser, were buried in the church belonging to the abbey of Evesham.

**77.)** They did the same by the town of Cambridge in their return to Ely, carrying away not only several Jews, but also the richest of the townsmen, whom they kept prisoners, till they would ransom themselves at exorbitant rates.

**78)** Mortimer was one of those, who most earnestly opposed an accommodation with the disinherited lords, because the king had granted him several of their estates. he even conspired the death of the earl of Gloucester, who was most active in this business.

- 79.)** This year, the Pope granted king Henry, the tenth part of all the revenues of the clergy in England, for three years; a great part of which went to the Pope, for the annual. tribute exacted from England by the court of Rome. It was afterwards continued one year longer.
- 80.)** The king of the Romans had recently returned to England; having married, during his absence, Beatrix, daughter of Theodoric de Falkmorite, a German nobleman of great wealth and fortune. The shrine was of gold, and no doubt remained there till the 27<sup>th</sup> of Henry VIII. when all such shrines and relics were removed as superstitious. This translation was performed on the 13<sup>th</sup> of October.
- 81.)** He was so bent upon going, that when he was dissuaded from it in Sicily, he smote his breast and swore, By the blood of God, though all shall desert me, yet will I go to Acre, if I am attended only by Fowen my groom.
- 82.)** This murder was committed March 31. Both his cousin, Germans Simon and Guido are said to have had a hand in this murder, Henry's body was brought over the next year into England, and buried in the monastery of Hayles in Gloucestershire founded by king Richard his father. His heart was deposited in Westminster-Abbey, in a golden cup, near St. Edward's shrine.
- 83.)** She was afterwards married to Gilbert earl of Gloucester.
- 84.)** This year, a Parliament was held at London, in January, wherein the disinherited were restored to their estates.
- 85.)** Richard king of the Romans died at Berkhamsted, on the second of April. His body was buried at the abbey of Myles, but his heart at the priory of Bewly, founded by him in the suburbs of Oxford, for the Cistercian monks.
- 86.)** They were drawn at horses' tails to the gallows, and there hanged, and their bodies burnt. The citizens of Norwich were fined three thousand marks of silver, for rebuilding the church and monastery; and were besides forced to buy a gold cup, weighing ten pounds of gold, and of the value of one hundred pounds of silver, in the room of one of the same weight belonging to the monastery, that was melted in the flames.
- 87.)** He died On the 16<sup>th</sup> of November, 1272. In the year 1281, his son king Edward, adorned his' tomb with several curious stones brought from beyond sea.
- 88.)** W. Rishanger says, he was of a middle stature, strong, and well set; and that one of his eyes was half-closed. Henry was noted for his piety and devotion, and for his regular attendance on public worship.
- 89.)** Of his four youngest sons, three, viz. Richard, John, and Henry, were buried at Westminster; and the fourth, named William, in the New Temple, near Fleet Street: Catherine his third daughter, born November 29, 1253, died at five years of age, and lies buried in Westminster-Abbey:
- 90.)** In this reign the following remarkable things, not taken notice of by Rapin, were transacted. tyral by fire and water ordeal, though never taken away by act of Parliament, was, by king Henry's command, laid aside by the judges, and soon after grew quite out of use; Weights and measures were thus fixed: an English penny called a sterling, round and without clipping, was to weigh thirty two wheat corns taken out of the midst of the ear, and twenty pennies were to make an ounce, twelve ounces one pound, and eight pounds a gallon of wine, and eight gallons of wine a tendon bushel, which is the eighth part of a quarter. In this reign, a charter was granted to the town of Newcastle, permitting the inhabitants to dig coal. This is the first mention of coal in England. In 1233, king Henry built a house in London, near the Old Temple, for the converted

Jews, and an hospital at Oxford, near the bridge.—An account of the exchequer of the Jews may here be acceptable.

The king of England was wont to draw a considerable revenue from the Jews residing in this realm; namely, by tallage and fines relating to Jew proceedings, by amerciaments for misdemeanours, and by fines, ransoms, and compositions, which they were forced to pay, for having the king's benevolence; for protection, for licence to trade, for discharges, for imprisonment, and the like. He would tallage the whole community or body at pleasure, and make them answer the tallages for one another: In short, the king seemed to be absolute lord of their estates and effects, of their persons, their wives and children. They were a numerous body, (being settled in many, and especially the great towns of the realm) and by traffic, usury, mortgages, they became, very wealthy, both in money and land. But as they fleeced the subjects, so the king fleeced them. The receipt or place appointed for the management of the revenue of the Judaism, was called *Scaccariam Judæorum*, or *Judaismi*.

It was a part or member of the great-exchequer. They had there rolls or records, wherein the writs and proceedings of the Judaism were entered. And summonses issued out of the exchequer of the Jews for the king's debts, like as out of the great exchequer: In fine, there was also a wardrobe of the Judaism near the exchequer of the Jews. In the 44th of Henry III. it was broke open, and several rolls stolen away. Certain persons were assigned to be curators of this revenue; they were usually stiled *Custodes* and *Justiciarii Judæorum*. In the most ancient times, there were commonly Christians and Jews appointed to act together. Afterwards they were, for the most part, Christians only. They were usually put into their office by the king, by letters of the Great-Seal. But sometimes the treasurer and barons appointed a justice of the Jews, and other clerks of the Judaism, by the king's direction.

These justices of the Jews exercised jurisdiction in the affairs of the Judaism; namely, in the accompts of the revenue; in pleas upon contracts made with the Jews; in causes and questions touching their lands or chattels, their tallages, fines, forfeitures, and the like. They recorded in the great exchequer, as there was occasion, things within their cognizance, relating to the Judaism. They made their record or declaration before the barons of the Exchequer, and the barons adjudged thereupon. In fine, they were looked upon to be members or officers of the great Exchequer, and entitled to the privileges belonging to persons resident there.

The Jewish charters (as the charters of other men) were usually called *Chartæ* and *Chirographa*. Some of them were called Storm, stars, a name of Hebraical origin. Most of these stars were releases or acquittances, and written sometimes in the Hebrew, sometimes in Latin, and sometimes in French. The most ancient Jewish charter to be met with, is, that of Aaron the Jew of Lincoln, in 22, Hen. II. the tenor whereof is entered in the great Roll of the 9th of Rich. I. It is a kind of release.

When the Jews made any charter or contract, one part of it was to be laid up in a public chest, provided for that purpose, called the Chest of the *Chirographi*, or of the Chirographers. This part of the *Chirograph* was called *Pes Chirographi*. Besides, several clerks who were employed in writing the Rolls and Memoranda of the Judaism, there were certain officers called *Chirographirii* and *Coffrarii*, who had custody of the chests above-mentioned, and of the *Chirographi* and charters made between the Jews or between them and Christians: It is likely, they made lists or dockets in writing of all the *Chirographs* that were put in or taken out of the chests.

In the archive of the collegiate church of Westminster there is a roll of these dockets. It begins at the 9th of Henry III. The Chirographers were commonly Christians and Jews, acting together, and were planted in towns, where there was a considerable number of Jews, as at Lincoln, Oxford, &c. The chests of the Chirographers were kept with great care. At certain times, they were locked up, and not to be opened again, except at such terms, or by precept from the king, or the barons of the Exchequer, or justices of the Jews. When the chests were opened, it was done publicly,

in the presence of the Sheriffs, (if in the country,) and of the Chirographers and Coffers, or (if in London) before the barons of the Exchequer, or justices of the Jews, or other principal officers of the Judaism.

The king by writ, ordered the sheriff of Wiltshire to go to the chest of the Chirographers at Wilton, and take out, in their presence, all the *Pedes* whereby any debt was secured to Solomon the Jew, and bring them before the barons of the Exchequer. Men. 42. Hen. 3. Rot. 10. If a charter made to a Jew was lost, or could not be found in the chest, it was usual for the Jew to whom it was made, when he was satisfied the money was due upon it, to come and make an acknowledgment in the Exchequer, by way of release to the party. They having one part of the Jewish *Chirographs* laid up in the king's treasury, was chiefly to prevent the falsity of the Jews, and to enable the king to recover the estate: and credits of the Jews, and get them into his coffers, whenever they should become (as they often did) forfeited or devolute to the crown.

Besides, the Chirographers, the justices of the Jews had under them. There was a *Custos Rotulorum*, and probably other officers. The Judaism seems to have been guided in general by the use of the Exchequer, except that in some cases there was a peculiar rule or law, called the law Assise, or custom of Judaism.

It appears, that the Jews held certain Chapters or Meetings for affairs relating to themselves. In the reign of Richard I. certain rules, entitled, *Capitula de Judæis*, were made and given in charge to the justices errant. As to the assizes of the Judaism, where a contract was made by *Chirograph* between a Christian and a Jew, if a *Pes* (or counterpart) of such contract was to be found in the chest of the king's Chirographers, the Jew was to lose the debt accruing upon such conduct. If a Jew made a star of release secretly, it was held invalid. By the assize of the Judaism, the Jews might have a moiety of the land & rents, and chattels, of their Christian creditors in execution, till they were satisfied for the debt due to them. The Jews paid relief for their lands and for their chattels, or money instead of or under the name of relief.

The king had the wardship of a Jew's heir, and his lands and chattels. A Jew's wife might have dower or thirds out of her husband's credits and chattels: In the 37th of Hen. III. it was provided, that no Jew should remain in England without doing the king some service; that there should be no schools for Jews in England, except in places where such schools were wont to, be in king John's reign: that all Jews in their synagogue should celebrate with a low voice: that every Jew should be answerable to the rector of his parish for all parochial dues chargeable on his house: that no Christian should suckle the child of a Jew, nor any Christian man or woman serve any Jew or Jewess; nor eat with them, or abide in their house: that no Jew should have secret familiarity with a Christian woman, nor any Christian man with a Jewess: that no Jew or Jewess should eat or buy flesh in Lent: that every Jew should wear a badge upon his breast that no Jew should enter into any church or chapel, unless in passing to and fro: that no Jew should hinder another Jew, who was willing to turn Christian: and that no Jew should be suffered to abide in any town without the king's licence, except in towns where Jews were formerly wont to reside.

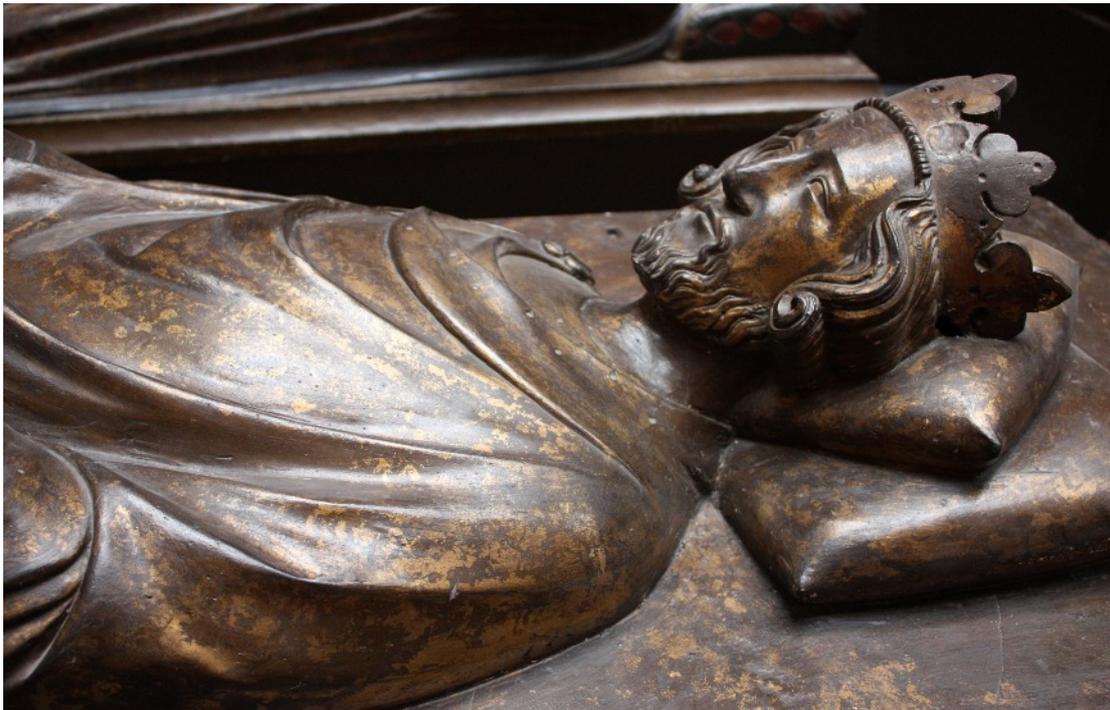
These articles were to be observed by the Jews, under pain of forfeiting their goods. Claus. 77. Hen. III. m. 18. Though the Exchequer of the Jews was, to some proposes, distinct from the great Exchequer, yet. both the exchequer of the Jews, and the acts and proceedings of the justices and Chirographers of the Jews, were subject to the control of the chief judiciary, and treasurer, and barons of the Exchequer.

The debts due from Christians to Jews, were subject to such orders as the king thought fit to make. Sometimes the king would grant respites for the payment of such debts, and sometimes would discharge the debts thereof. Again, the justices of the Jews were wont to accompt before the barons of the Exchequer, for the issues of Judaism. And if they misbehaved, they were answerable for the same before the barons; who, if there was cause, annulled their acts of judgments, and punished them for misdemeanours in their office.

In general, the king was wont to use the Jews with severity when refractory, and showed them favour when obedient and compliant. King John, in the second year of his reign, granted a charter of liberties to the Jews of England and Normandy, which the curious reader may see in Madox's *Hist. of the Exchequer*, p. 174. Although the Jews were permitted to settle in several populous towns, it is likely they were not welcome to the inhabitants. One of the liberties granted by Henry III. to the men of Newcastle, was, that no Jew should dwell or stay in the town, ch. 18. Hen. III 16. There is frequent mention in records of *arm Episcopus* and *Presbyter Judæorum*. What they mean may in some measure be learned from this case. Henry III. appointed the justices of the Jews, to try Elias the bishop, a Jew of London, for a trespass against the king and his brother.

Elias being convicted, was by the said justices adjudged to be deprived of his priesthood of the community of the Jews in England. Hereupon the king, for a fine of three marks of gold paid him on behalf of the community of the Jews, granted them that Elias should never afterwards have the said Priesthood that; for the future, no man should be chief priest of the Jews, without being chosen by consent of their community; and that the said community should have free power, after the decease of any chief priest, to elect another at their pleasure, and present him to the king for his approbation.

In the year 1290. (18. Ed. I.) the growing or renewing revenue of Judaism and the Exchequer of the Jews ceased: the Jews being about that time expelled out of England. But by the expulsion of the Jews (called then *exilium Judæorum*) many escheats both of lands and chattels. came into the king's hands.



**Cast of the effigy of Henry III in Westminster Abbey**





**THE REIGNS OF KING JOHN, AND HENRY III  
COMPRISING A PERIOD OF SEVENTY-THREE YEARS;  
WITH THE STATE OF THE CHURCH FROM 1154 TO 1272.**

**Chapter IV  
STATE OF THE CHURCH, DURING THE REIGNS OF  
HENRY II. RICHARD I. JOHN LACKLAND, AND  
HENRY III.**



**D**URING the four last reigns Which we have just gone through, the affairs of the church were so mixed with those of the state, that there was a necessity for relating them together. The contests between Henry II. and Thomas Becket, and between John and Innocent III. and the tyranny exercised by the Popes in England under Henry III. furnish the chief materials for the ecclesiastical history of these three reigns. That of Richard I. was the only one where the church had no influence; unless we are to consider the crusade, in which that prince was engaged; as an affair, purely ecclesiastical. The prodigious increase of the Papal power, however, and its pernicious effects, in the enslavement of the country, and on the deplorable misery of the people, have been so fully developed, in the preceding sheets, that without dwelling any longer upon subjects so offensive, we shall immediately proceed briefly to notice the councils which were holden during the four reigns of which we have been treating.

**COUNCILS IN THE REIGN OF HENRY II**



**I**N the year 1155, being the first of Henry II. a mixed council was held in London, consisting of bishops and barons, where were debated several affairs relating to the church and state. In 1166 a synod was held which appealed to the Pope, from the excommunication denounced by Thomas Becket against those that observed the constitutions of Clarendon.

The same year, according to Dr. Hotly, but six years sooner according to Spelman, and according to others, four only, Henry II ordered a council to meet at Oxford, to examine the tenets of certain heretics called Publicans, of whom we have already spoken in the reign of that prince. Very probably, they were disciples of the Waldenses, who began then to appear. When they were asked, in the council, who they were, they answered they were Christians, and followers of the doctrine of the apostles.

After that being questioned upon the articles of the creed, their replies were orthodox as to the Trinity and Incarnation. But if William of Newburgh is to be credited, they rejected Baptism, the Eucharist, Marriage, and the Communion of Saints. They shewed great modesty and meekness in their whole behaviour. When they were threatened with death, in order to oblige them to renounce their tenets,. they only said, blessed are they that suffer for righteousness' sake. The council, finding there was no prevailing upon them, delivered them over to the secular power.

Unhappily for them, the king, being then at variance with the Pope, was afraid of giving him an advantage, if they were spared. Upon this account he treated them more severely than he would have done at any other time. After causing them to be branded with a hot iron, he forbade, under great penalties, all persons to give them the least relief.

They suffered this hard treatment cheerfully, and as they could meet with no assistance, either to stay in the kingdom or to go from thence, they all miserably perished. It seems probable, that they did not believe transubstantiation, and refusing to communicate with such as did believe it, it was inferred they rejected the Eucharist and Communion of Saints. As for Baptism, perhaps they could with the Waldenses, have it stripped of all the ceremonies tacked to it since its institution. It may be they also denied marriage to be a sacrament, and on that account were accused of rejecting it.

Gervase in his Chronicle speaks of another council convened by Henry II. where he says, that prince caused the bishops to swear to obey his orders, before he had informed them of his intentions. He adds, that in consequence of this oath, he would have obliged them to withdraw their obedience from Alexander III. and own the antipope: but that the prelates flatly refused it.

In 1175 Richard archbishop of Canterbury convened in Westminster a national synod, where he caused to be read some canons, drawn up by himself. They mostly relate to ecclesiastical discipline, and the celibacy of the priests, which was not yet thoroughly established. Roger, archbishop of York, was not present at this synod, but sent agents, who protested, in his name, against three things wherein he thought himself aggrieved. First, he complained of being denied the privilege of having the cross carried before him, in the province of Canterbury.

In the second place, he complained, that the bishoprics of Lincoln, Chester, Worcester, and Hereford were unjustly taken from the jurisdiction of the see of York. His third grievance was, on account of an excommunication denounced by the archbishop of Canterbury against some clergymen of St. Oswald's in Gloucester. Hence it is evident, that the old disputes between the two metropolitans were still kept on foot, notwithstanding the care taken to put an end to them, in the reign of Henry I.

What passed the next year in a synod held by Huguccio the Pope's legate, is a farther evidence of this matter. The archbishop of York seating himself on the right-hand of the legate, the archbishop of Canterbury's domestics fell upon him and dragged him thence, and trampled upon him. This accident caused the synod to break up, and was followed with a long process, which occasioned the two metropolitans to carry to the court of Rome several appeals, whence she reaped great advantages.

In the year 1183, the Pope desiring Henry II. to procure him a subsidy from the clergy, to enable him to carry on the war against the emperor, the king assembled the prelates, to acquaint them with the Pope's demand. The clergy not daring to refuse the aid the pontiff required, and on the other hand, dreading it might be made a precedent, contrary to the liberties of the church of England, used this expedient to content him. They entreated the king to give the Pope what he thought reasonable, promising to repay him whatever he should advance.

In this reign two councils were held in Ireland: the first was convened at Armagh, presently after the conquests of the English. It was decreed in this synod, that all the English slaves should be enfranchised; the prelates being persuaded that the calamities, which their island began to suffer, proceeded from the Irish detaining in slavery, men, who were Christians as well as themselves. Besides, they considered, that encouragement was given to pirates, by affording them an opportunity of selling their slaves in Ireland.

The other synod was held at Cashel, to put the church of Ireland upon the same footing, with the church of England; that is to say, to reduce the Irish clergy under the Pope's jurisdiction, pursuant to the king's promise, when he demanded Adrian's consent, to make that conquest.

Before we finish what relates to the councils in the reign of Henry II we shall add a word, concerning the XIth council of Lateran, convened at Rome by Alexander III. There were only three English bishops at this council; for, according to the testimony of Roger de Hoveden, it was one of the privileges of the church of England, not to be obliged to send more than four bishops to councils held at Rome.

The Albigenses were excommunicated in this council and all Christians very strictly forbidden to keep any correspondence with them. One of the canons prohibited, on pain of excommunication, to promise benefices before a vacancy. But this prohibition took place only with regard to patrons, and not with respect to the Popes, who broke it continually, by means of provisions, of which, in spite of this canon, they made frequent use.

It was farther resolved in. this same council, to ease the vast expense, which churches and religious houses were liable to, for the entertainment of the visitors, and their retinue. It was decreed, that in visitation, an archbishop should not have in his retinue more than fifty horse, a bishop more than thirty, a legate more than twenty-five, and an archdeacon more than seven. Tithings and tournaments were likewise forbidden; but this prohibition was not capable of abolishing them.

### COUNCILS IN THE REIGN OF RICHARD I



**N 1189**, Baldwin archbishop of Canterbury, interdicting the lands of prince John on account of his marriage with his cousin Avisia of Gloucester, there was an appeal to the Pope from this procedure. Whereupon the Pope sent into England a legate, one John de Anagnia, who called a synod, where the archbishop's proceedings were made void, and the interdict taken off. After that, the Pope confirmed the marriage by his authority. Notwithstanding this decisive sentence, the marriage was annulled several years after, on the same pretence of kindred, and by the same authority.

The same Baldwin being about to attend Richard to the Holy-Land, convened a synod, where he declared, that he left the administration of the affairs of the province of Canterbury to the bishop of London, and of his particular diocese to the bishop of Rochester.

During the absence of the two archbishops, one of whom was in the east, the other in Normandy, the bishop of Ely, regent of the kingdom, and legate of the Pope, convened two synods, one at Gloucester, and another at Westminster. But nothing of moment was transacted.

Baldwin dying at Acre, as soon as the news reached England, the bishop of London sent an inhibition to the monks of St. Augustine, to proceed to an election of an archbishop, without the consent of the suffragan-bishops. Some time after, the suffragans being met at Canterbury, the monks came into their assembly, and declared they had elected the bishop of Bath. At the same instant, they took and placed him on the archiepiscopal throne. The bishops appealed to the Pope: but the death of the prelate elect, which happened soon after, put an end to the difference.

In 1193, Richard sent from Palestine, a letter to the suffragan bishops of Canterbury, ordering them to proceed to the election of an archbishop, Jointly with the monks of St. Augustin. Pursuant to this order, a sort of synod was held, and Hubert Walters elected, whom the king had strongly recommended. Two years after, the same Hubert, being made legate, convened in the cathedral of York, a national synod, where several canons were made, of which two only deserve notice.

By the IIIrd, priests are forbidden to take money for saying mass. The Vth, expressly prohibits deacons to administer the sacraments of baptism and the Eucharist, unless in cases of necessity.

## COUNCILS IN THE REIGN OF KING JOHN



**N** the year 1200, archbishop Hubert held a national synod at Westminster, notwithstanding the king's prohibition, which is remarked by historians as the first usurpation of this nature. Several canons were made in this synod, the chief of which are these[1]:

**The Ist,** regulates the pronunciation of Divine service, to prevent reading prayers either too slow, or too fast.

**The IIIrd,** forbids the consecrating the Eucharist more than once in a day, without urgent necessity.

**The XIth** declares against clandestine marriages, and forbids married persons to travel beyond sea; without publishing. their mutual consent.

In 1206, the Pope intending to levy in England, an extraordinary Romescot; or Peter-Pence, the bishops met in a synod to debate upon his demand. But the king sending them word to proceed no further, they broke up without coming to any resolution And in deed, Peter-Pence, not concerning the clergy more than the rest of the nation, it belonged not to, them to determine, whether it was to be paid or not. Nevertheless, shortly after, a legate, one Florentinus, called another synod at Reading, upon the same account; and, as if the clergy had been the occasion of the king's refusal, extorted from them an aid, in lieu of the extraordinary Romescot demanded by the Pope.

During the reign of king John, Pope Innocent convened the. XIIth council of Lateran; at which were present four hundred and twelve bishops. There were passed seventy canons, which, according to the report of the historians, were not very agreeable to the prelates, by whose authority they were made. This gave occasion to M. du Pin to conjecture, that the Pope drew up these canons himself, and that they were read before the council, whose silence was taken for an approbation. This was an artifice, which began to be practised, in order to pass in councils whatever the Pope desired.

**The Ist** canon of this council of Lateran establishes in express terms, the doctrine of transubstantiation.

**The IIIrd** imports, that the secular powers shall be requested, solicited, and, if need be, compelled by ecclesiastical censures, to take an oath to use their utmost endeavours to root all heretics out of their territories. That for the future, all persons, without exception, shall be obliged to swear the same oath, upon their being promoted to any dignity spiritual or temporal. And. if any temporal lord refuses to purge his dominions of heretics, after an admonition, he shall be excommunicated by the metropolitan and his suffragans.

And in case he contemns the censures of the church, and refuses to make satisfaction within a year, the Pope shall declare his subjects, and vassals absolved from their oath of allegiance, and at the same time, shall invite the Catholic princes to seize his country, saving to the sovereign of the fee, if there is any, his rights; upon condition that the said sovereign shall do nothing to obstruct the execution of the canon.

By the XIVth canon of the council of Lateran, it is decreed, that the priests, who are addicted to debauchery in countries where marriage is allowed, should be more severely punished than those,

who live in places, where they are obliged to celibacy. Hence it may be inferred, that the celibacy of the clergy was not yet universally established.

### COUNCILS IN THE REIGN OF HENRY III



It is unnecessary to speak of all the councils in the long reign of Henry III. because they were for the most part, convened only to supply the Pope with money, or to countenance their exactions. We shall therefore only notice such, as more immediately related to religion, or where something remarkable was transacted,

In 1222, cardinal Langton convened, in the cathedral of Canterbury, a provincial synod, where three men were condemned, and delivered over to the secular arm. The first pretended himself to be Jesus Christ, and shewed on his body the five wounds of our Saviour. The second was a Hermaphrodite who accompanied that impostor. The third was a Deacon, who, to marry a Jewish woman, with whom he was in love, had circumcised himself.

In 1225, the same prelate held a synod, where was made a canon, confirming the prohibition of the marriage of the priests.

In 1237, Otho the Pope's legate convened a national council at London, in St. Paul's church. As he knew there was a design to oppose the canons which he would have passed against pluralities, he obtained of the king a guard of two hundred men. As soon as the prelates had taken their places, he ordered certain canons to be read, which were brought from Rome ready prepared. When the canons against pluralists came to be read, Alter de Cantilupe bishop of Winchester, and some other prelates, strenuously opposed it, and even protested against it. This opposition obliged the legate to declare, that the canon should be in force only during the time of his legateship. However, it was no sooner passed upon that condition, but an ecclesiastic in the legate's retinue; read aloud a decretal epistle of the Pope, by which it was ordained that this canon should be perpetually binding.

The II<sup>nd</sup> states the number of the sacraments, and reckons them seven[2].

The III<sup>rd</sup> fixes the eves of Easter and Whitsunday for the administration of baptism, and as some people scrupled to baptize their children on these days, their scruples were condemned.

The XXII<sup>nd</sup> enjoins the clergy to live on their benefices, at least the best part of the year. This canon was absolutely necessary at that time. As the Pope dispensed with the residence of the Italians, who possessed a great number of benefices in England; if the English had not been obliged to reside, the churches would have been quite forsaken.

In 1239, was held at London a council, which flatly refused the legate the money demanded to defray the expenses of his legateship.

The next year, the same legate assembled another synod, where he demanded for the Pope, the fifth part of the revenues of the clergy, but could not prevail.

All the rest of the councils, from 1240 to 1264, were only called to demand money of the clergy. During the barons' wars, were assembled two councils. The first at Reading, where was confirmed the appeal brought by the barons, from the proceedings of the legate then at Boulogne. In the second, held at Northampton in 1266, Othobon the legate excommunicated all clergymen engaged in the earl of Leicester's party.

In 1268, the same legate convened at St. Paul's, in London, a national council, where were published certain constitutions brought from Rome, some whereof are still part of the canon-law

of the English church. As several of these constitutions tended to lessen the power and jurisdiction of the bishops, strong opposition was made against them; which obliged the legate to prorogue the assembly till next day. He so wisely improved this short adjournment, that gaining in this interval, either by promises or threats, such as appeared most averse, on the morrow he met with no farther opposition.

The Ist of these constitutions allows laymen to administer baptism in case of necessity.

The IInd forbids priests to take money for administering the sacraments, and prescribes these words to be made use of in giving absolution: I absolve thee from all thy sins; or, by the authority committed unto me, I absolve thee, &c. Hence it may be inferred that there were still some priests, who made a scruple to pronounce the absolution in a direct manner, and were contented with a bare declaration.

The IXth enjoins residence to vicars.

The XIIIth confirms the privilege of sanctuary to churches.

The XIVth ordains the solemnizing of marriage in public.

The XXth is against those that pretend to give a compensation, in lieu of the penance enjoined them.

The XXIIIrd provides against alienating any part of the tythes from the parochial clergy. This constitution particularly concerned the monks to whom such alienations were daily appropriated.

The XXXth is against pluralists.

The XXXIst forbids the giving benefices in commendam, and declares a benefice, held in that manner, vacant. This custom, which was become much in vogue, owed its origin to the persecutions to which the church was exposed, whilst the northern nations were over running the western empire. When by the fury of the wars, the priests and bishops themselves were forced to fly, the principal prelates of the province appointed priests to officiate in the vacant benefices, till the pastor could resume the care of his flock. This custom at length was abused in a manner very prejudicial to the church.

After peace was restored, such priests as were not the true pastors, and were stiled commendatories, were however continued in the benefices. For this reason several councils endeavoured to reform this abuse, by decreeing, that those who held benefices in commendam should not receive the profits, or officiate as pastors above six months.

But the Popes, pretending to be above the canons, continued to dispose of benefices in commendam for term of life.

The XXXIInd canon decrees, that before a bishop was consecrated, strict enquiry should be made, whether he held more livings than one, without a dispensation, and whether the dispensation was authentic and in form.

The XXXIVth declares void all previous contracts between patrons and persons presented to benefices.

These are the principal councils held in England, from the beginning of the reign of Henry II. to the end of that of Henry III, that is, during the space of six-score years.

The Roman pontiffs were no sooner become almost absolute monarchs in the church, but great numbers of religious orders sprang up, which were as a standing army, to support the grandeur and power of the Popes. The council of Lateran, endeavoured to prevent this abuse, by expressly forbidding the institution of any new order of monks. But this did not hinder Dominic de Guzman a Spaniard, who long preached against the Albigenses, from forming the project of a new order, under the name of Predicant Friars, of which he petitioned for Pope Innocent's confirmation. The Pope, on account of the prohibition of the Lateran council, made some scruple at first to consent to this establishment: but if we may believe the historians of this order, he was told, by a heavenly vision, that he could do nothing more serviceable to the church.

However, it was Honorius his successor, that confirmed this new order, by the name of Predicant Friars, because the design of their institution, was to preach against heretics. They were likewise called Dominicans, from their founder, and in France, Jacobins, from their first settlement in St. James's Street in Paris. The court of the Inquisition was committed to the Dominicans, which made them famous for their cruelties upon the pretended heretics, of whom that court is judge.

They settled in England in 1317, shortly after their institution.

The order of Franciscans, founded by Francis de Assisi, quickly followed that of the Dominicans.

Innocent III. approved of it in 1215, but did not authentically confirm it. It was Honorius: III that established it by a bull in 1223, and the next year this order settled in England. The religious, who embraced this rule, took out of modesty, the name of Minors, or Minorities, and though, in time, they were divided into several societies, they all acknowledged Francis de Assisi for their head and founder. By their rule, they were not to preach, or take confessions in any diocese; without express leave from the bishop. But this article was not long observed by them.

They represented to the Pope, that Christians were ashamed to confess themselves to their own pastors. That many scrupled to do it, because the parish priests themselves were guilty of the sins, confessed to them. In fine, that they had not the discretion to be secret. Upon this foundation, they petitioned, for this part of their rule, a dispensation, which was readily granted them.

These two orders of Dominicans and Franciscans, acquired so great a character for holiness among the people, that there were but few persons, that had not one of these Friars for director. Consequently, the alms they received were very considerable. They had moreover another advantage, in that, for a long space, almost all the Popes were chosen out of one or other of these orders. So that, by their credit at the court of Rome, they obtained very often grants of what belonged to other orders, under colour that it was necessary for their subsistence.

On the other hand, they heaped up immense riches, as well by the voluntary gifts of the living as by the legacies and grants extorted from the dying, by making them believe, nothing could contribute more to their eternal salvation. Mean time, as these two orders laboured with equal ardour to engross the benefactions of the devout, and thereby became rivals to each other, a jealousy arose between them, which was soon followed by a most scandalous quarrel, that was not easily ended.

In a council at Rochester, in 1244, a new order of Friars, called Cross-Bearers, appeared and demanded leave to settle in England. These produced a bull from the Pope, forbidding all persons to reproach them, and empowering them to excommunicate those, that should dare to violate this privilege. The synod not thinking proper to grant their petition, they were sent away, on pretence, that the licensing them was a direct breach upon the canons of the late council of Lateran.

We shall close this abstract of the state of the church, with some remarks, on the celebrated ecclesiastics of those days.

**Johannes Sarisburiensis**, native, and not bishop, of Salisbury, as some have affirmed, was one of the ornaments of the church of England, for learning, politeness, and regularity of life. He was very intimate with **Adrian IV** who used to complain to him of the weight of the papal crown. However, the bull, which this Pope gratified Henry II with, on account of the conquest of Ireland, seems to show, he was not the most scrupulous. **John de Salisbury**, who adhered to Thomas Becket, and followed him into France, procured by his means the bishopric of Chartres. He wrote the Polycraticon, or de Nugis Curialium; a collection of letters; and several other inconsiderable tracts. He died in 1181, or 1182.

Of **Thomas Becket**, and of **Stephen Langton, archbishop of Canterbury** sufficient has been said elsewhere[3].

**Baldwin, archbishop of Canterbury**, who attended Richard to the Holy-Land, where he died, passed for a good Divine. Some of his works, still extant, show this reputation not to be groundless. His great contest with the monks of St. Augustin, who were grown very insolent, put him upon founding a society of regular canons, near Canterbury[4], with design to transfer to them by degrees the privileges of the monastery of St. Augustin. But the monks, having early knowledge of his intent, made such an interest at the court of Rome, that the archbishop was forced to desist from his project.

**Hugh, bishop of Lincoln**, a native of Grenoble, was one of the most illustrious prelates of the church of England, in the reign of Richard I. and king John. His virtue gained him great reverence from the people of his diocese, who were terribly afraid of being excommunicated by him, because they observed, as they imagined, that those who lay under his censures, seldom failed of being visited with some worldly calamity. It is related, as an instance of his zeal and resolution, that by his own authority, he ordered to be removed out of the church of Godstow in Oxfordshire, the tomb of Rosamond, mistress of Henry II. which stood before the high altar, hung with black velvet, and wax tapers about it.

Though he was told, the tomb was placed there by the king's order, he thought it ought not to be suffered, saying, it was a shameful thing, that the tomb of such a woman, should stand in so honourable a place. This bishop dying with the reputation of a saint, was canonized by Honorius III. in 1221.

In the midst of king John's contest with the Pope, one **Alexander Cementarius** a clergyman, who had been professor of Divinity at the University of Paris, publicly preached, that the Pope had not power to deprive kings of their crown. This freedom drew on him the indignation of the court of Rome, who reduced him at length to the necessity of begging his bread from door to door. Matthew Paris strongly inveighs against the errors of this doctor, though no one seemed more convinced than this historian of the Pope's abuse of his power.

**Walter de Gray, Archbishop of York**, was more famous as a statesman, than as a bishop. His successors were enriched by his bounty in purchasing the manor of Thorp, and annexing it to his see. He built likewise at London, a stately palace, which went by the name of York-Place; but was afterwards called White-Hall[5].

**Edmund, who, from a canon of Salisbury**, was promoted to the archiepiscopal see of Canterbury, after the Pope had annulled three elections to make room for him, was very commendable for his moderation and regular life[6].

He would have been glad to see the Pope's power, which was then at the highest, reduced within due bounds. But perceiving, as matters stood, such an attempt must have proved unsuccessful; he chose rather to give way to the torrent, than withstand so formidable a power, supported moreover by the king's authority. However, to avoid the blame of a base compliance, he retired

into France, to the monastery of Pontigny, where his austerities shortened his days. He was canonized by Pope Innocent IV. in 1216.

**Richard Poor, bishop of Salisbury**, and afterwards of Durham, is remarkable upon two accounts. Whilst he was bishop of Sarum, he persuaded the inhabitants, to remove to a more advantageous situation, where Salisbury now stands. Here he laid the foundation of a stately church, which was not finished till thirty years after, and remains to this day. The second thing which rendered this prelate famous, was, his synodical constitutions, for the use of the church of Salisbury. They are in all eighty-seven. The XVth, forbids the priests to take money for saying mass; and by the XXXIVth, it plainly appears, that the laity communicated at that time in both kinds.

**Alexander Hales**, born in Gloucestershire, a great canoeist, and stiled the irrefragable doctor, was professor of Divinity in the university of Paris. Among his other works, he composed short notes on the whole bible, and a commentary in four books upon the Master of the Sentenses; where, as the learned Du Pin observes, he discovers more skill in logic and metaphysics than in the antiquities of the church.

**Sewald, archbishop of York**, was un-blamable Divine, and of an un-nameable life. He took pattern by Edmund archbishop of Canterbury, his master. He was so angry at the frequent exactions of the court of Rome, that he could not forbear writing a sharp remonstrance to Pope Alexander IV. upon that subject. Amongst other things he told him, when Jesus Christ commissioned St. Peter to feed his sheep, he did not give him authority to flay them. This freedom, with his refusal to admit certain Italians, who came with provisions from the court of Rome, drew on him the displeasure of Alexander, who at length excommunicated him. The Archbishop upon his death-bed, complained bitterly of the Pope's injustice, appealing to Heaven.

**Robert Kilwarby, Archbishop of Canterbury**, was a very learned prelate, for the age he lived in. His merit raising him to the dignity of cardinal, he resigned his archbishopric to live at Rome.

**Grotest, Bishop of Lincoln**, was a prelate of resolution and courage, neither to be gained by court favours, nor frightened by the Pope's menaces; rocks which few ecclesiastics, in those days, knew how to avoid. He, being wholly intent upon following, what appeared to him reasonable and just, without being swayed by any consideration, little regarded the circumstances of the times, or the quality of persons; and opposed equally, the king's will, and the Pope's pleasure, according as it happened.

By this steadiness, he acquired a great reputation among the people, long accustomed to see the bishops stoop to the king or to the pope. It chanced one day, that he excommunicated the sheriff; for refusing to imprison an excommunicated person[7] who contemned the church's censures. Henry III. very angry with the bishop, for not applying to him, to oblige the sheriff to execute the canons, addressed the Pope, to secure his authority.

This affair obliged Grotest to take a journey to Rome, where he was confirmed in his ill opinion of the Papal court. He could not see without indignation, and concern, the best preferments in the kingdom bestowed on Italians, who neither resided on their benefices, nor understood a word of English. His grief to behold the church's revenues devoured by these harpies, causing him to refuse to institute an Italian to one of the best livings of his diocese, he was presently after suspended. But, regardless of this censure, he continued his episcopal functions, his flock being no more scrupulous than himself. He even refused, at that very time, to admit of new provisions from the Pope in favour of other Italians. He declared, that to entrust the care of souls to such pastors, was to act in the name of the devil rather than by the authority of God.

The court of Rome was unwilling then to make any noise, for fear of turning against her the whole clergy of England, from whom she reaped a plentiful harvest. For this reason, the Pope

thought it best to connive at the disobedience of this prelate, who was of known resolution, and in great repute with the people. He chose rather to try to win him by fair means, in giving him a testimony of his esteem, by a commission to reform certain abuses crept into the Monasteries.

Notwithstanding this, Grostest soon after touched the Pope in a very sensible manner, by computing the yearly sums drawn by the beneficed Italians out of England. Innocent IV. sat then in the papal chair. He had been so used to treat the English with haughtiness, that he could not hear of the bishop's proceedings, without being extremely provoked. But as he durst not attack him upon that score, because, what he had done, was universally approved, he fell upon him, for refusing to admit his provisions, And sent him a menacing letter. Grostest returned to the person, that was ordered to send him the letter, with certain instructions, a very bold answer, of which, the reader will not be displeased to see the following extract:-

"I desire your prudence to take notice, that I am always ready to obey the apostolical instructions, and declare myself an enemy to whatever is repugnant thereto. For to both these things, I am bound by the command of God. To apply this: the apostolical instruction, must of necessity be agreeable to the doctrine of the apostles, and of our Saviour Jesus Christ, who is principally represented by the Pope. Since Jesus Christ has declared, he that is not with me is against me, the sanctity of the apostolical see, is such, that it can never appear in opposition to our Lord. From hence it plainly follows, that the letter in question, is directly opposite to an apostolical character.

First, because of the clause, *non-obstante*, so frequently made use of now-a-days, which has nothing of natural equity in it. On the contrary, it is certain, it introduces a deluge of mischief; as it gives occasion to a great deal of inconstancy and breach of faith. It shakes the foundation of mutual trust, and makes language and writings of no force or significance. In fine, it cannot be; but that the purity of religion, and the peace of society, must suffer extremely, by such a stretch of apostolical authority.

In the second place, next to the sins of Lucifer and Antichrist; there cannot be a greater defection, or which carries with it a more direct opposition to the doctrine of our Saviour and his apostles, than to destroy souls, by depriving them of the pastoral office And yet it is evident that those are guilty of this sin, who undertake the sacerdotal function, and receive the profits, without discharging the duty. For in the scripture account, the pastor, who neglects his flock, is a downright murderer of the sheep.

Can one help therefore considering as a most flagrant crime a conduct, which tends so strongly to the destruction of truth and virtue, and the happiness of mankind? If in moral productions the cause of good is better than the effect, it is just the contrary in the propagation of vice, the source and original whereof, are worse than the disorder, that flows from them. It is manifest therefore, that those, who bring such unqualified persons into the church, and by that means destroy the hierarchy, are most to blame; and their crime rises in proportion to the height of their station.

From hence I conclude, that the apostolical see, which has received so full an authority from our Saviour, for edification, and not for destruction, ought not to countenance, much less to command, so horrid and pernicious a prevarication. To attempt any thing of this kind, would be a notorious abuse, if not a forfeiture of her authority. It would be in effect, to stray at a vast distance from the Throne of Glory, and to represent in a very ill manner the person of our Saviour.

Such persons may be said rather to be placed in the chair of pestilence, and to sit upon the bench, with the devil and antichrist. Neither can any Christian, who desires

to continue in the communion of the church, and pays a due regard to the apostolic see, obey any commands of this kind, though imposed by an angel from heaven. On the contrary, he ought to rebel, if I may call it so, against the order, and oppose it to the utmost of his power. For this reason, since the instructions above mentioned are so plain a contradiction to the Catholic faith, and the sanctity of the apostolic see, my duty obliges me to refuse them, and not to comply out of deference to the person, by whom they are sent.

Neither can. your prudence justly put any hardship upon me, because, properly speaking, my refusal ought not to be looked upon as a contumacy, but rather as a filial respect. For, to sum up all in a word, the apostolical see has its commission only for edification and not for destruction and the plenitude of its power ought not to extend beyond what relates to edification. But these provisions, as they are called, have a manifest tendency to destruction. Therefore, the holy see can by no means allow such a liberty: for to conclude; these practices are revealed by flesh and blood, which cannot inherit the Kingdom of Heaven, and not by the father of our Lord Jesus Christ."

This letter put Innocent into a terrible rage. "What" says he, "has this old dotard the confidence to censure my conduct. By St. Peter and St. Paul, I will make him such an example, that the world shall stand amazed at his punishment[8]. His passion, however, was somewhat moderated by the Cardinals, Who represented to him the ill consequences of too great a severity. That the noise he should make on this occasion, would be prejudicial to the holy see, since it would infallibly cause the English to examine the motives. That there was danger, that, as they stood affected to the holy see, and to the bishop of Lincoln, they would think it very strange, that a prelate of so established a reputation, should be treated with such rigour. That on the contrary, there was a necessity of carefully avoiding the giving occasion, to enter into the examination of what he alleged, to justify his non-compliance and therefore; upon all these accounts, it was most advisable to take no notice at all of this insolent letter.

Though these remonstrances moderated the effects of the Pope's fury, they were not however sufficient to appease him entirely. The Annals of Lanercost inform us, the bishop was excommunicated a little before his death, and without regarding the censure, appealed to the Court of Heaven. This is farther confirmed by the report of several historians; who say, that Innocent moved in the Conclave, that the body of Grostest should be taken up and buried in the high-way, but that the cardinals consented not to it. Be this as it will, if he were excommunicated, he minded it not, but continued to discharge his functions; neither were the clergy of his diocese more scrupulous than their bishop, but obeyed him till the day of his death.

We find that in the pontificate of Clement V, the dean and chapter of St. Paul. petitioned very earnestly for the canonization of Grostest, on account of several miracles wrought by him after his death. But as he was not of that sort of saints, wherewith the court of Rome filled the Calendar, their petition was rejected.

Grostest[9] wrote several tracts. Amongst other performances, he translated from the Greek into Latin, the Testament of the twelve Patriarchs, a copy of which one John de Basingstoke, who met with it at Athens, put into his hands. As to the time when the original was written, it is uncertain. Dr. Cave assigns it to the latter end of the second century. Dodwell places it in the first, and some others believe it was composed by some Jew before our Saviour's death[10].

## **Notes to Chapter IV**

1.) He was tied to a stake and burnt; whereas the impostor was condemned to perpetual imprisonment, and to be fed with nothing but bread and water.

2.) Namely, baptism, confirmation, penance, the eucharist, extreme unction, matrimony, and orders.

3.) It was he that appointed Trinity-Sunday.

4.) At Hackington, about half a mile from Canterbury. He had proceeded so far as to build a magnificent church, but was forced to demolish it. This foundation was to be in honour of Becket, and the secret project was, to draw the election of the archbishop from St. Augustin's to this new convent. Matters were adjusted, between him and the priory of St. Augustin, in November, 1189. But he built a church at Lambeth, and therein placed the prebendaries he intended for his monastery at Hackington.

5.) This house is said to have been first built by Hugo de Burgh, earl of Kent, and given to the Dominicans, of whom the archbishop bought it. When Cardinal Wolsey fell, Henry VIII. seized and made a palace-royal of it.

6.) He was born at Abington in Berkshire. His father's name was Reynold le Rich, and his mother Mabel was reputed a Saint. He founded a school in Oxford, and bred up under him many great scholars.

7.) One Ralph, a clergyman, whom he had deprived for incontinence, and afterwards excommunicated, for refusing to submit to the sentence. The sheriff was Ralph's friend.

8.) "For," continues the Pope, is not his sovereign the king of England our vassal? Nay, is he not our slave? It is but therefore signifying our pleasure to the English court, and this antiquated prelate will be immediately imprisoned, and put to what further disgrace we shall think.

9.) He was born at Stradbroke in Suffolk; and died October 1253. M. Paris, p. 876.

10.) Of the historians who lived in these four reigns, the most noted are:

**SIMEON OF DURHAM** a monk and Precentor of the church of Durham, in the year one of the most learned men of his age. He wrote, besides other things, two books, *de Gestis Regurn*, which are not his master-pieces, being only a few indigested collections, chiefly out of Florence of Worcester, whose very words he frequently copies. He begins where Bede left off, and goes as far as the 29th of Henry I. 1129, He is one of the X Scriptoros, published 1652, at London.

**HENRY, archdeacon HUNTINGDON**, flourished about the same time whose eight books, concluded with the reign of king Stephen, were published by Sir Henry Savil. He is a follower of Bede, and has borrowed great many falsehoods from Geoffrey of Monmouth. He writes confusedly, and reduces the transactions of the Heptarchy to be several reigns of the West-Saxon kings.

**WILLIAM of Newburgh**, so called from a monastery in Yorkshire, whereof he was member. His history begins at the Conquest, and ends at the year 1197. He was a violent persecutor of Geoffrey of Monmouth. His Latin stile is preferred to that of Matt. Paris, and equalled with those of Eadmer and Malmsbury, by Dr. Watts.

**GERVASE, a monk of Canterbury**, wrote a Chronicle of the reigns of Stephen, Henry II. and Richard I with judgment enough, says Bishop Nicholson. It was published among the X Scriptoros Lond. 1652.

**ROGER DE HOVEDEN, Chaplain some time to Henry II.** He is charged with borrowing from Simeon of Durham, without acknowledging, but, as Bishop Nicholson observes, if he did, he has improved his story, adding years to many things confusedly related in that author, There

are in his book many letters, speeches, &c. relating to ecclesiastical matters. He was contemporary with Gervase, 1201. His history was published by Sir Henry Savil. Francos. 1601,

**RALPH de DICETO**, Dean of London. He wrote about the year 1210. His *Abbreviationes Chronicorum* contain an abstract of our history down to the Conquest; and his *Imagines Historiarum* give the portraitures of some of our kings more at length, ending with the first years of John's reign. Mr. Selden praises this author and his works, though Bishop Nicholson says, he usually copied verbatim out of other writers. He is among the X-Scriptores.

**WALTER a monk of Coventry**, a clear and faithful writer. He lived in Coventry in 1247. He has some few things of note not to be met with in Geoffrey of Monmouth, Hoveden, and Huntingdon, in his three Books of Chronicles, which are chiefly collections from the said authors.

**MATTHEW PARIS**, a monk of St. Alban's, one of the most renowned historians of this kingdom. His *Historia Major* contains the Annals at large of eight of our kings, from William the Conqueror to Henry III: It was first published at London 1571 and reprinted with additions of Various readings, &c. by Dr. Watts, London, 1640, and since in 1685. From the year 1259, wherein Matt. Paris died, to Henry III's death, it was continued by William Rashanger, a monk of the same fraternity. The whole work manifests a great deal of candour and exactness in the author, who tells us so particularly of the brave repulses given by many of our princes to the usurpation of the Roman See, that it is a wonder how such an heretical history came to survive thus, long. A fair copy of this history, supposed to be written by the author's own hand, is in the king's Library at St. James's. He wrote an abstract of his history, which Lambard stiles his *Historia Minor*, having in it several particulars of Note omitted in his *Historia Major*. It is pretended, that Paris had but small hand in the whole history, having begun only at the year 1135, the rest being done to his hand by one Roger de Windleshore, or Winsor, (or de Wendover Prior de Bealvair, as it is in the MS. copy in Cotton's Library) one of his predecessor's in the same monastery. Neither his family, nor the time, nor the place of his birth is known. he appears to have been on a very friendly and familiar footing with Henry III, and also with Haw, king of Norway, a wise and learned prince in his day.

Amongst the learned men of this period, Roger Bacon, a monk of the Franciscan order, stood eminently conspicuous. He was born near Ilchester, in 1214; and having been educated at Oxford, he studied at Paris, and returned to England, in 1240. In the course of twenty years, he expended, in philosophical experiments, a sum of money, equal to £40,000 in the present day. He discovered the exact length of the solar years, and a method of correcting all the errors in the Kalendar; the art of making reading glasses, the camera obscura, microscopes, telescopes, &c.; gunpowder; the method of making elixirs, tinctures, solutions, and of performing various chemical operations; the nature of the mechanical powers, and the best modes of applying and combining them in the construction of machines for performing many useful and surprising operations; various discoveries in medicine, &c. This wonderful luminary of science died at Oxford, in 1292.



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